

BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearings Panel – Stream 2 – Business

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Lower Hutt District Plan

JOINT WITNESS STATEMENT

Planning

28 September 2026

1.0 INTRODUCTION

- 1.1 This joint witness statement relates to expert conferencing on the topic of planning.
- 1.2 This joint witness statement relates to the Hazardous Substances, Industrial Zones and Seaview Marina Zones chapters of the Proposed Lower Hutt District Plan ('Proposed Plan' or 'PDP'). This statement responds to the questions from the Hearing Panel contained in Minute #6 dated 3 June 2026.
- 1.3 The expert conferencing was held online on 22 and 25 June 2026, 25 August 2026 and 22 September 2026. The sessions were self-facilitated.
- 1.4 The expert attendees at the conference were:
 - 1.4.1 Alice Blackwell for Seaview Marina Ltd (343 and F14)
 - 1.4.2 Georgina McPherson for The Fuel Companies (471, 468 and F32)
 - 1.4.3 Stephen Davis for Hutt City Council (reporting officer for the Seaview Marina Zone)
 - 1.4.4 Hamish Wesney for Hutt City Council (reporting officer for Hazardous Substances)

2.0 CODE OF CONDUCT

- 2.1 This joint witness statement is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.
- 2.2 We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it. The experts confirm that the issues addressed in this joint witness statement are within our area of expertise, unless stated otherwise.

3.0 PURPOSE AND SCOPE OF CONFERENCING

- 3.1 The purpose of the conferencing was to identify, discuss and highlight points of agreement and disagreement between the planning experts. This conferencing followed and drew on the conclusions of the earlier conferencing between the technical hazardous substances witnesses recorded in their Joint Witness Statement dated 19 June 2026 and updated on 28 July 2026 in response to our questions.
- 3.2 Conferencing proceeded in line with the questions set out by the Hearing Panel in Minute #6.
- 3.3 **Attachment A** records the agreed matters, areas of disagreement and the reasons, along with any reservations. **Attachment B** records the agreed amendments to provisions using the following format:
- 3.3.1 Section 42A Report¹ recommendations: in red underlined or ~~strike through~~
- 3.3.2 Further amendments agreed in this conferencing are shown in blue underline or ~~strike through~~.
- 3.4 **Attachment C** contains the Section 32AA analysis of the agreed recommended provisions and separate Section 32AA analysis for the matters not agreed.

¹ This is the Section 42A Report for Hazardous Substances for changes to the Hazardous Substances chapter, and Section 42A Report for Industrial Zones and the Seaview Marina Zone for changes to the Seaview Marina Zone.

Date: 28 September 2026

AJ Blackwell

Alice Blackwell

Georgina McPherson

Georgina McPherson

Stephen Davis

Stephen Davis

Hamish Wesney

Hamish Wesney

Direction of Panel Minute #6:

Following the technical witness conferencing, Mr Wesley, 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.

ATTACHMENT A: EXPERT CONFERENCING ON PLANNING

Issue	Agreed Position	Disagreement or reservations, with reasons
Hazardous Substances Chapter		
Spatial Extent of the Hazardous Substances Risk Management Overlay and Policy HS-P2 Includes consideration of 1×10^{-6} criterion, 0.5×10^{-6} criterion, or a multi-tiered/variable arrangement	The planning experts agree (including adopting the agreed conclusions of the risk experts) that a two-tier Hazardous Substances Risk Management Overlay (HSRMO), comprising an Inner (1×10^{-6}) and Outer (0.5×10^{-6}) risk contour, is the most appropriate approach. The reasons for this approach are set out below. - The spatial extent of the two contours is informed by quantitative risk assessments undertaken for the relevant hazardous facilities. The risk experts agree: 1×10^{-6} individual risk contour represents the threshold above which risk to individuals is generally considered intolerable, and therefore justifies avoidance of sensitive and population-intensive activities. 0.5×10^{-6} individual risk contour represents the threshold above which risk to highly sensitive land-use activities is generally considered intolerable. While not directly linked to societal risk, it provides a reasonable basis for a precautionary outer boundary, within which societal risk and cumulative population exposure is managed, even where individual risk is lower.	

	• Two-tier approach recognises that risk effects reduce with distance from hazardous facilities, and provides a graduated response consistent with risk-based planning principles and avoids 'all-or-nothing' outcomes. • The 0.5×10^{-6} (Outer) contour better manages societal risk by managing the number of people exposed. • The two-tier approach enables more effective management of land use activities, with provisions to respond to both activity sensitivity and level of risk. The two-tier approach enables appropriate development while managing risk by: • Avoiding overly restrictive controls that could unduly constrain the use of land; • Allowing low-density or less sensitive activities in appropriate locations; • Providing a consenting pathway where risks can be satisfactorily management; and • Avoiding sensitive activities where risks cannot be satisfactorily avoided or mitigated.	
Land uses and management approaches (e.g. evacuation or timing requirements) for the above areas	The planning experts agree (including adopting the agreed conclusions of the risk experts) land use and management approaches within the HSRMO should be based on the sensitivity of activities and the number of people exposed (population density), supported by a graduated approach between the Inner and Outer overlays for the reasons stated in the above matter.	

	This reflects that sensitivity to risk is influenced not only by proximity to hazardous facilities, but also by the number of people exposed, the duration of occupancy, and the vulnerability of occupants. We agree land use should be managed through a combination of spatial controls and activity-specific considerations, including scale, design, and intensity of use, as well as the ability of occupants to respond to an emergency event. This includes particular regard to evacuation and emergency management requirements, and the duration and timing of activity use.	
Hutt City Fuel Transmission Pipeline Corridor	The planning experts agree (including adopting the agreed conclusions of the risk experts) that the fuel transmission pipeline should be managed through a single risk-based overlay, informed by the 0.5×10^{-6} individual risk contour from the 2009 QRA which is to be applied to the full length of the existing pipeline (as shown on the map in the appendix to this JWS), and provides a trigger for assessment rather than an outright restriction of activities. The purpose of the fuel transmission pipeline overlay would be to: • Avoid highly sensitive activities (schools, hospitals, childcare facilities and retirement living) in close proximity to the pipeline due to their vulnerability and evacuation constraints; and	

	• Provide an effects-based framework for assessing other land uses, including residential and commercial activities, having regard to risk exposure and the design and scale of the activity. • Protect the physical integrity and safe operation of the pipeline from earthworks and construction activities that could damage or otherwise compromise the pipeline. Drawing on the conclusions of the risk experts, this approach reflects that risk in the pipeline corridor is influenced not only by proximity to the pipeline, but also by the number of people exposed, the duration of occupancy, and the vulnerability of occupants. The planning experts agree that Fuel Transmission Pipeline provisions also need to manage the risk of damage to the pipeline from earthworks and construction activities. The planning experts agree that a Fuel Transmission Pipeline Earthworks Corridor is to be identified on the planning maps, extending 6 m either side of the pipeline centreline where the pipeline is located within road reserve, and 12 m either side of the pipeline centreline where it is located on other land. The differentiated approach to the width of the corridor is informed by the approach used for the comparable petroleum transmission pipeline designation in the Auckland Unitary Plan (Designation # 6500 and 6501), which applies a narrower	
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	designation width within roads and a wider designation width on other land. Within this corridor, earthworks must not exceed a depth of 0.4m, subject to appropriate exemptions for works undertaken by the owner and operator of the Fuel Transmission Pipeline. The 0.4m threshold is consistent with EW-S14 Earthworks within the Gas Transmission Pipeline Corridor not associated with infrastructure in the Proposed Lower Hutt District Plan, which permits earthworks within that corridor to a maximum depth of 0.4 m. The standard manages the potential for earthworks to affect the stability, integrity, safe operation, maintenance and upgrading of the pipeline, and risks to public and individual safety. The planning experts also agree that planned construction activities within the full extent of the Fuel Transmission Pipeline Risk Management Overlay are required to inform the owner and operator of the pipeline before construction commences. This enables the pipeline owner and operator to be aware of planned construction activities and relevant information concerning the location and safe operation of the pipeline to be taken into account before works commence. These provisions complement the land use controls within the Fuel Transmission Pipeline Risk Management Overlay by managing both risk from the pipeline to surrounding activities and people, and the risk of earthworks and construction	
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	activities damaging or otherwise compromising the safe and efficient operation of the pipeline. The reasons for this approach are as follows. • Recognises the pipeline presents a more localised and lower-intensity risk profile than the bulk fuel terminals, meaning a single overlay is appropriate at identifying areas where risk requires management. • The approach is focused on activity sensitivity and vulnerability, with highly sensitive land uses (schools, hospitals, childcare, retirement living) inherently less able to respond to emergency events and therefore require an avoidance-based policy approach within the pipeline overlay. • The risk outcomes are driven primarily by the number of people exposed rather than the activity itself, supporting a framework that: • manages the design, density and scale of development, and • avoids incremental increases in population exposure that could increase societal risk to unacceptable levels. • The overlay provides an effects-based consenting pathway for other activities to establish where risks can be appropriately managed, recognising that: • lower-density residential and • commercial activities may be compatible, while higher-density activities are less appropriate.	
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	• Pipeline-related risks (primarily fire scenarios) can be effectively reduced through design and management, including: • separation distances and site layout, • fire protection and building design, and • emergency management and evacuation planning. • Earthworks and construction activities have the potential to damage or compromise the integrity and safe operation of the Fuel Transmission Pipeline. The agreed earthworks corridor and depth controls, together with the requirement to inform the pipeline owner and operator of planned construction within the wider overlay, provide a targeted and proportionate means of managing this risk while avoiding unnecessary restrictions on otherwise appropriate works. • A single overlay with an assessment-based approach avoids overly restrictive provisions that would unnecessarily limit land use, while still ensuring that unacceptable risk outcomes are avoided.	
Use of the term 'sensitive environments' in Hazardous Substances Chapter	The planning experts agree Policy HS-P1(3) could be refined to provide greater certainty while maintaining its intended effects-based function. The following wording is agreed: 3. Locating <u>new</u> significant hazardous facilities outside sensitive environments, <u>unless</u>:	

Includes Policy HS-P1	<u>a. there is an operational or functional need for the facility to locate in that environment; and</u> <u>b. the adverse effects on the sensitive environment and residual risk are avoided, remedied or mitigated.</u> This suggested amendment is within scope of the Fuel Companies submission (471.162). The reasons for this alternative wording: • Retains the intended breadth of the term to capture a range of environmental sensitivities not necessarily reflected in zoning, including coastal margins, waterbodies and other site-specific characteristics. As many of these environmental sensitivities have been withdrawn from the PDP, and the ODP has limited coverage of these matters, retaining the term ensures these effects continue to be considered. • Zoning provisions do not always identify site-specific environmental sensitivities. The policy therefore serves a distinct role by requiring consideration of environmental context in addition to zone purpose. • As identified in Ms McPherson’s evidence, the term “sensitive environments” is broad and open to interpretation, which could lead to unintended outcomes if applied as an absolute avoidance policy. • Without qualification, the policy could be interpreted to preclude significant hazardous facilities in locations	
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	such as coastal industrial environments (e.g. Seaview), despite those locations being appropriate and often necessary. - Introducing an operational or functional need test, consistent with clause (4) of HS-P1, provides a clear pathway for: - infrastructure with locational constraints, and - activities that require proximity to specific features (e.g. wharves). - The proposed wording retains a strong policy direction to avoid sensitive environments, while enabling consideration of site-specific mitigation and risk management measures, consistent with the overall risk-based planning framework. - The amendment ensures that significant hazardous facilities, which are often regionally significant and operationally constrained, are not unintentionally prevented from locating in appropriate areas.	
Policy HS-P3 Location of activities sensitive to hazardous substances risk - “minimise” vs “avoid” for		Mr Wesley considers that “minimise” should be retained in Policy HS-P3, and does not support replacing it with “avoid” for the reasons stated in his rebuttal evidence. These reasons are: Reverse sensitivity effects do not arise uniformly across all activities or locations, and can often be effectively addressed through design, layout, operational controls and consent conditions. An “avoid” directive would not reflect this variability.

