

25.4 Hazardous Facilities

25.4.1 Purpose

- a) This chapter establishes a city-wide framework for managing hazardous facilities under the Act to avoid or minimise adverse effects and the risks associated with hazardous substances.
- b) “Hazardous facility” is the general term used in this District Plan to describe any site where hazardous substances are stored, used, transported or disposed.
- c) Hazardous substances can be toxic, flammable, highly reactive, corrosive, ecotoxic, radioactive or explosive. Risks to people and the environment arise if the substances react, degrade or are released because of inadequate management or an accidental spill.
- d) Hazardous facilities need to be managed, designed and located appropriately, as well as having processes in place for dealing with accidental spills or the release of hazardous substances.

Note

1. Some activities involving hazardous substances are excluded from the definition of hazardous facilities. Check the definitions for hazardous substances and hazardous facilities first, to see if this chapter applies. This chapter focuses on the hazardous substances part of any activity. A hazardous facility may have other controls relevant to it that are found in the relevant Zone and city-wide chapters.
2. The District Plan is not the sole mechanism for managing the risks associated with the use, storage, transportation and disposal of hazardous substances. Other legislation such as the Hazardous Substances and New Organisms Act 1996, Land Transport Act 1998, Worksafe New Zealand Act 2013 and their regulations, impose additional controls and requirements (e.g. packaging, signage and labelling, transportation).

25.4.2 Objectives and Policies: Hazardous Facilities

Objective	Policies
25.4.2.1 To protect people, property and the natural environment by avoiding or minimising the adverse effects of storage, use, disposal or transport of hazardous substances.	25.4.2.1a Hazardous facilities shall be located where they do not give rise to levels of risk, including residual risks, which are incompatible with the nature of surrounding land uses or natural environment.
	25.4.2.1b Hazardous facilities shall be designed, constructed and managed to avoid or minimise significant adverse effects, including cumulative effects.
	25.4.2.1c Hazardous facilities shall provide facilities and systems to avoid the contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of an accidental spill or release of hazardous substances.

	<p>25.4.2.1d Disposal of hazardous substances shall be undertaken in an environmentally safe manner to minimise the risk of hazardous substances being discharged into the environment.</p> <p>25.4.2.1e Hazardous facilities shall be located, designed, installed and managed to avoid adverse effects of natural hazards, e.g. flooding, on the facility so as to reduce the risk of hazardous substances being discharged into the environment as a result of a natural hazard event.</p> <p>25.4.2.1f The positive effects that hazardous facilities have on the economic and social wellbeing of the Waikato region and Hamilton should be recognised.</p>
Explanation	
<p><i>While the use of hazardous substances provides benefits to communities by meeting a need for products and services, facilities involving hazardous substances also present risks to the health and safety of people, property and the natural environment, including ecosystems. Hazardous substances can escape into the environment as a result of inadequate management or from an accidental release or spillage. Hazardous facilities and their activities need to be managed well and located appropriately in response to these risks.</i></p> <p><i>Reference to risks includes the consideration of residual risk. In some cases, the residual risk may be of particular concern because of the facility's proximity to sensitive ecological areas or land uses (e.g. residential areas). In these cases the risks of the hazardous facility may outweigh its potential benefits.</i></p> <p><i>Hazardous facilities are spread throughout the community. Some present very low risks because of the nature or small quantities of the hazardous substances held on the site. The District Plan assigns a level of control appropriate to the scale of risk that these activities present.</i></p> <p><i>Hazardous facilities close to each other may generate cumulative risks that are greater than the risk of each individual facility. Where there are multiple 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.</i></p> <p><i>The disposal of 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 hazardous substances to authorised facilities or those serviced by an approved waste contractor will minimise the risk of substances escaping into the environment and generating adverse environmental effects.</i></p> <p><i>Natural hazard events can threaten the containment of hazardous substances. Hazardous facilities are discouraged from areas that are susceptible to natural hazards as a means of managing this risk.</i></p>	

