

**CONTAMINATED LAND WORKSHOP**  
**FROM GO TO WHOA: ASSESSING AND CONSENTING A CONTAMINATED SITE UNDER THE NES**

**Date and time:** Tuesday, 21 October 2014

**Location:** Shed 6, Queens Wharf, Wellington

**Present:** Attached

- Agenda:**
1. Welcome and introduction
  2. Presentation: Understanding your stakeholders (Emma Trembath, AECOM)
  3. Exercise 1: Understanding your stakeholders
  4. Exercise 2: The issue in a nutshell
  5. Presentation: Scoping PSIs and DSIs (Graeme Proffitt, Pattle Delamore Partners)
  6. Exercise 3: Reviewing a DSI
  7. Presentation: Reviewing a site investigation report (Reece Irving, Bay of Plenty Regional Council)
  8. Exercise 4: Reviewing a site investigation report
  9. Presentation: Smiling through the consenting process (Alastair Jewell, Auckland Council)
  10. Exercise 5: Smiling through the consenting process
  11. Presentation: Into the afterlife: Site management (Chris Bailey, Tonkin & Taylor)
  12. General discussion and exercise 6: Into the afterlife: Site management
  13. Q & A session

**1. Welcome and introduction:**

- a. Objectives and understanding stakeholders
- b. Common language
- c. Undertake fit for purpose report
- d. Efficient site operations
- e. Ability to Develop CSM
- f. Manage a proposal under NES consent

**2. Understanding your stakeholders – Exercise 1:**

- a. How do you think one of the other stakeholders might view your approach towards a contaminated site issue?

- On one table, everyone felt as though other stakeholders didn't trust them (consultants, council and developers). They all felt the different parties had their own agendas and noted that it was important not to come into meetings with a chip on your shoulder. We need to get to know our stakeholders.
  - The cost of peer review is a barrier for stakeholders to be involved in the process
3. Exercise 2B: The issue in a nutshell [Martin Robertson]:
- a. There can be overly technical descriptions by consultants, which are often a barrier to other stakeholders, as they can't get a handle on the required outcomes. Executive summaries of a report are also often overly technical and are not accessible to the reader (who actually just wants a quick summary).
  - b. SOURCE: What was the source and the key contaminant?
    - Service station fitting leak
  - c. RECEPTOR: What receptors are nearby?
    - Petrols released underground to residential area, exceeding the levels.
  - d. EXPOSURE: By what Pathway are receptors exposed?
    - On water table - inhalation pathway. Move residents out and start vapour extraction system.
  - e. RISK: What is the danger of this particular combination of source-pathway-receptor?
    - Inhalation risk of vapours.
  - f. MANAGEMENT: What is being done/can be done to manage the risk?
    - Vapour extraction system to reduce vapours.
4. Exercise 3: Reviewing a DSI (Graeme Proffitt, Pattle Delamore Partners):
- a. What is the hazard (or hazards)?
    - Farm dump- asbestos, agrochemicals, waste oil petrol, metals large range, landfill gas (offal).
  - b. Who are the receptors?
    - School users, and maintenance workers, teachers, kids, caretaker staff.

- c. Is there a pathway (or pathways) between each of the hazards and the receptors and if so, what? (Note: the absence of one or more of the hazard, pathway or receptor means there can be no risk).
- Farm dump- dermal, no inhalation, soil ingestion or water ingestion.
- d. Prepare a sampling plan (sample locations, analytes) for one major complete hazard – pathway – receptor linkage.
- One table approach- farm dump- tight grid of sampling.
  - Graeme’s approach is to find if the dump is there and work from the outside in, so not to damage tanks. Not to tackle contamination, unless it is affecting groundwater.
  - Management plan could include capping.
  - Graeme suggested surface samples are analysed first and only analyse deeper samples if you picked up something in the surface samples.
- e. Summary of key learnings (James Corbett):
- Looking at a CSM, pinpoint what we are trying to manage. Look at the consent process and how we need to manage it with best practice.
5. Exercise 4: Reviewing a site investigation report (Reece Irving, Bay of Plenty Regional Council):
- a. This is the first report you have seen from this consultant. Is the consultant suitably qualified to have undertaken the DSI?
- Are they an SQEP? What are the author and certifier qualifications and experience? Refer to the NES. If you are unsure, ask the background of the author and/or reviewer and ask for a CV.
- b. Does the report meet the requirements of the MfE CLMG? If not, what else could or should be included?
- Yes- generally.
- c. Is the sampling methodology adopted adequate to define potential contaminants resulting from all past HAIL on this site? If not, what is a more appropriate sampling method for this site?

