

18 March 2026

By email

Stephen Quinn
Barrister
Capital Chambers
WELLINGTON 6140

Email: Stephen.quinn@capitalchambers.com

Dear Stephen

**REQUEST FOR DIRECT REFERRAL TO THE ENVIRONMENT COURT - 30
BENMORE CRESCENT**

Partners

Frederick Ward
Malcolm Crotty
Joe Windmeyer
Guy Lethbridge
John Powell
Ed Crook
Tim Clarke
David Hoare
Matthew Kersey
David Butler
Craig Shrive
Deemle Budhia
Mei Fern Johnson
Daniel Jones
Allison Arthur-Young
Christopher Curran
David Raudkivi
Tom Hunt
Daniel Minhinnick
Troy Pilkington
Marika Eastwick-Field
Ian Beaumont
Joe Edwards
Benjamin Paterson
Emmeline Rushbrook
Anna Crosbie
David Weavers
Liz Blythe
Nathaniel Walker
William Irving
Kirsten Massey
Cath Shirley-Brown
Simon Pilkinton
Michael Taylor
Greg Neill
Emma Peterson
Sarah Blackmore
Jesse Fairley
Tom Gillespie
Petra Carey
Bradley Aburn
Natalie Steur
Doran Wyatt
Bevan Peachey
Michael Loan
Hannah Wilson
Alex MacDuff
Tony Sycamore
Jeremy Upson
Lauren Rapley
Sarah DeSourdy Hastings
Sam Nelson
Brian Clayton

1. We act for Waste Management NZ Limited ("**WM**") in relation to the above matter.
2. WM requests, under s87D of the Resource Management Act 1991 ("**RMA**"), that the resource consent application for the construction and operation of a resource recovery park at 30 Benmore Crescent, Manor Park ("**Site**") (RM230019) be determined by the Environment Court.
3. The full application and reasons for this request are set out in Form 7A, **attached** to this letter.

Additional Consents

4. Under s91 of the RMA, a consent authority can determine not to proceed with notification or hearing of an application for resource consent where it is appropriate that applications for additional consents be made before proceeding further.
5. WM has lodged a consent application for an air discharge consent in relation to the same Site. This was lodged with Greater Wellington Regional Council ("**GWRC**") on 12 May 2025 and was subsequently put on hold at the request of WM. WM requested public notification of this application on 25 February 2026.
6. WM also requires regional resource consent for the discharge of stormwater from the Site. WM will lodge this application by 17 April 2026 with GWRC.
7. WM considers that it is appropriate for all three resource consent applications (land use, air discharge, and stormwater discharge) to be heard together by the Environment Court (should direct referral be accepted). These applications are interrelated and are part of the same overall proposal. Counsel understands that a number of submitters on the HCC land use consents have also written to HCC requesting these consent applications be determined together.

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8. Accordingly, and assuming this direct referral request is accepted by HCC:
 - (a) Once the application for the stormwater discharge consent has been lodged with GWRC, WM will make a request to GWRC under s87D for both the stormwater discharge and air discharge resource consent applications to also be referred to the Environment Court for determination. It is envisaged that, should that separate direct referral request be accepted by GWRC, the Environment Court would then jointly determine the regional GWRC consents with the land use HCC consent required for WM's proposal.
 - (b) WM proposes that it will promptly inform the Environment Court of the matters set out above and ask that the Court put its processing of the HCC land use consent application effectively "on hold" while the GWRC regional consents go through the public notification and submission process.
9. We are available to provide clarification in relation to any of the above if the HCC requires further information.

Yours faithfully

RUSSELL McVEAGH



Simon Pilkinton | Alana Wouters

Partner | Solicitor

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Form 7A: Request for application relating to resource consent to be determined by direct referral to the Environment Court

Section 87D, Resource Management Act 1991

TO: Hutt City Council ("**HCC**")

Request for direct referral

1. Waste Management NZ Limited ("**WM**") requests that HCC allow the resource consent application lodged by WM for a land use consent for the construction and operation of a resource recovery park on approximately 13.2 hectares of land in Hutt City, known as 30 Benmore Crescent, Manor Park (RM230019) ("**Application**") be determined by the Environment Court.
2. An overview of the Application and the general location of the Application site is **attached as Appendix A.**
3. The Application was publicly notified with submissions closing on 11 March 2026. 180 submissions have been made on the application. Under s87D of the Resource Management Act 1992 ("**RMA**"), WM has until 18 March 2026 to make a request to HCC for direct referral.

