

**BEFORE INDEPENDANT HEARING COMMISSIONERS  
APPOINTED BY TE AWA KAIRANGI HUTT CITY COUNCIL**

**IN THE MATTER**                      **of the Resource Management Act 1991**

**AND**

**IN THE MATTER**                      **of hearing submissions on the Proposed  
Hutt City Council District Plan**

**HEARING TOPIC**                      **Hearing Stream 2: Business**

---

**STATEMENT OF EVIDENCE OF ALICE JANE BLACKWELL ON  
BEHALF SEAVIEW MARINA LIMITED (SUBMITTER 343)**

**PLANNING**

**8 MAY 2026**

---

## 1. EXECUTIVE SUMMARY

- 1.1 My name is Alice Jane Blackwell, and I am a Principal Planner at Urban Edge Planning Limited. I have been engaged by The Seaview Marina Limited (**SML**) to provide evidence in support of its primary submission (No. 343) and further submission (No. F14) in relation to its submission on the Seaview Marina Zone (**SMZ**) and Hazardous Substances provisions of Lower Hutt City Council's Proposed District Plan (**PDP**).
- 1.2 The Seaview Marina, operated by Seaview Marina Limited, is a purpose-built marina located at the north eastern end of Wellington Harbour in Seaview, Lower Hutt. The Marina is a Lower Hutt City Council Controlled Organisation.
- 1.3 My evidence addresses:
- a) Relevant higher order planning documents prepared under the Resource Management Act 1991 (**RMA**)
  - b) The Seaview Marina Zone:
    - i. Zoning extent;
    - ii. Definition of marina activities; and
    - iii. Objectives, policies and rules.
  - c) Hazardous Substances
    - i. Planning approach for managing hazardous substance risks;
    - ii. Residential activities in the Hazardous Substances Risk Management Overlay (**HSRMO**); and
    - iii. Accuracy of the HSRMO
  - d) Definition of reverse sensitivity
- 1.4 Recommended amendments to the PDP are attached at **Appendix A** of my evidence.
- 1.5 A section 32AA assessment is set out in **Appendix B** of my evidence.
- 1.6 Where relevant, my evidence refers to:
- Evidence and information from:
    - (a) Tim Lidgard – Seaview Marina Chief Executive
    - (b) Robert Van de Munckhof – Hazardous Substances
  - The following reports prepared under section 42A of the RMA:
    - (a) S42A Officer Report for Industrial Zones and the Seaview Marina Zone by Stephen Davis (S42A Report for SMZ)

(b) S42A Officer Report for Contaminated Land and Hazardous Substances by Hamish Wesney (S42A Report for Hazardous Substances)

## **2. QUALIFICATIONS AND EXPERIENCE**

- 2.1 My name is Alice Jane Blackwell, and I am a Principal Planner at Urban Edge Planning Limited.
- 2.2 I hold the qualifications of a Bachelor of Arts in Geography and Economics and a Master of Regional and Resource Planning from the University of Otago. I have 17 years' experience in working with resource management and planning matters under the RMA. I am an Intermediate member of the New Zealand Planning Institute.
- 2.3 I have worked for local and central government and in private consultancy. My experience includes the preparation and processing of applications for resource consent, submissions and evidence on district plan reviews, and policy advice on national direction under the RMA. I worked at the Ministry for the Environment from 2010 to 2018 in work areas focused on practice and implementation of RMA national direction and reform.
- 2.4 With respect to the Lower Hutt City, I have prepared multiple resource consent applications in the City for a range of activities.

## **3 POTENTIAL CONFLICT OF INTEREST DECLARATION**

- 3.1 I would like to bring to the Panel's attention, potential perceived conflicts of interest associated with Urban Edge Planning previous work with the Proposed District Plan.
- 3.2 Urban Edge Planning was involved in the preparation of a number of chapters associated with the Hutt City Proposed District Plan. These included:
- Natural Hazards Chapter
  - Coastal Environment Chapter
  - Outstanding Natural Landscapes and Features Chapter
  - Public Access Chapter
  - Subdivision Chapter
  - Three Waters Chapter; and
  - Earthworks Chapter.
- 3.3 This submission does not seek to change any of the provisions for the chapters that Urban Edge Planning was involved in.

- 3.4 I was not involved in the development of any of these chapters. I do not believe that my employment by Urban Edge Planning results in a conflict of interest whereby I would not be able to present this evidence for SML.

### **Involvement with Submission in relation to The Seaview Marina Limited**

- 3.5 Urban Edge Planning was engaged by SML to prepare a submission on both the Hutt City Draft District Plan and Proposed District Plan. I have been engaged by SML in support of its submission on the PDP, but was not involved in work on SML's submission on the Draft District Plan.
- 3.6 I am familiar with the national, regional and district planning documents relevant to the Lower Hutt City planning context.

### **Code of Conduct**

- 3.7 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. My qualifications as an expert are set out above. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise.

### **Scope of Evidence**

- 3.8 I have reviewed the PDP and the relevant sections of the Section 32 evaluation report for the SMZ and Hazardous Substances. I have read Councils' s42A reports for Hearing Stream 2: Business (as they relate to the SMZ and Hazardous Substances).
- 3.9 My evidence will address the following matters:
- a) Higher order planning documents
  - b) The Seaview Marina Zone
    - i. Special Purpose Zone for Seaview Marina
    - ii. Planning provisions that reflect the intended outcomes of the SMZ
  - c) Hazardous Substances
    - i. Planning approach for managing hazardous substance risks
    - ii. Residential activities in the Hazardous Substance Risk Management Overlay

d) Reverse Sensitivity Definition

- 3.10 In my opinion, the proposed changes sought in the SML submission and discussed within my evidence, provide an efficient, more user-friendly planning framework with greater alignment to national direction than the notified PDP. I consider that the changes sought by SML and supported in my evidence will achieve the objectives of the relevant higher order planning documents as well as the purpose of the RMA.
- 3.11 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

#### **4 SEAVIEW MARINA LIMITED (SML)**

- 4.1 The Seaview Marina (the Marina) is a purpose-built marina located at the north eastern end of Wellington Harbour in Seaview, Lower Hutt. The Marina is operated by Seaview Marina Limited (SML), which is a Hutt City Council Controlled Organisation.
- 4.2 I am advised by the CEO of the Marina, Tim Lidgard, that the Marina's primary nature of activities is the operation of boating facilities and storage, providing essential services and amenities for both recreational and commercial boaters, and the maintenance of infrastructural assets. The site currently has 375 marina berths, with resource consent for an additional 103 marina berths and 80 fore-aft moorings. The Marina has 250 boat trailer parks and owns and operates a marine trade and retail hub - the Wellington Marine Centre. The site also contains the Lowry Bay Yacht Club, a fully licensed venue that can be hired out for social or corporate events.
- 4.3 In its submission, SML outlines that the future aspirations for the Marina include retail and commercial facilities, including those that are attracted to a coastal setting, but in themselves are not solely marina related, such as harbourside markets, galleries, retail and office. The Marina also has an interest in exploring residential development.
- 4.4 Key focus areas of the SML submission are:
- (a) Support for the Seaview Marina Special Purpose Zone, but that the zone extent should also include the breakwaters.
  - (b) Simplification of the SMZ provisions and changes to the SMZ provisions to reflect the aspirations of the Seaview Marina.

- (c) Changes to the Hazardous Substance provisions to enable a consenting pathway for activities within the SMZ.

## 5 HIGHER ORDER PLANNING DOCUMENTS

### **National Policy Statement for Infrastructure 2025 (NPS-I)**

- 5.1 The National Policy Statement for Infrastructure (NPS-I) is relevant for considering planning provisions for the Seaview Marina. The NPS-I requires decision makers to recognise infrastructure as nationally significant under the RMA. I consider that the Marina is included within the definition of infrastructure due to its function as a place to load and unload cargo or passengers. This is captured at (k) of the definition of “Infrastructure” in Part 1 of the RMA:  
*(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:*
- 5.2 The Seaview Marina is existing infrastructure that has a functional and operational need to locate in the coastal marine area (consistent with Policy 2 of the NPS-I). I note that the bulk fuel storage tanks and fuel pipeline are also included in the RMA definition of infrastructure and also have a functional need to be in close proximity to the coastal environment. This is discussed below in relation to the Regional Policy Statement for Wellington (**RPS**) and in Section 7 where I discuss the Hazardous Substance provisions of the PDP.
- 5.3 Policy 5 of the NPS-I requires decision makes to recognise and provide for supporting activities for infrastructure. In the context of the Seaview Marina, this includes providing for all activities associated with the operation of the marina.
- 5.4 I consider that the changes sought in this evidence are consistent with the objectives and policies of the NPS-I.

### **New Zealand Coastal Policy Statement 2010 (NZCPS)**

- 5.5 The purpose of the NZCPS is to state polices in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The changes I recommend to the SMZ provisions are consistent with the outcomes sought by the NZCPS. Future marina activities can continue to enable public access and recreation opportunities (NZCPS Objective 4). The NZCPS (at Objective 6) recognises that there is a functional need for the marina to locate in the coastal marine area.

- 5.6 Policy 6(2)(c) and (3) of the NZCPS relates to activities in the coastal environment and recognises that activities on land should not compromise activities of national or regional importance. Of relevance when considering the hazardous substance provisions below (Section 7 of this evidence), I note that bulk fuel storage is identified as regionally significant infrastructure in the RPS. I consider that both marina activities and bulk fuel storage have a functional need to locate in the coastal environment. I consider that the activities provided for in the SMZ provisions (with my recommended changes) appropriately balance the management of residual risk from regionally significant hazardous substances and reverse sensitivity effects associated with industry, while recognising that marina activities also have a functional need to be in the coastal environment.
- 5.7 Objective 4 and Policies 6, 18 and 19 of the NZCPS recognise the public access and open space recreation qualities of the coastal marine area. These are enhanced by enabling the marina to continue to function as a place that provides access to the coastal marine area. Public access is further enhanced by enabling activities that support the public access to the Seaview Marina, such as retail and food and beverage activities.
- 5.8 I consider that the changes recommended in this evidence are consistent with the objectives and policies of the NZCPS.

