

PROPOSED ASHBURTON DISTRICT PLAN

Section 16: Hazardous Substances

Report No 4

Prepared by

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For

Ashburton District Council

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1.0 INTRODUCTION

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received on section 16 of the proposed District Plan, following the public notification of the proposed Ashburton District Plan including Planning Maps, and to make recommendations on those submissions.
- 1.2 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding these sections of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. The recommendations in this report are made on the basis of the information available at the time of writing. It should be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.3 This report has been prepared by Stephanie Styles. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the proposed District Plan.

2.0 HOW TO READ THIS REPORT

2.1 This report is structured as follows:

- Background to the plan section
- Description of the submissions on provisions in this section
- Summary of main issues raised
- Discussion of issues
- Recommendations and reasons

2.2 Appendices attached to this report include:

Appendix One: Summary of Recommendations on Submissions and Further Submissions

Appendix Two: District Plan Amendments

3.0 BACKGROUND

3.1 This report relates to Section 16: Hazardous Substances of the proposed District Plan. This section sets out the issues relating to the manufacture, storage, transport and disposal of hazardous substances within the Ashburton District and the approach that the Council intends to take to control such issues. The matter of hazardous substances is linked to

other legislation such as the Hazardous Substances and New Organisms Act 1996 (HSNO) and Hazardous Substances regulations.

4.0 ANALYSIS OF SUBMISSIONS

4.1 A range of submissions and further submissions were received on this section of the proposed District Plan. Consideration of these submissions has been undertaken by topic or issue with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. My analysis of submissions below is generally in relation to broad issues or topics raised, with some specific relief sought being mentioned where necessary. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).

4.2 Some aspects of this section did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.

Section 16: Hazardous Substances – General Opposition

4.3 The submission from the National Beekeepers Association – Canterbury Branch¹ seeks that this section be redrafted to “make more relevant”. The submission states that it “does not accurately portray the Council responsibilities”. This submission point is opposed in part by the further submission from the Oil Companies² who note that this submission does not make explicit the scope of changes sought.

4.4 I consider that this section is an accurate representation of the Council’s responsibility under the legislation and in line with the requirements of the Canterbury Regional Policy Statement. I do not consider that it would be appropriate for this section to be altered to any significant degree and I do not consider that it is necessary for this section to be redrafted.

Section 16: Hazardous Substances – General Support

4.5 A couple of the submissions³ received provide general support for part of this section. In particular the submission from the Oil Companies seeks that the objectives and policies in this section be retained without modification. I acknowledge this support.

Section 16: Hazardous Substances – External document referencing

4.6 The submission from Ashburton District Council seeks to ensure that all references to external documents within the proposed District Plan are explicit. Within this section, there are a number of external documents that are referenced within a number of clauses.

¹ Submission 55, point 1.

² Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ.

³ Submission 79 from Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ (the Oil Companies), and submission 553 from Federated Farmers of New Zealand.

4.7 I have reviewed the references to external documents in this section and note that most of these are discussed generally in a way that does not require any more explicit referencing. The only external document referenced within the rules is the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems published by Occupational Safety and Health Service, 1992 (clause 16.7.7 j)). This document is readily available through the Department of Labour website and thus is appropriately referenced within the rule. I do not consider it necessary for any changes to be made in relation to referencing in this section.

Section 16: Hazardous Substances – Clause 16.3: Objectives and Policies

4.8 The submission from Federated Farmers⁴ seeks that policy 16.1D be amended to remove the inclusion of areas of outstanding natural features and landscapes as they “*are excessively large and at that scale are unlikely to be significantly affected by hazardous substances*”.

4.9 The policy states:

To limit manufacturing and storage, and avoid disposing of hazardous substances near any of the following areas:

- *Waterbodies or wetlands.*
- *Areas of outstanding natural features and landscapes.*
- *Significant ecological sites.*
- *Sites of particular heritage or cultural value.*
- *Popular recreational areas.*
- *Dwellings, other than a dwelling on the same site as the activity.*

4.10 The purpose of the policy is to set a framework for the separation of hazardous substances from sensitive areas and sensitive activities.

