SUBMISSION ON PROPOSED DISTRICT PLAN CHANGE 13 HAZARDOUS SUBSTANCES

TO:	Dunedin City Council
SUBMISSION ON:	Proposed District Plan Change 13 Hazardous Substances
NAME:	Horticulture New Zealand
ADDRESS:	PO Box 10 232 WELLINGTON

1. **Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedules:**

   Schedule 1: General submissions
   Schedule 2: Specific submissions

2. Horticulture New Zealand wishes to be heard in support of this submission.

3. **Background to Horticulture New Zealand and its RMA involvement:**

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

3.2 On behalf of its 7,000 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

Thank you for the opportunity to submit on the Proposed District Plan Change 13 Hazardous Substances

Chris Keenan
Manager – Natural Resources and Environment
Horticulture New Zealand

Dated: 12 December 20011

Address for service:

Chris Keenan
Manager – Natural Resources and Environment
Horticulture New Zealand
PO Box 10-232
WELLINGTON

Tel: 64 4 472 3795
DDI: 64 4 470 5669
Fax: 64 4 471 2861
Email: chris.keenan@hortnz.co.nz

SCHEDULE ONE: General Submissions

1.1 Horticulture NZ supports the intent of Proposed Plan Change 13 to:

- Update the classifications
- Align and co-ordinate with HSNO
- Remove the Hazardous Facility Screening Procedure (HFSP) from the District Plan.

1.2 However Horticulture NZ is concerned at the complexity of the proposed provisions, in particular where a user is already meeting requirements for hazardous substances under the HSNO legislation. Horticulture NZ does not support duplication of requirements.

1.3 Horticulture New Zealand is also a foundation member of the New Zealand Agrichemical Education Trust. One of their key roles of this trust is to ensure that there is a comprehensive set of national guidance on the management, use, storage and disposal of hazardous substances used in agricultural production systems. We, along with the trust support a nationally consistent and coherent system. Without such a system the complex training requirements to ensure safe use and management of agrichemicals become unworkable to develop and continuously improve.

1.4 The issue that needs to be addressed is: "What are the resource management issues relating to hazardous substances in Dunedin City that are not addressed through the HSNO regulations?" If there are issues that are not adequately addressed then the Plan Change should address those specific matters.

1.5 The main hazardous substances used in horticultural operations are agrichemicals and fuel. For agrichemicals growers already need to meet requirements of NZS8409:2004 Management of Agrichemicals as part of the NZGAP programme, the quality assurance programme for horticultural products.

1.6 NZS8409:2004 Management of Agrichemicals is the NZ Standard that sets out the requirements for the safe, responsible and effective management of agrichemicals in New Zealand. It is based on a risk management approach which is used for each of the major activities of transport, storage, use and disposal and is based on the assumption that agrichemical users have the appropriate level of training and are competent to carry out the respective tasks. The Standard has mandatory requirements that are indicated as 'shall' statements. To comply with the requirements of the Standard these requirements need to be met.

1.7 It is considered that where users of agrichemicals are complying with NZS8409:2004 then this would meet the requirements for agrichemicals in terms of the district plan. NZS8409:2004 is also an approved Code of Practice and the Hazardous Substances and New Organisms Act 1996 (HSNO).

1.8 The s32 Report identified that a number of councils have relied on NZS8409 but this aspect was not brought forward into Proposed Plan Change 13.

SCHEDULE TWO: Specific Submissions

2.1 Objective 17.2.2

Objective 17.2.2 is proposed to be retained as previous, and the explanation amended to include hazardous waste. Objective 17.2.2 seeks to prevent or mitigate any adverse effects from the storage, use, disposal or transportation of hazardous substances. The objective is generally supported.

Decision Sought: Retain Objective 17.2.2

2.2 Policy 17.3.8

Policy 17.3.8 sets the policy framework for controlling the storage, use, disposal and transportation of hazardous substances and include identifying sites where hazardous substances are located.

Horticulture NZ supports the first part of the policy but has a concern about the nature of the identification of sites.

Policy 17.3.8 is not proposed to be changed through Plan Change 13, but other methods that stem from the policy are proposed to be changed.

Decision Sought:

2.3 Method 17.4.2 Hazardous Substances Register.

Method 17.4.2 seeks to maintain a register for all locations and types of activities that generate, use, storage, transport or dispose of hazardous substances. The way the method is written it would effectively include every rural property in the City, as they use and store agrichemicals, fertilisers and fuel. It is unclear if the intent is to list every rural property on the register.

Method 17.4.2 appears to combine known contaminated sites with location of hazardous substances. It needs to be clear what the intent of the register is for: contaminated land or hazardous substances. If it is known contaminated sites then the register should be called that.

It is unclear how council would develop such a register because it effectively requires obtaining information from every user of hazardous substances, even if this is undertaken as a permitted activity.

It is sought that a more targeted approach is taken to the register and that the inclusion is linked to where a resource consent is required for the use, storage, transport or disposal of hazardous substances. The resource consent trigger would be linked to greater potential for adverse effects and therefore identify those locations and activities where there is a

greater potential for risk.

Decision Sought: Amend Method 17.4.2 as follows:
Compile and maintain a Hazardous Substances Register listing the location and activities. where resource consent has been granted for the use, storage, transport or disposal of hazardous substances.

Delete: "The register will also include information on known contaminated sites."

2.4 Method 17.4.5 Liaison

Method 17.4.5 is proposed to be changed as part of PC 13 Hazardous Substances. However Method 17.4.5 related to 'hazard prone areas'. 'Hazard prone sites' are listed in the Hazards Register based on Method 17.4.1. This is different to the Hazardous Substances Register in Method 17.4.2. Use of hazardous substances does not necessarily mean that an area is 'hazard prone' as identified in Method 17.4.1 so it is unclear why Method 17.4.5 i) is amended as part of PC 13. It would be more appropriate to add an additional clause to Method 17.4.5 regarding liaison on hazardous substances, as opposed to hazard prone areas.

Decision Sought:

Amend Method 17.4.5 Liaison by adding iii) Liaise with other agencies, including the EPA, Dept of Labour, Ministry of Health, Ministry for the Environment, and affected landowners regarding use, storage, transport or disposal of hazardous substances.

2.5 Method 17.4.6 Accords and protocols

Horticulture NZ supports the deletion of Hazardous Facilities Screening Procedure but does not support the deletion of industry codes of practice.

Codes of practices set out the best management practices and provide a valuable tool for council in terms of managing potential adverse effects.

Decision Sought:

Amend Method 17.4.6 by deleting Hazardous Facilities Screening Procedure but retain industry codes of practice.

2.6 Rule 17.5.1 Permitted Activities

Horticulture NZ seeks that compliance with NZS8409:2004 Management of Agrichemicals is included as a permitted activity in Rule 17.5.1. NZS8409 is a NZ Standard and sets out best practice for use, storage, transport or disposal of agrichemicals. ERMA has also approved NZS8409 as an approved code of practice under HSNO. Where a user is complying with the Standard there should not be a requirement for an additional level of control through the district plan.

In addition the requirements for storage of fuel are well addressed under HSNO regulations and additional controls should not be imposed by district council.

Decision Sought:
Add additional points to Rule 17.5.1 as follows:
viii) The use, storage, transport or disposal of hazardous substances complying with the mandatory requirements of NZS8409:2004 Management of Agrichemicals.

xi) The on-farm storage of Class 3 fuels in the Rural Zone that meets the HSNO requirements, including location test certificates.

2.7 Alternative relief:

If Council does not support inclusion of additional permitted activities in Rule 17.5.1 then Horticulture NZ seeks that PC 13 is withdrawn and that a gap analysis is undertaken to identify the specific resource management issues in the city which are not addressed by HSNO regulations and therefore require specific provisions within the District Plan.

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Teresa Gutteridge

From: Andrew Bashford [Andrew.Bashford@goodearthmatters.com]
Sent: Monday, 12 December 2011 13:58
To: planning@dcc.govt.nz
Cc: p.gilbert@ganz.org.nz
Subject: Plan Change 13 - Submission from the LPG Association of New Zealand
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: LPG Association - Submission on DCC PC13.pdf

Dear Sir/Madam,

Please find attached a submission on Plan Change 13 – Hazardous Substances, to the Dunedin City District Plan, lodged on behalf of the LPG Association of New Zealand. It would be appreciated if a receipt of the submission could be provided to Peter Gilbert at the LPG Association and a copy sent to the writer.

Regards,
Andrew

Andrew Bashford

Good Earth Matters
Consulting

268 Broadway Avenue
PO Box 1268
PALMERSTON NORTH
Phone: 06 353 7560
Fax: 06 353 7561

PC – X- _____
(Office Use Only)

DUNEDIN CITY COUNCIL
Kaunihera-a-rohe o Otepoti

SUBMISSION FORM 5
Clause 6 of First Schedule, Resource Management Act 1991

Submission on publicly notified proposed District Plan Change 13 – Hazardous Substances.

Submissions can be:

Posted to: Planning Policy Manager, Dunedin City Council, PO Box 5045. Moray Place, Dunedin 9058

Delivered to: Planning Enquiries, Customer Service Centre, Civic Centre, 50 The Octagon, Dunedin

Faxed to: 474 3451 (if you fax your submission, please post or deliver a copy to one of the above addresses)

Emailed to: planning@dcc.govt.nz

Note to Submitter: The closing date for serving submissions on the Dunedin City Council is **12 December 2011.**

Your name and contact details:

Your Full Name: LPG Association of New Zealand

Full Address: PO Box 1776, Wellington 6140. Attention: Peter Gilbert

Telephone: 04 473 9519 Facsimile: _____

Email Address: p.gilbert@ganz.org.nz

I: **Do/~~Do Not~~** wish to be heard in support of this submission at the hearing

If others make a similar submission, I will consider presenting a joint case with them at a hearing.
(Delete the above statement if you would not consider presenting a joint case at a hearing)

The specific provisions of Proposed District Plan Change 13 that my submission relates to are:
(You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on a separate sheet if necessary.)

