

17 September 2020

Sebastian Barrett  
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Wellington City Council

Dear Sebastian

## **Contaminated Land Assessment of Application SR471670, 26 Donald Street, Wellington**

### **1.0 Introduction**

AECOM New Zealand Limited (AECOM) has been engaged by Wellington City Council (WCC) to undertake a technical peer review of the documentation related to contaminated land provided as part of a resource consent application for Ryman Healthcare Limited (Ryman).

The applicant (Ryman) are proposing to construct, operate and maintain a comprehensive care retirement village at 26 Donald Street and 37 Campbell Street, Karori, the site of the former Wellington Teachers College. The site is legally described as Section 1 Survey Office Plan 28414 and Section 2 Survey Office Plan 515832.

The advice contained in this letter relates solely to the assessment of contaminated land and the relevant resource consent status under:

- The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES-CS); and
- The WCC Operative District Plan (OWCDP) and Chapter 32.

The review is based on the following documentation:

- Proposed Comprehensive Care Retirement Village, 26 Donald Street and 37 Campbell Street, Karori, Wellington; Volume One; Resource Consent Applications and Assessment of Environmental Effects; prepared by Mitchell Daysh Limited on behalf of Ryman; September 2020 (the AEE).

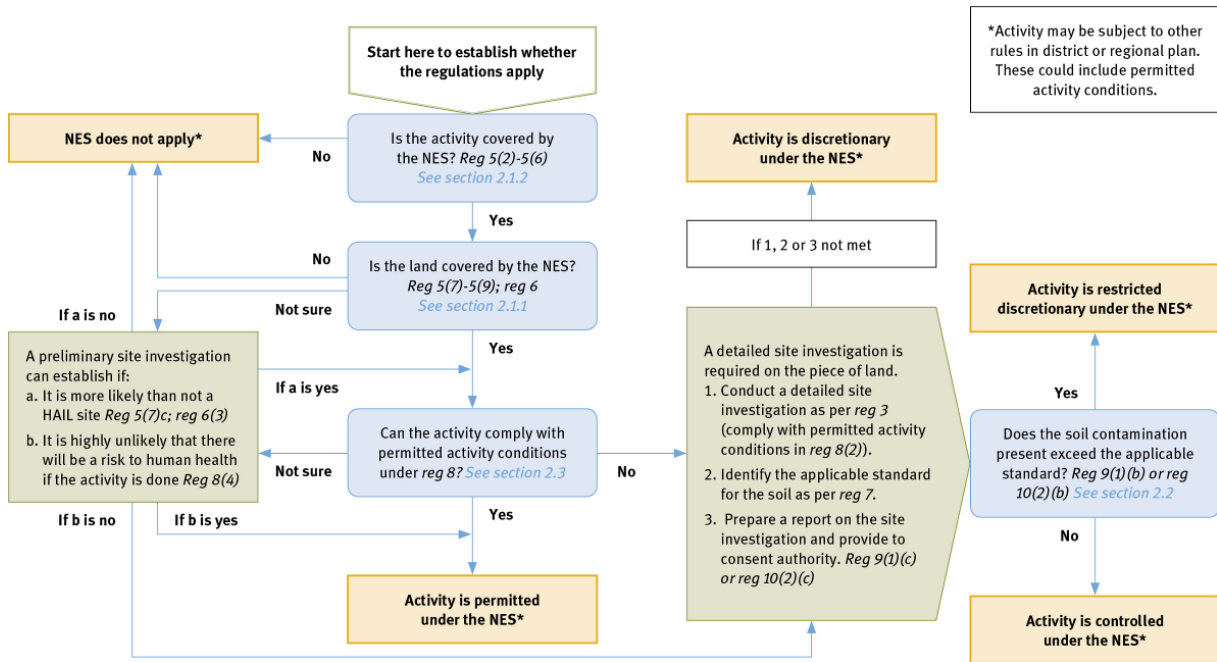
Relevant documents included in the Application that were reviewed included:

- Ground Contamination Assessment of Environmental Effects, Ryman Village, Karori, Wellington, prepared by Tonkin and Taylor Ltd (T+T) on behalf of Ryman, August 2020;

### **2.0 NES-CS Assessment**

The process AECOM has followed in accessing the status of the application under the NES-CS is provided in the following flow chart from the NES-CS Users Guide.

**Figure 1 Determining resource consent requirements under the NES-CS**



**2.1 Is the Activity covered by the NES-CS? Regulation 5 (2)-5(6)**

The AEE and the T+T report indicates that the activity (the proposed development) will require earthworks and the changing of land use from a Teacher’s College to a residential care facility.

Therefore, the activity is covered by Regulation 5(4): *An activity is disturbing the soil of the piece of land, which –*

- (a) *means disturbing the soil of the piece of land for a particular purpose.*

The activity is also covered by Regulation 5(6): *An activity is changing the use of the piece of land, which means changing it to a use that because the land is described in subclause (7), is reasonable likely to harm human health.*

**2.2 Is the Land covered by the NES-CS? Regulation 5(7)-5(9); Regulation 6**

Regulation 5(7) states: *The piece of land that is described by 1 of the following:*

- (a) *an activity or industry described in the HAIL [Ministry for the Environment (MfE) Hazardous Activities and Industries List] 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 AEE indicates that the site is recorded on Greater Wellington Regional Councils (GWRC) selected land use register (SLUR) owing to the storage of diesel fuel at the site. The T+T report indicates the potential for soil contamination at the site.

Therefore the ‘piece of land’ to which this application relates is covered by the NES-CS Regulation 5(7)-5(9); Regulation 6.

