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## 8. HAZARDOUS SUBSTANCES

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### 8.1 SECTION INTRODUCTION

- 8.1.1 Council has a duty under Section 31 of the Act to control any actual or potential effects of the use, development, or protection of land to prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances. Hazardous substance is a substance that on its own or in combination with air or water is explosive, flammable, corrosive, toxic, ecotoxic, or has the capacity to oxidise. Hazardous substances that have the potential to damage human, plant, or animal health. The effects of such remain long after the initial incident has occurred.
- 8.1.2 Hazardous substances are an integral part of many commercial, industrial, and rural activities. The degree of risk may vary according to volumes stored on site, toxicity, flammability, or explosiveness. Although there are no large scale or significant industrial activities based in the District which require or use high volumes of highly toxic hazardous substances, there are many substances in common use which require safe handling and transportation. These include motor vehicle fuels, timber preservatives, sprays, solvents, and industrial cleaning products.
- 8.1.3 The effects from inappropriate storage, use, disposal, or transportation of hazardous substances can be far reaching. Adverse effects may occur as isolated or discreet events or may have ongoing or cumulative effects.
- 8.1.4 Areas where hazardous substances are stored, used, or manufactured require management with the Bay of Plenty Regional Council to ensure the implementation of mechanisms to prevent spillages and contamination and further, to ensure that if spillage or contamination occurs its effects on the environment are remedied or mitigated. Mechanisms such as sealing, bunding and roofing assist in ensuring that adverse effects are avoided, remedied, or mitigated. Where such mechanisms are not practical then other mitigation options will be considered.
- 8.1.5 The focus of the Plan in relation to hazardous substances is to ensure, through the resource consent process, that activities using hazardous substances are designed, constructed, and managed to prevent accidental spillage or contamination and the adverse effects on the environment that eventuate as a result.

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## 8.2 RESOURCE MANAGEMENT STRATEGY

### 8.2.1 *Resource management issues*

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1. Hazardous substance spillage or contamination can have adverse effects on the health and safety of the natural and physical environment and the community.
2. The risks to the environment and the community associated with hazardous substances; these include explosiveness, flammability, corrosiveness, toxicity, and eco-toxicity.
3. The destruction of coastal habitats and ecosystems may result from hazardous substance contamination within the coastal environment.
4. Contamination of areas, and the adverse effects of hazardous substance use can destroy sites of importance to Iwi.
5. The transportation of hazardous substances throughout and within the district needs to be safe and efficient with minimal impediment of hazardous substance transporters.
6. Lack of knowledge of contaminated sites within the district; this relates to past sites of hazardous substance storage, use, or disposal, and can include old timber treatment yards, and sites of country stores.
7. Lack of information identifying hazardous substance facilities and the types of hazardous substance used or stored within these facilities.
8. Insufficient on-site manoeuvrability for hazardous substance transporters can increase the likelihood of accidental rupture or spillage.

### 8.2.2 *Objectives and policies*

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| <b>Objective</b> | 1. <b>To manage the storage, use, disposal, and transportation of hazardous substances within the district, to ensure that environmental quality of the district is not compromised.</b>  |
| <b>Policies</b>  | <ol style="list-style-type: none"> <li>1.1 To ensure that activities using hazardous substances avoid, remedy, or mitigate the potential adverse effects on the surrounding environment, and to ensure that the amenity values of the surrounding environment are not compromised.</li> <li>1.2 Hazardous substance facilities must be designed, constructed and managed to avoid, remedy, or mitigate adverse effects on the environment.</li> <li>1.3 To maintain continual cooperation with Bay of Plenty Regional Council in the identification of potentially contaminated sites within the district.</li> </ol> |
| <b>Objective</b> | 2. <b>To ensure that where land is used to store, use or dispose of hazardous substances that the potential adverse effects from hazardous substance use are avoided, remedied, or mitigated.</b>   |