Please see 1 attached.

My submission is that:
(You should include whether you support or oppose the specific provisions or wish to have them amended. You should also state the reasons for your views. Please continue on a separate sheet if necessary.)

Please see 2 attached.

I seek the following decision from the Council:
(Please give precise details.)

Please see 3 attached.

Signature of submitter:_____ **Date:** 12 December 2011
(*or* person authorised to sign on behalf of submitter)

Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the plan change process.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be sent by email to planning@dcc.govt.nz

SUBMISSION TO DUNEDIN CITY COUNCIL ON PROPOSED PLAN CHANGE 13 - HAZARDOUS SUBSTANCES

1. THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 13 THAT MY SUBMISSION RELATES TO ARE:

Section 17: Hazards, Hazardous Substances and Earthworks

17.5 Rules Hazardous Substances

- Rule 17.5.1 Permitted Activities
  - Clauses (iv), (v), (vi) and (vii) [The LPG Association seeks to have the location of these clauses amended]
  - Table 17.1 [The LPG Association seeks to have parts of Table 17.1 deleted and parts amended]

- Rule 17.5.2 Controlled Activities
  - Clause (i)(b) [The LPG Association seeks to have Clause (i)(b) deleted from Rule 17.5.2]

2. MY SUBMISSION IS THAT:

2.1 INTRODUCTION

The LPG Association of New Zealand was founded in 1977 and represents all major LPG companies in New Zealand. The Association is responsible for:

- Setting industry technical and safety standards, and working with members and other stakeholders to promote the safe and efficient use of LPG.
- Working with Government and officials to develop effective and responsible legislative and regulatory environments.
- Producing Codes of Practice and contributing to relevant Standards.
- Ensuring appropriate cylinder filling training is available for industry personnel and producing training materials.
- Supporting members efforts to promote LPG.
- Gathering statistical information on LPG use in New Zealand.
- Providing a forum for members to share relevant information and keep up to date with developments.

The association promotes the safe and increased use of LPG and works to secure a favourable environment for the production, marketing and distribution of LPG. The Association also serves as the principal voice of the LPG industry to Government and the community.

2.2 BACKGROUND

The LPG Association has been finding that consumers are being adversely affected by the significant variations in District Plan standards between territorial authorities and in the duplication between District Plan standards and those provisions of other statutes as they relate to the storage and use of LPG.

Investigations carried out by Good Earth Matters Consulting, on behalf of the LPG Association, revealed that there is significant variation in the permitted activity standards in District Plans for residential areas (ranging from 50kg to 2,000kg) and that there is inconsistency in the interpretation of the relevant statutes, e.g. Hazardous Substances and New Organisms Act (HSNO), the Resource Management Act (RMA) and District Plans.

The inconsistencies and duplication are turning potential users away from LPG for space heating, water heating and cooking and towards other energy sources. When potential consumers discover that a resource consent under the

RMA and a location test certificate under HSNO are both required, with their associated time delays and substantial costs, other options such as wood, oil, coal or electricity become more desirable. However, these forms of energy have their own environmental effects, with wood and coal producing particulate emissions, oil burners producing sulphur emissions and increasing loads on electricity networks creating stress on infrastructure.

Currently there is no uniform approach to setting and administering the quantity of LPG that can be stored and used at a residential dwelling or at any premises 'as of right'. This has resulted in vastly different and often ineffective provisions across the country. In response to the above issues, the LPG Association has been seeking to have District Plans provide for realistic and uniform volumes of LPG storage, as a permitted activity, throughout New Zealand.

2.3 HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

As discussed above, the LPG Association is finding that there is significant duplication between District Plan LPG requirements formulated under the RMA and the requirements for location certificates under the HSNO Act. The association appreciates that territorial authorities have a function under the RMA to control any actual or potential effects of the use, development, or protection of land, including for the purpose of... the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances. However, for LPG the effects are fully understood and are fully dealt with under HSNO regulations.

The HSNO regulations require that location test certificates be issued for any location using or storing more than 100kg of LPG. The regulations cover all aspects of the effects of LPG, including safety and risk management, through requirements relating to the engineering design of the containers, the separation distances on the site itself and separation distances from the location to other sites. Recent changes to the regulations now mean that LPG suppliers cannot legally deliver LPG to sites that require a location test certificate and do not have one. In effect the LPG supply industry is now part of the compliance regime, ensuring that all installations comply with the HSNO regulations.

Prior to the implementation of the HSNO Act 1996 and associated regulations, LPG installations were largely the domain of the territorial authorities Dangerous Goods Inspectors through enforcement of the Dangerous Goods Act. Since the introduction of the HSNO Act the involvement of territorial authorities in LPG installations ought to have decreased for anything other than bulk, large scale, quantities of LPG.

2.4 SPECIFIC DETAILS OF SUBMISSION

2.4.1 Rule 17.5.1 Permitted Activities

Clauses (Iv), (v), (vi) and (vii)

Rule 17.5.1 outlines activities that are permitted activities and lists seven Clauses, (i) to (vii), which can be carried out as of right. It is submitted that whilst Clauses (i) to (iii) are activities, i.e. something that can be carried out, Clauses (iv) to (vii) are not activities. They are advice notes that provide guidance to the plan user when interpreting Table 17.1 and should not be contained within the list of permitted activities under Rule 17.5.1. Clauses (i) to (vii) should be deleted from Rule 17.5.1 and included in a user guide at the start of Table 17.1.

Table 17.1

Table 17.1 outlines quantity limits and conditions for the storage and use of hazardous substances. The LPG Association's concern is limited to the quantity limits relating to LPG.

LPG (including propane based refrigerant) in cylinders.

Table 17.1 specifies quantity limits for indoor storage and outdoor storage across seven groups. The indoor storage limit across Groups 2 to 7 is set at 20kg and for Group 1 it is set at 20kg per dwelling except for multistorey attached dwellings of over three storeys where the limit is 10kg per dwelling. It is submitted that these indoor storage limits are inappropriate for all Groups 1 to 7 and should be deleted from Table 17.1.

The HSNO regulations already limit the quantity of LPG that can be stored in dwellings or multistorey attached dwellings to 20kg and 10kg respectively. By including these limits in the District Plan gives the user the impression

that a resource consent can be applied for to exceed these limits, which of course cannot be done as it would be unlawful under the HSNO regulations. This creates unnecessary confusion and consequent inefficiencies for District Plan users. The HSNO regulations also provide for maximum quantities for indoor storage in hotels, bars, restaurants, offices, factories and warehouses, among others, that do not always align with the limits set in Proposed Plan Change 13. Overall, it is considered that the HSNO regulations already adequately deal with indoor storage of LPG and additional regulation by means of District Plan rules is ineffective and inefficient, if not unlawful, and is therefore not required.

In terms of the outdoor storage of LPG, Proposed Plan Change 13 provides for a maximum quantity of 180kg across all Groups. Again it is submitted that the HSNO Regulations adequately deal with outdoor storage of LPG and that duplication in the District Plan is not required. The duplication of regulations is causing undue costs and inefficiencies to the community and therefore the inclusion of such low quantity thresholds of LPG is unwarranted.

It is requested that the outdoor storage quantities be replaced with a 'total storage quantity' and that such limits be in line with the thresholds used by other territorial authorities such as Christchurch City Council. A summary of the limits used in the Christchurch City Plan is provided below in Table 2.1 and Schedule 2 of the Christchurch City District Plan (describing the zone groupings and maximum quantities) is attached to this submission.

Table 2.1
Summary of CCC District Plan permitted activity maximum volumes for LPG storage and use

	Schedule 2 - Zone Groupings for Hazardous Substances			
	Group 1 All living zones (except living 5)	Group 2 All rural zones	Group 3 Living 5 Zone, Business zones, Central City Zone	Group 4 Business Zones, Special Zones
2.1.1	300kg	600kg	2000kg	8000kg

Such limits will reduce a lot of the duplication, inefficiencies and costs for people wishing to use the quantities of LPG commonly required or in use across the various zones and activity groups.

2.4.2 Rule 17.5.1 Controlled Activities

Clause (i)(b)

This rule requires that anyone wanting store LPG in a 222kg cylinder will need to seek a controlled activity resource consent. Again, this represents a duplication of process and increased costs for consumers. Being a controlled activity the consent must be granted, but may be subject to conditions. The matters that Council has retained control over include:

a. Location and design of storage tanks.
b. Monitoring systems.
c. Emergency response plans.
d. Site security and containment.

The assessment matter that Council has specified for the storage of LPG is the adherence to the Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and to AS/NZS 1596:2008 "The Storage and Handling of LP Gas".

These matters of control are addressed under the HSNO regulations, which are the same regulations that the Council has specified as the assessment matters for the storage of LPG. The storage of LPG is required to comply with the Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and for volumes of over 100kg a location test certificate is required. It is difficult to see what value or benefit the resource consent process will add and it is submitted that the control of storage of LPG in 222kg cylinders is not required under the District Plan.

3. I SEEK THE FOLLOWING DECISIONS FROM THE COUNCIL

- That clauses (iv), (v), (vi) and (vii) be deleted from Rule 17.5.1 and that they be included in a user guide at the beginning of Table 17.1.
- That all indoor storage limits for LPG be deleted from Table 17.1.
- That outdoor storage limits for LPG be deleted from Table 17.1 and replaced with Total Storage Quantities with thresholds similar to that used by other major urban territorial authorities, such as Christchurch City.
- That clause (i)(b) be deleted from Rule 17.5.2.