**2.3 Can the activity comply with the permitted activity conditions under Regulation 8?**

The relevant permitted activity conditions for soil disturbance are provided in Regulation 8(3). Disturbing the soil of the piece of land is a permitted activity providing certain requirements are met including an allowance for soil disturbance and removal based on the size of the piece of land (25 m<sup>3</sup> per 500 m<sup>2</sup> for soil disturbance and 5 m<sup>3</sup> per 500 m<sup>2</sup> for soil removal).

The AEE indicates that the proposed works will involve 37,000 m<sup>3</sup> of cut and approximately 2,500 m<sup>3</sup> of fill over the site with excess material of approximately 34,500 m<sup>3</sup> to be removed from site to an

appropriate disposal facility. It is therefore concluded that the soil disturbance activity does not comply with the permitted activity requirements under Regulation 8.

The relevant permitted activity conditions changing the use of a piece of land are provided in Regulation 8(4). Changing the use of a piece of land to a more sensitive land use is a permitted activity provided that a preliminary site investigation (PSI) exists that states that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land.

The applicant has completed a detailed site investigation (DSI) (the T+T report) for the site which indicates that concentrations of soil contaminants exceed background concentrations and therefore the applicant is applying for resource consent as a restricted discretionary activity for the soil disturbance and changing of land use in accordance with Regulation 10 of the NES-CS. AECOM concur with this assessment.

T+T have assessed the matters in which discretion is restricted in Table 7.1 of their report. AECOM generally agree with the T+T assessment in relation to the matters of discretion although note the following:

- AECOM concur with the T+T assessment that additional investigation to refine the understanding of the distribution of asbestos in soils is warranted but that the investigation adequately characterises soil contaminant conditions at the site for the purpose of assessing risk to human health and options for the management of this risk.
- AECOM note that some of the asbestos concentrations reported in Table 6.4 of the T+T report have been calculated incorrectly. Some of the criteria included in Table 6.5 also appear to be incorrect. These errors do not change the outcome of the T+T report but it is recommended that the report is updated to correct these errors so that they are not carried through into future reports. AECOM recommend that updating of the report is an advice note rather than a condition of consent.
- T+T have not included chain of custody documentation with the laboratory analytical results. It is also suggested that these are included within a revised report.

### **3.0 OWCDP Rule 32**

Rule 32.2 of the OWCDP is outlined below;

*32.2.1 Except as provided for the remediation, use, development and subdivision of any contaminated land, or potentially contaminated land (unless it has been confirmed as not being contaminated through investigations in a report forwarded in accordance with Rule 32.1.3.1), is a discretionary activity (restricted) in respect of:*

*32.2.1.1 The level, nature and extent of contamination in relation to the proposed use, development or subdivision*

*32.2.1.2 The methods to address the risks posed by contaminants to public health and safety*

*3.2.1.3 The effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment*

*3.2.1.4 The approach to the remediation and / or on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment including the provision of a Remediation Plan or Site Management Plan.*

AECOM notes that matters of discretion relating to human health are now superseded by the NES-CS, and therefore discretion under this rule relates only to the effects of contamination (if any) on built structures and the environment (soil quality, water, ecological effects).

Rule 32 of the OWCDP will need to be addressed by the completion of a contaminated land management plan prior to the soil disturbance works commencing.

### **4.0 Recommended Conditions**

The proposed soil disturbance and change in land use constitutes a restricted discretionary activity under the NES-CS and a discretionary activity under Rule 32 the OWCDP.

AECOM recommend that an advice note is included within the consent that recommends that the T+T report is updated so that errors in Table 6.4 and 6.5 are corrected and that chain of custody information is also included.

AECOM recommend the proposed conditions with regards to contamination as outlined below

- Further sampling for asbestos in soils is undertaken in accordance with the Tonkin and Taylor: Framework Site Management Plan for Ground Contamination 26 Donald Street and 37 Campbell Street, dated 11 March 2020.
- A Contaminated Land Management Plan (CLMP) will be completed by a suitably qualified and experienced practitioner (SQEP) and submitted and approved by the Council Officer prior to earthworks being undertaken at the site. The CLMP should include the following:
  - Date and version control.
  - A summary of soil sampling results including further soil sampling undertaken in relation to asbestos.
  - A summary of the proposed redevelopment works.
  - Roles and responsibilities and contact details for the parties involved, including the SQEP.
  - Health and safety and environmental management procedures for implementation during the works including but not limited to:
    - Personal protection and monitoring
    - On site soil management practices including stockpile management and stormwater and sediment controls
    - Off site soil transport and disposal
  - Asbestos in soil removal procedures in accordance with WorkSafe's good practice guideline *Conducting Asbestos Surveys*, September 2017 and approved code of practice *Management and Removal of Asbestos*, November 2016
  - Contingency measures in the event of accidental/unexpected discovery including the discovery of asbestos and asbestos related controls.
  - Post development controls on the management of remaining contamination in soils.
- The works shall be undertaken in accordance with the approved CLMP.
- All soil material with contaminant concentrations above background concentrations that is removed from the site shall be disposed of at a licensed facility that holds a consent to accept the relevant level of contamination.
- A Site Validation Report will be prepared in general accordance with Ministry for the Environment Contaminated Land Management Guideline No.1 and shall be provided to WCC within 3 months of completion of the land disturbance activities. The Site Validation Report should include the following:
  - The location and dimensions of the excavations carried out, including a relevant site plan.
  - Records of any unexpected contamination encountered during the works.
  - Soil validation results, if applicable (i.e. if remediation is carried out or unexpected contamination is encountered).
  - Copies of the disposal dockets for the material removed from the site and any clean fill imported onto the site.
  - Specify the requirements for ongoing monitoring and management (if required).

## 5.0 Closing

If you require any further information please do not hesitate to contact the undersigned.

Yours faithfully



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