Reasons for request

4. The reasons for the request are as follows:
 - (a) HCC has accepted WM's Application.
 - (b) The Application was fully notified and the submission period has now closed.
 - (c) Given the number and nature of submissions received on the Application, the application will likely be appealed to the Environment Court.
 - (d) Direct referral will avoid the need for two hearings on the same Application, enabling cost and time efficiencies for all participants (not just WM).
 - (e) The decision-making on the Application would benefit from rigorous testing of evidence under oath that is provided for in the Environment Court.
 - (f) It would be beneficial for all parties to have a streamlined decision-making process that enables a decision to be made by the Environment Court that is final, subject to any appeals on points of law to the High Court.

5. Overall direct referral is the most appropriate way to consider and decide on the Application.

Waste Management NZ Limited by its
solicitors and authorised agents Russell
McVeagh:



Signature:

Simon Pilkinton / Alana Wouters

Date:

18 March 2026

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APPENDIX A

1.0 Introduction









Waste Management (NZ) Ltd. seeks land use consent to establish and operate a resource recovery park at 30 Benmore Crescent, Manor Park. The resource recovery park will provide significant assets to minimise and manage waste within the Wellington Region. The park will include material recovery, second-hand goods retail, a repair café, construction and demolition waste management, and a general waste transfer station.

1.1 Purpose of Report

This report provides details of the proposal and an assessment of environmental effects, in accordance with s88, the Fourth Schedule of the Resource Management Act 1991 (RMA), and City of Lower Hutt District Plan. Information about the applicant and property that this report relates to is set out below. Appendix 1 sets out the information requirements stated in Schedule 4 and in the City of Lower Hutt District Plan with a link to where that information is provided within this report.

1.2 Applicant and Property Details

Applicant:	Waste Management (NZ) Ltd
Summary of Proposal:	Construction and operation of a resource recovery park, including the sale of second-hand goods, repair café, material recovery, construction and demolition waste sorting and general waste transfer.
Address for Service and Contact for Queries:	Potentialis Limited Mailing Address: 172 Sandwich Road, St. Andrews, Hamilton 3200 Physical Address: Level 3, Suite 7, 50 Seddon Road, Hamilton 3204 <u>Contact:</u> Angela Goodwin angela@potentialis.co.nz (021) 844 374
Name and Address for Fees:	Waste Management (NZ) Ltd <u>Contact:</u> Sarah Whiteman – Wellington Regional Manager Swhiteman@wastemanagement.co.nz 027 296 1067
Site Address:	30 Benmore Crescent, Manor Park, Hutt City 5019
Legal Description:	Section 1, 6 Survey Office Plan 493901
Owners and Occupiers of Site:	Te Runanga O Toa Rangatira Incorporated <u>Notes:</u> <i>The site is vacant.</i> <i>The record of title and registered instruments are attached in Appendix 2.</i>
Site Area:	13.5192ha
Hutt City District Plan Zone, Overlays, Designations	<u>Zone:</u> General Rural <u>Overlays:</u> <ul style="list-style-type: none"> • Wellington Faultline Study Zone • Secondary River Corridor • State Highway Corridor Buffer

