

6B Special Business Activity Area

6B 1 Issues, Objectives and Policies

6B 1.1 Local Area Issues

6B 1.1.1 Risk Associated with Hazardous Facilities

Issue

The accommodation of a mix of activities may expose the general public to a high level of risk from nearby hazardous facilities. There is a risk of harm to people and also damage to the receiving environment from the way in which hazardous substances are used, stored, transported and disposed. These hazards include explosiveness, flammability, corrosiveness, toxicity and ecotoxicity.

Hazardous substances should be managed in a safe manner to avoid, remedy or mitigate any adverse effects on human health and the environment caused by an accidental or deliberate release of hazardous substances. Such management should reduce the risk to the surrounding residential community, the receiving environment, and the workforce, as well as the general public likely to be attracted to any non industrial activities seeking sites near potentially hazardous facilities in Seaview/Gracefield.

Objective

To protect the community and the receiving environment from the risk associated with the location and operation of hazardous facilities in Seaview/Gracefield.

Policies

- (a) That the location of hazardous facilities be managed to avoid an unacceptable level of risk to the community and the receiving environment.
- (b) That effects likely to be generated by hazardous facilities are managed to avoid adverse effects from creating an unacceptable level of risk to the community and/or causing irreversible damage to the receiving environment.
- (c) That appropriate safety measures be adopted by activities using, handling and storing hazardous substances and hazardous wastes to avoid or mitigate any adverse effects on human health and the receiving environment.
- (d) That appropriate measures be taken during transportation of hazardous substances and wastes to ensure the safety of the general public and the environment.
- (e) That the disposal of hazardous wastes be undertaken in an environmentally safe manner and where codisposal is appropriate, in compliance with the requirements of the Silverstream landfill to protect human health and the receiving environment.

- (f) That the accommodation of non industrial activities within Seaview/Gracefield be managed to ensure that there is an acceptable level of risk to the general public attracted to such non industrial activities.

Explanation and Reasons

(a) Risk to the Community and the Environment:

All activities involving the use, storage, transportation and disposal of hazardous substances have the potential to cause adverse effects on the environment and human health. For example, hazardous substances could be toxic, corrosive, flammable, or highly reactive. The objective and policies seek to protect the workforce, the general public in Seaview/Gracefield and the surrounding residential community and the receiving environment from the risk associated with the hazardous facilities.

The health and safety of people working in hazardous facilities is subject to regulations under the Health and Safety in Employment Act 1992 which controls conditions on site. While the objective and policies are concerned with the level of risk for the surrounding residential community.

Hazardous facilities, including those which have a low probability of a hazardous incident, but have a high potential impact are accommodated in the Special Business Activity Area; subject to their compliance with the performance standards. The performance standards seek to protect human health and the receiving environment from the risk of fire, explosion, toxic gas release and hazardous substance spillage.

(b) The Dow Fire and Explosion Hazard Index:

Hazardous facilities with a high potential impact are not appropriate in other business activity areas due to the close proximity of residential areas. The element of risk created by hazardous facilities is controlled to protect nearby residential areas. The level of risk is managed through a screening technique, using the Dow Fire and Explosion Hazard Index. This provides a quantitative index that counts for both fire and explosion hazard present in any plant design and also provides a toxicity index in relation to any materials used on site.

The index level has been set at 100, with any hazardous facility exceeding this level becoming a Discretionary Activity. The index level of 100 equates to an individual risk level faced by people in the nearest residential area as being one in ten million per person per year. This index level has been set to provide nearby residents of Point Howard and Moera with an acceptable level of risk from hazardous facilities within Seaview/Gracefield. The Dow Hazard Index is in Appendix Special Business1.

In addition to this, a trigger level of 1 has been set for the environmental effects group of the Hazardous Facilities Screening Procedure (HFSP) to account for the risk of environmental effects from hazardous facilities. Hazardous Facilities exceeding this trigger level will become Discretionary Activities.

(c) The Buffer Area:

The Special Business Activity Area is separated from surrounding residential areas by a buffer area. The buffer area comprises a General Recreation Activity Area, including the Hutt Park area, a Special Recreation Activity Area and a General Business Activity Area.

