

RM number: RM230019
Date: 23 October 2025
Applicant: Waste Management (NZ) Ltd
Agent: Potentialis Limited
Address: Suite 7 Seddon Park Cricket Ground,
50 Seddon Road, Hamilton, 3200
Attention: Angela Goodwin
angela@potentialis.co.nz

NOTIFICATION RECOMMENDATION REPORT FOR RESOURCE CONSENT FOR CONSTRUCTION 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 AT 30 BENMORE CRESCENT, MANOR PARK, LEGALLY DESCRIBED AS BEING SECTION 1, 6 SO 493901

1. PROPOSAL

Waste Management (NZ) Ltd (“the Applicant”) have employed the services of Ms Angela Goodwin of Potentialis Ltd (“the Agent”) to apply for a resource consent for the establishment and operation of a resource recovery park as well as other ancillary activities. Full details of the proposal can be found below and are detailed in the assessment of environment effects (“AEE”) and the addendum to the AEE dated 11 August 2023; both of which should be read in conjunction with this report. A summary of the activities proposed are as follows:

- Second-hand goods store
- Repair café
- Material recovery facility
- Transfer station

Ms Goodwin specified within page 19 of the Assessment of Environmental Effects (“AEE”) submitted in support of the application that the following are proposed in support of the above activities:

- Weighbridge.
- Comprehensive water management and treatment.
- Associated parking, EV charging, and manoeuvring.
- Offices that support the operation of the facility.
- A workshop for mechanical repairs and servicing of trucks and waste management vehicles and equipment.
- Bin storage and bin wash facility.
- Truck wash facility.
- Associated landscaping and planting.
- Sign at the entry stating the name of the park and directional signs within the park.
- Gates and security fencing; and

- Landscaping and planting.

It is anticipated that a maximum of 145 staff operating from the application site, with 90 of these being truck drivers. This will see a progressive increase as the operation sees growth.

To facilitate the operation of the proposed resource recovery park, 8 separate buildings are proposed to be constructed on the application site, including a separate 'canopy' area and a 'bin wash canopy'. The proposed buildings will have the following characteristics:

Proposed Activity	Site Coverage	Building Height
Retail and Café Building	950m ²	7m
RTS Operations Warehouse	3,750m ²	12.9m
B&C Operations Warehouse	1,575m ²	12.5m
MRF Operations Warehouse	2,250m ²	12m
Office Building	410m ² (800m ² over 2 levels)	10m
Truck Workshop + Wash	1025m ²	12m
Bin Wash Canopy	300m ²	8.9m
Canopy	750m ²	6.8m
Total	11,010m ²	-

The proposal will also see a firefighting water tank being proposed towards the eastern boundary of the application site. This is proposed to be 8m in height with a diameter of 12m; thus, having an area of 113.1m².

It is noted that the proposed canopy is intended to provide shelter for users of the resource recovery park. This mainly being for users dropping off goods and those collecting and sorting them to take inside. No permanent staff are proposed within the canopy.

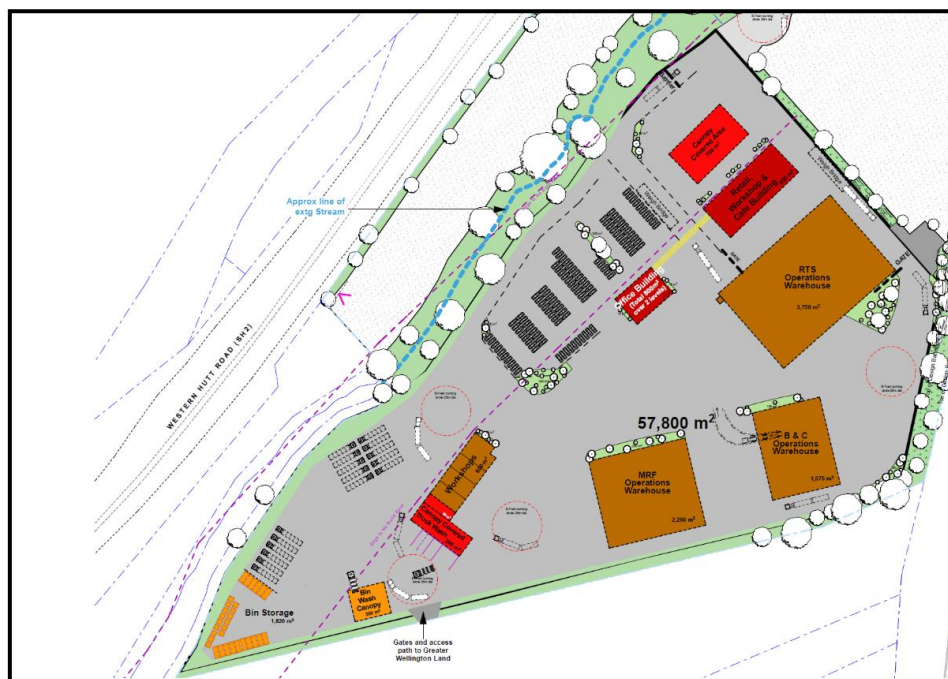


Figure 1: Proposed Site Plan

It is proposed to undertake all “high-risk or industrial and trade activities” indoors, with all contaminants from these activities being removed off-site for treatment.

1.1. HOURS OF OPERATION

The hours of operation are generally proposed to be between 6.00am – 6.00pm Monday – Sunday (7 days a week). The following hours of operation are specified by Ms Goodwin:

- Mobile Machinery Operation: 7.00am – 5.00pm (Monday – Sunday)
- Resource Recovery Park: 6.00am – 6.00pm (Monday – Sunday)
- Some truck movements between 6.00am – 7.00am.

In the addendum to the AEE dated 11 August 2023, Ms Goodwin specified the following additional hours of operation for truck movements:

“Waste Management provides municipal collections and collects waste from commercial clients. At times, a small number of drivers may leave between 5:00am to 6:00am to get an early start on their run, depending on the collection location. Drivers are on site to collect trucks only and will then leave. Between 5:00am to 6:00am, there are expected to be three trucks leaving the site. Between 6:00am and 7:00am, 12 trucks are expected to leave the site, but only during weekdays. There may be up to five vehicle movements between 2:00am and 5:00am; however, again, this is during weekdays only. Again, the earlier timing of these movements is to allow efficiency in collection and operations.”¹

This can be summarised as follows:

- 2.00am – 5.00am: Up to 5 vehicle movements (weekdays)
- 5.00am – 6.00am: An expected 3 vehicle movements
- 6.00am – 7.00am: 12 trucks leaving the site (weekdays)

1.2. SIGNAGE

The proposal will see many different directional and health and safety signage within the site for the operation of the resource recovery park. Details of these were provided by Ms Goodwin in a draft signage plan (see figure 2). These will consist of 10 different signs provided for a variety of different operational and safety purposes such as:

- Speed limit signage (15km/h)
- Speed bump signage
- “NO ENTRY” signage
- Pedestrian walkway signage
- “LOOK OUT FOR TRUCKS”
- Give way signage
- Directional arrows

No signs are proposed on the exterior of the buildings.

¹ Section 4.2, Addendum to AEE dated 11 August 2023

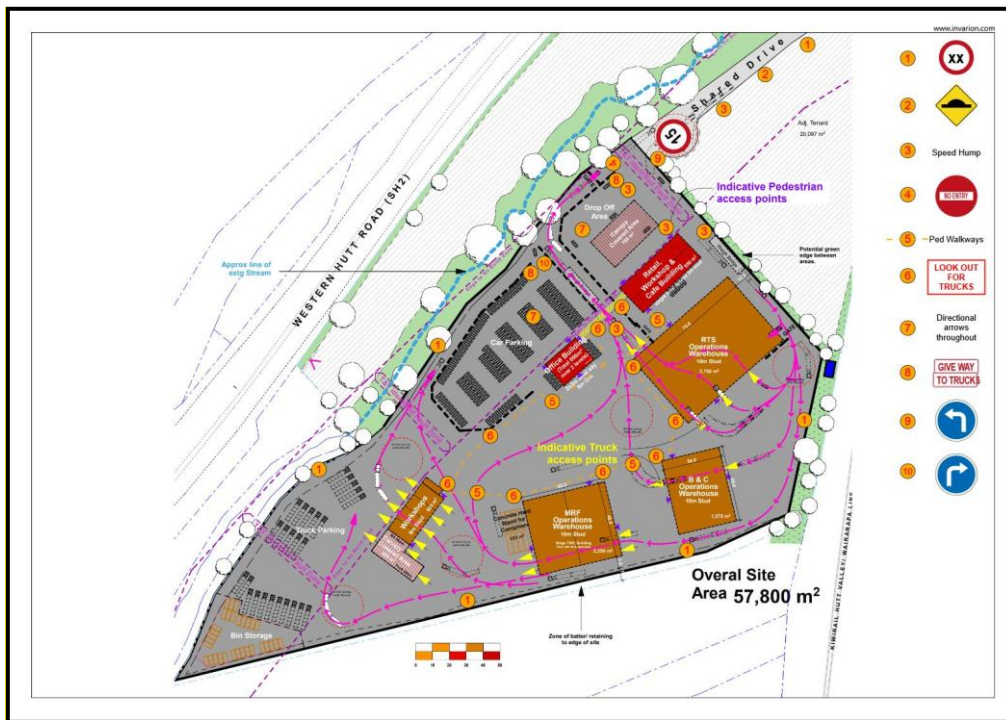


Figure 2: Draft Signage Plan

1.3. ELECTRIC VEHICLE CHARGERS

The proposal seeks to provide for electric chargers for both heavy and light trucks to facilitate the electrification of the Waste Management NZ fleet. These will be located in the southern portion of the application site in the truck parking area.

1.4. EARTHWORKS

Ms Goodwin has specified that land disturbance is proposed as required for some levelling and building foundations, as a result it is proposed that a maximum of 15,000m³ of earthworks be undertaken with less than 1.2m vertical change. It is proposed that erosion and sediment controls and an accidental discovery protocol to be in place for this work (further discussed in the proffered conditions). These earthworks have been described by Ms Goodwin as:

“To prepare the site for asphaltting/ surfacing and for the building platforms. Due to the nature of the works, risks of sedimentation are very low and able to be managed by controls on site. Despite being captured by the definition, the context of the works is different to general earthworks involving large amounts of cut/ fill of soil and bare earth and lesser in potential effects.”

1.5. LANDSCAPING

The proposal will see landscaping being proposed as included in Appendix 4 of the AEE. This landscaping mitigation is proposed offsite, including the land located to the south of the application site owned by Greater Wellington Regional Council (“GWRC”), which forms part of the Hutt River Trail as well as the area of land to the east, closest to the KiwiRail Corridor.

Visual simulations have also been prepared by Boffa Miskell, indicating the visual appearance of the proposal without landscaping, landscaping at the time of planting and landscaping after 5 years. The applicant has also come to agreement with GWRC regarding providing a new track to the south (see figure 4).

Figure 3 below indicates the landscaping that is conditioned to be completed under RM230018 within 3 months of works being completed. This is further discussed under section 2 of this report.

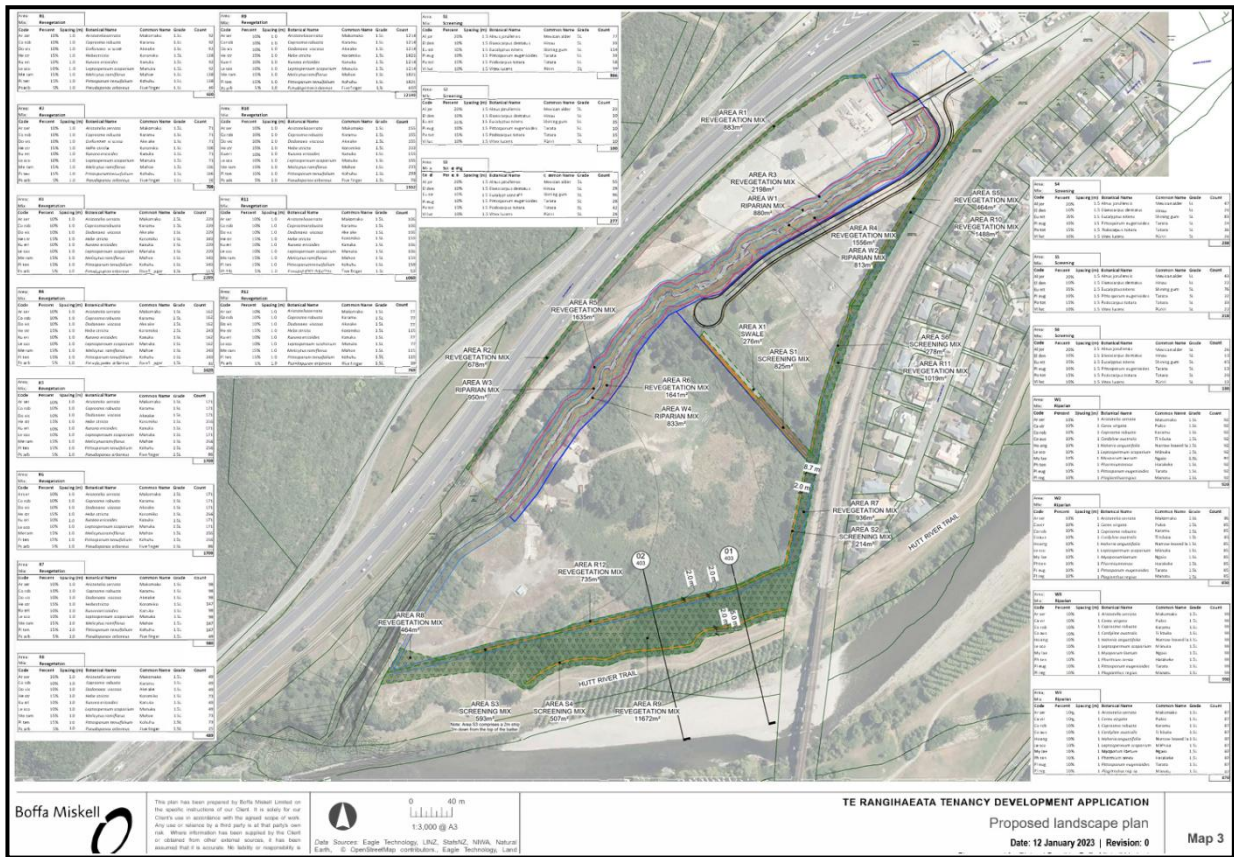


Figure 3: Proposed landscaping (source: Boffa Miskell)



Figure 4: Proposed new pathway with landscaping

1.6. SITE ACCESS AND INFRASTRUCTURE

The proposal will gain access from the internal access road that has been granted under resource consent RM230018. Services of water, wastewater and stormwater for the proposal will also be provided under the granted resource consent RM230018. The details of RM230018 and the consideration of this consent as part of the existing environment is further discussed in section 2 of this report.