Schedule 2 - Zone groupings for hazardous substances

Updated 12 September 2011

Schedule 2 - Zone groupings for hazardous substances			
Group 1	**Group 2**	**Group 3**	**Group 4**
• All living zones except Living 5 Zone	• All rural zones	• Living 5 Zone	• Business 3, 4P, 5 Zones (Plan Change Decision 43)
• Special Purpose (Pedestrian Precinct) Zone	• All conservation zones	• Business 6 Zone (Johns Road)	• Business 6 Zone (Chaneys)
• Any parts of the Special Purpose (Rail) Zone within 25m of a living or rural zone boundary except for goods in transit	• Business 4 - the Musgroves site as shown on Appendix 10, Part 3.	• Business 1, 2, 2P, 3B, 4, 4T and Retail Park Zones except for the Musgroves site as shown on Appendix 10, Part 3. • Business 8 Zone [2] **(Plan Change 19 Decision**	• Business 7 zone area shown as hatched on Part 3 Appendix 12 for mushroom farming
		• Business 7 Zone excluding the area shown as hatched on Part 3 Appendix 12 for mushroom farming	• Sites containing designated electricity substations [1]
	• Special Purpose (Ferrymead) Zone - Areas A, B and C	• Central City Zone	• Cultural 4 Zone
	• Special Purpose (Wigram) Zone - Area A	• Central City Edge Zone	• Special Purpose (Airport) Zone [1a]
		• Cultural 1, 2, 3 Zones	• Special Purpose (Hospital) Zone
		• All open space zones	• Any parts of the Special Purpose (Rail) Zone which are more than 25m from a living or rural zone boundary except for goods in transit
		• Special Purpose (Ferrymead) Zone - Area D	[1] Refer to Clause 3.3.6 (f)
		• All scheduled activities	
		[2] Refer to Clause 3.3.5(e) **(Plan Change 19 Decision**	[1a] Refer to Clause 3.3.6 (d)

(Plan Change 54)

Schedule 2 continued - Quantity limits for hazardous substances

Class	Group 1 Zones		Group 2 Zones		Group 3 Zones	Group 4 Zones
	A	B	A	B	A	A
1. Explosives						
1.1	0kg	-	2.5kg	-	2.5kg	50kg
1.2	15kg	-	15kg	-	15kg	50kg
2. Gases						
2.1.1	300kg	-	600kg	2000kg	2000kg	8000kg
2.1.2	100kg	250kg	100kg	250kg	250kg	250kg
2.2	10kg	250kg	10kg	250kg	1000kg	1000kg
2.3	100kg	250kg	100kg	250kg	250kg	1000kg
3. Flammable Liquids						
3.1 aboveground storage [1]	50l	-	2000l		3000l [4]	5000l [4]
underground storage	0l	-	2000l	-	5000l [4]	50000l [4]
3.2	100l		250l		3000l	5000l
3.3 aboveground storage	1000l	-	2000l	-	5000l [4]	30000l [4]
underground storage	1000l	-	2000l	-	30000l [4]	30000l [4]
4. Flammable Solids						
4.1	1.0kg	-	1.0kg	-	25kg	50kg
4.2	1.0kg	-	1.0kg	-	25kg	50kg
4.3	1.0kg	-	1.0kg	-	25kg	50kg
5. Oxidising Substances						
5.1	50kg	-	50kg	-	1000kg	2000kg
5.2	1.0kg	-	1.0kg	-	25kg	200kg
6. Toxic and Infectious Substances						
6.1.1 Poisonous Substances	1.0kg	-	1.0kg	-	200kg	2000kg [2] [3]
6.1.2 Agrichemicals	10kg	50kg	200kg	500kg	500kg	1000kg
7. Corrosives	10kg	-	10kg	-	1000kg	5000kg [2]

Note :

(1) Not applicable to motor vehicle fuel tanks, or fuel tanks in locomotives.

(2) These limits are subject to compliance with any Hazardous Facilities Screening Procedure (HFSP) recognised by the Environmental Risk Management Authority (ERMA)

(3) Refer to Clause 3.3.6(g) in reference to the Bayer (NZ) site on Treffers Road.

(4) Refer also to Clause 3.3.6(a) and (b)

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Teresa Gutteridge

From: Joanna Pollard [jo@happypet.co.nz]
Sent: Monday, 12 December 2011 14:23
To: planning@dcc.govt.nz
Subject: Plan Change 13 - Hazardous Substances Online Submission

FROM Joanna Pollard

Joanna Pollard has made a submission to the "Plan Change 13 - Hazardous Substances via the online application form. Below are the details of the feedback.

Your details

- First name: Joanna
- Last name: Pollard
- Organisation:
- Street address: xxx
- Suburb:
- Town / city: xxx
- Post code: 0000
- Email address: jo@happypet.co.nz
- Day phone: 03 486 2311
- Evening phone:

Your submission

- I Do/Do Not wish to be heard in support of this submission at the hearing: Do
- If others make a similar submission, I will consider presenting a joint case with them at a hearing: Yes
- The specific provisions of Proposed District Plan Change 13 that my submission relates to are:: Method 17.4.1 Hazards Register Compile, maintain and provide access for the public to a Hazards Register containing information on the location and nature of identified or potential: • flood prone areas, including tsunami hazard • areas of land instability • coastal sites susceptible to coastal erosion and sea level rise • areas prone to subsidence or inundation • geological hazards such as fault lines, and areas susceptible to amplified ground shaking and liquefaction • areas prone to high wind and heavy snowfalls • areas prone to drought • technological hazards such as underground mining activities, areas of infilling, closed landfills, disused gas works sites, former hazardous substances manufacturing or disposal areas. I suggest adding: Hazards to the environment, including flora and fauna, natural and introduced. And: hazards to social wellbeing and economy Policy: 17.3.8 Method 17.4.7 Advocacy (i) Encourage the implementation of environmentally acceptable technologies in the storage, use, disposal, or transportation

	of hazardous substances. (I would strengthen this where "use" is concerned with the objective of using target specific traps, whether for vertebrates or invertebrates.)
• My submission is that::	see above
• I seek the following decision from the Council::	That my suggested amendments are dicussed and included in some form.
• Attachment:	No file uploaded
• Attachment:	No file uploaded

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PORT OTAGO LIMITED

12 December 2011

Dunedin City Council
PO Box 5045
Moray Place
DUNEDIN 9058

Attn: Planning Policy Manager,

Dear Sir / Madam,

RE Submission on DCC Plan Change 13 – Hazardous Substances

Please find attached a copy of the Port Otago Ltd submission in relation to the above plan change. This original letter and a hard copy of the submission is in today's post with a scanned copy being submitted by email.

If you have any queries please don't hesitate to contact me.

Yours faithfully

Lincoln Coe
GM Infrastructure

PO Box 8, Port Chalmers, New Zealand. Telephone 03-472-7890. Facsimile 03-472-7891
Email: col@portotago.co.nz

Form 5

SUBMISSION ON PROPOSED DUNEDIN DISTRICT PLAN CHANGE 13 – HAZARDOUS SUBSTANCES PURSUANT TO CLAUSE 6 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991

To:	Planning Policy Manager Dunedin City Council PO Box 5045 Moray Place DUNEDIN 9058 planning@dcc.govt.nz
Name of submitter	Port Otago Limited
Address for Service	Lincoln Coe General Manager Infrastructure PO Box 8 Port Chalmers lcoe@portotago.co.nz (03) 472 9884
Hearing	Port Otago Limited does wish to be heard in support of this submission at the hearing. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

INTRODUCTION

Overview of Port Otago Limited

Port Otago Limited is the successor to the elected Otago Harbour Board and is wholly owned by the Otago Regional Council. It owns the land based commercial port infrastructure at both Dunedin and Port Chalmers, and has occupancy rights to the CMA at and adjacent to its berths and commercial port area. Port Otago also maintains the commercial shipping channels, berths and swinging area within Otago Harbour in accordance with the permitted activity rules contained within the Otago Regional Council's Regional Plan: Coast.

Port Otago is the primary export port for the South Island region of New Zealand and believes strong competition offers real benefits to shipping lines and cargo owners. Port Otago ensures this strong competition by delivering superior customer service in all aspects of its activities through a can-do attitude and hard work. Our people are committed to delivering the highest standards of port services at all times.

Proximity to major export production in the lower South Island, and the strategic location of the harbour for vessel rotation to and from deep-sea destinations makes Port Otago a key link in the international supply chain. Continued emphasis on optimising the supply chain makes the availability of a modern, multi-modal port in Otago essential to the economic wellbeing of southern New Zealand.

Containerisation and the emergence of Dunedin as the regional centre for major export industries based on meat, dairy and forestry production enables the port to act as the

southern gateway for the key primary industries that still drive New Zealand's international trade.

In addition to meat, dairy and forestry, Port Otago handles significant exports of fish, apples, and other agriculturally based products. There is also a growing demand for processed timber produced from the fast growing, sustainable pinus radiata plantations in Port Otago's catchment.

Dunedin, the largest city in Port Otago's catchment, has a population of 125,000 and is a major manufacturing, research, education and tourism hub for New Zealand. Importantly, it has the comprehensive infrastructure that helps to create successful ports. The emergence of Dunedin as a regional export centre relies on the area's sophisticated road and rail network and the well-developed warehouse and cool storage sector located there. This ability to offer a complete package to exporters and importers enhances supply chain efficiency.

Port Chalmers and Dunedin port areas are a fundamentally important part of the import/export supply chain for the lower South Island Region and also for Otago tourism with upwards of 80 cruise vessels a season. Providing our customers with a competitive global shipping service is of fundamental importance to the region's social and economic prosperity.

Port Otago is committed to wisely and sustainably managing its land-based facilities and the harbour and harbour resources on which it depends for its operation in combination with the community. Port Otago is also committed to sustainable business practices and environmentally responsible operation.

Hazardous Substances at the Port

Hazardous substances are an integral part of the Port's day-to-day operations. The Port operates two very large sites and the scale of activity, type of operation, and security arrangements puts Port Otago Limited in a different position than other industrial sites or operations the Dunedin City Council (DCC) seeks to manage through the District Plan. For example, the Port Chalmers site (Port Zone 1) is 23 hectares in area and is fully secure from any public entry.

