

Chapter 1: Introduction

1 Introduction

Key Points

- This Guide is the result of the review of the 1995 document *Land Use Planning for Hazardous Facilities*, commonly known as the 'Red Book'.
- The 'Red Book' introduced planning guidelines for hazardous facilities and a new planning method, the Hazardous Facility Screening Procedure (HFSP).
- A definition of hazardous facilities is provided, along with an overview of how the RMA deals with activities involving hazardous substances.
- This document gives particular attention to the HFSP to improve its accessibility and user-friendliness.

1.1 Purpose

This document is the result of the review of the 1995 document *Land Use Planning for Hazardous Facilities*, commonly known as the 'Red Book'. The 'Red Book' introduced planning guidelines for hazardous facilities and a new planning method, the Hazardous Facility Screening Procedure (HFSP). The HFSP was developed to help district councils decide whether a proposed hazardous facility is permitted, or whether it requires a land use consent and therefore an assessment of environmental effects and risks, as set out in the RMA.

The document is an updated version of the 'Red Book' containing a revised planning framework for hazardous facilities that is applicable to all districts, regardless of whether the HFSP has been adopted, as well as a revised version of the HFSP. The purpose of these amendments is:

- to provide an up-to-date statutory context including detail on new controls for hazardous substances under the HSNO Regulations
- to address issues associated with the use of the 'Red Book' and the HFSP in the last three years as raised by local authorities, industry and consultants
- to make the document and the HFSP more accessible and user-friendly.

This document should be read in conjunction with *Assessment Guide for Hazardous Facilities* (MfE, 1999c) which provides guidance on assessing hazardous facilities once it has been determined that a resource consent is required.

1.2 What are hazardous facilities?

The term 'hazardous facility' is not defined in New Zealand legislation. It is used to describe site-specific activities which involve the use and storage of hazardous substances. The term is relevant to land use planning under the RMA as opposed to the substance-specific controls under the HSNO Act.

For the purpose of this guide, hazardous facilities are defined as:

“Activities involving hazardous substances and sites, including vehicles for their transport, where hazardous substances are used, stored, handled and disposed of.”

These activities can include industrial operations such as chemical warehouses, manufacturing plants or bulk storage facilities, but also workshops, agricultural or horticultural activities or home occupations. The term may also apply to facilities involved in the storage, treatment and disposal of hazardous wastes.

Hazardous facilities do not include:

- the incidental use and storage of hazardous substances in minimal domestic scale quantities
- hazardous activities which do not involve hazardous substances but which may pose a risk to people or the natural environment due to a physical or biological hazard (e.g. earthworks, electromagnetic radiation, genetically modified organisms, flour dust)
- pipelines used for the transfer of hazardous substances such as gas, oil and sewage
- infectious substances (consistent with HSNO)
- sites or facilities subject to natural hazards (e.g. flooding, volcanic activity).

While some of the above hazards could be significant and may require controls under the RMA, they are beyond the scope of the planning method outlined in this document.

Hazardous facilities include sites which may be contaminated, or which discharge contaminants (including waste and sewage treatment, landfills, mineral extraction, etc.), only in so far as the use of the land involves the handling of hazardous substances (such as fuels, oils, pesticides and explosives). The term is not actually applied to the site contamination, to the discharge of contaminants into water or onto land, or to quarrying/blasting as part of mining activities.

1.3 Land use planning for hazardous facilities

The RMA provides for managing the effects of hazardous substances at a particular location, or, in other words, the site-specific use of land by hazardous facilities (sites or operations where hazardous substances are used or stored). The planning framework for the use of land by hazardous facilities under the RMA is complementary to the controls under the HSNO legislation and does not represent a competing control mechanism.

Most district councils have specific rules for the management of hazardous substances in their district plans. Approximately 30 district councils have adopted the HFSP to determine the consent status of a hazardous facility, while a number of generally small councils rely on activity or threshold lists.

This document supplies a general background on the regulatory context for hazardous substances and discusses regulatory requirements for hazardous facilities under the RMA in particular detail. Although it does not preclude the use of other suitable land use planning methods for hazardous facilities, specific focus is placed on the HFSP as a screening method for hazardous facilities.

1.4 Revisions

This Guide is not a statutory document, but provides means which should ensure the effective and sustainable management of hazardous substances. The performance of this guide will be assessed on a regular basis and in line with any new regimes for hazardous substance management under both the HSNO legislation and/or district plans. Possible amendments to the RMA may also need to be considered, along with developments in transport legislation or national hazardous waste standards. Revisions and updates of this Guide will be published as needed.