(d) Use and Storage of Hazardous Substances:

The use and storage of hazardous substances will be managed to avoid or mitigate adverse effects on the community and the receiving environment. This involves on site storage requirements and the statutory requirements of the Toxic Substances Act 1979 and Dangerous Goods Act 1974 and subsequent amendments, such as the Hazardous Substances and New Organisms law reform. There are also New Zealand

Standards, Codes of Practice and Regulations for the storage of hazardous substances.

There is a wide range of conditions for the design and construction of bunding and storage facilities, depending on the type of hazardous substances. For example, there are Dangerous Goods Regulations for the storage of explosives, gases and flammable materials; and Health Regulations for toxic and infectious substances. The Regional Council will also be involved where an activity is likely to generate discharges to the land, air or water.

(e) Transportation of Hazardous Substances:

Transportation of hazardous substances creates a potential danger to human health and the receiving environment. The prevention and mitigation of adverse effects from the transportation of hazardous substances is achieved through the administration of safe procedures according to the Dangerous Goods Act 1974, Council Bylaw and the Transport Act 1962. These procedures are administered by Land Transport Safety Authority.

The New Zealand Standards also specify that the route taken should avoid areas of high population density. Section 9.1.3.1. of NZS 5433:1988 states that it is the carriers responsibility to indicate to the driver the safest route that should be taken. The safe transportation of hazardous substances is monitored and enforced by the Ministry of Transport.

(f) Hazardous Waste Management:

Hazardous wastes may be described as hazardous substances which are unwanted and economically unusable. The types of hazardous wastes common in Lower Hutt are mainly generated by industrial activity. They include solvent based paints, and electroplating, pharmaceutical, and some medical wastes. If these hazardous wastes are not disposed of safely, there is a risk of leakage or spillage into the soil, sewer and stormwater drains, aquifer, waterways and rivers. Accidents and negligence frequently cause the contamination of waterways. There have also been instances of dumping into drains.

The issue of hazardous waste management involves adopting the most appropriate means of disposal to prevent any environmental damage and providing for an integrated approach which coordinates the various functions of central government, regional and territorial authorities, and developers. There is also an obligation to recognise international requirements, such as the Agenda 21 recommendations for hazardous waste minimisation and improved management measures.

Other methods for the safe management of hazardous wastes include the Trade Waste Bylaws; promotion of Cleaner Production Methods; adopt take back schemes; incineration of medical and quarantine wastes at Shelly Bay; export of PCB's, e.g. to France; provision of information, e.g. Pollution Solutions; and the promotion of waste minimisation at source, reuse and recycling.

(g) Disposal of Hazardous Wastes at Silverstream Landfill:

The disposal of hazardous wastes by codisposal is accommodated by the Silverstream landfill. Guidelines for disposal are provided with a Hazwaste Manifest which aims to protect the health of the transporter, landfill operators, the community and the receiving environment from potentially hazardous wastes. The Hazwaste Manifest is an application and approval form for the disposal of hazardous wastes at Silverstream Landfill.

All hazardous wastes are assessed for disposal at the Silverstream landfill. The volume and type of hazardous wastes accepted depends on a range of factors concerning rate of codisposal, volume and concentration of previous loads, and the concentration level of the leachate. There may be a time delay until the leachate concentrations are satisfactory; or the hazardous wastes may require pretreatment first. Therefore, not

all hazardous wastes are accepted and advice may be given on pre-treatment requirements or alternative methods of disposal for non acceptable wastes. The registration system also assists the monitoring and tracking of wastes.

Codisposal of hazardous wastes involves a mixing of hazardous and other wastes. The hazardous wastes are then broken down by physical, chemical and biological degradation. Those hazardous wastes which do not break down through degradation processes cannot be accepted. For example, PCBs (Poly Chlorinated Biphenyls), long life herbicides, organochlorides and radioactive wastes. The waste generators themselves should handle such hazardous wastes. Their options include pre-treatment; incineration of the wastes; storage prior to destruction; exportation; or return them to the original chemical manufacturer.

(h) Accommodation of Non Industrial Activities:

A range of activities is accommodated in the Special Business Activity Area including non industrial activities of a more commercial nature. Accommodating non industrial activities will lead to the attraction of the general public into the Seaview/Gracefield area; which has the potential to expose people to a high level of risk from the potentially hazardous facilities.

