



PART 2 - DISTRICT WIDE MATTERS

8 Hazards and Risks

8.1-CL Contaminated Land

Issues

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into effect on 1 January 2012. The purpose of the NES is to ensure national consistency in the management of *contaminated land* to make land safe for human use. It includes national planning rules that set out requirements for activities and standardised methods for setting numerical standards for contaminants in soils. The methods include a national set of soil contaminant standards for 12 priority contaminants, and five specified land uses.

The NES applies to any piece of land on which an activity or industry described in the Hazardous Activities and Industries List (HAIL) has been or is more likely than not to have been undertaken on the land. Land known to have been affected by soil contaminants is also recorded on the Land Use Information Register held by the Waikato Regional Council or on records held by the Council.

A complete copy of the NES as at 1 January 2012, being the date at which they first came into effect, is included. The Ministry for the Environment website (www.mfe.govt.nz) has an update-to date copy of the NES, a User's Guide to the NES, and documents incorporated by reference in the NES, including the current version of the HAIL.

Objective

CL-O1

To minimise the potential for adverse *effects* in connection with the use and *development* of contaminated and potentially *contaminated land*, so as to avoid or mitigate the risk of adverse *effects* on human health and the *environment*.

Policies

CL-P1

To ensure that contaminated land is managed or remediated to ensure that contaminants are at a level acceptable for the proposed land-use.



CL-P2

Ensure that the use and *development of contaminated land* management approaches include site investigations, remediation action plans, or management plans for identifying, monitoring and managing *contaminated land*.

CL-P3

Where the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 are relevant, manage the activity to ensure that any contamination is appropriate to any proposed future use of the piece of land and avoids, remedies or mitigates potential adverse *effects* on human health.

CL-R1 Information Method - NESCS National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

(1) Title

These regulations are the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

(2) Commencement

These regulations come into force on 1 January 2012.

(3) Interpretation

In these regulations,—

Act means the Resource Management Act 1991

current edition means the edition that has legal effect when the edition is being used

detailed site investigation means an investigation that—

- (a) is done by a suitably qualified and experienced practitioner; and
- (b) is done in accordance with the current edition of *Contaminated Land Management Guidelines No. 5—Site Investigation and Analysis of Soils*, Wellington, Ministry for the Environment; and
- (c) is reported on in accordance with the current edition of *Contaminated Land Management Guidelines No. 1—Reporting on Contaminated Sites in New Zealand*, Wellington, Ministry for the Environment; and
- (d) results in a report that is certified by the practitioner

fuel storage system means a system in which at least 1 of the following is underground:

- (a) a storage tank for aviation kerosene, diesel, kerosene, lubricating oil, or petroleum:



- (b) the whole of the tank's ancillary equipment:
- (c) part of the tank's ancillary equipment

HAIL means the current edition of the Hazardous Activities and Industries List, Wellington, Ministry for the Environment

person means the person referred to in regulation 5(1)(a)

preliminary site investigation means an investigation that—

- (a) is done by a suitably qualified and experienced practitioner; and
- (b) is reported on in accordance with the current edition of *Contaminated Land Management Guidelines No. 1—Reporting on Contaminated Sites in New Zealand*, Wellington, Ministry for the Environment; and
- (c) results in a report that is certified by the practitioner.

(4) Relationship of regulations with territorial authority and regional council functions

These regulations—

- (a) deal with *territorial authority* functions under section 31 of the Act:
- (b) do not deal with regional council functions under section 30 of the Act.

(5) Application

(1) These regulations—

- (a) apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):
- (b) do not apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (9)

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(2) An activity is removing a fuel storage system from the piece of land or replacing a fuel storage system in or on the piece of land, which means—

- (a) doing any of the following:
 - (i) removing or replacing the whole system:
 - (ii) removing or replacing an underground part of the system:
 - (iii) taking away or putting back soil associated with the removal or replacement of the system or the part:

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- (b) doing any of the following for purposes associated with removing or replacing the whole system or part of the system:
 - (i) sampling the soil of the piece of land:
 - (ii) investigating the piece of land:
 - (iii) remediating the piece of land:
 - (iv) validating the piece of land:
 - (v) managing the piece of land.
- (3) An activity is sampling the soil of the piece of land, which means sampling it to determine whether or not it is contaminated and, if it is, the amount and kind of contamination.
- (4) An activity is disturbing the soil of the piece of land, which—
 - (a) means disturbing the soil of the piece of land for a particular purpose:
 - (b) does not include disturbing the soil of the piece of *land*, whatever the purpose, if the *land* is land to which regulation 33(9) or 36 of the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 applies.
- (5) An activity is subdividing land, which means subdividing land—
 - (a) that has boundaries that are identical with the boundaries of the piece of land; or
 - (b) that has all the piece of land within its boundaries; or
 - (c) that has part of the piece of land within its boundaries.
- (6) An activity is changing the use of the piece of *land*, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.

