Chapter 4 Hazardous Substances and Contaminated Land

4.1 Hazardous substances

4.1.1 Introduction

a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.

b. This chapter seeks to manage the residual risks associated with the storage, use, or disposal of hazardous substances, this includes the minimisation of reverse sensitivity effects, and avoidance of sensitive activities being located within a defined Risk Management Area. The defined Risk Management Area is located in Woolston, the extent of which is illustrated on Planning Map 47A.

c. The objectives, policies and rules in this chapter provide for the storage, use, or disposal of hazardous substances as a permitted activity throughout the District, subject to provisions in other chapters. The exception to the permitted activity status is the inclusion of two non-complying activities. The first relates to new storage or use of hazardous substances with explosive or flammable properties within close proximity to National Grid transmission lines and some electricity distribution lines. The second is for sensitive activities locating within the defined Risk Management Area.

d. Plan users should be aware that certain activities which comply with the rules regulating hazardous substances under the District Plan may still require consent from the Canterbury Regional Council (CRC).

e. The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.

4.1.2 Objectives and policies

4.1.2.1 Objective - Adverse environmental effects

a. The residual risks associated with the storage, use, or disposal of hazardous substances in the district are managed to acceptable levels to not adversely affect people, property and the environment while recognising the benefits of facilities using hazardous substances.

4.1.2.1.1 Policy - Location of new facilities using, storing or disposing of hazardous substances

a. Locate new facilities using, storing, or disposing of hazardous substances on appropriate sites to ensure that any residual risks to strategic infrastructure are managed to acceptable levels.

4.1.2.1.2 Policy – Identifying and managing individual and cumulative effects of facilities using, storing, or disposing of hazardous substances

a. Identify the individual and cumulative effects associated with facilities using, storing or disposing of hazardous substances and manage residual risks to people, property and the environment to acceptable levels.

4.1.2.2 Objective - Risk and reverse sensitivity effects

a. Sensitive activities are established at suitable locations to minimise reverse sensitivity effects on and avoid unacceptable risks from established facilities using, storing or disposing of hazardous substances.

4.1.2.2.1 Policy - Establishment of sensitive activities

a. The establishment of sensitive activities in close proximity to existing major facilities using, storing or disposing of hazardous substances shall be:

   i. avoided in the first instance when that facility or area includes strategic infrastructure or where the sensitive activity may be exposed to unacceptable risk; and

   ii. minimised, to allow such facilities to carry out their operations without unreasonable reverse sensitivity constraints.

4.1.2.2.2 Policy - Risk Management Areas

a. Avoid sensitive activities locating within Risk Management Areas where these have the potential to be exposed to unacceptable risk and /or may otherwise constrain the development, operation, upgrading or maintenance of bulk fuel and gas terminals.

   Advice note:

   1. The Risk Management Areas are shown on Planning Map 47A. The geographic extent of these areas may be subject to a future plan change to have effect by 31st March 2019 and any such plan change would need to be based on the findings of a Quantitative Risk Assessment.

4.1.2.3 Objective - Acceptable slope stability risks in relation to hazardous substances

a. Residual risks of adverse effects from the use, storage, or disposal of hazardous substances are managed to acceptable levels in areas affected by slope instability.

4.1.2.3.1 Policy - Risks and adverse effects within areas affected by natural hazards

a. Design, construct and manage any proposal involving use, storage or disposal of hazardous substances within areas affected by slope instability to ensure residual risks are managed to acceptable levels.

4.1.3 How to interpret and apply the rules

a. The following rules apply to activities that involve the use, storage, and disposal of hazardous substances, and sensitive activities located within a defined Risk Management Area.

b. There are regional rules applicable to the contamination of land, air and water associated with the storage, use, and disposal of hazardous substances. Certain activities which comply with the rules regulating hazardous substances under the District Plan may still require consent from the Canterbury Regional Council (CRC).

c. The activity status tables and standards in the following chapters also apply:

5	Natural Hazards
6	General Rules and Procedures
7	Transport
8	Subdivision, Development and Earthworks
9	Natural and Cultural Heritage
11	Utilities and Energy
12	Papakāinga/Kāinga Nohoanga Zone
13	Specific Purpose Zones
14	Residential
15	Commercial
16	Industrial
17	Rural
18	Open Space

4.1.4 Rules - Hazardous substances

4.1.4.1 Activity status tables - Hazardous substances

4.1.4.1.1 Permitted activities

a. The activities listed below are permitted activities if they meet the activity specific standards set out in this table.

b. Activities may also be non-complying as specified in Rule 4.1.4.1.5.

Activity		Activity specific standards
P1	The use, storage or disposal of any hazardous substance (unless otherwise specified in this plan).	Nil

4.1.4.1.2 Controlled activities

There are no controlled activities.

4.1.4.1.3 Restricted discretionary activities

There are no restricted discretionary activities.

4.1.4.1.4 Discretionary activities

There are no discretionary activities.

4.1.4.1.5 Non-complying activities

a. The activities listed below are non-complying activities.

