



Introductory Guide
to

Environmental Law Compliance for New Zealand Golf Clubs

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Compiled by
New Zealand Sports Turf Institute
for
New Zealand Golf

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Introduction

Compliance with environmental legislation is a serious issue for all turf management facilities, in particular golf clubs. There are a number of pieces of legislation in New Zealand that are designed to protect the environment. However, knowing precisely what your obligations are is neither obvious nor straight forward, with many clubs unaware of all their obligations.

This “Introductory Guide to Environmental Law Compliance for Golf Clubs” is provided to New Zealand golf clubs by New Zealand Golf and the New Zealand Sports Turf Institute (NZSTI) to raise awareness of the environmental compliance issues facing New Zealand golf clubs and specifically the environmental laws which impact directly on golf course maintenance operations.

Golf clubs should be aware that:

- (a) The Resource Management Act 1991 (RMA) and Local Government Act 2002 (LGA) are administered and implemented at a local level via regional and district plans, rules and bylaws. As a result, the requirements of some regulations (regional rules, local government bylaws) vary between districts or regions and may even impose site specific requirements on a facility.
- (b) The Hazardous Substances and New Organisms Act 1996 (HSNO), is implemented nationwide by several agencies. However, unlike the RMA, the requirements under this Act are consistent throughout the country.
- (c) Legislation and regulation are continually being updated. This is best illustrated by regional rules found in regional council plans, produced as a requirement of the RMA, many of these are presently under or due for review. A regular review process is required by golf clubs to ensure on-going compliance.
- (d) There is interaction between legislation. For example the RMA, HSNO Act, Forest and Rural Fires Act 1977 and Health and Safety in Employment Act 1992 (HSE) may all simultaneously govern certain maintenance activities.
- (e) Ignorance of the legal requirements is not a defence. The “...I’ve always done it this way...” or “...it’s my right!” are also not an excuse.
- (f) Failure to comply with environmental legislation and regulation can result in substantial penalties for golf clubs and/or individual staff.

Penalties

Resource Management Act 1991:

- **Fines of up to \$200,000 or imprisonment for up to 2 years.**

Hazardous Substances and New Organisms Act 1996:

- **Fines of up to \$500,000 or imprisonment for up to 3 months.**

Relevant Environmental Legislation & Regulation

The main environmental legislation affecting maintenance activities on golf courses include:

- Resource Management Act 1991 (RMA)
- Hazardous Substances and New Organisms Act 1996 (HSNO)
- Local Government Act 2002 (LGA)

To be compliant with the above environmental legislation, golf clubs must be compliant with their local regional council and district or city council plans, rules and bylaws. Councils are able to create bylaws under the Local Government Act 2002 in addition to requirements for local council plans and rules specified under the RMA and the HSNO Act. Table 1 below details the relevant environmental legislation that governs the main turf and land management activities that golf clubs typically undertake.

Golf clubs should be aware that there is considerable overlap or commonality between the legislation and regulation detailed above and other legislation, for example, the Health and Safety in Employment Act 1992, the Biosecurity Act 1993 or the Forest and Rural Fires Act 1977. The general ruling in the event of any inconsistency between legislation or regulation, is that the more stringent requirement applies.

Table 1: Environmental legislation & regulation impacting golf course maintenance.

Turf Management Activity	Relevant Environmental Legislation	Key Requirements
<p>Water Management (e.g. Irrigation)</p>	<p>Resource Management Act 1991</p> <p>Local Government Act 2002</p>	<p>For non-municipal water supply sources (e.g. river, bore):</p> <ul style="list-style-type: none"> ▪ Obtain relevant consents from the regional council to take water for irrigation purposes. ▪ Conditions of the consent may cover: <ul style="list-style-type: none"> ➢ Record keeping requirements which will or may include: water quality measurement (recycled water, salt water intrusion into aquifers), volume used per day/month/season/year. ➢ Maximum permitted rate of extraction must not be exceeded. ➢ Ensure that minimum required flow rates of creeks, streams or rivers are maintained. <p>For municipal (town) water supply sources:</p> <ul style="list-style-type: none"> ▪ Ensure required plumbing / connection requirements are adhered to as stated in the district plan. ▪ Obey water use restrictions or bans if they are introduced.

Table 1 continued...