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- (7) The piece of land is a piece of land that is described by 1 of the following:
 - (a) An activity or industry described in the HAIL is being on it:
 - (b) An activity or industry described in the HAIL has been undertaken on it:
 - (c) It is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.
- (8) If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—
 - (a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:
 - (b) sample or disturb—



- (i) soil under existing residential buildings on the piece of land:
 - (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:
 - (iii) soil that would be under proposed residential buildings on the piece of land:
 - (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings:
- (c) subdivide land in a way that causes the piece of land to stop being production land:
- (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.

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- (9) These regulations do not apply to a piece of land described in subclause (7) or (8) about which a detailed site investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations.

(6) Methods

- (1) Subclauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in regulation 5(7).
- (2) One method is by using information that is the most up-to-date information about the area where the piece of land is located that the *territorial authority*—
- (a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or
 - (b) has available to it from the regional council.
- (3) The other method is by relying on the report of a preliminary site investigation—
- (a) stating that an activity or industry described in the *HAIL* is, or is not, being undertaken on the piece of land; or
 - (b) stating that an activity or industry described in the *HAIL* has, or has not, been undertaken on the piece of land; or
 - (c) stating the likelihood of an activity or industry described in the *HAIL* being undertaken, or having been undertaken, on the piece of land.
- (4) The person must—
- (a) choose which of the 2 methods to use; and
 - (b) meet all the costs involved in using the method that the person has chosen.

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(7) Standards

(1) In this regulation,—

land use means—

- (a) the current use, if the activity the person wants to do is—
 - (i) to remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:
 - (ii) to sample the soil of the piece of land:
 - (iii) to disturb the soil of the piece of land:
- (b) the intended use, if the activity the person wants to do is—
 - (i) to subdivide land:
 - (ii) to change the use of the piece of land

Methodology means the current edition of the Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health, Wellington, Ministry for the Environment

priority contaminant means a contaminant for which the Methodology derives a soil contaminant standard.

- (2) If the contaminant of concern is a priority contaminant and the land use fits within an exposure scenario adopted in the *Methodology*, the applicable standard is the soil contaminant standard for the priority contaminant.
- (3) If the contaminant of concern is a priority contaminant and the land use does not fit within an exposure scenario adopted in the *Methodology*, the applicable standard is whichever of the following is more appropriate in the circumstances:
 - (a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the *Methodology*:
 - (b) the soil contaminant standard for the priority contaminant of the exposure scenario adopted in the *Methodology* with greater assumed exposure than the actual exposure.
- (4) If the contaminant of concern is not a priority contaminant, the applicable standard is whichever of the following is more appropriate in the circumstances:
 - (a) the guideline value derived in accordance with the methods and guidance on site-specific risk assessment provided in the *Methodology*:
 - (b) a guideline value for the protection of human health that is chosen in accordance with the current edition of *Contaminated Land Management Guidelines No. 2—Hierarchy and*



Application in New Zealand of Environmental Guideline Values, Wellington, Ministry for the Environment.

The above shall not apply where detailed investigation exists that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations

(8) PER activities

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- (a) the activity must be done in accordance with the current edition of *Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand*, Wellington, Ministry for the Environment:
- (b) the *territorial authority* of the district where the system is located must be notified of—
 - (i) the place where the activity is to be done:
 - (ii) the dates on which it is intended that the activity begin and end:
 - (iii) the facility at which it is intended that soil taken away in the course of the activity be disposed of:
- (c) notification under paragraph (b) must be done no sooner than 1 month and no later than 1 week before the activity begins:
- (d) the volume of soil disturbed must be no more than 30 m³ for each tank in the system:
- (e) the volume of soil taken away in the course of the activity must be no more than 30 m³ for each tank in the system:
- (f) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- (g) the duration of the activity must be no longer than 2 months:
- (h) the results of the investigation of the piece of land required by the guidelines described in paragraph (a) must be reported to the *territorial authority* within 3 months after the activity ends.

