

**BEFORE THE INDEPENDENT PANEL
OF KAPITI COAST DISTRICT COUNCIL**

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

AND

IN THE MATTER of Private Plan Change 4 ("PC4") to the Kāpiti Coast District Plan ("Plan") - 65 and 73 Ratanui Road, Otaihanga

**STATEMENT OF EVIDENCE OF MARCUS M. HERRMANN ON BEHALF OF
WELHOLM DEVELOPMENTS LIMITED**

CONTAMINATED LAND

16 JANUARY 2026

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1. INTRODUCTION

1.1 My full name is Marcus Mackie Herrmann.

Qualifications and experience

1.2 I have been the Principal – Site Contamination at Riley Consultants Ltd (Riley) for the past seven years and Technical Director – Site Contamination at Riley for the past five years.

1.3 I hold a Master's Degree in Environmental Studies (Victoria University of Wellington), and a Bachelor's Degree in Biological Sciences (Concordia University, Montreal). I have 30 years' professional experience in contaminated land risk assessment and management.

Involvement in Welholm Developments Limited plan change request

1.4 As a suitably qualified and experienced contaminated land practitioner ("SQEP"), I reviewed and signed off Riley's Preliminary Site Investigation report for the Private Plan Change at 65 & 73 Ratanui Road, Paraparaumu, dated 29 November 2024.

1.5 I confirm that I have carried out a walkover appraisal of the Plan Change Area.

Code of Conduct

1.6 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence before the Hearing Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2. SUMMARY OF EVIDENCE

2.1 My evidence summarises our findings from site contamination investigations and assessments within the Plan Change site at 65 and 73 Ratanui Road ("the Site") and outlines key findings and recommendations to enable the proposed land use.

- 2.2 Extensive soil contamination investigations were undertaken on the Site to understand off-site disposal, on-site reuse options and health risks relating to the required earthworks to enable residential use of the Site in line with PC4.
- 2.3 Based on the preliminary site investigation ("PSI") and soil contamination testing, no Ministry for the Environment Hazardous Activities and Industries List ("MfE HAIL") activities have been undertaken on the Site. There were also no exceedances of the standards in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ("NES-CS") for a high-density residential land use scenario.
- 2.4 The PSI identified an isolated elevated arsenic sample, background exceedances of cadmium across the Site, and other heavy metals / metalloids and organochlorine pesticides ("OCP") exceeding background levels on a more localized basis. Future disturbance of these soils will require a controlled activity land use consent from Kāpiti Coast District Council ("KCDC") under the NES-CS.
- 2.5 The low-level soil contamination identified can be managed and any development in accordance with PC4 can comply with regulatory requirements. There is therefore no reason PC4 cannot proceed from a soil contamination standpoint.
- 2.6 Prior to demolition of the existing structures on-site, a survey of potential asbestos containing materials and lead paint should be undertaken by a WorkSafe-licensed asbestos assessor to determine requirements under WorkSafe's Health and Safety at Work (Asbestos) Regulations 2016.

3. SCOPE OF EVIDENCE

- 3.1 This statement of evidence will:
 - (a) provide a brief summary of the contaminated land context of PC4;
 - (b) summarise the key findings and recommendations from Riley's PSI;
 - (c) respond to the Council Officer's Section 42A Report; and
 - (d) respond to the submissions received.

4. CONTEXT

- 4.1 The Site is located at 65 and 73 Ratanui Road, Paraparaumu.

4.2 It is proposed to change the zoning of the Site from the current Rural Lifestyle Zone to General Residential Zone in contemplation of residential development. The intention of this assessment is to support the suitability of the Site for rezoning by providing certainty regarding key requirements for any future residential activity on the Site.

4.3 To enable the proposed residential land use, earthwork activities are likely to be required to improve gradients across the Site. This will be undertaken to form building platform levels, retaining walls, formation of road subgrades and construction of infrastructure, including stormwater detention basins within the Site.

4.4 Intrusive soil contamination investigations were undertaken to inform the PC4 assessments, to identify off-site disposal and sustainable on-site reuse options and to assess potential health risks from soils on-site from identified past activities including placement of filling material for construction and cattle grazing.

