

BEFORE A HEARINGS PANEL APPOINTED BY THE KAIPARA DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 (“the Act” or “the RMA”)

AND

IN THE MATTER OF the submissions of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited on the Proposed Kaipara District Plan (“the PDP”)

SUMMARY STATEMENT OF EVIDENCE (PLANNING) OF GEORGINA MCPHERSON

ON BEHALF OF

BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z ENERGY LIMITED (“THE FUEL COMPANIES”) (SUBMITTER S311 AND FURTHER SUBMITTER FS98)

HEARING 7 (CONTAMINATED LAND)

6 MARCH 2026

1. SCOPE

- 1.1 This statement highlights key matters set out in the Evidence of Chief of Mr Thomas Trevilla, who prepared evidence¹ in relation to the submissions of the Fuel Companies' on the contaminated land provisions of the Proposed Kaipara District Plan (PDP).
- 1.2 Unfortunately, Mr Trevilla is no longer available to present his evidence at the Hearing set down for Tuesday 10 March 2026. As a result, I will be appearing in his absence. The purpose of this statement is to:
- Summarise key 'highlights' of the matters addressed in Mr Trevilla's evidence.
 - Set out my experience in relation to the matters addressed in the Contaminated Land Hearing topic.
 - Confirm that I have read the evidence of Mr Trevilla and support his conclusions.
 - Confirm that I am comfortable to respond to any questions that may be raised by the Hearing Panel in relation to Mr Trevilla's evidence.

2. EXPERIENCE

- 2.1 My name is Georgina McPherson. I work with Mr Trevilla at SLR Consulting New Zealand Limited and am currently in the role of Technical Director – Planning. My qualifications are set out in detail in my statement of evidence relating to the Hazardous Substances provisions of the PDP and I do not repeat that here.
- 2.2 My experience relevant to contaminated land provisions in district plans includes the preparation of submissions, hearing statements and/or presentation of evidence on contaminated land provisions contained in district plans across the country including Hamilton, Thames-Coromandel, Napier, Hastings, Rotorua, Palmerston North, New Plymouth, South Taranaki, Waikato, Christchurch and Dunedin. Key issues addressed through each of these planning processes includes the relationship between district plan provisions for disturbance of potentially contaminated land and more general earthworks provisions, as well as to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ("the NES-CS"). In addition, I have secured numerous district and regional level consents for soil disturbance and other activities on potentially contaminated land across the country, primarily, but not only, in relation to activities at petroleum handling sites (e.g.; service stations, truck stops and bulk fuel storage terminals).

¹ Evidence in Chief of Mr Thomas Trevilla on behalf of the Fuel Companies in relation to Hearing 7 (Contaminated Land) and dated 6 March 2026

3. REFERENCES TO ‘THE ENVIRONMENT’ IN THE CONTAMINATED LAND POLICY FRAMEWORK

- 3.1 In his EIC Mr Trevilla concludes that references in the policy framework to ‘the environment’ in general are unnecessary and should be removed because:
- a) The role of the PDP policy framework is to guide decision making on applications under the NES-CS. The scope of the NES-CS is specific to human health effects and contains contaminant guideline values specific to managing effects on human health. It does not seek to manage effects on other receptors, such as ecology or water quality. It is, therefore, appropriate that the associated policy framework is similarly specific to considering human health effects, not effects on ‘the environment’ in general.
 - b) The Northland Regional Plan (NRP) already manages environmental discharges from contaminated land (soil, groundwater, surface water, passive discharges).
 - c) Addressing effects on the environment, beyond human health effects, in the PDP risks duplication, overreach, and potential inconsistency with regional functions under RMA s30.
 - d) The PDP chapter provides no guidance on how environmental effects, beyond human health effects, would be assessed and nor would adherence to the human health based contaminant thresholds set by the NES-CS necessarily achieve appropriate management of environmental effects in a broader sense.
- 3.2 I concur with Mr Trevilla’s analysis and conclusion that all references to ‘the environment’ should be deleted from the Contaminated Land chapter.

4. OBJECTIVES CL-O1 AND CL-O2

- 4.1 In his EIC, Mr Trevilla identifies a number of concerns with the wording of objectives CL-O1 and CL-O2, including that:
- a) Neither objective links to the policy CL-P1 directive to identify contaminated land.
 - b) Use of the term ‘safety’ in CL-O1 does not provide any useful policy guidance beyond ‘human health’, but risks creating an expectation that the Council will control matters under WorkSafe jurisdiction.
 - c) CL-O1 contains inappropriate references to “the environment”.
 - d) Expectations set by CL-O2 for positive community wellbeing and development outcomes will not always be achievable or necessary. For example, where soil disturbance is associated with site maintenance activities such as replacing underground petroleum tanks at a service station.
 - e) Neither objective recognises that contaminated land should be managed in a way that is safe and appropriate for its intended use.

4.2 Mr Trevilla recommends alternative wording for both Objective CL-O1 and CL-O2. I support the wording he recommends and consider it addresses both those elements of the existing objective wording that is inappropriate (points b, c, and d above) as well as addressing the policy gaps he has identified (points a and e above).

5. POLICY CL-P2 EARTHWORKS ON CONTAMINATED LAND

5.1 In his EIC, Mr Trevilla identifies a number of concerns with the wording of policy CL-P2, including that:

- a) It discourages the disturbance of contaminated land where contaminants could pose a risk to human health but fails to recognise that risk is determined by how the activity is undertaken.
- b) It discourages the disturbance of contaminated land unless the purpose is for remediation, but overlooks that the NES-CS allows many disturbance activities (e.g., underground fuel tank replacement and soil sampling) that are not specifically 'remediation'.
- c) It unnecessarily refers to 'safety' (which is a WorkSafe function) together with 'human health'.

5.2 Mr Trevilla concludes the policy has fundamental issues, does not provide any clear or useful policy direction beyond what is already addressed and should, therefore, be deleted. I concur with that assessment.

6. POLICY CL-P3 CONTAMINATED LAND MANAGEMENT AND REMEDIATION)

6.1 In his EIC, Mr Trevilla identifies a number of concerns with the wording of policy CL-P3 and suggests amended wording to improve the readability of the policy, avoid internal duplication within the policy, better align wording with the terminology used in the NES-CS and remove inappropriate references to 'the environment'.

6.2 I support the alternative wording proposed by Mr Trevilla and consider it provides a clearer and more consistent approach to the management of contaminated land.