Objective	Policies
<p>25.4.2.2 The operations of established hazardous facilities and the areas within which these facilities are encouraged are protected from significant reverse-sensitivity effects arising from the inappropriate location of sensitive land-use activities.</p>	<p>25.4.2.2a The establishment of sensitive land uses within or near existing hazardous facilities or areas identified for such a facility shall be managed if they would create significant reverse-sensitivity effects that would limit a facility's ability to carry out its operations without unreasonable constraints.</p>
<p>Explanation</p>	
<p><i>Reverse-sensitivity effects arise where a new activity is introduced into an environment which has the potential to limit the operation of existing activities. These new activities are incompatible or otherwise sensitive to the effects of the existing activity. Reverse-sensitivity effects need to be taken into account, particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot be reduced to insignificant levels.</i></p> <p><i>Significant established hazardous facilities in the City include the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village. Industrial zoned lands are areas where hazardous facilities are expected to generally establish. Sensitive activities establishing in these areas or in close proximity to established hazardous facilities may constrain the current or future operation of such hazardous facilities.</i></p>	

25.4.3 Rules – Activity Status Table

Activity	Class
<p>Activities Required to Use the Hazardous Facilities Screening Procedure</p>	
<p>a) Any hazardous facility:</p> <ul style="list-style-type: none"> i. Not otherwise identified within this table ii. With a quantity ratio that is equal to or below the quantity ratio for permitted activities in Rule 25.4.5.1 	<p>P</p>
<p>b) Any hazardous facility:</p> <ul style="list-style-type: none"> i. Not otherwise identified within this table ii. With a quantity ratio that is more than the quantity ratio for discretionary activities Rule 25.4.5.1 	<p>D</p>
<p>c) Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4.</p> <p>This excludes:</p> <ul style="list-style-type: none"> i. Activities undertaken outside the laboratory ii. Bulk hazardous substances storage facilities iii. Field tests 	<p>C</p>

Activity	Class
Specific Activities Not Required to Use the Hazardous Facilities Screening Procedure	
d) The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: <ul style="list-style-type: none"> i. 100,000 litres of petrol ii. 50,000 litres of diesel iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved 	C
e) The retail sale of Liquid Petroleum Gas (LPG) with storage capacity of up to: <ul style="list-style-type: none"> i. 6 tonnes (single vessel storage) ii. 1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders) iii. Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved 	C
Radioactive material	
f) The use or storage of radioactive materials with a radioactivity level less than that specified as an exempt activity in the Radiation Protection Regulations 1982	P
g) Any activity using, storing or transporting radioactive materials for the medical and dental treatment of patients and the use of such radioactive substances is under the control of a person licensed under the Radiation Protection Regulations 1982	P
h) The use or storage of radioactive material with a radioactivity level more than that specified as an exempt activity in the Radiation Protection Regulations 1982, but less than or equal to 1000 terabecquerel	D
i) The use or storage of radioactive material with a radioactivity level more than 1000 terabecquerel	NC
BOD₅ substances	
j) Any storage of high BOD ₅ substances in quantities less than or equal to 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	P
k) Any storage of high BOD ₅ substances in quantities more than 10,000 litres (excluding the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park)	D
l) Any storage of high BOD ₅ substances in quantities less than or equal to 100,000 kg, or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	P
m) Any storage of high BOD ₅ substances in quantities more than 100,000 kg or 40,000 kg when within 30m of a water body (the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village, Ruakura Agricultural Research Campus and Waikato Innovation Park only)	D

Activity	Class
All Hazardous Facilities	
n) Any activity identified in 25.4.3(a), (c) to (g) and (j) within a: <ul style="list-style-type: none"> i. High Flood Hazard Area ii. Medium Flood Hazard Area iii. Low Flood Hazard Area iv. Temple View Flood Hazard Area v. Culvert Block Flood Hazard Area vi. Geotechnical Waikato Riverbank and Gully Hazard Area 	D
Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village	
o) Any hazardous substances that are complying with the standards in 25.4.4 and 25.4.5.2	P

Note

1. For any activity not identified above, see Section 1.1.8.1.

25.4.4 Rules – General Standards

When a Certificate of Compliance is sought a report by a suitably qualified and experienced practitioner may need to be provided to Council certifying compliance with the standards below, where appropriate.

