

Chapter 12 Hazardous Substances and Contaminated Land (part)

12.1 Hazardous substances

12.1.1 Objectives and Policies

12.1.1.1 Objective - Adverse environmental effects

- a. The storage, use, disposal or transport of hazardous substances in the district does not adversely affect people, property and the environment above acceptable levels.

12.1.1.1.1 Policy - Location of new hazardous facilities

- a. New hazardous facilities shall be located on appropriate sites to ensure that any residual risks to human health and safety, and the natural environment are minimised.

12.1.1.1.2 Policy - Design, construction and management of hazardous facilities

- a. Hazardous facilities shall be designed, constructed and managed to minimise adverse effects on people, property and the environment.
- b. Appropriate facilities and systems shall be provided to minimise pollution of soil, groundwater, watercourses and air in the event of any release (including spills and gas escapes) of hazardous substances.

12.1.1.1.3 Policy – Identification and assessment of individual and cumulative effects of hazardous facilities

- a. The identification and assessment of the individual and cumulative effects associated with hazardous facilities shall ensure that residual risks to people, property and the natural environment are minimised.

12.1.1.1.4 Policy - Transport of hazardous substances

- a. The transport of hazardous substances as part of a land use activity shall ensure adverse effects on the road network, road users and land use activities along transport routes are minimised.

12.1.1.2 Objective - Reverse sensitivity effects

- a. Sensitive activities are established at suitable locations to minimise reverse sensitivity effects on established hazardous facilities.

12.1.1.2.1 Policy - Establishment of sensitive land use activities

- a. The establishment of sensitive land use activities in close proximity to existing hazardous facilities or areas identified for hazardous facilities shall be minimised, to allow such facilities to carry out their operations without unreasonable reverse sensitivity constraints.

12.1.1.3 Objective - Residual and natural hazard risks

- a. People, property and the natural environment are protected from residual risks (i.e. risk after mitigation) posed by new hazardous facilities.

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- b. Risks and adverse effects from the use, storage, disposal or transport of hazardous substances are managed in locations that may be within sensitive areas or affected by natural hazards.

12.1.1.3.1 Policy – Risks and adverse effects within sensitive areas or affected by natural hazards

- a. Any proposal for a hazardous facility within sensitive areas or potentially affected by natural hazards shall be designed, constructed and managed to minimise risks and actual or potential adverse effects on people, property and the environment.

12.1.2 Rules - Hazardous Substances

12.1.2.1 General Provisions

- a. The following rules apply to activities outside the Central City that involve the use, storage, disposal or transport of hazardous substances, as well as the management of hazardous facilities.
- b. There are regional rules applicable to the contamination of land, air and water associated with the storage, use, disposal or transport of hazardous substances. Certain activities which comply with the rules regulating hazardous substances under the District Plan may still require consent from the Canterbury Regional Council (CRC).

12.1.2.2 Activity Status

12.1.2.2.1 Permitted Activities

The activities listed below are permitted activities, subject to compliance with the Activity Specific Standards set out in this table. Activities may also be restricted discretionary as specified in Rules [12.1.2.2.2](#) and [12.1.2.3](#).

Activity		Activity Specific Standards
P1	Any <u>hazardous facility</u> involving <u>hazardous substances</u> in aggregate quantities for the zone the facility is proposed to be located within.	a. Rule 12.1.2.3 Hazardous Facility Activity Status Table
P2	The <u>use, storage, transport and disposal of domestic hazardous substances</u> (including residues or empty containers generated on the subject property) in original retail packaging and containers (not including chemical <u>storage tanks or vessels</u>).	a. Quantities for class 1 <u>substances</u> in Group 3 of Rule 12.1.2.3 : i. Classes 1.1B and 1.2B = 1 kilogram; ii. Classes 1.1 (other than 1.1B or 1.1C and gunpowder of 1.1D) and 1.2 = 5 kilograms; iii. Classes 1.1C and 1.3 (other than 1.3G) and gunpowder of 1.1D = 15 kilograms; iv. 1.3G = 100 kilograms; and v. Fireworks in hazard classification 1.3G that are controlled under the Hazardous Substances (Fireworks) Regulations 2001 = 1,000 kilograms (gross weight).
P3	Retail sale of <u>hazardous substances for domestic use</u> , where such <u>hazardous substances</u> have been pre-packaged off-site for <u>domestic use</u> .	Note: The classes above are described in Schedule 1 of the Hazardous Substances (Classification) Regulations 2001, as follows:

