

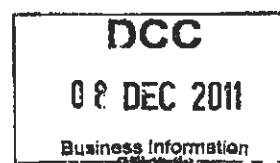
**SUBMISSION ON PROPOSED PLAN CHANGE 13 TO THE DUNEDIN CITY
DISTRICT PLAN
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

To: Dunedin City Council
PO Box 5045
DUNEDIN 9058

Attention: Planning Department

Name: Mercy Dunedin Hospital Limited

Address: Private Bag 1919
DUNEDIN 9054



(Please note different address for service)

Mercy Hospital Dunedin Limited ('Mercy Hospital') wishes to make a submission on Proposed Plan Change 13 ('the Plan Change') to the Dunedin City District Plan relating to Hazardous Substances.

- 1. The specific provisions of the proposed Plan Change that Mercy Hospital's submission relates to is:**

This submission relates to the whole of the Plan Change.

- 2. Mercy Hospital's General Interest in Proposed Plan Change 13**

Mercy Hospital is located at 72 Newington Avenue, Maori Hill, Dunedin. The site accommodates Mercy Hospital, the Marinoto Clinic, Marinoto House and the Mercy Care building. Hazardous substances are used onsite and Mercy Hospital holds a Stationary Container System Test Certificate and Hazardous Substance Location Test Certificate pursuant to Section 82 of the Hazardous Substances and New Organisms Act¹ ('HSNO') (Appendix 1).

The site is zoned Residential 1 within the Dunedin City District Plan ('District Plan') and identified on Planning Maps 33, 34 and 35. As the activity is within a Residential Zone, more stringent tests apply to the storage, use or disposal of hazardous substances under the District Plan than in other zones. Mercy Hospital's general interest in the Plan Change is with the rules relating to hazardous substances in residential zones, in particular the permitted quantity thresholds for hazardous substances identified in Table 17.1.

¹ 1996

3. General Submissions on Plan Change 13

Mercy Hospital opposes the Plan Change.

4. Specific Submissions on Plan Change 13

Dunedin City Council ('Council') has advised that extensive pre-notification consultation was undertaken with a range of stakeholders². As a regionally significant health care facility that stores and uses hazardous substances as part of its operations, Mercy Hospital is disappointed that it was not included in this process.

Mercy Hospital opposes the proposed permitted quantity thresholds for hazardous substances in Residential Zones identified in Table 17.1 ('permitted thresholds'). Mercy Hospital is concerned that it is not clear how Council has derived these thresholds, and the Plan Change is not transparent in their inclusion. Mercy Hospital considers that the permitted thresholds are too low and would require resource consents unnecessarily, thus result in costly inefficiencies.

The permitted thresholds for all hazardous substances Mercy Hospital uses or stores onsite, except for organic peroxide which remains the same, have been reduced in the Proposed Plan Change compared with the existing Plan (Appendix 2). Mercy Hospital would require resource consent for acetylene, a cabinet with various solvents, and for liquid oxygen ('LOX') where it did not previously if existing use rights were not applicable. Mercy Hospital understands it is covered by the existing use rights in Section 10 of the Resource Management Act 1991 ('the Act')³; however, if Mercy Hospital seeks to change the character, intensity or scale of its operations, resource consent would be required under the Proposed Plan rules. It is likely Mercy Hospital will wish to change the intensity and/or scale of its operations in the near future, thus it is concerned with the low permitted thresholds.

As shown in Appendix 2, the permitted thresholds are significantly more stringent than the thresholds established under HSNO legislation. Three of the hazardous substances Mercy Hospital stores onsite, including flammable gases (Class 2.1.1A), flammable liquids (Class 3.1B) and Organic Peroxide (Class 5.2E), would require resource consent under the permitted thresholds, but would not require HSNO Test Certificates.

² Pers.comm. Kirstyn Lindsay, Planner (Policy) (29.11.11).

³ **10 Certain existing uses in relation to land protected**

[(1) Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if—

(a) Either—

(i) The use was lawfully established before the rule became operative or the proposed plan was notified; and

(ii) The effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

Appendix 2 also shows that the permitted thresholds for all hazardous substances Mercy Hospital stores onsite are significantly lower than permitted thresholds for residential areas specified in other District Plans. Other District Plans allow significantly greater quantities of hazardous substances in residential areas before requiring resource consent, or in some cases permit any quantity of a hazardous substance.

