

**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY  
COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

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

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**STATEMENT OF REBUTTAL EVIDENCE OF HAMISH WESNEY**

**ON BEHALF OF HUTT CITY COUNCIL**

**Planner**

18 May 2026

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## **1.0 INTRODUCTION**

- 1.1 My name is Hamish Wesney, and I am a Partner and Planner at Boffa Miskell Limited.
- 1.2 I have reviewed the evidence and tabled statements of:
  - 1.2.1 Kaaren Rosser for Enviro NZ (323) (Planning)
  - 1.2.2 Winstone Wallboards Limited (31) – submitter statement
  - 1.2.3 Jenny Polich (Hazardous Substances) and Georgina McPherson (Planning) for The Fuel Companies (471, 468 and F32)
  - 1.2.4 Rob van de Munckhof (Hazardous Substances) and Alice Blackwell) Planning for Seaview Marina Ltd (343 and F14)
- 1.3 This rebuttal evidence responds only to the pre-circulated written evidence and statements received from submitters prior to the hearing. Other submitters may present oral evidence or further details at the hearing, which may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence. Except as expressly identified in this statement, all findings and recommendations contained in my original Section 42A report remain unchanged.

## **2.0 QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 2.1 My qualifications and experience are set out in paragraphs 5 - 7 of my Section 42A Report<sup>1</sup>. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

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<sup>1</sup> <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/proposed-district-plan-hearings/hearing-stream2>

### 3.0 RESPONSES TO EXPERT EVIDENCE

3.1 This section responds to submitter evidence in relation to the provisions in this topic. Appendix 1 sets out my revised and updated recommended amendments in response to submitter evidence. Within Appendix 1, my Section 42A report recommended amendments are shown in red underlined or ~~strike through~~ and further amendments recommended in this rebuttal evidence are shown in blue underline or ~~strike through~~.

#### **Use of the term ‘sensitive environments’ in Hazardous Substances Chapter**

##### Policy HS-P1, HS-R1 and HS-R2

- 3.2 Ms Rosser<sup>2</sup>, on behalf of Enviro NZ, generally accepts the recommended amendments to Policy HS-P1. However, Ms Rosser expresses concern about the wording of clause 3 in Policy HS P1 which requires new significant hazardous facilities to be located outside of “sensitive environments” as it is too broad and may make establishment of such facilities difficult in practice.
- 3.3 Ms McPherson<sup>3</sup>, on behalf of the Fuel Companies, accepts the use of the term “sensitive environments” in the context of rules HS-R1 and HS-R2. However, she considers its use in Policy HS-P1 introduces uncertainty, and may conflict with the intended outcomes of the Heavy Industrial Zone (HIZ) if interpreted broadly.
- 3.4 While I acknowledge these concerns, I consider the recommended wording of Policy HS-P1, including clause 3, is appropriate for the following reasons:
- Clause 3 and the term “sensitive environments” must be read in the context of the policy as a whole. Clause 2 already provides direction on the relationship between hazardous facilities, zoning, and anticipated land use sensitivity. Clause 3 serves a distinct purpose by requiring consideration of

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<sup>2</sup> Statement of Evidence of K Rosser, paras. 5.2 – 5.5

<sup>3</sup> Statement of Evidence of G McPherson, paras 8.1 – 8.8

environmental sensitivities that are not captured by zoning alone.

- Clause 3 does not override zoning outcomes or preclude significant hazardous facilities from locating within the HIZ. Rather, it recognises that even within zones where such facilities are anticipated, particular environmental or site-specific characteristics may warrant additional consideration of risk and effects.
- The term “sensitive environments” does not create an unworkable or overly restrictive policy. The term is intentionally broad to support an effects-based assessment and to recognise circumstances where the consequences of a hazardous substances event may be elevated due to environmental context, such as proximity to coastal margins, water bodies, or constrained environments.
- Clause 3 would not unduly constrain the establishment of significant hazardous facilities. The policy does not impose an absolute restriction, and the associated rules enable consideration of site-specific context, risk assessment outcomes, and mitigation measures.
- Narrowing clause 3 to environments or zones permitting *activities sensitive to hazardous substance risk* would reduce its effectiveness and exclude situations where environmental sensitivity is not captured by those categories.