reverse sensitivity		• The policy must apply to a wide spectrum of activity sensitivities. The definition of <i>activities sensitive to hazardous substance risks</i> captures a broad range of activities with differing levels of vulnerability and occupancy. Applying a blanket “avoid” directive would be disproportionate for less sensitive or lower occupancy activities. • The Hazardous Substances Chapter, including the HSRMO, is based on a graduated, effects-based framework, where: ○ some activities are avoided in higher-risk areas, and ○ others are managed to acceptable levels of risk. A blanket “avoid” directive would be inconsistent with this framework and undermine the intended distinction between avoid and manage responses. • Requiring all reverse sensitivity to be avoided would introduce an absolute policy threshold, which: ○ could preclude otherwise compatible development, and ○ limit the ability to respond to site-specific circumstances. • Hazardous substance risk management is based on the principle that residual risk should be reduced to as low as reasonably practicable
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		(ALARP), rather than eliminated entirely. A “minimise” directive is consistent with this approach, whereas “avoid” implies a level of absolute risk elimination that is not always necessary or achievable. • Targeted avoidance is better achieved through the wider policy framework with highly sensitive activities in higher-risk areas should generally be avoided. This outcome is more appropriately achieved through the HSRMO spatial framework, and associated rules controlling activity status, rather than a blanket “avoid” directive in Policy HS-P3. Ms McPherson disagrees, and considers that all references to ‘reverse sensitivity’ in the Hazardous Substances, Seaview Marina Zone and Heavy Industrial Zone chapters should require the ‘avoidance’ of reverse sensitivity. The reasons for this are: ○ Reverse sensitivity involves the operation of an existing lawfully established activity being constrained or curtailed as a result of the establishment of a new activity that is sensitive to the effects of the existing activity. Terminology used in these chapters currently includes ‘minimising’ reverse sensitivity effects and ‘mitigating unreasonable’ reverse sensitivity effects. This implies the council considers some
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		reverse sensitivity effects will be reasonable and acceptable. I disagree that existing lawfully established activities should be expected to curtail their operations to enable a new more sensitive activity to establish. This is particularly the case in relation to regionally significant infrastructure and heavy industrial activities, given the limited availability of locations in which such activities can appropriately occur. ○ As detailed in the index of reverse sensitivity effects on fuel infrastructure, provided to the Panel on 8.06.26 the costs of such constraints on fuel infrastructure can be significant. A framework that enables the council to decide to impose these types of costs on the Fuel Companies (or another existing operator), to enable a new sensitive activity to occur in a zone that is intended to provide for Heavy Infrastructure or act as a buffer to the HIZ would be inappropriate. ○ Mr Wesley's comments appear to suggest that in order to avoid reverse sensitivity effects occurring, matters such as the design, layout, operational controls and consent conditions associated with a proposed more sensitive activity could not be taken into account. I disagree. In my opinion, avoiding reverse sensitivity is the overall outcome that should be sought. The ability to successfully
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		achieve that will depend precisely on matters such as the design and management of the activity. ○ It is unclear how a requirement to 'avoid' reverse sensitivity would be inconsistent with a risk-based management approach. The comment appears to suggest a reverse sensitivity effect would be more acceptable if it is generated by a less sensitive activity than if it is generated by a more sensitive activity. I disagree – a situation in which an existing lawfully established activity is constrained by the establishment of a new more sensitive activity is inappropriate, regardless of the activity type. ○ It is unclear how a requirement to 'avoid' reverse sensitivity would preclude otherwise compatible development or limit the ability to respond to site-specific circumstances. If the development is compatible it won't generate reverse sensitivity effects and/or any additional mitigation incorporated in the activity to avoid such effects occurring is likely to be less than the level of mitigation that may be required to ensure a more sensitive activity is able to appropriately establish without constraining the operation of an existing lawfully established activity. ○ While in the case of the Terminals, reverse sensitivity effects are closely linked to the management of risk to ALARP levels, reverse sensitivity encompasses a broader range of
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		considerations, including the matters set out in the index of reverse sensitivity effects on fuel infrastructure, provided to the Panel on 8.06.26. A requirement to ‘avoid’ reverse sensitivity effects does not equate to a requirement to ‘avoid’ risk. ○ A policy framework that implies reverse sensitivity effects are acceptable would be even more concerning if the current definition of reverse sensitivity (as set out in the s42A report) is retained, as that sets a starting point of reverse sensitivity effects being only effects that involve the imposition of significant unreasonable constraints on the established activity. That would create an enabling pathway for new sensitive activities to be established in and adjacent to heavy industry areas, based on an expectation that existing lawfully established activities will need to change their operations to mitigate an effect generated by establishment of the new activity.
Definition – Activities Sensitive to Hazardous Substance Risks	The planning experts agree to retain the current definition of “activities sensitive to hazardous substance risks”, as it effectively captures activities with varying levels of vulnerability and occupancy. Differences in sensitivity and risk vulnerability are more appropriately addressed through the policy and rule framework, rather than by refining or narrowing the definition.	

Relates to the risk threshold/ spatial extent matter above.		
New Policy and Rule – Residential Activities within the Hazardous Substance Risk Management Overlay Relates to the risk threshold/ spatial extent matter above.	The planning experts agree that a specific policy and rule framework for residential activities within the HSRMO is appropriate, providing a clear and graduated response aligned to the Inner and Outer risk contours. This includes: • Avoiding residential activities within the Inner HSRMO (1×10^{-6}); and • Enabling a restricted discretionary consenting pathway for residential activities within the Outer HSRMO (0.5×10^{-6}), with assessment focused on density, scale, and risk exposure. This approach reflects the technical evidence that even outside the 1×10^{-6} contour residential activities are a key driver of societal risk due to continuous occupancy and overnight presence, and therefore require a more restrictive response in higher-risk areas. It also provides clarity and certainty, avoids unnecessary restriction of land, and is consistent with the risk-based and effects-based framework of the Hazardous Substances Chapter, ensuring residential development is controlled in a manner proportionate to its vulnerability and contribution to overall risk.	
New Policy and Rule –	The planning experts agree that a targeted policy and rule framework for temporary activities (including otherwise	

Temporary Activities / Events and Markets in the Seaview Marina Zone within the Hazardous Substance Risk Management Overlay	permitted events and markets) within the HSRMO and Seaview Marina Zone is appropriate. While this matter was raised in evidence relating to the Seaview Marina Zone and the submission from Seaview Marina Ltd generally, the experts consider that a consistent approach to temporary activities is warranted across all zones where land is subject to the HSRMO, to ensure that risks associated with significant hazardous facilities are appropriately recognised and managed. This framework provides for a restricted discretionary consenting pathway for events, markets, community and cultural activities, and other temporary activities within the Inner and Outer HSRMO, irrespective of the number of people attending, so that hazardous substances risks and population exposure can be assessed. Within the Seaview Marina Additional Risk Management Overlay, a threshold of 250 people at any one time applies, with activities at or below that threshold permitted and activities exceeding the threshold requiring restricted discretionary consent. An Emergency Management Plan would be required to support the management and assessment of these activities. The reasons for this approach are that temporary activities can increase population exposure within the HSRMO, but vary significantly in scale, duration and frequency. An assessment approach ensures that there is appropriate consideration of the number of people, duration of exposure, and cumulative	
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	effects. Risk can be effectively managed through operational measures, including timing activities to avoid higher-risk periods (e.g. fuel transfer operations), coordination with facility operators, and provision for emergency access, evacuation and site management. Due to being broader than “temporary activities” as defined in the PDP, these provisions sit in the Hazardous Substances chapter rather than the Temporary Activities chapter.	
Relationship of Seaview Marina Zone and Hazardous Substances Chapter Provisions	The planning experts agree that hazardous substances risk within the Seaview Marina Zone is most appropriately managed through the Hazardous Substances Chapter (including the HSRMO) as the primary framework. Hazardous substance risks in the Seaview Marina Zone outside the Inner and Outer Hazardous Substance Risk Management Overlays will be handled through provisions in the Hazardous Substances chapter through a Seaview Marina Additional Risk Management Overlay, covering the remainder of the Seaview Marina Zone. Consistent with the advice of the risk experts, the planning experts support a permitted activity standard requiring an Emergency Response Plan (ERP) for development within the Seaview Marina Zone. The purpose of this requirement is to ensure that evacuation, egress and emergency response procedures are considered at the development stage, having regard to the potential effects of an incident associated with adjacent fuel terminals or the pipeline.	

	This standard is informed by the approach adopted for the Site Emergency Management Area in the Auckland Unitary Plan (E29.6.1) and is intended to apply only within the Seaview Marina Zone. It is not intended to duplicate the role of the HSRMO, but rather to address the particular access and evacuation constraints that apply across the zone, including areas located outside the mapped risk contours. See discussion below in the SMZ for further details.	
Seaview Marina Zone Chapter		
National and regional direction relating to the Marina	Ms Blackwell and Mr Davis agree that the Marina is not a commercial port area and therefore does not fall within the definition of 'Regionally Significant Infrastructure' in the Wellington Regional Policy Statement.	In relation to the Seaview Marina (the Marina), Ms Blackwell considers that the Marina falls within the definition of 'Infrastructure' under the RMA and therefore the National Policy Statement for Infrastructure is a relevant consideration. <i>Under the RMA, infrastructure means—</i> ... <i>(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</i> Specific aspects of the Marina that Ms Blackwell considers are infrastructure include the boat ramp, the hardstand area at the western end of the Seaview Marina Zone and the fuel station.

		For additional context Ms Blackwell advises that the Marina includes services for: • Fuel supply – SM is one of only two fuel supply sites in Wellington Harbour for light commercial vessels • The following operators operate out of / use the Marina for servicing of their fleet: ○ New Zealand Police Maritime Unit – use SML for servicing of their fleet and rescue operations; ○ Wellington Coastguard – use the Marina for servicing of their fleet and rescue operations; ○ Wellington Harbour Pilots – for the servicing of their fleet ○ Interislander – for the servicing of lifeboats; and ○ East by West Harbour ferries use the Marina for servicing of their fleet. • Wellington commercial fishing fleet – use the Marina on a daily basis for the loading/unloading of cargo and crew. The Marina includes a number of contractors that are based out of the Marina and use the marina for loading and unloading cargo, including:
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		• Brian Perry Civil - for Pt. Howard fuel wharf works • Underwater Solutions and Underwater Construction, Neptune Diving – these partners play a role in municipal waterfront construction and maintenance, maintenance of harbour navigational aids, and loading/unloading of supplies for the Department of Conservation on Matiu / Somes Island • NZ Diving and Salvage – uses the Marina for large scale salvage operations, such as the Sea Lion ship in 2022. Ms Blackwell considers that where activities within the Seaview Marina Zone fall within the definition of ‘infrastructure’, then the Infrastructure Chapter of the Proposed District Plan will be relevant. Mr Davis considers that the marina does not fall within the definition of “infrastructure” within the RMA for the reasons set out in paragraphs 8.1 to 8.4 of his rebuttal evidence of 19 May 2026, and that the NPS-I and PDP Infrastructure chapter are thus not relevant to the Seaview Marina.
Office activities	The planning experts agree that it is appropriate to provide for ancillary office activities and a moderate scale of standalone	

	office activities within the SMZ on a comparable basis to the Neighbourhood Centre Zone, as set out in Attachment B.	
Management of hazardous substances risks in the Seaview Marina Zone Relates to the risk threshold/spatial extent matter above.	The planning experts agree that the existing Seaview Marina Zone (SMZ) policy and rule framework provide a largely appropriate activity framework, and that hazardous substances risk should primarily be managed through the Hazardous Substances Chapter (including the HSRMO), supported by the SMZ provisions. This includes: • Retaining activities highly sensitive to hazardous substances risks as non-complying consistent with the HSRMO framework; and • Retaining residential activities as discretionary, The experts also agree that this should be refined through: • Adding consideration of access and evacuation and emergency management in the zone policies, by requiring an emergency management plan based on a template as a permitted activity standard for all activities in the SMZ and as matters of discretion for the building and structures restricted discretionary activity rule. These provisions will largely sit within the Hazardous Substances chapter, with cross-reference from the Seaview Marina Zone. The reasons for this approach is that the SMZ already enables a range of primarily marina, commercial, and industrial-support activities, most of which involve transient or lower-density populations, aligning with the risk experts evidence that such	

	activities are generally more compatible with hazardous substances risk environments. More sensitive activities are already subject to more restrictive activity statuses (e.g. residential and sensitive-to-industry activities), which broadly reflects the graduated risk-based approach. The planning experts also agree the SMZ is a special case compared to other zones, due to its physical and operational constraints, and the activities enabled within the zone, which elevate the importance of managing hazardous substances risk in this zone: • The SMZ is geographically constrained by the coastal edge, limiting alternative development patterns; • The SMZ is located in close proximity to the bulk fuel terminals and access to the Marina from land directly traverses the fuel transmission pipeline; and This creates a heightened risk profile, particularly in an emergency scenario, where: • Evacuation routes may be compromised or constrained; • Emergency access is similarly constrained; and • Population exposure is not limited to activities within the zone, but also includes movement through shared access corridors adjacent to hazardous facilities. Accordingly, while the underlying activity framework remains appropriate, the SMZ requires additional emphasis on	
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	evacuation capability and emergency management, to reflect these constraints.	
Zone Maps – Seaview Marina breakwaters	Experts agree with the breakwaters being included in the Seaview Marina Zone as provided with the evidence of Ms Blackwell.	
Definitions – “Marina Activities”	Experts agree that it is appropriate to include a definition of ‘Marina Activities’. Experts agree that it is appropriate to amend the definition in the notified PDP to include commercial and tourism activities and events, markets and cultural activities associated with the Marina. If the definition is updated to include Commercial and tourism activities related to marina use, the rule framework can be simplified, such that Rule SMZ-R17 – Marine Supply Commercial Activities can be deleted. The agreed Marina Activities definition is: Means activities associated with: a. <u>The navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance, and repair of vessels;</u> b. <u>Boat trailer parking;</u>	

	c. <u>Supply of marina related goods and services Commercial and tourism activities related to marina use, including charter operations, marine retail, services, equipment hire, and training or education activities;</u> d. <u>Embarking and disembarking of passengers;</u> e. <u>Loading, unloading, and storage of ancillary cargo and containers on primarily passenger and recreational vessels;</u> f. <u>Operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;</u> g. <u>Ancillary offices; and</u> i. <u>Events, markets, and community or cultural activities associated with the marina environment</u> j. <u>Ancillary buildings, structures, and facilities that support the above activities</u> <u>It includes any ancillary activity to the marina activity.</u>	
Seaview Marina introductory text		Ms Blackwell considers that the following text should be deleted from the introduction of the SMZ Chapter: <i>“The Seaview Marina Zone, like the General Industrial Zone, also forms part of a buffer around the core of the Seaview industrial area (part of the Heavy Industrial Zone) from residential areas, to separate incompatible activities”</i>

		The SMZ does not form a buffer from residential areas. Residential properties in the adjacent residential areas to the south of the SMZ are at the top of a cliff. It is the change in topography that creates a buffer for residential areas. Providing a “buffer” from industrial activity is not the primary purpose or a key characteristic of the SMZ. Mr Davis, Ms McPherson and Mr Wesney disagree and consider the text should be retained. While the SMZ may not be located spatially directly between the Heavy Industry Zone and the adjacent residential areas, its proximity to the HIZ means it does play an important role in managing land use compatibility issues. It lessens potential cumulative effects associated with a larger area of heavy industrial activity, that may be experienced by nearby residential activities, while providing for a range of activity types that can generally be managed to be compatible with both residential and heavy industry.
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ATTACHMENT B: AGREED AMENDMENTS TO PROVISIONS

HS — Hazardous Substances

The purpose of the Hazardous Substances chapter is to protect people, communities and the environment from the residual risk of facilities and activities involving the manufacture, use, storage, transportation or disposal of hazardous substances, including significant hazardous facilities. This chapter seeks to manage:

1. Reverse sensitivity ~~effects~~ between existing lawfully established significant hazardous facilities and new or intensified activities sensitive to hazardous substance risks,
2. The residual risk from significant hazardous facilities to public safety, for example, risks to the public beyond the site boundary, and
3. Management of cumulative effects of multiple significant hazardous facilities near each other.

Hazardous facilities can give rise to low probability but high consequence events, such as explosions, large fires, or the release of hazardous materials. These events may generate effects including heat radiation, blast overpressure, or toxic exposure, which can extend beyond the site and affect surrounding land uses.

