

Appendix 3: s53(2)(a) Fast Track Approvals Act 2024, Technical Advice- Contaminated Land

Date	1 September 2025
To	Joanne Mitten, Principal Consents Planner, Environment Canterbury
From	Hannah Mirabueno, Senior Scientist – Contaminated Land and Waste Science, Environment Canterbury
Project advice provided for	Ryans Road Industrial Development
Documents referred to	Assessment of Environmental Effects (AEE), Detailed site investigation (DSI) report, Stormwater Management Technical Assessment, Proposed Consent Conditions, Construction Management Plan
Qualifications	1. Contaminated land assessment and regulatory practice for 13 years 2. >5 years senior scientist in Contaminated Land at ECan and 9 years' experience as Environmental Health Officer (EHO) specialising in Contaminated Land 3. BSc, MSc and PhD in Geology and Graduate diploma in Environmental Health
Code of Conduct	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This technical report has been prepared in accordance with that Code. In particular, unless I state otherwise, the opinions I express are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

Executive summary/overview

1. The Assessment of Environmental Effects (AEE) stated that this fast-track application is for the development of a 55-hectare industrial subdivision. There are proposed earthworks associated with the subdivision development such as the construction of roads and other services.
2. A detailed site investigation (DSI) has been undertaken across the site including the vicinity of the existing buildings in the southeast corner. Arsenic was found at levels exceeding the commercial/industrial land use (Sample locations: S113 and S116) in the DSI report. The applicant has proposed to delineate and remediate these areas through the preparation of a Remedial action plan (RAP).
3. The DSI also identified that; 1) further sampling will be required to validate the site post building/shed removal 2) preparation of a remedial action plan (RAP) prior to earthworks to outline remediation requirements and 3) site validation report (SVR) once remediation is completed.
4. The applicant has proposed to retain all soils on the site.

Agreement with the Applicant

5. I agree with the DSI report's recommendation that further investigation is required.

Benefits of the project

6. The identified HAIL area will be remediated which will reduce the risks to long term site users and the environment.

Outstanding areas of contention and significance of these

Discussions with Applicant

7. Together with other CRC scientists and planner, I have met with the applicant early this year to discuss the application.

Outstanding areas of contention

8. The offered CRC conditions did not include any condition around contamination matters except for discovery of contaminated soils (Condition 8). Contamination matters were addressed in the NES consent which is not enforceable by CRC as the NES Regulations are being implemented by CCC. These reports (RAP and SVR) should also be submitted to CRC for approval/certification. In addition, further detailed site investigation is needed after removal of the structures in the area as suggested by the detailed site investigation. Remediation and validation would also be required to any areas where contamination would be additionally identified.

The construction management plan should include measures around mitigation areas in the area where contamination has been identified.

9. If there are soak pits, sumps and detention basins for operational stormwater discharge are proposed on the areas where HAIL activity was identified, the soils should be remediated and validated that it meets either the background levels or the adopted values stated in Table C-3 of the Technical Guidelines for Disposal to Land (WasteMINZ, 2022).
10. For construction phase discharges, there is a condition for testing the water prior to discharge (Condition 6) but only for TSS; it excluded other contaminants that may be entrained from the southeast portion where contamination has been identified.
11. Whilst they offered conditions for submission of ESCP, the submission of RAP which should include further sampling to delineate the identified exceedances and under the buildings should also be a condition, together with contamination discovery protocol.

12. A condition around proper disposal of contaminated soils, if leaving the site, to appropriate and consented landfills whose waste acceptance would be met, is considered necessary. This should be reported in the SVR and the evidence of disposal also included in the SVR.

Significance of these matters

13. During construction phase, the associated earthworks could increase the mobilisation of contaminants. There should be controls put in place to reduce the risks to receptors. If not properly managed, contaminated soils may be inappropriately used across the area as re-use of soils is proposed.

Solutions and/or Conditions sought

14. To mitigate the risks, I recommend the following conditions:

- Sediment control for contaminated areas shall be provided to ECan for certification
- After the removal of buildings, a further DSI shall be undertaken by a SQEP in contaminated land and should be provided to ECan 10 days prior to start of works. Results of the additional investigation shall be included into the Remedial Action Plan (RAP).
- A Remedial Action Plan prepared by a SQEP in contaminated land shall be provided to ECan for ECan certification prior to start of works days
- For any discharge areas (e.g. soakpits, sumps and basins) on HAIL site, the discharge areas shall either meet the background levels, or the adopted values stated in Table C-3 of the Technical Guidelines for Disposal to Land (WasteMINZ, 2022). Evidence of these shall be provided to ECan prior to discharge occurring.
- Within 3 months of the completion of earthworks on the site, a Site Validation Report (SVR) shall be provided to ECan. The SVR shall be prepared by a SQEP in contaminated land.
- All earthworks shall be managed to avoid the potential for cross-contamination of materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided.
- Excess soil or waste materials removed from the application site shall be taken at a consented site whose waste acceptance criteria would be met. Evidence of waste disposal such as weighbridge receipt shall be reported in the SVR.