The factors which affect the level of risk for non industrial activities include the scale of activity, intensity of development, duration of stay, distance from source of hazard, and the nature of existing and potential future hazards presented by adjoining or nearby activities.

Non industrial activities which attract large numbers of the public on a regular basis are not appropriate within Seaview/Gracefield. Non industrial activities should, therefore, be of a low density nature and provide a safe separation distance from neighbouring sites. Non industrial activities will be Discretionary Activities to ensure that these factors are taken into account and an acceptable level of risk is maintained.

This approach also provides a level of protection for those potentially hazardous facilities which may wish to expand their operations in the future. It may prove difficult to expand operations on site, if the hazardous facility is surrounded by non industrial activities.

(i) Contaminated Sites:

Contaminated sites result from the incorrect storage, use and disposal of hazardous substances. If Council records refer to the site, two categories appear in Land Information Memorandums (LIM's) with regard to contaminated sites:

1. Previous or existing landuse identified (eg. former service station site, gasworks site etc.). Also included are details regarding licences held such as dangerous goods or trade waste licences.
2. The Regional Council holds a register of contaminated or potentially contaminated sites. Where a previous land use may have contaminated the site it is recommended that the applicant check with the Regional Council to find out if the property is on the ANZECC Site Use Database.

The common pathways for the transfer of contaminants include leaching into groundwater; surface runoff into waterways; aerial dispersion such as wind blown dust; and uptake and accumulation by plants, animals and humans.

There are site requirements to avoid spillage of hazardous substances which could cause soil or water contamination. Potentially contaminated sites will be identified by a Land Information Memorandum. The assessment and remediation will be achieved through liaison with the site owner/occupier and compliance with the requirements of the "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites". The assessment and management of contaminated sites may involve the Regional Council where there is a risk of discharges to land, air or water, which would require a discharge permit.

6B 1.1.2 Main Entrance Routes

Issue

The main entrance routes of the City need to be attractive and clearly defined to reinforce the identity of the City and the sense of place that it offers. Some of the main transport routes pass through the Special Business Activity Area. These routes include Seaview Road, Parkside Road, and Port Road. It is necessary to manage the effects of development along these routes to maintain and enhance the image of the City.

Objective

To enhance the image and visual appearance of main entrance routes of the City where they pass through the Special Business Activity Area.

Policies

- (a) That the design and appearance of sites fronting main transport routes be maintained through landscaping, screening and sealing of yards, to avoid adverse effects on the visual quality of the routes and the surrounding area.
- (b) That the effects of activities fronting Seaview Road, Parkside Road, and Port Road be managed to enhance the image of these main entrance routes and avoid adverse effects on the amenity values and character of the surrounding areas.

Explanation and Reasons

The aim of the objective and policies is to maintain and enhance the image and visual appearance of main entrance routes within the City. These routes can enhance the experience of entrance to and exit from the City, thereby creating a sense of approach, arrival and departure as people travel through the City. This helps to reinforce the identity of the City and accentuates the sense of movement from one place to another when entering or leaving the City. This approach to the main entrance routes can assist peoples sense of orientation and understanding of the physical structure, the geography of the City.

The main entrance routes include Seaview Road, Parkside Road, and Port Road, identified in Appendix Special Business 2.

(a) Seaview Road:

Seaview Road connects the eastern bays with the Hutt Valley. This route also provides a linkage with Wainuiomata. Traffic comprises commuters, heavy commercial vehicles, visitors and tourists. The route should be attractive and enhance the scenic opportunities created by the closeness of the Wellington Harbour and Seaview Marina.

The industrial activities contribute to the character of the area. For example, the visibility of the petrochemical storage facilities are recognised as a facet of the City's identity. The design and appearance of each site can maintain and enhance the visual quality of Seaview Road. This will involve attention to landscaping, screening, and sealing of yards.

(b) Parkside Road:

Parkside Road meets a wide range of travel demands, providing for business traffic, commuters, recreational and tourist purposes. This route should be attractive to maintain the image of the City, particularly for the Lower Hutt community and visitors to the Hutt Park recreational facilities.

(c) **Port Road:**

Port Road is both a scenic route and an industrial access road, rather than a main entrance route. However, this route affords panoramic harbour views and provides an alternative to Seaview Road. The route also provides access to the coastal foreshore area, the Seaview Marina and the Port Road sites. The sites fronting this route should be managed to enhance the coastal image and scenic qualities of the area.

