

## MEMORANDUM

**To:** Vincent Ashman  
Planner  
Hutt City Council

**From:** Angela Goodwin  
Director and Principal Planner  
Potentialis Ltd

**Date:** 23 July 2025

**Subject:** RC230019 – Request to Resume Processing of Resource Consent Application  
30 Benmore Crescent, Manor Park – Resource Recovery Park

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### 1. Purpose of this Memorandum

WM lodged a consent to establish and operate a Resource Recovery Park at 30 Benmore Crescent, Manor Park. The proposed activity is to occupy over a third of the wider site, known as Te Karearea. The application has been on hold. WM now request that Hutt City Council (Council) recommence processing. WM request that a decision on notification is made by an Independent Commissioner and understands this is Council's intent.

This memorandum provides relevant updates since the time of the s92 response, as well as an assessment of the proposal against the Objectives and Policies of the Proposed District Plan (PDP). The purpose of this document is to allow continued processing.

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### 2. Background

Since the time of lodgement, the site has been legally cleared and raised above the 1 in 440 year flood level under a separate earthworks consent. Consent has also been granted for access and other infrastructure. Both consents form part of the receiving environment.

The application had been on hold pending the decision on the infrastructure consent. In the intervening period, a peer review of the landscape and visual assessment report submitted with the application (and updated during the s92 process) was provided to the applicant. A landscape memo has now been prepared and responds to the reviewer's feedback. This document summarises the memo and provides an assessment of the activity against relevant objectives and policies of the Hutt City Proposed District Plan that was notified in February 2025.

No changes are proposed to the building layout since the s92 response was provided. However, additional areas of planting have been incorporated in line with suggestions of the peer reviewer, and a water tank for firefighting supplies. Fencing has also been clarified on the updated plans, that are attached. It is noted that as part of the s92 response, the height for key buildings (RTS and C&D structures) was reduced.

The planting strategy and location of the Hutt River Trail has also be refined. Access through the site is to be provided to Greater Wellington Regional Council for the purpose of flood management and response. This ensures continued, efficient access to respond to natural hazard events.

It is noted that varying terminology has been used by Council to describe the proposal (for example during the Draft Proposed District Plan meeting). The proposed facility has often been referred to as a 'transfer station'. As set out in the application, 'transfer station' is not defined in the Plan. What is proposed is a resource recovery park, that includes a more comprehensive suite of activities to manage and minimise waste than a solitary solid waste transfer station.

'Resource recovery park' is in some ways an evolution of traditional transfer stations. The proposed activity includes retail of second hand goods and a café associated with the facility and repair of goods to encourage upcycling and continued use, rather than disposal. It also includes some maintenance activities and material recovery. Retail, cafes and industrial activities are non complying in the General Rural Zone. However, they are all integrated as part of the overall resource recovery park and not separate activities that would operate in their own right. They are ancillary. To be conservative, the applicant opted to seek consent for a non complying activity.

However, we note that there is ambiguity as to where the activity fits and this is reflected in the various terminology used during the process (other than by WM). Should Council consider that comprehensive activity proposed in entirety fits within the definition of waste transfer station, the status of the activity would become discretionary.

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### 3. Summary of Updated Landscape and Visual Effects Assessment

The landscape memo includes the following amendments:

- Enhanced planting strategy, including two tiers of planting along the eastern embankment and advanced-grade planting (3–4m) along key viewing corridors (Mary Huse Grove and the river trail).
- A new bund and landscape treatment to screen the proposed water tank, with recessive colours and partial burial. The tank will be the same colour as the proposed buildings.
- Updated relevant visual simulations.

The landscape memo concludes that:

- From the Hutt River trail, visual effects are assessed as low to moderate adverse during plant establishment, reducing to low adverse or none as planting matures.
- From Mary Huse Grove, effects are assessed as low adverse from the road corridor, and from most private viewpoints as very low or negligible, reducing to none in some instances.
- From other public roads and elevated dwellings, effects range from very low to low adverse, and reduce further over time with mitigation.