As a large industrial organisation, Port Otago Limited has comprehensive systems and processes for risk management, health and safety, and emergency response. Port Otago Limited has in-house expertise on hazardous substance management and has full understanding of, and compliance with, the requirements of the Hazardous Substances and New Organisms (HSNO) Act 1996 and Regulations. As part of our HSNO compliance, the Port's installations and procedures are all audited annually by external audit. The Port is required to meet the security requirements of the International Ship and Port Facility Security Code. Other specific procedures in place include training of approved handlers, isolation of certain types of cargo to specific areas of the yard, notifications required to other transport operators when dispatching cargo from the Port Chalmers site.

The port area is a critical and essential transit area for all types of hazardous substances that are "in transit" either onto or off vessels that necessarily berth at the port. Goods in transit through the Port including hazardous substances, will not typically be stored for long durations, for example 3-4 days is typical.

In addition to goods transiting through the port the operation of the port requires the storage and use of various quantities of hazardous substances. The storage of gas and liquids for

provision of fuel for straddles and forklifts is necessary, as is the storage of gases and liquids for activities such as the repair and painting of containers or the maintenance and repair of machinery. Hazardous substances stored at Port Chalmers include LPG, liquid paints and thinners, acetylene and diesel. Port Chalmers has a large super vault diesel tank (81,600 litres) which was recently installed following a resource consent process to obtain the necessary land use consents. Stores of other operational materials are not considered large but still exceed proposed thresholds in the plan change, for example two HSNO certified locked LPG storage cages each contain 540kg and two stores of paint/thinners each contain up to 1200 litres.

The Dunedin Port Zone 2 area is used for "transport depots" operated by transport operators who in the normal course of transporting goods have containers of hazardous substances on the backs of their trucks in their depots or yards. The unpacking of containers of some solid hazardous substances (such as 5.1.1C) is undertaken within the Port 2 Zone, with long term storage within secure warehouse buildings also undertaken. As for Port Chalmers, all sites in the Port 2 Zone area used to transit goods or provide short term storage of goods are HSNO certified to a certain maximum capacity, with annual audits by an external professional. The "transport depots" in the Port 2 zone are secured from general public access for safety and security reasons with regular security patrols by security personnel undertaken.

The transit and storage of hazardous substances has been a part of port operations throughout its long history. Existing use rights would apply to many of Port Otago's operations. However due to the fluctuations over the long period of operation, the exact character, intensity and scale of this use at the port will always be difficult to quantify.

The nature of being an integral part of the supply chain and transportation infrastructure network means that by definition ports and port-related areas activities require the flexibility to be able to manage hazardous substances in flexible manner.

SUBMISSION POINTS

Summary of key submission points

Our key submission points are:

1. The approach in the plan change is complex, duplicative and unnecessary given the current regulatory environment to manage effects of hazardous substances. We submit that the entire approach should be revised with greater reliance on the HSNO regime as a means of implementation.
2. Hazardous substances in transit or short term storage should be exempt from the district plan requirements. This is a necessary operational requirement for the rules to be workable and is the approach used in many other district plans. The HSNO regime provides the necessary safeguards. Clarification is required that the definition of hazardous substance (and all related hazardous substance rules) do not apply to transit and transport storage.
3. The Port 1 Zone at Port Chalmers has special circumstances based on ownership, location, security and internal procedures. It need not be subject to thresholds in table 17.1. Amend permitted activity rules to clarify that hazardous substance use and

storage is a permitted activity in the Port 1 Zone (subject to specific conditions) and is a discretionary activity (restricted) where conditions not met.

4. As Port 2 Zone is within a more general industrial zone, some controls may be relevant. Reliance on the HSNO regime is still relevant. If there are hazardous substance rules in the Port 2 Zone, then the hazardous sub-facility approach is relevant in the Port 2 Zone and should apply.
5. If the thresholds in table 17.1 are to apply to Port 2 Zone, then some revision is required to make them workable and/or reasonable.

Submission 1 - general approach to managing hazardous substances under RMA and HSNO

Proposed plan provision:

The entire Proposed District Plan Change 13 – Hazardous Substances. The approach is opposed in entirety and a revised approach sought to use HSNO as the primary method to implement the objectives and policies of the District Plan.

Issue:

The approach in the plan change is complex, duplicative and unnecessary given the HSNO regulatory environment to manage effects of hazardous substances.

The grounds of this submission:

Under the approach outlined in the Proposed District Plan Change 13 – Hazardous Substances, Port Otago will have overlapping responsibilities under the HSNO Act and the District Plan, which will result in duplicative compliance requirements for the storage and use of hazardous substances and uncertainty for both landowners/operators and the council in enforcing the requirements. It will result in additional costs for Port Otago and other Dunedin businesses in meeting these compliance requirements, and unnecessary administrative costs for DCC.

Port Otago is not opposed to applying for resource consent where justified, and has done this in the past for hazardous substances. However, even a simple application involves time and cost for both the applicant and council. We seek a regime that avoids unnecessary cost and is focused on managing additional RMA issues.

The purpose of the HSNO Act is "*to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms*". HSNO sets the minimum national standards that must be met for the control of hazardous substances. When the HSNO Act was first enacted in 1996, the provisions relating to hazardous substances were not immediately bought into force as there was considerable work to do to transition all hazardous substances into the new regime. Prior to 1996, there was also a transition from the old regulations to HSNO. In the first district plans produced under the Resource Management Act (RMA), many councils introduced RMA controls to manage hazardous substances due to poor understanding and enforcement of HSNO requirements and the initial absence of the Group Standards.

In 2005, the "Group Standards" were introduced under Part 6A of the HSNO Act. Hazardous substances use and storage became subject to controls under these Group Standards. The HSNO Group Standards requirements are extensive and comprehensive and control matters

such as quantities, sensitive adjoining uses, setbacks from boundaries, separation distances, site management, spill containment, tank design, emergency management, annual certification.

With the HSNO regime fully in force and managing the use and storage of hazardous substances, it is now only necessary for district plans to deal with special characteristics of a specific site, such as where topography or sensitive neighbouring activities may require site specific management for an RMA reason, over and above what is already required under the HSNO regime.

The options considered by the Council for this review focus on options for a technical update of the District Plan rules to the current HSNO regulations and current use of hazardous substances. However, options to update the actual approach in managing hazardous substances under the RMA do not appear to have been considered. For example, it is not clear why the DCC intends to manage hazardous substances under the RMA in a very prescriptive manner. With the current legal context, in most cases there is now little or no justification for controls under the RMA when HSNO effectively manages all effects that the hazardous substances could have. For example, it is the experience of Port Otago Limited when applying for land use consent under the current rules, the type of effects considered and type of conditions imposed, are matters that are generally already well addressed by our HSNO obligations and site management procedures.

There needs to be a resource management purpose for RMA rules separate from, and not duplicating an existing regulatory regime (HSNO regulations).

While the options proposed to update the rules can be justified compared to the status quo, the section 32 evaluation of the plan change does not adequately consider the efficiency and effectiveness of the proposed controls taking into account the benefits and costs of the rules. This is because the proposed plan change does not justify the approach to meet the purpose of the RMA given their duplication with existing compliance requirements under HSNO regulations. By focusing on technical alignment, the evaluation in the section 32 report does not appreciate that the means of managing the effects of hazardous substances has changed. The Council needs to firstly consider why it intends to manage hazardous substances under the RMA before then focusing on ensuring it is technically in line with current classifications and quantities.

The section 32 evaluation also fails to fully describe or quantify the costs of the proposed option compared to others. In administering the Proposed District Plan provisions assessment of a resource consent application against the assessment criteria and enforcement of the rules will require technical understanding of hazardous substances. Unless the Council has this technical expertise in-house, administering the rules could require contracting the technical expertise at a cost for both the council and applicants. This cost is unlikely to be justified if an applicant or operator is already commissioning that same technical expertise to meet their obligations under the HSNO regime.

Given events of the last 18 months and public inquiries about safety issues, the place of regulation, and where responsibility lies, we suggest the DCC carefully consider taking on a role in hazardous substance enforcement under the RMA unless it is robustly justified and understood what is being taken on.

Our recommendation is that the DCC rely on, or even specifically refer to the Group Standards included in the HSNO regulations, rather than the District Plan having separate prescriptive requirements. The objectives and policies of chapter 17 remain relevant, however a key method of implementation (currently omitted from 17.4) is the separate HSNO

regime. Along with other matters in 17.4, in relying on HSNO certification the quantity thresholds become unnecessary.

This is an opportunity to take a fresh look at hazardous substances management under the RMA and avoid the duplication of an existing compliance burden on Port Otago (and other commercial operators). This is our primary submission point number 1. Should this not be accepted by the DCC, we comment on the specific proposals in this plan change.

The decision sought of Council:

1. Remove all hazardous substance thresholds from the District Plan and rely on HSNO Regulations (Group Standards) to manage generic effects. Modify the approach to management of hazardous substances under the District Plan. Only include district plan rules where there are identified special characteristics or site specific matters to be managed for a resource management purpose.

Submission 2 - definitions

Proposed plan provisions:

Definitions of "Hazardous Sub-Facility" and "Hazardous Substance"

Issue:

The hazardous sub-facility provisions need not apply in the Port 1 Zone (see submission 3 below) but is relevant in the Port 2 Zone. Clarification is required that the definition of hazardous substance (and therefore related rules) does not include hazardous substances in transit or short term storage for transport purposes. The definitions are opposed and amendment sought.

The grounds of this submission:

Hazardous sub-facility

The definition of hazardous sub-facility and related rule 17.5.1 (vi) to provide for individual sub-facilities on large sites is an improvement on the draft plan change provided to Port Otago prior to notification but is still not workable for Port Chalmers. Due to the extent of hazardous substance facilities on site, the compounds or boundaries of storage areas may overlap and/or move so there is potential for overlap and uncertainty in how the definition would apply.

