

Nicholas Law

From: Contaminated Land <Contaminated.Land@ecan.govt.nz>
Sent: Wednesday, 27 September 2023 14:50
To: Nicholas Law
Subject: RE: LUC23/0070 7-15 Church Street Ashburton establishment of 13 Kainga Ora houses - Soil Management Report

Categories: Yellow Category

Where this email contains information supplied as a result of a request for information governed by the Local Government Official Information and Meetings Act 1987 (LGOIMA) you have the right to refer this matter to the Office of the Ombudsman under s27(3) of the LGOIMA.

Kia ora Nicholas,

We are happy to comment on this and this can be sent to the applicant.

We support your interpretation and decision that they need consent based on arsenic exceeding the commercial/industrial SCS (with no delineation), and the risk of asbestos affecting the soil post-demolition.

The soil disposal plans at the end of the report note: *“Cleanfill disposal assumes soils from site are excavated and mixed in bulk.”*, and *“Following visual inspection and removal of ACM post-demolition.”*

- I could not identify any soil sample with analytical results showing at or below background levels. The 2002 MfE ‘A Guide to the Management of Cleanfills’ Section 4.3 and the WasteMINZ 2022 ‘Technical Guidelines for Disposal to Land’ state that material can’t be cleanfill if it is mixed with contaminated material (and above-background soil is defined as contaminated material in the guidelines).
- Are they only relying on a visual inspection and removal for the ACM, and is this normally okay?

At this stage, we consider the site ‘contaminated’. We recommended including the following conditions:

- All contaminated soil removed from the site will not be suitable to be disposed of at a cleanfill facility and must be disposed of at a facility whose waste acceptance criteria would be met. Evidence of waste disposal such as weighbridge receipt weighbridge receipts or waste manifest should be submitted to Ashburton District Council within three (?) months of completion of earthworks.
- After the demolition of buildings, additional asbestos investigation, e.g., a detailed site investigation (DSI) to further assess the site for potential asbestos contamination prior to development works.

- The additional detailed site investigation report shall be undertaken by a suitably qualified and experienced practitioner (SQEP) with respect to contaminated land and provided to ADC 10 days prior to any earthworks commencing on site.
- If required, a remedial action plan and/or a site management plan shall be provided for ADC's acceptance 10 days prior to any earthworks commencing on site.
- If required, a site validation report shall be provided to ADC for ADC's acceptance/approval three months after the completion of earthworks.

We hope this helps and please get in touch if you have questions.

Ngā mihi,

Nā Michael Massey and Maiya Sadler

From: Nicholas Law <Nicholas.Law@adc.govt.nz>

Sent: Friday, September 22, 2023 5:36 PM

To: Contaminated Land <contaminated.land@ecan.govt.nz>

Subject: LUC23/0070 7-15 Church Street Ashburton establishment of 13 Kainga Ora houses - Soil Management Report

Caution: This is an email from an external party. Please take care when clicking links or opening attachments.

Hello,

Are you able to please provide a second opinion on the level of soil contamination identified at this site, whether the NES CS applies, and if any particular management might be required?

My interpretation is that arsenic in one of the cells exceeds the applicable standard in the NES CS, triggering a restricted discretionary consent requirement at the time of soil disturbance.

As the report states, ACM may be present in the houses – and further investigation of the house sites is recommended following demolition. The report states that a work instruction will be required to outline the controls for protecting the health of workers, managing the accidental discovery of ACM, and to manage the disposal of the soil. A work instruction was not included in the application.

The application has been returned as incomplete based on the attached letter.

Tonkin + Taylor have requested that comment from ECan is forwarded to them to assist in their response. Are you happy to provide comment & for any comments to be forwarded on?

Kind regards,
Nicholas

Nicholas Law | [Senior Planner](#)

DDI 03 307 7875 | M



5 Baring Square West, Ashburton 7700 PO Box 94, Ashburton 7740 P (03) 307 7700 www.ashburtondc.govt.nz