### **National Policy Statement for Urban Development 2020**

- 5.9 The NPS-UD sets out objectives and policies to ensure urban environments in New Zealand are well-functioning, adaptable, and capable of supporting growth. While it does not specifically address marinas, the NPS-UD is relevant in that it is about ensuring that New Zealand's towns and cities are well-functioning urban environments that are well-supported by infrastructure, including social infrastructure such as parks and recreation facilities.
- 5.10 Objective 1 of the NPS-UD requires that urban environments enable people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Ensuring that planning provisions in the PDP support wellbeing is important in achieving Objective 1 of the NPS-UD. This can be achieved by ensuring the marina to continue to operate providing access to the coastal environment through recreational and commercial boating and fishing. The PDP and SMZ provisions can enable vibrant retail and function spaces and retain public access to the coastal environment. Providing for functional activities in the Marina, such as trailer parking and boat maintenance areas supports the Wellington boating community by providing facilities for vessel maintenance.

- 5.11 Objective 4 on the NPS-UD provides for urban environments to adapt over time, in response to the changing needs of its people, communities and future generations. Objective 4 of the NPS-UD recognises that planning provisions need to be sufficiently flexible to enable appropriate activities.
- 5.12 I consider that the changes recommended in **Appendix A** and discussed in this evidence are consistent with objectives and policies of the NPS-UD.

### **National Planning Standards 2019**

- 5.13 The purpose of the national planning standards is to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format and definitions for statutory planning documents prepared under the RMA. I have discussed the National Planning Standards in my evidence (paragraph 6.1) below.

### **Regional Policy Statement for the Wellington Region 2013 (RPS) and Plan Change 1 to the RPS**

- 5.14 The provisions of the PDP are required to give effect to the RPS for the Wellington region. The RPS provides an overview of the resource management issues for Wellington and sets out the policies and methods to achieve integrated resource management of the natural and physical resources of the whole region.
- 5.15 Proposed Change 1 to the RPS was notified in August 2022 and is currently at the appeals stage. Of relevance to the topics being discussed at Hearing Stream 2: Business, I note that bulk fuel storage tanks and fuel pipelines are defined as regionally significant infrastructure under the RPS<sup>1</sup>. Seaview Marina is not included in the definition of “regionally significant infrastructure”.
- 5.16 Change 1 to the RPS includes amendments to enable urban development and infrastructure in appropriate locations and to encourage more intensive urban development that is sensitive to the environment and meets the needs of more people.
- 5.17 I consider that the changes recommended in this evidence are consistent with the objectives and policies of the RPS and Plan Change 1.

---

<sup>1</sup> I note that the definition of “regionally significant infrastructure” under the 2024 RPS is subject to an appeal, but that fuel tanks and fuel pipelines are defined as regionally significant infrastructure in both the operative 2013 RPS and the 2024 RPS.

## 6 SEAVIEW MARINA SPECIAL PURPOSE ZONE

- 6.1 In my view, activities at Seaview Marina meet the criteria in the National Planning Standards<sup>2</sup> for a special purpose zone and I support a Special Purpose Zone for Seaview Marina.
- 6.2 In terms of the extent of the zone, SML sought the breakwaters be included in the SMZ<sup>3</sup>. The s42A Officer ultimately supports granting this relief<sup>4</sup>. As outlined in its submission, SML intends to either lease or purchase the breakwaters from HCC. This purchase would include both the northern and southern breakwater. For the northern breakwater, this would not include the Korora sanctuary, the beach, or the area to the west out to sunset point (area north of red line as shown in Figure 1 below). For this reason, the SMZ extent would not need to include this land .

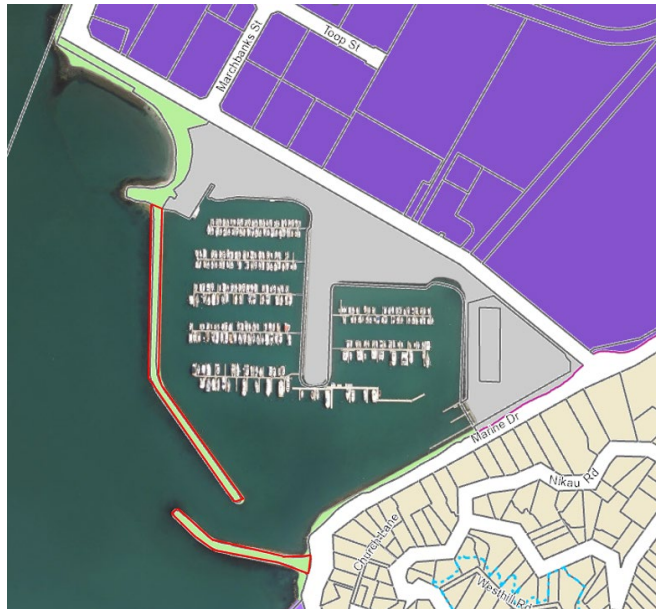


Figure 1: Breakwaters to be included in the Seaview Marina Zone (outlined in red)

- 6.3 I support the submission from SML<sup>5</sup> and consider the breakwaters should be included in the SMZ. In my opinion this better reflects current and future land use.

### Planning provisions that reflect the intended outcomes of the Seaview Marina Zone

- 6.4 The PDP recognises the unique characteristics of the Seaview Marina, by establishing bespoke provisions through a Special Purpose Zone. The submission from SML sought<sup>6</sup> the

<sup>2</sup> National Planning Standards require that special purpose zones are only created where the proposed land use activities meet all of the following:  
a. are significant to the district, region or country  
b. are impractical to be managed through another zone and  
c. are impractical to be managed through a combination of spatial layers.

<sup>3</sup> Submission point S343.1b

<sup>4</sup> Section 6.3.11 of the S42A report

<sup>5</sup> Submission point 343.1b.

<sup>6</sup> Majority of the submission but also summarised on pages 9-10

simplification of the SMZ provisions to reflect the unique site context and not simply repeat provisions of other zones. I agree with the SML submission and consider that some provisions in the SMZ are overly complicated. I consider that alternative provisions would better reflect the planned outcomes for the zone. I attach at **Appendix A** my recommended changes to the SMZ and the following aspects of the SMZ chapter below:

- a. Definition of marina activities
- b. Introductory Text
- c. Objectives and policies
- d. Rules

**a. Definition of “marina activities”**

6.5 A key aspect of the submission from SML was including a definition of both “marina activities” and “marina facilities” as no such definitions were included in the PDP<sup>7</sup>.

6.6 Council’s S42 Officer has recommended including a definition of “marina activities”, but not “marina facilities”.

6.7 I support the inclusion of a definition of marina activities as this improves the usability of the district plan. I am supportive of only including a definition of “marina activities” provided it is clear that the corresponding marina facilities are also anticipated in the SMZ.

6.8 While I support the inclusion of a definition of “marina activities”, I consider that the definition as recommended by the S42A Officer is too narrow and will restrict the Marina’s existing and future operations. I note that the continuation of existing activities is provided by notified PDP SMZ-P6, but this is not appropriately reflected in the definition of “marina activities”. As such, at **Appendix A** of my evidence, I recommend broadening the definition of marina activities to include:

- **Commercial and tourism activities**

6.9 I am advised by Mr Lidgard that existing commercial and tourist businesses<sup>8</sup> operate out of the Seaview Marina. Commercial activities are enabled by policy SMZ-P1 of the notified PDP. I consider the definition of “marina activities” should be broadened to include commercial and tourism activities.

- **Hospitality, food and beverage and visitor servicing activities –**

---

<sup>7</sup> Submission points 343.3 and 343.4

<sup>8</sup> For example, Cook Strait Fishing Charters see [www.cookstraitfishingcharters.co.nz/](http://www.cookstraitfishingcharters.co.nz/)

6.10 A number of food and beverage businesses operate out of the Seaview Marina. This includes the Compass Café and functions that are held at the Lowry Bay Yacht Club.

- **Events, markets and community activities associated with the marina environment**

6.11 Events and community activities currently take place at the Seaview Marina. For example, Mr Lidgard has also advised me that events have previously been held at the Marina, such as “Rock Around the Dock”, a small music event with approximately 500 fundraising tickets sold fundraising for the coastguard. As outlined in their submission, SML want to be able to host local markets on the site and continue to provide similar events to that referenced above. Provided such events can meet the District Wide provisions of the PDP, I consider that the SMZ is an appropriate place to enable events, markets and community activities.

**b. Introductory text**

6.12 In support of the Seaview Marina submission, I recommend changes to the introduction to the SMZ as outlined in **Appendix A** of my evidence. In my opinion, the zone description does not need to refer to the SMZ providing a “buffer” from residential activities “to separate incompatible activities”. There is a sufficient natural buffer provided by the cliff to the east of the SMZ where dwellings in the Large Lot Residential Zone are located 40-65 metres above the land within the SMZ. This does not need to form part of the purpose of the SMZ.

**c. Objectives and policies**

6.13 The SML submission sought the objectives be reduced in number and simplified<sup>9</sup>. SML also sought SMZ-O5 – Character – Main through routes, be deleted<sup>10</sup>. The s42A officer agrees that SMZ-O5 be deleted<sup>11</sup>.

6.14 I otherwise generally support the objectives as proposed, except I recommend two small changes to the objectives to better reflect the intended purpose and activities in the zone.

6.15 In respect of the PDP policies, SML sought amendments to all of the policies including the deletion of SMZ-P3, SMZ-P4, SMZ-P5, SMZ-P6, SMZ-P10, SMZ-11<sup>12</sup> from the PDP as notified. I agree with the SML submission that the policies are generally overly complex and do not appropriately reflect the planned outcomes for the SMZ. The polices are complicated due

---

<sup>9</sup> Submission point S343.006 – 343.010.

<sup>10</sup> Submission point S343.011.

<sup>11</sup> S42A report paragraph 536.