<p>and Controls:</p>	<ul style="list-style-type: none"> • Rail Corridor Buffer <p><u>Statutory Acknowledgements:</u> No statutory acknowledgements are shown in relevant documents. Schedule 2 Nga Taonga Nui a Kiwa of the Proposed Natural Resource Plan for the Wellington Region; however, includes Te Awa Kairangi. The Hutt River is of significance to Mana Whenua. The site is separated from the Hutt River only by an esplanade reserve.</p>
<p>Proposed Plan</p>	<p><u>Proposed Plan Change 56 Enabling intensification in residential and commercial areas:</u> The site is outside of the area of the district subject to the Plan Change 56.</p>
<p>Existing Land Use Consents:</p>	<p>Consent RM220258 was granted on 21st December 2022 for bulk earthworks, vegetation clearance and upgrade of culverts at 30 Benmore Crescent Manor Park.</p>
<p>Summary of Reasons for Consent</p>	<p>Definition of Activity: The City of Lower Hutt District Plan states transfer stations are a discretionary activity. ‘Transfer station’ is not defined. Resource recovery parks are the modern equivalent of a transfer station as they minimise waste, rather than only managing it. As the District Plan does not provide a definition of transfer station, the common meaning applies. The full range of activities proposed do not fall within the common meaning of transfer station and it is unlikely they would have been envisaged when the District Plan was drafted. For this reason, we have elected to take a conservative approach and separately define each activity proposed as part of the resource recovery park.</p> <p>RESTRICTED DISCRETIONARY ACTIVITIES</p> <ul style="list-style-type: none">  8B.2.2(c) cafes and restaurants – a repair café forms part of the resource recovery park,  14A.5.1(c) Any activity that exceeds the high trip generator thresholds specified in Appendix 2 Transport. <p>DISCRETIONARY ACTIVITIES</p> <ul style="list-style-type: none">  8B.2.3(a) Development exceeds the maximum height standard (8B.2.1.1(c)) and maximum site coverage standard (8B.2.1.1(e)),  8B.2.3(e) Transfer stations. <p>NON-COMPLYING ACTIVITIES</p> <ul style="list-style-type: none">  8B.2.4(a) any other retailing activity – a second hand goods store forms part of the proposed resource recovery park.  8B.2.4(c) any industrial activity – resource recovery (recycling) is part of the proposed resource recovery park as does a mechanical workshop (for the use of Waste Management vehicles only) <p><i>Note:</i></p> <ul style="list-style-type: none">  <i>An assessment of the proposal against all relevant parts of the district plan is contained in Appendix 3.</i>  <i>Definitions are stated in Chapter 3 of the City of Hutt District Plan.</i>
<p>Overall Activity Status:</p>	<p>Non-Complying</p>
<p>Other Consents Required:</p>	<p>Consents are required under the Proposed Natural Resource Plan for the Wellington Region – Appeals Version. A separate application will be made for these consents.</p>

	A land use consent is required for access and servicing. This application has been lodged with Hutt City Council on the 20 January 2023 on behalf of Rosco Ice Cream Ltd. Further details are provided in the background section of this report.
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Table 1: Applicant and property details for 30 Benmore Crescent, Manor Park, Hutt City.

1.3 Contents of Report

Sections 2, 3 and 4 of this report provide further details of the location of the site, surrounding environment, background, and proposal. This provides context to assess the environmental effects of the proposal that is set out in Section 5. Section 6 provides an assessment of affected persons. Section 7 provides a statutory assessment and Section 8 concludes the report.

