

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
THE CHRISTCHURCH CITY COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of an application for resource consent under section 88 of
the RMA by Cambridge 137 Limited for demolition of a
heritage building and construction of a hotel

APPLICANT Cambridge 137 Limited

**STATEMENT OF EVIDENCE OF JARED PETTERSSON ON BEHALF OF
CAMBRIDGE 137 LIMITED**

CONTAMINATED LAND

2 October 2024

PO Box 4341 CHRISTCHURCH 8140
DX WX11179
Tel +64 3 379 7622
Fax +64 3 379 2467

Solicitor: L F de Latour
(lucy.delatour@wynnwilliams.co.nz)

WYNN WILLIAMS

INTRODUCTION

- 1 My name is Jared Karl Pettersson. I was responsible for preparing the original Preliminary Site Investigation (**PSI**) for 137 Cambridge Terrace (**Site**) for a prior proposal and the subsequent amendment letter that was included with the resource consent application made by Cambridge 137 Limited (**Applicant**).
- 2 I have prepared this brief of evidence to support the application for resource consent by Cambridge 137 Limited to demolish the current Harley Chambers and to construct a new hotel in its place.

Qualifications and experience

- 3 I hold a Bachelor of Engineering (Hons) and a Masters of Engineering from the University of Canterbury, both in Civil Engineering.
- 4 I am a Chartered Professional Engineer and have 20 years of professional experience, largely in contaminated land, resource management, project management, environmental management and strategy.
- 5 I am a Director of Enviser Ltd, an environmental consultancy, based in Christchurch.
- 6 During my professional career, I have been involved with, or responsible for numerous contaminated land projects, including site investigations, remediation projects and development of site management and mitigation measures to protect both human and environmental health. Illustrative examples include:
 - (a) Establishing background soil concentrations for trace elements in Canterbury soils and polycyclic aromatic hydrocarbons (PAH) in urban areas;
 - (b) Investigating and remediation of the former Wigram Airforce Base for the Wigram Skies mixed use development;
 - (c) Numerous contaminated land project for the Christchurch International Airport, including site investigations for Dakota Park, Mustang Park. I, and staff under my direction, were responsible for

the Preliminary Site Investigation and Site Management Plans that form the basis for the campus wide global NESCS¹ consent;

- (d) Preparation of the city-wide Preliminary Site Investigation and site management plan framework to support SCIRT's global consents associated with the earthquake repair works; and
- (e) Preliminary Site Investigations of all commercial/industrial sites purchased by the Government to implement the 2012 Christchurch Central Recovery Plan.

Code of conduct

- 7 While the resource consent application is not before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence, and will follow it when presenting evidence at the hearing.
- 8 Unless I state otherwise, this assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 9 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. The reasons for the opinions expressed are also set out in my evidence.
- 10 I am familiar with the application site and the surrounding locality. I have read the relevant parts of the application; submissions; and the s42A Report.

Evidence

- 11 In my evidence I will firstly briefly summarise the contaminated land investigations undertaken on the Site, then I provide commentary on the relevant consent conditions that were proposed in the section 42A report.
- 12 The PSI I prepared for the previously proposed development² covered three properties, 65-67 Worchester Street, 69 Worchester Street and

¹ Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

² Preliminary Site Investigation, Harley Chambers Development, Lee Pee Ltd, 2017

137 Cambridge Terrace. I understand the now proposed hotel, which is the subject of the current resource consent application, is sited solely on the 137 Cambridge Terrace site.

- 13 To determine if the existing PSI remained relevant for the proposed development, and to evaluate any newly available information, I undertook the following tasks in early 2024:
- (a) Reviewed the concept plans for the proposed Hotel (Ignite, March 2024);
 - (b) Visited the location and viewed the Site and building from the street frontage;
 - (c) Reviewed the building asbestos assessment report (SC Environmental, August 2023); and
 - (d) Reviewed the 2017 PSI.
- 14 The findings of this work were summarised in a letter I prepared for Cambridge 137 Limited. The letter also included recommendations as to the continued relevancy of the PSI for the current proposal.
- 15 In that letter I concluded the following:
- (a) The existing PSI is still relevant, but due to the documented presence of deteriorating asbestos building materials, and the planned building demolition, the entire site should be considered a HAIL³ site, not just the area around the former underground storage tank.
 - (b) A Site Management Plan should be prepared, once engineering plans are available, for the earthworks proposed on Site.
 - (c) A contaminated site investigation should be undertaken post-demolition to determine a suitable location for any soils to be disposed offsite.
- 16 I did not recommend a full Detailed Site Investigation, principally because the risk of significant contamination is low, the proposed development prevents ongoing access to the Site's soils, and the only

³ Hazardous Activities and Industries List (HAIL), MfE, October 2011

practical opportunity to undertake an investigation is post-demolition, during the Site's development phase.

