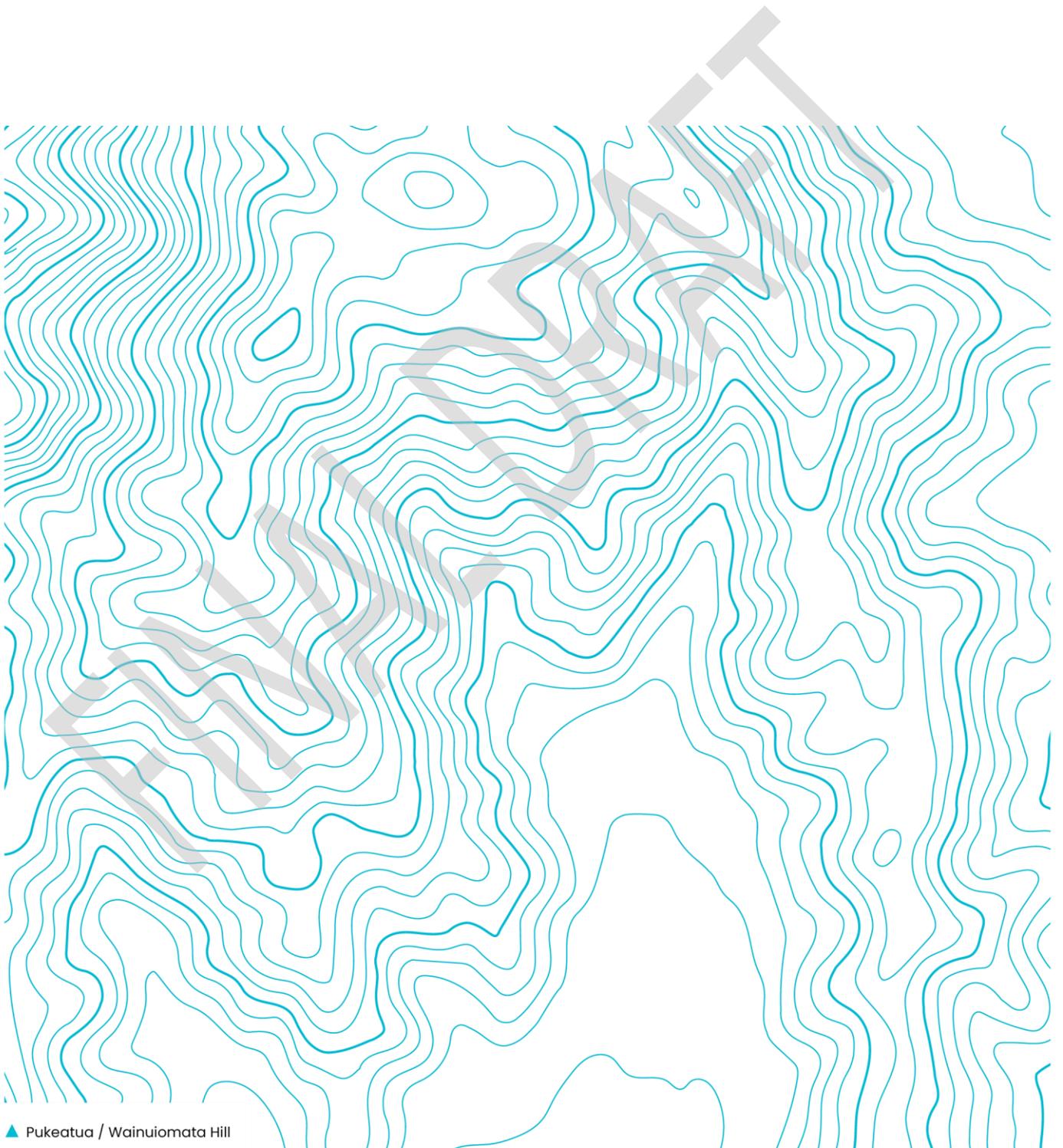


# Section 32 Evaluation SEAVIEW MARINA ZONE



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## 2 Overview and Purpose

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- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to marina facilities.
- (2) This report is a record of the review with regard to the Seaview Marina Zone, and includes an evaluation of the objectives, policies and rules of the Seaview Marina Zone of the proposed District Plan, in accordance with the requirements of s32 of the Resource Management Act 1991.
- (3) This report is part of a package of reports for the proposed District Plan. It should be read alongside the other reports prepared for the proposed District Plan, particular the General report for matters common to all Plan topics.

### **Seaview Marina Zone of the proposed District Plan**

- (4) The Seaview Marina Zone is a special purpose zone which applies to the landward extent of the Seaview Marina. This comprises a single 16.38 ha property located at 100 Port Road, Seaview.
- (5) Seaview Marina provides berth space for xx vessels. Landward facilities include an administrative building, boat launching and maintenance facilities, and parking for boats and motor vehicles.
- (6) In the operative District Plan, the Seaview Marina is located within the Special Recreation Activity Area. This zone applies to much of the Petone Foreshore, as well as the Hutt Park holiday accommodation located in Moera.
- (7) The landward extent of Seaview Marina abuts Port Road to the north-east, and Marine Drive to the south-east. Heavy industrial activities are located beyond Port Road, including fuel storage. Residential activities are located to the south of Marine Drive.

## 3 Statutory and Policy Context

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- (8) The following sections discuss the national, regional and local policy framework that are particularly relevant to the statutory and policy context for the Seaview Marina Zone for the District Plan Review.

