Section 42A Officer's Report

Hearing Stream 2:	Business
Subjects:	Commercial and Mixed Use Zones Contaminated Land and Hazardous Substances **Industrial Zones and the Seaview Marina Zone** (this report)
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Report Date:	23 April 2026 *This report was updated on 29 April to correct the contents page, hearings dates, and add page numbers*
Date of Hearing:	25 – 29 May 2026

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2 Introduction

2.1 Purpose and Scope

(1) This is the section 42A Officer's Report for the Industrial Zones and the Seaview Marina Zone of the Proposed Lower Hutt District Plan (the PDP).

(2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:

- Assist the Hearing Panel in making their recommendations on the submissions and further submissions on the Industrial Zones and Seaview Marina Zone chapters of the PDP, and
- Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer for these chapters, and the reporting officer's recommendations to the Hearing Panel on the decisions requested.

(3) This report considers submissions/further submissions received by Council on the Industrial Zones and Seaview Marina Zone chapters of the PDP, definitions of the Definitions chapter that primarily relate to Industrial Zones and the Seaview Marina Zone, and strategic direction UDSD-O14 (Industrial and business activities), and concludes with the officer's recommendations with respect to decisions requested by submitters on these parts of the PDP.

(4) The Hearing Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information provided to them, including evidence provided to them by submitters.

2.2 Author

(5) My full name is Stephen Davis. I am a Senior Policy Planner in the Policy Planning team at Hutt City Council (the Council).

(6) I hold the qualifications of Bachelor of Science from Victoria University of Wellington, and Master of Urban Planning (Professional) from the

University of Auckland. I am an intermediate member of the New Zealand Planning Institute.

(7) I have approximately seven years' experience in planning and resource management roles in local government, covering this district plan review, previous council-initiated and private plan changes, monitoring, and compliance.

(8) I have been involved in the District Plan Review since 2020, including working on the Industrial Zones, Commercial and Mixed Use Zones, Seaview Marina Zone, Light, Noise, and Temporary Activities chapters, the urban design approach (cross-zone), and the maps, including their associated s32 reports. I also helped prepare and was lead reporting officer on the Council's Intensification Planning Instrument/Plan Change 56 (2022-23), which previously implemented most of those parts of the District Plan Review relating to Policies 3 and 4 of the National Policy Statement on Urban Development.

(9) I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and will follow it when I give any oral evidence.

(10) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

(11) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.3 Supporting evidence

(12) Other than the s32 evaluation reports for these chapters, there are no additional supporting documents or evidence specific for this report. I do

reference other existing publicly available reports[1] and I have processed and analysed some existing council records (e.g. GIS maps and ratings data), which will be shown in the body of the report.

2.4 Glossary and abbreviations

Term or abbreviation	Meaning
AUP	Auckland Unitary Plan
FENZ	Fire and Emergency New Zealand
The Fuel Companies	The joint submission of BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd[2].
GIS	Geographic Information System
GIZ	General Industrial Zone
HBA	Housing and Business Development Capacity Assessment
HCC	Hutt City Council
HIRB	Height in Relation to Boundary
HIZ	Heavy Industrial Zone
LIZ	Light Industrial Zone
MPHRCIS	Manor Park and Haywards Residents Community Incorporated Society
ODP	Operative District Plan
PDP	Proposed District Plan
RMA or 'the Act'	Resource Management Act 1991
RPS	Regional Policy Statement for the RPS
SMZ	Seaview Marina Zone

[1] Which will be footnoted like so.
[2] Note that Z Energy Ltd also made a separate individual submission.

2.5 Procedural issues

2.5.1 Conferencing and minutes

(13) The reporting officer for the Hazardous Substances topic, Hamish Wesney, and I met with representatives of two submitters, Seaview Marina Ltd (343) and the Fuel Companies (471), on 9 April 2026, to discuss and clarify issues relating their submissions on the Seaview Marina Zone and Hazardous Substances chapters. For most matters raised in submissions on the Seaview Marina Zone, these are the only two submitters.

(14) No joint position on any issue was reached between the submitters or between any submitter and the reporting officers.

2.5.2 Scope and validity

(15) Some submissions seek changes to the plan that in themselves would be invalid – for example, by violating the National Planning Standards. I have discussed these in their relevant topics, and they should be considered to the extent that the broader aims of the submission might be achieved by some other means.

2.5.3 Assignment of submissions to hearings streams and topics

(16) Submitters and their individual submission points have been covered in this report where:

- They explicitly seek changes to provisions in the Industrial Zones and Seaview Marina Zone chapters, or strategic direction UDSD-O14,
- They explicitly seek changes to maps linked to the chapters,
- They explicitly seek changes to definitions mostly used in these chapters, or whose issues would mostly impact these chapters,
- They seek broad relief and mainly reference or relate to the chapters,
- They seek broad relief and are more closely linked with these chapters than others, or

- They seek broad relief and have no other obvious topic/hearing stream they better sit within. For such submissions reporting officers have attempted to group them with the aim of reducing duplication and the number of hearing streams a particular submitter would be involved in.

(17) Some submission points cover broad, cross-plan issues, especially structural issues, and may be covered both in this report and other topics.

(18) For this report, submissions are divided into points on the Industrial Zones, the Seaview Marina Zone, and Definitions that are primarily relevant to the Industrial Zones and Seaview Marina Zone.

(19) This report should be read alongside the other reports for this hearing stream:

- Commercial and Mixed Use Zones, and
- Contaminated Land and Hazardous Substances.

2.5.4 Submissions about Benmore Crescent

(20) Some submitters made submissions on provisions in the General Industrial Zone and related definitions, with a particular interest in a site in Benmore Crescent, Manor Park. This site is zoned General Rural in the notified Proposed District Plan (PDP), but submitters argue both for and against a rezoning to General Industrial Zone or possibly another zone, and then as a consequence, make submissions on provisions in the Industrial Zones that seek to manage issues specific to the Benmore Crescent site *should* it be rezoned.

(21) In general, the s42A reports for the PDP will deal with submissions for rezonings in the hearing stream relating to the zone the site was proposed to be in the plan, e.g. a request to rezone from Rural to Industrial will be covered in the s42A report for Rural Zones. However, given the number of submissions on this specific site, there will be a standalone hearing stream for the Benmore Crescent site.

(22) In general, regardless of the decisions on the Benmore Crescent site, there are site-specific issues, and if the site is rezoned to an industrial zone, any provisions to resolve site-specific issues should be contained in a site-specific precinct.

(23) Accordingly, I will not consider specific issues around the Benmore Crescent site in this report. If the panel responsible for the Benmore Crescent site recommends that the site be rezoned to an industrial zone, I recommend any site-specific provisions be designed as a site-specific precinct. This can then be inserted into the industrial zone using the standard structure of the PDP (where precincts override selected provisions of the underlying zone) without needing to reopen issues relating to the remainder of the zone outside Manor Park.

2.5.5 Integration with the Operative District Plan

(24) For the Industrial Zones and Seaview Marina Zones there are no notable issues for integration with the remaining parts of the Operative District Plan (ODP). The non-withdrawn provisions of the PDP will replace in full the General Business, Special Business, and Avalon Business Activity Area chapters and related definitions, and replace the Seaview Marina section of the Special Recreation Activity Area. There are no significant cross-references to withdrawn chapters.

2.6 Statutory and Policy Context

(25) The broader context of statutory considerations and national and regional direction remains as set out in the s32 report for the chapter. While there was a significant package of new and updated national direction in January 2026, most of it is either not relevant to the Industrial Zones or Seaview Marina Zone or would be implemented through district-wide chapters.

(26) The sole relevant new national direction instrument is the National Policy Statement for Infrastructure (NPS-I), which importantly for this zone, includes some land use activities as “additional infrastructure” with supportive objectives and policies. This is relevant to some submission points on waste management facilities, although at a high level I think the plan as proposed already gives effect, or allows resource consents to give effect, to the objectives and policies that support or enable additional infrastructure. This issue will be considered in more detail in the Infrastructure topic in hearing stream #6.

(27) The NPS-I also contains policy direction relevant to the protection of the oil terminals. I think this policy direction is chiefly relevant to the Hazardous Substances chapter and is in any case largely compatible with existing direction around regionally significant infrastructure in the RPS.

(28) Large parts of Change 1 to the Regional Policy Statement have taken legal effect due to the settling of outstanding appeals. This does not substantially change the issues at play in the Industrial Zones and Seaview Marina Zone.

3 Cross-topic resource management issues

(29) Some issues cut across numerous provisions in the chapters for this topic in the plan, and submitters have presented either a package of requested changes or different submitters have raised the same issue in multiple contexts. I will consider some of these overall issues before trying to apply these submissions to individual provisions.

3.1 Reverse sensitivity

(30) Z Energy (468), Enviro NZ (323), and the Fuel Companies (471) each make a number of submission points seeking changes to provisions that mention "reverse sensitivity". Winstone Wallboards (31) is generally in support of the relevant provisions as notified.

(31) Those submitters, along with the Telecommunication Companies (311), Pork Industry Board (341), NZTA (385), NZDF (404), KiwiRail (442), Clarus (474), and Transpower (504) seek substantial changes to the definition of reverse sensitivity.

(32) As an issue that cuts across more of the plan than just the Industrial Zones and Seaview Marina Zone, I give a wider discussion of reverse sensitivity in relation to the definition, in section 7.1.3.

(33) The plan's main goal in using this concept is to achieve one of the most fundamental traditional city planning goals, which is to separate incompatible land uses[3], in the context of the RMA's framework of considering effects and being enabling by default.

[3] While not of direct relevance to the present hearing, it is also worth noting that the Planning Bill, in the version currently before the select committee, continues not to define a concept of reverse sensitivity. Rather, it would rather rely on the framing of the "separation of incompatible activities". Whether or not the Planning Bill proceeds in this form (or at all), I think it is worth also considering this more traditional and accessible framing of the issue.

(34) In general, if a nuisance activity would cause adverse effects on a sensitive activity, our starting point is that those effects should be avoided, remedied, or mitigated.

(35) However, the plan recognises that sometimes:

- A nuisance activity has significant benefits that would be lost if the activity is not enabled, and
- The nuisance activity is not capable of fully avoiding, remedying, or mitigating its own effects, within a relatively large buffer of itself, and
- It would be impractical to insist that the nuisance activity internalise its effects completely, and
- Of the plausible, reasonable activities that might be neighbours to the nuisance activity, some but not others are sensitive to its effects.

(36) The plan's major scenarios for this are regionally significant infrastructure, noisy commercial centres, and industrial activities. In all cases, the plan is worried about both existing activities *and potential future activities* – either the nuisance or the sensitive activity might arrive first. The plan only provides for this approach for some activities – some infrastructure or land uses simply do not have sufficient benefits or national and regional direction to justify a reverse sensitivity approach.

(37) Once one has decided to take a reverse sensitivity approach, the management options here are:

- Avoid, remedy, or mitigate the effects (in scope of the RMA) of the nuisance activity to the degree possible, and comply with any other legal requirements for non-RMA effects. This is always the first step – if there are no remaining unacceptable adverse effects, the process is done.
- Remedy or mitigate adverse effects through managing the sensitive activities (e.g. limits on hours of operation, requiring noise insulation).
- Avoid any remaining effects through avoiding any sensitive activities in places that would be subject to those effects.

(38) Some combination of those three approaches needs to be taken until the remaining RMA effects are acceptable and non-RMA effects are compliant with their legal requirements.

(39) It is worth noting that reverse sensitivity is not caused by "complaints", as posited in the Enviro NZ submission (323). Complaints are *evidence* that adverse effects are happening, but they are not themselves an effect. Reverse sensitivity is thus not managed by restricting complaints. While the operator of a nuisance activity might see the world in terms of their activity being threatened by complaints, from the perspective of the council, public, and environment generally, this is a confusing, unhelpful framing.

(40) For the proposed Heavy and General Industrial Zones, the provisions for the zones generally set out:

- The main purpose of the zone is to provide for industrial activities and various other supporting and compatible activities
- To enable the ongoing operation of these activities, and protect development capacity for future industrial activities, there are limits on establishing new sensitive activities. This does not mean no such activities can establish but they need to meet one of a variety of tests that mean they have a good reason to locate in that zone.
- Activities in the zone are generally expected to produce, and tolerate, industrial levels of noise and other amenity values, and effects will be acceptable in the industrial zone that would not necessarily be acceptable in other zones.

(41) The Council has not proposed an approach of avoiding all sensitive activities, or avoiding all reverse sensitivity. I do not think it is reasonable to do so. In some cases, the more efficient approach and an approach consistent with the framework of the RMA, is for nuisance activities to avoid, remedy, or mitigate their effects to the point those effects are acceptable. In some cases, nuisance activities will simply not be appropriate in the location or in the form proposed. Thus, I do not recommend accepting submission points to the effect that all reverse sensitivity should be avoided – some qualifier, such as "significant" or "unreasonable" is needed.

(42) One common theme from submitters on the definition of reverse sensitivity is a desire to restrict the concept to only sensitive activities moving in next to already existing nuisances. Given that the policy framework for the two situations is different and other plans have not used the term for both situations, I agree that the term should be limited to that situation, and alternative language used for the protection of development capacity for future nuisance activities. I will discuss how to implement this further in the definition of "reverse sensitivity", in section 7.1.3.

3.2 Urban design

(43) The approach to urban design in the Industrial Zones forms the same structural approach as in the other urban zones with urban design objectives – an objective (LIZ-O4, GIZ-O4, HIZ-O4) that sets out the general planned character and urban built environment for the zone, and then a package of three policies (LIZ-P9/LIZ-P10/LIZ-P11, GIZ-P9/GIZ-P10/GIZ-P11, HIZ-P8/HIZ-P9/HIZ-P10) which set out, respectively:

- Outcomes that are met through the use of standards, with discretionary assessment only where the standards are not met,
- Outcomes that are met through a discretionary assessment in general, although they may or may not apply in different circumstances, and
- Which methods and effects should not be considered in these assessments[4].

(44) Council's intent is, once it has made decisions on submissions on the plan, to develop urban design guidance that sits outside the plan as an optional resource for applicants. This guidance would be developed and updated over time in response to experience applying the plan and monitoring the plan's outcomes. To provide this guidance in a cost-effective manner, it is beneficial for different zones to use identical

[4] These exceptions should be considered in light of the history of urban design in predecessor plans, and as Council seeking a conscious departure from those previous approaches. They are likely of greater relevance to residential zones, although for the sake of plan usability this policy is consistent across the zones.

language wherever possible so that references and examples can be provided just once for a single outcome, even if it is sought in multiple zones. It will also assist plan users for provisions in the plan that are in scope of this guidance to have names reflecting that it is part of the overall urban design approach.

(45) No submitters sought changes to the industrial objectives for character and the planned built environment – most submission points were in relation to the policies, with a few addressing the rule structure.

(46) Submitters did seek changes to the equivalent Seaview Marina objective which I will discuss in that specific provision.

(47) For industrial activities in the industrial zones, or marina activities in the Seaview Marina Zone, the urban design outcomes only apply through standards. There is no general-purpose urban design assessment for industrial activities that meet the standards. Several submission points oppose aspects of the policies clearly under the impression that this assessment would apply to industrial activities, and so for the purpose of this report I assume this clarification will satisfy the concerns of submitters.

(48) Other submitters oppose aspects of the urban design policies because they would apply to non-industrial activities and thus would potentially be seen as encouraging those activities. I consider generally in section 5.2.2 the issue of how much each of the industrial zones should enable non-industrial activities and I consider that, as every zone does provide for at least some non-industrial activities, that the built form effects of those developments should be covered by the urban design policies.

(49) Urban Edge Planning (449) has made a related series of submission points across the urban design provisions in most zones. For the most part I will address these cross-zone points in the Commercial and Mixed Use Zones s42A report, which as proposed has the widest-ranging urban design provisions. This report includes external urban design advice and I will incorporate cross-zone recommendations from that report in provisions here.

(50) Urban Edge Planning (449) and Seaview Marina Ltd (343, F14.6, F14.7, F14.8, F14.9, F14.10) also seek to delete the "exclusions" policy in each zone[5], either replacing it with notes on the other policies, or entirely.

(51) During the preparation of the draft plan and proposed plan Council tested a wide variety of structural options for the urban design policies, including a single urban design policy, two policies with notes, and the three-policy option. The draft plan had a single-policy approach. Feedback from Council's consents planners was that this made the policy complex to reference and were generally in favour of the three-policy option, which reduced repetition and made cross-references easier to follow. It also allows the wording to be identical across different zones with otherwise different outcomes, which will reduce the complexity of future design guidance.

(52) As these submission points often present a range of planning issues, I will discuss them at the provision level as well.

[5] LIZ-P11, GIZ-P11, HIZ-P10, and SMZ-P10

4 Strategic Directions

4.1 Chapter Summary

(53) As discussed in the s42A report for Hearing Stream 1 – Opening, most strategic direction will be discussed in the report for the topic most relevant to that particular strategic direction. That report also has a broader discussion of the role and intent of the strategic directions as a whole.

(54) One strategic direction objective is primarily relevant to the Industrial Zones and Seaview Marina Zone: UDSD-O14[6] (Industrial and Business Activities).

4.2 Discussion of submissions and recommendations

(55) Wellington Regional Council (452.30) and the Fuel Companies (471.91) support the objective as notified.

(56) The Petone Historical Society (496.14) do not seek a substantial change to the objective but seek it be rephrased along the lines of "Recognise that industrial and business activities…" or "Enable industrial and business activities to…".

(57) This provision is an objective, and therefore describes a desired end state or outcome to be achieved. Verbs like "recognise" or "enable" describe regulatory actions on the part of the plan, which are more appropriately used in policies that give effect to achieving objectives. In the PDP, this distinction is applied consistently. For example, GIZ-P1 begins with "Enable industrial activities…" while GIZ-P6 uses "Recognise General Industrial areas…" reflecting their role in implementing the outcomes described in

[6] This provision should have been numbered SD-UD-O14 to meet the National Planning Standards. See the s42A report for Hearing Stream 1 – Opening for a discussion and recommendation on actioning that numbering. For continuity I will refer to the provision using the non-compliant notified reference, as this is what is used in submissions and the summary of submissions.

the objectives rather than defining those outcomes themselves. The other industrial and commercial zones have similar policies.

(58) All of the strategic directions in the PDP are objectives. There are no proposed strategic direction policies and no submission points explicitly seek any. The National Planning Standards do provide that a Strategic Direction chapter can include policies, but not if "those policies are better located in other more specific chapters"[7].

(59) In this case, the direction sought by the Petone Historical Society is already more appropriately and effectively addressed through the objectives and policies of the relevant zone chapters.

(60) Accordingly, I think that the language in UDSD-O14 itself is appropriate as notified, and the general thrust of the submitters' relief is already captured in the language used in individual zone policies, and so recommend no changes.

[7] National Planning Standards s7.1(c)

5 Industrial Zones

5.1 Chapter Summary

(61) The Industrial Zones chapter includes a suite of three zones, Heavy Industrial, General Industrial, and Light Industrial. These work together as a package – the zones are written in the same structure and use the same language by default, with differences only where the policy intent of zones differs.

(62) Accordingly, I have considered submissions across the zones as a whole, and submitters have often, logically, made the same submission point on equivalent provisions in each of the three zones. I will therefore frequently refer back to previous equivalent provisions rather than repeat the discussion in all three zones.

5.2 Overall resource management issues

5.2.1 Balance of industrial and non-industrial activities

(63) Z Energy (468), Enviro NZ (323), and the Fuel Companies (471) each make a number of related submissions on the three industrial zones that would overall have the effect of limiting the purpose of the zones more closely to only providing for industrial activities and making it more difficult to conduct non-industrial activities. Other submitters make narrower points that relate to this issue, e.g. Bunnings (173) and Oyster Management (272).

(64) The balance between industrial and non-industrial activities is a core management issue for the Industrial Zones. It requires weighing several competing factors, including industrial development capacity, agglomeration benefits, for the efficient use of scarce land, and the application of an effects-based approach.

The land use choices

(65) From the introduction to the General Industrial Zone, I note that the Council's intent for the zone is that the "*zone protects the scarce land dedicated to those industries that need to be separated from sensitive activities*", and that "*[t]he demand for industrial activities is likely to fluctuate over time. However, retaining industrial land capacity is a long-term interest of the city. Accordingly, while other land uses may be suitable in the zone, this is managed to avoid permanent losses of industrial land capacity, or creating substantial sunk investments in buildings and facilities not suitable for industrial and research activities*."

(66) The Light Industrial and Heavy Industrial Zones express similar intents, although with slightly different wording to reflect a different weighting of industrial and non-industrial uses and role of each zone. The Light Industrial Zone places greater emphasis on land uses activities with co-location benefits, while the Heavy Industrial Zone is intended to accommodate industrial activities with potentially significant adverse effects on sensitive activities.

(67) I believe this is an appropriate and necessary objective for the city. The Act[8], the NPS-UD[9], and the RPS[10] each give providing development capacity for business as a goal, and to substantively give effect to that, the development capacity needs to not just exist in a quantitative sense, but be appropriate for the particular activities that will use that development capacity. Industrial activitiesoften generate adverse effects that are difficult to fully mitigate or internalise, and provide for their ongoing operation and capacity for future development, therefore requires careful management of activities that enabled within and adjacent to industrial areas.

(68) Accordingly, each industrial zone needs to balance three types of activities, with a different balance in each zone:

[8] See s31(1)(aa), Resource Management Act 1991
[9] See particularly Policies 1(d) and 6(b) and implementation clause 3.3, National Policy Statement on Urban Development
[10] See particularly RPS Objective 22 and Policy 32

- Industrial activities (and similar) that are the main purpose of the zone,
- Sensitive activities that are not compatible with the effects of industrial activity, and
- A third category of activities that are not industrial activities but are still compatible with industrial activities. This may include an activity which may typically be incompatible with industrial activities, but where the specific location, scale, design or other operational characteristics of the activity ensures its compatibility.

(69) The Council needs to provide for this third category so that land not immediately required for industrial purposes can be used efficiently and effectively in the interim before it is needed for industrial purposes, in line with the Council's duty to use scarce resources (land) efficiently, and to provide for reasonable use of land.

(70) The Council also needs to provide for some sensitive activities where these advance the overall objectives of the zone or have a functional or operational need to be located there. In addition, some industrial activities may themselves be sensitive to effects of other industrial activities (e.g. employees at one business will be at risk of safety hazards created by another).

(71) The central question is where to set this balance. The ODP applying to these areas has a much more liberal approach to land uses in the zones (which largely correspond to the operative General Business, Special Business, and Avalon Business Activity Areas of the operative plan). The PDP already represents a significant shift in the direction of prioritising industrial activity and protecting industrial development capacity. There is, in my view, a substantial risk in going further in restricting non-industrial activities would result in land being effectively sterilised for development as too few viable land use options would remain for many sites.

Industrial development capacity

(72) Under s31(aa) of the RMA, for the purpose of giving effect to the RMA in Lower Hutt, the Council has the function of the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of *business land* to meet the expected demands of Lower Hutt.

(73) In a similar vein, policy 2 of the National Policy Statement on Urban Development 2020 requires the Council (and other Tier 1, 2, and 3 local authorities), at all times, to provide at least sufficient development capacity to meet expected demand for business land over the short term, medium term, and long term.

(74) Quantifying the issue, the Council's 2023 Housing and Business Development Capacity Assessment[11] ("HBA") models that, including a competitiveness margin, the city will face demand by 2052 for an additional 1.93 million m² of business floorspace, of which 0.81 million m² is industrial[12]. There is no significant greenfield opportunity for expansion of industrial areas in Lower Hutt[13]. Modelling shows that this demand could be met through a combination of intensification and redevelopment of existing urban land. While the HBA modelling shows that demand could theoretically be met through intensification alone, this outcome assumes a level of intensification that many industrial activities are unlikely to be capable of achieving in practice. Industrial land uses often require large footprints, yard space, and operational separation, and are generally less amenable to intensification than other forms of business activity. By contrast, many non-industrial businesses can locate in other commercial zones, or in some cases (e.g. education and health) have their own designations and special-purpose zones providing development capacity.

(75) The HBA assesses industrial development capacity with two bounding scenarios. One models floorspace supply assuming intensification is limited only by planning provisions and infrastructure availability. The other models, land area supply assuming floor-area ratios remain fixed for the lifetime of the HBA[14] at levels that largely reflect existing land use patterns, effectively assuming no intensification is possible. Both scenarios represent the theoretical extremes. However, for industrial land, and

[11] See https://wrlc.org.nz/our-projects/regional-housing-and-business-development-capacity-assessment/
[12] See https://wrlc.org.nz/assets/Documents/Documents/2025/09/HBA3-CHAPTER-3-Hutt-City_16.02.24.pdf, page 23.
[13] See the Greenfield Development Areas Assessment included with the s32 reports, https://hccpublicdocs.azurewebsites.net/api/download/d764466f20cf454ba1010adf695ed15f/_dplanreview/d457273e2962d464660af64a2f4b814dd2d
[14] At time of writing, the fifth HBA is still being produced, but will take a more nuanced intermediate view. If this has been released in time for the hearing, I can provide an update at that time.

drawing on feedback from industry captured through the HBA process, I consider that actual outcomes are likely to be closer to the latter scenario. Under that scenario, the HBA identifies additional industrial land demand of 1.56 million m² (156 ha).

(76) However, one factor that the HBA methodology does not explicitly take into account for is the potential for existing land use within industrial zones to be transition over time from non-industrial uses, as opposed to intensification of existing land uses. While such change is likely to be a slow process, it does have significant potential over the 30-year horizon of the HBA and will be influenced by land prices, which would be expected to increase in the event of a shortage. Currently, a significant fraction of land area in the industrial zones is used[15] by non-industrial activities, as shown by HCC land use data in the table below:

Table 1

Land Use Activity	**LIZ**	**GIZ**	**HIZ**	**Total**
Industrial	23.7 ha	93.3 ha	102.2 ha	219.3 ha
Commercial (Wholesale)	2.9 ha	8.5 ha	0.9 ha	12.4 ha
Total – PDP Anticipated Land Uses	**26.7 ha (52%)**	**101.9 ha (62%)**	**103.1 ha (79%)**	**231.7 ha (67%)**
Commercial (Other)	3.2 ha	8.1 ha	1.4 ha	12.7 ha
Residential	1.5 ha	6.8 ha	0.1 ha	8.5 ha

[15] These figures do not include currently untenanted floorspace, although this only accounts for 0.3% of all floorspace.

Land Use Activity	LIZ	GIZ	HIZ	Total
Total – PDP Discouraged Land Uses	**4.7 ha (9.2%)**	**15.0 ha (9.2%)**	**1.5 ha (1.2%)**	**21.2 ha (6.2%)**
Multi-use and other[16]	19.4 ha	46.7 ha	25.3 ha	91.4 ha
Total in-use industrial zoned land	**50.8 ha**	**163.5 ha**	**129.9 ha**	**344.2 ha**
Vacant	*17.4 ha*	*15.3 ha*	*8.0 ha*	*40.7 ha*

(Individual figures may not add perfectly to totals due to rounding).

(77) Redevelopment of standalone land uses that are discouraged in the Industrial Zones of the PDP accordingly has the theoretical potential to provide up to 21.2 hectares or 14% of the additional industrial land demand (development capacity) identified in the HBA. In addition, there is potential for industrial activities to occupy a larger fraction of existing multi-use sites over time. If we assume that multi-use sites were to transition towards a similar industrial-to-non-industrial ratio as single use sites, this could represent the equivalent of a further 7 hectares.

(78) Of currently vacant industrial land within the Industrial Zones, the large majority is likely undevelopable due to designations, significant slopes, or other permanent physical constraints. Over half of the vacant land is accounted for by three steep sites in the Eastern Hills that are not realistically capable of development. Nevertheless, some of the vacant land is likely to be developable. Ensuring that this land is primarily

[16] Includes unknown land uses, land used for multiple purposes (which is typically a situation anticipated by proposed zone provisions), and a variety of other miscellaneous uses such as infrastructure and carparking whose suitability for the zone is largely a consequence of other land uses.

available for industrial activities, rather than being taken up by a broad range of non-industrial uses, has the potential to provide a modest but meaningful contribution to meeting future industrial land demand.

Agglomeration benefits of providing development capacity in Lower Hutt

(79) The shortfall of industrial land is a regional issue and it will not be possible for all of the demand allocated to Lower Hutt in the HBA to be met solely in this district. The Council, in partnership with other councils in the region, has an ongoing program to identify suitable new industrial land[17], but as the HBA notes[18]:

> *Lower Hutt is the largest centre of industrial employment in the region. This existing strength creates its own demand, as the benefits from locating near other firms attract more demand.*

(80) This statement reflects the role of agglomeration effects in shaping both current and future industrial land demand.

(81) There are significant agglomeration benefits from providing as much of Lower Hutt's industrial development capacity as practicable within Lower Hutt, by enabling businesses to locate close to other complementary suppliers, customers, skilled labour, and shared infrastructure. These benefits increase productivity, reduce transport and transaction costs, and reinforce Lower Hutt's role as a regional industrial hub.

(82) For the Light Industrial Zone in particular, there is limited additional value in restricting sensitive activities within the zone as the zone is generally in close proximity to residential areas or other areas with sensitive activities regardless of the zone's internal policy. The zone is designed to provide for industrial activities capable of internalising their effects to a level that is reasonable for sensitive activities which knowingly locate in or next to an industrial area.

[17] See https://wrlc.org.nz/assets/Documents/2025/08/Industrial-Land-Study_Final-Report_Draft-2-201224.pdf
[18] See https://wrlc.org.nz/assets/Documents/Documents/2025/09/Appendix-3.1-Demand-for-business-land-in-the-Wellington-Horowhenua-region-Report-by-Sense-Partners.pdf, page 5.

Conclusion

(83) For these reasons, including the agglomeration benefits associated with maintaining a critical mass of industrial activity in Lower Hutt, I recommend not making any significant changes to the overall strategic balance of industrial and non-industrial activities in the Industrial Zones at this time, absent more detailed quantitative evidence. I address the submitters' concerns in relation to specific provisions below, and in some cases think this issue is worth discussing at the individual provision level.

5.2.2 Development capacity and supermarkets

(84) The PDP includes an approach in the Industrial Zones of providing more supportive policy direction for supermarkets. Some submitters sought that the policy direction be less supportive, particularly Enviro NZ (323), Z Energy (468), and the Fuel Companies (471).

(85) The different treatment for supermarkets is based on their unique development capacity requirements, as the only form of large-format retail that primarily serves a local catchment, and thus cannot rely on development capacity only in the main commercial centres. While supermarkets are a form of large-format retail, their potential adverse effects on the centres hierarchy are generally more limited compared to those of destination-oriented retail activities, as they do not typically attract a city-wide or region-wide customer base. At the same time, as a discrete and relatively well-defined category of land use, supermarkets pose a more constrained risk to industrial development capacity than other non-industrial activities. Demand for supermarkets is much less than the potential demand for other activities that might use up potential industrial land.

(86) This does not affect the other, non-development capacity issues related to supermarkets as a commercial activity in the industrial zones.

5.2.3 Servicing hours

(87) Enviro NZ (323), Z Energy (468), and the Fuel Companies (471) each submit on some or all of the policies and rules (LIZ-P12 and R24, GIZ-P12 and R24,

HIZ-P11 and R23) that cover servicing where it might affect residences and other activities sensitive to noise during the night.

(88) The policies each seek to "Manage activities to mitigate adverse effects on other zones by … [r]estricting servicing hours near boundaries with Residential Zones, Mixed Use Zones, Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones".

(89) The rules provide for servicing as a permitted activity unless that servicing is within 40 metres of a relevant site **and** occurs between 10pm and 7am. Locations farther away from the zone boundary can operate 24/7. Locations within the zone buffer can still have servicing 15 hours a day, 7 days a week.

(90) These rules work in conjunction with the rules in the Noise chapter and NOISE-APP1, the relevant parts of which are now beyond contest for residential zones as no submissions were received in opposition, or requesting amendments, to these parts of the PDP. These set noise limits of 45 dB $L_{Aeq\ (15min)}$ and 75 dB L_{AFmax}, for noise emitted in industrial zones and received in residential zones. Servicing within 40 metres of the site boundary is likely (although not guaranteed) to breach this standard regardless. For the Mixed Use Zone this limit is 55 dB $L_{Aeq\ (15min)}$ (and subject to a live submission point seeking 65 dB) which is more practical for some types of servicing to meet although still likely to be breached by, for example, collecting a rubbish skip outdoors.

(91) The key purpose of the servicing hours rule in the Industrial Zones is to provide a more practical enforcement option for behaviour that is highly likely to breach the NOISE-APP1 limits without needing to measure the noise at the time it occurs, in the middle of the night. It will encourage industrial land users[19] to consider servicing requirements early before locking in site layouts, work shifts, or long-term servicing contracts that are likely to lead to the need for abatement in the future.