- 17 In my opinion, the primary role of the site investigation is to ensure excess soil from site works is removed to an appropriate location, and to confirm that the remaining soils will not pose a hazard to the Site's occupants.
- 18 I have reviewed the proposed conditions recommended by Ms Agnes van der Erf in Appendix C of the section 42A report, and adopted by Mr Scott Blair as recommended conditions 19-25 in Appendix I to the section 42A report.
- 19 Whilst I generally agree with most of the conditions, I have recommended some changes (attached as **Appendix A** to my evidence as a track change version). These changes seek to:
- (a) Make the purpose of the contaminated land investigation clear and focussed on the areas of identified risk;
 - (b) Clarify the objectives and content of the Contaminated Site Management Plan; and
 - (c) Anticipate the scenario where contaminated soil may be managed on Site (rather than the site being remediated through the removal of the contaminated soil), and provide a mechanism to ensure that occurs safely and in accordance with national guidelines.
- 20 In my opinion, these revised conditions achieve what Ms Agnes van der Erf is seeking, whilst providing a clearer and more comprehensive framework for the management of contaminated land on the Site.
- 21 In conclusion, it is my opinion that the contaminated land matters, and the potential human health effects, can be appropriately assessed and managed if the framework set out in the revised conditions is followed during the site development.



Jared Pettersson

2 October 2024

Appendix A – recommended amendments to conditions

Contamination

19. A Contaminated Site Management Plan (CSMP) must be prepared by a Suitably Qualified and Experienced Practitioner and provided to Council by email to rcmon@ccc.govt.nz no later than 10 working days prior to the commencement of the development works (including demolition of the existing buildings). The CSMP shall include:

- A site investigation plan to be undertaken post demolition of the existing buildings, the objective of this investigation shall be:
 - To determine if the former underground storage tank resulted in the contamination of the surrounding soils
 - To determine if the existing soils on site are suitable for the proposed land use, taking into account the relevant human health exposure pathways
 - To determine if asbestos contamination exists in the sites soils, and to what degree
 - To identify if remedial actions are required for soil contamination that may exist on site.
 - To determine the appropriate disposal location/facility for soil that may need to be removed offsite
- Stockpiling procedures and controls
- Measures to respond to the accidental discovery of unexpected soil contamination (visible staining, odours and/or other conditions that indicate soil contamination), which shall include ceasing work and seeking the advice of a SQEP on the appropriate remediation/or disposal methods.
- The process for the handling and disposal of contaminated soil.
- Environmental controls to prevent the discharge of contaminants from the site
- Documentation requirements to verify the soil has been handled and disposed of correctly

19-20. All areas identified in the detailed site investigation (DSI) (undertaken in accordance with Condition 9XX) report that exceed the NES standards the relevant human health soil contaminant standards for commercial/industrial land use, the must soil must be remediated or managed in accordance with the MfE Contaminated Land Management Guidelines and the NZ Guidelines for Assessing and Managing Asbestos in Soil (GAMAS, 2017).

20-21. The Council must be notified at least ten working days prior to the commencement of earthworks. The notification must be emailed to rcmon@ccc.govt.nz.

21-22. All contaminated soils 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 permit the disposal.

22. In the event that soils are unexpectedly found to have visible staining, odours and/or other conditions that indicate soil contamination then work must cease until a SQEP on land contamination has assessed the matter and advised of the appropriate remediation and/or disposal options for these soils.

23. The consent holder must submit evidence (i.e. weighbridge receipts or waste manifest) of the disposal of surplus soils from the site to an authorised facility to the Council, by email to rcmon@ccc.govt.nz, no later than 20 working days following this the completion of the disposal earthworks on site.

24. Should the DSI identify contaminants above the NES standards for commercial/industrial land use remediation works be required to manage human health risks, a Site Validation Report (SVR) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the SVR may be by way of email to rcmon@ccc.govt.nz. The SVR must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The SVR must include as a minimum:

- a. Details of any variations to the proposed work plan;
- b. Details of any discharges or contingency measures employed during the earthworks;
- c. Photographic evidence of the site works;
- d. Evidence the objectives of the final site remediation have been met with regard to commercial land use;

Commented [JP1]: To more clearly differentiate from the CMP

Commented [JP2]: Include here to set out the objectives of the site investigation post demolition, and to make it clear it is not a full DSI.

Commented [JP3]: Alter to allow for on-site management potential given the of access to exposed soil in the developed case.

Commented [JP4]: This seems out of place in the midst of these conditions, suggest it is moved elsewhere or deleted if repeated elsewhere.

Commented [JP5]: Better placed in the CSMP, slightly reworded clause included in the CSMP condition.

Commented [JP6]: Amended to simplify the provision of the info (as originally drafted the 20 days starts from each disposal event)

and

- e. Evidence of the disposal of any soils off site to an authorised facility.

25. Should soil above the relevant human health soil contaminant standards be retained and managed on the site, an Ongoing Site Management Plan (OSMP) must be prepared and submitted to Council within three (3) months of the completion of the earthworks. Delivery of the OSMP may be by way of email to rcmon@ccc.govt.nz. The OSMP must be written in accordance with the Ministry for the Environment Guidelines for Reporting on Contaminated Sites in New Zealand (revised 2021). The OSMP must include as a minimum:

a. A plan showing the location of the contaminated soils and the required management measures

b. Details of the maintenance and inspections necessary to ensure the long-term effectiveness of the management measures

~~f.c.~~ Contingency measures should future maintenance and excavation works need to disturb the contaminated soils. These measures should include health and safety controls as well as procedures for the handling and disposal of contaminated soil.

Commented [JP7]: Included to ensure that if contaminated soil is contained on site, it is appropriately managed in the long terms (and in accordance with National Guidelines).