

Contaminated Land

Issues

Use or redevelopment of *contaminated sites* can present a hazard to human health and safety, and may increase the adverse effects of the contamination.

The dispersal of *contaminants* into the surrounding environment by movement of *contaminants* from *sites*.

A National Environmental Standard for Assessing and Managing *Contaminants* in Soil to Protect Human Health 2011 (“NES”) took effect on 1 January 2012. The objective of the NES is to ensure that land affected by *contaminants* in soil is appropriately identified and assessed at the time of being developed and, if necessary, remediated or the *contaminants* contained to make the land safe for human use. In particular the NES:

- Establishes regulations for relevant activities ensuring that all district planning controls relevant to assessing and managing public health risks from *contaminants* in soil are appropriate and nationally consistent.
- Establishes soil *contaminant* values protective of human health for a range of land uses, requiring their use when decisions are made under the NES; and
- Ensures best practice and consistent reporting on land affected, or potentially affected by *contaminants* is applied that enables efficient information gathering and consistent decision-making.

Control of *contaminated sites* is shared between District and Regional Councils. The District Council has a responsibility to control the effects of *contaminated sites* on human health and a general duty to protect the environment. Other effects arising from the *discharge* of *contaminants* from a *contaminated site* are controlled by the Regional Council through regional plans.

Land use activities involving *hazardous substances* can lead to the contamination of land and therefore endanger the health and safety of people and communities. Many historical land use activities have led to the contamination of land. Potentially *contaminated sites* range from former *landfill* sites and gasworks sites through to oil terminals and areas contaminated with *sewage*. In many cases, the contamination is not confined to the *site* at which the activity took place.

Potential adverse human health effects typically arise where *contaminated sites* are redeveloped, and site construction workers, residents or occupiers are exposed to *contaminants*. Human health risks also need to be considered when contaminated matter is transported away to another site. Additional effects can arise from the contamination of *surface watercourses* resulting from direct run-off from sites, or point source *stormwater discharges* and groundwater contamination in areas with permeable soils. The movement of *contaminants* off-site can be by wind and leaching, but can also occur from

land disturbances such as earthworks. These *discharges* from *contaminated sites* are the responsibility of the Regional Council.

This Chapter contains rules relating to land uses in areas containing contaminated and potentially *contaminated sites* as defined under the relevant NES. These rules apply in addition to any other rules in this Plan applicable to the same areas or *sites*.

Objectives

CL-O1 Adverse Effects on the Environment

The use, management and development of *contaminated sites* in a way that ensures that the adverse effects on the environment are avoided, remedied or mitigated to acceptable environmental levels.

CL-O2 Adverse Effects on Human Health and Safety

Minimisation of the adverse effects of *contaminated sites* on human health and safety.

Explanation and Reasons: Land contamination can be very difficult to remedy. Highly technical methods have been developed to undertake the process of decontamination. It is important that the effects and extent of contamination be contained until such methods can be employed to decontaminate the site. Contaminated sites, and their redevelopment, can pose significant human health and safety effects. It is important that these be minimised.

Policies

CL-P1 Identification

To identify *contaminated sites* that present a risk to human health and safety.

Explanation and Reasons: The District Council has little information on contaminated sites. It is therefore necessary to develop an appropriate database on such sites. A joint initiative by some Regional Councils and District Councils in developing a consistent methodology for contaminated site information using the PIM and LIM information system will enable, over time, an appropriate classification of sites in the District. Labelling of sites has to be undertaken with care so land is not blighted unnecessarily.

As the database is developed, the Council will, in association with the landowner and the Northland Regional Council, promote an appropriate level of remediation relating to the anticipated land use, in accordance with land use classes. A change to a more sensitive land use may require a higher level of remediation. The level of remediation agreed for a site will be recorded on the relevant property files. Responsibility for the clean up of sites will generally be with the landowner or persons responsible for the contamination.

CL-P2 Remediation

To avoid *subdivision*, use or development of *contaminated land* that presents a risk to health, safety or the environment, unless contamination is remedied or mitigated to acceptable environmental levels.

Explanation and Reasons: The level of contamination of a site will influence which activities would be appropriate. Remedial or mitigation measures can decrease the level of risk associated with the site. The range of mitigation and remedial measures allows for rehabilitation to a number of levels of decreased risk, therefore a range of activities could be possible. The process of remediation may result in adverse effects on the environment and a resource consent may be required to control these effects.

CL-P3 Removal of Matter

To contain the extent of contamination by avoiding the removal of soil or matter from a *contaminated site*, or where appropriate, to allow the excavation of contaminated material and to ensure that such material is stored, transported and disposed of in an appropriate manner.

Explanation and Reasons: The containment of contamination is an important part of managing contaminated sites. It is imperative that there is no further risk of contaminating other parts of the District. Where there is a need for soil to be removed from a site, this should be disposed of in an appropriate facility that deals with hazardous waste.

CL-P4 Dissemination of Information

To keep information on known *contaminated sites* in the District on a database linked to the PIM and LIM information.

Explanation and Reasons: A database linked to the PIM and LIM information system will alert landowners, occupiers, buyers and sellers, and other involved parties of site contamination information. The database will distinguish between confirmed contaminated sites and those that have had a historical association with hazardous substances. The creation of such a database will enable data to be easily updated as new information becomes available and/or site remediation is undertaken.

Rules

CL-R1 Any Activity

1. No rule in any chapter of this Plan that duplicates or conflicts with the NES shall apply. The NES applies in addition to all other rules in any chapter of this Plan.

CL Appendix 1 – Assessment of Contaminated Sites

The following documents will be used to assess *contaminated sites*:

- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- Users Guide for Assessing and Managing Contaminants in Soil to Protect Human Health (MfE, April 2012);
- Contaminated Land Management Guidelines No.s 1 to 5 (MfE, various);
- Hazardous Activities and Industries List (HAIL) (MfE, latest version);
- Methodology for Deriving Soil Guideline Values Protective of Human Health (MfE, 2011);
- Identifying, Investigating and Managing Risks Associated with Former Sheep-dip Sites: A Guide for Local Authorities (MfE, 2006);
- Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC 1992);
- Health and Environmental Guidelines for Selected Timber Treatment Chemicals. Ministry for the Environment and Ministry of Health 1997. (Chapter 5);
- Guidelines for Assessing and Managing Contaminated Gasworks Sites in New Zealand. Ministry for the Environment 1997. (Section 4);
- Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand. Draft for Consultation. Ministry for the Environment 1997. (Module 4).

The NES criteria for individual compounds and substances will be used when assessing the contamination of any type of site.