<sup>12</sup> Submission point S343.14-S343.22.

to being a repetition of policies from other zones, without reflecting the unique context of the SMZ. The S42A Officer outlines this is due to “structural requirements of the plan” at para 486:

*“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.”*

- 6.16 I agree with the S42A officer that plan usability is important. I also agree that a consistent plan structure helps usability. For example, I support the general order and naming of objectives and policies being consistent across the plan where practical. However, the benefits of a consistent structure for plan usability do not outweigh the costs of complicated provisions that do not reflect the zone they are managing.
- 6.17 The repetition of provisions, such as in relation SMZ-P8 – SMZ-P10, makes the plan more complicated and less useable. In some cases, these policies are attempting to manage issues not relevant to the zone. I note that plan users are not only consents planners<sup>13</sup> who work across multiple chapters of the plan on a daily basis, but also those who need to understand the provisions as a standalone set of provisions for a site or zone.
- 6.18 I have made recommended amendments to SMZ-P2, SMZ-P4, SMZ-P5 to make the provisions easier to understand and clearer at **Appendix A**.
- 6.19 I have recommended substantial changes to policies SMZ-P8 – SMZ-P10, which I discuss further below.
- 6.20 **In respect of SMZ-P8** I make the following comments:
- The SMZ is a bespoke zoning covering a single site, where appropriate, provisions should be tailored to reflect the unique context of the zone and do not need to reflect those that are otherwise standardised across the plan. I note that:

---

<sup>13</sup> See Paragraph 51 of s42A report for SMZ

- The heading and first paragraph unnecessarily complicate the policy. “Meeting a standard” or “obtaining resource consent” is simply stating the planning process and do not assist with understanding how to achieve the desired objectives for the zone.
- The SMZ is flat and therefore the reference to “topography” is unnecessary. It is not clear what an “unusual factor” is in the context of SMZ.
- There are no “well used” streets or public spaces in the vicinity of the SMZ.
- Privacy on adjacent sites is not a relevant consideration for the SMZ due to it not being located adjacent to any sensitive activities. Future sensitive activities on adjoining sites are discouraged by plan provisions.
- There is no outdoor living space on adjacent residential zones that could be impacted by a development within the Seaview Marina. The nearest residential zone is located across Marine Drive to the south east of the SMZ, with all residential dwellings located at the top of a cliff (45-65 metres above the SMZ).

**6.21 In respect of SMZ-P9** I make the following comments:

- The heading is unnecessarily complicated by referring to “other than small scale primary activities in the zone”. Primary activities in the zone are not defined, so it is unclear what is meant by a “small scale primary activity”.
- The first paragraph of the policy is unnecessary for the same reasons as stated in respect of SMZ-P8 (above).
- For SMZ-P9-1.c. it is not clear what “wasted space” or “space of unclear judgement” are. The use of “avoid” combined with a subjective assessment of wasted space / space of unclear judgement is too directive, particularly in the context of a lack of certainty around what is actually intended to be managed with this provision.

**6.22 In respect of SMZ-P10** I make the following comments:

- Having a separate policy for urban design exclusions that references both “standards” and “urban design policies” is confusing. Decision makers will need to consider, in some cases as a matter of discretion<sup>14</sup>, urban design outcomes that are excluded from their consideration. In my view this negatively framed consideration makes the PDP unnecessarily complicated. If ultimately necessary, the exclusions can be included within Policy SMZ-P9.

---

<sup>14</sup> Matter of discretion in PDP for SMZ-R11 and SMZ-R12.

6.23 I have recommended deleting SMZ-P11 as I do not consider that managing adverse effects at zone interfaces is necessary in the context of the SMZ.

6.24 I have included my recommended amendments to these provisions in **Appendix A** of my evidence.

#### **d. Rules**

6.25 At **Appendix A** I make a number of recommended changes to the rules of the notified PDP and I discuss these below.

- **Office activities (new rule SMZ-R20 recommended)**

6.26 I consider that office activities are appropriate in the SMZ and have therefore recommended a separate rule for office activities. I consider that office activities are compatible with the use of the Seaview Marina for marina activities and should be enabled.

6.27 I note that I consider that office activities should be removed from the definition of “activities sensitive to hazardous substance risks” (see paragraph 7.6 – 7.16 below due) to the different risk profile that applies to office activities, informed by the evidence of Mr Van de Munckhof.

- **Residential activities SMZ-R22**

6.28 I consider there should be a restricted discretionary consenting pathway for residential activities that are ancillary to marina activities with no specific limit on the number of residential units. As outlined in the S42A Officer report<sup>15</sup>, residential activities are restricted in the SMZ to separate incompatible land uses. In my opinion, as activities ancillary to the marina, an industrial activity, research activity or emergency service facility are specifically provided for in the zone, these should be enabled through a more permissive consenting pathway with clear matters of discretion, including in relation to reverse sensitivity. I anticipate residential activities of this nature would be of a small scale and include accommodation such as an on-site managers residence or staff accommodation.

6.29 SML sought a discretionary consenting pathway for residential activities in the SMZ<sup>16</sup>. The s42A Officer recommended rejecting this request on the basis that a significant number of residential units is not appropriate<sup>17</sup>.

---

<sup>15</sup> S42A Report for Industrial Zones and SMZ, para 666.

<sup>16</sup> Submission point S343.44

<sup>17</sup> S42A Report for Industrial and SMZ, para 669.

6.30 I agree with the s42A Officer that given the complexities of the land within the SMZ, that a “significant” number of residential units within the site may not be appropriate. However, I consider that some level of residential development could be appropriate in the SMZ and that it is appropriate for this to be considered through the resource consent process. I have therefore drawn on the PDP provisions in the Light Industrial Zone and recommend a discretionary consenting pathway for residential activities where they account for no more than 50% of the gross floor area of all buildings on the site.

6.31 I consider that automatic public notification is not warranted for residential activities (not associated with the marina, and industrial activity, research activity or emergency service facility). In my view, this decision can be made on a case by case basis through the resource consent process. As currently proposed in the notified PDP and recommended by the S42A officer, the construction of one residential unit in the SMZ<sup>18</sup> would automatically require public notification. In my view this could be disproportionate to the potential effects from the residential activity.

- **Servicing SMZ-R25**

6.32 SML sought SMZ-R25 be deleted<sup>19</sup>. I agree with SML that the rule should be deleted or should be permitted with no conditions.

6.33 I hold this view because the SMZ is not within 40 metres of a Residential Zone, Mixed Use Zone, Marae Zone or Rural Zone as therefore SMZ-25 1.a. (which refers to these zones) is not relevant to the SMZ.

6.34 I do not consider servicing hours required by SMZ-R2511.b. need to be controlled in the SMZ.

## **7 HAZARDOUS SUBSTANCES**

7.1 This section of my evidence is informed by the evidence and advice I have received from SML’s hazardous substance expert, Mr Van de Munckhof.

7.2 Seaview Marina Limited sought the reduction in the size of the HSRMO<sup>20</sup> or an alternative rule framework that provides a consenting pathway for marina activities and other activities in the SMZ to operate in the HSRMO.

---

<sup>18</sup> not associated with the marina, and industrial activity, research activity or emergency service facility

<sup>19</sup> Submission point S343.47.

<sup>20</sup> Submission point S343.57a, S343.57a.

## Planning approach to managing hazardous substance risk

- 7.3 The PDP manages risk from hazardous substances by limiting the location where significant hazardous facilities can be established and restricting activities sensitive to hazardous substance risk from locating within a HSRMO. The notified PDP HSRMO is based on a  $1 \times 10^{-6}$  (1 in a million) risk contour. The Overlay in the PDP applies to approximately half of the SMZ<sup>21</sup> as shown in Figure 2 below.

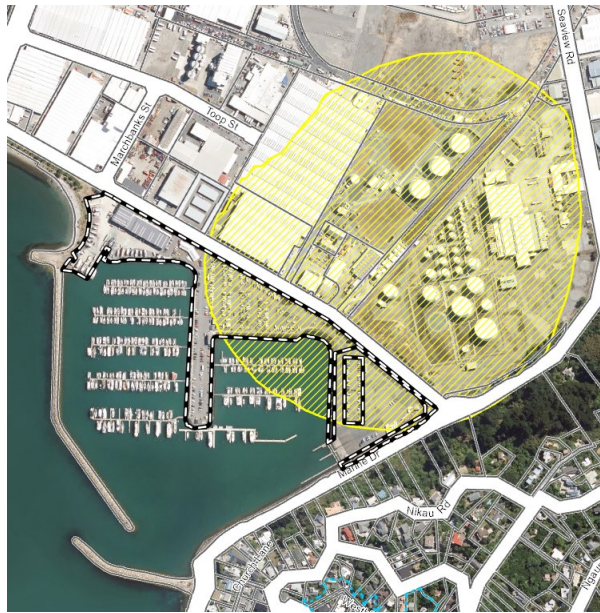


Figure 2: Hazardous substance risk management overlay as proposed in notified PDP

- 7.4 The Fuel Companies<sup>22</sup> submission sought the inclusion of a larger  $0.5 \times 10^{-6}$  (1 in 2 million) risk contour determine the extent of the HSRMO. The Fuel Companies also sought a new “Hutt City Fuel Transmission Pipeline Corridor” overlay based on the  $0.5 \times 10^{-6}$  risk contour. Combined, these two overlays as sought by The Fuel Companies would cover the majority of the Seaview Marina Zone.
- 7.5 Hazardous substances expert Mr Van de Munckhof for SML has reviewed the notified PDP provisions and is in support of the overall approach, subject to<sup>23</sup>
- the appropriate risk criteria are applied;
  - these are applied to the correct land uses; and
  - where a mapped overlay is included, it is an accurate reflection of the extent of risks.

<sup>21</sup> The Hazardous Substance Risk Management Overlay sits over approximately 2.8ha of the 5.29ha site.