Activity	Activity Specific Standards
	<p>1. Class 1.1 – <u>Substances</u> and articles that have a mass explosion hazard.</p> <p>2. Class 1.2 – <u>Substances</u> and articles that have a projection hazard but not a mass explosion hazard.</p> <p>3. Class 1.3 – <u>Substances</u> and articles that have a fire hazard and either a minor blast hazard or a minor projection hazard, or both, but not a mass explosion hazard.</p> <p>The categories for the above Class 1 <u>substances</u> are described as:</p> <p>1. B = An article that contains a <u>primary explosive substance</u>, and less than 2 effective protective features; or is designed to be a primer, detonator, or detonator assembly for blasting.</p> <p>2. C = A <u>propellant explosive substance</u> or an article containing a <u>propellant explosive substance</u>.</p> <p>3. D =</p> <p>(a) A secondary detonating <u>explosive substance</u> that is less sensitive than <u>primary explosive substances</u> and more sensitive than substances falling into category N (containing only extremely insensitive detonating <u>substances</u>); and is without a means of initiation and without a propelling charge; or</p> <p>(b) an article containing those secondary detonating <u>explosive substances</u> that is without a means of initiation and without a propelling charge; or</p> <p>(c) an article containing a <u>primary explosive substance</u> and 2 or more effective protective features.</p> <p>4. G =</p> <p>(a) a <u>pyrotechnic substances</u>; or (b) an article that contains a <u>pyrotechnic substance</u>; or</p> <p>(c) an article containing both an <u>explosive substance</u> and an illuminating, incendiary, tear or smoke-producing <u>substance</u> (other than a water-activated article or an article containing white phosphorus, a phosphide, a pyrophoric <u>substance</u>, a flammable liquid or gel, or hypergolic liquids).</p>

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Activity		Activity Specific Standards
P4	Retail sale of fuel	<ul style="list-style-type: none"> a. Appendix 12.1.4.1 (1)(b)(i) <u>Location and layout of hazardous facility.</u> b. Appendix 12.1.4.1 (1)(b)(iii) <u>Hazardous Facilities within High Flood Hazard Areas and Floor Level and Fill Management Areas.</u> c. Appendix 12.1.4.1 (1)(b)(iv) <u>Storage and use of hazardous substances.</u> d. Appendix 12.1.4.1 (1)(b)(vi) <u>Hazardous facilities spill containment system.</u> e. The <u>site</u> has no more than: <ul style="list-style-type: none"> i. an aggregate 6 tonnes of LPG stored; ii. one LPG <u>storage tank</u>; iii. an aggregate 100,000 litres of petrol stored; and iv. an aggregate 50,000 litres of diesel stored; and f. No <u>storage tanks</u> for petrol or diesel are above ground.
P5	Pipelines, including necessary incidental equipment, used for the transfer of <u>hazardous substances</u> including gas and oil.	<ul style="list-style-type: none"> a. Appendix 12.1.4.1 (1)(a) <u>Location and construction dates.</u> b. Appendix 12.1.4.1 (1)(b)(i) <u>Location and layout of hazardous facility.</u> c. Appendix 12.1.4.1 (1)(b)(ii) <u>Hazardous Facility Site Design, Construction and Operation.</u> d. Appendix 12.1.4.1 (1)(b)(iii) <u>Hazardous Facility within High Flood Hazard Areas and Floor Level and Fill Management Areas.</u> e. Appendix 12.1.4.1 (1)(b)(iv) <u>Storage and use of hazardous substances.</u> f. Appendix 12.1.4.1 (1)(b)(v) <u>Site drainage systems.</u>
P6	Fuel or safety equipment contained in and for the operation of motor vehicles, boats, aircraft or small engines.	<ul style="list-style-type: none"> a. Nil
P7	Fire-fighting <u>substances</u> on emergency service vehicles	<ul style="list-style-type: none"> a. Nil
P8	Any <u>use or storage</u> of radioactive materials associated with an activity that is specified as an exempt activity in the Radiation Protection Regulations 1982 .	<ul style="list-style-type: none"> a. Nil

