

// WHAT IS A SITE MANAGEMENT PLAN?

In some cases where existing contamination has been identified, or where residual contamination remains after site remediation, there may be a need for a Site Management Plan (SMP). A SMP provides practical guidance to site users on controlling hazards on a site and should include the following elements:

- > Site characteristics.
- > Contaminant source and characteristics.
- > Potential pathways, receptors and adverse effects.
- > Details of risk management measures to be implemented and methods to monitor risk management measures and ensure they are implemented.
- > Emergency response action plan including emergency contact details.
- > Procedures for consultation with regulatory authorities.
- > Safety measures during future site work.

The city/district or regional council should have processes in place to ensure that SMPs are considered in future use of the site.

**THIS IS FACT SHEET FIVE IN A SERIES.
SHOULD YOU REQUIRE ADDITIONAL
INFORMATION, OTHER FACT SHEETS ARE
LISTED BELOW //**

This series of fact sheets has been put together to provide targeted information on your responsibilities, as well as the responsibilities of other parties (e.g. the council, contractors, buyers and vendors of property) in managing the potential risks from contaminated land.

If you have any questions please contact your local council in the first instance (contact details provided on the rear of this brochure).

Other fact sheets in the series:

FACT SHEET 1 //

General Information

FACT SHEET 2 //

Are You Buying or Selling a Contaminated Site?

FACT SHEET 3 //

Are You About to Subdivide or Change the Landuse for a Contaminated Site?

FACT SHEET 4 //

Are You Carrying Out Earthworks on a Contaminated Site?

// FOR FURTHER INFORMATION

QUALITY PLANNING WEBSITE

www.qualityplanning.org.nz

MINISTRY FOR THE ENVIRONMENT

www.mfe.govt.nz/rma/public/consent-apply/index.html

AUCKLAND REGIONAL COUNCIL

www.arc.govt.nz/arc/environment/land/contaminated.cfm

ENVIRONMENT CANTERBURY

www.ecan.govt.nz/Our+Environment/Land/Contaminated+Land/InvestigatingContaminatedSites.htm



WasteMINZ and the Contaminated Land Management Sector Group would like to acknowledge the contributions from URS and Tonkin & Taylor in the production of these resources.

// CONTACT DETAILS

ARE YOU INTERESTED IN CONSENT CONDITIONS FOR CONTAMINATED SITES?

READ THIS FIRST //



ARE YOU INTERESTED IN CONSENT CONDITIONS FOR CONTAMINATED SITES?

This fact sheet has been developed to provide information to assist councils in determining appropriate consent conditions for activities on contaminated sites. It can also provide information to applicants about the consent process. Depending on the local rules you may need to apply for resource consents from both the city/district council and the regional council.

Resource consents are issued councils as a tool to manage the potential adverse effects of activities on human health and the environment. Applicants submit an application for resource consent to councils for the activities on the site, the proposed development, or for any discharges of contaminants from the site. Councils can apply conditions to the proposed use of contaminated land. Consent conditions provide an opportunity for councils to ensure the health and environmental effects of contaminated land are managed appropriately now and in the future.

// RESPONSIBILITIES

AS A CONSENT APPLICANT

- > Provide information to the council on the proposed activity and the potential for contamination on the property.
- > Prepare a Site Investigation Report and Assessment of Environmental Effects Report and provide these to the council.
- > It is recommended that you engage a qualified environmental consultant to carry out soil and water testing if hazardous substances are likely to be present.
- > Obtain any necessary resource consents for the site (e.g. land use, discharge, remediation works, long-term site management).

AS A CITY OR DISTRICT COUNCIL

- > Review consent applications and reports provided by the applicant.
- > Request further information (if necessary) to support the application.
- > Check if the site has previously been used for a HAIL¹ activity.
- > Set conditions for the resource consent and communicate the conditions to the applicant, providing them an opportunity to respond to draft conditions.
- > For city/district councils, forward information to the regional council to determine compliance with regional plan rules and if off-site discharges of contaminants are present or will be occurring (e.g. via stormwater).

AS A REGIONAL COUNCIL

- > Review consent applications and reports provided by the applicant.
- > Requests further information, if necessary.
- > Sets conditions for a resource consent and communicate these to the applicant, providing them an opportunity to respond to draft conditions.
- > Monitor consent conditions and report on the state of the environment.

// WHAT WILL THE CONSENT COVER?

During the consent process the council requires the applicant to consider a number of potential adverse effects, including:

- > Discharge to air (e.g. dust) during excavation or site works.
- > Discharge to land or water (e.g. passive discharges of contaminants in ground and groundwater, via overland flow or spills).
- > Exposure of residents and/or occupants to hazardous substances (current and in the future).
- > Exposure of nearby properties to hazardous substances.
- > Harm to the environment from exposure to hazardous substances.
- > Adverse impacts on local groundwater quality.

The applicant is required to provide an Assessment of Environmental Effects (AEE) to the council that addresses the potential adverse effects.

// HOW SHOULD CONSENT CONDITIONS BE SET?

The district, city or regional council (depending what consents are required) may decide to set conditions on the resource consent to control adverse effects resulting from activities on contaminated land. Consent conditions should be developed according to the following principles (*adapted from the Quality Planning website*):

- 1) The conditions must be within the council's powers under the RMA or other relevant legislation.
- 2) The conditions must relate directly to avoiding, remedying, or mitigating an adverse effect.
- 3) Conditions must be workable and certain for the applicant and territorial authority.
- 4) The conditions must relate only to the subject matter of the consent.
- 5) The conditions should be fair, reasonable, and practical.
- 6) Conditions must be only between the applicant and council, and not involve third parties.

Consent conditions for contaminated sites may cover the following topics (note this list is not exhaustive and site specific conditions may need to be developed):

- > Site activities – specify the activities that can take place on the site, or activities that must occur as part of site works (e.g. site investigation following removal of underground petroleum storage tanks).
- > Site Management – specify controls to prevent adverse effects on health and the environment (e.g. restrictions on excavations, controls on sediment entering storm water).
- > Prevention of nuisances – control of dust, odours, noise etc. that arise from the site or during site works.
- > Site rehabilitation – conditions that specify requirements to protect future users of the site, as well as protect the environment. This may include specifications for imported backfill for excavations.

¹ Ministry for the Environment's Hazardous Activities and Industry List (HAIL) – see www.mfe.govt.nz/issues/hazardous/contaminated