1.7. LIGHTING

The application will see a total of 61 lights being proposed within the application site, 10 of which being “back-to-back’ lights. The 61 lights proposed will contain six different lighting types described in the lighting plan prepared by Advanced Lighting Technologies (see figure 5).

Luminaire Schedule						
Symbol	Arrangement	Label	Luminaire Watts	Qty	LLF	Description
□—□	Back-Back	P1 T	182	10	1.000	ADLT Twin Energy TRE, 182W 200 optic BLS, 4000K, Black
—□	Single	P1	182	25	1.000	ADLT Energy TRE, 182W 200 optic BLS, 4000K, Black
→	Single	C1	80	8	1.000	ADLT DOT Series, 80W, C12 optic, 4000K, White, Surface mount
□	Single	W1	70.82	5	1.000	ADLT XSPW, 8L 4ME, 4000K, Black
□	Single	W2	70.17	6	1.000	ADLT XSPW, 8L 2ME, 4000K, Black
□	Single	P2	182	7	1.000	ADLT Energy TRE 182W, SCP optic, 4000K, Black

Figure 5: Proposed lighting types

While figure 5 indicates that there are total of six different lighting types, these can be characterised into two different categories. C1, W1 & W2 are all ‘down lights’ while P1T, P1 and P2 more closely resemble that of street lights.

1.8. MANAGEMENT PLANS

As part of the application, Ms Goodwin has specified that the operation of the site will be undertaken in accordance with the following management plans:

- Hazards Management Plan
- Traffic Management Plan
- Noise Management Plan
- Water Management Plan
- Spill Response and Emergency Management Plan
- Health and Safety Plan
- Sustainability Plan (including complaints management).

The above management plans are proposed to be consolidated into a single 'environmental management plan'. In addition to these management plans, as part of the addendum to the AEE, Ms Goodwin has also supplied the following draft management plans:

- Odour management plan
- Construction traffic management plan

1.9. STAGING

It is proposed to undertake the construction of the resource recovery park in two distinct stages. Ms Goodwin has specified these as follows:

Stage 1

- Weighbridge.
- Transfer station.
- Construction and demolition building.
- Public drop-off area associated with second-hand goods store.
- Bin storage area.
- Office and administration block with staff amenities.
- Car parking.
- Truck parking.
- Pavements and roads.
- EV charging.
- Truck wash bay.
- Bin wash bay.
- Service connections.
- Water treatment.
- Planting.
- Dangerous goods store.
- Fencing.
- Workshop, and
- Signage.
- MRF Building

Stage 2

- Waste compactors.
- C & D Building

- Further EV charging, and
- Any additional requirements to comply with conditions of consent or enhance site operation.

Regarding the staging, Ms Goodwin specified the following in an e-mail dated 8th of September 2025:

“The MRF will now be stage 1 but the C and D building will likely be stage 2.”

1.10. VEHICLE MOVEMENTS

“Appendix 10” of the AEE provides a Traffic Engineering Report prepared by Mr Steven Jiang and reviewed and issued by Mr Mark Georgeson, project technical lead for Stantec New Zealand (“Stantec”). As part of this transportation assessment, a forecasted traffic generation assessment was undertaken, this took into consideration growth from full development into the future. Mr Jiang concluded that once fully developed the proposal would see in order of 604 vehicle movements per day (“vpd”), consisting of 275 light vehicles and 329 heavy vehicles. Taking into account for growth of the proposed activity, in 2040 the projected vehicle movements were estimated to be 870vpd, being 410 light vehicles and 460 heavy vehicles (see figure 6). It is noted that figure 4 below shows ‘2024’ movements and ‘2040’ movements, but given the extended period of time which this consent has been on hold I consider that it appropriate to view these as ‘movements once the site is fully developed’ and ‘movements 16 years upon commencement of operations’

As part of the assessment undertaken by Stantec, a “Traffic Engineering Report” was also prepared which specified that the parking onsite would consist of the following:

- Staff Carparking = 145 spaces (to accommodate 55x office staff and 90x truck drivers) inclusive of 20x EV charging spaces and allocated mobility parks. This assumption allows for a worst-case scenario of all 145 staff driving independently to the Site, although in practice it is reasonable to assume parking demands will be less;
- Truck Parking = 80 marked spaces (70x medium rigid truck parks and 10x truck and trailer parks) inclusive of 25x EV chargers ‘plus’ additional hardstanding;
- cycling parking;

Movement type	Vehicle(s)	Movements 2024	Movements 2040	Note
WMNZ – Office Staff	Light	34	50	Office based staff. On-site between 06:00-18:00 approx.
WMNZ – Operational Staff	Light	15	20	Workshop and processing staff. On-site between 06:00-1800 approx.
WMNZ Drivers	Light	55	80	-
Kerbside Collection and Commercial Customers	Heavy	145	210	Collection vehicles serving Hutt City and Porirua Councils, deliveries from commercial and other WMNZ customers
Internal Trucks to Landfill	Heavy	15	25	Hauling consolidated waste to landfill truck and trailer units
Other Hauling Operations	Heavy	100	145	Trucks currently tipping at other disposal sites instead tipping here for sorting / distribution of sorted materials to other destinations
WMNZ Trucks	Heavy	60	80	For overnight parking
General Public	Light	160	225	Light vehicles and trailers. General refuse and garden / green waste 07:00-17:00
Deliveries, Support vehicles and Visitors	Mostly Light	20	35	Office visitors, plus maintenance/ support deliveries, fuel deliveries etc
Total	-	604	870	-

Figure 6: Proposed vehicle trips per day (source: Stantec)

It is anticipated that the peak traffic generation will be on weekdays in the early morning when drivers collect their trucks. This is estimated to be between 90 to 120 movements (between 15% to 20% of the total).

1.11. SECTION 92(1) REQUEST FOR FURTHER INFORMATION

Mr Zachery Montgomery, previous processing planner for this application, requested further information in separate e-mails dated between 1 March 2023 and 11 May 2023.

1.12. PROFFERED CONDITIONS OF CONSENT

Throughout the AEE, in the addendum to the AEE and the other reports lodged with the application; there are a number of proffered conditions which form part of the proposal. On the 11th of August 2025 Ms Goodwin supplied a list of all proffered conditions, these are as follows:

Sequencing of Development

1. Operation of the resource recovery park must not commence before works to upgrade the interchange and road network are complete.
2. Operation of the resource recovery park must not commence before the completion of the access and infrastructure works approved under RC 230018.

Development and general

3. Development must be in general accordance with the plans (architecture, site plans, engineering plans, landscape plans) and information submitted.
4. Restrictions on hours of operation
5. A requirement for pre start meeting(s) and monitoring
6. Complaints procedure to be provided to Council

Construction

7. A construction traffic management plan must be submitted for approval prior to construction. The CTMP is required to consider the effects of construction works for the intersection upgrades.
8. A construction management plan must be submitted for approval
9. There must be no damage to public footpaths or infrastructure. Any damage must be repaired at the consent holders cost.
10. The consent holder must submit an Erosion and Sediment Control Plan; undertake works to avoid as far as practicable sediment entering the stormwater system; stabilise exposed areas promptly; wheel-wash/road cleaning
11. Supervision of construction as necessary

Signs

12. The consent holder must provide a Final Signage Plan for approval prior to operation (internal directional/health and safety signs and gate sign).

Landscape and visual

13. The consent holder must submit a detailed planting plan that includes: species, spacing, advanced grades, and design.
14. A maintenance plan for planting must be submitted
15. Planting failures (including dead or dying plants) to be replaced within the next available planting season for a minimum establishment period of five years
16. Submit a final landscape plan for approval, including fencing.
17. Internal planting must be undertaken in first planting season following construction, or as soon as practicable. All planting around the exterior of the site shall be completed prior to construction works being undertaken.
18. Colour and materials: all new buildings and the firefighting tank finished in recessive tones consistent with submitted plans.

In regard to the proffered landscaping conditions, Ms Goodwin specified on the 5th of September 2025 that:

“The external planting will be done prior to construction. It is likely the external planting will commence upon grant of resource consent/ building consent. This is most effective to increase screening as it provides longer for plants to grow. The internal planting (e.g. planting islands within the car park), will be done after construction as it is not practical to do this planting beforehand. We agree and offer for the condition(s) about planting to be amended to reflect this.”

Thus, condition 17 shall be amended to ensure that the external planting is undertaken prior to construction.

Lighting and glare

19. Submit a final lighting plan for approval.

Noise and vibration

20. Construction noise and operational noise limits
21. Operate under a Noise Management Plan and submit a Noise Management Plan for approval.

Odour and pest

- 22. Operate under the Air Quality Management Plan that includes Odour Management
- 23. Maintain ongoing pest control with a pest management contractor.

Natural hazards and Faultline

- 24. The consent holder must prepare a Hazard Management Policy (flood, tsunami, earthquake, extreme weather) and provide to Council prior to operation of the facility.

Environmental Management Plans (EMP)

- 25. The consent holder must prepare a consolidated EMP prior to operation, incorporating: Hazards Management, Traffic, Noise, Water Management, Spill/Emergency, and Complaints.

Cultural / accidental discovery

- 26. Maintain an Accidental Discovery Protocol during ground disturbance.

Public interface / information

- 27. Entry sign to display facility name and hours
- 28. All directional signage to be in place prior to operation of the facility.

Ms Goodwin also specified that the above conditions are to display the intent of the condition and are not exact wording. Ms Goodwin also made clear that under RM230018, a condition of consent is imposed that provides a cap of traffic movements and associated restrictive covenant.² For this reason, a restriction on traffic movements has not been duplicated above.

2. SITE DESCRIPTION

The application site is known as 30 Benmore Crescent legally described as Section 1, 6 SO 49390 within Record of Title 738223 which displays the area as being 135,192m². It is noted that RT 738223 specifies that it has been part cancelled, as Section 6 SO 493901 has been gazetted for local purpose reserve, resulting in Section 1 SO 49390 having an area of 132,121m². This part of the application site has been altered by RM220258, which is discussed in further detail below. Upon undertaking a site visit dated 12th of August 2025, the application site was predominantly flat, seeing the ground levels being raised under RM220258. The application site is clear of vegetation consisting of compacted earth and gravel (see figure 7).

² This is further discussed in section 2.4 of this report.



Figure 7: Application site as seen from the eastern boundary

30 Benmore Crescent also contains a stream, known as Dry Stream, that dissects the property from north-east to south-west (see figure 9). The application site also has a large 825mm diameter wastewater main that runs through the property across the north-eastern extent of the site then following the north-western boundary south.

The application site has a history of different uses, which are as follows:

- The site was originally used for horticultural activities.
- By the 1970's the southern portion was used for gravel and concrete batching.
 - Housing associated with this was located at the northern portion of the site.
- By the mid 1990's the site was used for yard based industrial activities.
- During the late 1990's to early 2000's, the eastern part of the site was filled, and the site largely remained vacant with the exception of a paintball activity.
- From the mid 2000's to 2010's the site was used for industrial yard based activities, which continued during the late 2010's for the construction of the Hutt Expressway.



