

Section 2.8 Waste, Hazardous Substances and Contaminated Land

Waste, hazardous substances and contaminated land topics have been incorporated into one section of the District Plan in acknowledgement of the similar nature of the activities related to these topics. All three topics relate to the management of man-made hazards and risks to human health.

Waste

Southland District Council is responsible for collecting and managing solid waste and the promotion of effective and efficient solid waste management and minimisation. Waste management and disposal is a cross-boundary issue and an integrated approach to waste management has been developed between local authorities in the Southland Region. An integrated approach is achieved through WasteNet Southland, a shared Council service between the region's three territorial authorities the Southland District Council, Invercargill City Council and Gore District Council. The three territorial authorities, through WasteNet Southland in collaboration with the Southland Regional Council, have also jointly developed and implemented the Southland Waste Management and Minimisation Plan 2012-2018.

Under the Resource Management Act, the Council is responsible for managing the effects of the use and development of land including those that relate to solid waste management. Solid waste management and disposal can give rise to a range of adverse environmental effects. These effects can be avoided, remedied or mitigated through appropriate handling, storage, processing, transportation and disposal. Solid waste management can also have positive environmental effects where waste is recycled, reused and recovered. Solid waste management facilities and disposal sites are necessary to effectively manage waste. However, these activities can potentially give rise to adverse environmental effects and as such are not desirable in all locations. The District Plan requires resource consent applications for solid waste facilities and disposal sites outside of Industrial Zones.

Hazardous Substances

Hazardous substances are stored, used and managed throughout the District and play a role in many industrial, commercial, domestic, horticultural and farming activities.

Inappropriate storage, use and management of hazardous substances can pose a risk to human health and adverse effects on the environment. This includes the location, design, construction and management of hazardous substances facilities. District Plan rules relating to hazardous substances are linked to the Hazardous Substances Table detailed in Schedule 5.12 - Hazardous Substances.

Contaminated Land

There is an elevated risk of contaminants in or on land in some areas of the District. These areas of land are either suspected or known to be contaminated because of previous storage, use, or disposal of hazardous substances. The Ministry for the Environment's Hazardous Activities and Industries List (HAIL) provides direction on situations where hazardous substances may result in land contamination. Identified HAIL sites in Southland are recorded on Southland Regional Council's Sites Associated with Hazardous Substances Register (SAHS Register). Under the Section 31 functions of the Resource Management Act 1991 Council is responsible for the prevention or mitigation of any adverse effects of the development, subdivision or use of contaminated land. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES) requires that Council control the subdivision, use and development of land on all HAIL sites.

Land use, subdivision and development on land suspected or known to be contaminated can give rise to risks to human health and adverse effects on the environment. Methods to manage this risk are specified in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011. Prior to a change in land use, subdivision or development on land suspected or known to be contaminated that will result in any potential to cause exposure of that contaminant in a way that will impact on human health, it should be demonstrated that the land is suitable for that activity by undertaking investigations and adopting appropriate mitigation measures where necessary. A precautionary approach should be adopted.

Waste

Objective WASTE.1

Minimise the adverse effects of solid waste management and disposal on human health and the environment.

Policy WASTE.1

Ensure that solid waste is handled, stored, processed, transported and disposed of in a manner that avoids, remedies or mitigates adverse effects on the environment.

Explanation: Solid waste management can give rise to a range of adverse environmental effects which should be avoided, remedied or mitigated through appropriate handling, storage, processing, transportation and disposal. Careful consideration should be given to the location, design, management and monitoring of solid waste management activities and associated facilities, to take account of potential adverse environmental effects. Adverse effects on human health and safety should be avoided.

Policy WASTE.2

Recognise the benefits of solid waste recycling, reuse and recovery activities.

Explanation: The processing of waste through recycling, reuse and recovery activities can reduce the volume of waste disposed of to landfill, cleanfill or other disposal facility. These solid waste management activities can give rise to positive environmental effects.

Waste Rules

Farm landfills and dead holes (offal pits) are activities controlled through the Southland Regional Council's Regional Plans and are permitted in the Rural Zone if they comply with the earthworks and cleanfill provisions of this District Plan.

Non-Regulatory Method

Method WASTE.1

Council will continue to work through WasteNet Southland to implement the Southland Waste Management and Minimisation Plan 2012-2018 in order to:

1. Effectively monitor the quantities and types of waste produced in the District and how this waste is being disposed of.

2. Provide information and undertake education to encourage, promote and support waste minimisation in the District.

Hazardous Substances

Objective HAZS.1

Manage the storage, use, transportation and disposal of hazardous substances in order to prevent adverse effects on human health and mitigate other adverse effects on the environment.

Policy HAZS.1

Ensure that hazardous substances are stored, used, transported and disposed of in a manner that avoids, remedies or mitigates adverse effects on human health and the environment.