We outline in submission point 3 below that the Port 1 Zone need not be subject to rule 17.5.1(iv) and can therefore be removed from the related definition of hazardous sub-facility.

Port Otago owns property within Dunedin Port 2 Zone but does not have exclusive ownership or security over this area. It is therefore acknowledged that should the council find reason to control hazardous substances under the district plan, then these controls would apply in the Port 2 Zone. The definition of "Hazardous Sub-Facility" and the related rule 17.5.1(vi) provides an appropriate means to manage the effects of hazardous substances on large sites or for operations with special characteristics. The Port 2 Zone already contains sub-facilities with hazardous substance storage areas within individual sheds. However the definition does not include the Port 2 Zone. The rationale to distinguish controlled facilities within a broader

port zone applies equally to the Port 2 Zone as it does in the Campus, Airport, Industrial 1 Zones and some rural sites.

Hazardous substance

The requirement of the port to handle and store hazardous substances whilst they are in transit means that the quantity and type of hazardous substances kept on-site constantly fluctuates depending on weekly, monthly or annual demand. Transit of goods and the resultant fluctuation of volumes is part of the daily business of operating the Port. Transit may be either onto or off vessels that necessarily berth at the port. Goods in transit will not typically be stored for long durations. Those being imported and coming off a vessel for later transportation by road or rail to the Otago/Southland hinterland will typically move from the port within 3-4 days of arriving off the vessels. Similarly those cargoes being exported will typically be stored at the port for 3-4 days or up to a week. At times, we receive a request to hold a container for two or three weeks until it is convenient for the owner to arrange pick up and transport to the next destination. This is not typical but happens on occasion.

HSNO has specific controls for goods in transit, for example they must be held in ISO transport containers, with the containers to remain closed at all times. Port Otago also has very detailed operating procedures and processes in place for the management of hazardous substances in transit, for example isolation of certain types of cargo to specific areas of the yard and notifications to other transport operators when dispatching cargo from the Port Chalmers site.

Goods in transit may be transiting within the port area, transiting between port or transport areas, or just being loaded/unloaded between trucks or transport modes. As an example a truck may take a container from Port Chalmers late in the day and travel to the depot in Dunedin, staying there overnight before continuing its journey to its final destination the following day. While the Port has some fixed installations, "storage" of hazardous substances at the port is storage for other people while goods are in transit, not long-term storage as intended in the district plan references to use and storage.

Current HSNO certificates held by the port have a maximum allowable tonnage of hazardous substances at Port Chalmers. While the amount of hazardous substances in transit is low relative to total cargo on site (for example 25 out of 5,000 containers), the amount, locations, and specific management procedures will vary and fluctuate. Applying for repetitive resource consents would be unreasonable and impractical.

We are aware that the transport of hazardous substances is generally a matter not dealt with by territorial authorities. Further, transit and storage at recognised transport hubs is exempted from rules related to hazardous substances in many district plans, including a number of plans that have specific hazardous substance provisions or exemptions for operational port areas. For example, the following are excluded from the Wellington City District Plan hazardous substances provisions[1]:

> *"- Hazardous substances in transit.*
> *- Hazardous substances in temporary storage at a transport interchange area*
> *- Hazardous substances in storage in the Operational Port Area (with storage in compliance with HSNO and having a site management plan)*

[1] Refer Rule 3.5.2.1 Wellington City District Plan

- Hazardous Facilities which have well developed industry standards and codes of practice based on well established levels of risk also may be exempted."

All of these exemptions are equally applicable for transit and transport in Dunedin.

The decision sought of Council:

2. Amend the definition of hazardous sub-facility as follows:

   "Hazardous Sub-Facility: means any hazardous facility within the Campus, Port 1 2, Airport, and Industrial 1 zones and forestry and timber treatment activities in the Rural zone, which is separated from any other hazardous facility on the same site where..."

3. Amend the definition of hazardous substance as follows:

   Hazardous Substance: means

   (i) any substance or waste, generated by the use of hazardous substances, with one or more of the following intrinsic properties:

   (a) explosiveness

   (b) flammability

   (c) a capability to oxidise

   (d) corrosiveness

   (e) toxicity (including chronic toxicity)

   (f) ecotoxicity, with or without bio-accumulation; or

   (ii) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance or waste, generated by the use of hazardous substances, with any one or more of the properties specified in paragraph (i) of this definition.

   (iii) Does not include

   (a) Hazardous substances in transit

   (b) Hazardous substances in temporary storage at a transport interchange area

   (c) The loading, unloading and storage of hazardous substances transiting through the port.

Any similar amendments with like effect.

Any consequential amendments that stem from the amendments proposed.

Submission 3 – permitted activity rule 17.5.1

Proposed plan provisions:

Permitted activity rule 17.5.1 (iii) and (vi). The table referenced in 17.5.1(iii) is commented on in more detail in submission point 5 below.

Issue:

Changes are required to ensure that hazardous substance use and storage (ie fixed installation) is a permitted activity in the Port 1 Zone. Clarify that the application of threshold

quantities to hazardous sub-facilities also applies in the Port 2 Zone. Proposed rule 17.5.1 (iii) and (vi) is opposed and amendment sought.

The grounds of this submission:

Port Otago considers that the general approach (quantity thresholds) is not relevant in the Port 1 Zone. The Port Chalmers site of the Port 1 Zone is entirely owned and operated by Port Otago Limited. The area is completely secure with no public access and therefore differs from other large sites such as the Campus Zone or Airport Zone. There is a considerable buffer between the Port Chalmers secure area and any public area or residential or commercial area in private use.

The fluctuation in volumes of hazardous substances on site, make a rule based on quantities impractical to apply on a day to day basis.

As outlined above, management within the secure area is under comprehensive control and audit as required by HSNO Regulations.

The alternative approach proposed is to permit hazardous substance storage and use in the Port 1 Zone in accordance with HSNO regulations.

If considered necessary for RMA reasons, a setback of 50m from any residential dwelling could apply as a mitigation measure. Within this area, resource consent for a discretionary (restricted) activity can provide the opportunity to assess any site specific matters. We note however, that setbacks are already required under the HSNO regulations.

As outlined in submission point 2 above, it is appropriate for the Port 2 Zone to be subject to the rules for sub-facility due the location and circumstances of that area. As for the Campus, Airport, Industrial 1, and some rural sites, it is appropriate that a hazardous sub-facility approach also apply in the Port 2 Zone.

The decision sought of Council:

4. Amend 17.5.1 (vi) as follows:

   "The permitted quantity thresholds in this table apply per site, except for the Campus, ~~Port 1,~~ **Port 2,** Airport, Industrial 1 zones...."

5. Add to rule 17.5.1 to provide for Port 1 Zone activities as a permitted activity:

   (viii) the storage , use, or disposal of hazardous substances in the Port 1 Zone. The storage, use or disposal must be:

   - **no less than 50m from any residential dwelling**
   - **within a secure area with no public access**
   - **have a HSNO test certificate (if required) under section 83 of the HSNO Act.**

Any similar amendments with like effect.

Any consequential amendments that stem from the amendments proposed.

Submission 4 – discretionary activity rule 17.5.3

Proposed plan provision:

Discretionary Activity (Restricted) Rule 17.5.3.

Issue:

The Port 1 Zone at Port Chalmers has special circumstances based on ownership, location, security and internal procedures. It need not be subject to thresholds in table 17.1. The proposed approach for the Port 1 Zone is opposed and amendment sought.

The grounds of this submission:

As outlined above, Port Otago considers that the general approach (quantity thresholds) is not relevant in the Port 1 Zone. An alternative approach to permit hazardous substance storage and use in accordance with HSNO regulations is proposed. Where recommended conditions (see decision request 5 above) are not met, resource consent for a discretionary (restricted) activity would provide the opportunity to assess any site specific matters on a case by case basis.

The decision sought of Council:

The decision sought in response to our submission point above is:

6. Amend rule 17.5.3 Discretionary Activities (Restricted) to add the following:

   (iii) In the Port 1 Zone, the storage, use, or disposal of hazardous substances which does not meet the conditions in 17.1.5.1(viii).

Any similar amendments with like effect.

Any consequential amendments that stem from the amendments proposed.

Submission 5 – threshold table 17.1

Proposed plan provisions:

Table 17.1 associated with permitted activity rule 17.5.1.

Issue:

Table 17.1 may be relevant for fixed installations in the Port 2 Zone. If so, some of the stated thresholds in the table 17.1 are unworkable and/or unreasonable. The table is opposed and amendment sought.

The grounds of this submission:

Our primary submission is that the District Plan should not contain a table of threshold limits because regulation of this nature is already prescribed under the HSNO regime.

We have also submitted above that Port 1 Zone need not be subject to the table due to special characteristics of the area, and that hazardous substances in transit or short term transport storage be exempt.

If table 17.1 is to apply to Port 2 Zone, we request that stated threshold limits more appropriately recognise the scale and intensity of operational activities, recognise the experience and practices which larger organisations have, and recognise HSNO certification.

We note in table 17.1 that for some items there is a reliance on compliance with HSNO regulations (eg Explosives 1.1, retail fireworks or Oxidising substances 5.1, Nitrous Oxide). We submit that rather than selective reliance on HSNO compliance, this principle can be applied more generally.

Within the Port 2 Zone, storage is within secure warehouse buildings and a HSNO test certificate is held for storage up to certain maximum limits. A resource consent adds no additional benefit or management of effects over and above what is already considered under the HSNO process. We believe reliance on HSNO permitted volumes and the related annual audit process of HSNO regulations is a principle that can be applied in all zones where the table 17.1 applies, but as a minimum it should apply in the Port 2 Zone due to the nature and characteristics of use and management of hazardous substances in the port areas.

We also note that many classifications have a threshold of zero in table 17.1, even in the Port Zone (eg Explosives, blackpowder and display fireworks). Unless our submission to exclude hazardous substances in transit is accepted, this zero threshold is completely impractical on the basis that most goods, including hazardous substances, coming into and out of Otago will transit through the port. A zero threshold renders any transit requiring resource consent not workable for our day to day business. This zero threshold may be interpreted to mean that transit was always intended to be excluded.