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Activity		Activity Specific Standards
P9	<p>Wastes in process in the Council's trade waste sewers, municipal liquid waste treatment and disposal facilities which may contain hazardous substance residues.</p> <p>Note: This does not apply to the storage of hazardous substances or waste associated with these facilities.</p>	<p>a. Appendix 12.1.4.1 (1)(b)(iii) Hazardous Facility within High Flood Hazard Areas and Floor Level and Fill Management Area.</p> <p>b. Appendix 12.1.4.1 (1)(b)(iv) Storage and use of hazardous substances.</p> <p>c. Appendix 12.1.4.1 (1)(b)(v) Site drainage systems.</p> <p>d. Appendix 12.1.4.1 (1)(b)(vi) Hazardous facilities spill containment system.</p> <p>e. Appendix 12.1.4.1 (2) Hazardous facilities waste management.</p>

12.1.2.2.2 Restricted Discretionary Activities

The activities listed below are a restricted discretionary activity, where not listed as a permitted activity in Rule 12.1.2.2.1. Discretion to grant or decline consent and impose conditions is restricted to the Matters of Discretion set out in 12.1.3, as specified in the following table.

Activity		The Council's discretion shall be limited to the following matters:
RD1	Any hazardous facility involving hazardous substances in aggregate quantities specified as a restricted discretionary activity in Rule 12.1.2.3 Hazardous Facility Activity Status Table for the zone the facility is proposed to be located within.	a. 12.1.3(a) to (j)
RD2	Any hazardous facility that fails to meet any of the activity specific standards specified in Rule 12.1.2.2.1.	a. 12.1.3(a) to (j)
RD3	Any hazardous facility that involves the retail sale of fuel not permitted by P4 in Rule 12.1.2.2.1.	a. 12.1.3(a)(b)(c)(f)(g)(h)(i)(j)

12.1.2.2.3 Non-Complying Activities

There are no non-complying activities.

12.1.2.2.4 Prohibited Activities

There are no prohibited activities.

12.1.2.3 Hazardous Facilities Activity Status Table

			ZONE GROUPS					
			GROUP 1		GROUP 2		GROUP 3	
HAZARDOUS SUBSTANCE PROPERTY	CLASS	HSNO Subclass	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary
EXPLOSIVE	1	1.1 All – storage	< 0.05 t	≥ 0.05 t	< 0.02 t	≥ 0.02 t	0 t	> 0 t
		1.2 All – storage	< 0.5 t	≥ 0.5 t	< 0.2 t	≥ 0.2 t	0 t	> 0 t