Hazardous substances are controlled by a wide range of legislation and subordinate instruments, the primary piece of legislation being the Hazardous Substances and New Organisms Act 1996. Additional controls are included in the Land Transport Act 1998, Building Act 2004, and Health and Safety at Work (Hazardous Substances) Regulations 2017. In addition, there are also industry standards that provide guidelines to industry participants.

The District Plan manages only the residual risk and cumulative risk to the health and wellbeing of people and communities, and adverse effects on sensitive environments after non-District Plan statutory rules and controls, including any subordinate instruments, in place with respect to hazardous substances have been complied with.

For some significant hazardous facilities, ~~where~~ residual risks have been quantified through quantitative risk assessment and spatially defined using risk contours. ~~work, residual risk is~~ These areas are mapped in the District Plan as a the Hazardous Substances Risk Management Overlay (HSRMO). In these locations, activities sensitive to hazardous substance risks are managed to avoid unacceptable risk.

The Hazardous Substances Risk Management Overlay provides a spatial framework to manage land use compatibility around significant hazardous facilities, recognising that:

- activities located closer to significant hazardous facilities are exposed to greater potential effects, and
- the type, scale, and intensity of activities, including the number and vulnerability of people present, influence the level of risk and the consequences of an emergency event.

To respond to this, the Hazardous Substances Risk Management Overlay comprises two areas which together provide a graduated approach to risk management:

- Inner Hazardous Substances Risk Management Overlay based on the 1×10^{-6} individual risk contour and identifies the areas of highest residual risk closest to significant hazardous facilities. Within this area:
 - Significant consequences to people are more likely in an emergency event;
 - Sensitive and high population activities are generally inappropriate; and
 - Emphasis is placed on avoiding incompatible activities and requiring building design and emergency response measures to reduce risk.
- Outer Hazardous Substances Risk Management Overlay is based on the 0.5×10^{-6} individual risk contour and forms a wider area surrounding the Inner Hazardous Substances Risk Management Overlay where risk remains but is lower than the Inner Hazardous Substance Risk Management Overlay. Within this area:
 - A wider range of activities may be appropriate, subject to management;
 - Population density and sensitive activities are controlled to manage cumulative risk; and
 - Emergency management and evacuation planning are key mitigation measures.

The District Plan also contains a Fuel Transmission Pipeline Risk Overlay that applies to land surrounding the Hutt City fuel transmission pipeline running between Seaview Wharf and the fuel terminals. The overlay is based on the 0.5×10^{-6} individual risk contour and identifies areas where risk from the pipeline requires management. The overlay provides an assessment framework that avoids highly sensitive activities and manages

other activities having regard to population exposure, activity vulnerability, site design, emergency management and evacuation planning. Earthworks and construction activities are also managed within the overlay. Unlike the Hazardous Substances Risk Management Overlay, the Fuel Transmission Pipeline Risk Overlay applies a single-overlay approach reflecting the more localised nature of pipeline-related risk.

The district plan also manages buildings and activities in the Seaview Marina Additional Risk Management Overlay, which covers the Seaview Marina Zone outside the Hazardous Substances Risk Management Overlay, to assess access, evacuation, and emergency response.

While this chapter includes the objectives, policies, and rules that are specific to hazardous substances, the zone chapters and other district-wide chapters of the District Plan, including those that apply overlays across specified areas, set additional objectives, policies and rules that may apply for all or part of the zone. As such, this chapter should be read alongside the zone chapters and other district-wide chapters of the District Plan.

Objectives

HS-O1	Protection from residual risk
People, communities, and the environment are protected from the unacceptable residual risk of facilities and activities involving the manufacture, use, storage, transportation, or disposal of hazardous substances.	

HS-O2	Protection of existing significant hazardous facilities
Activities sensitive to hazardous substance risks are located where they: 1. Avoid areas exposed to unacceptable residual risk from existing significant hazardous facilities, and 2. Do not compromise the operation of existing significant hazardous facilities due to reverse sensitivity effects.	

Policies

HS-P1	Location of significant hazardous facilities
Ensure significant hazardous facilities and activities involving the manufacture, use, storage, transportation, or disposal of hazardous substances, including significant hazardous facilities , are appropriately located and managed by: 1. Avoiding unacceptable residual risk to human health, people, and communities as determined through the use of a Quantitative Risk Assessment or other acceptable risk assessment process for the proposed activity, including its having regard to site characteristics and any cumulative risk from other nearby hazardous facilities,	

2. Recognising the purpose of the zone in which the proposed activity is located, and the sensitivity of the activities that are enabled in that zone,
3. Locating new significant hazardous facilities outside of sensitive environments unless:
 - a. there is an operational or functional need for the facility to locate in that environment; and
 - b. the adverse effects on the sensitive environment and residual risk are avoided, remedied or mitigated, and
4. Locating significant hazardous facilities outside of High Natural Hazard Overlays unless there is an operational need or functional need for the significant hazardous facility to be located in the area and the significant hazardous facility mitigates the risk from natural hazards to people, buildings and infrastructure.

HS-P2	Identify areas of unacceptable residual risk
Identify <u>and map</u> areas <u>where activities are</u> exposed to <u>an</u> unacceptable <u>level of</u> residual risk from existing significant hazardous facilities based on a <u>two-tier risk threshold of 1×10^{-6}, and map these areas using the</u> Hazardous Substances Risk Management Overlay (<u>HSRMO</u>) <u>comprising</u>: 1. <u>an Inner HSRMO (1×10^{-6} individual risk contour) representing the area of highest residual risk; and</u> 2. <u>an Outer HSRMO (0.5×10^{-6} individual risk contour) where risk is lower and fewer risk-based restrictions apply.</u>	

HS-P3	Location of activities sensitive to hazardous substance risks <u>within the Hazardous Substance Risk Management Overlay</u>
<u>Require Manage risk to</u> activities sensitive to hazardous substance risks <u>within the HSRMO to acceptable levels and minimise² reverse sensitivity effects on existing</u> be adequately separated from significant hazardous facilities to <u>by</u>:1. <u>Within the Inner HSRMO</u>: a. <u>void the establishment or intensification of the following activities new activities sensitive to hazardous substance risks, and the intensification or expansion of existing activities, sensitive to hazardous substance risks, locating in areas exposed to unacceptable residual risk from existing significant hazardous facilities:</u> i. <u>residential activity,</u> ii. <u>retirement village,</u> iii. <u>supported residential care facility,</u> iv. <u>marae,</u> v. <u>healthcare activity,</u> vi. <u>educational facility,</u>	

² Replace 'minimise' with 'avoid' depending on the Panel's decision

	<u>vii. custodial corrections facility, and</u> <u>viii. visitor accommodation activity.</u> <u>b. Manage the establishment of the following new activities, and the intensification or expansion of such activities, where it can be demonstrated that residual risk to people can be appropriately avoided or mitigated, having particular regard to scale, population density, and vulnerability of occupants, and the ability to manage risk through design, layout, and operational measures, including evacuation:</u> <u>i. community facility,</u> <u>ii. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, and</u> <u>iii. community corrections activity.</u> <u>2. Within the Outer HSRMO:</u> <u>a. Avoid the establishment or intensification of the following activities I:</u> <u>i. retirement village,</u> <u>ii. supported residential care facility,</u> <u>iii. healthcare activity,</u> <u>iv. educational facility, and</u> <u>v. custodial corrections facility.</u> <u>b. Manage the establishment of the following new activities, and the intensification or expansion of such activities, where it can be demonstrated that residual risk to people can be appropriately avoided or mitigated, having particular regard to scale, population density, and vulnerability of occupants, and the ability to manage risk through design, layout, and operational measures, including evacuation:</u> <u>i. residential activity,</u> <u>ii. marae,</u> <u>iii. community facility,</u> <u>iv. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks,</u> <u>v. community corrections activity, and</u> <u>vi. visitor accommodation activity. and</u> <u>3. Minimise reverse sensitivity effects on existing significant hazardous facilities.</u>
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<u>HS-Paaa</u>	<u>Manage hazardous substance risks to events, markets, community and cultural activities, and other temporary activities</u>
	<u>Manage events, markets, community and cultural activities, and other temporary activities within the Hazardous Substances Inner Risk Management Overlay and Hazardous Substances Outer Risk Management Overlay; and manage larger-scale or longer duration events, markets, community and cultural activities, and other temporary</u>

activities in the Seaview Marina Additional Risk Management Overlay in a manner that:

1. protects people from unacceptable residual hazardous substances risk; and
2. minimises reverse sensitivity effects on existing significant hazardous facilities while enabling appropriate temporary use of land consistent with the purpose of the zone.

by:

3. Requiring temporary activities to be assessed to ensure that they do not expose people to unacceptable residual risk;
4. Ensuring temporary activities are planned, timed and operated to reduce potential exposure to hazardous substances risk, having regard to the nature and operation of nearby hazardous facilities
5. Requiring the preparation and implementation of an emergency management plan for the activity; and
6. Minimising reverse sensitivity on existing significant hazardous facilities while enabling appropriate temporary use of land consistent with the purpose of the zone.

**HS-
Pbbb**

**Manage land use and development within the Fuel
Transmission Pipeline Risk Management Overlay**

Manage the adverse effects of land use and development in proximity to the fuel transmission pipeline by:

1. Identifying a Fuel Transmission Pipeline Risk Management Overlay based on the 0.5×10^{-6} individual risk contour to indicate areas where risk requires management;
2. Within the Fuel Transmission Pipeline Risk Overlay:
 - a. Avoid the establishment or intensification of the following activities :
 - i. retirement village,
 - ii. supported residential care facility,
 - iii. healthcare activity,
 - iv. educational facility, and
 - v. custodial corrections facility.
 - b. Manage the establishment of the following new activities, and the intensification or expansion of such activities, where it can be demonstrated that residual risk to people can be appropriately avoided or mitigated, having particular regard to scale, population density, and vulnerability of occupants, and the ability to manage risk through design, layout, and operational measures, including evacuation;
 - i. residential activity,
 - ii. visitor accommodation activity;
 - iii. marae,
 - iv. community facility,

	<u>v. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, and</u> <u>vi. community corrections activity.</u> <u>c. Require activities sensitive to hazardous substance risk to adopt risk mitigation measures, to ensure that residual risk to people can be appropriately avoided or mitigated, including:</u> <u>i. Site layout and separation from the pipeline;</u> <u>ii. Building and fire protection design; and</u> <u>iii. Emergency management and evacuation planning.</u> <u>d. Demonstrating that earthworks and construction activities will not compromise the safe and efficient operation of the Fuel Transmission Pipeline taking into account technical advice provided by the owner and operator of the Fuel Transmission Pipeline.</u> <u>3. Minimise reverse sensitivity on the safe operation, maintenance and upgrading of the fuel transmission pipeline.</u>
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<u>HS-Pccc</u>	<u>Access, evacuation and emergency response in the Seaview Marina Additional Risk Management Overlay</u>
	<u>Manage land use activities and development in the Seaview Marina Additional Risk Management Overlay to provide for safe and effective access, evacuation and emergency response, having regard to the constrained access environment and proximity to significant hazardous facilities by:</u> <u>1. Requiring appropriate emergency management and evacuation planning; and</u> <u>2. Managing the design, layout, and location of buildings and activities, having regard to:</u> <u>• land-based access to and from the zone; and</u> <u>• The availability and effectiveness of access, egress and evacuation routes; and</u> <u>• proximity to significant hazardous facilities, including shared access routes adjacent to or crossing the fuel transmission pipeline corridor.</u>

Rules

Note: Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.
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HS-R1	Additions, or alterations <u>or new buildings or structures at to</u> existing significant hazardous facilities
All Zones	1. Activity status: Permitted Where: - The activity does not <u>increase</u> change the risk profile of the significant hazardous facility, as measured from 6 February 2025, and - There is no more than a 10% increase in the volume of hazardous substances manufactured, used, stored, transported, or disposed of, as measured from 6 February 2025.
All Zones	2. Activity status: Restricted discretionary Where: - Compliance is not achieved with HS-R1.1. Matters of discretion are restricted to: - The matters in HS-P1: Location of hazardous facilities. - The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances. - Changes to operations and site layout arising from the proposed expansion or upgrading to the facility, including any new or increase in residual risk and/or cumulative risk. <u>Proximity to</u> Separation distances between activities sensitive to hazardous substance risks, sensitive environments, and adjacent hazardous facilities and/or activities, including the number of people potentially at risk from the proposed expansion or upgrading to the facility. - The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.