Turf Management Activity	Relevant Environmental Legislation	Key Requirements
<p>Fertiliser Management</p>	<p>Resource Management Act 1991</p> <p>Hazardous Substances and New Organisms Act 1996</p>	<p><u>Application</u></p> <ul style="list-style-type: none"> ▪ Approved Handler Certificate required for some fertilisers. ▪ Adverse impacts on waterways, land and air must be prevented – refer to regional plan(s). <p><u>Storage</u></p> <ul style="list-style-type: none"> ▪ Location Test Certificate required for some fertilisers. ▪ Specific storage requirements for some fertilisers. <p><u>Planning / Record keeping</u></p> <ul style="list-style-type: none"> ▪ Site specific Nutrient Management Plan (NMP) may be required (depends on the region). ▪ Application records (actual fertilisers and annual N,P, K applications) may be required (depends on the region). <p><u>Training</u></p> <ul style="list-style-type: none"> ▪ Approved Handler Certificate may be required.
<p>Agrichemical Management</p>	<p>Resource Management Act 1991</p> <p>Hazardous Substances and New Organisms Act 1996</p>	<p><u>Application</u></p> <ul style="list-style-type: none"> ▪ Approved Handler Certificate required for some agrichemicals. ▪ Adverse impacts on waterways, land and air must be prevented – refer to regional plan(s). ▪ Personal protection equipment. ▪ Spray drift control. ▪ Property spray plans. <p><u>Storage</u></p> <ul style="list-style-type: none"> ▪ Location Test Certificate may be required – classification and quantity dependant. ▪ Specific storage requirements for agrichemicals e.g. bunding to contain spills – quantity dependant. ▪ Proximity of facility to waterways or sensitive areas is covered by RMA – refer to regional and/or district plans ▪ Signage required. ▪ Level 1 & 2 Emergency Management plans required for commonly used turf agrichemicals, level 3 is quantity dependant and requires an Emergency Response Plan. ▪ Suitability of storage facility. <p><u>Record keeping</u></p> <ul style="list-style-type: none"> ▪ Spray diary. ▪ Tracked substance – classification dependant (6.1A-C). ▪ Inventory of agrichemicals held. ▪ Material Safety Data Sheets, Safety Data Sheets. <p><u>Training</u></p> <ul style="list-style-type: none"> ▪ Growsafe®/Approved Handler training dependant on chemicals and regional air plan.

Table 1 continued...

Turf Management Activity	Relevant Environmental Legislation	Key Requirements
<p>Fuel Management</p>	<p>Resource Management Act 1991</p> <p>Hazardous Substances and New Organisms Act 1996</p>	<p><u>Storage</u></p> <ul style="list-style-type: none"> ▪ Quantity held. ▪ Location Test Certificate/Stationary Container Certificate. ▪ Proximity to buildings, waterways, combustible material. ▪ Signage. ▪ Approved Handler (3.1A substances). ▪ Secondary containment. ▪ Emergency management planning. ▪ Suitability/integrity of fuel tanks
<p>Dangerous Goods (welding gas, LPG, other)</p>	<p>Hazardous Substances and New Organisms Act 1996</p>	<ul style="list-style-type: none"> ▪ Storage requirements. ▪ Safety management. ▪ Signage.
<p>Construction (both new golf courses and projects within existing golf courses)</p>	<p>Resource Management Act 1991</p> <p>Hazardous Substances and New Organisms Act 1996</p> <p>Local Government Act 2002</p>	<p>Depending on the scope of works, resource and other consents may be required for construction projects. Aspects likely to require consents or that will be conditions of consents include:</p> <ul style="list-style-type: none"> ▪ Connection with district/city council infrastructure (e.g. water supply, storm water systems). ▪ Earthworks permits. Requirement for consent depends on area and volume of earthworks will vary regionally and may require consents from both the territorial authority (district or city council) and regional council. ▪ Structural plans / drawings (note: certain structures will also need building consent covered under the Building Act 2004 – not covered under environmental legislation). ▪ Drainage discharges to waterways consent from the regional council. ▪ Dust management plan required by the regional council. ▪ Sediment management plan required by the regional council. ▪ Site specific Nutrient Management Plan (NMP) for the project may be required, depends on the regional plan(s). ▪ Protection of environmentally sensitive or significant areas as outlined in regional and district plans. ▪ Protection of items of cultural or historical significance as identified in regional and district plans. ▪ Vegetation clearance may require a resource consent – particularly on banks or near waterways. ▪ Tree removal / pruning, refer to district plans. ▪ Storage and use of agrichemicals and some fertilisers as part of a construction project.

Table 1 continued...

