

STAFF REPORT

TO: Environment & Planning Committee

FROM: Leif Pigott, Co-ordinator, Natural Resource Consents

REFERENCE: RM090163

SUBJECT: **COMBINED RURAL TRADERS SOCIETY LIMITED - REPORT EP09/07/21** - Report prepared for hearing of 27 July 2009

1. PROPOSAL

As part of its application to operate a commercial operation at 20 Main Road Hope, CRT Society has also applied for a land use consent to construct and operate a hazardous facility, being a site which stores hazardous substances and to discharge stormwater to land onsite. The hazardous substances are to be kept on-site and sold for retail purposes and the stormwater (see RM090131) will discharge via soakage.

Hazardous Facility

The applicants are proposing to store a wide range of products for retail purposes. The Hazardous Substances and New Organisms (HSNO) classes and maximum volumes are:

HSNO Class	Total quantity
2.1.2A Aerosols, spraymarkers	500 litres
3.1B and 3.1C Flammable sprays	1000 litres
5.1.1B and 5.1.1C Oxidisers	1,500 kilograms
8 Corrosives	1,200 litres
6.1, 8 and 9 Toxics, Corrosives and Ecotoxics	5,000 kilograms and litres

It is proposed that the hazardous substances will be kept in three purpose built locations on the site:

- i) A bulk store which would be a self-contained building;
- ii) A chemical store attached to the main farm centre building; and
- iii) Class 5 materials will be stored in an Approved Hazardous Atmosphere Zone.

Delivery of product will be through a covered entrance into the bulk store. The unloading canopy will be graded so that any spilt liquids will be able to be controlled and will be directed to a 2000 litre capacity underground storage tank. The bulk store itself will also be sloped so that any spillage is directed into the underground storage tank.

Further mitigation measures are discussed below.

2. ACTUAL AND POTENTIAL EFFECTS OF THE ACTIVITY

The major issues and effects arising from the storage of hazardous substances on this site relate to the potential for spillage and the subsequent possibility of release from the site, and the effects arising from the possibility of a fire at the site.

Spillage and Discharge from Site

Given the significant volumes of hazardous substances that would be stored on the site, spillage and subsequent loss of material from the site through either the stormwater system or through soakage into the ground has the potential to be a significant risk.

However, there are a number of mitigating circumstances and measures:

- All substances will be kept in unopened factory sealed packaging. The applicant will not be opening or transferring substances. This significantly reduces the risk of spillage or adverse effects on human health.
- Necessary staff are trained in the “National Certificate in Agrichemical Supply” and are also holders of HSNO Approved Handler Test Certificates.
- Suitable containment systems will be constructed for all three storage locations in the new facility. These containment systems are considered consistent with the relevant HSNO regulations and TDC policy (see below).
- Stormwater intakes will be sited “as far away as possible” from the loading and unloading zones.
- Emergency response procedures proposed are considered appropriate including the provision of spill kits and emergency containment resources such as adsorptive booms.

Of these mitigation measures all are considered suitable except for the measures for containment of spillage outdoors. During the assessment of potential effects of the application, additional information was requested regarding the unloading of material from trucks too large to enter the covered canopy area with isolated storage provided in case any spills occur. The car park has been redesigned to allow large trucks to be unloaded where there is an isolation tank in case of spills (see figure 1 below).

Consent conditions will need to be imposed (see below) to adequately minimise any discharge of escaped substances from the site.

To meet the permitted activity Rule 16.7.3(ga)(i)(b)) within the TRMP for secondary containment of hazardous substances, the bund and secondary containment systems must provide at least capacity for 50% of the total volume stored. This level of protection is considered appropriate under the circumstances.

