

BEFORE TAUPŌ DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 ('the Act')

AND

IN THE MATTER OF of an application for a Proposed Plan Change 37 Nukuhau

**SUMMARY STATEMENT FOR HEARING BY ADAM MICHAEL GRAY
ON BEHALF OF TAUPŌ DISTRICT COUNCIL**

Date: 9 November 2021

QUALIFICATIONS AND EXPERIENCE

1 My qualifications and experience are set out in my Evidence-in-Chief.

CODE OF CONDUCT

2 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

BACKGROUND

3 I have prepared or contributed to the following document:

- The Preliminary Site Investigation submitted as part of the Plan Change proposal ("Nukuhau Taupō Plan Change, Preliminary Site Investigation, WSP Opus, Reference 2-37400.01/007CL", dated March 2019), and
- The Detailed Site Investigation submitted as part of the Plan Change proposal ("Nukuhau Taupō Plan Change, Detailed Site Investigation, WSP Opus, Reference 2-37400.01/007CL", dated September 2019).

4 In my Evidence-in-Chief I provided comments on:

- The investigations undertaken to characterise potentially contaminated land present on portions of the land subject to Private Plan Change 37 (PPC37).
- The management of potential adverse effects associated with the identified potentially contaminated land.

5 This summary statement is based on the above documents (although it does not replace them), along with consideration of the following:

- Evidence-in-Chief of James Gladwin

COMMENTS ON JAMES GLADWIN'S EVIDENCE

6 I concur with Mr Gladwin's conclusions that:

- Where off-site disposal of soils is to occur, disposal should be completed at an appropriately licenced facility.

- That an 'unexpected contamination discovery protocol' should be developed and implemented to manage the potential for 'unexpected' finds of contaminated material during subdivision development.

7 In my opinion,

- contaminated land investigations to date have established, that it is more likely than not, that potentially contaminating activities have been undertaken on portions of the land subject to Private Plan Change 37 (PPC37).
- the investigations into contaminated land to date have commenced the assessment of potential adverse effects associated with the potentially contaminating activities undertaken. I consider there remains some data gaps and uncertainties that would require resolution prior to future development, subdivision and earthwork activities on the relevant 'piece of land' associated with the potentially contaminating activities.
- the management of potential adverse effects associated with the identified potentially contaminated land, and resolution of potential data gaps I consider present in the investigations completed to date, can be addressed through further investigation and / or documentation and implementation of management or remedial approaches, prior to future development, subdivision and earthwork activities on these portions of the land associated with PPC37.
- that these recommended further investigation works are most appropriately completed at the time of development, subdivision or earthworks. My rationale is that land contamination issues can occur at any time and therefore results from prior investigations can be invalidated or require updating prior to the development, subdivision or earthworks.

CONCLUSIONS

8 I consider it appropriate to conduct additional investigations, at the time of future development, subdivision or earthworks to manage potential effects associated with potentially contaminated land. These future investigations would need to be completed in accordance with the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (the NES Soil) and if contamination is identified, consent obtained (as a controlled or restricted-discretionary activity) under the NES Soil. If no investigation is undertaken, consent would be required under the NES soil for a discretionary activity.



Adam Michael Gray
9 November 2021