

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on the Proposed Waimakariri
District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Variations 1 and 2 to the
Proposed Waimakariri District Plan

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Waimakariri District Plan by
Bellgrove Rangiora Limited

**EVIDENCE OF WENDY ELIZABETH WHITLEY
ON BEHALF OF BELLGROVE RANGIORA LIMITED
REGARDING HEARING STREAM 12E**

Dated: 30 April 2024

Presented for filing by:
Chris Fowler
PO Box 18, Christchurch
T 021 311 784 / 027 227 2026
chris.fowler@saunders.co.nz

INTRODUCTION

- 1 My name is Wendy Elizabeth Whitley.
- 2 I hold qualifications of BEng(Hon) (Natural Resource Engineering) and Master of Engineering Studies (Civil). I am a Certified Environmental Practitioner (General) through the Environment Institute of Australia and New Zealand.
- 3 I am a Senior Contaminated Land Consultant for Aurecon in Christchurch. I have over 12 years of experience in contaminated land management and assessment. My experience includes risk assessment, consenting, investigation, environmental due diligence, compliance, remediation, reporting, sampling and analysis. This includes preparation of Preliminary and Detailed Site Investigations (**PSI** & **DSI**'s) (in accordance with the Ministry for the Environment (**MfE**) Contaminated Land Guidelines 1-5 and Resource Management (National Environmental Standards for Managing and Assessing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**) across a wide range of industries, development and implementation of Remediation Action Plans (**RAPs**), Contaminated Site Management Plans (**CSMPs**) and Site Validation Reports (**SVRs**) and monitoring programmes to satisfy the requirements of the NESCS and Regional Authorities.
- 4 My role in relation to the proposed Waimakariri District Plan (**pWDP**) and Variation 1 is as an independent expert witness to Bellgrove Rangiora Limited (**Bellgrove**) on contaminated land matters.
- 5 Although this is not an Environment Court proceeding, I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

- 6 In my evidence I address the following issues:
 - (a) The Proposal to rezone the Site from Rural Lifestyle (**RLZ**) to Medium Density Residential Zone (**MRZ**);

- (b) The amendment of the South East Rangiora Development Area (**SER-DA**) to include an additional 3.3 ha to reflect the full extent of Bellgrove's land holding;
- (c) The relevant statutory planning provisions;
- (d) The existing PSI completed for the site by Malloch Environmental Ltd in 2019 and other readily available contaminated land information; and
- (e) My assessment of the suitability of Bellgrove's rezoning proposal under the pWDP with respect to contaminated land.

7 In preparing my evidence I have reviewed the following documents and evidence:

- (a) Malloch Environmental Ltd, Soil Contamination Risk Preliminary Site Investigation & XRF Screening Report, 52 Kippenberger Avenue, Rangiora, August 2019 (the **PSI**);
- (b) Environment Canterbury Listed Land Use Register (**LLUR**) information for the site, accessed 8 April 2024; and
- (c) Ministry for the Environment Contaminated Land Management Guidelines No 1: Reporting on Contaminated Sites in New Zealand (Revised 2021).

SUMMARY OF MY EVIDENCE

8 The proposed rezoning of 31.2 ha of land at South-East Rangiora from RLZ to MRZ in the pWDP is suitable for residential rezoning and subsequent subdivision from a contaminated land perspective. No significant risks have been identified as part of the PSI review that would preclude development associated with the new MRZ zoning proposed.


9 It is considered that any human health and environmental risk presented by the potential HAIL activities identified below could be effectively mitigated at the time of subdivision, physical land use change and/or soil disturbance under the NESCS and relevant Regional Council Regulations.

CONTEXT

- 10 Bellgrove seek the rezoning of approximately 31.2 ha of land situated to the immediate south-east of Rangiora as part of the Waimakariri District Plan review (**the Site**).
- 11 The site has been zoned RLZ in the pWDP and Bellgrove is seeking that it to be zoned MRZ.

