# CL — Contaminated Land

The purpose of the Contaminated Land chapter is to protect human health from the potential impacts of use and development of contaminated land.

Contaminated land is defined in the Resource Management Act as land that has a hazardous substance in or on it that:

a. Has significant adverse effects on the environment, or
b. Is reasonably likely to have significant adverse effects on the environment.

Hazardous substances are defined in the Hazardous Substances and New Organisms Act 1996 as substances:

a. With 1 or more of the following intrinsic properties:
    i. Explosiveness,
    ii. Flammability,
    iii. A capacity to oxidise,
    iv. Corrosiveness,
    v. Toxicity (including chronic toxicity),
    vi. Ecotoxicity, with or without bioaccumulation. or
b. Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of these properties.

The identification, management and remediation of contaminated land can enable future use and development of the land and can reduce potential impacts to the health of people, communities and the natural environment.

**Roles of Hutt City Council, Wellington Regional Council and Ministry for the Environment**

Hutt City Council, Wellington Regional Council and the Ministry for the Environment all play a role in the management of contaminated land.

The Ministry for the Environment maintains the Hazardous Activities and Industries List (the HAIL). This is a list of activities and industries that are likely to contaminate land through the use, storage or disposal of hazardous substances.

The Wellington Regional Council is responsible for the investigation of land for the purposes of identifying and monitoring contaminated land. As part of this role, Wellington Regional Council administers the Selected Land Use Register (SLUR). This is a regional database of sites that have or may have been used for activities and industries listed in the HAIL. Wellington Regional Council is also responsible for controlling discharges of contaminants into or onto land, air, or water and discharges of water into water.

Hutt City Council is responsible for controlling any actual or potential effects of the use, development, or protection of land for the purpose of preventing and mitigating any adverse effects of the development, subdivision or use of contaminated land. In performing this function, Hutt City Council uses the HAIL and SLUR to identify and record information on contaminated land.

**National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) is a framework of rules that address activities on sites with contaminated or potentially contaminated land.

If a person wants to carry out activities on land where an activity on the HAIL has occurred, the proposed activity must comply with the NESCS.

This chapter contains an objective and policies that give guidance for resource consent applications required under the NESCS.

## Objective

| CL-O1 | Safety of contaminated land |
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| Contaminated and potentially contaminated land is safe for its intended use. | |

## Policies

| CL-P1 | Identification of contaminated and potentially contaminated land |
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Identify contaminated land and potentially contaminated land prior to subdivision, change of use, or development by:
1. Working with Wellington Regional Council to maintain the Selected Land Use Register, and
2. Requiring the investigation of contaminant risks for sites with a history of land use or activity that could have resulted in contamination of soil.

| CL-P2 | Management of contaminated land |
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Minimise the risk to human health from the subdivision, change of use, removal or replacement of fuel storage systems, or sampling or disturbing soil of contaminated land by:
1. Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil, and
2. Ensuring the land is safe for its intended use.

| CL-P3 | Benefit of remediating contaminated land |
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Recognise the benefits of remediation and site management of contaminated and potentially contaminated land in enabling development opportunities that can contribute to social, economic, and health benefits for people and communities.

## Rules

**Note:**
While there are no rules in this chapter, resource consent may be required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.