Figure 8: Application site boundaries

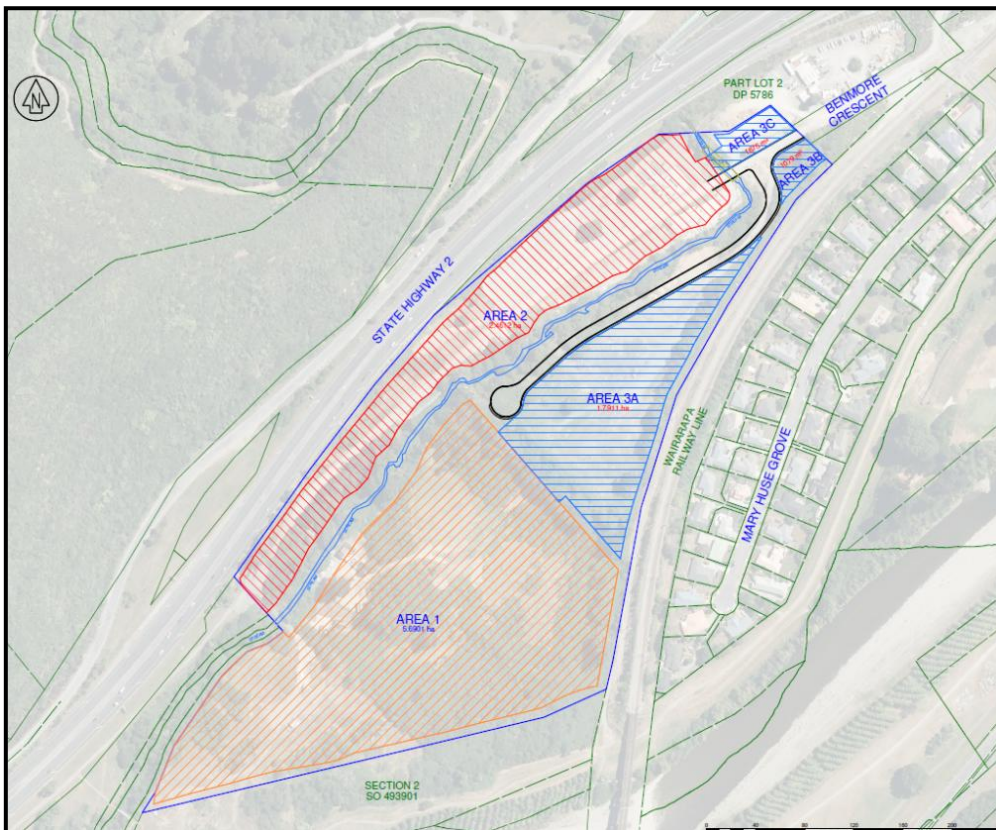


Figure 9: Location of Dry Stream

2.1– OPERATIVE DISTRICT PLAN

30 Benmore Crescent is located within the General Rural Activity Area (“GRAA”) of the Operative District Plan (“ODP”) and has a number of additional District Plan notations/overlays such as:

- Secondary River Corridor Overlay (blue in figure 10)

- State Highway and Railway Corridor Buffer Overlay (red dashed line in figure 10)
- Wellington Fault Overlay (red hatched area in figure 10)



Figure 10: 30 Benmore Crescent with Operative District Plan notions

The application site is also subject to a small portion of boundaries of Designation TNZ 3. Designation TNZ 3 is for 'State Highway Purposes' with Waka Kotahi – New Zealand Transport Agency ("NZTA") being the requiring authority.

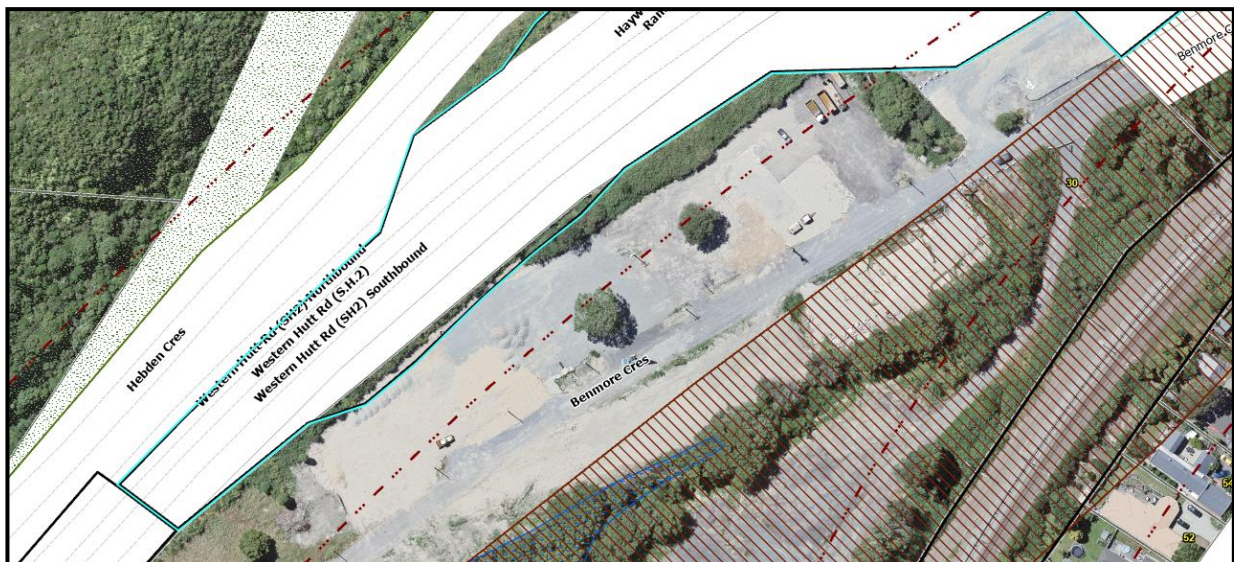


Figure 11: TNZ 3 boundaries (blue) in relation to 30 Benmore Crescent

The application site is also adjacent to the following Designations in the ODP:

- Designation TNZ 1 – State Highway Purposes (NZTA)
- Designation NZR 3 – Railway Purposes – Wairarapa Railway (KiwiRail)

2.2– PROPOSED DISTRICT PLAN

On the 6th of February 2025 Hutt City Council notified the Proposed District Plan (“PDP”); this is the result of a full review of the ODP which came into force in 2005. Within the PDP, the application site will be located within the General Rural Zone (“GRZ”) and is subject to the following overlays:

- Highway and Railway Noise Overlay – Moderate
- Highway and Railway Noise Overlay – High
- Fault Location Area
- Low Flood Hazard Overlay
- Medium Flood Hazard Overlay
- High Flood Hazard Overlay
- Liquefaction Hazard Overlay

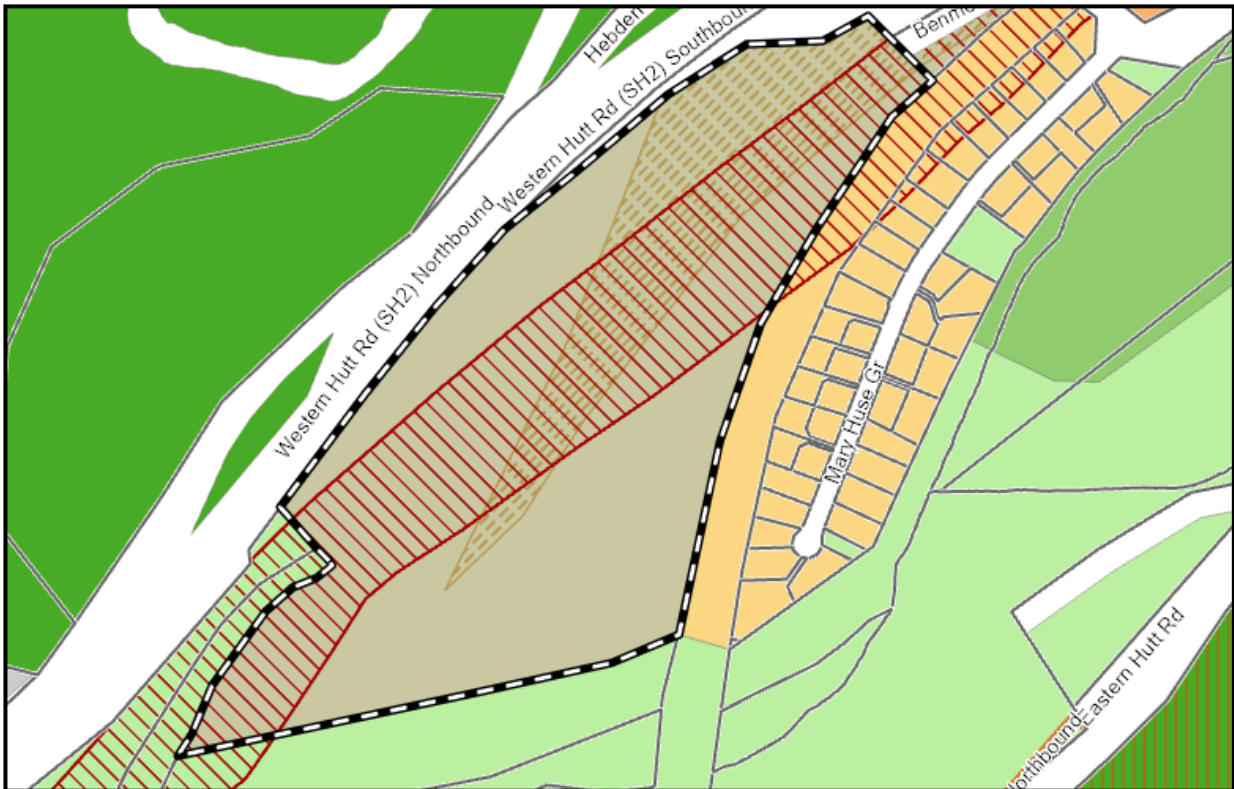


Figure 12: Application site with Fault Location Area (red) and Liquefaction Hazard Overlay (brown) under PDP



Figure 13: Application site with High (dark blue), Medium (orange) and Low (light blue) Flood Hazard Overlays under the PDP



Figure 14: Application site with High (red) and Moderate (orange) Highway and Railway Noise Overlay

2.3 RECORD OF TITLES AND INTERESTS

30 Benmore Crescent is legally described as Section 1, 6 Survey Office Plan 493901 and held in Record of Title 738223. It is noted that record of title 738223 is 'part-cancelled' with Section 6 SO 493901 now being owned by Her Majesty the Queen as specified within GN 11032732.1. There are a number of interests registered on the title which are as follows:

- Subject to Part IV A Conservation Act 1987
- Subject to Section 11 Crown Minerals Act 1991
- GN B645270.1 Gazette Notice (1997/1066) declaring that portion of State Highway 2 adjoining hereto to be a Limited Access Road
- GN 11032732.1 Gazette Notice (2018- In 656) declaring Section 6 SO 493901 to be set apart for Local Purpose Reserve (Soil conservation and river control purposes) and shall remain vested in Her Majesty the Queen
- Fencing Covenant in Transfer 11676592.2
- ENC 11676592.3 – Encumbrance to New Zealand Transport Agency (Waka Kotahi)

ENC 11676592.3 is a private encumbrance which Council is not party to. The New Zealand Transport Agency is the encumbrancee and 'Te Runanga o Toa Rangatira Incorporated' being the encumbrancer. This encumbrance holds Te Runanga o Toa Rangatira Incorporated (being the encumbrancer) to meet a number of requirements across the site. These being as follows:

Noise and Vibration – Requirements for new buildings containing noise sensitive activities within either 40m or 100m from the State Highway edge line.

Lighting – Requirement for lighting on the site to be installed so that it is directed away from or shielded from the State Highway.

Signage – Any signage facing or is visible by traffic utilising the State Highway must get written approval from the encumbrancee.

State Highway Effects – The encumbrancer acknowledges and accepts that the land is capable of being adversely affected from State Highway activities.

RMA Objections – The encumbrancer agrees not to object under the RMA to any authorisations which relate to State Highway activities and to sign written approvals in relation to any such authorisations.

The above interests do not affect or inhibit the processing of this resource consent application.

2.4– CONSENT HISTORY

The application site has been subject to a number of previous resource consents. I don't intend to list all of these here; however, I consider it appropriate to identify those of relevance.

RM220258

Land use consent (Council reference RM220258) was granted by Hutt City Council on 21 December 2022 which included bulk earthworks, vegetation clearance and upgrades of culverts. RM220258 consented a maximum of 229,320m³ of earthworks, comprising of 74,200m³ of cut with a vertical depth of up to 6m and 155,120m³ of fill with a height of up to 6m. While the majority of the earthworks consented under RM220258 have been completed, the consent holder has yet to fully complete these works. RM220258 was granted subject to the imposition of 22 conditions of consent, noting that various conditions are required to be complied with upon completion of work, as such these conditions have not been complied with as of the

writing of this report. Upon undertaking of a site visit dated 12th of August 2025, the remaining works are that in the southwestern corner of the site (see figure 15).



Figure 15: Southwestern corner of application site (site visit 12.08.25)

WGN230031

A resource consent has also been granted by GWRC in relation to the works approved under RM220258 (GWRC reference WGN230031). WGN230031 was granted for:

- Bulk earthworks
- Vegetation clearance on erosion-prone land
- Discharge to land, air and water
- Discharge to air
- Discharge to water
- Water takes.