We comment in the table below on aspects specifically relevant to the Port 2 Zone which would be appropriate in instances where a HSNO certificates is not held.

Substance	Comment	Amendment
All substances		
	In each category, clarify that use or storage is a permitted activity either up to the limit permitted by a HSNO test certificate or if no test certificate is held, up to the thresholds set out in the table below.	**Where a HSNO test certificate for use or storage is held, up to the volume permitted in the certificate.**
Gases and aerosols – 2.1.1A High hazard gases		
LPG (inc. propane-based refrigerant) in cylinders:	20kg (indoor storage), 180kg (outdoor storage) allowed in Port Zone. This is inadequate for a large industrial site.	20kg (indoor storage), ~~180kg~~ **300kg** (outdoor storage)
Flammable liquids (stored above ground in containers ≤450 Litres) 3.1		
3.1A cumulative total limit	We note that 2000 litres permitted in the Rural Zone, but only: - 50 litres (any storage except metal drums); - 250 litres in Dangerous Goods	Increase Port 2 Zone volumes to equivalent of rural zone.

Substance	Comment	Amendment
	cabinet approved to AS 1940; - 420 litres in approved HSNO 'Type' stores. permitted in Port Zone. Amend to be consistent and appropriate.	
Flammable liquids (stored above ground in containers ≥450 Litres) *3.1A Liquid: Very high hazard (flash point <23°C, initial boiling point ≤35°C)*		
Petrol	600 litres permitted in Port Zone in a certified double skinned tank, with no petrol permitted in certified single skinned tanks. Significantly more (2000 litres) allowed in Rural Zone. Amend to be consistent and appropriate.	Certified double skin tanks: ~~600 litres~~ **2000 litres**
Flammable liquids (stored above ground in containers ≥450 Litres) *3.1B Liquid: Very high hazard (flash point <23°C, initial boiling point ≤35°C)*		
Acetone, paint thinners	600 litres permitted in Port Zone in a certified double skinned tank, with no volume permitted in certified single skinned tanks. The port typically stores 600 litres – 1200 litres of liquid paint thinners.	Certified double skin tanks: ~~600 litres~~ **1200 litres**
Oxidising Substances – 5.1.1A-C Liquids & Solids		
All	The Rural Zone has no threshold, whilst the Port Zone has a threshold of 200 litres if liquid and 200kg if solid. It is not clear why there is discrepancy between the zones. The Port will generally have up to 500kg of ammonium nitrate in storage which falls under this category.	~~200 litres~~ **500 litres** if liquid and ~~200kg~~ **500kg** if solid

The decision sought of Council:

7. Amend table 17.1 heading for group 6 as follows:

   "Group 6: Port **2** Zone, excluding residential activities"

8. Amend table 17.1 as outlined in the table above.

Any similar amendments with like effect.

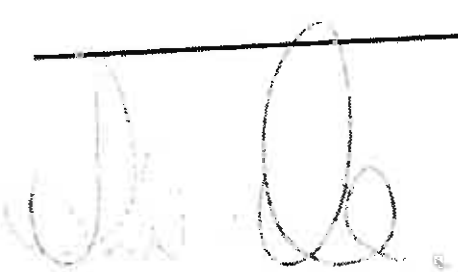
Any consequential amendments that stem from the amendments proposed.

CONCLUSION

Port Otago is a major contributor to the social and economic prosperity of the region. Further, the significant scale and unique characteristics of the operation require a targeted and appropriate response.

Port Otago Limited is pleased to have the opportunity to input to the hazardous substance provisions of the District Plan and consider there is further room for improvement as outlined in this submission.

We acknowledge the objectives and policies of the district plan. We seek to continue to work with DCC to achieve the most effective, efficient and appropriate means of giving effect to the objectives and policies, through a transparent and non-duplicating combination of RMA rules, other regulatory mechanisms and best practice.



Lincoln Coe (signature)
General Manager Infrastructure

Date: 12 December 2011

NEW ZEALAND FERTILISER MANUFACTURERS'
RESEARCH ASSOCIATION INCORPORATED

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Submission on :
Dunedin City Council
District Plan Change 13 – Hazardous Substances

Submitter Details :

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Contact Name : Greg Sneath, Technical Manager, NZFMRA

Hearings :
The Association wishes to be heard in support of the submission.
If others make a similar submission, the association would consider presenting a joint case at any hearing.

Signed : G. Sneath **Date :** 12th December 2011

INTRODUCTION

The New Zealand Fertiliser Manufacturers' Research Association Inc (NZFMRA) is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association also operates under the name Fert Research. The Association has two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 95% of all fertiliser used in New Zealand.

The Fertiliser Industry recognises that land use and resource use in New Zealand must provide for the economic, social and cultural well-being of the community. The industry's specific interest is in land use and resource use pertaining to agricultural production.

This submission has been developed with consultation with our member companies, Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd.

We would like to thank the Dunedin City Council for this opportunity to present a submission on the District Plan Change 13 – Hazardous Substances. We welcome ongoing discussion on any points raised, and trust that are our comments are helpful in the process of amending and finalising the District Plan Change 13 – Hazardous Substances.

GENERAL COMMENTS

The fertiliser industry strongly supports proactive programs and policy which encourage responsible, good agricultural practices that enable rural land use to bring economic benefits and economic security to the region while avoiding, remedying or mitigating any adverse effects of land use practices.

The industry supports systems that provide flexibility for land users to engage appropriate tools and practices, which manage farm system risks, while retaining the flexibility to responsibly apply appropriate levels of the farm system inputs that are required to meet commercially viable production. Indeed this outcome is essential for the national and regional economy.

The fertiliser industry continually advocates for Policy and Plan processes which:

a. are output based, (i.e. targeting achievable environmental outcomes, as is consistent with the RMA, and not regulate inputs or production limits)
b. maintain flexibility and encourage innovation to avoid, remedy or mitigate environmental effects, while also maintaining and developing economic, social and cultural well being.
c. pursue Industry Best Management Practices, using:
    - Codes of Practice
    - Education programs
    - Incentives for adoption
d. encourage close collaboration and co-operation with industry bodies and sector representatives to find solutions to address land management issues
e. seek catchment based environmental targets and goals, which are consistent with current and intended land use.

The scope of this submission on behalf of the fertiliser industry is to principally address matters relating to fertiliser use and application by farmers.

The specific provisions of Proposed District Plan Change that my submission relates to are:

Chapter 17 Hazards, Hazardous Substances and Earthworks:
Proposed Rule 17.5.1, Table 17.1, and all associated references.

Submission:

The Fertiliser Industry strongly opposes Proposed Rule 17.5.1, Table 17.1, and all associated references.

Comments:

Specifically in relation to fertiliser storage and use;

- The Fertiliser Industry acknowledges Council has an obligation to avoid, remedy, or mitigate any adverse effects associated with the storage, use, disposal, or transportation of hazardous substances.
- The HSNO Fertiliser Group Standards were produced following extensive consultation with all stakeholders and set out conditions that enable this group of hazardous substances to be managed safely to protect human health and the environment, and with the end user in mind.
- The Fertiliser Industry contends that all local authority (regional, district, city and unitary) hazardous substances policy and rules must be consistent with the Hazardous Substances and New Organisms (HSNO) Act 1996 and associated regulations.
- The proposed rule is inconsistent with the HSNO Act, its associated Regulations, and the requirements specified in the HSNO Fertiliser (Subsidiary Hazard) Group Standard 2006.

  For further clarification by way of an example;
  Fertiliser products include HSNO classifications 6.3B (mild skin irritant), and 6.4A (eye irritant), among others. HSNO regulations do not place unduly restrictive limits on the storage and use of most standard fertiliser products used on farms.

  However, proposed rule 17.5.1 and Table 17.1 specifically, requires that permitted activity for products with HSNO classifications 6.3 B and 6.4A are restricted in rural zones to a quantity limit of just 200 kg.

- Proposed rule 17.5.1 will require resource consent for farmers who routinely apply fertiliser such as a superphosphate mix or urea. This will introduce unnecessary, onerous and impractical consent requirements and be unworkable for City Council officers and farmers alike.

Decisions Sought:

- Permitted Activity status for on-farm storage and use of fertiliser products.
- Conditions of Permitted Activity Status which are consistent with the HSNO Fertiliser Group Standards.
- Deletion of Table 17.1 and reference to HSNO Group Standards as applicable.
- Alternatively, should officers recommend Table 17.1 be retained, then make fertiliser use and storage by farmers exempt from Table 17.1, with permitted activity status based on complying with HSNO Fertiliser Group Standards.
- Consequential changes to words and references within Proposed Chapter 17.

End.