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			ZONE GROUPS					
			GROUP 1		GROUP 2		GROUP 3	
HAZARDOUS SUBSTANCE PROPERTY	CLASS	HSNO Subclass	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary
		1.3 All – storage	< 1.5 t	≥ 1.5 t	< 0.5 t	≥ 0.5 t	0 t	> 0 t
		1.2 or 1.3 with 1.11	< 0.05 t	≥ 0.05 t	< 0.02 t	≥ 0.02 t	0 t	> 0 t
FLAMMABLE (GASES) (AEROSOLS)	2	2.1 All apart from LPG	< 1 t/ 2,000 m ³	≥ 1 t/ 2,000 m ³	< 0.5 t/ 1,000 m ³	≥ 0.5 t/ 1,000 m ³	< 0.02 t/ 40 m ³	≥ 0.02 t/ 40 m ³
		2.1 All apart from LPG within 50 m of a more sensitive zone	< 0.2 t/ 400 m ³	≥ 0.2 t/ 400 m ³	< 0.1 t/ 200 m ³	≥ 0.1 t/ 200 m ³	N/A	N/A
		All other non-hazardous	5 t/ 10,000 m ³	≥ 5 t/ 10,000 m ³	< 2 t/ 4,000 m ³	≥ 2 t/ 4,000 m ³	< 0.1 t/ 200 m ³	≥ 0.1 t/ 200 m ³
		LPG	< 3 t	≥ 3 t	< 1.5 t	≥ 1.5 t	< 0.1 t	≥ 0.1 t
		LPG within 50m of a more sensitive zone	< 1 t	≥ 1 t	< 0.5 t	≥ 0.5 t	N/A	N/A
FLAMMABLE (LIQUIDS)	3	3.1A, 3.1B	< 6 t	≥ 6 t	< 2 t	≥ 2 t	< 0.1 t	≥ 0.1 t
		3.1A/B within 50m of a more sensitive zone	< 2 t	≥ 2 t	< 0.6 t	≥ 0.6 t	N/A	N/A
		3.1C	< 20 t	≥ 20 t	< 6 t	≥ 6 t	< 0.3 t	≥ 0.3 t
		3.1D	< 60 t	≥ 60 t	< 20 t	≥ 20 t	< 1 t	≥ 1 t
		3.2 All	< 3 t	≥ 3 t	< 1 t	≥ 1 t	< 0.05 t	≥ 0.05 t
FLAMMABLE (SOLIDS)	4	4.1 All	< 3 t	≥ 3 t	< 1 t	≥ 1 t	< 0.05 t	≥ 0.05 t
		4.2 All	< 1 t	≥ 1 t	< 0.4 t	≥ 0.4 t	< 0.02 t	≥ 0.02 t
		4.3 All	< 1 t	≥ 1 t	< 0.4 t	≥ 0.4 t	< 0.02 t	≥ 0.02 t
OXIDISING CAPACITY	5	5.1.2 Gases	< 1,000 m ³	≥ 1,000 m ³	< 400 m ³	≥ 400 m ³	< 40 m ³	≥ 40 m ³
		5.1.1 All	< 3 t	≥ 3 t	< 1.5 t	≥ 1.5 t	< 0.05 t	≥ 0.05 t
		5.2 All	< 1 t	≥ 1 t	< 0.5 t	≥ 0.5 t	< 0.02 t	≥ 0.02 t
TOXIC	6	6.1A	< 0.5 t	≥ 0.5 t	< 0.2 t	≥ 0.2 t	0 t	> 0 t
		6.1 Gases	< 300 m ³	≥ 300 m ³	< 100 m ³	≥ 100 m ³	0 m ³	> 0 m ³
		6.1A within 50 m of a more sensitive zone	< 0.2 t/ 100 m ³	≥ 0.2 t/ 100 m ³	< 0.1 t/ 50 m ³	≥ 0.1 t/ 50 m ³	0 t	> 0 t
		6.1B	< 6 t	≥ 6 t	< 2 t	≥ 2 t	< 0.05 t	≥ 0.05 t

