

MEMORANDUM

To Fire and Emergency New Zealand (submitter number # 378)
 From Katherine Overwater (Senior Policy Planner)
 Subject Pre-hearing points of clarification
 Hearing H8 - Hazardous Substances (January 2020)
 Date 30 October 2019

Summary

As the section 42A author for the hazardous substances hearing topic, I have now undertaken an assessment of the Fire and Emergency submission (number 378) in relation to the topic of hazardous substances.

The submission addresses the following points (shortened for brevity):

378.8	Retain Objective 10.1.1
378.9	Retain Policy 10.1.2
378.10	Retain Policy 10.1.3
378.14	Add a new definition for “non-hazardous gas” to provide clarity with regard to thresholds specified in Appendix 5.
378.24	Add the following clause to Rule 16.2.5: <u>(ii) 16.2.5(a)(i) excludes the fire stations and associated fire service operations.</u>
378.33	Add the following clause to Rule 22.2.4: <u>(ii) Rule 22.2.4 (a) (i) excludes fire stations and associated fire service operations.</u>
378.41	Add the following clause to Rule 23.2.4: <u>(iii) Rule 23.2.4 (a) (i) excludes fire stations and associated fire service operations.</u>
378.48	Add the following clause to Rule 24.2.5: <u>(ii) Rule 24.2.5 (a) (i) excludes fire stations and associated fire service operations.</u>
378.54	Add the following clause to Rule 26.2.9: <u>(iii) Rule 26.2.9 (a)(i) excludes fire service operations.</u>
378.75	Add the following clause to Rule 27.2.11: <u>(iii) Rule 27.2.11 (a) (i) excludes fire service operations.</u>
378.78	Add the following clause to Rule 28.2.5: <u>(iii) Rule 28.2.5 (a) (i) excludes fire service operations.</u>
378.81	Amend the Appendix 5 as set out in the submission.
378.84	Add the following clause to Rule 17.2.5.4 PI: <u>(iii) Rule 17.2.5.4 (a) (i) excludes fire stations and associated fire service operations.</u>
378.92	Add the following clause to Rule 18.2.5: <u>(ii) Rule 18.2.5 (a) (i) does not apply to fire stations and associated fire service operations.</u>
378.100	Add the following clause to Rule 19.2.5: <u>(iii) Rule 19.2.5(a)(i) excludes fire stations and associated fire service operations.</u>
378.104	Add the following clause to Rule 20.2.6: <u>(ii) Rule 20.2.6 (a) (i) excludes fire stations and associated fire service operations.</u>
378.110	Add the following clause to Rule 21.2.6: <u>(ii) Rule 21.2.6 (a) (i) excludes fire stations and associated fire service operations.</u>

Purpose of the Pre-Hearing Information

Without prejudice and for the purposes of my section 42A report, I wish to seek clarification of specific matters which you have raised in your submission points. This

information will be used to further inform my consideration of submission points and recommendations.

Specific Points for Clarification

Proposed Rule in each Zone Chapter

In regards to the hazardous substance rules in Chapters: 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 as identified in your submissions, it would be helpful to understand which zones the 12 existing fire station sites you refer to in your submission are located in (or likely to be located in during the life of the Plan) given that your submission affects all zones in the proposed plan.

Additionally, it would be helpful to understand the types and quantities of hazardous substances that are stored at each existing site and on HAZMAT vehicles, which are above the existing quantity thresholds included in Appendix 5.

I note that existing fire stations would have existing use rights currently, so I am focused on ensuring provision for any future changes to quantities for existing stations, new stations and the associated fire service operations.

Appendix 5 Quantity Thresholds

Your submission point 378.81 identifies various options to amend the quantity thresholds within Appendix 5, including: to provide for more permissive levels for Classes 8.3 and 8.3A substances; to recognise that fire retardants come in different forms which needs to be reflected in the applicable thresholds; and to provide for temporary storage of chemicals necessary for providing an emergency response.

It would be helpful to understand which hazardous substances and their respective quantities are stored (whether full time or on a temporary basis) at FENZ sites or on the HAZMAT vehicles to assess the amendments sought in the submission in further detail. Obviously some of the sites will be in sensitive zones (i.e. Residential zone) where the quantity thresholds are more restrictive than other zones which have higher thresholds.

Timeframes for Information

The hearing for the Hazardous Substances topic is tentatively scheduled for the end of January 2020. Given this timeframe my S42A report is due for public release in late November.