Turf Management Activity	Relevant Environmental Legislation	Key Requirements
Rubbish Disposal On-site	Resource Management Act 1991 Local Government Act 2002	<ul style="list-style-type: none"> ▪ Consent or permit required for on site landfills covered by regional plan(s). ▪ Must comply with consent conditions. ▪ Territorial authorities may have additional bylaws to comply with covered under their district plan(s).
Organic Waste Disposal	Resource Management Act 1991 Local Government Act 2002	<ul style="list-style-type: none"> ▪ Off site disposal regulations apply, refer to the regional and district plan(s). ▪ On site composting facilities are permitted provided they comply with the regional plan(s). Aspects to consider: <ul style="list-style-type: none"> ➢ Odour. ➢ Proximity to waterways, sensitive areas.
Wash Down Facilities	Resource Management Act 1991 Local Government Act 2002	<p>Must avoid adverse impacts on waterways, land and air from discharges as covered by regional and district plan(s).</p> <ul style="list-style-type: none"> ▪ A suitable wash down facility and/or method of disposal of wash water will be required.
Storm Water Discharges	Resource Management Act 1991 Local Government Act 2002	<p>A consent will not likely be required to connect to a reticulated system where the local territorial authority has the resource consents in place. The utilities section of the district/city council will determine if the club can connect to the reticulated system. If not then the club would likely need consents to discharge to land or a waterway from the regional council.</p> <p>Alterations to storm water run-off (e.g. due to construction) may require consents which may have conditions attached. Conditions may include:</p> <ul style="list-style-type: none"> ▪ Maximum permitted rate of discharge. ▪ Treatment that may be required. ▪ Containment of sediments.
Vegetation Clearance and Tree Works	Resource Management Act 1991 Local Government Act 2002	<ul style="list-style-type: none"> ▪ Vegetation clearance may require a resource consent – particularly on banks or near waterways. ▪ For the following activities, check the tree(s) are not protected under the district plan: <ul style="list-style-type: none"> ➢ Tree removal. ➢ Tree work (e.g. pruning). ➢ Work such as construction around trees.

Table 1 continued...

Turf Management Activity	Relevant Environmental Legislation	Key Requirements
Noxious Weeds/Pests	Biosecurity Act 1993	<ul style="list-style-type: none"> ▪ Requirement to implement control programmes for certain noxious plant and/or animal species will be outlined in your regional council's Regional Pest Management Strategy. ▪ Territorial authorities may also specify requirements.
Existing Waterways	Resource Management Act 1991 Local Government Act 2002	<ul style="list-style-type: none"> ▪ Consent required for alteration of existing waterways or for work near to waterways under the regional and district plan(s). ▪ Consents may be required for alterations to waterway structures (e.g. dams in streams) under regional and district plan(s). ▪ Mitigate effects of alterations to a waterway, such as dams in streams, may be required under the regional plan(s) (e.g. installation of fish ladders). ▪ Applications of fertiliser and agrichemicals must not damage waterways (buffer zones, application methods, etc) under the regional plan(s). ▪ Permits to discharge water (drainage) into any waterway may be required under the regional plan(s). ▪ Riparian planting may be required.
Open Fires	Resource Management Act 1991 Local Government Act 2002	<p>Different rules apply depending on what material is being burnt, for example you are not permitted to burn PVC plastics, waste oil or tyres because they release toxic smoke into the air - check with the regional council.</p> <p>You will also need to refer to the Forest and Rural Fires Act 1977 and district plans for additional restrictions.</p>
Excessive Noise	Resource Management Act 1991 Local Government Act 2002	<p><u>Machinery</u></p> <ul style="list-style-type: none"> ▪ Operating hours for mowing, raking bunkers, etc. ▪ Type of mower/machinery. <p><u>Construction/maintenance work</u></p> <ul style="list-style-type: none"> ▪ Hours of work. <p><u>Facility</u></p> <ul style="list-style-type: none"> ▪ Opening hours for facilities including possible liquor license restrictions.
Other	Resource Management Act 1991	<ul style="list-style-type: none"> ▪ Some golf clubs may have specific restrictions or consent conditions which must be met under the regional plan(s).

Resource Management Act 1991 (RMA)

The main day-to-day golf club management practices that may be regulated under the RMA through council plans include:

- Taking water for irrigation.
- Management of fertilisers.
- Application and management agrichemicals (also covered under HSNO).
- Fuel management (also covered under HSNO).
- Construction projects (erosion control, vegetation removal (native or wetlands)).
- Waste disposal (landfill, organic waste, discharging into waterways, storm water).

See Table 1 for an expanded list of golf course activities, the legislation that covers those activities and the key requirements covered under the legislation.

