

## **E31. Hazardous substances**

### **E31.1. Background**

Hazardous substances include substances defined in the Hazardous Substances and New Organisms Act 1996 and substances with radioactive properties or high biological oxygen demand. Substances fall within the definition if they have certain hazardous properties such as explosiveness, flammability or corrosiveness among other factors. The Hazardous Substances and New Organisms Act 1996 and associated regulations set minimum performance standards for the management of these substances. The Resource Management Act 1991 enables plans to include additional land use controls for the prevention or mitigation of any adverse effects of the storage, use, disposal and transport of hazardous substances. Land use controls may relate to matters such as the location of hazardous facilities, their potential impacts on other land uses and the natural environment, and the transport of hazardous substances that are undertaken as part of the hazardous facility's operation.

These rules manage the use, storage and disposal of hazardous substances on land and in the coastal marine area that can present a specific risk to human or ecological health and property. The sites where such activities take place are defined as hazardous facilities.

The rules should be read in conjunction with, and are complementary to all of the following:

- the industrial and trade activities (ITA) rules relevant to the discharge of contaminants onto or into land or into water in [E33 Industrial and trade activities](#);
- the Hazardous Substances and New Organisms Act 1996 and the regulations made under that Act.

These rules are designed to apply in addition to the requirements of the Hazardous Substances and New Organisms Act 1996 legislation and are considered necessary in accordance with section 142 of the Hazardous Substances and New Organisms Act 1996. Standards, protocols and procedures established under other legislation assist in the management of hazardous substances and these standards are recognised in the design of the rules.

The rules address primarily the potential adverse effects, specifically risks, of the use of land for the use, storage, or disposal of hazardous substances in Auckland. Risks are influenced by the nature of the hazardous substance, its quantity, what parts of the environment may be affected by an adverse event, the likelihood of an event, and the degree of effect.

### **E31.2. Objective [rcp/dp]**

- (1) The risks of hazardous facilities to people, property and the environment are minimised to acceptable levels while recognising the benefits of these facilities.

### **E31.3. Policies [rcp/dp]**

(1) Manage hazardous substances by:

- (a) locating, designing, constructing and managing hazardous facilities to avoid or adequately mitigate adverse effects, including risks, to people, property and the environment;
- (b) identifying, assessing and managing cumulative effects of hazardous facilities so they do not increase to unacceptable levels of risk to people, property and the environment; and
- (c) locating land use activities so that the adverse effects of the transport of hazardous substances on roading infrastructure and other land use activities are minimised.

(2) Require adequate separation distances between hazardous facilities and activities sensitive to hazardous facilities to avoid or adequately mitigate risk to people and property and to avoid reverse sensitivity effects.

### **E31.4. Activity table [rcp/dp]**

Table E31.4.1, Table E31.4.2 and Table E31.4.3 specify the activity status of hazardous facilities and the use, storage and disposal of hazardous substances on land pursuant to sections 9(3) and of the Resource Management Act 1991 and in the coastal marine area pursuant to section 12(3) of the Resource Management Act 1991.

[Appendix 13 Hazardous substances classification](#) contains the explanation of the hazardous substances classification system.

#### ***Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017***

If any activity listed in rules (including standards) E31.4.1 to E31.6.5 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

**Table E31.4.1 Activity table - Hazardous facilities and the storage, use and disposal of hazardous substances in all zones**

Activity		Activity status
(A1)	Hazardous facilities that store or use radioactive materials specified as an exempt activity in the Radiation Regulations 1982	P
(A2)	Hazardous facilities that store or use petrol associated with retail sale of fuel in underground storage - not more than 100,000 litres	C
(A3)	Hazardous facilities that store or use diesel associated with retail sale of fuel in underground storage - not more than 50,000 litres	C
(A4)	Hazardous facilities that store or use LPG associated with retail sale of fuel stored in a single vessel, or sold in a number of single vessels that in combination do not exceed 6 tonnes	C
(A5)	Use, storage and disposal of hazardous substance sub-classes 1.4, 1.5, 1.6, 6.1D, 6.1E, 9.1D and 9.2D	P
(A6)	The storage, use and disposal of compressed air at fire stations or fire-fighting training facilities	P
(A7)	Hazardous facilities that store or use hazardous substances above the specified thresholds for controlled activity and restricted discretionary activity status in the activity tables or are not otherwise provided for	D

