

GUIDELINE TO THE RULES

hazardous facilities & contaminated sites

1. The rules for *hazardous facilities* management focus on:
 - (a) controlling the location of *hazardous facilities* based on the premise that these facilities should only be established in *Human Environments* where they do not pose a significant risk to human health and the surrounding area;
 - (b) controlling the *design* of *hazardous facilities* based on the concept that premises should be *designed* and managed in a manner that prevents or mitigates adverse *effects* including significant risk to the *environment* and human health.

The *Plan* achieves this through:

- (a) the use of the *Hazardous Facility Screening Procedure* (HFSP) [see Appendix to these Rules] to identify the appropriate level of scrutiny for a proposed *hazardous facility* based on the risk posed by the facility;
 - (b) minimum Performance Standards for *Permitted Activities*;
 - (c) Assessment Criteria and *resource consent* conditions for *Controlled* and *Discretionary Activities*.
2. The rules for *contaminated sites* recognise the management care which must be taken in conducting *Any Activity* on a *contaminated site* known to the Council, including activities to decontaminate the site, by requiring a *resource consent* for that activity.

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.



RULE 1

HAZARDOUS FACILITIES

RULES

1.0 General

The following rules shall apply to *Any Activity* involving *hazardous facilities*.

1.1 Permitted Activities

Any Activity meeting the following Performance Standards is a *Permitted Activity*:

- (a) *Any Activity* where:
- the *Effects Ratio* (see *Hazardous Facilities Screening Procedure* Appendix) is equal to or below that specified in the Consents Status Matrix (see page 5), or
 - the activity is listed in the Hazardous Facilities Exemptions Appendix as being *Permitted*; and
- (b) Any part of a *hazardous facilities site* where *hazardous substances* are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled is *designed*, constructed and managed in a manner that:
- (i) prevents any *effects* of the intended use from occurring outside of the intended or target area or specified limits; and

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Where appropriate, adherence to the most recent issue of the 'Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems' (Dept of Labour) is deemed to be an acceptable method of complying with condition 1.1(d).
3. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Area Rules* and *City-Wide Rules*.
4. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
5. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
6. The Council may assist in interpretation of this rule - check at the Council Offices.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

1(a)

The extent to which *hazardous facilities* proposals:

- identify potential hazards and exposure pathways;
- provide for separation distances to *adjoining sites* with emphasis on people-sensitive activities;
- are sensitive to the surrounding natural and physical *environment* (eg aquifers, waterways, wetlands, *native vegetation*, fauna habitats);
- have regard to the cumulative *effects* of *hazardous facilities* in the area;
- provide for *site* drainage and *off-site infrastructure* (eg stormwater drainage and sewerage systems);
- have regard to transport of *hazardous substances* to and from the *site*;
- manage waste containing *hazardous substances*;
- have regard to fire control;
- provide for spill contingency and emergency planning schedules.

1(b)

The extent to which consideration has been given to alternative locations or methods for undertaking the activity where it is likely that an activity may result in more than minor adverse *effects* on the *environment*.

1(c)

The extent to which a proposed activity will create adverse *effects* on the **safety** of the operation of the adjacent *road* network, including any *effects* from vehicles transporting *hazardous substances* to and from the facility which utilise *roads* through a *Living Environment* as the regular means of access.

1(d)

The extent to which *sites* are accessible from the *major road* network, thus avoiding generating traffic on local *roads*.

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- (ii) prevents the entry or discharge of the *hazardous substance*:
 - into the wastewater system unless permitted by a licence or consent issued by the relevant *network utility operator*; or
 - to the stormwater system; and
- (iii) prevents the contamination of any *land* and/or water (including groundwater and potable water supplies) in the event of a spill or other unintentional release of *hazardous substances*; and
- (iv) prevents the entry or discharge of the *hazardous substance* into the stormwater drainage or wastewater system in the event of a spill or other unintentional release; and
- (c) Any *hazardous facilities site* is *designed*, constructed and managed in a manner that any stormwater originating on or collected on the *site* - that may contain *contaminants*:
 - (i) does not contaminate *land* and/or water (including groundwater and potable water supplies) by acting as a transport medium for *hazardous substances*; and
 - (ii) does not enter or discharge into the wastewater system unless permitted by the relevant *network utility operator*, or into the stormwater drainage system; and
- (d) Any underground storage tanks for the storage of *hazardous substances* are *designed*, constructed and managed to prevent leakage and spills; and
- (e) Any *hazardous facility* is adequately signposted to indicate the nature of the substances stored, used or otherwise handled; and
- (f) Any disposal of waste *hazardous substances* including that from wash down areas is managed to:
 - (i) prevent the waste entering or discharging:

