Section 13 – Contaminated Land and Hazardous Substances

13.1 Background

13.1.1 Contaminated Land

The subdivision, use or development of contaminated land can increase the risk of exposing the environment to contaminants. Exposure can have direct health effects on people through inhalation of contaminated fine particles or ingestion of contaminated soil. Indirect or delayed effects can occur through the intake of contaminated water or food. Plants, wildlife and entire ecosystems can also become adversely affected.

The Council's responses to issues of soil contamination are largely governed by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES). The Plan cannot be more nor less stringent than this National Environmental Standard, which includes planning controls, and references the Hazardous Activities and Industries List (HAIL), a list of activities and industries that are considered likely to cause land contamination.

Adverse effects can occur particularly if contaminated land is disturbed. Both remediation and development of land can disturb previously contained contaminants. This can lead to the discharge of contaminants to on-site or off-site areas that are sensitive. This situation also applies to the disposal of contaminated material to inappropriate sites. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ensures that land affected by contaminants is identified and assessed before it is developed and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

The RMA specifies that regional council functions include the investigation of land for the purposes of identifying and monitoring contaminated land. The functions of a territorial authority include the control of the use, development, or protection of land for the purpose of the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.

13.1.2 Hazardous Substances

The use, storage, transport and disposal of hazardous substances are an integral part of many activities in the District. Such activities include forestry, mining, agriculture, horticulture, industrial and commercial activities. Hazardous substances are also used or stored domestically, although generally in small quantities. Hazardous substances have a number of benefits. However, they also have the potential to adversely affect the health and safety of communities and the health and sustainability of the natural and physical environment.

Common hazardous substances include fuels such as petrol, diesel and LPG. Some fertiliser and some pesticides are used in agriculture and horticulture. Gases, solvents, cleaners, oils and various corrosive substances are used in many industrial and commercial activities. Small amounts of hazardous substances (apart from very toxic preparations or explosives) can also be found in everyday domestic activities.

Territorial authorities have a function under Section 31 of the RMA to control any actual or potential effects of the use, development or protection of land including the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances. The land use activity involving the management of hazardous substances is generally called a hazardous facility.

There are other legislative requirements for hazardous substances, such as transport or workplace safety legislation, as well as the Hazardous Substances and New Organisms Act 1996 (HSNO). The focus of HSNO and the Regulations that can be made under it is on the characteristics of the substance itself regardless of the location. This includes containment, packaging, identification, tracking, competency, emergency management and disposal. HSNO provides the means to set minimum conditions on the management of hazardous substances which apply irrespective of location. The control of potential adverse environmental effects (at a particular site in the context of a particular environment and land use) is to be addressed by controls pursuant to the RMA.

13.2 Issues

1. Past land use practices have resulted in soil contamination which has the potential to adversely affect human health and the wider environment within the Thames-Coromandel District.
2. Unintentional or uncontrolled release of hazardous substances resulting in contamination of water, soil and air, or risk of fire and explosion events can cause short and long term damage to the environment, including ecosystems and human health.
3. Hazardous facilities in locations that are affected by a natural hazard, increases the risk for potential contamination.
4. The location of sensitive land uses in the proximity of hazardous facilities can cause reverse sensitivity conflicts.

13.3 Objectives and Policies

13.3.1 Contaminated Land

Objective 1
The adverse effects on human health and the wider environment from potentially contaminated land are appropriately managed, when a change in land use occurs, having regard to the intended use of the land.

Policy 1a
Subdivision and use of potentially contaminated land shall be controlled in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Policy 1b
Adverse effects of contaminated land on human health and the environment, arising as a result of subdivision or a change in land use, shall be remedied, or mitigated through a Council approved site management in process.

13.3.2 Hazardous Substances

Objective 2
The storage, use, disposal and transport of hazardous substances in the District does not adversely affect people, property and the environment.

Policy 2a
Hazardous facilities shall be designed, constructed and managed to avoid, or mitigate significant adverse effects on, including risks to, the environment.

Policy 2b
Appropriate facilities and systems shall be provided to avoid, or minimise the risk of pollution of soil, groundwater, watercourses and air in the event of any accidents (including spills and gas escapes) involving hazardous substances.

Policy 2c
Any proposal for a hazardous facility shall demonstrate that it has taken into account natural hazards which could adversely influence the inherent risks that a hazardous facility could pose to the environment.

Policy 2d
Emergency management equipment and plans prepared in accordance with best practice shall be provided for each hazardous facility.

Policy 2e

Waste management plans that include procedures for disposal practices and use of waste contractors shall be prepared for wastes containing hazardous substances.

Policy 2f

Alternative locations shall be considered where a proposal for a new hazardous facility may result in significant adverse effects.

Objective 3

Residual risks posed by new hazardous facilities on people, property and the environment are managed to acceptable levels.

Policy 3a

The identification, assessment and management of the effects of hazardous facilities shall ensure that residual risks to people, property and the natural environment are at acceptable levels.

Objective 4

Sensitive land uses are established at suitable locations to avoid reverse sensitivity effects on established hazardous facilities.

Policy 4a

The establishment of sensitive land uses in close proximity to existing hazardous facilities or areas identified for hazardous facilities should be avoided, to allow hazardous facilities to carry out their operations without unreasonable constraints.

13.4 Non-Regulatory Methods

Method 1

1. The Council will work with Waikato Regional Council and landowners to identify potentially contaminated sites, share information and assist in compiling a register of managed, confirmed and remediated sites in the District.