HS-R2	New significant hazardous facilities
Heavy Industrial Zone	1. Activity status: Restricted discretionary Matters of discretion are restricted to: 1. The matters in HS-P1: Location of hazardous facilities. 2. The likelihood and consequences of an accident leading to the release or loss of control of hazardous substances, including the design and management of the site to avoid accidents, such as spill containment measures, fire safety and fire water management, emergency management, site drainage and off-site infrastructure (e.g. storm water drainage system, sewer type and capacity) and the disposal of waste containing hazardous substances. 3. Proximity to Adequate separation distances between activities sensitive to hazardous substance risks, sensitive environments, and adjacent hazardous facilities and/or activities. 4. The design and site layout of the activity and its ability to internalise effects within the activity's site. 5. Whether the activity has the potential to compromise the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu, and other taonga and if so, the outcomes of any consultation with Mana Whenua. 6. Measures to avoid or manage risks associated with natural hazards, including the potential for sea level rise to impact on the operation of the activity. 7. The extent to which adverse effects can be avoided, or where avoidance is not possible, remedied or mitigated.
General Industrial Zone	2. Activity status: Discretionary
Light Industrial Zone Residential Zones Rural Zones	3. Activity status: Non-complying

Commercial and Mixed Use Zones	
Open Space and Recreation Zones	
Special Purpose Zones	

HS-R3	New Activities sensitive to hazardous substance risks within the <u>Inner</u> Hazardous Substances Risk Management Overlay
<u>All Zones</u>	<u>1. Activity status: Restricted discretionary</u> <u>Where:</u> <u>a. The activity is one of the following:</u> <u>i. community facility, or</u> <u>ii. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or</u> <u>iii. community corrections activity, and</u> <u>b. The activity is a new activity proposed within the Inner Hazardous Substances Risk Management Overlay; or</u> <u>c. Additions or alterations to an existing activity are proposed within the Inner Hazardous Substances Risk Management Overlay that result in:</u> <u>i. an increase in habitable floor area; or</u> <u>ii. an increase in the frequency or duration of occupancy of the activity, or</u> <u>iii. an increase in the number of people occupying the activity.</u> <u>Matters of discretion:</u> <u>1. The scale, population density and duration of the activity.</u> <u>2. The level of hazardous substances risk associated with the site, including proximity to significant hazardous facilities.</u> <u>3. Measures to avoid, remedy, or mitigate residual risk, including site and building layout and design, management controls, and</u>

	<u>emergency procedures, including effective evacuation procedures.</u> 4. <u>The extent to which the activity may give rise to reverse sensitivity on existing significant hazardous facilities.</u> 5. <u>The extent to which technical advice provided by the owner and operator of the significant hazardous facility has been addressed.</u>
All Zones	2. Activity status: Non-complying <u>Where:</u> a. <u>The activity is one of the following:</u> i. <u>residential activity, or</u> ii. <u>retirement village, or</u> iii. <u>supported residential care facility, or</u> iv. <u>marae, or</u> v. <u>healthcare activity, or</u> vi. <u>educational facility, or</u> vii. <u>custodial corrections facility, or</u> viii. <u>visitor accommodation activity; and</u> b. <u>The activity is a new activity proposed within the Inner Hazardous Substances Risk Management Overlay; or</u> c. <u>Additions or alterations to an existing activity are proposed within the Inner Hazardous Substances Risk Management Overlay, that result in:</u> i. <u>an increase in habitable floor area; or</u> ii. <u>an increase in the frequency or duration of occupancy of the activity, or</u> iii. <u>an increase in the number of people occupying the activity.</u>

<u>HS-Raaa</u>	<u>Activities sensitive to hazardous substance risks within the Outer Hazardous Substances Risk Management Overlay</u>
<u>All Zones</u>	1. Activity status: Restricted discretionary <u>Where:</u> a. <u>The activity is one of the following:</u> i. <u>residential activity, or</u> ii. <u>marae, or</u> iii. <u>community facility, or</u>

	iv. <u>office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or</u> v. <u>community corrections activity,</u> vi. <u>visitor accommodation activity; and</u> b. <u>The activity is a new activity proposed within the Outer Hazardous Substances Risk Management Overlay; or</u> c. <u>Additions or alterations to an existing activity are proposed within the Outer Hazardous Substances Risk Management Overlay that result in:</u> i. <u>an increase in habitable floor area; or</u> ii. <u>an increase in the frequency or duration of occupancy of the activity, or</u> iii. <u>an increase in the number of people occupying the activity.</u> <u>Matters of discretion:</u> 1. <u>The scale, population density and duration of the activity.</u> 2. <u>The level of hazardous substances risk associated with the site, including proximity to significant hazardous facilities.</u> 3. <u>Measures to avoid, remedy, or mitigate residual risk, including site and building layout and design, management controls, and emergency procedures, including effective evacuation procedures.</u> 4. <u>The extent to which the activity may give rise to reverse sensitivity on existing significant hazardous facilities.</u> 5. <u>The extent to which technical advice provided by the owner and operator of the significant hazardous facility has been addressed.</u>
<u>All Zones</u>	<u>1. Activity status: Non-complying</u> <u>Where:</u> a. <u>The activity is one of the following:</u> i. <u>retirement village, or</u> ii. <u>supported residential care facility, or</u> iii. <u>healthcare activity, or</u> iv. <u>educational facility, or</u> v. <u>custodial corrections facility, and</u> b. <u>The activity is a new activity proposed within the Outer Hazardous Substances Risk Management Overlay; or</u>

	c. <u>Additions or alterations to an existing activity proposed within the Outer Hazardous Substances Risk Management Overlay that result in:</u> i. <u>an increase in habitable floor area; or</u> ii. <u>an increase in the frequency or duration of occupancy of the activity, or</u> iii. <u>an increase in the number of people occupying the activity.</u>
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<u>HS-Rbbb</u>	<u>Events, markets, community and cultural activities, and other Temporary Activities in the Seaview Marina Zone within the Inner Hazardous Substance Risk Management Overlay and Outer Hazardous Substance Risk Management Overlay</u>
<u>Seaview Marina Zone</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The activity complies with TEMP R1.1.</u>
<u>Inner Hazardous Substance Risk Management Overlay</u> <u>Outer Hazardous Substance Risk Management Overlay</u>	<u>2. Activity Status: Restricted Discretionary Activity</u> <u>Where:</u> a. <u>Compliance is not achieved with HS R4.1.</u> <u>Matters of discretion:</u> <u>The scale, population density, duration, and frequency of the temporary activity and resulting population exposure.</u> <u>The level of hazardous substances risk associated with the site, including proximity to significant hazardous facilities.</u> <u>The extent to which people are exposed to unacceptable residual risk.</u> <u>The extent to which the activity has been planned, timed and operated to reduce potential exposure to hazardous substances risk, having regard to the nature and operation of nearby significant hazardous facilities, including the fuel transmission pipeline.</u> <u>Measures to avoid, remedy, or mitigate risk, including site layout, management controls, and emergency procedures.</u> <u>The extent to which the activity may give rise to reverse sensitivity on existing significant hazardous facilities.</u> <u>The extent to which technical advice provided by the owner and operator of the significant hazardous facility has been addressed.</u>

<u>HS-Rccc</u>	<u>Activities sensitive to hazardous substance risks within the Fuel Transmission Pipeline Risk Management Overlay</u>
<u>All Zones</u>	<u>1. Activity status: Restricted discretionary</u> <u>Where:</u> <u>a. The activity is one of the following:</u> <u>i. residential activity, or</u> <u>ii. visitor accommodation activity; and</u> <u>b. The activity is a new activity proposed within the Fuel Transmission Pipeline Risk Overlay; or</u> <u>c. Additions or alterations to an existing activity proposed within the Fuel Transmission Pipeline Risk Overlay that result in:</u> <u>i. an increase in habitable floor area; or</u> <u>ii. an increase in the frequency or duration of occupancy of the activity, or</u> <u>iii. an increase in the number of people occupying the activity.</u> <u>Matters of discretion:</u> <u>1. The population density and scale of development.</u> <u>2. Site design relative to the pipeline (including separation and access);</u> <u>3. Measures to avoid, remedy, or mitigate residual risk, including site and building form, layout and design, and emergency procedures, including effective evacuation procedures.</u> <u>4. The extent to which the activity may give rise to reverse sensitivity on pipeline operation, maintenance and upgrading.</u> <u>5. The extent to which technical advice provided by the owner and operator of the fuel transmission pipeline has been addressed.</u> <u>Notification:</u> <u>Public notification is precluded for applications under this rule.</u>
<u>All Zones</u>	<u>2. Activity status: Restricted discretionary</u> <u>Where:</u> <u>a. The activity is one of the following:</u> <u>i. marae, or</u> <u>ii. community facility, or</u>

	iii. <u>office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or</u> iv. <u>community corrections activity; and</u> b. <u>The activity is a new activity proposed within the Fuel Transmission Pipeline Risk Overlay; or</u> c. <u>Additions or alterations to an existing activity proposed within the Fuel Transmission Pipeline Risk Overlay that result in:</u> i. <u>an increase in habitable floor area; or</u> ii. <u>an increase in the frequency or duration of occupancy of the activity, or</u> iii. <u>an increase in the number of people occupying the activity.</u> <u>Matters of discretion:</u> 1. <u>Occupancy levels and nature of the activity (e.g. low vs high density occupancy and activity).</u> 2. <u>Duration and timing of occupancy.</u> 3. <u>Site layout and separation from the pipeline.</u> 4. <u>Measures to avoid, remedy, or mitigate residual risk, including site and building layout and design, management controls, and emergency procedures, including effective evacuation procedures.</u> 5. <u>The extent to which the activity may give rise to reverse sensitivity on the fuel transmission pipeline.</u> 6. <u>The extent to which technical advice provided by the owner and operator of the fuel transmission pipeline has been addressed.</u> <u>Notification:</u> <u>Public notification is precluded for applications under this rule.</u>
<u>All Zones</u>	<u>3. Activity status: Non-complying</u> <u>Where:</u> a. <u>The activity is one of the following:</u> i. <u>retirement village, or</u> ii. <u>supported residential care facility, or</u> iii. <u>healthcare activity, or</u> iv. <u>educational facility, or</u> v. <u>custodial corrections facility, and</u> b. <u>The activity is a new activity sensitive to hazardous substance risks within the Fuel Transmission Pipeline Risk Overlay; or</u>

	<u>c. Additions or alterations to an existing activity proposed within the Fuel Transmission Pipeline Risk Overlay that result in:</u> <u>i. an increase in habitable floor area; or</u> <u>ii. an increase in the frequency or duration of occupancy of the activity, or</u> <u>iii. an increase in the number of people occupying the activity.</u>
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<u>HS-Rddd</u>	<u>Activities sensitive to hazardous substance risks in the Seaview Marina Additional Risk Management Overlay</u>
<u>Seaview Marina Additional Risk Management Overlay</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The activity has an Emergency Management Plan either prepared and completed in accordance with the template set out in HS-App1: Seaview Marina Emergency Management Plan Template or otherwise prepared and completed by a suitably qualified expert (for example a fire safety engineer), and</u> b. <u>The Emergency Management Plan must be implemented and submitted in writing to Council prior to commencing or changing the activity.</u>
<u>Seaview Marina Additional Risk Management Overlay</u>	<u>2. Activity status: Restricted Discretionary</u> <u>Where:</u> a. <u>Compliance is not achieved with HS-Rddd.1</u> <u>Matters of discretion are restricted to:</u> 1. <u>The nature and extent of emergency management planning.</u> <u>Notification:</u> <u>Public notification is precluded for any application under this rule.</u>

<u>HS-Reee</u>	<u>Events, markets, community and cultural activities, and other Temporary Activities in the Seaview Marina Additional Risk Management Overlay</u>
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<u>Seaview Marina Additional Risk Management Overlay</u>	<u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The activity has no more than 250 persons on site.</u> <u>Note: This rule applies if the activity is an event, market, community or cultural activity, whether or not it meets the definition of Temporary Activity.</u>
<u>Seaview Marina Additional Risk Management Overlay</u>	<u>2. Activity Status: Restricted Discretionary Activity</u> <u>Where:</u> a. <u>Compliance is not achieved with HS-Reee.1.</u> <u>Matters of discretion are restricted to:</u> <u>1. The extent to which people are exposed to unacceptable residual risk from existing significant hazardous facilities.</u> <u>2. The extent to which the activity has been planned, timed and operated to reduce potential exposure to hazardous substances risk, having regard to the nature and operation of nearby significant hazardous facilities, including the fuel transmission pipeline.</u> <u>3. Measures to avoid or mitigate residual risk, including layout of the activity, type and duration of the activity and expected demographic and number of people attending the activity, and emergency management and evacuation plan.</u> <u>4. The outcome of consultation with the operator of the significant hazardous facility and Fuel Transmission Pipeline.</u> <u>Note: This rule applies if the activity is an event, market, community or cultural activity, whether or not it meets the definition of Temporary Activity.</u>
HS-Rfff	Construction activities within the Fuel Transmission Pipeline Risk Management Overlay

All Zones	1. Activity status: Permitted Where: b. Prior to the commencement of construction activities within the Fuel Transmission Pipeline Risk Management Overlay, the owner and operator of the Fuel Transmission Pipeline is informed in writing of the proposed construction activities, including: a. i. the location and nature of the construction activities; and ii. the anticipated date for commencement of the construction activities.
All Zones	2. Activity Status: Restricted Discretionary Activity Where: b. Compliance is not achieved with HS-Rfff.1. Matters of discretion are restricted to: 5. The extent to which the construction activities may affect the integrity or safe and efficient operation, maintenance and upgrading of the Fuel Transmission Pipeline. 6. Measures proposed to avoid or mitigate potential adverse effects on the Fuel Transmission Pipeline. 7. The extent to which technical advice provided by the owner and operator of the Fuel Transmission Pipeline has been addressed. <u>Notification:</u> <u>Public notification is precluded for applications under this rule.</u>

HS-App1: Seaview Marina Emergency Management Plan Template

<u>Name/Address</u>	
<u>Contact Details</u>	<u>Phone:</u>
	<u>Email:</u>
	<u>Website:</u>
<u>Emergency Contacts</u>	<u>Name:</u>
	<u>Role:</u>
	<u>Phone:</u> _____ <u>Mobile:</u>
	<u>Name:</u>
	<u>Role:</u>
	<u>Phone:</u> _____ <u>Mobile:</u>
<u>Significant Hazard Facility contact details</u>	<u>Name:</u>
	<u>Role:</u>
	<u>Phone:</u> _____ <u>Mobile:</u>
<u>Date Plan provided to Hutt City Council</u>	
<u>Date Copy of Plan provided to Significant Hazard Facility</u>	
<u>Date last updated and reprinted</u>	
<u>Date updated Plan provided to Hutt City Council</u>	
<u>Date updated Plan provided to Significant Hazard Facility</u>	

1 Purpose

This plan applies in addition to [name of organisation's] own building evacuation plan which addresses incidents arising from its own operations.

This plan outlines how [name of organisation] will respond to a potential emergency arising from the Seaview bulk fuel storage terminals (the Terminals) and thereby partly satisfies the requirements and obligations of

the Resource Management Act 1991 and health and safety legislation. The [name of the organisation] is in a location where it may be subject to such emergency scenarios.

The key hazard at the Terminals is the storage and handling of large quantities of flammable and combustible materials. There are two particular potential emergency scenarios that could occur at the Terminals with the potential to impact offsite areas:

- Flammable vapour cloud with the risk of ignition and explosion
- Hazardous substance fire e.g. tank or bund fire

2 Site plan

A copy of site plan showing location of on-site and off-site safe assembly areas and outside evacuation routes (to be attached as Appendix A).

Safe assembly areas and evacuation routes have been selected and meet the following criteria:

- Designated off-site assembly area a minimum of 400 metres from the site boundary of the Terminals.
- Exits and outdoor evacuation routes avoid cul-de-sacs and routes that take any person closer to the Terminals. The route(s) lead away from the Terminals.
- Exit points to be used should be as far away from the Terminals as possible.
- Avoid assembly area being adjacent to large areas of glazing.
- Assembly area is preferably in an open area and or removed or remote from buildings.