4.11 When you turn to the rules, the sensitive areas that are specifically protected⁵ include areas at risk from a natural hazard, waterbodies/waterways, areas of Significant Conservation Value, areas of significance to Takata Whenua and sites containing sensitive activities as defined in the Plan⁶. On this basis I agree with the submitter that it is not necessary to mention areas of outstanding natural features and landscapes within the policy as they are not affected by the rules. I recommend that this bullet point be removed from the policy. I note that there is no necessity to alter the text in the explanation and reasons as that does not specifically mention areas of outstanding natural features and landscapes.

⁴ Submission 553, point 167.

⁵ Rule 16.7.7 d) and e).

⁶ Sensitive activities include any of the following activities: Residential Activity, Travellers Accommodation, Community Facility, Recreational Facility or Recreational Activity, Place of Assembly, Restaurant, Educational Facility, Camping Ground Facility, but excludes Temporary Accommodation.

Section 16: Hazardous Substances – Clause 16.7: Rules

Summary of Main Issues

4.12 A number of submissions were received in relation to this section generally, seeking:

- That all references to waterway be removed and replaced with “river or stream”⁷.
- Exemptions for pole mounted transformers from flooding risk areas and all utilities from earthquake areas⁸.
- Corrections to referencing⁹.
- Changes to rule structure to provide clarification and avoid confusion¹⁰.
- Concern over unloading areas and agrichemical quantities¹¹.
- Amendments to provide for removal of underground petroleum storage systems (UPSS), increased storage quantities for service stations, and similar¹².

Discussion

4.13 In relation to the submission from TrustPower I note that this is a generic submission across the whole of the District Plan. The concern raised by TrustPower is that the use of the term waterway in this Plan is defined and used instead of other terms such as “river” or “stream”. They are particularly concerned over the lack of clarity in whether the term waterway includes irrigation and electricity generation canals. The term waterway is used once in this section, within rule 16.7.7 d). This issue of definition is, I consider, best left until the report on Section 17: Definitions and any specific recommendation on the decision sought will be included in that report.

4.14 The submission from Electricity Ashburton relates to site standard 16.7.7 d) which states:

The hazardous substance is not stored:

- *Within any area identified on the planning maps as being at risk from a natural hazard (flooding, coastal erosion, coastal inundation, earthquake), ...*

4.15 I agree with the points raised by the submitter in relation to utilities being designed to accommodate earthquake risk and pole mounted transformers being above flood risk. In addition, I note that the planning maps do not at this time provide any identification of any natural hazard risk areas and thus the standard has no effect as it is presently worded. I recommend that this part of the standard be deleted. However, it is

⁷ TrustPower Limited, submission 598, point 74.

⁸ Submission 635 from Electricity Ashburton Ltd, point 54.

⁹ Submission 635 from Electricity Ashburton Ltd, points 56-58.

¹⁰ Ashburton District Council, submission 639, point 74.

¹¹ Federated Farmers of NZ, submission 553, points 163 and 164.

¹² Submission 79 from Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ (the Oil Companies), points 1 and 3-6.

appropriate to control hazardous substances being stored within areas at high risk from flooding or other areas at risk from natural hazards and so I recommend that the wording be replaced with wording consistent with that used in the utilities chapter.