In order to meet report deadlines, it would be greatly appreciated if you could provide a response by 5pm on Monday 4th November. If this is an issue please let me as soon as possible by email Katherine.Overwater@waide.govt.nz

Waikato District Council
Private Bag 544
Ngaruawahia 3742

8 November 2019

Attention: Katherine Overwater

Dear Katherine

Fire and Emergency New Zealand Pre-hearing points of clarification - Hazardous Substances

Thank you for sending through your memorandum dated 30 October 2019 in relation to Fire and Emergency's submission points on the hazardous substances hearing topic of the Proposed Waikato District Plan (PWDP).

We understand that you wish to seek clarification of specific matters which Fire and Emergency have raised in their submission points to help further inform your consideration of Fire and Emergency's submission points and subsequent recommendations. Please refer to Fire and Emergency's response below relating to your point of clarification sought.

Specific Points for Clarification

Proposed Rule in each Zone Chapter

In regards to the hazardous substance rules in Chapters: 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 as identified in your submissions, it would be helpful to understand which zones the 12 existing fire station sites you refer to in your submission are located in (or likely to be located in during the life of the Plan) given that your submission affects all zones in the proposed plan.

As requested, below is a table of the 12 existing fire station sites in the Waikato District and their related zones under the PWDP.

Fire Station	Address	Notified Zone
Port Waikato Fire Brigade (Auxiliary)	83 Maunsell Road	Village
Onewhero Voluntary Rural Fire Force	621 Onewhero-Tuakau Bridge Road	Reserve
Tuakau Volunteer Fire Brigade	Hall Street	Business Town Centre
Mercer Volunteer Fire Brigade	7 Roose Road	Business
Mangatangi Volunteer Fire Brigade	2084 Miranda Road	Village
Maramarua Voluntary Rural	State Highway 2	Rural

Fire Force		
Te Kauwhata Volunteer Fire Brigade	7 Baird Avenue	Business
Huntly Volunteer Fire Brigade	21 William Street	Business
Whitikahu Fire Brigade	1967 Orini Road	Rural
Ngaruawahia Volunteer Fire Brigade	56 Herschel Street	Industrial
Te Akau Voluntary Rural Fire Force	1145 Te Akau Road	Rural
Raglan Volunteer Fire Brigade	11 Wainui Road	Business

As outlined in Fire and Emergency's submission, in order to enable Fire and Emergency to achieve their principle objectives which include reducing the incidence of unwanted fire and the associated risk to life and property, protecting and preserving life, and preventing or limiting injury, damage to property land, and the environment; Fire and Emergency requires the ability to not only operate existing fire stations but also establish new fire stations in locations which will enable reasonable response times to fires and other emergencies. New fire stations may be necessary in order to continue to achieve emergency response time commitments where development occurs and populations change.

Response times are a key determinant for the location of fire stations and, as such, fire stations must be able to be located throughout the urban and rural environment so that Fire and Emergency is able to attend an emergency within a primary response area in an effective and timely manner. Provisions within the rules of the PWDP are therefore the best way to facilitate the development of any new fire stations within the Waikato District as urban development progresses. This includes the hazardous substances provisions across the various zones that manage the use and storage of hazardous substances (Rules 16.2.5, 17.2.5.4, 18.2.5, 19.2.5, 20.2.6, 21.2.6, 22.2.4, 23.2.4, 24.2.5, 26.2.9, 27.2.11, 28.2.5).

Additionally, it would be helpful to understand the types and quantities of hazardous substances that are stored at each existing site and on HAZMAT vehicles, which are above the existing quantity thresholds included in Appendix 5.

Hazmat vehicles currently carry approximately 120kg of neutralising agents. The fire station will hold spare product as these quantities only enable a response to a small spill. It is not expected there to be more than 200kg of spare stock on station. Fire and Emergency's current products are citric acid (6.1E, 6.3B, 8.3A) and sodium carbonate (6.1D, 6.3A, 6.4A). These products are kept in containers and are usually used off site which limits the opportunity for people to be exposed to these products. There may be alternative products used in the future. Generally neutralising agents are corrosive as they need to neutralise corrosives. The Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSWA-HS) and Hazardous Substances and New Organisms Act 1996 (HSNO) set requirements such as packaging, storage, handling, secondary containment which prevent people being exposed to these substances.