3 Response actions (as appropriate):

- Receive notification of incident from Terminal/s or emergency services.
- Avoid operating any electrical switches, including lights, alarms or any other electrical appliances and systems.
- Leave immediately by the nearest safe exit route away from the Terminal/s.
- Evacuate on foot in a direction away from the Terminal/s to the assembly area.
- Do not rubberneck.
- Do not operate a vehicle.
- Report to the off-site safe-assembly area and building wardens to reconcile staff and visitor / customer names and numbers.

- [Do not leave the assembly area or re-enter the building until advised it is safe to do so by the Fire Service.](#)

4 Plan testing and evaluation

- [Practise relevant drills such as evacuation simulations.](#)
- [Fully document all exercises undertaken.](#)
- [Address any difficulties and problems encountered during exercises and update Plan as required.](#)

5 Plan review and updating

[Review and update the Plan at least annually and following any change in circumstances \(e.g. physical changes to building or on site activities, exits or routes or personnel\).](#)

Appendix A: Site Plan

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SMZ — Seaview Marina Zone

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Rules

Note:

Resource consent may be required under rules in this chapter as well as other chapters. Unless specifically stated, resource consent is required under each relevant rule. The steps to determine the relevant rules and activity status for an activity are set out in the General Approach chapter.

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SMZ-R3	Construction of new buildings and structures and alterations and additions to existing buildings and structures
1. Activity status:	Permitted

	Where: a. Compliance is achieved with: i. SMZ-S1: Height, ii. SMZ-S2: Height in relation to boundary — Seaview Beach Reserve, iii. SMZ-S3: Setbacks — Seaview Beach Reserve, and iv. SMZ-S4: Landscaping and screening, b. The new buildings, new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules SMZ-R4 through SMZ-R22, and c. The new building, or resulting building after additions and alterations, has a gross floor area of no more than 500m², or the gross floor area is not increased.
	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with SMZ-R3.1. Matters of discretion are restricted to: 1. The matters of discretion in any standards not met. 2. If SMZ-R3.1b or c are not met: the urban design matters in SMZ-P9: Urban design outcomes (other than small-scale primary activities in the zone), and exclusions in SMZ-P10: Urban design outcomes (exclusions). 3. If SMZ-R3.1b is not met: the impact of the design of the building and any associated subdivision on the long-term development capacity of the zone for marina, industrial, research, and supporting purposes, including the expected lifespan of the building and the ability of the building to be converted to marina or industrial use. 4. The matters in HS-Pccc.2. Notification: Public notification and limited notification are precluded where the only non-compliance is SMZ-R3.1.c

...

<u>SMZ-R17</u>	<u>Marine supply commercial activities</u>
	<u>1. Activity status: Permitted</u>

...

[insert after SMZ-R18]

<u>SMZ-RXX</u>	<u>Office activities</u>
	<u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>The office activity has a gross floor area of no more than 200m², or</u> b. <u>The office activity has a gross floor area of no more than 500m² and is ancillary to marina activities.</u>
	<u>2. Activity status: Discretionary</u> <u>Where:</u> a. <u>Compliance is not achieved with SMZ-RXX.1</u>

...

EW— Earthworks

...

Rules

...

<u>EW-Rxx</u>	<u>Earthworks within the Fuel Transmission Pipeline Earthworks Corridor not associated with infrastructure</u>
	<u>1. Activity status: Permitted</u> <u>Where:</u> a. <u>Compliance is achieved with EW-Syy: Earthworks within the Fuel Transmission Pipeline Earthworks Corridor not associated with infrastructure.</u>
	<u>2. Activity status: Restricted discretionary</u> <u>Where:</u> a. <u>Compliance is not achieved with EW-Rxx.1.</u> <u>Matters of discretion are restricted to:</u> 1. <u>The matters of discretion in any standards not met.</u> 2. <u>The matters in HS-P bbb.</u>

	<u>Notification:</u> <u>Public notification is precluded for applications under this rule.</u>
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...

<u>EW-Syy</u>	<u>Earthworks within the Fuel Transmission Pipeline Earthworks Corridor not associated with infrastructure</u>
<u>All Zones</u>	<u>1. The depth of earthworks in the Fuel Transmission Pipeline Earthworks Corridor must not exceed 0.4m below ground level.</u> <u>2. Earthworks, excluding mining and quarrying, that are undertaken by the owner and operator of the fuel transmission pipeline are exempt from this standard.</u> <u>Matters of discretion if the standard is breached:</u> <u>1. The extent to which the earthworks may compromise the ongoing efficient operation, maintenance and upgrading of the fuel transmission pipeline, including the ability for continued reasonable access for inspections, maintenance and upgrading.</u> <u>2. Effects on the stability or integrity of the fuel transmission pipeline.</u> <u>3. The risk of hazards affecting public or individual safety and the risk of property damage.</u> <u>4. Measures proposed to avoid or mitigate potential adverse effects on the fuel transmission pipeline.</u> <u>5. The outcome of any consultation with the owner and operator of the fuel transmission pipeline.</u>

...

Definitions

[inserted and updated in their appropriate alphabetical order]

Term	Definition
Activity sensitive to hazardous substance risks	means a: 1. residential activity, or 2. retirement village, or 3. supported residential care facility, or 4. marae, or 5. healthcare activity, or 6. educational facility, or 7. community facility, or 8. office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or 9. community corrections activity, or 10. custodial corrections facility, or 11. visitor accommodation activity, or 12. place of assembly.
<u>Fuel Transmission Pipeline Risk Management Overlay</u>	<u>means the area shown in the planning maps as the Fuel Transmission Pipeline Risk Management Overlay</u>
<u>Fuel Transmission Pipeline Earthworks Corridor</u>	<u>means the area identified on the planning maps as the Fuel Transmission Pipeline Earthworks Corridor, comprising:</u> <u>a. land extending 6 m either side of the centreline of the Fuel Transmission Pipeline where the pipeline is located within road reserve; and</u> <u>b. land extending 12 m either side of the centreline of the Fuel Transmission Pipeline where the pipeline is located on other land.</u>
<u>Inner Hazardous Substances Risk Management Overlay</u>	means the area shown in the planning maps as the <u>Inner Hazardous Substances Risk Management Overlay</u>
<u>Marina activities</u>	Means activities associated with: h. The navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance, and repair of vessels; i. Boat trailer parking; j. Supply of marina related goods and services <u>Commercial and tourism activities related to marina use, including charter operations, marine retail, services, equipment hire, and training or education activities;</u> k. Embarking and disembarking of passengers; l. Loading, unloading, and storage of ancillary cargo and containers on primarily passenger and recreational vessels;

	m. <u>Operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;</u> n. <u>Ancillary offices; and</u> i. <u>Events, markets, and community or cultural activities associated with the marina environment</u> j. <u>Ancillary buildings, structures, and facilities that support the above activities</u> <u>It includes any ancillary activity to the marina activity.</u>
<u>Outer Hazardous Substances Risk Management Overlay</u>	<u>means the area shown in the planning maps as the Outer Hazardous Substances Risk Management Overlay</u>
<u>Seaview Marina Additional Risk Management Overlay</u>	<u>Means the area shown in the planning maps as the Seaview Marina Additional Risk Management Overlay</u>

Planning Maps

Amend the map legend from “Hazardous Substances Risk Management Overlay” to “Inner Hazardous Substances Risk Management Overlay”.

Retain the spatial extent of the “Hazardous Substances Risk Management Overlay” as the “Inner Hazardous Substances Risk Management Overlay”.

Insert the Outer Hazardous Substances Risk Management Overlay to the planning maps based on the lines shown 0.5 x 10⁻⁶ Risk Contour (individual fatality) on the image below.

Insert the Seaview Marina Additional Risk Management Overlay to be the remaining area of the Seaview Marina Zone that is not within the Inner or Outer Hazardous Substances Risk Management Overlay

Appendix A – Changes sought to mapped HFRMO to reflect the modelled 0.5×10^{-6} sensitive activity contour



Insert the Fuel Transmission Pipeline Risk Management Overlay to the planning maps based on the lines shown as “Wharfline 0.5×10^{-6} Risk Contour (40m, except where the cliff is located)” (being the red dashed line) on the image below.

ATTACHMENT C: SECTION 32AA ANALYSIS FOR AGREED AND NOT AGREED PROVISIONS

Section 32AA Evaluation

1.0 INTRODUCTION

1.1 Section 32AA of the Resource Management Act 1991 (RMA) requires a further evaluation for any changes that have been made to a proposal since the evaluation report for that proposal was completed under section 32 of the Act.

1.2 This Attachment provides a section 32AA evaluation of the recommended changes to the Hazardous Substances Chapter (HS), Seaview Marina Zone Chapter (SMZ), Temporary Activities Chapter (TEMP), associated definitions, and planning maps that have arisen through the Hearing Stream 2 process, including submissions, evidence, hearing discussions, technical expert conferencing, and planning expert conferencing.

1.3 The recommended changes have been informed in particular by:

- submissions and further submissions on the Proposed District Plan;
- evidence presented by the Fuel Companies, Seaview Marina Limited, and Council officers;
- hazardous substances risk assessments and technical evidence;
- the Joint Witness Statement of the hazardous substances experts; and
- the Joint Witness Statement of the planning experts.

1.4 The notified provisions and their associated section 32 evaluations established a framework that seeks to:

- protect people, communities and the environment from the residual risks associated with hazardous substances;

- manage reverse sensitivity effects associated with significant hazardous facilities;
- support the ongoing operation of regionally significant industrial and fuel infrastructure; and
- enable the continued operation and development of Seaview Marina while managing reverse sensitivity, amenity, and environmental effects.

1.5 The majority of the recommended amendments do not alter the underlying objectives of the notified provisions. Rather, they refine the methods used to achieve those objectives, primarily through:

- introducing a more graduated risk management framework around significant hazardous facilities;
- providing additional direction regarding activities sensitive to hazardous substance risks;
- introducing provisions for the management of risk associated with the Hutt City fuel transmission pipeline;
- providing for the management of temporary activities within risk-affected areas; and
- recognising emergency management, evacuation and access considerations within the Seaview Marina Zone.

1.6 Consistent with section 32AA, the level of analysis provided in this Attachment corresponds with the scale and significance of the changes proposed. The evaluation focuses on whether the recommended amendments are the most appropriate way to achieve the objectives of the Proposed District Plan, having regard to their efficiency and effectiveness relative to the notified provisions and any reasonably practicable alternatives.

1.7 For efficiency and to avoid unnecessary repetition, the evaluation assesses related provisions as packages where those provisions are directed at achieving the same planning outcome. Separate

evaluations are provided for agreed amendments and for matters where the planning experts have not reached consensus and alternative approaches are presented for consideration by the Hearing Panel.

2.0 AGREED AMENDMENTS

Hazardous Substances Risk Management Overlay (HSRMO) and Activities Sensitive to Hazardous Substances Risks Framework

Overview of Changes

- 2.1 The notified Hazardous Substances Chapter established a Hazardous Substances Risk Management Overlay (HSRMO) based on a single risk threshold and included policies and rules managing activities sensitive to hazardous substance risks within that overlay. The notified provisions sought to manage residual risk from existing significant hazardous facilities and avoid reverse sensitivity effects.
- 2.2 Through the hazardous substances and planning expert conferencing processes, the experts agreed that a more graduated and risk-based framework is appropriate. The recommended amendments replace the notified single-overlay approach with a two-tier Hazardous Substances Risk Management Overlay comprising:
- an Inner Hazardous Substances Risk Management Overlay based on the 1×10^{-6} individual risk contour; and
 - an Outer Hazardous Substances Risk Management Overlay based on the 0.5×10^{-6} individual risk contour.
- 2.3 The amendments within this package comprise:
- amendments to the Hazardous Substances Chapter introduction text;
 - amendments to HS-O1 Protection from residual risk;

- amendments to HS-P2 Identify areas of unacceptable residual risk;
- amendments to HS-P3 Location of activities sensitive to hazardous substance risks within the Hazardous Substances Risk Management Overlay;
- amendments to HS-R3 Activities sensitive to hazardous substance risks within the Inner Hazardous Substances Risk Management Overlay;
- new rule HS-RX Activities sensitive to hazardous substance risks within the Outer Hazardous Substances Risk Management Overlay;
- amendments to the definitions for the Inner Hazardous Substances Risk Management Overlay and Outer Hazardous Substances Risk Management Overlay; and
- consequential amendments to the planning maps introducing the Inner and Outer Hazardous Substances Risk Management Overlays

2.4 Collectively, these amendments establish an integrated spatial and land use framework for managing residual risk from significant hazardous facilities. The amendments recognise that risk varies according to both proximity to hazardous facilities and the sensitivity, vulnerability, occupancy characteristics and population exposure associated with different land use activities. Activities such as retirement villages, healthcare facilities and educational facilities are distinguished from other sensitive activities due to their increased vulnerability and more limited ability to respond to emergency events.

2.5 The graduated framework is implemented through different activity statuses reflecting the sensitivity and vulnerability of activities and their contribution to population exposure. In particular, residential activities are avoided within the Inner HSRMO and provided with a restricted discretionary pathway within the Outer HSRMO, while

specified activities involving particularly vulnerable occupants are subject to a non-complying activity status within both overlays. Restricted discretionary pathways for other specified activities enable consideration of matters including population exposure, vulnerability, occupancy, residual risk, emergency response and relevant technical advice from significant hazardous facility operators.

Relationship to the Notified Section 32 Evaluation

- 2.6 The notified section 32 evaluation identified two key resource management issues:
- risks to human health, property and the environment associated with significant hazardous facilities; and
 - risks and reverse sensitivity effects arising from incompatible land uses locating in proximity to significant hazardous facilities.
- 2.7 The notified section 32 evaluation concluded that identifying areas exposed to unacceptable residual risk through a mapped overlay and managing activities sensitive to hazardous substance risks within those areas was an effective and efficient method of achieving HS-O1 and HS-O2.
- 2.8 The recommended amendments do not alter the underlying intent of the notified provisions. Rather, they refine the notified framework by introducing a more graduated response to risk by recognising that both the level of risk and the characteristics of activities influence the appropriateness of development within areas affected by hazardous substance hazards. The amendments therefore represent an evolution of the notified approach rather than a fundamental change in direction.