3.5 For these reasons, I maintain my recommendation to retain the wording “sensitive environments” in clause 3 of Policy HS P1 and do not support further amendment.

**Spatial Extent of the Hazardous Substances Risk Management Overlay and Policy HS-P2**

3.6 I now turn to the appropriate individual fatality risk threshold for determining the spatial extent of the Hazardous Substances Risk

Management Overlay (HSRMO) in the Seaview area<sup>4</sup>. In doing so, I have also considered the definition of *activities sensitive to hazardous substance risks*, which is central to the operation of the overlay provisions.

- 3.7 The key issue is whether the HSRMO should be based on the  $1 \times 10^{-6}$  (one in a million) individual fatality risk contour, as notified and recommended to be retained in the Section 42A Report, or the more conservative  $0.5 \times 10^{-6}$  contour sought by the Fuel Companies
- 3.8 The definition of *activities sensitive to hazardous substance risks* encompasses a broad spectrum of land uses, ranging from highly sensitive activities (such as healthcare and educational facilities) to lower sensitivity uses (such as offices and some community activities). As identified in the evidence of Mr van de Munckhof and Ms Blackwell, these correspond to different sensitivity categories under the HIPAP 4 framework, which applies graduated risk thresholds depending on vulnerability.
- 3.9 The HSRMO, as a mapped spatial tool, must apply a single risk threshold to define its extent. In this context, applying the most conservative threshold ( $0.5 \times 10^{-6}$ ) is not appropriate, as it would effectively apply a highly sensitive-use benchmark across all activities, depart from the graduated HIPAP approach, and extend the overlay beyond what is necessary to manage unacceptable risk.
- 3.10 Instead, the overlay should identify a general threshold of unacceptable residual risk for the public, with differences in land use sensitivity addressed through the policy and rule framework.
- 3.11 While I acknowledge that the  $0.5 \times 10^{-6}$  threshold is appropriate for highly sensitive uses, applying it uniformly would result in a disproportionate response by subjecting a wide range of lower sensitivity activities to unnecessarily restrictive controls.

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<sup>4</sup> Statement of Evidence of G McPherson, paras 5.1 – 6.13, Statement of Evidence of J Polich, paras 6.1 – 7.8, Statement of Evidence of R Van de Munckhof, paras 15 – 31, Statement of Evidence of A Blackwell, paras 7.3 – 7.9

- 3.12 The appropriateness of the threshold must also be considered in the Seaview context, which is predominantly industrial, has limited provision for highly sensitive activities, and has a relatively low baseline exposure of vulnerable populations. As noted in the evidence of Ms Blackwell and Mr van de Munckhof, the  $1 \times 10^{-6}$  threshold is appropriate where sensitive activities are otherwise managed through zoning and plan provisions. I agree with that assessment, noting that the overlay operates as a targeted additional control alongside the broader policy framework.
- 3.13 For these reasons, I do not support adopting the  $0.5 \times 10^{-6}$  threshold and recommend retaining the  $1 \times 10^{-6}$  threshold for both the HSRMO and Policy HS-P2
- 3.14 I have also considered the evidence of Ms Blackwell (drawing on the advice of Mr van de Munckhof) regarding the accuracy and currency of the QRA underpinning the overlay. While it is important that mapped overlays are based on robust and up-to-date information, I do not consider that the matters raised demonstrate that the existing QRA is unreliable for plan-making purposes. As acknowledged in the evidence of Ms Polich, the QRAs informing the overlay are relatively recent and prepared using contemporary risk assessment methodologies, albeit with some aspects subject to refinement or update over time.
- 3.15 In my view, the evidence confirms that QRAs are inherently iterative and are updated over time as operational practices and modelling techniques evolve. This does not undermine their use in a District Plan context, which must necessarily rely on the best available information at a point in time.
- 3.16 I also note that the HSRMO is intended to identify areas where risk requires management, rather than define precise or static boundaries. The underlying QRA therefore provides a sufficiently reliable basis for establishing the overlay, notwithstanding that refinements may occur in future.