RM230018

On the 27th of January 2025, Resource Consent RM230018 was granted for earthworks relating to the construction of roading and the installation of civil infrastructure to 30 Benmore Crescent. RM230018 also was granted for the upgrading of the intersection between Benmore Crescent and Manor Park Road, being partially located within the boundaries of State Highway 2 as well as the upgrading of the railway level crossing. The intersection upgrading saw the widening of the intersection between Benmore Crescent and Manor Park Road to allow for a wider area of turning from trucks leaving Benmore Crescent turning left onto Manor Park Road. The intersection also provided for a dedicated right-hand turning bay from Manor Park Road into Benmore Crescent, which allowed for a dedicated waiting area for trucks turning onto Benmore Crescent. RM230018 granted a total of 650m³ of earthworks to construct an internal access road within 30 Benmore Crescent which is described in RM230018 as the following:

“It is proposed to form a private access road as an extension of Benmore Crescent within the boundaries of 30 Benmore Crescent. The proposed access will extend from Benmore Crescent until reaching a ‘T’ intersection. Continuing to the southwest will be the access which will service future lease area 2, while the southeastern access will extend approximately halfway into the site to service future lease areas 1 & 3. The internal access road will be constructed with a carriageway width of 8.4m, a 1.5m footpath along the eastern side and 0.15m kerbs. The configuration of the internal access is depicted in figure 11 below.”

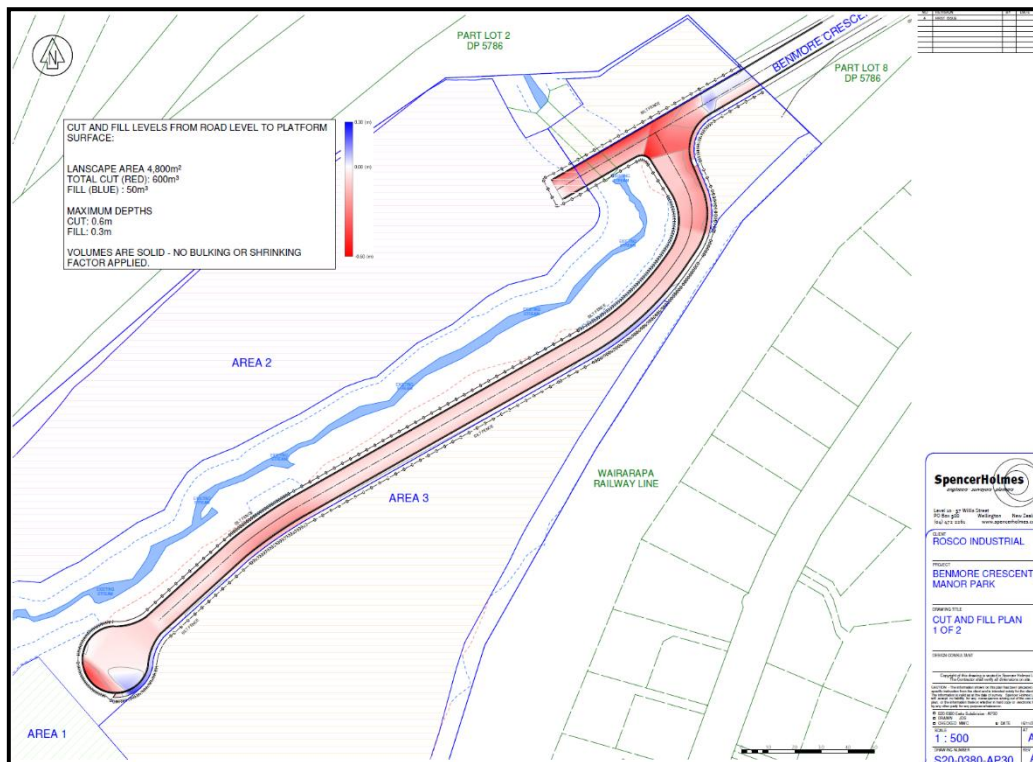


Figure 16: RM230018 internal access road

RM230018 was granted subject to the imposition of 49 conditions of consent. RM230018 also saw new connections to water and stormwater being provided to the application site; as well as providing 120,000L volume of water tanks under condition 38.

The intersection consented under RM230018 is designed to have a maximum daily capacity of 2,900 vehicle movements per day. This is reflected in condition 15 of RM230018, which restricts the maximum number of vehicle movements to 2,900, when measured on a seven day average. This is to be registered as a covenant in favour of HCC as directed by condition 16.

RM230018 is required to undertake landscaping of the GWRC land to the south and around Dry Creek within 3 months of completion of works, as required under Condition 13.

It is also relevant to note that written approval from NZTA and KiwiRail Holdings Limited were obtained in relation to RM230018. As of the writing of this report no work has commenced under RM230018, and the consent has not been given effect to.

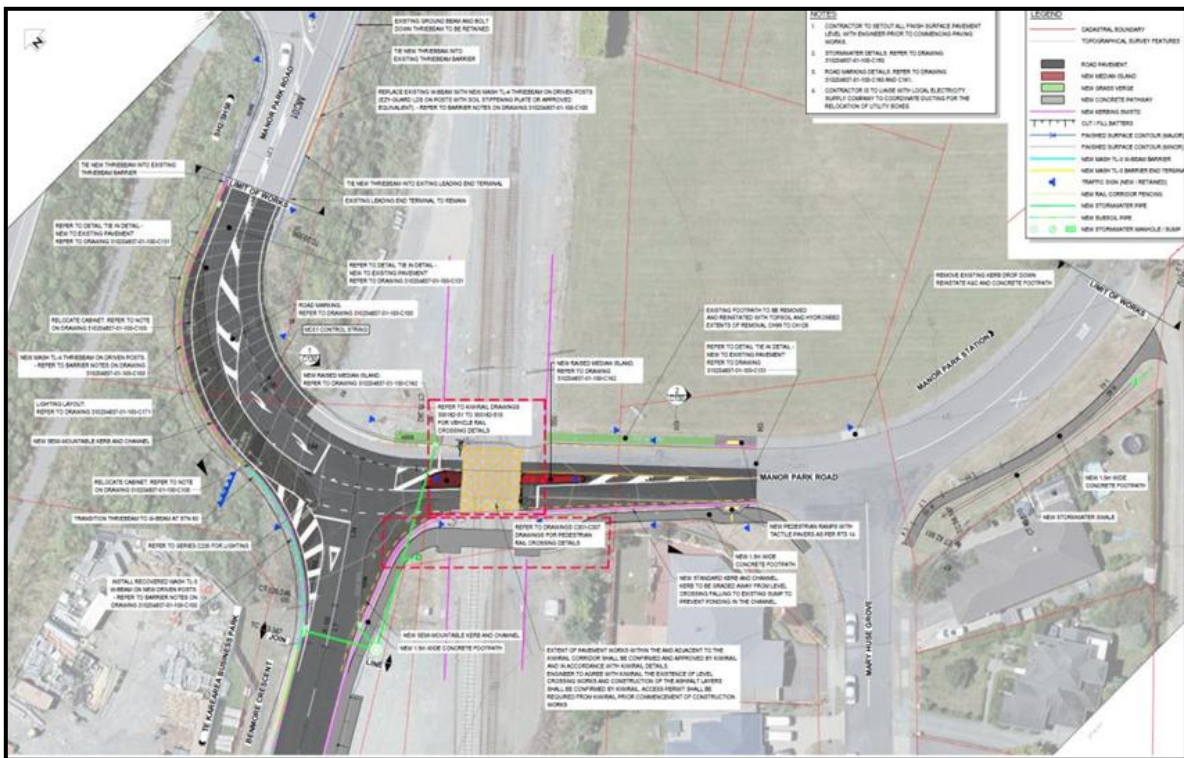


Figure 17: RM230018 approved intersection upgrade plans

2.5– EXISTING ENVIRONMENT

Consideration must be had to what constitutes the ‘environment’, in doing so consideration must be had as to the Court of Appeals decision in *Hawthorn* where it was specified that the ‘environment’ embraces:

“The future state of the environment as it might be modified by the utilisation of rights to carry out permitted activity under a district plan. It also includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.”³

Considering the above, a factual assessment of the unimplemented resource consents specified under section 2.4 must be undertaken to determine if it is ‘more likely than not’ that they will be implemented.⁴

RM230018 is the only unimplemented resource consent which consideration should be had to if it is more likely than not for the resource consent to be given effect to and implemented. Ms Goodwin has proffered a condition of consent which requires that RM230018 be completed prior to the operation of the proposed resource recovery park, which is an important note when considering the likelihood of RM230018 being implemented. These proffered conditions ensure that it is not only likely that RM230018 will be implemented but ensures that RM230018 must be completed prior to the commencement of the operation of the proposed resource recovery

³ *Queenstown Lakes District Council v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299; [2006] NZRMA 424 at [84]

⁴ *Nash v Queenstown Lakes District Council* [2015] NZHC 1041, at [64].

park. Given these proffered conditions of consent, I consider that RM230018 form part of the existing environment.

For completeness, it is considered that majority of the physical earthworks consented under RM220258 have been completed. Thus, I consider that this consent as a whole also be considered as part of the existing environment for the purposes of this assessment. As the consent as a whole is considered, it should be noted that condition 11 specifies that either a site validation report or a long-term site management plan be prepared upon completion of works. Therefore, when considering the existing environment, it will be viewed as if RM220258 has been completed with all conditions of consent complied with, including condition 11. The same is true in regard to RM230018.

2.6– RECEIVING ENVIRONMENT

The receiving environment (beyond the subject site) is the environment upon which a proposed activity might have effects and contains a mixture of different uses. The properties located to the east of the application site accommodate residential activities on Mary Huse Grove. These consist of predominantly single storey residential dwellings located on each site, with the exception of 2, 18, 39 & 46 Mary Huse Grove which are two storeys and 11 Mary Huse Grove which is a recreational playground. The Wairarapa Railway Line is located between the application site and the residential properties of Mary Huse Grove with the Manor Park Railway Station located approximately 420m to the north. Further to the east and northeast is the Manor Park Golf Course. The surrounding environment to the northeast predominantly consists of residential properties with the exception of the Golf Course and Manor Park Private Hospital located at 14 Manor Park Road.

Another point of note regarding the receiving environment is that Manor Park only has one single point of vehicle access, being from the SH2 & SH 58 interchange. All vehicle access will also be required to utilise Manor Park Road where this intersects with Benmore Crescent.

When considering the receiving environment, it should also be noted that the properties at 6 – 12 Manor Park Road, located to the northeast of the application site has a granted resource consent to construct 4 dwellings and garages (RM240214). Construction work for RM240214 has commenced, thus I consider it appropriate to consider RM240214 as part of the receiving environment.

The Hutt River is located to the south as well as the Hutt River Trail, being a walking a biking track which runs beside the Hutt River. Western Hutt Road (State Highway 2) and Hebden Crescent are located to the west of the application site.

Located to the north of the application site is the Haywards Interchange, which is an elevated roundabout intersection between State Highway 2 and State Highway 58 in addition to Dry Creek Quarry (accessed off Hebden Crescent).

2.6.1 – Future Environment

As specified under section 2.5 of this report, the courts determined in *Hawthorn* that the receiving ‘environment’ will consist of the environment as it may be altered by carrying out a permitted activity under the District Plan. Therefore, it is considered of relevance to consider

the future state of the environment, particularly when determining the receiving environment of the residential properties to the east of the application site.

The figure below shows the planning maps for nearby receiving environment. Along Mary Huse Grove are properties zoned Medium Density Residential with some properties subject to the Wellington Fault Rupture Hazard Overlay (52-70 Mary Huse Grove). To the north, properties on Manor Park Road are zoned High Density Residential, some of which are also subject to the Wellington Fault Rupture Hazard Overlay.

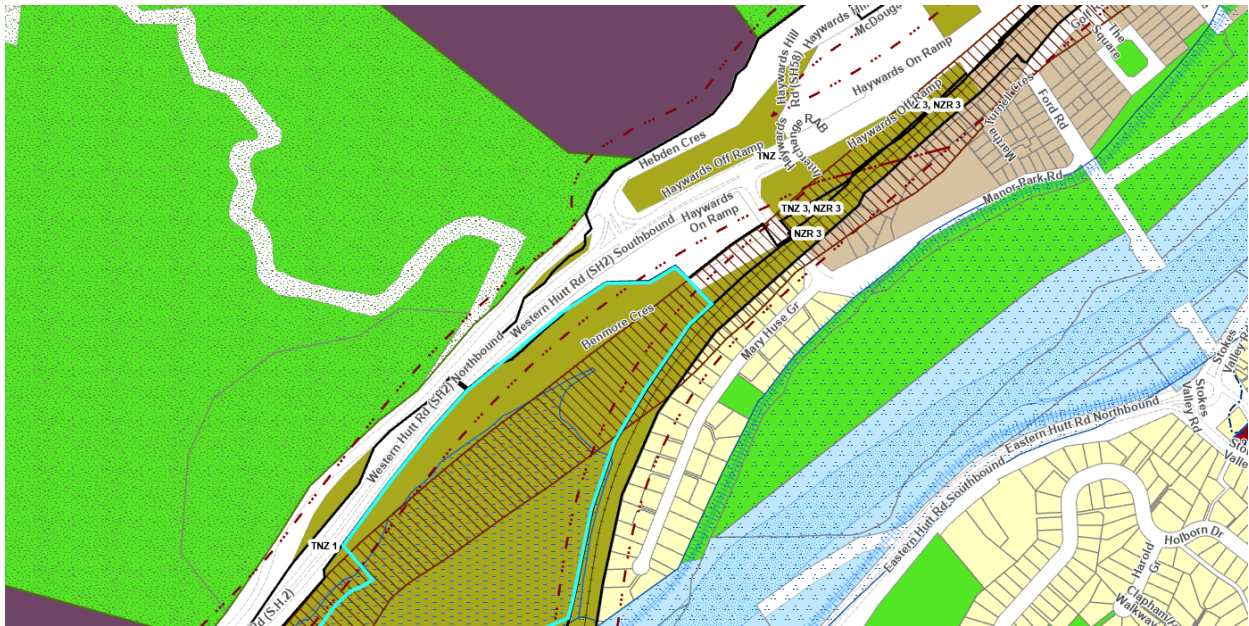


Figure 18: District Plan zoning map

For properties subject to the Wellington Fault Rupture Hazard Overlay, permitted activities are limited to accessory buildings that are not required for habitable or working purposes or utilities including associated uninhabited buildings (rule 14H 2.1).

