

Overview

It is important that land in the district that is contaminated or potentially contaminated is investigated and managed as required. This is to ensure that people are not exposed to substances that may endanger their health, and that property is not unduly affected by issues such as corrosion, which may threaten buildings and limit land use options.

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a national standard for activities on land where soil is known to be or may be contaminated in such a way as to be a risk to human health. The NESCS requires that land affected by contaminants is identified and assessed before it is developed and if necessary, the land is remediated, or the contaminants are contained to make the area safe for human use. The NESCS applies when people want to:

- Remove a fuel storage system or replace it; and
- Sample soils; and
- Disturb soils; and
- Change land use or subdivide.

The methods to establish whether land is contaminated or potentially contaminated include determining whether an activity or industry listed in the Hazardous Activities and Industries List (HAIL) has or is likely to have been undertaken on the property. The HAIL list of activities can be found on the Ministry for the Environment website.

Under the NESCS, regional councils are required to investigate land for the purposes of identifying and monitoring contaminated land. District councils are responsible for applying and enforcing the provisions of the NESCS. To assist with identifying land that is contaminated or potentially contaminated, the Waikato Regional Council and Manawatū-Whanganui Regional Council both maintain databases of sites where HAIL activities are or have been carried out. Waitomo District Council has access to this information. If you are wanting to undertake an activity on contaminated or potentially contaminated land, you may require a resource consent under the NESCS.

Objective

Refer also to the relevant objectives in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

- CL-O1.** Ensure risks to human health, land and property from contaminated land are appropriately managed.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

- CL-P1.** Ensure contaminated land or potentially contaminated land is suitable for its intended use by enabling site investigations and requiring remediation or management as necessary, at the time of land use change, subdivision or re-development.

CL-P2. Ensure any unacceptable risk to human health and the environment posed by the subdivision, use, development or redevelopment of contaminated land is avoided, remedied or mitigated.

Rules

There are no rules in this plan with respect to contaminated land. The NESCS provides a complete framework of rules for managing subdivision, use, development or redevelopment of contaminated or potentially contaminated land. Under the provisions of the NESCS, a resource consent for these activities may be required. Waitomo District Council must enforce the NESCS pursuant to section 44A(8) of the RMA. Waitomo District Council, the Waikato Regional Council and Manawatū-Whanganui Regional Council hold information that may assist applicants in establishing whether/which activities on the HAIL list currently or have previously taken place in or on land.

CONTAMINATED LAND