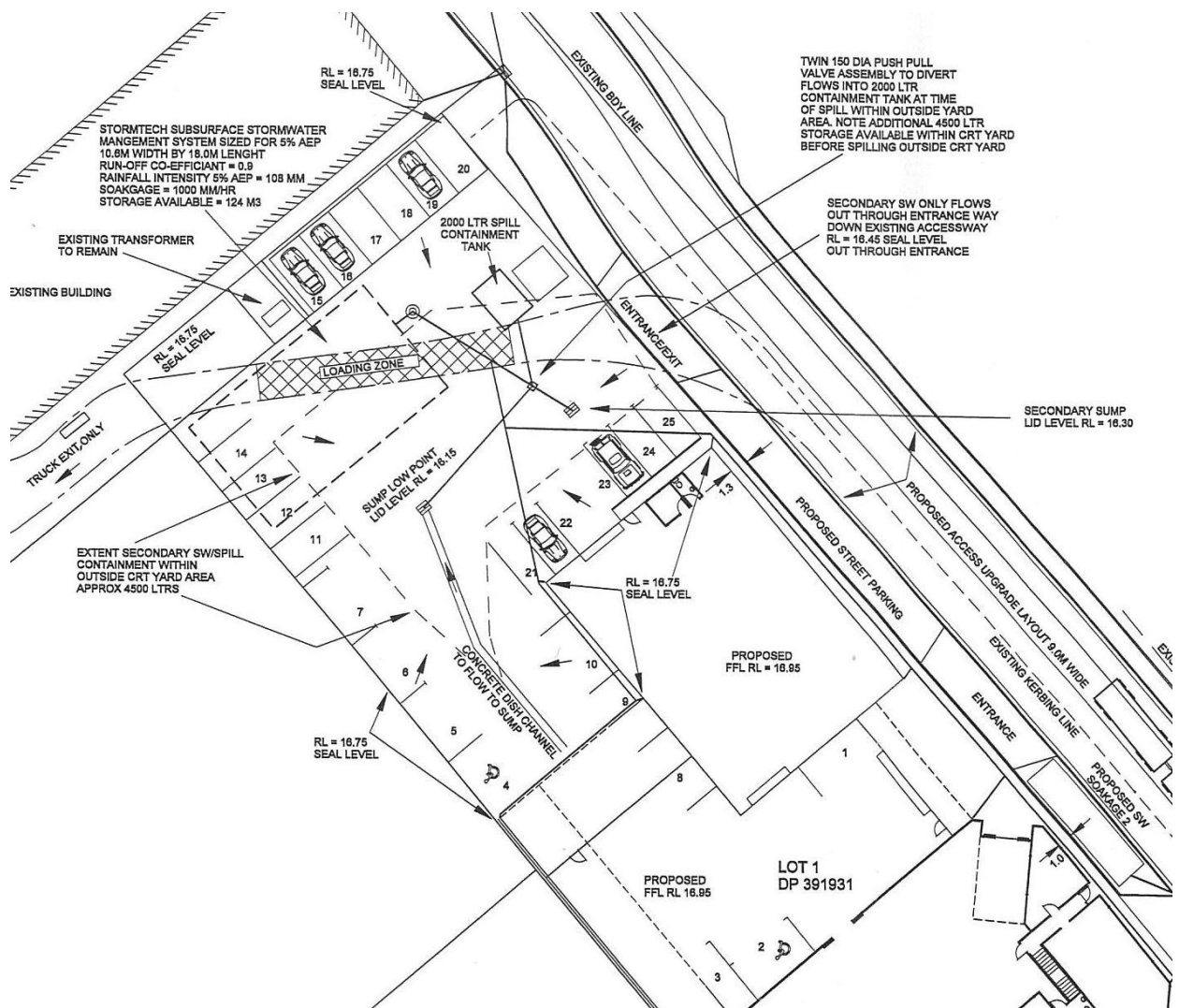


Figure 1: Showing the loading zone and the spill containment tanks.

Fire and Substance Reactions

While fire is always a possibility for such a facility, the risk to people’s health is increased somewhat through the storage of a wide range of hazardous substances on the site. The area is zoned Rural 1 and there are a number of residences in close proximity. During periods of calm the plume would affect neighbouring properties. While the fire issue remains a concern, the fact that the facility is new and will be subject to all current fire protection regulations and designs means that the risk of a fire occurring is likely to be very low.

The applicant has also adequately addressed issues such as the fire rating of the facility and the provision of sprinklers, ventilation and signage.

3. SUBMISSIONS

- Of the five submissions received during the notification process, all opposed the proposed facility. One submission is concerned about the potential risk of the chemical storage facility. These are summarised below together with a commentary on the concerns raised.

Submitter	Concerns Raised	Commentary
Alison Stewart and Brent Giblin	<ul style="list-style-type: none"> • Concerned that the proposed retail outlet will cause traffic issues. • Concerned about the potential risk of the chemical storage facility. 	<p>Traffic issues are addressed within the land use report prepared by Godwell Mahowa.</p> <p>The risks associated with the chemical storage facility are addressed in the Actual and potential effects section of this report.</p>
Mark EJ Sutton and Kim M Sutton	<ul style="list-style-type: none"> • Concerned about traffic issues 	See the land use report prepared by Godwell Mahowa.
New Zealand Transport Agency (NZTA)	<ul style="list-style-type: none"> • Concerned about traffic safety and building setbacks 	See the land use report prepared by Godwell Mahowa.
Manfred and Gabriele Dickgiesser	<ul style="list-style-type: none"> • Concerned about the impact of parking and access their own driveway. 	See the land use report prepared by Godwell Mahowa.
Geoff Mclauchlan	<ul style="list-style-type: none"> • Concerned about parking and traffic issues outside his house. 	See the land use report prepared by Godwell Mahowa.