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- (a) controls to minimise the exposure of humans to mobilised contaminants must—
 - (i) be in place when the activity begins:
 - (ii) be effective while the activity is done:
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:

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- (b) the soil must be reinstated to an erosion-resistant state within 1 month after the end of the course of sampling for which the activity was done:
- (c) soil must not be taken away in the course of the activity except as samples taken for the purpose of laboratory analysis:
- (d) the integrity of a *structure* designed to contain contaminated soil or other contaminated materials must not be compromised.

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- (a) controls to minimise the exposure of humans to mobilised contaminants must—
 - (i) be in place when the activity begins:
 - (ii) be effective while the activity is done:
 - (iii) be effective until the soil is reinstated to an erosion-resistant state:
- (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
- (c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:
- (d) soil must not be taken away in the course of the activity, except that,—
 - (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - (ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:
- (e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
- (f) the duration of the activity must be no longer than 2 months:
- (g) the integrity of a *structure* designed to contain contaminated soil or other contaminated materials must not be compromised.

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- (a) a preliminary site investigation of the land or piece of land must exist:
- (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:
- (c) the report must be accompanied by a relevant site plan to which the report is referenced:



(d) the consent authority must have the report and the plan.

(9) CON activities

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(a) the adequacy of the detailed site investigation, including—

- (i) site sampling:
- (ii) laboratory analysis:
- (iii) risk assessment:

(b) how the activity must be—

- (i) managed, which may include the requirement of a site management plan:
- (ii) monitored:
- (iii) reported on:

(c) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

(d) the timing and nature of the review of the conditions in the resource consent:

(e) the duration of the resource consent.

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If a requirement described in regulation 8(4) is not met, the activity is a controlled activity while the following requirements are met:

(a) a detailed site investigation of the piece of land must exist:

(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:

(c) the consent authority must have the report:

(d) conditions arising from the application of subclause (4), if there are any, must be complied with.

The matter over which control is reserved is the adequacy of the detailed site investigation, including—

(a) site sampling:

(b) laboratory analysis:

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(c) risk assessment.

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The consent authority must not give public notification of an application for a resource consent to do any of the activities.

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If a requirement described in this regulation is not met, the activity is a restricted discretionary activity under regulation 10 while it meets the requirements in regulation 10(2).

(10) RDIS activities

- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a permitted activity or a controlled activity.
- (2) The activity is a restricted discretionary activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist:
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7:
 - (c) the consent authority must have the report:
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.
- (3) The matters over which discretion is restricted are as follows:
 - (a) the adequacy of the detailed site investigation, including—
 - (i) site sampling:
 - (ii) laboratory analysis:
 - (iii) risk assessment:
 - (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:
 - (c) the approach to the remediation or ongoing management of the piece of land, including—
 - (i) the remediation or management methods to address the risk posed by the contaminants to human health:
 - (ii) the timing of the remediation:
 - (iii) the standard of the remediation on completion:
 - (iv) the mitigation methods to address the risk posed by the contaminants to human health:



- (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:
- (d) the adequacy of the site management plan or the site validation report or both, as applicable:
- (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:
- (f) the requirement for and conditions of a financial bond:
- (g) the timing and nature of the review of the conditions in the resource consent:
- (h) the duration of the resource consent.

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- (4) If a requirement described in this regulation is not met, the activity is a DIS activity under regulation 11.

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- (1) This regulation applies to an activity described in any of regulation 5(2) to (6) on a piece of land described in regulation 5(7) or (8) that is not a PER activity, CON activity, or RDIS activity.
- (2) The activity is a DIS activity".

CL-R2 Other Plan Matters

The following also may be relevant:

- (1) Section 7.1 Energy, 7.2 Infrastructure, 7.3 Transportation
- (2) Section 8.2 Hazardous Substances, 8.3 Natural Hazards
- (3) Section 9.1 Historic Heritage, 9.2 Sites and Areas of Significance to Māori
- (4) 10.1 Ecosystems and Indigenous Biodiversity, 10.2 Natural Character, 10.3 Natural Features and Landscapes, 10.4 Public Access
- (5) Chapter 11 Subdivision
- (6) Section 12.1 All Activities
- (7) Section 12.2 Activities on the Surface of Water, 12.3 Air Emissions, 12.4 Earthworks, 12.5 Financial Contributions, 12.6 Light, 12.7 Noise, 12.8 Signs, 12.9 Temporary Activities
- (8) Part 3- Any relevant zone or overlay

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CL- Principal Reasons

CL-PR1

The above repeats the NES which includes best practice guidelines for investigating and reporting on contaminated or potentially *contaminated land*. An inability to meet the requirements of the NES, or the undertaking of particular activities in certain locations will result in the need for a resource consent.

