

## **SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL**

To: Ministry for the Environment  
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WELLINGTON 6143

Name of submitter:

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TOTAL NO OF PAGES SUBMITTED: 2

### **1. Section 4.1.3 and Section 7.2 Use, Development or Subdivision – Criteria for Permitted Activity Status**

- (a) The Company has the following concerns relating to the above sections of the Standard:
- (i) The proposed methodology doesn't adequately address the question of smaller-scale contamination issues relating primarily to redevelopment of land as opposed to use of greenfields land (which would normally go through a subdivision, or comprehensive resource consent process).
  - (ii) The onus is on the developer to provide a report to councils to confirm that the site is acceptable for the proposed use. This is quite onerous as:
    - HAIL activities (such as service stations and drycleaners premises) are on council lists of sites that may not have been verified.
    - Reports that are required pre-lodgement will create problems in trying to satisfy due diligence requirements on sale and purchase contracts
    - It is not clear what process would have to be followed if there are already reports on the site held in Council records

- (iii) The proposed standard will shift the responsibility for obtaining information on contamination from local authorities and landowners to developers. This exposes prospective purchasers to considerable risk, delays and costs. Ultimately, the redevelopment of sites may be delayed or halted, leading to an inefficient use of land and loss of opportunity for the developer.
  - (iv) The process can therefore be regarded as contrary to the recent amendments to the Resource Management Act, which are intended to expedite resource consent processing.
  - (v) Issues relating to liability for contamination, and standards and apportionment of costs for remediation of contaminated sites, are not addressed.
- b) The Company requests that:
- (i) Further consideration be given to the above issues. One measure could be to require the landowner to provide the results of soil tests to the council prior to offering land for sale and
  - (ii) Soil testing and reporting should form part of a resource consent application in the same way as other potential effects on the environment are evaluated and addressed by experts, rather than pre-lodgement.

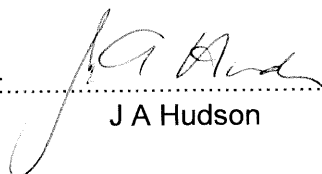
**2. Section 4.1.3 and Section 7.2 Use, Development or Subdivision – Internal and External Additions and Alterations to Existing Buildings**

- (a) The Company's concern is that the criteria relating to ground disturbance where building alterations are proposed are potentially onerous and need to be clarified. A typical scenario would be additions to a commercial development comprising buildings and carparking on a contaminated site. Depending on the extent and type of contamination, this can be acceptable where the ground surface is mostly impermeable and there is no adverse effect on human health. However, building additions may require small drainage or in-ground service extensions and it is considered that these should not trigger the need for soil testing.
- (b) The Company requests that:

The Standard provide an exemption for minor soil disturbances to deal with the above and similar scenarios.

Dated at ALBANY this 16<sup>th</sup> day of April 2010

Signature for and on behalf  
of McDonald's Restaurants (New Zealand) Limited:.....

  
J A Hudson