

## **Hazardous substances**

### **Anticipated environmental outcomes**

Care of hazardous substances

- (a) Avoidance of harm to people, property and the environment from the use, storage, transportation and disposal of hazardous substances.
- (b) Reduction in the number of accidents and incidents and the extent of adverse environmental effects due to the release of hazardous substances.
- (c) Reduction in risk associated with hazardous substances due to:
  - increased industry and community awareness of risks posed by activities using, storing and disposing of hazardous substances
  - better operational practices and improved design and site management of hazardous facilities in the district.
- (d) Protection of community and people from contamination.
- (e) Increased use of non-hazardous substances and technology.

### **Executive Summary**

The Waikato District Council has responsibility under section 31 of the RMA to manage the prevention or mitigation of any adverse effects from the storage, use, disposal or transportation of hazardous substances. The provisions in the Hazardous Substances and New Organisms Act 1996 (HSNO) also provide an important regulatory framework and further legislates the role that territorial authorities must play with regard to the management of hazardous substances. In addition, clauses F1 to F3 of the Building Code ensure that no construction occurs on land that has been adversely affected by hazardous substances.

These legislative requirements are reflected within the District Plan provisions in both the Franklin and Waikato sections of the Waikato District Plan, with those rules relating to human health protection being superseded by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) for activities specified within the standard, as of 1 January 2012. The NES provides a legislative framework for addressing human health protection in relation to hazardous contaminants in soil.

### **Background**

The Environment Protection Agency carries the responsibility with regard to certifying new hazardous substances and ensuring that particular substances stored on sites have appropriate

location test certification, however, territorial authorities also carry legal obligations with regard to the management of hazardous substances.

Section 31(1)(b)(ii) of the RMA stipulates that every territorial authority shall ensure the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances. In addition, HSNO requires that territorial authorities ensure that the provisions of this Act are enforced in or on any premises situated within the district.

Accordingly, Waikato District Council has included provisions to address their legislative requirements in each section of the Waikato District Plan. Part 15.3 of the Franklin section of the plan identifies the potential risk of significant adverse effects on people and ecosystems from hazardous substances and from sites where the soil, groundwater or surface water resource has been contaminated as a result of their previous use for activities such as the manufacture, storage, use, disposal, of hazardous substances. The objectives set out within this section of the plan are consistent with the anticipated environmental outcomes set out at the beginning of this document which are taken from the Waikato section of the plan. The only rules specified within this section of the plan are prohibiting the production or use of radioactive material. Part 29.8 however, sets out hazardous substances quantity thresholds for the Business Zone (these thresholds also apply to the Industrial Zone in the northern part of the district). This section details the hazardous substances and relevant quantities that may be stored within the Franklin section of the district as a permitted activity. Any breach of the permitted activity substances or thresholds is treated as a restricted discretionary activity and will require resource consent enabling Waikato District Council to address the potential effects of the proposed activity adequately.

The Waikato section of the plan provides an overview of how hazardous substances will be managed within the district and incorporates rules to address hazardous substance management within each zone. All rules reference Appendix H of the plan which again provides details of the hazardous substances and relevant quantities that may be stored within the Waikato section of the district as a permitted activity. Any contravention of the permitted activity thresholds will be treated as a discretionary activity.

The Waikato District Council therefore utilise the resource consenting process to manage the potential effects of activities that use, store or dispose of hazardous substances within the district and also to manage reverse sensitivity issues. In doing this, councils must ensure that such activities are located suitable distances from sensitive land uses, such as schools or kindergartens.

Overall the Waikato District Council is very effective in meeting their legislative obligations.

## **Pressure**

### **Population growth**

Over the next ten years the projected population growth for the Waikato district is estimated to be 18.6 per cent or 1.7 per cent per annum. Over the past 20 years the population growth has averaged 1.2 per cent, with the past five years being at 2 per cent. This latter increase has been in the non-urban areas consistent with higher demand for countryside living and rural residential

sections, following the trend of people moving away from the cities such as Auckland and Hamilton. As detailed below, this trend is likely to remain relatively constant.

	2012	2022	Change
Estimated population	65,114	77,331	12,217
Estimated dwellings	23,240	27,975	4,735
Estimated urban/rural mix	47/53	49/51	

*Note: These growth estimates are from our detailed population modelling prepared in conjunction with the National Institute of Demographic and Economic Analysis and includes base information from the 2006 census. The 2010 census was postponed because of the Canterbury earthquakes.*

The census Usually Resident Population (URP) counts show that Waikato district is in the top ten territorial authority areas with an increase of population from 2006 to 2013 of 10.1 per cent (Statistics New Zealand). The URP counts as detailed below show that the estimated population count for the district in 2013 is below the 2012 estimate and would not have taken into account the boundary change with the creation of Auckland Super City (incorporation of Franklin District).

	2001	2006	2013
<b>Usually Resident Population</b>	<b>51,843</b>	<b>57,585</b>	<b>63,378</b>

As the population grows, so too does the demand for land and as a result development may encroach on areas that are subject to natural hazards and may have not otherwise been considered. This does not come without its challenges and careful management is required to ensure that areas subject to natural hazards are avoided or the potential adverse effects are mitigated.

### **Financial constraints**

Financial constraints play a major role in the development of land and often lead to people cutting corners in the management, use and disposal of hazardous contaminants. Location test certificates and resource consents cost money and people may illegally avoid such costs.

### **Lack of knowledge**

Many people remain unaware of the legal requirements placed upon Waikato District Council to manage hazardous substances and may also be unaware of their own legal requirements. Seeking advice on such matters from the relevant agencies is advisable.

## **State**

Waikato District Council isn't aware of any major incidents relating to the mismanagement of hazardous substances within the district over the past five years.

We have processed no consents for breaches of the PA thresholds within the relevant sections of the district plan.

The majority of consenting undertaken in relation to hazardous contaminant management has been in accordance with the requirements of the NES; please refer to Part 2.0 of this report for further detail.

## **Response**

- Remain compliant with current legislative requirements.
- Improving data capture processes to streamline both internal and consenting processes. This will include the updating of events in Waikato District Council's Property and Rating system and the redevelopment of a segment of the Land Use Register. Both currently underway, although the redevelopment of the Land Use Register is still in its early stages.
- Improving the availability of information to the public surrounding HAIL activities and the potential for contamination of land within the district. Work is currently underway to achieve this.