

Before the Hutt City Council Proposed District Plan – Hearing Stream 6

Under	the Resource Management Act 1991 (the Act)
In the matter of	the Hutt City Council Proposed District Plan (Hearing Stream 6)
Between	Hutt City Council Local authority
And	Tiaki Wai Ltd (previously Wellington Water Limited) Submitter 422 and Further Submitter F36

Supplementary Evidence of Timothy Michael Blackman for Tiaki Wai Ltd

Date: 9 October 2026

Introduction

1. My full name is Timothy Michael Blackman. I am employed as a Principal Advisor Environmental Planning at Tiaki Wai Limited (Tiaki Wai). My qualifications and experience are set out in my substantive evidence for hearing stream 6, dated 7 September 2026.

Code of Conduct

2. Although this matter is not before the Environment Court, I confirm that I have read the 'Code of Conduct for Expert Witnesses' in the Environment Court Practice Note 2023 and have complied with it when preparing my written statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Summary

3. I have prepared this supplementary statement of evidence in response to questions the panel put to me during the hearing in relation to the proposed objective for protection of the Waiwhetū Aquifer (referred to in this evidence as "the proposed objective"), which I addressed in paragraph 68 to 72 of my planning evidence for hearing stream 6 (dated 7 September 2026).
4. The questions set out in Minute 18, dated 30 September 2026, are as follows:
 - 4.1. Are there policies in the Hutt City Council's Proposed District Plan (PDP) that give effect to the proposed objective?
 - 4.2. Are there specific methods included in the PDP that would be required to give effect to the proposed objective?
 - 4.3. Does the PDP achieve the requirements of 75(1) of the Resource Management Act 1991 (RMA) in relation to the proposed objective?
5. In response to a request from the Chair, I agreed to provide a technical assessment setting out which policies and methods within the PDP would connect to the requested new objective to protect the Waiwhetū Aquifer.

6. In addition to the above questions, I would like to recommend a further consequential amendment be considered by the Panel, through the addition of a new policy and a minor amendment to an existing proposed policy.

Policies in the PDP that support the implementation of the proposed objective for protection of the Waiwhetū Aquifer

7. I consider that Policy HS-P1(1) – (3), which relates to the location of hazardous facilities, gives effect to the proposed objective regarding protection of the Waiwhetū Aquifer.

8. Policy HS-P1 reads:

Ensure 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 through the use of a Quantitative Risk Assessment for the proposed activity, including its 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 significant hazardous facilities outside of sensitive environments, 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.*
9. Sub clause 1 is relevant because avoiding unacceptable residual risks to human health and communities requires consideration of risks to the Waiwhetū Aquifer. Hazardous substances leaching into the Aquifer would have significant and potentially long-term consequences. Therefore, it is appropriate that a higher-level objective exists within the PDP to ensure

decision makers consider the Aquifer when assessing risks. The location of the Aquifer under a site is relevant to the assessment of its characteristics.

10. Sub clause 3 is also relevant. This is discussed later in my evidence under the paragraph's 23 - 25 under the heading 'further consequential amendment'.
11. Broadly, the PDP hazardous substances policies address residual risk, which the PDP defines as:

"means, in relation to the Hazardous Substances chapter, the level of any remaining risk of an adverse effect after other industry controls, legislation and regulations, including the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998, the Health and Safety at Work (Hazardous Substances) Regulations 2017 and any other subordinate instruments, and regional plans have been complied with"

12. Given the potentially significant and long-term consequences of contamination of the Waiwhetū Aquifer, it is appropriate to manage activities that pose a residual risk to it. Contamination could adversely affect a regionally significant drinking water source, with consequential effects on human health and communities. While the Hazardous Substances and New Organisms Act 1996 (HSNO Act) regulatory regime provides important controls on hazardous substances, it does not eliminate all risk, and a residual risk remains.

Are there specific methods included in the PDP that would be required to give effect to the new proposed objective?

13. I consider that there are a range of existing provisions in the PDP that give effect to the proposed objective, which I discuss below.

Rules for hazardous substances

14. The matters of discretion for HS-R1(2)(4) clearly acknowledge that the sensitivity of the potential receiving environment (should hazardous substances be released) is a relevant consideration. The proposed objective will provide further direction to plan users that the Aquifer is a sensitive

environment and, accordingly, consideration should be given to the risk to the Aquifer of locating hazardous land-uses above it.

15. The matters of discretion for HS-R2(1) also, acknowledge that the sensitivity of the potential receiving environment is a relevant consideration. The proposed objective will provide direction that the Aquifer is sensitive environment, and particular consideration should be given to the risk to the Aquifer of siting hazardous land uses above it.
16. HS-R2(2) and HS-R2(3) are discretionary and non-complying activities, respectively. Accordingly, a decision maker is not constrained in the matters that they can consider when deciding on an application. It is my view that the proposed objective is clearly relevant to a decision maker regulating proposed activities under these rules, to manage potential risks to the sensitive receiving environment of the Waiwhetū Aquifer.

