

**BEFORE THE INDEPENDENT HEARING PANEL ON PROPOSED PRIVATE PLAN
CHANGE 13 TO THE OPERATIVE HAMILTON CITY DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of proposed Private Plan Change 13 to the Hamilton
City District Plan

**Statement of Evidence of Trevor Mathieson on behalf of the Waikato
Racing Club Incorporated
(Contaminated Land)
Dated: 26 July 2023**

MAY IT PLEASE THE INDEPENDENT HEARING PANEL

INTRODUCTION

1. My name is Trevor Mathieson.
2. I hold the qualification of D.Phil. (Chemistry) from the University of Waikato, with postdoctoral research in Germany being performed as a fellow of the *Alexander von Humboldt* foundation. I have been an Environmental Chemist for approximately twenty years, initially working for The National Institute for Water and Atmospheric Research (NIWA) and then as an NESCS consultant (Envirochem Evaluation Ltd) since 2012.
3. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NESCS”) provide the principal legislation under which local territorial authorities regulate contaminated land. The Hazardous Activities and Industries List (“HAIL”) specifies a range of land uses that can result in significant soil contamination.
4. Properties featuring an activity or industry on the HAIL require NESCS investigation when specific proposals are made, including *soil disturbance* and *change of use*. Waikato Racing Club Incorporated (“WRCI”) have proposed a zoning change at their site (“PC13”). Based on the construction details in the concept plan, this would result in significant developmental earthworks and conversion to a residential scenario, involving both soil disturbance and change of use.

CODE OF CONDUCT

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my area of expertise, except where I state that I am

relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

EVIDENCE

6. My evidence is focuses on the technical assessment carried out in respect of the proposal to develop the Te Rapa Racecourse site ("Site"), as proposed through Proposed Plan Change 13 ("PPC13"). In that regard, I note that none of the submissions on PPC13 raised issues in relation to land contamination and the section 42A report does not raise any material concerns in relation to land contamination. Accordingly, my evidence highlights the status of the Site and the key matters for consideration in future development proposals.

Site Features

7. The proposed development area is predominantly grassed land, featuring horse stables that support the Te Rapa Racecourse activity. Significant soil contaminant levels - with respect to residential NESCS Soil Contaminant Standards ("SCS") and clean fill criteria - are likely directly adjacent to the buildings, for example, lead from degraded paint.
8. The eastern corner of the proposed development area features a modern industrial yard, with an adjacent stockpile of topsoil most likely created during construction of the yard. A second stockpile in the northeast was created with topsoil removed from a recent industrial development adjacent to the racecourse land.

HAIL Status

9. Soil contamination directly adjacent to long-term buildings, due to degradation of materials and paint, can be defined as HAIL activity I:

Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment. The extent of soil contamination near building footprints often significantly increases if unprofessional demolition practices have been undertaken.

10. In 2014 the HCC recorded the potential for HAIL activity A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass house or spray sheds at the site. Discussion with WRCl staff members indicated that bulk pesticides were only applied to the actual racecourse area and were not stored in the proposed development area east of the racecourse and grandstand buildings.

Future NESCS Assessment

11. The NESCS Regulations provide a mechanism for consistent assessment of health risks due to soil contamination. A fundamental aspect of the assessment is soil sampling, in which analysis results for contaminants are compared with applicable SCS.
12. The PSI recommended that a DSI be performed prior to any future residential development, after demolition professionals assess and remove the existing buildings. The DSI should focus on - but not necessarily be limited to - (1) the general grassed land, (2) soil immediately adjacent to the previous buildings and (3) the two existing stockpiles. The extended NESCS investigation and sampling programme should remain aware of the possibility for previous use and storage of persistent pesticides (HAIL A10). The DSI soil analysis results should define appropriate locations for the excavated soil, for example:
 - (a) Remain onsite in the proposed residential and recreational land use scenarios.
 - (b) Remove from the site to a clean-fill disposal facility.

- (c) Remove from the site to a licensed contaminated soil disposal facility.
- 13. If a DSI concluded that soil contamination is unlikely to exceed applicable SCS in the intended residential land use scenario, the change of use and soil disturbance/removal would be controlled activities, as stated in Section 9 of the NESCS. In this situation, a Site Management Plan (“SMP”) is recommended to support the developmental earthworks.
- 14. If a DSI concluded that soil contamination is likely to exceed applicable SCS in the intended residential land use scenario, the change of use and soil disturbance/removal would be restricted discretionary activities, as stated in Section 10 of the NESCS. In this circumstance, a Remedial Action Plan (“RAP”), Site Validation Report (“SVR”) and/or SMP would be required to support the developmental earthworks.
- 15. Based on my assessment described above, I consider it would not be reasonable to preclude the development (PPC13) on the basis of soil contamination.

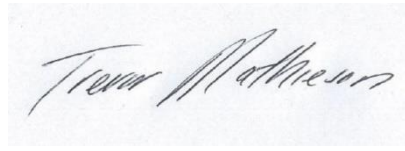
SECTION 42A REPORT

- 16. The Hamilton City Council (“HCC”) Section 42A Hearing Report acknowledged the plan change application included an NESCS Preliminary Site Investigation (“PSI”). (The PSI (Envirochem Evaluation Ltd) established the initial NESCS status and is included in Appendix I of PC13.) After considering the PSI, HCC noted that (1) soil contamination could exceed applicable NESCS standards in specific areas of the site, (2) a Detailed Site Investigation (“DSI”) would be required in future to support the proposed site development and (3) providing a DSI at the resource consent stage will align the expanded NESCS investigation to the specific construction details at the time of redevelopment.

17. I agree with this statement.

CONCLUSION

18. The PSI concluded that soil contamination could exceed applicable SCS and clean fill disposal criteria in specific areas of the proposed residential development site. However, I am satisfied the recommended future NESCS reporting would facilitate all reasonable steps during the developmental works to (1) reduce the risk of significantly contaminated soil remaining onsite in the future land use scenarios, (2) inform site workers of unexpected soil contamination discovery protocols and (3) provide guidance for appropriate offsite disposal or onsite reuse of soil.
19. This recommended NESCS reporting should be undertaken as part of the subsequent resource consent applications prior to development. It should support the qualified building and earthworks contractors to implement good practice procedures to safeguard workers and future site occupants, while also protecting the wider environment.



Trevor Mathieson
Dated: 26 July 2023