Purpose of the RMA

The stated purpose of the RMA is “to promote the sustainable management of natural and physical resources”. For the purposes of the RMA, “sustainable management” means:

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Simply put, the RMA is there to encourage us make wise decisions to look after the environment by achieving sustainable management of our natural and physical resources.

Who, What and How...

Territorial authorities (district and city councils) and regional councils are responsible for implementing and administering the bulk of the RMA (Figure 1). There are 73 district and city councils, of which four, plus the Chatham Islands, are unitary authorities (which are district councils with regional council functions) and 12 regional councils in New Zealand.

Under the RMA territorial authorities (district and city councils) are primarily responsible for controlling:

- The effects of land-use, including hazardous substances, natural hazards and indigenous biodiversity.
- Noise.
- The effects of activities on the surface of lakes and rivers.

While regional councils are responsible for controlling:

- The taking, use, damming, and diversion of surface water, groundwater and geothermal water.
- The discharge of contaminants to land, air or water.
- The effects of activities in the coastal marine area.
- The introduction of plants into water bodies.
- Maintaining indigenous biodiversity.
- Land-use for matters such as soil conservation, maintaining and enhancing ecosystems in water bodies, water quality and quantity, and controlling natural hazards and hazardous substances.

To enable councils to carry out these functions, the RMA requires regional councils to prepare regional policy statements and regional plans (Figure 1). District and city councils are charged with preparing district plans. Policy statements and plans must abide by all appropriate legislation, not just the RMA. Regional and district plans must not contradict the relevant regional policy statement. All councils are responsible for issuing resource consents, taking enforcement action, and monitoring the state of the environment and the effects of their own decisions. Generally, to achieve the above, all councils will have a set of objectives and policies, and a set of rules.

Note: Golf clubs must comply with their local council(s) rules to be compliant with the RMA. There may also be council bylaws to comply with.

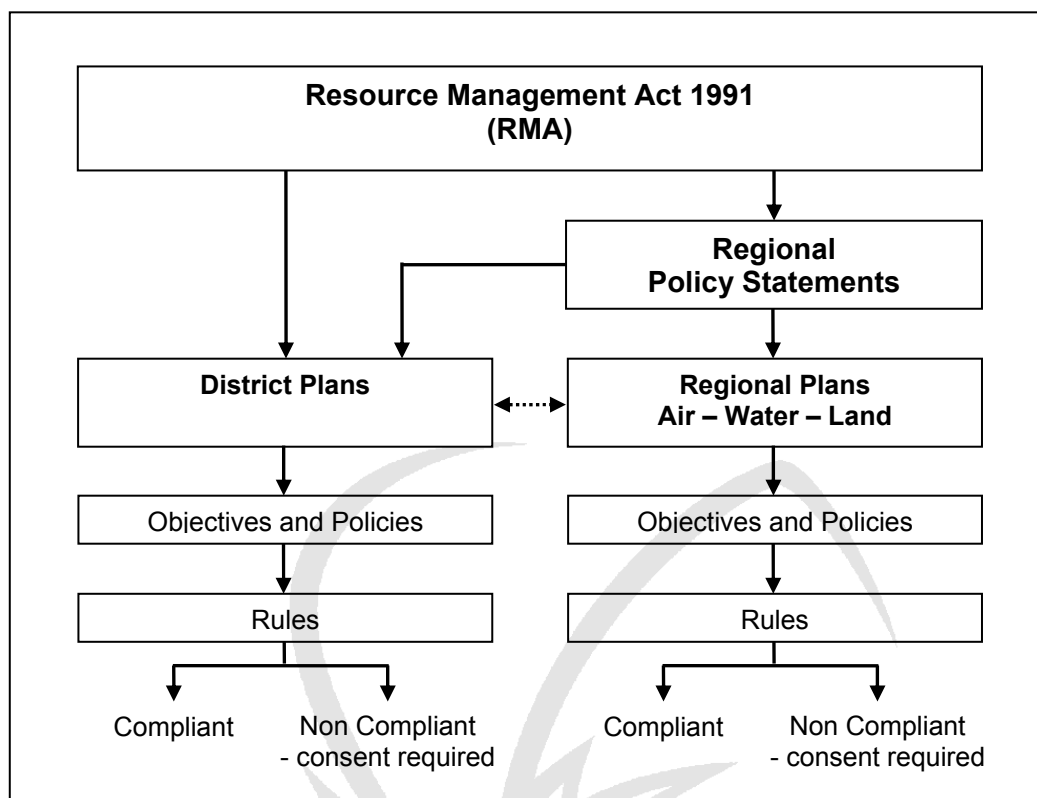


Figure 1: Illustration of how the RMA is implemented by territorial authorities and regional councils.