### 3.1 Resource Management Act 1991

#### 3.1.1 Section 5 – Purpose and Principles

- (9) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (10) Under s5(2) of the Act, sustainable management means:

*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

#### 3.1.2 Section 6 – Matters of National Importance

- (11) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The following s6 matters are of relevance to the Seaview Marina Zone:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area).....and the protection of them from inappropriate subdivision, use, and development.*

(12) The Seaview Marina Zone connects with this matter of national importance, as it is located within the coastal environment. However, the coastal environment at this location has been highly modified and does not include any areas of high and very high, or outstanding coastal natural character.

### **3.1.3 Section 7 – Other Matters**

(13) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. These include:

- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment; and*
- (g) *any finite characteristics of natural and physical resources (noting the finite nature of sites within the coastal environment where provision of marina facilities may be appropriate).*

(14) These matters are relevant to the activities and built development that will be provided for in the Seaview Marina Zone.

### **3.1.4 Section 8 – Treaty of Waitangi**

(15) Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act. Council has engaged with Mana Whenua of Lower Hutt as part of the District Plan Review, including with representatives of Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated. This engagement has demonstrated two key principles of the treaty, the first being the principle of partnership by, recognising and

fostering mutual good faith with our existing iwi partnerships and continuing to provide the opportunities for tangata whenua to input meaningfully into the design of the seaview marina zone. Secondly, the principle of active protection is another key aspect of the treaty principles demonstrated, as it seeks ways to deliver mixed and culturally dynamic communities in a sustainable way.

## **3.2 National Policy Statements**

- (16) Section 75(3)(a) of the RMA requires district plans to give effect to any national policy statement.

### **3.2.1 National Policy Statement on Urban Development**

- (17) The NPS-UD directs Councils to enable well-functioning urban environments that provide for the social, economic and cultural well-being.
- (18) The NPS-UD does not directly address the provision of marina facilities. The objectives and policies require Councils to provide for sufficient development capacity, including through intensification of central areas and ensuring a sufficient supply of business land (Policies 2 and 3). This is relevant to issues of locating potential sensitive activities adjacent to heavy industrial activities.

## **3.3 New Zealand Coastal Policy Statement**

- (19) Under section s75(3)(b) of the RMA, the District Plan must give effect to the New Zealand Coastal Policy Statement (NZCPS).
- (20) The NZCPS sets out the objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment. Of relevance to the Seaview Marina, this includes (paraphrased):
- Objective 1 – to safeguard the integrity, form, functioning of the coastal environment and sustain its ecosystems.
  - Objective 6 – enable people and communities to provide for their wellbeing, while recognising that;

- the protection of values of the coastal environment does not preclude use and development in appropriate places and forms,
- functionally some uses and development can only be located on the coast or in the coastal marine area.
- Policy 1 – recognise that the coastal environment includes physical resources and built facilities... that have modified the coastal environment.
- Policy 6 – in relation to the coastal environment:
  - (b) consider the rate at which built development...should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the over values of the coastal environment.
  - (c) encourage consolidation of existing coastal settlements and urban areas, where this will contribute to the avoidance of sprawling or sporadic growth.
  - (f) consider where development that maintains the character of the existing built development should be encourage...
- Policy 11 – provides direction for managing adverse effects on certain indigenous species and habitats.
- Policy 19 – recognise the public expectation and need for walking access to and along the coast that is practical, free of charge and safe to use...

### **3.4 National environmental standards**

- (21) National environmental standards (NES) prescribe technical standards, methods or requirements at a national level. There are no national environmental standards which are relevant to the Seaview Marina Zone.

### **3.5 National Planning Standards**

- (22) Section 75(3)(ba) of the RMA requires district plans to give effect to national planning standards.
- (23) Standard 8 of the National Planning Standard (the Zone Framework Standard) specifies that district plans must only contain zones which are

consistent with those identified in the standard. This does not include a marina zone (or equivalent), however that standard allows that additional special purpose zones to those identified may be created where the following criteria are met:

- *Are significant to the district, region or country.*

The marina provides vessel berthing and launching facilities which are significant to Lower Hutt and Wellington Region.

- *Are impractical to be managed through another zone.*

The activities at Seaview Marina and related issues are relatively unique and are not incidental or comparable to activities and issues which are addressed in other zones, nor can they be comprehensively addressed through a combination of spatial layers.

- *Are impractical to be managed through a combination of spatial layers.*

The policy direction intended for the marina is sufficiently different from the nearest comparable zones (e.g. the General Industrial and Light Industrial Zones) that it would be confusing for plan users to interpret the plan if modified through a precinct. The use of a precinct was consulted on in the draft and not supported by the marina operator.

## **3.6 Regional Policy Statement for the Wellington Region**

- (24) The Regional Policy Statement for the Wellington Region ('the RPS') identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- (25) Section 75(3)(c) of the RMA requires district plans to give effect to regional policy statements.

- (26) The objectives and policies of the RPS which are relevant to the Seaview Marina are discussed below.