- 3.17 Any such refinements are more appropriately addressed through monitoring, future plan changes, or site-specific assessments, rather than by treating the current overlay as inadequate.

**Hutt City Fuel Transmission Pipeline Corridor**

- 3.18 In my Section 42A Report, I recommended that the request (471.322) to introduce a Fuel Transmission Pipeline Corridor overlay be rejected. Having considered the evidence of Ms Polich and Ms McPherson (Fuel Companies) and Mr van de Munckhof and Ms Blackwell (Seaview Marina Ltd), I maintain that position at this stage, but consider there is merit in further discussion between the parties to explore a more refined and proportionate response.
- 3.19 There is broad agreement across the expert evidence that a risk-based approach is appropriate, that the HIPAP 4 framework provides a suitable basis for assessing risk, and that the key planning issue is the management of sensitive activities and population intensification in proximity to the pipeline. There is also agreement that the pipeline is regionally significant infrastructure and that reverse sensitivity is a relevant planning issue requiring a response.
- 3.20 The principal area of disagreement is the form of that response. The Fuel Companies support a mapped corridor with associated controls, while Mr van de Munckhof and Ms Blackwell oppose this approach, on the basis that it would introduce unnecessary and overly restrictive controls, particularly within the Seaview Marina context.
- 3.21 In my view, the evidence supports the need for a targeted and proportionate planning response to ensure that future land use does not increase risk to unacceptable levels or constrain the operation of the pipeline. The matters identified in Ms McPherson's evidence, including consultation mechanisms, consideration of construction and operational effects, and a more refined approach to sensitive or population-intensive activities, provide a useful starting point for this work.

3.22 I consider that these matters are best progressed through further engagement between the parties, rather than adopting a fixed corridor overlay at this stage.

**Policy HS-P3 Location of activities sensitive to hazardous substances risk**

3.23 Ms McPherson generally supports my recommended amendments to Policy HS-P3. However, the primary point of disagreement relates to whether Policy HS-P3 should direct that reverse sensitivity be “avoided” rather than “minimised”. Ms McPherson considers that a strong directive to “avoid” is necessary to ensure that sensitive activities do not constrain the ongoing operation of significant hazardous facilities.

3.24 While I acknowledge that reverse sensitivity can be significant, I do not support replacing “minimise” with “avoid”. Reverse sensitivity is context-specific and can often be effectively managed through design, layout, operational controls, and consent conditions. An “avoid” directive would introduce an absolute policy threshold, potentially constraining otherwise compatible development and limiting the ability to address effects through site-specific mitigation.

3.25 In addition, the HIPAP framework underpinning the hazardous substances provisions is based on a graduated and effects-based approach to risk, where some level of residual risk is managed rather than eliminated. A blanket “avoid” directive does not reflect this approach and would apply an unnecessarily inflexible policy response across a wide range of circumstances.

3.26 I agree that highly sensitive activities within areas of elevated risk should generally be avoided. However, the definition of *activities sensitive to hazardous substance risks* encompasses a broad spectrum of activities with differing levels of sensitivity. Applying an “avoid” directive across all such activities would not be proportionate or appropriate in all contexts.

3.27 In my view, Policy HS-P3 appropriately provides clear direction to manage reverse sensitivity while retaining flexibility to respond to

site-specific circumstances, supported by the overlay and rule framework. The use of “minimise” signals that such effects are undesirable and require careful management, while allowing mitigation to be considered where appropriate.

- 3.28 For these reasons, I maintain my recommendation to retain “minimise” rather than “avoid” in Policy HS-P3.

