

**Before the Independent Hearings Panel  
At Wellington City Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan – Hearing Stream 9

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**Statement of supplementary planning evidence of Hannah van Haren-Giles  
on behalf of Wellington City Council**

**Date: 4 June 2024**

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## INTRODUCTION:

1 My name is Hannah van Haren-Giles. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council.

2 I have read the evidence of:

**BP Oil New Zealand, Mobil New Zealand Limited and Z Energy Limited (the Fuel Companies) ID 372**

a. Georgina Beth McPherson – Planner

3 I have prepared this statement of evidence in response to expert evidence submitted by the people listed above to support the submissions and further submissions on the Proposed Wellington City District Plan (the Plan / PDP).

4 Specifically, this statement of evidence relates to the matters of [Hearing Stream 9 – Section 42A Report – Hazardous Substances and Contaminated Land](#).

## QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 My Section 42A Reports set out my qualifications and experience as an expert in planning.

6 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 2023, as applicable to this Independent Panel hearing.

## SCOPE OF EVIDENCE

7 My statement of evidence addresses the expert evidence of those listed above.

## RESPONSES TO EXPERT EVIDENCE

### The Fuel Companies ID 372 – Georgina Beth McPherson

- 8 Ms McPherson on behalf of the Fuel Companies has raised concern with the potential for conflict between HS-P1 and the policy direction set by the specific area and overlay chapters.
- 9 I disagree with Ms McPherson that HS-P1 extends to a range of matters that are not specific to hazardous substances. The PDP definition of residual risk can be summarised as ‘risk that remains after other industry and statutory controls have been complied with’ i.e. residual risk is risk that would not otherwise be managed. The district plan is therefore the only regulatory instrument available to manage residual risk to matters of national importance and other identified matters under the RMA, such as outstanding natural features and landscapes (ONFL), significant natural areas (SNA), historic heritage, and sites and areas of significance to Māori (SASM).
- 10 At paragraph 5.8 of her evidence Ms McPherson states that avoidance of residual risk could only be achieved by the hazardous facility not occurring in the identified locations. That is the intent of the policy. However, HS-P1 also adopts an effects-based hierarchy that requires residual risk to be avoided, or where avoidance is not practicable, unacceptable risk is adequately mitigated.
- 11 I disagree with Ms McPherson’s view and am unsure why a hazardous facility in a SASM would be considered appropriate, but inappropriate in an ONFL. To my mind a hazardous facility locating in a SASM is inherently inconsistent with the purpose to protect cultural significance of SASMs<sup>1</sup>. A hazardous facility proposed to locate in a SASM could be compliant with HSNO and HSWA but that does not mean the residual risk to the cultural values of the site is appropriate. In that sense – Worksafe manages risk – but not the risk of the natural and physical values of the site otherwise recognised and managed under the district plan. The residual risk sought to be managed by the district plan is the risk to these

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<sup>1</sup> SASM-O1, SASM-O2, SASM-O3

identified areas. I consider the avoid directive is appropriate, noting that a consenting pathway exists for the management of the residual risk that does not impose a zero-risk approach, but rather provides an appropriate high threshold where avoidance is practicable. I remain of the view that the notified HS-P1 is more appropriate than the submitter's requested amendments in achieving the objectives of the PDP and the purpose of the RMA.

12 I disagree with Ms McPherson that the matters of HS-P1 would be better managed through provisions set out in the plan chapters relating to those specific areas. In my view this would not be efficient or effective, as it would result in duplication of HS direction in a manner inconsistent with the direction of the National Planning Standards.

13 The exception to this is the approach for Natural Hazards (NH) which is self-contained and manages hazard facilities and major hazard facilities as 'hazard sensitive activities'. The NH provisions address the risk of buildings and structures in each of the natural hazard overlays, primarily associated with occupancy of the building (ensuring people can safely evacuate) and finished floor levels (displacement of flood waters).

14 I have discussed the approach of managing hazardous facilities in natural hazard areas with Mr Sirl and we agree that HS-P1 should not include 'natural hazard areas' as natural hazard risk is suitably addressed in the NH chapter. There is no additional NH matter that the district plan through the HS chapter seeks to manage, notwithstanding that HS-P2 would continue to be relevant for any application under HS-R2 or HS-R3. The natural hazard risk of locating a hazardous facility in a natural hazard area is the 'residual risk' that the district plan seeks to address. In that sense, it is suitably addressed by the NH chapter, and HS-P1 would be inconsistent with the directive in NH provisions. The NH rules and relevant matters of discretion are entirely appropriate to manage the residual risk. The containment and management of spills is the primary concern in a hazard area, and those matters are addressed in other regulation i.e. HSWA and Worksafe. Therefore, there is no residual risk to manage, other than what the NH provisions already control.

15 Having reviewed Ms McPherson's suggested rewording, it is almost as if there are two distinct matters she has raised:

- a. Avoiding hazardous facilities adversely affecting the health and wellbeing of people and communities, unless it can be demonstrated that the residual risk to human health, people and communities will be mitigated to an acceptable level.
- b. Avoiding hazardous facilities locating in identified areas, or where avoidance is not practicable, residual risk to identified areas and their values is avoided, or if avoidance is not possible, mitigated to an acceptable level.

16 It could be an option to split HS-P1 into two separate policies, for example as PCC has done.

17 Unacceptable risk is a term that the Fuel Companies sought during drafting.<sup>2</sup> I am comfortable with the suggested amendment that residual risk, where avoidance is not possible, be mitigated to an acceptable level (instead of 'unacceptable risk is adequately mitigated'). This would not detract from the aim of HS-O1 that people, communities, and identified areas are protected from any unacceptable residual risk. This amendment is set out in Appendix A.

4 June 2024

**Hannah van Haren-Giles**

Senior Planning Advisor

Wellington City Council

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<sup>2</sup> Page 55, [Hazardous Substances and Contaminated Land s32 Report](#)