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9A.0 HAZARDOUS SUBSTANCES

9A.1 Introduction

The storage use and transport of hazardous substances are normal parts of many industrial activities. Inappropriate handling, unintentional release or loss of control of these substances can result in significant environmental damage and adverse effects on human health safety and property.

The potential for environmental damage from spills is of particular concern where hazardous facilities are located next to streams, lakes or harbours, above aquifers or close to environmentally sensitive areas such as wetlands.

The safety and health of the people working in hazardous facilities and in the wider community may also be at risk if these facilities are not adequately controlled, especially if they are located in the vicinity of residential areas. The safety and health of workers is subject to regulations under the Health and Safety in Employment Act 1992 which controls conditions on the site. Any off-site effects that may impact on the wider environment and the community are dealt with under the Resource Management Act.

9A.2 Issues

9A.2.1 Inappropriate handling, unintentional release or loss of control of hazardous substances has the potential to cause damage to the environment, including ecosystems, and to human health and property.

9A.3 Objectives

1. Avoid remedy or mitigate adverse effects and risks to the natural environment presented by facilities and activities involving the use or storage of hazardous substances.
2. Protect the health of the community from unacceptable risks from hazardous facilities.

Principal reason (1): Facilities or activities involving hazardous substances may cause adverse environmental effects when the substances are not adequately controlled and escape into the environment. Such releases, whether accidental or brought about by poor management practices, may cause environmental contamination and damage. To avoid remedy or mitigate potential adverse environmental effects, these facilities and activities need to be managed correctly and located appropriately.

Principal reason (2): The operation of a hazardous facility involves a risk that off-site effects may affect the wider community. Such risks can be reduced or mitigated by appropriate planning and management controls.

9A.4 Policies

1. Hazardous facilities should be located so that any risk to the natural environment, or to human health is avoided, remedied or mitigated.
2. Hazardous facilities should be designed, constructed and managed to avoid, remedy or mitigate adverse effects and unacceptable risks to the natural environment, or to human health.
3. Council will have particular regard to the following adverse effects of hazardous facilities when developing plan provisions or considering consent applications:

Refer to 21.4 for policy on siting new facilities for contaminated materials in Rural Zones.

- contamination of water, soil and air;
- short and long term damage to ecosystems;
- any cumulative effects of hazardous facilities in an area;
- any potential for accumulation of persistent substances in the bodies of humans and animals, resulting in chronic or long term damage to their health;
- acute damage to human health through exposure to substances affecting skin, mucous membranes, respiratory and digestive systems;
- damage to the environment from fire or explosion events;
- damage to human health and property from fire or explosion events.

Principal reasons (1): The nature and scale of environmental effects and risks associated with hazardous facilities are influenced by their location, for example, their proximity to sensitive environmental areas or residential areas. Specific controls relating to the use and storage of hazardous substances will therefore directly affect the nature of environmental effects and the level of risk. Although the use of hazardous substances may provide benefits to the community by meeting community needs for products and services, any facilities or activities involving hazardous substances also represent a risk. The community may decide that the potential cost of a facility locating in such a neighbourhood outweighs the potential benefits.

Principal reasons (2): Site design, layout and operational/management procedures greatly affect the risk from hazardous facilities.

Principal reasons (3): Possible adverse effects of hazardous substances can be predicted by the properties of the substance and the anticipated consequences of its release. These consequences can be harmful to human health and the natural and physical environment.

9A.5 METHODS OF IMPLEMENTATION

9A.5.1 Advocacy

1. Council will, in conjunction with industry and communities, identify and promote suitable industrial standards and Codes of Practice. It may develop guidelines
2. Council will promote "Cleaner Production".
3. Council will promote public awareness and understanding about the risks associated with hazardous substances and facilities.

See Regional Discharges Plan for a discussion of "Cleaner Production".

Principal reasons (1-3): These will enable the Council to assist users of hazardous substances to achieve the objectives of this Plan.

9A.5.2 Education

1. Council will develop and implement an education programme for users of hazardous substances. This will include promoting the use of appropriate codes of practice and standards.

Principal reasons (1): These will enable the Council to assist users of hazardous substances to achieve the objectives of this Plan.

9A.5.3 Regulation

1. Council will use zoning to separate hazardous facilities from sensitive areas.
2. Council will require, where appropriate, operators of hazardous facilities to prepare and operate site management systems and emergency plans.

3. Council will set rules to control the use of hazardous facilities. This includes a Hazardous Facility Screening Procedure (HFSP) to identify the appropriate level of control of hazardous facilities

Principal reasons (1-3): This will reduce risks to the more sensitive areas and control potential adverse effects in other areas. The HFSP will ensure that all new or significantly altered hazardous facilities are initially assessed but only those which exceed specific levels of risk are subjected to more detailed scrutiny and additional regulatory control facilities

9A.6 RULES FOR HAZARDOUS SUBSTANCES

Note:

1. Activities shall comply, where relevant, with the regional or district rules in Chapter 3-Cultural Heritage, Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, and Chapter 6-Land, Chapter 8-Utilities, Chapter 9-Contaminated Sites and Chapter 10 – Signs.

Activities shall also comply, where relevant, with the rules in the Proposed Gisborne Regional Freshwater Plan.

2. The rules for hazardous substances shall apply in addition to the zone rules for the area.

General Rules

The following General Rules shall apply to all permitted activities involving hazardous substances:

- 9A.6.1 All activities shall comply with rules specified in Chapter 11-Noise and Vibration, and Chapter 15-Parking.

