



Submission from Ravensdown Fertiliser Limited to Dunedin City Council on:

Proposed Plan Change 13 – Hazardous Substances

Submission from: Ravensdown Fertiliser Limited

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I do wish to be heard in support of this submission at the hearing; I will consider a joint submission with other submitters.

About Ravensdown:

The following submission is made on behalf of Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to Dunedin City Council's Dunedin City District Plan Proposed Plan Change 13 – Hazardous Substances that was publicly notified on 14th October 2011. Submissions to the Plan close on 12th December 2011.

Ravensdown was formed in 1978 by farmers to ensure they could get fertiliser reliably, and at sustainable cost. Ravensdown supplies close to half New Zealand's agriculture fertiliser and has developing interests in the Australian fertiliser market. We are 100% owned by farmers, providing sound technical advice and a comprehensive range of key farming inputs, all at the lowest sustainable cost.

Ravensdown owns and operates three fertiliser-manufacturing plants in Ravensbourne (Dunedin), Hornby (Christchurch) and Awatoto (Napier). Ravensdown also operates 46 bulk fertiliser stores throughout NZ, and has an interest in a further 70 consignment fertiliser stores which are operated by third parties in which Ravensdown products are stored.

In addition to these facilities, Ravensdown operates a number of quarries that mine and process agriculture lime in various parts of New Zealand.

Ravensdown takes an interest in regional and district plans from two perspectives – how plan provisions affect their own manufacture and storage activities, and how the plan provisions may affect the users of their products. When considering plans Ravensdown wishes to ensure planning provisions are enabling and are not unduly restrictive.

One of the "core values" of Ravensdown is to be environmentally considerate. We look after the environment in our operations and provide a range of tools to help farmers now and into the future.

General Submission:

Ravensdown Fertiliser Limited ("Ravensdown") acknowledges the background of the proposed Plan Change 13, that the Council has an obligation to avoid, remedy or mitigate adverse effects from hazardous substances.

In making this submission Ravensdown seeks to ensure that:

- Rural activities operating in compliance with the HNSO Act, ACVM Act, and associated regulations are not disadvantaged by the adoption of this Plan Change;
- The manufacture and storage of fertiliser and associated products is not disadvantaged or prevented by the adoption of the Plan Change.
- The import and export of fertiliser and associated products through the Port is recognised
- Unforeseen outcomes do not arise through the implementation of the Proposed Plan Change, such as unreasonable hurdles for the production of, or use of, new products

Ravensdown acknowledges the approach which Dunedin City Council has taken to ensure consistency with the Hazardous Substances and New Organisms. Ravensdown's experience in dealing with HSNO leads us to believe the regulations and rules associated with the HSNO Act are already sufficient for activities at District level within Rural and Industrial Zones.

The Hazardous Substances and New Organisms Act was created 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)". The Act, and associated rules and regulations, has created a national framework to meet the environmental, health and safety goals outlined in the Act.

For our industrial activities and the rural activities of our shareholders the goals of protecting the environment and the health and safety of people and communities is achieved through compliance with the Hazardous Substances and New Organisms Act, Agricultural Compounds and Veterinary Medicines Act and associated legislation and regulation. This includes specific standards for substances, rules around use and storage, containment rules, certification and qualification rules and tracking rules.

Ravensdown has supported the goal to "protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances" through management and stewardship of its operations and products. Furthermore Ravensdown has provided training for its rural stakeholders to ensure they understand their obligations with regard management and tracking of substances.

The existing legislative and regulatory framework nationally should allow the storage and use of hazardous substances within the rural zones and industrial zones to be "Permitted".

Specific Submissions:

Rule 17.5.1

Ravensdown supports the concept of “Permitted Activities”.

We submit the following points be added to Rule 17.5.1:

- Use or storage of a hazardous substance is a permitted activity if the activity is located in the Rural Zones
- Use or storage of a hazardous substance is a permitted activity if the activity is located in the Industrial Zones
- Use or storage of a hazardous substance is a permitted activity if the activity is located in the Port Zones

Other comments:

- The wording of 17.5.1 (iii) may not be clear enough. Consider the addition of “Unless provided for in 17.5.1 (i) and (ii)” to this point.
- The overall wording of District Plan “17 – Hazardous Substances” could be confusing as to whether or not the proposed rules apply to each substance singularly or substances falling within each HSNO class and sub-class in sum/aggregate. The heading of the left hand column in Table 17.1 I “Substance” implies each substance should be treated separately allowing (for example) the Campus Zone to have up to 1,000kg of each HSNO Class 6.3B substance. The rules within HSNO (including Group Standards) refer to all substances within a HSNO class/sub-class.
- There are possibly other inconsistencies in Table 17.1. One example is HSNO Class 8 (Corrosive). The “maximum permitted quantity thresholds” for each sub-class are only expressed as litres, implying this only applies to liquids. Elsewhere in Table 17.1 where both liquids and solids are covered in the same section both solid and liquid limits are expressed as litres and kilograms (e.g. 6.1A-C “All other substances”)

Summary:

Ravensdown request that activities in the Rural, Industrial and Port zones that are in compliance with the national HSNO framework are included as “Permitted Activities”.

Appendix:

Example of how a hazardous substances are dealt with under the HSNO framework. The product is Toppel, a broad spectrum insecticide. The first two pages show the labels on the container the product is supplied in. These labels provide warnings relating to the general hazard as prescribed by HSNO rules. Information is also supplied regarding the fact that the product must under control of an Approved Handler and the "Tracking" requirements whereby the location and movements of the product must be recorded. Specific information on toxicity and flammability is provided together with storage and personal protection requirements. Other information includes Disposal and First Aid advice.

The next page shows the Product Safety Card which has Emergency information in addition to First Aid advice and also records advice on handling, storage and segregation.

The following four pages are the standard 16 point form (material) Safety Data Sheet.

The final four pages make up the booklet supplied with the product which covers the aspects outlined above and also directions for use, and relevant withholdings periods.

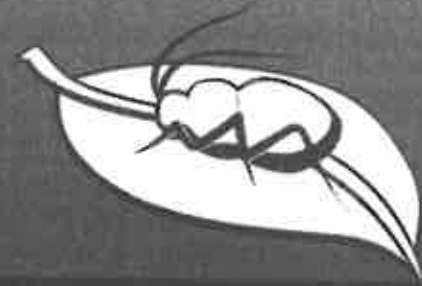
WARNING - COMBUSTIBLE LIQUID
TOXIC - KEEP OUT OF REACH OF CHILDREN
ECOTOXIC



Insecticide

TOPPEL

A broad-spectrum insecticide for
the control of insect pests in
agricultural and horticultural crops



ACTIVE INGREDIENT: 480g/litre chlorpyrifos in the form of an emulsifiable concentrate.

Registrant:
Ravensdown Fertiliser Co-operative Ltd
Level 1, 22 Oxford Terrace
Christchurch, New Zealand
Telephone: 03 353 4600
Facsimile: 03 353 4635

Batch:
DOW

NET CONTENTS:
5 LITRES

READ LABEL CAREFULLY BEFORE USING TOPPEL

The product must not be used for any purpose, or in any manner, contrary to the label unless authorized under appropriate legislation.