- 4.16 The Electricity Ashburton submission also points out the need to correct referencing in rule 16.7.7 f)-j). I agree with these suggestions and recommend that these changes be made.
- 4.17 The Ashburton District Council submission identified the need to review the way the activity status and rules sections work to ensure that they are clear and avoid confusion¹³. This particularly relates to the connection of permitted and restricted discretionary activities to standards. While the Council’s submission may have relevance to other sections of the Plan, I have reviewed the layout of rules within this section and do not consider that there is any need for restructuring or amendment.
- 4.18 The Federated Farmers submission raises concerns over the ability to meet rule 16.7.7 a) which states “*All areas or parts of sites where solid and/or liquid hazardous substances (including waste) are stored, loaded or unloaded shall be sealed, and contained*”. The submission states that “*this is impossible in practical terms in rural zones i.e. unloading agrichemicals from a vehicle onto a grass yard would not be considered “sealed and contained”*”. It is my understanding that it is during loading and unloading of hazardous substances that may often be the more risky times of spillage occurring and that this is why loading and unloading areas are included in this rule. Within rural zones, agrichemicals in quantities of up to 3,000 kg/litres are permitted to be stored at any one time, and I consider that there is potential risk to the environment if such quantities were to be unloaded in an uncontrolled manner in a location where they could enter the environment if spilled during unloading. I do not consider it to be appropriate generally to amend this rule.
- 4.19 However, I note that the Federated Farmers submission also seeks that clause h) of this rule be expanded to include the Rural zones and with an increased volume allowed. This clause currently reads “*The storage, loading and unloading of agrichemicals in Residential and Open Space Zones in containers with volumes of 20 litres or less shall be exempt from Site Standards 1a), 1b) and 1c)*”. In this case, a specific exemption has been included for agrichemicals that are stored in smaller containers on the basis that such quantities, even if there are many containers, are less likely to have a significant effect should any spillage occur. I agree that it would be sensible to apply this exemption to all zones. I do not consider that the quantity should be increased for the same reasons as discussed above.
- 4.20 The submission from the Oil Companies seeks a number of outcomes. In relation to rule 16.7.7 j) they seek that it be amended to refer to the most recently approved (final) version of the 1992 Department of Labour Code of Practice and that it be amended to also require compliance (as applicable) with AS/NZS 1596:2008 LP Gas Storage and Handling and the Hazardous Substances and New Organisms Act 1996 (HSNO Act).
- 4.21 Clause j) currently reads:

¹³ This submission point was both supported and opposed by further submitters.

j) The storage, loading and unloading of hazardous substances in service stations shall be exempt from Site Standards 1a) and 1b), provided that the service station complies with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems published by Occupational Safety and Health Service, 1992.

4.22 I understand from the submission that the 1992 Department of Labour Code of Practice is currently under review and at the time of writing this report it does not appear that a replacement code of practice has been approved. Therefore at this time the reference within the clause cannot be changed as there is no other document to refer to. However, should a revised document be approved prior to decisions being made on the proposed Plan, I recommend that the reference be updated accordingly. This would be appropriate to ensure the referencing is current. I do agree that it would be appropriate for reference to be made in the clause to the LPG standard and HSNO and recommend that these additions be made.

4.23 The submission also seeks that clause k) be amended so that it only applies to above ground LPG storage tanks. I understand from the submission that the service station industry is moving to underground LPG storage tanks, however the submission is unclear as to why these should be treated differently to above ground tanks in relation to this rule.

4.24 Clause k) currently reads:

k) Any storage tanks designed and/or used for the storage of LPG in quantities exceeding 250 litres shall be located at least 30 m from any boundary with either a Residential Zone or the Residential Area of the Aquatic Park Zone.

4.25 I understand the reason behind this rule to be related to amenity and perception of risk in relation to residential areas. If a service station is located in a Business zone, surrounded in Business zoned properties (as is the case for most of the service stations in the District¹⁴), it is unlikely that this clause would ever become an issue as a separation of 30m from a residential zone would be easily achieved. I suggest the submitter may be able to provide more information on this issue at the hearing.

4.26 In relation to service stations, the Oil Companies seek that the storage quantities for petrol, diesel and LPG be increased to better recognise current industry standards. The submission provides extensive information on the needs of service stations and the way in which service station activities are controlled and managed. I consider that it is appropriate to have specific quantity limits for service stations given the stringent controls that are placed on such operations, both from other legislation to the District Plan and from the industry itself. I consider that it is appropriate to amend the permitted activity clause as requested by the submitter, but that this should relate only to Business zones. This is on the basis of the nature of business zoned environments being quite different from residential, open space or rural zones and the location of sensitive activities being typically more removed. I also note that a service station as an activity would not be permitted as of right in those other zones and thus should an application be made to establish one, the consideration of the quantity of substances stored could be assessed at the time of the substantive application without causing addition time or cost to the applicant.

