



7 October 2022

Justine Ashley
Selwyn District Council
2 Norman Kirk Drive
PO Box 90
ROLLESTON 7643

Dear Justine

PROPOSED SELWYN DISTRICT PLAN - CONTAMINATED LAND PEER REVIEW OF EXPERT EVIDENCE – DPR-0162

1.0 Introduction

Pattle Delamore Partners Limited (PDP) has been engaged by the Selwyn District Council (i.e., SDC) to undertake a contaminated land peer review of submission expert evidence and supporting documentation (e.g., contamination assessment reports) relating to rezoning requests, to the SDC Proposed District Plan, received under **Submission DPR-0162**. For context and in keeping with SDC's requirements, our peer review will focus on DPR-0162 as it relates to the proposed rezoning of land located at 461 Drain Road, Doyleston, Selwyn District (i.e., **the site**) from General Rural Zone (GRUZ) to Low Density Residential Zone (LDRZ). We understand that the area proposed to be rezoned to LDRZ is as defined in the Section 32A Planning Assessment document prepared and issued by Eliot Sinclair (19 October 2021) on behalf of Millar's Machinery Limited.

The purpose of this letter is to provide SDC with feedback from PDP's peer review of the following:

- ✧ DPR-0162 – Millar's Machinery Limited – Detailed Site Investigation, 461 Drain Road, Doyleston, prepared for Millar's Machinery Limited (prepared by Eliot Sinclair, issued 4 October 2021).
- ✧ DPR-0162 – Section 32A Planning Assessment - 461 Drain Road, Doyleston, prepared for Millar's Machinery Limited (prepared by Eliot Sinclair, issued 19 October 2021).

Our review and comment of the available information detailed above is discussed separately under Section 2.0, while our conclusions and/or recommendations are provided under Section 3.0.

Note – formal expert evidence relating to contaminated land was not included in the package of information provided to us for DPR-0162; however, the two documents above have been considered as part of our peer review.

2.0 Peer Review

2.1 Detailed Site Investigation Report – Eliot Sinclair, October 2021

We have undertaken a review of the DSI report prepared by Eliot Sinclair, which included a site history review and limited site characterisation. **Note** – our review of the Eliot Sinclair report does not include an in-depth assessment of every aspect of the work it documents. Our review focuses more on the suitability of the report in terms of identifying potential issues it highlights with regard to the proposed rezoning of the site from GRUZ to LDRZ. We provide the following comments:

- ✧ The stated objective from Section 2.0 of the DSI report was: *to prepare a DSI in accordance with the Ministry for the Environment (MfE) Contaminated Land Management Guidelines (CLMG) No. 1¹ and 5², and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, Regulations 2011 (NESCS).*

We do not agree that these objectives are relevant.

- ✧ PDP suggests that the objective(s) stated in the report are not directly pointed towards understanding potential contaminated land matters that could be limiting for future human use and rezoning of the site. For this type of investigation, we suggest that relevant objectives could be stated as focusing on:
 - Identifying historical and current HAIL³ land uses that have occurred on or immediately adjacent to the site and comment on the potential for these to have caused land contamination.
 - Determining the potential risk to human health posed by HAIL land uses (if any have been identified) and comment on the need for a DSI to inform risk to human health or the receiving environment, inform the suitability of the land for rezoning, etc.
- ✧ The report accurately identified the subject site and its physical setting, and while not stated clearly as an objective, the report includes a review of historical information for identifying historical HAIL activities with potential to cause land contamination. The site history review queried multiple lines of evidence (e.g., council information, resource consent searches, review of historical aerial images, and anecdotal information) as is expected.
- ✧ The site history review documented in the DSI report did not identify any HAIL activities occurring on the site and based on our review, we agree with that assessment. However, as the report correctly identified, a former HAIL A18 activity being ‘Wood treatment or preservation and bulk storage of treated timber outside land use’, which occurred immediately adjacent to the north-eastern boundary of the site (1960s to 1990s) could have caused on-site migration of timber treatment contaminants.
- ✧ In 2017 and 2021, Eliot Sinclair investigated the area along the site’s shared boundary with the HAIL A18 activity to assess the potential for on-site migration of timber treatment chemicals from the adjacent HAIL site. It is our assessment that this step was correct and prudent since the site and surrounding land has a history of surficial flooding, which could have carried contaminated sediment from the HAIL A18 land use to the site. It is our assessment that sampling carried out by Eliot Sinclair on both occasions was appropriate for determining if timber treatment chemicals had migrated on-site from the north-east.

¹ CLMG No.1 Reporting on contaminated sites in New Zealand (MfE Revised 2021).

² CLMG No.5 Site investigation and analysis of soils (MfE Revised 2021).

³ Hazardous Activities and Industries List (Ministry for the Environment, 2011).

- Based on our review, the Eliot Sinclair report generally adheres to the guidelines prescribed under CLMG No.1 and 5. We agree with the conclusions made by Eliot Sinclair under Section 12.0 of the report.

2.2 Section 32A A Planning Assessment – Eliot Sinclair, October 2021

Section 8.5 of this document directly relies on the findings of the Eliot Sinclair DSI report. As such, the comments we have provided under Section 2.1 above are relevant here.

3.0 Conclusion

PDP carried out a peer review of the DSI report issued by Eliot Sinclair in October 2021. It is PDP's assessment that the information provided in that report adequately demonstrates that there are no known contaminated land issues that would limit rezoning of land associated with the site from GRUZ to LDRZ as proposed.

4.0 Limitations

This peer review letter has been prepared by Pattle Delamore Partners Limited (PDP) on the basis of information provided by Selwyn District Council. PDP has not independently verified the provided information and has relied upon it being accurate and sufficient for use by PDP in preparing the letter. PDP accepts no responsibility for errors or omissions in, or the currency or sufficiency of, the provided information.

This letter has been prepared by PDP on the specific instructions of Selwyn District Council for the limited purposes stated in the letter. PDP accepts no liability if the letter is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

© 2022 Pattle Delamore Partners Limited

Yours faithfully,

PATTLE DELAMORE PARTNERS LIMITED

Prepared by



Rowan Freeman

Service Leader - Contaminated Land

Reviewed and approved by



Guy Knoyle

Technical Director – Contaminated Land