Rules for Subdivision

17. Subdivision rule SUB-R4, which applies to subdivision that creates vacant allotments, is also relevant to Aquifer protection. Subdivisions are often staged, and subdivision and/or land use consents from a territorial authority are often obtained prior to regional consents required to implement land development activities.
18. If there is no objective or policy that indicates to resource consent applicants that they should consider effects on the Aquifer at the initial city council consenting phase, then there is a risk that the project may need to revise aspects of the proposal to manage effects on the Aquifer identified at the later regional council consenting stage. This would potentially add costs and delays for applicants.
19. The proposed new objective therefore promotes integrated planning, by ensuring potential effects on the Waiwhetu Aquifer are considered at the outset of the development process. It provides clear guidance to applicants and decision makers, improves consistency between district and regional planning instruments, and assists plan users in understanding how aquifer protection is to be addressed.

Further consequential amendments

New policy – Three Waters Chapter

20. Appendix A to my evidence identifies examples of existing PDP provisions that provide implementation pathways for the proposed new objective and policy. While not intended to be exhaustive, the appendix demonstrates that the proposed objective would operate through an existing framework of subdivision, development and land use provisions, rather than in isolation.
21. Having considered the Panel's feedback regarding the absence of a supporting policy, I have also proposed an additional policy to sit underneath the objective and provide further direction regarding Aquifer protection. The proposed new policy, for the Three Waters Chapter, is as follows:

“Ensure land use, subdivision and development are designed having regard to the values, operational requirements of and any risks to the Waiwhetū Aquifer (activities above the Groundwater Supply Protection Area - Map 41 of Greater Wellington Regional Councils Natural Resources Plan) and associated groundwater infrastructure.”

22. The provisions I have identified are discretionary or non-complying activity rules associated with subdivision and development. These provide an appropriate consent pathway through which the proposed objective and policy can be considered. In this way, the proposed objective and policy provide direction to applicants and decision-makers to consider the potential effects of development on the Waiwhetū Aquifer where relevant.

Consequential amendment to HS-P1 sub clause 3

23. Policy HS-P1(3) promotes the location of significant hazardous facilities outside of sensitive environments. I am cognisant that if a hazardous facility is located above the Aquifer, it would be located within a ‘sensitive environment’, and there would be a limited pathway through the policy for applicants seeking resource consent.
24. In my view it is appropriate that this policy provides a pathway where a significant hazardous facility has a functional or operational need to be located within the sensitive environment provided they can demonstrate that adequate measures are in place to avoid, or mitigate, risks to the Aquifer.

25. I therefore propose the following consequential amendment to Policy HS-P1(3) as follows:

“Locating significant hazardous facilities outside of sensitive environments unless there is an operational need or functional need for the significant hazardous facility to be located within the sensitive environment and the significant hazardous facility appropriately manages the risk to the sensitive environment, and

Section 32AA assessment of the amended proposal

26. I have undertaken a section 32AA assessment in relation to the amended proposal (one new objective, one new policy and a consequential amendment to HS-P1 relating to the Aquifer) as set out below.

Options assessment

27. Under s32, other reasonably practicable options to achieve the outcomes must be considered. In my view, on a scale from most to least comprehensive, these options include:

- 27.1. Option 1 - Omitting reference to the Aquifer completely and relying on other regulation to manage effects to the Aquifer;
- 27.2. Option 2 - Maintaining reference to the Aquifer in the plan as notified, i.e. simply including it in the introduction to the three waters chapter;
- 27.3. Option 3 - The proposal I have put forward in this evidence; one new objective, one new policy and a consequential amendment to HS-P1 relating to the Aquifer; and
- 27.4. Option 4 - A full cascade of objectives, policies and rules specifically relating to the Aquifer.█

28. My assessment of the options is as follows:

- 28.1. Option 1 does not achieve the objectives as it insufficiently protects the Aquifer by relying solely on the regional council and HSNO Act. This approach fails to signal to applicants the need to consider the aquifer at

a territorial authority level (which, as noted above, is particularly important if project consenting is staged). It would also create gaps regarding the risks of land use to the Aquifer as the HSNO Act does not consider the sensitivity of the receiving environment.

28.2. Option 2 highlights to plan users the importance of the Aquifer.

However, an introductory statement has no influence on decision making. It does not provide provisions to guide the assessment of effects on the Aquifer, and therefore provides weak direction to applicants and decision makers regarding Aquifer protection.

28.3. Option 3 also highlights to plan users the importance of the Aquifer.

However, unlike Option 2, it embeds consideration of the Aquifer within the provisions. This provides a clear basis for applicants and decision makers to consider the risks to the Aquifer where relevant, and ensures that aquifer protection forms part of the decision making framework.