6B 1.1.3 Environmental Effects

Issue

Business activities (commercial and industrial activities) have the potential to generate adverse effects on the amenity values of the area and neighbouring areas at the interface. These adverse effects include noise, dust, odour, glare, light spill, and traffic. These activities can also have an adverse effect on the receiving environment in terms of air, water, and soil contamination, or damage to ecosystems. It is necessary to manage such adverse effects to maintain and enhance the quality of the environment.

Objective

To avoid or mitigate adverse effects on the amenity values of the area and neighbouring areas, and the receiving environment.

Policies

- (a) That effects likely to be generated by each activity are managed to avoid or mitigate adverse effects on the amenity values and character of both the Special Business Activity Area and interface areas.
- (b) That effects likely to be generated by each activity are managed to avoid or mitigate adverse effects causing harm or damage to the receiving environment.

Explanation and Reasons

The effects of activities in the Special Business Activity Area may have an adverse impact on the character or amenity values of an area, or on the receiving environment. These effects need to be managed to maintain and enhance the amenity values of the Special Business Activity Area and the respective interface areas.

The objective and policies promote protection of the receiving environment and enhancement of a good working environment that is attractive and healthy for present and future generations. The protection of the environment from harm or irreversible damage is important for the quality of land, air and water and the integrity of the ecological system.

6B 1.2 Site Development Issue

6B 1.2.1 Effects on the Amenity Values of the Area

Issue

The sites, structures and buildings used by business activities (commercial and industrial activities) have the potential to generate adverse effects on the amenity values of the area and neighbouring areas at the interface. These adverse effects include out of scale development, poor site maintenance, litter, dust, and visual detraction. It is necessary to manage such adverse effects to maintain and enhance the amenity values of the area.

Objective

To maintain and enhance the character and the amenity values of the activity area and neighbouring areas.

Policies

- (a) That each site, structure and building is designed and maintained to enhance the amenity values and character of both the Special Business Activity Area and adjacent activity areas.
- (b) That identified urupa sites be protected from inappropriate development on neighbouring sites.

Explanation and Reasons

The objective and policies promote the enhancement of a good working environment that is attractive and healthy for present and future generations. The design and maintenance of sites, structures and buildings shall be managed to avoid or mitigate adverse effects on the character or amenity values of the area, and the respective interface areas. This involves attention being given to the design and external appearance of buildings and structures, and to the maintenance of the site. This also includes setback requirements for sites abutting urupa sites.

6B 2 Rules

6B 2.1 Permitted Activities

- (a) Activities which meet the conditions for Permitted Activities and are not included as a Controlled, Discretionary, or Non-Complying Activity.
- (b) Emergency facilities.

6B 2.1.1 Permitted Activities - Conditions

- (a) **Buildings and structures abutting an urupa** shall have a minimum setback of 3m.
- (b) **Maximum Height of Buildings and Structures:** 20m.
- (c) **Maximum Site Coverage:**
- (i) Maximum site coverage - 100% subject to compliance with yards and screening requirements and off street car parking, loading and unloading requirements.
 - (ii) That portion of the site not covered shall be to the rear of the site, for servicing and parking provision.
- (d) **Dust:**
- (i) All outside areas shall be sealed, surfaced, or managed appropriately so that there is no dust nuisance at or beyond the boundary of the site.
 - (ii) All use, handling and storage of goods, raw materials and waste materials shall be undertaken in such a manner so that there is no dust nuisance at or beyond the boundary of the site.
- (e) **Odour:**
- All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour or fumes at or beyond the site boundary.
- (f) **Light Spill and Glare:**
- (i) All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.
 - (ii) All activities, buildings and structures shall avoid glare (light reflection) beyond the site boundary.
- (g) **Vibration:**
- All activities that cause vibration shall be managed to ensure that no vibration is discernible beyond the site boundary.
- (h) **Retail Activities:**
- There shall be no retail activities except in the following circumstances:
- (i) Where the goods are manufactured on site; provided that the retailing shall be ancillary to such manufacturing. For the purposes of this Section, manufacturing excludes those activities which comprise only the packing, labelling, sorting, mixing or assembling of pre-made products.
 - (ii) Where the retail activity provides a food service, provided the gross floor area does not exceed 100m².
 - (iii) Where the retail sale of goods is from a service station.
 - (iv) Retailing of bituminous products.
- (i) **Residential Activities:**
- No residential activities are permitted except where it is necessary to provide living quarters for a caretaker on site.
- (j) **Hazardous Facilities:**
- No hazardous facility or activity shall exceed 100 on the Dow Hazard Index as detailed in Appendix Special Business 1 or effects ratio exceed 1 in the environmental effects group of the Hazardous Facilities Screening Procedure as per the method in Appendix Hazardous Facilities 1, Chapter 14D.