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			ZONE GROUPS					
			GROUP 1		GROUP 2		GROUP 3	
HAZARDOUS SUBSTANCE PROPERTY	CLASS	HSNO Subclass	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary	Permitted	Restricted Discretionary
		6.1B within 50m of a more sensitive zone	< 2 t	≥ 2 t	< 1 t	≥ 1 t	N/A	N/A
		6.1C, 6.3-6.9	< 20 t	≥ 20 t	< 6 t	≥ 6 t	< 0.3 t	≥ 0.3 t
		6.1C, 6.3-6.9 within 50m of a more sensitive zone	< 6 t	≥ 6 t	< 2 t	≥ 2 t	N/A	N/A
CORROSIVE	8	8.1, 8.2A, 8.3	< 6 t	≥ 6 t	< 2 t	≥ 2 t	< 0.05 t	≥ 0.05 t
		8.2B/C	< 20 t	≥ 20 t	< 10 t	≥ 10 t	< 0.3 t	≥ 0.3 t
ECO-TOXIC	9	9.1A, 9.2A, 9.3A, 9.4A	< 0.5 t	≥ 0.5 t	< 0.5 t	≥ 0.5 t	< 0.5 t	≥ 0.5 t
		9.1A, 9.2A, 9.3A, 9.4A within 30m of a water body	< 0.1 t	≥ 0.1 t	< 0.1 t	≥ 0.1 t	< 0.1 t	≥ 0.1 t
		9.1B, 9.2B, 9.3B, 9.4B	< 10 t	≥ 10 t	< 10 t	≥ 10 t	< 10 t	≥ 10 t
		9.1B, 9.2B, 9.3B, 9.4B within 30m of a water body	< 3 t	≥ 3 t	< 3 t	≥ 3 t	< 3 t	≥ 3 t
		9.1C, 9.2C, 9.3C, 9.4C	< 30 t	≥ 30 t	< 30 t	≥ 30 t	< 30 t	≥ 30 t
		9.1C, 9.2C, 9.3C, 9.4C within 30m of a water body	< 10 t	≥ 10 t	< 10 t	≥ 10 t	< 10 t	≥ 10 t
		High BOD ₅	< 100 t	≥ 100 t	< 40 t	≥ 40 t	< 40 t	≥ 40 t
HIGH BOD₅ (>10,000 mg/l)		High BOD ₅ within 30m of a water body	< 40 t	≥ 40 t	< 20 t	≥ 20 t	< 20 t	≥ 20 t

1 Class 1.2 and 1.3 (explosive) substances are to be treated as if they are Class 1.1 substances if they are stored together with any Class 1.1 substances.

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Notes:

1. t = tonnes.
2. m³ = cubic metres: measurements are at standard temperature/pressure (20 deg C/1013 kPa).
3. 'ALL' means all HSNO subclasses within the class.
4. N/A = not applicable.
5. The Hazardous Facilities Activity Status Table specifies the combined quantities of hazardous substances used and stored for each hazard category above for which the specified consent is required.
6. The hazard classification is based on the criteria and numbering as specified in the [Hazardous Substances \(Classification\) Regulations 2001](#). All approved hazardous substances in New Zealand have a HSNO hazard classification. Unless stated otherwise, all terms used in the Hazardous Facilities Activity Status Table shall have the meaning given to them under the [HSNO Act](#) and Regulations.
7. Classes 1-9 are HSNO classifications as at January 2012 ([Thresholds and Classifications](#)).
8. It should be noted that many substances have more than one hazardous property, and the activity status is to be determined for each hazard class. Petrol for example 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 eco-toxic to the aquatic environment (9.1B). Diesel is classified as flammable liquid (3.1D) and also acutely toxic (6.1E), mildly irritating to skin (6.3B), a suspected human carcinogen (6.7B) and eco-toxic to the aquatic environment (9.1B).
9. 'Group 1' zones:
 - a. Industrial Heavy Zone (other than those in Group 2);
 - b. sites containing designated electricity substations (other than those in Group 2);
 - c. Specific Purpose (Tertiary Education) Zone; and
 - d. any parts of the Transport Zone which are more than 25 metres from a Residential or Rural Zone boundary except for goods in transit; and
0. 'Group 2' zones:
 - a. all Commercial Zones;
 - b. all Rural Zones;
 - c. all Open Space Zones (other than Open Space – Community Parks and Open Space - Water and Margins zones);
 - d. Industrial General Zone;
 - e. Industrial Park Zone;
 - f. Industrial Heavy Zone over the unconfined/semi-confined aquifer (Refer to Land and Water Regional Plan [Map](#));
 - g. Coastal Zone;
 - h. Specific Purpose (Schools) Zone;
 - i. Specific Purpose (Airport) Zone;
 - j. Specific Purpose (Hospital) Zone;
 - k. Specific Purpose (Defence Wigram) Zone;
 - l. Accommodation and Community Facilities Overlay;
 - m. all scheduled activities; and
 - n. sites containing designated electricity substations over the unconfined/semi-confined aquifer (refer to Land and Water Regional Plan [Map](#)); and
1. 'Group 3' zones:
 - a. all Residential Zones;
 - b. Open Space – Community Parks Zone and Open Space – Water and Margins Zone;
 - c. Specific Purpose (Cemetery) Zone;