THE SITE AND EXISTING ENVIRONMENT

- 12 Bellgrove South comprises Lot 2 DP 12090, Lot 2 DP 394668, Lot 2 DP 452196 and Lot 4 DP 25508, all of which is currently used for grazing purposes (Figure 1).



Bellgrove South Landholding						
Address	Legal Description	Record of Title	Owner	Area (ha)	Notified pWDP Zoning	Zoning Sought
15 Kippenberger Avenue	Lot 2 DP 394668	577722	BRL	8.79	Rural Lifestyle	MRZ
74 Northbrook Road	Lot 2 DP 452196		BRL	14.21	Rural Lifestyle	
N/A	Lot 2 DP 12090	CB474/29	BRL	8.20	Rural Lifestyle	
100 Northbrook Road	Lot 4 DP 25508	CB7A/1261	BRL	4.59	Medium Residential	N/A – retain MRZ
<i>Total Bellgrove South Area</i>				35.79		

Figure 1. Bellgrove South Landholding Information

- 13 Bellgrove South is abutted by residential land to the west (Devlin Avenue), land earmarked for future residential development to the south (also located within the SER DA) and rural land use to the east.
- 14 To the immediate north of the site, on the other side of Kippenberger Avenue Bellgrove North (Stage 1) is currently under development in accordance with the consent approved under the COVID-19 Recovery (Fast-track Consenting) Act 2020 for 198 residential lots.

THE PROPOSAL

- 15 Bellgrove are seeking to rezone the full extent of Bellgrove South from RLZ to MRZ in the pWDP. Excluding Lot 4 DP 25508 (100 Northbrook Road) which is already proposed to be zoned MRZ as part of Variation 1, this is an area of approximately 31.2 ha (being the Site).
- 16 Included within this rezoning request is an approximately 3.3 ha area of 'Additional Land' currently located to the east of (outside) the SER-DA.
- 17 No actual land use change, subdivision or soil disturbance is proposed as part of the rezoning.

CONTAMINATED LAND ASSESSMENT

Existing Contaminated Land Documentation

- 18 Malloch Environmental Ltd, on behalf of Westpark Rangiora Ltd, previously completed a PSI of the entire Bellgrove site (Bellgrove North and Bellgrove South) to support subdivision, summarised in *Soil Contamination Risk Preliminary Site Investigation & XRF Screening Report, 52 Kippenberger Avenue, Rangiora, August 2019*. A copy of the PSI report is enclosed at **Attachment 1**.
- 19 The PSI report relevant to the Site is summarised below:
- (a) Review of historical certificates of title indicate that the Site was owned by a sheepfarmer in the early 1900s.
 - (b) Environment Canterbury LLUR information indicates that the Site has not been subject to Hazardous Activities and Industries List (HAIL) activities. The LLUR identifies several nearby HAIL activities, with one

Evidence of Wendy Whitley for Bellgrove dated 30 April 2024 (Contamination)

HAIL activity, a sheep dip (HAIL A8), identified on the property adjacent to the Site on Lot 1 DP 80275 (521 Rangiora Woodend Road).

- (c) Historical aerial photograph review indicates the Site has been used for pasture / grazing dating back to 1941 (the earliest available photograph). No structures were visible in the historical aerial photographs.
- (d) Review of Waimakariri District Council property files did not identify any structures related to the Site.
- (e) A site walkover inspection was not undertaken at the Bellgrove South site based on no identified potential sources of contamination in the desktop review of the PSI.
- (f) The farmer (at the time of reporting in 2019) advised that he had no knowledge of farm pits at the Site. The duration that the farmer has been associated with the site is not stated. No other comments from the farmer relate to Bellgrove South.
- (g) The risk assessment completed identified the potential for waste disposal to land (HAIL G). This was on the basis that the Site has been used for farming for over 100 years and historical farm practices generally involved burial of waste.
- (h) It was recommended that the risk associated with potential for waste disposal to land (HAIL G) could be covered under Accidental Discovery Protocol if present.
- (i) The risk assessment identified the sheep dip adjacent to the Site and discussed the potential for migration onto the subject Site (HAIL H). The report discusses that due to the distance from the dip to the Site and the lack of tracks evident linking the dip to the Site, the sheep dip is unlikely to pose a risk of contamination on the subject site.