These rules can vary from one council to another (Table 2 & 3). Furthermore, conditions of some resource consents (e.g. consent to take water) issued under a regional plan can vary from location to location within the governing regional council. Consequently, compliance with the appropriate local environmental regulation that golf clubs must adhere to, varies from region to region, between districts within a region and even club to club. Therefore golf clubs must prepare a site-specific environmental compliance plan.

Table 2: Examples of how Regional Air Plan rules for similar agrichemical application activities can vary between regional councils.

Activity	Regional Council	Comments
Mixing sites	Wellington	No mixing of agrichemicals within 20m of water bodies unless impervious and bunded.
Mixing sites	Canterbury	No mixing of agrichemicals within 10m of; water body, bore, spring, tile drains or coastal marine area unless over a drip tray or in an impervious bunded area.
Mixing sites	Auckland	Nothing stated - This plan is proposed and may change.
Applications to or near water	Bay of Plenty	No <i>harmful concentrations</i> into water. <ul style="list-style-type: none"> ▪ Note: Also refer to Land and Water Plan.
Applications to or near water	Waikato	Application and consequent breakdown of vegetation shall not result in the contamination of domestic or commercial water supplies, or the death of fauna (and/or) residues being detected in fish. Notification to any user within 1km downstream of the discharge point if the agrichemical is applied directly to the water.

Table 3: Examples of how Regional Water and/or Land Plan rules for fertiliser use, namely requirements for a Nutrient Management Plan (NMP), can vary between regional councils.

Activity	Regional Council	Comments
Fertiliser use: NMP	Auckland or Southland	The Code of Practice for Nutrient Management 2007 (New Zealand Fertiliser Manufacturers' Research Association) must be complied with, which requires a NMP.
Fertiliser use: NMP	Waikato	A nutrient management plan of the type specified in the rules must be used to plan fertiliser application where nitrogen fertiliser is being applied at rates greater than 60kg/N/ha/year.
Fertiliser use: NMP	Northland, Taranaki or Otago	Nutrient Management Plan not required - good management practices are enough. Some cases require a resource consent.
Fertiliser use: NMP	Wanganui – Manawatu	Where nitrogen fertiliser is applied onto land a nutrient budget, taking into account all sources of nitrogen and designed to minimise nitrogen leaching, shall be used.

The RMA describes how activities are classified within the RMA itself, regulations, or council plans. Types of activities include:

- **Permitted Activity**
Resource consent is not required for the activity provided it complies with the requirements specified in the council plan(s).
- **Controlled Activity**
Resource consent is required and the consent authority must grant the consent provided the activity complies with the requirements specified in the council plan(s).
- **Restricted Discretionary Activity**
Resource consent is required. The consent authority has powers to decline the consent and to impose conditions.
- **Discretionary Activity**
Resource consent is required. The consent authority may grant the consent with or without conditions or decline the consent.
- **Non-complying Activity**
Activities that do not comply with requirements of the council plan(s). A consent authority may grant resource consent only if it is satisfied the adverse effects of the activity on the environment will be minor or is not contrary to the objectives and policies of the plan.
- **Prohibited Activity**
No resource consent application can be made or granted as the activity is prohibited.

Consultation with your local councils before lodging a resource consent application will help your club determine the likely cost and time of processing the application and what information is required within the application. It may also be necessary to consult with potentially affected parties (including neighbours) as part of the resource consent application process.



Hazardous Substances and New Organisms Act 1996 (HSNO)

The main day-to-day golf club management practices that may be regulated under the HSNO Act include:

- Storage and management of some fertilisers.
- Storage, application and management of agrichemicals.
- Storage and management of fuels.
- Storage and management of other 'dangerous goods' (e.g. oil, welding gas, LPG).
- Transport of hazardous substance (also covered by the Land Transport Rule: Dangerous Goods 2005).

See Table 1 for an expanded list of golf course activities, the legislation that covers those activities and the key requirements covered under the legislation.

Purpose of the HSNO Act

The stated purpose of the HSNO Act is to *“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”*.

Who, What and How...

The HSNO Act assigns enforcement roles to a number of agencies, including territorial authorities, regional councils and the police. However in places of work, such as golf clubs, compliance will likely be enforced by OSH, who has primary, but not sole, responsibility for this area.