CL-PR2

The national environmental standard applies to activities on pieces of land where soil may be contaminated in such a way as to be a risk to human health. The activities are removing or replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing land, and changing the use of the piece of land. The activities are classed as PER, CON, RDIS or DIS activities in the NES.

CL- Anticipated Results

CL-AER1

Activities implement best management practices to avoid, remedy or mitigate adverse environmental *effects*.



8.2-HAZ Hazardous Substances

Issues

The rural area is expected to receive further primary processing facilities that will operate twenty-four hours a day, seven days a week at peak times of the season. Associated facilities include store/loading areas including the bulk storage of *hazardous substances* for cleaning process plant and equipment, wastewater treatment, tanker reception areas, services buildings and storage silos.

New and sensitive land-uses (such as rural-residential *development*) wishing to establish near existing major industrial sites must recognise the scale of these activities and their environmental *effects*, so restrictions on land-use, *subdivision* and the set back of *sensitive activities* are necessary to avoid inhibiting the operation of these consented or lawfully-established facilities.

Objectives

HAZ-O1

To minimise the potential for adverse *effects* in connection with the use of *hazardous substances*, so as to avoid or mitigate the risk of adverse *effects* on human health and the *environment*.

Policies

HAZ-P1

To achieve the Vision and Strategy for the Waikato River by managing land-use within the district within the River catchment in a way that restores and protects the health and wellbeing of the Waikato River, by controlling hazardous substances, use and storage.

HAZ-P2

Ensure that development minimises risks to people, properties and the environment from the use of *hazardous substances*.

HAZ-Rules

HAZ-R1 PER Activities	Subject to
(a) Use or storage of a hazardous substance in the GIZ	NA
(b) Use or storage of a hazardous substance in the GRUZ	(a) Table 7



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8.2-HAZ HAZARDOUS SUBSTANCES

	<p>(b) HAZ-R4(1) and (2)(a) to (c), except in relation to storage, treatment & spreading of agricultural effluent, which is subject to GRUZ-R6(7)</p> <p>(c) HAZ-R6</p>
<p>(c) Use or storage of a hazardous substance in all other zones than the GIZ and GRUZ</p>	<p>(a) Table 7</p> <p>(b) HAZ-R4(1) and (2)(a)-(c)</p> <p>(c) HAZ-R6</p>
HAZ-R2 CON Activities	Subject to
<p>Storage at a service station that does not comply with any of the relevant standards for a PER activity in R4</p>	<p>Matters of control</p> <p>(a) Proposed fire, safety and fire water management</p> <p>(b) Proposed spill contingency and emergency planning</p> <p>(c) Proposed monitoring and maintenance schedules.</p> <p>(d) Proposed waste management</p> <p>(e) Compliance with relevant Codes of Practice and Standards.</p> <p>(f) HAZ-R6</p>
HAZ-R3 RDIS Activities	Subject to
<p>(1) Use or storage of <i>hazardous substances</i> which contravenes a standard for a PER activity</p>	<p>Matters of Discretion</p> <p>(a) General matters in AA-R3(1) and (2)</p> <p>(b) HAZ-R6</p> <p>(c) The location, type and quantities of <i>hazardous substances</i> to be used</p> <p>(d) Mitigation of risk to people, properties and the <i>environment</i> generally</p> <p>(e) Monitoring and maintenance schedules, contingency measures and emergency plans</p>