¹⁴ I note the submission from the Oil Companies states that the Shell service station in Tinwald has a Rural A zoning. This is incorrect as this site is zoned Business C in the Proposed District Plan.

4.27 The Oil Companies submission also contains a section discussing the need for specific provision to be made for the removal of underground petroleum storage systems (UPSS). This is described at some length in the submission and appears to have become an industry standard practice with good control through standardised procedures. Many of the issues relating to such practices are actually to do with removal of contaminated material and protection of groundwater, which are issues primarily controlled by the Regional Council and not issues with which the District Council needs to be particularly concerned. I also note that these are relatively quick operations, similar to general construction. I consider that the provisions suggested in the submission appear to be appropriate controls for a District Plan and I recommend that these amendments be made.

Section 16: Hazardous Substances – Clause 16.8 Assessment Matters

4.28 Only one submission was received in relation to the assessment matters, from the Oil Companies seeking an additional assessment matter be added. The submitter seeks the addition of an assessment matter to read “*The extent to which works at an existing facility will decrease the risk associated with the current storage and use of hazardous substances*”.

4.29 I agree that this may be a useful matter for assessment of applications, particularly as they relate to service stations and I recommend that this be added.

Section 16: Hazardous Substances – Appendix 16-1: Hazardous Substances Classification and Use

Summary of Main Issues

4.30 Two submissions were received in relation to this appendix, seeking:

- Corrections to footnotes¹⁵.
- Provision be made for dilution or the quantity of the active ingredient listed in Table 16.2¹⁶.

Discussion

4.31 The Electricity Ashburton submission points out the need to correct footnote 4, suggesting it become footnote 10 on page 16-34 for clarity. I generally agree with the issue raised but I do note that the reference to footnote 4 on page 16-34 appears to be incorrect and it should instead be the same as footnote 9 (which is on the same page). Thus the reference to footnote 4 can be removed.

4.32 The Federated Farmers submission raises concerns with the quantities permitted in the Appendix, requesting that provision be made for dilution or the quantity of the active ingredient listed in Table 16.2. I can appreciate the concerns raised by the submitter that at times some operations may require larger quantities of agrichemicals than those permitted. The Council carefully considered the quantities proposed, including research

¹⁵ Submission 635 from Electricity Ashburton Ltd, point 59.

¹⁶ Federated Farmers of NZ, submission 553, point 165.

into the standards permitted in other comparable District Plans, and consideration of normal practices within the District. It is my understanding that most farmers no longer store large quantities of hazardous substances on their property but use contractors to supply substances for use at specific times. This would mean that contractors may need to gain resource consent to store substances on an approved site, but would then allow large quantities to be used on a farm as the rules in the District Plan only relate to storage and not to use.

- 4.33 Should a farmer or property owner wish to store large quantities of a substance that has the potential to risk the environment, the Council considers it appropriate that it is aware of the location of such substances and the containment arrangements are approved. This is necessary to ensure the protection of human and natural environments, including amenity values, the safety of people and property, effects on land and soils, waterbodies or other parts of the environment, as stated in the Plan.
- 4.34 I have reviewed a number of comparable District Plans within the Canterbury Region and I note there are a range of different provisions for hazardous substances. The provisions in the proposed Ashburton District Plan are modelled on those recently developed in the Selwyn District Plan (albeit amended in places to reflect Ashburton District). None of the District Plans that I have reviewed include provision for dilution or list quantities of active ingredients¹⁷. Indeed it would appear that the quantities permitted in the proposed Ashburton District Plan for agrichemicals in rural zones are significantly higher than those permitted in many other comparable Districts¹⁸.
- 4.35 I note that persons unfamiliar with hazardous substances are unlikely to be storing such substances in large quantities and so are unlikely to be affected by these rules. Those storing large quantities I would expect to be familiar with active ingredients and quantities of substances and therefore able to apply the rules appropriately. As stated at the beginning of Appendix 16-1, there are a range of sources of additional information on hazardous substances, including the Environmental Risk Management Authority (ERMA). Therefore I do not consider it necessary to alter table 16-2 as requested.

