

Milldale Fast-Track

29/07/2025 – Auckland Council Response

Annexure 11:

Contamination

**Specialist Response Template – Fast-track Approvals Act 2024 –
Substantive Application**

Technical Specialist Memo - Contamination

To: Dylan Pope – Lead Planner & Carly Hinde - PPL

From: Ruben Naidoo -Specialist: Contamination, Air and Noise

Date: 16 July 2025

1.0 APPLICATION DESCRIPTION

Application and property details

Fast-Track project name: Milldale

Fast-Track application number: BUN60446761 & FTAA-2503-1038

Site address: Wainui Road, Milldale, Upper Orewa

2.0 Documents Reviewed

- Milldale Fastrack Approval Application – Assessment of Environmental Effects, volumes 1 to 6, prepared by B&A Consulting Limited, 28/3/2025 (AEE)
- Appendix 2H- Detailed Site Investigation-Milldale Stages 10-13 Wainui, Groundwater & Environmental Services, 24 February 2025(DSI)
- Appendix 2I- Site Management & Remedial Action Plan- Milldale Stages 10-13 Wainui, Groundwater & Environmental services, 24 January 2025 SMP/RAP).
- Appendix 4H- Preliminary Site Investigation -Wastewater Treatment Plant -Lot 4 DP 353309 Wainui, Groundwater & Environmental Services, 24 February 2025
- Volume 6: Milldale Stages 10-13,4C and WWTP- Proposed Conditions of Consent, Milldale Wainui, Woods, 28 March 2025

3.0 Specialist Assessment

I have reviewed the application documents in the context of:

- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS),

- Chapter E30 of the Auckland Unitary Plan (Operative in Part) (AUP OP) –Contaminated land and
- The New Zealand Guidelines for Assessing and Managing Asbestos in Soil (BRANZ, 2017) (BRANZ guidelines), and provide the following assessment:

Stage 4C

The AEE mentions that properties/land within the Stage 4C development have been extensively modified by underlying bulk earthworks completed as part of Stage 4. There is no presence of contamination, or likelihood for it to be present across the site. In this regard the applicant is required to provide a Site validation report confirming that the land within stage 4C has been appropriately remediated for the proposed landuse and validation has been certified by the council.

Stage 10-13

The Detailed Site Investigation relates to the properties associated with Stages 10-13 and concludes that a Restricted Discretionary Activity consent is required under Regulation 10 of the NES:CS for the proposed soil disturbance activity as the detailed site investigation for the piece of land has shown that the soil contamination concentration exceeds the applicable standard for high-density residential land use. Site observations during a walkover include the following properties, that comprise the “site”:

- 107 Cemetery Road
- Lots 2 & 3 DP 488814
- 131, 167, 168 Argent Lane
- Lot 3 DP 151229
- 507, 507A, 525 Wainui Road, and
- 16 Lysnar Road.

I concur that that the proposed soil disturbance activity, subdivision and change of use is a Restricted Discretionary activity **under Regulation 10 of the NES:CS** and may be granted a consent for the following reason:

- A Detailed Site Investigation prepared by a Suitably Qualified and Experienced contaminated land Practitioner (SQEP) in accordance with the requirements of the NES:CS and the *Contaminated Land Management Guidelines Nos. 1&5* (Ministry for the Environment, revised 2021), concludes that:
 - The site is a ‘piece of land’ under Regulation 5(7) of the NES:CS as the most likely activities included on the Hazardous Activities and Industries List (Ministry for the Environment, 2011) may have been historically and/or are currently occurring at the site, HAIL items viz:

A10 - Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds.
 - E1 - Asbestos products manufacture or disposal, including sites with buildings containing asbestos products known to be in a deteriorated condition.
 - G5 – Waste disposal to land
- An analysis of the soil sampled within areas where HAIL activities were identified disclosed:
 - Arsenic contamination above NES-CS residential guidelines was identified at the west side of the farm shed at 107 Cemetery Road; and at the former stockyard at 167 Argent Lane.

- Zinc in exceedance of the AUP POA criteria was identified at 107 Cemetery Road, and in the northwest of Lot 3 DP 488814.
- Fragments of ACM were identified in limited areas of the site- and remediation is recommended in certain identified areas where demolition is proposed.

The site is therefore contaminated and in requirement of remediation and/ or soil management.

- I consider the proposed soil disturbance activity does not necessitate a contaminant discharge consent under AUP(OP) Chapter E30 as the volume of earthworks to disturb and remove soil associated with Zinc contaminants is less than the Permitted Activity threshold of standard E30.6.1.2 (200 m³).

Remedial Action Plan (RAP)

The RAP sets out remediation and site management procedures and health and safety controls to manage the potential risks to the environment and construction workers during soil disturbance works, and to assist in managing the potential discovery of previously unidentified contaminated soils.

The RAP proposes further sampling around areas of identified contamination to confirm the extent of contamination prior to commencing any remediation. I consider the RAP has been appropriately designed to manage the risks presented by contaminated soil on site.

Wastewater Treatment Plant

The Preliminary Site Investigation (PSI) of the Site has confirmed that no HAIL activities were identified within the investigation area; and the results of the limited intrusive investigation and sampling disclosed heavy metals within normal background levels and no PAHs were detected.

In this regard soil disturbance activities within this area are likely to be a permitted activity under the NES.