HAZARD CLASSIFICATION: 3.1D, 6.1C, 6.3B, 6.4A, 6.9A, 9.1A, 9.2B, 9.3A, 9.4A

APPROVED HANDLER

The product must be under the control of an approved handler when it is applied in a wide dispersive manner or used by a commercial contractor.

TRACKING

Location and movement of this product must be recorded at each stage of its lifecycle.

FLAMMABILITY

WARNING – COMBUSTIBLE LIQUID. Keep away from sources of ignition.

TOXICITY

Toxic – May be fatal if swallowed, inhaled or absorbed through the skin. May cause organ damage from repeated or exposure at high doses.
Harmful – May cause skin and eye irritation.

ECOTOXICITY

Very toxic to aquatic organisms. Avoid contamination of any water supply with chemical or empty container.

Toxic to the soil environment.

Very toxic to terrestrial invertebrates and to terrestrial invertebrates.

Very toxic to bees. Spray must not contact plants in flower if they are likely to be visited by bees.

HANDLING PRECAUTIONS

STORAGE

Do not store near heat or flame.

Keep out of reach of children.

Store in accordance with NZ 9409 Management of Agricultural Chemicals.

Store in original container tightly closed in a locked, dry, cool, well ventilated area away from sources of heat and ignition, food stuffs,

fertilizers and seeds. Avoid storing this product with Class 1, 2, 3, 4 or 5 substances.

Containers containing 100L of Toppel are subject to signage and secondary containment. More than 100L require emergency response plans.

Stores containing 500L of Toppel must have at least 2 fire extinguishers.

PERSONAL PROTECTION

Avoid contact with skin, eyes and inhalation of spray mist.

When handling wear full protective clothing such as chemically resistant gloves and boots, respirator, eye protection and overalls.

Wash splash area of concentrate from skin and eyes immediately.

Remove protective clothing and wash hands and face thoroughly before meals and after work.

Do not eat, drink or smoke while using.

EQUIPMENT

Apply using well maintained and accurately calibrated equipment. Flush equipment thoroughly with clean water after use.

RECORD KEEPING

Records of use as described in NZ 9409 Management of Agricultural Chemicals must be kept.

DISPOSAL

Triple rinse container and add rinsate to spray tank. Triple rinse container containing the Agrecovery logo on the label and that are free of all residues and have an intact legible label may be taken to an Agrecovery collection site for disposal. Otherwise crush or puncture and bury in an approved landfill. Do not burn container. Do not use container for any other purpose. Dispose of product only by using according to label directions or dispose of same at a managed landfill.

FIRST AID

If swallowed, DO NOT induce vomiting. For advice contact the National Poisons Centre (NPOC) POISON (0800 764 766) or a doctor immediately. If skin or hair contact occurs, remove contaminated clothing and flush skin and hair with running water. If splashed in eyes, flush with water for at least 15 minutes. If inhaled, move the patient to fresh air immediately. Begin artificial respiration if breathing has stopped.

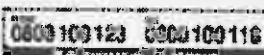
Registered pursuant to the ACVM Act 1997/7288.

See www.mtaagpa.co.nz/acvm/ for registration conditions.

Approved pursuant to the HSNO Act 1996, Code: M2500224.

See www.epma.govt.nz/ for approval controls.

Agrecovery is available on HPIE containers of 60 litres or less only.





Product safety card

Ravensdown Fertiliser Co-operative Limited
Level 1, 32 Oxford Terrace, Christchurch

EMERGENCY INFORMATION HANDS TO PAGE GUIDE / CHIMIGRUS GOOD DECLARATION							
TO PP11 organo-phosphate insecticide							
Substance: Clear amber liquid, containing 480 g/litre chlorpyrifos as an EC. Proper Shipping Name: ORGANOPHOSPHORUS PESTICIDE, LIQUID, TOXIC							
UN. No: 3018	DB Class: 6.1	Subsidiary Risk Class: None	Packing Group: III	Flash Point (°C): 6265.6°C	HAZCHEM: Zx	Marine Pollutant: Yes	Land Transport Schedule Exemption Quantity: 250 litres
HSNO Classification: 3.10, 6.1C, 6.3B, 6.4A, 6.9A, 9.1A, 9.2B, 9.3A, 9.4A				Packaging Required: Yes		Approved Handler: Yes	IER Guide No: 35
EMERGENCY PROCEDURES 35 NO UR ADVISORY IN EMERGENCY ONLY: INFO 243 622							
IF THIS HAPPENS		DO THIS					
Traffic/Vehicle Accident		Switch off engine and electrical equipment. Keep people away, warn other traffic. Check for spills, leaks. Call emergency services: Dial 111					
Spill or leak		Do NOT touch or walk through spilled material. Wear PVC overalls, chemical resistant gloves, face mask or goggles. Stop leak if safe to do so. Prevent entry into waterways, drains, or confined areas. Absorb spilled product and place in sealable container for disposal. Wash down affected area with water plus detergent. Absorb and collect washings and place in the same sealable container for disposal. Seek advice from the local authority regarding disposal. Report large spills to Emergency Services at CHEMICAL (0800 243 622)					
Fire		Call the Fire Service: Dial 111. This product is combustible. Fires and combustion products produced in a fire may be toxic and/or irritating. Small fire: Use dry chemical, CO2, water spray or foam. Large fire: Use water fog, foam, or dry agent. If possible, use foam blanket to contain product. Avoid using AFFF. If safe to do so, move undamaged containers from fire area. Cool container with flooding quantities of water until well after fire is out.					
FIRST AID							
If Swallowed:		Do not induce vomiting. Immediately contact the National Poisons Centre 0800 POISON (0800 764 766) or a doctor and / or transport to nearest Hospital (emergency ward). Take this Product Safety Card to the phone, doctor or Hospital. At home a nitrate.					
If in Eyes:		Flush eyes thoroughly with running water for 15 minutes. Remove contact lenses. If effects continue, consult a doctor or the National Poisons Centre 0800 POISON (0800 764 766)					
If on Skin:		Remove contaminated clothing and flush skin with running water. Do not scrub the skin.					
If Inhaled:		If safe to do so, remove patient to fresh air. If not breathing, give artificial respiration, preferably mouth-to-nose. Get medical attention if symptoms develop.					
STORAGE AND SEGREGATION							
Storage: Store in tightly closed original container in a cool, dry well-ventilated area out of direct sunlight when not in use. This product is best stored in an unheated building. Do not store with food, feedstuffs, fertilisers and seeds. See product label for further handling / storage precautions relative to the end use of this product.							
Aggregate Storage Volume Thresholds: When stored with substances of the same hazard the aggregate quantity must be considered. For full details refer to the current NZS8409 Management of Agricultural Chemicals or the Hazardous Substances Regulations.							
Location Certificate:	Hazardous Atmosphere Zone: (Closed pack)	Number of Fire Extinguishers:	Hazard Class & Emergency Action Signage:	Emergency Information:	Emergency Plan:	Secondary Containment:	
No	No	2 If more than 500L	100 litres	At any quantity	> 100 litres	100 Litres	
Note: Farms > 4ha a requirement but with controls							
DO NOT Transport * with: Class 1 explosives. Special exemption applies to 1.4S Ammunition Class 1, 2, 3, 2.4 or 5 and food items				Segregate in stores from: HSNO Class 1, 2, 3, 2, 4 or 5 substances.			
* Check the Land Transport Rule Dangerous Goods 2005, Rule 45001 for additional information. Refer NZS 5493, for segregation details.							
No. & Kind of Packages:				Gross Wgt:	Kg	Volume:	m ³
Consignor:				Consignee:			
Dangerous Good Declaration:				Name:			
I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked and labeled, and are in all respects in proper condition for transport according to the applicable international and national rules, regulations and legislation.				Title:			
				Signature:			
				Date:			