- Natural character is maintained, and the site is seen in the context of existing infrastructure and varied surrounding land uses.

The landscape memo also notes that long-term effects should be given greater weight than temporary effects during plant establishment, and that the section of river trail affected is a small part of a much longer corridor that traverses a range of land uses.

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#### 4. Planning Commentary and Assessment of Effects

S95 Assessment – updated to reflect changes to receiving environment and updated visual assessment.

##### *Public Notification*

Wider views of the site – for those audiences that look down on the site, the peer review highlights that the area of paving/ buildings/ and hard surfaces will be visible and recommends greater areas of planting. The landscape memo notes that for audiences viewing the site from elevated positions, the area of paving, buildings, and hard surfacing will be visible, and acknowledges that this is a small component of a much wider view. While the peer review suggested additional planting in these areas, the landscape memo confirms that further planting has been incorporated within the site where operationally feasible to help soften views from above and better integrate the development into the wider landscape over time. The landscape memo assesses these effects to be low adverse decreasing after the initial period.

It is noted that both the earthworks consent and infrastructure consent form part of the receiving environment. The earthworks consent allows for the site to be cleared and stabilised and some of this work is complete. Regardless of the proposal, views from upper areas will be of a large, stabilised area (currently, partly in base course) with the current view shown below (from Aldersgate Grove).



The updated Landscape and Visual Effects Assessment (landscape memo) states that: “From the road corridor of Mary Huse Grove, the visual effect is assessed as low adverse.” This reflects visibility of the upper portions of proposed buildings during the plant establishment phase. The assessment also notes that these effects will reduce over time as the proposed screen planting (including 3–4m grade trees) matures, with the effect reducing to very low or none in the longer term. This is not more than minor.

It is noted that the proposed resource recovery park is adjacent to a residential zone. It is however separated by the rail line and associated embankment. Planting has been comprehensively designed to mitigate landscape and visual effects to persons at adjacent sites. Temporary effects until plant establishment are mitigated via the planting of large specimens and the proposed, recessive building colour. The landscape memo assesses temporary effects as low adverse at adjacent private properties. These effects reduce to none once plants reach maturity. The NZILA guidance is that a low threshold can be less than minor or minor. The level of effect should be interpreted in context. Given the temporary nature of the effect and separation provided by the rail corridor (and nature of the use of that space) effects in a planning context, are considered less than minor.

Hutt River Trail – The landscape memo states that from the Hutt River trail, visual effects are assessed as low to moderate adverse during plant establishment, reducing to low adverse or none as planting matures. A moderate effect on the NZILA scale is adjacent to more than minor. However, as set out above, this should be interpreted in context and the notification decision is ultimately a planning one. Persons using the Hutt River Trail are likely to be engaged in recreation (walking, running, cycling, other passive transport modes). Given the nature of the use of the space effects on users are not considered more than minor for the following reasons:

- The higher level of effect is during plant establishment only

- The part of the path adjacent to the site is likely to be only a part of the experience of the River Trail (e.g. whilst possible, most people are unlikely to just walk past the site and back in isolation). Particularly given the entrance to the trail.
- Viewers of the site from the path are transient and in this sense views are in passing and not fixed.
- The site is part of the view from the trail and only on one side of the path. Users are likely to be mostly concentrating on where they are going although will appreciate the amenity surrounding the path.
- The river path traverses a mixture of land uses, including the Motorway and there are no rules that require mitigation of visual effects for sites adjacent to the path, or any consideration or restriction on private properties adjacent to the path. Despite this the proposal includes comprehensive mitigation.

#### *Limited Notification*

Private Properties at the end of Mary Huse Grove. - It is noted that adjacent properties on Mary Huse Grove are separated from the site by the rail corridor, a piece of major infrastructure. They are not strictly 'adjacent'. In any case, even in the event they are considered adjacent, effects on. Persons at these properties are less than minor as identified above.

NZTA - Effects on the State highway and transport network (including the interchange) were comprehensively assessed within the application and s92 response, including dust generation. It is noted that the infrastructure consent includes works to upgrade the interchange. NZTA has also provided approval to works within the designation for this purpose. Conditions 15 – 17 of the granted consent are duplicated below:

15. *In order to manage traffic movements from the site at 30 Benmore Crescent (Section 1 SO 493901 held in Record of Title 738223), and not exceed the design capacity of the roading upgrades at the intersection of Benmore Crescent and Manor Park Road, the maximum traffic movements (two-way) are limited to 2,900 movements per day, which is measured on a seven day average.*
16. *To secure ongoing compliance with Condition 15, the consent holder must enter into a Section 108 Resource Management Act 1991 covenant in favour of Lower Hutt Council over Section 1 SO 493901 held in Record of Title 738223. The consent holder shall contact Council to initiate the preparation of the covenant.*  
  
*A copy of the updated Computer Register (Record of Title) showing that the covenant has been registered must be provided to Council prior to commencement of any activities (excluding earthworks and construction activity) on the site.*
17. *To monitor ongoing compliance with Condition 15, the consent holder must provide a report to Council's Compliance Monitoring Officer outlining the various activities being undertaken at the site (30 Benmore Crescent) and their anticipated traffic movements. The consent holder shall submit the report to Council on an annual basis at the anniversary of the consent, and also upon a new and/or any change of any tenant or activity being undertaken at the site.*

As per the original application, the WM facility will not operate until these upgrades have been undertaken. The interchange upgrade works are designed to cater for a number of heavy vehicles in excess of what is proposed by the subject WM proposal and in this sense, effects of the proposal considered and found to be appropriately mitigated. Subsequently, NZTA is not considered to be an adversely affected party.

#### *Special Circumstances – Community Interest*

“Special circumstances” are undefined, but the Courts have held that these are circumstances or state of affairs which is unusual or exceptional but not extraordinary or unique. There has been community interest and opposition, primarily from persons in the immediate vicinity. Public interest and/ or opposition does not in itself constitute special circumstances but it is understood may contribute to special circumstances if other factors exist. It is noted that the RMA no longer (post 2009) contains a presumption of public participation.

Waste Management facilities are not unusual or exceptional. Resource recovery parks and transfer stations are part of waste management infrastructure and not uncommon. The effects of the proposal are also not unusual or exceptional noting the characteristics of the site and that it meets operational need of the proposed activity. As per the addendum and AEE, special circumstances are not considered to exist in this case.

#### S104 Assessment – updated to reflect Proposed District Plan Objectives and Policies

An assessment of the proposal against all relevant Proposed District Plan objectives and policies has been prepared and is attached. While the proposal is non-complying in the General Rural Zone, it is broadly consistent with the policy framework when read as a whole:

- It aligns with infrastructure objectives recognising the regional significance and operational need for this facility.
- It integrates effectively with existing infrastructure and is supported by dedicated access and servicing consents.
- Although the zone anticipates rural and low-density residential activity, the proposal is well-separated from sensitive sites and its effects are adequately mitigated.
- It responds positively to broader strategic direction, including policies on waste minimisation, carbon neutrality, and efficient land use.

The proposal has been designed and refined to manage all relevant actual and potential effects, particularly at the interface with residential areas and public viewpoints.

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## 5. Attachments

- Updated Landscape and Visual Effects Assessment and Visual Simulations
- Assessment Against Proposed District Plan Objectives and Policies
- Updated Site Plan

Please contact me if you require any further clarification.

**Angela Goodwin** BPlan (1<sup>st</sup> class honours), MPlan, PGDipBusAd(economics)

Principal Planner  
*On behalf of Potentialis Limited*