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- d. any parts of the Transport Zone within 25m of a Residential or Rural Zone boundary except for goods in transit; and
 - e. Papakainga.
2. Where the zoning of the application site is not the same as the adjoining sites, the zoning shall be the more sensitive of whichever zonings apply to the subject and adjoining land. To avoid uncertainty, the zone groups in this chapter are specified in the order of most sensitive to hazardous substances:
- a. Group 3;
 - b. Group 2; and
 - c. Group 1.

12.1.3 Matters of Discretion

In assessing proposals for hazardous facilities the Council will consider, but will not be limited by, the following Matters of Discretion:

- a. To what degree a proposal complies with the relevant site requirements in Appendix 12.1.4.1.
- b. The extent to which the proposed site design, construction and operation of hazardous facilities are appropriate to prevent the accidental release, or loss of control, of hazardous substances, and whether adequate emergency management equipment and plans are provided.
- c. The extent to which the proposed site design, construction and operation of hazardous facilities are appropriate to prevent and mitigate any adverse effects on people, property and environmentally sensitive areas, including the coastal environment.
- d. The extent to which off-site transport of hazardous substances has been adequately addressed.
- e. The extent to which procedures for disposal practices and use of waste contractors have been addressed within a waste management plan, formulated in such detail as corresponds to the scale and quantities of hazardous substances associated with the activity.
- f. The extent to which natural hazards pose a risk to the hazardous facility which could in turn pose risks to people, property and the environment, including the coastal environment.
- g. The extent to which the risks presented by the hazardous facility to people, property and the environment have been assessed fully and systematically, and whether they are able to be reduced to acceptable levels.
- h. Whether and the extent to which a risk assessment has been formulated in such detail as corresponds to the scale of the hazardous facility, to include:
 - i. identification of potential hazards, failure modes and exposure pathways;
 - ii. assessment of the probability and potential consequences of an accident leading to a release of a hazardous substance or energy generated by hazardous substances, or other loss of control, including any cumulative or synergistic effects;
 - iii. acceptability of the assessed risks, including cumulative risks;
 - iv. residual risks after applying proposed risk control and mitigation measures; and
 - v. the risk management process.
- i. The extent to which the proposal incorporates an evaluation of alternative sites, locations, substances, quantities, processes/equipment and site management, particularly where the activity may result in reverse sensitivity and/or significant environmental effects.
- j. Whether and the extent to which the proposal identifies risk control and mitigation measures, including for sensitive areas and environments, including:
 - i. equipment, systems and engineered safety measures such as containment devices, fire safety apparatus and spill

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contingency/clean up equipment; and

- ii. emergency management plans, monitoring and maintenance schedules as well as training programmes.

