

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Commissioner Robinson

Commissioner St Clair

Commissioner Pomare

Commissioner Williams

SUBJECT:

**Proposed Porirua District Plan: Hazardous
Substances**

PREPARED BY:

Michael David Rachlin

REPORT DATED:

5th November 2021

DATE OF HEARING:

3,6-8,10 December 2021

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) as they apply to the Contaminated Land chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were nine submissions received on the Contaminated Land chapter. The submissions received generally supported the notified plan provisions but variously seek changes to improve clarity or to reference other methods for the management of contaminated land.
3. Given the relatively low number of submissions on this chapter, this report addresses each submission.
4. I have recommended some changes to the PDP provisions to address matters raised in submissions and are summarised below:
 - Reference to the Selected Land Use Register which identifies land in the Wellington region where hazardous industries or activities have taken place.
 - Provide policy recognition to the management of contaminated land to enable a broader suite of options for dealing with contaminated land.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in section Appendix A of this report.
6. For the reasons included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Contents

Executive Summary.....	i
Contents.....	ii
Interpretation	iv
1 Introduction	1
1.1 Purpose	1
1.2 Author	1
1.3 Supporting Evidence	2
1.4 Key Issues in Contention.....	2
1.5 Procedural Matters	2
2 Statutory Considerations	3
2.1 Resource Management Act 1991.....	3
2.2 Section 32AA.....	3
2.3 Trade Competition	4
3 Consideration of Submissions and Further Submissions.....	5
3.1 Overview	5
3.2 General Submissions.....	6
3.3 Objectives.....	7
3.4 Policies	8
3.5 Other matters	9
4 Conclusions	11

Appendices

- Appendix A. Recommended Amendments to Contaminated Land chapter
- Appendix B. Recommended Responses to Submissions and Further Submissions
- Appendix C. Report Author's Qualifications and Experience

List of Tables

Table 1: Abbreviations iv
Table 2: Abbreviations of Submitters' Names iv

List of Tables in Appendices

Table B 1: Recommended responses to submissions

No table of figures entries found.

Interpretation

7. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force

Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Contaminated Land chapter and to recommend possible amendments to the PDP in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant objectives, policies, rules, as they apply to the contaminated land chapter in the PDP. The report outlines recommendations in response to submissions received on this chapter.
10. This report discusses general issues, the original submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
11. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
12. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP contaminated land chapter.

1.2 Author

13. My name is Michael David Rachlin. My qualifications and experience are set out in Appendix C of this report.
14. My role in preparing this report is that of an expert planner.
15. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for Residential Zones, Contaminated Land chapter, Hazardous Substances chapter, Temporary Activity chapter, and General Industrial Zone.
16. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
17. The scope of my evidence relates to contaminated land chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
18. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

19. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

20. Given the matters addressed in this report and the recommendations I make, I have not relied on expert evidence, literature, legal cases or other material.

1.4 Key Issues in Contention

21. The Contaminated Land chapter received nine submissions and no further submissions. None of the submissions oppose the provisions of the chapter, but four seek amendments.

22. The amendments sought are:

- The inclusion of reference to the Selected Land Use Register, maintained by GWRC, which identifies land in the Wellington region where hazardous industries or activities have taken place.
- Providing policy recognition to the management of contaminated land to enable a broader suite of options for dealing with contaminated land.
- The Introduction of the concept of “residual human health risk” into the objectives

23. I address each of these in my report.

1.5 Procedural Matters

24. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

25. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

26. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Contaminated land. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPS-UD and NPS-FM. This is also discussed in the Officer's Report: Part A.

2.2 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the Contaminated Land chapter is contained within the assessment of the relief sought in submissions in section 3 of this report as required by s32AA(1)(d)(ii), while noting that my recommended amendments are generally restricted to improving clarity.