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| Policies  | 2.1 | Require containment facilities on hazardous substance sites to prevent or mitigate the effects from the accidental spillage release of contaminants.  |
|           | 2.2 | Ensure that when assessing resource consent applications for activities that store, use, or dispose of hazardous substances that site rehabilitation programmes can be implemented should any contamination of the site occur.  |
| Objective | 3.  | <b>To control the effects of the use or development of land in relation to hazardous substance by ensuring appropriate mechanisms are in place, or conditions are attached to any resource consent for the storage, use, disposal, and transportation of hazardous substance.</b> |
| Policies  | 1.1 | Require information to be provided with resource consent applications about hazardous substances, procedures for handling them on-site and during transportation to the site.   |
|           | 1.4 | To reduce the risk of adverse effects on the environment from the storage, use, disposal of hazardous substances.   |

#### 8.2.4 *Methods of implementation*

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The objectives and policies of this section will be implemented by the following methods.

1. Rules
2. Other methods

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## 8.3 RULES

The following rules provide for permitted activities, controlled activities, and discretionary activities.

### 8.3.1 *Permitted activities*

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The permitted activities with respect to the management of the effects of hazardous substances are:

1. Activities that comply with the Standards specified in 8.4.
2. The storage and use of hazardous substances, including agrichemicals, on sites used other than for industrial activities shall be permitted, provided that:
  - i. The effects of the use and storage of hazardous substances are contained within the boundaries of the user's site.
  - ii. The method for use, storage, transportation on-site, and disposal of hazardous substances will not compromise the life-supporting capacities of the natural and physical resources of the site, and will not result in any contamination of the site, or underlying water resources.

***While these activities are permitted activities with respect to hazardous substances it is important to check the status of any activity with the activity lists in the Zone sections.***

***Where appropriate Council may issue a Certificate of Compliance to any activity subject to the provision of such information as necessary to justify compliance with these Standards.***

### 8.3.2 *Controlled activities*

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Those hazardous substance activities that are controlled activities are stated in the relevant zone sections of the Plan.

### 8.3.3 *Discretionary activities*

The Council may grant or refuse a resource consent for a discretionary activity. The following activities may be established after a land use consent has been granted by Council.

1. Any activity that does not comply with the standards specified in **Section 8.4**.
2. Activities that store, use, or dispose any hazardous substance with explosive properties, such as petrochemicals or pressurised gases, or involve radioactive substances.
3. Discretionary activities must meet:
  - i. The standards of the Zone in which they are located
  - ii. The requirements of the Resource Management Act 1991
  - iii. The information requirements of Council when lodging and application for resource consent under this section. This includes information to demonstrate:
    - (a) The Best Practical Option has been adopted for the generation, use, transport, disposal, or storage of hazardous substances; and
    - (b) That the risk of any adverse effect on the environment from accidental spillage, disposal, or contamination is avoided, remedied or mitigated to the satisfaction of Council.
    - (c) The site rehabilitation programme, to be implemented should any accidental spillage or contamination of the site occurs.
  - iv. Storage or use of hazardous substances:
    - (a) Within the ASCH (Areas Sensitive to Coastal Hazards as defined by the Operative Regional Coastal Environment Plan); or
    - (b) Within the ponding areas shown on maps 3A, 3B and 3C; or
    - (c) Within the Waioeka – Otara floodplain and less than 3.6m above Moturiki Datum; other than storage and use for domestic purposes, or use of herbicides and pesticides for weed and pest control purposes.

## 8.4 STANDARDS

These Standards apply to all sites where hazardous substances are stored, used, or disposed of, except where such substances are used for domestic use or for farming and forestry activities where these activities shall comply with the Hazardous Substances and New Organisms Act 1996.

### 8.4.1 *Storage of hazardous substances*

All sites or parts of sites where hazardous substances, including hazardous wastes, are generated, used, disposed, stored, loaded, or unloaded are to be sealed, banded, and where appropriate, roofed or covered, and shall be:

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- i. Constructed or lined with a material which is resistant to corrosion or embrittlement by the hazardous substance.
  - ii. Fitted with a vent adequate to prevent increases or decreases of pressure.