(92) In addition, the servicing controls are narrowly targeted to address predictable night-time noise effects at sensitive interfaces such as zone

[19] And commercial land users, for the equivalent provisions in commercial zones.

boundaries with the Residential Zones, while preserving operational flexibility for the large majority of industrial sites.

(93) The HCC GIS team has extracted property data and compared it to the zone boundaries in the PDP, to understand and quantify the scale of affected sites:

Table 2

Zone		Whole site within 40m	Part site within 40m	None of site within 40m	Total
Heavy Industrial	Site count		8	216	224
	Property area inside buffer		16,784 m²		
	Property area outside buffer		220,321 m²	1,249,109m²	
	Site count%		4%	96%	
General Industrial	Site count	39	280	497	816
	Property area inside buffer	19,653 m²	302,308 m²		
	Property area outside buffer		977,479 m²	765,930 m²	
	Site count%	5%	34%	61%	
Light Industrial	Site count	72	163	123	358
	Property area inside buffer	62,314 m²	183,946 m²		
	Property area		336,361 m²	127,355 m²	

Zone		Whole site within 40m	Part site within 40m	None of site within 40m	Total
	outside buffer				
	Site count%	20%	46%	34%	

(94) Based on this GIS analysis, 100% of Heavy Industrial zoned sites, 95% of General Industrial zoned sites, and 80% of Light Industrial zoned sites have at least part of their site outside the 40m buffer and so are likely to have a location for 24/7 servicing. Typically, only a small fraction of partly covered sites is within the buffer where the servicing hours rule applies.

(95) In summary, the proposed servicing provisions provide a targeted and proportionate means of managing predictable night-time noise effects at sensitive zone interfaces. The restrictions apply only in limited circumstances where non-compliance with noise standards is most likely, while the majority of industrial sites retain practical opportunities for 24-hour servicing. The rules complement the Noise chapter, improve regulatory certainty and enforceability, and encourage early consideration of servicing layouts and operations. On this basis, I recommend retaining the limits on servicing hours as notified.

5.3 Discussion of submissions and recommendations

(96) This section is a discussion of the submission points on the Industrial Zones chapter, with my recommendations on decisions requested by submitters on this chapter.

(97) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Industrial Zones s32 report.

(98) For submissions that primarily relate to one of the key wide-ranging resource management issues in section 2.6, I will usually refer back to my overall recommendation rather than considering each point separately.

(99) Many provisions are identical across the three zones, and some submitters have made the same points on them, although not necessarily all submitters. For the sake of brevity and consistency I will usually discuss these points on first appearance, except where they have interaction with other submission points.

5.3.1 Provisions not in dispute

(100) The following provisions only have submissions in support, with no changes sought:

Objectives

- **LIZ-O3 (Provision of industrial spaces)** – supported by Argosy (237.40).
- **LIZ-O4 (Planned character and planned urban built environment of the zone)** – supported by Argosy (237.40), Z Energy (468.29), and the Fuel Companies (471.233).
- **LIZ-O5 (Character – main through routes)** – supported by Argosy (237.40), Z Energy (468.30), and the Fuel Companies (471.234).
- **LIZ-O6 (Adverse effects)** – supported by Argosy (237.40), Z Energy (468.31), and the Fuel Companies (471.235).
- **GIZ-O3 (Provision of industrial spaces)** – supported by Argosy (237.40), Enviro NZ (323.75), Z Energy (468.51), and the Fuel Companies (471.255).
- **GIZ-O4 (Planned character and planned urban built environment of the zone)** – supported by Beernink and McCallum (303.23), Z Energy (468.52), and the Fuel Companies (471.256).
- **GIZ-O6 (Adverse effects)** - supported by Z Energy (468.53) and the Fuel Companies (471.257).

- **HIZ-O1 (Purpose of the zone)** – supported by Enviro NZ[20] (323.96), Winstone Wallboards (31.2), Z Energy (468.68), and the Fuel Companies (471.273).
- **HIZ-O3 (Provision of industrial spaces)** – supported by Winstone Wallboards (31.4), Argosy (237.40), and Enviro NZ (323.98).
- **HIZ-O4 (Planned character and planned urban built environment of the zone)** – supported by Winstone Wallboards (31.5), Enviro NZ (323.99), Z Energy (468.70), and the Fuel Companies (471.275).
- **HIZ-O5 (Planned character – main through routes)** – supported by Winstone Wallboards (31.6).
- **HIZ-O6 (Adverse effects)** – supported by Winstone Wallboards (31.7), Z Energy (468.71) and the Fuel Companies (471.276).

Policies

- **GIZ-P8 (Development capacity)** – supported by Enviro NZ (323.80)
- **HIZ-P1 (Enabled activities)** – supported by Winstone Wallboards (31.8) and Enviro NZ (323.100).
- **HIZ-P4 (Existing activities)** – supported by Winstone Wallboards (31.11) and Enviro NZ (323.103).
- **HIZ-P7 (Development capacity)** – supported by Winstone Wallboards (31.14) and Enviro NZ (323.106)

Rules – Buildings and Structures

- **LIZ-R1 (Repair and maintenance of buildings and structures)** – supported by Z Energy (468.40) and the Fuel Companies (471.244).
- **LIZ-R2 (Demolition or removal of buildings and structures)** – supported by Z Energy (468.41) and the Fuel Companies (471.245).
- **GIZ-R1 (Repair and maintenance of buildings and structures)** – supported by Z Energy (468.61), Oyster Management (272.72), and the Fuel Companies (471.266).

[20] Note that this submission point while accurate in the original submission is unfortunately mislabelled in the summary of submissions as being about HIZ-P1.

- **GIZ-R2 (Demolition or removal of buildings and structures)** – supported by Z Energy (468.62), Oyster Management (272.73), and the Fuel Companies (471.267).
- **HIZ-R1 (Repair and maintenance of buildings and structures)** – supported by Z Energy (468.79) and the Fuel Companies (471.283)
- **HIZ-R2 (Demolition of removal of buildings and structures)** – supported by Z Energy (468.80) and the Fuel Companies (471.284)

Rules – Land use activities

- **LIZ-R4 (Industrial activities, other than heavy industrial activities)** – supported by Waste Management (461.19)
- **LIZ-R6 (Trade and industrial training facilities)** – supported by Ministry of Education (399.117).
- **LIZ-R12 (Service stations, including ancillary retail activities)** – supported by Z Energy (468.43) and the Fuel Companies (471.247).
- **GIZ-R4 (Industrial activities, other than heavy industrial activities)** – supported by Oyster Management (272.75) and Waste Management (461.17).
- **GIZ-R12 (Service stations, including ancillary retail activities)** – supported by Z Energy (468.64) and the Fuel Companies (471.269).
- **GIZ-R19 (Residential activities)** – supported by Enviro NZ (323.93).
- **HIZ-R4 (Industrial activities, other than heavy industrial activities)** – supported conditionally[21] by Waste Management (461.20) and by the Fuel Companies (471.286).
- **HIZ-R10 (Grocery stores and supermarkets)** – supported by the Fuel Companies (471.287)

[21] This relief is subject to Waste Management's relief seeking that waste management facilities be included in the definition of industrial activity. As waste management facilities *are* included within the definition already, and the definition is a National Planning Standards definition that cannot be changed, this conditionality is moot. However, waste management facilities are not covered by the rule because waste management facilities also fall within the definition of a heavy industrial activity, which the rule does not cover. The substance of the submitter's relief needs to be addressed in the definition of heavy industrial activity and their submission points on the Infrastructure chapter, which are discussed in section 7.1.3 and will be addressed further in the reports for Rural Zones and the Infrastructure chapter in future hearings streams.

- **HIZ-R11 (Food and beverage activities)** - supported by the Fuel Companies (471.288)
- **HIZ-R12 (Service stations, including ancillary retail)** – supported in part by Z Energy (468.82) and the Fuel Companies (471.289).
- **HIZ-R18 (Commercial recreation activities)** – supported by the Fuel Companies (471.291).
- **HIZ-R19 (Early childhood education activities)** – supported by the Fuel Companies (471.292).
- **HIZ-R20 (Residential activities)** – supported by the Fuel Companies (471.293).

Standards

- **LIZ-S1 (Height)** – supported by Argosy Property No. 1 (237.45).
- **GIZ-S1 (Height)** – supported by Oyster Management (272.76) and Te Kārearea/Rosco Ice Cream (447.10b, F40.6).
- **HIZ-S1 (Height)** – supported by Winstone Wallboards (31.21) and Argosy Property No. 1 (237.57).
- **HIZ-S2 (Height in relation to boundary – adjoining zones)** – supported by Winstone Wallboards (31.22).
- **HIZ-S3 (Height in relation to boundary – Owhiti Urupā)** – supported by Winstone Wallboards (31.23).
- **HIZ-S5 (Setbacks – Owhiti Urupā)** – supported by Winstone Wallboards (31.25)
- **HIZ-S6 (Overlooking – Adjoining zones)** – supported by Winstone Wallboards (31.26)

Zone maps

- **General Industrial Zone** at
    - 33 Bouverie Street, Petone, supported by Foodstuffs (239.42)
    - 1 Hautonga Street, Petone, supported by Andrew Cromie (184.2)

- 14 Hautonga Street, Petone, supported by Baldwin Asphalts (197.2)
- 41 Hautonga Street, Petone, supported by Delarente (100.2)
- 1 Hollands Crescent, Naenae, supported by Bunnings (173.13)
- 30 Hollands Crescent, Naenae, supported by Z Energy (468.9a)
- 140 Hutt Road, Petone, supported by Adrian Palmer Family Trust (315.5c)
- 6 Regent Street (aka 85 Fitzgerald Street), Petone, supported by Adrian Palmer Family Trust (315.5a)
- 11 Seaview Road, Seaview, supported by Z Energy (468.5a)
- 29 Udy Street, Petone, supported by Adrian Palmer Family Trust (315.5b)
- 75 Wainui Road, Waiwhetū, supported by Oyster Management (272.71)
- 6 Waione Street, Petone, supported by Timothy Boyd (234.2) and NRG Holdings (436.3)
- 10 Waione Street, Petone, supported by Creative Insight (274.4)
- 14 Waione Street, Petone, supported by JH Legacy (169.2)
- 34 Waione Street, Petone, supported by Waione Property Management (109.2)
- 38-44 Waione Street, Petone, supported by Waione Street Properties (417.2)
- 50-54 Waione Street, Petone, supported by Mark Hardy (294.2)
- 56 Waione Street, Petone, supported by Chris Turnbull (187.2)
- 58 Waione Street, Petone, supported by Robert Barton (212.2)

- **Heavy Industrial Zone** at
  - 19 Barnes Street, supported by Argosy Property (237.48)

- 21 Meachen Street, supported by Adrian Palmer Family Trust (315.1e)
- 57-59 Port Road, supported by Waste Management (461.4, conditional)
- 27 Seaview Road, supported by Waste Management (461.5, conditional)
- 55-59 Seaview Road, supported by Z Energy (468.2a)
- 58 Seaview Road, supported by Z Energy (468.4a)
- 59 Seaview Road, supported by Z Energy (468.3a)
- 9 Toop Street, supported by Adrian Palmer Family Trust (315.1a)
- 6 Wareham Place, supported by Adrian Palmer Family Trust (315.1b)
- 10 Wareham Place, supported by Adrian Palmer Family Trust (315.1c)

(101) As these points are all thus beyond contention, they all should be accepted.

(102) Where other provisions in the chapter are not listed in this report, they did not receive provision-specific submissions.

5.3.2 Introduction and general

(103) Clarus (474.67, 474.68, 474.69) supports all three zone chapters in their entirety, Wellington Water (422.17) supports the Heavy Industrial Zone text in its entirety, and Argosy (237.47) supports the General Industrial Zone text in its entirety.

(104) Argosy (237.39, 237.51) also supports the introductions for the Light Industrial and Heavy Industrial zones, and (237.42, 237.43, 237.44, 237.54, 237.55, 237.56, 237.58) the Light Industrial and Heavy Industrial rules and Heavy Industrial standards.

(105) Subject to the detailed discussion of individual provisions and amendments recommended below, I recommend accepting these points.

Further submission of the Manor Park and Haywards Residential Community Incorporated Society

(106) The Manor Park and Haywards Residents Community Incorporated Society (MPHRCIS) made a further submission (F10) in opposition to the entirety of the submission of Te Kārearea/Rosco Ice Cream (447). This was summarised as one submission point for each point in the original submission, although the reasons given are not specific to each original submission point and do not have much relevance to the overall issues of the definitions or Industrial Zones outside the context of a site in Benmore Crescent, Manor Park. That site is zoned General Rural in the proposed plan and is the subject of its own hearing stream and s42A report, where the MPHRCIS submission will be discussed further. I will accordingly not discuss these further submission points (F10.3, F10.4, F10.5, F10.31, F10.32, F10.34, F10.37, F10.44, F10.45, F10.46, F10.47, F10.48, F10.49, F10.50) each time I mention the Te Kārearea/Rosco Ice Cream submission outside of the context of Manor Park.

References to emergency facilities

(107) FENZ seeks that "emergency facilities" be renamed to "emergency service facilities" throughout the industrial zones, for consistency with the definition in the plan and references in other chapters (374.122, 374.123, 374.124, 374.126, 374.127, 374.128, 374.132). There are no further submissions on these points and no other original submissions that meaningfully conflict with this request. I agree with FENZ for the reasons given in their submission and recommend making these changes, which I will not discuss individually. Aside from this issue, this also means the following provisions are not otherwise in dispute:

- **LIZ-P1 (Enabled activities)** – also otherwise supported by Ministry of Education (399.115)
- **LIZ-R7 (Emergency service facilities)** – also otherwise supported by Argosy (237.42)
- **GIZ-P1 (Enabled activities)** – also otherwise supported by Ministry of Education (399.120).

- **GIZ-R7 (Emergency service facilities)** – no other provision-specific submissions.
- **HIZ-R7 (Emergency service facilities)** – also otherwise supported by Argosy (237.55).

Reference to reverse sensitivity effects

(108) The Policy Planning Team (440.3) seek to replace references to "reverse sensitivity effects" to just "reverse sensitivity" across the plan for consistency. I agree this improves the consistency of the plan and recommend making this change across the Industrial Zones.

5.3.3 Invalid and unclear

(109) Winstone Wallboards (31.19, 31.28) supported policies "HIZ-P1-P12 as notified" and standards "HIZ-S1-S8" as notified. Unlike the other two industrial zones which do have 12 policies, there are only 11 policies in the Heavy Industrial Zone and so no HIZ-P12[22]. There are also 7 standards rather than 8. I have assumed their support is for all 11 extant policies and all 7 extant standards.

5.3.4 Use of zones

(110) The Adrian Palmer Family Trust (315.30) seeks that the Light Industrial and General Industrial Zones be consolidated into a single zone. The submitter does not give specific reasons. They do not explicitly state which zone's provisions they wish to be used but prefer that the combined zone be the General Industrial Zone. I have assumed they prefer the provisions of the General Industrial Zone (subject to their other submission points).

(111) There are significant differences in policy approach between the zones, particularly around amenity values, development capacity, and providing for non-industrial activities. The reasoning for these differences is set out in the section 32 report and discussed further in section 5.2.1 of this report.

[22] The Heavy Industrial Zone combines what in the other two zones are separate policies on "enabled activities" and "heavy industrial activities".

(112) While there are no further submissions on this point, it would conflict with the large number of submissions supportive of the zoning for individual sites in the General Industrial and Light Industrial Zones (see section 5.3.1).

(113) Given that there is no reason given for this requested relief I recommend rejecting it. If the submitter wishes to pursue this point, they should consider providing reasons in the hearing.

(114) This relief also conflicts with alternative relief sought by the submitter, who also seeks the retention of the Light Industrial Zone in relation to specific sites which are not otherwise in dispute.

(115) This means that the following submissions relating to support for the Light Industrial Zone applied to specific sites are not otherwise in dispute:

Light Industrial Zone at

- 411-413 Cuba Street, Alicetown, supported by Adrian Palmer Family Trust (315.4b)
- 453 Hutt Road, Alicetown, supported by Z Energy (468.1a)
- 1/65 Marsden Street, Melling, supported by Adrian Palmer Family Trust (315.4a)
- 39 Randwick Road, Moera, supported by Argosy Property (237.38)

5.3.5 Objectives

LIZ-O1 (Purpose of zone)

(116) This objective is supported by Argosy (237.40).

(117) The objective is supported in part by Z Energy (468.27) and the Fuel Companies (471.231), who both seek rewording to remove references to commercial, community, and government activities not appropriately located in centres, and add a test that activities "not compromise" the function of the zone for light industry.

(118) As covered in my overall discussion on the appropriate balance between industrial and non-industrial activities in the Industrial Zones (see section 5.2.2), I consider that the objective as notified strikes the appropriate balance for the Light Industrial Zone. The changes sought by Z Energy and the Fuel Companies would materially narrow the scope of activities

anticipated in the zone, and for that reason I do not recommend any changes to LIZ-O1.

LIZ-O2 (Activities in zone)

(119) Argosy (237.40) and the Ministry of Education (399.114) support the objective.

(120) Enviro NZ (323.71) opposes the objective, seeking the deletion of clauses 4(iii), (iv), and (v) as providing for activities that might not be compatible with industrial activities and so raise reverse sensitivity issues.

(121) Z Energy (468.28) and the Fuel Companies (471.232) support the objective in part but seek the test in clause (4) be reworded to put more emphasis on reverse sensitivity and remove other parts of the test on compatibility that relate to operational and functional needs, the co-location benefits of activities and whether activities are suitable in other zones.

(122) As covered in my overall discussion on these issues in sections 5.2.2 (on the balance between industrial and non-industrial activities in industrial zones) and 3.1 (on reverse sensitivity), I do not recommend any changes here.

(123) FENZ (374.122) supports the objective in part, seeking that "emergency facilities" be changed to "emergency service facilities" on the grounds of consistency.

(124) I agree with FENZ that this change would improve consistency.

GIZ-O1 (Purpose of zone)

(125) This objective is supported in part by Ron Beernink and Glenda McCallum (303.22), Z Energy (468.49), and the Fuel Companies (471.253), and opposed by Enviro NZ (323.73), all of whom seek specific changes.

(126) Beernink and McCallum seek greater provision for residential activities in the zone, considering that there is scope to add residential above existing businesses and in brownfield sites.

(127) Z Energy and the Fuel Companies seek that the policy is reworded to remove references to commercial activities and the test for those commercial activities' effects on amenity values or co-location benefits.

(128) Enviro NZ has a similar point with different wording and also seeks to remove the word "primarily".

(129) As covered in my overall discussion on this issue in section 5.2.2 (on the balance between industrial and non-industrial activities in industrial zones), I do not recommend any changes here.

GIZ-O2 (Activities in zone)

(130) The Ministry of Education (399.119) supports the objective.

(131) Enviro NZ (323.74), Z Energy (468.50), and the Fuel Companies (471.254) oppose the objective and each seek a variety of language changes that in general tighten the test for non-industrial activities in the zone.

(132) As covered in my overall discussion on this issue in section 5.2.2 (on the balance between industrial and non-industrial activities in industrial zones), I do not recommend any changes to this.

(133) FENZ (374.126) supports the objective in part, seeking that "emergency facilities" be changed to "emergency service facilities" on the grounds of consistency.

(134) I agree with FENZ and recommend that the chapter should use the language of "emergency service facilities" for consistency with the remainder of the plan.

GIZ-O5 (Character – main through routes)

(135) Beernink and McCallum (303.24) seek that the objective be modified to state that the industrial area should be accessible from arterial routes and not use access roads from residential areas.

(136) Council's control over the routes used by heavy vehicles is mostly only indirect through the RMA. This is affected by the choice of which areas to zone as industrial as this will affect which routes are seen as attractive to and from the sites. It does have some more direct control through controlling the location and use of vehicle crossings. I think the issue raised by submitters is adequately addressed through the proposed policies and rules of the Transport chapter, particularly the test in TR-P3 (Potentially incompatible activities and transport facilities) that vehicle crossings and other transport facilities "…are consistent with the planned

outcomes in relation to character and amenity of the zones and precincts in which they are located".

(137) The Council also ultimately has direct control over roads as road controlling authority and can restrict routes for heavy vehicle traffic via bylaws if necessary.

(138) If the panel is nonetheless of a mind to accept this point, I also think this proposal would work better as a standalone objective rather than as part of GIZ-O5, as this is a separate issue to the question of the character of the roads that are actually within the industrial zones.

(139) For these reasons, I do not recommend amending GIZ-O5. The matters raised by the submitters relate primarily to the management of vehicle access and routing, which are more appropriately and effectively addressed through the Transport chapter and the Council's functions as road controlling authority. Amending a zone character objective to direct traffic movements would blur the distinction between land-use planning and transport network management and would introduce unnecessary duplication and ambiguity. The objective as notified appropriately focuses on the character of main through routes within the zone itself and should be retained without modification.

HIZ-O2 (Activities in zone)

(140) Winstone Wallboards (31.3), Argosy (237.52) and FENZ (374.130) support the objective.

(141) Enviro NZ (323.97), Z Energy (468.69), and the Fuel Companies (471.274) largely support the objective but seek the word "unreasonable" be removed from 1(c) and 3(c): "Do not create ~~unreasonable~~ reverse sensitivity effects…". This would have the effect of requiring all reverse sensitivity to be avoided.

(142) I do not support that approach. As evaluated earlier in this report in section 3.1, reverse sensitivity is a policy tool intended to separate incompatible land uses only where adverse effects caused by existing nuisance activities cannot practicably be avoided, remedied, or mitigated by those activities themselves. Retaining the word "unreasonable" reflects that reverse sensitivity should not be applied absolutely or

mechanistically, but only after other effects management options have been exhausted.

(143) This is particularly important in the Heavy Industrial Zone, where the policy framework already strongly favours industrial activities and places stringent restrictions on activities that are sensitive to industry. Removing the qualifier would risk over-correcting, including capturing minor or internalised interactions between industrial activities themselves, which would be neither practical nor consistent with the effects-based framework of the RMA.

(144) I therefore consider that the objective as notified appropriately signals the intended, constrained use of reverse sensitivity, and I recommend rejecting the proposed amendments.

(145) The Fuel Companies (471.274) also submit that they are unclear about the difference between the use of the phrase "other activities" in clauses 2 and 3. While they have not provided specific wording changes and I am not recommending any, I will note that the term means the same thing in both clauses: "other activities" means the activities not referred to in clause 1, industrial activities and research activities. Clauses 2 and 3 relate to the same group of activities but provide two alternative tests those activities could meet.

(146) The submitter may wish to suggest alternative wording through the hearing.

5.3.6 Policies

LIZ-P2 (Residential activities and other activities sensitive to industry)

(147) This policy is supported by the Ministry of Education (399.116).

(148) Enviro NZ (323.72) oppose the policy without giving reasons.

(149) Z Energy (468.32) and the Fuel Companies (471.236) seek to change the structure of the policy from "Provide for new residential activities where…" to "Avoid new residential activities unless…" and add a qualifier of "Where these activities are not avoided" to the arm of the policy requiring that

residential activities and other sensitive activities manage reverse sensitive activities.

(150) In response to the submission point of Enviro NZ, without having the submitter's reasons for the opposition, or any requested amendments, I am unable to respond.

(151) In response to the submission points of Z Energy and the Fuel Companies, I do not agree with inserting a qualifier such as "where residential activities are not avoided". The policy does not otherwise adopt an avoidance framework for residential activities, and if avoidance were intended, the policy would need to clearly specify the circumstances in which residential activities should be avoided. Further, the use of "avoid" is not appropriate for the Light Industrial Zone, which deliberately anticipates and provides for some residential activity, subject to appropriate controls. The treatment of residential activities is instead set out through the integrated policy framework for the zone, including "provide for…where" in LIZ-P2.1, "manage…to mitigate" in LIZ-P2.4, "provide for…while" in LIZ-P5, and "managing…to ensure" in LIZ-P8.

(152) Overall, I consider that LIZ-P2 as notified appropriately gives effect to the intended role of the Light Industrial Zone, which deliberately provides for a limited range of residential and other sensitive activities where compatibility can be demonstrated. The changes sought by Z Energy and the Fuel Companies would shift the policy toward a general presumption of avoidance, materially altering the zone's purpose and reducing the differentiation between the Light Industrial and the other industrial zones. For these reasons, and having regard to the integrated policy framework that already manages residential activity in the zone, I recommend that LIZ-P2 be retained as notified.

LIZ-P4 (Other potentially incompatible activities)

(153) Z Energy (468.33) and the Fuel Companies (471.237) both seek the same rewrite of Policy LIZ-P4 (the tracked changes content of these submission points do not accurately reflect the policy of the PDP as notified - where this is the case, I have highlighted the missing content in [red and square brackets]:

LIZ-P4 Other potentially incompatible activities

~~*Avoid*~~ *Provide for commercial and community activities where* ~~*unless they*~~*:*

1. Are ancillary to a permitted activity and support the purpose of the zone, or

~~*2. Primarily serve the immediate area within the zone, or*~~

3. Have ~~*similar*~~ *adverse effects and requirements of a nature and scale that is compatible with the* ~~*to industrial activities that mean they are [better] located in*~~ *a Light Industrial Zone* ~~*than in a commercial centre*~~ *(for example, vehicle-oriented businesses, trade supply retail activities and yard-based retail activities), or*

~~*4. Primarily serve surrounding suburbs but a suitable available site is unlikely to be available for the activity in a commercial centre (for example, supermarkets)*~~ *Are of a nature and scale that does not undermine the hierarchy of Centres, or*

5. Have appreciable co-location benefits with existing industrial activities or research activities in an Industrial Zone; ~~*and*~~*.*

~~*[6.] When these activities are not avoided, they are*~~ *Are managed to avoid* ~~*significant*~~ *reverse sensitivity issues for industry.*

(154) I address the key elements of the requested amendments below.:

(155) As with the submitters' proposed changes to LIZ-P2, I do not consider that reframing LIZ-P4 from a "provide for where" policy direction to an "avoid unless" policy direction would result in any substantive improvement in policy outcomes. The notified policy already sets clear and constrained circumstances in which potentially incompatible activities may establish, and the requested restructuring would primarily change drafting rather than effect.

(156) Clause 2 of the policy, on providing for activities that serve the immediately surrounding area, provides for the sorts of services and amenities that keep light industrial areas an attractive location for businesses and employees generally. These locally serving activities can provide functional and amenity benefits while having limited impact on

industrial development capacity, and I recommend that this clause should remain as notified.

(157) The requested amendments to clause 3 of the policy do not clearly reflect the intent of the notified text of the policy. In particular, the notified wording requires a comparative assessment as to whether an activity is "better located" in the Light Industrial Zone than in a commercial centre, reflecting a deliberate weighing-up between alternative locations. It is unclear whether the submitters intend to remove or modify this comparative test, and no reasons are provided explaining how the proposed wording would improve the policy outcome. In the absence of such justification, I do not recommend accepting this change. the submitters may want to expand on this at the hearing.

(158) The requested changes to clause 4 would fundamentally change the meaning of the policy from managing land uses that result in the loss of industrial land capacity to a policy of managing effects on the centres hierarchy. That issue is addressed elsewhere in the plan through specific centres-related objectives and policies. As no reasons are given specific to this change, I do not recommend accepting this point.

(159) Finally, the change to move the text around managing reverse sensitivity into clause 5 would solely have the effect that the management of reverse sensitivity no longer applies to activities anticipated in clauses 1-4. This change would undermine the integrated structure of LIZ-P4, which is intended to ensure that all potentially incompatible activities manage reverse sensitivity appropriately. I do not consider this outcome to be desirable, and I do not recommend the change.

(160) Accordingly, I do not recommend any changes to the policy.

LIZ-P5 (Existing activities)

(161) Z Energy (468.34) and the Fuel Companies (471.238) seek to alter the policy by adding "Provide for the ongoing operation and maintenance of existing activities…".

(162) This provides stronger policy support for the permitted activity status of maintenance in LIZ-R1 and aligns with the objectives and so I recommend accepting this change.

LIZ-P6 (Role in network of commercial and industrial areas)

(163) Z Energy (468.35) and the Fuel Companies (471.239) seek to replace the policy, which relates to providing for commercial activities that are not suitable for commercial areas, with a different policy that would seek to limit commercial activities that would undermine the centres hierarchy.

(164) There are two major reasons given for this, similar across both submissions. First, the submitters contend that the suitability of the activity in the commercial zone should be addresses in the policies of the commercial zones.

(165) This is a purely structural question. The general approach of the Council in the location of provisions is set out in the General Approach chapter, which sets out that:

> *Objectives and policies in zone chapters apply to all activities, but are generally implemented through rules in their own chapter, or policies and rules in other chapters that specifically refer to the zone in question. However, you may need to refer to other zones when a policy within the zone your activity takes place in calls for it, for example, if a policy refers to the planned amenity values of neighbouring zones, you would look at the objectives and policies of those neighbouring zones to determine what amenity values are planned.*

(166) This supports the general design of the plan that plan users should be able to find relevant provisions for a proposed activity by looking at chapters that relate to their proposed activity and the activity's proposed location, rather than having provisions be organised by the types of other activities and other locations an activity may have effects on. It also allows more efficient functioning of the e-plan software in that users can be given a "filtered" plan with only relevant provisions to a specific site and activity, as required by the national planning standards.

(167) This does not mean that plan users never need to refer to other zone chapters, but if they are, they should be directed to by a provision in the zone their proposal is located in.

(168) As this policy is aimed at proposals for activities in the Light Industrial Zone, it accordingly should remain in the Light Industrial Zone.

(169) The second contention of the submissions is that this duplicates the centres hierarchy in LIZ-P7.

(170) I disagree. This is a separate issue to the centres hierarchy, which relates to supporting the co-location benefits of commercial activities in commercial centres, such as making more efficient use of the transport network and getting more value out of Council's investments in the public realm.

(171) LIZ-P6, on the other hand, is about providing a test for whether it is appropriate for non-industrial land uses to occupy the limited space reserved for industrial land uses. The core of this test is whether those non-industrial land uses could be located elsewhere or not, and is aimed at managing the scarce resource of land suitable for industrial activities.

(172) Accordingly, I do not recommend accepting this request to replace the policy.

LIZ-P9 (Urban design outcomes (by meeting standard or assessment))

(173) Urban Edge Planning (449.33, 449.36, 449.39) seek that:

- the title be altered to "built form outcomes" or "character and amenity",
- that outcome LIZ-P9.2 be altered to replace "pedestrian safety, comfort, dignity, and amenity" with "pedestrian safety and accessibility", and
- to remove references to ensuring adequate daylight and replace with sunlight.

(174) Z Energy (468.36) and the Fuel Companies (471.240) seek to add "functional and operational needs" to the second paragraph of the chapeau of the policy, setting out situations where the outcomes might not be met.

(175) The submitters also made similar points on the equivalent policies in the Commercial and Mixed Use Zones, and the broader discussion of urban

design in the relevant section 42A report, and the attached external urban design evidence, can provide additional context. I will however also cover the key points here.

(176) I consider that altering the title would harm plan usability by making the linkages between the objectives, policies, rules, and future design guidance harder to decipher for no obvious benefit.

(177) I believe that pedestrian comfort, dignity and amenity are worthwhile outcomes for the urban design policy, although the word "dignity" could be replaced with a clearer alternative and I suggest doing so to align with the recommended language for commercial zones. The objective seeks that the zone is a part of the urban environment that "is healthy, safe, attractive, and accessible" and "has good access within the Light Industrial 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" [emphasis added]. Council seeks to ensure that employees and visitors can commute and make other day to day trips through active transport, and this includes workers and visitors in industrial job centres.

(178) Accessibility is a minimum requirement here, and primarily met through the Transport chapter and building code, and for non-industrial activities, through the discretionary outcomes in LIZ-P10. However, this is a low bar, and industrial built environments in the city today start from a point of being hostile in design to pedestrians and cyclists. The design language of industrial workplaces tends to prioritise and celebrate visitors arriving by car while making begrudging provision for pedestrians and cyclists. A site that can only be accessed through a driveway, for example, not just exposes pedestrians to danger from moving vehicles but also sends the message pedestrians aren't wanted. Pedestrian entranceways that are poorly marked or go through service areas send the message casual visitors are not intended to use them. These outcomes can be fixed without significant expense through good design.

(179) However, this outcome is only minimally advanced through the standards in the zone – only LIZ-S5 applies to this outcome, and in practice just through the limitation on vehicle crossings on the Industrial Main Through Route Frontage Overlay. There is an indirect link through the Transport

chapter standards on vehicle crossings. Accordingly, there is no ability to implement the outcome through standards and so I recommend limiting the comfort, dignity, and amenity parts of the outcome to only the discretionary assessment for non-industrial activities in LIZ-P10[23]. I do not recommend adding "accessibility" as it is not relevant to standard LIZ-S5.

(180) I agree that measuring and assessing daylight without some sort of metric is too vague an outcome to meet through the standards attached to the policy, and recommend removing the reference to daylight and keeping only sunlight (which can be determined with reference to the height and setback standards, etc).

(181) With regard to functional and operational needs, these concepts are defined in the plan as relating to "the need for [an activity] to … locate … in a particular environment". The permitted activities in the zone do not need to justify locating in the Industrial Zones in the first place and so I think this is not a relevant consideration. To the extent that the particular needs of an activity may limit the ability to comply with the standards, that is covered through the existing language of "specific existing site constraints" or "other unusual factors".

(182) Accordingly, my overall recommendation is to alter the policy as follows:

> *Built development is managed to achieve the outcomes in this policy through either meeting the relevant performance standards, or an alternative approach demonstrated in a resource consent when the relevant performance standards are not met.*
> *Where specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical.*
> *The outcomes are:*

[23] This would make the LIZ-P10 inconsistent with my recommended amendments to the equivalents in the commercial zone. In principle I would also support making the equivalent changes to LIZ-P10 but I do not think there is scope within submissions to do so. If any submitters have an alternative view on scope they may wish to present this at the hearing.

1. Vehicle parking and loading areas, accessways, and garages are designed to provide for pedestrian safety, ~~comfort, dignity, and amenity~~.

2. The form and scale of development contributes to visual amenity in public space.

3. The form and scale of development protects access to sunlight ~~and daylight~~ in well-used streets and public spaces.

4. Ensure adequate privacy for activities sensitive to privacy intrusion, on the site and on adjacent sites.

5. ~~Ensure adequate access to daylight for residential activities on adjacent residential zone sites~~ .

6. Ensure adequate access to sunlight for existing outdoor living spaces on adjacent residential zone sites, and public open space.

***Note**:*

The council will publish design guidance with examples of ways these outcomes can be achieved. This guidance does not form part of the District Plan and applicants can also demonstrate how these outcomes have been met in other ways.

LIZ-P10 (Urban design outcomes (other than industrial activities and research activities))

(183) Urban Edge Planning (449.42, 449.45, 449.46) seeks to:

- Replace references to daylight with sunlight, as they consider daylight too onerous to comply with,
- Remove the option in LIZ-P9.8.f for developments to meet the outdoor living space outcome where there is accessible and functional public open space nearby, which they consider too vague, and
- Add a qualifier of "where appropriate" to the retention of healthy and mature vegetation, citing the possibility of healthy and mature vegetation that might for example be pest species.

(184) The wording of the daylight and outdoor living space outcomes is taken from equivalent policies in the commercial zones, where they sit in the first

policy that refers to outcomes met through standards. In those zones, the policy is underpinned by specific standards.

(185) I agree with the general idea that these outcomes such as daylight access and the provision of outdoor living space can lack precision where they are not supported by specific standards. However, this same limitation applies to the submitters' proposed changes – sunlight is just as arbitrary as daylight without defined metrics such as minimum sunlight hours or a recession plane, and outdoor living space – whether provided onsite or nearby - remains inherently qualitative without standards relating to size, orientation, or usability.

(186) In the context of LIZ-P10, these outcomes are intended to be assessed through a discretionary resource consent process rather than enforced through permitted activity standards. In that context, a degree of qualitative judgment is appropriate and unavoidable. I therefore consider that the notified wording provides sufficient direction for decision-makers without implying a level of precision that the plan does not otherwise support.

(187) I agree that adding a qualifier of "where appropriate" to the retention of healthy and mature vegetation would address unintended cases such as pest species and recommend adding this qualifier:

> …
> *Retains healthy and mature vegetation, where appropriate,*
> …

(188) I also recommend giving broader effect to the relief around "pedestrian dignity" sought by the submitter on LIZ-P9 and consequentially amending this policy to align with the equivalent wording in the commercial zones:

> …
> *2. Vehicle parking and loading areas, accessways, and garages are designed to support and promote the pedestrian circulation provided for in clause (3) ~~provide for pedestrian safety, comfort, dignity, and amenity~~.*
> *3. There is quality, legible, safe, convenient, and efficient circulation for pedestrians accessing the site and people within the site.*

...

(189) Z Energy (468.37) and the Fuel Companies (471.241) seek the same relief in the chapeau as for LIZ-P9, which I recommend rejecting for the same reasons.

LIZ-P11 (Urban design outcomes (exclusions))

(190) Z Energy (468.38) and the Fuel Companies (471.242) support the policy as notified.

(191) Urban Edge Planning (449.49) seek that the exclusions should form a note to each urban design policy rather than a separate policy.

(192) I discuss this issue in section 3.2 and recommend no change.

(193) Urban Edge Planning (also 449.49) also seek to allow the consideration of modulation of building form and variation of building materials for buildings that meet the height, setback, and HIRB standards are met.

(194) Council's intention in this exclusion is to make clear that the urban design review process is not an opportunity to revisit the permitted activity standards for height, setbacks, and height in relation to boundary. The effects of buildings that comply with the standards are acceptable and their effects do not need to be mitigated.

(195) The submitter's rationale is that modulation and variation might be useful techniques to "avoid large bulky buildings that dominate residential boundaries and public spaces". Given the rule structure of the zone it would only be within the Council's discretion to consider visual amenity of public spaces if the height standard is breached in the first place – LIZ-P9.2 is only within discretion for a consent when LIZ-S1 is not met. In this case, the exclusion in LIZ-P11.d does not apply.

(196) However, modulation and variation could be useful design techniques for other purposes, such as promoting aesthetic values as set out in LIZ-P10.6.

(197) In my discussion on the equivalent submission points in the commercial zones, I do recommend making some changes to the exclusions. For consistency, I recommend adopting them here and so the policy being altered as follows:

For the avoidance of doubt, when applying the standards and urban design policies of this chapter, the following are not controlled, encouraged, anticipated as mitigation, or otherwise provided for by the plan:

…

e. Limiting the actual or perceived height, scale, or density of developments where the height, setback, site coverage, height in relation to boundary, and density standards are met~~, and~~

~~f. The use of techniques such as modulation of building form or variation of building materials to reduce the perceived scale of buildings, where the height, setback, and height in relation to boundary standards are met.~~

…

LIZ-P12 (Managing adverse effects at zone interfaces)

(198) Z Energy (468.39) and the Fuel Companies (471.243) make largely identical submissions supporting the policy in general, but seeking that the policy requiring screening of outdoor storage and work areas, and limiting servicing hours, only apply to Mixed Use Zones *if* the site in question is used for an activity sensitive to industry.

(199) This policy supports rules LIZ-R23 (Outdoor storage and work areas) and LIZ-R24 (Servicing) and the submitters also submit on those rules individually.

(200) The screening is likely beneficial for most Mixed Use Zone activities, even if they are not included in the definition of being sensitive to industry – as a primarily amenity concern this is also relevant to customers of commercial and hospitality activities for example. I thus disagree with the submission as it relates to screening and recommend rejecting it.

(201) In the case of servicing hours, while it is true that the limits on servicing hours may not be strictly necessary at a moment where no sensitive activity is present, this is not an appropriate basis for narrowing the policy, given the Mixed Use Zone's intended flexibility and the likelihood of land-use change over time. In practice, I also expect that given the city's

current development pressures, the Mixed Use Zone will overwhelmingly be used for sensitive activities, primarily residential, and thus there is a high chance any Mixed Use Zone site could be reused for a sensitive activity.

(202) To achieve the policy goals of the Mixed Use Zone and the overall goal in LIZ-P12, it is necessary to ensure that servicing does not occur from the moment the sensitive activity commences. In practice, industrial occupiers are probably not aware of the District Plan rules until it becomes an issue, and the Council's experience is that this is a type of rule that does not see a lot of proactive compliance. It would be inefficient and a long delay to rely on the new sensitive activity setting up, making a complaint to the Council, the Council serving an abatement notice, and only then for the industrial land user to start investigating how to alter their servicing plans, especially if they have contracts locked in with third party providers.

(203) I also question how common the need for night-time servicing is. At this time there is no evidence before the Hearing Panel on how common nighttime servicing is for industrial activities adjacent to Mixed Use Zones. My starting assumption is that it is relatively infrequent and the bulk of industrial land users prefer doing as much of their servicing during standard work hours as possible, but interested submitters may wish to provide evidence on this.

(204) Finally, the purpose of the policy is to back up a rule and provide guidance for resource consents where compliance is not met. It is open to industrial land users to seek resource consent for a servicing plan if it can show it will not disturb neighbours at night, or where there are no existing neighbours, that it can flexibly adapt should future neighbours arrive.

(205) I accordingly recommend rejecting these points as they relate to the policy. I make further reasoning in the context of the rules (see section 5.3.7 below).

GIZ-P2 (Residential activities and other activities sensitive to industry)

(206) The Ministry of Education (399.121) support the policy.

(207) Beernink and McCallum (303.25) seek that the policy is amended to allow for cafes that serve local businesses.

(208) I consider that this issue is better addressed in GIZ-P4, which relates to commercial activities, and that it already does so by providing that commercial activities do not need to be avoided if they "primarily serve the immediate area within the zone". This is implemented through GIZ-R11 which provides for cafes as a permitted activity up to 200m².

(209) Accordingly, I consider the submission is moot and should be accepted to the extent it is already provided for the plan.

(210) Beernink and McCallum also seek (303.26) that the policy be amended to allow for residential development above industrial premises subject to managing effects on water/wastewater, safety, carparking, and noise.

(211) Parking and three waters are handled in district wide chapters (to the extent this is managing effects of residential development on industry, rather than vice versa) and do not need to be revisited in the zone chapter.

(212) Safety is a key issue for the zone and noise a significant one. There are numerous other effects that industry can have on residential premises, including visual amenity, traffic, loading, dust, and odour.

(213) However, even with a resource consent considering these effects as well, I do not agree that it is appropriate to provide for residential activities in the General Industrial Zone. One of the key strategic purposes for the zone is to protect *future* development capacity for types of industry that are not compatible with residential neighbours. Accordingly, it is important to restrict sensitive activities such as residential, even if they are not subject to adverse effects when they establish, as future development will have an adverse effect on the residential activities when that future development arrives.

(214) The Light Industrial Zone, by contrast, is designed to provide for industry that is compatible with residential, both in neighbouring zones, and subject to managing development capacity, also within the zone for residents willing to accept the resulting amenity values.

(215) Enviro NZ (323.76) seeks to amend the policy by:

- Adding caretaker residences as an example of a residential activity that is ancillary to and supports an industrial activity (etc)

- Deleting the requirement that activities are managed to limit impacts on development capacity for industry
- Changing the policy for reverse sensitivity from "managed to minimise" to just "minimise" and including wording that would require no-complaints covenants.

(216) For the first point, I agree with the submitter that giving the example of caretaker residences would help with interpretation of the policy.

(217) For the second, this relief does not appear to be supported by the submitter's reasoning and is contrary to the general thrust of their submission. The submitter may wish to clarify this matter at the hearing, including their reasons for the requested change.

(218) As a general comment, I would suggest that it is important to control the design of buildings and patterns of subdivision, as this is a key way that industrial development capacity can be lost in connection with non-industrial land uses - residential in particular may lead to splitting up sites between a large number of owners and occupants who would be unlikely to be able to coordinate re-amalgamation of the site even if industrial becomes a higher and better use of the site in future. Sunk investment in buildings that would be inappropriate for industry (e.g. apartments, multi-storey offices) is also a risk.

(219) To the final point, I discuss the general approach to reverse sensitivity in the zones in section 3.1, which sets out why I think "manage" is a better approach than "minimise".

(220) To the specific point about no-complaints covenants, I discuss this in more detail in submission points on the definition of "reverse sensitivity" in section 7.1.3, where this arises at a more fundamental level, but in brief I do not think this is a legitimate provision for a district plan and does not address the issue.

(221) Z Energy (468.54) and the Fuel Companies (471.258) seek that the policy for reverse sensitivity be changed from "minimise" to "avoid".

(222) As with the Enviro NZ submission, I discuss the general approach to reverse sensitivity in the zones in section 3.1, which sets out why I think "manage" is a better approach than "minimise".

(223) Accordingly, I recommend the policy remain as notified, other than deleting "effects" from after "reverse sensitivity" per the recommendation in section 5.3.2.

GIZ-P3 (Heavy industrial activities)

(224) Enviro NZ (323.77) supported by the Fuel Companies (F32.14) seek that the language in the policy be reversed from "Avoid … unless" to "Allow … if".

(225) I do not consider that this change would materially alter the interpretation or application of the policy. Both formulations require a threshold test to be met before heavy industrial activities can establish, and the notified "avoid unless" structure more clearly signals that such activities warrant careful consideration given their potential effects. Reframing the policy as "allow if" would therefore be largely semantic and would not improve certainty or outcomes. Accordingly, I do not recommend accepting this amendment.

GIZ-P4 (Other potentially incompatible activities)

(226) Enviro NZ, Z Energy and the Fuel Companies submit on policy GIZ-P4, with further submissions from Bunnings.

(227) Enviro NZ (323.78), opposed by Bunnings (F18.23), seeks to amend the policy to limit the test to:

- For GIZ-P4.1, require activities to be ancillary to an industrial or research activity, rather than any permitted activity.
- For GIZ-P4.2, remove the option for activities that serve surrounding suburbs and struggle to find another site
- At the chaussure of the policy, change from activities being "managed" to avoid reverse sensitivity to being "designed", and remove the limit that the reverse sensitivity be significant.

(228) Z Energy (468.55) and the Fuel Companies (471.259) supported by Bunnings (F18.21, F18.22) seek to alter the test to:

- For GIZ-P4.2, remove the option for activities that primarily serve the immediate area within the zone

- For GIZ-P4.3, change the test for similar adverse effects and requirements to be of a "nature and scale" that is generally compatible with the zone.
- For GIZ-P4.4, as with Enviro NZ, remove the option for activities that serve surrounding suburbs and struggle to find another site
- Add a requirement[24] for being of a nature and scale that does not undermine the hierarchy of centres.
- In the chaussure, remove the requirement that reverse sensitivity be "significant".

(229) For GIZ-P4.1, I agree in part with Enviro NZ that ancillary activities should be limited to those activities enabled in the zone, and that ancillary activities for other permitted activities call into question whether the zone is suitable for the primary activity rather than being a reason to enable the ancillary activity. For policy consistency this should also apply to the other enabled activities of emergency service facilities and research activities.

(230) For GIZ-P4.2, I disagree that activities that primarily support the immediate area should not be provided for. Industrial businesses exist in a competitive market for talented and skilled workers, and as set out in the Seaview Gracefield Vision 2030, Council has a strategic interest in supporting industrial areas as an attractive place for employees. Enabling local services can help to attract people to be willing to work in what are often locations with difficult commutes that add complexity to people's lives. By limiting it to activities supporting the immediate area, it also limits the impact on industrial development capacity.

(231) For GIZ-P4.3, I am not clear on what practical effect the Z Energy/Fuel Companies' requested change would make to the application of the policy and the reasons given in the submission do not address this arm of the policy. Accordingly, I recommend rejecting it, but submitters may want to expand on their reasons for this change at the hearing.

[24] This is presented in the submission as being an alternative to the other tests, i.e. that an activity is acceptable as long as it does not undermine the centres hierarchy. Given the context of the submission I have assumed this is a drafting error and the intent was for the test to be additional, not alternative.

(232) For GIZ-P4.4, I disagree that the zone should not enable commercial activities that struggle to find alternative sites. The logic for having exclusively industrial zones is not that industrial activity is inherently more valuable than other businesses but relies on the constraints faced by industrial activities that limit the locations they can occupy. Where a commercial activity faces equivalently strong constraints, and is compatible with the industrial zone generally, it has just as strong a reason to use the protected land. Activities over the smallest scale or that need new specially designed buildings will also require a resource consent assessment that can assess their suitability for the zone.

(233) The submitters also raise that application of the policy would require assessment of "alternative options and sites in other zones". I agree that this assessment would be required – this is a good thing, and will limit the application of this arm of the policy to situations that really need it, and can justify that assessment, which will address some of the submitters' concerns.

(234) This arm of the policy is chiefly intended to cover supermarkets, which is given as the example in the body of the policy. Supermarkets are an atypical commercial activity in that they require a large footprint (for which not many sites are available) while also serving a highly local catchment and thus cannot solely locate in the City Centre and Metropolitan Centre Zones. At present the city has eight full-size supermarkets (six of which are in the City Centre and Metropolitan Centre Zones) and (depending on definition) around five mid-size supermarkets, only two of which are outside the City Centre and Metropolitan Centre zones. Even if supermarket provision grows faster than population growth and 100% of future supermarket growth is in industrial areas, this is still an extremely small fraction of industrial development capacity for a key retail sector that plays a part in almost all Lower Hutt residents' day to day lives, and does not set a precedent for other more destination-oriented types of retail.

(235) For the chaussure, with regards to reverse sensitivity I cover this issue and the reason why only significant reverse sensitivity should be considered in section 3.1.

(236) For the proposed requirement that there be a test relating to the hierarchy of centres I think this is clearly redundant given that GIZ-P7 (Support of centres hierarchy) covers this issue, and provides the appropriate test ("manage", rather than "avoid") for the significance and weight of the centres hierarchy.

(237) Accordingly, I recommend the policy remain be amended as follows (consequential amendments from broader submission points not shown) :

> *Avoid commercial and community activities unless they:*
> *1. Are ancillary to ~~a permitted activity~~ an industrial activity, research activity, or emergency service facility and support the purpose of the zone, or*
> *…*

GIZ-P5 (Existing activities)

(238) Z Energy (468.56) and the Fuel Companies (471.260) seek that a condition be added to the policy, which encourages the redevelopment of existing activities that are incompatible with the purpose of the zone, for redevelopment to be "in a manner that minimises land use compatibility and reverse sensitivity effects".

(239) This submission raises an issue that is potentially relevant to all zones that use this formula for the "Existing Activities" policy, in that it could be misinterpreted.

(240) The policy was intended by Council to encourage existing activities that are incompatible with the purpose of the zone *to be replaced with compatible activities.* By contrast with the policy in, for example, LCZ-P5, to "Provide for the ongoing operation of existing activities while managing their development to support the intended purpose and character of the zone."

(241) It might be clearer to use a formulation such as "Encourage existing activities that are incompatible with the purpose of the zone to be replaced with compatible activities". However, this is a commonly used policy across zones, applying also to the Heavy Industrial, City Centre, and Metropolitan Centre zones, where it is not subject to submissions seeking change and I think there is a greater risk from the wording being changed

in some zones and not others, thus causing an impression that this is intended to reflect a policy difference.

(242) As to the submitters' relief, as the policy already references the compatibility of activities, it would simply be redundant given that land use compatibility and reverse sensitivity issues are already covered in GIZ-P1, GIZ-P2, GIZ-P3, and GIZ-P4.

(243) I accordingly recommend the policy remain as notified.

GIZ-P6 (Role in network of commercial and industrial areas)

(244) Enviro NZ (323.79) considers the policy would apply only to very few commercial activities and seeks it be deleted.

(245) Z Energy (468.57) and the Fuel Companies (471.261) seek to reword the policy to remove the reference to co-location benefits and add a test around the effects not "[compromising] the role and purpose of [the zone]".

(246) This policy is in some ways a counterpart to GIZ-P4 and it is perhaps to a degree redundant with the tests in GIZ-P4. However, while P4 relates primarily to the impact of commercial activities on industrial activities in the zone, P6 considers the (potential beneficial) effects of the distribution of commercial activities around the city as a whole and district-wide constraints in the location of commercial activity.

(247) For Enviro NZ's point I agree that it is likely to apply to relatively few situations. However, that is not a sufficient reason to delete the policy if there are strong policy reasons for making a distinction in that case, which I consider there are.

(248) For Z Energy and the Fuel Companies, I think their concerns are better addressed in GIZ-P4 (which their submissions make similar points on) as they relate to the effects of commercial activities on industrial activities, rather than effects relating to commercial activities in themselves.

(249) Accordingly, I recommend the policy remain as notified.

GIZ-P7 (Support of centres hierarchy)

(250) Enviro NZ (323.80) seeks to replace the word "manage" with "restrict". While most of the managing under this policy will be restricting, I do not

agree that it is the only option, and there are circumstances where enabling larger scale developments would support the centres hierarchy, for example in industrial areas next to existing commercial centres that form a logical expansion of the centre. In practice, I think this situation would likely fail the test in GIZ-P4, but not necessarily and there is no reason for policies to avoid covering a situation by pre-determining how a different policy will be applied.

(251) Accordingly, I recommend the policy remain as notified.

GIZ-P9 (Urban design outcomes (by meeting standard or assessment))

(252) Urban Edge Planning (449.34, 449.37, 449.40), Z Energy (468.58), and the Fuel Companies (471.262) seek the same relief as for LIZ-P9 and I make the same recommendations for the same reasons.

(253) Enviro NZ (323.82) seek the same relief as Urban Edge Planning in relation to the "pedestrian safety, comfort, dignity, and amenity" outcome, and again I recommend the same changes as in LIZ-P9.

(254) Enviro NZ also seek that the reference in GIZ-P9.4 to "Ensure adequate privacy for activities sensitive to privacy intrusion on the site and on adjacent sites" be changed to "on adjacent zones", on the grounds that this is not relevant to industrial activities.

(255) I do not agree that privacy is never relevant to industrial activities, but perhaps more importantly, the zone is not limited to only industrial activities. This is implemented through the standards for, primarily, overlooking and screening. I recommend the privacy outcome remain as notified.

GIZ-P10 (Urban design outcomes (other than industrial activities and research activities))

(256) Urban Edge Planning (449.43, 449.47) seeks, as with LIZ-P10, to:

- Replace references to daylight with sunlight, as they consider daylight too onerous to comply with, and
- Add a qualifier of "where appropriate" to the retention of healthy and mature vegetation.

(257) I recommend accepting those points for the same reasons as the equivalent points for LIZ-P10.

(258) Beernink and McCallum (303.27, 303.28) seek to:

- Amend the policy to provide for pedestrians to safely use footpaths and that measures are in place to ensure that vehicles do not obstruct footpaths, and
- Amend the policy to seek that space is provided to Council for landscaping including stormwater management.

(259) I acknowledge the submitters' concerns around footpath safety and obstructions, and pedestrian safety is already a design outcome in the proposed policy. Council's primary tools in achieving these goals are designing vehicle crossings and roadways to remove temptations for illegal and unsafe parking, and enforcement when that parking does happen. Enforcement is particularly difficult in this sort of industrial environment – it is not cost effective to operate permanent patrols, and so Council needs to respond to complaints, which are uncommon, and drivers are easily capable of moving vehicles before a ticket is issued on the off-chance wardens turn up.

(260) Design can play a role in avoiding this problem, although not solve all of it. In the structure of the proposed plan, I think this outcome is already adequately provided for via the existing discretion added by this policy for pedestrian safety, through relevant policies and standards in the Transport chapter (e.g. limits on vehicle crossing number and location), subject to detailed submissions on that chapter. Finally, Council can manage the issue through design of the road corridor, although this is beyond the scope of decisions on the PDP.

(261) Council cannot require land be vested in it except in limited circumstances through subdivision, such as esplanade reserves. It may be an outcome of meeting the design standards of the Three Waters chapter, or in lieu of a reserves contribution from the Financial Contribution

chapter, but this would need to be agreed between the applicant and Council[25].

(262) Enviro NZ (323.83) seek that all outcomes other than GIZ-P10.6 be deleted on the grounds that the policy encourages non-industrial land uses.

(263) The policy only applies to non-industrial land uses, and the overall goals of the balancing of industrial and other land uses have been covered more directly in the submitters' points on e.g. GIZ-P2, GIZ-P4, GIZ-P6, and GIZ-P7. I think it is appropriate to require these design outcomes for those non-industrial activities that will occur in the zone.

(264) Z Energy (468.59) and the Fuel Companies (471.263) seek the same relief as in GIZ-P9, LIZ-P9, and LIZ-P10, and I recommend rejecting it for the same reasons.

GIZ-P11 (Urban design outcomes (exclusions))

(265) Urban Edge Planning (449.50) seek the same relief as in LIZ-P11, around structuring the exclusions as a note, which I discuss in section 3.2, and around excluding modulation and variation, which as with LIZ-P11 I recommend accepting in part for the same reasons.

GIZ-P12 (Managing adverse effects at zone interfaces)

(266) Z Energy (468.60) and the Fuel Companies (471.264) make the same requests as in LIZ-P12, and I make the same recommendation to retain the policy as notified for the same reasons.

HIZ-P2 (Residential activities and other activities sensitive to industry)

(267) Winstone Wallboards (31.9) supports the policy as notified.

(268) Enviro NZ (323.101) seek to change the word "managed" to "designed" and remove the qualifier that reverse sensitivity issues be "significant". This is the same as part of their relief sought on GIZ-P4 and I recommend rejecting it for the same reasons.

(269) Z Energy (468.72) and the Fuel Companies (471.277) seek:

[25] In its role as three waters network provider, soon to be delegated to Tiaki Wai Metro Water.

- the deletion of the qualifier that reverse sensitivity issues be "significant", for which again see GIZ-P4 and the discussion in section 3.1,
- to change "reverse sensitivity issues" to "reverse sensitivity effects", for which see my discussion of the Planning Policy Team's submission point in section 5.3.2,
- to add a clause that the reverse sensitivity "constrain the use of [sic] industry", wording which is unclear and unworkable, and
- to change "heavy industry" to "heavy industrial activities". For this I agree that the submitters' term would be very slightly clearer, but the meaning is obvious in context and consistent with the rest of the policy and the equivalent policies in other zones and therefore I do not think it is worth changing.

(270) Accordingly, I recommend the policy remain as notified.

HIZ-P3 (Other incompatible or potentially incompatible activities)

(271) Winstone Wallboards (31.10) and Fire and Emergency NZ (374.131) support the policy as notified.

(272) Enviro NZ seek the same change as in HIZ-P2, which I recommend rejecting for the same reasons.

(273) Z Energy (468.73) and the Fuel Companies (471.278) seek in effect the same relief as in HIZ-P2 which I recommend rejecting for the same reasons.

HIZ-P5 (Role in network of commercial and industrial areas)

(274) Winstone Wallboards (31.12) supports the policy as notified.

(275) Enviro NZ (323.104), Z Energy (468.72), and the Fuel Companies (471.279) seek that the policy be deleted, on the various grounds that:

- It is unclear what activities would be covered
- It would only apply to very few activities
- It could lead to non-industrial activities using up scarce heavy industrial development capacity

- It should be irrelevant whether or not an activity can locate in another zone

(276) The policy was included in the Heavy Industrial Zone because it is part of the standard structure of all commercial and industrial zones in the proposed plan to include a policy on the position of each zone within the overall network[26].

(277) I disagree with the contention that this matter is irrelevant that a land use activity may have nowhere else to go. I do think the Council has an interest in providing for non-industrial uses in the zone for exactly the same reason that the zone exists for heavy industrial activities – because every activity that is going to occur needs to happen somewhere, and if the Heavy Industrial Zone is the only suitable location, then it needs to be in the Heavy Industrial Zone.

(278) However, I agree with Enviro NZ that the policy is likely to apply to very few cases. There is also limited value in consistency with other zones when the Heavy Industrial Zone is unique in only considering commercial network effects on itself rather than other zones. Finally, the cases where the policy applies are largely covered off by HIZ-P3.3 and HIZ-P3.5.

(279) Accordingly, I recommend deleting the policy.

HIZ-P6 (Support of centres hierarchy)

(280) Winstone Wallboards (31.13) supports the policy as notified.

(281) Enviro NZ (323.105) seeks the same relief as in GIZ-P7, which I likewise recommend rejecting for the same reason.

(282) Z Energy (468.75) and the Fuel Companies (471.280) seek that the policy be deleted, and consider the policies should instead focus on activities that are enabled and whether other activities are compatible with that. They consider that any activity that might trigger this policy would be "utterly incompatible" with the other policies of the zone.

(283) I disagree that the zone should only have policies for activities that it encourages and be silent on those it discourages. To achieve the zone

[26] Compare LIZ-P6, GIZ-P6, SMZ-P4, CCZ-P6, MCZ-P6, LCZ-P6, NCZ-P6, and MUZ-P5.

objectives, Council will need to either prohibit or decline resource consents for a wide range of possible activities and it needs policy support to do so.

(284) The industrial zone has many reasons for discouraging commercial activity:

- It may be sensitive to the adverse effects of heavy industrial activity
- It uses up scarce heavy industrial development capacity that then cannot be used for new industrial businesses
- It creates additional adverse effects (such as traffic and poor public and active transport access) over those that would exist should the commercial activity locate in a centre designed for that activity
- It undermines council investment in services, infrastructure, and the public realm if commercial customers are attracted to out-of-centre locations rather than in-centre locations.

(285) However, any given application for a commercial activity may have only some or one of these downsides. Accordingly, each matter should be captured in policy in case it is the only or primary factor relevant to a given application. A large-scale commercial application could argue that it is suitable for the zone under HIZ-P3.3, HIZ-P3.4, and/or HIZ-P3.5, grounds that may well in some cases be supportive, and without HIZ-P6 that would be the only test.

(286) The policy is also important to justify the non-complying activity status for commercial activities over 200m² GFA under HIZ-R15.3. No submitters take a position on that rule, but it is consistent with the overall tenor of the many submissions supporting the protection of the zone from non-industrial activities. This rule is the only non-complying rule not justified through HIZ-P2 and HIZ-P3.

(287) Accordingly, I recommend the policy be retained as notified.

HIZ-P8 (Urban design outcomes (by meeting standard or assessment))

(288) Winstone Wallboards (31.15) supports the policy as notified.

(289) Urban Edge Planning (449.41), as with LIZ-P9 and GIZ-P9 seek that references to daylight be replaced with sunlight. I make the same recommendation for the same reasons.

(290) As set out in the Summary of Decisions Requested, based on a literal interpretation of the original submission, Urban Edge Planning do *not* seek the same relief in relation to "pedestrian safety, comfort, dignity, and amenity" as for LIZ-P9 and GIZ-P9. Assuming this is an unintentional error due to the off-by-one numbering of the policies in the Heavy Industrial Zone compared to the other two industrial zones, I consider it appropriate, for consistency and coherence across the industrial zones, to apply the same amendments as recommended for LIZ-P9 and GIZ-P9. I therefore recommend these changes as a consequential amendment to HIZ-P8.

(291) Z Energy (468.76) seek the same relief as for LIZ-P9 and GIZ-P9, which I recommend rejecting for the same reasons.

HIZ-P9 (Urban design outcomes (other than industrial activities and research activities))

(292) Winstone Wallboards (31.16) supports the policy as notified.

(293) Urban Edge Planning (449.44, 449.48) seek the same relief regarding daylight and vegetation as on GIZ-P10 and I recommend the same changes to accept this in part for the same reasons.

(294) Urban Edge Planning also (449.38) seek the relief in relation to "pedestrian safety, comfort, dignity, and amenity" as in LIZ-P9 and GIZ-P9. Those are not the equivalent to this policy – they are urban design policies that are generally expected to be met through compliance with standards, and correspond to HIZ-P8, not HIZ-P9. This may be an unintentional error on the submitter's part as described above for HIZ-P8. For completeness, if this is intentional, my reasoning for recommending partly accepting that relief for LIZ-P9 and GIZ-P9 is due to the limited ability of the standards to achieve the goal. I think the goal itself remains worth pursuing, just as it is for LIZ-P10 and GIZ-P10. The discretion that comes with a resource consent allows a much larger range of potential mitigations to be considered, and applies to all developments covered by the policy. However, as with LIZ-P10 and GIZ-P10 I think the language could be improved and likewise

recommend adopting the language recommended for the commercial zone equivalents:

> …
> *2. Vehicle parking and loading areas, accessways, and garages are designed to support and promote the pedestrian circulation provided for in clause (3) ~~provide for pedestrian safety, comfort, dignity, and amenity~~.*
> *3. There is quality, legible, safe, convenient, and efficient circulation for pedestrians accessing the site and people within the site.*
> …

(295) The Fuel Companies (471.281) seek an urban design outcome around reverse sensitivity. This is not relevant for this policy or within the domain of a discretionary urban design assessment and is better handled in HIZ-P2, HIZ-P3, and HIZ-P7 which relate to reverse sensitivity of land uses.

HIZ-P10 (Urban design outcomes (exclusions))

(296) Winstone Wallboards (31.17) supports the policy as notified.

(297) Urban Edge Planning (449.51) seeks the same relief as in LIZ-P11 and GIZ-P11, which I discuss in section 3.2 and recommend accepting in part for the same reasons.