Properties on the eastern side of Mary Huse Grove and to the north along Manor Park Road (if not subject to the Wellington Fault Rupture Hazard Overlay), could see up to three residential units constructed subject to compliance with the relevant development standards and General Rules.

The sizing of these allotments on Mary Huse Grove range from 509m² to 1,499m². Therefore, I consider that the receiving environment of some properties Mary Huse Grove could consist of a range of one to three storey dwellings with the potential to contain up to three dwellings if not subject to the WFRHO. While no set building plans confirming the permitted development potential for each of the sites on Mary Huse Grove; it is noted that the residential environment of Manor Park and Mary Huse Grove can represent that of a higher density to the density already present.

3. RELEVANT PLANNING RULES AND REGULATIONS

To determine the activity status of the proposal, an assessment against the relevant provisions of the ODP, PDP and relevant national environmental standards must first be undertaken. This can be found below.

3.1 – OPERATIVE DISTRICT PLAN

The application site lies within the General Rural Activity Area of the ODP and is shown to be subject to the following additional ODP notations:

- Wellington Faultline Rupture Hazard Overlay
- Secondary River Corridor

Due to the “General Rural” zoning of the application site, an assessment of the following chapters of the ODP can be found in the table below:

- Chapter 8B – General Rural Activity Area
- Chapter 14A – Transport
- Chapter 14B – Signs
- Chapter 14C – Noise
- Chapter 14H – Natural Hazards
- Chapter 14I – Earthworks
- Chapter 14L – Renewable Energy Generation

For completeness I do not consider that the remaining subchapter of chapter 14 to be of relevance to this application. This being that the proposal is not subject to a significant natural, cultural or archaeological resource, not on a site subject to a heritage building or notable tree, will not involve any temporary activities or filming operations. While the proposal will see buildings being proposed, the provisions of Chapter 14M – Wind do not apply to buildings within the General Rural Activity Area. The proposal also is not considered to meet the definition of a ‘hazardous facility’ under Chapter 3 of the ODP, also noting that trade waste facilities and the occasional loading and unloading of hazard substances on a site are excluded from the definition.

Chapter 8B – General Rural Activity Area

Rule	Rule / Condition	Compliance
8B 2 – Rules		
8B 2.1 – Permitted Activities		
8B 2.1(a)	Any activity complying with the permitted conditions of Chapter 8B and not specified as a Permitted, Restricted Discretionary, Discretionary or Non-Complying Activity.	N/A – The proposal will see all activities specified as a restricted discretionary activity, discretionary activity or non-complying activity.
8B 2.1(b)	A single dwelling on each of the proposed lots shown on Drawing No. 469SCH4C by Lucas Surveys, shown in Appendix General Rural 2, within defined building areas and within the specified maximum roof heights both shown on that drawing. All Permitted Activity Conditions excluding 8B 2.1.1.a and 8B 2.1.1.c must be satisfied, except in respect of Lot 5 where 8B 2.1.1.c applies to part of the lot	N/A – The application site is not within Appendix General Rural 2.

8B 2.1(c)	Baring Head, Pt 1A2 Parangarahu, shown in Appendix General Rural 3 a single building for the purpose of accommodating a single or two household unit.	N/A – The application site is not located at Baring Head, Pt 1A2 Parangarahu.
8B 2.1(d)	On the land identified in DP 72284 but excluding that area identified as 'G' and shown in Appendix General Rural 4, extraction activities limited to extraction, processing, storage, removal, ancillary earthworks, removal and deposition of overburden and rehabilitation works, and ancillary administrative activities.	N/A – The application site is not identified in DP 72284.
8B 2.2 – Restricted Discretionary Activities		
8B 2.2(a)	Commercial recreation.	N/A – No commercial recreation activities are proposed
8B 2.2(b)	Visitor accommodation with a visitor occupancy for more than ten persons excluding h.vi below.	N/A – No visitor accommodation activities are proposed
8B 2.3(c)	Cafes and restaurants.	Applicable – The proposed repair café requires resource consent as a Restricted Discretionary Activity under Rule 8B 2.3(c).
8B 2.3(d)	Residential accommodation for the elderly.	N/A – No residential activities are proposed
8B 2.3(e)	Urupa and cemeteries.	N/A – No urupa or cemeteries are proposed
8B 2.3(f)	Intensive farming.	N/A – No intensive farming activities are proposed
8B 2.3(g)	Any activity which would otherwise be a Permitted Activity but is in the area bounded by the coast, Coast Road and the Rimutaka Forest Park as shown on Appendix General Rural 5.	N/A – The proposal is not located within the Rimutaka Forest Park.
8B 2.3(h)	In the Quarry Protection Area (as shown on Appendix General Rural 1)	N/A – The proposal is not located within the Quarry Protection Area
8B 2.3(i)	All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area greater than 20m ² or with a setback less than 20m from a flood protection structure.	Applicable – The entirety of the area proposed for the resource recovery park is located within the Secondary River Corridor. As all buildings exceed 20m ² in area, all buildings require resource consent as a Restricted Discretionary Activity under Rule 8B 2.3(i).
8B 2.3 – Discretionary Activities		
8B 2.3(a)	Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.	Applicable – The proposal cannot comply with all the requirements of Chapter 14. See assessment below.
8B 2.3(b)	Turf farming.	N/A – No turf farming is proposed
8B 2.3(c)	Top soil removal.	N/A – No top soil removal is proposed.
8B 2.3(d)	Exploration and mining of minerals.	N/A – No mining activities are proposed
8B 2.3(e)	Landfills and transfer stations.	Applicable – The proposal will see a transfer station forming part of the resource recovery park. Therefore, resource consent is required as a Discretionary Activity under Rule 8B 2.3(e).
8B 2.3(f)	Any activity within the identified coastal environment as shown on Map Appendices 2A, 2B and 2C.	N/A – The application site is not located within the coastal environment
8B 2.3(g)	Brothels and commercial sexual services not falling within the ambit of home occupation.	N/A – No brothel or commercial sexual services are proposed
8B 2.4 – Non-Complying Activities		
8B 2.4(a)	Any other retailing activity.	N/A – No retail activities are proposed
8B 2.4(b)	Service stations.	N/A – No service stations are proposed
8B 2.4(c)	Any industrial activity.	Applicable – The remaining parts of the proposal are considered to be an industrial activity, as confirmed by Ms

		Goodwin on p.1 of the addendum to the AEE. Therefore, resource consent is required as a non-complying activity under Rule 8B 2.4(c).
8B 2.4(d)	Other residential activities.	N/A – No residential activities are proposed
8B 2.4(e)	Places of public assembly.	N/A – No places of assembly are proposed

While none of the proposed activities are considered to be a ‘permitted activity’, it is still considered relevant to assess the proposal against the permitted activity conditions as both directed by Rule 8B 2.3.1(b).

When considering the ‘maximum height’ I consider that the below definition of relevance to the below assessment:

Maximum Height in relation to buildings and structures shall be the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point (rolling height method).

- a. For the purposes of calculating maximum height, ground level shall be deemed to be:
 - i. the natural level of the ground or the finished level of the ground as a result of an approved subdivision, and shall not include earthworks which have resulted or will result from work undertaken as part of the construction of any building or development of the site.
 - ii. where the natural ground level has fluctuated over time, as a direct result of nature, the natural ground level will be the level that exists at the time the level has to be ascertained.
- b. When calculating maximum height the following shall be excluded:
 - i. satellite dishes with a diameter not exceeding 0.6m, flagpoles, finials or other similar decorative features, chimneys, flues and ventilation shafts where the maximum height is not more than 1.5m above the maximum height permitted for the activity area.
 - ii. lightning rods attached to network utilities.

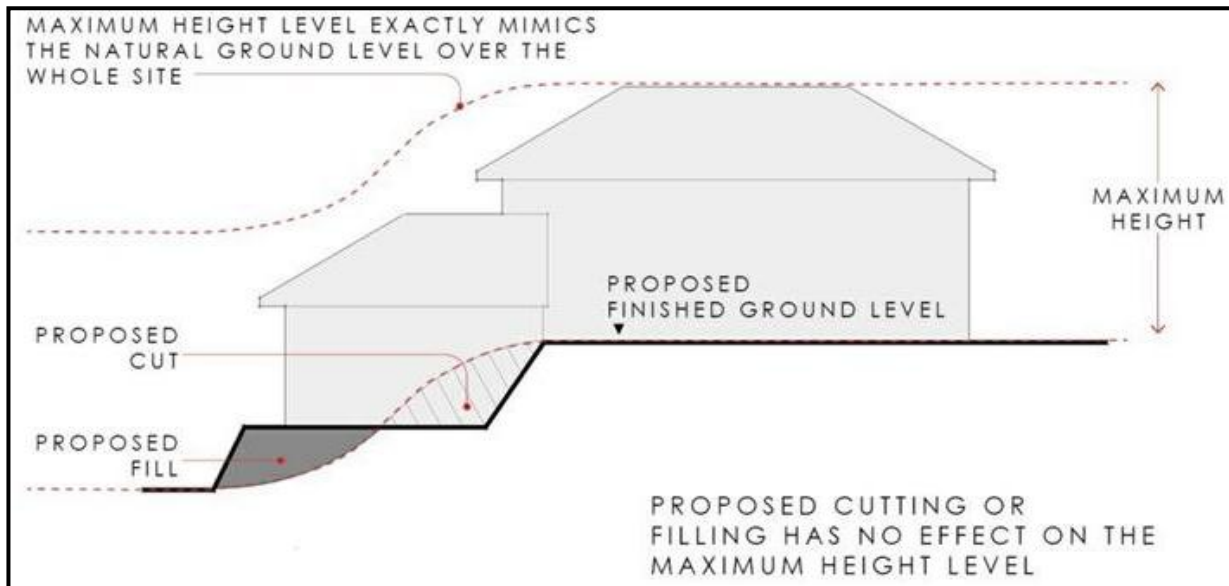


Figure 19: Maximum height illustration (source: HCC ODP, Chapter 3)

Rule	Rule / Condition	Compliance
8B 2 – Rules		
8B 2.1.1 – Permitted Activity Conditions		
8B 2.1.1(a)	Dwellings:	N/A – No dwellings are proposed as part of this consent application.

	Maximum of two dwellings, provided that each must have a net site area of 15ha.	
8B 2.1.1(b)	<p>Minimum Yard Requirements:</p> <p>(i) Principal Buildings: 10.0m</p> <p>(ii) Accessory Buildings: 5.0m</p> <p>(iii) For all buildings and structures: 20m minimum set back from water bodies, where the average width of the water body is greater than 3.0m measured from natural bank to natural bank; or 3.0m minimum set back from water bodies, where the average width of the water body is less than 3.0m measured from natural bank to natural bank.</p>	Will Comply – All buildings will be setback a minimum of 12m from site boundaries and 3m from any waterbody.
8B 2.1.1(c)	<p>Maximum Height: For any principal or accessory building: 8.0m.</p>	<p>Will not Comply – The proposed buildings will have the following height from the altered ground levels: Retail and Café Building – 7m RTS Operations Warehouse – 12.9m B&C Operations Warehouse – 12.5m MRF Operations Warehouse – 12m Office Building – 10m Truck Workshop + Wash – 12m Bin Wash Canopy – 8.9m Canopy – 6.8m Firefighting Water Tank – 8m</p> <p>As Rule 8B 2.1.1(c) specified 'maximum' height, this results in the natural ground level being from that prior to the earthworks of RM220258 being undertaken. The applicant has supplied plans which indicate that the following buildings will exceed the maximum height of 8.0m:</p> <ul style="list-style-type: none"> • RTS Operations Warehouse • B&C Operations Warehouse • MRF Operations Warehouse • Truck Workshop + Wash • Bin Wash Canopy <p>These maximum height levels are taking into account that the natural ground level for the relevant buildings has seen change under RM220258. The ground level under the Truck Workshop has been filled 3.75m vertically, while the natural ground level under the office building has been cut 3.17m, hence making the 10m high building compliant with the maximum height provisions.</p>
8B 2.1.1(d)	<p>Recession Planes:</p> <p>For any principal or accessory building, and from all site boundaries -</p> <p>(i) From the north facing site boundary: 2.5m + 45°.</p> <p>(ii) From the north-east and north-west site boundary: 2.5m + 41°</p> <p>(iii) From all other site boundaries: 2.5m + 37.5°</p> <p>provided the recession plane angles shall not apply to television aerials, flagpoles and chimneys.</p>	<p>Will not Comply – Each of the architectural plans dated 19 August 2025 demonstrate the respective recession plane requirements from the relevant boundaries. These plans indicate that the following buildings will not comply with rule 8B 2.1.1(d) all in relation to the southern boundary with the GWRC land.</p> <ul style="list-style-type: none"> • B&C Building • MRF Building • Bin Wash Canopy
8B 2.1.1(e)	Maximum Site Coverage: 1000m ² .	<p>Will not Comply – The proposal will have a total coverage of 11,123.1m². This is comprised of the following areas for each building: Retail and Café Building – 950m²</p>