(k) Site Design for Hazardous Facilities:

- (i) Any part of a hazardous facility installation immediately involved in the use, handling or storage of hazardous substances, shall be designed, constructed and managed in a manner that prevents:
 - Any adverse effects of the intended use from occurring outside the intended target area;
 - The entry or discharge of the hazardous substance into the stormwater drainage system; and
 - The entry or discharge of the hazardous substance into the sewerage system unless permitted by the sewerage utility operator.
- (ii) Any part of a hazardous facility site where hazardous substances are used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled shall be designed, constructed and managed in a manner that 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;
 - The entry or discharge of the hazardous substance into the stormwater drainage system in the event of a spill or other unintentional release; and
 - The entry or discharge of the hazardous substance into the sewerage system in the event of a spill or other unintentional release.
- (iii) The hazardous facility site shall be designed, constructed and managed in a manner that any stormwater originating on or collected on the site that has become contaminated:
 - Does not contaminate any land and/or water (including groundwater and potable water supplies) by acting as a transport medium for hazardous substances unless permitted by a regional resource consent or a regional rule;
 - Does not enter or discharge into the stormwater drainage system; and
 - Does not enter or discharge into the sewerage system unless permitted by the sewerage utility operator.

(l) Spill Containment System for Hazardous Facilities:

The parts of the hazardous facility site described in parts (k)(ii) and (k)(iii) above shall be serviced by a spill containment system that is:

- (i) Constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on site;
- (ii) Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half of the maximum volume of substances stored;
- (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 discharging into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a regional resource consent or a regional rule.

(m) Stormwater Drainage for Hazardous Facilities:

All stormwater grates on the site shall be clearly labelled "Stormwater Only".

(n) Washdown Areas for Hazardous Facilities:

Any part of the hazardous facility site where vehicles, equipment or containers that are or may have become contaminated with hazardous substances are washed shall be designed, constructed and managed to prevent the effluent from the washdown area from:

- (i) Entry or discharge into the stormwater drainage system;
- (ii) Entry or discharge into the sewerage system unless permitted by the sewerage utility operator;
- (iii) Discharge into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a regional resource consent or a regional rule.

(o) Underground Storage Tanks for Hazardous Facilities:

Underground tanks for the storage of petroleum products shall be designed, constructed and managed to prevent leakage and spills.

Adherence to the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (Department of Labour - Occupational Safety and Health Service, 1st ed., 1992 and supplement 1, 1995) is deemed to be one method of complying with this condition.

(p) Signage for Hazardous Facilities:

All hazardous facilities shall be adequately signposted to indicate the nature of the substances stored, used or otherwise handled.

Adherence to the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" of the New Zealand Chemical Industry Council 1987, or any other Code of Practice approved by the New Zealand Fire Service is deemed to be one method of complying with this condition.

(q) Waste Management for Hazardous Facilities:

- (i) Any process waste or waste containing hazardous substances shall be managed to prevent:
 - The waste entering or discharging into the stormwater drainage system;
 - The waste entering or discharging into the sewerage system unless permitted by the sewerage utility operator;
 - The waste discharging into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a resource consent.
- (ii) The storage of any process waste or waste containing hazardous substances shall at all times comply with Conditions (k), (l), (m) and (n) relating to site design and management of hazardous facilities.
- (iii) The storage of any waste containing hazardous substances shall be in a manner that prevents:
 - The exposure to ignition sources;
 - The corrosion or other alteration of the conditions used for the storage of the waste;
 - The unintentional release of the waste.
- (iv) Any hazardous facility generating waste containing hazardous substances shall dispose of these wastes to appropriately permitted facilities.