HIZ-P11 (Managing adverse effects at zone interfaces)

(298) Winstone Wallboards (31.18) supports the policy as notified.

(299) Z Energy (468.78) and the Fuel Companies seek the same relief as in LIZ-P12, and I make the same recommendation to leave the policy as notified for the same reasons.

5.3.7 Rules – Buildings and Structures

LIZ-R3 (Construction of new buildings and structures and alterations and additions to new buildings and structures)

(300) The Policy Planning Team (440.69) seek that the limited notification preclusion be removed.

(301) I agree that limited notification may be suitable in some cases where these standards are breached, as they are standards often aimed at protecting a specific neighbouring site. I recommend accepting this point.

(302) Z Energy (468.42) and the Fuel Companies (471.246) seek that either service stations be exempted from the rule or alternatively:

- The condition that the building be for a permitted activity be removed,
- That the height, height in relation to boundary, setback, and landscaping standards do not apply to alterations, and
- LIZ-S5 not apply to new buildings or additions and alterations where the building is up to 50m².

(303) I do not consider there to be a sound policy basis for exempting service stations from the rule. Such an exemption would introduce inconsistency across industrial activities and would not be supported by the objectives or policies of the Light Industrial Zone.

(304) With regard to removing the condition that the building be for a permitted activity, I agree with the submitter that it is overly burdensome to require resource consent for alterations to buildings for existing activities simply because they are not the anticipated activities for the zone. However, alterations that accompany a change of use, or additions that add floorspace, will trigger a resource consent assessment anyway because of the land use. Since this resource consent is happening regardless, it is valuable to include the impact from the physical attributes of the building in that assessment. In general, buildings are longer-lasting than land uses and have a longer-term effect on industrial development capacity.

(305) Accordingly, I recommend exempting alterations, but not new buildings or additions, from the requirement in LIZ-R3.1.b.

(306) With regard to the application of height, height in relation to boundary, setback and landscaping standards to alterations, as the submitters note, existing non-compliances with the height, height in relation to boundary, and setback controls cannot be further exceeded by alterations, which as per the definition in the plan "do not increase the gross floor area, footprint, or height of the building or structure".

(307) These types of standards apply, in general, to all construction activity, which is a consistent approach across the proposed plan and is carried over from the operative plan. Existing non-compliances will typically be able to rely on existing use rights and being considered as part of the existing environment.

(308) With regard to LIZ-R5 (landscaping and screening), this standard applies to two main situations – boundaries with certain other non-industrial zones, and the Industrial Main Through Route Frontage Overlay.

(309) For the former situation, compliance can be achieved just by building a 1.8m solid fence, which is hardly a major imposition on an industrial business, is obviously foreseeable, likely has significant benefits in security to the business, and which in any case the neighbours could instead erect and demand half the cost of under the Fencing Act 1977.

(310) For the latter, this carries over in a more limited form a landscaping and setback requirement imposed by the operative plan and its predecessors. As it has been in place for decades, it generally applies to roads where compliance is already largely achieved with the front setback required. However, this is not universally the case and it is likely to be disproportionate to the benefits to require a setback to be created without substantial development of the site.

(311) Accordingly I recommend that LIZ-S5, which in large part is already achieved or easy to achieve, be retained for all additions and alterations in relation to fencing, but the setback requirement only apply for new buildings. In order to keep the plan structure simple I recommend this change be effected in the standard rather than the rule.

(312) This would alter the rule as follows:

> *1. Activity status: Permitted*
>
> *Where:*
>
> *a. Compliance is achieved with:*
>
> *i. LIZ-S1: Height,*
>
> *ii. LIZ-S2: Height in relation to boundary — Adjoining zones,*
>
> *iii. LIZ-S3: Setbacks — Adjoining zones,*
>
> *iv. LIZ-S4: Overlooking — Adjoining zones, and*

v. LIZ-S5: Landscaping and screening, and

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 LIZ-R4 through LIZ-R17. This condition does not apply to alterations.

[…]

2. Activity status: Restricted Discretionary

[…]

***Notification**:*

Public notification ~~and limited notification are~~ is precluded for applications under this rule where the only non-compliances are LIZ-S2, LIZ-S3, and LIZ-S4.

GIZ-R3 (Construction of new buildings and structures and alterations and additions to existing buildings and structures)

(313) Oyster Management (272.74) support the rule as notified.

(314) The Policy Planning Team (440.71), Z Energy (468.63), and the Fuel Companies (471.268) seek the same relief as they do on LIZ-R3 and I make the same recommendations for the same reasons (including the consequential modification of GIZ-S5 for the Industrial Main Through Route Frontage Overlay setback, although there are also direct submission points on the standard seeking the same thing).

(315) Foodstuffs North Island (239.15) supported by Bunnings (F18.20) also seeks part of that relief in relation to whether GIZ-R3.1.b should apply to new buildings, additions, and alterations that relate to existing activities. The discussion in LIZ-R3 also applies here and I likewise recommend that alterations (but not additions or new builds) be exempt from the condition.

(316) Bunnings (173.12) seeks in general terms that GIZ-S5 should only apply to "new buildings and new development", which would be implemented in this rule if that relief were to be granted, although I will discuss the substance and their broader points in GIZ-S5.

HIZ-R3 (Construction of new buildings and structures and alterations and additions to existing buildings and structures)

(317) Z Energy (468.81) seeks the same relief as they do for GIZ-R3 and LIZ-R3 and I make the same recommendations for the same reasons (including consequential modification of HIZ-S7).

(318) The Policy Planning Team (440.73) seeks the same relief regarding the notification preclusion as for GIZ-R3 and LIZ-R3, however, likely in error as the notification preclusion is not worded the same way as in those rules and does not contain the same error. As proposed, the rule only precludes limited notification where the standards are all met and HIZ-R3.1.c is met, that is, where consent is solely triggered by condition HIZ-R3.1.b, meaning the building is associated with a land use that isn't permitted. None of the relevant land use rules preclude limited notification, and so if taken as a bundled activity the distinction is irrelevant, although the scenario remains of a building being constructed speculatively with no fixed purpose in mind. In that case I believe the rationale of the notification limit still applies, there will be no affected parties relevant to making a decision within the discretion available to the council, which is the urban design matters and the impact on development capacity. Accordingly, I recommend the preclusion remain as proposed.

(319) The Fuel Companies (471.285) seek a slight stylistic rewording of condition (c) and also providing that it does not apply where new buildings are screened with landscaping, not just other existing buildings and structures.

(320) I agree that the rewording is tidier and recommend adopting it along with some minor grammatical corrections.

(321) For the issue of landscaping, I discuss this issue in LIZ-R3 (see paragraph (386) onward) and for the same reasons recommend that this condition not be altered.

5.3.8 Rules – Land Use Activities

LIZ-R13 (Commercial recreation activities)

(322) The Policy Planning Team (440.70) seek to alter the rule to cover non-commercial recreation activities as well, by altering the title:

"Recreation activities (including c~~C~~ommercial recreation activities)"

(323) I agree that there is no policy reason to restrict non-commercial recreation activities in a situation where commercial recreation activities are permitted and recommend adopting this change.

LIZ-R18 (Residential activities)

(324) Z Energy (468.44) and the Fuel Companies (471.248) seek that the threshold for residential activities be reduced to 15% of gross floor area instead of 50%, although they give different reasons.

(325) Z Energy primarily considers that 50% exceeds what could be considered ancillary but is open to a resource consent pathway for higher proportions of residential.

(326) The Fuel Companies on the other hand submit that residential activities should outright be discouraged in the zone, consistent with their submission on LIZ-O2 that the zone should not provide for activities that have co-location benefits with industry.

(327) As I discuss in relation to LIZ-O2, I do not agree that the zone should not provide for activities that have co-location benefits with industry, and I think it is appropriate to provide for ancillary and supporting residential in a light industrial zone. This is one of the key distinctions between this zone and General Industrial Zone, in that it has a type of amenity consistent with residential for people willing to live in such a light industrial context.

(328) However, I agree with the wider point that there is concern about residential developments that are not actually ancillary or supporting, that could just as easily have been built in a residential or mixed use area, and that simply use up industrial development capacity.

(329) Providing for ancillary residential activities at a lower threshold, such as no more than 15%, can help to a degree, to provide for emergency service

needs and provide for on-site caretakers and so forth. However, the Council's intent for the Light Industrial Zone is to also provide for a more expansive role for residential to support industrial development. Examples could include individual live-work units attached to unit-specific workshops, or residential in the upper storeys of a multi-storey building which provides for industry at ground level.

(330) The 50% threshold in LIZ-R18 represents a maximum limit rather than an entitlement. Residential activity up to that threshold must still meet the requirement that it is ancillary to an industrial activity, research activity, or emergency facility. In practice, this means that proposals approaching the upper end of the threshold will typically require careful scrutiny through the restricted discretionary consent process, including consideration of the genuine nature of the ancillary relationship, the extent of co-location benefits, and consistency with LIZ-P2 (Residential activities and other activities sensitive to industry) and LIZ-P8 (Development capacity).

(331) While I acknowledge the potential for pressure to use this provision to establish residential-led developments, I consider that the combined operation of the ancillary test, the consent framework, and the relevant policies provides sufficient ability for decision-makers to distinguish legitimate ancillary residential activity from proposals that would in substance displace industrial development capacity.

(332) Accordingly, I do not think any changes to this land use rule are necessary.

(333) However, I think this point does raise the question more generally of ensuring that residential activities in the zone are and remain ancillary, as required by LIZ-P2.1.a. I think there is a risk of this being undermined through subdivision. There is no minimum allotment size for the Light Industrial Zone and no scope from submissions to introduce one. However, it is possible additional conditions could be placed on land use consents to address the issue and it may be useful for the plan to contain guidance on this, or for guidance outside the plan to be prepared.

LIZ-R19 (Activities sensitive to industry, other than residential activities)

(334) The Ministry of Education (399.118) supports the rule.

(335) Z Energy (468.45) and the Fuel Companies (471.249) submit seeking that the threshold for activities sensitive to industry be reduced from 50% to 15%, as they do with LIZ-R18 (Residential activities).

(336) I consider the discussion of LIZ-R18 applies equally to this rule, including the same concerns about subdivision, although the practical risk is probably lower. Accordingly, I do not recommend changes to this rule based on the submissions.

(337) However, I recommend correcting a minor error: the condition should relate to activities sensitive to industry (i.e. the activity covered by the rule), not residential activities.

GIZ-R6 (Trade and industrial training facilities)

(338) The Ministry of Education (399.122) supports the rule as notified.

(339) Te Kārearea/Rosco Ice Cream (447.10a) seeks to clarify whether "trade and industrial training facilities" is two different types of training facility or whether "trade" is an activity in itself.

(340) I think it should be reasonably clear to most plan users that the former is the case and the plan is not permitting an activity simply called "trade". Separating the two also risks losing the connection between the two terms, that trade in this context means the occupations that relate to construction and industry and are usually called "the trades", and not trade in the general sense of commerce. If this is not sufficiently clear, a definition could be introduced. However, I consider the existing wording is clear and certain and recommend retaining the notified wording.

GIZ-R10 (Grocery stores and supermarkets)

(341) Enviro NZ (323.84) seeks that the activity status for grocery stores and supermarkets[27] over 200m² be shifted from Restricted Discretionary to Discretionary on the grounds that they might create reverse sensitivity effects on industrial activities due to high visitor numbers.

(342) The choice of restricted discretionary versus discretionary activity status is not a signal of how enabling the plan is of an activity. The key reason for

[27] The plan defines supermarkets as being grocery stores with a floor area of 500m² or more and so would always be caught by this rule.

choosing one over the other is whether all relevant issues can be identified at plan-making stage or not. The submitter seeks that a specific additional matter is relevant, so if the relief is to be granted, it should be through providing an additional matter of discretion.

(343) As the relevant matter of discretion, reverse sensitivity, is already covered within the rule (via the reference to GIZ-P4) providing this additional matter would be redundant and so I do not recommend any change.

GIZ-R11 (Food and beverage activities)

(344) Enviro NZ (323.85) seeks the same relief as in rule GIZ-R10 above and I recommend rejecting it for the same reasons.

GIZ-R13 (Commercial recreation activities)

(345) The Policy Planning Team (440.72) seek to alter the rule to cover non-commercial recreation activities as well, by altering the title:

"Recreation activities (including c~~C~~ommercial recreation activities)"

(346) As with LIZ-R13 (see paragraph (323)), I agree that there is no policy reason to restrict non-commercial recreation activities in a situation where commercial recreation activities are permitted and recommend adopting this change.

GIZ-R14 (Yard-based retailing)

(347) Enviro NZ (323.86) seeks that the permitted activity arm of the rule require that the activity is ancillary to specifically "an industrial activity on the same site".

(348) As the submitter gives no reasons for this change, it is difficult to comment on whether the amended rule would be more appropriate at implementing the relevant policy. As a result, I recommend rejecting the requested amendment. If If the submitter wishes to pursue this point I recommend they provide reasons at the hearing.

(349) Enviro NZ (323.87) also seeks that the restricted discretionary arm of the rule be changed to discretionary.

(350) As I discuss in GIZ-R10 (see paragraph (342)) the choice of restricted discretionary versus discretionary relates to whether all relevant matters

can be determined at plan-making stage. The submitter's concerns around cumulative effect and the loss of industrial development capacity are already covered by the existing matters of discretion, particularly matters 1.a, 1.d, and 4. Accordingly, I recommend no change.

GIZ-R15 (Trade supply retail activities)

(351) Enviro NZ (323.88, 323.90) make the same points as they do for GIZ-R14 and I recommend rejecting them for the same reasons.

(352) Enviro NZ (323.89) additionally seek removal of the permitted activity status where the activity takes place in an existing building.

(353) These points are all opposed by Bunnings (F18.24, F18.25, F18.26).

(354) I agree that at the margin, allowing the reuse of existing industrial buildings for trade supply retail as-of-right may result in a slightly larger use of existing industrial buildings for non-industrial purposes. However, given the policy environment of the chapter, I think it is highly likely that a resource consent for such an activity would be granted regardless, as the reuse of an existing building would typically be appropriate given the tests in GIZ-P4 and GIZ-P8 – a building that can be converted from industrial to trade supply retail can likely also be converted back, given that trade supply retail typically is laid out and operated in physical premises that resemble a warehouse.

(355) The policy goal of the chapter is not to prevent non-industrial activities in the industrial zone, but to ensure that the presence of non-industrial activities does not cause a permanent loss of *long-term* development capacity (notably, through Policy GIZ-P2.2). Providing suitable interim uses until that capacity is needed supports, rather than detracts from that policy goal, and makes more efficient use of scarce land.

(356) Bunnings (173.10) seek that trade supply retail be permitted under all circumstances.

(357) This would have the consequence that the erection of a new building of over 200m² for trade supply retail would also be a permitted activity given the wording of GIZ-R3.

(358) I consider this creates a significant risk of the permanent loss of development capacity that the zone seeks to avoid. This risk is worthy of

assessment in a resource consent. Repurposing a building can often be undone. Whereas a new building may be designed very closely around its intended land use and be difficult or impossible to repurpose in future once industrial demand is sufficient to require the space, and represent too much sunk capital to simply be demolished. A building can be designed to be flexible, but resource consent assessment is needed to verify this.

(359) While the 200m² threshold is arbitrary, a balance should be struck between land use flexibility and the risk of the permanent loss of development capacity, and in the lack of any quantitative evidence it is at least consistent with other development controls in the chapter.

(360) Accordingly, I recommend no change.

GIZ-R17 (Other activities not otherwise provided for)

(361) Enviro NZ (323.91) seek that this catch-all rule default to discretionary, even for ancillary activities.

(362) Waste Management (461.18) support the rule as-is.

(363) Enviro NZ do not give examples of ancillary activities they are concerned about. It is worth noting that as a catch-all rule, this would not permit activities restricted under other rules, even if they are ancillary, so it does not permit residential activity or other activities sensitive to industry.

(364) Due to the definitions in the National Planning Standards, some (but not all) land uses in the zone include ancillary activities by virtue of being built into the definition – this is the case for industrial activities and commercial activities. Accordingly, these are technically not covered by this rule either, although as proposed, the outcome is exactly the same as if they were.

(365) The RMA's general framework is that the plan should be as enabling as possible except where there is a good sustainable management reason to restrict development. Accordingly, I recommend retaining the rule as notified. If the submitter wishes to pursue this point, I suggest they identify specific activities that would need further restriction to achieve the objectives and policies of the chapter.

GIZ-R18 (Heavy industrial activities)

(366) Enviro NZ (323.92) supported by the Fuel Companies (F32.15) seek that heavy industrial activities be changed from discretionary to restricted discretionary, with matters of discretion limited to the matters in GIZ-P3.

(367) GIZ-P3 is a policy for when to avoid heavy industrial activities, but does not stand alone and is not suitable as a complete suite of matters of discretion. While I suspect a restricted discretionary rule could be crafted, it would need to at minimum also consider positive effects, consider the matters in GIZ-P1, P5, P8, P9, P10, P11, and P12, and consider health, safety, and amenity issues beyond the zone for heavy industrial activities using the operational or functional need arm of the test, rather than the effects test. As this would open the door to such a wide range of effects, and bearing in mind additional effects such as noise and transport are likely to be pulled in via rules in their respective district-wide chapters, I think there would be minimal benefit in the rule technically being restricted discretionary.

(368) Accordingly, I recommend that the rule remain as notified.

GIZ-R20 (Activities sensitive to industry, other than residential activities)

(369) The Ministry of Education (399.123) supports the rule as notified.

(370) Waste Management (461.22a) seeks that the public notification clause be made conditional and that public notification is not required "unless the applicant can demonstrate exceptional circumstances that mean notification will not provide any benefit to the decision maker and that effects are no more than minor".

(371) Notification preclusions are not designed to re-write the substance of the notification test in the Act, and so I recommend that this point be rejected and notification clause retained as notified.

GIZ-R22 (Integrated retail activities)

(372) Waste Management (461.22b) seeks the same alteration of the public notification exclusion as in GIZ-R20 and I recommend it be rejected for the same reason.

HIZ-R17 (Heavy industrial activities)

(373) Winstone Wallboards (31.20) seek that the rule status change from restricted discretionary to controlled, considering that heavy industrial activities need more certainty about their status.

(374) Waste Management (461.21) seek that heavy industrial activities be permitted in all circumstances.

(375) The Fuel Companies (471.290) seek that heavy industrial activities be permitted in some or all circumstances, considering that having a restricted discretionary status for heavy industrial activities while a permitted activity status for others could undermine existing activities.

(376) Heavy industrial activities are not all alike, and their potential effects are not automatically managed solely by virtue of being located in the Heavy Industrial Zone.

(377) Setting up a heavy industrial activity is certainly not a trivial or obviously benign matter, and will often require other resource consents as a matter of course, particularly relating to the Hazardous Substances and Transport chapters. If the heavy industrial activity is an offensive trade, it would trigger provisions in the Health Act if not covered by a resource consent. If it is a major hazard facility, it is likely to require Worksafe approval.

(378) I disagree that restricted discretionary status signals that the activity is not welcome in the zone named after it. By analogy, the High Density Residential Zone requires a restricted discretionary consent for anything remotely approaching "high density residential", and this implements an objective that the zone "predominantly provides for" that development.

(379) Given the very wide range of activities captured the definition, I think the restricted discretionary status is appropriate. Many activities will need to be subject to conditions to manage their effects, which requires at least a controlled activity status, and it is conceivable that some will simply not be suitable in the location or form proposed, particularly near other zones such as the Marae Zone covering Kokiri Marae.

(380) Accordingly, I recommend the rule remain as notified.

5.3.9 Rules - General

LIZ-R23 (Outdoor storage and work areas)

(381) Argosy Property No. 1 (237.44) supports the rule as notified.

(382) Z Energy (468.46) and the Fuel Companies (471.250) both seek a variety of similar but not identical changes to the conditions:

a. The outdoor storage and work areas are screened from level view of any adjoining site or opposite site in a Rural Zone, Open Space and Recreation Zone, Residential Zone, Marae Zone, or Mixed Use Zone (where a site is used for an activity sensitive to industry) by landscaping, a building or a solid or close-boarded fully opaque fence of at least 1.8 metres in height, and

b. Compliance is achieved with ~~LIZ-S5: Landscaping~~ LIZ-S5.1 and LIZ-S5.3.

…

Matters of discretion are restricted to:

…

4. The functional and operational needs of the activity.

5. Site constraints that affect the activity's ability to comply with LIZ R24.1. [sought by Fuel Companies only]

(383) Going through these changes in order:

(384) I agree with submitters that screening does not and cannot be expected to prevent views of the outdoor storage and work area from neighbours above ground level and recommend accepting the alteration to add the qualifier that the screening is for "level view".

(385) In relation to whether Mixed Use Zone sites should be covered if they do not at that time have an activity sensitive to industry, I cover this point more broadly in the discussion of LIZ-P12, and recommend that it apply to the Mixed Use Zone at all times. Activities can benefit from the visual advantages of screening even if they do not fall within the definition of "activities sensitive to industry".

(386) In relation to whether landscaping is an acceptable screening option, I do not agree. Landscaping as defined in the plan could simply be grass or low level planting, there is no clear standard for how landscaping would actually screen the area and no straightforward way to make sure it is maintained. It is open to occupiers to make the case in a resource consent for an alternative form of screening.

(387) It is also worth considering landscaping as a screening method in relation to the submitters' other request that the screening not be required for Mixed Use Zone site unless it contains an activity sensitive to industry. It is not practical to immediately landscape a frontage the moment a new sensitive activity arrives, and it could take years for the landscaping to provide any practical screening. Thus, even if the panel is of a mind to grant one or other aspect of the submitters' relief, it is contradictory to grant *both*.

(388) Submitters seek that compliance only be required with LIZ-S5.1 and LIZ-S5.3, effectively removing LIZ-S5.2, which requires landscaping on zone boundaries. This is effectively consequential on their relief sought on LIZ-R3 and LIZ-S5 so I will discuss this in relation to the submission points on those.

(389) Submitters seek an additional matter of discretion seeking the consideration of "operational and functional needs" of the activity. These are defined in the PDP (and National Planning Standards) as relating to "the need for a proposal to … locate … in a particular environment". While industrial activities may have other specific needs, the defined term is primarily about location. Therefore, I don't think this is relevant to this situation – an industrial activity does not need to justify having a functional or operational need to locate in an industrial zone in the first place, whether or not it is next to or opposite a residential or mixed use zone and so this discretion would add nothing to the decision.

(390) The Fuel Companies (but not Z Energy) also seek another additional matter of discretion of "site constraints". In a strict sense this is redundant given the existence of the matter of discretion considering positive effects, as a constraint that prevents compliance with the standard would also prevent the positive effects of the activity requiring compliance with the standard. This is captured in the plan's usual formula for matters of

discretion in standards: "Any positive effects that can only be achieved through non-compliance with the standard".

(391) But for the sake of plan usability, I agree some direction to consideration of practical obstacles to compliance is warranted. This also advanced the substance of the submitters' request in relation to functional and operational needs above. I thus propose some alternative wording to submitter to better match similar matters in the plan, e.g. NOISE-R6. This would be:

"4. Special constraints on achieving LIZ-R23.1, for example topography or traffic safety"

(392) To the Fuel Companies more general point about outdoor storage and work areas and their worry that this could be interpreted as applying to service station forecourts, I also recommend inserting a definition of "Outdoor storage and work areas" to address this issue (see paragraph (787) onwards).

LIZ-R24 (Servicing)

(393) Argosy Property No. 1 (237.44) supports the rule as notified.

(394) Z Energy (468.47) and The Fuel Companies (471.251) seek that either the rule not apply to service stations, or alternatively that:

- For Light Industrial Zone sites near the Mixed Use Zone, that the rule only apply to Mixed Use Zone sites within 40 metres of the activity if the Mixed Use Zone site is used for an activity sensitive to noise, and
- Matters of discretion be added relating to functional and operational needs and site constraints.

(395) I make some wider assessments of this issue in section 5.2.2.

(396) For the submitters' relief, there is no clear policy reason to exempt service stations from the rule.

(397) In relation to whether Mixed Use Zone sites should be protected even if they are not currently used for an activity sensitive to noise, I agree with the submitter in principle that this is unnecessary, but in practice it would be difficult or impossible to implement such a rule. Industrial activities cannot necessarily determine what use their neighbours are putting land to, the Council does not keep records of how all sites are used (as most

activities would be permitted in the Mixed Use Zone), and there is no obvious process by which an industrial activity could be informed about changes in land use and directed to alter their servicing plans. If an industrial activity wishes to rely on their neighbour not being affected, the most cost-effective solution to keep track of this is to seek a resource consent.

(398) I agree with the submitters that functional and operational needs should be considered in resource consents and recommend adding this to the matters of discretion, although I consider it is unlikely that it will be common for industrial activities to meet this test in practice.

(399) I do not agree with submitters that site constraints are relevant. The basis of the RMA is for people causing adverse effects to avoid, remedy, or mitigate those effects. The most obvious ways in which this can be done are for servicing to primarily happen during the hours in which most people are awake, or for those land uses that do rely on 24/7 servicing to select sites that offer the option to put loading docks more than 40 metres from people's houses. Where neither of those options are available, it is open to those land users to seek a resource consent for a servicing plan that manages the noise effects with appropriate mitigation (for example, noise-proofing on the boundary, or doing loading and unloading inside a building), or to negotiate with their neighbours in order to obtain written approval. Failing any of that, the activity may not be suitable in the form and location proposed.

GIZ-R23 (Outdoor storage and work areas)

(400) Z Energy (468.65) and the Fuel Companies (471.270) request the same changes as to the identical Light Industrial Zone rule, LIZ-R23, and I make the same recommendations for the same reasons (see paragraph (381) onward).

GIZ-R24 (Servicing)

(401) Enviro NZ (323.94) request relief that, as literally set out in the submission, would delete the permitted activity status for servicing between 7am and 10pm, and thus require resource consent for any servicing within 40 metres of sites in the residential, mixed use, or marae zones.

(402) Given the context and reasoning in the submission, I have interpreted this as instead seeking that there be no limits on servicing hours where within 40 metres of such zones, and thus effectively that there be no limits on servicing.

(403) Z Energy (468.66) and the Fuel Companies (471.271) seek the same relief as for LIZ-R24.

(404) I recommend that the standard remain as notified for the same reasons as for LIZ-R24, and as discussed in section 5.2.2.

HIZ-R22 (Outdoor storage and work areas)

(405) Z Energy (468.83) and the Fuel Companies (471.294) request the same changes as to the identical Light Industrial Zone rule, LIZ-R23. While of substantially less impact in this zone, as there are fewer boundaries with relevant zones, it remains important in those situations where it applies and I make the same recommendations for the same reasons (see paragraph (381) onward).

HIZ-R23 (Servicing)

(406) Z Energy (468.84) and the Fuel Companies (471.295) seek that the servicing hours restriction apply to servicing anywhere on a site that adjoins a relevant zoned site, rather than only servicing that occurs within 40 metres of such a site.

(407) Given the large site sizes and layout of the Heavy Industrial Zone, as drafted, the rule would affect parts of sites next to and over the road from Kokiri Marae and a small part of the Mobil oil terminal, which currently is used only for landscaping and a small part of the oil pipeline and for which it would not be practical to add any servicing dock. All sites in the Heavy Industrial Zone, as drafted, have the majority of their site area available for 24/7 servicing.

(408) The submitters' relief would remove the (largely theoretical) application to the oil terminal site, and the opposite neighbours of Kokiri Marae, while expanding its coverage to the entirety of the marae's direct neighbours.

(409) The effect the rule seeks to manage is noise, which is primarily affected by distance and secondarily by the presence of intermediate obstacles. The submitters' relief would thus track less closely with the likely locations

affected than the 40-metre buffer in the proposed plan would. The requested change would mean restricting servicing on sites potentially 100 metres from any affected person trying to sleep, likely shielded by buildings, while not protecting them from servicing that might be 20 metres away directly across the street.

(410) Accordingly, I recommend rejecting this part of the requested change.

(411) The submitters also request the same changes as they do for LIZ-R24 and GIZ-R24, and I recommend the same minor changes for the same reasons.

5.3.10 Rules – New rules sought

(New rule) General Industrial – Wholesaling

(412) Foodstuffs (239.16) seek that wholesale activities be provided for as a permitted activity.

(413) In the present day, wholesaling exists as a hard-to-define intermediate on a spectrum between, on the one end, a warehouse which is solely a source location for large-scale delivery to business customers, and at the other end, a de facto large format retail with a membership card. It is an inherently difficult business sector for the Council to monitor and determine compliance, as a business is likely to evolve its product offering and customer base over time. It is all the more important, therefore, to take a principled and effects-based approach that looks at the real nature of any particular business claiming to be a wholesaler.

(414) In the PDP as notified, bona-fide wholesale activities will often fall within the definition of “supermarket”, “trade supply retail”, “yard based retailing”, or as a commercial activity accessory to an industrial activity, depending on their sector, their mix of delivery to on-site sales, and their mix of trade and general public customers. All of these have specific rules already, which provide for them as permitted activities up to a certain scale and triggering a restricted discretionary or discretionary consent beyond that.

(415) The rules for these activities set out what are in my view reasonable trigger points for further assessment about the nature and effects of the specific business being proposed.

(416) A wholesale activity that does not fall within any of the above definitions would be one that sells primarily to the general public and primarily in person, which is going to have the same effects and issues as a purely retail operation and should accordingly be classified the same way in the plan.

(417) In practice, any bona-fide or non-bona-fide wholesale activity is also going to be a high trip generator under the Transport chapter and so a resource consent will be required regardless. Providing some grounds for a real assessment of the nature of the business in relation to the objectives and policies of the zone chapter will also help support a critical test of the transport evidence lodged in support of that application, for example the timing of traffic and mix of light and heavy vehicles.

(418) Accordingly, I recommend no specific rule for wholesaling be introduced.

5.3.11 Standards - Proposed

LIZ-S3 (Setback – adjoining zones)

(419) FENZ (374.125) seek that a matter of discretion for non-compliance be added covering emergency service access to the site.

(420) This standard applies in relatively limited circumstances – only to sites that directly adjoin other certain non-industrial zones. It is not designed to aid emergency service access and compliance, and especially in conjunction with LIZ-S5 (regarding landscaping and screening), is not likely to have any significant impact one way or another on emergency service access. There is also no supporting policy for resource consent decision-makers to apply in deciding whether a departure from the standard would be appropriate in relation to emergency service access, and the submitter has not sought one. If the standard is breached, it is a boundary activity under the Act, and FENZ would be precluded from being notified[28]. No resource consent would be required if the neighbour gives written approval to a deemed permitted boundary activity.

[28] Except on the off-chance that FENZ itself was the neighbour.

(421) In general, I think emergency service access is better addressed in the Transport and Subdivision chapters, which FENZ has also submitted on, the building code, and the Health and Safety at Work Act.

LIZ-S5 (Landscaping and screening)

(422) Z Energy (468.48) and the Fuel Companies (471.252) seek that service stations be exempt from the standard. I discuss this issue more generally in terms of LIZ-R3, where the submitters seek the same outcome, and LIZ-R23 where the submitters outline concerns around the landscaping standard in various situations.

(423) From reading the rationale in the submissions, I think it may be the case that submitters have misunderstood the standard, as they make a case that the landscaping buffer would be an unreasonable burden on internal boundaries. This is not what the standard requires – it applies only to boundaries with the road, if the Industrial Main Through Route Frontage Overlay applies, and with boundaries with some other non-industrial zones. It would not have any requirements for internal boundaries.

(424) Accordingly, I recommend the standard be retained as notified, other than the consequential amendments for the relief sought by the submitters on LIZ-R3.

GIZ-S3 (Setback – adjoining zones)

(425) FENZ (374.129) seek the same relief as for LIZ-S3 and I make the same recommendation for the same reasons.

GIZ-S4 (Overlooking – adjoining zones)

(426) Enviro NZ (323.95) seek, in effect, that the standard be deleted.

(427) I agree with the submitter's reasoning set out in their submission, that parks and reserves are not locations where privacy is to be expected, and so recommend deleting the application of the standard for sites adjoining Open Space and Recreation Zones. I also agree that the cost of compliance is disproportionate to the likely issues for Rural Zones and so

recommend deleting the application to Rural Zones[29]. I also recommend making the equivalent change in the Light Industrial and Heavy Industrial Zones (LIZ-S4, HIZ-S6) as a consequential minor amendment.

(428) However, for Residential, Mixed Use, and Marae Zones I do not think it is an unreasonable standard. While this is a standard that does not apply to buildings within a residential zone, that is in a context where typically both sides are seeking privacy, are likely to use landscaping, and buildings are naturally close together, limiting sightlines. Industrial buildings will not face these dynamics, and I think there is a greater risk of privacy intrusion through thoughtless or merely functional design, with neighbours of industrial sites having a greater risk of feeling exposed or observed from larger and less well screened industrial windows. Privacy film costs in the range of $10/m² (for materials) at retail rates and is quick and easy to apply, not needing a skilled tradesperson. I think this is a very affordable one-off cost in relation to the ongoing privacy benefits.

(429) Overall, I recommend remove GIZ-S4 from applying to the Open Space and Recreation and Rural Zones, while retaining it for Residential, Mixed Use, and Marae Zones.

GIZ-S5 (Landscaping and screening)

(430) Z Energy (468.67) and the Fuel Companies (471.272) seek the same relief as in LIZ-S5 and I make the same recommendations for the same reasons.

(431) Bunnings (173.11, F18.19) and Foodstuffs (239.14) seek that the standard only apply when new buildings are constructed.

(432) As I discuss in relation to LIZ-R3, the Industrial Main Through Route Frontage Overlay largely (although not entirely) applies to sites where the front setback requirement is already met, as it carries over in a more limited form a decades-old control[30]. However, I agree with submitters that

[29] This is a situation that occurs only once in the plan maps as notified, for a site that while proposed to be zoned rural, is within the Belmont Regional Park. However, the panel should consider the general situation of industrial areas bordering rural areas that might arise from rezonings sought in submissions or future plan changes, where it is possible this consequence of this standard may be overlooked.

[30] See the operative plan. In the General Business Activity Area, which is the closest equivalent to the General Industrial Zone, screening with a fence or landscaping is required for any storage and work areas and parking areas with 5 or more spaces. Buildings on sites abutting, or over the road from residential zones are a controlled activity in all circumstances to manage amenity effects.

the costs likely outweigh the benefits when the site is not being substantially redeveloped. Accordingly, I recommend the standard be amended as follows:

> *1. <u>For new buildings only, l</u>~~L~~andscaping is required on the front 3 metres of any site fronting on to a street with the Industrial Main Through Route Frontage Overlay.*
>
> *…*

HIZ-S4 (Setbacks – adjoining zones)

(433) Winstone Wallboards (31.24) supports the standard as notified.

(434) Fire and Emergency NZ (374.133) seeks[31] the same relief as in LIZ-S3 and GIZ-S3. I make the same recommendation that the relief be rejected, for the same reason given in LIZ-S3.

HIZ-S7 (Landscaping)

(435) Winstone Wallboards (31.27) supports the standard as notified.

(436) Z Energy (468.85) seeks that the standard not apply to service stations.

(437) The rationale for GIZ-S5 applies here[32] and I make the same recommendation, including the consequential amendments due to the relief sought on HIZ-R3.

5.3.12 Standards – New standards sought

(New standard) Firefighting water supply

(438) Fire and Emergency NZ (374.69l, 374.69m, 374.69n) seek a new standard in all three industrial zones relating to firefighting water supply.

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[31] This submission point in the original submission and also the summary of submissions is given as relating to a standard with the number HIZ-S3 but the name "Setbacks – adjoining zones". HIZ-S3 is also a setback standard. In the context of the reasons given in the submission, I think it is reasonable to interpret this point as seeking amendment to the standard whose name is given, rather than the number.

[32] In terms of the comparison to the operative plan, even more so: for the Special Business Activity Area, equivalent to the Heavy Industrial Zone, condition 6B 2.1.1 (s) requires a 5 metre landscaped front setback rather than 3, and even then compliance is still a controlled activity and non-compliance full discretionary – the PDP is a substantial liberalisation compared to the status quo.

(439) In the structure of the proposed plan, this is outside the scope of zone chapters and needs to be discussed in the Three Waters and Subdivision chapters, on which FENZ has also made an equivalent submission.

Multiple standards

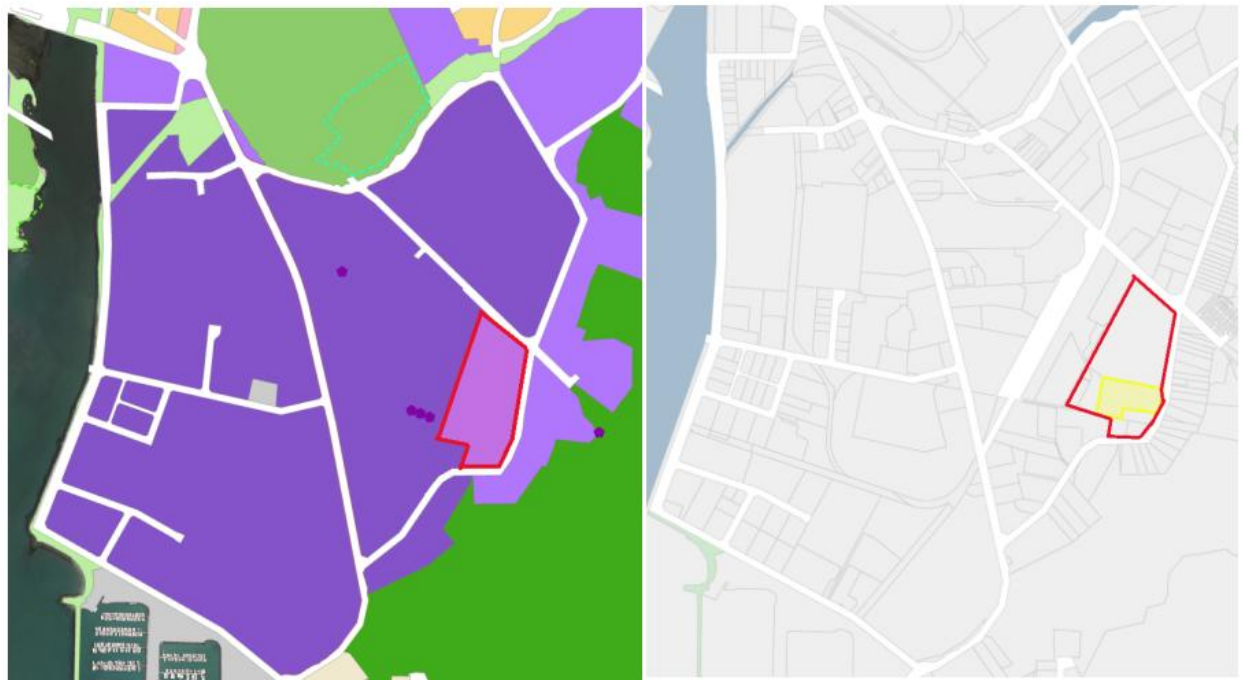
(440) Fire and Emergency NZ (374.70l, 374.70m, 374.70n) seek in general terms that emergency service towers and communication poles up to 15 metres in height are exempt from standards for building height, height in relation to boundary, and setbacks.

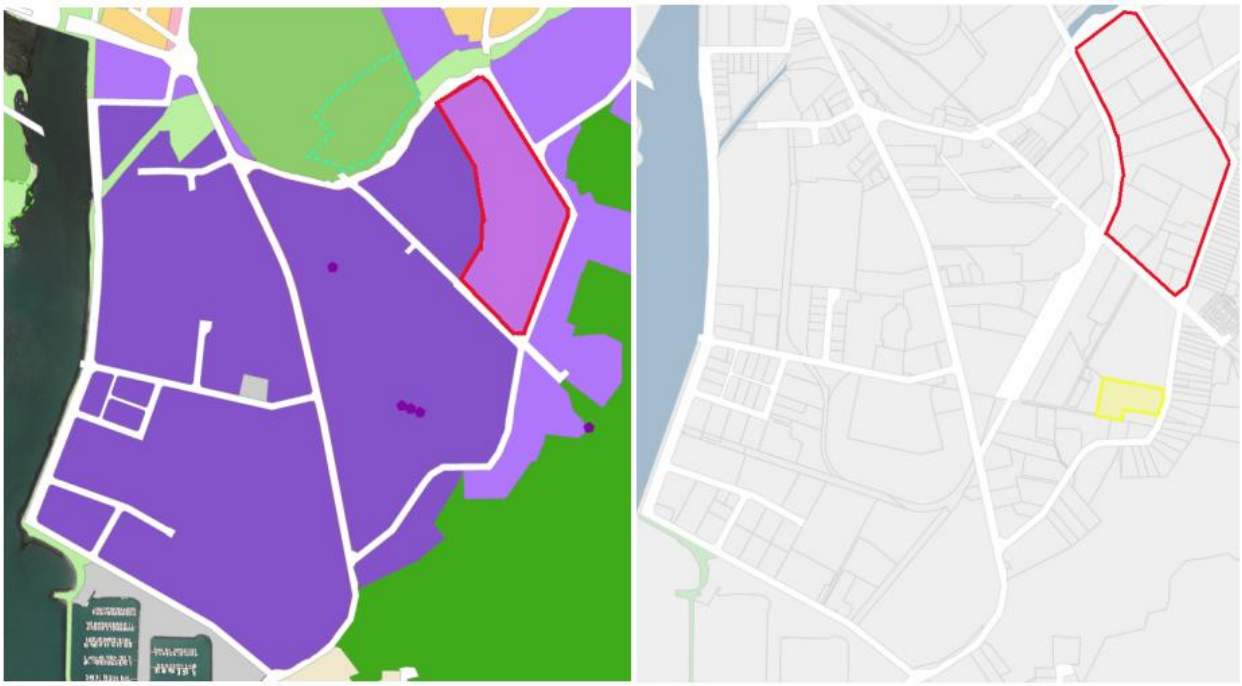
(441) The height limit for the Heavy Industrial Zone and General Industrial Zone, and for the large majority of the Light Industrial Zone that is not in a specific height control overlay, is 22 metres, and so would already be permitted in the situations sought by FENZ.

(442) For the remainder of the Light Industrial Zone, and for the height in relation to boundary and setback standards, there is no good case made by the submitter that the effects are any different to structures in general or that emergency service towers and communication poles have a good reason in most circumstances to need to be put close to the boundary with residential zones. Where there are, non-compliance of the standards is a restricted discretionary activity, which is also a boundary activity, and in my view, it is not unreasonable for FENZ to seek a deemed permitted boundary activity or resource consent.

5.3.13 Zone maps

Heavy Industrial Area along Gracefield Road





(443) Argosy Property (237.49, 237.50) seeks that two areas along Gracefield Road be rezoned from Heavy Industrial to General Industrial, shown in the maps above. As the areas are adjacent and as the submitter's reasoning is equivalent, I will consider them together.

(444) While there are no further submissions on this point, it is implicitly opposed in part by one of Argosy's tenants, Winstone Wallboards (31.1), who support retention of the Heavy Industrial Zone for their operation at 147 Gracefield Road, and by the Adrian Palmer Family Trust (315.5c), who support retention of the Heavy Industrial Zone for 127 Gracefield Road.

(445) Argosy's main contention is that the General Industrial zoning would provide for a larger transition area between the Heavy Industrial Zone and other non-industrial zones.

(446) Winstone Wallboards by contrast notes their existing operation's use and storage of hazardous substances and that the policy framework of the Heavy Industrial Zone supports their ongoing operation (subject to other submission points on provisions in the zone).

(447) The Adrian Palmer Family Trust does not provide reasons.

(448) The Heavy Industrial Zone is unique in the city as the only location that explicitly provides for heavy industrial activities, which inherently face difficulties to find locations where they will not cause adverse effects to existing or enabled neighbours. The Council has a duty to provide and preserve relevant development capacity for heavy industrial activities[33] and Seaview is the primary place in which this capacity is provided.

(449) While the buffer area is important in managing adverse effects, it should therefore not be larger than necessary, to maximise development capacity for heavy industrial activities. I do not think the buffer area is inadequate in the area Argosy submits on. The buffer is effectively the same as in the operative plan and has not proved inadequate over the lifetime of the operative plan. In addition, the buffer in this area is between the Heavy Industrial Zone and natural open space areas, which presents far fewer sensitivity issues than the neighbours in other directions (residential, marae, marina), in which directions the existing buffers are typically smaller, or in a couple of cases, non-existent.

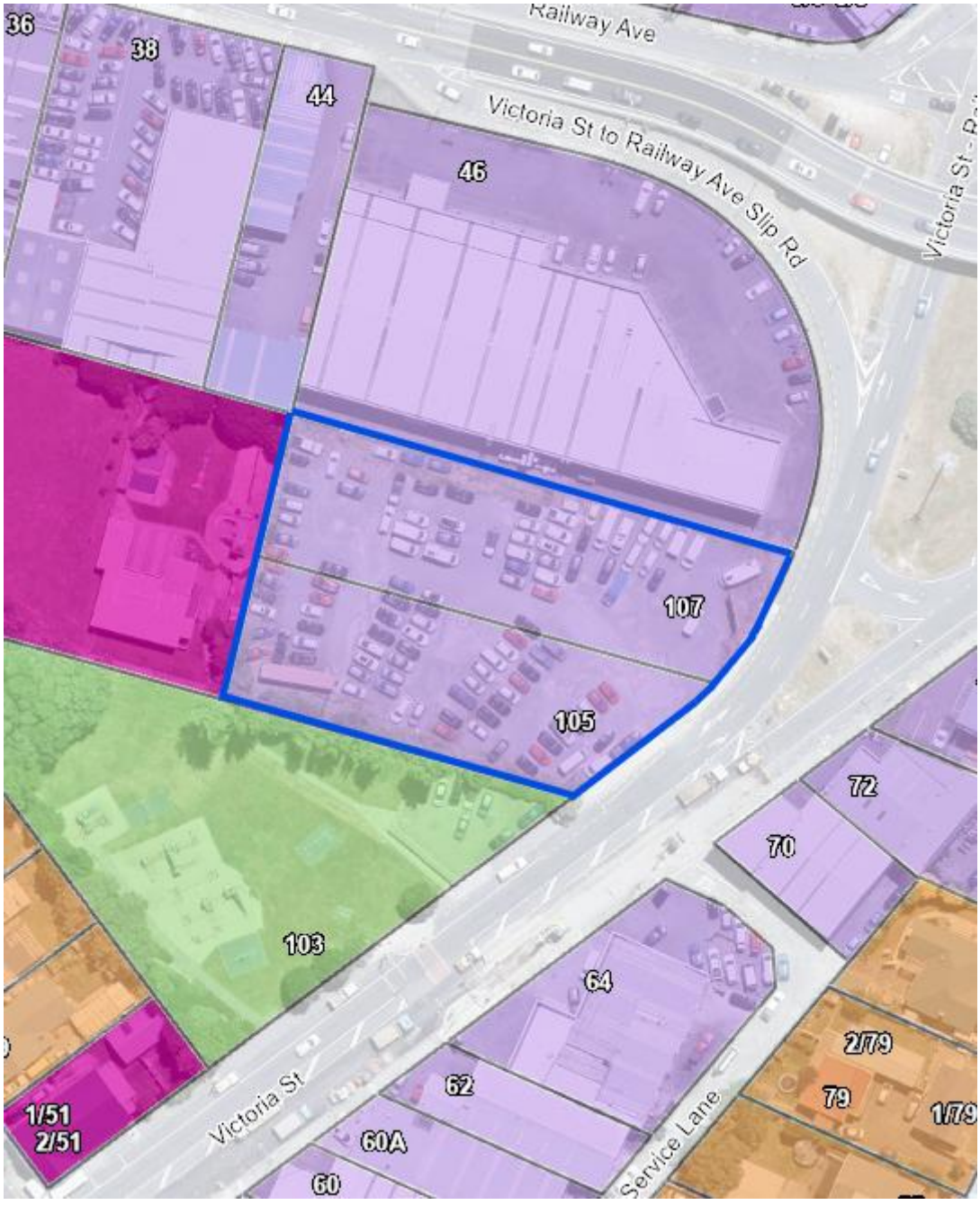
(450) Heavy industrial activities require resource consent under the provisions of the Heavy Industrial Zone, and if the buffer is inadequate to mitigate the

[33] See s31(1)(aa), Resource Management Act 1991, and Policies 1(b) and 2 of the NPS on Urban Development.

adverse effects of that particular activity, it would need to be addressed for consent to be granted.

(451) Accordingly, I recommend the zoning remain as notified.

105 Victoria Street, 107 Victoria Street



(453) The Adrian Palmer Family Trust (315.28a, 315.28b) seeks that 105 and 107 Victoria Street, Alicetown be rezoned from Light Industrial to Mixed Use. These sites are adjacent and present identical issues and so I will consider them together.

(454) The submitters reasons are that the Mixed Use zoning:

- Would better reflect land use in the surrounding area
- Would allow a wider range of activities to occur
- Provide a transition between the residential zone to the south and light industrial to the north
- Would be a logical extension of the Mixed Use Zone applied to Hutt Central School
- Would be similar to the application of the Mixed Use Zone along other sites on Victoria Street
- Various other points which are arguments for the submitter's position against the Light Industrial Zone in general, rather than for this specific site (for which see my discussion on the submitter's direct submission point on that topic in section 5.3.3)

(455) In the operative District Plan, the sites are zoned High Density Residential Activity Area. However, they are not currently used for residential purposes and based on my search of the property records and aerial photographs have not been since, at the earliest, some time prior to the use of the site for tertiary education from the 1960s to the 2000s. The Council did not propose and no-one has submitted requesting a residential zoning for the sites, so I will not consider the operative zoning further.

(456) To the submitter's points – I do not agree that Mixed Use would better reflect land use in the surrounding area. While the immediate surroundings are not used for industrial activities, they are still generally used for the types of commercial activities anticipated in the Light Industrial Zone, such as vehicle servicing, car and motorcycle sales, trade supply retail, and a mass-mailing facility. The sites themselves are currently used for car sales.

(457) The site borders a playground to the south, rather than a residential area. Given that the playground's carpark is on the boundary with the subject

sites, I think this playground's carpark represents the best opportunity for a zone transition. In any case, the Light Industrial Zone is intended to be applied to sites directly adjacent to residential – this treatment of amenity values is one of the key differences between Light and General Industrial. However, the Light Industrial Zone provides greater benefits the larger a contiguous area it can apply to, as this increases the number of sites that do not have neighbours in other more sensitive zones.

(458) The sites border Hutt Central School to the west, which is zoned Mixed Use, although this zoning is of relatively little practical difference as the school also has a designation for education purposes. The school is also laid out, in my opinion, in a way that reasonably responds to an expectation of the subject sites being used for the type of light industrial activity currently on site.

(459) The Council in preparing the plan has generally tried to apply zones to sites with existing designations that would make sense if the designation were lifted. This is mainly because some zone must be applied and this is the only scenario where the choice of zone would make a major difference. It does not necessarily mean that the plan more generally should proceed on the basis that designations are likely to be lifted or redeveloped along the lines of the underlying zone. Accordingly, I don't think that the zoning of Hutt Central School provides a significant reason to also apply that zone to neighbouring land – this decision should be made assuming that at least in the short to medium term, that land will likely remain in use for its designated purpose as a school.

(460) The plan should anticipate the possibility, however, where the designation is lifted and the school redeveloped, as this could happen without a Schedule 1 plan change. In this case it is possible that the school would be redeveloped with mixed use businesses, residences, community facilities etc. However, this would be done knowing that the neighbouring zoning is Light Industrial which it would be regardless, as the school mostly borders Light Industrial zoned sites on Railway Ave. Accordingly, I think the Council's proposed zoning for 105-107 Victoria Street would remain suitable if the designation is lifted.

(461) The submitter considers that "the methodology informing the spatial application of the Mixed Use Zone has resulted in it being proposed across

many sites situated along the main transport route between Petone and the Hutt City CBD (i.e. Cuba Street in Petone and Victoria Street through Alicetown)."

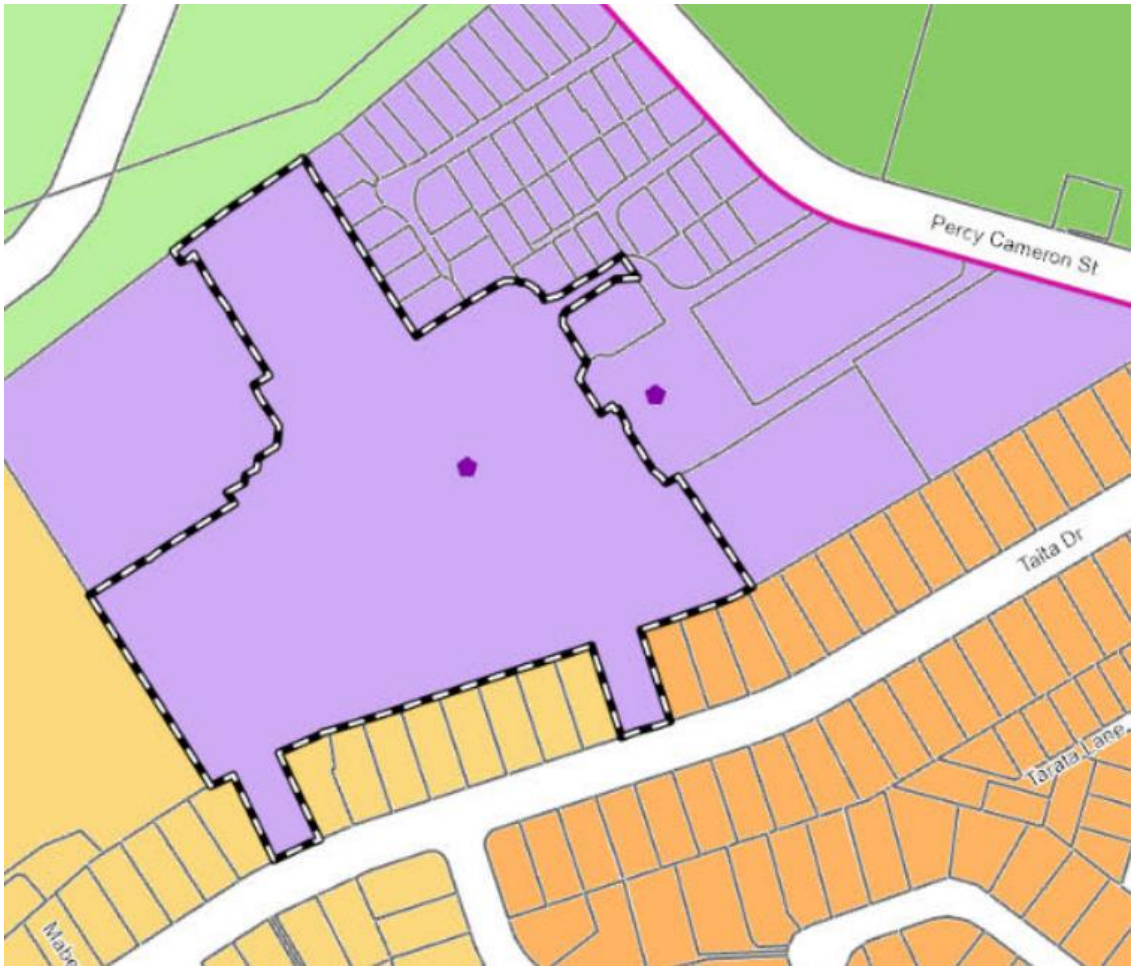
(462) I do not agree that this is a reason to rezone the subject sites. The Mixed Use Zone in this context is primarily aimed at providing a wider range of activities for sites currently used as residential and on the assumption that most are likely to remain so. While the subject sites are zoned residential in the operative plan, they do not have a residential use at present and so present an opportunity to be directly incorporated into an industrial zone that would not otherwise be available, and is not available for the other sites alone Victoria Street that are proposed to be rezoned from residential to Mixed Use.

(463) Overall, the Housing and Business Development Capacity Assessment sets out industrial land as being the type with the largest projected increase in demand over the next 30 years, and has the most difficult constraints on finding new land, especially when it comes to well-located infill. While I agree with the submitter's view that the Mixed Use Zone "can facilitate more walkable neighbourhoods where people can live, work, and shop in close proximity, thereby contributing to a well-functioning urban environment", there are a large number of sites where this is true – most well-located residential sites are likely to be suitable for such a transition if need be. Whereas there are fewer that can be so readily added to the stock of industrial land.

(464) Finally, while I note the submitter's other views on the zone provisions themselves, as notified the Light Industrial Zone better provides for the existing and consented use of the site for car sales. In the Light Industrial Zone this is a permitted activity (it would fall within the scope of LIZ-R14.1.b), while in Mixed Use it would be discretionary (MUZ-R20). It is also more in line with the amenity and urban design outcomes set out in the Light Industrial Zone than the Mixed Use Zone. Given the Council's intention is to retain commercial and industrial land capacity, and the context of the area, I do not see a reason to rezone the site in a way that discourages the current use.

(465) Accordingly, I consider that the Light Industrial Zone remains the most appropriate zoning for the site and recommend the zoning remain as notified.

ODP Avalon Business Activity Area



(466) There is one submission relating to the area of Light Industrial Zone with frontages to Percy Cameron Street and Taita Drive, Avalon. "A Investment Company" (35.5), which for the sake of avoiding confusion I will call 'AIC', seeks that the entire bloc be rezoned to Mixed Use Zone. They also refer in their submission to a consented residential development on one site in the bloc, highlighted in the map above. At time of writing this development was under construction on part of the site. The owner of that site originally made, but has subsequently withdrawn, a submission specific to that site. I understand that the withdrawal reflects the former submitter no longer being opposed to the Light Industrial Zone for the site on the grounds that the residential development has existing resource consent.

(467) AIC points to that consent for residential development, and considers that Mixed Use would still provide for light industrial activities and a wider range of activities on the land and would be more compatible with surrounding areas. AIC compares the bloc to other sites in neighbouring cities which are zoned or proposed to be zoned as Mixed Use which it considers similar.

(468) The operative plan zoned this site Avalon Business Activity Area. This Activity Area (zone) is primarily designed to encourage and provide for use of the site for film and television activities, which were the dominant use of the site in the 1990s when that plan was notified. In the decades since, film and television use has significantly declined, although at time of writing, the studio buildings are still in use and Ngā Taonga (the audiovisual archive) continues to use the northwest corner for long term film archiving.

(469) In reviewing the Operative Plan zoning, the Council did not consider retaining a film and television specific zoning. By contemporary standards this zoning is too inflexible and does not align with the plan's division of zones and land uses based on their effects and development capacity needs. However, film and television activities have similar needs and effects to industrial activities.

(470) The purpose of having the Industrial Zones in the plan is not to enable the widest possible range of land uses. It is to protect development capacity for industrial land uses, which have a more limited range of possible locations than other land uses, while balancing having a practical array of non-industrial activities to provide for reasonable use of sites that support industrial land uses or provide alternatives in the meantime before they are needed for industrial use. The philosophy of the plan has been to identify any large areas suitable for industrial use as Industrial Zones, given that as per the Housing and Business Development Capacity Assessment, this is the land use with the most significant unmet development needs.

(471) The former Avalon Studios site is such an example. It is a large, contiguous block, does not yet have any significant residential presence (subject to the resource consent for residential development, which I discuss below), and has reasonably sized sites and arterial road access. In preparing the

PDP, Council would likely have considered the General Industrial Zone were it not for the granted resource consent on part of the site. The existing land uses are all either anticipated within the Light Industrial Zone or are at least compatible with it. Finally, the closure and development of the television studio and other surplus studio land is likely in the long run – the Light Industrial Zone provides protection for this land to earmark it for land uses the city needs in the medium and long term and not necessarily lose that land permanently.

(472) The Light Industrial Zone is specifically intended as an industrial zone that can be managed consistent with residential neighbours, and to even have residential activities within the zone for residents willing to accept the resulting amenity values. Accordingly, it remains a suitable overall zoning even if part of the site becomes residential, either with or without the residential component being rezoned.

(473) In general, the Mixed Use Zone is intended to provide additional flexibility for sites with unique issues that do not fit well in any other zone. However, I think the Light Industrial Zone is entirely adequate to manage the site.

(474) As mentioned, there is a resource consent for residential development within the bloc. Whether implemented or not, this is not in itself a case for a residential zoning – the development was granted resource consent on the basis of being within the Avalon Business Activity Area, and that the amenity values future residents would expect are consistent with that. The Light Industrial Zone is comparable to the Avalon Business Activity Area in that respect, and the provisions of the Light Industrial Zone anticipate potentially larger residential developments within the zone, in terms of amenity effects (they are controlled in some circumstances for other reasons).

(475) There is at least some minor benefit to retaining the industrial zoning to preserve industrial potential if the residential development were to be redeveloped in future.

(476) However, this is unlikely for the portion of the site already built as townhouses, and once subdivided the residential development will be difficult to undo, whether it remains the most economically efficient use over time. Retaining an industrial zoning for this area may result in additional consent requirements for alterations or adaptation of the built

residential form, without delivering a corresponding strategic benefit. Accordingly, a zone that does anticipate residential uses as-of-right could lessen this regulatory cost. However, this is probably also a minor benefit given the existing resource consents for the development.

(477) On balance, and considering that the submission from the landowner has been withdrawn and is now (as I understand) no longer opposed to the Light Industrial Zone, I think that retention of the Light Industrial Zone as notified is the best option.

5.3.14 Overlay and specific control maps

Industrial Main Through Route Frontage Overlay

(478) Z Energy (468.2b, 468.3b, 468.4b, 468.5b, 468.9d) supports the overlay as it applies to 11, 55, 58, and 59 Seaview Road and 30 Hollands Crescent. This support is noted and is recommended to be accepted.

(479) A Investment Company (35.8) opposes the overlay as it applies to 41 Percy Cameron Drive, Avalon. The submitter does not give specific reasons for this relief, although it would be a consequential change on their relief sought for rezoning of the site to Mixed Use.

(480) If it is intended by the submitter as a standalone item of relief, then I recommend not accepting it. All relevant standards for the overlay are already more than met for the site, which has an existing landscaped setback of well over 3 metres. The route forms a significant entrance route to the suburb for traffic coming from Harcourt Werry Drive and so I think retention of the overlay gives best effect to LIZ-O5, if the site remains in the Light Industrial Zone.

(481) If however the panel is of a mind to grant the sought rezoning (which I am not recommending in respect of this part of the site – see section 5.3.13), then the Overlay should be removed consequently.

6 Seaview Marina Zone

6.1 Chapter Summary

(482) The Seaview Marina Zone chapter is a standalone zone in the proposed plan, but is closely related to the industrial zones, both in that the Heavy Industrial Zone is its main neighbour, but also that it shares many of the same resource management issues.

(483) In the Draft District Plan (which was released for consultation in late 2023/early 2024) it formed a precinct within the General Industrial Zone, but based on feedback on the draft, was split out into a separate special purpose zone for plan usability.

(484) However, as there is little overlap between the submitters and submission points on Industrial Zones and on the Seaview Marina Zone, I will discuss this zone separately.

6.2 Overall resource management issues

6.2.1 Plan consistency

(485) One major theme of the Seaview Marina submission (343) is that the zone should be more specific to the marina rather than reflect the general structure of zones within the PDP.

(486) I do not agree. Consistency and repetition across zones provide an advantage in plan usability. Due to the structural requirements of the plan, there are a lot of commonalities across the zones that is reflected by similar or identical provisions in each zone. The differences in a special purpose zone should be only what is necessary to manage the issues that are special for that area. Where the plan as a whole takes a consistent policy approach across the zones, the Seaview Marina Zone should do likewise by default except where there is a good reason to depart from that approach. The submitter has not identified any unique or specific marina effects that are incapable of being managing within the common zone framework.

(487) Reusing the same wording across multiple zones (and often this wording is itself lifted from the operative plan or other plans in the region) also reduces the likelihood that, should provisions prove difficult to apply by processing planners or end up in dispute in Environment Court, that the provisions will be completely novel – if they are consistent, any given precedent can be more widely applied. In addition, the National Planning Standards seek and set standardised structure and terminology, which highlights the efficiencies of consistent wording and approaches across zones.

6.2.2 Activities sensitive to oil terminal hazards

(488) The Fuel Companies (471) make a number of submission points seeking that various provisions take account of hazardous substances risk and reverse sensitivity arising from hazardous substances risk.

(489) Issues about reverse sensitivity for the oil terminals (as opposed to for industry generally) are addressed in more detail in the Contaminated Land and Hazardous Substances s42A report. I agree with that report's conclusion that the matter is better addressed in the Hazardous Substances chapter, and that a line must be drawn somewhere for how far from a major hazard facility the risk should be assessed. Where that line is, is a matter for the Hazardous Substances chapter and associated maps.

(490) This also raises an issue of procedural fairness. All of the relief sought would apply only in the Seaview Marina Zone, and not in otherwise comparable situations in the Heavy Industrial Zone. It would only (in practice) make a difference outside the Hazardous Substances Risk Management Overlay, as within that overlay any sensitive activity would be a non-complying activity and would be subject to more specific objectives and policies. The combination of these factors would have the effect of holding the marina (outside the overlay) to a much more stringent standard than the oil terminal's industrial neighbours (outside the overlay).

(491) However, the presence and potential expansion of the oil terminals is still useful context for the Seaview Marina Zone, as part of the general industrial context of the area. However, this is in my view handled under

general concerns about industrial development capacity threats from activities sensitive to industry, rather than needing specific and separate treatment.

6.3 Discussion of submissions and recommendations

(492) This section is a discussion of the submission points on the Seaview Marina Zone chapter, with my recommendations on decisions requested by submitters on this chapter.

(493) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Seaview Marina Zone s32 report.

(494) For submissions that primarily relate to one of the key wide-ranging resource management issues in section 6.2, I will usually refer back to my overall recommendation rather than considering each point separately.

(495) Some provisions are taken from the Industrial Zones, and some submitters have made the same points on them, although not necessarily all submitters. For the sake of brevity and consistency I will sometimes refer back to the Industrial Zones discussion where it might be lengthier.

6.3.1 Provisions not in dispute

(496) The following provisions only have submissions in support, with no changes sought:

- **SMZ-R2 (Demolition of removal of buildings and structures)** – supported by Seaview Marina Ltd (343.24), although I recommend a consequential amendment to remove what would be an unnecessary reference to the breakwaters from another of the submitter's points (343.1a).
- **SMZ-R5 (Industrial activities, other than heavy industrial activities)** – supported by Seaview Marina Ltd (343.27)

- **SMZ-R7 (Emergency service facilities)** – other than the naming issue raised by FENZ (374.124) and discussed in section 5.3.2, not in dispute and supported by Seaview Marina Ltd (343.29)
- **SMZ-R10 (Carparking)** – supported by Seaview Marina Ltd (343.32)
- **SMZ-R17 (Marine supply commercial activities)** – supported by Seaview Marina Ltd (343.39).
- **Seaview Marina Zone – application of zone to Seaview Marina site** – supported by Seaview Marina Ltd (343.1a).

(497) As these points are all thus beyond contention, they all should be accepted.

(498) Where other provisions in the chapter are not listed in this report, they did not receive provision-specific submissions.

6.3.2 General

(499) Seaview Marina Ltd (343.1c) seek that policies and rules relating to open space zones should not apply to the breakwaters.

(500) The relevant rules and standards already provide such an exclusion (see SMZ-S2, SMZ-S3, and SMZ-S4)[34]. The policies do not, but as I discuss in section 6.3.11 I recommend changes to the maps to rezone the breakwaters into the Seaview Marina Zone, thus making the matter moot.

(501) As discussed in the Industrial Zones section 5.3.2, I recommend granting the relief of FENZ (374.127) to rename "emergency facilities" to "emergency service facilities" to match the definition, and the submission of the Policy Planning Team (440.3) to rename "reverse sensitivity effects" to "reverse sensitivity issues". I won't discuss this further for individual provisions.

(502) The Fuel Companies (in part each of 471.298, 471.300, 471.301, and 471.302) seeks that policy references to "heavy industrial" be changed to "heavy industrial activities". This wording change would enhance consistency within the plan and match the defined terms and so I recommend accepting this part of these submission points.

[34] Although, as the submitter also seeks the breakwaters be rezoned, which I recommend accepting, these exclusions would now be unnecessary and so can be removed (see point 343.1a discussed in section 6.3.11).

(503) Seaview Marina Ltd (343.57b) seek that, as alternative relief to their points on the Hazardous Substances chapter, there be "an alternative rule framework that provides a consenting pathway for marina activities, marina facilities and other activities provided for in the in the SMZ to operate in the [Hazardous Substances Risk Management Overlay]".

(504) This issue is discussed in the Hazardous Substances and Contaminated Land s42A report. The alternative relief could not be implemented within the proposed structure of the plan while still complying with the National Planning Standards and it would be infeasible to restructure it within the scope of submissions. I accordingly consider this matter can only be advanced through the Hazardous Substances chapter.

6.3.3 Introduction

(505) The Fuel Companies (471.296) support the introduction.

(506) Seaview Marina (343.5) seeks to amend the introduction as shown:

> "The purpose of the Seaview Marina Zone is to enable the continued operation of the Marina, and a compatible range of other activities and development subject to …"
>
> …
>
> "…~~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~~."
>
> "The planned urban environment for the Seaview Marina Zone is one that meets the operational needs of the marina while still providing a safe, functional, and attractive environment for workers and visitors. It is managed to ~~protect amenity values in nearby residential areas~~ and avoid or appropriately mitigate unreasonable reverse sensitivity effects on the Heavy Industrial Zone …."

(507) I agree that development should be explicitly stated in the introduction to make clear that the zone is not only intended to manage existing activities.

(508) The Marina clearly forms part of a buffer between the residential and Heavy Industrial zones:

(509) However, the use of the buffer is not intended to infer as a barrier between residential activities and the Heavy Industrial Zone, but rather to ensure that sensitive activities do not locate too close. The zone is not "protecting" something beyond it, but providing space for activities that are not sensitive.

(510) Protecting amenity values in adjacent residential areas is part of the general policy goals of all the commercial, industrial, and similar urban

special-purpose zones in the plan[35] and there is no reason for the Seaview Marina Zone to take a different approach.

(511) I agree that mitigation as well as avoidance should be provided for as an option for managing reverse sensitivity which reflects the policy direction in the zone (although I would omit "appropriately" as I do not think that criterion is likely to be in doubt).

6.3.4 Invalid and unclear

6.3.5 Objectives

(512) Seaview Marina (343.6) seeks in general terms that the objectives be simplified through a reduction in the number and length of objectives. However, the submitter has also raised specific submission points on five of the six objectives. In those circumstances, I consider it more appropriate to address the substance of the submitter's concerns through consideration of those specific points, rather than separately assessing this general request. .

SMZ-O1 (Purpose of the zone)

(513) Seaview Marina (343.7, F14.26, F14.27) seeks to replace the objective with:

> "The Seaview Marina Zone supports the needs of the Seaview Marina and creates a focal point for marina related activities and facilities."

(514) It is part of the general structure of the proposed plan that each zone has as its first objective, a provision setting out the purpose of the zone – why it exists, where it is applied to, and the resource management issues that set it apart. Without such an objective there is nothing to support the application of different zones to different parts of the district.

(515) I think the objective needs to retain the balance of both what the zone is intending to encourage with what it discourages and so do not recommend this type of change.

[35] Compare SMZ-O6 with the similar CCZ-O5, MCZ-O5, LCZ-O5, NCZ-O5, MUZ-O5, LIZ-O6, GIZ-O6, HIZ-O6, NOSZ-O4, OSZ-O4, SARZ-O4, HOSZ-O4, MAZ-O4, and TEDZ-O4.

(516) Seaview Marina also submits that the objective largely duplicates SMZ-O2. While I agree that there is significant duplication, the two objectives do not do the same thing and do work together – SMZ-O1 provides the reasoning and SMZ-O2 expands on what that means in particular situations.

(517) It is also a common pattern across the zones of the plan, and as this pattern is not as far as I am aware significantly contested in other zones, consolidating the objectives in this zone only would lead to a less consistent plan, which risks inconsistent treatment.

(518) The Fuel Companies (471.297) seek to amend the objective as shown:

> "The Seaview Marina area is used primarily to provide for the needs of marina activities, and~~. 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, where they ~~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~~ Avoid reverse sensitivity effects that could compromise ~~on~~ industrial activities, including heavy industrial activities, in the Heavy Industrial Zone ~~and General Industrial Zone~~."

(519) The first change would create internal ambiguity as it mixes elements of the primary activity (marina activities) with the conditions that apply to supporting activities that refer back to the primary activity – if all activities in the zone are the primary purpose but are expected to not interfere with the primary purpose then we have no way of applying the test.

(520) For the rewording of the reverse sensitivity test, I discuss this issue in more detail for the industrial zones in section 3.1. Even in the Industrial Zones themselves, the plan should not seek to completely avoid reverse sensitivity – it remains the primary responsibility of activities that cause nuisances to avoid, remedy, or mitigate their effects. Taking a reverse sensitivity lens, and therefore restricting the ability of people to use their property even if it harms no-one else, simply because they are the *recipients* of effects, is a major step and should be applied as only a last resort and policies and the definition of reverse sensitivity set this test out.

(521) The last point would be to restrict the application of the objective around reverse sensitivity to other zones to apply to only the Heavy Industrial Zone and not the General Industrial Zone. However, the Centreport facility next door is within the General Industrial Zone and I think it is appropriate to capture this.

(522) I therefore recommend no change to this objective.

SMZ-O2 (Activities in the zone)

(523) Seaview Marina Ltd (343.8, F14.28) seek to replace almost all of the objective as follows:

> *The Seaview Marina Zone*:
> *1. Meets the needs of the Seaview Marina;*
> *2. Provides primarily for marina related activities and facilities; and*
> *3. Supports compatible activities and facilities that do not interfere with the primary purpose of the zone.*

(524) The Fuel Companies (471.298) seek to change SMZ-O2.3:

> *The Seaview Marina Zone*:
> …
> *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. Avoid ~~Do not create unreasonable or excessive~~ reverse sensitivity ~~issues~~ effects that could compromise ~~for~~ ~~industry~~ industrial activities in the Heavy Industrial Zone, and*

(525) In both cases this is the same basic issue as in SMZ-O1, and I recommend rejecting both submitters' relief for the same reasons as in SMZ-O1. This highlights the duplication between the objectives, which to a degree I

agree with Seaview Marina Ltd on. However, as I say in SMZ-O1 I think on balance plan consistency favours keeping them separated. Accordingly, I recommend no change to the objective (other than the point about the term "heavy industry" covered in section (497)).

SMZ-O3 (Provision of activity spaces)

(526) Seaview Marina (343.9) seek to delete the objective and submit that they find it unclear what the objective is trying to do.

(527) The objective fits part of the pattern for zones that there is an objective around development capacity, compare for example GIZ-O3:

> *The General Industrial Zone provides for a variety of types and sizes of tenancies that respond to industrial business needs and demand.*

(528) These objectives are primarily written from the point of view of being monitorable, e.g. through the Housing and Business Development Capacity Assessment.

(529) I agree with the submitter that the language is unclear and "activity spaces" is a less obvious term than, for example, "tenancies". However, deleting the objective entirely would create a gap between the zone's policies and rules and the Council's duty to provide for and monitor development capacity. I accordingly recommend the objective remain as-is, although the submitter may consider proposing alternative wording if there is any within the scope of their submission instead of complete deletion.

SMZ-O4 (Planned character and planned urban built environment of the zone)

(530) Seaview Marina Ltd (343.10) seek to delete the objective or replace it with:

> *The built character of the Seaview Marina Zone reflects the functional and operational needs of the primary activities in the zone while also providing appropriate amenities for visitors and employees.*

(531) They submit that they see the objective as overly detailed and better suited for a policy.

(532) I do not agree. The policies (SMZ-P8, SMZ-P9, SMZ-P10) that sit under the objective set out how the objective will be achieved, but the objective needs to define the outcomes sought.

(533) I also do not agree with the proposed replacement, as it does not sufficiently address the major issues in the location that need to be managed – the visual character in relation to the coastal environment, the role of the public space parts of the Marina, health and safety issues, promoting active and public transport, and integrating with infrastructure. It also sets some outcomes for the Marina that are likely in its interest, such as setting expectations for a flexible mix of uses and building scales, which is a significant departure from the restrictions on building scale and land use in the operative plan and needs to be signalled at an objective level.

(534) I accordingly recommend the objective be retained as notified.

SMZ-O5 (Character – main through routes)

(535) Seaview Marina (343.11) do not consider there to be any major through routes in the Seaview Marina zone and seek the objective be deleted.

(536) The Industrial Main Through Route Frontage Overlay applies to the Marine Drive frontage of the marina. I agree with the submitter that the landscaping requirements that seek to achieve this objective are likely to conflict with the functional needs of the oil pipeline. I accordingly recommend accepting this relief and consequentially deleting the related portion of the standard, and the map overlay.

6.3.6 Policies

SMZ-P1 (Enabled activities)

(537) Seaview Marina (343.12) seek to replace the policy with:

> *1. Enable the operation and development of marina activities and facilities within the Seaview Marina Zone.*
> *2. Provide for ancillary activities and other activities that either support marina activities or are compatible activities, including commercial activities, where they:*
> *a. Do not undermine the purpose of the zone;*

b. Benefit the vitality and vibrancy of the Seaview Marina;
c. Provide co-location benefits; and
d. Manage reverse sensitivity effects on activities in the adjoining General Industrial Zone and Heavy Industrial Zone.

(538) The objective generally sets out what the plan is trying to achieve and why, and the policy what the plan's actions are to achieve that. I think the submitters' wording is adequately captured in the objective.

(539) The Fuel Companies (471.299), supported by Seaview Marina (F14.29), seek to remove reference to the General Industrial Zone. As I discuss in SMZ-O2, while the Centreport facility is not directly adjacent, it is close enough to potentially worry about reverse sensitivity issues and so I think needs to be covered in the consideration of reverse sensitivity.

(540) Accordingly, I recommend no change to the policy based on the submissions.

(541) However, I recommend a minor RMA Schedule 1 Clause 16 correction to include text inadvertently truncated from the end of the policy when transferring it into the e-plan, which should match the language in SMZ-P4:

Enable:

1. Marina activities,
2. Activities that support marina activities,
3. Industrial activities,
4. Research activities,
5. Emergency facilities,
6. Trade and industrial training facilities, and
7. Commercial activities that do not undermine the purpose, vitality, vibrancy, and co-location benefits of the City Centre, Metropolitan Centre, and Local Centre Zones, while managing the reverse sensitivity effects of those on existing and potential activities in the General Industrial Zone and Heavy Industrial Zone.

SMZ-P2 (Residential activities and sensitive activities not related to the Seaview Marina)

(542) Seaview Marina (343.13) seek to rewrite the policy, moving in elements from SMZ-P3 as follows:

> ***SMZ-P2: Residential Activities and Sensitive Activities ~~not related to the Seaview Marina~~***
>
> *~~Avoid~~ Only allow for residential activities and ~~other new~~ sensitive activities ~~not associated with the Seaview Marina unless they are~~ where:*
> *1. They are ancillary to and support a marina activity, ~~an industrial activity, research activity,~~ or emergency facility,*
> *2. ~~Managed so that~~ they do not adversely impact the long-term development capacity of the Seaview Marina Zone for marina development, including through managing the design of new buildings, and*
> *3. They are managed to minimise reverse sensitivity effects for industry, including existing and enabled heavy industry.*

(543) The Fuel Companies (471.300), opposed by Seaview Marina (F14.30), seek to rewrite the policy as follows:

> *Avoid residential activities and other ~~new~~ sensitive activities not associated with the Seaview Marina unless they are:*
>
> *1. Ancillary to and support an industrial activity, research activity, or emergency facility,*
> *2. Managed so that they do not adversely impact the long-term development capacity of the zone for marina development, including through managing the design of new buildings, and*
> *3. Designed, located and managed to avoid ~~minimise~~ reverse sensitivity effects that could compromise ~~for~~ industry, including existing and enabled heavy ~~industry~~ industrial activities.*

(544) Seaview Marina Ltd (343.13, F14.30) seeks to substantially rewrite SMZ-P2 by incorporating material currently contained in SMZ-P3, and by reframing the policy around an explicit distinction between activities associated with the Seaview Marina and those that are not.

(545) The Fuel Companies (471.300) seek a similar re-working of SMZ-P2, likewise proposing a more restrictive approach to residential and other sensitive activities, and altering the framing of the reverse sensitivity test.

(546) While the submissions differ in emphasis, they raise the same underlying issue: how activities that are sensitive to marina and industrial effects should be managed within the Seaview Marina Zone, and whether this should turn on an activity's association with marina operations. I agree with Seaview Marina Ltd that the current separation between SMZ-P2 and SMZ-P3 makes this framework harder to follow and results in unnecessary duplication.

(547) I therefore consider that the submissions on SMZ-P2 and SMZ-P3 are best addressed together through a consolidated policy structure. Doing so allows the matters raised by both submitters—development-capacity protection, compatibility, and reverse sensitivity—to be resolved in a single, coherent policy that is clearer for plan users and more consistent with the structure of the plan.

(548) On that basis, I continue my substantive assessment and recommendation for both policies under SMZ-P3, where I address the merits of consolidation and the appropriate policy direction for managing residential and other sensitive activities within the Seaview Marina Zone.

SMZ-P3 (Residential activities and sensitive activities related to the Seaview Marina)

(549) As discussed above, Seaview Marina (343.14) seeks the policy be merged with SMZ-P2, which I agree with.

(550) The Fuel Companies (471.301) seek similar changes to those on SMZ-P2:

> *Avoid:*
> *1. Residential activities and other ~~new~~ sensitive activities associated with the Seaview Marina and*

2. Activities that primarily support or are ancillary to residential activities or other sensitive activities in the coastal marine area,
unless they are:
1. Ancillary to and support an industrial activity, research activity, or emergency facility,
2. Managed so that they do not adversely impact the long-term development capacity of the zone for marina development, including through managing the design of new buildings, and
3. Designed, located and managed to avoid ~~minimise~~ reverse sensitivity effects that could compromise ~~for~~ industry, including existing and enabled heavy ~~industry~~ industrial activities.

(551) The differences between SMZ-P2 and SMZ-P3 as notified are about whether the residential activities or other sensitive activities are related to the Seaview Marina itself or not. The key distinctions that result from this are:

- Whether reverse sensitivity issues should be minimised or avoided,
- That where the activities are not associated with the marina they must be associated with an industrial activity, research activity, or emergency facility, and
- Possibly encoding an unnecessary, although very likely, assumption that activities in the coastal marine area are by definition associated with the Marina.

(552) I agree with Seaview Marina that "minimise" is the appropriate test for reverse sensitivity and this is consistent with the approach in most of the plan.

(553) The remaining points can be appropriately addressed in a combined policy.

(554) For the substance of the Fuel Companies relief, about the rewording of the reverse sensitivity test, I discuss this issue in more detail for the industrial zones in section 3.1 and the objectives and recommend no change.

(555) For the Seaview Marina relief, I largely agree with their proposed rewording as being clearer, although:

- I think it is appropriate to provide a pathway for residential activities and other sensitive activities associated with industrial and research activities, since the purpose of the restriction is to manage impacts on the industrial zones, and this pathway is available in the industrial zones themselves – there is no reason for the SMZ to be stricter,
- It is appropriate to retain the coverage in SMZ-P3 of activities on land that support residential activities and sensitive activities in the coastal marine area. People living aboard boats are still at risk of an oil terminal explosion or other industrial accident, and this avoids any gap between the scope of the regional coastal plan and district plan for activities that are mixed across the land and sea, and
- Some minor rewordings (e.g. grammatically recognising that residential activities are a type of sensitive activity).

(556) Putting all that together, I recommend SMZ-P2 and SMZ-P3 be consolidated into a single policy as follows (changes not tracked, as there are two proposed policies and one submission to potentially compare it to):

> ***SMZ-Pxxx Residential Activities and Sensitive Activities***
>
> *Only allow for residential activities and other sensitive activities, and activities that primarily support or are ancillary to residential activities or other sensitive activities in the coastal marine area, where:*
> *1. They are ancillary to and support a marina activity, an industrial activity, a research activity, or an emergency service facility,*
> *2. They do not adversely impact the long-term development capacity of the Seaview Marina Zone for marina development, including through managing the design of new buildings, and*
> *3. They are managed to minimise reverse sensitivity issues for industry, including existing and enabled heavy industry.*

SMZ-P4 (Role in network of commercial and industrial areas)

(557) Seaview Marina Ltd (343.15) seek that the policy be deleted and considers that the location and scale of commercial activities would not have adverse effects on the hierarchy of centres.

(558) I believe that the potential risks of effects on commercial centres are the same for the Seaview Marina Zone as for comparable areas, particularly the General Industrial Zone, and accordingly a similar policy approach to the General Industrial Zone is warranted. Accordingly, I recommend the policy remain as notified.

SMZ-P5 (Reverse sensitivity)

(559) Seaview Marina Ltd (343.16) seek that the policy be deleted as the issue is already covered in other policies.

(560) The Fuel Companies (471.302), opposed by Seaview Marina (F14.33), seek that the policy be amended as follows:

> *Avoid any ~~other~~ activities that present ~~significant and inadequately managed~~ reverse sensitivity ~~issues~~ effects that could compromise ~~for~~ industry, including existing and enabled heavy ~~industry~~ industrial activities."*

(561) SMZ-P5 refers to "any *other* activities" (emphasis mine), that is, activities not referred to in SMZ-P1, SMZ-P2, SMZ-P3, and SMZ-P4. It therefore performs a necessary residual function, ensuring that reverse sensitivity issues arising from uncommon, unanticipated, or atypical activities are still assessed. Deleting the policy would create a gap in the policy framework for such activities.

(562) I do think that the submitter has a point and the approach of repeating the issue in five different policies creates an impression of greater significance for the issue than it should have. If writing the chapter from scratch, it would have been better to address reverse sensitivity for all types of activity in only a single policy. However, I think it would be pushing the boundaries of the scope of submissions to make this change now, given that no-one sought to remove reverse sensitivity from SMZ-P2/P3.

(563) For the Fuel Companies point, as I note, this policy is not intended to duplicate SMZ-P1 through P4, and so I do not agree with the deletion of the

word "any". Otherwise, the discussion on the equivalent and more consequential SMZ-P2/P3 above applies here too.

(564) Accordingly, I recommend the policy remain, with the following slight modification for consistency with SMZ-P2/P3:

> *Avoid any other activities that present significant and inadequately managed reverse sensitivity issues for industry, including existing and enabled heavy ~~industry~~ industrial activities.*

SMZ-P6 (Existing activities)

(565) The Fuel Companies (471.303) support the policy as notified.

(566) Seaview Marina Ltd (343.17, F14.33) seek the policy be deleted and considers it unnecessary as it is covered by existing use rights.

(567) I do not agree. Existing use rights only apply when certain conditions are met, particularly that in most cases "*the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified"*[36]. Existing activities may well require resource consent when expanding, intensifying, or changing in character, and it is appropriate for the plan to provide policy direction for how accommodating to be around the evolution of existing uses.

(568) I accordingly recommend the policy remain as notified.

SMZ-P7 (Development capacity)

(569) Seaview Marina Ltd (343.18) seek that the policy be amended as follows:

> *Provide sufficient development capacity within the Seaview Marina Zone ~~for the flexible use of the Seaview Marina area~~ to respond to changing needs and ~~unpredictable needs, and~~ ~~provide for~~ accommodate activities that support the viability of the Seaview Marina.*

[36] Section 10(1)(a)(ii) RMA

(570) This rewording would not make a significant difference to the plan but to the extent that it does, it moves further away from specifying how this zone in particular provides development capacity and merely states that it will do so.

(571) Accordingly I recommend that the policy remain as notified.

SMZ-P8 (Urban design outcomes (by meeting standard or assessment))

(572) Seaview Marina Ltd (343.19) seek to replace the policy with:

> *SMZ-[Pxxx]: Urban Form and Scale*
> *Manage the urban form and scale of built development to:*
> *1. Achieve the efficient use of the limited land resource of the Seaview Marina Zone;*
> *2. Provide for marine related activities and facilities;*
> *3. Enhance spaces that are accessible to the public; and*
> *4. Manage reverse sensitivity effects on existing and anticipated use and development.*

(573) Deleting the policy is closely linked to their relief on SMZ-P9 and so I will discuss this relief further under that policy. If accepted, this relief would in effect merge the proposed P8 and P9 into a single policy while adding a completely new policy in addition. I do not recommend that merger.

(574) In terms of the relief of adding (de facto) a new policy, I do not think the proposal is necessary as the requested clauses 1, 2, 3 and 4 duplicate policy direction already given in P1, P2, P3, P5, and P7, or that the submitter proposes to delete by deleting the proposed P8 and P9, and clause 3 is depending on how it is interpreted partly no longer in scope of the plan stop exemption given the withdrawal of the Public Access chapter.

(575) As a consequence of accepting the submitter's relief on removing the Industrial Main Through Route Frontage Overlay (see SMZ-O5), there would no longer be any relevant standards for outcome 1 (about vehicle parking and loading areas), and so I recommend removing it.

(576) Urban Edge Planning (449.52) seek to merge the three urban design policies into one. I do not recommend this as discussed in section 3.2.

(577) Urban Edge Planning (449.56, 449.60, 449.72) further seeks across both this policy and SMZ-P9 to:

- Remove references to adequate daylight

(578) As discussed in the equivalent submission points for the industrial zones (LIZ-P9, GIZ-P9, HIZ-P8) I recommend accepting these in part and aligning the language with the equivalent commercial zone provisions.

(579) Putting all these together, I recommend the policy be amended as follows:

> *Built development is managed […]*
>
> *The outcomes are:*
> *1. ~~Vehicle parking and loading areas, accessways, and garages are designed to provide for pedestrian safety, comfort, dignity, and amenity~~.*
> *2. The form and scale of development contributes to visual amenity in public space.*
> *3. The form and scale of development protects access to sunlight ~~and daylight~~ in well-used streets and public spaces.*
> *4. Ensure adequate privacy for activities sensitive to privacy intrusion, on the site and on adjacent sites.*
> *5. ~~Ensure adequate access to daylight for residential activities on adjacent residential zone sites.~~*
> *6. Ensure adequate access to sunlight for existing outdoor living spaces on adjacent residential zone sites, and public open space.*
> *[…]*

SMZ-P9 (Urban design outcomes (other than small-scale primary activities in the zone))

(580) Seaview Marina Ltd (343.20) seek to replace the policy as follows:

> *SMZ-P[xxx] Urban design outcomes*
> *Built development in the Seaview Marina Zone is managed to achieve the following outcomes:*

1. Public and communal outdoor spaces are designed to be comfortable for users in different climatic conditions.
3. Public and communal spaces are designed, demarcated, and lit to protect people's real and perceived personal safety and security, such as through the use of Crime Prevention Through Environmental Design principles.
4. Buildings have clear identifiable pedestrian entrances through wayfinding, built form and architectural elements.
5. There is quality, legible, safe, and efficient circulation for pedestrians accessing the site and people within the site.
5. Buildings provide passive surveillance over public and communal spaces.
6. Landscaping, where required or provided, is integrated with development. and provides one or more of aesthetic benefits, stormwater management benefits, or ecological benefits.
7. Vehicle parking and loading areas, accessways, and garages do not visually or physically dominate public and communal spaces.
8. Storage and service areas are appropriately located to address the functional and operational needs of the Seaview Marina (including refuse storage), are of an appropriate size and are integrated into development in a way that does not obscure passive surveillance or detract from engagement with the street

(581) To sum up the requested changes from the submitter's relief on P8 and P9, this would:

- Remove the distinction between outcomes that are primarily achieved through standards, and outcomes that are achieved through discretionary assessment, leaving it to context to determine how the policy is implemented
- Add a new outcome around vehicle parking and loading areas visually and physically dominating public and communal spaces
- Add a new outcome around storage and service areas and engagement with the street

- Add a new outcome around passive surveillance
- Expand the scope of the outcome around entrances
- Cut down on outcomes around CPTED, and
- Rewrite and reframe most of the outcomes

(582) The submitter questions why the two policies are separate. This is an entirely structural issue. As discussed in section 3.2, this is a consistent approach across the PDP. The first policy (P8) covers urban design matters that are primarily achieved through compliance with permitted activity standards and so individual clauses can be cited directly in matters of discretion. The second policy (P9) covers urban design matters that are primarily achieved through discretionary assessments in a resource consent and so the entire policy is considered when a relevant land use needs consent. The two could be combined, but the only practical effect would be to make one larger policy instead of two smaller ones, with more complex numbering and referencing.

(583) The submitter questions whether "primary activities" is the same as "marina activities". In this case, yes. This phrasing is used in many equivalent policies in other zones where it refers to the "activities in the zone" objective, in this case SMZ-O2, which sets outs which activities are primarily provided for. Other zones use the phrase to avoid repeating a potentially long list of activities. While I don't think it necessary, as the scope of the policy is achieved through conscious choices about when to reference it in matters of discretion, changing "primary activities" to "marina activities" would have the same meaning.

(584) Urban Edge Planning (449.56, 449.60, 449.72) seeks to:

- Remove references to adequate daylight
- Remove references to pedestrian comfort and dignity
- Add a qualifier of "where appropriate" for the retention of vegetation.

(585) As discussed in the equivalent submission points for the industrial zones (LIZ-P10, GIZ-P10, HIZ-P9) I recommend accepting these in part and aligning the language with the equivalent commercial zone provisions.

(586) Putting this together, I recommend the policy be amended as follows:

…

The outcomes are:

1. *Create a safe and legible urban environment by*:
    a. *Providing easily visible, accessible, and sheltered main entrances to buildings (other than accessory buildings),*
    b. *Appropriately designing, demarcating, and lighting public, communal, and private spaces,*
    c. *Avoiding wasted space or space of unclear function, and*
    d. *Integrating other CPTED measures at a scale appropriate for the site.*
2. *Vehicle parking and loading areas, accessways, and garages are designed to support and promote the pedestrian circulation provided for in clause (3) ~~provide for pedestrian safety, comfort, dignity, and amenity~~.*
3. *There is quality, legible, safe, convenient, and efficient circulation for pedestrians accessing the site and people within the site.*
4. *Ensure that on-site landscaping, if any is proposed, or required by SMZ-S5: Landscaping and screening*:
    a. *Retains healthy and mature vegetation, where appropriate,*
    b. *Uses planting that is appropriate for the climate and environment within the site, and*
    c. *Provides one or more of functional, aesthetic, stormwater management, ecological, or urban heat mitigation benefits.*
5. *Public and communal outdoor spaces are designed and landscaped to be comfortable for users in different climatic conditions.*
6. *Ensure adequate privacy ~~and access to daylight~~ for residential activities on the site.*
7. *Ensure residential units have access to adequate outlook.*

…

SMZ-P10 (Urban design outcomes (exclusions))

(587) Seaview Marina Ltd (343.21) seek that the policy be deleted.

(588) This type of exclusions policy is common across all zones in the plan with urban design policies and discussed in general terms in section 3.2.

(589) I consider the exclusions are appropriate. Urban design assessment should not be an opportunity to revisit policy choices that the plan has already made or effects that the plan deems acceptable, particularly the bulk and location standards. Clearly and narrowly defining the scope of the assessment will aid with more efficient processing of resource consents.

(590) Urban Edge Planning (449.64, 449.68) seek the same changes as in the industrial zone equivalents (LIZ-P11, GIZ-P11, HIZ-P10) which I recommend accepting in part for the same reasons, and aligning the language with the commercial zone equivalents.

(591) I accordingly recommend amending the policy as follows:

> …
> *e. Limiting the actual or perceived height, scale, or density of developments where the height, setback, site coverage, height in relation to boundary, and density standards are met, and*
> *~~f. The use of techniques such as modulation of building form or variation of building materials to reduce the perceived scale of buildings, where the height, setback, and height in relation to boundary standards are met.~~*
> …

SMZ-P11 (Managing adverse effects at zone interfaces)

(592) Seaview Marina Ltd (343.22) seeks deletion of the policy.

(593) This is a standard policy across the commercial and industrial zones. While I agree with the submitter that it covers relatively few situations, there are still situations where it will apply, particularly the zone's interface with the Seaview Beach Reserve, and removing the policy would imply that the council had made a deliberate decision to disregard the effects for this zone that in others that it would manage.

(594) I accordingly recommend the policy remain as notified.

6.3.7 Rules – Buildings and Structures

SMZ-R1 (Repair and maintenance of buildings and structures)

(595) Seaview Marina Ltd (343.23a) seek that the rule also cover alterations and also that alterations be defined. This would have the effect of exempting alterations from the conditions and standards that would apply to new construction and additions in SMZ-R3.

(596) "Alterations" is already defined in the PDP as "*means modifications to a building or structure that do not increase the gross floor area, footprint, or height of the building or structure, but excludes maintenance and repair*". I believe the rule and definition is clear as it is.

(597) The submitter's reason for this change is that they consider the inclusion of alterations in SMZ-R3 "too restrictive". In my view, alterations can cause significant changes in the effects caused by a building in the same way that two different proposals for a new building of the same size could have different effects, and so it is appropriate to still apply the standards and conditions to those alterations.

SMZ-R3 (Construction of new buildings and structures and alterations and additions to existing buildings and structures)

(598) Seaview Marina Ltd (343.25, 343.49, F14.35) seek to:

- Move the 500m² GFA condition into a standard
- Remove the landscaping and screening standard
- Remove the permitted activity condition that the building be for a permitted land use activity, and
- Remove the matter of discretion around the urban design matters in SMZ-P9.

(599) The GFA standard is primarily a trigger for more assessments rather than an outcome or baseline[37]. In the structure of the plan this sort of thing fits

[37] Which is not to say it cannot be used that way, given the powers in the Act to use a permitted baseline approach, but that it is not primarily intended for that purpose.

more naturally as a rule condition than a standard. The Seaview Marina Zone proposed standard would also not include matters of discretion when it was breached while deleting the equivalent matters from the rule, which would undermine the purpose of the restricted discretionary activity status.

(600) I do not agree with complete removal of the landscaping and screening standard which I will discuss further in the submission point on the standard itself.

(601) I do not agree with removing the condition that the building be for a permitted land use activity. As a resource consent would be required for the overall proposal regardless, including the building works within the consent allows for a more holistic consideration of the urban design matters and is more consistent with the approach in SMZ-P9 that applies more scrutiny to non-marina activities.

(602) I do not agree with removing the matter of discretion that relates to urban design matters in SMZ-P9. This rule is a key way in which SMZ-P9 is achieved, by triggering the discretionary resource consent assessment referred to in the policy. It would also be inconsistent with the other relief sought by the submitter, which does still seek an urban design policy to be considered through resource consent assessments.

(603) The Fuel Companies (471.304) seek to add an additional matter of discretion:

> *4. Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout*

(604) For some context, part of the site falls within the Hazardous Substances Risk Management Overlay (see the s42A report for Hazardous Substances and Contaminated Land, also in this hearing stream). This overlay applies a non-complying rule to sensitive land uses within an identified risk area.

(605) Accordingly, this matter of discretion would only have any practical effect either outside the overlay, or for buildings housing non-sensitive activities.

(606) I discuss this issue more generally in section 6.2.2, which sets out why I do not think specific reference to reverse sensitivity and residual risk for major hazard facilities (as opposed to industry generally) is suitable in the zone.

(607) Accordingly, I recommend the rule remain as notified.

6.3.8 Rules – Land Use Activities

SMZ-R4 (Marina activities)

(608) Seaview Marina Ltd (343.26, F14.36) and the Fuel Companies (471.305) support the rule subject to a definition for "marina activities" being added, on which they make separate submission points. I will discuss the definition in section 7.1.4 and recommend the rule remain as notified.

SMZ-R6 (Research activities)

(609) Seaview Marina Ltd (343.28a) seek that the rule be expanded to cover "training activities".

(610) The submitter does not give reasons for this change. However, I do consider that industrial or marine-related training activities can help support the primary activities in the zone and would likely have co-location benefits with marina activities. Providing for training activities would be consistent with the General Industrial Zone on which the Seaview Marina Zone is based, and would help achieve the objectives and policies of the zone, particularly SMZ-P1.6 which is otherwise not implemented through the rules.

(611) Accordingly, I recommend granting the relief in part, to the extent that it relates to training activities related to either the marina or industrial activities. To fit with the structure of the plan and to use existing definitions I recommend retaining SMZ-R6 as notified but first adding a new rule directly after it, to cover industrial-related training facilities:

> ***SMZ-Rxxx: Trade and industrial training facilities***
> *1.* ***Activity status****: Permitted*

(612) This rule would match rule GIZ-R6.

(613) For training activities related to the marina, this can be achieved by adding "training and educational activities associated with" the other

activities covered by the definition, per clause (g) of my recommended definition of "marina activities" to implement the relief sought by Seaview Marina Ltd and the Fuel Companies on that definition (see section 7.1.4).

(614) My reasoning above would not suggest that training activities not associated with the marina or industrial activities should be specifically provided for. They can adequately be handled by the catchall rules SMZ-R19 and SMZ-R20. However, the submitter may wish to consider providing further reasons at the hearing if they wish to pursue this point in relation to other types of training activities.

SMZ-R8 (Motor vehicle servicing activities), SMZ-R12 (Food and beverage activities), SMZ-R14 (Recreation activities), SMZ-R15 (Yard-based retailing), SMZ-R16 (Trade supply retail activities), SMZ-R18 (Community facilities)

(615) Seaview Marina Ltd (343.30, 343.34, 343.36, 343.37, 343.40, F14.37, F14.39, F14.40, F14.41, F14.42, F14.43) supports the rules as notified.

(616) The Fuel Companies (471.306, 471.308, 471.309, 471.310, 471.311, 471.312) seek that the rules be made restricted discretionary with the following matters of discretion:

> *Matters of discretion are restricted to:*
> *1. The matters in:*
> *a. SMZ-P4: Role in network of commercial and industrial areas,*
> *b. SMZ-P5: Reverse sensitivity,*
> *c. SMZ-P6: Existing activities, and*
> *d. SMZ-P7: Development capacity.*
> *2. 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. Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout.*

4. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future.

(617) I discuss the reverse sensitivity/significant hazardous facility issue more generally in section 6.2.2, which sets out why I do not think specific reference to reverse sensitivity and residual risk for major hazard facilities (as opposed to industry generally) is suitable in the zone provisions.

(618) I do not think that motor vehicle servicing carries greater risks of causing any of the other listed matters compared to either other similar activities in this zone such as industrial activities, or the same activity in the Heavy Industrial Zone nearby, which the submitters have not sought restrictions on. I also note that motor vehicle servicing does not fall within the definition of *activity sensitive to hazardous substance risks* (supported by the submitter) and so there would not be any policy direction in the Hazardous Substances chapter to address reverse sensitivity issues associated with significant hazardous facilities.

(619) For food and beverage activities, recreation activities, yard-based retailing, and trade supply retail activities, I agree that the matters of discretion are theoretically relevant but only warrant a resource consent assessment where they are associated with a new or altered building, and the buildings and structures rule already provides an adequate threshold.

(620) Accordingly, I recommend the rule remain as notified.

SMZ-R9 (Marine servicing activities)

(621) Seaview Marina Ltd (343.31a, 343.31b) support the rule but seek that it be supported by a definition or be included in the definition of "marina activities".

(622) I think that with the proposed definition of "marina activities", marine servicing activities are adequately defined and included in marina activities, and so SMZ-R9 is redundant and can be deleted, in accordance with the latter part of the submitter's request.

SMZ-R11 (Grocery stores and supermarkets)

(623) Seaview Marina Ltd (343.33, F14.38) seeks to reduce the matters of discretion to remove reference to:

- Policies SMZ-P4, SMZ-P5, and SMZ-P6
- The urban design matters in SMZ-P9 and exclusions in SMZ-P10
- Development capacity for business uses in the commercial and industrial zones
- Obstacles to repurposing the site for marina or industrial activity in future

(624) They consider it unclear what would be included in a resource consent application to address these matters.

(625) The matters for grocery stores and supermarkets[38] are taken from the General Industrial Zone. I think the relevant resource management issues for large scale retail activities mostly still apply in this zone as they would in the General Industrial or Light Industrial Zones:

- They can create reverse sensitivity issues for industry,
- They can suffer from a lack of suitable development capacity in other locations, which is a particular issue for supermarkets,
- They can present urban design challenges in predominantly industrial surroundings,
- They can have adverse impacts on the main commercial centres, including foregone co-location benefits, and
- They have potential positive effects including co-location benefits that should be considered in dealing with the above.

(626) However, I agree with the submitter that the matter about obstacles to repurposing the site in future is not needed. The Seaview Marina Zone does not have an equivalent policy to e.g. GIZ-P8 which protects the long-term development capacity of the zone for industrial uses. The equivalent in this zone is SMZ-P7 which prioritises flexibility and options in land use. SMZ-P2/P3 address this issue but only in relation to sensitive activities and are focussed on supporting marina development rather than industrial development, and in any case for grocery stores I think any grocery store

[38] Given that the definition of supermarket in the plan is a grocery store with a GFA over 500m², a restricted discretionary activity would necessarily be for a supermarket specifically.

on the site would be likely to support marina development that resource consent assessment is unnecessary.

(627) The Fuel Companies (471.307) seek the same relief on this rule as for SMZ-R8, discussed above. However, this rule is not structured the same as SMZ-R8 and this relief requires some interpretation. I have assumed that they wish for the activity to be restricted discretionary in *all* circumstances, and to thus remove the existing permitted activity conditions and matters of discretion to be replaced with those they propose:

> *Matters of discretion are restricted to:*
> *1. The matters in:*
> *a. SMZ-P4: Role in network of commercial and industrial areas,*
> *b. SMZ-P5: Reverse sensitivity,*
> *c. SMZ-P6: Existing activities, and*
> *d. SMZ-P7: Development capacity.*
> *2. 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. Management of residual risk effects and reverse sensitivity effects associated with nearby significant hazardous facilities and the Hutt City fuel transmission pipeline, including through building design and layout.*
> *4. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future.*

(628) For the matters other than reverse sensitivity to major hazardous facilities, I think these only warrant a resource consent process over a certain scale and I think the 500m² threshold in the PDP is appropriate.

(629) Accordingly, I recommend the rule remain as notified except for the following change to the matters of discretion:

> ***Matters of discretion are restricted to:***
> *1. The matters in:*

a. SMZ-P4: Role in network of commercial and industrial areas,
b. SMZ-P5: Reverse sensitivity,
c. SMZ-P6: Existing activities, and
d. SMZ-P7: Development capacity.
2. 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. Co-location benefits from locating in the Seaview Marina Zone.
4. Foregone co-location benefits from not locating in a Commercial and Mixed Use Zone.
5. Development capacity for business uses across Commercial and Mixed Use Zones and Industrial Zones.
~~6. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future~~.
[…]

SMZ-R13 (Service stations, including ancillary retail activities)

(630) Seaview Marina Ltd (343.35) seeks to:

- Include boat fuelling in the rule,
- Remove the permitted activity arm, thus making the rule restricted discretionary in all circumstances,
- Remove all the existing matters of discretion except SMZ-P7: Development capacity, and
- Add a matter of discretion as follows:

  Location with respect to the Coastal Marine Area, boat and vehicle access and other potentially incompatible activities.

(631) They consider that the matters of discretion are disproportionate to the potential effects and that access, amenity, safety, and proximity to the coastal marine area should be relevant.

(632) I recommend that boat fuelling be included in the definition of marina activities, as I discuss in section 7.1.4. I do not think boat fuelling issues (as they relate to territorial authority functions) are similar enough to those from service stations on land that they can be considered in the same rule.

(633) I agree that the matter around foregone co-location benefits is unnecessary as service stations are extremely unlikely to have greater co-location benefits in a commercial centre compared to being in the Seaview Marina Zone, and indeed, the objectives and policies of the commercial centres are much more discouraging of service stations.

(634) I agree that the matter around development capacity in other zones is unnecessary as it is unlikely to be the case that service stations are so constrained in alternative locations that the Seaview Marina is the best remaining option.

(635) I agree that the matter around obstacles to repurposing the site should be deleted, for some of the same reasons as in SMZ-R11.

(636) I do not agree that the other matters of discretion are disproportionate to service stations with ancillary retail of over 200m² (which is the only situation where the matters apply). Any other generic retail over 100m² would be a fully discretionary activity and service station ancillary retail presents similar resource management issues to other non-ancillary retail.

(637) I do not think that the additional matters raised by the submitter are necessary to assess for either boat fuelling or terrestrial service stations. Where they relate to the coastal marine area they also likely fall foul of the limits on scope from the Plan Stop exemption, as the Coastal Environment chapter (other than the natural hazards portion) has been withdrawn.

(638) Accordingly, I recommend the rule remain as notified except for deleting the following matters of discretion:

> *[…]*
> *1. The matters in:*
> *a. SMZ-P4: Role in network of commercial and industrial areas,*
> *b. SMZ-P5: Reverse sensitivity,*

c. SMZ-P6: Existing activities, and

d. SMZ-P7: Development capacity.

2. 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. Co-location benefits from locating in the Seaview Marina Zone.

~~*4. Foregone co-location benefits from not locating in a Commercial and Mixed Use Zone.*~~

~~*5. Development capacity for business uses across Commercial and Mixed Use Zones and Industrial Zones.*~~

~~*6. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future*~~

[…]

SMZ-R19 (Commercial activities not otherwise provided for)

(639) Seaview Marina Ltd (343.41, F14.44) seeks to alter the rule structure so that:

- Commercial activities up to 500m² are permitted (rather than 100m²)
- Commercial activities over this threshold are restricted discretionary (rather than discretionary), as long as they are ancillary to marina activities, and
- Commercial activities over 500m² that are not ancillary to marina activities are discretionary (rather than non-complying).

(640) They also point out a minor typo in the cross-referencing, which I recommend fixing.

(641) For context, a permitted activity status for commercial activities up to 500m² would be equivalent to what is provided for in the Local Centre Zone, a zone that (per SMZ-P1) the Seaview Marina Zone is seeking to not undermine the purpose, vitality, vibrancy, and co-location benefits of. 300m² is provided for in the Neighbourhood Centre Zone, which is not addressed in SMZ-P1.

(642) The rules are comparable to the Mixed Use Zone, except that the activity status goes up to non-complying rather than discretionary.

(643) I think that the rules in the chapter as proposed already provide a wide fairly range of potentially ancillary activities either within the recommended definition of marina activities, or in other permitted rules in the chapter (e.g. grocery stores, community facilities, marine supply commercial activities).

(644) I do not think it is particularly plausible that any commercial activity with a GFA of over 500m² could reasonably said to be "ancillary" to the marina, but it is in the PDP as notified that this is a possibility.

(645) On balance, I think in terms of the potential impacts of the marina on the centres hierarchy, it would be reasonable to provide for general commercial activity at somewhere between the level of the Mixed Use Zone (100m²) and the Neighbourhood Centre Zone (300m²).

(646) Meanwhile, in terms of ancillary commercial activities in an industrial context, it would be reasonable to apply a similar approach to the Light Industrial Zone (ancillary activities are permitted where up to 20% of GFA and discretionary up to 1000m²) and the General Industrial Zone (ancillary activities are permitted where up to 20% of GFA and discretionary up to 500m²).

(647) Putting this together, I recommend accepting this point in part to provide for commercial activities:

- Permitted up to 200m², or 500m² if ancillary to marina activities, and
- Discretionary otherwise.

(648) In terms of scope, this means all possible situations would have an activity status of either that in the PDP as notified, that in the submission, or somewhere in between.

(649) The Fuel Companies (471.313) seek the same relief as on SMZ-R8, to amend the rule from permitted to restricted discretionary.

(650) I discuss the reverse sensitivity/significant hazardous facility issue more generally in section 6.2.2, which sets out why I do not think specific reference to reverse sensitivity and residual risk for major hazardous

facilities (as opposed to industry generally) is suitable in the zone provisions.

(651) Thus, I recommend amending the rule as follows:

> *1. Activity status: Permitted*
>
> *Where:*
> *a. The commercial activity has a gross floor area of no more than 200~~100~~m2, or*
> *b. The commercial activity has a gross floor area of no more than 500m² and is ancillary to marina activities.*
>
> *2. Activity status: Discretionary*
>
> *Where:*
> *a. Compliance is not achieved with SMZ-R19~~21~~.1~~, but~~*
> *~~b. The commercial activity has a gross floor area of no more than 500m², or~~*
> *~~c. The commercial activity is ancillary to marina activities.~~*
>
> *~~3. Activity status: Non-complying~~*
>
> *~~Where:~~*
> *~~a. Compliance is SMZ-R21.1 or SMZ-R21.2 is not achieved.~~*

SMZ-R20 (Other activities not otherwise provided for)

(652) Seaview Marina Ltd (343.42, F14.45) seek to increase the permitted activity GFA threshold from 100m² to 500m².

(653) They also point out a minor typo in the cross-referencing, which I recommend fixing.

(654) First, it is worth noting that this is the general-purpose catch-all rule for the zone, and only applies when no other rule applies. Accordingly, no *marina activity*, no *activity sensitive to industry*, no *commercial activity*,

and no *industrial activity* would fall under this rule. As with all catch-all rules in the plan it is only designed to provide for matters that are generally common across all possible land uses in a zone. Any more specific issues should identify relevant land uses and have a specific rule for those uses.

(655) While slightly different relief is sought to SMZ-R19, the relief sought by Seaview Marina is analogous, and I recommend taking an approach comparable to the catch-all rules in the Neighbourhood Centre Zone, Mixed Use Zone, Light Industrial Zone, and General Industrial Zone, which is to use the same recommended threshold for SMZ-R19 above, of 200m²:

> *1. Activity status: Permitted*
>
> *Where:*
> *a. The activity is ancillary to a permitted activity, or*
> *b. The activity has a gross floor area of no more than 200~~100~~m².*

(656) The Fuel Companies (471.314) seek the same relief as on SMZ-R8, to amend the rule from permitted to restricted discretionary.

(657) I discuss the reverse sensitivity/significant hazardous facility issue more generally in section 6.2.2, which sets out why I do not think specific reference to reverse sensitivity and residual risk for major hazardous facilities (as opposed to industry generally) is suitable in the zone.

(658) For the other matters of discretion proposed, there are no reasons given by the Fuel Companies relevant to this catch-all rule, and no land use activities that would fall into the rule given as examples. If they wish to pursue this point for the other matters of discretion, I recommend they provide reasons in the hearing.

SMZ-R21 (Heavy industrial activities)

(659) Seaview Marina Ltd (343.43) (inferred), seek that boat fuelling not be covered by this rule.

(660) I do not think that boat fuelling would fall within the definition, unless it was of such an extreme scale as to qualify as a significant hazardous facility (i.e. involved the storage of more than 100,000 litres of diesel), in

which case I think it should be treated the same as any other heavy industrial activity.

(661) As discussed in section 7.1.4, I recommend including boat fuelling within the definition of "marina activities", which has its own rule.

SMZ-R22 (Residential activities)

(662) Seaview Marina Ltd (343.44) seek that the activity status be reduced from non-complying to discretionary, and that the public notification requirement be removed.

(663) They note that the Marina has long-term aspirations to develop residential activities at the site.

(664) They consider that:

- The rule does not distinguish between residential associated with the marina and residential that is not, which the policies suggest it should,
- The activity status is unnecessary as many major constraints such as natural hazards and hazardous facilities are managed within district-wide chapters, and
- The public notification is too onerous.

(665) To the first point, I agree that the rule could make a distinction between ancillary residential and other residential to better give effect to the policy.

(666) To the second, the main point of the rule is, as with its equivalent in the General Industrial Zone, to separate incompatible land uses that are sensitive *to industry*, of which residential is one. Residential activities are also sensitive to natural hazard risks and hazardous substances risks, and here they are provided for in district-wide chapters, but they are sensitive to industry too.

(667) With these two points combined I note that the rule is less enabling than its General Industrial Zone counterpart, which provides for one ancillary residential unit per site as a discretionary, rather than non-complying, activity. This is intended to provide for an on-site caretaker as an example.

(668) From the informal meeting with the submitters, and the context in their submission, I understand Seaview Marina Ltd's aspirations are not just

ancillary residential activities that support the marina. Rather, they seek the zone provisions provide for a significant number of residential units as a standalone activity.

(669) I do not think this is an appropriate use for the site, for a number of reasons. First, while the Coastal Environment natural hazards provisions contain a carveout for the marina and Seaview generally, this is in recognition of their status as a regionally significant employment centre under Policy 32 of the Regional Policy Statement and the fact that existing industrial activities and the existing marina cannot practically be moved. This logic does not carry over to new residential activities.

(670) Secondly, the site, like the General Industrial Zone in Seaview/Gracefield, forms part of a buffer around the Heavy Industrial Zone to protect that zone's unique role as providing development capacity for heavy industry. Significant residential development will either place people at risk of adverse industrial effects (which can include serious health and safety effects) or constrain development capacity for heavy industry in the one location allocated for it. There are other locations for residential in the district that do not present this issue.

(671) Public notification is warranted for an application of this nature. It would be significantly contrary to the objectives and policies of the chapter. The rule is designed to advance the interests of the public at large and protect *future* land uses that may not yet exist or do exist but do not know that they will, in future, need to locate in Seaview. Attempting to limit the notification to specific affected parties in a limited notification process would be impossible, and not requiring the notification would mean that the application would need to be decided by Council with no input other than from the applicant.

(672) However, I do not think the rule should be more onerous than its General Industrial Zone counterpart, while setting out the expectation that "ancillary" is meant for things like caretaker residences, not standalone multi-unit development. Accordingly, I recommend amending the rule as follows:

> *1.* ***Activity status***: *Discretionary*
>
> *Where*:

a. There is no more than 1 residential unit on the site, and
b. The residential unit is ancillary to a marina activity, industrial activity, research activity, or emergency service facility.

2. ***Activity status****: Non-complying*

Where:
a. Compliance is not achieved with SMZ-R22.1.
Notification*:*
Public notification is required for any application under this rule.

SMZ-R23 (Activities sensitive to industry, other than community facilities and residential activities)

(673) Seaview Marina Ltd (343.45) seek that the activity status be changed from non-complying to discretionary and deletion of the public notification requirement.

(674) This situation is analogous to SMZ-R22, above, and I likewise recommend it be slightly modified so as not to be more onerous than the General Industrial Zone counterpart, but otherwise that the relief be rejected.

(675) As a consequence of the changes I recommend to the definition of *activity sensitive to industry*, the rule no longer needs to exclude community facilities as they are not part of the definition.

(676) Accordingly, I recommend the rule be amended as follows:

> ***SMZ-R23: Activities sensitive to industry, other than ~~community facilities and~~ residential activities****.*
>
> *1. Activity status: Discretionary*
> *Where:*
> *a. The activity is ancillary to a marina activity, industrial activity, research activity, or emergency service facility.*
>
> *2. Activity status: Non-complying*
> *Where:*

a. Compliance is not achieved with SMZ-R23.1

Notification:

Public notification is required for any application under this rule.

6.3.9 Rules – General

SMZ-R24 (Outdoor storage and work areas)

(677) Seaview Marina Ltd (343.46) seek that the permitted activity condition (a) about screening the outdoor storage and work area be deleted and only compliance with SMZ-S4 be required. They consider that the rule overlaps with SMZ-S4 and that it is uncertain how it will apply.

(678) I do not agree with this interpretation. The rule requires compliance with SMZ-S4, because standards in the plan do not stand alone, and need to be referenced in rules. From the "General Approach" section of the PDP:

> *Standards do not directly apply – they have effect only because, and in the way that, they are referred to in rules.*

(679) A standard may need to be referred to in multiple rules, because it may be relevant to multiple activities, or it could be breached in multiple ways. In the SMZ as notified, the standard is referred to in SMZ-R3 (Construction of new buildings and structures and alterations and additions to existing buildings and structures), and this rule, because a non-compliance and increased adverse effects could arise from either building work, or a part of the site being used for work and storage that previously was not.

(680) The rule also has its own additional condition that is stricter than SMZ-S4: it requires outdoor storage and work areas to be screened with a fence, rather than also having the option of landscaping, and even if not directly on the site boundary. I believe this is appropriate as outdoor storage and works are more likely to be visually unappealing and landscaping or distance alone may be insufficient. This necessitates a relevant matter of discretion because, although it is the same as a matter in SMZ-S4, the matter in SMZ-S4 might not arise if SMZ-S4 is met and only condition (a) is not met.

(681) Accordingly, I recommend the rule remain as notified, other than correcting a minor cross-referencing typo identified by the submitter.

SMZ-R25 (Servicing)

(682) Seaview Marina Ltd (343.47) seeks that the rule be deleted on the grounds that they do not think the factual situation it covers would arise.

(683) Of the zone groups referenced in the rule, the Residential Zones are within 40 metres of part of the Seaview Marina Zone. While not necessarily that likely, I do not think it is fanciful that additional residential units could be developed at the foot of the hill in future.

(684) There are other zones mentioned where the situation does not arise, the Mixed Use Zone, Marae Zone, and Rural Zones, and those could be removed from the rule without impacting the application of the plan. However, this is also a standard rule for all commercial and industrial zones. There is an advantage in maintaining consistency across the zones:

- To avoid the implication that there is an intentional difference in policy approach because of different wording in different zones,
- To aid plan users who regularly work with multiple similar zones in the plan, and
- To reduce the chance of mistakes if this issue is not re-evaluated in rezonings or submissions seeking zone changes and new zone boundaries arise. There are increasingly frequent new fast-track processes and other RMA systems that bypass councils, as well as a potential new planning system that will treat this PDP as a transitional document. I do not think it is implausible that this rule could be overlooked in such processes.

(685) These are all *very* minor benefits, but I think outweigh the even more minor benefit of deleting the rule, which would be solely to make the plan slightly shorter. Accordingly, I recommend the rule remain as notified.

6.3.10 Standards

SMZ-S1 (Height)

(686) Seaview Marina Ltd (343.48) seeks to restructure the matters of discretion to:

- Add a matter of discretion for "visual amenity and access to sunlight and daylight in public spaces",
- Add a matter of discretion for "visual dominance", and
- Consequentially to refer to their proposed restructure of the urban design policies (see discussion on SMZ-P8, SMZ-P9, SMZ-P10).

(687) As I do not recommend adopting the submitter's relief on SMZ-P8, SMZ-P9, and SMZ-P10, there is no need for the consequential change.

(688) I think issues around visual amenity, sunlight, and daylight are already covered more specifically in SMZ-P8 and SMZ-P9. It is also advantageous to limit the matter to the way it is worded in the policy, to achieve a consistent decision by reducing the chance that matters guided by the policy are not within discretion, or that discretion is expanded with no policy guidance for the decision.

(689) The submitter does not give reasons for why visual dominance is an effect that should be considered. In my view, visual dominance will not generally be a relevant effect in most situations, considering the significant change in urban form anticipated by the NPS on Urban Development. This is reflected in the approach taken in SMZ-P10 and its equivalent provisions elsewhere in the PDP, which exclude consideration of height-related effects for buildings that meet the height limit. To the extent that this matter of discretion might relate to issues of coastal natural character, the relevant parts of the plan have been withdrawn and so this would not fall within the Plan Stop exemption.

(690) Accordingly, I recommend the standard remain as notified.

SMZ-S2 (Height in relation to boundary – Seaview Beach Reserve)

(691) Seaview Marina Ltd (343.50) seek a consequential change to their proposed restructuring of SMZ-P8, SMZ-P9, and SMZ-P10. As I do not recommend accepting that restructuring this consequential change is not needed.

SMZ-S3 (Setback – Seaview Beach Reserve)

(692) Seaview Marina Ltd (343.51) seek a consequential change to their proposed restructuring of SMZ-P8, SMZ-P9, and SMZ-P10. As I do not

recommend accepting that restructuring this consequential change is not needed.

(693) They further seek that the setback be reduced from 3 metres to 1 metre. As they do not give reasons, I do not recommend accepting this change. A 3-metre setback is already more generous than the 5-metre setback for the General Industrial Zone.

(694) Accordingly, I recommend the standard remain as notified.

SMZ-S4 (Landscaping and screening)

(695) Seaview Marina Ltd (343.52) seek that the standard be deleted, both as a consequence of deleting the Industrial Main Through Route Frontage Overlay and for the frontage onto the beach reserve, considering:

- That the fencing will lead to a poor connection with the reserve, and
- That the requirement for trees is unnecessary given that there is a consent notice on the title requiring retention of the existing pohutukawas.

(696) As discussed in SMZ-O5, I recommend removing the Industrial Main Through Route Frontage Overlay from the site, and so deleting SMZ-S4.1 as a consequence.

(697) The standard provides a wide variety of pathways to screen and soften the boundary with the reserve. It provides for either a solid fence or landscaping or pedestrian access, in any given spot. What it does not allow is an interface treatment that restricts access to the reserve without also providing visual screening of the marina activities, which – having regard to the layout of the site – are likely to present unattractive visual effects if left unscreened.

(698) I do not think it is reasonable to rely on an existing consent notice to retain existing trees to achieve the standard:

- It does not require the proactive provision of trees on remaining sections of the boundary, or to replace trees lost through natural causes over time,
- Consent notices are based on resource consents that are shaped by the district plan provisions at the time the consent is issued. This process will change the district plan provisions, and an application

for a new resource consent or a change of conditions might not preserve this condition, and

- Even if the district plan simply duplicated the consent notice, the rule is for the protection of the general public, and it is more legible for plan users to have the standard in the plan than buried in a hard to access consent notice.

(699) Accordingly, I recommend granting the relief in part as shown (including a consequential amendment to Seaview Marina's point 343.1a to rezone the breakwaters out of the Open Space Zone):

> ~~*1. Landscaping is required on the front 3 metres of any site fronting on to a street with the Industrial Main Through Route Frontage overlay.*~~
> *2. Landscaping is required on a 3 metre buffer on any boundary with the Seaview Beach Reserve* ~~*(excluding the groyne)*~~*, except on portions of the boundary that provide pedestrian access across the boundary or are screened with a solid or close-boarded fully opaque fence on the boundary of at least 1.8 metres in height above ground level.*
> *3. Landscaping required by this standard must:*
> *a. Extend across the full width, except for vehicle accesses connecting to a legal vehicle crossing, and pedestrian walkways,*
> *b. Include at least one tree per 15 metres of frontage or boundary (as relevant), and*
> *c. Those trees must have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height of at least 5 metres at maturity.*
>
> ***Matters of discretion if the standard is breached***:
>
> *1. Visual amenity from* ~~*the road subject to the Industrial Main Through Route Frontage Overlay or*~~ *the Seaview Beach Reserve* ~~*(excluding the groyne), as relevant*~~*.*

2. Urban design outcomes 1 and 2 in SMZ-P8: Urban design outcomes (by meeting standard or assessment), and the exclusions in SMZ-P10.
3. Any positive effects that can only be achieved through non-compliance with the standard.

6.3.11 Maps

Breakwaters

(700) Seaview Marina Ltd (343.1b) seek that the marina's breakwaters[39] be rezoned from Open Space to be part of the Seaview Marina Zone.

(701) The breakwaters are currently part of a public reserve that includes the Seaview Beach, owned by Hutt City Council, and were zoned Open Space in the PDP in accordance with the general principles of zoning public land (see the s32 report for Open Space and Recreation Zones) and the general principle of avoiding split-zoning any sites without strong reason.

(702) The submitters' reasoning primarily relies on their ambition to buy the breakwaters from the Council, which is reflected in the Marina's Statement of Intent and is supported in principle by the Council. This proposed purchase has been repeatedly delayed and as at time of writing I understand it is scheduled to be reconsidered in the 2027-37 LTP process.

[39] These are known as groynes in the legal description of the reserve and the proposed provisions of the SMZ. I agree with the submitter that "breakwater" is a better term, as they were built simultaneously with the marina as primarily a protective structure for the marina. Thus, regardless of the decision on their relief I will use the term "breakwater" and recommend making the minor consequential change to use this name in the SMZ, should they still need to be named in the plan.

This LTP outcome will not be in time for the panel's deadline to make recommendations to Council.

(703) If the breakwaters are subdivided off, transferred, and the reserve status lifted, then as Seaview Marina Ltd is an arms-length commercial organisation then I think the Council should apply its general principle that land not owned by the Council, the regional council, or Department of Conservation should not be zoned open space without the owners' consent, and therefore grant the submitters' relief.

(704) If the breakwaters are not transferred, then I think it is most appropriate for the breakwaters to remain in the Open Space Zone as avoiding a split zoning and as the best reflection of their function as a protective and recreational structure, not an operational one. However, applying the Seaview Marina Zone would not present any major issues as the land would still be controlled by council operationally, and/or subject to Reserves Act restrictions.

(705) Given that it remains uncertain if and when the transfer of the breakwaters will happen, but there is an in-principle decision to do so, I think that the prudent course of action is to grant the relief and rezone the breakwaters, subject to any new information coming up during the hearings. The Seaview Beach part of the reserve should remain as Open Space Zone (although this decision would be officially covered in the hearing stream for the Open Space and Recreation Zones).

(706) As a consequence of this rezoning, the relief sought by Seaview Marina Ltd to exempt the breakwaters from provisions in the zone that reference open space would become moot.

(707) However, as the breakwaters are not yet subdivided from the public part of the reserve there is no boundary on which to apply the relief requested. I suggest the submitter provide a proposed boundary in the hearing. In the interim I will not recommend a specific boundary or provide a map, but in the absence of further information from the submitter at the hearing this could be dealt with in the wrap-up hearing by applying a conservative boundary that ensures the remaining reserve remains zoned Open Space.

Industrial Main Through Route Frontage Overlay

(708) Seaview Marina Ltd (343.11) submitted seeking removal of the overlay. This was coded in their submission and the summary of submissions as relating to the relevant objective (SMZ-O5). As I recommend accepting this change, as a consequence, the map should also be altered as there are no longer provisions referring to it.

(709) Accordingly, I recommend removing the Industrial Main Through Route Frontage Overlay from the Marine Drive frontage of the Seaview Marina Zone (shown in pink):

7 Definitions

7.1 Discussion of submissions and recommendations

(710) This section is a discussion of the submission points on definitions that are either primarily relevant to the Industrial and Seaview Marina chapters, or raised by submitters primarily interested in the Industrial and Seaview Marina chapters, with my recommendations on decisions requested by submitters.

(711) For the sake of brevity, where a submission is in support of a provision and I have not otherwise discussed it, I recommend accepting that submission point in whole or in part for the grounds set out in the Industrial Zones s32 report.

(712) Definitions are usually consequential on the recommendations made on the substance of objective, policies, and rules, and submitters have usually submitted on those provisions as well, so I will generally refer back to the discussions in the Industrial and Seaview Marina sections.

7.1.1 Invalid and unclear

Definition of "industrial activity"

(713) Argosy Property No. 1 (237.3), Oyster Management (272.2), Te Kārearea/Rosco Ice Cream (447.9, F40.1, F40.2, F40.3, F40.4), and the Fuel Companies (471.34), supported by Manor Park and Haywards Residents Community Society (F10.3, F10.37) submit in support of the definition of "industrial activity". Winstone Aggregates (444.6) and Waste Management (461.10) supported by Enviro NZ (F43.3) and Horokiwi Quarries (F05.3) seek changes.

(714) This is a mandatory definition from the National Planning Standards and cannot be altered. The broad aims of the amendments sought are also either moot (as the activities are already captured as industrial activities)

or already dealt with in more substance in the submitters' submissions on relevant rules.

7.1.2 Definitions not in dispute

(715) The following definition only has submissions in support, with no changes sought:

- **Trade Supply Retail** – supported by Bunnings (173.1)

7.1.3 Definitions - Proposed

Activity sensitive to industry

(716) Enviro NZ (323.2) seek that "early childhood education activity" be added to the list of activities, on the grounds that industrial products can create risks to small children.

(717) Using the defined term in the PDP, the relevant activity would be "child care services".

(718) Forms of industry that release dangerous emissions or create health risks would fall in the definition of "heavy industrial activities" in the PDP and the plan generally deals with this through separating such land uses from other activities entirely where possible, particularly in the Heavy Industrial Zone. Land contamination issues would be handled through the NES-CS.

(719) Industrial activities that are not heavy industrial activities are still potentially an amenity, noise, and transport safety issue to early childhood education activities. These can probably, in many but not all cases, be adequately mitigated.

(720) This definition change would have the effect of changing the activity status of child care services in the Industrial Zones and Seaview Marina Zone from (in most cases) permitted, to discretionary. On balance, I think that the potential issues are significant enough to warrant this change.

(721) Z Energy (468.11) and the Fuel Companies (471.60) seek that community facilities and places of assembly be removed from the list of activities on the grounds that they are typically occupied at times that reduce their exposure to the effects of industrial activities.

(722) I agree with the submitters for the reasons they give. I note that community facilities are already excluded from the relevant rule in the Seaview Marina Zone and so this would also improve alignment between rule and policy.

(723) Accordingly, I recommend that the definition be altered as follows:

> *means a:*
>
> *1. residential activity, or*
> *2. retirement village, or*
> *3. supported residential care facility, or*
> *4. marae, or*
> *5. healthcare activity, or*
> *~~6. community facility, or~~*
> *7. custodial corrections facility, or*
> *8. visitor accommodation activity, or*
> *~~9. place of assembly.~~*
> *[x]. child care service*

(724) I also recommend a consequential amendment to SMZ-R23, which I will discuss in that provision (see section 6.3.8).

Heavy industrial activity

(725) The Fuel Companies (471.27) support the definition as notified.

(726) Enviro NZ (323.9, F43.2) seek that the definition be altered to cover:

> *[…]*
> *The composting of organic materials or organic waste, excluding composting undertaken on the site from which the material is source, of up to 10m³ in volume.*
> *[…]*

(727) They note that refuse collection and disposal is also an offensive trade and consider that the proposed change to the definition would better align with the Wellington Region Waste Management and Minimisation Plan.

(728) I do not think these reasons support the requested change to the definition, and think the definition would simply be redundant, as waste is

a type of material and so the requested definition would cover exactly the same things as in the notified version.

(729) The submitter may want to consider expanding on what they see as the effect of this change and their reasons for it in the hearing.

(730) Waste Management (461.7, F39.1) seek to delete parts of the definition as follows:

> *means:*
> *• an offensive trade,*
> *• a significant hazardous facility,*
> *• an abattoir,*
> *• a refinery,*
> ~~*• the storage, treatment, or disposal of waste materials, including any waste transfer station or resource recovery park, and*~~
> ~~*• the composting of organic materials, excluding composting undertaken on the site from which the material is sourced, of up to 10m³ in volume. or*~~
> ~~*any other industrial activity that creates offensive and objectionable noise, dust, or odour, or elevated risks to people's health and safety.*~~
> *and excludes waste management facilities.*

(731) They consider waste management facilities should be governed through separate rules, that the definition is ambiguous, and that the last clause is mostly covered by the definition of offensive trade.

(732) Waste Management, in turn, is opposed by MPHRCIS (F10.34).

(733) I do not think the definition is ambiguous, and the wording of the final clause is important to cover activities not included in the list of offensive trades, which is a specific and quite dated list of activities in the Health Act. I recommend the part of the submission point relating to deletion of the final clause be rejected.

(734) In terms of waste management facilities, for the Industrial Zones specifically, I think it is appropriate that waste management facilities be treated the same in the objectives, policies, and rules as the other defined types of heavy industrial activities. This can be accomplished either with

the definition as notified, or by removing waste management facilities from the definition and updating the provisions that refer to heavy industrial activities to also cover waste management facilities.

(735) However, this issue will also be navigated for the Rural Zones, where the submitter has requested relief around the rules for *heavy industrial activities, solid waste transfer stations,* and *landfills and cleanfills*.

(736) This definition is, in my opinion, thus consequential on how Waste Management's broader points about how waste management facilities are handled in the Rural Zones and the Infrastructure chapter, which will be dealt with in future hearings streams.

(737) In the meantime, I recommend the definition remain as notified. Once the submission points on the Rural Zones and Infrastructure chapters are dealt with, then it can be assessed if this change is consequentially necessary based on those decisions. If it is recommended consequently in those streams, then I recommend further consequential changes to the Industrial Zones and Seaview Marina Zone, so that waste management facilities are treated the same as other heavy industrial activities. This can be addressed in the wrap-up hearing.

(738) This definition may also be affected by consequential changes from Hearing Stream 1 in response to a submission from Waste Management NZ (461.23), and at time of writing the reporting officer is recommending a change in her rebuttal evidence for that stream, which would make explicit that to be a "*heavy industrial activity*", it must first be an "*industrial activity*".

Offensive odour

(739) The Fuel Companies (471.72), supported by the Pork Industry Boad (F02.7), seek that the definition be deleted on the grounds that it is too vague.

(740) The definition of "*heavy industrial activity*" refers to "*offensive and objectionable noise, dust, or odour*" but in context I do not think the definition of offensive odour was intended to apply to this phrase.

(741) Otherwise, the definition is not used in the PDP and so I recommend that it be deleted both in accordance with the submission and as a minor correction.

Research activity

(742) Seaview Marina (343.28b) seek, as an alternative to their relief sought on SMZ-R6, that research activities be extended to also include "training activities".

(743) This point is better dealt with in the Seaview Marina Zone rules to avoid consequential changes to other zones not subject of the Seaview Marina submission, and the submitter makes a more specific submission point on the relevant rule.

Reverse sensitivity

(744) Reverse sensitivity is a definition used across a wide range of topics in the proposed plan. In addition to the Industrial Zones and Seaview Marina Zone, the definition is relevant to the Hazardous Substances chapter and Commercial and Mixed Use Zones chapter, which have separate s42A reports in this hearing stream, and the following chapters in future hearing streams:

- Rural Zones (stream #3, stream #8)
- Hospital Zone, Marae Zone, Tertiary Education Zone, Natural Open Space Zone (stream #4)
- Protection of Infrastructure (stream #6)
- Subdivision, Noise, Papakāinga, Temporary Activities (stream #7)

(745) As a change to this definition will have the largest consequential effects on the interpretation of the Industrial Zones chapter I will deal with it here, but future hearing streams will also need to consider consequential changes.

(746) Before getting started, the definition in the proposed plan uses the neutral phrases "Activity A" and "Activity B". I think this will be too difficult to follow so in this report so I will call them respectively "the sensitive activity" and "the nuisance activity".

(747) A range of submitters request replacement of the definition with an alternative version:

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
The Telecommunication Companies	311.11	Amend to replace the definition with the following: "means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects [that] may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained."	operative Porirua District Plan
Enviro NZ	323.16	Not explicitly stated, but inferred as either delete definition or replace with "means the effect on existing lawful activities from the introduction of new activities, or the intensification of existing activities in the same environment, that may lead to restrictions on existing lawful	Christchurch District Plan

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
		activities as a consequence of complaints."	
New Zealand Pork Industry Board (supported by Federated Farmers, F22.3)	341.3, F02.1, F02.2, F02.3, F02.4, F02.5, F02.6, F02.8, F02.9, F02.10	Replace definition of reverse sensitivity: "Reverse sensitivity: means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity."	Not stated
NZ Transport Agency Waka Kotahi	385.17, F20.1	Amend to replace the definition with the following: "means the potential for the development, upgrading, operation	Not stated

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
		and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by an existing activity."	
New Zealand Defence Force	404.7	Clarify definition in general or specifically amend to "… The potential for an existing lawful activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the lawfully established existing activity"	Not stated

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
KiwiRail Holdings Ltd, supported by Wellington Regional Council (F38.59)	442.18	Delete definition and replace with "means the vulnerable potential for the development, upgrading, operation and maintenance of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by the existing activity or structure."	Not stated
Z Energy Limited	468.19	Amend to replace the definition with the following: "means the potential for the development, upgrading, operation	Said to be Porirua District Plan (2024 Appeals version)[40]

[40] This does not appear to match the definition in the 2024 Appeals version of the Porirua District Plan, which is the same as in the operative 1 Nov 2025 version, and is what is sought in the submission of the Telecommunication Companies (311.11) above.

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
		and maintenance of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the existing activity. 'Development' and 'upgrading' of an existing activity in this definition are limited to where the effects are the same or similar in character, intensity, and scale to those which existed before the development or upgrade."	
BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd (the Fuel Companies)	471.77	Replace the definition of "reverse sensitivity" with the following: "Reverse sensitivity means the vulnerability	Wellington Regional Policy Statement

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
		of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained."	
Clarus	474.7	Seeks that the definition of this term is replaced by wording that is similar as that in the Queenstown Lakes Proposed District Plan: "means the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity."	Proposed Queenstown Lakes District Plan

Submitter	SP#	Relief	Source of requested definition (possibly adapted)
Transpower New Zealand Limited	504.10	Seeks that the definition of this term is replaced by simplified wording. An example of a potential definition is as follows: "means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the operation of such existing activity to be constrained."	Wellington Regional Policy Statement

(748) These proposed definitions are different from each other, but would all have the effect of making the following changes to the interpretation of the term in the plan:

- Limit the application of the term to where a nuisance activity is already existing prior to the establishment of a sensitive activity, and not cover the protection of development capacity for future nuisances from currently-proposed sensitive activities, regardless of the predominant activities in the zone.

- Expand the application of the term to cover not just the defined list of "sensitive activities" in the plan to a more general term such as "activities … which are sensitive to adverse environmental effects".
- Remove the various explicit tests in the definition for where a reverse sensitivity approach is unreasonable, or the fault of the nuisance activity.
- Remove the avoidance of doubt proviso about freedom of expression.

(749) The changes are opposed by Kāinga Ora (F26.12, F26.51, F26.53, F26.58), who have particular concerns with suggested definitions that would:

- Cover situations where the established activity is altered or intensified
- Cover "perceived" rather than actual limits on the established activity

(750) Altering the definition in these ways would potentially have consequential changes on the meaning of provisions that use it. Some submitters explicitly seek this outcome in their submission, either in the point on this definition, in points on provisions that use the term "reverse sensitivity", or both.

(751) The main reasons given by submitters are that in their view:

- The definition is unclear / will confuse plan users
- The definition does not align with the use of the term in other district plans or in the regional policy statement
- The definition would constrain the situations in which reverse sensitivity can be considered
- The definition would be better suited as guidance material outside the plan
- The definition should include the potential for reverse sensitivity to constrain the future growth in the operation of existing activities
- The definition is subjective or requires assessment
- The definition is circular as it refers to "reverse sensitivity" internally

- A more general definition would allow its interpretation to evolve with case law
- The avoidance of doubt proviso is redundant / unnecessary

(752) I agree with submitters that plan usability is an important consideration and the definition is overly complex. "*Reverse sensitivity*" is used in objectives, policies, and matters of discretion rather than rules and so any use of the term will involve discretion and assessment that avoids the need for explicit tests. However, for that reason, I do not agree that it is an issue that the tests in the definition involve discretion and assessment.

(753) I do not agree that consistency with other district plans is a particularly important consideration. The submitters, I note, are all operators of infrastructure or other facilities that would be expected to be affected by reverse sensitivity rather than causing it, and operate in many districts across the country. However, in the way the term is used in the PDP as notified, the key plan users who will need to understand the term are going to be people applying for resource consents for sensitive activities, who need to know how application of the objectives, policies, and matters of discretion will affect their application. For these plan users, who are more likely to be Lower Hutt residents and businesses, being clear to people unfamiliar with the idea, being specific to the plan they are using, and internal plan consistency are more important.

(754) Consistency with the Wellington Regional Policy Statement has some value, particularly in the context of policies (e.g. Policy 1, Policy 32, Policy 56, Policy 57, UD.3, UD.5) that set out matters to be considered or given effect to in district plans, although I do not think the Regional Policy Statement provisions are generally designed to work as district plan provisions or that there is a particular benefit in having identical wording.

(755) Whether or not there should be constraints on the situations in which reverse sensitivity can be considered in my view sits better in the provisions that use the term rather than the definition, particularly as this differs across topics both in the PDP as proposed, and in some cases as sought by submitters, and so I agree the various tests in the definition can mostly be deleted.

(756) Kiwirail raises the concern that the "proposed wording does not acknowledge that reverse sensitivity could constrain future growth in the operation of legitimate established activities, such as an increased frequency of freight-train movements, in addition to the existing range of activities". This is an interesting point, which I think the PDP should address, but that the submitter's requested relief does not solve, by being constrained to "existing lawfully established activit[ies]". The PDP definition as notified addresses this issue in part by addressing potential constraints that could come from new sensitive activities on nuisance activities that do not yet exist, or do not currently have the increased adverse effects that will occur in the future, but are provided for in designations or are the predominant activity in their zone. However, I think this issue is more practically addressed in the chapters that use the term, particularly Noise, Protection of Infrastructure, and zones.

(757) I agree that the ability of the definition to sit with potential future case law is important, particularly given the proposed new Planning Bill, which if it goes ahead is likely to have impacts on case law in the coming years. Reverse sensitivity is not a term defined or used in the text of the RMA, or even a resource management issue much anticipated by the RMA. The Planning Bill also would not use the term, preferring framing the issue as the related but different idea of "separating incompatible land use". The development of reverse sensitivity as a legitimate issue for planning has been first and foremost through planning processes and case law and this seems likely to continue.

(758) I do not agree that reverse sensitivity is a widely, consistently, well-understood term. First of all, if it were universally agreed on, there would be no need for a definition, but also, even just the various submissions on this plan demonstrate that there is disagreement about what the term means, particularly the positions of Kiwirail and Enviro NZ.

(759) Related to this, I do not agree that the proviso around freedom of expression is redundant. This is demonstrated well in that Enviro NZ in submitting on this plan explicitly sought plan provisions that would limit freedom of expression under the guise of managing reverse sensitivity

issues[41]. In their submission point on this definition they raise the idea that it is *complaints* about adverse effects, rather than the adverse effects themselves that are the issue.

(760) I think this is a not uncommon misconception and worth unpacking here. At root, reverse sensitivity is caused by two incompatible land uses, a nuisance activity (e.g. a waste transfer station), which would cause adverse effects (e.g. odour) on the other, a sensitive activity (e.g. a home), if the two are not adequately separated. The adverse effects of the nuisance activity must be managed under the RMA, and in some cases, effects of a type not managed under the RMA are also regulated under other legislation. It might not be possible to manage the effects in a way that still allows the nuisance activity to operate, and in some cases, we may have policy reasons to want to allow it to still operate anyway, such as:

- The nuisance activity is identified as regionally significant infrastructure,
- The nuisance activity is an existing activity with significant benefits, and it would not be feasible to move it,
- The nuisance activity has operational needs or functional needs that mean it cannot avoid being located where it is, or
- The nuisance activity is provided for in a zone, and the sensitive activity is not, because the plan is trying to protect space for that type of activity to operate.

(761) The adverse effects of the nuisance, and thus the resulting reverse sensitivity can only possibly be managed by some combination of the following:

- Avoiding, remedying, or mitigating the adverse effects at the source, which is always the first and preferable option, as far as feasible.
- Managing the effects at the receiving site.

[41] See as a key example point 323.76, on GIZ-P2.

- Preventing sensitive activities from establishing where they will be affected.
- Deciding that the adverse effects are acceptable and the sensitive activities can live with them.

(762) Regardless of which option or combination of options is selected, everyone involved is perfectly within their rights to complain about the outcome, to attempt to use the political or legal systems to get that outcome changed, and to complain to the Council or other enforcement agencies if they think there are breaches of the rules. Council has a duty to enforce its district plan and is obliged to consider these complaints, and other agencies such as Worksafe or the regional council likewise have a duty to enforce their various regulations. If complaints are well-founded, and there are breaches of plan rules and consent conditions, Council can and should act on them and it was a good thing that the complaints were made. If the complaints are not well-founded, the Council will not act on them and there will be no constraint on the infrastructure or other established nuisance activity. In both cases, complaints are an important part of the Council's monitoring of the state of the environment, as required by the RMA, and artificially distorting that monitoring will lead to decision-making on the basis of incorrect information. It is thus necessary to set out in the plan that Council does not intend to promote the framing of the issue as being about managing complaints.

(763) Accordingly, I recommend a simplified definition removing most of the detail and aligning keywords with the Wellington Regional Policy Statement. This would:

- Remain limited to the scope of the PDP by using the defined term "sensitive activity", with alterations to aid comprehension by people who are not already familiar with the idea
- To make clear that the constraints on the nuisance activity come from the state needing to manage the adverse effects of the nuisance
- Limit application of the definition to only existing activities, as requested by all ten submitters

- Remain silent on the application to existing activities that expand operations or worsen their effects, as this can be dealt with in provisions that use the term.

(764) Given that the phrase is used unqualified in a large number of objectives, policies, and matters of discretion, I think it is easier for plan users that qualifiers such as "unreasonable" are kept in the definition rather than needing to be repeated throughout the plan. This can still avoid the need for explicit tests and stay up to date with case law without implication that reverse sensitivity is an absolute menace to be avoided in all cases.

(765) Putting this together, I recommend the definition of reverse sensitivity be replaced with the following:

> *[existing definition deleted, other than proviso]*
>
> *A sensitive activity causes reverse sensitivity to another, established activity when:*
> *1. The established activity generates adverse environmental effects, which may be effects of a type not managed under the Resource Management Act, and*
> *2. The sensitive activity is sensitive in relation to those adverse environmental effects, and*
> *3. Managing those adverse environmental effects in accordance with the Resource Management Act, Health and Safety at Work Act, Hazardous Substances and New Organisms Act, or other comparable regulations and bylaws would lead to significant unreasonable constraints on the established activity, and*
> *4. Those constraints could be avoided by avoiding the establishment of that sensitive activity, or managing the operation or design of the sensitive activity so that it is less sensitive to the adverse environmental effects.*
>
> *For the avoidance of doubt, nothing in this plan requires or authorises any rule or condition that would in the guise of managing reverse sensitivity limit any person's right to freedom of expression and association as protected by the*

New Zealand Bill of Rights Act 1990, including their right to submit on any matter to which they would otherwise be entitled to submit.

(766) This will have flow-on consequential effects on the provisions in this topic and others that use the term "reverse sensitivity". Primarily, this is relevant where those provisions as notified anticipated reverse sensitivity (in the proposed plan meaning) for future nuisances that are not yet established, and there is a question about whether that should be preserved despite the changed definition. For the provisions in this topic, I think that mostly no changes are needed:

- No change is needed to the introductions of the Light Industrial, General Industrial, Heavy Industrial Zones, as these all appear along with reference to "adverse impacts on long-term industrial land capacity".
- No change is needed to GIZ-O2/HIZ-O2, because it is appropriate to limit those to existing activities given the separate test that activities are "compatible with the purpose…of the zone".
- No change is needed to LIZ-P2, LIZ-P4, given the policy direction in the zone that emphasises amenity values consistent with an industrial environment.
- No change is needed to HIZ-P2 and HIZ-P3 as the policy direction was general enough that the change does not make a major impact.
- No change is needed to the Seaview Marina Zone as it is not part of the policy direction of the zone to provide future industrial development capacity specifically.

(767) However, GIZ-P2 and GIZ-P4 should be altered to remove the now-redundant references to "including existing heavy industry".

(768) For other topics, these consequential effects will be discussed in their respective s42A reports.

Servicing

(769) Z Energy (468.22) and the Fuel Companies (471.79) both seek that the definition remove the text "and includes any movements of heavy vehicles".

(770) While the submitters have outlined issues with the definition of servicing in the context of industrial activities, the definition is used across the plan and covers servicing in all zones as well as a number of objectives and policies. Enviro NZ is also a submitter on many of these provisions.

(771) Movements of heavy vehicles in residential areas, or within 40 metres of residential areas (which is where the definition is relevant to) will create noise and traffic safety issues regardless of for what purpose they are visiting a site.

(772) If the panel is nonetheless of a mind to exempt some heavy vehicle movements from the rules in the industrial zones relating to servicing, I recommend this is done in the relevant rules rather than the definition, to avoid potential knock-on effects to other uses of the term. I discuss broader issues about the policy approach to servicing hours near residential zones in the relevant rules, for commercial zones in the Commercial and Mixed Use Zones s42A report, and for residential zones themselves these will be discussed in the forthcoming Residential Zones s42A report.

Yard-based retailing

(773) The Fuel Companies (471.82) seek that the definition explicitly exclude service stations. While of low practical importance as both activities generally have the same activity status and policy approach, I agree that as service stations are already captured under their own rule clarifying it is unnecessary to include them within the definition of yard-based retailing and recommend accepting this change (subject to minor rewording).

7.1.4 Definitions – New definitions sought

"Marina activities"

(774) Seaview Marina Ltd (343.3, F14.12) and the Fuel Companies (471.83) each seek (different) definitions of "marina activities". The term is used in both policies and there is a rule that provides for "marina activities". I agree with both submitters that a definition of some kind is needed.

(775) The Fuel Companies proposed definition is essentially the definition of "marine and port activities" in the Auckland Unitary Plan (AUP), and the

Seaview Marina Ltd proposed definition seems similar although with some changes. That definition is:

> *means activities associated with*:
> *a. the navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;*
> *b. embarking and disembarking of passengers;*
> *c. loading, unloading and storage of cargo and containers;*
> *d. operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;*
> *e. educational activities associated with these activities; and*
> *f. the use of buildings and structures associated with these activities, including accessory offices, seafood processing and parking.*

(776) There is unfortunately no relevant National Planning Standards definition.

(777) Looking at regional consistency, and councils in the area that also have marinas, Porirua has a definition of "boating facilities" which covers a more limited situation, and Wellington City has a definition of "marina facilities" which focuses more on structures than land uses.

(778) I think the AUP definition that submitters have used is useful as a starting point, but it is intended to also apply more broadly to what would be better described as a port rather than a marina, and includes some elements based on the terms and structure of the AUP that are not relevant to the Lower Hutt PDP – for example, the AUP is a unitary plan and could be used in the context of regional coastal plan provisions. Major issues that I see are:

- The definition includes "loading, unloading, and storage of cargo and containers" – a facility primarily based around cargo rather than passengers or recreation would be better considered as a port, and I don't think should be covered within the permitted activity rule in the Seaview Marina Zone.

- The definition provides for "seafood processing", which I think would be better considered as an industrial activity (provided for in the Seaview Marina Zone anyway).
- The definition includes parking, which is a standalone activity in the Lower Hutt PDP (see e.g. SMZ-R10).
- The definition includes ancillary activities, which are covered by the catchall rule (see SMZ-R20).
- The definition includes reference to "the use of buildings and structures" in some cases but not others, while the general scheme of the PDP is to treat the erection of buildings and structures as separate to land uses using those buildings and structures in all cases (to the extent allowed by national direction).

(779) Seaview Marina Ltd do not seek the arms of the AUP definition relating to passengers and cargo, but also seek, beyond the AUP definition, to include:

- Vehicle and boat trailer parking
- Supply of marine related goods and services
- Local markets
- Marine recreation and water sports

(780) Vehicle parking, as discussed above, is better left to the standalone activity, although I agree boat trailer parking is relevant.

(781) I agree with the submitter that the supply of marine related goods and services should be included.

(782) I think "local markets" is too vague a term to use in the definition of a rule. In practice, I think the type of event anticipated by the submitter is likely to be captured by the Temporary Activities provisions of the proposed plan.

(783) Recreation activities are already covered by a standalone rule (SMZ-R14) and so do not need to be covered by this activity.

(784) Finally, the definition is an opportunity to partly implement the relief sought by Seaview Marina (343.28a – see discussion on SMZ-R6) to provide for training activities in the Seaview Marina Zone.

(785) Accordingly, I recommend a synthesised definition combining parts of the two proposals and aligning with the HCC PDP style:

> ***Marina activities*:**
>
> *Means activities associated with:*
> *a. The navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance, and repair of vessels;*
> *b. Boat trailer parking;*
> *c. Supply of marina related goods and services;*
> *d. Embarking and disembarking of passengers;*
> *e. Loading, unloading, and storage of ancillary cargo and containers on primarily passenger and recreational vessels;*
> *f. Operation, maintenance, repair, cleaning, and refuelling of associated plan and equipment;*
> *g. Training and educational activities associated with these activities; and*
> *h. Ancillary offices.*

"Marina facilities"

(786) Seaview Marina Ltd (343.4) seeks a new definition of "marina facilities". The phrase "marina facilities" is not used in the plan or in provisions sought by the submitter and so no definition is needed. The substance of the relief sought by the submitter is also better captured in the definition of "marina activities" above.

"Outdoor storage areas"

(787) Z Energy (468.20) seeks the addition of a definition of "outdoor storage areas" and that all references in the plan[42] to "outdoor storage and work areas" be renamed to "outdoor storage areas". The submitter considers this would align the plan more with other "new generation" plans

[42] There is a standalone rule for "outdoor storage and work areas" in each residential, commercial and mixed use, industrial, and open space zone, as well as the Hospital Zone, Marae Zone, Seaview Marina Zone, and Tertiary Education Zone.

(although does not give examples) and questions the basis for including works areas as well as storage.

(788) I do not agree with the exclusion of works areas. The overall goal of provisions relating to outdoor storage and works areas is to screen unsightly commercial/industrial service spaces from residents and visitors. This is just as true for materials that are currently being worked on as those sitting there passively and makes it clearer that the screening is required for all such areas, not only just while goods are being stored.

(789) Given the submitter's other relief sought on policies and rules using the term, and the nature of their business, I infer they are primarily concerned about the application of the relevant rules to service stations. I do not interpret "outdoor storage and works areas" as applying to a petrol station forecourt, customer carpark, or other areas that are open to visitors and I think there is value in providing a definition to clarify this and solidify the general understanding of what I believe to be the scope of the term as notified. I recommend adding a definition for "outdoor storage and work area":

> *Means any outdoor area used for the storage or working of goods, waste, or other materials, and does not include carparking or areas intended to be open to the public.*

"Wholesale activity"

(790) Foodstuffs (239.4) seek a definition of wholesale activity. As I discuss in their submission point seeking a rule (see paragraph (412) onward) I do not think such a rule is necessary and therefore no definition is required.

8 Section 32AA assessment

(791) Of the changes I recommend the large majority are clarifications, corrections, alterations of definitions, or minor changes that do not alter the policy approach of the plan, or are changes to avoid resource consent requirements in circumstances where they would almost certainly be granted, and so the original section 32 report for the zones still applies to these unchanged, with the exceptions that:

- There are additional economic benefits from reduced administrative costs from unnecessary resource consents, and
- There are additional economic, social, and cultural benefits from beneficial activities that, because of not needing resource consent, are not deterred from operating.

(792) There are no recommendations that make substantial changes to the policy direction of the PDP but some may change the weighting of costs and benefits. These are discussed in individual provisions.

(793) The remaining changes that will meaningfully affect the plan are assessed below. Where factors in section 32 of the Act are not discussed, I consider that the original section 32 report still applies to that factor. This is particularly the case where the original report did not quantify costs and benefits as I consider that the qualitative assessment still applies.

8.1.1 Urban design amendments

(794) I recommend amendments to the urban design policies LIZ-P9, LIZ-P10, LIZ-P11, GIZ-P9, GIZ-P10, GIZ-P11, HIZ-P8, HIZ-P9, HIZ-P10, SMZ-P8, SMZ-P9, and SMZ-P10 to:

- Remove references to daylight
- Remove references to pedestrian dignity in favour of more concrete terms such as convenience
- Reduce the scope of the exclusion around modulation and variation of building form and materials

(795) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents
- Increase certainty and predictability in consent applications
- Enhance the plan's ability to advance its objectives of enhancing amenity values in public spaces

8.1.2 Construction of new buildings

(796) I recommend amendments to LIZ-R3 and GIZ-R3 to remove the condition that altered buildings be for the purpose of a land use activity permitted in the zone.

(797) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents
- Not substantially reduce the supply of industrial development capacity

8.1.3 Servicing

(798) I recommend amendments to LIZ-R24 to allow consideration of functional needs and operational needs in a resource consent application.

(799) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents
- Better provide for the functioning of businesses with functional and operational needs

8.1.4 Landscaping and screening

(800) I recommend amendments to LIZ-S5, GIZ-S5, and HIZ-S7 to provide that the landscaping and screening on the Industrial Main Through Route Frontage Overlay is only required for new buildings.

(801) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents
- Provide for adaptive reuse of existing buildings

8.1.5 Main through routes

(802) I recommend deleting the Industrial Main Through Route Frontage Overlay and associated standards from the Seaview Marina Zone.

(803) I consider that these are this is the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as, while this will slightly reduce potential amenity benefits from landscaping on the Marine Drive boundary these will be outweighed by improved safety and functionality of regionally significant infrastructure, the oil terminals.

8.1.6 Residential activities and sensitive activities in the Seaview Marina Zone

(804) I recommend amendments to the residential and sensitive activities policies, SMZ-P2 and SMZ-P3 to simplify and consolidate them. This will have practical side effects of increasing the range of ancillary activities provided for at the marina.

(805) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents
- Support the ongoing operation of the marina and its associated economic, social and cultural benefits

8.1.7 Commercial activities and trade and industrial training facilities in the Seaview Marina Zone

(806) I recommend a new rule to permit trade and industrial training facilities in the Seaview Marina Zone, and to expand the permitted GFA for commercial activities.

(807) I consider that these are the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as they will:

- Reduce the administrative burden from consents

- Support the ongoing operation of the marina and its associated economic, social and cultural benefits
- Advance plan consistency and fairness between land users in similar situations, by aligning the zone with the General Industrial Zone

8.1.8 Residential activities and activities sensitive to industry in the Seaview Marina Zone

(808) I recommend modifying SMZ-R22 to provide for 1 ancillary residential unit and ancillary sensitive activities on the Seaview Marina site.

(809) I consider that this is the more appropriate way to achieve the purpose of the RMA compared to the plan as notified as it will:

- Reduce the administrative burden from consents
- Support the functional and operational needs of the marina.
- Advance plan consistency and fairness between land users in similar situations, by aligning the zone with the General Industrial Zone

8.1.9 Zoning of the Seaview Marina breakwaters

(810) I recommend rezoning the Seaview Marina breakwaters from Open Space Zone to Seaview Marina Zone.

(811) I consider that given the uncertainty around the future ownership and purpose of land, the risk of acting is less than the risk of not acting as the administrative costs of an open space zoning for land not owned by Council are likely more significant than those from land held as reserve being zoned in a non-open space zoning.

9 Conclusion

(812) This report has provided an assessment of submissions received in relation to Hearing Stream 2 for Industrial Zones, the Seaview Marina Zone, related definitions, and the strategic direction on UDSD-O14.

(813) Sections 3, 4, 5, 6, and 7 assess and provide recommendations on the decisions requested in submissions. I consider that the submissions on Hearing Stream 2 – Industrial Zones and Seaview Marina Zone should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Appendix 2.

(814) I recommend that provisions be amended as set out in Appendix 1 for the reasons set out in this report.

(815) I consider that the amended provisions will be efficient and effect in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken in section 8 of this report.

10 Attachments

Appendix 1: Recommended amendments to the Proposed District Plan

Appendix 2: Recommended decisions on submissions on Industrial Zones, the Seaview Marina Zone and associated definitions