

CL - Whenua paitini - Contaminated Land

Introduction

Sites are identified as contaminated when land has a hazardous substance in or on it that may have significant adverse effects on human health or the environment.

The District Council is required to implement the NESCS. The NESCS requires that land affected, or potentially affected, by contaminants in soil is identified, assessed and, if necessary managed/mediated¹ before it is subdivided, used or developed to mitigate adverse effects on human health. The NESCS sets out the activity status for subdivision, use and development of land.

The District ~~Council Plan does not contain any rules for the subdivision, use or development of contaminated land as this is regulated~~ ~~implements resource consents~~² under the NESCS, ~~The District Plan does,~~³ however, ~~provide the relevant as the NESCS does not contain any~~⁴ objectives ~~or and~~⁵ policies ~~relating to contaminated land, as none are provided by the NESCS the District Plan will apply.~~⁶

Regional councils identify and monitor contaminated land. The Regional Council has recorded potentially contaminated land in the LLUR, which is a public database of land with a history of potentially hazardous activities or industries. The information in the LLUR is used by territorial authorities to identify land that is or has been used for a hazardous activity or industry, when preparing Land Information Memoranda and when assessing applications for resource consent.

The Regional Council is ~~also~~⁷ responsible for the avoidance, remediation, or mitigation of adverse effects from the use of contaminated land within the CMA and within the beds of lakes and rivers and the avoidance, remediation, or mitigation of adverse effects from discharges ~~of contaminants into or~~⁸ ~~on to contaminated~~⁹ land, ~~air or water~~¹⁰.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

¹ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

² Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

³ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁴ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁵ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁶ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁷ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁸ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

⁹ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

¹⁰ Recommendation from Contaminated Land s42A: Fuel Companies [276.11]

Objective	
CL-O1	Contaminated land The subdivision, use and development of contaminated land does not adversely affect people, property, and the environment.
CL-O2	<u>Benefits of contaminated land remediation</u> <u>Remediation of contaminated land, using good practice approaches to protect against the risk posed by the contaminants to human health and the environment, results in positive effects for the health and wellbeing of communities, cultural values, and the environment.</u> ¹¹
Policies	
CL-P1	Identify contaminated sites Identify sites potentially containing contaminated land, including sites with contamination from current and historical land uses and activities, by using the Regional Council's LLUR, <u>District Council records</u> , ¹² and coordinating with the Regional Council in the recording and management of contaminated land.
CL-P2	Best practice management of contaminated land Require applications for subdivision, <u>change of</u> ¹³ use or development of contaminated land, or potentially contaminated land, to <u>apply a good practice approach to the include an investigation management</u> ¹⁴ of <u>the</u> ¹⁵ risks <u>and to remediate the contamination, or manage activities on contaminated land</u> , ¹⁶ to protect <u>the human</u> ¹⁷ health <u>of people</u> ¹⁸ and the environment. The remediation or mitigation works for contaminated land shall be undertaken in such a way to not pose further risk to human health or the environment than if remediation had not occurred.
CL-P3	Earthworks on contaminated land Discourage the disturbance of contaminated land, unless for the purpose of contamination remediation, where the level, type and toxicity of the contamination could adversely affect natural values, <u>including ecological values</u> ¹⁹ .
CL-P4	Disposal of contaminated soil Avoid adverse effects on the health of people and the environment from the disposal of soil from contaminated land.

There are no rules in this chapter. The objectives and policies apply across the Plan.

¹¹ Recommendation from Contaminated Land Reply Report: Kainga Ora [325.95]

¹² Recommendation from Contaminated Land s42A: ECan [316.44]

¹³ Recommendation from Contaminated Land s42A: Kainga Ora [325.97]

¹⁴ Recommendation from Contaminated Land s42A: Fuel Companies [276.13]

¹⁵ Recommendation from Contaminated Land s42A: Fuel Companies [276.13]

¹⁶ Recommendation from Contaminated Land s42A: Fuel Companies [276.13]

¹⁷ Recommendation from Contaminated Land s42A: Fuel Companies [276.13]

¹⁸ Recommendation from Contaminated Land s42A: Fuel Companies [276.13]

¹⁹ Recommendation from Contaminated Land s42A: ECan [316.46]

Advice Notes

CL-AN1	<p>Activities and structures may also be subject to controls outside the District Plan. Other applicable rules or controls within other legislation or ownership requirements include the following:</p> <ul style="list-style-type: none">• The Regional Council's LLUR summarises the information held in its records about land where hazardous activities are known to have occurred or are currently occurring in Canterbury. This is available on the Regional Council's LLUR website. The register should be checked in association with any application for resource consent for subdivision or land development.• A resource consent may be required from the District Council under the NESCS, which prescribes methods used to assess and manage land that is contaminated, or potentially contaminated from an activity or industry on the HAIL. The Regional Council is to be advised when contaminated land is identified.• There are no rules in the District Plan for contaminated land. The NESCS manages subdivision, use and development of contaminated, or potentially contaminated, land. However, the objectives and policies in the District Plan apply to the assessment of any resource consent application.• A resource consent may also be required from the Regional Council in relation to contaminated land.• Contaminated land management guidelines are available on the Regional Council's website.
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