<sup>22</sup> Submitter 471, Submission Points 168, 321, 322

<sup>23</sup> Mr Munckhof evidence, paragraph 13

- 7.6 Mr Van de Munckhof outlines that relying on the one in a million risk criterion is appropriate where other provisions already restrict more sensitive activities, and the rules are clearly targeted to the land uses or activities to which the one in a million criterion is intended to apply<sup>24</sup>. Based on the advice of Mr Van de Munckhof I consider that because more sensitive land uses, for example, a hospital or school, are not enabled in the SMZ or Heavy Industrial Zone, a larger risk contour, such as the  $0.5 \times 10^{-6}$  or one in two million risk contour is not necessary. The s42A Officer<sup>25</sup> for Hazardous Substances shares this view and recommends retaining the  $1 \times 10^{-6}$  risk contour as notified in the PDP.
- 7.7 I accept the advice of Mr Van de Munckhof and agree with the S42A Officer that the 1 in a million risk contours is the appropriate risk contours for the HSRMO in the PDP.
- 7.8 In relation to the Hutt City Fuel Transmission Pipeline Corridor sought by the Fuel Companies this is not supported by the S42A Officer. It is also not supported by Mr Van de Munckhof who refers to the HIPAP guidance.
- 7.9 Based on the advice of Mr Van de Munckhof, I consider an overlay approach is unnecessary and would result in unnecessary controls on land development in the SMZ.

### **Markets and Events in the Hazardous Substance Risk Management Overlay**

- 7.10 The SML submission sought local markets be included in the definition of “marina activities”<sup>26</sup> I understand from Mr Lidgard, that future activities at the Seaview Marina would also include events. I support these activities being included within the definition of “marina activities” as outlined in my evidence above (see 6.11 above). I consider that where events and markets occur within the HSRMO an additional rule is required in the PDP to ensure the health and safety risks are appropriately managed. As outlined in the evidence of Mr Van de Munckhof<sup>27</sup>, a key method to manage risk during these types of events would be to ensure they occur when pumping activities are not occurring. This would require liaison with the Seaview Terminals around ship arrivals, pumping and event timing to manage the risk.
- 7.11 I consider that is appropriate to include a rule for markets and events within the HSRMO within the SMZ and have included this at **Appendix A** of my evidence.

### **Hazardous substance provisions are applied to the correct land uses**

---

<sup>24</sup> Mr Munckhof evidence, paragraph 23

<sup>25</sup> Paragraph 179 of S42A Report for Hazardous Substances

<sup>26</sup> Submission point 343.004

<sup>27</sup> Mr Van de Munckhof evidence, para 45

7.12 In relation to (b), it is important that only the appropriate land uses are restricted by the HSRMO. Land uses are incorporated to the notified PDP provisions through the following definition:

*“Activities sensitive to hazardous substance risks:*

*Means:*

- 1 residential activity, or*
- 2 retirement village, or*
- 3 supported residential care facility, or*
- 4 marae, or*
- 5 healthcare activity, or*
- 6 educational facility, or*
- 7 community facility, or*
- 8 office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or*
- 9 community corrections activity, or*
- 10 custodial corrections facility, or*
- 11 visitor accommodation activity, or*
- 12 place of assembly.”*

7.13 Based on the evidence of Mr Van de Munckhof, I support the above definition, except in relation to item 8, being “office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks”, item 7, being “community facility” and item 12, being “place of assembly”.

7.14 In relation to office activity, I refer to the evidence of Mr Van de Munckhof where he steps through the risk contour that has been applied in the PDP and the risk criterion that should be applied to an office activity based on New South Wales Government Hazardous Industry Planning Advisory Paper No. 4 (HIPAP) guidance. This guidance recommends a  $5 \times 10^{-6}$  (five in a million contour) for office activity.

7.15 In October 2025, I requested (under LGOIMA<sup>28</sup>) any information that informed the HSRMO, including its location, extent and risk category. Through this process I was provided with multiple Quantitative Risk Assessments (**QRA**'s) that informed the HSRMO in the PDP. The QRA for the Mobil Terminal at 74 Seaview Road shows that the five in a million contour is (the HIPAP recommended contour for office) is generally within the boundaries of the Mobil Seaview Terminal itself. As such, based on the HIPAP guidance and the evidence of Mr Van de Munckhof, I consider that office activities should not be included in the activities managed by the HSRMO.

---

<sup>28</sup> Local Government Official Information and Meetings Act 1987

- 7.16 I agree with Mr Van de Munckhof, that it is not clear whether “community facilities” will include a sailing or boating club, an activity that currently operates and would be anticipated in the SMZ. The definition for “community facilities” in the PDP is broad and includes land and buildings used for “recreation and sporting activities”.
- 7.17 In my view “place of assembly” should also be removed from the definition of “activities sensitive to hazardous substance risks”. This term is not defined in the PDP and could be interpreted to include any activity where people assemble. This term is unclear and places undue uncertainty in the land subject to the HSRMO in the SMZ.
- 7.18 The definition of “activities sensitive to industry” manages potentially incompatible land uses, and the definition of “activities sensitive to hazardous substance risk” manages health and safety risk from hazardous substances. While these definitions are managing different effects, I consider they should be aligned, as both definitions are managing adverse effects from locating sensitive activities locating close to an industrial activity. The S42A Officer for Industrial Zones recommends the removal of “community facility” and “place of assembly” from “activities sensitive to industry”. This is based on submissions from Z Energy (468.11) and the Fuel Companies (471.60) on the grounds that they are typically occupied at times that reduce their exposure to the effects of industrial activities.
- 7.19 An excerpt from Page 8 of the HIPAP guidance<sup>29</sup> below shows the suggested criteria for different land use categories for individual fatality risk.

<b>Land Use</b>	<b>Suggested Criteria (risk in a million per year)</b>
Hospitals, schools, child-care facilities, old age housing	0.5
Residential, hotels, motels, tourist resorts	1
Commercial developments including retail centres, offices and entertainment centres	5
Sporting complexes and active open space	10
Industrial	50

**Figure 3: Excerpt from New South Wales Government Hazardous Industry Planning Advisory Paper No. 4**

- 7.20 I note that sporting complexes and active open space is recommended to be assessed at the  $10 \times 10^{-5}$  (or 10 in a million) risk contour. In my opinion, sporting complexes (and similar activities) would fall within “community facilities” or “places of assembly”. Considering the HIPAP recommended contour for office (at  $5 \times 10^{-6}$ ) is generally within the boundaries of the Mobil Seaview Terminal itself, I do not consider it necessary to include controls on activities

<sup>29</sup> Found at <https://www.planning.nsw.gov.au/policy-and-legislation/hazards>

with a lower risk profile, being “places of assembly” or “community facilities” in the definition of “activities sensitive to hazardous substance risks”.

- 7.21 The s42A Officer for Hazardous Substances has not recommended making any changes to the definition of “activities sensitive to hazardous substance risk” given the definition’s cross chapter application, that it aligns with best practice and no evidence that overly broad or misaligned with the plan’s intent<sup>30</sup>. I do not agree that “cross chapter application” of the definition is an issue, noting the only other chapter that refers to the definition is the Protection of Infrastructure chapter. In relation to best practice and evidence, I refer to the evidence of Mr Van de Munckhof and the HIPAP guidelines discussed above in forming my opinion that the amendment to the definition is appropriate and will better align to industry best practice.
- 7.22 I note that the S42A Officer for Industrial Zones has recommended the removal of “places of assembly” from the definition of “activities sensitive to industry” and has included “childcare services”. Given the higher risk profile of childcare services to hazardous substances, I also recommend including childcare services in the definition of “activities sensitive to hazardous substance risk”.
- 7.23 Recommended changes to the definition of “activities sensitive to hazardous substance risk” are included at **Appendix A** of my evidence.

**Where a mapped overlay is included, it is an accurate reflection of the extent of risks?**

- 7.24 In relation to (c) above, I draw on the evidence of Mr Van de Munckhof that highlights that it is not clear whether the QRA that informed the HSRMO in the PDP is based on current best practice. I understand that an updated QRA is being reviewed by The Fuel Companies hazardous substance expert, but at the time of writing this was not available to SML or its experts.
- 7.25 Mr Van de Munckhof identifies the QRA that informed the HSRMO most relevant to the SMZ is from 25 June 2018. Mr Van de Munckhof<sup>31</sup> highlights a number of points relevant to the QRA relied upon as the basis for the land uses included as “activities sensitive to hazardous substance risk” and for the extent of the HSRMO.
- 7.26 I agree with Mr Van de Munckhof that the HSRMO imposes significant restrictions on the future development plans of the Seaview Marina and as such the threshold for accurate and

---

<sup>30</sup> Para 240 of S42A Report for Hazardous Substances.

<sup>31</sup> Paragraph 50 of Mr Munckhof’s evidence

up to date information to inform this overlay should be high. As outlined by Mr Van de Munckhof, all reasonably practical best management practices should be adopted by the bulk fuel storage operator to ensure that, as far as practical, the effects are confined to the bulk storage facility itself. It is not clear that these have been adopted and incorporated into the QRA that informed the HSRMO in the PDP.

### **Residential activities in the HSRMO**

7.27 Mr Van de Munckhof outlines in his evidence that a residential land use that results in a significant increase in population density, without further risk mitigation, is not appropriate<sup>32</sup> and that industry guidance<sup>33</sup> allows for residential development within the 1 in a million contours where mitigation measures can be implemented to reduce risk exposure to less than 1 in a million.

7.28 I accept that residential activity within the one in a million fatality risk contour is not appropriate. I also highlight that it is not clear whether the provisions in the PDP are based on up to date information and current best practice. The static nature of district plan maps once they are included in a plan are problematic for land use change at the bulk fuel storage site (such as removal of a fuel tank) or changes in practice (for example, installation of vapour detection devices) where there is potential for the risk contours to change. It is also not clear whether the QRA relied on to determine the HSRMO in the PDP is up to date. Given there is uncertainty over whether the current risk contour reflects current practice and the latest QRA, I consider it appropriate to include a consenting pathway for residential activity where it can be demonstrated that the fatality risk is outside the  $1 \times 10^{-6}$  contour.

