CONTAMINATED LAND – CL

Overview

Contaminated land may be associated with past activities, for example, the manufacture and use of pesticides, timber treatment and sheep dipping. *Land* may also be contaminated where *hazardous substances* are not used or stored correctly. Under Section 30 of the RMA, Environment Southland is responsible for identifying and monitoring *contaminated land*. The Gore District Council is responsible for the prevention or mitigation of any adverse *effects* of the development, *subdivision*, or use of *contaminated land* (Section 31).

Where *land* has been identified as having actual or potential contamination the provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) apply. These regulations contain a series of standards where specified activities must be complied with. Gore District Council is responsible for applying and enforcing the provisions of National Environmental Standards including the NES-CS.

Land use, *subdivision* and development, provides an opportunity to identify the potential for *land* to be contaminated. When potentially *contaminated land* is identified, it is the applicant's responsibility to investigate and, where necessary, remediate *contaminated land* so as to manage the risk to human health and the *environment*.

Objective

CL-O1 [1]*Land* that is affected by soil contamination is identified~~,~~ and assessed, and if appropriate managed and monitored, to minimise the risk to human health and protect the *environment*

Policies

CL-P1 Identify sites that are known to contain contaminated soil as a result of current or historic *land* uses and activities.

CL-P2 Require ~~applicants~~ the landowner or person ~~–~~proposing *subdivision*, use and/or development of land that is contaminated or potentially contaminated to manage the risk to human health and the *environment* to a level that is appropriate for the intended use.

CL-P3 Determine appropriate management action for *contaminated land* on the basis of:

1. the type of *contaminant*s involved;
2. the degree of contamination;

[1] Decision 32, paragraph 4.2.3

3. the values of *site* – including, heritage, archaeological and *biodiversity* values;~~and and values to Māori communities .~~[2]
4. impacts on Ngāi Tahu cultural values listed in MW-1.2[3]
~~4~~5. the use of appropriate technology for assessment, containment, remediation and monitoring;
~~5~~6. existing and likely future use of the site and surrounding *land;*
~~6~~7. where the contamination is contained within the site, mechanisms to ensure future owners are made aware of the contamination and its ongoing containment;
~~7~~8. national standards or guidelines; and
~~8~~9. the potential for offsite or downstream adverse *effects* on human health and other adverse environmental *effects*.

~~Notes~~[4]

~~Note 1~~	~~Provisions in Other Chapters~~
	~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.~~ ~~This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua~~

Rules

There are no rules in the District Plan with respect to *contaminated land*. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) manages *subdivision*, use and development of potentially *contaminated land* and may require resource consent for these activities separately.

Environment Southland's Selected Land Use Sites Register (SLUS) holds information that may assist in establishing whether activities on the Hazardous Activities and Industries List, as defined by the NES-CS, currently or have previously operated on the *land*.

[2] Decision 32, paragraph 4.5.4
[3] Decision 32, paragraph 4.5.4
[4] Decision 32, paragraph 3.3.1