**Definition – Activities Sensitive to Hazardous Substance Risks**

- 3.29 I have considered the evidence of Ms Blackwell, which relies on the evidence of Mr van de Munckhof and HIPAP 4 guidance, and seeks to remove office activity, community facility, and places of assembly from the definition of *activities sensitive to hazardous substance risks*, and to add childcare services.
- 3.30 I agree that HIPAP distinguishes between different land use sensitivities and applies graduated risk thresholds, and that some activities (such as offices or sporting facilities) are generally subject to higher tolerable risk levels than residential or highly vulnerable uses. I also accept that consistency between definitions across the PDP may improve efficiency.
- 3.31 However, I do not consider that these factors justify removing the identified activities from the definition. The purpose of the definition is to identify activities that may be sensitive in particular circumstances, involve elevated occupancy or congregation, or give rise to reverse sensitivity in proximity to hazardous substance risks.
- 3.32 While office activities are generally subject to higher acceptable risk thresholds, they can still involve large numbers of people over extended periods, with building form and layout influencing evacuation and response. I note “office activity” is not a defined term in the PDP. However, the term *standalone office activity* is defined in the PDP and applies in rules such as a few zones and the Transport chapter. I consider the term “office activity” is sufficiently clear in its ordinary meaning and does not require further refinement.

- 3.33 Activities within *community facilities* or *places of assembly* also vary widely in scale and intensity and may involve large or vulnerable populations. However, noting that *places of assembly*<sup>5</sup> is not defined in the PDP, I consider that this category is sufficiently captured within the definition of *community facilities*. On that basis, I support deleting “places of assembly” from the definition of *activities sensitive to hazardous substance risks* as a refinement.
- 3.34 I consider there is scope for this amendment (deletion) under the submission from Seaview Marina Ltd (343.57a and 343.57b) which seeks consequential and alternative relief to address their concerns about the Hazardous Substance Risk Management Overlay. If the Panel did not consider there was scope for this change, I also consider this amendment (deletion) to have neutral effect and this change be made under Clause 16, Schedule 1, RMA.
- 3.35 In relation to the proposed addition of ‘childcare services’, I consider this is unnecessary as such activities are already captured within the definition of *educational facility*.
- 3.36 Overall, I consider the definition appropriately captures those activities that warrant consideration in managing hazardous substance risk and reverse sensitivity, and should largely be retained as proposed, with the minor refinement outlined above.

#### *Section 32AA Assessment*

- 3.37 The deletion of “places of assembly” is a minor refinement that removes duplication, as these activities are already captured within the definition of *community facilities*.
- 3.38 The amendment improves clarity and efficiency without altering the scope or effectiveness of the definition. There are no additional costs, and the benefits are improved usability and consistency of the Plan.

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<sup>5</sup> The ODP defines ‘places of assembly’ as “any land and buildings which are used in whole or in part for the assembly of persons for such purposes as meetings of spiritual, cultural, entertainment, social, education or similar purposes and includes churches, halls, clubrooms, health and fitness centres.”

- 3.39 Overall, this change is considered to be the most appropriate option as a neutral refinement that maintains the intended planning outcomes.

**Relationship of Seaview Marina Zone and Hazardous Substances Chapter Provisions**

- 3.40 Mr Davis will respond to the broader relationship between the Seaview Marina Zone (SMZ) and the Hazardous Substances Chapter. In this section, I focus on the specific activities identified by Ms McPherson for additional management within the SMZ due to hazardous substances risk and reverse sensitivity, including servicing, retail and food activities, recreation, community facilities, and other commercial uses.
- 3.41 In assessing this position, it is necessary to consider whether these activities are captured by the definition of *activities sensitive to hazardous substance risks* within the PDP. Applied to the activities listed by Ms McPherson, most do not fall within the definition.
- 3.42 Activities such as motor vehicle servicing, yard-based retailing, trade supply, and general commercial uses are not captured and are typically characterised by transient occupancy, mobile populations, and lower sensitivity. Similarly, grocery stores, supermarkets, and food and beverage activities generally involve short-duration visits and are not typically treated as sensitive land uses in hazardous substance planning frameworks. Recreation activities also fall outside the definition, as they are highly variable in scale and duration and do not inherently involve the vulnerability associated with sensitive activities.
- 3.43 By contrast, community facilities are expressly included and remain appropriately captured by the hazardous substances framework.
- 3.44 Overall, most of the activities identified by Ms McPherson are not captured by the definition of *activities sensitive to hazardous substance risks*, and therefore are not the primary focus of the Hazardous Substances Chapter provisions.

