

SECTION 12: HAZARDOUS SUBSTANCES RULES

This part of the Plan contains rules and performance standards relating to significant hazardous facilities (whether new or expansion of existing lawfully established 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.

The Planning Maps contain an alert layer that is subject to the potential presence of contaminants from abnormal flare operation at a petroleum facility, which has the potential to cause acute health effects. As the probability of an acute health effect occurring is low, this alert layer (the Petroleum Flare Alert Area) is non-regulatory and no District Plan rules are triggered by it. This alert layer is measured 70m from flares at well-sites and 300m from flares at production stations. For information about the discharge to air from a flare, please contact the Taranaki Regional Council.

12.1 CATEGORIES OF ACTIVITIES

12.1.1 PERMITTED ACTIVITIES

- (a) In the Rural Industrial Zone, significant hazardous facilities.
- (b) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided:
 - (i) the new 1×10^{-6} individual fatality risk contour does not extend beyond the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site; and
 - (ii) there are no existing sensitive activities within the new 1×10^{-6} individual fatality risk contour.
- (c) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities provided the new 1×10^{-6} individual fatality risk contour does not extend outside of the Petroleum Activity Risk Contour.
- (d) In the Rural Industrial Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour does not extend beyond the Rural Industrial Zone.

12.1.2 CONTROLLED ACTIVITIES

None.

12.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

- (a) In the Industrial Zone, alterations or additions to existing significant hazardous facilities, provided they comply with the performance standards in Section 12.2.

Matters to which the Council restricts its discretion:

- (i) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
 - (ii) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
 - (iii) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
 - (iv) Proposed emergency management planning (spills, fills and other relevant hazards).
 - (v) Proposed monitoring and maintenance schedules.
 - (vi) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
- (b) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site and does not contain any existing sensitive activities.

Matters of discretion:

- (i) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
 - (ii) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
 - (iii) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
 - (iv) Application of risk management (ALARP) to lesser risks.
 - (v) Proposed emergency management planning (spills, fills and other relevant hazards).
 - (vi) Proposed monitoring and maintenance schedules.
 - (vii) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
 - (viii) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.
- (c) In the Rural Industrial Zone for sites with a Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where:
- (i) the new 1×10^{-6} individual fatality risk contour does not extend outside the Petroleum Production Activity Risk Contour shown on the Planning Maps for the subject site; and

- (ii) there are one or more existing sensitive activities within the new 1×10^{-6} individual fatality risk contour.

Matters of discretion:

- (i) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
 - (ii) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
 - (iii) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
 - (iv) Application of risk management (ALARP) to Unacceptable Risk that cannot be avoided and to lesser risks.
 - (v) Proposed emergency management planning (spills, fills and other relevant hazards).
 - (vi) Proposed monitoring and maintenance schedules.
 - (vii) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
 - (viii) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.
- (d) In the Rural Industrial Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum production activities where the new 1×10^{-6} individual fatality risk contour does not contain any existing sensitive activities.

Matters of discretion:

- (i) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
 - (ii) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
 - (iii) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
 - (iv) Application of risk management (ALARP) to lesser risks.
 - (v) Proposed emergency management planning (spills, fills and other relevant hazards).
 - (vi) Proposed monitoring and maintenance schedules.
 - (vii) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.
 - (viii) Controls proposed to avoid the establishment of new sensitive activities within the area of Unacceptable Risk.
- (e) In the Rural Zone, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour is contained within the Petroleum Activity Risk Area for the subject site.

Matters of discretion:

- (i) Changes to operations and site layout arising from the proposed alterations or additions to the facility, including the location of hazardous substances on-site.
- (ii) Separation distances from sensitive activities and sensitive environments, including the number of people potentially at risk from the proposed alterations or additions to the facility.
- (iii) Any new or increase in potential health or environmental hazards and exposure pathways arising from the proposed alterations or additions to the facility and any on site containment measures proposed.
- (iv) Application of risk management (ALARP) to lesser risks.
- (v) Proposed emergency management planning (spills, fills and other relevant hazards).
- (vi) Proposed monitoring and maintenance schedules.
- (vii) Compliance with relevant Codes of Practice and standards and relevant regional plan permitted activity performance standards/resource consents.

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 (excluding alterations or additions to existing significant hazardous facilities in the Industrial Zone under Rule 12.1.3)
- (b) In the Rural Industrial Zone, Rural Zone, Commercial Zone and Industrial Zone, new petroleum exploration and petroleum production activities where the 1×10^{-6} individual fatality risk is contained within the Petroleum Activity Risk Area.
- (c) In the Rural Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Area and does not contain any existing sensitive activities.
- (d) In the Rural Zone, alterations or additions to existing petroleum exploration and production activities where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Contour shown on the Planning Maps, and does not contain any existing sensitive activities.

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.
- (b) In the Rural Industrial Zone, Rural Zone, Commercial Zone and Industrial Zone, new petroleum exploration and petroleum production activities where the 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Area.
- (c) In the Rural Industrial Zone and Rural Zone, alterations or additions to existing petroleum exploration and production activities where the new 1×10^{-6} individual fatality risk contour

extends outside the Petroleum Activity Risk Contour shown on the Planning Maps, and contains one or more existing sensitive activities.

- (d) In the Rural Industrial Zone and Rural Zone for sites with no Petroleum Activity Risk Contour shown on the Planning Maps, alterations or additions to existing petroleum exploration and petroleum production activities where the new 1×10^{-6} individual fatality risk contour contains one or more existing sensitive activities.
- (e) In the Residential Zone and Township Zone, petroleum exploration and petroleum production activities not involving the use, storage or handling of hazardous substances.
- (f) In the Rural Industrial Zone, recommissioning the LPG tanker loadout facility at the Kapuni Production Station where the new 1×10^{-6} individual fatality risk contour extends outside the Petroleum Activity Risk Contour shown on the Planning Maps, and contains one or more existing sensitive activities.

12.1.6 PROHIBITED ACTIVITIES

- (a) In the Residential Zone and Township Zone, petroleum exploration and petroleum production activities involving the use, storage or handling of hazardous substances.

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).

12.2.2 Habitats

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

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-

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.

12.3 Hazardous Substances Appendix 1: Hangatahua (Stony) River Catchment (Performance Standard 12.2.1)

