

Chapter 9: Contaminated Land

9.1 Introduction

Past activities, including some traditional Waikato primary industries, have left a legacy of land contamination. Activities need to be managed to ensure that they do not suffer from or increase contamination. Sites that are already contaminated should be remediated to prevent adverse effects on human health and the environment. Contamination is often not well documented and in many cases resource management is hampered by lack of knowledge of the presence or extent of contamination.

This plan does not identify specific sites of known contamination. Rather, it identifies potentially contaminating activities and industries by reference to the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). Applicants proposing to remove or replace a fuel storage system, sample or disturb soil, subdivide land or change the use of land may be subject to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of and may be expected to undertake a site investigation to determine if the site is contaminated or not. Information about the extent of contamination, if any, will be kept on the property file and will be available through the Land Information Memorandum (LIM), and Project Information Memorandum (PIM) process.

9.2 Issue – Contaminated Land

Use or redevelopment of contaminated land can pose a risk to human health, or increase contaminant discharges to the environment.

OBJECTIVE	POLICIES
<p>9.2.1 Human health or the environment is not harmed by the use or development of contaminated land.</p>	<p>9.2.2 Sensitive activities, such as residential, educational, recreational or childcare activities, should not locate on contaminated land.</p> <p>9.2.3 Prior to a change of use or redevelopment of contaminated land, remediation to make the site suitable for the proposed use or redevelopment must be undertaken.</p> <p>9.2.4 Remediation of contaminated land should not pose a more significant risk to human health or the environment than if remediation had not occurred.</p> <p>9.2.5 Material removed from contaminated land should be disposed of in a manner that avoids further adverse effects on human health or on the environment.</p> <p>9.2.6 Use or development of contaminated land that has been remediated must not damage or destroy any contaminant containment works, unless comparable or better containment is provided.</p> <p>9.2.7 Development or use of land known to have been occupied by a potentially contaminating activity should not occur until any risk to human health or the environment has been investigated.</p>

9.3 Reasons and Explanations

9.3.1 Sensitive Activities

Some activities should not be located on contaminated land. These include places where people, and in particular young children, spend large amounts of time, such as homes, schools, kindergartens and childcare centres. Sports fields, where people are likely to come in contact with the soil should also not locate on contaminated land.

Notwithstanding, where initial contamination levels are low and full remediation takes place, it may be possible to allow sensitive activities to develop on contaminated land. In the Te Kauwhata Structure Plan area investigations have shown that contaminated land should be able to be remediated to allow sensitive activities to occur.

9.3.2 Use or Redevelopment

There are several sites in the district known to be contaminated as a result of past land use activities and practices. In most cases, the contamination renders the land unsuitable for many uses. However, the Council does not have comprehensive knowledge of specific sites or potentially contaminated sites. It is unwise to allow activities to use such land, where the risk to human health or the environment is high, unless remediation of the land has taken place and any risk has been reduced to acceptable levels.

Commercial or industrial activities may be able to remediate a site so that the risks to their particular activity posed by the contamination are satisfactorily managed.

As part of the Te Kauwhata Structure Plan investigations have shown that while contaminated land has been identified the levels posed by contaminants are considered to be manageable with remediation. Council needs to be satisfied that there will be no risk to human health. Land may have to be remediated before section 224 certificates will be issued. All applications within the Remediation Policy Area to remove or replace a fuel storage system, sample or disturb soil, subdivide land or change the use of land on land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), must be assessed against the regulations contained in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of.

9.3.3 Remediation

Ideally, contaminated land that has not been remediated should not be used because of the unknown risk to human health and the environment. However, when remediated to an appropriate standard, contaminated land may be used for some activities. Generally, containment techniques such as capping are not seen as appropriate for residential land because there is an unmanageable risk associated with the fact that future property owners are free to carry out relatively deep excavations as and when they see fit (for example, in installing a swimming pool). Sometimes, remediation can cause more damage to the environment or health than if no attempt at remediation had been made. It is important that any remediation of contaminated land is conducted in a manner that will not worsen the effects of the original contamination. In some cases, it may be better to leave the land as it is, or only undertake minimal remediation work on the site if full remediation would cause a greater risk. Similarly, when material removed from contaminated sites is transferred to, or disposed of, at a clean site that is not managed or approved to take contaminated material, further adverse effects can occur.

9.3.4 Containment Works

Containment is one method of remediation, which may or may not be coupled with other methods. Where containment is appropriate and has been implemented, it is important that later activities do not disturb the area or works.

9.3.5 Potential Contamination

There are numerous sites in the district that may have been contaminated by previous activities. For many of these, no information exists about the nature or extent of contamination. Potentially contaminating activities and industries have been identified by the Ministry for the Environment and are listed in the Hazardous Activities and Industries List (HAIL). Any change in land use that could increase the risk of harm to human health or the environment may require an investigation into the status of contamination. If it is shown that there is no risk to health or the environment, then no restrictions on the use of the site, in relation to the contamination, will be imposed. However, if after investigation the site is shown to be contaminated, appropriate remediation measures will need to be put in place to return the land to a state able to be used for the proposed purpose. Application for resource consent for an activity on such a site may be refused if investigations show that the risk of harm is too high.

9.4 Methods of Implementation

9.4.1 Regulatory Methods

- (a) Rules set out in Regulations 8 to 11 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in Appendix Of which relate to the removal or replacement of a fuel storage system, the sampling or disturbing of soil, the subdivision of land or changing the use of land, on land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL).
- (b) Rules permitting remediation of contaminated land subject to conditions.

9.4.2 Deleted

9.4.3 Council Works and Services

- (a) Appropriate management of the Council's own contaminated land.

9.4.4 Information, Education and Advocacy

- (a) Support other agencies in their role in managing contaminated land.
- (b) Property Information Memoranda and Land Information Memoranda on land confirmed to be contaminated and land potentially contaminated.

9.5 Reasons for Methods

9.5.1 Regulatory Methods

Regulatory methods are necessary to protect community health and safety, and the environment, from the effects of redevelopment or use of contaminated land. Rules are necessary in order to determine the level of contamination, and to make sure the land will be suitable for the proposed use. Remediation of land either confirmed to be contaminated or found to be contaminated after investigation, is a permitted activity subject to conditions. Permitted activity status means no resource consent is required, therefore giving greater encouragement to remediate. There should therefore be no grounds for remediation not to take place prior to use or redevelopment of a contaminated site.

9.5.2 Deleted

9.5.3 Council Works and Services

The Council owns several contaminated sites, for example, landfills in Huntly, Ngaruawahia and Raglan. These will continue to be appropriately managed to minimise the risk of harm to human health and to the environment.

9.5.4 Information, Education and Advocacy

Lack of public awareness, especially of potentially contaminated land, means that such land may continue to be used or redeveloped. Use of such land may lead to community health problems. Information and education about potential contamination is a useful way to help avoid future problems.

9.6 Anticipated Environmental Results

ISSUE	ANTICIPATED ENVIRONMENTAL RESULTS
9.6.1 Contaminated land	(a) Avoidance of the use or development of contaminated land that would adversely affect human health. (b) Remediation of contaminated land.

This page is intentionally blank