DISCLAIMER: The information provided above is based upon sources believed to be accurate. However, Ravensdown Fertiliser Co-operative Limited assumes no responsibility for the accuracy, completeness or suitability of this information. The consignor and consignee are responsible to determine the suitability of this information for their particular purposes.

Date issued: November 2011

Leading the way in agriculture

0800 100 123 www.ravensdown.co.nz

Safety data sheet

Toppel



ISSUED: 28/08/2006

Section 1: SUBSTANCE IDENTIFICATION AND SUPPLIER

Product Name: TOPPEL

Recommended Use: Broad spectrum insecticide for use in agriculture and horticulture

Company Identification: Ravensdown Fertiliser Co-operative Limited

Address: Level 1
32 Oxford Terrace
Christchurch

Customer Centre: 0800 100 123

National Poisons Information Centre: 0800 POISON (0800 764 766)

Emergency Telephone Number: 0800 CHEMCALL (0800 243 622) (24hr) (Emergencies Only)

Transport Emergency: IN AN EMERGENCY, DIAL 111 – FIRE or POLICE

Section 2: HAZARD IDENTIFICATION

HSNO Hazard Classifications: 3.1D, 6.1C, 6.3B, 6.4A, 6.9A, 9.1A, 9.2B, 9.3A, 9.4A

Priority Identifiers: WARNING – Combustible Liquid
TOXIC
ECOTOXIC

Secondary Identifiers: 3.1D = Combustible liquid. Keep away from sources of ignition.
6.1C = May be fatal if swallowed, inhaled or absorbed through the skin
6.3B = May cause skin irritation
6.4A = May cause eye irritation
6.9A = May cause organ damage from repeated oral exposure at high doses
9.1A = Very toxic in the aquatic environment
9.2B = Toxic in the soil environment
9.3A = Very toxic to terrestrial vertebrates
9.4A = Very toxic to terrestrial invertebrates

Section 3: COMPOSITION INFORMATION

INGREDIENT	CAS No.	CONTENT
Chlorpyrifos	2921-88-2	>40%
Other Ingredients		To 100%

Section 4: FIRST AID MEASURES

First Aid Measures: Consult the National Poisons Centre on 0800 POISON (0800 764 766) or a doctor immediately in every case of suspected poisoning.

Inhalation: Remove patient to fresh air. Lay down and keep warm and rested. If breathing is shallow or has stopped ensure airway is clear and apply resuscitation. Seek medical assistance immediately.

Toppel Page 1 of 4

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0800 100 123 www.ravensdown.co.nz

Ingestion:	Never give anything by mouth to an unconscious person. If swallowed DO NOT induce vomiting. For advice, contact the National Poisons Centre on 0800 POISON (0800 764 766). Seek medical assistance immediately.
Skin:	Remove contaminated clothing and wash affected area thoroughly with soap and water. If a large area is affected seek medical assistance.
Eye:	Flush with plenty of water holding eyelids open if necessary.
Advice to Doctor:	Atropine is the specific antidote.

Section 5: FIRE FIGHTING MEASURES

HSNO Classification:	3.1D
Flash Point:	67°C
Hazardous Combustion Products:	If involved in a fire may evolve toxic and irritating fumes
Extinguishing Media:	Foam, carbon dioxide or dry chemical
Protective Equipment:	Full protective clothing and self contained breathing apparatus
HAZCHEM Code:	2X
Location Certificate:	Required. See section 7 Storage
Hazardous Atmosphere Zone:	Not required.
Fire Extinguishers:	Required. 2 for 500lt or more, with a 30B rating eg: 9 litre foam extinguishers

Section 6: ACCIDENTAL RELEASE MEASURES

Spills and Disposal:	Wear appropriate protective clothing. Exclude non-essential people from the area. Contain spill and absorb with inert materials such as soils and/or absorbent granules and place in a sealable waste container. Dispose of waste safely in an approved landfill.
Protective Clothing:	For appropriate personal protective equipment see section 8.
Environmental Precaution:	Prevent from entering drains, waterways or sewers. If spill does enter waterways contact local authority.

Section 7: HANDLING AND STORAGE

Handling:	<p>Keep out of reach of children. Avoid contact with skin, eyes and inhalation of spray mist.</p> <p>Approved Handler: This product must be under the control of an approved handler when applied in a wide dispersive manner or used by a commercial contractor</p> <p>Tracking: This product must be tracked</p> <p>Record Keeping: Records of use as described in NZS 8409 Management of Agrochemicals must be kept. Keep away from naked flame. Remove any ignition sources from storage zones where more than 100 litres either alone or in aggregate with substances of the same hazard classification are stored as closed containers.</p>
Storage:	<p>Store in original container tightly closed and in a locked, dry, cool area away from foodstuffs, fertiliser, seed and sources of ignition. Store in accordance with NZS 8409 Management of Agrochemicals. Do not store with Class 1, 2, 3.2, 4 or 5 substances.</p> <p>Stores containing 500lt of this product or in aggregate with substance of the same hazard classification must have at least 2 fire extinguishers.</p>
Location Certificate:	<p>Required when quantities in excess of 500 litres are stored in one zone as closed containers of 5 litres or more. 1,500 litres when stored in closed containers less than 5 litres.</p> <p>Required when 250 litres or more are stored in one zone as open containers</p>

This product is subject to signage and secondary containment when stored in quantities of 100 litres or more, either alone or in aggregate with substances of the same hazard classification. More than 100 litres require emergency response plans. For full details refer to NZS 8409 Management of Agrochemicals and HSNO Regulations (Emergency Management and Identification Regulations).

Other Information: Always read the label before use. See label for further information on handling and storage.

Section 8: EXPOSURE CONTROL/PERSONAL PROTECTION

Exposure Limits: No exposure limits have been assigned for this product by OSHA

Protective Equipment: When opening the container, preparing spray and when contact with concentrate or solution is likely; wear safety goggles, chemically resistant gloves and boots, impermeable apron or chemical resistant suit worn over cotton overalls. Cotton overalls should be buttoned to the neck and wrist.