2.3 Trade Competition

29. Trade competition is not considered relevant to the contaminated land provisions of the PDP.

30. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

31. There were nine submissions received on the Contaminated Land chapter, with none opposed. However, four submissions seek amendments which are primarily concerned with clarifying the proposed management regime for contaminated land and the referencing of a non-statutory document outside of the PDP to aide users of the plan.
32. The section 32 evaluation report for the contaminated land chapter¹ identified FC-03 and REE-05 as being relevant to contaminated land. Submissions on those Strategic Objectives are addressed in the Strategic Objectives s42A report, to be heard in hearing stream, HS3. I would note that the submissions only seek minor changes to the wording of these Strategic Objectives and do not alter the intent or outcome identified by them. The amendments sought do not have any impact on the contaminated land provisions, over and above that identified in the s32 evaluation report for contaminated land

3.1.1 Report Structure

33. Given the low number of submissions received to the contaminated land chapter and in accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on a provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
34. Due to the low number of submission points, this evaluation contains specific recommendations on each submission point where an amendment to the PDP is sought. Specific recommendations on each submission point are contained in Appendix B.
35. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.

3.1.2 Format for Consideration of Submissions

36. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA evaluation

¹ PCC Section 32 Evaluation Report Part 2: Contaminated Land

37. The recommended amendments to the Contaminated Land chapter are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
38. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

3.2 General Submissions

3.2.1 *Matters raised by submitters*

39. Two submissions raised the role of the Selected Land Use Register, maintained by GWRC, in the management of contaminated land and both seek that this should be referenced in the PDP.
40. GWRC [137.40] seeks the retention of the Contaminated Land chapter, but with an amendment to include reference to, and explanation of the Selected Land Use Register which records land in the Wellington region where hazardous substances have been used, stored or disposed of. Registered sites are where hazardous activities have historically or are currently taking place. Examples include service stations, paint manufacturing plants, landfills, former gasworks and airports.
41. The submitter considers that it would assist plan users to explain the role of the Selected Land Use Register (SLUR) that Greater Wellington Regional Council administers and to provide a reference to that register in the PDP.
42. Heather and Donald Phillips and Love [79.6] seek that the PDP is amended to include a reference and link to GWRC's Contaminated Land register. They comment that Contaminated Land is not included in Hazards in the PDP and that other hazards and dangerous areas have sections within the PDP; so why not the hazard of contaminated lands. The submitter additionally comments that a District Plan is a place where people go to see what services and/or hazards are on their properties. They consider that the PDP should include all known hazards even if they are administered by another authority, similar to the national grid and gas transmission pipelines.

3.2.2 *Assessment*

43. I agree with GWRC that it would assist plan users to explain the role of the Selected Land Use Register (SLUR) that they administer and to provide a reference to that register in the Contaminated Land chapter. This provides a useful information source for those seeking to develop, subdivide or use land. It does not, however, replace the regulatory requirement under the NES-CS for those wishing to develop, subdivide or use their land to identify whether it is contaminated.
44. In relation to the submission from Heather and Donald Phillips and Love, I do not consider it is a requirement for a District Plan to identify or map all property related information. The District Plan is to assist Porirua City Council fulfil its functions under s31 of the RMA for the purpose of giving effect to the Act. In relation to contaminated land, s31(1)(b)(iia) requires that a territorial authority controls 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.

45. I do, however, agree with the submitter that the PDP should reference GWRC's contaminated land register, which I assume is a reference to the Selected Land Use Register, discussed in paragraph 43 above.

3.2.3 Summary of recommendations

46. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the chapter introduction section to include a reference to the Selected Land Use Register as set out in section Appendix A.

47. I recommend that the submission from GWRC [137.40] be **accepted** and that the submission from Heather and Donald Phillips and Love [79.6] be **accepted in part**.

3.2.4 Section 32AA evaluation

48. I have not undertaken an evaluation of my recommended change under section 32AA of the RMA since the amendment is to a non-statutory section of the PDP.

