

BEFORE A HEARINGS PANEL APPOINTED BY THE HUTT CITY 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 Hutt City District Plan

**STATEMENT OF EVIDENCE OF GEORGINA MCPHERSON (PLANNING)
ON BEHALF OF**

**BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED AND Z
ENERGY LIMITED (“THE FUEL COMPANIES”) (S471 / F32)**

AND

Z ENERGY LIMITED (“Z ENERGY”) (S468)

HEARING STREAM 7 (OTHER TOPICS)

29 SEPTEMBER 2026

1. EXECUTIVE SUMMARY

- 1.1 My name is Georgina McPherson. I have prepared this planning evidence on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited ('the Fuel Companies'). This evidence addresses the recommendations of the Reporting Officer on two key matters addressed in the submissions of the Fuel Companies, being Temporary Activities within the Seaview Marina Zone and Hazardous Substances Risk Management Overlays (HSRMO), and the definition of 'minor earthworks'.
- 1.2 Since the release of the Council's s42a report on Temporary Activities, there has been further expert between planners representing Seaview Marina, the Fuel Companies and Hutt City Council, with agreement reached on an alternative framework for temporary activities to that set out in the s42a report. The agreed approach would locate targeted provisions in the Hazardous Substances Chapter rather than the Temporary Activities Chapter.
- 1.3 My evidence confirms my support for the alternative provisions set out in the Joint Witness Statement (JWS) and I urge the Panel to adopt those provisions rather than the wording proposed in the s42A report. As detailed in the JWS, the alternative provisions are intended to establish a consistent approach across the Seaview Marina Zone and HSRMO and to ensure that risk to temporary activities from significant hazardous facilities is appropriately recognised and managed, including through emergency management planning.
- 1.4 I also address the Fuel Companies' submission to expand the definition of 'minor earthworks' to include contaminated land investigations and installation of stormwater treatment devices. Although the reporting officer considers such activities would be addressed solely through the NESCS, I disagree and consider a proposal requiring consent under the NESCS would also need to be assessed under the PDP earthworks provisions. In my opinion this is supported by the distinct and complementary functions of the NESCS, which focuses primarily on contamination and human-health risk, compared to the PDP, which addresses broader effects such as land stability, visual amenity, natural landform, sediment and dust control, infrastructure impacts, staging and the extent of exposed soil.
- 1.5 Because activities regulated under the NESCS may still require assessment under the PDP, I consider a more permissive pathway should apply where effects are comparable to those of activities already classified as 'minor earthworks'. On this

basis, I urge the Hearings Panel to amend the definition of ‘minor earthworks’ to give effect to the submission of the Fuel Companies.

2. INTRODUCTION

- 2.1 My full name is Georgina Beth McPherson. I have been engaged by the Fuel Companies¹ to provide expert planning evidence in relation to their submissions on the PDP. This evidence relates to the Temporary Activities Chapter, as it relates to temporary activities undertaken within the Seaview Marina Zone, and to the Earthworks Zones provisions of the PDP.
- 2.2 My role and experience is set out in my evidence for the Fuel Companies on Hearing Stream 2 and I do not repeat that here.

3. CODE OF CONDUCT FOR EXPERT WITNESSES

- 3.1 I have read the Environment Court’s Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct, and I agree to comply with it in appearing before the Hearings Panel. I am not, and will not behave as, an advocate for my clients. I am engaged by the Fuel Companies as an independent expert and SLR provides planning services to the Fuel Companies Energy along with a range of other corporate, public agency and private sector clients. I have no other interest in the outcome of the proceedings.
- 3.2 I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person in preparing my evidence.
- 3.3 In preparing my evidence, I have had regard to several documents, including:
- (a) the submissions and further submissions of the Fuel Companies and other relevant submitters, including those of Seaview Marina Limited;
 - (b) the s 42A reports prepared on behalf of the Hutt City Council for the Temporary Activities and Earthworks topics, together with supporting appendices;

¹ From here on, references to “the Fuel Companies” in my evidence include reference to the submissions lodged by the Fuel Companies (comprising bp Oil NZ Limited, Mobil Oil NZ Limited and Z Energy Limited), (S471 / F32) as well as the submissions lodged by Z Energy Limited (S468), except where there is variation in the specific relief sought by each of the submitters, of relevance to the evidence.

- (c) the PDP, together with supporting s 32 reports and appendices; and
- (d) the Resource Management Act.

4. SCOPE OF EVIDENCE

- 4.1 This evidence relates to the submission points of the Fuel Companies (S471 / F32) and Z Energy (S468) on the following chapters, and associated definitions, of the PDP:
 - (a) Temporary Activities; and
 - (b) Earthworks provisions.
- 4.2 The Fuel Companies support or accept the recommendations on their submissions that are not otherwise discussed in this evidence.

5. TEMPORARY ACTIVITIES

- 5.1 Since the release of the s42A recommendations on the Temporary Activities Chapter², the planning experts for Seaview Marina (Alice Blackwell), the Fuel Companies (Georgina McPherson) and Hutt City Council (Stephen Davis, reporting officer for the Seaview Marina Zone and the Temporary Activities Chapter and Hamish Wesley, reporting officer for Hazardous Substances) have undertaken further expert conferencing³ on the Temporary Activities provisions as they relate to temporary activities occurring within the Seaview Marina Zone and Hazardous Substances Risk Management Overlays (HSRMO).
- 5.2 At the time of writing, agreement has been reached on provisions controlling temporary activities in the Seaview Marina Zone and HSRMO and a joint witness statement is being circulated for signing by all parties.
- 5.3 This presents an alternative approach to the provisions managing temporary activities in these locations to that set out in the 15 September 2026 s42A report for this topic and comprises a targeted policy and rule framework for temporary activities within the HSRMO and Seaview Marina Zone, contained in the Hazardous Substances Chapter, rather than the Temporary Activities chapter.
- 5.4 The agreed provisions seek to ensure a consistent approach to temporary activities across these locations to ensure that risks associated with significant hazardous

² S42A report – Light, Noise, and Temporary Activities dated 15 September 2026.

³ Further expert conferencing was held on 22nd September 2026.

facilities are appropriately recognised and managed, including by way of emergency management planning.

- 5.5 For the reasons set out in the joint witness statement, I support the alternative provisions set out in that statement and urge the Panel to adopt those provisions rather than the wording contained in the s42A report.
- 5.6 I would be happy to respond to any questions relating to those provisions, as appropriate.

6. MINOR EARTHWORKS DEFINITION

Submission points overview

- 6.1 The Fuel Companies' submissions (468.15 and 471.65) support in part the definition of 'minor earthworks', but seek that it be amended to also include earthworks associated with contaminated land investigations and stormwater treatment devices. The amendments sought in the Fuel Companies' submissions are as follows (additions in red underline):

'Minor earthworks:

means earthworks for the purposes of piling, trenching, geotechnical investigations, contaminated land investigations, interments within existing cemeteries or urupā, soakpits, stormwater detention tanks, rainwater tanks, wastewater mitigation tanks, and the replacement or removal of underground petroleum storage systems and stormwater treatment devices.'

Reporting Officer's recommendations

- 6.2 The recommendation of the reporting officer is to reject the Fuel Companies' submissions and retain the definition of 'minor earthworks' as notified.
- 6.3 The reason given⁴ is that the Proposed District Plan (PDP) Contaminated Land Chapter already clarifies that such earthworks would be caught by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSCS) and not the District Plan by virtue of the following statement:

'As the NESCSCS 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.'

⁴ Refer paragraphs 61 to 64 of the s42a Report - Earthworks

Analysis

- 6.4 I acknowledge the statement in the contaminated land chapter. However, I understand the role of the statement is simply to confirm that there are no rules in the PDP relating to the management of contaminated soils as those rules are already set out in the NESCS.
- 6.5 In my opinion, the statement does not have the effect of exempting activities managed by the NESCS from all other rules in the PDP. That approach would, for example, suggest that activities requiring consent under the NESCS would not require consideration of matters such as slope stability or earthworks in overlays or sensitive areas that are otherwise addressed in the PDP.
- 6.6 I do not believe that to be in the intent of the statement in the contaminated land chapter and consider that there will be certain earthworks projects, particularly large-scale earthworks in sensitive locations or on sloping land, that warrant assessment under both the NESCS and PDP earthworks provisions. By way of example, I have included a comparison, in Table 1 below, of the matters of discretion set out in the PDP for restricted discretionary earthworks exceeding the cut height and fill depth set by standard EW-S2, and those set out in the NESCS for a restricted discretionary activity. This highlights the different role and function of the PDP earthworks rules compared to those in the NESCS.