Efficiency and Effectiveness of the Recommended Amendments

- 2.9 The recommended amendments are expected to be more effective than the notified provisions because they establish an integrated

framework that better aligns land use management responses with the nature of the risk being managed. The amendments recognise both individual risk and societal risk and provide a clearer distinction between higher-risk and lower-risk locations, while also recognising differences in vulnerability, population density, duration of occupancy and emergency response capability between different activity types.

Benefits

- 2.10 The principal social benefits accrue to future residents, workers, visitors, students, patients and other occupants of activities located within or near the overlay areas. These groups benefit from a framework that more effectively manages exposure to residual risk by directing highly vulnerable activities away from the areas of greatest risk while providing assessment pathways for other activities where risk can be appropriately managed. These benefits are expected to arise progressively over the medium to long term as future development and redevelopment occurs within the overlay areas.
- 2.11 Environmental and community benefits also arise through improved management of population exposure and societal risk. The introduction of an Outer HSRMO allows population growth and intensification to be considered more explicitly than under the notified framework, reducing the likelihood that future land use patterns will result in an unacceptable increase in the number of people exposed to hazardous substance risks. These benefits are expected to increase over time as development proposals are assessed under the amended framework.
- 2.12 Economic and operational benefits accrue to the owners and operators of significant hazardous facilities, including the fuel storage facilities in Seaview. By providing greater certainty regarding the location and intensity of sensitive activities and by managing reverse sensitivity effects, the amendments support the ongoing operation, maintenance, upgrading and future development of these facilities. These benefits are expected to be realised over

the medium to long term through increased certainty and reduced potential for land use conflict.

- 2.13 Benefits also accrue to Council, applicants and decision-makers through a clearer and more transparent planning framework. The amendments provide clear policy direction regarding the different levels of risk within the Inner and Outer HSRMO and identify the key factors relevant to assessing activities sensitive to hazardous substance risks, including population density, vulnerability, evacuation capability and emergency management. This is expected to improve plan administration and decision-making efficiency over time.

Costs

- 2.14 The principal costs of the amendments are expected to be incurred by landowners, developers and occupiers seeking to establish or intensify activities sensitive to hazardous substance risks within the Inner or Outer HSRMO. These parties may incur additional costs associated with resource consent processes, risk assessments, design responses, emergency management planning and other measures required to demonstrate that residual risk can be appropriately managed. These costs are expected to arise primarily in the short to medium term when development proposals are advanced.
- 2.15 Opportunity costs may also be incurred where some highly sensitive activities are directed away from higher-risk locations or where development proposals require modification to address population density, vulnerability or evacuation considerations. These costs fall primarily on affected landowners and developers. However, the graduated framework reduces these costs relative to a blanket avoidance approach by providing assessment pathways for a broader range of activities, particularly within the Outer HSRMO.

Overall Assessment

- 2.16 Overall, the amendments are considered to be both effective and efficient in achieving HS-O1 and HS-O2. The combined overlay and sensitive activity framework provides a more nuanced and proportionate response to residual risk than the notified provisions by recognising both the varying levels of risk across the environment and the differing characteristics of activities that may be exposed to those risks. The benefits of improved protection of people and communities, better management of societal risk and reverse sensitivity effects, greater certainty for operators of significant hazardous facilities, and improved plan implementation are expected to outweigh the additional compliance and administrative costs. Accordingly, the amendments represent a more appropriate method of achieving the objectives of the Hazardous Substances Chapter than the notified provisions.

Location of Significant Hazardous Facilities and Sensitive Environments (HS-P1)

Overview of Changes

- 2.17 The notified HS-P1 seeks to manage the location of new significant hazardous facilities, including by locating new significant hazardous facilities outside sensitive environments. Through planning expert conferencing, the experts agreed to retain the reference to sensitive environments in HS-P1, subject to amendment to recognise circumstances where a new significant hazardous facility has an operational or functional need to locate within a sensitive environment. Where such a need exists, the amended policy requires adverse effects on the sensitive environment and residual risk to be avoided, remedied or mitigated.
- 2.18 The amendment therefore retains the notified direction to locate new significant hazardous facilities outside sensitive environments as the preferred outcome, while providing a qualified pathway where the operational or functional needs of the facility require such a location.
- 2.19 Relationship to the Notified Section 32 Evaluation

- 2.20 The notified section 32 evaluation identified the potential for significant hazardous facilities to adversely affect human health, property and the environment and recognised that the location of these facilities is an important means of managing those effects. The notified policy framework therefore sought to direct new significant hazardous facilities away from sensitive environments.
- 2.21 The recommended amendment does not alter this underlying policy direction. Rather, it refines HS-P1 to recognise that some significant hazardous facilities may have operational or functional requirements that constrain their location. The amendment provides greater flexibility in these circumstances while continuing to require the adverse effects and residual risk associated with locating within a sensitive environment to be appropriately managed.

Efficiency and Effectiveness

- 2.22 The amendment is expected to be more effective than the notified approach because it continues to recognise environmental sensitivities that may not be fully identified through zoning, overlays or other mapped features, while avoiding an unintended outcome whereby a new significant hazardous facility is effectively precluded from a location where it has an operational or functional need to locate.
- 2.23 Retaining reference to sensitive environments ensures that site-specific environmental sensitivities remain relevant to location decisions. Qualifying the policy by reference to operational or functional need provides a more proportionate response where the location of a significant hazardous facility is constrained by the function it performs or its operational requirements. Requiring adverse effects and residual risk to be avoided, remedied or mitigated where this qualification applies ensures that the greater locational flexibility does not remove the need to appropriately manage effects on the sensitive environment.
- 2.24 The amendment also provides greater certainty than the notified policy as to the circumstances in which locating a new significant

hazardous facility within a sensitive environment may be appropriate, while retaining sufficient flexibility to respond to the particular characteristics of a facility, location and receiving environment.

Benefits

- 2.25 The principal environmental benefit is the continued recognition and protection of sensitive environments, including site-specific environmental sensitivities that may not be comprehensively identified through zoning, overlays or other mapped District Plan provisions. Retaining sensitive environments within HS-P1 ensures these matters remain relevant when considering the location of new significant hazardous facilities.
- 2.26 Economic and operational benefits arise from recognising that significant hazardous facilities may have functional or operational requirements that constrain their location. Providing a pathway where there is an operational or functional need avoids unnecessarily precluding facilities from locations necessary for their operation, while retaining requirements to appropriately manage adverse effects and residual risk.
- 2.27 Benefits also accrue to applicants, Council and decision-makers through clearer policy direction on how environmental sensitivity and the operational and functional requirements of significant hazardous facilities are to be balanced when considering location.

Costs

- 2.28 The principal costs may arise for proponents of new significant hazardous facilities where a sensitive environment is affected. These may include additional assessment costs associated with demonstrating an operational or functional need for the proposed location and identifying measures necessary to avoid, remedy or mitigate adverse effects and residual risk.
- 2.29 There may also be opportunity costs where a significant hazardous facility does not have an operational or functional need to locate

within a sensitive environment and is therefore required to locate elsewhere, or where the design or operation of a facility needs to be modified to appropriately manage its effects.

- 2.30 These costs are considered proportionate to the potential environmental and human health consequences associated with significant hazardous facilities and are limited by the qualified pathway available where an operational or functional need for the location can be demonstrated.

Overall Assessment

- 2.31 Overall, the amendment to HS-P1 is considered to be an effective and efficient means of achieving HS-O1 and supporting the wider objectives of the Hazardous Substances Chapter. It retains the notified preference for locating new significant hazardous facilities outside sensitive environments while recognising that operational or functional requirements may constrain the location of some facilities.
- 2.32 Compared with retaining an unqualified direction to locate significant hazardous facilities outside sensitive environments, the amendment provides greater flexibility where there is a genuine locational need, while maintaining appropriate safeguards through the requirement to avoid, remedy or mitigate adverse effects and residual risk. Conversely, removing reference to sensitive environments would provide less assurance that environmental sensitivities not otherwise identified through mapped District Plan provisions would be considered.
- 2.33 The environmental benefits of retaining consideration of sensitive environments, together with the economic and operational benefits of recognising legitimate locational constraints, are expected to outweigh the additional assessment and potential opportunity costs. Accordingly, the amended HS-P1 provides a more balanced and proportionate method of achieving the relevant Hazardous Substances Chapter objectives than the notified provision.

2.34 Temporary Activities Framework

Overview of Changes

- 2.35 The notified Hazardous Substances Chapter and Temporary Activities Chapter did not contain provisions specifically addressing temporary activities occurring within areas affected by hazardous substances risk. Temporary activities within the Seaview Marina Zone and other risk-affected areas were therefore managed through the general temporary activities framework and underlying zone provisions.
- 2.36 Through the hazardous substances and planning expert conferencing processes, the experts agreed that temporary activities require a more targeted response where they occur within areas affected by hazardous substances risk. Unlike permanent activities, temporary activities can result in short-term but potentially significant increases in population exposure, depending on their scale, duration, frequency and location. The agreed framework requires events, markets, community and cultural activities and other temporary activities within both the Inner and Outer HSRMO to be assessed through a restricted discretionary activity pathway, irrespective of the number of people attending.
- 2.37 Within the Seaview Marina Additional Risk Management Overlay, a different and more enabling approach applies, with activities involving no more than 250 people at any one time permitted and activities exceeding 250 people at any one time requiring restricted discretionary consent. The 250-person threshold is based on the advice and agreement reached by the hazardous substances experts through expert conferencing and provides a technically informed basis for distinguishing larger activities that warrant individual assessment in this area. Emergency management and evacuation measures are an important component of the overall framework.
- 2.38 The amendments within this package comprise the following new provisions:

- New Policy HS-Paaa Manage hazardous substance risks to events, markets, community and cultural activities, and other temporary activities ;
- New Rule HS-Rbbb Events, markets, community and cultural activities, and other Temporary Activities in the Seaview Marina Zone within the Inner Hazardous Substance Risk Management Overlay and Outer Hazardous Substance Risk Management Overlay , providing a restricted discretionary activity pathway irrespective of attendance numbers ;
- New Rule HS-Reee Events, markets, community and cultural activities, and other Temporary Activities in the Seaview Marina Additional Risk Management Overlay , providing for activities involving no more than 250 people at any one time as permitted activities and activities involving more than 250 people at any one time as restricted discretionary activities; and ;
- associated matters of discretion addressing population exposure and residual risk, planning, timing and operation of activities, emergency management and evacuation, technical advice from relevant facility operators, and reverse sensitivity effects, together with associated notification requirements. Collectively, these amendments establish a framework that responds to the different levels and characteristics of risk within the Inner and Outer HSRMO and the Seaview Marina Additional Risk Management Overlay. Within the Inner and Outer HSRMO, temporary increases in population exposure are assessed irrespective of attendance numbers. Within the Seaview Marina Additional Risk Management Overlay, smaller-scale activities involving no more than 250 people at any one time can occur as permitted activities, while larger activities are assessed through a restricted discretionary activity pathway. The framework also recognises that risks associated with temporary activities can often be managed through operational controls, the timing and duration of activities, emergency planning and having regard to the nature

and operation of nearby hazardous facilities and the fuel transmission pipeline.

Relationship to the Notified Section 32 Evaluation

- 2.39 The notified section 32 evaluation identified risks to human health and safety arising from significant hazardous facilities and recognised the importance of managing population exposure and reverse sensitivity effects. However, the notified provisions did not specifically address temporary activities as a distinct source of population exposure within risk-affected areas.
- 2.40 The recommended amendments build on the notified framework by addressing a specific gap identified through submissions, evidence and expert conferencing. The amendments are consistent with the notified objectives and do not introduce a new policy direction. Rather, they provide additional implementation mechanisms to manage temporary increases in population exposure and ensure that temporary activities are considered alongside the broader hazardous substances risk management framework. They also reflect the graduated risk-based approach established through expert conferencing, with the level of intervention varying according to the spatial risk environment and the scale of population exposure associated with the activity.

Efficiency and Effectiveness of the Recommended Amendments

- 2.41 The recommended amendments are expected to be effective because they respond directly to the risk characteristics of temporary activities. Temporary activities vary considerably in scale, duration and frequency, meaning the level of risk and potential consequences can differ significantly between activities. The agreed framework recognises these differences while also responding to the spatial variation in hazardous substances risk.
- 2.42 Within the Inner and Outer HSRMO, requiring restricted discretionary consent irrespective of attendance numbers ensures that temporary increases in population exposure within the mapped risk contours can be assessed having regard to the scale,

population density, duration and frequency of the activity, the resulting population exposure, the level of hazardous substances risk, and the effectiveness of measures to avoid or mitigate residual risk.

2.43 A more enabling approach is appropriate within the Seaview Marina Additional Risk Management Overlay, which applies to the remainder of the Seaview Marina Zone outside the Inner and Outer HSRMO. The 250-person threshold, based on the advice and agreement of the hazardous substances experts through expert conferencing, provides a technically informed and proportionate basis for distinguishing smaller-scale activities that can occur as permitted activities from larger activities that warrant individual assessment. This approach recognises the lower residual risk outside the Inner and Outer HSRMO, while also recognising the particular access, evacuation and emergency response constraints applying across the Marina.Benefits

2.44 Social benefits accrue primarily to attendees, organisers and operators of temporary activities through a framework that provides a clear pathway for events and temporary activities to occur while ensuring that risks are appropriately considered and managed. The provisions recognise that many temporary activities can be accommodated safely through appropriate planning and operational controls rather than being prohibited outright. These benefits will arise whenever temporary activities are proposed within affected areas.

2.45 Benefits also accrue to the wider community through improved management of population exposure within areas affected by hazardous substances risk. Requiring assessment of temporary activities where resource consent is required helps ensure that population exposure and emergency response, evacuation requirements and coordination with nearby hazardous facilities and the fuel transmission pipeline are considered before activities occur. This reduces the potential for temporary concentrations of people to be exposed to unacceptable residual risk, particularly where access or evacuation may be constrained. Economic benefits also arise

from the graduated approach within the Seaview Marina Additional Risk Management Overlay. Providing for activities involving no more than 250 people at any one time as permitted activities avoids unnecessary consenting costs for smaller activities, while retaining assessment of larger activities where increased population exposure warrants further consideration. The 250-person threshold is based on the advice and agreement of the hazardous substances experts through conferencing and provides a technically informed basis for this distinction.