3.3 Objectives

3.3.1 Objective CL-O1 Protection of human health from contaminants

3.3.1.1 Matters raised by submitters

49. The oil companies [123.3] seek that this objective be amended to provide further clarity that the intent of the objective relates to ensuring there is a level of management of any contamination which may need to be ongoing, relative to the sensitivity of the intended use. The submitter considers this could be achieved by way of the following wording:

Contaminated land is identified and ~~made~~ managed so that any residual human health risk is and remains acceptable safe for its intended use and human health before any subdivision, change of use or development.

3.3.1.2 Assessment

50. As identified in the s32 evaluation report for this chapter², the key purpose of the Contaminated Land chapter was to introduce specific contaminated land focussed objectives and policies to support the NES-CS regulatory framework. In my opinion the amendment sought by the oil companies would move the scope of the chapter beyond supporting the NES-CS, by:

- Removing the link to the subdivision, change of use or development of land as contained in the notified version; and
- Introducing "residual risk" to the management regime for contaminated land, which is not found within the NES-CS.

51. The explanatory note to the NES-CS identifies the purpose and scope of the regulations as:

² PCC Section 32 Evaluation Report Part 2: Contaminated Land

These regulations provide a national environmental standard for activities on pieces of land whose soil may be contaminated in such a way as to be a risk to human health. The activities are removing or replacing a fuel storage system, sampling the soil, disturbing the soil, subdividing land, and changing the use of the piece of land.

52. I consider that the amendment sought by the oil companies amends the outcome for contaminated land beyond the scope of supporting the NES-CS regulatory framework. The submitter has also not provided a s32AA evaluation to demonstrate that this change to the objectives and associated plan outcome would be the most appropriate way to achieve the purpose of the RMA.

3.3.1.3 Summary of recommendations

53. I recommend for the reasons given in the assessment, that the submission from the oil companies [123.3] be **rejected**.

3.4 Policies

3.4.1 Policy CL-P3 Positive effects of the treatment and remediation of contaminated land

3.4.1.1 Matters raised by submitters

54. The oil companies [123.6] seek that the policy is amended to provide further clarity that the intent to provide for positive social, economic and health effects requires suitable management of contaminated land in achieving those outcomes. The submitter considers this could be achieved by way of the following wording:

Recognise that the management, treatment and remediation of contaminated land can provide positive social, economic and health effects for people and the community.

55. The submitter considers that management can be an essential component of ensuring positive social, economic and health outcomes for people and communities, as prescribed within the NES-CS.

3.4.1.2 Assessment

56. I agree with the submitter that the management of contaminated land is a method alongside treatment and remediation, recognised by the NES-CS. For example, site management plans are a matter of control in clause 9(2)(b)(i) of the regulations, while the on-going management of contaminated land is a matter of discretion for restricted discretionary activities in clause 10(3)(c). Consequently, I agree that the management of contaminated land is an appropriate method, alongside the treatment and remediation of contaminated and that this should be provided recognition in the policy framework.

3.4.1.3 Summary of recommendations

57. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** Policy CL-P3 as set out below and in section Appendix A.

CL-P3	Positive effects of the treatment and remediation of contaminated land
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Recognise that the management,³ treatment and remediation of contaminated land can provide positive social, economic and health effects for people and the community.

58. I recommend that the submission from the oil companies [123.3] be **accepted**.

3.4.1.4 S32AA evaluation

59. In my opinion, the amendment to policy CL-P3 is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- It appropriately broadens the range of methods for managing contaminated land in a way that provide positive social, economic and health effects for people and the community, and which is recognised by the NES-CS.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved clarity and direction provided by the amended policy.

3.5 Other matters

3.5.1 Use of “minimise” in policies and objectives

3.5.1.1 Matters raised by submitters

60. In Hearing Stream 1, the Hearings Panel requested that submission 82.296 from Waka Kotahi be addressed for each topic as well as Hearing stream 1. This submission seeks removal of the term ‘minimise’ throughout the PDP, in favour of the term ‘mitigate’, which aligns with the effects hierarchy under the RMA.