Engineering Controls: Handle in well ventilated area. Use process enclosures, local exhaust ventilation, or other engineering controls to keep airborne levels below exposure limits. Avoid inhalation of spray mist.

Hygiene Precautions: Do not eat, drink or smoke while using this product. Remove protective clothing and wash hands and face before meals and after work. Wash protective clothing daily after work.

Section 9: PHYSICAL AND CHEMICAL PROPERTIES

Appearance: Clear amber liquid

Odour: Solvent odour

Specific Gravity: 1.09

Solubility in Water: Emulsifies in water

Flash Point: 67°C

Other Information: (EC) Emulsifiable concentrate

Section 10: STABILITY AND REACTIVITY

Stability: When stored appropriately this product should show no significant degradation for 2 years from the date of manufacture.

Hazardous Polymerisation: Hazardous polymerisation is not likely to occur

Materials to Avoid: Avoid contact with oxidising agents, strong acids or alkalis

Section 11: TOXICOLOGICAL INFORMATION

HSNO Classifications: 6.1C, 6.3B, 6.4A, 6.9A

Inhalation: Acute Inhalation LD_{50} (rat) (4hr) >0.2mg/l (chlorpyrifos)
When applying this product avoid inhalation of spray mist. Breathing in high concentrations of vapour can produce central nervous system depression leading to loss of co-ordination, impaired judgement and if exposure is prolonged, unconsciousness.

Ingestion: Acute Toxicity (Oral) LD_{50} (rat) 135mg/kg (chlorpyrifos)
Amounts as single exposure swallowed incidental to normal handling are unlikely to cause injury. Ingestion of relatively large amounts may cause injury. Possible symptoms of exposure include nausea, vomiting and central nervous system depression. If aspirated into the lung may cause chemical pneumonitis or pulmonary oedema.

Skin: Acute Toxicity (Dermal) LD_{50} (rat) >2000mg/kg (chlorpyrifos)
The concentrate may cause defatting of the skin, dermatitis and skin irritation on prolonged contact. May cause sensitisation from prolonged contact

Eye: Irritating to the eye.

Chronic Effects: Regular exposure may result in lowering of cholinesterase activity.

Reproductive Toxicity: Data indicates no reproductive effects

Mutagenicity: No mutagenic or teratogenic effects expected

Carcinogenicity: Data indicates no carcinogenic effects

Section 12: ECOLOGICAL INFORMATION

HSNO Classifications: 9.1A, 9.2B, 9.3A, 9.4A

Ecotoxicity: Acute Toxicity (fish) (chlorpyrifos)
LC₅₀ (bluegill sunfish) (96h) 0.002mg/l

Very ecotoxic in the aquatic environment

Acute Toxicity (birds)
LD₅₀ (chicken) 32-102mg/kg

Very toxic to terrestrial vertebrates

Acute Toxicity (bees)
LD₅₀ (contact) 0.07 ug
LD₅₀ (oral) 0.36ug

Very toxic to terrestrial invertebrates

Persistence/Mobility: In soil chlorpyrifos is slowly degraded with a half-life of ca. 60-120 days, to 3,5,6-trichloropyridin-2-ol, which is subsequently degraded to organochlorine compounds and carbon dioxide.

Section 13: DISPOSAL INFORMATION

Product Disposal: Dispose of product only by using according to label or at an approved landfill

Container Disposal: Triple rinse container and add rinsate to spray tank. Triple rinsed containers containing the Agrecovery logo on the label and that are free of all residues and have an intact legible label may be taken to an Agrecovery collection site for disposal. Otherwise crush or puncture and bury in an approved landfill.
Do not burn container. Do not use container for any other purpose.
Dispose of product only by using according to label or dispose of safely at a managed landfill.

Section 14: TRANSPORT INFORMATION

RAIL/ROAD: UN Number: 3018
Proper Shipping Name: ORGANOPHOSPHORUS PESTICIDE, LIQUID, TOXIC
DG Class: 6.1
Subsidiary Risk: None
Packing Group: III
Marine Pollutant: Yes

Other Information: Do not carry this product on a passenger service vehicle.
Refer to Land Transport Rule 4600101 for latest segregation information. Transport by sea may require additional segregation. Refer to NZS 5433 for further information.

Section 15: REGULATORY INFORMATION

ACVM: Registered pursuant to the ACVM Act 1997, P7188
See www.nzfsa.govt.nz/acvm/ for registration conditions.

ERMA: Approved pursuant to the HSNO Act 1986, Code: HSR000224
See www.erna.govt.nz for approval controls.

Section 16: OTHER INFORMATION

This SDS supersedes December 09 and was reviewed September 2010.

The data in this SDS relates only to the specific material designated herein and does not relate to use in combination with any other material. The information is provided in good faith based on current knowledge and experience. No warranty with regard to the product properties is expressed or implied.

READ LABEL CAREFULLY BEFORE USING TOPPEL

This product must not be used for any purpose, or in any manner, contrary to the label unless authorized under appropriate legislation.

HAZARD CLASSIFICATION: 3.1D, 6.1C, 6.3B, 6.4A, 6.9A, 9.1A, 9.2B, 9.3A, 9.4A

APPROVED HANDLER

This product must be under the control of an approved handler when it is applied in a wide dispersive manner or used by a commercial contractor.

TRACKING

Location and movement of this product must be recorded at each stage of its lifecycle.

FLAMMABILITY

WARNING – COMBUSTIBLE LIQUID. Keep away from sources of ignition.

TOXICITY

Toxic – May be fatal if swallowed, inhaled or absorbed through the skin. May cause organ damage from repeated oral exposure at high doses.

Harmful – May cause skin and eye irritation.

ECOTOXICITY

Very toxic to aquatic organisms. Avoid contamination of any water supply with chemical or empty container.

Toxic to the soil environment.

Very toxic to terrestrial vertebrates and terrestrial invertebrates.

Very toxic to bees. Spray must not contact plants in flower if they are likely to be visited by bees.

HANDLING PRECAUTIONS

STORAGE

Do not store near heat or flame.

Keep out of reach of children.

Store in accordance with NZS 8409 Management of Agrichemicals.

Store in original container tightly closed in a locked, dry, cool, well ventilated area away from sources of heat and ignition, foodstuffs, fertilizers and seeds. Avoid storing this product with Class 1, 2, 3.2, 4 or 5 substances.

Stores containing 100L of Toppel are subject to signage and secondary containment. More than 100L require emergency response plans.

Stores containing 500L of Toppel must have at least 2 fire extinguishers.

PERSONAL PROTECTION

Avoid contact with skin, eyes and inhalation of spray mist.

When handling wear full protective clothing such as chemically resistant gloves and boots, respirator, eye protection and overalls.

Wash splashes of concentrate from skin and eyes immediately.

Remove protective clothing and wash hands and face thoroughly before meals and after work.

Do not eat, drink or smoke while using.

EQUIPMENT

Apply using well maintained and accurately calibrated equipment. Flush equipment thoroughly with clean water after use.