**New Policy and Rule – Events and Markets in the Seaview  
Marina Zone within the Hazardous Substance Risk  
Management Overlay**

- 3.45 Ms Blackwell seeks a new policy and rule framework to manage markets and events within the Hazardous Substances Risk Management Overlay.
- 3.46 As a preliminary matter, this relief was not expressly sought in Seaview Marina Ltd's original submission, which focused more broadly on amendments to the overlay and enabling marina activities. While the proposal may be characterised as a consequential refinement when the submission is read as a whole, it introduces a new policy framework and regulatory mechanism. Accordingly, whether it is within scope is a matter for the Panel.
- 3.47 Turning to the merits, I agree that temporary activities, including markets and events, can increase population exposure within the HSRMO and warrant consideration from a hazardous substances risk perspective. The current framework does not explicitly manage such activities and instead relies on general temporary activity provisions.
- 3.48 Temporary activities generally, including markets and events, can vary significantly in scale, duration, and frequency, resulting in differing levels of risk exposure. In my view, a uniform approach is not appropriate: applying a restrictive activity status to all temporary activities would be unnecessarily onerous for small-scale or short-duration events, while the absence of specific controls may not adequately address larger or longer-duration activities.
- 3.49 In my view, a balanced approach is appropriate. The existing temporary activity framework provides a suitable foundation, with permitted activity thresholds for low-intensity activities and a consent pathway for activities that exceed those thresholds. A restricted discretionary activity status for larger or longer-duration temporary activities allows for site-specific assessment of

hazardous substance risk, including consideration of timing, operational coordination, and appropriate mitigation measures.

- 3.50 This approach is consistent with the evidence of Mr van de Munckhof that operational measures, such as coordinating event timing with hazardous activities, can effectively manage risk. I also consider that the provisions should apply to temporary activities generally, rather than being limited to markets and events, to ensure consistency and capture all relevant activities that may increase population exposure.
- 3.51 Overall, I consider that a framework which retains permitted status for small-scale and short-duration temporary activities, while applying restricted discretionary status to larger or longer-duration activities, provides an appropriate and proportionate response. Subject to scope, this approach achieves an appropriate balance between enabling marina-related activities and managing hazardous substance risk. I have recommended wording for this policy and rule in Appendix 1.

*Section 32AA Assessment*

- 3.52 The recommended approach introduces a targeted policy and rule framework to manage temporary activities within the HSRMO, recognising that such activities can increase population exposure to hazardous substance risk. The framework retains a permitted activity pathway for temporary activities that comply with existing TEMP-R1 standards, while applying a restricted discretionary activity status where those standards are exceeded.
- 3.53 This approach is effective in achieving the objective of avoiding unacceptable risk to people, as it:
- Targets regulatory intervention to circumstances where population exposure is likely to increase (i.e. larger or longer-duration activities); and
  - Enables site-specific assessment of hazardous substance risk where required, including operational coordination and mitigation measures.

- 3.54 The approach is also efficient, as it:
- Avoids imposing unnecessary consenting requirements on small-scale or short-duration activities, which are unlikely to materially increase risk; and
  - Builds on the existing temporary activity framework, thereby minimising plan complexity and duplication.
- 3.55 The primary benefit of the proposed provisions is that they provide a proportionate mechanism to manage risk associated with temporary population increases within the HSRMO. This includes enabling consideration of timing, layout, and operational controls to reduce exposure, consistent with a risk-based planning approach.
- 3.56 There are also benefits in terms of plan clarity and certainty, as the provisions explicitly address a gap in the current framework, which does not directly consider the potential effects of temporary activities on hazardous substance risk.
- 3.57 The primary cost is the introduction of an additional consenting pathway for activities that exceed permitted activity thresholds. This may result in additional compliance costs for organisers of larger or longer-duration temporary activities. However, these costs are considered appropriate and proportionate, given the potential for increased risk exposure in those circumstances.
- 3.58 Overall, the benefits of improved risk management and targeted assessment outweigh the relatively limited costs.
- 3.59 The principal alternatives considered are:
- Option 1: Relying solely on existing temporary activity provisions: This approach would be less effective, as it does not specifically address hazardous substance risk and would not provide a clear mechanism to manage increased population exposure within the HSRMO.
  - Option 2: Applying a blanket restrictive activity status to all temporary activities: This approach would be overly onerous and inefficient, as it would unnecessarily capture low-risk,