12.1.4 Appendices

12.1.4.1 Appendix – Site Requirements for P4, P5 and P9

1. No later than 1 month before the hazardous facility begins construction or starts an activity involving the use, storage, transport or disposal of hazardous substances:
 - a. the Council must be notified of the place where the hazardous facility is to be located and/or dates on which the hazardous facility begins and ends construction;
 - b. certification from a suitably qualified engineer must be provided to the Council, which shall include:
 - i. Location and layout of hazardous facility - that demonstrates the hazardous facility is located and designed so that on-site facilities are set back (refer to Rule 12.1.2.3) from the property boundary to minimise adverse effects on neighbouring facilities, land uses and sensitive receiving environments, including the coastal environment;
 - ii. Hazardous facility site design, construction and operation - that the site design, construction and proposed operation (including emergency spill procedures) of any part of a hazardous facility involved in the manufacture, mixing, packaging, storage, loading, transfer, use or handling of hazardous substances will prevent:
 - A people, property and the environment being affected by exposure to toxic or otherwise harmful substances or heat or other effects of the intended management of hazardous substances;
 - B people, physical structures or other parts of the environment being adversely affected by heat, overpressure or projectiles in cases of incidents involving reactive, explosive or flammable substances;
 - C people, ecosystems or other parts of the environment being adversely affected by poisoning or other health effects in cases of incidents involving toxic or corrosive substances; and
 - D the contamination of air, land or water (including groundwater and potable water supplies and surface waters) in the event of a spill or other type of unintended release of hazardous substances;
 - iii. hazardous facility within High Flood Hazard Areas and Floor Level and Fill Management Areas - that demonstrates that the storage and use of hazardous substances within High Flood Hazard Areas and Floor Level and Fill Management Areas (Refer to Rule 5.8, Natural Hazards Chapter) will be designed to ensure:
 - A any building or structures are above the minimum floor level determined for the site; and
 - B compliance with relevant provisions in the Canterbury Land and Water Regional Plan;
 - iv. storage and use of hazardous substances - that the storage of any hazardous substances shall be carried out to prevent poisoning or otherwise adversely affecting the safety of people or damaging property or ecosystems in the case of any unintentional release of hazardous substances;
 - v. site drainage systems that:
 - A shall be designed, constructed and operated to prevent the entry or discharge of hazardous substances into the stormwater and/or sewerage systems unless permitted by the operator of that system; and
 - B are able to achieve compliance 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.
 - Note:
 1. Site drainage systems must be in place when the hazardous facility begins operation.
 - vi. hazardous facilities spill containment system - that demonstrates any parts of the hazardous facility site where a hazardous substance spill may occur is to be serviced by a suitable spill containment system that:

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- A is constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site; and for liquid hazardous substances:
- I.-able to contain the maximum volume of the largest tank present plus an allowance for stormwater to prevent the bund from overflowing; and
 - II.-for drums or other smaller containers, able to contain half of the maximum volume of substances stored, plus an allowance for stormwater to prevent the bund from overflowing;
- B is able to prevent any spill or other unintentional release of hazardous substances, and any stormwater that has become contaminated, from entering the stormwater drainage system or sewer system, unless permitted by the relevant network utility operator; and
- C is able to prevent any spill or other unintentional release of hazardous substances, and any stormwater that has become contaminated from discharging into or onto land and/or water (including drainage systems, groundwater and potable water supplies, and any other water bodies), unless permitted by a resource consent.

Note:

1. Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire water catchments, overfill protection and alarms, and similar systems.
 2. Spill containment systems must be in place when the hazardous facility begins operation or starts an activity involving the use or storage of hazardous substances.
- vii. hazardous facilities washdown areas - that demonstrates any part of the hazardous facility site where vehicles, equipment or containers that are, or may have become, contaminated with hazardous substances are washed will be designed, constructed and managed to prevent any contaminated wash water from:
- A entering or discharging into the stormwater drainage or the sewerage system, unless permitted by a Regional Plan rule or a condition of a resource consent or by the operator of that system;
 - B discharging into or onto land or water (including groundwater and potable water supplies) unless permitted by discharge consent or a rule in a Regional Plan.

