

31 CONTAMINATED LAND

31.1 Introduction

[Activities occurring on contaminated land pose risks to human health and safety and the wider environment. A range of industries and activities have, in the past, contaminated areas of land within Wellington City. While much of this land has been identified by the Regional Council and the City Council, there remain areas of land within Wellington City that may potentially be contaminated due to past practices and activities. This unidentified contaminated land can equally pose a risk to human health and the environment, because of its unknown nature and location. Potentially contaminated land ranges from former landfill and gasworks sites, to oil terminals and areas used for the storage of hazardous substances. In some cases, the contamination is not confined to the site at which the activity took place.

Wellington City Council uses Wellington Regional Council's Selected Land Use Register and the Ministry for the Environment's hazardous activities and industries list (HAIL) to identify contaminated land and gather and record information on contaminated land. Wellington Regional Council's Selected Land Use Register contains six different classifications relating to contaminated land:

- Verified history of HAIL
- Unverified history of HAIL
- Contamination confirmed
- Contamination acceptable / managed / remediated
- No identified contamination
- Entered into database in error.

The HAIL is a compilation of activities and industries that are considered likely to cause land contamination as a result of the use, storage or disposal of hazardous substances and therefore provides a guide for identifying potentially contaminated land.

The remediation, use, development (including redevelopment) and subdivision of contaminated land, particularly when soil is disturbed, can increase the risk of exposing people and the environment to increased risk of exposure to contaminants. Both remediation and the development of land can mobilise previously contained contaminants, discharge contaminants on or off site, and result in the off site movement of contaminated soils to inappropriate disposal sites. In some cases, soil disturbance may complete previously incomplete exposure pathways and lead to contamination of surrounding land. In circumstances where more sensitive land uses are proposed on land that was not returned to a fully remediated state (but level of contamination was acceptable for the previous land use) or potentially contaminated land, it is important to ensure that the land is remediated to a satisfactory degree to avoid or reduce risks to human health.

Alternatively, contaminated land needs to be managed so that it does not pose an unacceptable risk to current or future owners, occupiers and/or users. The on-going management of contaminants on land needs to be adequate to protect the reasonably foreseeable needs of present and future owners, occupiers and users. Poorly implemented risk management plans and poorly managed information can result in uninformed land use decisions and expose people and the environment to unacceptable risks.

How this chapter is to be applied

The objectives and policies contained within this chapter apply across the Wellington City boundaries for all applications relating to or involving the remediation, use, development and subdivision of existing and potentially contaminated land, irrespective of whether the application is being dealt with under the area based rules or Chapter 32 rules. When a resource consent is necessary under the rules in this chapter, the objectives and policies are to be considered in conjunction with the objective and policy provisions of the plan for the underlying Area. If the rules in this chapter apply to a proposal, they apply in addition to any rules within those chapters, and do not supersede the need to obtain any other necessary resource consents.

31.2 Contaminated Land Objectives and Policies

OBJECTIVE

- 31.2.1** To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.

POLICIES

To achieve this objective, Council will:

- 31.2.1.1** Work with the Regional Council and landowners to identify all contaminated and potentially contaminated land in the city and to assist to compile a register of all potential and confirmed contaminated and remediated land in the city.
- 31.2.1.2** Minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land.
- 31.2.1.3** Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.
- 31.2.1.4** Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.

METHODS

- Building Act
- Wellington Regional Council Selected Land Use Register

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- Ministry for the Environment's Hazardous Activities and Industries List
 - Ministry for the Environment's Contaminated Land Guidelines
 - Ministry of Health's Environmental Case Management of Lead Exposed Persons; Guidelines for Public Health Services
 - Department of Labour's Health and Safety Guidelines on the Cleanup of Contaminated Sites
 - Computer Register
 - Land Information Memorandum / Project Information Memorandum
 - Rules
 - Other mechanisms (such as the Regional Discharges to Land Plan)

Because contaminated land can damage human health and the wider environment, Council believes that District Plan restrictions are necessary. There are a number of sites throughout Wellington City that have been confirmed as containing contaminated land, and are identified in the Wellington Regional Council's Selected Land Use Register. However, not all contaminated land within Wellington City has been identified. To assist in identifying potentially contaminated land, the Council uses the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) that lists specific land uses that may potentially cause contamination.

The HAIL identifies industries and activities that typically use or store hazardous substances and could cause contamination if these substances escaped from safe storage, were disposed of on the site, or were lost to the environment through their use. The fact that an activity or industry appears on the list does not necessarily mean that hazardous substances were used or stored on all land occupied by that activity or industry, nor that a site of this sort will have hazardous substances present in the land. The list merely indicates that such activities and industries are more likely to use or store hazardous substances and therefore there is a greater probability of site contamination occurring than other uses or activities. Conversely, where an activity or industry that does not appear on the list, this does not always guarantee such a site will not be contaminated. Each case must be considered on its merits, considering the information at hand. In applying the list, it must be remembered that the activity may only have occupied a small part of the site, and therefore the possibility of contamination will also be for a small part of the site. The District Plan recognises this by its definition of contaminated land. Council aims to work with Wellington Regional Council and landowners and to use the HAIL to identify contaminated and potentially contaminated land and maintain a register of potential and confirmed contaminated and remediated land.

The Council encourages subsurface investigations of contaminated and potentially contaminated land to determine the presence of contamination, and the degree of any identified contamination, prior to any remediation, use, development or subdivision occurring.

Any activity that seeks to remediate, use, redevelop or subdivide contaminated, or potentially contaminated land, will be assessed as a Discretionary Activity (Restricted). This will ensure that proper and safe measures are undertaken and that remediation practices will not lead to further degradation of the site, surrounding environment or present a risk to human health.

The use, development and subdivision of potentially contaminated land is restricted until the presence or absence of contamination is confirmed. The use, development and subdivision of known and potentially contaminated land is restricted until the land is remediated to a level that is appropriate for the proposed development and likely future uses.

The Ministry for the Environment, Ministry of Health and the Department of Labour have published several guidelines for the management of contaminated land and it is expected that applicants will adhere to these guidelines (particularly the Contaminated Land Management Guidelines 1-5 and any relevant Ministry for the Environment industry-specific contaminated land guidelines as appropriate) in completing the site analysis and preparing the approach to decontamination.

The environmental result will be the identification, remediation and / or ongoing management and appropriate future use of contaminated land.]