- No. Wouldn't do composite. Coverage of sampling not sufficient. Not all at the right depths. Focus more on hot spot of farm dump. More targeted sampling, deeper at the dump.
  - Composite samples against CLMG 5. Discreet sampling rather than composite.
- d. Is the suite of contaminants that have been included for analysis adequate for the known previous land uses? If not, what other elements would you include, and why?
- PCBs, hydrocarbons for shed, pesticides, herbicides in glasshouse. DDTs, PAHs. Broader range of contaminants.
- e. Is the depth of sampling, at 7.5cm across the site adequate to judge contaminant extent? If it is not adequate, what depth of sampling would you recommend? Where, and why?
- Need to be deeper, especially in the dump area.
- f. The DSI report concludes that the proposed development would be considered a controlled activity under the NES and imposes no recommendations. Has the report arrived at the correct conclusion? What does this conclusion depend on?
- The conclusion cannot be drawn from the data available.
  - The report has not been adequately characterised.
- g. Having assessed the DSI, you have either found it meets all requirements under the NES and CLMG No.1 & No.5, or it has some shortcomings. What are the next steps you would take?
- Reece suggested you would move to Restricted discretionary.
  - Information regarding the development of the site is missing. Ordinarily you would have this information, or seek it as part of the investigation.
  - Move to formal or informal section 92 from council.
  - Importance of a CSM in the report is highlighted in terms of this discussion of the shortcomings of the report.
6. Exercise 5: Smiling through the consenting process (Alastair Jewell, Auckland Council):
- a. What's the consent status?
- Regulation 10.3

- b. What's missing from the Consent application?
- No disposal advice
  - What is the role of the RAP – scope of RAP?
  - What soil contaminant standard
  - No timeframes
  - Accidental discovery and further testing for the discovery
  - Requirement for regulatory approval
  - What is 'clean' soil?
  - What is the role of the SQEP
- c. What in the conditions would you change to achieve the desired outcome and meet RMA requirements?
- SQEP signing off
  - What about the safety of workers on the site? – covered in SMP
7. Exercise 6: Into the afterlife: Site management (Chris Bailey, Tonkin & Taylor):
- a. For the proposed development, i.e. additional classroom, childcare facility and playing field [assume appropriate DSI shows levels exceed relevant SCS and proposal is to remove contaminated soils and farm dump]:
- What activity is the development likely to be?
    - ⇒ Restricted discretionary activity- soil disturbance and land use change
  - What should the SMP contain?
    - ⇒ Noise and odour control
    - ⇒ Dust control
    - ⇒ Storm water and soil management
    - ⇒ Contingency plans to respond to site incidents
    - ⇒ Proposed long term site management

- ⇒ Occupational and H&S issues and measures
- ⇒ Accidental future discovery of contamination
- ⇒ Level of remediation to be achieved
- ⇒ Transport of soil
- ⇒ Disposal of soil
- ⇒ It was noted that the NES covers human health effects. The RMA covers nuisance odours etc. which are not related the human health. These other items are often covered as value to the client.
- What should a long-term management plan contain?
  - ⇒ Manage soil
  - ⇒ Cover caretaker/maintenance of the site which may create pathway to receptor
- What should happen if the property changes hands?
  - ⇒ The consent remains with the property and is passed onto the new owner of the property

8. Q & A session:

- a. How does the building code F1 relate to the NES in respect to contaminants in a building?
  - They overlap, as do many codes. The building consent should capture the need for safety in design (foundation membranes etc.).

