

Hearing 8A Hazardous Substances

Recommended amendments to Rule 10.1.3 in response to submitter's evidence and legal submissions -

23 January 2020



Following the review of the legal submissions and evidence, the reporting planner's position has changed from the rebuttal evidence with respect to both scope and the proposed amendments to Rule 10.3.1 relating to the storage of fuel for retail sale for the various zones. These changes have been shared with submitters relevant to this hearing on 24 January 2020 in advance of the hearing on 28 February 2020.

The changes are proposed on a 'without prejudice' basis and are intended to be discussed in more detail at Hearing 8A. In the meantime any feedback is invited from submitters on the revised rules prior by **midday on Monday 27th January** to Katherine.Overwater@waidc.govt.nz.

Hearing 8A – Hazardous Substances & Contaminated Land - Proposed Rule Amendments to Rule 10.3.1 for Discussion

Rules in **red** identify those rules included in Appendix 2 of Council’s S42A rebuttal. The note in **light blue** identifies the addition from Council’s rebuttal (Appendix 2). Rules in **blue** identify new amendments for discussion at the hearing.

<u>P1</u>	(a) <u>The use, storage or disposal of any hazardous substance must meet the following conditions:</u> (i) <u>the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the applicable zone in Table 5.1 Appendix 5 (Hazardous Substances).</u>
<u>P2</u>	(a) <u>The storage or use of radioactive material is:</u> (i) <u>an approved equipment for medical and diagnostic purposes; or</u> (ii) <u>specified as an exempt activity or article in the Radiation Safety Act and Regulations 2016.</u>
<u>P3</u>	(a) <u>The storage of fuel for retail sale, including self-automated dispensing facilities in the Rural, Industrial, Heavy Industrial, Hampton Downs Motorsport and Recreation or Te Kowhai Airpark Zones (PRECINTS A AND B), where:</u> (i) <u>The maximum quantity thresholds are met:</u> A. <u>100,000 litres of petrol or aviation fuel in underground storage tanks;</u> B. <u>50,000 litres of diesel in underground storage tanks; and</u> C. <u>6 tonnes of LPG (single vessel storage);</u> (ii) <u>The site does not adjoin a Residential, Village or Country Living Zone or Rangitahi Peninsula.</u>
<u>CI</u>	(a) <u>The storage of fuel for retail sale in the Rural, Industrial, Heavy Industrial, Hampton Downs Motorsport and Recreation or Te Kowhai Airpark Zones (PRECINTS A and B) that does not comply with P3.</u> (b) <u>Council’s control is reserved over the following matters:</u> (i) <u>The proposed site design and layout in relation to:</u> A. <u>the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</u> B. <u>interaction with natural hazards (flooding, instability), as applicable and proposed emergency management planning (spills, fire and other relevant hazards);</u> (ii) <u>Procedures for monitoring and reporting of incidents.</u>
CI	(a) The storage of the following maximum volumes of fuel for retail sale within a service station in the Rural Zone, the Business Town Centre, Business Zone, Industrial Zone or Heavy Industrial Zone, the Motorsport and Recreation Zone

	<p>(i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage);</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) The proposed site design and layout in relation to:</p> <p>A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</p> <p>B. interaction with natural hazards (flooding, instability), as applicable and proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>(ii) Procedures for monitoring and reporting of incidents.</p>
C2	<p>(a) Fuel storage and refuelling infrastructure, including self-automated dispensing facilities in PRECINCTS A AND B at Te Kowhai Airpark Zone must not exceed:</p> <p>(i) An aggregate of 100,000 litres of petrol or aviation fuel in underground storage tanks; and (ii) An aggregate of 50,000 litres of diesel in underground storage tanks; and (iii) An aggregate of 6 tonnes of LPG (single vessel storage).</p> <p>(b) Council reserves its control over the following matters:</p> <p>(i) The proposed site design and layout in relation to:</p> <p>A. The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</p> <p>B. Interaction with natural hazards such as flooding, instability;</p> <p>C. Proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>D. Procedures for monitoring and reporting of incidents.</p>
<u>C2</u>	<p>(a) <u>The storage of fuel for retail sale in the Business, Business Town Centre, Tamahere Business, Residential, Village, Country Living, Rangitahi Peninsula, Reserve Zones or Agricultural Research Centre, where:</u></p> <p>(i) <u>The maximum quantity thresholds are met:</u></p> <p><u>A. 100,000 litres of petrol or aviation fuel in underground storage tanks;</u> <u>B. 50,000 litres of diesel in underground storage tanks; and</u> <u>C. 6 tonnes of LPG (single vessel storage);</u></p> <p>(b) <u>Council's control is reserved over the following matters:</u></p> <p>(i) <u>The proposed site design and layout in relation to:</u></p> <p><u>A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities;</u></p>

	<p>B. <u>interaction with natural hazards (flooding, instability), as applicable and proposed emergency management planning (spills, fire and other relevant hazards);</u></p> <p>C. <u>Procedures for monitoring and reporting of incidents.</u></p>
<u>D1</u>	<u>The use, storage or disposal of any hazardous substances that does not comply with Rule 10.3.1 P1, P2 or C1 and C2.</u>
<u>D2</u>	<u>A service station that does not comply with Rule 10.3.1 C1 in the Business Zone, Business Town Centre, Industrial Zone or Heavy Industrial Zone.</u>
<u>NC1</u>	<u>The use, storage of fuel for retail sale within a service station in the Residential, Country Living, Village, Rangitahi Peninsula zones, in the Tamahere Business Zone or Agricultural Research Centre and in the Reserve Zone.</u>
<u>NC2</u>	<p><u>Any new hazardous facility that involves the storage and handling of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line.</u></p> <p><u>Note: This rule also relates to rule 14.4.4 NC8 in Chapter 14 (Infrastructure).</u></p>

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