Essentially, Fire and Emergency do not expect there to be an exposure pathway from the stored chemicals to people on properties surrounding the fire station. For eye or skin corrosive substances to have an adverse effect on people, the people need to come into contact with the substance. Even if a container was dropped when they were delivered, the likelihood of someone in a neighbouring property being exposed to a sufficient amount to have an adverse effect is extremely low. The overall impact would be similar to dropping a 20kg of laundry powder when getting out of the car.

Fire and Emergency are also likely to have a wide range of other class 8.3A products on site. These include products such as laundry detergents, bleach, sanitisers, household cleaning products, specialist cleaning product for our equipment, and domestic workshop type products in domestic quantities like CRC, meth's etc. These products are often the same as those normally found in a domestic household and the general risk posed by these products are managed under HSWA-HS and HSNO. Identification of an exposure pathway from these products used on a fire station to people on a neighbouring property has not been identified, however, Fire and Emergency are happy to provide further information on how they may be addressing those risks.

Fire and Emergency also note that class 8.3A products are approved for domestic use for products such as pesticides, cosmetic products, children paints, cleaners, paints, solvents etc.

Appendix 5 Quantity Thresholds

Your submission point 378.81 identifies various options to amend the quantity thresholds within Appendix 5, including: to provide for more permissive levels for Classes 8.3 and 8.3A substances; to recognise that fire retardants come in different forms which needs to be reflected in the applicable thresholds; and to provide for temporary storage of chemicals necessary for providing an emergency response.

It would be helpful to understand which hazardous substances and their respective quantities are stored (whether full time or on a temporary basis) at FENZ sites or on the HAZMAT vehicles to assess the amendments sought in the submission in further detail. Obviously some of the sites will be in sensitive zones (i.e. Residential zone) where the quantity thresholds are more restrictive than other zones which have higher thresholds.

Fire stations and associated firefighting activities involve the use and storage of hazardous substances at quantities that are considered minor. However, based on the standards set out in Appendix 5, it is possible that the permitted provisions may not enable for this, and could affect Fire and Emergency's ability to operate as effectively as needed.

The Nelson Fires are a good example of a large emergency response and temporary storage of large quantities of product in an emergency. For a week at the height of that event Fire and Emergency were using seven pallets of fire retardant and foam per day (5600kg). In a major event, Fire and Emergency would try to have several days stock at hand to respond to rapidly changing intensity of the fire. In terms of quantities, this could be up to 15-30,000Kg or L of product on site.

Fire and Emergency also hold stocks of petrol and diesel by the pallet. This is used to power generators and pumps and for making fire breaks. Fire and Emergency bring in resources from across the country for these events even for smaller events to ensure an effective response. It is therefore important to have a common set of rules and procedures for the way Fire and Emergency operate.

Fire and Emergency are particularly keen to operate all emergency responses under the HSWA-HS and HSNO regulations without additional rules that vary from district to district. These regulations include storage, secondary containment, handling, packaging, signage, labelling, emergency management etc. The public are usually excluded from areas where we are operating and storing chemicals. Most chemical are aerially

applied so would be stored on an airfield or other aerial staging site – which would be closed to the public. The concentrates are hazardous substances, but the diluted products are classed as non-hazardous.

Fire stations would hold a variety of products that would normally be found in a household garage such as solvent, cleaners, CRC etc. Stations/trucks often have diesel and petrol in containers 50-60kg but this may be higher for large stations and hazmat vehicles which have more generators. 50L of petrol already triggers a compliance certificate under HSWA to ensure that all the HSWA regulation for handling, storage, SDS, secondary containment, emergency response plan etc. are met. The residual risks to people on neighbouring properties have not been assessed, however, Fire and Emergency are happy to talk about how they manage those risks or manage our substances to prevent exposure to people.

It is noted that the Resource Management Act 1991 (RMA) is one of three key pieces of legislation that direct how hazardous substances are managed in New Zealand. The most significant change in the RMA amendments of April 2018 was the amendment of sections 30 and 31 which removed the control of hazardous substances as an explicit function of local authorities. This is because the provisions of the HSNO and Health and Safety at Work Act are adequate to manage risks, for the most part. Where they are not, local authorities can place additional controls on hazardous substance use through RMA plans to address specific or potential environmental effects, but they must first justify that through a section 32 evaluation.

We note that other local authorities such as Selwyn District have recently reviewed their hazardous substance rules and have either exempted emergency response activities, and/or now only regulate major hazardous facilities as defined in the MHF regulations.

It is recommended that Waikato District Council take the above into account during decision-making for the PWDP.

Yours sincerely



Alec Duncan
Planner

on behalf of

Beca Limited

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