**Table E31.4.2 Activity table – Storage of fertilizer in rural zones**

Activity		Activity status (Rural zones)
(A8)	Storage of fertiliser (classed as sub-class 6.1C and 6.3-6.9 only) for rural production activities in rural zones	P
(A9)	Temporary storage of fertilizer classed as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities	P
(A10)	Temporary storage of fertilizer classed as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities which do not comply with Standard E31.6.5	D

**Table E31.4. 3 Activity table – Hazardous facilities that store or use the listed hazardous substances**

Activity			Activity status	
	Class	Sub-class (combined quantities)	P	RD
<b>Business – Light Industry Zone; Business – Heavy Industry Zone; Coastal – Defence</b>				

<b>Zone, Special Purpose – Airports and Airfields Zone and Special Purpose – Quarry Zone</b>				
(A11)	Explosive Class 1	Sub-class 1.1	< 0.05t	up to < 0.1t (all storage)
(A12)		Sub-class 1.2	< 0.5t	up to < 1t (all storage)
(A13)		Sub-class 1.3	< 1.5t	up to < 3t (all storage)
(A14)		Sub-class 1.2 and 1.3 when stored with sub-class 1.1	< 0.05t	up to < 0.1t
(A15)	Flammable gas/aerosol Class 2	Sub-class 2.1 (all)	< 1t (2,000m <sup>3</sup> )	up to < 2t (2,000 up to <4,000 m <sup>3</sup> )
(A16)		Sub-class 2.1 within 50m of a more sensitive zone	< 0.2t (400 m <sup>3</sup> )	0.2 up to < 0.5t (400 up to <1,000 m <sup>3</sup> )
(A17)	Non- hazardous gases	All other non-hazardous gases	< 5t (10,000 m <sup>3</sup> )	up to < 10t (10,000 up to <20,000 m <sup>3</sup> )
(A18)		LPG	< 3t	up to < 6t
(A19)		LPG within 50m of a more sensitive zone	< 1t	up to < 2t
(A20)	Flammable liquids Class 3	Sub-class 3.1A and 3.1B	< 6t	up to < 12t
(A21)		Sub-class 3.1A and 3.1B within 50m of a more sensitive zone	< 2t	up to < 4t
(A22)		Sub-class 3.1C	< 20t	up to < 40t
(A23)		Sub-class 3.1D	< 60t	up to < 120t
(A24)		Sub-class 3.2 (all)	< 3t	< 6t
(A25)	Flammable solids Class 4	Sub-class 4.1 (all)	< 3t	up to < 6t
(A26)		Sub-class 4.2 (all)	< 1t	up to < 2t
(A27)		Sub-class 4.3 (all)	< 1t	up to < 2t
(A28)	Oxidising capacity Class 5	Sub-class 5.1.1 (all)	< 3t	up to < 6t
(A29)		Sub-class 5.1.2 Gases	< 1,000m <sup>3</sup>	up to < 2,000m <sup>3</sup>
(A30)		Sub-class 5.2 (all)	< 1t	up to < 2t
(A31)	Toxic Class 6	Sub-class 6.1 Gases	< 300 m <sup>3</sup>	up to < 600 m <sup>3</sup>
(A32)		Sub-class 6.1A	< 0.5t	up to < 1t
(A33)		Sub-class 6.1A within 50m of a more sensitive zone	< 0.2t	up to < 0.4t