5.0 STATUTORY CONSIDERATIONS

5.1 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations below are both effective and efficient and will ensure that the methods contained in these sections are the most appropriate method for achieving the objectives of the Plan. I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

¹⁷ The Hurunui District Plan lists some ingredients but does not provide for an overall consideration of agrichemicals.

¹⁸ The proposed Ashburton District Plan permits storage of up to 3,000 kg/litres of agrichemicals in the Rural zone, which is the same quantity as the Selwyn District Plan. In the Rural zones for Mackenzie, Waitaki, Waimate and Timaru Districts agrichemicals to 1,000 litres are permitted.

6.0 RECOMMENDATIONS

6.1 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, this section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 4
SECTION 16: HAZARDOUS SUBSTANCES

APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
S55	National Beekeepers Association - Canterbury Branch	1	A redraft of Section 16 Hazardous Substances to make more relevant.	Reject
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ		Oppose	Accept
S553	Federated Farmers of New Zealand	163	Amend Site Standard 16.7.7 to provide for unloading onto unsealed areas.	Reject
S553	Federated Farmers of New Zealand	164	Amend Site Standard 16.7.7 so that exemption under h) should include Rural A, B and C Zones and the size increased.	Accept in Part
S553	Federated Farmers of New Zealand	165	Provision be made for dilution or the quantity of the active ingredient listed in Table 16.2.	Reject
S553	Federated Farmers of New Zealand	166	Retain Policy 16.1B as proposed.	Accept
S553	Federated Farmers of New Zealand	167	Policy 16.1D should be amended as areas of outstanding natural features and landscapes as defined in the Plan are excessively large and at that scale, unlikely to be affected by hazardous substances.	Accept
S598	TrustPower Limited	74	Remove all references to waterway from the Proposed Plan (i.e. Rule 14.7.4(e)) and replace them with the phrase "river or	Defer until Definitions chapter hearing

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Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
			stream".	
F12	Department of Conservation		Oppose	Defer until Definitions chapter hearing
F75	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	Defer until Definitions chapter hearing
S635	Electricity Ashburton Limited	54	Exempt pole-mounted transformers from the flooding risk site standard 16.7.7 d) and all utilities from the earthquake risk standard.	Accept
S635	Electricity Ashburton Limited	55	Retain 16.7.7i) as proposed.	Accept
S635	Electricity Ashburton Limited	56	Under Site Standards 16.7.7f) - j) replace Site Standard 1a) with 16.7.7a).	Accept
S635	Electricity Ashburton Limited	57	Under Site Standards 16.7.7f) - j) replace Site Standard 1b) with 16.7.7b).	Accept
S635	Electricity Ashburton Limited	58	Under Site Standards 16.7.7f) - j) replace Site Standard 1c) with 16.7.7c).	Accept
S635	Electricity Ashburton Limited	59	Copy footnote 4 from page 16-27 and insert it on page 16-34 as footnote 10.	Accept in Part
S639	Ashburton District Council	74	Changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion	Not relevant to this chapter

