



7 March 2023

Justine Ashley
Selwyn District Council
2 Norman Kirk Drive
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Dear Justine

SUBMISSION ON PROPOSED SELWYN DISTRICT PLAN - VARIATION 1: PEER REVIEW OF SUBMISSION V1-0093 (BRENDAN DRIVE REZONING GROUP)

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 specifically to Submission V1-0093, lodged by the Brendean Drive Rezoning Group (the 'submitter') C/- Davie Lovell-Smith Limited (DLS).

For context, and in keeping with SDC's requirements, our peer review will focus on contaminated land matters for Submission V1-0093 as it relates to the proposed rezoning of 52.8604 hectares (ha) of land (i.e., **the site**) as defined in the Submission V1-0093 (Table 1, below, DLS – September 2022):

| TABLE 1 – Parcels to be rezoned | | | | |
|--|--------------------------|--------------------------|--------------|------------------------|
| | Legal Description | Address | Title | Total Area (ha) |
| 1. | LOT 1 DP 475510 | 585 WEEDONS ROAD | 656857 | 4.0005 |
| 2. | LOT 2 DP 475510 | 8 BRENDAN DRIVE | 656858 | 4.0005 |
| 3. | LOT 3 DP 475510 | 11 BRENDAN DRIVE | 656859 | 4.0005 |
| 4. | LOT 4 DP 475510 | 533 WEEDONS ROAD | 656860 | 4.0100 |
| 5. | LOT 5 DP 475510 | 32 BRENDAN DRIVE | 656861 | 4.0005 |
| 6. | LOT 6 DP 475510 | 31 BRENDAN DRIVE | 656862 | 4.0005 |
| 7. | LOT 10 DP 475510 | 45 NOBELINE DRIVE | 695250 | 4.0248 |
| 8. | LOT 11 DP 475510 | 47 NOBELINE DRIVE | 695251 | 4.0077 |
| 9. | LOT 12 DP 475510 | 46 NOBELINE DRIVE | 695252 | 4.0718 |
| 10. | LOT 14 DP 475510 | 8 NOBELINE DRIVE | 695254 | 4.0345 |
| 11. | LOT 15 DP 475510 | 202 LINCOLN ROLLESTON RD | 695255 | 4.0323 |
| 12. | LOT 11 DP 47839 | 4/487 WEEDONS ROAD | CB47C/40 | 4.3379 |
| 13. | LOT 1 DP 47839 | 3/487 WEEDONS ROAD | CB47C/30 | 4.3389 |
| TOTAL | | | | 52.8604 |

The site is proposed to be rezoned from General Rural Zone to Medium Density Residential Zone. Our understanding of the location and extent of the site is based on Attachment 1 under the Submission V1-0093 document.

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

- ✧ Submission V1-0093 – Land Development & Exploration Limited (LDE) – Preliminary Contamination Site Investigation Report for Lot 2 DP 9745 & Lot 1 DP 416195 (August 2013).
- ✧ Submission V1-0093 – Brendean Drive Rezoning Group C/- DLS – Submission to 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 V1-0093. Except for reference to the LDE PSI, the V1-0093 submission document does not address contaminated land matters; however, the submission document has been reviewed for context.

2.0 Peer Review

2.1 Preliminary Contamination Site Investigation Report for Lot 2 DP 9745 & Lot 1 DP 416195 – LDE (August 2013)

We have undertaken a review of the PSI report prepared by LDE on behalf of the submitter. **Note** – our review of the LDE 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.

We provide the following comments:

- ✧ The site extent indicated in the PSI report generally matches the extent shown in the submission V1-0093, except for the exclusion of Lot 1 DP 47839 (3/487 Weedons Road) and Lot 11 DP 47839 (4/487 Weedons Road). In addition, Lot 13 DP 483709 (34 Nobeline Drive) was included in the PSI but is excluded from Submission V1-0093. The physical setting of the site was adequately described.
- ✧ The stated objective of the PSI was *to determine whether there is any risk of potential contamination that may require a detailed site investigation and would pose a risk to occupants in the proposed use of the land for residential purposes.*
- ✧ The PSI, which was primarily desk-based included a review of local and regional council records, land title search, historical aerial images, property owner interviews and a site walkover.
- ✧ In terms of HAIL¹ activities, one potential risk area was identified by the PSI report but outside the extent of the submission area.

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.

- ✧ Based on our examination of historical aerial images, we note that the site has been used for pastoral purposes for many decades without any evidence of crops being grown. The historical use of DDT over the area (e.g., for grass grub control) cannot be ruled out; however, this is considered to be low risk in terms of potential risks to human health and the environment. Any further assessment to evaluate soil quality would be at the discretion of the SDC, in terms of its obligations under the NESCS².
- ✧ The LDE PSI report generally adhered to Ministry for the Environment (MfE) Contaminated Land Management Guidelines relevant at the time and we agree with the findings that relate to the submission area.
- ✧ Despite the appropriateness of the LDE PSI at the time it was undertaken, it is now outdated since a decade has past and land uses over the relevant land parcels could have resulted in contamination. Additionally, the LDE PSI did not include Lot 1 DP 47839 (3/487 Weedons Road) and Lot 11 DP 47839 (4/487 Weedons Road), which are part of the submission area. We could not find any information to suggest that these two lots were subject to a PSI in the past and this presents an information gap.

2.2 Submission V1-0093 – Brendan Drive Rezoning Group C/- DLS, September 2022

Submission V1-0093 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 (LDE, 2013).

3.0 Conclusion

PDP carried out a peer review of the PSI report issued by LDE (August 2013). It is PDP's assessment that the PSI was generally satisfactory, but we note that two land parcels included under the current submission area (Lot 1 DP 47839 (3/487 Weedons Road) and Lot 11 DP 47839 (4/487 Weedons Road)) were excluded at the time and do not appear have been subject to a subsequent PSI.

There is a 10-year gap in information about land uses over the majority of the submission area. We recommend that SDC evaluate this potential information gap, since even though it could pose a low risk, it impairs our ability to completely evaluate the contamination status of the submission area. Our recommendation is that a supplemental PSI (i.e., supplemental to the LDE PSI) is carried out and at the same time, includes a comprehensive site history review for Lot 1 DP 47839 and Lot 11 DP 47839.

At the discretion of SDC, the information gaps highlighted above could be addressed as part of future regulatory planning processes (e.g., via the NESCS) which could apply (e.g., change of land use, subdivision, significant earthworks). Assuming the data gaps highlighted above are addressed (i.e., ahead of rezoning or as part of a future regulatory process, if triggered) we cannot identify any reasons that would preclude rezoning of the submission area as proposed by the Submitter.

² 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 V1-0093 by Bredean Drive Rezoning Group C/- Davie Lovell-Smith. 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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