25.4.4.1 Site Design

- a) Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances shall be designed, constructed and operated in a manner which avoids:
 - i. Any off-site adverse effects on people, ecosystems, physical structures and other parts of the environment, unless permitted by a resource consent.
 - ii. The contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances.

25.4.4.2 Site Layout

- a) The hazardous facility shall be designed to ensure that separation between on-site facilities and the property boundary is sufficient for the protection of neighbouring facilities, land uses and sensitive environments (excluding sites covered by Rule 25.4.5.2).

25.4.4.3 Site Drainage

- a) Site drainage systems shall be designed, constructed and operated in a manner that avoids the entry or discharge of hazardous substances into the stormwater and wastewater networks unless permitted by a network utility operator.
- b) All stormwater grates on the site shall be clearly labelled for stormwater only.

Note

1. Compliance can be achieved using precautionary methods, which may include clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.

25.4.4.4 Wash-Down Areas

- a) Any part of the hazardous facility site where vehicles, equipment or containers that are, or may have become, contaminated with hazardous substances are washed shall be designed, constructed and managed to avoid any contaminated wash water from:
 - i. Entering or discharging into the stormwater drainage or the wastewater networks unless permitted by a network utility operator.
 - ii. Contaminating land, ground water, any water body or potable water supply.

Note

1. Suitable means of compliance include roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.
2. Council bylaws also apply to the discharge of contaminated wash water from the site.

25.4.4.5 Spill Containment Systems

- a) Any parts of the hazardous facility site where a spill may occur shall be serviced by a suitable spill containment system that shall be:
 - i. Constructed from impervious materials resistant to the hazardous substance(s) used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site; and for above-ground storage of liquid hazardous substances:
 - A. Able to contain the maximum volume of the largest tank on site plus an allowance for stormwater or fire water.
 - B. For drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater or fire water.
 - ii. Able to avoid any spill or other unintentional release of hazardous substances, and any stormwater and fire water that has become contaminated from:
 - A. Entering the stormwater or wastewater drainage system, unless permitted by a network utility operator.
 - B. Contaminating land, ground water, any water body or potable water supply.

Note

1. Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire-water catchments, overfill protection and alarms, and similar systems.

25.4.4.6 Waste Management

- a) Any hazardous facility generating waste containing hazardous substances shall dispose of these wastes to authorised facilities holding the necessary consents and be serviced by an acceptable waste disposal contractor.

Note

1. Hamilton City Council's Trade Waste Bylaw also applies to the management of waste from such sites.

25.4.4.7 Storage

- a) Hazardous substances shall be stored in a manner that avoids:
- i. The unintentional release of the hazardous substance.
 - ii. The accumulation of any liquid or solid spills or fugitive vapours and gases in enclosed off-site areas that could result in potentially adverse effects on people, ecosystems or built structures.

25.4.4.8 Storage Tanks – Petroleum Products

- a) Tanks for the storage of petroleum products must be designed, constructed and managed to avoid leaks and spills and resulting adverse effects on people, ecosystems and property. Storage tanks shall be:
- i. Constructed from impervious materials resistant to the hazardous substances to be stored.
 - ii. Equipped with secondary containment facilities.
 - iii. Serviced by a leak detection or monitoring system which is capable of detecting a failure or breach in the structural integrity in the primary containment vessel.

25.4.5 Rules – Specific Standards

25.4.5.1 Activities Required to be Assessed using the Hazardous Facility Screening Procedure

- a) Hazardous facilities required to comply with this specific standard shall be assessed using the Hazardous Facility Screening Procedure explained in Volume 2, Appendix 12. This process will produce a “quantity ratio” that must be used to determine the activity status of the facility by referring to the table below.

Consent Status Matrix

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
a) General Residential Zone b) Residential Intensification Zone c) Medium Density Residential Zone d) Large Lot Residential Zone e) Special Character Zones	≤0.02	>0.02
f) Natural Open Space Zone	≤0.05	>0.05
g) Central City Zone h) Business 4 and 5 Zones i) Transport Corridor Zone j) Rototuna Town Centre Zone k) Business 7 Zone (Frankton Living Overlay only)	≤0.1	>0.1

Zone/Overlay	Activity Status/Consent Status Indices	
	Permitted	Discretionary
l) Neighbourhood Open Space Zone m) Sport and Recreation Open Space Zone n) Destination Open Space Zone o) Community Facilities Zone p) Business 1, 2, 3 and 6 Zones q) Industrial Zone (Amenity Protection Area only)	≤0.2	>0.2
r) Business 7 Zone (excluding Frankton Living Overlay)	<0.4	>0.4
s) Major Facilities Zone t) Knowledge Zone (University of Waikato only)	≤0.6	>0.6
	Exception	
	Within 100m of any zone specified in a) to q) of this table, when the thresholds shall be:	
	≤0.3	>0.3
u) Industrial Zone (excluding Amenity Protection Area) v) Ruakura Logistics Zone w) Ruakura Industrial Park Zone x) Te Rapa North Industrial Zone y) Future Urban Zone z) Knowledge Zone (excluding University of Waikato)	≤1.0	>1.0
	Exceptions	
	Within 30m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.2	>0.2
	Between 30m and 100m of any zone specified in a) to e) of this table, when the thresholds shall be:	
	≤0.75	>0.75
	Within 100m of any zone specified in f) to t) of this table, when the thresholds shall be:	
	≤0.75	>0.75

25.4.5.2 Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village

- a) The volumes and quantities of hazardous substances shall not increase by more than 20% from those existing on the sites as at 31 March 2016 and notified to the Council by 1 May 2016.
- b) Any hazardous substance at the Te Rapa Dairy Manufacturing Site shall be stored or used at a minimum of 40m from the site boundary.
- c) Any hazardous substance at the Crawford Street Freight Village shall be stored or used at a minimum of 65m from any boundary of the Residential, Open Space or Major Facilities Zones.
- d) Where there is any non-compliance with the standards listed in a) to c) above the relevant class of the Hazardous Facility Screening Procedure set out in Volume 2, Appendix 12 shall apply.

25.4.6 Controlled Activities: Matters of Control

- a) In determining any application for resource consent for a controlled activity, Council has reserved control over the matters referenced below.

Activity	Matter of Control Reference Number (Refer to Volume 2, Appendix 1.3.2)
i) Teaching and research laboratories with a quantity ratio that is more than the quantity ratio for permitted activities in Rule 25.4.5.1 and complying with relevant standards in Rule 25.4.4 This excludes : <ul style="list-style-type: none"> • Activities undertaken outside the laboratory • Bulk hazardous substances storage facilities • Field tests 	A Hazardous Facilities
ii) The retail sale of liquid fuel in underground storage tanks with a storage capacity of up to: 100,000 litres of petrol 50,000 litres of diesel Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.	A Hazardous Facilities

<p>iii) The retail sale of Liquid Petroleum Gas (LPG), with storage capacity of up to:</p> <p>6 tonnes (single vessel storage)</p> <p>1.35 tonnes cumulative capacity (exchange facilities for portable LPG cylinders)</p> <p>Provided it can be demonstrated that compliance with relevant standards in Rule 25.4.4 and the requirements of the Hazardous Substances and New Organisms Act 1996 and regulations is achieved.</p>	<p>A Hazardous Facilities</p>
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25.4.7 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification/ Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation