

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

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

AND

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

HEARING TOPIC **Hearing Stream 2: Business**

**REBUTTAL EVIDENCE OF ALICE JANE BLACKWELL ON BEHALF
SEAVIEW MARINA LIMITED (SUBMITTER 343)**

PLANNING

20 MAY 2026

INTRODUCTION

- 1.1 My name is Alice Jane Blackwell. I provided a primary statement of evidence in support of the submission from Seaview Marina Limited for Hearing Stream 2 – Business, 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.
- 1.2 I have reviewed the following evidence for Hearing Stream 2 – Business of the Hutt City Council Proposed District Plan (**PDP**):
- (a) Georgina McPherson for BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited (S471 and F32) and Z Energy Limited (S468) (**The Fuel Companies**), including:
- Seaview Marina Zone, Industrial Zones and Centre Zones, dated 8 May 2026; and
 - Contaminated Land and Hazardous Substance, dated 11 May 2026
- (b) Jennifer Polich for BP Oil New Zealand, Mobil Oil New Zealand Limited and Z Energy Limited (S471 and F32) and Z Energy Limited (S468) (**The Fuel Companies**) dated 11 May 2026.

Scope of Rebuttal

- 1.3 This rebuttal statement is in response to evidence from The Fuel Companies and addresses the following matters:
- (a) Reverse sensitivity and Hazardous Substance Risk
- (b) Hutt City Fuel Transmission Pipeline Corridor.

REVERSE SENSITIVITY AND HAZARODUS SUBSTANCE RISK

- 1.4 I am in agreement with Ms McPherson that the definition of ‘reverse sensitivity’ should align to the Regional Policy Statement definition of reverse sensitivity:

“Reverse sensitivity means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained.”

- 1.5 I agree that activities within the Seaview Marina Zone could result in reverse sensitivity effects. However, I do not agree that reverse sensitivity effects should be “avoided” and I discuss this in more detail below (see para 1.11 – 1.15 below).
- 1.6 In my view the notified PDP Seaview Marina Zone (**SMZ**) provisions do not enable sensitive activities of the type referenced in Ms Polich’s evidence modelled on a 0.5×10^{-6} risk criteria, such as hospitals or schools¹.

Amendments sought to PDP provisions

- 1.7 Ms McPherson considers that “the management of risk and reverse sensitivity issues across the Seaview Marina Zone as a whole is an appropriate precautionary approach²”.
- 1.8 Ms McPherson seeks this relief through amendments to:
- (a) SMZ Introduction, SMZ-O1, SMZ-O2, SMZ-O6 and SMZ-P5 to require avoidance of reverse sensitivity effects on the Fuel Terminals and Wharfline. A similar change is recommended in relation to S42A recommended SMZ-P2 (residential activities and sensitive activities).
 - (b) Amend SMZ-R3 to include the consideration of the role of building design and layout in managing risk and reverse sensitivity effects as a matter of discretion.
 - (c) Amend the activity status of SMZ-R8, SMZR11, SMZ-R12, SMZ-R14, SMZ-R15, SMZ-R16, SMZ-R18, SMZ-R19 and SMZ-R20 from permitted to restricted discretionary and include as a matter of discretion, the consideration of risk and reverse sensitivity issues.
- 1.9 I will address each of the matters (a) – (c) below:

(a) SMZ Introduction, SMZ-O1, SMZ-O2, SMZ-O6 and SMZ-P5 to require avoidance of reverse sensitivity effects on the Fuel Terminals and Wharfline. A similar change is recommended in relation to S42A recommended SMZ-P2 (residential activities and sensitive activities).

- 1.10 Ms McPherson’s recommended amendments to the PDP are requesting provisions give greater weight to reverse sensitivity considerations through the use of “avoid” and the deletion of qualifiers, such as “significant” or “inadequately managed”. Ms McPherson’s justification for this more stringent wording relies on hazardous substance risk, rather than issues related to

¹ Table 1 on Page 6 of Ms Polich’s evidence dated 11 May 2026.

² Para 8.12 of Ms McPherson’s evidence dated 8 May 2026

reverse sensitivity³. While I understand the overlap in these issues as they both relate to sensitive land uses, in my view, reverse sensitivity effects on industry (new activities compromising future activities) are different to hazardous substance risk from bulk fuel storage (a health and safety risk to life or risk of injury).