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 4
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Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
			over the interpretation of rules.	
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ		Oppose	Not relevant to this chapter
F5	Transpower New Zealand		Oppose	Not relevant to this chapter
F16	TrustPower Limited		Oppose	Not relevant to this chapter
F65	Ashburton Licensing Trust		Support	Not relevant to this chapter
F71	Electricity Ashburton Limited		Support	Not relevant to this chapter
S639	Ashburton District Council	75	References to external documents in the Proposed District Plan should be made more explicit.	Not relevant to this chapter
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	1	<p>Include in Chapter 16 of the Plan and not subject to any other Rules or permitted activity conditions, a specific rule permitting Underground Petroleum Storage Systems (UPSS) removal as follows:</p> <p>16.7.1 - Permitted Activities The following activities shall also be Permitted Activities, provided that they comply with the Site Standards in 16.7.X and where compliance with any other rules or standards in the Plan is not required unless specifically stated:</p>	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 4
SECTION 16: HAZARDOUS SUBSTANCES

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
			<p>The removal of underground petroleum storage systems and associated impacted soil at service stations.</p> <p>16.7.6 Site Standards 16.7.X Removal of underground petroleum storage systems and associated impacted soil at service stations a) the area of works shall not exceed 250m² at any one time and no more than 30m³ of associated impacted soil in aggregate per tank shall be removed. Any earthwork rules in other sections of the plan shall not apply; b) Removed soil shall be disposed of at a facility consented to receive such waste; c) Compliance shall be achieved with the relevant permitted activity standards for noise and lighting; d) Associated temporary health and safety signage shall be removed from the site following the completion of operations; e) The ground shall be reinstated to a standard and state consistent with the adjacent ground f) A report detailing the results of validation sampling shall be provided to the District Council within 60 days of receipt of laboratory results.</p>	
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	2	Retain the objectives and policies in the Hazardous Substances Chapter without modification.	Accept
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	3	<p>Amend Rule 16.7.1 Permitted Activities by adding a new permitted activity as follows:</p> <p>(c) the storage of the following hazardous substances at service stations:</p>	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 4
SECTION 16: HAZARDOUS SUBSTANCES

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
			i) Petrol (up to 200,000 litres of storage in underground tanks); ii) Diesel (up to 120,000 litres of storage in underground tanks) iii) LPG (up to 7.5 tonnes single-vessel storage above ground and up to 12 tonnes single-vessel storage underground)	
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	4	Amend Site Standard 16.7.6(j) to also require compliance (as applicable) with AS/NZS 1596:2008 LP Gas Storage and Handling and the Hazardous Substances and New Organisms Act 1996 (HSNO Act).	Accept
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	5	Amend Site Standard 16.7.6(k) so that it applies to above ground storage tanks only.	Reject
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	6	Amend Rule 16.7.7(j) to refer to the most recently approved (final) version of the 1992 Department of Labour Code of Practice.	Reject
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	7	Add a new assessment matter to 16.8 as follows: The extent to which works at an existing facility will decrease the risk associated with the current storage and use of hazardous substances.	Accept
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	8	Retain the following sentence from the Explanation and Reasons to Section 16.3: "The Council does not consider that any consent is necessary for the transportation of hazardous substances at the District level".	Accept

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Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	10	Make any additions, deletions or consequential amendments that are made necessary as a result of the matters raised in this submission.	Accept in Part
S79	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	11	Make any other such relief as to give effect to this submission.	Accept in Part

APPENDIX TWO: DISTRICT PLAN AMENDMENTS

Section 16.3 Objective and Policies

Amend Policy 16.1D as follows:

To limit manufacturing and storage, and avoid disposing of hazardous substances near any of the following areas:

- Waterbodies or wetlands.
- ~~Areas of outstanding natural features and landscapes.~~
- Significant ecological sites.
- Sites of particular heritage or cultural value.
- Popular recreational areas.
- Dwellings, other than a dwelling on the same site as the activity.