7.29 I have included at **Appendix A**, a discretionary rule for residential activities where it can be demonstrated that the fatality risk from proximity to the bulk fuel storage tanks is less than the one in a million. This may be achieved through mitigation built into the design of the building for the proposed residential activity. As outlined in the evidence of Mr Van de Munckhof, mitigation can be built into the design of a building, such as at the Wiri Woman's Prison in Auckland where vapor detection devices provide an early alarm warning, enabling evacuation of residents and therefore mitigating potential hazardous substance risk.

## **8 REVERSE SENSITIVITY DEFINITION**

---

<sup>32</sup> Paragraph 40 of Mr Van de Munckhof's evidence

<sup>33</sup> The New South Wales Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning (HIPAP 4)

- 8.1 This section of my evidence recommends changes to the following definitions in the reverse sensitivity definition.
- 8.2 The definition of reverse sensitivity included in the notified PDP is overly complex and not consistent with the definition in the Regional Policy Statement (appeals version 2024) or other district plans in the Wellington region. The alternative definition proposed by the s42A Officer also is overly complicated. In my view, proposing an alternative definition to that used in the RPS is not consistent with best planning practice. The RPS definition is also used in the recently reviewed Wellington City and Porirua District Plans.
- 8.3 I recommend including using consistent definitions within planning documents in the Wellington region where possible. A revised definition of “reverse sensitivity” is reflected in **Appendix A** of my evidence.

## 9 CONCLUSIONS

- 9.1 The Seaview Marina is located in a complex environment where there are multiple resource management issues, including hazardous substances, natural hazards and the coastal environment. The Seaview Marina contributes to the well-functioning urban environment for Lower Hutt City and with the appropriate controls in place, marina activities should be enabled.
- 9.2 In terms of the SMZ provisions, I support key changes sought in the submission from SML including simplifying the notified PDP policies to ensure they reflect the local context of the Seaview Marina and including a definition of marina activities that reflects the existing and future operation of the site.
- 9.3 For hazardous substance provisions, I support the overall approach to managing hazardous substances using a Hazardous Substance Risk Management Overlay. However, given the very restrictive controls imposed by the HSRMO, I consider it appropriate to exclude office from activities sensitive to hazardous substance risk. I seek before the overlay is confirmed, confirmation is provided from The Fuel Companies that the provisions are based on current best practice and the risk contours are not overstating this risk.
- 9.4 I consider that the amendments sought in the SML submission (as outlined and refined in this evidence) are appropriate and will assist in striking the balance between enabling development at the Seaview Marina and mitigating potential health and safety risks and reverse sensitivity effects.

9.5 I consider that the changes recommended in this evidence are consistent with Part 2 of the RMA and the higher order planning documents discussed in this evidence.

**Alice Blackwell**



**8 May 2026**

## **APPENDIX A: RECOMMENDED AMENDMENTS**

**Red Text** – Officer’s recommended changes, as set out in the Section 42A report.

**Blue Text** – Additional changes recommended to Seaview Marina Zone, Hazardous Substances and Definition provisions of the Proposed Lower Hutt City District Plan. Consequential amendments may be required to numbering.

## General Approach

### Information to be submitted with resource consent applications

When applying for resource consent, you will need to submit sufficient information to allow the application to be determined, including an assessment of environmental effects for the proposed activity. Minimum requirements are set out in Schedule 4 of the RMA. In addition, unless the council determines that it is not necessary, you must provide the following information:

- [Where a residential activity is proposed within the Hazardous Substance Risk Management Overlay an application must be accompanied by a Quantitative Risk Assessment.](#)
- [Where a temporary event, market or cultural activity is proposed within the Hazardous Substance Risk Management Overlay an application must include an emergency response and evacuation plan with respect to hazardous substance risk.](#)

## Definitions

Term	Definition
<b>Activity sensitive to industry</b>	means a: <ol style="list-style-type: none"> <li>1. residential activity, or</li> <li>2. retirement village, or</li> <li>3. supported residential care facility, or</li> <li>4. marae, or</li> <li>5. healthcare activity, or</li> <li>6. <del>community facility, or</del></li> <li>7. custodial corrections facility, or</li> <li>8. visitor accommodation activity, or</li> <li>9. <del>place of assembly childcare service</del></li> </ol>
<b>Activity sensitive to hazardous substance risk</b>	means a: <ol style="list-style-type: none"> <li>1. residential activity, or</li> <li>2. retirement village, or</li> <li>3. supported residential care facility, or</li> <li>4. marae, or</li> <li>5. healthcare activity, or</li> <li>6. educational facility, or</li> <li>7. <del>community facility, or</del></li> <li>8. <del>office activity, other than ancillary to an activity that is not an activity sensitive to hazardous substance risks, or</del></li> <li>9. community corrections activity, or</li> <li>10. custodial corrections facility, or</li> <li>11. visitor accommodation activity, <del>or</del></li> <li>12. <del>place of assembly childcare services.</del></li> </ol>
<b>Marina activities</b>	Means <del>activities associated with:</del> <ol style="list-style-type: none"> <li>a. <del>The navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance, and repair of vessels;</del></li> <li>b. <del>Boat trailer parking;</del></li> <li>c. <del>Supply of marina related goods and services</del> Commercial and tourism activities related to marina use, including charter operations, marine retail, services, equipment hire, and training or education activities;</li> <li>d. <del>Embarking and disembarking of passengers;</del></li> <li>e. <del>Loading, unloading, and storage of ancillary cargo and containers on primarily passenger and recreational vessels;</del></li> <li>f. <del>Operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;</del></li> <li>g. <del>Educational activities associated with these activities</del> Hospitality, food and beverage, and visitor-servicing activities that support the marina as a destination for users and the general public; <del>and</del></li> <li>h. <del>Ancillary offices;</del></li> <li>i. <del>Events, markets, and community or cultural activities associated with the marina environment; and</del></li> <li>j. <del>Ancillary buildings, structures, and facilities that support the above activities</del></li> </ol>
<b>Outdoor work storage areas</b>	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.
<b>Reverse sensitivity</b>	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.  <del>Activity A causes reverse sensitivity to Activity B when:-</del>

	<p><del>1. Activity A is a sensitive activity, or a potential activity that would be a sensitive activity, in relation to the effects of Activity B, and</del></p> <p><del>2. Activity B is: a. An existing activity provided for by a designation, and the effects are the same or similar in character, intensity, and scale to those that existed on 6 February 2025, or b. An activity provided for by a designation whose notice of requirement was lodged on or after 6 February 2025, or c. An activity or potential activity that the zone in which it is located provides for as a predominant activity, or d. An activity with a functional need or operational need to locate where it is located, and</del></p> <p><del>3. Activity A is not provided for by a designation, and</del></p> <p><del>4. Activity A: a. Is not an activity that the zone in which it is located provides for as a predominant activity, or b. Was or would be established after Activity B, or c. Was not or would not be lawfully established, and</del></p> <p><del>5. The establishing, upgrading, operating, or maintaining of Activity B would have more than minor adverse effects on Activity A (including effects of a type not managed under the Resource Management Act), and</del></p> <p><del>6. The person carrying out Activity B takes the best practicable option to avoid, remedy, or mitigate those effects on Activity A, and</del></p> <p><del>7. The person carrying out Activity B has not contributed to either the establishment or the sensitivity of Activity A (for example through selling the person conducting Activity A the land on which that activity occurs), and</del></p> <p><del>8. The person carrying out Activity B has used all other lawful and reasonable powers available to them to manage or avoid the reverse sensitivity issue, and</del></p> <p><del>9. Despite (6), (7) and (8), Activity B has a significant potential to be constrained in its establishment, upgrading, operation, or maintenance because of regulation under the Resource Management Act 1991, the Health and Safety at Work Act 2015, the Hazardous Substances and New Organisms Act 1996, or other comparable legislation or bylaws that relate to management of the effects of Activity B on Activity A, and</del></p> <p><del>10. That constraint could be avoided, remedied, or mitigated through preventing the establishment of Activity A in that location, or placing conditions on Activity A, and</del></p> <p><del>11. Considering the factors above, and all other relevant matters, it is reasonable to do so.</del></p> <p><u>A sensitive activity causes reverse sensitivity to another, established activity when:</u></p> <p><del>1. The established activity generates adverse environmental effects, which may be effects of a type not managed under the Resource Management Act, and</del></p> <p><del>2. The sensitive activity is sensitive in relation to those adverse environmental effects, and</del></p> <p><del>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</del></p> <p><del>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.</del></p> <p><u>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.</u></p>
<b>Yard-based retailing</b>	<p>means any commercial activity which supplies or receives goods or services primarily from an open or semi-covered yard, and where the area of the yard is greater than all indoor gross floor area used for the activity, <b>but does not include a service station.</b></p> <p>Examples include:</p> <ol style="list-style-type: none"> <li>1. Garden centres</li> <li>2. Automotive and marine supplies</li> <li>3. Agricultural supplies</li> <li>4. Motor vehicle sales</li> </ol> <p>However, the area of the yard does not include visitor or employee carparking, cycle parking, or micromobility parking, or manoeuvring areas for that parking.</p>

## HS – Hazardous Substances

<b>HS-P4</b>	<b><u>Events and markets in the Seaview Marina Zone</u></b>
<u>Enable events and markets in the Seaview Marina Zone within the Hazardous Substance Risk Management Overlay where it can be demonstrated that there are appropriate risk management and emergency response procedures in place.</u>	