9A.6.2 Site Design

- a) All hazardous facilities shall be designed, constructed and managed so that all hazardous substances are stored and used in a manner that prevents:
 - i) exposure to ignition sources;
 - ii) corrosion or other detrimental deterioration to containers;
 - iii) release of any hazardous substance to any land or water;
 - iv) release of any hazardous substance to any sewerage or stormwater drainage system (unless a discharge permit has been gained from the Council).

9A.6.3 Spill Containment

- a) Any spill containment system shall be:
 - i) constructed of suitable impervious materials resistant to the hazardous substances on site;
 - ii) able to contain the full volume of the hazardous substances being held in the largest tank used, or half of the maximum volume of hazardous substances contained in drums or small containers.

9A.6.4 Stormwater

- a) All stormwater grates on the site shall be clearly marked "stormwater only".

9A.6.5 Washing areas

- a) Any part of the hazardous facility site where vehicles, equipment or containers that are or may have been contaminated with hazardous substance are washed shall be

designed, constructed and managed to prevent the effluent from the washdown area from entering any land, water or sewerage or stormwater drainage system.

9A.6.6 Waste Management

- a) Any waste containing hazardous substances shall be managed to prevent the waste entering any stormwater system, sewerage system or discharging into or onto any land or water unless approved by the consent authority.
- b) A record shall be maintained and made available to Council officers upon request of the types and quantities of hazardous wastes generated on the site and the methods of disposal.

9A.6.7 Signage

- a) Any hazardous facility shall be adequately signposted to indicate the nature of the substances stored, used or otherwise handled. Signs are not required for substances used or stored as a permitted activity in the Residential Zone. Adherence to the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" of the New Zealand Chemical Industry Council, or any other Code of Practice approved by the New Zealand Fire Service will be accepted as one method of complying with this condition.

9A.6.8 Records

- a) All premises used for the manufacture, storage or use of hazardous substances shall maintain an up to date register of all hazardous substances and maximum quantities held in store. The register must be kept in a safe location and be immediately available to Council officers upon request.

9A.6.9 Contingency Plan

- a) Any site used for the manufacture, storage or use of hazardous substances, shall have in place a spillage management plan to prevent any spillage from discharging or entering into any stormwater or drainage system. The plan shall include a list of action to be taken in the event of a spillage.

9A.7 Exemptions

- a) The general rules and HFSP for hazardous substances shall not apply to any of the following:
 - i) waste treatment or disposal facilities;
 - ii) storage or use of hazardous consumer products for private domestic purposes;
 - iii) retail outlets for the domestic usage and sale of hazardous substances including supermarkets, hardware shops and pharmacies;
 - iv) facilities using genetically modified or new organisms;
 - v) developments that are or may be hazardous but do not involve hazardous substances including mineral extraction, high voltage transmission lines, radio masts and electrical substations;
 - vi) gas and oil pipelines;
 - vii) fuel in motor vehicles, boats and small domestic engines;
 - viii) storage of up to 100,000 litres of petrol and up to 50,000 litres of diesel in underground storage tanks, provided it can be demonstrated that the "Code of Practice for the Design, Installation and Operation of Underground

*See Biosecurity Act 1993
and hazardous
Substances and New
Organisms Act 1996.*

Petroleum Systems” published by the Department of Labour (Occupational Safety and Health) is adhered to;

- ix) storage of up to 6 tonnes (single vessel storage) of LPG, provided it can be demonstrated that the “Australian Standard (AS 1596) for LP Gas Storage and Handling - Siting of LP Gas Automotive Retail Outlets” is adhered to;
- x) premises where the only hazardous substances present are for the purpose of cleaning or other associated office activities at that site provided that the total storage of hazardous substances is no greater than 100 litres and that no container is larger than 20 litres capacity;
- xi) agrichemical use, storage and disposal where these activities are carried out in accordance with NZS8409:1999 Code of Practice for the Management of Agrichemicals.

Note:

Existing facilities (as of date of notification of the Plan) will not be subject to the HFSP and rules unless they expand or alter their operations, so the effects of the use are not the same or similar in character, intensity or scale. (Refer Section 10 of the Resource Management Act 1991).

9A.8 Permitted Activities

The following activities shall be permitted activities provided they comply with the General Rules, where applicable:

9A.8.1 Establishment and operation of hazardous facilities

Provided that:

- a) The facility achieves Effects Ratios equal or below that specified in the Hazardous Facilities Screening Procedure set out in Appendix 16.

*Refer to Chapter
19.7.1 - 19.7.3*

Refer to Appendix 16.

9A.9 Discretionary Activities

The following activities shall be discretionary activities:

9A.9.1 Hazardous facilities which do not comply with the General Rules or which achieve Effects Ratios greater than those specified in the Hazardous Facilities Screening Procedure set out in Appendix 16

9A.10 ANTICIPATED ENVIRONMENTAL RESULTS

- a) Appropriate siting and control of hazardous facilities.
- b) Avoidance of unacceptable risk to the community and the environment from the use, manufacture and storage of hazardous substances.
- c) A reduction in the number of accidents and the extent of adverse environmental effects due to the release of substances manufactured, stored and used at hazardous facilities.
- d) Adoption of better site management and operational practices.
- e) Avoidance of contamination of the natural environment from hazardous facilities and activities.

Improved community and industry awareness of risks posed by activities using, manufacturing or storing hazardous substances.