<b>RPS – Objectives and policies</b>	
<b>Reference</b>	<b>Comment</b>
Objective 3	<p>Objective 3 - <i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and</i></p> <p><i>Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i></p> <p>The Seaview Marina may have significant recreational values. There are no known significant indigenous biodiversity, cultural, historical or landscape values which are associated with this location.</p>
Objective 4 Policy 35	<p>Objective 4 - <i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i></p> <p>Policy 35 – Preserving the natural character of the coastal environment – consideration</p> <p>The Seaview Marina is a highly modified coastal environment. There are no identified values of high and very high, or outstanding coastal natural character associated with this location.</p>
Objective 5 Policy 64	<p>Objective 5 - <i>Areas of the coastal environment where natural character has been degraded are restored and rehabilitated.</i></p>

	<p>Policy 64 – Supporting a whole of catchment approach – non-regulatory</p> <p>The Seaview Marina is a highly modified coastal environment. Taking a whole of catchment approach, and with consideration to the benefits of marina activities, the rehabilitation of natural character at Seaview Marina is not likely to be prioritised.</p>
<p>Objective 6</p> <p>Policy 40</p>	<p>Objective 6 – <i>The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.</i></p> <p>Policy 40 – Safeguarding aquatic ecosystem health in water bodies – consideration</p> <p>There is a need to manage the effects of marina activities including fuelling and cleaning of vessels, on water quality.</p>
<p>Objective 7</p> <p>Policy 37</p>	<p>Objective 7 – <i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i></p> <p>Policy 37 – Safeguarding life-supporting coastal ecosystems – consideration</p> <p>Breakwaters, which protect the marina from wave forces and erosion, and other marina activities, may have some impacts on physical and ecological processes.</p>
<p>Objective 8</p> <p>Policy 53</p>	<p>Objective 8 – <i>Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).</i></p>

	Policy 53 – Public access to and along the coastal marine area, lakes and rivers – consideration.
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### 3.7 Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region

- (27) Section 74(2)(a)(i) of the RMA requires territorial authorities, when preparing and changing their district plan, to have regard to any proposed regional policy statement.
- (28) The decisions version of Proposed Change 1 to the RPS (RPS – PC1) was published on 4 October 2024. Of the objectives and policies identified in section 3.6, only Policy 40 is proposed to be amended by RPS – PC1. This amendment includes reducing the application of the policy consideration to regional resource consents only.

### 3.8 Natural Resources Plan for the Wellington Region

- (29) Under section 75(4)(b) of the RMA, a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1) of the RMA (which lists functions of regional councils under the Act). The Natural Resources Plan is the only regional plan for the Wellington region, and includes the following objectives for coastal management, which are relevant to the Seaview Marina:
  - Objective O45 – Use and development shall generally not be located in the coastal marine area unless it has a functional need or operational requirement to be located there.
  - Objective O46 – Use and development makes efficient use of any occupied space in the coastal marine area.
  - Objective O47 – The need for public open space in the coastal marine area is recognised.

- Objective O48 – New development in the coastal marine area is of a scale, density and design that is compatible with its function and its location in the coastal environment.
- Objective O50 – Noise, including underwater noise, from activities in the coastal marine area is managed to maintain the health and well-being of marine fauna, and the health and amenity value of users of the coastal marine area.
- Objective O51 – The efficient and safe passage of vessels and aircraft that support the movement of people, goods and services is provided for in the coastal marine area.

(30) These objectives are implemented by a framework of policies and a suite of rules for coastal management (R169 to R238). This includes rules relevant to marina activities including those which control structures in the coastal marine area and motor vehicle activities related to launching vessels. The Seaview Marina Zone is consistent with the Natural Resources Plan, particularly noting it has a functional need to locate in the coastal environment, facilitates public access and provides for the efficient use of established facilities in the coastal marine area.

(31) Section 74(2)(a)(ii) of the RMA requires territorial authorities, when preparing and changing their district plan, to have regard to any proposed regional plans with regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the Act. Greater Wellington Regional Council has proposed a change to the Natural Resources Plan (Proposed NRP Change 1). However, there are no proposed changes to coastal management provisions of relevance to the Seaview Marina.

### **3.9 Iwi management plans**

(32) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(33) No iwi management plans have been lodged with the Council.

## 3.10 Hutt City Council plans, policies, and strategies

- (34) Section 74(2)(b)(i) of the RMA requires the Council to have regard to management plans and strategies prepared under other Acts. In addition, there are other plans, policies and strategies of Council that should be considered as part of the District Plan Review as they set Council's intentions on some matters that need to be addressed through the District Plan Review.
- (35) The following Council plans, policies and strategies are relevant for the Seaview Marina Zone:
- Vision Seaview Gracefield 2030: Transforming the Future (2010)
- (36) The relevance of Vision Seaview Gracefield 2030 (S-G 2030) is discussed below.

Plan/Policy/Strategy	Comment
Vision Seaview Gracefield 2030	<p>Vision Seaview Gracefield 2030 is a shared vision of what the Seaview and Gracefield Industrial Area could be like in the future. It centres on four themes:</p> <ul style="list-style-type: none"> <li>• Providing stability and efficiency to support existing businesses,</li> <li>• Creating a suitable environment for the growth of new/emerging businesses,</li> <li>• Making better use of recreational opportunities, and</li> <li>• Contributing towards a better environment.</li> </ul> <p>One of the key outcomes identified is to recognise and develop Seaview Marina – Port Road into a recreational treasure. This includes providing landscaping, sculptures, and walking</p>

	<p>and cycling paths. A fitness trail along Port Road and public shower and toilet facilities would encourage more use of recreational spaces.</p> <p>This key outcome has been partially implemented with new footpaths installed along Port Road.</p>
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### 3.11 District plans of adjacent territorial authorities

(37) Under section 74(2)(c) of the RMA, the Council is required to have regard to the extent to which the District Plan needs to be consistent with the plans of proposed plans of adjacent territorial authorities. The Seaview Marina Zone contains provisions for marina facilities, which although they may have regional significance, the landward extent is wholly contained within a defined 16.38 ha site entirely within Lower Hutt’s territorial boundaries. There is not considered to be a high need of consistency with provisions in district plans of adjacent territorial authorities as they relate to marina facilities.

### 3.12 Other statutory and non-statutory plan, policies, and strategies

(38) In addition to Hutt City Council’s plans, policies and strategies (discussed above), there are regional and national plans, policies and strategies that, while not mandatory considerations for the District Plan Review, should still be considered as they form part of the management regime for natural and physical resources in the district, and considering these documents can aid integrated management. However, there are no other statutory or non-statutory plans of relevance to the Seaview Marina Zone.

### 3.13 Other legislation or regulations

- (39) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.
- (40) The legislation and regulations which are relevant for the marina are discussed below.

Act or Regulation	Comments
Local Government Act 2002	Provides regional councils with power to control the movement of vessels, including making bylaws to ensure navigation safety.
Maritime Transport Act 1994	Sets out the legal framework for maritime safety and protection of the marine environment. Marine protection rules under this Act deal with a wide range of matters pertaining to vessels including the design, construction and operation of vessels, discharges of oil and waste, collisions prevention and carriage of dangerous goods.
Wellington Harbour Board (Seaview Marina) Reclamation Act 1989	This act authorised the original reclamation of the marina area. This authorisation has been given effect to.

# 4 Resource management issues

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## 4.1 Introduction to resource management issues

- (41) This section discusses the resource management issues for the Seaview Marina, and includes a summary of the evidence base that has informed the identification of resource management issues.
- (42) The determination of resource management issues for the Seaview Marina Zone, and the options for addressing those issues, has involved:
- A review of the statutory and strategic context (outlined in Section 3 of this report),
  - A review of the existing approach of the District Plan,
  - A review of information on recent resource consents and compliance for activities on the site proposed to be located in the Seaview Marina Zone,
  - A review of the approaches of other district plans, and
  - Engagement with marina operators, nearby hazardous facilities operators, Mana Whenua, the community and other stakeholders (including engagement on a draft District Plan).
- (43) The review and the outcomes of the engagement are summarised below.

## 4.2 Evidence base

### 4.2.1 Existing approach of City of Lower Hutt District Plan

- (44) Provisions for the Special Recreation Activity Area, which includes the Seaview Marina, are located in chapter 7B of the operative District Plan. The

second part of this chapter, 7B(ii), contains objectives and provisions relevant to Seaview Marina. This includes two objectives:

- To ensure that activities are compatible and support the Seaview Marina.
- To ensure that buildings and structures have adverse effects which are no more than minor on amenity values of the area.

(45) These objectives are implemented by a policy and rule framework which:

- Enables recreation activities, boat building and repairs and associated activities, parks and reserves, conservation planting, light houses and other navigational aids, pipelines within a defined corridor, and restaurants and cafes, as potentially permitted activities.
- Requires restricted discretionary resource consent for any building or structure associated with the above activities, or any car parking areas.
- Requires discretionary resource consent for any of the above activities, which do not comply with activity conditions which control matters including lighting, retail space and compliance with general (district-wide) rules.
- All other activities not otherwise provided for require resource consent as a non-complying activity.

(46) Activities regulated in Chapter 7B are also subject to compliance with the general rules contained in Chapter 14.

(47) As part of the District Plan Review, the relevance and appropriateness of the operative provisions have been assessed, which noted the following:

- There is no good policy reason to limit the use of the site to marina-related activities or for such a restrictive approach to buildings and structures.
- The portions of the site held as reserve and managed directly by Council (the groynes and Seaview Beach Reserve) do not have marina-specific issues and can be handled with a generic open space zoning.

- The part of the site managed by Seaview Marina Ltd is not held as a reserve and an open space zoning does not meet Council's intent for the Open Space and Recreation Zones chapter.
- Reverse sensitivity issues for heavy industrial activities are a serious issue and sensitive activities have significant potential to constrain operations of Seaview's various oil terminals in particular.
- The susceptibility of the site to natural hazards is not recognised.

## 4.2.2 Analysis of other District Plans

(48) Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans:

- Proposed Wellington District Plan,
- Proposed Porirua District Plan (decisions version),
- Proposed Dunedin District Plan (decisions version), and
- Auckland Unitary Plan.

(49) Both Wellington and Porirua provide for marina facilities within the Sport and Recreation Zone. In each of these plans marina facilities (or equivalent) are enabled as permitted activities. Wellington also enables as permitted car parking activities and commercial activities which are ancillary to other permitted activities. In both of these plans, general rules apply to buildings and structures which are enabled as permitted subject to bulk standards.

(50) Dunedin provides for marina facilities in the Recreation Zone. 'Sport and recreation that involves motor vehicles', which is defined to include boats, is a discretionary activity.

(51) The Auckland Unitary Plan includes a Marina Zone which applies to 12 marinas in the Auckland region. The provisions of the chapter provide for Auckland Council's dual functions as a regional and territorial authority. Objectives in the Marina Zone chapter address the following matters:

- Managing adverse effects on the coastal environment
- Locating marina activities within the Marina Zone, and prioritising activities which have a functional need to be located in the zone.
- Maintaining and enhancing public access to the waterfront.

- Providing for development of facilities including limited expansion of existing facilities in the coastal marine area.

(52) Marine and port facilities, accessory landward buildings and structures, fuel storage, vehicle parking, marine retail, and clubrooms are enabled as permitted activities in the Marina Zone of the Auckland Unitary Plan.

### 4.2.3 Advice from mana whenua

(52) From a general perspective, Mana Whenua have been clear and consistent in their direction and vision throughout the district plan consultation process, which has been led by the conceptual desire to continue to connect to their ancestral lands and work with Council via the treaty to achieve the purpose of section 5 of the Act in a sustainable manner whilst respecting both tikanga (traditional customs) and Te Taiao (the environment).

### 4.2.4 Stakeholder and community engagement

(53) As part of the District Plan Review, Council engaged with the community and stakeholders in several rounds:

Date	Invitees	Summary
2020	General public	General comment was received from several members of the community.
2023	Stakeholders and general public	Specific comment was sought on the draft chapter from the public and stakeholders. General comments were received as well as users filling out an online survey.

(54) Council has also engaged continuously with Seaview Marina Ltd and the various oil terminal operators throughout the review.

(55) Main themes of the feedback were:

- The Marina's desire to broaden its activity base and further develop the site to support the marina activities.

- The oil terminal operators' concerns over reverse sensitivity from activities at the marina
- Concern from noise at the marina

### 4.3 Summary of issues analysis

(56) Based on the above sources of information, the key resource management issues are identified as follows:

- a. Supporting the continued operation of the marina including supporting activities
- b. Providing for additional activities on the site where there is no resource management reason to prevent this
- c. Protecting the Heavy Industrial Zone from reverse sensitivity effects
- d. Managing the impact of natural hazard risk on the site (note: this is done in the Coastal Environment chapter in this plan and is covered in the s32 report for that chapter)
- e. Protection of the amenity values of residential and other non-industrial land uses from the effects of industry and marina activities
- f. The general issues for the Heavy Industrial Zone (see the Industrial Zones s32 report), such as low physical attractiveness of the area and low provision of services for workers and visitors.

# 5 Scale and significance assessment

- (57) In writing this evaluation report we must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.
- (58) In assessing that scale and significance we have had regard to:

Matters of national importance	Low – the preservation of natural character of the coastal environment from inappropriate development is of little relevance. The marina is an established facility and the coastal environment is highly modified in this location. There has not been any high and very high, or outstanding coastal natural character areas identified near this location.
Other matters	Low - other matters of relevance to this topic include the maintenance and enhancement of amenity values and the quality of the environment and finite characteristics of natural and physical resources.
Degree of change from the operative plan	Low - the approach of providing for the Seaview Marina in a standalone chapter is new, however it incorporates the general approach of the operative district plan of providing for marina activities in this location. The change applies to a single 16.38 ha site.

Geographic scale of effects	Low – the scale of adverse effects is limited to the zone, which is a relatively small defined area, and the immediately surrounding area. There are potentially wider benefits related to activities enabled in the zone.
Number of people affected	Low – adverse effects will generally be limited to persons within the zone or surrounding area. There may be a larger number of people benefiting from activities in the zone.
Duration of effects	Will vary by project. Construction effects will typically be short-term. Effects related to building bulk will be locked in for a long time.
Economic impacts	Moderate – there is some employment activity associated with the Marina. Reverse sensitivity effects, if not managed, have potential to constrain the economic activity of adjacent businesses. The neighbouring business area is a regionally significant employment centre and home to regionally significant infrastructure.
Social and cultural impacts	Moderate – including with reference to access to the foreshore, and recreational opportunities.
Environmental impacts	Moderate – if not appropriately managed the activity can adversely affect the physical and ecological processes in the coastal environment.

Health and safety impacts	Moderate – there are safety risks associated with the proximity of the marina to fuel storage areas in adjacent land in the proposed Heavy Industrial Zone.
Degree of interest from Mana Whenua	Mana Whenua have not expressed a particular interest in this part of the District Plan Review.
Degree of interest from the public	Low – provisions are primarily of interest to owners and occupiers of sites within the zone and the immediate surrounding area.
Degree of risk or uncertainty	Low – the provisions enable the continuation of long-established activities, the issues of which are well understood.

- (59) Accordingly, the overall scale and significance of the effects of the Seaview Marina Zone are **low**, particularly given the zone is small and potential adverse effects from development within the zone would impact a small area.

# 6 Proposed District Plan objectives and provisions

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## 6.1 Overview of proposed provisions

(60) The Seaview Marina Zone has six objectives. These and their respective implementing provisions are identified below. The proposed provisions are set out in full in the proposed District Plan, which should be read in conjunction with this evaluation report.

(61) **SMZ-01 – Purpose of the zone**

*The Seaview Marina area is used primarily to provide for the needs of marina activities. The area also provides for other compatible activities that support this role, or do not interfere with the primary purpose, including industrial activities, commercial activities, or community activities, that:*

1. *Do not undermine the purpose of the Local Centre Zone, Metropolitan Centre Zone, or City Centre Zone, and*
2. *Do not present significant reverse sensitivity effects on industrial activities, including heavy industrial activities, in the Heavy Industrial Zone and General Industrial Zone.*

**SMZ-02 – Activities in the zone:**

*The Seaview Marina Zone:*

1. *Predominantly provides for marina activities,*
2. *Provides for other activities provided for in industrial zones, such as industrial activities, research activities, emergency facilities and trade and industrial training activities,*
3. *Is supported by other activities that:*
  - a. *Are compatible with the purpose, the planned character, and the planned urban environment of the zone,*
  - b. *Do not undermine the role of commercial centres, and*

- c. *Do not create unreasonable or excessive reverse sensitivity issues for industry in the Heavy Industrial Zone, and*
- 4. *Is not intended to provide for:*
  - a. *Standalone residential activities that do not support an industrial activity, research activity, or emergency facility,*
  - b. *Activities (other than marina activities) that would be a city-wide or regional destination for significant numbers of visitors, or*
  - c. *Heavy industrial activities.*

**SMZ-O3 – Provision of activity spaces**

*The Seaview Marina Zone provides for a variety of types and sizes of spaces that respond to the needs of activities provided for in the zone.*

(62) SMZ-O1, SMZ-O2, and SMZ-O3 are implemented by the following provisions:

- SMZ-P1 Enabled activities
- SMZ-P2 Residential activities and sensitive activities not related to the Seaview Marina
- SMZ-P3 Residential activities and sensitive activities related to the Seaview Marina
- SMZ-P4 Role in network of commercial and industrial areas
- SMZ-P5 Reverse sensitivity
- SMZ-P6 Existing activities
- SMZ-P7 Development capacity

These policies are collectively implemented by activity rules SMZ-R4 to SMZ-R23, which each set an activity status for a different activity type, in many cases with conditions on size and the activity's association with the marina.

(63) **SMZ-O4 – Planned character and planned urban built environment of the zone:**

*The built character of the Seaview Marina Zone balances the functional needs and operational needs of the primary activities in the zone, and the needs of visitors and employees, by contributing to a part of the urban environment that:*

- 1. Appropriately balances its industrial, open space, and coastal marine area surroundings,*
- 2. Positively contributes to the Seaview Marina, which is a public place and destination in its own right,*
- 3. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone,*
- 4. Has an urban built environment that is characterised by flexibility of building densities and forms,*
- 5. Is healthy, safe, attractive, and accessible,*
- 6. Has good access within the Seaview Marina Zone, to and from surrounding neighbourhoods, and to and from other industrial and commercial areas, through active and public transport modes, providing for well-connected and low emission communities,*
- 7. Is integrated with existing and planned infrastructure, and*
- 8. Enhances co-location benefits.*

**SMZ-O5 – Character – main through routes:**

*Identified main through routes that pass through the Seaview Marina Zone are attractive and assist the city's sense of place and identity.*

(64) SMZ-O4 and SMZ-O5 are implemented by the following provisions:

- SMZ-P8 Urban design outcomes (by meeting standard or assessment)
- SMZ-P9 Urban design outcomes (other than small-scale primary activities in the zone)
- SMZ-P10 Urban design outcomes (exclusions)

These policies are implemented through the buildings and structures rules, and their associated standards, which set out permitted levels of development and urban design outcomes to be considered in resource consents for other developments.

(65) **SMZ-O6 – Adverse effects:**

*Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.*

(66) SMZ-O6 is implemented by the buildings and structures provisions above, and by the following provision:

- SMZ-P11 Managing adverse effects at zone interfaces

This policy is implemented by general rules SMZ-R24 and SMZ-R25, which cover the treatment of visual and servicing nuisances not connected to buildings and structures.

# 7 Evaluation of objectives

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- (67) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (68) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (69) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (70) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.
- (71) The six objectives of the Seaview Marina Zone chapter are intended to be read as a collective, and have been grouped together for the purpose of this evaluation.

**SMZ-01 – Purpose of the zone**

**SMZ-02 – Activities in the zone**

**SMZ-03 – Provision of activity spaces**

**SMZ-04 – Planned character and planned urban built environment of the zone**

**SMZ-05 – Character – main entrance routes**

**SMZ-06 – Adverse effects**

**Relevance**

- SMZ-O1 addresses resource management issues a, b, c, e, and f in paragraph (56).
- SMZ-O2 addresses resource management issues a, b, c, and d in paragraph (56).
- SMZ-O3 addresses resource management issues a, b, and f in paragraph (56).
- SMZ-O4 addresses resource management issues a, e, and f in paragraph (56).
- SMZ-O5 addresses resource management issue f in paragraph (56).
- SMZ-O6 addresses resource management issue e in paragraph (56).

**Usefulness**

- The package of objectives as a whole set out what activities are intended to occur in the zone and why: providing for the fullest use of the site with activities that support the marina, the protection of the community from hazards and other effects, and the management of reverse sensitivity.
- The package of objectives set outs the approach to character, amenity, and effects, which are important issues for the zone.
- The character outcomes in SMZ-O4 and SMZ-O5 are particularly useful in guiding built development and urban form in a way which is cognisant of the needs of the marina and the existing and potential future context of the area.
- SMZ-O6 is useful in highlighting that the zone interfaces are particular areas where adverse effects need to be managed.
- Collectively the objectives enable people and communities to provide for their health and well-being in a way which supports the purpose of the RMA.
- Supports the Council function of controlling the actual or potential effects of use and development (a function under s31(1)(b) of the RMA).

**Reasonableness**

- Given the significance of the marina and other maritime industry to the social and economic wellbeing of people and communities in Lower Hutt and the wider region, it is appropriate for the District Plan to continue to enable these and supporting activities, and to define the expected urban environment in relation to the activities which are enabled within the zone. It is reasonable to seek for the effects of activities enabled within the zone to be managed,

particularly in relation to the interfaces with other zones that have different character and amenity expectations.

### **Achievability**

- The provisions enable the continuation of established marina uses of the site and their continued development. They also enable other activities that can support the continued operation of the marina without exposing the community to unnecessary danger or infrastructure operators to unreasonable reverse sensitivity effects.

### **Alternatives**

- **Status quo**

The chapter in the operative District Plan for the Special Recreation Activity Area includes objectives which cover the continued operation of the marina. Council opted not to proceed with this approach as it placed unreasonable restrictions on the use of the site without an adequate resource management reason, and did not provide an adequate resource consent approach to reverse sensitivity issues.

- **No objectives or special purpose zone, with a Mixed Use Zone**

This alternative would be to not have a special purpose zone, but to extend the Mixed Use Zone so that it covers the subject land. The objectives of the zone provide for a mix of activities which can include marina facilities. Due to the broad range of activities provided for in the zone, this approach would support future re-use of the site.

The alternative is not proposed, as it does not adequately recognise the unique issues for the site.

# 8 Evaluation of Policies and Rules

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## 8.1 Background

- (72) Policies and rules implement, or give effect to, the objectives of a plan.
- (73) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (74) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions.*
- (75) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*

- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

## 8.2 Notes

- (76) Quantification of the benefits and costs of provision of development capacity in general is found in the Housing and Business Development Capacity Assessment 2023. This assessment however does not cover the Seaview Marina site due to the unique constraints and opportunities being difficult to model, and the Assessment tried to adopt a consistent and simple approach that could work across the region.
- (77) Specific quantification of the other benefits and costs associated with the proposed Seaview Marina Zone chapter is not considered practical, given the moderate level of change from the operative plan, relatively low scale and significance of the issue, the ability for benefits and costs to be considered in more detail at resource consent stage, and the regional strategic significance of protecting regionally significant infrastructure.
- (78) The evidence base which has informed the preparation of the proposed Seaview Marina Zone chapters is identified in section 4.2 of this report. With consideration to this evidence base, the issues concerning industrial areas are generally long-standing and similar in other cities with significant industrial bases. The issues for the marina are likewise well-understood and can be addressed using conventional approaches. As such, there is sufficient information on which to base these provisions based on local and national experience. To the extent that any information is uncertain or insufficient, the risk of not acting may be that development capacity is imperfectly used, or adverse effects of or on marina activities are not appropriately managed.

## 8.3 Evaluation of provisions

- (79) The proposed provisions are a package of eleven policies and a suite of rules in the three categories of Buildings and Structures, Land Use Activities, and General Rules. These are supported by standards.
- (80) Policies SMZ-P1 through SMZ-P5 classify land uses into:
- Enabled Activities, which obviously are enabled
  - Residential activities and other activities sensitive to industry not related to the marina. These activities are generally avoided.
  - Residential activities and other activities sensitive to industry that are associated with the marina. These activities are avoided unless they are compatible with long-term use of the site for the marina, and minimise reverse sensitivity effects for industry.
  - Commercial activities, which are managed as part of the overall approach to the commercial centres hierarchy
  - Other activities, which are managed based on reverse sensitivity factors.
- (81) The zone also has policies to manage considerations of development capacity and how land uses should be managed to make use of the limited resource of land suitable for industry (SMZ-P7).
- (82) The zone also has a suite of policies setting out urban design outcomes including the outcomes to be sought and when this is achieved through performance standards or assessment (SMZ-P8 to SMZ-P10)
- (83) Finally, the zone has a policy setting out the management of adverse effects at zone interfaces (SMZ-P11).
- (84) The rules, like all zones in the proposed plan, are divided into rules managing buildings and structures, with performance standards, rules controlling land use activities, with conditions affecting activity status in some cases, and general rules managing some specific nuisances.
- (85) Buildings and structures rules provide for permitted development where for the purpose of a permitted land use and subject to meeting standards, and a resource consent process where this is not the case.

- (86) Land use activity rules implement the policy direction for anticipated land uses.
- (87) General rules implement some remaining matters for the policy for adverse effects at zone interfaces that are not directly caused by changes to buildings and structures.

### 8.3.1 Zone purpose, development capacity, and land use activities provisions

<p><b>SMZ-P1 to SMZ-P7</b></p> <p><b>SMZ-R4 to SMZ-R23</b></p>
<p><b>Why these provisions are included in the proposed District Plan</b></p>
<p>These provisions implement objectives SMZ-O1 to SMZ-O3.</p> <p>The policies outline the purposes of the zones, classify land use activities based on their type and effects and management approach, and provide guidance for deciding whether and under what circumstances different land uses are provided for in the zone.</p> <p>The package of rules implements the policies by providing for land use activities that are permitted or require resource consent.</p>
<p><b>Efficiency and effectiveness</b></p>
<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Control of reverse sensitivity issues assists in providing and protecting sufficient industrial land capacity, a territorial authority function under the Act, and protects regionally significant infrastructure in line with regional direction.</li> <li>• Classification of land uses provides certainty to plan users.</li> <li>• Supports continued operation of the marina.</li> <li>• Enables economic growth and for communities to provide for their well-being through providing for commercial activity and employment.</li> <li>• Provision for supermarkets will assist competition in the grocery sector and access to food.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>• Potential for less efficient land use, particularly in the short term, if discouraged land uses are the only ones that can viably use the space.</li> </ul>

- Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.