Section 16.7 Rules

Amend Clause 16.7.1 as follows:

16.7.1 Permitted Activities

The following activities shall be Permitted Activities, provided that they comply with all of the Site Standards specified below:

- a) the storage of hazardous substances which are not identified in Appendix 16-1, Table 16-1;
- b) the storage of hazardous substances identified in Appendix 16-1, Table 16-1, in quantities not exceeding those specified in Column A of Table 16-2 for the relevant zone;
- c) the storage of the following hazardous substances at service stations in the Business zones or the Commercial Area of the Aquatic Park Zone:
 - Petrol – up to 200,000 litres in underground storage tanks.
 - Diesel – up to 120,000 litres in underground storage tanks.
 - LPG – up to 7.5 tonnes single-vessel in above ground storage tanks, or up to 12 tonnes single-vessel in underground storage tanks.
- d) the removal of underground petroleum storage systems and associated impacted soil at service stations, subject to the standards set out in 16.7.9.

Section 16.7.6 Site Standards

Amend clause 16.7.7 d) as follows:

16.7.7 Storage and loading / unloading areas

- d) The hazardous substance is not stored:

- ~~Within any area identified on the planning maps as being at risk from a natural hazard (flooding, coastal erosion, coastal inundation, earthquake),~~
- On a site identified as being at high risk from flooding.
- Within 20m of any waterbody (excluding aquifers) or waterway, ...

Note: A report identifying flood risk and the height of the 1 in 200 year flood event can be obtained from the Canterbury Regional Council or a suitably qualified expert.

- f) The storage of petrol or diesel in above ground tanks in Rural Zones shall be exempt from Site Standards ~~1a), 1b) and 1c)~~ 16.7.7 a), 16.7.7 b) and 16.7.7 c) providing the tank is at least 20m away from any natural water course or water race.
- g) The storage of diesel in above ground tanks in association with residential activities shall be exempt from Site Standards ~~1a), 1b) and 1c)~~ 16.7.7 a), 16.7.7 b) and 16.7.7 c).
- h) The storage, loading and unloading of agrichemicals in ~~Residential and Open Space Zones~~ in containers with volumes of 20 litres or less shall be exempt from Site Standards ~~1a), 1b) and 1c)~~ 16.7.7 a), 16.7.7 b) and 16.7.7 c).
- i) The storage of transformer oil in transformers, up to a maximum volume of 1000 litres in any one transformer, shall be exempt from Site Standards ~~1a), 1b) and 1c)~~ 16.7.7 a), 16.7.7 b) and 16.7.7 c).
- j) The storage, loading and unloading of hazardous substances in service stations shall be exempt from Site Standards ~~1a) and 1b)~~ 16.7.7 a) and 16.7.7 b), provided that the service station complies with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems published by Occupational Safety and Health Service, 1992, AS/NZS 1596:2008 LP Gas Storage and Handling and the Hazardous Substances and New Organisms Act 1996 (HSNO Act).

Section 16.7 Site Standards

Add a new section 16.7.9 as follows:

16.7.9 Removal of underground petroleum storage systems and associated impacted soil at service stations shall comply with the following provisions:

- a) The area of works shall not exceed 250m² at any one time and no more than 30m³ of associated impacted soil in aggregate per tank shall be removed. Any earthworks rules in other sections of the Plan shall not apply to this work.
- b) Removed soil shall be disposed of at a facility consented to receive such waste.

- c) Compliance shall be achieved with the relevant permitted activity standards for noise and lighting in the relevant zone.
- d) Associated temporary health and safety signage shall be removed from the site following completion of operations.
- e) The ground shall be reinstated to a standard and state consistent with the adjacent ground.
- f) A report detailing the results of validation sampling shall be provide to the Council within 60 days of receipt of laboratory results.

Section 16.8 Assessment Matters

Amend this section as follows:

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

- a) The extent ...
- f) Any other matters that may need conditions to ensure that particular measures are undertaken so that any risk posed by the proposal is avoided or satisfactorily mitigated.
- g) The extent to which works at an existing facility will decrease the risk associated with the current storage and use of hazardous substances.

Section Appendix 16-1: Hazardous Substances Classification and Use

Amend Table 16-2: Quantity Limits for Hazardous Substances - Rural by removing the footnote reference “4” on page 16-34, as follows:

3.1D Aboveground storage⁴