RECORD KEEPING

Records of use as described in NZS 8409 Management of Agrichemicals must be kept.

DISPOSAL

Triple rinse container and add rinsate to spray tank. Triple rinsed containers containing the Agrecovery logo on the label and that are free of all residues and have an intact legible label may be taken to an Agrecovery collection site for disposal. Otherwise crush or puncture and bury in an approved landfill. Do not burn container. Do not use container for any other purpose. Dispose of product only by using according to label directions or dispose of safely at a managed landfill.

FIRST AID

If swallowed, DO NOT induce vomiting. For advice contact the National Poisons Centre 0800 POISON (0800 764 766) or a doctor immediately.

If skin or hair contact occurs, remove contaminated clothing and flush skin and hair with running water. If splashed in eyes, flush with water for at least 15 minutes. If inhaled, move the patient to fresh air immediately. Begin artificial respiration if breathing has stopped.

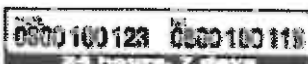
Registered Pursuant to the ACVM Act 1997 P7188

See www.nzfa.govt.nz/acvm/ for registration conditions.

Approved pursuant to the HSN Act 1996, Code: HSR000224

See www.emm.govt.nz for approval controls.

Agrecovery is available on HDPE containers of 60 litres or less only.



SPILLAGE

In case of spillage, extinguish all ignition sources. Wear appropriate protective clothing and prevent material from entering waterways. Exclude non-essential people from the area. Prevent material coming into contact with Class 1, 2, 3, 4 or 5 substances. Contain liquid spills and absorb with inert material such as soil or sand and place in waste containers. Wash area with water and absorb with further inert material. Dispose of waste safely in an approved landfill.

EMERGENCY RESPONSE

In transport emergency call 111, Police or Fire Brigade. For 24hr specialist advice in an emergency only call 0800 CHEMICAL (0800 243622).

SAFETY DATA SHEET

If additional safety information is required, refer to the Safety Data Sheet. For a copy contact the customer centre on 0800 100 123.

TRANSPORT

Do not carry this product on a passenger service vehicle.

PRODUCT INFORMATION

Toppel is an organophosphate insecticide that works directly on insect pests through contact and vapour action. It also works as a stomach poison when ingested by insects. Toppel also remains active in soil for several days.

It is an offence to use this product on animals.

MIXING

Partly fill the spray tank. Add the required amount of Toppel and start agitation. Complete filling the spray tank and maintain agitation until spraying is complete.

COMPATIBILITY

Toppel is compatible with most commonly used insecticides and fungicides. It should not be mixed with highly alkaline materials such as Bordeaux mixture or lime sulphur.

SHELF LIFE

When stored appropriately this product should show no significant degradation for two years from the date of manufacture. Contact your supplier for further information about the use of any product that is older than this.

RESISTANCE MANAGEMENT

Resistance to Toppel may develop from excessive use. To minimise this risk use strictly in accordance with label instructions and resistance management strategies that exist for any insect pest listed on the label. Avoid using this insecticide exclusively all season and avoid unnecessary spraying. Maintain good cultural control practices.

RECOMMENDATIONS

Unless otherwise indicated, rates suggested are for high volume spraying to the point of run off. For concentrate spraying, adjust dilution rates accordingly. For broadcast application, use 100-200 litres of water/ha through ground spray equipment and 50-100 litres/ha in aerial applications.

WITHHOLDING PERIODS

It is an offence for the users of this product to cause residues exceeding the relevant MRL in the NZ (Maximum Residues of Agricultural Compounds) Food Standard.

Avocado and grapes	- 14 days
Cereals for grain	- 8 weeks
Kiwifruit	- Do not apply after bud cracking (first visible petals)
Onions	- 7 days
Pasture and Fodder crops	- 7 days
Pipfruit	- Do not apply after tight cluster
Stonefruit	- Do not apply after petal fall
Squash	- 10 days

RAINFALL

The effectiveness of Toppel may be reduced if rainfall occurs within 3 hours of application.

DIRECTIONS FOR USE

Crop	Pest	Rate	Critical comments
Avocado	Leaf roller caterpillar	50-75ml/100L of water or 1.7L/ha	Apply pre-bloom, at complete petal fall and then repeat at 21 day intervals to the end of April. Continue applications if leaf roller are still present. Use the 1.7L/ha rate for aerial applications.
Brassicas and forage crops	Aphids	300-400 ml in 100-200L of water/ha	Apply at the first sign of infestation.
	Nysius (wheat bug)	1.25L/ha in 100-200L of water/ha	Apply to seedling brassica as soon as damage is evident or when nymphs can be seen feeding on seedlings.
	Springtails	200ml in 100-200L of water/ha	Apply 1-2 days before crop emergence or as soon as damage is evident in emerged crop.
Cereals	Cereal, Rose and Grain Aphid	300-400 ml/ha	Apply at first sign of infestation. Use the high rate when infestation pressure is high or the crop is dense.
Cereals and Ryegrass	Argentine stem weevil	1.25L/ha in 100-200L of water/ha	Apply as soon as eggs are found on the lower leaf sheaf.
Grapes (except table grapes)	Grape vine weevil, Leafroller caterpillar, Mealy bug, Aphids, Scale crawlers and Thrips	50-75ml/100L of water or 1L/ha	Apply at bud swell in combination with an intermediate oil. Follow up with treatments at pre-flowering, post-flowering, 14 days later and then at 3 week intervals for the remainder of the season. Ensure complete plant coverage and penetration into bunches for optimum control of mealy bug.
Kiwifruit	Greedy scale, Leafroller, Passion vine hopper	50ml/100L of water Apply not less than 1L/ha	Apply at green tip at least 10 days after dormant lime sulphur application. Repeat at pre-blossom, 7 days prior to the introduction of bees. For greedy scale control, complete wetting of vine trunks, leaders and canes is required. The addition of a non-ionic wetting agent is recommended. Do not apply after bud cracking (first visible petals).
Lucerne	Aphids	300-450 ml in 100-200L of water/ha	Apply at first sign of infestation. Use the lower rate on short crops with little foliage and the higher rate on tall leafy crops close to cutting. Do not spray plants in flower.
	Sitona weevil	600-800 ml in 100-200L of water/ha	Apply between May and early August with the optimum time being during the last weeks of May. Use the higher rates on dense leafy crops.
Maize	Army caterpillar, Corn earworm	500ml in 50-200L of water/ha	Apply at the first sign of damage and repeat if required 14-21 days later. For corn ear worm, apply before caterpillars are observed and before cob penetration occurs.
	Cut worm	600ml in 50-200L of water/ha	Ensure complete coverage of seedlings and surrounding soil. Apply early post-emergence or as soon as damage occurs. Application in the late evening is advantageous against this nocturnal pest.
Onions	Onion Thrips	1L in 400-500L of water/ha The use of a wetting agent is recommended.	Apply when monitoring shows numbers exceed recommended action threshold level. Apply 3-4 applications at 10-14 day intervals, close intervals to 5-7 days during hot conditions. If further treatment is required, use an insecticide with a different active ingredient.