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(A34)		Subclass 6.1B	< 6t	up to < 12t
(A35)		Sub-class 6.1B within 50m of a more sensitive zone	< 2t	up to < 4t
(A36)		Sub-class 6.1C and 6.3-6.9	< 20 t	up to < 40 t
(A37)		Sub-class 6.1C and 6.3-6.9 within 50m of a more sensitive zone	< 6t	up to < 12t
(A38)	Corrosive	Sub-class 8.1, 8.2A and 8.3	< 6t	up to < 12t
(A39)	Class 8	Sub-class 8.2B and 8.2C	< 20t	up to < 40t
(A40)	Eco-toxic	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	< 0.5 t	up to < 1t
(A41)	Class 9	Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	<0.1t	up to < 0.3t
(A42)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	< 10t	up to < 20t
(A43)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	< 3t	up to < 6t
(A44)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	<30t	up to < 60t
(A45)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	< 10t	up to < 20t
(A46)		High BOD5 (>10,000 mg/l)	< 40t	up to < 80t
(A47)		Within 30m of a watercourse	< 20t	up to < 40t
<b>Business – Business Park Zone; Business – Local Centre Zone; Business – Metropolitan Centre Zone; Business – Mixed Use Zone; Business – Town Centre Zone; Business – City Centre Zone; Business – Neighbourhood Centre Zone; Business – General Business Zone; Rural – Countryside Living Zone; Rural – Mixed Rural Zone ; Rural – Rural Conservation Zone; Rural – Rural Production Zone Rural – Rural Coastal Zone</b>			<b>Activity status</b>	
<b>Class</b>		<b>Sub-class (combined quantities)</b>	<b>P</b>	<b>RD</b>
(A48)	Explosive Class 1	Sub-class 1.1	< 0.02t	up to < 0.04t (all storage)
(A49)		Sub-class 1.2	< 0.2t	up to < 0.4t (all storage)
(A50)		Sub-class 1.3	< 0.5t	up to < 1t (all storage)
(A51)		Sub-class 1.2 and 1.3 when stored with subclass 1.1	< 0.02t	up to < 0.04

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(A52)	Flammable gas/aerosol	Sub-class 2.1 (all)	< 0.5t (1000 m <sup>3</sup> )	up to < 1t (up to < 2,000 m <sup>3</sup> )
(A53)	Class 2	Sub-class 2.1 within 50m of a more sensitive zone	< 0.1t (200 m <sup>3</sup> )	up to <0.2t (200 up to <400 m <sup>3</sup> )
(A54)	Non-hazardous gases	All other non-hazardous gases	< 2t (4,000 m <sup>3</sup> )	up to < 10 (10,000 up to < 20,000 m <sup>3</sup> )
(A55)		LPG	< 1.5t	up to < 3t
(A56)		LPG within 50m of a more sensitive zone	<0.5t	up to < 1t
(A57)	Flammable liquids Class 3	Sub-class 3.1A and 3.1B	< 2t	up to <4t
(A58)		Sub-class 3.1A and 3.1B within 50m of a more sensitive zone	< 0.6t	up to < 1.2t
(A59)		Sub-class 3.1C	< 6t	up to < 12t
(A60)		Sub-class 3.1D	< 20t	up to < 40t
(A61)		Sub-class 3.2 (all)	< 1t	< 2t
(A62)	Flammable solids Class 4	Sub-class 4.1 (all)	< 1t	up to < 2t
(A63)		Sub-class 4.2 (all)	< 0.4t	up to < 1t
(A64)		Sub-class 4.3 (all)	< 0.4t	up to < 1t
(A65)	Oxidising capacity Class 5	Sub-class 5.1.1 (all)	< 1.5t	up to < 3t
(A66)		Sub-class 5.1.2 Gases	< 400m <sup>3</sup>	up to < 1,000m <sup>3</sup>
(A67)		Sub-class 5.2 (all)	< 0.5t	up to < 1t
(A68)	Toxic Class 6	Sub-class 6.1 Gases	< 100m <sup>3</sup>	up to < 200m <sup>3</sup>
(A69)		Sub-class 6.1A	< 0.1t	up to < 0.4t
(A70)		Sub-class 6.1A within 50m of a more sensitive zone	< 0.1t	up to < 0.2t
(A71)		Sub-class 6.1B	< 2t	up to < 4t
(A72)		Sub-class 6.1B within 50m of a more sensitive zone	< 1t	up to < 2t
(A73)		Sub-class 6.1C and 6.3-6.9	< 6t	up to < 12t
(A74)		Sub-class 6.1C and 6.3-6.9 within 50m of a more sensitive zone	< 2t	up to < 4t
(A75)		Corrosive Class 8	Sub-class 8.1, 8.2A and 8.3	< 2t
(A76)	Sub-class 8.2B and 8.2C		< 10t	up to < 20t
(A77)	Eco-toxic Class	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	< 0.5t	up to < 1t
(A78)		Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	< 0.1t	up to < 0.3t
(A79)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	< 10t	up to < 20t