The HSNO Act defines what **is** and what **is not** classed as a hazardous substance. A substance is considered to be hazardous under the HSNO Act if it has one or more of the following intrinsic properties:

- Explosiveness
- Flammability
- Capacity to oxidise
- Corrosiveness
- Toxicity
- Ecotoxicity

Hazardous substances are given hazard classifications, such as 6.1c, 9.1a (refer to NZS 8409:2004 for further clarification). Each hazard classification triggers certain rules applicable to the substance. Golf clubs must understand the classification of the substance and the rules which must be complied with.

Rules applied to hazardous substances may include:

- Tracked substances – any substance which is tracked must be under the control of an Approved Handler. Chemical suppliers will only supply tracked substances to current Approved Handler Certificate holders.
- Approved Handler – any substance which is classified as Approved Handler must be under the control of persons with a current Approved Handler Certificate.
- Storage – agrichemical storage facilities must be lockable, well ventilated, secure and contain only agrichemicals. The specific requirements for the storage facility will depend on the quantity and HSNO classifications for products held.
- Spray drift – this must be controlled in accordance with local regional rules and NZS 8409:2004 Management of Agrichemicals Code of Practice.
- Application rates – must not exceed label rates. All specific conditions stated on the label must be met or followed.
- Record keeping – a record must be kept of agrichemical applications.
- Personal Protection Equipment (PPE) requirements must be met.

More rules exist and these vary from one substance to another, depending on the HSNO classifications allocated. You can find the classification on the packaging or on the products Safety Data Sheet. If you are unsure of what rules apply to what substances, refer to the *NZS 8409:2004 Management of Agrichemicals* code of practice, your local NZSTI agronomist, your local regional council or you can call the Hazardous Substances Compliance line on 0800 376 234 for advice.

Note: It is an offence to even store any quantity of tracked or Approved Handler substances if you do not have an Approved Handler at your site.

Table 3: Examples of common turf pesticides and their HSNO classifications.

Chemical	Tracked Substance	Classification Triggering Tracking	Approved Handler (AH)	Classification Triggering AH
Yield	Yes	6.1C	Yes	6.1C, 9.1A
Chlorothalonil	Yes	6.1B	Yes	6.1B, 9.1A
Tordon Brushkiller	No	-	Yes	9.1A, 9.2A
Axall	No	-	Yes	9.1A, 9.2A
Round up Transorb	No	-	Yes	9.1A
Escort	No	-	Yes	9.1A, 9.2A

Other management requirements under the HSNO Act

Fertilisers

The HSNO Act presently covers fertilisers which are considered as either hazardous substances and/or are “oxidisers”. The “oxidiser” classification or group of fertilisers will likely have the greatest impact on Turf Managers and specifically where calcium nitrate, potassium nitrate or other oxidising fertilisers are used or stored onsite (refer to Table 4).

However, the Environmental Risk Management Authority (ERMA) is presently reviewing the classification of fertilisers and it is anticipated that all fertilisers will at sometime in the near future have HSNO classifications assigned to them.

Table 4: Summary of the key HSNO compliance requirements when using either calcium or potassium nitrate¹.

Fertiliser	HSNO Classification	Approved Handler ²	Location Certificate ³	Comments
Calcium nitrate	5.1.1C	> 1000kg or L	> 100kg or L	Shall be stored: <ol style="list-style-type: none"> 1. in lockable shed 2. at least 3m away from incompatible products (e.g. diesel)⁴ 3. at least 5m from ignition source
Potassium nitrate	5.1.1B	> 500kg or L	> 50kg or L	

Notes:

1. The current controls on the use of the above fertilisers are presently under review by ERMA and may change.
2. Approved Handler endorsement is for oxidising substances and differs from the endorsement for agrichemicals.
3. The location certificate can be issued by a Test Certifier, when certifying the facilities suitability for storing petrol.
4. Class 5 substances shall not be stored with any substances with which they are not compatible.



Fuels

Fuels are classified as hazardous substances under the HSNO Act. Petrol is a 3.1A substance and diesel is a 3.1D substance. Accordingly the restrictions on petrol are more stringent than for diesel. However for common sense reasons, exceptions have been made to many of the controls applied to petrol for users handling smaller quantities. For example, if you store **less than 100 L** of petrol, an Approved Handler is not required. However if you store **50 L or greater** of petrol, a Location Test Certificate is required.

Which rules apply to your situation can be affected by the size of each storage container, if they are stationary or not, above or below ground and the location of each storage container in relation to one another. You may require a Test Certifier to assess the requirements of your situation. For example, you may be able to store 180 L of petrol on your site without an Approved Handler, provided the fuel is stored in a manner to be considered as two separate storage sites (e.g. the distance between the two sites is considered significant enough).