First Name	Last Name	Organisation
Aaron	Graham	Auckland Council
Alastair	Jewell	Auckland Council
Andrea	Elgie	Thames-Coromandel District Council
Andrew	Gass	Hawke's Bay Regional Council
Andrew	Rumsby	Pattle Delamore Partners
Angela	McFlynn	Central Hawke's Bay District Council
Ann	Rodgers	Central Otago District Council
Ben	Hutchison	WasteMINZ
Bess	Halley	Gisborne District Council
Bo	Simkin	Pattle Delamore Partners
Brad	Bellamy	Tauranga City Council
Brendan	Hogan	Gillies Group
Brett	Mongillo	Sephira Environmental
Callum	MacKenzie	Taranaki Regional Council
Carla	Reardon	AECOM
Carmel	Mangan	Hamilton City Council
Charlotte	Stephanie-Browne	Davis Ogilvie
Chris	McMillan	Environment Southland
Chris	Bailey	Tonkin & Taylor
Claire	Marshall	Tonkin & Taylor
Conor	Parker	Environment Canterbury
Danielle	Pavanelli	EnviroWaste Services
Dario	Amidzic	Opus
Darren	Hoskins	Wellington City Council
Dave	Hanan	Delta Utility Services
Dave	Bull	Golder Associates (NZ) Ltd
David	Dangerfield	AECOM
David	Hubbard	Greenacres Waiheke Island
Davina	McNickel	Environment Canterbury
Debbie	Dewar	Waikato Regional Council
Emma	Trembath	AECOM
Fred	King	Hawke's Bay Regional Council
Graeme	Proffitt	Pattle Delamore Partners
Graham	Currie	BTW Company
Hannah	Mirabueno	Christchurch City Council
James	Corbett	Auckland Council
James	Court	BP Oil NZ Ltd

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James	Gladwin	Opus
James	Mitchell	Northland Regional Council
James	Snowdon	Greater Wellington Regional Council
Jane	Petch	Low Environmental Impact
Jeff	Davenport	Auckland Council
Jeffrey	Loo	Wellington City Council
Jo	Cavanagh	Landcare Research
John	Sule	Dunedin City Council
John	Wichman	Recycling Cook Islands
Jonathan	Findon	Geohazard Environmental Ltd
Jonno	Hill	Hill Laboratories
Kaine	Jaquiere	Masterton District Council
Kareema	Yousif	Wellington City Council
Kate	Ward	Beca
Kathy	Mardon	Nelson City Council
Kim	Wepasnick	Andrew Stewart Ltd
Kirsty	van Reenen	Greater Wellington Regional Council
Leonie	Grace	Environment Southland
Lisa	Graham	AsureQuality
Lisa	Williams	New Zealand Defence Force
Lynette	Baish	Horowhenua District Council
Marguerite	Nakielski	Auckland Council
Mark	Davies	SEE Ltd
Martin	Robertson	Z Energy Ltd
Megan	Bedford	Delta Utility Services, Dunedin
Nicola	Peacock	Malloch Environmental
Paul	Futter	Bay of Plenty Regional Council
Paul	Sheldon	Tasman District Council
Peggy	Cunningham-Hales	Greater Wellington Regional Council
Peter	Keller	Porirua District Council
Peter	McGregor	Hamilton City Council
Peter	Moodie	Lysaght Consultants Ltd
Rachel	Rait	Marlborough District Council
Reece	Irving	Bay of Plenty Regional Council
Robert	Schlotjes	Kaipara District Council
Rochelle	Johnston	Manawatu District Council
Sam	Gifford	Upper Hutt City Council
Sarah	Halliday	URS
Sarah	King	Ministry for the Environment



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Sarah	Smith	Low Environmental Impact Limited
Shane	Davies	Nelson City Council
Shannon	Holroyd	BP Oil NZ Ltd
Simon	Beardmore	Otago Regional Council
Stephanie	Jones	Geotechnics
Steve	Thomson	Golder Associates (NZ) Ltd
Steve	Timpany	SJ Timpany Contracting Ltd
Steve	Tyson	Refining NZ
Sue	Bennett	MWH
Susan	Rabbitte	Rabbitte Geoscience Ltd
Sylvia	Hubbard	Greenacres Waiheke Island
Tara	Kelly	Ministry for the Environment
Terre	Maize	Andrew Stewart Ltd
Terry	Widdowsom	Golder Associates (NZ) Ltd
Tim	Brake	Waste Management
Tony	Barker	EnviroWaste Services
Tricia	Scott	NZ Environmental
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Wendy	Thompson	Manawatu District Council