4. TASMAN RESOURCE MANAGEMENT PLAN CONSIDERATIONS

Objectives and Policies

Objective 5.4.0 of the Tasman Resource Management Plan (TRMP) seeks to achieve “Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.” through the following relevant policies:

- 5.4.1** *To avoid, remedy or mitigate the likely adverse effects on land uses from fire, arising from the location of buildings or flammable vegetation.*
- 5.4.2** *Avoid, remedy or mitigate the likely adverse effects of facilities for the manufacture, storage, use or disposal of hazardous substances, on human health, other land use activities or the environment, including those effects arising from the location, design, construction or management of such facilities.*
- 5.4.3** *To avoid, remedy or mitigate the likely adverse effects of the transport or use of hazardous substances, arising outside of any facility for their manufacture, storage or use.*

- 5.4.4** *To avoid any escape or discharge to surface water or groundwater, or drift to other property, of any hazardous substance, from within the site where it is used.*
- 5.4.4A** *To require adoption of land management practices that avoid the potential for creating future contaminated sites.*
- 5.4.4B** *To require the preparation of a contingency plan to avoid, remedy or mitigate any adverse effects of an emergency discharge or accidental spill of hazardous substances.*
- 5.4.4C** *To encourage the reduction in the use of hazardous substances.*

Rules and Status of Activity

While the total quantity ratio (as calculated in Schedule 16.7A of the TRMP) has not been calculated it will exceed the 0.5 limit for the Rural 1 zone as specified in Condition (b) of Rule 16.7.2.1. Therefore the proposal to operate a hazardous facility is a Restricted Discretionary Activity under Rule 16.7.2.3 and consent is required.

5. ASSESSMENT AGAINST OBJECTIVES AND POLICIES OF TRMP AND RECOMMENDATION

The application is consistent with the objectives and policies

This application is basically the same as the one proposed for the Lower Queen Street Site. However the receiving environment is less sensitive being further away from the estuary.

Therefore, it is recommended that the application to operate a hazardous facility for the storage of hazardous substances be granted subject to conditions. This recommendation is made on the basis that any adverse effects can be adequately avoided, remedied or mitigated and the proposal is generally consistent with the objectives and policies of the TRMP. A set of recommended conditions is presented in Section 6 below.

6. RECOMMENDED CONDITIONS

1. The operation of the hazardous facility and the storage of hazardous substances shall be in general accordance with the information submitted to the Council in support of application RM090163, including the further information supplied to the Council and dated 12 June 2009. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

Quantities and Types of Hazardous Substances

2. The volumes of hazardous substances kept on-site shall not exceed the volumes specified in Table 1.

Table 1

HSNO Class	Total quantity
2.1.2A Aerosols, spraymarkers	500 litres
3.1B and 3.1C Flammable sprays	1,000 litres
5.1.1B and 5.1.1C Oxidisers	1,500 kilograms
8 Corrosives	1,200 litres
6.1, 8 and 9 Toxics, Corrosives and Ecotoxics	5,000 kilograms and litres

Site Design and Layout

3. Any surface or container used to store or contain any hazardous substances must be sealed or impervious to the hazardous substance.
4. Any part of the site where a hazardous substance spill may occur shall be serviced by a spill containment system that is:
 - a) constructed from impervious materials resistant to the hazardous substances used or stored on the site;
 - b) able to minimise the discharge of any spill or other unintentional release of any hazardous substance, or the discharge of any contaminated stormwater or water used in fire fighting into any stormwater network unless permitted by the network utility operator; and
 - c) able to contain at least 50% of the total volume of the hazardous substances that is served by the spill containment system as well as providing an allowance for fire fighting water (if water is to be used rather than foam or some other method). Calculations of the volume allowance for fire fighting to be built into the bunding shall be kept and shall be provided to the Council upon request.
5. Detailed plans of the stormwater drainage system and spill protection devices shall be submitted to Council's Coordinator, Compliance Monitoring for approval. No hazardous substances shall be moved onto the site before that approval has been given in writing.
6. Any spillage within either the bulk store or the bulk store loading area shall be directed to an underground containment tank with a capacity of at least 2,000 litres.
7. The hazardous materials shed shall be fully bunded to a capacity of not less than 50% of the total volume of hazardous substances kept in the shed.
8. The chemical store shall be fully bunded to a capacity of not less than 50% of the total volume of hazardous substances kept in the store.
9. All shelving and storage of hazardous substance on the shelves shall be done in accordance with the HSNO Act 1996. All shelving shall also be constructed so that it is protected against seismic events.