4.0 Recommendation

I recommend that adherence to the application documents, the RAP and conditions of consent would appropriately minimize risks to human health and the environment associated with potential soil contamination.

5.0 Proposed Conditions

Proposed conditions & amendments (in yellow)

Stages 10-13 Landuse

27. Contamination Remediation

Earthworks must be undertaken in accordance the following documents:

“Detailed Site Investigation Milldale Stages 10-13 Wainui, Rev A, prepared by Groundwater and Environmental Services, dated 24 February 2025”. (DSI)

“Site Management & Remedial Action Plan Milldale Stages 10-13 Wainui, prepared by Groundwater & Environmental Services, dated 24 January 2025”. (SMP/RAP).

Any variations to the SMP/RAP must be submitted to the Council confirming that it appropriately manages actual and potential soil contamination effects and is within the scope of this consent, prior to implementation.

Advice Note:

The Council acknowledges that the SMP/RAP is intended to provide flexibility of the management of the works. Accordingly, the SMP/ RAP may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Team Leader. The Council's acceptance of the SMP/RAP relates only to those aspects of the plans that are relevant under the RMA. The acceptance does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, the Building Act 2004 or the Health and Safety at Work Act 2015.

28. In the event of the accidental discovery of contamination during earthworks which has not been previously identified, including asbestos material, the Consent Holder must immediately cease the works in the vicinity of the contamination, notify the Council, and engage a Suitably Qualified and Experienced contaminated land Practitioner (SQEP) to assess the situation (including possible sampling and revision of the SMP/RAP) and decide on the best option for managing the material.

Advice Note:

Where unanticipated contamination is discovered during the works, a revision of the SMP/RAP may be required to ensure that the contamination is appropriately managed. Any revision of the SMP/RAP is required to be submitted to Council prior to its implementation.

29. All soil disturbance undertaken where asbestos in soils has been found to be present must be undertaken in accordance with the NZ Guidelines for Assessing and Managing Asbestos in Soil (BRANZ, 2017) or any updates to this document and the RAP.

30. Any excavated material that is not re-used on site must be disposed of at an appropriate facility licensed to accept the levels of contamination identified. Evidence of the locations where excavated material has been disposed of must be retained by the Consent Holder during the works and made available to the Council on request.

45. Contamination – Site Validation Report (SVR)

Within three months of the completion of earthworks on the site, a Site Validation Report (SVR) must be submitted to the Council for review. The SVR must be prepared by a suitably qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, Ministry for the Environment (revised 2021) and must contain sufficient detail to address the following matters:

A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated.

Details and results of any testing undertaken (including validation testing and/or asbestos air monitoring) and interpretation of the results in the context of the NESCS and the AUP(OP) for each proposed lot.

Stages 10-13 – Subdivision

88. Contamination – Site Validation Report (SVR)

Within three months of the completion of earthworks on the site, a Site Validation Report (SVR) must be submitted to the Council for review. The SVR must be prepared by a suitably qualified and experienced practitioner in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, Ministry for the Environment (revised 2021) and must contain sufficient detail to address the following matters:

- (a) A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated.
- (b). Details and results of any testing undertaken (including validation testing and/or asbestos air monitoring) and interpretation of the results in the context of the NESCS and the AUP(OP) for each proposed lot.
- (c). Records/evidence of the appropriate disposal for any material removed from the site.
- (d) Records of any unexpected contamination encountered during the works and response actions, if applicable.
- (e) Conditions of the final site ground surface and details of any sampling undertaken on materials re-used on site or imported to site.
- (f) Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and
- (g) A statement certifying that all works have been carried out in accordance with the requirements of the SMP/RAP and consent, otherwise providing details of relevant breaches, if applicable.

Advice Note:

The SVR shall enable the Council to update the property file information relating to soil contamination, including the files of any newly created lots. If newly created lots are to contain differing levels of soil contamination, the SVR should specifically detail this. Until an SVR is submitted to the Council, the Land Information Memorandum for the property shall not be updated to reflect any soil contamination remediation work undertaken.

If any contamination exceeding the Permitted Activity soil acceptance criteria, set out in Chapter E30 of the AUP(OP), is retained within the site upon the completion of the proposed land-disturbance activity, a long-term contaminant discharge consent under Chapter E30 of the AUP(OP) may be required for the site.

Amendment to condition 6

Dust Management Plan

Prior to the commencement of any earthworks or construction activity on the site, the Consent Holder must submit a final Dust Management Plan (DMP) to Council. The purpose of the DMP is to outline the potential causes and effects of dust that could be generated during the earthworks phase of the development, and to outline the mitigation measures that could be incorporated by the nominated contractor to avoid objectionable or nuisance emission of dust beyond the site boundary. The final DMP must be prepared in general accordance with the application documents referenced in condition 1 and the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016).

Proposed condition for Stage 4

1. Prior to the commencement of earthworks within Stage 4, the consent holder is required to provide to the satisfaction of council a site validation report confirming that the site has been appropriately remediated for the proposed landuse and that the validation has been certified by the council.

Advice notes:

1. The documents mentioned above should be prepared according to the Contaminated Land Management Guidelines No 1: Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2021

2. Asbestos Containing Materials

If you are demolishing any building that may have asbestos containing materials (ACM) in it:

- You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.
- Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.
- If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.
- Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.

If ACM is found on site following the demolition or removal of the existing buildings, you may be required to remediate the site and carry out validation sampling.