<b>HS-R3</b>	<b><u>New Activities</u> sensitive to hazardous substance risks within the Hazardous Substances Risk Management Overlay</b>
<p>1. <b>Activity status:</b> <u>Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> <li>a. <u>The activity is a residential activity, and</u></li> <li>b. <u>A Quantitative Risk Assessment report from a Hazardous Substance Risk Management expert demonstrates that the individual fatality risk level for the residential activity does not exceed 1 in a million per year.</u></li> </ul>	
<p>2. <b>Activity status:</b> Non-complying</p> <p><u>Where:</u></p> <ul style="list-style-type: none"> <li>a. <u>Compliance is not achieved with HS-R3.1</u></li> <li>b. <u>A new activity sensitive to hazardous substance risks is proposed within the Hazardous Substances Risk Management Overlay; or</u></li> <li>c. <u>Additions or alterations to an existing activity sensitive to hazardous substance risks are proposed within the Hazardous Substances Risk Management Overlay, including changes to the scale, intensity, or manner of use, where those additions or alterations would result in:</u> <ul style="list-style-type: none"> <li>i. <u>an increase in habitable floor area; or</u></li> <li>ii. <u>an increase in the frequency or duration of habitable use of the site, or</u></li> <li>iii. <u>an increase in the number of people occupying the site.</u></li> </ul> </li> </ul>	
<b>HS-R4</b>	<b><u>Events and markets in the Hazardous Substance Risk Management Overlay in the Seaview Marina Zone</u></b>
<p>1. <b>Activity status:</b> <u>Restricted discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> <li>a. <u>The activity is permitted activity under TEMP-R1; and</u></li> <li>b. <u>An emergency response and evacuation plan with respect to hazardous substance risk exists for the event that has been prepared in consultation with the bulk fuel operator at 74 Seaview Road.</u></li> </ul> <p><b><u>Matters of control are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>i. <u>Risk to the activity from adjacent storage and use of hazardous substances,</u></li> <li>ii. <u>Emergency response and management processes,</u></li> <li>iii. <u>Frequency and timing of the event or market with respect to timing of refuelling of adjacent hazardous substances</u></li> <li>iv. <u>Feedback from the adjacent Hazardous Substance Industry operator at 74 Seaview Road (Lot 5 DP 20637) informing points i. - iii. above.</u></li> </ul>	
<p>2. <b>Activity status:</b> <u>Discretionary</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> <li>a. <u>Compliance is not achieved with HS-R4.1.</u></li> </ul>	

## SMZ — Seaview Marina Zone

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 adequate management of reverse sensitivity risks, natural hazard risks, hazardous substances risks, and supporting the purpose of the commercial centres hierarchy. ~~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 mitigate unreasonable reverse sensitivity effects issues on the Heavy Industrial Zone.

Built development is provided for in the Seaview Marina Zone through a range of permitted activities and development standards that, with some exceptions, permit buildings designed for permitted land uses. ~~Development standards also address:-~~

- ~~a. The impacts of built development on adjoining sites and public space, including the street, and~~
- ~~b. Amenity and safety in public spaces.~~

If a proposed development does not meet one or more development or performance standard for the zone, or is for a land use that is not part of the core purpose of the zone, resource consent is required in order to:

- a. Achieve a high-quality built environment,
- b. Manage the effects of development on neighbouring sites and the street,
- c. Avoid [or mitigate unreasonable](#) reverse sensitivity [effects](#), and
- d. Achieve attractive, safe, and comfortable streets and public spaces.

Developments that require resource consent will be assessed against the policy framework set out by the relevant zone and district-wide chapters. The resource consent process enables the design and layout of development to be assessed, recognising that quality design is necessary to meet the purpose of the zone. Council provides design guidance for developments through design guides that sit outside the plan.

While this chapter includes the core objectives, policies, and rules that apply to the Seaview Marina Zone, other chapters of the District Plan, including those that apply overlays across specified areas, may modify the type and form of development permitted in some areas of the zone. As such, this chapter should be read alongside the district-wide chapters of the District Plan.

## Objectives

<b>SMZ-O1</b>	<b>Purpose of the zone</b>
<p>The Seaview Marina area is used primarily to provide for the needs of marina activities. The area also provides for other compatible activities that support this role, or do not interfere with the primary purpose, including industrial activities, commercial activities, or community activities, that:</p> <ol style="list-style-type: none"> <li>1. Do not undermine the purpose of the Local Centre Zone, Metropolitan Centre Zone, or City Centre Zone, and</li> <li>2. Do not present significant reverse sensitivity <a href="#">effects issues</a> on industrial activities, including heavy industrial activities, in the Heavy Industrial Zone <a href="#">and General Industrial Zone</a>.</li> </ol>	
<b>SMZ-O2</b>	<b>Activities in the zone</b>
<p>The Seaview Marina Zone:</p> <ol style="list-style-type: none"> <li>1. Primarily provides for marina activities,</li> <li>2. Provides for other activities provided for in industrial zones, such as industrial activities, research activities, emergency <a href="#">service</a> facilities and trade and industrial training activities,</li> <li>3. Is supported by other activities that: <ol style="list-style-type: none"> <li>a. Are compatible with the purpose, the planned character, and the planned urban environment of the zone,</li> <li>b. Do not undermine the role of commercial centres, and</li> <li>c. Do not create unreasonable or excessive reverse sensitivity issues for <a href="#">industry industrial activities</a> in the Heavy Industrial Zone, and</li> </ol> </li> <li>4. Is not intended to provide for: <ol style="list-style-type: none"> <li>a. Standalone residential activities that do not support <a href="#">marina activities</a>, an industrial activity, research activity, or emergency <a href="#">service</a> facility, or</li> <li>b. Activities (other than marina activities) that would be a city-wide or regional destination for significant numbers of visitors, or Heavy industrial activities.</li> </ol> </li> </ol>	
<b>SMZ-O3</b>	<b>Provision of activity spaces</b>
<p>The Seaview Marina Zone provides for a variety of types and sizes of spaces that respond to the needs of activities provided for in the zone.</p>	
<b>SMZ-O4</b>	<b>Planned character and planned urban built environment of the zone</b>
<p>The built character of the Seaview Marina Zone balances the functional needs and operational needs of the primary activities in the zone, and the needs of visitors and employees, by contributing to a part of the urban environment that:</p> <ol style="list-style-type: none"> <li>1. Appropriately balances its industrial, open space, and coastal marine area surroundings,</li> <li>2. Positively contributes to the Seaview Marina, which is a public place and destination in its own right,</li> <li>3. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone,</li> <li>4. Has an urban built environment that is characterised by flexibility of building densities and forms,</li> <li>5. Is healthy, safe, attractive, and accessible,</li> <li>6. Has good access within the Seaview Marina Zone, to and from surrounding neighbourhoods, and to and from other industrial and commercial areas, through active and public transport modes, providing for well-connected and low emission communities,</li> <li>7. Is integrated with existing and planned infrastructure, and</li> <li>8. Enhances co-location benefits.</li> </ol>	
<b>SMZ-O5</b>	<b>Character — Main through routes</b>

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

## Policies

<b>SMZ-P1</b>	<b>Enabled activities</b>
<p>Enable:</p> <ol style="list-style-type: none"> <li>1. Marina activities,</li> <li>2. Activities that support marina activities,</li> <li>3. Industrial activities,</li> <li>4. Research activities,</li> <li>5. Emergency facilities,</li> <li>6. Trade and industrial training facilities, and</li> <li>7. Commercial activities that do not undermine the purpose, vitality, vibrancy, and co-location benefits <a href="#">of the City Centre, Metropolitan Centre, and Local Centre Zones</a>, while managing the reverse sensitivity effects of those on existing and potential activities in the <a href="#">General Industrial Zone and Heavy Industrial Zone</a>.</li> </ol>	
<b>SMZ-P2</b>	<b><del>Residential activities and sensitive activities not related to the Seaview Marina</del></b>
<p><del>Avoid residential activities and other new sensitive activities not associated with the Seaview Marina unless they are:</del></p> <ol style="list-style-type: none"> <li><del>1. Ancillary to and support an industrial activity, research activity, or emergency facility,</del></li> <li><del>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</del></li> <li><del>3. Managed to minimise reverse sensitivity effects for industry, including existing and enabled heavy industry.</del></li> </ol>	
<b>SMZ-P3</b>	<b><del>Residential activities and sensitive activities related to the Seaview Marina</del></b>
<p><del>Avoid:</del></p> <ol style="list-style-type: none"> <li><del>1. Residential activities and other new sensitive activities associated with the Seaview Marina, and</del></li> <li><del>2. Activities that primarily support or are ancillary to residential activities or other sensitive activities in the coastal marine area,</del></li> </ol> <p><del>unless they are:</del></p> <ol style="list-style-type: none"> <li><del>3. 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</del></li> <li><del>4. Managed to avoid significant reverse sensitivity effects for industry, including existing and enabled heavy industry.</del></li> </ol>	
<b>SMZ-P2</b>	<b><u>Residential activities and sensitive activities</u></b>
<p><u>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:</u></p> <ol style="list-style-type: none"> <li><u>1. They are ancillary to and support a marina activity, an industrial activity, a research activity, or an emergency service facility.</u></li> <li><u>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</u></li> <li><u>3. They are managed to minimise reverse sensitivity issues for industry, including existing and enabled heavy industrial activities.</u></li> </ol>	
<b>SMZ-P4</b>	<b>Role in network of commercial <a href="#">and industrial</a> areas</b>
<p>Manage the location and scale of commercial activities which could result in cumulative adverse effects on:</p> <ol style="list-style-type: none"> <li>1. The viability, vibrancy, and co-location benefits of the City Centre, Metropolitan Centre, and Local Centre Zones, and</li> <li>2. The function of the transport network, particularly the ability of the public transport and active transport network to efficiently serve destinations.</li> </ol>	
<b>SMZ-P5</b>	<b>Reverse sensitivity</b>
<p>Avoid <a href="#">any other</a> activities <a href="#">not otherwise enabled in the zone</a> that present significant and inadequately managed reverse sensitivity issues for industry, including existing and enabled heavy <a href="#">industry industrial activities</a>.</p>	
<b>SMZ-P6</b>	<b>Existing activities</b>
<p>Provide for the ongoing operation of existing activities while managing their development to support the intended purpose and character of the zone.</p>	
<b>SMZ-P7</b>	<b>Development capacity</b>
<p>Provide for the flexible use of the Seaview Marina area to respond to changing and unpredictable needs, and provide for activities that support the viability of the Seaview Marina.</p>	
<b>SMZ-P8</b>	<b><del>Urban design outcomes (by meeting standard or assessment)</del> <a href="#">Urban Form and Scale</a></b>

Manage the urban form and scale of built development to achieve the following outcomes:

1. 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;
4. Manage reverse sensitivity effects on existing and anticipated use and development, and
5. Respond to coastal and natural hazard risks.