HAZ-R4 Standards

R4(1) – Standards for PER activities

- (a) The aggregate quantity of *hazardous substances* of any hazard classification on the *site* is less than the quantity specified for the relevant zone in R4(2)(a) -Table 7 – Permitted Quantities by Zone (but for the purpose of this clause, *hazardous substances* and activities addressed by clause (b) and clause (d) through to (k) are excluded from consideration.)
- (b) The activity is a service station with a maximum storage for retail sale of any or all of: 100,000 litres of petrol in underground storage tanks: 50,000 litres of diesel: 6 tonnes of LPG (single or multiple vessel storage above ground): 12 tonnes of LPG in underground storage tanks.
- (c) The conditions in R4(2)(c) Table 8 – Conditions for All PER Activities, are complied with in the case of (a) or (b) above, or
- (d) The *hazardous substances* stored or used on the *site* are:
 - (i) Trade waste in a *wastewater* or waste treatment facility
 - (ii) Roading materials within a *road* reserve
 - (iii) Domestic storage and use of consumer products for domestic purposes
 - (iv) Consumer products, held for re-sale to the public and stored in the manufacturers' packaging
 - (v) Gas or oil pipelines and ancillary equipment
 - (vi) Fuel or safety equipment in motor vehicles, aircraft, boats or small engines
 - (vii) Fireworks subject to the Hazardous Substances (Fireworks) Regulations 2001, or ammunition, in domestic quantities
 - (viii) Fire-fighting substances on emergency vehicles, or in containers at *emergency service facilities*
 - (ix) Temporary storage of *hazardous substances* on *site* for no more than four days, where the *hazardous substances* containment meets the requirements for road transportation
- (e) Radioactivity is below that specified as an exempt activity in the Radiation Protection Regulations 1982, or radioactive materials are confined to domestic appliances
- (f) Ponds used for processing or storing *wastewater* are set back at least:
 - (i) 150m from a dwelling, and
 - (ii) 30m from the *site* boundary
- (g) A *wastewater* plant serving 3 or more dwellings, where *wastewater* treatment is fully enclosed, is set back at least
 - (i) 30m from a dwelling, and

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- (ii) 15m from the *site* boundary
- (h) The activity is the removal and/or replacement of underground petroleum storage systems associated with service stations
 - (i) The activity is the storage and use of agrichemicals within the GRUZ or RLZ, in accordance with NZS8409:2004
- (j) The activity is the storage and use of Class 3 fuels within the GRUZ or RLZ in accordance with the Environmental Protection Agency's Approved Practice Guide for Above Ground Fuel Storage on Farms, September 2010
- (k) The activity is the storage and use of *fertiliser* within the GRUZ or RLZ in accordance with the:
 - (i) Fertiliser (Corrosive) Group Standard HSR002569
 - (ii) Fertiliser (Oxidising) Group Standard HSR002570
 - (iii) Fertiliser (Subsidiary Hazard) Group Standard HSR002571
 - (iv) Fertiliser (Toxic) Group Standard HSR002572, and
 - (v) The Code of Practice for Nutrient Management (with emphasis on fertiliser use).

HAZ-R4(2)(a) Table 7 - Permitted Quantities by Zone

Hazardous Substance Property and Class	HSNO Subclass	ELGZ	GRUZ, COMZ, RLZ, TCZ, AIRPZ	GRZ,NCZ MU-SETZ
Explosive 1	1.1 (all)	50kg	20kg	0
	1.2 (all)	500kg	200kg	0
	1.3 (all)	1500kg	500kg	0
	1.2 or 1.3 with 1.1	50kg	20kg	0
Flammable 2 (gases) (Aerosols)	2.1 (all)	1000kg or 2000m ³	500kg or 1000m ³	20kg or 40m ³
	2.1 (within 50m of m.s.z)	200kg	100kg	N/A
	All other non-hazardous	5000kg or 10,000m ³	2000kg or 4000m ³	100kg
	LPG	3000kg	1500kg	100kg
	LPG (within 50m of m.s.z)	1000kg	500kg	N/A
Flammable 3	3.1A, 3.1B	6000kg	2000kg	100kg



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Hazardous Substance Property and Class	HSNO Subclass	ELGZ	GRUZ, COMZ, RLZ, TCZ, AIRPZ	GRZ,NCZ MU-SETZ
(Liquids)	3.1A, 3.1B (within 50m of m.s.z)	2000kg	600kg	N/A
	3.1C	20,000kg	6000kg	300kg
	3.1D	60,000kg	20,000kg	1000kg
	3.2 (all)	3000kg	1000kg	50kg
Flammable 4 (Solids)	4.1 (all)	3000kg	1000kg	50kg
	4.2 (all)	1000kg	400kg	20kg
	4.3 (all)	1000kg	400kg	20kg
Oxidising Capacity 5	5.1.2 Gases	1000m3	400m3	40m3
	5.1.1 (all)	3000kg	1500kg	50kg
	5.2 (all)	1000kg	500kg	20kg
Toxic 6	6.1A	500kg	200kg	0
	6.1 Gases	300m3	100m3	0
	6.1A (within 50m of m.s.z)	200kg	100kg	0
	6.1B, 6.3-6.9	6000kg	2000kg	50kg
	6.1B, 6.3-6.9 (within 50m of m.s.z)	2000kg	1000kg	N/A
	6.1C	20,000kg	6000kg	300kg
	6.1C (within 50m of m.s.z)	6000kg	2000kg	50kg
Corrosive 8	8.1, 8.2A, 8.3	6000kg	2000kg	50kg
	8.2B, 8.2C	20,000kg	10,000kg	300kg
Eco-toxic 9	9.1A, 9.2A, 9.3A, 9.4A	500kg	500kg	500kg
	(within 30m of <i>water body</i>)	100kg	100kg	100kg
	9.1B, 9.2B, 9.3B, 9.4B	10,000kg	10,000kg	10,000kg
	(within 30m of <i>water body</i>)	3000kg	3000kg	3000kg
	9.1C, 9.2C, 9.3C, 9.4C	30,000kg	30,000kg	30,000kg



PART 2 - District Wide Matters

8 HAZARDS AND RISKS

8.2-HAZ HAZARDOUS SUBSTANCES

Hazardous Substance Property and Class	HSNO Subclass	ELGZ	GRUZ, COMZ, RLZ, TCZ, AIRPZ	GRZ,NCZ MU-SETZ
	(within 30m of <i>water body</i>)	10,000kg	10,000kg	10,000kg
High BOD (>10,000mg/l)		100,000kg	40,000kg	20,000kg
	(within 30m of <i>water body</i>)	40,000kg	20,000kg	20,000kg

HAZ-R4(2)(b) Interpretation of R4(2)(a) Table 7- Permitted Quantities by Zone

All- means all categories as defined in the Hazardous Substances (Classification) Regulations 2001. (Categories are identified alphabetically for particular classes of Hazardous Substance. For example Class 1 explosives is divided into categories A-H, J, K, L, N and S).

BOD5 – the biochemical oxygen demand (measured over a 5 day period), which is the amount of dissolved oxygen in a body of *water* required for the breakdown of organic matter in the *water*.

Class 1.2 and 1.3 substances are to be treated as Class 1.1 substances if they are stored with Class 1.1 substances.

HSNO subclass – has its meaning in the Hazardous Substances (Classification) Regulations 2001.

m.s.z – means “more sensitive zone” in the following order of sensitivity:

- GIZ-Industrial Zone (least sensitive)
- SPZ-ELG - Electricity Generation Zone
- SPZ-AIRP - Airport Zone
- GRUZ-General Rural Zone,
- COMZ- Commercial Zone,
- RLZ- Rural Lifestyle Zone,
- TCZ-Town Centre Zone,
- NCZ-Neighbourhood Centre Zone,
- GRZ-Residential Zones,
- MU-SETZ- Mixed Use-Settlement Zone (most sensitive)

e.g. the GRUZ is more sensitive than the AIRPZ but less sensitive than the GRZ.



HAZ-R4(2)(c) Table 8 – Conditions for all PER Activities

The following conditions apply to all activities PER except for those within the GIZ:

Item	Condition
(1) Site Design	<p>Any part of a <i>site</i> that is involved in the manufacture, mixing, packaging storage, loading, transfer, usage or handling of <i>hazardous substances</i> is designed, constructed and operated in a manner that prevents:</p> <p>(a) The occurrence of any off-site adverse <i>effects</i> from the activity on people, ecosystems, <i>structures</i> and other parts of the <i>environment</i>, or</p> <p>(b) The contamination of air, <i>land</i> or <i>water</i> (including groundwater, <i>potable water</i> supplies, and surface <i>waters</i>) in the event of a spill or other type of release of <i>hazardous substances</i>.</p>
(2) Site Layout	<p>The separation between on-site facilities and the <i>property</i> boundary is adequate to protect neighbouring facilities, land-uses and sensitive <i>environments</i>.</p>
(3) Storage	<p>The storage of any hazardous substance is managed to prevent:</p> <p>(a) The unintentional release of the hazardous substance, and</p> <p>(b) The accumulation of any liquid or solid spills or fugitive vapours and gases in enclosed areas, that might have adverse <i>effects</i> on people, ecosystems or <i>structures</i>.</p>
(4) Drainage systems	<p><i>Site</i> drainage systems are designed, constructed and operated in a manner that prevents the entry or <i>discharge</i> of <i>hazardous substances</i> into the <i>stormwater</i> or <i>wastewater</i> systems unless permitted by a <i>network utility operator</i>.</p> <p>Compliance can be achieved using precautionary methods, including clearly identified <i>stormwater</i> grates and access holes, roofing, sloped pavements, interceptor <i>drains</i>, containment and diversion valves, oil-water separators, sumps and similar systems.</p>



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8 HAZARDS AND RISKS

8.2-HAZ HAZARDOUS SUBSTANCES

Item	Condition
(5) Spill containment	<p>Any part of the <i>site</i> where a hazardous substance spill may occur must be serviced by a suitable spill containment system that is:</p> <ul style="list-style-type: none"> (a) constructed from impervious materials resistant to the <i>hazardous substances</i> used, stored, manufactured, mixed, packaged, loaded or otherwise handled on the site, and for liquid <i>hazardous substances</i> <ul style="list-style-type: none"> (i) able to contain the maximum volume of the largest tank present, plus an allowance for <i>stormwater</i> or fire water, and (ii) for drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for <i>stormwater</i> or fire water, and (b) able to prevent any spill or other unintentional release of <i>hazardous substances</i>, and any <i>stormwater</i> or fire water that has become contaminated, from entering the <i>stormwater</i> drainage system, unless permitted by a network utility, and (c) able to prevent any spill or other unintentional release of <i>hazardous substances</i>, and any <i>stormwater</i> or fire water that has become contaminated, from discharging into or onto <i>land</i> or <i>water</i> (including drainage systems, groundwater and <i>potable water</i> supplies) unless permitted by a resource consent. <p>Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire-water catchments, overfill protection and alarms, and similar systems.</p>
(6) Stormwater	<p>All <i>stormwater</i> grates on the <i>site</i> are clearly labelled “Stormwater Only”.</p>
(7) Wash down areas	<p>Any part of the <i>site</i> where vehicles, equipment or containers that are, or may be contaminated with <i>hazardous substances</i> are washed must be designed, constructed and managed to prevent any contaminated wash <i>water</i> from:</p> <ul style="list-style-type: none"> (a) entry or <i>discharge</i> into the <i>stormwater</i> drainage or the <i>wastewater</i> system unless permitted by a <i>network utility operator</i>, and (b) <i>discharge</i> into or onto <i>land</i> or <i>water</i> (including groundwater and <i>potable water</i> supplies) permitted by resource consent. <p>Suitable means of compliance include roofing, sloped pavements, interceptor <i>drains</i>, containment and diversion valves, oil-water separators and sumps.</p>



Item	Condition
(8) Underground storage tanks	Underground storage tanks for petroleum product storage must be designed, constructed and managed to prevent leakage and spills, and adverse <i>effects</i> on people, ecosystems and <i>property</i> . Underground storage tanks are: (a) constructed from impervious materials resistant to the <i>hazardous substances</i> to be stored, and (b) equipped with secondary containment facilities in areas of environmental sensitivity, and (c) serviced by a leak detection or monitoring system that is capable of detecting a failure or breach in the structural integrity of the primary containment vessel.
(9) Signage	<i>Signs</i> are placed in compliance with the Hazardous Substances and New Organisms Act 1996.
(10)Waste Management	Waste containing <i>hazardous substances</i> is stored in a manner that prevents: (a) exposure to ignition sources, and (b) the corrosion or other alteration of the containers used for the storage of the waste, and (c) the unintentional release of the waste. Wastes are disposed of to authorised facilities.
(11) Records	Records are kept of all types and quantities of <i>hazardous substances</i> and wastes produced or stored on the <i>site</i> . Records note method of waste disposal.

HAZ-R5 – Further Information

- (1) Any resource consent application for activities that do not comply as a PER activity under HAZ-R1 shall be accompanied by the following additional information:
- (a) Location, type and quantities of *hazardous substances* involved
 - (b) Transport of *hazardous substances* on and off the site, and mode of transportation
 - (c) Identification of on-site hazards, failure modes and exposure pathways from a proposed facility, including a description of the *environment* potentially affected
 - (d) Proposed monitoring and maintenance schedules, contingency measures and emergency plans

HAZ-R6- Other Plan Matters

The following also may be relevant:



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8 HAZARDS AND RISKS

8.2-HAZ HAZARDOUS SUBSTANCES

- (1) Section 7.1 Energy, 7.2 Infrastructure, 7.3 Transportation
- (2) Section 8.1 Contaminated Land, 8.3 Natural Hazards
- (3) Section 9.1 Historic Heritage, 9.2 Sites and Areas of Significance to Māori
- (4) Section 10.1 Ecosystems and Indigenous Biodiversity, 10.2 Natural Character, 10.3 Natural Features and Landscapes, 10.4 Public Access
- (5) Chapter 11 Subdivision
- (6) Section 12.1 All Activities
- (7) Section 12.2 Activities on the Surface of Water, 12.3 Air Emissions, 12.4 Earthworks, 12.6 Light, 12.7 Noise, 12.8 Signs, 12.9 Temporary Activities
- (8) Part 3- Any relevant zone or overlay

HAZ- Principal Reasons

HAZ-PR1

The plan's standards for the size and location of buildings, and the management of *noise* and *hazardous substances* are not restrictive. This recognises that the industrial estates cover sufficiently large areas for the potential environmental *effects* to be largely contained within the boundaries of the Zone itself.



