

6. Contaminated Land

Submission No. and Point / Submitter Name	Plan Provision	Summary of Submission	Decision Requested
	General		
117.2 Southern District Health Board	General	The submitter agrees with the identified issues, objectives, policies and rules, in particular supports Policies 1, 3 and 5	Support
18.40 Environment Southland	Issues, Objectives, Policies and Methods	Support	Retain
105.1 ICC – Environmental Health and Compliance Services	General	The submitter supports the issues, objectives and policies and note the reference to the NES for Assessing and Managing Contaminated Sites in the Soil to Protect Human Health	The submitter recommends <ol style="list-style-type: none"> The Council works in partnership with Environment Southland to have a common database for collection and data sharing of information. Section 2.5.2: Objective 2 - the information on the database should be made available and forwarded to the Council and passed on to the public A more specific reference and detail relating to what is defined as a permitted activity, controlled activity, restricted activity, discretionary activity for a contaminated land activity in the Proposed District Plan.
SECTION 2.5 ISSUES, OBJECTIVES AND POLICIES			
	General		
87.7 Transpower NZ Ltd	Issues, Objectives and Policies	Support.	That the Issues, Objectives and Policies on Contaminated Land be retained as notified.
	Introduction		
18.39 Environment Southland	Introduction	The submitter believes Section 2.5 does not provide a clear distinction between land contamination and contaminated land, which has a high threshold of having to have “significant adverse effects” under the RMA.	That Section 2.5 of the District Plan be amended as follows [or similar]:

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		<p>They suggest it would be helpful to plan users to highlight the link between HAIL sites and the NES and the RMA, which establishes shared functions relating to contaminated land. It should also clarify the reason for need for co-operation with Environment Southland over the collection and sharing of information.</p> <p>The submitter believes it would also be helpful to highlight the SAHS register held by Environment Southland.</p>	<p>2.5 CONTAMINATED LAND</p> <p>New Zealand has a legacy of <u>land</u> contamination that needs to be identified and addressed. This <u>issue</u> has been identified by the Ministry for the Environment as <u>being one an issue</u> of national importance. The Ministry has produced a list of Hazardous Activities and Industries (HAIL) likely to <u>cause have a higher risk of</u> land contamination resulting from hazardous substance use, storage, or disposal.</p> <p>The Council is required to implement the National Environmental Standard for Assessing and Managing Contaminants in the Soil to Protect Human Health which establishes obligations on land owners and regional and territorial authorities.</p> <p>Territorial authorities are required to:</p> <p>(A) Prevent or mitigate any adverse effects of the storage, use, disposal or transportation of hazardous substances, and</p> <p>(B) Prevent or mitigate any adverse effects of the subdivision, development or use of contaminated land.</p> <p>There is a lack of information, and therefore monitoring and management, of contaminated <u>contamination</u> in Invercargill. Because of its history and role as a rural servicing city, every site that is being, or at some stage is likely to have been, used for anything other than residential activity, or most commercial activities is potentially a HAIL site. There will be cooperation with Environment Southland over the collection and sharing of information <u>on HAIL sites</u>. <u>The Regional Council also has discharges rules relating to land contamination.</u></p>

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65.10 ICC Environmental and Planning Services	Introduction	Support with minor amendment to typo	Amend the last sentence of the Introduction to read: "There will <u>need to</u> be cooperation with ES over the collection and sharing of information"
	2.5.1 Issues		
77.13 Te Runaka o Waihopai and Te Runaka o Awarua	Issues	Support references to human health	Retain
65.11 ICC Environmental and Planning Services	Issue 2	Support with amendment to typo	Amend Issue 2 to read: "Subdivision, ground disturbance, use and development of contaminated land can have adverse effects on human health."
	2.5.2 Objectives		
13.9 Z Energy	Objectives 1 and 3	Oppose. The submitter considers that these objectives can best be met through the hazardous substances provisions. The submitter also considers that it is unrealistic to expect to avoid the creation of new or further contaminated land.	Delete Objectives 1 and 3
88.55 Federated Farmers	Objectives 1 and 3	Support. The submitter considers these objectives can best be achieved through the provision of timely and accurate advice to landowners.	Adopt the objectives as proposed.
13.10 Z Energy	Objectives 2 and 4	Support	Retain
88.56 Federated Farmers	Objective 2	Support in part. The submitter is concerned that the extent of the problem of contaminated land in rural Invercargill is currently unknown, and the wording of the objective may be read as a commitment to actively identify suspected hazardous sites. The labelling of 'contaminated land' can have negative connotations, both in terms of the value of the property and the value of production from that property. The submitter considers that the NES does not require TLAs to actively identify land affected, so if this is not the intent of the policy Council could clarify this by removal of the word 'identified' from the objective.	Amend the wording of the objective as follows; "Objective 2: Land that is affected by soil contamination is identified , monitored and managed."