Storage of diesel does not require a Location Test Certificate, regardless of the quantity held or type of storage. However, if you store diesel or petrol in a below ground tank with a capacity of 250 L or more you will require a Stationary Container Test Certificate. If you store fuel in an above ground tank, a Stationary Container Test Certificate is required if you have the capacity to store 2,500 L or greater of petrol or 5,000 L or greater of diesel, provided the tank is stand alone with no pipe work directly feeding into a burner or engine.

Note: For stationary containers it is the POTENTIAL volume of petrol that can be stored as opposed to the actual volume that determines the requirements for Approved Handlers or a Location Test Certificate. If your stationary petrol tank(s) capacity is 100L or more (e.g. 4x 25L tanks in close proximity or a 125L tank that is only every filled up to 80 L) this would be deemed as storing more than 100L of petrol and an Approved Handler would be required.

Even though an Approved Handler Certificate may not be required, rules still apply for storage of fuels. The main requirements are:

- Fire extinguishers.
- Spill control.
- Secondary containment.
- Prevention of unintended ignition.
- Signage - minimum requirement HAZCHEM 2WE and a no smoking sign.
- Suitability and location of the fuel storage tanks.

Other controls may exist depending on the specifics of your site.

Note: (a) If you previously required a Dangerous Goods Licence for hazardous substances, it is likely you will require a Location Test Certificate.

(b) Transport of certain quantities of hazardous substances may require a dangerous goods endorsement on your driving licence.

Transport of Hazardous Substances

Transporting agrichemicals by road is managed primarily through the Land Transport Rule: Dangerous Goods 2005. However, the RMA can also impact on rules around the transport of hazardous substances.

When transporting hazardous substances “for commercial purpose” a dangerous goods endorsement on your licence is not required, providing that you remain **below** specified quantity limits set out in Schedule 1 of the Land Transport Rule: Dangerous Goods 2005. Table 5 is an extraction from this schedule of the most commonly transported dangerous goods used by golf clubs, which is classed as “use for commercial purpose”.

Table 5: Maximum Transport Quantity for dangerous goods transported for domestic or recreational purpose, for use as tools-of-trade, for agricultural use or for a commercial purpose, but not transported for hire or direct reward.

Class or Division¹	Class or Division Name	Packing Group²	Maximum Quantity³	Example
3	Flammable liquids	I	5 litres	
		II or III	250 litres	
5.1	Oxidizing substances	II	5 kg (solids, powders etc) or 5 litres (liquids)	6.1A
6.1	Toxic substances		50 kg (solids, powders etc) or 50 litres (liquids)	6.1B
8	Corrosive substances		250 kg (solids, powders etc) or 250 litres (liquids)	6.1C-D
9	Miscellaneous			
Mixed loads	The maximum quantity for a mixed load is an aggregate amount of 500, using the following units: kilograms (solids, powders, etc including the weight of the packaging), litres (liquids), litres water capacity (gases). The maximum quantity for a mixed load is exceeded if the quantity for any class or division in the load exceeds the limit specified for that class or division.			

Notes:

- Limits for other Classes of dangerous goods are set out in Schedule 1 of the Land Transport Rule: Dangerous Goods 2005.
- The Packing Group class can be found on the Safety Data Sheet or HazNote³ for each dangerous substance.
- Quantities specified as weights include the weight of the packaging.

For golf clubs it is recommended (desirable) to get products delivered wherever possible to avoid any confusion and ensure compliance with the relevant legislation.

Note: Considerable commonality or interaction exists between the HSNO Act and the RMA for many of the turf management practises undertaken on a golf course and both Acts must be considered.

Local Government Act 2002 - Bylaws

There are many topics covered in the Local Government Act 2002 (LGA), the area we are concerned with here is the section on bylaws.

Purpose of Bylaws

In addition to the regional plans and district plans and rules enabled under the RMA, the Local Government Act 2002 (LGA) enables territorial authorities and regional councils to make additional bylaws for their area for one or more of the following purposes:

- (a) Protecting the public from nuisance;*
- (b) Protecting, promoting, and maintaining public health and safety; and*
- (c) Minimising the potential for offensive behaviour in public places.*

Who, What and How...

