POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE:	**21 November 2018**
TOPIC NAME:	**Post Engagement Update on Preferred Options for Hazardous Substances and Contaminated Land**
SCOPE DESCRIPTION:	**Hazardous Substances and Contaminated Land**
TOPIC LEAD:	**Ben Baird**
PREPARED BY:	**Ben Baird**

EXECUTIVE SUMMARY

Summary of Preferred Option Endorsed by DPC for Further Engagement:	That the hazardous substances and contaminated land provisions that overlap with recently introduced regulations be removed with ongoing provisions managing cumulative effects and effects on sensitive sites.
Summary of Feedback Received:	Feedback received was supportive of the preferred approach.
Recommended Option Post Engagement:	That the Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.
DPC Decision:	That the committee endorses the Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.

1.0 Introduction

1.1 Overview of Preferred Option Endorsed by DPC

The amendments to the Resource Management Act (RMA) in 2017 removed the requirements for district councils to manage hazardous substances and contaminated land. The reason being that there is other relevant legislation – principally the Hazardous Substances and New Organism Act (HSNO) and the Health and Safety Work Act – which already deal comprehensively with hazardous substances, as well as the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), which deals with contaminated land. This means there is now an overlap between the district plan and other pieces of legislation that deal with hazardous substances. As a result when applying for a resource consent businesses and landowners using and/or storing hazardous substances or development and use of contaminated land need to comply with different but overlapping sets of rules within the current planning framework.

The preferred option is to remove district plan provisions which overlap with other related legislation without compromising the management of any adverse effects. It is proposed to keep provisions which control the storage and use of hazardous substances in close proximity to sensitive areas (eg waterbodies) and activities (eg residential areas and schools), and the cumulative effect from these types of activities. Regarding contaminated land, it is proposed that the provisions control the use and development of contaminated land, while removing overlap with NES-CS.

2.0 Summary of Feedback Received

2.1 Partner/Stakeholder Feedback

Stakeholder feedback supported the preferred approach, highlighting that hazardous substance provisions are now primarily dealt with through Hazardous Substances and New Organism Act 1996 and the Health and Safety at Work Act 2015 following the Resource Legislation Amendment Act 2017. Further, stakeholders pointed out recent district plan reviews and the relevant supported approach to hazardous substances.

The preferred option suggested provisions to manage hazardous substances close to sensitive activities, and the Oil Companies raised the issue of managing service stations that generally locate within residential areas and questioned whether there was any additional benefit from these provisions over and above other provisions already controlling service stations.

3.0 Analysis of Feedback Received

3.1 Provisions managing Hazardous Substances near Sensitive Sites:

Feedback regarding the location of service stations within residential areas will provide a good test for whether the provisions are beneficial and this will be considered when drafting and evaluating during the next stage of the District Plan Review process.

4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option for Hazardous Substances and Contaminated Land previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.