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		The submitter believes that it is only really the risk of the land use activity itself that poses the risk to human health or the environment and if this Objective were interpreted widely then investigations and monitoring may be required in a number of sites where there is very little risk.	
90.3 H W Richardson Group Ltd	Objective 4	Support. The submitter considers that it is appropriate to ensure that potential adverse effects associated with contaminated land are remedied or mitigated	Retain Objective 4
	2.5.3 Policies		
13.11 Z Energy Ltd	Policies 1-3 and 5	Support	Retain
65.12 ICC Environmental and Planning Services	Policy 1 Public awareness and information	Support with amendment to typo	Amend Policy 1 to read: "To promote public awareness <u>and</u> understanding, and to make available..."
88.57 Federated Farmers	Policy 1 Public awareness and information	Support.	Adopt the Policy as proposed.
117.3 Southern District Health Board	Policy 1 Public awareness and information	The submitter believes that making information available and the sharing of information allows for transparency of historic/arising HAIL sites and contaminated land. This process is important for promote future monitoring and management allowing for sustainable use of land while avoiding adverse health effects on humans.	Support Policy 1 but also recommend that mapping of HAIL sites and contaminated land is included within the District Plan
88.58 Federated Farmers	Policy 2 Collaboration	Support. The submitter believes there is a need for a district and region-wide data base to which all authorities have on-line access and to which all can contribute as information comes to hand, and to record and map historical patterns of land use and garnish greater information so that current and future landowners can make informed decisions on land use options.	Adopt the Policy as proposed.
65.13 ICC Environmental and Planning Services	Policy 3 National Environmental Standard	Support with minor amendment to include the date for the NES	Amend reference to the NES in both the policy and the explanation to read: "National Environmental Standard for Assessing and Managing Contaminant in Soil to Protect Human Health

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			2011”
77.14 Te Runaka o Waihopai and Te Runaka o Awarua	Policy 3 National Environmental Standard	Support	Retain
13.12 Z Energy Ltd	Policy 4 On-site containment	Oppose. The submitter considers that it is not appropriate to establish a hierarchy of management approaches. The submitter also considers that the management of contamination on site may not always be the best practical option	Delete Policy 4
71.12 NZAS Ltd	Policy 4 On-site containment	Support. Some of the submitter’s wastes, that are not reused, are disposed of onsite at their landfill which is controlled and monitored.	Retain Policy 4
90.4 H W Richardson Group Ltd	Policy 4 On-site containment	Support in part. The submitter considers it appropriate to consider “best practicable means” approach to addressing issues associated with contaminated land	Retain Policy 4
77.15 Te Runaka o Waihopai and Te Runaka o Awarua	Policy 5 Human Health	Support	Retain
88.59 Federated Farmers	Policy 5 - Human Health	Support.	Adopt the Policy as proposed.
13.13 Z Energy Ltd	Policy 6 Management	Support subject to amendment. The submitter notes that the role of the Council in relation to the management of contaminated land is limited to human health effects	Amend Policy 6 as follows: “With regard to human health effects, to determine appropriate management action...” ... (F) The potential for adverse environmental or public health effects offsite or downstream...”
71.13 NZAS Ltd	Policy 6 Management	Support. Some of the submitter’s wastes, that are not reused, are disposed of onsite at their landfill which is controlled and monitored.	Retain Policy 6
88.60 Federated Farmers	Policy 6 – Management	Support. The submitter questions the extent to which “likely future use of land” should be considered, particularly as Council will have clear ability to address issues upon any change of land use.	Amend the wording of the policy as follows; To determine appropriate management action for contaminated land on the basis of: ... (D) Existing and likely future use of the site and

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			surrounding land use.
	2.5.4 Methods of Implementation		
77.16 Te Runaka o Waihopai and Te Runaka o Awarua	Method 1, 2, 3	Support all	Retain all
88.61 Federated Farmers	Methods 1, 2 and 3	Support. The submitter considers that the best approach to dealing with contaminated land is through the provision of information to landowners and land occupiers.	Adopt these methods as proposed.
SECTION 3.3 RULES			
13.14 Z Energy Ltd	3.3	Support	Retain the note
88.78 Federated Farmers	3.3	Support.	Adopt the rule as proposed.
117.4 Southern District Health Board	3.3	The submitter believes that the National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health 2011 should be cross reference to Soil, Minerals and Earthworks (Objective 3)	Cross reference the NES for Assessing and Managing Contaminants in Soil to protect Human Health 2011 to Soil, Minerals and Earthworks
24.60 South Port NZ Ltd	3.3.1	Support.	Retain the note.
87.42 Transpower NZ Ltd	3.3.1	Support	3.3.1 Note be retained as notified.