Note:

1. Suitable means of compliance include roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.
 2. Washdown areas must be in place when the hazardous facility begins operation.
2. Hazardous facilities waste management:
- a. All storage and management activities for hazardous wastes, or wastes containing hazardous substances, must comply with all relevant conditions specified above for hazardous facilities.
 - b. Any hazardous facility generating waste containing hazardous substances must dispose of these wastes to authorised facilities or be serviced by a Council-approved waste disposal contractor.

Note:

1. Details for design, construction and operation details of any relevant aspect of structures, systems or procedures for the management of hazardous substances must be certified by a suitably qualified engineer, to achieve the above. This applies primarily for significant developments which would be permitted activities based on substance quantity alone but which may be complex, located in industrial areas or involve a number of different components or substances.

12.2 Contaminated land

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Phase 1 of the District Plan Review addresses the overall objectives and policies for contaminated land, and enables the enforcement of observance of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES).

Phase 2 looks at managing the effects of development and the use of contaminated land in order to protect water supplies, particularly within groundwater protection zones, productive soils, and significant natural and cultural heritage sites, which are not covered by the NES.

12.2.1 Objective and Policies

12.2.1.1 Objective - Contaminated land - managing effects

- a. Land containing elevated levels of contaminants is managed to protect:
 - i. human health;
 - ii. water supplies, particularly within ground water protection zones;
 - iii. productive soils; and
 - iv. significant natural and cultural heritage sites

from the adverse effects of subdivision, development and use of contaminated land and natural hazards, including from site investigations, earthworks and soil disturbance, and to enable the land to be used in the future.

12.2.1.1.1 Policy - Best Practice Approach

- a. Require any proposal to subdivide, use or develop contaminated or potentially contaminated land to apply a best practice approach to investigate the risks, and either remediate the contamination or manage activities on contaminated land to protect people and the environment.

Note:

The status of some activities will be determined by the requirements of the Resource Management ([National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health](#)) Regulations 2011. Reference should be made to the Ministry for the Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations.

12.2.1.1.2 Policy - Environmental, Heritage and Cultural Protection

- a. In addition to the requirements of the Resource Management ([National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health](#)) Regulations 2011, the Council will work with the Canterbury Regional Council and Central Government to implement a regulatory framework to take into account how the subdivision, development and change of use of land will be managed to protect the environmental health of:
 - i. water bodies;
 - ii. the Christchurch Groundwater Protection Zone;
 - iii. soils within land use capability classes 1 & 2;
 - iv. sites of ecological significance;
 - v. significant indigenous vegetation;
 - vi. outstanding and important natural and cultural landscapes;
 - vii. historic heritage places;
 - viii. archaeological sites;
 - ix. cultural sites – wāhi tapu, wāhi taonga and mahinga kai; and

The Proposed Christchurch Replacement District Plan

- x. protected trees.

Note:

The status of some activities will be determined by the requirements of the Resource Management ([National Environmental Standards](#) for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. Reference should be made to the Ministry for the Environment website for a copy of these regulations, a user's guide, and documents incorporated by reference in these regulations.

12.2.2 Other Methods

- a. The Ministry for the Environment's [Hazardous Activities and Industries List \(HAIL\)](#), the list of properties on Environment Canterbury's [Listed Land Use Register](#), Council records, and site investigations shall provide the basis for identifying whether land is contaminated or potentially contaminated. It is the duty of the person undertaking any activity to ascertain whether the land is contaminated, irrespective of whether the land is identified as having a current or past use that is identified in the HAIL. Use of the [Ministry for the Environment's Contaminated Land Management Guidelines](#) will form part of the approach to achieving best practice. Where contamination is confirmed and this data becomes known to Council it will be included on Land Information Memorandums (LIM).