small-scale activities and impose disproportionate regulatory burden.

- 3.60 The proposed approach represents a balanced and proportionate response, as it differentiates between low- and higher-risk activities based on scale, duration, and intensity, and aligns with the broader effects-based framework of the Plan.
- 3.61 Subject to the Panel's determination on scope, I consider that the proposed Policy HS-P4 and Rule HS-R4 are the most appropriate way to achieve the relevant objectives of the Plan. The provisions are effective in addressing the identified risk, efficient in their application, and proportionate to the potential effects of temporary activities within the HSRMO.

**New Policy and Rule – Residential Activities within the Hazardous Substance Risk Management Overlay**

- 3.62 Ms Blackwell seeks a new discretionary activity pathway for residential activities within the Hazardous Substances Risk Management Overlay, where a site-specific Quantitative Risk Assessment demonstrates that risk does not exceed  $1 \times 10^{-6}$ .
- 3.63 As a preliminary matter, this relief was not expressly sought in Seaview Marina Ltd's original submission, which raised broader concerns about the extent and operation of the HSRMO. While it may be characterised as a consequential amendment, the proposal introduces a new activity status and regulatory pathway. Accordingly, whether it is within scope is a matter for the Panel.
- 3.64 Turning to the merits, I acknowledge the evidence that residential activities are generally inappropriate in higher risk areas and that, in some cases, mitigation measures may reduce risk exposure. I also recognise that risk contours may evolve over time, while the overlay necessarily provides a static planning response.
- 3.65 However, I do not consider that introducing a discretionary activity pathway is appropriate. The current non-complying activity status clearly signals that residential development is generally

inappropriate within the HSRMO and maintains a precautionary approach, while still allowing consideration of proposals in exceptional circumstances through the statutory gateway tests.

- 3.66 In contrast, a discretionary activity status signals that residential activity is potentially appropriate, subject to assessment. This materially lowers the policy threshold and shifts the framework away from avoidance toward enablement. In practice, it would allow residential development to be more readily contemplated within areas identified as posing unacceptable risk, which is inconsistent with the purpose of the overlay.
- 3.67 The proposed reliance on a site-specific QRA to trigger discretionary status does not alter this fundamental issue. While QRA is an important assessment tool, using it to determine activity status effectively enables case-by-case reassessment of the overlay, which undermines its role as a clear and certain spatial planning tool. It would also introduce inconsistency and uncertainty, as outcomes would depend on the assumptions and methodologies applied in individual assessments.
- 3.68 For these reasons, I consider that retaining non-complying activity status remains appropriate, as it maintains a clear and precautionary planning approach, while still allowing flexibility for proposals to be considered where justified. I therefore do not support the requested rule seeking discretionary activity status for residential activities.

#### **Contaminated Land – Policy CL-P1**

- 3.69 In my Section 42A Report, I recommended amendments to Policy CL-P1 to ensure contaminated and potentially contaminated land is appropriately identified prior to development, while maintaining a proportionate and risk-based approach to investigation requirements.
- 3.70 Ms McPherson generally supports my recommended amendments to Policy CL-P1 but seeks further refinement to limit investigation requirements where land is already identified on the Selected Land

Use Register (SLUR) and avoid unnecessary duplication of investigation.