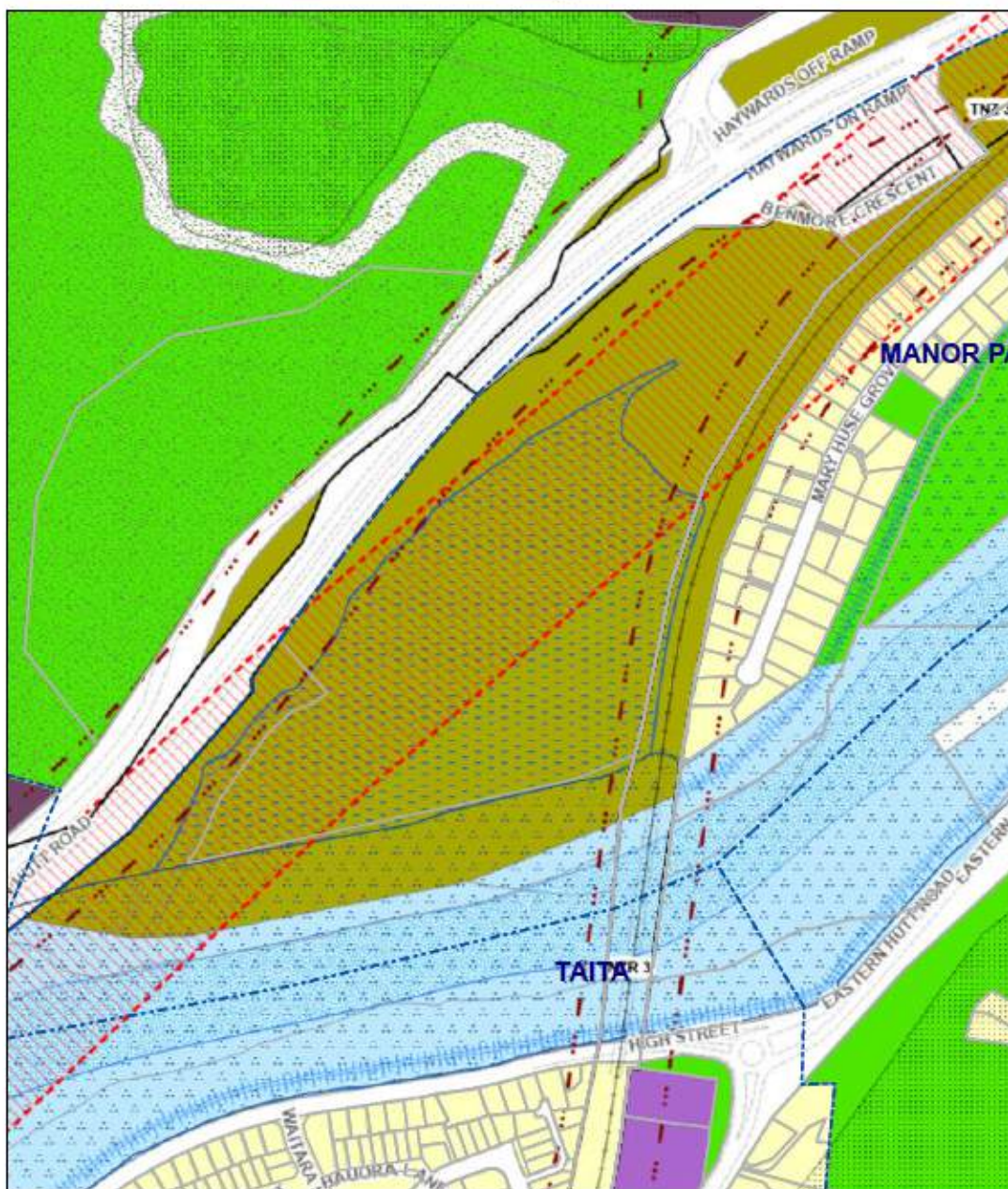
2.0 Site and Surrounding Environment

2.1 Site Location

The site, which is accessed off Benmore Crescent in Manor Park, sits at the base of a valley between Hutt River, the rail corridor, and State Highway 2.

The figures below show the location and zoning of the wider site. Photos of the site and surrounding environment are included in the landscape and visual assessment report, prepared by Boffa Miskell (Appendix 4).

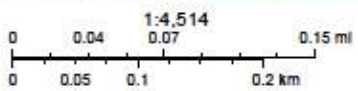
Hutt City



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Activity Areas

- Avalon Business
- Central Commercial
- Community Health
- Community Iwi
- Extraction
- General Business
- General Recreation
- General Residential
- General Rural
- Hill Residential
- Historic Residential
- Landscape Protection
- Medium Density Residential
- Passive Recreation



LIS HCC, The District Plan maps that are displayed are the official, legal versions of the maps (as updated 22/09/2022).

LIS HCC | AAM NZ, USGC | Wellington Water Ltd, Hutt City Council | Wellington Water Ltd, Greater Wellington Regional Council | The District Plan maps that are displayed are the official, legal versions of the maps (as updated 22/09/2022). Web AppBuilder for ArcGIS

Figure 1: Hutt City Council District Plan Map for the site. Source: Hutt City Council



Figure 2: Site and wider environment. Source: Greater Wellington Regional Council Maps

2.2 Site Size, Zoning and Record of Title

The total size of the site is 135,192m² and Waste Management propose to use 57,800m² of this area. The part of the site Waste Management propose to use is shown as Area 1 in Figure 3 below.