HS — Hazardous Substances

The purpose of the Hazardous Substances chapter is to protect people, communities and the environment from the residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances, including significant hazardous facilities. This chapter seeks to manage:

1. Reverse sensitivity effects between existing lawfully established significant hazardous facilities and new activities sensitive to hazardous substance risks,
2. The residual risk to public safety, for example, risks to the public beyond the site boundary, and
3. Management of cumulative effects of multiple significant hazardous facilities near each other.

Hazardous substances are controlled by a wide range of legislation and subordinate instruments, the primary piece of legislation being the Hazardous Substances and New Organisms Act 1996. Additional controls are included in the Land Transport Act 1998, Building Act 2004, and Health and Safety at Work (Hazardous Substances) Regulations 2017. In addition, there are also industry standards that provide guidelines to industry participants.

The District Plan manages only the residual risk and cumulative risk to the health and wellbeing of people and communities, and adverse effects on sensitive environments after non-District Plan statutory rules and controls, including any subordinate instruments, in place with respect to hazardous substances have been complied with.

While this chapter includes the objectives, policies, and rules that are specific to hazardous substances, the zone chapters and other district-wide chapters of the District Plan, including those that apply overlays across specified areas, set additional objectives, policies and rules that may apply for all or part of the zone. As such, this chapter should be read alongside the zone chapters and other district-wide chapters of the District Plan.

Objectives

HS-O1	Protection from residual risk
People, communities, and the environment are protected from the unacceptable residual risk of facilities and activities involving the manufacture, use, storage, transportation, or disposal of hazardous substances.	
HS-O2	**Protection of existing significant hazardous facilities**
Activities sensitive to hazardous substance risks are located where they: 1. Avoid areas exposed to unacceptable residual risk from existing significant hazardous facilities, and 2. Do not compromise the operation of existing significant hazardous facilities due to reverse sensitivity effects.	

Policies

HS-P1	Location of hazardous facilities
Ensure facilities and activities involving the manufacture, use, storage, transportation, or disposal of hazardous substances, including significant hazardous facilities, are appropriately located and managed by: 1. Avoiding unacceptable residual risk to human health, people, and communities through the use of a Quantitative Risk Assessment for the proposed activity, including its site characteristics and any cumulative risk from other nearby hazardous facilities, 2. Recognising the purpose of the zone in which the proposed activity is located, and the sensitivity of the activities that are enabled in that zone, 3. Locating significant hazardous facilities outside of sensitive environments, and 4. Locating significant hazardous facilities outside of High Natural Hazard Overlays unless there is an operational need or functional need for the significant hazardous facility to be located in the area and the significant hazardous facility mitigates the risk from natural hazards to people, buildings and infrastructure.	
HS-P2	**Identify areas of unacceptable residual risk**
Identify areas exposed to unacceptable residual risk from existing significant hazardous facilities based on a risk threshold of 1×10^{-6}, and map these areas using the Hazardous Substances Risk Management Overlay.	
HS-P3	**Location of activities sensitive to hazardous substance risks**
Require activities sensitive to hazardous substance risks to be adequately separated from significant hazardous facilities to: 1. Avoid new activities sensitive to hazardous substance risks locating in areas exposed to unacceptable residual risks from existing significant hazardous facilities, and 2. Minimise reverse sensitivity effects on existing significant hazardous facilities.	

Rules

Note:
Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.

HS-R1	**Additions or alterations to existing significant hazardous facilities**
All Zones	1. **Activity status:** Permitted Where: a. The activity does not change the risk profile of the significant hazardous facility, as measured from 6 February 2025, and b. There is no more than a 10% increase in the volume of hazardous substances manufactured, used, stored, transported, or disposed of, as measured from 6 February 2025.
All zones	1. **Activity status:** Restricted discretionary Where: a. Compliance is not achieved with HS-R1.1 **Matters of discretion are restricted to:** 1. The matters in HS-P1: Location of hazardous facilities. 2. The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances. 3. Changes to operations and site layout arising from the proposed expansion or upgrading to the facility, including any new or increase in residual risk and/or cumulative risk. 4. Separation distances between activities sensitive to hazardous substance risks, sensitive environments, and adjacent hazardous facilities and/or activities, including the number of people potentially at risk from the proposed expansion or upgrading to the facility. 5. The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.
HS-R2	**New significant hazardous facilities**
Heavy Industrial Zone	1. **Activity status:** Restricted discretionary **Matters of discretion are restricted to:** 1. The matters in HS-P1: Location of hazardous facilities. 2. The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances. 3. Adequate separation distances from activities sensitive to hazardous substance risks, sensitive environments, and adjacent hazardous facilities and/or activities. 4. The design and site layout of the activity and its ability to internalise effects within the activity's site. 5. Whether the activity has the potential to compromise the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu, and other taonga and if so, the outcomes of any consultation with Mana Whenua. 6. Measures to avoid or manage risks associated with natural hazards, including the potential for sea level rise to impact on the operation of the activity. 7. The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.
General Industrial Zone	2. **Activity status:** Discretionary
Light Industrial	3. **Activity status:** Non-complying

Zone **Residential Zones** **Rural Zones** **Commercial and Mixed Use Zones** **Open Space and Recreation Zones** **Special Purpose Zones**	
HS-R3	**New activities sensitive to hazardous substance risks within the Hazardous Substances Risk Management Overlay**
All zones	1. **Activity status:** Non-complying