		<p>RTS Operations Warehouse – 3,750m² B&C Operations Warehouse – 1,575m² MRF Operations Warehouse – 2,250m² Office Building – 410m² (800m² over 2 levels) Truck Workshop + Wash – 1025m² Bin Wash Canopy – 300m² Canopy – 750m² Firefighting water tank – 113.1m²</p>
8B 2.1.1(f)	All outside areas shall be surfaced or managed appropriately so that there shall be no dust nuisance at or beyond the boundary of the site.	Will Comply – The proposal will see majority of the site being paved. The operation of the resource recovery activities will be undertaken indoors. Therefore, the proposal will not result in dust nuisance at or beyond the site boundaries.
8B 2.1.1(g)	All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.	Will Comply – The proposal will see resource recovery operating indoors within the proposed buildings. Nevertheless, the Air Quality Assessment undertaken by Mr Chris Bender assessed that there will be discernible odour at a distance of 25m based off a study of the Hamilton Resource Recovery Park. Noting that the proposed RTS Building will be 35m from the eastern boundary; it is considered that the odour will not be discernible at or beyond the site boundary.
8B 2.1.1(h)	<p>(i) Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling on a neighbouring site.</p> <p>(ii) All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary.</p> <p>(iii) All activities, buildings and structures shall avoid glare (light reflection) beyond the site boundary.</p>	<p>Will Comply – As part of the response to further information under s 92(1) of the Act, a lighting plan was provided; prepared by Advanced Lighting Technologies.</p> <p>As part of this a light spill calculation was undertaken at the site boundaries with the proposed lighting. This concluded at the site boundary a maximum of 3.1 lux is experienced.</p> <p>Therefore, no light shall exceed 8 lux at a dwelling on any dwelling, and it is considered that no unreasonable light spill shall occur beyond the site boundaries. The activities will not inherently cause glare beyond the site boundary.</p> <p>It is also noted that a condition of consent is proffered that a final lighting plans be provided.</p>
8B 2.1.1(i)	All activities that cause vibration shall be carried out in such a manner that no vibration is discernible beyond the site boundary.	<p>Will Comply – As a response to further information under s 92(1) of the Act, Mr Aaron Healy, Acoustic Consultant for Tonkin + Taylor expanded on the report lodged with the application.</p> <p>This provided justification that vibration will not be discernible beyond the site boundaries. This being that vibration from the traffic primarily occurring due to passing over uneven surfaces, primarily due to poorly maintained roads. The sites low speed limit would ensure that no vibration from vehicles will be discernible beyond the site boundaries.</p>

8B 2.1.1(j)	Home Occupations	N/A – No home occupation activities are proposed
8B 2.1.1(k)	Piggeries	N/A – No piggeries are proposed
8B 2.1.1(l)	Commercial Forestry	N/A – No commercial forestry activities are proposed
8B 2.1.1(m)	Recreation	N/A – No recreation activities are proposed
8B 2.1.1(n)	Visitor Accommodation	N/A – No visitor accommodation activities are proposed
8B 2.1.1(o)	Prospecting and Exploration	N/A – No prospecting or exploration activities are proposed
8B 2.1.1(p)	Compliance with all matters in the General Rules - see Chapter 14.	Will not Comply – As assessed below, the proposal will not comply with all the relevant matters within Chapter 14.
8B 2.1.1(q)	Benmore Cres, Manor Park, Section 1 SO 36533, in addition to the other Permitted Activity Conditions, the development of buildings and structures may only occur on land above 28.0 msl (mean sea level).	Will Comply – RM220258 has seen the ground level changed such that each building will be located on land above 28.0 msl.
8B 2.1.1(r)	Baring Head, Pt 1A2 Parangarahu	N/A – The application site is not located at Baring Head.
8B 2.1.1(s)	On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix General Rural 4.	N/A – The application site is not located on DP 72284
8B 2.1.1(t)	All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m ² or less and with a setback of 20m or more from a flood protection structure.	Will not Comply – All buildings will be located within the Secondary River Corridor and will exceed 20m ² in area. No buildings will be located within 20m from a flood protection structure.

Chapter 14A – Transport

Rule	Rule / Condition	Compliance
14A 5 – Rules		
Permitted Activities		
14A 5.1(a)	Any activity is permitted if it: (i) Complies with the standards listed in Appendix Transport 1; and (ii) Does not exceed the high trip generator thresholds specified in Appendix Transport 2.	Will not Comply – The proposal exceeds the thresholds for a High Trip Generator
Restricted Discretionary Activities		
14A 5.1(b)	Any activity that does not comply with the standards listed in Appendix Transport 1 is a Restricted Discretionary Activity.	Will Comply – The proposal can comply with the requirements of Appendix Transport 1.
14A 5.1(c)	Any activity that exceeds the high trip generator thresholds specified in Appendix Transport 2 is a Restricted Discretionary Activity.	Applicable – The proposal exceeds the high trip generator threshold.

The proposal will see the operation of a resource recovery park, which includes retail, industrial and a transfer station. Appendix Transport 2 does not specify standards for a transfer station, but sets threshold limit for industrial activity being 5,000m² GFA and retail activities being 1,000m² GFA. Appendix Transport 2 also specifies that “any activity not listed above”, being 500 vehicle trips per day. The proposal will exceed 5,000m² GFA and exceed 500 vehicle movements a day. Therefore, considering these I consider that the proposal will exceed the threshold specified in Appendix Transport 2.

An assessment of Appendix Transport 1 can be found below.

Rule	Condition	Compliance
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Appendix Transport 1 - Standards		
Standard 1 – Standards for New Roads		
Standard 1(b)	All roads must be designed and constructed in accordance with NZS 4404:2010 Land Development and Subdivision Infrastructure.	N/A – The proposal will not include the construction of a new road, with the access from Benmore Crescent being from the road consented under RM230018.
Standard 1(c)	Service lanes, private ways, pedestrian accessways and walkways must be designed and constructed in accordance with Section 3 of NZS 4404:2010 Land Development and Subdivision Engineering, except that Table 2-1 replaces the formation requirements for private ways detailed in NZS 4404.	N/A – No service lanes, private ways or pedestrian accessways or walkways are proposed.
Standard 2 - Site Access and Manoeuvring Area		
Standard 2(a)	No more than two separate crossings for any front site. The total width of such crossings must not exceed 50% of the road frontage. There must be a separation distance of at least 1m between crossings measured at the kerb/carrageway edge. Site access must be designed and constructed in accordance with Section 3 of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking. Where a vehicle access serves three or more dwellings, it must have a minimum width of 4m to allow for fire service vehicles.	Will Comply – The proposal has no residential component, with no new vehicle crossings being proposed on Benmore Crescent with access to the proposed resource recovery park being from the internal access road and intersection upgrade works under RM230018. Site access is designed to achieve the requisite dimension, gradient and formation standards of AS/NZS2890.1.
Standard 2(b)	Separation Distances from Intersections and Rail Level Crossings: <ul style="list-style-type: none"> • Access Road: 10m The distance between new vehicle accesses and all rail level crossings must be at least 30m.	Will Comply – There are no road intersections within 10m or rail level crossings within 30m of the access to the resource recovery park.
Standard 2(c)	Sufficient area must be provided for vehicles to stand, queue and make all necessary manoeuvres without using the public road reserve, and without using the area provided for parking, servicing, loading or storage purposes. Sufficient area must be provided to allow vehicles to enter and exit the site in a forward direction except where the access is to a single dwelling and accesses an Access, Secondary Collector or Primary Collector road (as listed in Appendix Transport 3).	Will Comply – The proposal will allow for all sufficient space for all vehicles to enter and exit the site in a forward direction.
Standard 2(d)	Site access and manoeuvring space for service stations must also be designed, constructed and maintained in accordance with RTS13 Guidelines for Service Stations.	N/A – No service stations are proposed.
Standard 3 - Minimum Sight Distances at Railway Level Crossings		
Standard 3(a)	New buildings, structures and activities that would obstruct drivers seeing approaching trains must be designed, located and constructed in accordance with New Zealand Transport Agency Traffic Control Devices Manual 2008, Part 9 Level Crossings and the Australian Level Crossing Assessment Model (ALCAM).	Will Comply – No buildings are proposed that will obstruct view rail crossings.
Standard 4 - Car and Cycle Parking and End of Trip Facilities		
Standard 4(b)	Off-street car parking for people with disabilities must be provided in accordance with Section 5 of NZS 4121:2004 Design for Access and Mobility – Buildings and Associated Facilities.	Will Comply – The proposal will see at least 4 accessible car parks being proposed. These are designed to be in accordance with NZD 4121:2004.
Standard 4(d)	Car parking spaces and facilities must comply with the requirements of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking.	Will Comply – The proposed car parks will be designed in accordance with the requirements of AS/NZS 2890.1:2004.

Standard 4(e)	For all activities in new buildings and developments (including the redevelopment of existing buildings), cycle parking and showers must be provided in accordance with the minimums stated in Tables 4-2.	Will Comply – As assessed in the Stantec report lodged with the application; the proposal will have 145 staff. 15 on-site cycle parks and a minimum of 2 showers are to be provided.
Standard 5 - Loading and Unloading		
Standard 5(a)	For non-residential activities the number of loading spaces to be provided on-site must not be less than that shown in Table 5-1.	Will Comply – The proposal will include an excess of 3,000m ² GFA. In accordance with Table 5-1 the proposal can accommodate a heavy rigid truck designed loading area..
Standard 5(b)	Loading facilities must be designed, constructed and maintained in accordance with AS 2890.2:2002 Parking facilities Part 2: Off-street commercial vehicle facilities, based on the minimum vehicle design stated in Table 5-1.	Will Comply – The proposal will see the loading facility designed in accordance with AS 2890.2:2002.
Standard 5(c)	For residential developments of 20 or more dwelling houses, an on-site loading facility must be provided for rubbish collection vehicles. For the purpose of determining the design of the loading facility (under Standard 5.b), the minimum design vehicle for the loading facility is a Small Rigid Vehicle.	N/A – No residential activity / development is proposed
Standard 6 - Development within the State Highway and Railway Corridor Buffer Overlays		
Standard 6(a), (b) & (c)	Within the 40-metre wide State Highway and Railway Corridor Buffer Overlays, all new buildings containing noise sensitive activities, or existing buildings with new noise sensitive activities*, must be designed, constructed and maintained (at the level of installation) to meet standards (a), (b) & (c).	N/A – While the application site has the State Highway and Railway Corridor Buffer Overlay present; no buildings are proposed within this area.

Therefore, resource consent is required under Chapter 14A as a Restricted Discretionary Activity pursuant to Rule 14A 5.1(c).

Chapter 14B – Signs

Rule	Rule / Condition	Compliance
14B 2 – Rules		
14B 2.1 – Permitted Activities		
14B 2.1(a)	Signs in all Activity Areas.	Will not Comply – The proposed signage cannot comply with the relevant permitted activity conditions.
14B 2.1.3 – Permitted Activities (All Rural Activity Area)		
14B 2.1.3(a)	Location: (i) No sign is permitted on the roof of any building.	Will Comply – The proposal can comply with the requirements of Appendix Transport 1.
14B 2.1.3(b)	Maximum Height: (i) Free standing signs - 3.0m (ii) Where a sign is attached to a building, the sign may not protrude above the eaves of the building.	Will Comply – All the proposed signs are directional signage and will not exceed 3m nor be located on buildings.
14B 2.1.3(c)	Maximum Face Area: 3m ² total face area for all signs on the site.	Will not Comply – The proposal will see a collection of signs that total a face area exceeding 3m ² .
14B 2.1.3(d)	Temporary Signs: (i) Electioneering signs shall not be displayed more than 42 days before the election, or 2 days after the election. (ii) Any other temporary sign shall not be displayed more than 3 months prior to the purpose or event, and shall be removed within 2 days of the completion of the purpose or event for which the sign was erected.	N/A – No temporary signs are proposed

14B 2.1.3(e)	<p>Illumination:</p> <p>(i) If a sign is to be lit, they shall be lit by constant illumination, and shall not flash. Such signs may be lit by directional illumination or lit from within.</p> <p>(ii) Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house within a residential, rural or recreation activity area, Community Iwi Activity Area 1 - Marae, or Community Health Activity Area.</p> <p>(iii) All measures shall be taken to ensure there is no unreasonable light spill beyond the boundary of the site on which the sign is located.</p>	N/A – No illuminated signs are proposed.
14B 2.1.3(f)	<p>Movement:</p> <p>(i) No sign shall have any parts which are moving, or carry a variable message.</p> <p>(ii) No sign shall be inflated by any means.</p>	N/A – No signs are proposed to have movement.