DIRECTIONS FOR USE (Continued)

Crop	Pest	Rate	Critical comments
Pasture	Lucerne flea	200 ml in 50-200 L of water/ha	Apply in the late autumn/ early winter at the first sign of clover damage.
	Army caterpillar	400 ml in 50-200 L of water/ha	Apply at the first sign of damage.
	Porina caterpillar	1.25-1.7 L in 50-200 L of water/ha	Apply to closely grazed pasture at the first sign of infestation. Use the lower rate in the pre-frost period when caterpillars are small.
	Tasmanian grass grub	1.25-1.5 L in 100-200 L of water/ha	Apply between April and June to short dry pasture at the first sign of pasture damage. Harrowing of dung patches is recommended prior to spraying to expose the larvae. Use the higher rate when populations are high.
	Argentine stem weevil	1.25 L in 100-200 L of water/ha	Apply as soon as eggs are found on the lower leaf sheaf.
Pipfruit and Stonefruit	Leafroller, Mealy bug, Scale crawlers, Woolly aphid and Brown beetle	80 ml/100 L or not less than 2.4 L/ha on mature trees	Pipfruit, apply at bud movement in mixture with a suitable spraying oil and repeat at 10-14 days later at tight cluster without oil. Stonefruit, apply at early bud movement with a suitable spraying oil. Do not apply after petal fall.
Squash	Caterpillars and Aphids	500 ml/ha in approximately 200 L of water/ha	Apply soon after emergence, at the first sign of insect presence or their damage. Pre-harvest clean up - apply by air at 500 ml/ha in 50 L of water (500 L ground spray) only after flowering is complete and bees have stopped working.
Industrial pests	Spiders, Ants and Slaters	120 ml in 10 L of water or deodorised kerosene	Apply to areas around doors, windows, eaves and other resting areas. Retreat as required.

WARRANTY AND LIMITATION

IMPORTANT: Read this notice before opening the container.

The registrant warrants that when packed the active ingredient of this product is as specified on this label within accepted analytical tolerances. The registrant gives only those other warranties that are required by law in relation to this product and limits its liability to the cost paid by the claimant for the product. The registrant declines all liability for damage resulting from the handling, storage or use of this product. The user bears the risk from the handling, storage or use of this product. The registrant is not liable for any use of this product which is contrary to the label directions given or any Act or Regulation.



mitchell[®]
partnerships

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Environmental Consultants
PO Box 489, Dunedin 9054
New Zealand
Tel: +64 3 477 7884
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8 December 2011

Our Ref: 5586
Your Ref: Plan Change 13

Dunedin City Council
PO Box 5045
DUNEDIN 9058

Attention: Kirstyn Lindsay

Dear Kirstyn

RE: SUBMISSION ON PLAN CHANGE 13 - HAZARDOUS SUBSTANCES

Please find enclosed a submission on Plan Change 13 to the Dunedin City Plan relating to Hazardous Substances on behalf of TrustPower Limited.

Please note the address for service on the submission, being TrustPower Limited.

Yours sincerely,
MITCHELL PARTNERSHIPS LIMITED

CLAIRE HUNTER

Email: claire.hunter@mitchellpartnerships.co.nz

Enc

cc: L Marra

Also in Tauranga and Auckland

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New Zealand
Tel: +64 7 577 1261
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**SUBMISSION ON PROPOSED PLAN CHANGE 13 TO THE DUNEDIN CITY
DISTRICT PLAN
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE TO THE
RESOURCE MANAGEMENT ACT 1991**

To: Dunedin City Council
PO Box 5045
DUNEDIN 9058

Attention: Planning Department

Name: TrustPower Limited

Address: Private Bag 12023
TAURANGA

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

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

Plan Change 13 in its entirety.

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

Overall the issues that have determined the approach of TrustPower in preparing submissions on the proposed Plan Change are as follows:

- a) TrustPower has grown to become one of New Zealand's largest electricity retailers, serving just under a quarter of a million customers throughout the country utilising solely renewable energy generation.
- b) TrustPower is committed to responsible and effective energy generation and to applying industry best practice to these activities. It acknowledges the importance of the environment to its continued operations, and has adopted a set of environmental policies which encourage the practical minimisation of any adverse environmental impacts associated with the company's activities. TrustPower is also active in various environmental initiatives within the vicinity of its generation assets. TrustPower's generation assets consist of 34 small to medium sized generation stations strategically located around New Zealand to ensure power is generated close to where it is consumed.
- c) Within the Dunedin City Council boundary area, TrustPower currently operate the Deep Stream Hydro Scheme. The Deep Stream Hydro

Scheme was commissioned in 2008. The scheme channels water flowing from an existing Deep Stream Diversion, impounds that water in a storage reservoir and then allows the water to be released through canals containing 2.5 MW generating units to Lake Mahinerangi. The scheme supplies power for the equivalent of 3,100 homes and also provides an emergency water supply for Dunedin City in the event of prolonged drought.

- d) TrustPower is also interested in the City District Plan with respect to future electricity generation resources.
- e) Plan Change 13 introduces a number of changes within the City District Plan relating to hazardous substances that may have the potential to adversely affect TrustPower's interest in maintaining and enhancing efficient electricity generation. Both wind and hydro electricity generation facilities require the storage and use of hazardous substances including various oils. These substances ensure the machinery and technology on site is running efficiently and is therefore critical for the ongoing operation of the facility. On this basis, TrustPower has a close interest in the development of rules potentially impacting on its existing or future developments within Dunedin City.

3. General Submissions on Plan Change 13

TrustPower supports the Plan Change in part.

4. Specific Submissions on Plan Change 13

- 4.1 TrustPower generally supports the Plan Change as it seeks to ensure the District Plan is in line with the Hazardous Substances and New Organisms Act 1996 (HSNO) requirements.
- 4.2 TrustPower manages and stores hazardous substances in quantities and in a manner that does not breach the HSNO Test Certificate thresholds and therefore does not require test certification. Accordingly, TrustPower's is concerned to ensure that the District Plan does not impose restrictions that are more stringent than required by the HSNO standards.
- 4.3 TrustPower are concerned that there does not seem to be consistency between the quantities of hazardous substances that trigger key requirements (threshold quantities) under the HSNO legislation and the limits for hazardous substances that are permitted activities in the proposed Plan Change. To illustrate this, the table below compares the requirements for products with a HSNO classification 3.1B in the proposed Plan Change and for products with a HSNO classification of 3.1B in the HSNO threshold quantities guide:

Product /	Proposed Plan Change	HSNO Thresholds
Acetone (2-propane) (HSNO Classification 3.1B)	Zone / Permitted activities: Group 1: <ul style="list-style-type: none"> • 10L Groups 2-7: <ul style="list-style-type: none"> • 10L any storage • 250L in Dangerous Goods Cabinet approved to AS 1940. • 450L in approved HSNO "Type" stores. • Large scape retail activities only: 1500L in containers of up to 5L each. 	Approved Handlers 250L (when in containers >5L) 500L (when in containers ≤5L) Location Test Certificate 100L (when in containers >5L) 250L (when in containers ≤5L) Fire Extinguishers 250L Signage 250L liquid 250kg solid Emergency Response Plans and Secondary Containment 1000L

4.4 Accordingly, TrustPower seek that the DCC provide justification as to how the permitted quantity limits were identified. Provided the thresholds have been developed to ensure alignment with the HSNO obligations, then TrustPower supports the thresholds.