4.5 The investigation was undertaken in two rounds, the first in February of 2023 and the second in May of 2024. Soil samples were collected from a total of 54 sampling locations from surface soils and some near-surface samples across the wider site. A deeper (1.0m bgl) sample at 73 Ratanui Road was collected due to the presence of fill material.

4.6 A total of 66 samples were scheduled for heavy metals / metalloids analysis, 10 samples for polycyclic aromatic hydrocarbons (PAH) analysis, 11 samples for OCP analysis, and four samples for asbestos (presence / absence) analysis.

5. KEY FINDINGS AND RECOMMENDATIONS

5.1 No activities or industries included on the Ministry for the Environment's Hazardous Activities and Industries List have occurred on-site, based on the PSI and soil contamination testing outcomes.

5.2 Testing results of fill material from the footprint of constructed areas (dwellings and sheds) did not show any exceedances of applicable NES-CS soil contaminant standards.

5.3 No asbestos has been detected in any of the soil samples analysed.

- 5.4 No contaminants of concern were identified that exceeded the applicable health-based NES-CS soil contaminant standards for high-density residential or outdoor worker (unpaved) land use scenarios.
- 5.5 An isolated soil sample adjacent to a shed identified an arsenic concentration exceeding the NES-CS residential (10% produce) soil contaminant standard. Further soil testing in the vicinity of this sampling location will be undertaken to delineate the extent of arsenic contamination, prior to its removal from site and subsequent validation.
- 5.6 Cadmium exceeding adopted background concentrations is present in surficial soils across the Site, as are other heavy metals / metalloids and OCP on a more localised basis. These background exceedances do not present any health risks and soils may be safely re-used on the site during future soil disturbance works.
- 5.7 Based on background exceedances of cadmium across the Site and other more localised heavy metals / metalloids and OCP, future disturbance of soils will require a controlled activity land use consent under the NES-CS from Kapiti Coast District Council.
- 5.8 Prior to demolition of the existing structures on-site, a survey of potential asbestos containing materials and lead paint should be undertaken by a WorkSafe-licensed asbestos assessor to determine requirements under WorkSafe's Health and Safety at Work (Asbestos) Regulations 2016.

6. RESPONSE TO SUBMISSIONS AND S42A REPORT

- 6.1 Four submitters (Lang Family Trust, Stephen Alexander and Linda Parsons, Derek Robert Foo and Helen Patricia Foo, John Le Harivel)¹ have expressed concerns about how site earthworks will be managed to prevent or mitigate stormwater and dust discharges. The submission from Lang Family Trust also highlights concerns regarding the movement of contaminated soil being a health hazard to people and the land and recounts their observations about poorly managed construction projects having adversely affected their neighbours.
- 6.2 The extensive Site contamination investigations have only identified one localised area of potential concern to health, being the arsenic detection near a shed. This small area will be delineated, safely removed from the Site and

¹

Submissions 2, 6, 7 and 16.

validated prior to bulk earthworks commencing on site and under NES-CS conditions of consent.

6.3 The remaining soils across the Site do not present any health or environmental risks from future disturbance. However, a land use consent under the NES-CS will be required to be applied for prior to future earthworks, which will include conditions requiring that site earthworks are undertaken in accordance with a Council-certified Site Management Plan, in addition to WorkSafe requirements for contractors such as a Construction Management Plan and Environmental Management Plan.

6.4 Section 8.6 of the Council Officer's S42A report states:

As this is a request for a zone change, and not to determine the actual use of the site, the NES-CS does not strictly apply. The requirements of the NES-CS will have to be appropriately addressed at any subsequent subdivision or building consent stage and, depending on the nature of any future activity, may either satisfy the permitted activity requirements or require resource consent under the NES-CS.

7.2 I concur with the Council Officer's statement regarding NES-CS applicability and resource consenting requirements at subdivision / future site development stages.

7. CONCLUSION

7.1 The identified low-level soil contamination at the Site can be readily managed at the development stage, ensuring compliance with regulatory requirements. There are no contamination-related reasons to prevent PC4 from proceeding.

Marcus Mackie Herrmann

16 January 2026