

Before the Independent Commissioner  
Appointed by the Selwyn District Council

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Under the Resource Management Act 1991

In the matter of a hearing on Plan Change 79 to the Operative Selwyn District Plan

**Birchs Village Limited**

Proponent

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**Statement of Evidence of Nicola Ruth Peacock**

17 April 2023

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Proponent's solicitors:

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**anderson  
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## **Qualifications and Experience**

- 1 My full name is Nicola Ruth Peacock.
- 2 I have a New Zealand Certificate of Engineering (Civil) from Christchurch Polytechnic (1991), am a Certified Environmental Practitioner, and am a member of the Environmental Institute of Australia and New Zealand. I am an environmental engineer with 30 years' experience in the environmental field including the last 14 years as a contaminated land specialist.
- 3 I am Principal Environmental Engineer and owner of Momentum Environmental Ltd (formerly Malloch Environmental Ltd), where I have worked since 2013. Prior to that I have worked for Davie Lovell-Smith Ltd and the Christchurch City Council.
- 4 My relevant professional experience includes soil contamination risk assessments across hundreds of sites, predominantly within the Canterbury area. Assessments include desktop investigations, site soil sampling and remediation projects. I have been involved in multiple greenfield plan change projects – from the initial plan change application stage, through field sampling investigations, to remediation of contamination found and final site validation which shows the sites are suitable for residential use.
- 5 This evidence is provided in support of Birchs Village Ltd (**BVL**), the proponent of Private Plan Change 79, seeking to rezone approximately 37 ha of land from Rural: Inner Plains to Living Medium Density Prebbleton and Business 1 in an area south of Hamptons Road, west of Birchs Road and east of Springs Road, Prebbleton. My role has been to provide advice in relation to soil contamination risk.
- 6 I prepared an assessment dated 11 June 2021 which assessed and identified soil contamination risk which accompanied Private Plan Change Request 79 to the Operative Selwyn District Plan. My staff have visited the site and I am familiar with the site and area.
- 7 In preparing this statement of evidence I have considered the following documents:
  - (a) My preliminary site investigation assessment dated 11 June 2021 (attached as Appendix 8 to the Application); and
  - (b) planning provisions relevant to my area of expertise.

## **Code of Conduct for Expert Witnesses**

- 8 While this is not a hearing before the Environment Court, I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person,

this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Scope of Evidence**

- 9 Investigation works were undertaken in general accordance with the Ministry for Environment (**MfE**) Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (revised 2011) and MfE Contaminated Land Management Guideline No.1: Reporting on Contaminated Sites in New Zealand (revised 2011). Both the above documents are incorporated by reference into the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**).
- 10 Two reports were completed, an initial report was prepared 18 February 2021, and a Revision 1 completed on 11 June 2021 when one of the original parcels of land was removed.
- 11 The scope of the work was to carry out a Preliminary Site Investigation to determine whether there was any risk of soil contamination that would warrant further investigations, and to determine whether the NESCS applies to the site.
- 12 The investigations found that the majority of the plan change area had been used for pastoral use for the known history of the site, which does not pose a risk of soil contamination.
- 13 Some Hazardous Activities and Industries List (**HAIL**) activities were identified within discrete areas of the plan change site. Activities that could pose a risk of soil contamination included old buildings with lead-based paints and asbestos materials, storage of treated timber, potential use and storage of persistent pesticides, potential use of ash on a horse training track and multiple small disposal of waste to land risk areas.

### **Conclusion**

- 14 It was concluded that for the purposes of the proposed rezoning, the identified HAIL activities/risks are not likely to preclude eventual subdivision of the land. As each stage of the plan change area is developed, the need for an updated Preliminary Site Investigation and/or site inspection should be considered, along with Detailed Site Investigations of the risk areas as required.

- 15 The rezoning through Private Plan Change 79 can be supported from a contaminated land risk perspective as any effects can be managed through routine testing and remediation as required.

**Nicola Ruth Peacock**

Dated this 17th day of April 2023