28.4. Option 4 would likely involve a substantial restructuring of the PDP's provisions relating to the Waiwhetū Aquifer through a standalone framework of objectives, policies and rules. I do not consider that a full suite of aquifer-specific provisions is necessary to achieve the purpose sought. The proposal in Option 3 already provides an appropriate and effective mechanism to ensure risks to the Aquifer are considered.

Summary of the Amended Proposal

29. It is my view that there are likely to be limited environmental, social or economic costs arising from the proposed amendments put forward in this statement. I consider that the proposed objective and policy may result in efficiencies by signalling aquifer-related considerations at an earlier stage of the development process, reducing the potential for issues to be identified later through subsequent consenting processes.

30. In addition, the consequential amendment to HS-PI ensures that an appropriate consenting pathway remains available for activities where appropriate.

Section 75(1) of the RMA

31. In response to the third question from the hearings panel, and for the reasons set out in paragraphs 7 – 19 of this supplementary evidence, I am of the view that the PDP achieves the requirements set out in section 75(1) of the RMA.
32. In particular, I consider that there are existing provisions within the PDP that give effect to the proposed objective, including hazardous substances, subdivision and development provisions discussed above. The proposed objective therefore does not operate in isolation. Rather, it provides strategic direction that is implemented through the wider framework of PDP provisions, including the additional amendments proposed in this evidence. Accordingly, I do not consider the proposed objective to be an orphan objective.
33. I note that the legal submissions filed on behalf of Tiaki Wai support my conclusion that the proposed objective would be given effect to through the wider framework of PDP provisions.

Timothy Michael Blackman

9 October 2026

Appendix A - List of potential rules in the PDP relevant to the new policy

LLRZ-R16 - Rural activities

LLRZ-R17 - Non-residential activities not otherwise provided for

LLRZ-R18 - Industrial activities

MRZ-R16 - Activities not otherwise provided for

MRZ-R17 - Industrial activities

MRZ-R18 - Rural activities, Intensive indoor primary production, Rural industry, Top soil stripping and Turf farming

MRZ-R19 - Quarrying activities and Mining activities

HRZ-R10 - Commercial activities not otherwise provided for

HRZ-R17 - Industrial activities

HRZ-R18 - Rural activities, Intensive indoor primary production, Rural industry, Top soil stripping and Turf farming

HRZ-R19 - Quarrying activities and Mining activities

CCZ-R22 - Service stations

CCZ-R23 - Motor vehicle servicing activities

CCZ-R24 - Industrial activities not otherwise provided for

CCZ-R25 - Heavy industrial activities

CCZ-R26 - Primary production other than as an ancillary activity

MCZ-R3 - Demolition or removal of buildings

MCZ-R22 - Service stations

MCZ-R23 - Motor vehicle servicing activities

MCZ-R24 - Industrial activities not otherwise provided for

MCZ-R25 - Heavy industrial activities

MCZ-R26 - Primary production other than as an ancillary activity

LCZ-R2 - Demolition or removal of buildings

LCZ-R11 - Commercial activities not otherwise provided for

LCZ-R12 - Activities not otherwise provided for

LCZ-R14 - Light manufacturing and servicing

LCZ-R17 - Service stations

LCZ-R18 - Motor vehicle servicing activities

LCZ-R19 - Industrial activities not otherwise provided for

LCZ-R20 - Heavy industrial activities

LCZ-R21 - Primary production other than as an ancillary activity

NCZ-R12 - Activities not otherwise provided for

NCZ-R14 - Light manufacturing and servicing

NCZ-R17 - Service stations

NCZ-R18 - Motor vehicle servicing activities

NCZ-R19 - Industrial activities not otherwise provided for

NCZ-R20 - Heavy industrial activities

NCZ-R21 - Primary production other than as an ancillary activity

MUZ-R16 - Commercial activities not otherwise provided for

MUZ-R17 - Other activities not otherwise provided for

MUZ-R22 - Service stations

MUZ-R23 - Motor vehicle servicing activities

MUZ-R25 - Industrial activities not otherwise provided for

MUZ-R27 - Heavy industrial activities

MUZ-R28 - Primary production other than as an ancillary activity

OSZ-PREC1-R1 - Quarrying activities

SUB-R4 - Subdivision that creates any vacant allotments

SUB-R10 - Subdivision of land in coastal margins or riparian margins

SUB-R12 - Subdivision within the Fault Location Area

SUB-R15 - Subdivision within the Medium Flood Hazard Overlay

SUB-R16 - Subdivision within the High Flood Hazard Overlay

SUB-R18 - Subdivision within the Medium Coastal Inundation Hazard Overlay and Medium Tsunami Hazard Overlay

SUB-R19 - Subdivision within the High Coastal Inundation Hazard Overlay or High Tsunami Hazard Overlay

SUB-R23 - Subdivision of land in the Highly Constrained Roads Overlay

SUB-R24 - Subdivision of land within the National Grid Subdivision Corridor Overlay

SUB-R25 - Subdivision of land within the Gas Transmission Pipeline Corridor