

SECTION 12: HAZARDOUS SUBSTANCES RULES

Note: The “grey-out” highlighted text indicates the provisions which have been appealed to the Environment Court. All other provisions are operative and have legal effect.

This part of the Plan contains rules and performance standards relating to significant hazardous facilities. The following provisions for significant hazardous activities shall apply to all zones of the District as specified. The rules contained in this section take precedence over any other zone rules that may apply to significant hazardous facilities in the District Plan, unless specifically stated to the contrary. Other relevant Zone and District wide rules will also still apply, including Section 11 Noise, Section 13 Energy, Section 15 Heritage Protection, Section 17 Natural Environment, and Section 19 Signs.

For all other activities (i.e. not significant hazardous facilities) which use, store, handle or dispose of hazardous substances, the District Plan relies upon the Hazardous Substances and New Organisms Act and Health and Safety at Work Act and their associated regulations

[Taranaki Energy Watch Inc appealed seeking the addition of a sentence to state where there is conflict between this section and Section 13: Energy, then both sets of provisions shall apply, but priority should be given to more restrictive activity status]¹

12.1 CATEGORIES OF ACTIVITIES

12.1.1 PERMITTED ACTIVITIES

- (a) In the Rural Industrial Zone, significant hazardous facilities.

12.1.2 CONTROLLED ACTIVITIES

None.

12.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

None.

12.1.4 DISCRETIONARY ACTIVITIES

- (a) In the Rural Zone, Residential Zone, Township Zone, Commercial Zone and Industrial Zone, significant hazardous facilities, provided they comply with the performance standards in Section 12.2.²

¹ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

² Appeal – Fonterra – ENV-2016-WLG-000073

*[Taranaki Energy Watch Inc appealed seeking the reinstatement of a rule that made existing major hazardous facilities that increase the use, storage or handling of hazardous substances by no more than 20% a Discretionary activity]*³

12.1.5 NON-COMPLYING ACTIVITIES

- (a) In the Rural Zone, Residential Zone, Township Zone, Commercial Zone and Industrial Zone, any significant hazardous facility that does not comply with one or more of the performance standards in Section 12.2.

12.1.6 PROHIBITED ACTIVITIES

None.

12.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES

The following Performance Standards apply to significant hazardous facilities in the Rural Zone, Residential Zone, Township Zone, Commercial Zone and Industrial Zone.

12.2.1 Water

1. Significant hazardous facilities shall not be located within the catchments of:
 - (i) The Hangatahua (Stony) River (as shown in Hazardous Substances Appendix 1); or
 - (ii) The Lake Rotokare Scenic Reserve (as identified on the Planning Maps as ONF/L8).
2. The significant hazardous facilities shall not be located within 50m of:
 - (i) Significant Waterbodies (as identified in Schedule 5); or
 - (ii) Regionally Significant Wetlands (as identified in Schedule 6).

*[Taranaki Energy Watch Inc appealed seeking the reinstatement of a performance standard that restricted significant hazardous facilities from locating within 50 metres of Significant Waterbodies and Regionally Significant Wetlands]*⁴

12.2.2 Habitats

1. Significant hazardous facilities shall not be located within a Significant Natural Area identified in Schedule 2.

*[Taranaki Energy Watch Inc appealed seeking the reinstatement of a performance standard that controlled the unplanned/unintended release of hazardous substances to Significant Natural Areas]*⁵

³ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

⁴ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

⁵ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

12.2.3 Natural Hazards and Coastal Protection Area

1. Significant hazardous facilities shall not be located within:
 - (i) The Flood Hazard Area or the Coastal Protection Area identified on the Planning Maps-
*[Taranaki Energy Watch Inc appealed seeking a performance standard so that significant hazardous facilities do not locate within the 'Fault Avoidance Zone']*⁶

12.2.4 Historic Sites or Sites of Significance to Tangata Whenua

1. Significant hazardous facilities shall not be located either within, or closer than 50m from the boundary, of a Historic Site or Site of Significance to Tāngata Whenua identified in Schedule 1B.

⁶ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

12.3 Hazardous Substances Appendix 1: Hangatahua (Stony) River Catchment (Performance Standard 12.3.2)