Where codisposal is to be used, disposal of hazardous wastes shall comply with the Hazwaste Manifest requirements of the Silverstream Landfill.

(r) Storage Requirements:

- (i) All activities shall be provided with an outdoor area for storage of goods, materials and waste products. This area shall be clearly defined at the time an application is made for development or change of use and occupancy and shall be clear of vehicle access, manoeuvring and parking areas.
- (ii) All outdoor storage areas shall be of such dimensions as to adequately provide for the storage requirements of the proposed use.
- (iii) Waste management: All storage and disposal of refuse will be carried out in such a manner so as to avoid causing adverse effects beyond the boundary of the site.

(s) Landscaping and Screening Requirements:

- (i) Where any development takes place within the front 20m of any site fronting Seaview Road, Port Road or Parkside Road the front 5m portion of that part of the site shall be landscaped. The nature and extent of such landscaping shall be a Controlled Activity. Landscaping shall be provided before the activity commences.
- (ii) Except where (i) applies, all outdoor storage and servicing areas must be screened so that they are not visible from a road or public space within Seaview/Gracefield. Where this is not practicable such areas must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.
- (iii) Where there are 5 or more parking spaces on site, that area is to be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

(t) Fire:

The use of land and buildings shall, at all times, be in accord with the principles of fire safety as specified by NZS 923:1971. No occupier or any other person having control of any land shall allow any broom, gorse, manuka, bushes, scrub, dry grass or any similar growth to exist in such condition on any land or frontage as to constitute a fire hazard to any building or adjoining land. No structure, ditch, trench, or other impediment to the movement of fire service vehicles or equipment shall be built in such a way as to restrict access for fire fighting purposes to any part of the property.

(u) General Rules:

Compliance with all matters in the General Rules - see Chapter 14.

6B 2.2 Controlled Activities

- (a) Any landscaping activity which takes place within the front 5 metres of any site fronting Seaview Road, Parkside Road and Port Road.

6B 2.2.1 Matters in which Council Seeks to Control and Standards and Terms

- (i) The landscaping shall be in accordance with an approved landscape plan prepared by a suitably qualified landscape architect or landscape designer with sound knowledge of local conditions.
- (ii) The landscape plan shall address the following matters:
 - Landscaping shall enhance the amenity values and character of the area, as it joins important and sensitive coastal areas and important maritime and riverside public open spaces.

- Landscaping shall enhance the image of the main entrance route to promote the City's image and sense of identity.
- The provision of landscaping shall maintain a safe and efficient access to and egress from the site for vehicles and people.
- The form and nature of landscape design and treatment shall not be out of scale in relation to the size of the site.

6B 2.2.2 Other Matters

All Controlled Activities must comply with other relevant Permitted Activity Conditions.

6B 2.3 Discretionary Activities

- (a) Except where stated in the General Rules, any Permitted Activity or Controlled Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (b) Any activity which exceeds 100 on the Dow Hazard Index level as detailed in Appendix Special Business 1 or effects ratio exceed 1 in the environmental effects group of the Hazardous Facilities Screening Procedure as per the method in Appendix Hazardous Facilities 1, Chapter 14D.
- (c) Commercial recreational activities.
- (d) Retail activities which involve the sale of: carports, kitset garages and sheds; trailers; caravans; boats; swimming pools, spa pools, new and used motor cars; heavy commercial and agricultural vehicles; machinery; and the accessory parts which are essential to the operation of those goods.
- (e) Retailing of natural materials which are sold in bulk: gravel, sand, shingle, rock, concrete, coal, fire wood and timber for construction purposes.
- (f) Other non-industrial activities, except where included as a Permitted, Controlled or Non-Complying Activity.
- (g) Any offensive trade specified in the Third Schedule to the Health Act 1956 and amendments.
- (h) Any activity which involves the use of radiation processes emitting up to 1,000,000 curies. This does not include x-ray machines and low level laboratory chemicals licensed by the National Radiation Laboratory, under the Radiation Protection Act 1965.
- (i) Trading warehouses.
- (j) Brothels and commercial sexual services on a site abutting or directly across the road from schools, pre-school facilities, churches and other similar religious establishments or a residential activity area.

