

## **IMPORTANT INFORMATION FOR ALL SUBDIVISIONS AND CHANGES OF LAND USE, ESPECIALLY RURAL SUBDIVISIONS**

### **NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH**

On 1 January 2012 the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health came into force. This National Environmental Standard (NES) relates to land which is actually or potentially contaminated either from an activity or industry on the Hazardous Activities or Industries List (HAIL) or where a HAIL activity is likely to have been undertaken on that land. The NES sets out permitted activities and those that require resource consent. This will lead to some changes to the Council's District Plan.

The major impact for this District is with the subdivision of, or change of use on, land where a HAIL activity is more likely than not to have been undertaken. In particular this is a new requirement that needs to be met for the majority of rural subdivisions. For rural properties this includes land used for:

- Agrichemicals, including commercial premises used by spray contractors for filling, storing or washing tanks for agrichemical application;
- Bulk storage of petroleum, chemicals, corrosives, fertilizer or pesticides;
- Livestock dip or spray race operations;
- Pest control including premises of commercial pest control operators where bulk storage, preparation of baits, filling or washing of tanks has occurred;
- Skin or wool processing, including commercial facilities for hide curing, drying, scouring or finishing or storing of wool or leather products;
- Storage tanks or drum for fuel, chemicals or liquid waste;
- Gun clubs or rifle ranges, including clay target clubs;
- Asbestos products disposal including sites with buildings containing asbestos products known to be in a deteriorated condition; and
- Waste disposal sites, including offal pits.

Where rural land is more than likely to have included one or more of the above activities, or any other use listed on HAIL, then the person wishing to subdivide or change land use needs to submit to the Council a preliminary site investigation report. The main objective of the preliminary site investigation is to provide background information in support of the suitability of the site for its intended use and will determine whether a detailed site investigation is necessary. This preliminary investigation may include a site work-over but does not usually involve soil sampling. This report must be prepared by a suitably qualified and experienced practitioner, such as Chartered Professional Engineers or Certified Environmental Practitioners with demonstrated contaminated land experience (see [www.ipenz.org.nz](http://www.ipenz.org.nz) or [www.cenvp.org](http://www.cenvp.org) ).

The NES applies to the piece of land affected by (or likely to be affected by) the contamination. Therefore where a farm is looking to subdivide into two smaller farms the assessment could be carried out only in the immediate vicinity of a nominated building platform as opposed to the whole farm. However this would mean that the subdivision would then have a requirement that any residential activity only took place on the nominated building platform.

If your preliminary site investigation report determines that the land could be contaminated, say the land assessed contained a sheep dip, or while it is known that a sheep dip existed somewhere on the site its location is unknown, then resource consent will be required together with a detailed site investigation. This resource consent could be for a controlled, restricted discretionary or discretionary activity.

For further information on the requirements of the NES please contact the duty planner at the Council.