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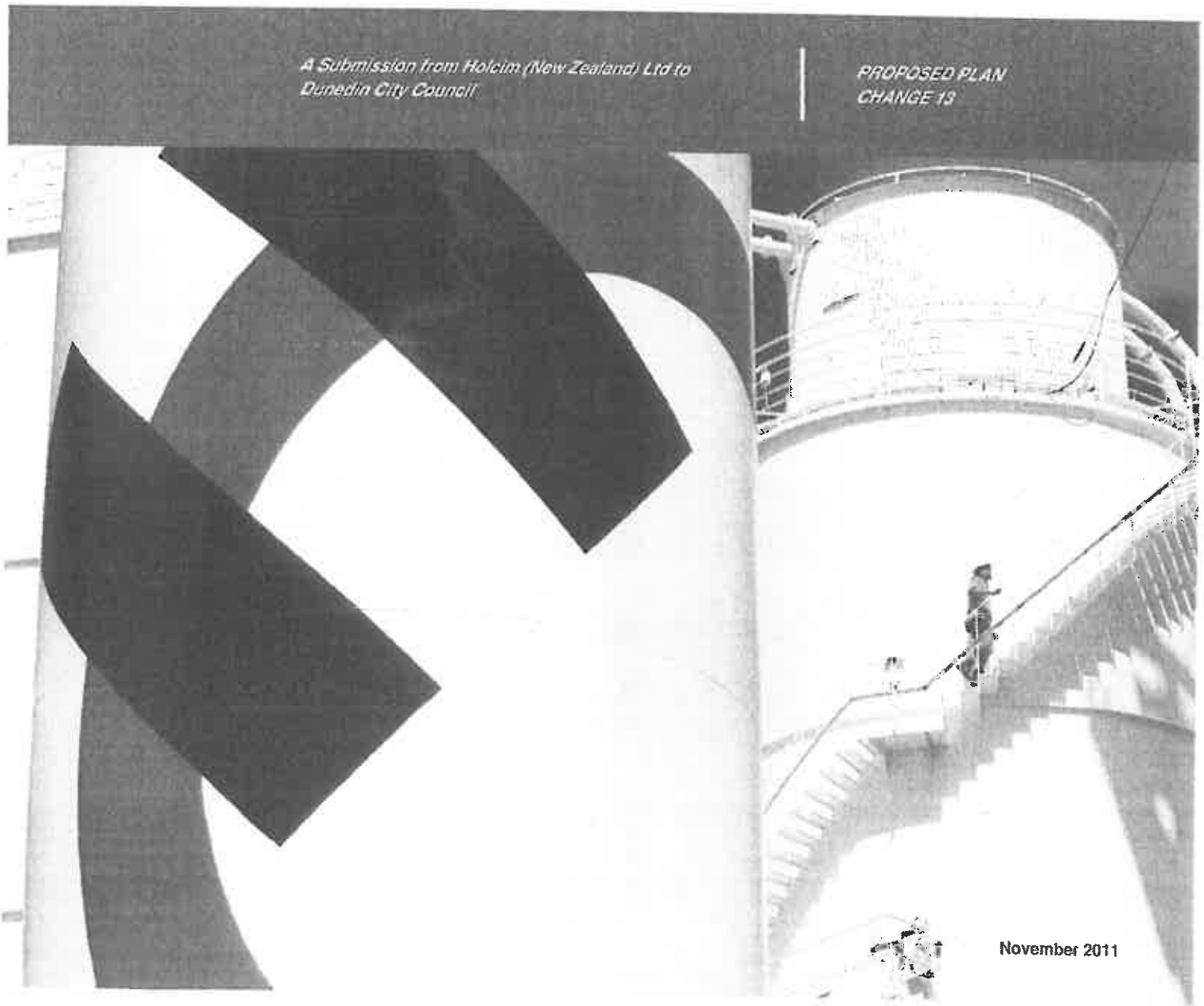
Holcim

Submission on

Proposed Plan Change 13 (Hazardous Substances)



Submission by Holcim (New Zealand) Ltd to *Dunedin City Council* on

Proposed Plan Change 13 (Hazardous Substances)

SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN

Under Clause 6 of The First Schedule to The Resource Management Act 1991

Submission from: **Holcim (New Zealand) Limited**

Mr. Grant J Anderson
Group Environmental Manager
1/1 Show Place
PO Box 6040
Upper Riccarton,
CHRISTCHURCH 8442
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grant.anderson@holcim.com

Submission Date: **12 December 2011**

About Holcim

The company began its involvement in the New Zealand building industry in 1888, when the Milburn Lime and Cement Company was incorporated in Otago. Today, Holcim New Zealand directly employ approximately 500 people across more than 37 operating sites in New Zealand manufacturing cement, lime, concrete and aggregates. In addition, it operates two ships and a fleet of rail and road tankers and concrete delivery trucks.

Holcim New Zealand's cement plant in Westport celebrated its 50th anniversary of continuous operation in 2008.

The company's lime plants in Otorohanga (McDonald's Lime) and Dunback (Taylor's Lime), near Palmerston, supply industrial lime and agricultural limestone across the whole of New Zealand and the southern Pacific.

Holcim (New Zealand) Ltd operates three aggregate quarries across the North Island.

Through its Geocycle division, Holcim New Zealand manages and operates the highly-acclaimed Used Oil Recovery Programme (UORP) which, since it began in 1996, has collected over 100 million litres of waste oil from across New Zealand for use as fuel replacement at the company's Westport Works.

The International Union for Conservation and Nature (IUCN) and Holcim Ltd have been working in partnership since 2007, to develop robust ecosystem conservation standards for the Holcim Group and to contribute to sector-wide improvements in the cement and related sectors. Full details of the IUCN-Holcim relationship can be found at:
http://www.iucn.org/about/work/programmes/business/bbp_our_work/bbp_holcim/

As a founding member of the World Business Council for Sustainable Development (WBCSD), the Holcim Group is committed to sustainable development and has endeavoured to ensure this commitment is widely publicised and understood. Since the early 1990s, the company has taken a leadership role in the global industry response to climate change, and is widely acknowledged for its considered and thoughtful approach to the resolution of difficult public policy issues in this area.

In 2011 Holcim was confirmed as a member in the Dow Jones Sustainability World Index for the eighth consecutive year.

Cement has the following Hazard Classifications: 6.1D, 6.5A, 6.5B, 8.2C, 8.3A.

Burnt Lime & Hydrated Lime have the following HSNO classifications: 8.2C, 8.3A, 9.1D

Limestone chip, agricultural lime and lime flour has the HSNO classification of 6.4A.

General Position: Holcim New Zealand and the Proposed Plan Change

Holcim (New Zealand) Ltd ("Holcim") is generally supportive of the proposed plan change 13 ("PC13"). There is clear provision contained within PC13 which seeks to protect the environment from accidental spills or leakages.

Holcim (New Zealand) Ltd seeks to ensure that:

- Unintended consequences do not arise through the adoption of this Plan Change;
- Perverse outcomes do not arise through the implementation of the Proposed Plan Change;
- The Port 2 Zone is recognised as an industrial area which holds or stores significant quantities of material;
- Cement, Burnt Lime and Hydrated Lime are provided for within the Plan; and
- Holcim's customers are not adversely affected by the proposed plan change.

Holcim (New Zealand) Ltd applauds the approach which Dunedin City Council has taken to ensure consistency with the Hazardous Substances and New Organisms Act (in terms of definitions of products).

There is a concern around the fact that the Port 2 zone has been excluded where it would be expected to contain hazardous substances, and concern is present where there is a requirement to obtain consent for any new customer to hold our product.

Submission Points

Rule 17.5.1 (i) - Permitted Activities (Support with amendments)

Holcim (New Zealand) Limited **supports with amendments** this part of the Plan Change. It provides for 'lawfully established residential activities'.

Relief Sought

(i) The storage, use or disposal of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupation. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be stored in the container or packaging in which it was sold, and used or disposed of in accordance with the manufacturer's instructions.

The inclusion of this rule will allow for the satisfactory storage, use and disposal of cement, burnt lime, and hydrated lime.

Rule 17.5.1 (iii) and (iv) - Permitted Activities (Support with amendments)

Holcim (New Zealand) Limited believes that sub-part (i), and sub-part (iii) & (iv) generate a conflict within the Proposed Plan.

17.5.1(i) provides for the reasonable usage and storage of hazardous substances at a domestic level. However, 17.5.1(iii) & (iv) impose threshold limits which must be met.

The overall outcome of this, is that consent may be required if you cannot meet all the bullet points under 17.5.1, as you are not meeting the permitted baseline threshold.

Relief Sought

It is therefore proposed that the following amendments are made to ensure that there is no conflict between the rules contained within the District Plan, and there is consistency provided.

(iii) Unless provided for under (i), ~~T~~the storage, use, or disposal of hazardous substances not exceeding the quantity limits and other requirements stipulated in Tables 17.1.

(iv) Table 17.1 contains maximum permitted quantity thresholds (plus, in certain cases, storage requirements) for the storage, use or disposal of different types of hazardous substance, as classified via the Hazardous Substance (Classification) Regulations 2001. The quantities vary according to District Plan zone and/or activity type. Where the requirements set out in this table are not met, resource consent will be required under Rule 17.5.2, 17.5.3 or 17.5.4 of this Plan unless the hazardous substances are stored, used or disposed of in accordance with (i) above.

Rule 17.5.1 (vi) Permitted Activities

Holcim (New Zealand) Limited **supports with amendments** this part of the Plan Change.

Relief Sought

Table 17.1, Row 1, Column 9 provides for "Port Zone, excluding residential activities", so therefore the following change would provide consistency with the table.

(vi) The permitted quantity thresholds in this table apply per site, except for the Campus, Port 1, Port 2, Airport, Industrial 1 zones and forestry and timber treatment activities in the Rural zone, where the permitted quantity thresholds apply per hazardous sub-facility. Where more than one activity is carried out per site or hazardous sub-facility, each hazardous sub-facility shall comply with Table 17.1, otherwise resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan.

Or other consequential relief.

Proposed new sub-part under 17.5.1 (Permitted Activities)

It seems that there is a distinct overlap between responsibilities of companies, and of the District Council in applying the HSNO rules and regulations. For example, if a site has a stationary diesel tank of volume >10,000L, a test location certificate is required (and checked for by the Department of Labour).

A rule outlining any new facility would ensure that there is no dual assessment, and different pieces of legislation assessing the same thing.

(viii) Where any new facility is constructed, and a Test Location Certificate or Stationary Container Certification is required, it is deemed that the certified environmental controls are considered adequate. If no Test Location Certificate or Stationary Container Certification is supplied, resource consent will be required under rule 17.5.2, 17.5.3 or 17.5.4 of this Plan.

Table 17.1: Threshold Quantities

6.4A Eye Irritant

It is noted that there is a threshold quantity of 1kg in Residential Zones. This means that if a person has a garden, and chooses to place limestone chip on their garden (which is a popular low maintenance garden product), then they will require consent under 17.5.3.