4.5 TrustPower note that the proposed Plan Change also seeks to amend a number of objectives, policies and methods that currently exist within the District Plan. While TrustPower generally supports these, there are a few areas where specific comment is necessary. TrustPower's specific submissions on such matters are outlined below:

4.5.1 TrustPower submit that the following amendment to Objective 17.2.2 is appropriate:

"Facilities or activities involving hazardous substances and hazardous wastes generated by the use of hazardous substances may cause....."

4.5.2 The explanation to extant Objective 17.2.2 concludes "In assessing the effects of hazardous substances, attention will be given to the acceptable level of risk and any potential adverse effects". TrustPower are supportive of this as it balanced in that it seeks to identify and give attention to the acceptable level of risk.

4.5.3 Existing Policy 17.3.8 addresses hazardous substances as follows:

Control activities involving the storage, use, disposal and transportation of hazardous substances, and identify sites where hazardous substance processes and facilities which pose a risk to the environment and to health and safety are located.

- 4.5.4 TrustPower submit that it is appropriate that controls are in place in regards to the management of hazardous substances. However, as detailed in submission point 3 above, TrustPower are concerned that the District Plan may impose restrictions that are more restrictive than the HSNO thresholds. Such inconsistency would be inappropriate in TrustPower's view.

- 4.5.5 The plan change seeks to amend Method 17.4.2 (Hazardous Substances Register) as follows:

Compile and maintain a Hazardous Substances Register listing the locations and types of activities that generate, use, store, transport or dispose of hazardous substances, including ~~combustibles and oxidants~~ explosives, flammable gases, liquids, and solids, oxidizers, toxics, corrosives, ecotoxics and hazardous wastes exhibiting the preceding characteristics. The register will also include information on known contaminated sites. Enquiries regarding the Hazardous Substances Register should be directed to the Dunedin City Council

- 4.5.6 TrustPower support this Method; however suggest that it should be amended so that only activities involving hazardous substances that require resource consent are required to be recorded on the register. It is impractical to expect all hazardous substance of all quantities and storage methods to be registered.

- 4.5.7 It is proposed to list agencies which liaison will occur within Method 17.4.5. ERMA was disestablished in 30 June 2011 and its functions have been incorporated into the Environmental Protection Agency. TrustPower therefore submit that it is inappropriate to include ERMA as an agency to be liaised with.

- 4.5.8 It is also proposed to amend Method 17.4.6 (Accords and protocols) as follows:

The Council will use ~~appropriate procedures, for example the Hazardous Facility Screening Procedure and industry codes of practice,~~ to assess resource consent applications for the establishment and operation of hazardous processes and facilities within the City. Existing facilities will be subject to the same procedures should they expand or alter their operations or inputs.

- 4.5.9 TrustPower are concerned with the proposed deletion of the "appropriate procedures, for example the Hazardous Facility Screening Procedure and industry codes of practise".

TrustPower submit that it is appropriate that these procedures are retained as a method to be used in assessing resource consent applications. The Plan Change as proposed does not provide any guidance to what matters the Council will consider in assessing resource consent applications.

4.5.10 In addition, with the proposed amendment the method no longer makes sense. The final sentence states that "existing facilities will be subject to the same procedures..." however the explanation of what the procedures are has been removed.

4.5.11 To address these concerns TrustPower seek that the policy is retained with no amendments.

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

Signature:



TrustPower Limited
By its authorised agent Laura Marra, for and on behalf of
TrustPower Limited

Date: 7 December 2011

Address for service: TrustPower Limited
Private Bag 12023
TAURANGA

Attn: Laura Marra

Telephone: (07) 574 4888 ext 4304

Facsimile: (07) 574 4877

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Teresa Gutteridge

From: Janet Connochie [janet@chemsafety.co.nz]
Sent: Monday, 12 December 2011 16:22
To: planning@dcc.govt.nz
Subject: Plan Change 13 - Hazardous Substances Online Submission
Attachments: Chemsafety-Submission-DCC-Proposed-Plan-Change-13-Hazardous-Substances.pdf
FROM Janet Connochie

Janet Connochie 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: Janet
- Last name: Connochie
- Organisation: Chemsafety Ltd
- Street address: 2B, 303 Blenheim Road
- Suburb: Upper Riccarton
- Town / city: Christchurch
- Post code: 8041
- Email address: janet@chemsafety.co.nz
- Day phone: 03 943 7038
- Evening phone:

Your submission

- I Do/Do Not wish to be heard in support of this submission at the hearing: Do Not
- 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:: Refer enclosed submission
- My submission is that:: Refer enclosed submission
- I seek the following decision from the Council:: Refer enclosed submission
- Attachment: Chemsafety-Submission-DCC-Proposed-Plan-Change-13-Hazardous-Substances.pdf, type application/pdf, 644.6 KB
- Attachment: No file uploaded

Submission on Proposed Plan Change 13 (Hazardous Substances)

Clause 6 of First Schedule, Resource Management Act 1991
Submission on publicly notified proposed
District Plan Change 13 – Hazardous Substances.

Prepared by

Janet Connochie
B.Sc.(Hons), Grad.Dip.Lab.Tech.



Submission From

Janet Connochie
Senior Chemical Consultant & HSNO Test Certifier
Chemsafety Ltd
2B, 303 Blenheim Road
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Ph. 03 366 3700
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janet@chemsafety.co.nz

General Position

I am generally supportive of the proposed plan changes which seek to align the District Plan with other compliance regimes. I am concerned that some of the thresholds selected in Table 17.1 are inconsistent with the risks posed by those substances. Some threshold groupings cover a very broad range of hazards, whereas others seem to be restrictive for the inherent hazard.

Specific Provisions

Section 3 – Definitions

Hazardous Sub-Facility

It is noted that the Hazardous Substances (Classes 6, 8 & 9 Controls) Regulations do not at present require any separation distances or controlled zones. However it is likely that if some such requirement was made in the future, this is where they would be found.

Position: No change required

Hazardous Substance

Substances may have intrinsic properties such as those listed, but may be of a low level that means they are not classified as hazardous substances under the HSNO Act.

Position: Clarify this definition by including reference to the Hazardous Substance (Minimum Degrees of Hazard) Regulations.

17.4 Methods of Implementation

17.4.5

Incorrect references to government agencies are noted. Remove reference to ERMA (now EPA); refer to Ministry for the Environment

17.5 Rules

17.5.1 (i)

It is unclear what is meant by the phrase "excluding home occupation" in this clause.

Position: Clarify the scope of the clause.