1(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policies 1.13, 2.9, 3.3, 10.1, 10.12, 10.19, 10.27

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- the environmental management of the *site*
- specifying emergency plans, including spill contingency plans
- specifying provision of emergency equipment
- specifying means of stormwater control
- specifying means of fire control
- specifying traffic access and traffic safety measures
- imposing a charge to cover costs of monitoring
- requiring *financial contributions* in accordance with the *Plan*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Controlled Activities*, conditions may only be imposed in respect of the matters above to which the *Council* has limited the exercise of its discretion.

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- into the wastewater disposal system unless permitted by the *network utility operator*, or
- to the stormwater system
- (ii) prevent the waste discharging into or onto *land* and/or water (including groundwater and potable water supplies) unless permitted by a *resource consent*.

1.2 Controlled Activities

Any Activity meeting the following Performance Standard is a *Controlled Activity*:

- *Any Activity* which:
 - (i) has an *Effects Ratio* which is within the range specified in the Consent Status Matrix for *Controlled Activities*, or
 - (ii) is listed in the Hazardous Facilities Exemptions Appendix as being a *Controlled Activity*.

Assessment of *Controlled Activity* applications will be limited to matters of *hazardous substance* management *designed* to prevent or mitigate adverse *effects* and will be assessed in accordance with Assessment Criteria 1(a)-1(e).

1.3 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*.

- *Any Activity* not meeting the standard in Rule 1.1(a) and 1.2 but where the *Effects Ratio* is within the range specified in the Consent Status Matrix for *Discretionary Activities*.

Discretionary Activity applications will be assessed in accordance with Assessment Criteria 1(a)-1(e) and any other relevant matters under section 104 of the *Act*.

1.4 Non-Complying Activities

Any Activity which is not a *Permitted Activity* a *Controlled Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

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Human Environment		Effects Ratio for Permitted Activities	Effects Ratio for Controlled Activities	Effects Ratio for Discretionary Activities
Living, Open Space, Harbour View Special Area, Boating Special Area, Urban Growth Special Area, Marae Special Area, Hobsonville Base Village Special Area		≤ 0.05	0.05-0.5	≥0.5
Working, Balefill Special Area, Quarry Special Area, Hobsonville Landing Special Area, Hobsonville Marine Industry Special Area, <u>Hobsonville Village Centre Special Area</u> <u>Δ14</u> , <u>Massey North Employment Special Area</u> {A204, A217} <u>Δ15</u>	Within 30m of Living Environment	≤ 0.05	0.05-0.5	≥0.5
	Lincoln Working Environment, Balefill Special Area, Quarry Special Area	≤ 0.75	0.75-2	≥2
	Other	≤ 1.0	1-2	≥2
Community, Marina Special Area, Lincoln Park Special Area, Corbans Estate Special Area, <u>Massey North Town Centre Special Area</u> {A204, A217} <u>Δ15</u>	Within 30m of Living Environment	≤ 0.05	0.05-0.5	≥0.5
	Other	≤ 0.5	0.5-1	≥1
Bush Living, Waitakere Ranges, Rural Villages, Coastal Villages		≤ 0.02	0.02-0.2	≥0.2
Foothills Countryside Monterey Park Special Area	Within 30m of Bush Living, Living and Waitakere Ranges Environments	≤ 0.1 Fire, ≤ 0.5 Health/ Environment	0.1-1 Fire 0.5-1 Health/Environment	≥1
	Other	≤ 0.5	0.5-1	≥1

Consent Status Matrix

hazardous facilities & contaminated sites

RULE 2

CONTAMINATED SITES

RULES

2.0 General

The following rules shall apply to *contaminated sites* known to the Council.