- 2.46 Economic and operational benefits accrue to the owners and operators of significant hazardous facilities and fuel transmission pipeline by reducing the potential for temporary activities to create unmanaged reverse sensitivity effects or unanticipated increases in population exposure. This supports their continued safe and efficient operation while reducing the potential for temporary activities to constrain or conflict with those operations.Costs
- 2.47 The principal costs of the amendments will be incurred by organisers and operators of temporary activities requiring restricted discretionary resource consent. This includes activities within the Inner and Outer HSRMO, irrespective of attendance numbers, and activities involving more than 250 people at any one time within the Seaview Marina Additional Risk Management Overlay. These parties may incur additional costs associated with resource consent applications, event planning, emergency management planning and any mitigation measures required to address hazardous substances risk. The extent of these costs will depend on the scale and characteristics of the activity and the measures necessary to appropriately manage residual risk.
- 2.48 Some additional administration costs may also be incurred by Council in processing resource consent applications and assessing emergency management and evacuation measures. However, these costs are expected to be limited given the relatively small geographic extent of the affected areas and the temporary nature of the activities concerned. The permitted activity pathway for activities involving no more than 250 people at any one time within the

Seaview Marina Additional Risk Management Overlay also avoids consenting and administration costs for smaller activities in that area.

- 2.49 Opportunity costs may arise where the scale, timing or operation of a proposed temporary activity requires modification to address hazardous substances risk. However, these costs are mitigated by the framework's focus on assessment and management rather than avoidance, enabling activities to proceed where risks can be appropriately managed.

Overall Assessment

- 2.50 Overall, the amendments are considered to be both effective and efficient in achieving HS-O1 and HS-O2. The provisions address a gap in the notified framework by specifically managing temporary increases in population exposure associated with events and other temporary activities. The graduated approach responds proportionately to the different levels of hazardous substances risk, with temporary activities within the Inner and Outer HSRMO subject to assessment, while the 250-person threshold within the Seaview Marina Additional Risk Management Overlay enables smaller activities while requiring assessment of larger temporary concentrations of people. The 250-person threshold, based on the advice and agreement of the hazardous substances experts through conferencing, provides a technically informed basis for this distinction.
- 2.51 The benefits of improved management of hazardous substances risk, emergency response planning and reverse sensitivity effects are expected to outweigh the compliance, administrative and potential opportunity costs associated with the additional resource consent requirements. These costs are moderated by the targeted nature of the provisions and, within the Seaview Marina Additional Risk Management Overlay, by enabling activities involving no more than 250 people at any one time to occur without resource consent where the relevant permitted activity requirements are met. Accordingly, the amendments represent an appropriate and

proportionate addition to the hazardous substances risk management framework.

Hutt City Fuel Transmission Pipeline Corridor

Overview of Changes

- 2.52 The notified Hazardous Substances Chapter did not include provisions specifically addressing residual risk associated with the Hutt City fuel transmission pipeline between the Seaview Wharf and the bulk fuel storage facilities. Consequently, land use and development in proximity to the pipeline was managed through the underlying zone provisions and other district-wide provisions.
- 2.53 Through the hazardous substances and planning expert conferencing processes, the experts agreed that the fuel transmission pipeline presents a distinct risk profile from the bulk fuel terminals and warrants a separate planning response. The experts agreed that a single risk-based overlay informed by the 0.5×10^{-6} individual risk contour provides an appropriate basis for managing land use compatibility while recognising the more localised nature of pipeline-related risk. The experts also agreed that specific provisions are required to protect the physical integrity and safe and efficient operation of the pipeline from earthworks and construction activities that could damage or otherwise compromise the pipeline.
- 2.54 The amendments within this package comprise:
- amendments to the Hazardous Substances Chapter introduction text;
 - new policy HS-Pbbb Manage land use and development within the Fuel Transmission Pipeline Risk Management Overlay;

- new rule HS-Rccc Activities sensitive to hazardous substance risks within the Fuel Transmission Pipeline Risk Management Overlay;
- new rule HS-Rfff Construction activities within the Fuel Transmission Pipeline Risk Management Overlay;
- new rule EW-Rxx and standard EW-Syy managing earthworks within the Fuel Transmission Pipeline Earthworks Corridor not associated with infrastructure;
- the new definition Fuel Transmission Pipeline Risk Management Overlay;
- the new definition Fuel Transmission Pipeline Earthworks Corridor; and
- consequential amendments to the planning maps introducing the Fuel Transmission Pipeline Risk Management Overlay along the Hutt City fuel transmission pipeline corridor and the Fuel Transmission Pipeline Earthworks Corridor, extending 6 m either side of the pipeline centreline where the pipeline is within road reserve and 12 m either side where it is located on other land.

2.55 Collectively, these amendments establish a risk-based planning framework that manages risk in both directions: the exposure of activities and people to residual risk arising from the fuel transmission pipeline, and the potential for earthworks and construction activities to damage or otherwise compromise the integrity and safe and efficient operation of the pipeline. The framework also recognises that risk outcomes are influenced by factors including population exposure, activity vulnerability, site design, emergency management and evacuation measures. It also recognises that the nature and proximity of earthworks and construction activities are relevant to maintaining the integrity and safe operation of the pipeline.

- 2.56 The framework seeks to avoid highly sensitive activities and provide an effects-based assessment pathway for other activities where risk can be appropriately managed, while applying targeted controls to earthworks and construction activities in proximity to the pipeline.

Relationship to the Notified Section 32 Evaluation

- 2.57 The notified section 32 evaluation identified the risks to human health, property and the environment associated with significant hazardous facilities and the potential for reverse sensitivity effects arising from incompatible land use. The evaluation concluded that district plan provisions should focus on managing residual risk not otherwise addressed through other legislation and regulations.
- 2.58 The recommended amendments respond to additional evidence and expert conferencing that identified a specific residual risk management issue associated with the fuel transmission pipeline corridor. While the notified provisions focused primarily on significant hazardous facilities and the Hazardous Substances Risk Management Overlay, the amendments recognise that the pipeline corridor presents a distinct set of planning considerations that are not fully addressed through the notified framework. These include both the compatibility of surrounding land uses with residual risk from the pipeline and the potential for earthworks and construction activities to affect the physical integrity and safe operation of the pipeline.
- 2.59 The amendments do not alter the overall objectives of the Hazardous Substances Chapter. Rather, they extend the notified risk-based planning approach to address a specific hazardous substances risk source and provide a tailored management framework reflecting the different characteristics of pipeline-related risk. The amendments also complement the land-use risk controls by protecting infrastructure used for the transmission of hazardous substances from earthworks and construction activities that could damage it or compromise its safe and efficient operation.

Efficiency and Effectiveness

- 2.60 The recommended amendments are expected to be effective because they provide a planning response tailored to the nature of the fuel transmission pipeline corridor. Unlike the bulk fuel terminals, the pipeline presents a linear and more localised risk profile. The proposed overlay identifies those locations where residual risk requires consideration while avoiding the need for broader restrictions across land unaffected by pipeline-related risk. The combination of the Fuel Transmission Pipeline Risk Management Overlay and the more focused Fuel Transmission Pipeline Earthworks Corridor provides a proportionate response to the different risks being managed. The wider risk overlay manages land-use compatibility and construction activities, while the narrower earthworks corridor targets works that have the potential to directly affect the pipeline. The 0.4 m permitted earthworks depth provides for routine shallow earthworks while requiring assessment of deeper works that have greater potential to affect the pipeline. Requiring the pipeline owner and operator to be informed before construction commences within the wider overlay also enables relevant information about the location and safe operation of the pipeline to be taken into account before works occur. Collectively, these provisions provide a targeted and effects-based response without unnecessarily restricting land use, earthworks or construction activities that can occur safely.

Benefits

- 2.61 Social benefits accrue primarily to future occupants of land within the Fuel Transmission Pipeline Risk Management Overlay. These individuals benefit from a planning framework that recognises and manages residual risk associated with the pipeline, particularly for activities involving vulnerable occupants or higher levels of population exposure. These benefits are expected to arise progressively as future development proposals within the corridor are assessed and implemented.
- 2.62 Benefits also accrue to the wider community through improved management of population exposure and emergency response outcomes. The provisions require consideration of matters such as

site design, evacuation planning, building layout and occupancy characteristics, helping to ensure that future development does not create unacceptable levels of risk or compromise public safety. Additional public safety benefits arise from reducing the potential for earthworks and construction activities to damage the pipeline, which could otherwise affect people and property in the surrounding area. Economic and operational benefits accrue to the owners and operators of the fuel transmission pipeline and associated fuel infrastructure. By managing incompatible development and reducing the potential for reverse sensitivity effects, the amendments support the ongoing operation, maintenance, upgrading and long-term functioning of the fuel transmission pipeline. The earthworks and construction controls provide further benefits by reducing the potential for activities undertaken near the pipeline to compromise its stability, integrity or safe and efficient operation, while retaining permitted pathways for works that present a lower risk.

- 2.63 Benefits also accrue to Council, applicants and decision-makers through a clear and transparent planning framework that identifies where pipeline-related risk requires consideration and establishes assessment criteria linked directly to the characteristics of that risk. The mapped Fuel Transmission Pipeline Risk Management Overlay and Fuel Transmission Pipeline Earthworks Corridor also provide greater certainty about where the respective land-use, construction and earthworks controls apply. This is expected to improve consistency and efficiency in plan implementation and decision-making.

Costs

- 2.64 The principal costs of the amendments are expected to be incurred by landowners, developers and occupiers seeking to establish or intensify activities within the Fuel Transmission Pipeline Risk Management Overlay. These parties may incur additional costs associated with resource consent applications, risk assessments, design modifications, emergency management planning and other mitigation measures necessary to demonstrate that risks can be

appropriately managed. These costs are expected to arise primarily in the short to medium term when development proposals are advanced.

- 2.65 Additional compliance costs may arise for persons undertaking earthworks within the Fuel Transmission Pipeline Earthworks Corridor or construction activities within the wider Fuel Transmission Pipeline Risk Management Overlay. Earthworks exceeding the 0.4 m permitted depth may require restricted discretionary resource consent, while construction activities require the pipeline owner and operator to be informed before construction commences. Where that requirement is not met, resource consent is required. These requirements may result in additional planning, consenting or project administration costs.
- 2.66 Opportunity costs may also arise where some highly sensitive activities are directed away from locations within the corridor or where development proposals require modification to address occupancy levels, building layout, separation distances or evacuation requirements. These costs largely fall on affected landowners and developers. However, the proposed framework mitigates these costs by adopting an assessment-based approach for many activities rather than relying exclusively on avoidance-based controls. The earthworks and construction controls are similarly targeted, with shallow earthworks remaining permitted and the more focused earthworks restrictions applying only within the mapped Fuel Transmission Pipeline Earthworks Corridor.
- 2.67 Council may incur some ongoing administrative costs associated with implementing the overlay, maintaining planning maps and assessing resource consent applications. This will include administering the additional Fuel Transmission Pipeline Earthworks Corridor and processing any consents required under EW-Rxx and HS-Rfff. These costs are expected to be relatively minor given the geographically confined application of the provisions and can be accommodated within existing planning and consenting functions.Overall Assessment

- 2.68 Overall, the amendments are considered to be both effective and efficient in achieving HS-O1 and HS-O2. The Fuel Transmission Pipeline Risk Management Overlay provides a targeted and proportionate response to a specific residual risk management issue that was not addressed through the notified provisions. The complementary Fuel Transmission Pipeline Earthworks Corridor and associated earthworks and construction controls provide a similarly targeted response to the potential for activities near the pipeline to compromise its physical integrity and safe and efficient operation. Together, the provisions manage both risk from the pipeline to surrounding activities and people and risk to the pipeline from surrounding earthworks and construction activities.
- 2.69 The benefits of improved protection of people and communities, better management of pipeline-related risk, reduced reverse sensitivity effects and increased certainty for the ongoing operation of the fuel transmission pipeline are expected to outweigh the additional compliance and administrative costs. While the amendments introduce additional consenting and procedural requirements, these are spatially targeted and provide permitted pathways for activities and works where the relevant risks can be appropriately managed. Accordingly, the amendments represent the most appropriate method of managing land use compatibility and protecting the safe and efficient operation of the Hutt City fuel transmission pipeline .

Seaview Marina Hazardous Substances Response

Overview of Changes

- 2.70 The notified Seaview Marina Zone chapter recognised the need to manage reverse sensitivity effects arising from the proximity of the Seaview Marina Zone to the Heavy Industrial Zone and associated hazardous facilities. The notified provisions did not, however, contain a framework specifically addressing evacuation, emergency

management and access considerations associated with hazardous substances risk.

- 2.71 Through the hazardous substances and planning expert conferencing processes, the experts agreed that hazardous substances risk within the Seaview Marina Zone is most appropriately managed primarily through the Hazardous Substances Chapter, including the Hazardous Substances Risk Management Overlay, while the Seaview Marina Zone should provide complementary provisions addressing the particular characteristics and constraints of the marina environment. The experts also agreed that hazardous substances risks within the part of the Seaview Marina Zone outside the Inner and Outer HSRMO should be managed through a new Seaview Marina Additional Risk Management Overlay in the Hazardous Substances Chapter. These provisions respond to the constrained access environment, proximity to significant hazardous facilities, the range of land use activities within the marina, and the importance of effective evacuation and emergency management.
- 2.72 The Seaview Marina Additional Risk Management Overlay applies to the remainder of the Seaview Marina Zone that is not within the Inner or Outer HSRMO. It does not duplicate the HSRMO framework. Rather, it addresses the particular access, evacuation and emergency response constraints that apply across the Marina, including areas outside the mapped risk contours.
- 2.73 The amendments within this package comprise:
- new policy HS-Pccc Access, evacuation and emergency response in the Seaview Marina Additional Risk Management Overlay;
 - new rule HS-Rddd Activities sensitive to hazardous substance risks in the Seaview Marina Additional Risk Management Overlay, which requires activities to prepare, implement and provide to Council an Emergency Management Plan as a

permitted activity requirement, with a restricted discretionary activity pathway where that requirement is not met;

- An additional matter of discretion in SMZ-R3 Construction of new buildings and structures and alterations and additions to existing buildings and structures, cross-referring to the matters in HS-Pccc.2;
- new HS-App1 Seaview Marina Emergency Management Plan template; and
- a new definition and associated planning map identifying the Seaview Marina Additional Risk Management Overlay.

2.74 Collectively, these amendments focus on the management of hazardous substances risk within the Seaview Marina Zone by ensuring that land use and development appropriately consider access constraints, emergency response requirements and evacuation procedures, while continuing to support the role and function of the marina. The approach provides a complementary management framework across the Marina, with the Inner and Outer HSRMO managing areas within the quantified risk contours and the Seaview Marina Additional Risk Management Overlay addressing access, evacuation and emergency response considerations in the remainder of the zone.

Relationship to the Notified Section 32 Evaluation

2.75 The notified section 32 evaluation identified reverse sensitivity effects associated with heavy industrial activities as a key resource management issue for the Seaview Marina Zone. The evaluation also recognised the health and safety risks associated with the proximity of the marina to fuel storage facilities and industrial activities in the surrounding area.

2.76 The notified section 32 evaluation concluded that supporting the operation of Seaview Marina while managing reverse sensitivity effects and adverse effects at zone interfaces was an appropriate method of achieving the objectives of the chapter.

- 2.77 The recommended amendments build upon, rather than replace, the notified planning framework. The amendments do not alter the primary purpose of the zone or the overall activity framework. Instead, they provide additional direction regarding access, evacuation, emergency response and hazardous substances risk management in response to evidence and expert conferencing identifying these matters as important considerations for activities within the marina environment. The amendments also clarify the respective roles of the Hazardous Substances and Seaview Marina Zone Chapters, with the Hazardous Substances Chapter containing the primary risk management framework and the Seaview Marina Zone provisions providing complementary controls where relevant to building and development proposals.

Efficiency and Effectiveness

- 2.78 The recommended amendments are expected to be more effective than the notified provisions because they directly address a key characteristic of the Seaview Marina Zone that was not provided for in the notified framework, namely the constrained nature of access and evacuation routes in an environment located adjacent to significant hazardous facilities and traversed by the fuel transmission pipeline. The Seaview Marina Additional Risk Management Overlay provides a targeted spatial mechanism for addressing these matters in the part of the Marina outside the Inner and Outer HSRMO, while HS-Pccc and HS-Rddd ensure that access, evacuation and emergency response are considered through the establishment and operation of activities. The additional matter of discretion under SMZ-R3 enables relevant building design, layout and location considerations to also be addressed when resource consent is required for building development.
- 2.79 The Emergency Management Plan requirement is an efficient method because it directly addresses preparedness and evacuation without requiring resource consent for activities that can comply with the requirement. HS-App1 provides a standard template for preparing a plan, while HS-Rddd also enables a plan to be prepared by a suitably qualified expert where a tailored response is

appropriate. A restricted discretionary consent pathway applies where the permitted activity requirement is not met. This provides a proportionate alternative to requiring resource consent for all activities within the overlay.

Benefits

- 2.80 Social and health and safety benefits accrue primarily to marina users, employees, visitors, occupiers of activities within the Seaview Marina Zone, and emergency service providers. These groups benefit from greater consideration of emergency access, evacuation and emergency management planning before activities and development occur. Requiring emergency arrangements to be established before an activity commences or changes improves preparedness for an emergency affecting the Marina and reduces the potential consequences associated with its constrained access and evacuation environment.
- 2.81 Benefits also accrue to the wider community through improved management of hazardous substances risk at the interface between the marina and adjacent significant hazardous facilities. Improved planning for access, evacuation and emergency response assists in reducing the potential consequences of an emergency affecting users of the Marina, including areas outside the quantified Inner and Outer HSRMO risk contours where access and evacuation constraints remain relevant.
- 2.82 Economic and operational benefits accrue to the owners and operators of significant hazardous facilities and the marina itself. By improving management of reverse sensitivity and ensuring future development appropriately accounts for hazardous substances risk, the amendments support both the ongoing operation of the marina and the continued operation, maintenance and development of nearby significant hazardous facilities. The provisions also provide greater certainty that activities within the remainder of the Marina have appropriate arrangements in place to respond to an emergency associated with nearby hazardous facilities.

- 2.83 Benefits also accrue to Council, developers and plan users through clearer policy direction regarding hazardous substances risk within the Seaview Marina Zone. The mapped Additional Risk Management Overlay clearly identifies where the complementary access, evacuation and emergency response framework applies, while the standardised Emergency Management Plan template provides a consistent and readily accessible means of complying with HS-Rddd. This is expected to improve certainty and reduce implementation and plan administration costs.Costs
- 2.84 The principal costs of the amendments are expected to be incurred by landowners, occupiers and developers within the Seaview Marina Additional Risk Management Overlay. These parties may incur additional costs associated with preparing and implementing Emergency Management Plans, incorporating emergency access and evacuation considerations into development proposals, and addressing hazardous substances risk through building design and operational measures. These costs are expected to arise primarily when new development or activities are proposed or existing activities change.
- 2.85 Additional compliance costs may arise where development proposals require modification to accommodate evacuation requirements, emergency access arrangements or other risk mitigation measures. However, these costs are generally expected to occur at the development stage and are proportionate to the level of risk being managed. The costs of Emergency Management Plan preparation are moderated by HS-App1 providing a standard template that can be used to satisfy the permitted activity requirement. More complex activities may incur additional professional costs where a plan is instead prepared by a suitably qualified expert.
- 2.86 Resource consent and associated professional costs may also arise where an activity does not meet the Emergency Management Plan requirements of HS-Rddd.2, or where building development requires restricted discretionary consent under SMZ-R3 and the matters in HS-Pccc.2 require consideration. These costs are

targeted to circumstances where the permitted requirements are not met or where building development already requires resource consent, rather than imposing an additional consent requirement on all activities within the overlay.

- 2.87 Council may also incur minor ongoing administrative costs associated with receiving Emergency Management Plans and assessing applications under the amended provisions. These costs are expected to be limited and can be accommodated within existing planning and consenting functions. The use of a standard Emergency Management Plan template is also expected to assist in limiting administration costs.

Overall Assessment

- 2.88 Overall, the amendments are considered to be both effective and efficient in achieving the objectives of the Seaview Marina Zone and supporting the objectives of the Hazardous Substances Chapter. The amendments provide a targeted response to the particular hazardous substances risk, emergency access and evacuation issues identified for the Seaview Marina Zone, while retaining the Hazardous Substances Chapter as the primary mechanism for managing hazardous substances risk. The Seaview Marina Additional Risk Management Overlay complements the Inner and Outer HSRMO by ensuring that access, evacuation and emergency response considerations continue to be addressed across the remainder of the Marina, where these issues remain relevant notwithstanding the lower residual risk outside the mapped HSRMO contours.
- 2.89 The benefits of improved emergency preparedness, reduced risk exposure, clearer development expectations and better integration between the Hazardous Substances and Seaview Marina Zone chapters are expected to outweigh the additional compliance and administrative costs. Those costs are moderated by providing a permitted activity pathway where an Emergency Management Plan is prepared and implemented, supported by the standard template in HS-App1, with resource consent required only where the relevant

permitted activity requirements are not met. Accordingly, the amendments represent a more appropriate method of managing hazardous substances risk and the associated access, evacuation and emergency response constraints within the Seaview Marina Zone than the notified provisions.

Other Seaview Marina Amendments

Overview of Changes

- 2.90 Through planning expert conferencing, the experts agreed to a number of other amendments to the Seaview Marina Zone provisions to better reflect the role, function and range of activities anticipated within the Marina. These amendments comprise:
- 2.91 amending the definition of Marina Activities to include commercial and tourism activities related to marina use, including charter operations, marine retail, services, equipment hire and training or education activities, together with events, markets and community or cultural activities associated with the marina environment;
- 2.92 consequential deletion of SMZ-R17 Marine supply commercial activities, as activities previously addressed by this rule are incorporated within the amended Marina Activities definition;
- 2.93 introducing SMZ-RXX Office activities, which permits standalone office activities of up to 200m² gross floor area and office activities of up to 500m² where ancillary to Marina Activities, with activities not meeting these thresholds requiring discretionary consent; and
- 2.94 amending the planning maps to include the Seaview Marina breakwaters within the Seaview Marina Zone.
- 2.95 Collectively, these amendments provide greater clarity and flexibility for activities that support or complement the operation and use of the Marina, while retaining appropriate limitations on activities that could alter the intended role and function of the zone.

Relationship to the Notified Section 32 Evaluation

- 2.96 The notified section 32 evaluation sought to enable the continued operation and development of the Seaview Marina while managing effects on the role, function and character of the zone and its relationship with surrounding areas. The recommended amendments do not alter this underlying direction. Rather, they refine the definition, activity and spatial framework to better reflect the range and scale of activities appropriately associated with the Marina.

Efficiency and Effectiveness

- 2.97 The amendments are expected to be more effective and efficient than the notified provisions by providing greater certainty about the range of activities anticipated as Marina Activities and simplifying the associated rule framework. Including marina-related commercial, tourism, events and community or cultural activities within the definition better reflects the range of activities that support and complement use of the Marina. Deletion of SMZ-R17 avoids unnecessary duplication where marine-related commercial activities are addressed through the amended definition.
- 2.98 The office activity provisions provide a graduated approach that enables a moderate scale of standalone office activity and greater provision for offices ancillary to Marina Activities, while retaining discretionary assessment of larger office activities. This provides flexibility for activities that support the Marina without enabling unrestricted standalone office development that could undermine the intended function of the zone or the wider centres hierarchy.
- 2.99 Including the breakwaters within the Seaview Marina Zone is also effective because it aligns the zoning more closely with the physical and functional extent of the Marina and provides a coherent spatial planning framework for the Marina environment. The experts expressly agreed to the inclusion of the breakwaters in the zone.

Benefits

- 2.100 The principal economic and operational benefits arise from providing greater flexibility and certainty for marina-related

commercial, tourism, office, event and community activities that support and complement use of the Marina. The amended Marina Activities definition reduces uncertainty about whether such activities form part of the anticipated marina environment, while deletion of SMZ-R17 simplifies plan administration.

- 2.101 The office provisions provide additional economic and operational benefits by enabling a moderate scale of office activity without resource consent, including greater provision where offices are ancillary to Marina Activities. This supports the operation of marina-related businesses while retaining control over larger standalone office activities.
- 2.102 Administrative benefits accrue to Council, landowners and plan users from a clearer definition, reduced duplication in the rule framework and zoning that more accurately reflects the physical extent of the Marina.

Costs

- 2.103 The amended Marina Activities definition could enable a broader range of commercial and tourism activities than the notified framework, with a potential opportunity cost if activities that would otherwise locate within established centres instead locate within the Seaview Marina Zone. This risk is limited by requiring commercial and tourism activities included within the definition to be related to marina use, and events, markets and community or cultural activities to be associated with the marina environment.
- 2.104 Similarly, enabling standalone office activities could result in some office activity establishing outside established centres. The 200m² permitted threshold for standalone offices limits this potential effect, while the higher 500m² threshold applies only where the office is ancillary to Marina Activities. Larger office activities require discretionary consent, enabling their appropriateness to be assessed.
- 2.105 No significant additional costs are anticipated from deletion of SMZ-R17 or inclusion of the breakwaters within the Seaview Marina

Zone. These changes principally simplify the regulatory framework and align the zoning with the physical and functional Marina environment.

Overall Assessment

- 2.106 Overall, the amendments are considered to be effective and efficient in achieving the objectives of the Seaview Marina Zone. They provide greater certainty and flexibility for activities that support and complement the Marina, simplify the rule framework, and more accurately align the zoning with the physical extent of the Marina.
- 2.107 The economic, operational and administrative benefits are expected to outweigh the limited potential costs associated with enabling a broader range of commercial, tourism and office activities. The relationship requirements within the Marina Activities definition and the scale thresholds applying to office activities provide appropriate safeguards against activities establishing at a scale or in a form that could undermine the intended function of the Seaview Marina Zone or the role of established centres. Accordingly, the amendments represent an appropriate and proportionate refinement of the notified Seaview Marina Zone framework.

3.0 NOT AGREED MATTERS

HS-P3 Avoid versus Minimise Reverse Sensitivity

Overview of Change

- 3.1 The planning experts agree that HS-P3 should continue to manage reverse sensitivity effects associated with significant hazardous facilities. The area of disagreement relates to whether reverse sensitivity effects should be "avoided" or "minimised".

Agreed Matters

- 3.2 The experts agree that reverse sensitivity effects are a relevant resource management issue and that activities sensitive to

hazardous substance risks should be managed so that they do not unreasonably constrain the operation, maintenance, upgrading or development of significant hazardous facilities.

Matter in Dispute

- 3.3 Mr Wesley and Ms Blackwell support retaining the term "minimise", while Ms McPherson favours use of the term "avoid".

Evaluation of Alternative Approaches

- 3.4 Option 1: A "minimise" approach aligns with the broader risk-based and effects-based framework of the Hazardous Substances Chapter by recognising that reverse sensitivity effects may vary according to the activity, location, scale and the ability to implement mitigation measures. This approach is likely to be effective where reverse sensitivity effects can be appropriately managed through building design, operational controls, emergency management planning or consent conditions, and allows decision-makers to respond to site-specific circumstances.
- 3.5 The primary benefits accrue to landowners and developers through greater flexibility and more efficient use of land where reverse sensitivity effects can be satisfactorily addressed. The primary costs fall on owners and operators of significant hazardous facilities, who may be required to alter or constrain existing lawfully established operations as a result of the establishment of more sensitive activities.
- 3.6 Option 2: An "avoid" approach provides stronger policy direction and is likely to be more effective in preventing future land use conflicts between activities sensitive to hazardous substance risks and significant hazardous facilities. It provides greater certainty regarding the protection of significant hazardous facilities and is more consistent with an outcome focused on preventing reverse sensitivity effects from arising in the first instance.
- 3.7 The primary benefits accrue to owners and operators of significant hazardous facilities, and the wider community that relies on those

facilities, through greater certainty for their continued operation, maintenance and development. The primary costs are borne by landowners and developers, as an avoidance-based approach may constrain otherwise appropriate development opportunities and reduce flexibility to respond to site-specific circumstances where reverse sensitivity effects could be effectively mitigated.

Summary

- 3.8 The experts agree that reverse sensitivity effects should not unreasonably constrain significant hazardous facilities. The disagreement relates to the level of direction required to achieve this outcome and the extent to which flexibility to address site-specific circumstances can be taken into account.