5. **Mercy Hospital does wish to be heard in support of its submission.**
6. **If others make a similar submission, Mercy Hospital would be prepared to consider presenting a joint case with them at any hearing.**

Signature:

Joanne Dowd
Joanne Dowd

Date: 7th December 2011

Address for service of person making submission:

Mercy Dunedin Hospital Limited
C/- Mitchell Partnerships Limited
P O Box 489
DUNEDIN

Attention: Joanne Dowd

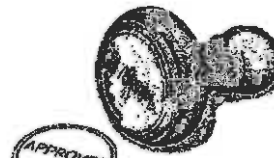
Telephone: 03 4777 884
Facsimile: 03 4777691
Email: joanne.dowd@mitchellpartnerships.co.nz

APPENDIX 1

HSNO Test Certificates

APPROVED HSNO CERTIFICATION LTD

Plain Speak EPA Approved Test Certification



Approved HSNO Certification Ltd
PO Box 7134
DUNEDIN 9040
Mob: 027 22 66 759
Fax: 03 45 444 10
Email: approved@tsl.co.nz
Web: www.tsl.co.nz

STATIONARY CONTAINER SYSTEM TEST CERTIFICATE

Issued pursuant to Section 82 of the
Hazardous Substances and New Organisms Act 1996

Issued To: *Mercy Hospital Dunedin Limited*

Certificate No: 000352-00032620

GPS Co-ordinates: -45.86185298 170.49956333

Customer Contact Details:

Jackie Wilde
Private Bag 1919
Dunedin 9054

03 464 0107

Site Location:

Mercy Hospital 5.2KL D Tank
72 Newington Ave
Maori Hill
Dunedin 9010
03 464 0107

This certificate is issued in accordance with Clause 91 of Schedule 8 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004. This certifies that the relevant requirements have been met for the stationary container system, substances and the maximum quantities as specified below.

Stationary Container Details:

Aboveground
Flammable Liquid
Double Skin Steel
Design Std: AS1692-2006
Manufacturer: Alan Poulsen Engineering
Manuf Ref: APE T342
Date of Manuf: 2011
Max Fill Capacity: 5200 litres (SFL = 5 KL)

Equipment Details:

supplying via A/G supported lines 1 x
Caterpillar and 1 x Volvo Gensets

Substance:

Class 3.1D: Flammable liquids: Diesel

Maximum Quantity:

5,200 litres

Conditions:

This certificate becomes invalid if, in accordance with Part 18 of the Transfer Notice 2004, the above Stationary Container System is repaired, altered, relocated or there is a change of service in respect of the contents of the container.

Unless surrendered, revoked or becomes invalid beforehand, this certificate shall remain in force until the expiry date stated below, at which time it may be renewed by an authorised Test Certifier.

This certificate must be produced at the request of an Enforcement Officer appointed under the HSNO Act 1996.

Additional Conditions:

Greg Quin:

Date Issued: 25 Oct 2011

Test Certifier Registration

000352

Expiry Date: 24 Oct 2014

APPROVED HSNO CERTIFICATION LTD

Plain Speak EPA Approved Test Certification



Approved HSNO Certification Ltd
PO Box 7134
DUNEDIN 9040
Mob: 027 22 66 759
Fax: 03 45 444 10
Email: approved@isl.co.nz
Web: www.isl.co.nz

HAZARDOUS SUBSTANCE LOCATION TEST CERTIFICATE

Issued pursuant to Section 82 of the
Hazardous Substances and New Organisms Act 1996

Issued To: Mercy Hospital Dunedin Limited

Certificate No: 000352-00032619

Company Number:

GPS Co-ordinates: -45.86159000, 170.49947600

Customer Contact Details:

Jackie Wilde
Private Bag 1919
Dunedin 9054

03 464 0107

Site Location:

Mercy Hospital Site
Gas & solvent storage
72 Newington Ave
Dunedin 9010
03 464 0107

This certificate is issued in accordance with Regulations 81, 82, 98 and 120 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001. This certifies that the relevant requirements have been met for the locations, substances and the maximum quantities as specified below.

Substance:

Class 2.1.1A: Flammable gases: Acetylene in Plant Room 5
Class 3.1B: Flammable liquids: AS1940 Cabinet with various solvents
Class 5.1.2A: Oxidising gases: Oxygen in cylinders
Class 5.1.2A: Oxidising gases: Oxygen in Plant Room 5
Class 5.1.2A: Oxidising gases: LOX in 1 x 897kg + 1 x 315kg mega-cylinders
Class 5.2E: Organic Peroxide: Steris 20 concentrate

Maximum Quantity:

1.45 cubic metres
< 100 litres
225 cubic metres
3.6 cubic metres
438 cubic metres
70 kg

Conditions:

The substances specified above must be under the control of an approved handler where the relevant threshold quantities specified in the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 are exceeded.

Unless surrendered, revoked or becomes invalid beforehand, this certificate shall remain in force until the expiry date stated below, at which time it may be renewed by an authorised Test Certifier.

This certificate must be produced at the request of an Enforcement Officer appointed under the HSNO Act 1996.

Additional Conditions:

ER Plan to be tested at minimum annually with records kept for at least 2 years.
Approved handlers current until Aug 2015.

Greg Quin:

Date Issued: 03 Oct 2011

Test Certifier Registration

000352

Expiry Date: 02 Oct 2012

APPENDIX 2

Comparison of Permitted Hazardous Substance Quantities

