



7 March 2023

Justine Ashley
Selwyn District Council
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Dear Justine

SUBMISSION ON PROPOSED SELWYN DISTRICT PLAN – VARIATION 1: PEER REVIEW OF SUBMISSION – V1-0084 (APPLEFIELDS LIMITED)

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 land rezoning submissions to the Proposed Selwyn District Plan – Variation 1. This peer review relates to **Submission V1 – 0084**, lodged by Applefields Land Development Limited ('the Submitter') C/- Aston Consultants Limited (Aston Consultants).

For context, and in keeping with SDC's requirements, our peer review will focus on contaminated land matters for Submission V1-0084 as it relates to the proposed rezoning of 6.24 hectares (ha) of land located at Weedons Road, Rolleston, Selwyn District (i.e., **'the site'**):

- ✧ 11/478 Weedons Road, Rolleston (Lot 2 DP 514579) comprising 2.22 ha.
- ✧ 12/478 Weedons Road, Rolleston (Lot 7 DP 47839) comprising 4.02 ha.

The site is proposed to be rezoned from General Rural Zone to Medium Density Residential Zone. Our understanding of the location and site extent is defined by Figure 1 under the Submission V1-0084 document.

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

- ✧ Submission V1-0084 – Kirk Roberts Consulting Engineers Limited (i.e., Kirk Roberts) – Preliminary Site Investigation 11 + 12/487 Weedons Road, Rolleston, Canterbury (September 2022).
- ✧ Submission V1-0084 – Applefields Land Developments Limited C/- Aston Consultants – Submission on Variation 1 to the Proposed Selwyn District Plan (September 2022).

Our review and comments on the available information listed 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 Submission V1-0084. Except for reference to the Kirk Roberts PSI, Submission V1-0084 does not address contaminated land matters; however, the submission document has been reviewed for context.

2.0 Peer Review

2.1 Preliminary Site Investigation Report – Kirk Roberts Consulting Engineers Limited (September 2022)

We have undertaken a review of the PSI report prepared by Kirk Roberts on behalf of the submitter.

Note – our review of the Kirk Roberts PSI 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 relating to contaminated land that it may highlight with regard to the proposed rezoning of the site from General Rural Zone to Medium Density Residential Zone.

We provide the following comments:

- ∴ The site extent indicated in the PSI report matches the extent shown in the Submission V1-0084 document and the PSI report also adequately described the physical setting of the site.
- ∴ The purpose of the PSI was not clearly stated but it is expected that the focus of the PSI was to examine multiple lines of evidence to identify actual or potential contaminated land issues that may have resulted from past or current land uses and determine the need for these to be investigated further to evaluate risk to human health and the environment.
- ∴ The PSI was primarily desk-based and was stated to have included a review of regional council contaminated land and consents databases, a review of historical aerial images, and a site inspection.

Note – while we see Kirk Roberts has provided a summary of available historical aerial images from 1940 to 2021, we could not locate historical aerial images for viewing in the report. We have therefore consulted Canterbury Maps for historical aerial images referenced in the PSI report, as part of our review. Additionally, it does not appear that the PSI attempted to include a review of local council property files or certificates of title, both of which often hold important information about a site's past and current land uses.

- ∴ The Kirk Roberts (2022) PSI report identified the following HAIL¹ activities at the site:
 - HAIL G5 – *Waste disposal to land (excluding where biosolids have been used as soil conditioners)* – in relation to burn pad areas on site (as per Figure 2 of the Kirk Roberts PSI report).
 - HAIL A10 – *Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds* – in relation to apple orcharding which took place over the entire site starting around 1990 (although we note that Figure 2 of the PSI report only shows one area under orchard). Based on our review, the area under orchard began decreasing after 2000.

¹ The Hazardous Activities and Industries List (HAIL) is a compilation of activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal. The HAIL is intended to identify most situations in New Zealand where hazardous substances could cause, and in many cases have caused, land contamination.

The PSI report did not specifically describe the contaminants of concern associated with each HAIL activity identified at the site; however, for HAIL G5, where materials as described under Section 6.1 of the PSI report have been burned, contaminants of concern will vary but could include heavy metals, polycyclic aromatic hydrocarbons (PAH), asbestos/asbestos containing materials (i.e., depending on the nature of building materials) based on the reviewer's experience. For HAIL A10 contaminants including heavy metals and organochlorine pesticides could be relevant; however, it is considered unlikely that these contaminants would be present at unacceptable concentrations since they were not known to be used for orchards established around the early 1990s to present day.

- ✧ The Kirk Roberts PSI report loosely adhered to MfE CLMG No. 1² in terms of process; however, we agree with the HAIL activities identified by the PSI.
- ✧ The PSI recommended that a detailed site investigation (DSI) be carried out to evaluate contamination at the site, including submission of the resulting DSI report to the local and regional councils.
- ✧ We concur with the findings of Kirk Roberts that the HAIL activities identified in the PSI report could require a detailed site investigation in future to inform potential risks to human health in the event of land use change, significant earthworks, and/or subdivision. However, the HAIL activities identified are not of a complex nature and can be managed through an NESCS³ regulatory assessment in future, and therefore do not preclude the rezoning of the site as proposed by the submitter.

2.2 Submission V1-0084 – Applefields Land Development Ltd. C/- Aston Consultants, September 2022

Submission V1-0084 was reviewed primarily for context and to understand the change of zoning being sought by the submitter. We note that the primary submission document does not address contaminated land matters but refers directly to the PSI report.

3.0 Conclusion

PDP carried out a peer review of the PSI report issued by Kirk Roberts (September 2022). It is PDP's assessment that the PSI was generally satisfactory except for apparent failure to address property files and certificates of title as lines of enquiry. Additionally, the document did not contain historical aerial images, however there were reviewed by PDP for completeness. It is not clear if these documents were excluded from the information pack provided for review or from the PSI report in the first instance. Whilst noting this, we do not consider that the omission of this information fails to identify the currently reported HAIL activities at the site, based in additional information reviewed by PDP.

We agree with the HAIL activities identified (i.e., HAILS A10 and G5) but an explanation of potential risk from these activities, including consideration for specific contaminants of concern, would have been helpful. We agree with the PSI report's recommendations in regard to the requirement to undertake a DSI ahead of any future site development (i.e., subdivision, change of land use, and/or significant earthworks) in accordance with the NESCS regulatory process; however, the HAIL activities identified at the site do not preclude the rezoning of the land as proposed by the submitter.

² Ministry for the Environment (2021, revised 2021) *Contaminated Land Management Guideline No. 1: Reporting on contaminated sites in New Zealand*.

³ Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

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, specifically in relation to Submission V1-0084 by Applefields Land Development Limited C/- Aston Consultants Limited. 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.

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Yours faithfully

PATTLE DELAMORE PARTNERS LIMITED

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