

29 November 2021

Hearing Administrator
Porirua City Council

By e-mail: dpreview@poriruacity.govt.nz

RE: HEARING STREAM 3 TO THE PROPOSED PORIRUA DISTRICT PLAN - HEARING STATEMENT ON BEHALF OF THE OIL COMPANIES (SUBMITTER NO. 123, FURTHER SUBMITTER NO. 49)

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Oil Companies*) and represents their views. It is not expert evidence. The Oil Companies will not be attending the hearing but ask that this Hearing Statement be tabled before the Panel.
- 1.2 The Oil Companies (submitter 123 and further submitter 49) made submissions and further submissions on the Proposed Porirua District Plan (*PDP*).
- 1.3 The Oil Companies generally support or accept the s42A recommendations of the Reporting Planner. This is reflected in Attachment 1 to this hearing statement. There is one recommendation which the Oil Companies do not accept and that is addressed below.

2. CL-O1

- 2.1 The Oil Companies' submission sought CL-O1 be amended to remove the requirement for contaminated land to be made safe **prior** to its subdivision, use or development ¹ That submission reflected that achieving the purpose of the NESCS requires risk to be managed over time. An example was given regarding the potential need for ongoing management of risks, for instance through ongoing post development measures, such as provided through a site management plan. The specific relief sought was as follows (deletions in strikethrough, additions in underline):

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.~~

¹ Submission Number 123.3

- 2.2 The Reporting Planner has rejected the submission stating that the submission seeks an outcome that would move the scope of the chapter beyond supporting the NESCS by removing the link to subdivision, change of use or development of land and by introducing 'residual risk' which is not a term used in the NESCS.²
- 2.3 The Oil Companies consider the above response does not address the importance of the NESCS in managing risk to human health on an ongoing basis, not just prior to development. The Oil Companies also consider that the requirement to make it safe for **any** subdivision, change of use, or development overlooks that what is relevant is the specifics of a particular proposal and whether that is acceptable. These matters could be addressed by amending the objective as follows, reflecting the Reporting Planner's preference to tie the objective back to the purpose of the NESCS:

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

- 2.4 Thank you for your time and acknowledgement of the issues raised in the Oil Companies' submissions. Please do not hesitate to contact the writer on 021 0868 8135 should you wish to clarify any matters addressed herein.

Kind Regards,



Mark Laurensen
Principal Planner
4Sight Consulting Ltd

²S42A Report – Part B Contaminated Land, paragraph 50.