	Activity
NC1	a. Any new storage or use of hazardous substances with explosive or flammable properties within: i. 10 metres of the centre line of a 66kV National Grid transmission line or a 66kV electricity distribution line; or ii. 5 metres of the centre line of a 33kV electricity distribution line; or iii. 12 metres of the centre line of a 110kV or 220kV National Grid transmission line. b. For the purpose of (a), the definition of hazardous substances excludes the following activities, facilities and quantities: i. storage of substances in or on vehicles being used in transit on public roads; ii. installations where the combined transformer oil capacity of the electricity transformers is less than 1,000 litres; iii. fuel in mobile plant, motor vehicles, boats and small engines; iv. gas and oil pipelines and associated equipment that are part of a utility; v. retail activities selling domestic scale usage of hazardous substances, such as supermarkets, trade suppliers, and pharmacies. vi. the accessory use and storage of hazardous substances in minimal domestic scale quantities; vii. fire-fighting substances, and substances required for emergency response purposes on emergency service vehicles and at emergency service facilities viii. activities involving substances of Hazardous Substances and New Organisms (HSNO) sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 6.3, 6.4, 9.1D and 9.2D unless other hazard classification applies; ix. the temporary storage, handling and distribution of national or international cargo containers;

	x. waste treatment and disposal facilities (not within High Flood Hazard Management Areas and Flood Management Areas), and waste in process in the Council's trade waste sewers, municipal liquid waste treatment and disposal facilities (not within High Flood Hazard Management Areas and Flood Management Areas) which may contain hazardous substance residues; xi. vehicles applying agrichemicals and fertilisers for their intended purpose.
NC2	a. Any sensitive activity located within a Risk Management Area. This rule shall cease to have effect by 31 March 2019. Advice note: 1. The Risk Management Areas are shown on Planning Map 47A. The geographic extent of these areas may be subject to a future plan change to have effect by 31st March 2019 and any such plan change would need to be based on the findings of a Quantitative Risk Assessment.

Note to be placed on Planning Map 47 under "Other Notations":

1. Risk Management Area (refer Rule 4.1.4.1.5). *The geographic extent of these areas may be subject to a future plan change to have effect by 31st March 2019 and any such plan change would need to be based on the findings of a Quantitative Risk Assessment.*

4.1.4.1.6 Prohibited activities

There are no prohibited activities.

4.1.5 Other methods

a. Education will be used to promote public awareness about the costs and benefits of hazardous substances and associated facilities, to encourage resource users to take responsibility for their own health and safety, and for management of the effects of their activities on the public and the environment.

b. Industry Codes and New Zealand Standards and Guidelines will be utilised in some circumstances to provide the basis for controls on the use of hazardous substances.

c. Develop specific guidelines to assist operators of facilities using, storing, or disposing of hazardous substances in achieving compliance with relevant management requirements.

d. Preparation and operation of site management systems and emergency plans to avoid or mitigate the risk of hazardous substances escaping into the environment.

e. Promotion by government and local government of "Cleaner Production" and recycling principles, including methods and processes to improve operating efficiency and minimise the release of hazardous substances, or the use of alternative non-hazardous substances or technologies.

f. Waste Disposal Guidelines will be used for the disposal of hazardous waste to Local Authority approved facilities to protect human health and the receiving environment from potential adverse effects. Advice may be given on pre-treatment requirements or alternative methods of disposal for non-acceptable wastes.

g. Liaise with parties involved with hazardous substance use, such as the Canterbury Regional Council and adjoining territorial authorities, WorkSafe New Zealand, Ministry of Health, Ministry for the Environment, the Environmental Protection Authority (EPA), the New Zealand Police and owner/operators who use hazardous substances, to allow more effective risk management coordination.

4.2 Contaminated land

4.2.1 Introduction

a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.

b. This chapter seeks to manage the subdivision, use or development of land containing elevated levels of contaminants to protect human health and the environment, and to enable the land to be used in the future. It does this by providing a policy framework for contaminated land in the District, and in particular to enable observance of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (Soil NES). This chapter contains no rules.

c. The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.

4.2.2 Objective and policies

4.2.2.1 Objective - Contaminated land - managing effects

a. Land containing elevated levels of contaminants is managed to protect human health and the environment, which includes significant natural and Ngāi Tahu cultural values from the adverse effects of subdivision, development and use of contaminated land and natural hazards, including from site investigations, earthworks and soil disturbance, and to enable the land to be used in the future.

4.2.2.1.1 Policy - Best practice approach

a. Require any proposal to subdivide, use or develop contaminated land or potentially contaminated land to apply a best practice approach to investigate the risks, and either remediate the contamination or manage activities on contaminated land to protect people and the environment.

Advice note:

1. The status of some activities will be determined by the requirements of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Reference should be made to the Ministry for the Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations.

4.2.2.1.2 Policy – Remediation

a. Remediation of contaminated land should not pose a more significant risk to human health or the environment than if remediation had not occurred.

4.2.2.1.3 Policy – Future use

a. Use or development of contaminated land that has been remediated or has an existing management plan in place, must not damage or destroy any containment works, unless comparable or better containment is provided.

4.2.3 Other methods

a. The Ministry for the Environment's Hazardous Activities and Industries List (HAIL), the list of properties on Canterbury Regional Council's Listed Land Use Register, Council records, and site investigations shall provide the basis for identifying whether land is contaminated land or potentially contaminated land. It is the duty of the person undertaking any activity to ascertain whether the land is identified as having a current or past use that is identified in the HAIL. The Resource Management (NES for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 specifies two methods for determining whether a piece of land is, was or more than likely had a HAIL activity on it. Use of the Ministry for the Environment's Contaminated Land Management Guidelines will form the approach to achieving best practice. Where contamination is confirmed and this data becomes known to Council it will be included on Land Information Memorandums (LIM).

b. Maintain factsheets, templates and guidance to assist with consent applications under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.