Territorial authorities and regional councils are responsible for creating and administering any bylaws they deem necessary for their area. Before making a bylaw the council must, in accordance with the LGA, prove that the proposed bylaw is appropriate, is not covered by legislation elsewhere and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

Areas that bylaws may be created to regulate include (but not limited to):

- Onsite wastewater disposal systems.
- Waste management – including trade wastes, solid wastes.
- Trading in public places.
- Wastewater, drainage and sanitation.
- Water supply works.
- Flood protection and flood control.
- Roothing.

Councils are able to enforce bylaws by their own means, or they can contract out the administration of their enforcement powers. For example, if your golf club is burning rubbish and creating excessive smoke, the district council under their fire bylaw may issue you a fine through a debt collecting agency. The council may also choose to use the police to enforce certain bylaws.

Where to Go for Further Information

New Zealand Sports Turf Institute (NZSTI)

You can contact your local agronomist or Baz Woodcock at the NZSTI and enquire about the products and services available, such as ECA, that will help your club identify areas of concern regarding compliance with environmental law. Contact details for Baz are as follows:

Baz Woodcock – Sales and Marketing Manager

Phone: 06 356 8090 ext 707 | Mobile: 027 5001333 | bwoodcock@nzsti.org.nz

New Zealand Legislation

You can view up to date copies of New Zealand legislation, including those referred to in this document RMA, HSNO Act, and the LGA, at www.legislation.govt.nz/

Land Transport Safety Authority

You can find a copy of the Land Transport Rule: Dangerous Goods 2005 on the Land Transport Safety Authority website, www.ltsa.govt.nz/rules/ then click on the rule of interest.

New Zealand Standards

You can purchase a copy of the *NZS 8409:2004 – Management of Agrichemicals* standard at a cost of \$105.00 (incl. GST) from the NZ Sports Turf Institute (NZSTI). Order online at www.nzsti.org.nz or phone (06) 356 8090.

You can also visit www.standards.co.nz for more information on the above and any other relevant New Zealand Standards.

Codes of Practice

You can obtain a copy of the Fert Research's *Code of Practice for Nutrient Management (2007)* online at www.fertresearch.org.nz/. The Code is written for farming based systems, mainly intended as a guide for nutrient advisers and consultants. However it may be useful as an introduction to nutrient budgets and nutrient management plans.

Territorial Authorities and Regional Councils

Obtain a hard copy of your local district or city and regional council plans, or locate them on the internet. Most local council have their plans freely available on the internet. You can find a link to all the council websites at <http://www.lgnz.co.nz/lg-sector/maps/index.html>

You can also approach your councils for advice on specific issues. Be aware that there maybe a charge for some services.

Ministry for the Environment (MfE)

The Ministry for the Environment (MfE) is responsible for administering the RMA. You can find out more about MfE at www.mfe.govt.nz

MfE have prepared *An Everyday Guide to the RMA* series of booklets and cd rom about everyday matters under the RMA. These booklets and other information on the RMA is available at www.rma.govt.nz/

Environmental Risk Management Authority (ERMA)

The Environmental Risk Management Authority (ERMA) is responsible for administering the HSNO Act. You can find out more about ERMA and the HSNO Act at www.ermanz.govt.nz



Referenced Documents

New Zealand Standards

NZS 8409:2004 - Management of Agrichemicals

Codes of Practice

Code of Practice for Nutrient Management (2007) – by FertResearch

New Zealand Legislation

Forest and Rural Fires Act 1977

Hazardous Substances and New Organisms Act 1996 (HSNO)

Health and Safety in Employment Act 1992

Land Transport Rule: Dangerous Goods 2005

Local Government Act 2002 (LGA)

Resource Management Act 1991 (RMA)

Other Publications

New Zealand Turf Culture Institute (NZTCI), 1995. *Legislative & Environmental Issues: A Practical Handbook for Sports Turf Managers*. Published by NZTCI in 1995. Printed by K&M Print, Palmerston North. (OUT OF PRINT).

Ministry for the Environment (MfE), 2006. *Your Guide to the Resource Management Act*. Published by MfE in August 2006.



Appendices

The following flow charts provide a quick environmental compliance guide for the main golf club maintenance operations. Please be aware that these flow charts **do not** include a full comprehensive list of legislative or regulatory requirements.

The environmental legislation, and abbreviations, referred to in the flow charts include:

- Resource Management Act 1991 (RMA)
- Hazardous Substances and New Organisms Act 1996 (HSNO)
- Local Government Act 2002 (LGA)
- Land Transport Rule: Dangerous Goods 2005 (DG Rule)

The maintenance operations covered include:

- Water Management (Irrigation)
- Fertiliser Management
- Agrichemical Management
- Fuel Management
- Golf Course Construction Works