17.5.1(ii)

When dealing with exclusion from regulation of fuels held in the fuel tanks of vehicles, aircraft or ships the HSNO Act refers to "any substance that is required for the motive power or control of a vehicle, aircraft or ship and that is contained within the fuel system, electrical system or control system of the vehicle, aircraft or ship". This extends the exclusion beyond fuel to hydraulic and brake fluids and any other substance that may be integral to the operation of such vehicles.

Position: Consider expanding the scope of this permitted activity.

Table 17.1

Class 2.1.1

Suggest that the terminology used be "high" or "medium" hazard flammable gases, rather than (for example) "high hazard gases".

Class 2.1.1A – LPG in cylinders

It is noted that the HSNO Act permits storage and use within factories & warehouses of cylinders up to 45kg capacity, to a total of 180kg per occupancy (within specified floor area limits).

Position: Reconsider this provision in light of the HSNO Act requirements.

Class 2.1.1A – Other liquefiable flammable gases

No provision is made for other liquefiable high hazard flammable gases.

Class 3.1C – Flammable Liquid, Medium Hazard

As the threshold is written, it would be permissible to store 450L class 3.1B in a HSNO 'Type' store, but consent would be required for the same storage of a less flammable 3.1C.

Position: Reconsider this provision to provide better consistency.

5.1.1A-C – Oxidising Liquids & Solids

Including the full range of 5.1.1A – 5.1.1C encompasses a very broad range of hazards within a single threshold band.

Residential properties might quite conceivably hold 20kg or 40kg containers of calcium hypochlorite ('pool chlorine') a Class 5.1.1B oxidising substance.

It seems anomalous that Rural zones have no threshold here.

Position: Consider separating the thresholds for the different classes.

5.1.2A – Nitrous Oxide

As written, it appears that any hospitality organisation using nitrous oxide canisters for whipping cream would require a resource consent.

5.2A-G – Organic peroxides

Again this threshold category covers a very wide range of hazards from 5.2A (which are so unstable they are not permitted to be transported) to 5.2G (that does not require Location Certification for any quantity under HSNO)

Position: Split this category into several threshold bands

6.1 A-C – Acutely Toxic

There is no provision made for toxic gases

As the clause stands at least one very commonly used substance (Hydrochloric acid – Spirits of Salt- commonly available in hardware stores and a class 6.1B toxic substance) would not be permitted in residential areas (except under 17.5.1(i)); and many trade users and suppliers would require resource consent.

6.3A&B – Skin Irritant**6.4A – Eye irritant**

Substances of these classes have minor adverse effects, which are reversible. It would be more appropriate for the thresholds for these substances to match those of 6.1D&E (i.e. no threshold).

As an example, common salt, sodium chloride is classified as 6.1E, 6.4A. Many organisations with boilers may hold more than 1,000kg of salt, and would therefore require consent.

Position: Align 6.3&6.4 with 6.1D&E

8.2A-C – Substances Corrosive to Skin

No provision has been made for corrosive gases

Quantities should allow for kg or litres

As stated for other classes, this grouping of all 8.2 into one category covers too broad a range of hazards. Substances that are 8.2A skin corrosive are extremely high hazard causing severe burns with short exposures.

Position: Split this category into several threshold bands

8.3A – Eye Corrosion

This particular threshold is vastly inconsistent with the HSNO regulations. Most (if not all) hazardous substances that are classified as an 8.2 skin corrosive are also classed as a 8.3A eye corrosive (eyes are effectively a particularly sensitive type of skin), therefore the thresholds stated for 8.2 are redundant.

Under the HSNO controls thresholds applied to 8.3A eye corrosive are the same as those for 8.2C skin corrosive.

A very large range of industrial acids, alkalis and cleaning products will be covered by this classification.

Hydrofluoric acid is a disingenuous example to use for this classification as it is the 6.1 acute toxicity and high hazard skin corrosion that are the more significant (life threatening) hazards.

9.3A-C – Terrestrial vertebrates

It is the case that most substances that are toxic to vertebrates (e.g. mammals) are also toxic to people, and therefore have a class 6.1 classification.

Position: No change required

9.4A-C - Terrestrial invertebrates

It does not necessarily follow that most substances that are toxic to invertebrates (e.g. insects) are also toxic to people, particularly with some ready to use formulations.

Position: Reconsider the wording used.

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Teresa Gutteridge

From: Green, Jonathan - FH Corporate [Jonathan.Green@fultonhogan.com]
Sent: Monday, 12 December 2011 17:20
To: planning@dcc.govt.nz
Subject: Plan Change 13
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: Submission.pdf

Please find attached a general submission on Proposed Plan Change 13.

Regards

Jonathan

Jonathan Green | Resource Consents Manager | Fulton Hogan Ltd | Reliable Way, Mt Wellington,
Private Bag 11-900, Ellerslie, Auckland | Ext 9756 | Phone +64 9 580 7156 | Fax +64 9 579 7801 |
Mobile +64 274 805 245 | Web www.fultonhogan.com

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<http://www.fultonhogancareers.com>

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13/12/2011

**SUBMISSION ON PROPOSED DISTRICT PLAN CHANGE 13 UNDER THE
RESOURCE MANAGEMENT ACT 1991**

To: Dunedin City Council
Submission on: Proposed District Plan Change 13 – Hazardous Substances
Name: Fulton Hogan Limited
Company Address: 11 Main Road, Fairfield, Dunedin
Private Bag 1962, Dunedin
Telephone: 09 580 7156 or 0274 805 245
Email: jonathan.green@fultonhogan.com

Fulton Hogan's submission relates to the entire Proposed Plan Change 13 for those reasons outlined below. Although we oppose the Proposed Plan Change 13 as it currently stands, we do consider a plan change is required to ensure consistency between the Dunedin City District Plan and the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

General Submission

Fulton Hogan opposes the entire Proposed Plan Change 13 as it currently stands due to what we consider to be a number of inconsistencies between the Proposed Plan Change and the HSNO and the RMA. We believe the most appropriate cause of action would be to withdraw the Proposed Plan Change so it can be reassessed against the HSNO and RMA and changed accordingly before being re-notified. We consider a rewrite of the plan as the most straight forward method of addressing the inconsistencies. In our opinion the District Plan must mirror both HSNO and RMA and in its current form Plan Change 13 does not achieve this.

Fulton Hogan is however supportive of the need for a Plan Change to the District Plan to ensure it reflects the HSNO and RMA with respect to Hazardous Substances and we believe with a review and associated rewrite of the Plan Change 13 this change be achieved.

We wish to be heard in support of our submission and if other parties make a similar submission we would be prepared to consider presenting a joint case with them at any hearing.

Fulton Hogan also welcomes the opportunity to meet with Council together with other industry representatives to discuss our submissions prior to the formal hearings process. We consider this a useful means of limiting the issues that may need to proceed to a formal hearing.

Yours faithfully



Jonathan Green
Fulton Hogan Ltd
Private Bag 11900
Ellerslie
Auckland 1542

jonathan.green@fultonhogan.com