Therefore, resource consent is required as a Discretionary Activity under Rule 14B 2.4(a)(i).

Chapter 14C – Noise

Rule	Condition	Compliance
14C 2 – Rules		
14C 2.1 – Permitted Activity Conditions		
14C 2.1(a)	These rules are without prejudice to the powers of Council pursuant to the Act.	N/A
14C 2.1(b)	These rules are without prejudice to the powers of any Medical Officer of Health pursuant to the Health Act 1956.	N/A
14C 2.1(c)	The noise levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound", and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound". The noise level is the L10 descriptor, as defined in NZS 6801:1991.	Noted – It is noted that the noise measurements are to be in accordance with NZS 6801:1991 and NZS 6802:1991. Noise level are to be measured at a L10.
14C 2.1(d)	The lower levels shall apply between the commencement of the lower level on a Saturday evening and Monday morning, and Public Holidays, unless otherwise specified.	Noted – Sunday's entirety should be at the lower standard.
14C 2.1(e)	The maximum sound level shall not exceed Lmax75dBA during the hours 10.00pm - 7.00am, measured anywhere within a residential activity area.	Will Comply – An acoustic assessment prepared by Aaron Healy confirmed that the maximum noise level experienced at the closest residential boundary would not exceed Lmax75dBA for nighttime hours. This was confirmed by Mr Malcolm Hunt, acoustic consultant for HCC.
14C 2.1(f)	All construction, demolition, and maintenance work shall comply with NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".	Will Comply – Mr Malcolm Hunt, acoustic consultant for HCC has assessed that the proposal can comply with both that of the 1987 and 1999 versions of NZS6803P.
14C 2.1(g)	Sirens being used in response to an emergency (and routine testing and maintenance) are exempt from the Permitted Activity Condition standards.	N/A
14C 2.1.10 – General Rural Activity Areas		
14C 2.1.10	All non-residential activities must not exceed the conditions as specified, measured anywhere beyond the site on which the activity takes place –	Will not Comply – The application was accompanied by an acoustic assessment undertaken by Mr Healy. This assessment concluded that the

	<p>Maximum 50dBA – 7.00am - 10.00pm Maximum 40dBA – 10.00pm - 7.00am</p>	<p>proposal would be compliant with the noise levels of the ODP.</p> <p>Upon review of Mr Healy's assessment, Mr Hunt assessed that the proposal cannot comply with the relevant noise maximum of 40dBA during Sundays as specified in 14C 2.1(c). The proposal will exceed this 40dBA for Sundays during the daytime for the closest residential properties at Mary Huse Grove.</p>
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Therefore, resource consent is required as a Discretionary Activity under Rule 14C 2.2(a).

Chapter 14H – Natural Hazards

Rule	Rule / Condition	Compliance
14H 2 – Rules		
Permitted Activities		
14H 2.1(1)	<p>Structures and buildings on any site where the whole site or a portion of the site falls within the Wellington Fault Rupture Hazard Overlay are permitted activities where:</p> <p>(a) The proposed structures or buildings are for the following:</p> <ul style="list-style-type: none"> accessory buildings which are not required for habitable or working purposes utilities including associated uninhabited buildings which are otherwise Permitted Activities 	<p>Will not Comply – A portion of the application site falls within the Wellington Fault Rupture Hazard Overlay and will see buildings being used for working purposes, with the office, canopy, bin canopy and retail workshop and café building being within this overlay. It is also noted that the canopy and bin canopy, while largely not be for working purposes (no workers underneath majority of the time); it is still considered that they contribute to the overall working operation of the resource recovery park. Therefore, the proposed buildings cannot be constructed as a permitted activity.</p>
Restricted Discretionary Activities		
14H 2.1(2)	<p>Structures and buildings on any site where the whole site or a portion of the site falls within the Wellington Fault Rupture Hazard Overlay are restricted discretionary activities where:</p> <p>(a) Compliance with 14H 2.1.1. cannot be achieved</p>	<p>Applicable – The proposal cannot comply with the conditions specified under 14H 2.1(1). Therefore, the resource consent is required under Rule 14H 2.1(2).</p>

Therefore, resource consent is required as a Restricted Discretionary Activity under Rule 14H 2.1(2).

Chapter 14I – Earthworks

Rule	Condition	Compliance
14I 2 – Rules		
14I 2.1 – Permitted Activities		
14I 2.1(a)	<p>Earthworks in all activity areas except Special Recreation Activity Area, Passive Recreation Activity Area, Hill Residential Activity Area and Landscape Protection Residential Activity Area and in Maire Street, Eastbourne, Lot 4 DP 14002 as shown on Appendix Earthworks 1.</p>	<p>Will not Comply – The proposal will exceed the permitted activity conditions specified below.</p>
14I 2.1(b)	<p>Baring Head, Pt 1A2 Parangarahu, earthworks for the purpose of creating a building platform as shown on Appendix Earthworks 2.</p>	<p>N/A – The proposal is not located at Baring Head.</p>
14I 2.1.1 – Permitted Activity Conditions		
14I 2.1.1(a)	<p>The natural ground level may not be altered by more than 1.2m, measured vertically.</p>	<p>Will Comply – The proposal will see less than 1.2m vertical change in the ground level.</p>

14I 2.1.1(b)	Maximum volume of 50m ³ (solid measure) per site.	Will not Comply – The proposal will see 15,000m ³ of earthworks being undertaken.
14I 2.1.1(c)	Baring Head, Pt 1A2 Parangarahu, as shown on Appendix Earthworks 2, any earthworks must be limited to the immediate area of the building platforms.	N/A – The proposed earthworks are not located at Baring Head.
14I 2.1.1(d)	In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.	Will Comply – While the location of the proposed earthworks is within the Secondary River Corridor Overlay; no earthworks are proposed within 20m of a flood protection structure.

Therefore, resource consent is required under Rule 14I 2.2(a) as a Restricted Discretionary Activity.

Chapter 14L – Renewable Energy Generation

Rule	Rule / Condition	Compliance
14L 2 – Rules		
14L 2.1 – Activity Status		
14L 2.1.2	Permitted Activity Any solar panel mounted to any building, including buildings listed in Appendix Heritage 1 and 2 is a Permitted Activity subject to compliance with the relevant standards	Will Comply – The proposed solar panels on top of the buildings will comply with the permitted activity conditions below.
14L 2.1 – Standards		
14L 2.1.2	(a) May exceed the permitted height for the Activity Area by no more than 1m. (b) May exceed the recession plane standard for the Activity Area by no more than 1m (measured vertically). (c) Where located on a heritage building listed in Appendix Heritage 1 and 2, any solar panel shall: (i) be located on a roof plane which is not visible from any adjacent public areas; (ii) be aligned with the plane of the roof.	Will Comply – The proposed solar panels will not be located more than 1m nor breach the relevant height in relation to boundary rules by more than 1m (vertically).

Therefore, the proposal is considered to not require resource consent under Chapter 14L of the ODP.

SUMMARY

The above assessment of the relevant provisions of the ODP indicates that the proposal requires resource consent for the following:

- Rule 8B 2.3(c) – Café (Restricted Discretionary Activity)
- Rule 8B 2.3(a) – General Rules (Discretionary Activity)
- Rule 8B 2.3(i) – Buildings within the Secondary River Corridor (Restricted Discretionary Activity)
- Rule 8B 2.3(e) – Transfer Stations (Discretionary Activity)
- Rule 8B 2.4(c) – Industrial Activity (Non-Complying Activity)
- Rule 14A 5.1(c) – Transport (Restricted Discretionary Activity)
- Rule 14B 2.4(a)(i) – Signs (Discretionary Activity)
- Rule 14C 2.2(a) – Noise (Discretionary Activity)
- Rule 14H 2.1(2) – Fault Hazard Area (Restricted Discretionary Activity)
- Rule 14I 2.2(a) – Earthworks (Restricted Discretionary Activity)

3.2– PROPOSED DISTRICT PLAN

On the 6th of February 2025 Hutt City Council notified the Proposed District Plan; this is the result of a full review of the Operative District Plan which came into force in 2005. As such the proposed plan is in the early stages of the Schedule 1 process. While the proposed plan requires consideration with regard to any resource consent decision it is noted that the majority of the proposed plan provisions do not have legal effect whereby only certain rules apply at the time of public notification. The relevant rules which have legal effect are determined by s 86B of the Act and in the case of the proposed plan only relate to the protection of historic heritage which includes new Sites and Areas of Significance to Māori ('SASM') identified as category 1 or category 2 and notable trees. The application site is not identified as a site of historic heritage or containing a SASM. As such no rules within the Proposed District Plan are applicable to this application.

3.3– NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards for Assessing and Managing Contaminant in Soil to Protect Human Health

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NESCO') is implemented in order to ensure that land affected by contaminated soil is appropriately assessed and made safe for human use. The NESCO applies to land where an activity on the Hazardous Activities and Industries List ('HAIL'), has or is more likely to have been undertaken on a piece of land. A detailed site investigation ('DSI') was prepared by ENGEO Ltd and has been supplied with the application, which was undertaken on the site for the previously consented earthworks under RM220258. This DSI specified that through an initial preliminary site investigation ('PSI'), the following uses and HAIL activities have been undertaken within 30 Benmore Crescent:

- Horticulture/ nursery activities
- Potential fuel storage for quarrying
- Timber storage yard
- Metal blasting and protective coating
- Uncontrolled demolition of former buildings
- Concrete truck storage, quarrying vehicles and equipment
- Clean-fill operations, undocumented fill
- Burn-off Areas

The above historic activities within 30 Benmore Crescent fall within the following HAIL classifications:

A10 – Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds.

A17 – Storage tanks or drums for fuel, chemicals or liquid waste.

A18 – Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside.

D1 – Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material.

D3 – Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds.

E1 – Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition.

F8 – Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

G5 – Waste disposal to land (excluding where biosolids have been used as soil conditioners)

I – Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

The activities to which the NESCS applies are outlined within Regulations 5(2) – 5(6). These activities include removing a fuel storage system (Subclause 2), soil sampling (Subclause 3), disturbing the soil (Subclause 4), subdivision (Subclause 5) and changing the use of a site to a use where it is reasonably likely to cause harm to human health (Subclause 6).

Therefore, as the proposal consists of soil disturbance (an activity described in Regulation 5(4)), and HAIL activities have been undertaken within 30 Benmore Crescent (a piece of land described in Regulation 5(7)(b)); the regulations of the NESCS will apply.

It should be noted that Regulation 5(6) specifies that: *“An activity is changing the use of the piece of land, which means changing it to a use that, because the land is as described in subclause (7), is reasonably likely to harm human health.”* As part of the resource consent application RM220258 a DSI report prepared by Ms Roz Cox of ENGEO was submitted. Ms Cox concluded that the contaminants present will be less than the human health criteria for an industrial activity and that “the discharge does not pose unacceptable risks to human health or the environment – on-site or off-site”. Therefore, while the proposal is seeing the use of the land change (from rural to industrial / commercial); I do not consider that this change to be reasonably likely to cause harm to human health. Thus, the proposal is not assessed as ‘changing use’ under the NESCS.

Therefore, an assessment against the provisions of the NESCS can be found below:

Regulation	Standard	Compliance
Regulation 8 – Permitted Activities		
Regulation 8(3) – Disturbing Soil	Disturbing the soil of the piece of land is a permitted activity while the following requirements are met: <ul style="list-style-type: none"> (a) controls to minimise the exposure of humans to mobilised contaminants must— <ul style="list-style-type: none"> (i) be in place when the activity begins: (ii) be effective while the activity is done: (iii) be effective until the soil is reinstated to an erosion-resistant state: (b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done: (c) the volume of the disturbance of the soil of the piece of land must be no more than 25m³ per 500 m²: (d) soil must not be taken away in the course of the activity, except that,— <ul style="list-style-type: none"> (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples: 	<p>Will not Comply – The proposed earthworks being undertaken will be 15,000m³ over an area of 57,800m². The proposed construction work will also be longer than a 2 month period of time. Therefore, the proposal cannot meet the permitted activity conditions of Regulation 8(3).</p>

	<p>(ii) for all other purposes combined, a maximum of 5m³ per 500m² of soil may be taken away per year:</p> <p>(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</p> <p>(f) the duration of the activity must be no longer than 2 months:</p> <p>the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</p>	
Regulation 9 – Controlled Activities		
Regulation 9(1) – Removing or replacing fuel storage system, sampling soil, or disturbing soil	<p>If a requirement described in any of regulation 8(1) to (3) is not met, the activity is a controlled activity while the following requirements are met:</p> <p>(a) a detailed site investigation of the piece of land must exist:</p> <p>(b) the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7:</p> <p>(c) the consent authority must have the report:</p> <p>(d) conditions arising from the application of subclause (2), if there are any, must be complied with.</p>	Will Comply – a DSI exists for the piece of land, which HCC has on council records. The DSI concludes that no human health criteria were exceeded in relation to industrial and commercial uses. Therefore, the proposal can comply with the requirements of Regulation 9(1).