Emergency and Spill Management

10. Clearly visible signage indicating the type and properties of hazardous substances held on site shall be located on or near all storage containers holding hazardous substances to inform Emergency Services.

Advice Note

Regular communication with the Emergency Services (in particular, Fire Department) is recommended to ensure and maintain their familiarity with the site and the hazards present.

11. Fire extinguishers shall be provided in suitable locations on the site for fire fighting purposes. The location of these instruments shall be noted in the Emergency Response Plan required by Condition 12.
12. The existing Emergency Response Plan for the McGlashen Avenue site shall be comprehensively updated for the site authorised by this consent within 1 year of the date of issue of this consent. At least one copy of the updated Emergency Response Plan shall be located in a visible and accessible location with the spill kits required by Condition 15. An additional copy of the Emergency Response Plan shall be held in a central, accessible location in the office area. The Emergency Response Plan in the office area shall be accompanied by a full copy of all MSDS (material safety data sheets) for all hazardous substances held on site.
13. All staff involved in the handling and/or use of hazardous substances shall be trained in the execution of the Emergency Response Plan and confirmation of this training shall be documented in records held on site.
14. Any changes to the Emergency Response Plan shall be in accordance with the conditions of this consent and shall be submitted in writing to Council's Co-ordinator, Compliance Monitoring prior to their implementation.
15. A spill kit shall be provided on site in each area where hazardous substances are stored or used. Each kit shall be visible, labelled and readily accessible by all staff. Each kit shall contain absorbent materials, cleanup materials, personal protective equipment and its location shall be clearly identified in the Emergency Response Plan required by Condition 12.
16. Any spillage of hazardous substances on site shall be dealt with in a manner which minimises risks to human health and the environment. In the event of a spill, the Consent Holder shall take all practicable measures to minimise the entry of contaminants to the stormwater system.
17. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to Tasman District Council's Co-ordinator, Compliance Monitoring. The Consent Holder shall keep an accurate written record of all accidents or incidents involving the spillage of hazardous substances and shall supply these to the Council's Co-ordinator, Compliance Monitoring on request. The records shall include the date, time, substance, estimated quantity spilt and the steps taken to clean up the spill.

18. All waste material containing hazardous substances (including any material associated with spill cleanup) shall be removed on a regular basis off-site and disposed of at a facility authorised to accept such material.

Operation, Monitoring and Maintenance

19. All products shall remain unopened and in a factory-sealed state.
20. All Class 3 flammables shall be kept in a spark proof 2-hour fire rated steel container (labelled as the Hazardous Materials Shed on Annexure 1).
21. All Class 5.1 materials shall be kept in dedicated isolation zones away from incompatible substances.
22. All secondary containment facilities for hazardous substances held on site shall be checked annually using the hydrostatic testing method to ensure their integrity. Written records of these inspections shall be held on site and presented to Tasman District Council's Co-ordinator, Compliance Monitoring on request.

General Conditions

23. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991. The purpose of such a review would be:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage;
 - b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent and/or to alter information collection and reporting requirements of this consent; or
 - c) to change the compliance standards imposed by conditions of this consent to standards that are consistent with any relevant Regional Plan, District Plan, or Act of Parliament.
24. This resource consent expires on ??????.

ADVICE NOTES

1. Any matters not referred to in this application for resource consent or otherwise covered in the consent conditions must comply with the Tasman Resource Management Plan and the Resource Management Act 1991.
2. The Consent Holder shall meet the requirements of Council with regard to all Health and Building Bylaws, Regulations and Acts.

3. The Consent Holder may apply to change the conditions of the resource consent pursuant to Section 127 of the Resource Management Act 1991.
4. All reporting required by Council shall be made in the first instance to the Council's Co-ordinator, Compliance Monitoring.
5. The Consent Holder is reminded of their obligation to comply with all relevant requirements of the Hazardous Substances and New Organisms Act 1996.

A handwritten signature in black ink, appearing to read 'L. Pigott', is positioned above the typed name.

Leif Pigott
Coordinator- Natural Resource Consents