

FORM NESC 1

DECLARATION FORM

To be included with all Project Information Memorandum Applications and Building and Planning Assessments for Building Consents or Land Use Consents

PURPOSE: For the determination of whether a site is a *Piece of Land* as defined by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).

SECTION 1-ACTIVITIES REGULATED BY NES

1. Does your proposal include any of the following?

- Disturbing the soil -Any earthworks including the laying of utilities and the scraping of land for foundations
- Building or remodelling a dwelling or accessory building on production land
Production land means any land and auxiliary buildings used for the production (but not processing) of primary products including agricultural, pastoral, horticultural, and forestry products.
- Taking samples of soil
- Removing or replacing any part (above or below ground) of a fuel storage system
- Changing the use of the land
- Subdivision
- None of the above - Go to Section 6 and sign the form. Your activity does not require assessment under the NES.

If you checked box any box except *none of the above* go to the next question.

2. Do you have a detailed site investigation report that clearly demonstrates that any contaminants present on the site within the area proposed for any activity listed in Question 1 is at or below background levels?

- YES-** Please include a copy of this report with this form and go to Section 6-you may not require resource consent under the NES.
- NO-**go to Section 2

SECTION 2 HAIL SITES

The HAIL is a list of Hazardous Activities and Industries produced by the Ministry for the Environment.

The fact that an activity or industry appears on the list does not mean that hazardous substances were used or stored on all sites occupied by that activity or industry, nor that a site of this sort will have hazardous substances present in the land. The list merely indicates that such activities and industries are more likely to use or store hazardous substances and therefore there is a greater probability of site contamination occurring than other uses or activities. Conversely, an activity or industry that does not

appear on the list does not guarantee such a site will not be contaminated. Each case must be considered on its merits, considering the information at hand.

Please read over the HAIL included in Appendix 1.

SECTION 3 DETERMINING THE METHOD TO WHETHER AN AREA IS A *PIECE OF LAND* (REGULATION 6)

Anyone wanting to undertake any of the activities listed in Section 1 (the person) must establish whether or not the area proposed to undertake the activity is *a piece of land* as described in the NES.

The area of land is the area where the activities listed in Section 1 will take place- not the entire property. A piece of land under the NES is an area of land described by one of the following:

- (a) an activity or industry described in the HAIL is being undertaken on it:
- (b) an activity or industry described in the HAIL has been undertaken on it:
- (c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

The person wanting to undertake the activity as list in Section 1 must choose which method to use to determine if an area of land is a piece of land and meet all costs associated with the method chosen.

The only two methods are either:

1. Using information that is the most up to date about the area where the activity listed in section one is to be undertaken that the Council holds:
 - a. On its dangerous goods file, property file, or resource consent database or relevant registers or
 - b. Has available to it from the Regional Council (ECAN)*.
2. Relying on a report from of a preliminary site investigation done by a suitably qualified and experienced practitioner as per Regulation 6(3) of the NES.

4. DETERMINATION OF A PIECE OF LAND UNDER THE NES

I have used the attached records/preliminary site investigation as describe in Section 3 (Regulation 5(7) of NES) to establish that my activity is on a piece of land where

- An activity or industry described in the HAIL is being undertaken on it. Go to Section 5
- An activity or industry described in the HAIL has been undertaken on it: Go to Section 5
- It is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it. Go to Section 5
- None of the above. Go to Section 6

SECTION 5- REGULATION OF PIECE OF LAND UNDER THE NES

If the activity is within a piece of land, the regulations of the NES may apply. You may need resource consent for your activity.

If you are undertaking the activity describe as soil disturbance (i.e. earthworks) - You may use *Form NES 2 –Soil Disturbance* as a Permitted Activity to determine if resource consent is required and

submit it with this form. For all other activities, please contact the Planning Department at Kaikoura District Council or seek independent professional advice.

SECTION 6

Please note that any inaccuracies may result in the person undertaking the activity to be in breach of the Resource Management Act 1991 and/or exposed to liability if the site is subsequently found to be contaminated, including being liable for remedial works. Please provide a copy of all evidence with this form.

Print Name

Signature

Date

This form is not a Certificate of Compliance. This form is to help you assess your responsibilities under the NES. The Kaikoura District Council does not accept any responsibility for the information provide or conclusions reached by the applicant. You may wish to seek professional advice. For greater certainty, you may wish to seek professional advice or a Certificate of Compliance from the Kaikoura District Council.