

I hereby give notice that an ordinary meeting of the Albert-Eden Local Board will be held on:

Date: Wednesday 5 February 2014
Time: 3.00pm
Meeting Room: Albert Eden Local Board Office
Venue: 135 Dominion Road
Mt Eden

Albert-Eden Local Board

OPEN ATTACHMENTS

ATTACHMENTS UNDER SEPARATE COVER

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Auckland City Council Bylaws

Bylaw No. 11 – Hazardous substances 2008

Explanatory note

This bylaw controls the storage of hazardous substances as defined in the Hazardous Substances and New Organisms Act 1996 in a manner that promotes the health, safety and welfare of people in the council's district, and which takes into account the storage of a diverse range of such products.

This bylaw is made pursuant to the Hazardous Substances and New Organisms Act 1996 and Regulations 2001/2004. It includes requirements relating to the storage of chemicals and contaminants, contamination of underground water resources, and protection of storage tanks. It also enables the council to charge fees for inspections.

Notes in italics are not parts of this bylaw, but are intended to explain the contents of the bylaw or give further information on matters within the bylaw.

Bylaw No. 11 – Hazardous substances 2008

Item 15

Attachment A

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Bylaw No. 11 – Hazardous substances 2008

Item 15

Attachment A

11.1 General

11.1.1 This bylaw shall be read subject to the provisions of the Hazardous Substances and New Organisms Act 1996 and any Regulations made thereunder and all expressions defined therein shall have the same meaning in this bylaw.

11.1.2 In this bylaw unless the context requires otherwise:

Authorised officer means an officer specifically delegated by the Council to administer and enforce aspects of this bylaw.

Compound means in relation to the storage of chemicals and contaminants, a basin, pit, excavation, hollow or enclosure constructed of incombustible material, which is of such a nature and construction that will adequately retain liquid chemicals or contaminants in the event of their leakage.

Contaminant means any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat that either by itself or in combination with the same, similar or other substances, energy or heat:

- a. when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b. when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; and

Contaminate has an equivalent meaning.

11.2 Tanks and pipelines

11.2.1 Except where the work proposed is the subject of a statutory approval from the council, an application shall be made on the prescribed form to the council whenever it is intended to install or to alter, remove, examine or relocate any tank or pipeline used or intended to be used for storing or transferring class 2, 3, 5, 6, 8 or 9 hazardous substances.

Class 2 flammable gases and aerosols

Class 3 flammable liquids

Class 5 liquids/solids, gases and organic peroxide with the capacity to oxidise

Class 6 toxic substances including those acutely toxic, skin and eye irritants, sensitisation, mutagen, carcinogen, reproductive/developmental and target organ

Class 8 metallic, skin and eye corrosives

Class 9 ecotoxic substances including aquatic, soil, terrestrial vertebrate and terrestrial invertebrate contaminants

11.2.2 The application shall show details of the proposed work and approval shall be obtained and all fees shall be paid before commencement of work.

Bylaw No. 11 – Hazardous substances 2008

11.3 Ground water pollution control

Contamination control for underground tanks

11.3.1 All underground storage tanks for hazardous substances shall be:

- a. Installed in accordance with the provisions of the Code of Practice for the Installation and Operation of Underground Petroleum Storage Systems as issued by the Department of Labour in 1992;
- b. Installed and maintained in such a manner as to prevent the contamination of underground water sources. For the purpose of ensuring compliance with the provision of this clause an authorised officer may in any case where it is believed necessary require secondary containment of liquids in accordance with the provisions of clause 12.10 of the Code of Practice.

11.3.2 All underground tanks and connections shall be protected against adverse site conditions.

11.4 Storage of chemicals/contaminants

11.4.1 No person shall:

- a. Store any chemical or contaminant;
- b. Use or dispose of any chemical or contaminant;

in such a way that its use or disposal, or any spillage, is likely to result in a nuisance or risk to public health and safety.

Note that provisions covering discharges are also controlled by regional and district plan rules. Discharges into the sewerage system are also controlled by trade waste bylaws of Watercare Services (Ltd).

Compounding

11.4.2 An authorised officer may:

- a. Require the occupier of any land to provide a bund wall or compound, or otherwise to take the best practicable means to make the premises comply with clause 11.4.1;
- b. Require appropriate measures to be taken by the occupier to treat any contaminated material that is deposited or accumulated on any premises, or any land or water polluted by such contaminated material;
- c. Without prior notice take water or soil samples from any premises for the purpose of determining whether a site is polluted or the current state of pollution on a site.