~~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:~~

- ~~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.

**SMZ-P9**

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

Built development in the Seaview Marina Zone is managed to achieve the following outcomes where resource consent is required: for activities other than marina activities, industrial activities, and research activities, or over an identified threshold of scale, is managed to achieve the outcomes in this policy through an approach demonstrated in a resource consent.

~~Where specific existing site constraints 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:

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 Crime Prevention Through Environmental Design measures at a scale appropriate for the site.
2. ~~Vehicle parking and loading areas, accessways, and garages are designed to provide for pedestrian safety, comfort, dignity, and amenity support and promote the pedestrian circulation provided for in clause (3).~~
3. There is quality, legible, safe, and efficient circulation for vehicles and pedestrians accessing the site and people within the site.
4. Ensure that where on-site landscaping is proposed it; if any is proposed, or required by SMZ-S5: Landscaping and screening:
  - a. Retains healthy and mature vegetation,
  - 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.

For the avoidance of doubt this policy does not:

- a. Protect scenic views from private property.
- b. Protect of the visibility of commercial signage or advertising.
- c. Protect sunlight access to solar panels, where the height standard is met, even if other standards are not met,
- d. Limit the actual or perceived height, scale, or density of developments where the height, setback, and height in relation to boundary standards are met.

**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.

**SMZ-P10****Urban design outcomes (exclusions)**

~~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:~~

- ~~a. The protection of scenic views from private property;~~
- ~~b. The protection of scenic views from any part of a road where pedestrians cannot stop;~~
- ~~c. The protection of the visibility of commercial signage or advertising;~~
- ~~d. The protection of sunlight access to solar panels, where the height standard is met, even if other standards are not met;~~
- ~~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**

~~Manage activities to mitigate adverse effects on other zones by:~~

- ~~1. Ensuring outdoor work, storage, loading, and parking areas are screened from level view from Residential Zones, Mixed Use Zones, Rural Zones, Special Purpose Zones, and Open Space and Recreation Zones, and~~
- ~~2. Restricting servicing hours near boundaries with Residential Zones, Mixed Use Zones, Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones.~~

**Rules****Note:**

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

**Buildings and structures****SMZ-R1****Repair and maintenance of buildings and structures**

1. **Activity status:** Permitted

**SMZ-R2****Demolition or removal of buildings and structures**

1. **Activity status:** Permitted

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

1. **Activity status:** Permitted

Where:

- a. Compliance is achieved with:
  - i. SMZ-S1: Height,
  - ii. SMZ-S2: Height in relation to boundary — Seaview Beach Reserve,
  - iii. SMZ-S3: Setbacks — Seaview Beach Reserve, and
  - iv. SMZ-S4: Landscaping and screening,
- b. The new buildings, new structures, the alterations, or the additions, are for the purpose of an activity permitted by one or more of rules SMZ-R4 through SMZ-R22, and
- c. The new building, or resulting building after additions and alterations, has a gross floor area of no more than 500m<sup>2</sup>, or the gross floor area is not increased.

**3. Activity status:** Restricted discretionary

Where:

- a. Compliance is not achieved with SMZ-R3.1.

**Matters of discretion are restricted to:**

1. The matters of discretion in any standards not met.
2. If SMZ-R3.1b or c are not met: the urban design matters in [SMZ-P8: Urban Form and Scale](#) ~~and~~, [SMZ-P9: Urban design outcomes \(other than small scale primary activities in the zone\), and exclusions in SMZ-P10: Urban design outcomes \(exclusions\)](#).
3. If SMZ-R3.1b is not met: the impact of the design of the building and any associated subdivision on the long-term development capacity of the zone for marina, industrial, research, and supporting purposes, including the expected lifespan of the building and the ability of the building to be converted to marina or industrial use.

**Notification:**

Public notification and limited notification are precluded where the only non-compliance is SMZ-R3c.

**Land use activities**

<b>SMZ-R4</b>	<b>Marina activities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R5</b>	<b>Industrial activities, other than heavy industrial activities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R6</b>	<b>Research activities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-Rxxx</b>	<b><u>Trade and industrial training facilities</u></b>
1. <b>Activity status:</b> <u>Permitted</u>	
<b>SMZ-R7</b>	<b>Emergency <u>service</u> facilities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R8</b>	<b>Motor vehicle servicing activities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R9</b>	<b><del>Marine servicing activities</del></b>
1. <b>Activity status:</b> <del>Permitted</del>	
<b>SMZ-R10</b>	<b>Carparking activities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R11</b>	<b>Grocery stores and supermarkets</b>
1. <b>Activity status:</b> Permitted	
Where:	
a. The activity has a gross floor area of no more than 500m <sup>2</sup> .	

<p><b>3. Activity status:</b> Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SMZ-R13.1.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>i. The matters in:</p> <ol style="list-style-type: none"> <li>1. SMZ-P4: Role in network of commercial and industrial areas,</li> <li>2. SMZ-P5: Reverse sensitivity,</li> <li>3. SMZ-P6: Existing activities, and</li> <li>4. SMZ-P7: Development capacity.</li> </ol> <p>ii. The urban design matters in SMZ-P9: Urban design outcomes <del>(other than small scale primary activities in the zone), and exclusions in SMZ-P10: Urban design outcomes (exclusions).</del></p> <p>iii. Co-location benefits from locating in the Seaview Marina Zone.</p> <p>iv. Foregone co-location benefits from not locating in a Commercial and Mixed Use Zone.</p> <p>v. Development capacity for business uses across Commercial and Mixed Use Zones and Industrial Zones.</p> <p><del>vi. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future.</del></p> <p><b>Notification:</b></p> <p>Public notification is precluded for applications under this rule.</p>	
<b>SMZ-R12</b>	<b>Food and beverage activities</b>
<p>1. <b>Activity status:</b> Permitted</p>	
<b>SMZ-R13</b>	<b>Service stations, including ancillary retail activities</b>
<p>1. <b>Activity status:</b> Permitted</p> <p>Where:</p> <p>a. The ancillary retail activities have a gross floor area of no more than 200m<sup>2</sup>.</p>	
<p>2. <b>Activity status:</b> Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SMZ-R13.1.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. The matters in:</p> <ol style="list-style-type: none"> <li>a. SMZ-P4: Role in network of commercial and industrial areas,</li> <li>b. SMZ-P5: Reverse sensitivity,</li> <li>c. SMZ-P6: Existing activities, and</li> <li>d. SMZ-P7: Development capacity.</li> </ol> <p>2. The urban design matters in SMZ-P9: Urban design outcomes <del>(other than small scale primary activities in the zone), and exclusions in SMZ-P10: Urban design outcomes (exclusions).</del></p> <p>3. Co-location benefits from locating in the Seaview Marina Zone.</p> <p><del>4. Foregone co-location benefits from not locating in a Commercial and Mixed Use Zone.</del></p> <p><del>5. Development capacity for business uses across Commercial and Mixed Use Zones and Industrial Zones.</del></p> <p><del>6. Any legal, economic, and physical obstacles to repurposing the site for marina or industrial activity in the future.</del></p> <p><b>Notification:</b></p> <p>Public notification is precluded for applications under this rule.</p>	
<b>SMZ-R14</b>	<b>Recreation activities</b>
<p>1. <b>Activity status:</b> Permitted</p>	
<b>SMZ-R15</b>	<b>Yard-based retailing</b>
<p>1. <b>Activity status:</b> Permitted</p>	
<b>SMZ-R16</b>	<b>Trade supply retail activities</b>
<p>1. <b>Activity status:</b> Permitted</p>	
<b>SMZ-R17</b>	<b>Marine supply commercial activities</b>
<p>1. <b>Activity status:</b> Permitted</p>	

<b>SMZ-R18</b>	<b>Community facilities</b>
1. <b>Activity status:</b> Permitted	
<b>SMZ-R19</b>	<b>Commercial activities not otherwise provided for</b>
1. <b>Activity status:</b> Permitted	
Where:	
a. <del>The Each</del> commercial activity has a gross floor area of no more than <del>400</del> <u>200</u> m <sup>2</sup> , or	
b. <del>Each The</del> commercial activity has a gross floor area of no more than 500m <sup>2</sup> and is ancillary to marina activities.	
2. <b>Activity status:</b> Discretionary	
Where:	
a. Compliance is not achieved with SMZ-R21.1, but	
b. <del>The commercial activity has a gross floor area of no more than 500m<sup>2</sup>, or</del>	
c. <del>The commercial activity is ancillary to marina activities.</del>	
3. <del>Activity status:</del> Non-complying	
Where:	
a. <del>Compliance with SMZ-R21.1 or SMZ-R21.2 is not achieved.</del>	
<b>SMZ-R20</b>	<b>Office activities</b>
1. <b>Activity status:</b> Permitted	
Where:	
a. <u>Each standalone office activity has a gross floor area of no more than 200m<sup>2</sup>, or</u>	
b. <u>Each standalone office activity has a gross floor area of no more than 500m<sup>2</sup> and is ancillary to marina activities.</u>	
2. <b>Activity status:</b> Discretionary	
Where	
a. <u>Compliance is not achieved with SMZ-R20.1.</u>	
<b>SMZ-R20</b>	<b>Other activities not otherwise provided for</b>
1. <b>Activity status:</b> Permitted	
Where:	
a. The activity is ancillary to a permitted activity, or	
b. The activity has a gross floor area of no more than <del>400</del> <u>200</u> m <sup>2</sup> .	
2. <b>Activity status:</b> Discretionary	
Where:	
a. Compliance is not achieved with SMZ-R22.1.	
<b>SMZ-R21</b>	<b>Heavy industrial activities</b>
1. <b>Activity status:</b> Non-complying	
<b>SMZ-R22</b>	<b>Residential activities</b>
1. <b>Activity status:</b> <u>Restricted discretionary</u>	
Where:	
a. <u>The residential unit is ancillary to a marina activity, industrial activity, research activity, or emergency service facility.</u>	
<b>Matters of discretion are restricted to:</b>	
1. <u>The matters in:</u>	
a. <u>SMZ-P2 Residential activities and sensitive activities</u>	
b. <u>SMZ-P5 Reverse sensitivity</u>	
c. <u>SMZ-P6 Existing activities</u>	
d. <u>SMZ-P7: Development Capacity</u>	
e. <u>SMZ-P8: Urban form and scale</u>	