8.3- NH Natural Hazards

Issues

The purpose of the *natural hazards* chapter is to manage land-use in areas subject to risk from *natural hazards*. The issue of hazard risk associated with *development* adjacent to *waterbodies*, is managed through specifying minimum setbacks for relevant zones, and minimum floor levels. Where specific land-use or *subdivisions* have been identified as RDIS in the relevant zone, land instability and subsidence risk has been added as a matter over which the Council will reserve its discretion, where it is considered relevant for that activity. This provides a basis to require geotechnical investigation and risk assessments to support the *development* of a *site* within each zone.

The locations for rural lifestyle activity are predominantly adjacent to the three main settlements of Tokoroa, Tīrau and Putaruru, along with several locations near Council reserves adjacent to the Waikato River. In such riverside localities however, the *land* may be subject to inundation and erosion hazards.

Objective

NH-O1

To safeguard people, properties and the *environment* from the adverse *effects* of *natural hazards*.

NH-O2

To put in place adaption and response mechanisms to manage the challenges of, and respond to the opportunities afforded by, future climate change.

Policies

NH-P1

Minimise risks to the health and safety of people by controlling the location and design of *subdivision* and *buildings* in areas subject to *natural hazards*.

NH-P2

Ensure that *development* minimises risks to people, properties and the *environment* from *natural hazards*.

NH-P3

Avoid *development* and *land* management practices that result in adverse environmental *effects* from *natural hazards* such as erosion, flooding, subsidence or landslip.

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8 HAZARDS AND RISKS

8.3- NH NATURAL HAZARDS



NH- Rules

NH-R1- GRZ-PREC1-Putaruru and PREC3-Tokoroa, COMZ and MU-SETZ

- (1) The floor level of any habitable *building* shall be at least 0.5m above the 1% design flood level
- (2) All *buildings* shall be set back at least 25m from the edge of any *river*.

NH-R2-GRUZ and RLZ

- (1) The floor level of any habitable *building* shall be at least 0.5 metres above the 1% design flood level.

NH-R3-GIZ

- (1) The floor level of any Caretakers' accommodation shall be at least 0.5m above the 1% design flood level
- (2) All *buildings* shall be set back at least 25 metres from the edge of any *river*, except for necessary utility *structures* such as pump sheds and *water* intake *structures*.

NH-R4- Other Plan Matters

The following also may be relevant:

- (1) Section 7.1 Energy, 7.2 Infrastructure, 7.3 Transportation
- (2) Section 8.1 *Contaminated Land*, 8.2 *Hazardous Substances*
- (3) Section 9.1 *Historic Heritage*, 9.2 Sites and Areas of Significance to Māori
- (4) Section 10.1 Ecosystems and *Indigenous Biodiversity*, 10.2 Natural Character, 10.3 Natural Features and Landscapes, 10.4 Public Access
- (5) Chapter 11 *Subdivision*
- (6) Section 12.1 All Activities
- (7) Section 12.3 Air Emissions, 12.4 *Earthworks*, 12.6 Light, 12.7 *Noise*, 12.8 *Signs*, 12.9 *Temporary Activities*
- (8) Part 3- Any relevant zone or overlay



NH- Other Methods

NH-M1

Hazards Register and actions under Health Act, Building Act, and other legislation.

NH-M2

Electricity (Hazards from Trees) Regulations 2003

NH-M3

Local Action Plan on Climate Change, and Council's Energy Plan

NH-M4

Standards under the WRITS that promote low-impact environmental design solutions and consider climate change implications for *stormwater* networks.

NH- Anticipated Results

NH-AER1

Buildings and structures are set back from waterways a sufficient distance to avoid *natural hazards*.

NH-AER2

New *residential units* are located and designed so that floodwaters from floods smaller than a 100 year event do not enter them, that no new *residential units* are built in areas known to be subject to deep and/or fast-flowing floodwaters, and no *residential units* are damaged or destroyed by land instability or subsidence (except those that are subject to Section 72 of the Building Act 2004).