

Section 42A Officer's Report

Errata

Hearing Stream 2: Business

Subjects: Commercial and Mixed Use Zones
Contaminated Land and Hazardous Substances
(this report)
Industrial Zones and the Seaview Marina Zone

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Report Date: 29 April 2026

Date of Hearing: 25, 26, 28, 29 May 2026

1 Errata

- (1) Since preparation of the Section 42A Report for Hearing #2 Business – Hazardous Substances and Contaminated Land, it has come to my attention I inadvertently missed two submission points for this topic. These two submission points are:
 - a. 343.57a – Seaview Marina Ltd – reduce size of Hazardous Substance Risk Management Overlay so as to not apply to Seaview Marina Zone.
 - b. 471.84 – Fuel Companies – seeking a new definition of “sensitive environment” for the hazardous substances chapter.
- (2) I discuss and recommend my response to these two submission points below.
- (3) These matters do not alter any other evaluations in the original report apart from as discussed below.

1.1 Discussion of submissions and recommendations

1.1.1 Maps for the Hazardous Substances chapter

Hazardous Substances Risk Management Overlay

Submissions

- (4) Regarding the first submission point above from Seaview Marina Ltd (343.57a) requesting the reduction in size of Hazardous Substance Risk Management Overlay so as to not apply to Seaview Marina Zone (SMZ), in Section 3.6.4 of the original s42A Report I evaluated other submission points seeking changes to the mapped spatial extent of the Hazardous Substance Risk Management Overlay. In particular, the Fuel Companies sought the spatial extent be expanded based on using a different risk threshold. Seaview Marina Ltd opposed this request.

Assessment

- (5) As evaluated in the original s42A Report, the Hazardous Substances Risk Management Overlay spatially identifies areas subject to unacceptable residual risk from existing significant hazardous facilities, based on quantitative risk assessment. The mapped Overlay in the notified PDP is based on a quantitative risk assessment supplied by the Fuel Companies to the Council which has been accepted by the Council as suitable for use for this purpose. While I acknowledge the concerns raised by Seaview Marina Ltd regarding the potential constraints on the use of land within the Seaview Marina Zone, I do not consider these constraints justify the reduction in the spatial extent of the Risk Management Overlay. At this time, Seaview Marina Ltd have not raised any technical questions or provide technical evidence about the appropriateness of the quantitative risk assessment on which the spatial extent of the Risk Management Overlay is based. Accordingly, I recommend that this submission point be rejected and the spatial extent of the Risk Management Overlay be retained as notified.

Recommendation

- (6) Retain the spatial extent of the Hazardous Substances Risk Management Overlay as notified. Reject the relief sought by Seaview Marina Ltd (343.57a).
- (7) There are no consequential amendments or recommendations to my original s42A Report arising from this recommendation.

Section 32AA Assessment

- (8) As I am not recommending any amendments to the Hazardous Substances Risk Management Overlay, a section 32AA assessment is not required.

1.1.2 Key definitions for the Hazardous Substances and Contaminated Land chapters

Definition: New definition “sensitive environments”

Submissions

- (9) The Fuel Companies (471.84) seek a new definition of “sensitive environment” for the hazardous substances chapter. The requested definition is set out in full below.

Insert a new “sensitive environments” definition for the hazardous substances chapter as follows:

Means, for the purposes of the (HS) Hazardous Substances chapter, any area located in the following overlays:

a. Outstanding Natural Feature

b. Outstanding Natural Landscape

c. Outstanding Coastal Natural Character Area

d. High and Very High Coastal Natural Character Area

e. Coastal Environment

- (10) The submission states the Fuel Companies seek that a definition of ‘sensitive environments’ is inserted into the PDP, to accompany references to ‘sensitive environments’ in the Hazardous Substances chapter.
- (11) I note this submission point appears to complement or seek alternative relief to other submission points in the Fuel Companies submission which seek to replace the term “sensitive environments” with “specified overlay” (see paragraph 53 in Section 3.6.1 of the original s42A Report). I note the definition of *specified overlay* in the PDP as notified is the same as the definition sought by the Fuel Companies for ‘sensitive environment’.

Assessment

- (12) As evaluated in Section 3.6.1 of the original s42A Report, I do not support the alternative relief sought of amending “specified overlay” to “sensitive environments” as an undefined term. The reason for this is because, in my view, references to ‘sensitive environments’ within the Hazardous Substances chapter are used deliberately to capture a broader range of environments

that may be vulnerable to hazardous substance effects, including natural features, waterbodies, ecological areas, and other values that may not always be spatially mapped through overlays. In contrast, the term *specified overlay* (as defined in the PDP as notified) and the requested definition of 'sensitive environments' by the Fuel Companies is narrower and focuses on mapped overlays only.

- (13) Limiting references to mapped overlays would risk excluding sensitive environments that are not currently identified through an overlay but nevertheless warrant consideration when assessing hazardous substance risks. This would reduce the effectiveness and flexibility of the chapter in managing adverse effects. Retaining the term 'sensitive environments' therefore provides greater long-term workability and resilience of the chapter.
- (14) In addition, as I noted in paragraph 59 of the original s42A Report, the definition of *specified overlay* in the notified PDP may need to be deleted as a result of the overlays listed in this definition being withdrawn from the PDP to comply with the Minister's exemption. This same issue arises with the requested definition of 'sensitive environments' which refers to these withdrawn overlays.
- (15) For these reasons, I do not support adding a definition for 'sensitive environments'.

Recommendation

- (16) Reject Fuel Companies (471.84) request to add a definition for 'sensitive environments'.

Section 32AA Assessment

- (17) As I am not recommending a new definition, a section 32AA assessment is not required.