- 1.11 I agree that hazardous substance risk for sensitive activities should be avoided, but I do not agree that this same “avoid” restriction should apply in relation to reverse sensitivity effects.
- 1.12 In relation to hazardous substance risk, I consider that:
- (a) Planning mechanisms for managing hazardous substance risk, is supported by industry guidance that is well defined and adopted in district plans in New Zealand. Where hazardous substance risk overlays are included in District Plans, they should reflect up to date risk Quantitative Risk Assessments that reflect current operations.
 - (b) The management of hazardous substance risk should, as far as practicable, be managed within the hazardous substance chapter of the PDP;
 - (c) It is appropriate for sensitive activities to be “avoided” within the hazardous substance risk management overlay.
- 1.13 Potential reverse sensitivity effects on activities enabled in the Heavy Industrial Zone are broad and relate to matters such as noise, vibration and dust. I accept that it can be appropriate for sensitive activities, such as residential activities, to include mitigation to reduce reverse sensitivity effects in the SMZ. However, effects from industry on surrounding land uses, should also be mitigated at the source where possible.
- 1.14 In relation to reverse sensitivity I consider that:
- (d) “Avoiding” reverse sensitivity effects with no qualifier places too much onus on future activities to mitigate all reverse sensitivity effects. A balanced approach to reverse sensitivity is appropriate to the extent that reverse sensitivity effects from new activities are “mitigated”.
 - (e) SMA-P1 (Enabled activities) combined with SMZ P2 (Residential and sensitive activities) appropriately set the framework for the anticipated activities within the SMZ. These

³ Para 8.16 (a)-(e) of Ms McPherson’s evidence dated 8 May 2026.

provisions do not enable large scale population increases of sensitive land uses such as hospitals, schools, childcare centres or old age housing⁴.

(b) Amend SMZ-R3 to include the consideration of the role of building design and layout in managing risk and reverse sensitivity effects as a matter of discretion.

1.15 Ms McPherson has recommended the consideration of the role of building design and layout in managing risk and reverse sensitivity effects. As outlined above I consider that “risk” should be managed in the Hazardous Substance provisions of the PDP. However, I support the inclusion of considering the role of building design and layout in managing “reverse sensitivity” effects.

(c) Amend the activity status of SMZ-R8, SMZR11, SMZ-R12, SMZ-R14, SMZ-R15, SMZ-R16, SMZ-R18, SMZ-R19 and SMZ-R20 from permitted to restricted discretionary and include as a matter of discretion, the consideration of risk and reverse sensitivity issues.

1.16 I agree with Ms McPherson that for SMZ-R19 (commercial activities not otherwise provided for) and SMZ-R20 (other activities not otherwise provided for) a Restricted Discretionary Activity consent pathway may be warranted due to the uncertainty over what these activities are. However, where buildings are for an use anticipated in the SMZ or an activity that is not sensitivity to industry, I do not consider that a consent process is warranted.

1.17 As such I consider that SMZ-R8, SMZR11, SMZ-R12, SMZ-R14, SMZ-R15, SMZ-R16 and SMZ-R18 should remain permitted activities.

HUTT CITY FUEL TRANSMISSION PIPELINE CORRODOR (PIPELINE CORRIDOR)

1.18 Ms McPherson and Ms Polich discuss the Hutt City Fuel Transmission Pipeline sought by The Fuel Companies in its submission⁵. The s42A Officer for Hazardous Substances rejected the request from the Fuel Companies to include the Pipeline Corridor in the District Plan.

1.19 Ms McPherson seeks parties either work together to develop a more nuanced approach to management of risk and reverse sensitivity within a modelled risk management contour, or that the provisions sought in the Fuel Companies submission are included adopted.

⁴ Table 1 (page 6) from Ms Polich's evidence

⁵ See pages 8-9 of Ms Polich's evidence dated 11 May 2026 and pages 13-15 of Ms McPherson's evidence dated 11 May 2026

- 1.20 I agree that some management of future development within proximity to the Pipeline Corridor may be warranted, but as an updated QRA has not been prepared in relation to the Pipeline Corridor, an overlay is not justified. I understand that the Pipeline Corridor as sought by The Fuel Companies in their submission is based on a 2009 Quantitative Risk Assessment that does not take into account substantial changes to the pipeline⁶, including undergrounding for the entire length of the Port Road boundary of the subject site.
- 1.21 I consider that construction activities, including in relation to the construction of underground services, that are in close proximity to the Pipeline Corridor should be managed. This will likely also require consultation with the pipeline operator. The consultation would be to ensure that construction risk is appropriately managed, but not an opportunity for the operator to comment on the appropriateness of the activity for which the construction is for.

CONCLUSION

- 1.22 It is important to ensure the activities captured by the PDP provisions do not unnecessarily confuse reverse sensitivity effects and hazardous substance risk therefore placing unnecessary regulatory costs on future activities in the SMZ.
- 1.23 The management of hazardous substance risk is important but comes with significant planning constraints on adjacent land uses. Given the significance of these constraints, it is important to ensure that up to date and accurate information informs the PDP provisions.
- 1.24 Restrictive planning controls should be included where there is evidence to support the risk. In my view, this is not the case with the requested Hutt City Transmission Pipeline Corridor sought by submission from The Fuel Companies.

Alice Blackwell



20 May 2026

⁶ Para 8.2 Of Ms Polich's evidence dated 11 May 2026.