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(A80)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	< 3t	up to < 6t
(A81)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	< 30t	up to < 60t
(A82)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	< 10t	up to < 20t
(A83)		High BOD <sub>5</sub> (>10,000 mg/l)	< 40t	up to < 80t
(A84)		Within 30 metres of a watercourse	< 20t	up to < 40t

**Residential – Terrace Housing and Apartment Buildings Zone**  
**Residential – Mixed Housing Suburban Zone**  
**Residential – Single House Zone**  
**Residential – Rural and Coastal Settlement Zone**  
**Residential – Large Lot Zone**  
**Residential – Mixed Housing Urban Zone**  
**Future Urban Zone**  
**Open Space – Conservation Zone**  
**Open Space – Informal Recreation Zone**  
**Open Space – Sport and Active Recreation Zone**  
**Open Space – Community Zone**  
**Open Space – Civic Spaces Zone**  
**Coastal – General Coastal Marine Zone**  
**Coastal – Marina Zone**  
**Coastal – Mooring Zone**  
**Coastal – Ferry Terminal Zone**  
**Coastal – Coastal Transition Zone**  
**Special Purpose – Māori Purpose Zone**  
**Special Purpose – Cemetery Zone**  
**Special Purpose – Major Recreation Facility Zone**  
**Special Purpose – Healthcare Facility Zone and Hospital Zone**  
**Special Purpose – School Zone**  
**Special Purpose –Tertiary Education Zone**

	<b>Class</b>	<b>Subclass (combined quantities)</b>	<b>P</b>	<b>D</b>
(A85)	Explosives Class 1	1.1 – 1.3	0t	≥ 0t
(A86)	Flammable gas/aerosol Class 2	Sub-class 2.1 (all)	<0.2t (40m <sup>3</sup> )	≥ 0.2t (40m <sup>3</sup> )
(A87)	Non- hazardous	All other non-hazardous gases	< 0.1t (200m <sup>3</sup> )	≥ 0.1t (200m <sup>3</sup> )
(A88)	gases	LPG	<0.1t	≥ 0.1t
(A89)	Flammable	Sub-class 3.1A and 3.1B	<0.1t	≥ 0.1t
(A90)	liquids	Sub-class 3.1C	<0.3t	≥ 0.3t

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(A91)	Class 3	Sub-class 3.1D	<1t	≥ 1t
(A92)		Sub-class 3.2 (all)	<0.05t	≥ 0.05t
(A93)	Flammable solids Class 4	Sub-class 4.1 (all)	<0.05t	≥ 0.05t
(A94)		Sub-class 4.2 (all)	<0.02t	0.02t
(A95)		Sub-class 4.3 (all)	<0.02t	≥ 0.02t
(A96)	Oxidising capacity Class 5	Sub-class 5.1.1 (all)	<0.05t	≥ 0.05t
(A97)		Sub-class 5.1.2 Gases	<40 m <sup>3</sup>	≥ 40m <sup>3</sup>
(A98)		Sub-class 5.2 (all)	<0.02t	≥ 0.02t
(A99)	Toxic Class 6	Sub-class 6.1A	0	≥ 0
(A100)		Sub-class 6.1B	<0.05 t	≥0.05t
(A101)		Sub-class 6.1C and 6.3-6.9	< 0.3 t	≥ 0.3t
(A102)	Corrosive Class 8	Sub-class 8.1, 8.2A and 8.3	< 0.05 t	≥ 0.05t
(A103)		Sub-class 8.2B and 8.2C	<0.3 t	≥ 0.3t
(A104)	Eco-toxic Class 9	Sub-class 9.1A, 9.2A, 9.3A and 9.4A	<0.5 t	≥ 0.5t
(A105)		Sub-class 9.1A, 9.2A, 9.3A and 9.4A within 30m of a watercourse	<0.1 t	≥ 0.1t
(A106)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B	<10 t	≥ 10t
(A107)		Sub-class 9.1B, 9.2B, 9.3B and 9.4B within 30m of a watercourse	<3 t	≥ 3t
(A108)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C	<30 t	≥ 30t
(A109)		Sub-class 9.1C, 9.2C, 9.3C and 9.4C within 30m of a watercourse	<10 t	≥ 10t
(A110)		High BOD5 (>10,000 mg/l)	<40 t	≥ 40t
(A111)		Within 30m of a watercourse	< 20 t	≥ 20t

Note 1

Quantities are given in t (tonnes) or l (litres) except all permanent or compressed gases which are measured in m<sup>3</sup> (cubic metres) at standard temperature and pressure (20°C and 101.3 kPa).

Note 2

The tables specify the combined quantities of hazardous substances for each hazard classification. That is 0.5 tonnes of Class 5.1 + 0.25 tonnes of another Class 5.1 = 0.75 tonnes of Class 5.1 This 0.75 tonnes is the amount to use to assess which category of consent is required.

Note 3



For the purposes these provisions, a hazardous substance shall have the class and sub-class given by the Environmental Protection Authority when approving the importation and manufacture of that substance under the Hazardous Substances and New Organisms Act 1996.

Note 4

Many substances have more than one hazardous property. The activity status must be determined for each hazard classification and the most onerous activity status shall apply. For example, petrol is classified as a highly flammable liquid (3.1A), acutely toxic (6.1E), mildly irritating to skin (6.3B), a suspected human carcinogen (6.7B) and ecotoxic to the aquatic environment (9.1B).

Note 5

For hazardous facilities in the Business – Light Industry Zone and Business – Heavy Industry Zone, a 'more sensitive zone' includes all other zones. For hazardous facilities in business zones other than the Business – Light Industry Zone and the Business - Heavy Industry Zone and in all the rural zones, a 'more sensitive zone' includes all other zones except the Business – Light Industry Zone and the Business – Heavy Industry Zone.

Note 6

Where distances are specified in the table they refer to the distance between the location of a hazardous substance and any part of a 'more sensitive zone'.

Note 7

The thresholds in the tables do not apply to the storage of fertilizer (classified as sub-class 6.1C and 6.3-6.9 only) for rural production activities in rural zones.

Note 8

The thresholds in the tables do not apply to the temporary storage of fertilizer classed as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities in rural zones.

Note 9

The thresholds in the tables above do not apply to hazardous facilities located within the Strategic Transport Corridor Zone.

Note 10

The thresholds in the tables above do not apply to fire stations or fire-fighting training facilities.

### **E31.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table E31.4.1, Table E31.4.2 or Table E31.4.3 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table E31.4.1, Table E31.4.2 or Table E31.4.3 and which is not listed in E31.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **E31.6. Standards**

Activities listed in Table E31.4.1, Table E31.4.2 and Table E31.4.3 must comply with the following standards.

#### **E31.6.1. Hazardous facilities site design**

- (1) Any part of a hazardous facility involved in the manufacture, mixing, packaging, storage, loading, transfer, usage or handling of hazardous substances must be located designed, constructed and operated to ensure that:
  - (a) on-site facilities are set back from the more sensitive uses and watercourses to comply with the distances specified in the activity tables above; and
  - (b) hazardous substances are stored to:
    - (i) ensure that in the event of an unintended spill or release substances are contained within the intended areas of the site; and
    - (ii) prevent the accumulation of any solid, liquid, gas or vapour outside of the site area.

#### **E31.6.2. Site drainage systems**

- (1) The site drainage systems (including for washwater) must be designed, constructed and operated to prevent the entry or discharge of hazardous substances into:
  - (a) the stormwater or sewerage systems unless authorised by the relevant network utility operator; and
  - (b) air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.

Note 11

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

**E31.6.3. Hazardous facilities spill containment system**

- (1) Any part of the hazardous facility site where a hazardous substance spill may occur must be serviced by a suitable spill containment system that is:
  - (a) constructed from impervious materials resistant to all hazardous substances on-site; and
  - (b) for liquid hazardous substances:
    - (i) able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water;
    - (ii) 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;
    - (iii) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from entering the stormwater drainage system, unless authorised by the relevant network utility; and
    - (iv) able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into air, land or water, including groundwater and potable water supplies, unless authorised by a resource consent or another rule in the Plan.

**E31.6.4. Hazardous facilities waste management**

- (1) Any hazardous facility generating waste containing hazardous substances must dispose of these wastes to lawfully operated facilities or be serviced by a Council approved waste disposal contractor.