2.1 Controlled Activities

Activities meeting the following Performance Standard are *Controlled Activities*:

- the remediation and **restoration** of a *contaminated site* known to the Council.

Assessment of *Controlled Activity* applications will be limited to the matters of **safety**, *design*, *construction* and management of the **restoration** and remediation and will be assessed in accordance with Assessment Criterion 2(a).

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. An application which complies with the “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites” published in January 1992 jointly by the Australian and New Zealand Environmental and Conservation Council and the National Health and Medical Research Council will be deemed to meet Assessment Criterion 2(a).
3. To assist in determining whether or not a *site* is a *contaminated site* the Council has a Contaminated Sites Register. This register is constantly updated as additional *contaminated sites* are identified.
4. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment* and also the *Natural Area Rules*, the *City-Wide Rules* and, where relevant, the *Subdivision Rules*.
5. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
6. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
7. The Council may assist in interpretation of this rule - check at the Council Offices.
8. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

ASSESSMENT CRITERIA

2(a)

The extent to which any proposal for remediation and **restoration** of a *contaminated site* gives regard to:

- the extent to which the *site* is contaminated
- health and **safety** standards covering the intended work
- the measures by which the *site* will be remediated and restored
- **safety** standards for the intended use of the *site*
- the means by which any adverse *effects* on the *environment* will be avoided or mitigated.

2(b)

The extent to which any proposal for the *development*, redevelopment or use of a *contaminated site* known to the Council meets the requirements of the “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites” (NB: this publication is available from the Council.)

2(c)

The extent to which any proposal for the *development*, redevelopment or use of a *contaminated site* known to the Council demonstrates that there will be no more than minor *off-site* adverse *effects* and that measures will be taken to ensure the safe operation of the proposal on the *contaminated site*.

2(d)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

Note: See also Policy 1.13, 2.9, 3.3, 10.1, 10.13, 10.19, 10.27

(Policy Section of the Waitakere District Plan)

RULE 2

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2.2 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- Any Activity involving the development, redevelopment or use of a contaminated site known to the Council.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 2(a)-2(d) and any other relevant matters under section 104 of the Act.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- specifying the *site* management systems to be used
- specifying emergency plans, including spill contingency plans
- specifying provision of emergency equipment
- specifying means of stormwater control
- specifying means of fire control
- imposing a charge to cover costs of monitoring
- specifying traffic access and traffic safety measures
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse effects
- such other matters provided for in Section 108 of the Act.

Provided that, in the case of *Controlled Activities*, conditions may only be imposed in respect of the matters above to which the *Council* has limited the exercise of its discretion.

The following substances are exempt from this part of the Plan:

1. Radioactive Substances (Controlled under the Radiation Protection Act 1965 and Radioactive Protection Regulations 1982) (Note: see *Prohibited Activities* Rules in the *City-Wide Rules*)
2. Fuel contained in tanks of motor vehicles, boats and small engines.
3. Solid wastes contained in waste disposal facilities.
4. Trade waste or sewage stored, transported, treated or disposed of in trade waste sewers and sewage treatment or disposal facilities.

The following facilities are exempt from this part of the Plan:

1. Gas and Oil Pipelines.
2. Trade Waste Sewers
3. Facilities using genetically modified or new organisms.
4. The *retail sale* for domestic scale usage of *hazardous substances*.
5. Incidental use and storage of *hazardous substances* (not disposal) in minimal domestic quantities.

The following facilities are *Permitted Activities* for the purpose of this part of the plan if meeting the standards in Rule 1.1(b) to 1.1(f):

1. Electricity (distribution substations) zone substations; and
2. *Temporary Activities*.

The following facilities are *Controlled Activities* for the purpose of this part of the Plan:

1. The *retail sale* of petrol (up to 100,000 litres storage in underground tanks) and diesel (up to 50,000 litres storage in underground tanks) provided that the Code of Practice for “Design, Installation and Operation of Underground Petroleum System”, published by the Department of Labour, OSH, is adhered to.
2. The *retail sale* of LPG (up to 6 tonnes, single vessel storage) provided that the Australian Standard (AS1596-1989) for “LP Gas storage and handling - siting of LP Gas automotive retail outlets” is adhered to.