**Overall assessment**

The provisions are effective in implementing the outcomes expressed in the objectives. Providing for marina activities, supporting activities, and other activities in the same or nearby areas may in some circumstances lead to conflicting outcomes. The provisions provide guidance as to how resource consent applications may resolve tension between these outcomes.

The benefits of protecting dedicated industrial land and regionally significant infrastructure are expected to exceed the costs, and is consistent with national and regional direction. These benefits and costs can be considered in further detail when proposals for developments are proposed based on then-existing market conditions and the latest Housing and Business Development Capacity Assessment figures.

**Reasonably practicable alternatives**

No alternatives were considered to implement the objectives, although alternative objectives were considered (see section 7).

### 8.3.2 Buildings and design provisions

**SMZ-P8 to SMZ-P10**

**SMZ-R1 to SMZ-R3**

**Why these provisions are included in the proposed District Plan**

These provisions implement objectives SMZ-O4 and SMZ-O5. The provisions aim to encourage building to be designed to further the aims of the plan to create a well-functioning urban environment that suits the needs of employees and visitors, as well as protecting the capacity of the land and buildings to meet future marina needs. These are then implemented through rules that require compliance with permitted activity standards, and building and performance standards to ensure minimum outcomes are achieved. Non-statutory design guides are also provided for, which can provide further information on how to achieve good urban design outcomes. Alternatively, applicants can provide their own evidence about how the outcomes are achieved.

This is a new introduction for the site, which did not have detailed urban design outcomes set out in the Special Recreation Activity Area.

However, this is consistent with the proposed approach in residential and commercial zones, which is most similar to the approach of the operative plan's residential chapters. This approach is to clearly link standards to the plan's intended outcomes.

### **Efficiency and effectiveness**

#### **Benefits**

- Enhances the appearance and functionality of the public realm and public-facing parts of developments.
- Protects privacy, daylight, and sunlight to sensitive and public places.
- Protects privacy, daylight, and sunlight to neighbouring residential areas.
- Promotes aesthetic value of new developments.
- Protects the marina and capacity for marine industry by discouraging developments that would indefinitely remove land from being suitable for marina and industrial purposes.
- Provides clear guidance for what is relevant in resource consent applications.
- Objective standards lower compliance costs.

#### **Costs**

- Compliance costs and increased cost of buildings.
- Potential less efficient use of land, especially in the short term if there are vacancies.
- Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.

#### **Overall assessment**

The provisions are effective in implementing the outcomes expressed in the objectives. Providing for the desired urban design and industrial development capacity outcomes while managing effects on the environment may in some circumstances lead to conflicting outcomes. The provisions provide guidance as to how resource consent applications may resolve tension between these outcomes.

### **Reasonably practicable alternatives**

- **Discretionary assessment for all new buildings**  
Council discarded this option as having excessive compliance costs.
- **Permitted activity standards with no or minimal guidance**  
Council discarded this option as lacking clarity for plan users.
- **Design guide in the plan**  
Council discarded this option as being hard to enforce and lacking clarity for plan users.

- **Resource consent not required for buildings even if resource consent required for land use activity**  
Council discarded this option as unrealistic given the links between land use and building design.

### 8.3.3 Nuisances provisions

<p><b>SMZ-P11</b></p> <p><b>SMZ-R24 and SMZ-R25</b></p>
<p><b>Why these provisions are included in the proposed District Plan</b></p>
<p>These provisions implement objective SMZ-O6.</p> <p>The policy outlines the purpose of the standards, and provides guidance for matters to consider when assessing applications under the rules.</p>
<p><b>Efficiency and effectiveness</b></p>
<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Manages adverse effects on amenity values that might otherwise affect neighbouring residential and open space areas.</li> <li>• Clearly identifies types of effects (visual, noise) which need to be managed.</li> <li>• Tailored standards for different areas and situations provide greater protection where needed without requiring assessment where not needed.</li> <li>• Provides objective standards that, for most sites, can be implemented without needing consent or complicated designs, and can be enforced using resources routinely available to council.</li> <li>• Resource consent process limited to relevant effects.</li> </ul> <p><b>Costs</b></p> <ul style="list-style-type: none"> <li>• Compliance costs for industrial users, including potential less efficient scheduling of servicing.</li> <li>• Enforcement costs for Council.</li> <li>• Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.</li> </ul> <p><b>Overall assessment</b></p> <p>The provisions are effective in implementing the outcomes expressed in the objectives. Controlling the appearance of servicing areas and</p>

controlling servicing hours enhances amenity values for nearby non-industrial areas, particularly residents.

#### **Reasonably practicable alternatives**

- **Control dust and odour as well**  
Council considered a “belts and braces” approach of duplicating regional council controls on dust and odour in a manner similar to the operative plan but discarded this approach as being too difficult to enforce with Council’s available functions and powers.
- **No controls**  
Council discarded the option of no controls as it thought the benefits of more flexible land use were outweighed by the impacts on affected residents.

## 9 Summary

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(88) This report, including the evaluation, has been prepared to set the context for the Seaview Marina Zone chapter of the proposed District Plan. The evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposed chapter, having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. In summary, the evaluation demonstrates that this proposal is the most appropriate option as it:

- Is consistent with the requirements of the National Planning Standards,
- Enables the continuation and potential expansion of marina facilities, supporting the economic and social wellbeing of people and communities both in Lower Hutt and the wider Wellington region,
- Manages reverse sensitivity issues, and
- Manages the effects of built development and activities, with particular regard to interfaces with adjoining zones.