	<p>f. <u>SMZ-P9: Urban design outcomes</u></p> <p>2. <u>The co-location benefits of the residential activity with the marina activity, industrial activity, research activity, or emergency facility which the residential activity is ancillary to.</u></p> <p>3. <u>The co-location benefits of the residential activity with other activities on the site or elsewhere in the Seaview Marina Zone.</u></p> <p><b>Notification:</b> Public notification is precluded for applications under this rule.</p>
	<p><b>2. Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p>a. <u>There is no more than 1 residential unit on the site, and</u></p> <p>b. <u>The residential unit is ancillary to a marina activity, industrial activity, research activity, or emergency service facility.</u></p> <p>a. <u>Compliance is not achieved with SMZ-R22.1a; and</u></p> <p>b. <u>Residential activity accounts for no more than 50% of the gross floor area of all buildings on the site.</u></p>
	<p><del>2. Activity status: Non-complying</del></p> <p><del><b>Where:</b></del></p> <p><del>a. <u>Compliance is not achieved with SMZ-R22.1</u></del></p> <p><del><b>Notification:</b></del> <del>Public notification is required for any application under this rule.</del></p>
<b>SMZ-R23</b>	<b>Activities sensitive to industry, other than <del>community facilities and</del> residential activities</b>
	<p><b>1. Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p>a. <del>The residential unit activity is ancillary to a marina activity, industrial activity, research activity, or emergency service facility.</del></p>
	<p><b>2. Activity status: Non-complying</b></p> <p><b>Where:</b></p> <p>a. <del>Compliance is not achieved with SMZ-R23.1</del></p> <p><del><b>Notification:</b></del> <del>Public notification is required for any application under this rule.</del></p>

## General rules

<b>SMZ-R24</b>	<b>Outdoor storage and work areas</b>
	<p><b>1. Activity status: Permitted</b></p> <p><b>Where:</b></p> <p>a. The outdoor storage and work areas are screened from the Seaview Beach Reserve (excluding the groyne) by a building or a solid or close-boarded fully opaque fence of at least 1.8 metres in height above ground level, and</p> <p>b. Standard SMZ-S4 is met.</p>
	<p><b>2. Activity status: Restricted discretionary</b></p> <p><b>Where:</b></p> <p>a. Compliance is not achieved with SMZ-R264.1.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. Visual amenity from the Seaview Beach Reserve (excluding the groyne), and</p> <p>2. Any positive effects that can only be achieved through non-compliance with SMZ-R264.1 or SMZ-S4.</p>
<b>SMZ-R25</b>	<b>Servicing</b>

**1. Activity status:** Permitted**Where:**

- ~~a. The servicing is not within 40 metres of a site in a Residential Zone, Mixed Use Zone, or Marae Zone, or within 40 metres of the notional boundary of a sensitive activity in a Rural Zone, or~~  
~~b. The servicing occurs only between 7:00am and 10:00pm.~~

~~In applying condition a, any part of a site in a Residential Zone, Mixed Use Zone, Marae Zone, or Rural Zone, that is within a risk management overlay (see Hazardous Substances chapter) may be disregarded.~~

**2. Activity status:** Restricted discretionary**Where:**

- a. Compliance is not achieved with SMZ-R27.1.

**Matters of discretion are restricted to:**

1. The night-time amenity of sensitive activities in the ~~surrounding area in the Large Lot Residential Zones, the Mixed Use Zone, the Marae Zone, and Rural Zones.~~

**Notification:**

Public notification is precluded for applications under this rule.

**Standards**

SMZ-S1	Height
	<p>1. Buildings and structures must not exceed a maximum height above ground level of 22m.</p> <p><b>Matters of discretion if the standard is breached:</b></p> <p>1. Urban design outcomes 2, 3, 5, and 6 in SMZ-P8: Urban design outcomes (by meeting standard or assessment), and the exclusions in SMZ-P10.</p> <p>2. Any positive effects that can only be achieved through non-compliance with the standard.</p>
SMZ-S2	Height in relation to boundary - Seaview Beach Reserve
	<p>1. Buildings and structures must meet a height in relation to boundary limit of 4m + 60° on any boundary with the Seaview Beach Reserve <del>(excluding the groyne).</del></p> <p><b>Matters of discretion if the standard is breached:</b></p> <p>1. Urban design outcomes 2, 3, 4, and 6 in SMZ-P8: Urban design outcomes (by meeting standard or assessment), and the exclusions in SMZ-P10.</p> <p>2. Any positive effects that can only be achieved through non-compliance with the standard.</p>
SMZ-S3	Setback - Seaview Beach Reserve
	<p>1. Buildings and structures must be set back 3 metres from any boundary with the Seaview Beach Reserve <del>(excluding the groyne).</del></p> <p>This standard does not apply to boundary fences of no more than 2 metres in height above ground level.</p> <p><b>Matters of discretion if the standard is breached:</b></p> <p>1. Access for repairs and maintenance to buildings and structures on the site.</p> <p>2. Urban design outcomes 2, 3, 4, and 6 in SMZ-P8: Urban design outcomes (by meeting standard or assessment), and the exclusions in SMZ-P10.</p> <p>3. Any positive effects that can only be achieved through non-compliance with the standard.</p>
SMZ-S4	Landscaping and screening

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.

## Appendix B – Section 32AA assessment

Having regard to section 32AA, the following is noted:

**Table 1: Changes to Seaview Marina Zone (SMZ) extent and Objectives Policies and Rules of the SMZ, including the definition of marina activities and reverse sensitivity**

Efficiency	<ul style="list-style-type: none"> <li>• Providing for the breakwaters and land adjacent to Marine Drive (at the eastern boundary of the marina) to be included within the SMZ (as opposed to Open Space Zone) will result in a more coherent planning framework and therefore is more efficient for plan users and rules associated with the Seaview Marina.</li> <li>• Recommended changes to the SMZ objectives and policies make the planning provisions clearer and more concise. The amendments retain the substantive intent of the notified provisions, avoid unnecessary duplication, and support more consistent and efficient decision-making, thereby improving the overall effectiveness and workability of the PDP in accordance with Part 2 of the RMA.</li> <li>• The definition of reverse sensitivity recommended is more efficient as it is consistent with higher order planning documents (RPS) and other district plans in Wellington. This reduces complications with understanding the definition (saving time and cost) and potential different applications of the concept of reverse sensitivity.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>• Plan zoning that reflects the intended outcomes for the underlying land is more effective at achieving the purpose of the RMA. The split Open Space and Seaview Marina zoning proposed in the PDP has the potential to create zone interface issues that in reality do not exist.</li> <li>• Having clearer plan provisions will result in more effective implementation of the plan where plan users and decision makers can understand what the intended outcomes are for the zone.</li> <li>• For reverse sensitivity, it is more effective to have consistent definitions (as explained above in relation to efficiency).</li> </ul>
Benefits	<ul style="list-style-type: none"> <li>• The inclusion of the breakwaters in the SMZ reduces regulatory costs by providing a consistent set of planning provisions for the land directly associated with the marina.</li> <li>• The recommended changes to the objectives and policies in the SMZ will provide more certainty to plan users, thereby reducing regulatory costs.</li> <li>• The recommended definition of reverse sensitivity provides consistency across the Wellington region.</li> </ul>
Costs	<ul style="list-style-type: none"> <li>• There are no costs identified with amending the SMZ provisions as recommended in my evidence. The recommended changes provide for clearer outcomes that will reduce costs.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that additional cost will be incurred by Plan users in order to understand and interpret an unnecessarily</li> </ul>

	<p>complicated district plan, which ultimately could compromise future development and activities with the SMZ.</p> <ul style="list-style-type: none"> <li>• Activities that are appropriate for the SMZ will potentially not happen or will cost more to enable due the more complex planning provisions.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The proposed application of the SMZ to the breakwaters, as well as changes to the objectives and policies of the SMZ and definition of reverse sensitivity are considered the most appropriate course of action in achieving the purpose of the RMA.</li> </ul>

**Table 2: Changes to Hazardous Substance provisions including the definition of activities sensitive to hazardous substance risks**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Removing “office activity”, “place of assembly” and “community activities” from the definition of activities sensitive to hazardous substance risk is more effective than the notified PDP for the following reasons: <ul style="list-style-type: none"> <li>○ It reflects industry guidelines;</li> <li>○ It removes ambiguity over what a “place of assembly” is; and</li> <li>○ It enables recreational activities, (that could be captured under either “community activity” or “place of assembly”, such as those related to the Lowry Bay Yacht Club to continue to operate within the SMZ.</li> </ul> </li> </ul>
Benefits / costs	<ul style="list-style-type: none"> <li>• The benefit of ensuring only activities that need to be managed in relation to Hazardous Substance Risk, are managed, is that it enables less sensitive activities to make efficient use of land. In the context of the Seaview Marina an activity that, similar to the fuel terminals, cannot relocate, a broad range of less sensitive activities should be encouraged. This will provide benefits to the Seaview Marina and to the wider community, with improved access and enjoyment of the coastal environment.</li> <li>• There is a cost associated with including childcare services within the list of activities sensitive to hazardous substance risk, however, this is justified given the higher sensitivity of children to hazardous substance risk partly due to the time it would take to evacuate children if required.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I consider that not making the changes as outlined in this evidence will result in over regulated environment and underutilising scarce marina land.</li> <li>• The risk of not acting is that operation of the Seaview Marina is compromised and future opportunities for Hutt City are missed, therefore reducing the ability of people to provide for their wellbeing.</li> </ul>

Decision about more appropriate action

- This option is recommended as it strikes the appropriate balance between health and safety and the operation of an adjacent activity that, similar to the fuel tanks at Seaview, also cannot relocate.
- The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA.