

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY TE AWA KAIRANGI  
HUTT CITY COUNCIL**

**IN THE MATTER            OF THE RESOURCE MANAGEMENT ACT 1991**

**A N D**

**IN THE MATTER            of hearing submissions on the Proposed Hutt City Council  
District Plan**

**APPLICANT                Hearing Stream 2: Business**

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**STATEMENT OF EVIDENCE OF ROBERT ALAN VAN DE MUNCKHOF**

**HAZARDOUS SUBSTANCES**

**TONKIN & TAYLOR LTD**

**28 May 2026**

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## **INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

- 1 My name is Robert Alan Van de Munckhof. I provided a primary statement of evidence on hazardous substances dated 8 May 2026. My qualifications, experience, and commitment to complying with the Expert Witness Code of Conduct 2023, are set out in my primary statement of evidence.
- 2 Since the submission of my primary statement of evidence (8 May 2026) and rebuttal evidence (20 May 2026) I have read relevant sections of the following:
  - a Hearing 2 – Hazardous Substances Contaminated Land – s42A Reporting Officer Rebuttal Evidence; and
  - b Jenny Polich (on behalf of the Fuel Companies) Primary Statement of Evidence and Rebuttal Evidence.

### **SCOPE OF EVIDENCE**

- 3 I have reviewed the Council’s Section 32A report, Section 42A report, and the proposed amendments to the hazardous substances chapter, as well as the submissions on the Proposed Lower Hutt District Plan (PLHDP) by Seaview Marina [Submission 343] and the Fuel Companies [Submission 471].
- 4 In my evidence, I will:
  - a discuss the Issues, Objectives, Policies and Rules in the Hazardous substance chapter relevant to the relief sought by Seaview;
  - b comment on the basis for the plan provisions;
  - c comment on the definition of activities sensitive to hazardous substances;
  - d discuss the application of the proposed overlays to the site; and
  - e discuss the joint submission by the Fuel Companies.

### **PROPOSED HAZARDOUS SUBSTANCES PROVISIONS**

- 5 In my opinion, the overall approach proposed in the PLHDP is an appropriate mechanism to manage the potential risks from significant hazardous facilities, subject to:
  - a the appropriate risk criteria being applied;
  - b the risk criteria being applied to the correct land use activities; and
  - c where a mapped overlay is included, it is an accurate reflection of the extent of risks.

- 6 If any of these three matters are not correct, this can result in activities being established where unacceptable risk exists, or activities being restricted even where the risk may be considered acceptable. I will discuss these matters further in my evidence.

#### **BASIS OF THE PROPOSED RISK CRITERIA FOR DETERMINING UNACCEPTABLE RISK**

- 7 The proposed risk criterion applied in the PLHDP is based on the  $1 \times 10^{-6}$  criterion for individual fatality risk, although the Fuel Companies are seeking this to be applied based on the  $0.5 \times 10^{-6}$  criterion. The  $1 \times 10^{-6}$  criterion has previously been applied as the basis for setting controls around proposed land use changes, including within the South Taranaki District Plan, the New Plymouth City Plan and the Napier City District Plan.
- 8 I note that in paragraph 7.2 of Ms Polich's Primary Statement of Evidence she references the HIPAP 4 Individual fatality risk criteria for the  $0.5 \times 10^{-6}$  and  $1 \times 10^{-6}$  risk criteria but does not discuss offices and commercial activities which under the HIPAP 4 criteria would apply the  $5 \times 10^{-6}$  risk criteria. I note that the  $5 \times 10^{-6}$  risk contours do not extend on the Seaview Marina site.

#### **DEFINITION OF ACTIVITIES SENSITIVE TO HAZARDOUS SUBSTANCES**

- 9 I consider that the current definition of activities sensitive to hazardous substances does not match the basis for establishing the overlay and is inconsistent with the HIPAP 4 guidance which has been used as the technical basis to support the provisions.
- 10 As outlined in my primary evidence, I consider that if office activities (and some minor amendments as outlined in the evidence of Alice Blackwell on behalf of Seaview Marina) were removed from the definition, then provided the  $1 \times 10^{-6}$  risk criteria is used to set the basis of the overlays, the current provisions are appropriate.

#### **RESIDENTIAL ACTIVITIES**

- 11 I consider that if the basis for setting the hazardous substance overlay is based on the application of the  $1 \times 10^{-6}$  risk contour, there is no basis in terms of hazardous substances risk for setting any restrictions on residential use outside of the extent of the overlays.
- 12 This is consistent with Ms Polich's supplementary evidence where she specifically highlights that the area of the site to the west would have a minimal

effect on societal risk and the main area of concern is the triangle of land to the east near the cliffs.

- 13 I agree with Ms Polich in that it is clear that the impacts of intensification and therefore societal risk varies across the site including within the mapped  $1 \times 10^{-6}$  contours. I consider the key is not to make residential activities non-complying but require any residential activities to demonstrate that the residual risk is acceptable. Therefore, I support the proposed discretionary rule for residential activities in the Seaview Marina Zone and consider this is consistent with the approach outlined in the HIPAP 4 guidance.

#### **OCCASIONAL OR IRREGULAR ACTIVITIES**

- 14 As outlined in my evidence, I consider that if the timing and duration of ship arrivals and pumping can be managed alongside event timing, the residual risks can be managed.
- 15 Ms Polich supplementary statement outlines that she considers it is not practical to schedule ships to avoid coincidence with frequent events. The expectation was not that enabling events should result in changes to the ships schedule, but that where in consultation with the Fuel Companies there are no ships proposed that events could be undertaken.
- 16 This aligns with the wording proposed in the evidence of Alice Blackwell.

#### **FUEL PIPELINE**

- 17 The Fuel Companies have requested the addition of an overlay around the fuel transmission pipeline. There are no New Zealand-specific guidelines for development around pipelines transporting hazardous substances. There is a guideline developed by the NSW Government Department of Planning, Housing and Infrastructure<sup>1</sup>.
- 18 Ms Polich also refers to the same guidance in her evidence as the basis for establishing the proposed overlays.
- 19 The guidance refers to the application of activities which are aligned with the  $0.5 \times 10^{-6}$  risk contours within HIPAP 4 which excludes offices, commercial activities and residential activities and is focused on more sensitive activities such as

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<sup>1</sup> Guideline for planning proposals near high pressure dangerous goods pipelines First published: August 2024, NSW Department of Planning, Housing and Infrastructure,

hospitals and schools. This is due to difference in the nature and scale of the hazard to the bulk fuel terminals themselves.

- 20 Therefore, as outlined in my evidence, I do not see any basis for applying any overlays related to the pipeline for the activities anticipated within the Seaview marina Zone. If the overlay was to be applied, I consider it needs to be clearly linked to the nature of activities outlined in the NSW guidance which differs from the existing definition of activities sensitive to hazardous substances.