**E31.6.5. Temporary storage of fertilizer classed as sub-class 9.3B (Potash (KCl)) and 9.3C (Urea) for rural production activities**

- (1) The storage location is located in excess of 30m from a watercourse.
- (2) The duration of the storage does not exceed 28 days within a 12 month period.
- (3) The substance stored is intended for rural production uses and is not to be sold for retail sale.

### **E31.7. Assessment – controlled activities**

#### **E31.7.1. Matters of control**

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
  - (a) the proposed site design and layout in relation to:
    - (i) the sensitivity of the surrounding natural, human and physical environment;
    - (ii) potential hazards and exposure pathways arising from the proposed facility; and
    - (iii) interaction with natural hazards (flood hazards, coastal hazards, land instability), as applicable.
  - (b) proposed emergency management planning (spills, fire and other relevant hazards); and
  - (c) proposed monitoring and maintenance schedules.

#### **E31.7.2. Assessment Criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) all controlled activities:
  - (a) the character of the surrounding area including sensitive land use activities environments, the location infrastructure and relevant infrastructure on and off site (including drainage, roads);
  - (b) consideration of actually or potentially affected by the proposal on the surrounding environment, including pathways and receptors;
  - (c) a consideration of hazard and risk including a preliminary hazard and risk analysis; and
  - (d) potential cumulative risks presented in conjunction with neighbouring facilities.

### **E31.8. Assessment – restricted discretionary activities**

#### **E31.8.1. Matters of discretion**

The Council will reserve its discretion to all the following matters when assessing a restricted discretionary resource consent application.

- (1) all restricted discretionary activities:
  - (a) the proposed operation and site layout;

- (b) the separation distances from the receiving environment and other land uses;
- (c) the degree and acceptability of residual risk;
- (d) consideration of potential health and environmental hazards and exposure pathways arising from the proposed facility;
- (e) minimising potential cumulative risks including in conjunction with other nearby hazardous facilities;
- (f) proposed emergency management planning;
- (g) transport routes times and frequencies for the transport of hazardous substances on and off-site;
- (h) waste management;
- (i) compliance with relevant codes of practice and standards for specific materials/substances;
- (j) measures to minimise or mitigate potential adverse effects that may result from natural hazards; and
- (k) the social and economic benefits of hazardous facilities.

#### **E31.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) all restricted discretionary activities:
  - (a) whether the proposal will give effect to E31.2 Objective and E31.3 Policies;
  - (b) how the location of a hazardous facility:
    - (i) minimises adverse effects on the environment, human health and amenity values, particularly on sensitive activities to acceptable levels;
    - (ii) minimises the risk posed by the occurrence of natural hazards or that alternatively the potential adverse effects resulting from a natural hazard event have been avoided or mitigated; and
    - (iii) is consistent with the policies supporting the zone in which the activity is to occur.
  - (c) how the design, construction and management of a hazardous facility avoids or mitigates adverse effects, including risks, to people, property and the environment, including:
    - (i) site drainage, spill containment systems, site layout and waste processes; and

- (ii) minimising any adverse effects associated with the transport of a hazardous substance on road infrastructure or on other land use activities along a transport route.
- (d) how the individual and cumulative effects of a hazardous facility have been identified, assessed and managed so they do not pose significant residual risks to people, property and the environment;
- (e) the measures proposed to manage the transport of hazardous substances associated with the hazardous facility to minimise adverse effects on road infrastructure and potentially affected land use activities along the transport route;
- (f) whether the risk assessment submitted with the proposal contains an appropriate level of detail, assessment and information which corresponds to the scale and nature of the facility proposed and the hazardous substances involved and adequately address the following:
  - (i) an assessment of the sensitivity of the receiving environment to any potential risks;
  - (ii) a hazard identification and risk management response;
  - (iii) whether there is a practicable alternative method of risk management that would present less risk; and
  - (iv) whether the proposal will adequately minimise or mitigate cumulative adverse effects with respect to other hazardous facilities in the area.
- (g) the presence of appropriate emergency management equipment and plans and the adequacy of overall emergency response capability; and
- (h) the demonstrated social and economic benefits of the hazardous facility.

#### **E31.9. Special information requirements**

There are no special information requirements in this section.