

Before the Independent Hearings Panel
at Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Proposed private plan change RCP31 to the Operative
Waimakariri District Plan

and: **Rolleston Industrial Developments Limited**
Applicant

Evidence of Mark Crooks

Dated: 6 July 2023

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EVIDENCE OF MARK CROOKS

- 1 My full name is Mark John Crooks.
- 2 I am the Contaminated Land Assessment and Remediation Team Leader for Tetra Tech Coffey in New Zealand. I hold a Bachelor of Applied Science degree in Chemistry. I have over 15 year's experience in the environmental and contaminated land fields undertaking and managing a large variety of environmental investigations, as well as monitoring and remediation across numerous sites including closed landfills, residential, industrial and commercial developments, local government and New Zealand Defence Force sites. As well as consulting, I have previous experience as a regulator with Auckland Council including assessing private plan changes. General contaminated sites experience includes soil investigations, ground water, surface water and landfill gas including risk assessments for closed landfills. As well as contaminated sites, I have experience in stormwater management, and regulation at commercial/industrial sites.
- 3 I am familiar with the plan change application by Rolleston Industrial Developments Limited (*the Applicant*) to rezone approximately 156 hectares of land bordered by Bradleys Road, Whites Road, Mill Road (*the Site*) and to the south by rural residential and farmland. I am also familiar with the Preliminary Site Investigation Report prepared by Tetra Tech Coffey entitled "535 Mill Road, Ōhoka, Preliminary Site Investigation" dated 31 May 2021.

CODE OF CONDUCT

- 4 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except were relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 5 My evidence relates to the contaminated land aspects of the Site and existing environment.

EVIDENCE

- 6 In the Environment Canterbury (*ECAN*) submission #507, ECAN makes the following statement:

(24) CRPS Policy 17.3.1 seeks identification of sites historically or presently used for an activity that could have, or has, resulted in contamination, and where appropriate the verification of the existence and nature of that contamination. CRPS policy 17.3.2 requires a site investigation to be undertaken on potentially contaminated land to determine the nature and extent of contamination prior to new subdivision, use or development to ensure any actual or potential adverse effects of contaminated land can be avoided, remedied, or mitigated.

- 7 In response to this statement, a preliminary site investigation has been conducted (Report number 773-CHCGE288040, attached to the application for this plan change) for the area of the proposed plan change. As part of this investigation, potential contamination has been identified for further detailed investigation prior to subdivision. While isolated areas of the Site, such as the landfill and fuel store may require significant investigation and/or remediation, the potential for contamination over the remainder of the property is considered low and not a barrier to the proposed Plan Change rezoning and residential use.

- 8 Furthermore, in its submission ECAN makes the following statement:

(25) The applicant has completed a Preliminary Site Investigation (PSI) to determine if any site remediation is required to satisfy the Resource Management Act. The PSI did recognise that there are several actual and potential HAIL activities. Environment Canterbury's Listed Land Use Register (LLUR) has identified a landfill site within the proposed site area.

- 9 In response to this statement we confirm that a preliminary site investigation was conducted. Report number 773-CHCGE288040 outlines the findings of this investigation which similarly identified the potential landfill site.

- 10 Furthermore in the submission, ECAN makes the following statement:

(26) Environment Canterbury considers that it is essential for a more detailed PSI to be undertaken to provide an adequate overview of the potential contamination issues present in the area, and how they may be managed. The applicant provided a high-level PSI and potentially contaminating activities are likely to have been missed. For example, the earliest aerial (1940 – 1944) images shows the site in use for rural activities and structures are present at that time. The number of structures increases with time and there is a possibility of

both lead and asbestos contamination due to the ages of these structures. Of note is the reduction in surface water courses present on the site with time, suggesting possible infilling of these features.

- 11 In response to this statement, I note that asbestos and lead being present in older structures is common in many areas undergoing re-development. There is sometimes a halo of surface contamination around the buildings which is usually removed after demolition. The presence of any contamination will be subject to a detailed site investigation prior to subdivision. Considering that the potential filling of local waterways is likely to have occurred using locally sourced fill, this is also considered low risk. Further investigation prior to subdivision can confirm the status of this fill material. Neither of these potential sources of contamination are considered a significant risk that would present a barrier to the proposed Plan Change rezoning and residential use.

- 12 Furthermore in its submission, ECAN makes the following statement:

(27) Regional Rule 5.94 in the Canterbury Land and Water Regional Plan (LWRP) outlines the conditions required for the discharge of construction phase stormwater to a surface waterbody or onto land where a contaminant may enter surface or groundwater. Condition (4) of this permitted activity rule sets out that the discharge is not to be from, into or onto either potentially contaminated land or contaminated land. This rule has not been addressed in the applicant's report when it should have been due to the proposed site area containing known or suspected contamination. The National Environmental Standard for assessing and managing contaminants in soil to protect human health (NES-CS) is therefore relevant to any possible subdivision application at this site.

- 13 In response to this statement, a detailed site investigation will be undertaken prior to any subdivision, followed by remediation (if necessary) prior to any development of the Site. If remediation is necessary, one of the goals of the remediation will be to satisfy Regional Rules 5.93 and 5.94 in the Canterbury Land and Water Regional Plan. This would be confirmed by the provision of a site validation report for Council's review prior to any changes in stormwater management onsite.
- 14 I have read the relevant sections of Waimakariri District Council's submission, in particular paragraph 104, which raised similar issues (landfill, fuel and pesticide storage) to those presented by ECAN and these issues have been discussed in my evidence above.

- 15 I have also read the relevant sections of the Section 42A report including 6.5.12 to 6.5.15 and concur with the statements made in these sections. In particular, I agree with the officer's statement in section 6.5.15: *"I consider that there are no contamination issues that would obstruct the plan change."*

CONCLUSION

- 16 From a contaminated land perspective, the proposed development is considered low risk due to the relatively small scale and low risk of the potentially contaminating activities identified. Residual risk will be addressed by the planned detailed site investigation followed by remediation (if required) prior to development.

Dated: 6 July 2023

Mark John Crooks