

# CL - Contaminated Land

Both District and Regional Councils have roles in managing contaminated land. Under the RMA (Section 30(1)(ca)), Regional Councils are charged with the investigation of land to identify and monitor contaminated sites, while District Councils control (avoid remedy or mitigate) the effects of the use development or protection of land to prevent or mitigate the adverse effects of the development, subdivision or use of contaminated land (Section 31).

The Council uses the Wellington Regional Council's Selected Land Use Register (SLUR) and the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) to primarily identify contaminated land, and gather and record information on contaminated land.

These records are used by the Council when assessing applications for resource consents, to manage the adverse effects resulting from a change in land use or subdivision of contaminated land. Typically some remediation and further investigation of contaminated land is undertaken by the site owner and occurs prior to a change in use or when facilities are retired or replaced, e.g. fuel storage tanks. However, it is not practicable to remediate all contaminated sites and many are not likely to undergo remediation unless a change to a more sensitive land use is proposed, e.g. in the short to medium term, it is more practical to manage closed landfills to contain contaminants rather than remedy these sites at a significant cost.

While much of this land has been identified by the Regional Council (in SLUR) and the Council through consent (building and resource) and private plan change processes, there remain areas of land within the District that may potentially be contaminated due to past practices and activities. It is the landowner's responsibility to identify, manage and, where necessary, remediate contaminated land.

The importance of a nationally consistent methodology for identifying, assessing and managing land where necessary, including ensuring that the land is remediated or contaminants contained, is recognised in the development of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. These controls are mandatory and apply to specific activities on sites which are identified as potentially contaminated, e.g. disturbing the soil, change of use, subdivision. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health does not address environmental impacts.

## Strategic Context

The primary objectives that this chapter implements are:

- DO-O1 - Tāngata Whenua;
- DO-O3 - Development Management; and
- DO-O10 – Contaminated Land

### DO-O1 Tāngata Whenua

To work in partnership with the *tāngata whenua* of the District in order to maintain *kaitiakitanga* of the District's resources and ensure that decisions affecting the natural *environment* in the District

are made in accordance with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

### DO-O3 Development Management

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:

1. urban areas which maximise the efficient end use of energy and integration with infrastructure;
2. a variety of living and working areas in a manner which reinforces the function and vitality of centres;
3. resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;
4. higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;
5. management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;
6. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;
7. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and
8. management of the location and effects of potentially incompatible land uses including any interface between such uses.

### DO-O10 Contaminated Land

To prevent or mitigate any adverse environmental *effects*, including risks to human health and the *environment*, arising from past, present or future activities involving *contaminated land*.

The rules in this chapter apply to all land and activities in all *zones* unless otherwise specified. Provisions in other chapters of the Plan may also be relevant.

## Policies

### CL-P1 Identify Contaminated and Potentially Contaminated Land

*Contaminated* and *potentially contaminated land* will be identified, including through the *resource consent* or plan change processes, to enable the *land* to be managed or remediated to eliminate any unacceptable risk to the *environment*.

### CL-P2 Criteria for Identification

*Contaminated* and *potentially contaminated land* will be identified where *land* was used, is presently used, or is likely to have been used for an activity appearing on the Hazardous Activities and Industries List; including having regard to whether the *land* is identified as contaminated in the information held by the Kapiti Coast District Council or in the Wellington Regional Council's SLUR database.

### CL-P3 Subject site Investigations

*Subject site* investigations of *contaminated land* should be carried out in accordance with national best practice, including the Ministry for the Environment's Contaminated Land Management

Guidelines No.1 to No. 5.	
<b>CL-P4</b>	Management or Remediation
Any <i>development, subdivision</i> or change in <i>land</i> use on <i>contaminated or potentially contaminated land</i> , that is reasonably likely to increase the risk of exposing people or the <i>environment</i> to <i>contaminants</i> , will eliminate any unacceptable <i>risk</i> to the <i>environment</i> by management or remediation of the <i>contaminated land</i> .	
<b>CL-P5</b>	Ensure Fit for Use
The remediation and on-going management of <i>contaminated or potentially contaminated land</i> will be undertaken in a manner that is appropriate for any likely future use of that <i>land</i> .	

## Rules

For areas containing contaminated and potentially contaminated land as defined under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the 'NES'), the NES applies in its entirety.

The NES applies in addition to all other rules in any Chapter of this Plan, however no rule in any Chapter of this Plan that duplicates or conflicts with the NES shall apply.