#### 8.4.2 ***Storage of hazardous substance waste***

The storage of any waste containing hazardous substances shall be in a manner that prevents:

- i. Exposure to ignition sources.
- ii. Corrosion or alteration of the containers used for the storage of the waste.
- iii. Unintentional release of wastes.

#### 8.4.3 ***Bundling of sites***

All bunds shall be sealed or constructed from impervious materials and shall be sufficient to contain the total volume plus 50% of material stored or used on the site in the event of a spill in order to:

- i. Avoid, remedy or mitigate the risks to, and from, the natural hazard.
- ii. Exclude floodwaters from a 1% AEP (100year return period) flood.

#### 8.4.4 ***Site management and contingency plans***

Site management and spill contingency plans shall be prepared and implemented for all activities using, storing, generating, disposing, or transporting hazardous substances.

The plan must identify the following:

- i. Emergency procedures
- ii. Responsibilities and specific tasks in an emergency.
- iii. A list of people to be contacted in the event of an emergency.
- iv. The name of the person with primary responsibility for any substances used or stored on the site.
- v. Any other information required by Council.

#### 8.4.5 ***Signage***

Any hazardous substance facility shall be adequately signposted to indicate the nature of the substances stored, used, or disposed of on the site.

#### 8.4.6 ***Site design***

A site where hazardous substances are used, stored, or disposed shall be designed, constructed and managed so that if accidental spillage occurs contaminants do not enter stormwater run-off collection or flow through the site unless permitted by a resource consent.

## 8.5 SUBDIVISION

See Section 10 Subdivision 10.4.2.

## 8.6 OTHER METHODS

8.6.1 Other methods for achieving the objectives and policies of this section are:

1. To use Council's state of the environment monitoring programme to identify sites which may be contaminated from past hazardous substance use and to record such sites in a database.
2. To use Land Information Memoranda and Project Information Memoranda to provide information on existing site contamination, potential site contamination, and on adjoining activities that use hazardous substances.
3. To provide information to the community and consent applicants within the Rural Zone, the Coastal Zone, and the Coastal Residential Zone on areas where sprays are likely to be used.
4. To undertake monitoring of activities within the district that store, use, or dispose of hazardous substances.
5. To use hazardous substance management regimes provided by the Hazardous Substances and New Organisms Act 1996, Medicines Act 1981, Pesticides Act 1979, Health and Safety in Employment Act 1992, Dangerous Goods Act 1974, Toxic Substances Act 1979, Building Act 2004, and the Health Act 1956.

## 8.7 EXPLANATION

8.7.1 The reasons for the foregoing objectives, policies and methods are stated below.

8.7.2 The responsibility for managing the adverse effects of hazardous substances is set out in Section 31 of the Act. Although the probability of an accidental spillage of hazardous substances may be low, the potential adverse effects on the environment and to human health and safety, if such situation did occur, would be significant.

8.7.3 Site location, design of facilities, and operational and management procedures are of direct relevance to the probability of accidental contamination. The resource consent process is an integral mechanism for ensuring that the environment and human health and safety is protected. In areas close to residential activities or in sensitive natural environments, the use and storage of hazardous substances needs to be managed particularly carefully to ensure that amenity values and quality of residential environments is maintained.

**NOTE:**

*It is noted that the provisions of other legislation will be applicable also. Although the requirements of other legislation are not enforceable through the District Plan the legislation needs to be consulted by those persons making use of hazardous substances.*

*Other related legislation includes: Hazardous Substances and New Organisms Act 1996, Medicines Act 1981, Health and Safety in Employment Act 1992, Building Act 2004, and Health Act 1956.*

## 8.8 ANTICIPATED ENVIRONMENTAL OUTCOMES

8.8.1 Environmental outcomes anticipated from the implementation of the objectives, policies, and methods of this section are:

- 4 A safe natural and built environment where contamination from hazardous substance is minimal.
- 4 Reduction in the number of accidental spillage of contaminants by hazardous substances users.
- 4 Increase in the number of hazardous substances users who are bunding and sealing their hazardous substances sites.