In contrast, if the same household for whatever reason wanted an underground petroleum tank, they would be given a controlled activity resource consent (i.e. the Council cannot decline any controlled activity).

This seems like a nonsensical scenario. However, as the Plan Change is currently drafted, this is the reality.

Ground limestone (AgLime) is commonly used on farms as a fertilizer. While spreader trucks seek to have as little quantity stored on the site as possible, it is not uncommon to have up to 60 tonne in a stockpile, waiting for spreading on paddocks. Given the vast boundaries of Dunedin City, this is an important consideration.

Relief Sought

Holcim (New Zealand) Limited seeks the following change to the District Plan:

Substance	HSNO subclass and Hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, exc. residential activities	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Toxic Substances	6.4A Eye irritant	Limestone	3t	5t	1000kg	60t	1000kg	10t	1000kg
		All others	1kg	200kg	1000kg	200kg	1000kg	1000kg	1000kg

Or other consequential relief.

The quantities in the above table provide for normal use of a natural substance while avoiding limits that are otherwise unenforceable.

6.5A Respiratory Sensitizer

It is noted that there is a threshold quantity of 1kg in Residential Zones for Respiratory Sensitizers. This means that one kilogram of cement would trigger the need for consent under 17.5.3.

Cement is used stored and used by many, including hardware stores, bricklayers and concrete batching plants. Typically concrete batching plants have two cement silos up to 30t (to accommodate a truckload of cement which is 28t).

Relief Sought

Holcim (New Zealand) Limited seeks the following change to the District Plan:

Substance	HSNO subclass and Hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, exc. residential activities	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Toxic Substances	6.5A&B Respiratory & contact sensitizers	Cement	80kg	50t	1000kg	30t	30t	100t	1000kg
		All others	1kg	200kg	1000kg	200kg	1000kg	1000kg	1000kg

Or other consequential relief.

The quantities in the above table provide for normal use of cement while avoiding limits that are otherwise unenforceable.

8.2C Substances Corrosive to the Skin

It is noted that the threshold quantities are related solely to liquid measurements. This indicates that little or no consideration has been given to other products, such as cement and burnt lime, which have a HSNO classification of 8.2C.

More generally, most substances that have a class 8.2 skin corrosion classification, also have a class 8.3A eye corrosion classification. In which case, any thresholds set for 8.2 become redundant.

As mentioned above, the normal use of cement and burnt lime should not have additional consenting requirements given the need for adequate controls (such as filtration, enclosed cement & lime delivery vehicles) on concrete batching plants, lime users and cement distribution sites. It is unrealistic to require consent for relatively low threshold amounts.

Cement and burnt lime are used by various sources, including bricklayers, masons, home handymen, hardware stores and concrete batching plants. Typically concrete batching plants have two cement silos up to 30t (to accommodate a truckload of cement which is 28t).

Relief Sought

Holcim (New Zealand) Limited seeks the following change to the District Plan:

Substance	HSNO subclass and Hazard classification	Substance	Group 1: Residential Zones and residential activities in all other zones.	Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, exc. residential activities	Group 3: Campus Zone, excluding residential activities.	Group 4: Rural Zone, excluding residential, forestry and timber treatment activities.	Group 5: Forestry and timber treatment activities in the Rural Zone.	Group 6: Port Zone, excluding residential activities.	Group 7: Airport Zone, excluding residential activities.
Toxic Substances	8.2A-C Substances corrosive to skin	Cement, Hydrated Lime & Burnt Lime	80kg	50t	1000kg	30t	30t	100t	1000kg
		All others	5 litres	1000 litres	1000 litres	1000 litres	5000 litres	1000 litres	1000 litres

Or other consequential relief.

The quantities in the above table provide for normal use of burnt lime, hydrated lime and cement without a limit which would seldom be adhered to.

8.3A Substances corrosive to the eye

As mentioned above, typically 8.3A standards are the classifications used for the threshold values for 8.2 (Corrosive to the skin). Therefore any thresholds for 8.3A should at least be aligned to the 8.2 classifications (or 8.2 classifications deleted, or given no threshold values).

Again, it is noted that the threshold quantities are related solely to liquid measurements. This indicates that little or no consideration has been given to other products, such as cement, hydrated lime and burnt lime, which have a HSNO classification of 8.3A.

As mentioned above, the normal use of cement and burnt lime should not have additional consenting requirements given the need for adequate controls (such as filtration, enclosed cement & lime delivery vehicles) on concrete batching plants, lime users and cement distribution sites. It would be unrealistic to require consent for relatively low threshold amounts.

Hydrated lime is commonly used as a pH correction additive in water treatment plants across New Zealand. Dunedin is no different, and DCC operate plants which require hydrated lime. Any change to quantity stored (although presently the stores are reasonably minimal) would, under the current drafting of the District Plan, require resource consent.

Cement, hydrated lime and burnt lime are used by various sources, including hardware stores and concrete batching plants. Typically concrete batching plants have two cement silos up to 30t (to accommodate a truckload of cement which is 28t).

Relief Sought

Holcim (New Zealand) Limited seeks the following change to the District Plan:

Substance	**HSNO subclass and Hazard classification**	**Substance**	**Group 1: Residential Zones and residential activities in all other zones.**	**Group 2: Activity, Industry, Stadium, Proposed Harbourside Zones, exc. residential activities**	**Group 3: Campus Zone, excluding residential activities.**	**Group 4: Rural Zone, excluding residential, forestry and timber treatment activities.**	**Group 5: Forestry and timber treatment activities in the Rural Zone.**	**Group 6: Port Zone, excluding residential activities.**	**Group 7: Airport Zone, excluding residential activities.**
Toxic Substances	8.3A Substances corrosive to the eye	Cement, Hydrated Lime & Burnt Lime	80kg	50t	1000kg	30t	30t	100t	1000kg
		All others – eg hydrofluoric acid	0	5 litres	5 litres	0	0	0	0

Or other consequential relief.

The quantities in the above table provide for normal use of burnt lime, hydrated lime and cement without a limit which would seldom be adhered to.

9.1D Aquatic Ecotoxics

The provision for Aquatic ecotoxics appears only to apply to materials which have another HSNO subclass. This would presumably preclude any of the materials manufactured by Taylor's Lime, McDonald's Lime or Holcim from the thresholds outlined in table 17.1 for 9.1A-D.

In our example for 6.4A (Eye Irritant) above, we noted that a house could have a petroleum tank assessed as a controlled activity. Under this part, we could

maintain 10,000L of vinyl monomer in a super vault tank as a permitted activity.

Relief Sought

Holcim (New Zealand) Limited seeks clarification on the treatment of materials with a 9.1A-D classification (along with other HSNO classifications). Holcim (New Zealand) Limited also applauds the practice of different vessels having different thresholds. We believe this is a sensible and pragmatic approach.

Summary

- ✓ Holcim (New Zealand) Ltd seeks recognition of cement, burnt lime, hydrated lime and limestone chip in the Dunedin City Plan (as provision has been given to other materials).
- ✓ Amendments should be made to ensure that the District Plan has some 'sensibility factor', so that erroneous claims do not get played out through costly processes such as the Court

I wish to be heard in support of my submission

If others make a similar submission we will consider presenting a joint case with them at a hearing.

Signature .....
(Signature of submitter or person authorised to sign on behalf of submitter)

Date 12th December 2011

Address for Service of Submitter
Holcim (New Zealand) Limited
P O Box 6040
Upper Riccarton
CHRISTCHURCH 8442

Telephone: 03 3397519
Facsimile/email: **03 3397499**
Contact person: Grant Anderson, Environmental Manager

Unless otherwise stated, all opinions expressed in this Summary are those of Holcim (New Zealand) Limited.

We have endeavoured always in this document to take every reasonable measure to ensure the quality, reliability, and accuracy of the information presented. In particular, we have sought to ensure that material referenced from third parties is reproduced accurately and in context.

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Teresa Gutteridge

From: Kevin Thompson [Kevin.Thompson@downer.co.nz]
Sent: Monday, 12 December 2011 14:41
To: planning@dcc.govt.nz
Subject: Plan Change 13 - Hazardous Substances Online Submission

FROM Kevin Thompson

Kevin Thompson has made a submission to the "Plan Change 13 - Hazardous Substances via the online application form. Below are the details of the feedback.

Your details

- First name: Kevin
- Last name: Thompson
- Organisation: Downer EDi Works Ltd
- Street address: 133 Main South Road
- Suburb: Green Island
- Town / city: Dunedin
- Post code: 9052
- Email address: Kevin.Thompson@downer.co.nz
- Day phone: 034788189
- Evening phone:

Your submission

- I Do/Do Not wish to be heard in support of this submission at the hearing: Do
- If others make a similar submission, I will consider presenting a joint case with them at a hearing: Yes
- The specific provisions of Proposed District Plan Change 13 that my submission relates to are:: Rule 17.5.1(iv) and Rule 17.5.1(vi)

1. Downer EDi Works Ltd generally supports Plan Change 13 given its objective is to better align the District Plan's management of Hazardous substances with the Hazardous Substances and new organisms Act (HSNO). 2. Downer EDi Works Ltd considers that the plan Change could result in a situation where a facility or sub facility may require both a Location Test Certificate and a resource consent. This is considered an unnecessary duplication and will impose additional and

• My submission is that::	unnecessary costs and delays on site owners and operators. 3. Downer EDi Works Ltd therefore considers that the following change should be made to Rule 17.5.1(iv): ...under Rule 17.5.2, 17.5.3 or 17.5.4 of this plan unless a Location Test Certificate has been issued for the quantity. 4. Downer EDi Works Ltd also considers Rule 17.5.1(vi)should be amended in a similar manner, as follows: ...under Rule 17.5.2, 17.5.3 or 17.5.4 of this plan unless a Location Test Certificate has been issued for each hazardous sub-facility.
• I seek the following decision from the Council::	That Rules 17.5.1(iv) and (vi) be amended as set out above.
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• Attachment:	No file uploaded