3.5.1.2 Assessment

61. CL-P2 requires that the risk to people from the subdivision, change of use and development of land that may or does contain elevated levels of contaminants is minimised. The policy identifies the actions to achieve this and the threshold by which it will be measured. The required threshold is:

- Remediation does not pose a more significant risk to human health than if the remediation had not occurred; and
- Land is suitable for its intended use.

62. In my opinion the requirement to minimise a risk is a type of mitigation. It is not seeking to avoid the risk altogether but instead to minimise it, or put another way, to make the risk as small as possible. I consider that this degree of mitigation is appropriate given objective CL-O1 which requires that contaminated land is made safe for its intended use and human health. Appropriate levels of mitigation will achieve this outcome as described in policy CL-P2.

³ Oil Companies [123.6]

3.5.1.3 *Summary of recommendations*

63. I recommend for the reasons given in the assessment, that the submission from Waka Kotahi [82.296], be **rejected**. This is insofar as it relates to the Hazardous Substances topic.

4 Conclusions


64. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
65. For the reasons included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author Michael David Rachlin		

Appendix A. Recommended Amendments to Contaminated Land chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is in red and underlined.
- Text recommended to be deleted from the PDP is in red and ~~struckthrough~~.

CL - Contaminated Land

Contaminated land is land that has a hazardous substance in or on it that could have an adverse effect on human health. The subdivision, change of use or development of contaminated land can expose people to increased levels of contamination from hazardous substances that were previously contained. The treatment or remediation of contaminated land contributes to the social, economic and health outcomes of communities by managing risk to human health and increasing the availability of land for development. This includes land for housing and business.

Territorial authorities control land use to prevent or mitigate adverse effects on human health associated with the subdivision, use and development of land on contaminated or potentially contaminated sites. The Council's response to this issue is largely governed by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS).

The NESCS regulations ensure that land affected by contaminants is identified and assessed before it is subdivided or developed or a change of use occurs and if necessary, the land is remediated or the contaminants contained to make that land safe for human use. In most cases, the responsibility for the management of environmental effects arising from contaminated land will sit with the Greater Wellington Regional Council, e.g. leaching of contaminants to waterbodies or groundwater from land development or disturbance activities. This chapter contains objective and policy guidance for the assessment of any resource consent applications required under the NESCS in accordance with the requirements of section 104 of the RMA.

[Land in the Wellington region where hazardous industries or activities take place or have taken place are recorded by the Greater Wellington Regional Council on the Selected Land Use Register. This register and associated mapping of sites can be found on the Greater Wellington Regional Council website⁴.](#)

Objective

CL- O1 Protection of human health from contaminants

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

CL- O2 Positive benefits from treatment and remediation of contaminated land

Treatment and remediation of contaminated land contributes to the health and wellbeing of communities, including increased availability of land for housing and business activities.

Policies

⁴ Heather and Donald Philips and Love [79.6]; Greater Wellington Regional Council [137.40]

CL- P1	Identification of potentially contaminated land
At the time of subdivision, change of use or development, identify sites that may be subject to potential contamination as a result of historical land uses and activities.	
CL- P2	Minimising risks from contaminated land
Minimise the risk to people from the subdivision, change of use and development of land that may or does contain elevated levels of contaminants by: <ol style="list-style-type: none"> 1. Enabling site investigations to better understand the type and level of contaminants present; 2. Having particular regard to management measures proposed, which may include remediation, containment, or disposal of contaminated soil; 3. Applying a best practice approach to remediation that does not pose a more significant risk to human health than if the remediation had not occurred; and 4. Ensuring the land is suitable for its intended use. 	
CL- P3	Positive effects of the treatment and remediation of contaminated land
Recognise that the management , ⁵ treatment and remediation of contaminated land can provide positive social, economic and health effects for people and the community.	
Rules	
Note: As the NESCS provides a complete framework of rules that deal with assessing and managing contaminated soils, the District Plan does not contain any independent or separate set of rules or assessment matters. The Council is required to enforce the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 pursuant to section 44A(8) of the RMA.	