- 3.71 I agree with Ms McPherson that Policy CL-P1 is primarily concerned with the identification of contaminated and potentially contaminated land and that investigations should not be required in all circumstances, particularly where there is no reasonable basis to suspect contamination. I also agree that the SLUR is an important tool in identifying land where contamination may be present.
- 3.72 However, I do not support limiting investigation solely on the basis that land is identified on the SLUR. The SLUR is a screening tool, and sites may be recorded based on historic or potential contaminating activities rather than confirmed conditions. The level and relevance of investigation can also vary significantly, with some sites only partially or preliminarily assessed, or not investigated in a manner that is relevant to the proposed development or change in use.
- 3.73 In these circumstances, relying solely on SLUR inclusion could result in an incomplete understanding of contamination risk, particularly where site-specific exposure pathways need to be considered in relation to the proposed activity. This policy direction and approach could undermine the objective of ensuring contaminated land is appropriately identified prior to development.
- 3.74 I consider my recommended wording of this policy in the Section 42A Report already provides an appropriate safeguard by requiring investigation only where there is evidence, history, or reasonable potential of contamination. This enables professional judgement to be applied and ensures that investigation occurs only where necessary.
- 3.75 For these reasons, I do not support the further amendments sought and maintain my recommended amendments in the Section 42A Report for Policy CL-P1.

Hamish Wesney

Planner

Boffa Miskell Limited (on behalf of Hutt City Council)

18 May 2026

## APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

### Definitions

Term	Definition
activity sensitive to hazardous substance risks	means a: <ol style="list-style-type: none"> <li>1. residential activity, or</li> <li>2. retirement village, or</li> <li>3. supported residential care facility, or</li> <li>4. marae, or</li> <li>5. healthcare activity, or</li> <li>6. educational facility, or</li> <li>7. community facility, or</li> <li>8. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or</li> <li>9. community corrections activity, or</li> <li>10. custodial corrections facility, or</li> <li>11. visitor accommodation activity, <del>or</del></li> <li>12. <del>place of assembly.</del></li> </ol>

**Commented [HW1]:** Seaview Marina Ltd (343) or Clause 16, Schedule 1, RMA

### HS — Hazardous Substances

#### Policies

HS-P4	<a href="#">Temporary Activities in the Seaview Marina Zone within the Hazardous Substance Risk Management Overlay</a>
<p><a href="#">Manage temporary activities within the Seaview Marina Zone and Hazardous Substances Risk Management Overlay by:</a></p> <ol style="list-style-type: none"> <li>1. <a href="#">Providing for temporary activities where they are of a scale, intensity, and duration that does not result in a material increase in exposure to hazardous substance risk;</a></li> <li>2. <a href="#">Requiring larger-scale or longer-duration temporary activities to be assessed to ensure that they do not expose people to unacceptable residual risk;</a></li> <li>3. <a href="#">Ensuring temporary activities are timed and operated in a manner that reduces potential exposure to hazardous substance risk, including through coordination with nearby hazardous facilities; and</a></li> <li>4. <a href="#">Minimising reverse sensitivity on existing significant hazardous facilities while enabling appropriate temporary use of land consistent with the purpose of the zone.</a></li> </ol>	

**Commented [HW2]:** Seaview Marina Ltd (343)

#### Rules

HS-R4	<a href="#">Temporary Activities in the Seaview Marina Zone within the Hazardous Substance Risk Management Overlay</a>

**Commented [HW3]:** Seaview Marina Ltd (343)

**1. Activity Status: Permitted**

Where:

- a. The activity complies with TEMP-R1.1.

**2. Activity Status: Restricted Discretionary Activity**

Where:

- a. Compliance is not achieved with HS-R4.1.

Matters of discretion:

1. The scale, intensity, duration, and frequency of the temporary activity and resulting population exposure.
2. The level of hazardous substances risk associated with the site, including proximity to significant hazardous facilities.
3. The extent to which people are exposed to unacceptable residual risk.
4. The timing and operation of the activity, including coordination with hazardous substance activities and operational practices.
5. Measures to avoid, remedy, or mitigate risk, including site layout, management controls, and emergency procedures.
6. The extent to which the activity may give rise to reverse sensitivity on existing significant hazardous facilities.