

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of Submissions and Further Submissions  
on the Proposed Hutt City District Plan

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**Minute 6**  
**Proposed District Plan – Hearing Stream 2 Directions to Conference**

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3 June 2026

## Hazardous Substances and Seaview Marina Zone

1. As discussed at Hearing Stream 2 with the officers and representatives from the Fuel Companies/Z Energy Ltd and Seaview Marina, we direct that expert technical and expert planning conferencing occur relating to the relationship between Hazardous Substances provisions and the Seaview Marina Zone.
2. The Panel requires two separate conferencing sessions to be held.
3. Firstly, **Ms Polich** and **Mr van de Munckhof** are to confer on the technical matters addressed in their evidence. Among other issues these experts may wish to consider in assisting us, the Panel's expectations are that Ms Polich and Mr van de Munckhof will address:
  - a. Options for acceptable risk criteria, including  $1 \times 10^{-6}$  criterion,  $0.5 \times 10^{-6}$  criterion, or a multi-tiered/variable arrangement in this regard consideration is to be given to both the Seaview Wharfline and the fuel storage terminals;
  - b. With reference to the options identified in 'a', land use activities that should be enabled, managed or avoided depending on the applicable risk criteria, including:
    - i. any reasons why different approaches are warranted for different land uses;
    - ii. where management is recommended, whether the management relates to limitations as to scale or location (for example associated number of people or position within a certain part of the Marina Zone), to particular measures required (for example evacuation procedures, timing/duration, coordination with third parties) or for other purposes;
    - iii. where avoidance is recommended, whether it is for reasons of health and safety, potential reverse sensitivity effects, both of those reasons, or other reasons;
  - c. The experts' professional opinions on the options, measures and other details that should be preferred (if any); and
  - d. Any other technical advice to assist the planning experts with relevant matters to be addressed in conferencing.
4. Following the technical witness conferencing, **Mr Wesney, Mr Davis, Ms Blackwell and Ms McPherson** are to confer on the planning matters addressed in their evidence. The Panel's expectations are that the planning experts will address:
  - a. The results of the technical expert witness conferencing as it relates to the matters outlined above;

- b. Relevant higher order direction, including in the National Policy Statement for Infrastructure and the Regional Policy Statement;
  - c. The options for addressing the technical evidence in the objectives, policies, rules, maps, definitions and other methods in the applicable district-wide and area-specific chapter> This shall include if possible, an agreed option for the Panel’s consideration;
  - d. Consideration of how or if the Wharfline can be recognised or considered in the PDP;
  - e. A section 32AA analysis of any recommended changes to the notified provisions at a level of detail that corresponds with the scale and significance of the degree of change proposed. Should consensus not be reached about the appropriate suite of provisions, separate s32AA analyses should be provided;
  - f. Confirmation that any recommended changes are within the scope of relevant submissions (with citations) and are unaffected by Plan Stop; and
  - g. Any other matters the planning experts consider would be of assistance to the Panel.
5. Broadly speaking, the Panel considers that the topics traversed in paragraphs 3.2 - 3.68 of Mr Wesley’s rebuttal evidence and in section 8 of Mr Davis’ rebuttal evidence provide an appropriate starting point for framing the key issues to be addressed by the planning experts, though these are not in any way limiting should the experts choose to address other matters.

**Deliverables**

- 6. The Panel requires that the reports on the expert conferences will take the form of joint witness statements signed by the experts.
- 7. Joint witness statements are to make clear that all parties agree to comply with the Environment Court’s Code of Conduct for expert witnesses. To that end, a primary aim of the conferencing is to assist the Panel by the experts trying to reach agreement on matters within their field of expertise, to narrow any points of difference between them, and to clearly identify any remaining points of difference.
- 8. Consistent with the Code of Conduct, joint witness statements are to include:
  - a. Identification of all material regarded by the experts as primary data;
  - b. The key facts and assumptions that are agreed upon by the experts;
  - c. Identification of any methodology or standards used by the experts in arriving at their opinions and any reasons for differences in methodology and standards;
  - d. Identification of published standards or papers relied upon in coming to their opinions;

- e. The issues that are agreed between the experts and the reasons for those agreements, including an assessment of their level of confidence in the likelihood of any outcome or conclusion in those agreements;
- f. The issues on which the experts cannot agree and the reasons for those disagreements;
- g. Identification of any issue which the experts agree is not adequately addressed by the evidence lodged to that point in the proceeding and the reasons for that inadequacy; and
- h. Any reservation by any expert about a matter of substantive law or procedure on which they are uncertain.

### **Programme**

- 9. At the hearing we requested parties to confer on timing for the commencement of conferencing. We do not see the need to seek the assistance of an external facilitator. Our expectation is that self-organised technical conferencing will ideally commence by the end of next week (12 June 2026) with planning conferencing occurring shortly after that. We request the Council confer with the other parties to schedule the timing and make the necessary arrangements.
- 10. If there are any questions of clarification on the above can these be directed to us through the Hearing Administrator (Saritha Shetty). [Sarah.Shetty@huttcity.govt.nz](mailto:Sarah.Shetty@huttcity.govt.nz) with an office phone number of 04 560 1039



Lindsay Daysh

**Independent Commissioner**

**Chair Hutt City Proposed District Plan Hearing Panel**

3 June 2026