



HAZARDOUS SUBSTANCES - POLICY

HS2.1 Introduction

The use, storage, transport and disposal of hazardous substances are an integral part of many activities in the Ruapehu District. Such activities include agricultural, horticultural, forestry and industrial or commercial activities. Hazardous substances are also used or stored domestically, although generally in relatively small quantities. Hazardous substances have the potential to adversely affect the health and safety of communities, and the wellbeing, integrity and sustainability of the local natural and physical environment.

Territorial authorities have responsibility under Section 31 of the RMA to control any actual or potential effects of the use, development or protection of land including the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances. Under Section 30 of the RMA, Regional Councils have similarly worded responsibility to control the use of land for the purpose of prevention or mitigation of any adverse effects of the storage, use, disposal and transportation of hazardous substances. The land use activity involving the management of hazardous substances is generally called a hazardous facility.

Section 62(1)(ha) of the RMA requires that the responsibilities for developing objectives, policies and rules relating to the control of the use of land in respect to hazardous substances be specified in the Regional Policy Statement. The Regional Policy Statement for Manawatu-Wanganui states in Policy 31.2 that the Manawatu-Wanganui Regional Council is responsible for the development of objectives, policies and rules relating to the disposal of hazardous substances. The territorial authorities, including Ruapehu District Council, are responsible for the development of objectives, policies and rules relating to the use, storage and transport of hazardous substances. This division is confirmed in Policy 3-10 of the proposed Horizons 'One Plan' incorporating the Manawatu-Wanganui Regional Policy Statement.

While Section 30(1)(ca) of the RMA specifies as a role of Regional Councils the investigation of land for the purposes of identifying and monitoring contaminated land, the control of the use, development, or protection of land for the purpose of the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land is a function of territorial authorities under Section 31(1)(b)(iia). The proposed Horizons 'One Plan' largely adopts a co-operative approach between Regional Council and territorial authorities in this matter, with relevant methods being implemented through District Plans. Hence this District Plan has adopted specific methods to control contaminated sites.

There are other legislative requirements for hazardous substances, such as transport or workplace safety legislation, as well as the Hazardous Substances and New Organisms Act 1996 (HSNO). The focus of the HSNO Act and Regulations is on the characteristics of the substance itself, regardless of the location. This includes containment, packaging, identification, tracking, competency, emergency management and disposal. The HSNO Act provides the means to set minimum conditions on the management of hazardous substances which apply irrespective of location. The control of potential adverse environmental effects at a particular site in the context of a particular environment and land use is to be addressed by controls pursuant to the RMA.

HS2.2 Issues

- (a) The risk to the environment from the storage, use, disposal and transport of hazardous substances associated with hazardous facilities in the Ruapehu District.



- (b) The risk to public safety from natural hazards, which could affect hazardous facilities, such as lahars or seismic activity specifically in and around Tongariro National Park and flood risks.

HS2.2.1 Outcome

- ~~(a) Minimal risk to the environment as a result of the safe storage, use, disposal and transportation of hazardous substances associated with hazardous facilities in the Ruapehu District.~~

HS2.2.12 Objectives

- (a) To prevent or mitigate potential adverse effects and specifically risks from the storage, use, disposal and transport of hazardous substances on people, property and the natural environment.
- (b) To protect people, property and the natural environment from significant residual risks posed by new hazardous facilities.
- (c) To prevent or mitigate potential adverse effects from land contamination on people and the environment.
- (d) To increase level of public and user knowledge, awareness and involvement in the safe and appropriate management of hazardous substances.

HS2.2.23 Policies

- (a) Hazardous facilities are to be located so that any significant residual risks to people, property and the natural environment are minimised.
- (b) Hazardous facilities shall be designed, constructed and managed to avoid, or manage significant adverse effects, including risks, to the environment.
- (c) The identification, assessment and management of individual and cumulative effects of hazardous facilities shall ensure they do not pose significant residual risks to the environment.
- (d) The transport of hazardous substances as part of a land use activity shall be managed to ensure adverse effects on the transportation network and potentially affected other land use activities along a transport route are minimised.
- (e) Disposal of waste hazardous substances is to be discouraged in the Ruapehu District, except from co-disposal in sites where this is provided for and can be undertaken in an environmentally safe manner, to minimise the risk of hazardous substances being discharged into the environment.

HS2.2.33 Explanation of Policies

The policies in relation to hazardous substances are concerned with adverse off-site effects of the management of hazardous substances in hazardous facilities. Where a particular code, standard or industry practice provides one possible means of compliance to meet resource management requirements on the management of hazardous substances associated with a particular activity and location, it can be addressed within the consent condition framework.

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Although the use of hazardous substances provides benefits to communities by meeting community needs for products and services, facilities involving hazardous substances also present risks. In some cases, these risks may be of particular concern because of the proximity of sensitive ecological areas or sensitive land uses, and communities may decide that the risks of a facility locating in such a location outweighs the potential benefits.

All activities involving the manufacture, storage, use, transport and disposal of hazardous substances have the potential to create adverse environmental effects if the substances escape into the environment as a result of inadequate management or an accidental release or spillage. To avoid, remedy, or mitigate these effects, hazardous facilities and activities need to be managed well and located appropriately.

Hazardous facilities close to each other may generate cumulative risks that are greater than the risk of each individual facility. An aggregation of hazardous facilities may result in adverse effects on other adjacent facilities if standard operational procedures in one facility do not comply with defined requirements, or a malfunction in a process in the facility cannot be remedied by existing emergency management equipment and procedures. This could lead to cumulative adverse effects more significant than those caused by the initial event. Where there are a number of separate hazardous facilities within a constrained area, each facility is to be designed and managed in a manner to minimise adverse effects on each other as well as beyond the area occupied by hazardous facilities.

The disposal of waste hazardous substances generates risks to the health of the handlers, waste management facility operators, and communities, as well as risks to the receiving environment. The disposal of waste hazardous substances to authorised facilities or those serviced by an approved waste contractor should minimise the risk of hazardous substances escaping into the environment and generating adverse environmental effects.

HS2.3 Issue:

- (a) The risk that hazardous facilities will be adversely affected by reverse sensitivity conflicts arising from the inappropriate location of sensitive land use activities

HS2.3.1 Outcome

- ~~(a) Reverse sensitivity conflicts are avoided where sensitive land use activities are located within close proximity to existing hazardous facilities.~~

HS2.3.12 Objective

- (a) To prevent or mitigate reverse sensitivity effects on established hazardous facilities arising from the inappropriate location of sensitive land use activities.

HS2.3.23 Policy

- (a) The establishment of sensitive land uses within or in close proximity to existing hazardous facilities or areas identified for hazardous facilities shall be avoided or controlled, in order to allow such facilities to carry out their operations without unreasonable constraints.

**HS2.3.33 Explanation of Policies**

Reverse sensitivity, that is the effects of new, risk sensitive activities on the ability of an existing hazardous facility to carry out its operations effectively, may need to be taken into account particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot reasonably be reduced to insignificant levels.