Explanation: If not stored, used, transported or disposed of appropriately, hazardous substances can give rise to a range of adverse environmental effects, including effects on human health. These effects can be reduced through appropriate storage, use, transportation and disposal activities. The storage, use, transportation and disposal of hazardous substances should be undertaken in accordance with the Hazardous Substances and New Organisms Act 1996 and current best practice. Particular consideration should be given to the adoption of appropriate operating procedures and systems, staff training, defined transport routes, management plans, monitoring regimes and contingency plans.

Policy HAZS.2

Ensure that hazardous facilities are located, designed, constructed and operated to avoid, remedy or mitigate adverse environmental effects from hazardous substances.

Explanation: Facilities that provide for storage, use and disposal of hazardous substances should be located, designed, constructed and managed to address any adverse effects on and the environment. Current best practice should be adopted. Particular consideration should also be given to the provision of containment systems or contingencies to control spillage or leakage, installation of appropriate signage and separation or buffers from sensitive natural environments, areas at significant risk of natural hazards and incompatible land use activities.

Hazardous Substances Rules

The Zone Sections of the District Plan apply in addition to any relevant district-wide rules such as those relating to hazardous substances. If any of the Zone Rules detailed in the following sections are breached, the activity will require resource consent:

- Rural Zone - Section 3.1
- Urban Zone - Section 3.2
- Te Anau Residential B Zone - Section 3.3
- Industrial Zone - Section 3.4
- Fiordland/Rakiura Zone - Section 3.5
- Eweburn Zone – Section 3.6.

Note: Fuel Storage, refuelling and oil changing associated with plantation forestry is managed under regulation 104 of the National Environmental Standard for Plantation Forestry Regulations 2017. That regulation prevails over the rules in this section in relation to plantation forestry.

Rule HAZS.1 - Permitted Activities

The following activities are **Permitted Activities**:

1. The storage, use and management of hazardous substances for domestic purposes, associated with a lawfully established residential activity, excluding home occupations. The hazardous substance(s) must form part of a consumer product intended for domestic use. The product must be clearly identified and stored in the container in which it was sold. The product must be used or disposed of in accordance with the manufacturer's instructions.
2. The storage and use of fuel as part of a vehicle's fuel system.
3. The storage, use and management of hazardous substances not exceeding the quantity limits and other requirements stipulated in Table HAZS.1 - contained in Schedule 5.12 - Hazardous Substances.
4. The storage and use of agrichemicals within the Rural and Eweburn Zones, in accordance with NZS 8409:2004.
5. The storage and use of Class 3 fuels within the Rural and Eweburn Zones in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-ground Fuel Storage on Farms, September 2010.
6. The storage and use of fertiliser within the Rural and Eweburn Zones in accordance with the:
 - (a) Fertiliser (Corrosive) Group Standard HSR002569; and
 - (b) Fertiliser (Oxidising) Group Standard HSR002570; and
 - (c) Fertiliser (Subsidiary Hazard) Group Standard HSR002571; and
 - (d) Fertiliser (Toxic) Group Standard HSR002572; and
 - (e) FertResearch's Code of Practice for Nutrient Management 2013.
7. The storage and use of transformer cooling oils in electricity transformers.
8. The transit and up to two-hour storage of tracked hazardous substances except for 1080 bait which may be stored for up to 12 hours in the Rural, Fiordland/Rakiura and Eweburn Zones only if it is in a locked or guarded site.
9. The transit and 72 hour storage maximum of non-tracked hazardous substances within all Zones.
10. The storage, use of radioactive substances in compliance with the Radiation Protection Act and licence conditions and any other requirements made by the Office of Radiation Safety (Ministry of Health).

Rule HAZS.2 - Controlled Activities

The following activities are **Controlled Activities**:

1. The storage of HSNO class 2.1.1A LPG as follows:
 - (a) In quantities exceeding those permitted in Rule HAZS.1 but not exceeding 6 tonne.
 - (b) Propane-based refrigerant, in 45, 90 and 222 kg cylinder installations in quantities exceeding those permitted in Rule HAZS.1.
 - (c) Propane-based refrigerant in commercial refrigeration receivers, in quantities exceeding those permitted in Rule HAZS.1.

The matters that Council has restricted its control to are:

1. location and design of storage tanks;
2. monitoring systems;
3. emergency response plans;
4. site security and containment of the hazardous substance;

5. For storage of LPG, including siting of LPG facilities, adherence to the Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and to AS/NZS 1596:2014 “The Storage and Handling of LP Gas”.