20 In addition to the PSI report, I have reviewed the Environment Canterbury LLUR for the site and adjacent property, recently accessed on 8 April 2024 to understand if any significant changes have been recorded since the PSI report in 2019. There was no additional information included on the LLUR.

CONTAMINATED LAND REVIEW CONSIDERATIONS

- 21 The PSI was prepared in general accordance with the MfE Contaminated Land Management Guidelines No 1: Reporting on contaminated sites in New Zealand (revised 2021).
- 22 However, I do not agree completely with the risk assessment outlined in the PSI and summarised in Paragraph 17 above. Specifically:
- (a) Based on the information available, the risk for contamination within the Site associated with the sheep dip on the adjacent property (HAIL H) cannot be ruled out. I consider there to be a potential for contamination within the Site, albeit low, as there is a possibility of near surface soils of paddocks adjacent to the sheep dip area to be affected associated with dripping following sheep dipping activity.
 - (b) Additionally, a site walkover inspection, particularly of areas adjacent to the stream, could potentially assist in confirming if potential waste disposal areas (HAIL G) are present within the Site to allow for appropriate assessment and to minimise the reliance on Accidental Discovery Protocols. These risks would not preclude rezoning of the subject site.
- 23 The PSI is considered suitable for the purposes of rezoning and no significant risks have been identified as part of the PSI that would preclude development associated with the MRZ zoning sought.
- 24 It is considered that any human health and environmental risk presented by the potential HAIL activities could be effectively mitigated at the time of physical subdivision, land use change and/or soil disturbance under the NESCS and relevant Regional Council Regulations.

RELEVANT PLANNING PROVISIONS

- 25 The NESCS would be applicable to any future subdivision, land use and earthworks on site.
- 26 The Canterbury Regional Policy Statement, Chapter 17: Contaminated Land states the objectives of the Statement are protection from adverse effects of contaminated land.

- 27 I consider that human health and environmental risk resulting from the identified potential HAIL activities could be effectively mitigated at the time of subdivision, physical land use change and/or soil disturbance under the NESCS and meet the objectives Policy Statement.

MATTERS RAISED BY SUBMITTERS

- 28 There are no matters raised by submitters that are relevant to my evidence.

CONCLUSION

- 29 In my professional opinion, I conclude from a contaminated land perspective the Site is suitable for rezoning to MRZ and subsequent subdivision.
- 30 Despite the peer review of the previously completed PSI and my assessment identifying potential HAIL activities associated with a sheep dip (HAIL H) and potential for waste disposal sites (HAIL G); it is considered that any human health and environmental risk presented by the potential HAIL activities listed above can be effectively mitigated/managed and would not prevent the sites suitability to undergo land use change or subdivision.
- 31 Due to the likely presence of HAIL activities on the site, the NESCS regulations are considered to apply to the site. Future subdivision or physical change of land use or soil disturbance activities will trigger the requirements of the NESCS, at time of these activities occurring, the potential HAIL activities will require further assessment to:
- (a) Confirm the applicability of the NESCS in relation to Regulation 5(9) (allows for sites where a DSI shows all soils concentrations are below background levels to be exempt);
 - (b) Confirm the associated risk to human health and/or the environment;
 - (c) Confirm the status of the proposed activity to be undertaken (Regulations 8 to 11); and

- (d) Where contaminated land risk is confirmed to be present provide the appropriate management to ensure that the risks are effectively mitigated.

32 Thank you for the opportunity to present my evidence.

Wendy Whitley
30 April 2024

Attachment 1: The PSI