⁵ Oil Companies [123.6]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions

[Arrange this table in groups by topic for all but those chapters which have few submission points on them and those don't need to be grouped. Use the same groupings you have used in the body of the report so it is easy for the submitters to follow]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
General							
79.6	Heather and Donald Phillips and Love	General	Amend – GWRC's Contaminated Land register should be referenced/linked in the Porirua District Plan.	3.2	Accept in part	See body of the report	Yes
137.40	Greater Wellington Regional Council	General	Retain chapter but amend chapter to include an explanation of the SLUR and reference to it.	3.2	Accept	See body of the report	Yes
264.43	TROTR	General	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
123.7	Oil companies	General	Retain the intent of the wording as drafted, with rules being addressed under the existing NESCS framework.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
81.400	Kāinga Ora	General	Retain as notified	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
Objective CL-O1							
123.3	Oil companies	CL-O1	Retain intent of the objective. Provide further clarity that the intent of the objective relates to ensuring there is a level of management of any contamination which may need to be ongoing, relative to the sensitivity of the intended use. This could be achieved by way of the following wording: Contaminated land is identified and made managed so that any residual human health risk is and remains acceptable and safe for its intended use and human health before any subdivision, change of use or development.	3.3	Reject	See body of the report	No
Policy CL-P1							
123.4	Oil companies	CL-P1	Retain intent of the policy as currently worded.	n/a	Accept	Agree with submitter	No
Policy CL-P2							
123.5	Oil companies	CL-P2	Retain intent of the policy as currently worded	n/a	Accept	Agree with submitter	No
Policy CL-P3							
123.6	Oil companies	CL-P3	Retain intent of the objective. Provide further clarity that the intent to provide for positive social, economic and health effects requires suitable management of contaminated land in achieving those outcomes. This could be achieved by way of the following wording: Recognise that the <u>management</u> , treatment and remediation of contaminated land can provide positive social, economic and health effects for people and the community.	3.4	Accept	See body of the report	Yes
Other matters							
82.296	Waka Kotahi	General	Amending the use of the term minimise throughout the Proposed District Plan. Considers that the term is difficult to interpret and apply in practice. For clarity it is considered that the term be	3.5	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			replaced with 'mitigate'; which aligns with the effects hierarchy under the RMA				

Appendix C. Report Author's Qualifications and Experience

I hold the following qualifications: A BA(Hons) in Town & Country Planning (University of Manchester, UK), a Bachelor of Planning (with Credit) in Town & Country Planning (University of Manchester, UK) and a MSc in Environmental Assessment and Management (Oxford Brookes University, UK). I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute (UK) since 1991.

I have 32 years' experience in working as a planner for local government and the Hertfordshire Constabulary (UK). My work experience includes, amongst other matters, the interpretation and application of Regional Policy, input into statutory processes under the Resource Management Act 1991, as well as policy formulation. This includes appearing at a number of hearings (plan changes and subdivision) providing expert planning evidence on urban growth and urban form, land use-transport integration and the management of natural hazard risk. I have also been involved in Environment Court mediation involving the management of natural hazard risk.

I have been employed by the Porirua City Council since December 2017 as a Principal Policy Planner within the Environment and City Planning Team. Before then, I was employed as a:

- Strategy and Policy Planner at Selwyn District Council and where I worked on their review of the Selwyn District plan from January 2016 to November 2017; and
- Principal Planner at the Canterbury Regional Council ("CRC") and where I was employed in their District Plan Liaison team from 2008 until March 2015.

Before joining the Canterbury Regional Council in 2008, I held a number of positions, including as a Principal Planner and a team leader (consents), for various district councils in the UK. I was also employed by the Hertfordshire Police Authority as their Planning Obligations Manager, a post which involved seeking improved integration between land use planning and delivery of policing service and police infrastructure in district plans.