Table 1: Comparison of matters of discretion for earthworks activities requiring restricted discretionary activity under the PDP or the NESCS

<i>EW-S2 Cut height and fill depth</i>	<i>NESCS – Clause 10 Restricted discretionary activities</i>
<i>Matters of discretion:</i>	
1. <i>The stability of land or structures in or on the site or adjacent sites.</i> 2. <i>The visual amenity values and character of the surrounding area.</i> 3. <i>The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform.</i> 4. <i>The retention of silt and sediment on the site and the control of dust.</i> 5. <i>The location of any publicly-owned three water assets, and the potential effects on these assets.</i> 6. <i>The staging of earthworks.</i> 7. <i>The total area of exposed soils at any point in time.</i>	a) <i>the adequacy of the detailed site investigation, including—</i> i. <i>site sampling:</i> ii. <i>laboratory analysis:</i> iii. <i>risk assessment:</i> b) <i>the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:</i> c) <i>the approach to the remediation or ongoing management of the piece of land, including—</i> i. <i>the remediation or management methods to address the risk posed by the contaminants to human health:</i> ii. <i>the timing of the remediation:</i> iii. <i>the standard of the remediation on completion:</i>

	iv. <i>the mitigation methods to address the risk posed by the contaminants to human health:</i> v. <i>the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:</i> d) <i>the adequacy of the site management plan or the site validation report or both, as applicable:</i> e) <i>the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:</i> f) <i>the requirement for and conditions of a financial bond:</i> g) <i>the timing and nature of the review of the conditions in the resource consent:</i> h) <i>the duration of the resource consent.</i>
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- 6.7 In my opinion, under the current structure of the PDP, a proposal requiring consent under the NESCS would also need to be assessed under the PDP earthworks provisions, irrespective of the statement in the Contaminated Land chapter.
- 6.8 That interpretation is supported by the inclusion of ‘the replacement or removal of underground petroleum storage systems’ (being an activity that is specifically controlled by the NESCS) in the current definition of ‘minor earthworks’, meaning control of NESCS activities is specifically contemplated by the PDP earthworks provisions (e.g. Rule EW-R1 Minor earthworks).
- 6.9 A more permissive consenting pathway is provided in the PDP under Rule EW-R1 for ‘minor earthworks’ than for other general earthworks activities. This is an effects-based approach, which recognises there is less need to manage ‘minor earthworks’ through the PDP due to the inherently lower character, intensity and scale of effects generated by these activities compared to other general earthworks activities.
- 6.10 In my opinion, the effects of the activities the Fuel Companies seek to include in the definition of ‘minor earthworks’ (i.e.; contaminated land investigations and installation of stormwater treatment devices) are of generally the same or similar character, intensity and scale as activities already included in the definition of ‘minor earthworks’. This is particularly the case for geotechnical investigations (comparable to contaminated land investigations) and installation of stormwater detention tanks, rainwater tanks and wastewater mitigation tanks (which is comparable to installation of stormwater treatment devices). On this basis, I consider ‘contaminated land investigations’ and ‘installation of stormwater

treatment devices' could be appropriately treated in the PDP in the same manner as other 'minor earthworks'.

Recommended relief

- 6.11 For the reasons set out above, I urge the Hearings Panel to amend the definition of 'minor earthworks' as sought in the Fuel Companies submission by including contaminated land investigations' and installation of 'stormwater treatment devices', as follows (additions in red underline):

'Minor earthworks:

means earthworks for the purposes of piling, trenching, geotechnical investigations, contaminated land investigations, interments within existing cemeteries or urupā, soakpits, stormwater detention tanks, stormwater treatment devices, rainwater tanks, wastewater mitigation tanks, and the replacement or removal of underground petroleum storage systems.'

Georgina McPherson

29 September 2026