

Appendix 1: Recommended Amendments to the Contaminated Land and Hazardous Substances Chapters

CL Contaminated Land -

Contaminated Land Objective

CL – O1

To ensure that contaminated land is used, subdivided, developed or managed in a way that avoids, remedies¹ or mitigates adverse effects on the environment and human health.

Contaminated Land Policies

CL - P3

Protect the environment and population health from adverse effects of contaminated land, particularly used and closed landfills by:

1. Taking a precautionary approach to subdivision, development, or activities within the margins of a used or closed landfill;
2. Ensuring that new and future landfill sites are developed in areas that have lower risk of being impacted by natural hazards, including flooding.²

Definitions – Ngā Tautuhinga

Term	Definition
Hazardous substances ³	<p>has the same meaning as in section 2 of the RMA (as set out below):</p> <p>includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or

¹ Silver Fern Farms (S441.001)

² Te Mana Ora (S190.144)

³ Fire and Emergency New Zealand (S573.004)

	<u>(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 the properties specified in paragraph (a)</u>
<u>Major Hazard Facility⁴</u>	<u>means any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016.</u>

Hazardous Substances – Ngā Matū Mōrearea

Hazardous Substances Policies

HS – P2

Ensure that new or expanded major hazard facilities are located away from natural, historic and cultural overlay surface waterbodies and wetlands⁵ and, that where practicable, all hazard facilities are located outside of natural hazard overlays⁶ away from locations that are subject to significant natural hazards, where practicable, taking into account the operational and functional needs of activities to locate in these areas

HS – P3

Provide for the establishment and expansion of major hazard facilities within the Industrial, Port, Mineral Extraction, Buller Coalfield⁷ and General Rural Zones, where adequate separation distances are maintained from existing⁸ sensitive activities and valued natural, cultural and historic heritage features.

⁴ Manawa Energy (438.059), Fuel Companies (S613.003), Whyte Gold Limited (S607.093), Birchfield Ross Mining Limited (S604.111), Birchfield Coal Mines Ltd (S601.119), Silver Fern Farms (S441.007), Manawa Energy (S438.021), Horticulture New Zealand (S486.024) and Federated Farmers of New Zealand (S524.040)

⁵ Ngāi Tahu (S620.097)

⁶ EQC (S612.020)

⁷ WMS Group (S599.035), TiGa Minerals and Metals Limited (S493.031), Birchfield Coal Mines Ltd (S601.029), Straterra (S536.065), Rocky Mining Ltd (S474.029) and Papahaua Resources Ltd (S500.018)

⁸ Silver Fern Farms (S441.013)