

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Statement of supplementary planning evidence of Michael David Rachlin on
behalf of Porirua City Council**

Date: 3rd December 2021

INTRODUCTION:

1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner for Porirua City Council.

2 I have read the hearing statement from 4Sight Consulting on behalf of Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited (“oil companies”).

3 I have prepared this statement of evidence on behalf of the Porirua City Council (**Council**) in respect of technical related matters arising from the submissions and further submissions on the Proposed Porirua District Plan (**PDP**).

4 Specifically, this statement of evidence relates to the matters in Chapter CL–Contaminated Land and Chapter HAZ-Hazardous Substances.

5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

6 Appendix C of my section 42A report sets out my qualifications and experience.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF EVIDENCE

8 My statement of evidence addresses the following matters:

- Amendment to Objective CL-O1
- Amendment to recommended change to HAZ-P2 (Paragraph 51.a of Officer's Report: Part B - Hazardous Substances)

9 Based on the hearing statement prepared on behalf of the oil companies (submitter 123) by 4Sight Consulting, there are no other matters of

contention in relation to the Contaminated Land topic or to the Hazardous Substances topic.

Recommended Amendment to Objective CL-O1.

10 I have considered the statement from the oil companies and agree that the NES-CS anticipates that risk to human health from contaminated land may require ongoing management following the subdivision, change of use or development of contaminated land. As such the objectives for this topic needs to reflect this outcome. However, I believe it is still important to:

- Link the outcome to the subdivision, change of use or development of land, for the reasons I identify in the s42A report¹, and to reflect the Council's function under s31(b)(ia) to the RMA²; and
- Require the identification of contaminated land before the subdivision, change of use or development of land.

11 In response to the statement from the oil companies and to reflect the points I make above, I recommend that CL-O1 be amended as follows.

Contaminated land is identified ~~and made safe for its intended use and human health~~ before ~~any it's~~ subdivision, change of use or development, and made safe for human health.

Recommendation in relation to Policy HAZ-P2.

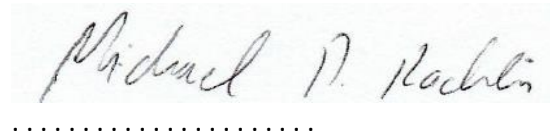
¹ Paragraphs 50 to 52

² The control of any actual or potential effects of the use, development, or protection of land including for the purpose of the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.

12 The statement from the oil companies points out that their relief for this policy included adding a “d” at the end of “demonstrate”. I agree that this is necessary for grammatical correctness. I show this additional amendment in blue below. This forms my amended recommendation for HAZ-P2 in response to submission point 123.8:

HAZ-P2	Residual risk to people and communities
<p>Avoid use and development which uses, stores or disposes of hazardous substances from locating in areas where they may adversely affect the health and wellbeing of people and communities, unless they can <u>it can be</u>³ demonstrated⁴ that the residual risk to people and communities will be avoided, <u>or where avoidance is not practicable</u>,⁵ remedied or mitigated to an acceptable level.</p>	

Date: 3rd December 2021



.....

³ Oil companies [123.11]

⁴ Ibid

⁵ Ibid