2. The storage of HSNO sub-class 3.1A-D liquid petroleum fuels in underground tanks.

The matters that Council has restricted its control to are:

1. Location and design of storage tanks.
2. Monitoring systems.
3. Emergency response plans.
4. Site security and containment.
5. For storage of petrol and/or diesel, adherence to the following codes of practice:
 - (a) Environmental Protection Authority (EPA) Approved Code of Practice HSNOCOP 13-2, “Code of Practice for the Management of Existing Stationary Container Systems up to 60,000 litres Capacity”.
 - (b) Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, Environmental Protection Agency, May 2012; and
 - (c) Below Ground Stationary Container Systems for Petroleum - Operation HSNOCOP 45, Environmental Protection Agency May 2012.
6. Any unusual soil or other underground conditions of the site and any natural hazards which contribute to risks of tank or pipework failure.
7. The nature of activities and density of use in the vicinity of the site, including any potential for synergistic enhancement of risk from use on the same or adjacent sites of quantities of the same substance or the co-storage and/or use of other hazardous substances.

3. The storage in aboveground and underground tanks of HSNO classes 8 and 9.1A-D aquatic ecotoxics and/or HSNO sub-class 9.2A-D soil ecotoxics, in quantities that exceed the limits and other requirements stipulated in Table HAZS.1 - contained in Schedule 5.12 - Hazardous Substances.

The matters that Council has restricted its control to are:

1. Location and design of storage tanks or cylinders.
2. Monitoring systems.
3. The monitoring of tank performance and emergency plan testing.
4. Emergency response plans.
5. Site security and containment.
6. For storage of aquatic or soil ecotoxics, adherence to the Environmental Protection Authority (EPA) Approved Code of Practice HSNOCOP 13-2, “Code of Practice for the Management of Existing Stationary Container Systems up to 60,000 litres Capacity”.

Rule HAZS.3 - Discretionary Activities

The manufacture, storage, use and management of hazardous substances other than provided for by Rule HAZS.1 and Rule HAZS.2 are **Discretionary Activities**.

A site management plan and an emergency response plan shall be submitted with any application for resource consent under Rule HAZS.3.

Contaminated Land

Objective CONTAM.1

Manage contaminated land or potentially contaminated land in order to prevent adverse effects on human health and mitigate other adverse effects on the environment.

Policy CONTAM.1

Promote the identification of contaminated land where it is proposed for subdivision, development or land use activity.

Explanation: Determining the absence, presence, extent, degree and nature of any contamination in or on pieces of land provides a baseline for the establishment of suitable land use, subdivision or development activities, as well as the appropriate level of management required. The presence, extent and nature of contamination should be determined through site investigations undertaken in accordance with national best practice, including the Ministry for the Environment's Contaminated Land Management Guidelines No. 1 to No. 5, or its updated equivalent and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. It should be noted that the National Environmental Standard does not apply to land that is to continue to be used for production purposes.

Policy CONTAM.2

Manage subdivision, land use and development of contaminated land or potentially contaminated land in a manner that prevents adverse effects on human health and mitigates adverse effects on the environment.

Explanation: Careful consideration must be given to activities where the adverse effects of contaminated land, or potentially contaminated land, cannot be avoided or appropriately remedied or mitigated. This includes any associated earthworks and particularly relates to adverse effects on human health and the health of future residents or other land users. In some cases it may be appropriate to decline an activity. The avoidance of inappropriate activities on contaminated land, where adverse effects are not able to be appropriately remedied or mitigated, safeguards the health and safety of individuals and communities.

Policy CONTAM.3

Where land is identified as contaminated or potentially contaminated it shall be demonstrated that the land is suitable for the intended subdivision, land use or development activity.

Explanation: Subdivision, land use and development activities have different tolerances to the adverse effects of contamination present in contaminated land. Contaminated land should therefore be managed to a standard suitable for the intended activity. Remediation or mitigation should be undertaken prior to the establishment of the activity, including any change in land use. The level of remediation or mitigation required should be established by determining the extent and degree of contamination and in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

Particular consideration should be given to the management of adverse effects on human health and to ongoing monitoring. The developer shall demonstrate the land is suitable for its intended subdivision, land use or development.

Contaminated Land Rules

All activities including removing or replacing a fuel tank, soil sampling, soil disturbance, subdivision or change in land use undertaken on a “piece of land” shall comply with the requirements of Clause 8 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8 - National Environmental Standard - Contaminated Land. The National Environmental Standard sets out what can be undertaken as a permitted activity and where resource consent will be required.

Contaminated Land Non-Regulatory Methods

Method CONTAM.1

In collaboration with other relevant agencies, including the Southland Regional Council, identify and document contaminated land and other land where an activity or industry is described in the Hazardous Activities and Industries List (HAII).

Method CONTAM.2

Increase awareness and provide education on contaminated land and activities on the Hazardous Activities and Industries List and make available information on known areas of contaminated land.