6B 2.3.1 Assessment Matters for Discretionary Activities

- (a) The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
- (b) The degree of compliance or non-compliance with any Permitted Activity Conditions.
- (c) In addition to the above the following matters will be taken into account:
 - (i) Risk associated with hazardous facilities:

Any activity which exceeds 100 on the Dow Hazard Index or effects ratio of 1 in the environmental effects group as per Hazardous Facilities Screening Procedure shall be required to provide a report to indicate the chance and consequence of possible hazardous occurrences. Such a report shall be

prepared by persons qualified in the field of hazardous substances risk assessment and management, and will address the following criteria:

Risk Assessment:

- The need for protection of residential areas, adjacent sites and public places, including main thoroughfares, and the receiving environment.
- The compatibility of the activity with nearby activities and restrictions on the use of adjoining land which may be imposed by the activity.
- Location in relation to the nearest aquifer and/or surface water body.
- Nature of soils and subsoils.
- Location in relation to environmentally sensitive areas.
- The systematic identification of hazards and potential exposure pathways, and assessment of associated risks.
- The combined potential effect (cumulative effect) of a number of hazardous sources including neighbouring activities.
- The suitability of the site and its accessibility, and the design of the installation in terms of possible hazardous occurrences and their consequences.
- The transport of hazardous substances to and from the site, including the transport routes to be used and implications for adjacent activities.
- For gases and liquified gases in pressure storage the dispersion properties of the site and surrounding locality.

Risk Management:

- Implementation of an Environmental Management System. Guidelines on management systems are available from the NZCIC (New Zealand Chemical Industry Council) Responsible Care Programme; the BS (British System) 7750 system; the ISO (International Standard Organisation) 9000 and 14000 systems; the IRSR (International Safety Rating System); or any other recognised and accepted system which achieves the same objectives or intent.
- The ability to gain access from more than one point, fire safety provisions and fire water management.
- Monitoring and maintenance schedules and plans.
- Contingency plans for spills and other accidental releases of hazardous substances.
- Precautionary measures, emergency procedures and plans.
- Site management systems for waste disposal and transportation of hazardous substances.

(ii) Risk associated with non industrial activities near hazardous facilities:

The acceptable level of risk for any proposed non industrial activity shall be based on the consideration of the following criteria:

- Scale of activity, including degree of occupancy and population density;
- Separation distance from potential incident source;
- Nature of existing and potential future hazards presented by adjoining or nearby uses.

- The compatibility of the activity with nearby activities and restrictions on the use of adjoining land which may be imposed by the activity.

A report will be required to give details of a risk assessment if one of these criteria is not acceptable. Such a report shall be prepared by persons experienced in risk assessments of hazardous facilities.

The assessment of non industrial activities of a commercial nature shall also consider whether there is an adverse effect on the strength, vitality, and viability of commercial activity areas.

(iii) Radiation Processes:

There shall be an assessment of potential environmental effects and an assessment of the level of protection for workers, the general public and adjacent premises from exposure above a certain acceptable criteria, under the Radiation Protection Act 1965.

6B 2.4 Non-Complying Activities

- (a) Any retail activity not identified as a Permitted or Discretionary Activity.
- (b) Residential activities, except where it is necessary to provide living quarters for a caretaker on site.
- (c) Any abattoir, slaughterhouse or packing house required to be licensed pursuant to the Meat Act 1981 and amendments.
- (d) Any activity involving the use of radiation in excess of 1,000,000 curies or acceptable limits as defined in the Radiation Protection Act 1965 and subsequent amendments.

6B 2.5 Other Provisions

- (a) Subdivisions - See Chapter 11.
- (b) Financial Contributions - See Chapter 12.
- (c) Utilities - See Chapter 13.
- (d) General Rules - See Chapter 14.

6B 3 Anticipated Environmental Results

- (a) Protection of other activity areas from the intrusion of industrial development, which has the potential to generate adverse effects on the community and environment.
- (b) Mitigation and containment within the site of adverse effects to maintain and enhance compatibility with adjacent sites; amenity values of the area; and the receiving environment.
- (c) Safeguarding of the life supporting capacity of air, water, soil and ecosystems of the area from harm or irreversible damage.
- (d) Protection of the community and the environment from potential adverse effects associated with the use, storage, transportation and disposal of hazardous substances.
- (e) Accommodation of a mix of both industrial and non industrial activities, with an acceptable level of risk for non industrial activities.