Therefore, the proposal is assessed as being a Controlled Activity under the NESCS regulation 9(1). The matters of control are specified in regulation 9(2) and are as follows:

- (a) *the adequacy of the detailed site investigation, including—*
 - (i) *site sampling:*
 - (ii) *laboratory analysis:*
 - (iii) *risk assessment:*
- (b) *how the activity must be—*
 - (i) *managed, which may include the requirement of a site management plan:*
 - (ii) *monitored:*
 - (iii) *reported on:*
- (c) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- (d) *the timing and nature of the review of the conditions in the resource consent:*
- (e) *the duration of the resource consent.*

3.4– OVERALL ACTIVITY STATUS

Overall, it is considered that the proposed works require resource consent for the following activities:

- Controlled Activity – NESCS Regulation 9(1) (Contaminants)
- Restricted Discretionary Activity – Rule 8B 2.3(c) (Café)
- Restricted Discretionary Activity – Rule 8B 2.3(i) (Secondary River Corridor)
- Restricted Discretionary Activity – Rule 14A 5.1(c) (Transport)
- Restricted Discretionary Activity – Rule 14H 2.1(2) (Fault Hazard Area)
- Restricted Discretionary Activity – Rule 14I 2.2(a) (Earthworks)
- Discretionary Activity – Rule 8B 2.3(a) (General Rules)
- Discretionary Activity – Rule 8B 2.3(e) (Transfer Stations)
- Discretionary Activity – Rule 14B 2.4(a)(i) (Signs)
- Discretionary Activity – Rule 14C 2.2(a) (Noise)

- Non-Complying Activity – Rule 8B 2.4(c) (Industrial Activity)

I consider that it appropriate to bundle the above, thus, when bundled together, the proposal will require resource consent as a Non-Complying Activity.

4. PERMITTED BASELINE

The permitted baseline test has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.⁵

Using the permitted baseline test, Council has the discretion to disregard any effects that could be established from that of a permitted activity. It is only the adverse effects over and above those forming a part of the baseline that are relevant when considering who is 'affected' and whether effects are considered to be more than minor.

Within the General Rural Activity Area, no industrial activity, retail activity or transfer station can operate as a permitted activity. It is also noted that while the 1,000m² of building can be constructed as a permitted activity under the General Rural Activity Area rules; given that the entirety of the location of the proposal is within the Secondary River Corridor no building over 20m² can be constructed as a permitted activity. It is noted that 50m² of earthworks with a maximum vertical change of 1.2m and that 1m² of signage can also occur as a permitted activity.

Given the scale, operation and activity of the proposal, I consider the above permitted baseline of no relevance to the proposal.

While the above is of no relevance to the proposal I do consider that the permitted noise standards to be of some relevance to the proposal; being:

- 50dBA – 7.00am – 10.00pm (excluding Sundays)
- 40dBA – 10.00pm – 7.00am (including all day Sunday)

I consider that the operation of a rural auxiliary activity could operate on the application site, subject to compliance with the above permitted noise standards. Therefore, I consider this relevant to potential noise effects of the proposal.

Ms Goodwin provided visual simulation of a permitted baseline in figure 10 of the AEE as viewed from Mary Huse Grove. It is considered that this permitted baseline simulation is of no relevance given that only a building of 20m² can be constructed on the application site.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under s 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under s 95A) and limited notification (under s 95E).

⁵ *Smith Chilcott Ltd v Auckland City Council* [2001] 3 NZLR 473 (CA)

5.1 – PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to s95A of the Act, this section follows the 4 step process to determine if public notification is required.

Step 1 – Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s 95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s 15AA of the Reserves Act 1977?	No

Public notification is not mandatory under step 1.

Step 2 – Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none">▪ A controlled activity▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	No

Public notification is not precluded under step 2.

Step 3 – Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	Yes (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy the following properties in making an assessment under s 95D:

- 30 Benmore Crescent (Owned by Te Runanga O Toa Rangatira Incorporated) – Section 1 SO 493901 (Application Site)
- 50 Benmore Crescent (Wellington Regional Council) – Sections 2-3 SO 493901 & Section 7 SO 36355

- 70 Benmore Crescent – Section 1 SO 27092 and Section 5-6, 8-9 SO 36533 and Section 4-6 SO 493901
- 8 Rail Way (Rail Corridor) – LINZ Parcel ID 4067138
- Part Lot 8 DP 5786
- Part Lot 2 DP 5786
- State Highway 2

When considering which properties are considered ‘adjacent’ for the purpose of s 95D of the Act, I have considered that those properties on the western side of Mary Huse Grove to also be disregarded. While it is noted these properties are separated by the rail corridor, a level of discretion is being applied regarding which properties are discounted. Given the scale of the proposed development, I consider that a more holistic view of adjacent should be applied, spanning to the residential properties on the western side of Mary Huse Grove for the length of the application site. Therefore, the following properties are also considered ‘adjacent’ for the purposes of s 95D:

- 27 Mary Huse Grove (Lot 2 DP 86604)
- 29 Mary Huse Grove (Lot 22 DP 81592)
- 31 Mary Huse Grove (Lot 21 DP 81592)
- 32 Mary Huse Grove (Lot 20 DP 81747)
- 34 Mary Huse Grove (Lot 19 DP 81747)
- 36 Mary Huse Grove (Lot 8 DP 85971)
- 37 Mary Huse Grove (Lot 7 DP 85971)
- 38 Mary Huse Grove (Lot 5 DP 85971)
- 39 Mary Huse Grove (Lot 6 DP 85971)
- 40 Mary Huse Grove (Lot 1 DP 86735)
- 41 Mary Huse Grove (Lot 2 DP 86735)
- 42 Mary Huse Grove (Lot 4 DP 85971)
- 43 Mary Huse Grove (Lot 3 DP 85971)
- 44 Mary Huse Grove (Lot 2 DP 85971)
- 45 Mary Huse Grove (Lot 1 DP 85971)
- 46 Mary Huse Grove (Lot 13 DP 81747)
- 48 Mary Huse Grove (Lot 12 DP 81747)
- 50 Mary Huse Grove (Lot 11 DP 81747)
- 52 Mary Huse Grove (Lot 10 DP 81747)
- 54 Mary Huse Grove (Lot 9 DP 81747)
- 56 Mary Huse Grove (Lot 8 DP 82784)
- 58 Mary Huse Grove (Lot 7 DP 82784)
- 60 Mary Huse Grove (Lot 6 DP 82784)

For completeness, s 3 of the Act provides the definition of “effect” which comprises the following:

In this Act, unless the context otherwise requires, the term effect includes—

- (a) any positive or adverse effect; and*
- (b) any temporary or permanent effect; and*
- (c) any past, present, or future effect; and*
- (d) any cumulative effect which arises over time or in combination with other effects—*

regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
(e) any potential effect of high probability; and
(f) any potential effect of low probability which has a high potential impact.

This is considered of relevance, when determining the effects of the proposal for the purpose of ss 95A & 95D of the Act. Noting that the temporary and cumulative effects of the proposal are considered below.

The relevant environmental effects relating to the proposal are:

- Character and visual amenity effects
- Amenity effects associated with the operation of the activity including:
 - Noise
 - Odour
 - Lighting
- Transport effects
- Construction effects
- Earthworks
- Contamination
- Natural hazards
- Cumulative effects

Character and visual amenity effects

Character effects

It is appropriate to consider adverse effects on character given that the proposal will take place on a site zoned General Rural Activity Area. The relevant objectives and policies for this zone for to character are:

Objective 8B 1.1.1 – to maintain and enhance the open character and amenity values which are prevalent in rural areas

- *Policy 8B 1.1.1(a) – To allow for those activities which are appropriate in rural areas and which maintain and enhance the open character and amenity values of rural areas together with the intrinsic values of ecosystems.*
- *Policy 8B 1.1.1(b) – To ensure that sites are of a size that the open space character and amenity values of rural areas are maintained and enhanced.*
- *Policy 8B 1.1.1(c) – The preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

Consideration of the objectives and policies in terms of a s95 assessment serves as an element of guidance with respect to environmental effects. As a non-complying activity these provisions provide context with respect to the intent of the rules of the District Plan and the outcomes that the District Plan seeks to achieve but it should be noted this assessment is in the context of effects, with objectives and policies to be assessed independently in s104 considerations.

Beyond the application site, the character of the environment is not typical of that of a rural area and 30 Benmore Crescent is one of a few with rural zoning in the area. The other nearby rurally zoned properties are overlaid by SH2 including Haywards Interchange and ancillary uses, and the railway corridor to the east. Residential properties are in proximity to the east of the site and to the north in Manor Park, with the recreational land bordering Te Awa Kairangi to the south. Across SH2 to the north-west of the application site recreational zoned land on the Western Hills of Lower Hutt, which directly abuts Belmont Quarry. The established character of the site, and the surrounding environment is therefore not strongly or prevalently rural in character given the variability of activities and associated buildings and structures.

Ms Rose Armstrong of Isthmus, Consultant Landscape Architect for HCC has assessed the natural character, landscape and visual amenity effects of the proposal. She notes that landscape effects in this context are closely related to natural character effects. Ms Armstrong discusses the existing landscape character of the application site in the context of the environment below:

I agree that the site does not exhibit any rural character and is not part of a wider area of recognisable rural landscape pattern and appears unmanaged. In my opinion the site is best characterised as an undeveloped part of the river corridor of Te Awa Kairangi, contributing to the overall predominantly undeveloped and vegetated river landscape. The river is in close proximity to the southern boundary of the site and Dry Creek is a tributary to the awa.⁶

I agree with this commentary and that the application site does not have characteristics that would be associated with a typical rural allotment. The application site is currently undeveloped, thus while acknowledging the earthworks (forming part of the existing environment) undertaken under RM220258; I consider that the open character values that the ODP is seeking to maintain and enhance are still relevant to consideration of effects on character.

The site is located near Te Awa Kairangi and associated recreational activities along its margins. In her peer review of 14 September 2023, Ms Armstrong states:

“In my opinion, the site contributes to the existing levels of natural character along Te Awa Kairangi in the vicinity of the site. This is due to the undeveloped character (lack of visible structures) and the presence of vegetation at its boundary with the river corridor – which contributes to the broadly undeveloped and vegetated natural character of Te Awa Kairangi river corridor.”

The proposal will result in approximately 11,000m² of building footprint due to the proposed use of the site. Industrial activities are not typically anticipated in the General Rural Activity Area but this should be balanced against the fact that there is not a prevalent rural character. It is also recognised that landscaping is proposed which will provide softening of the buildings over time when viewed from particular locations (discussed further in visual amenity effects below) which does provide a degree of mitigation of the character effects. However, once buildings are constructed, due to the overall scale and size of buildings proposed, this is considered to have

⁶ Peer Review by Ms Rose Armstrong, Landscape Architect, Isthmus called Resource Recovery Park 30 Benmore Crescent, Manor Park – Assessment of Landscape Effects, dated 14 September 2023, p.6

adverse effects on the character of the environment that will be more than minor. This is acknowledging that while there is not a prevailing rural character, there is an open character that will be adversely affected in a manner that is more than minor given the extent of change proposed to the site from the proposed activity in terms of built form and massing when considered in the context of the permitted baseline of 20m² for buildings for rural activities.

Visual amenity effects

Further to the objectives and policies relating to character and amenity values under 8B 1.1.1 as assessed above, visual amenity values as a result of the built form of the proposal is relevant to consider. The relevant objective and policies in this regard for the General Rural Activity Area is 8B 1.2.1 which states the following:

Objective 8B 1.2.1 - To recognise those elements within the site that determine the character, amenity values and adverse effects of flood hazards of rural areas and manage them appropriately.

Policies

- (a) To ensure the character and amenity values of rural areas are retained and enhanced through specific minimum site area conditions for dwellings.*
- (b) To require minimum setback requirements and maximum site coverage for all buildings.*
- (c) To establish appropriate minimum conditions for the size and shape of sites.*
- (d) To manage the siting of all buildings and structures to mitigate the effects of a flood hazard on development.*
- (e) To discourage the siting of buildings and structures in the Primary and Secondary River Corridors.*
- (f) To ensure that buildings and structures in the Primary or Secondary River Corridor of the Hutt River have no more than minor adverse effects on flood protection structures.*
- (g) To mitigate the effects of flood hazards on buildings and structures in the Primary and Secondary River Corridors by managing their location, size and scale.*

The proposal will see a total of 11,123.1m² of buildings being established on the application site, with a variety of different uses as part of the overall resource recovery park such as industrial, a café and a transfer station.

The applicant has provided a Landscape and Visual Impacts Assessment undertaken by Ms Ms McRae, Principal Landscape Architect for Boffa Miskell Ltd, which has subsequently been reviewed by Ms Armstrong of Isthmus for HCC. Both Ms McRae and Ms Armstrong assessed both the short and long-term effects of the proposal on the environment, with visual simulations undertaken from nine different viewpoints indicated below. Ms Armstrong generally categorised these different viewpoints into four separate categories, being:

1. Te Awa Kairangi / Hutt River
2. Mary Huse Grove – Public views (road corridor)
3. Mary Huse Grove – Views from private properties
4. Other private views (dwellings) - Aldersgate Grove, Whitechapel Grove

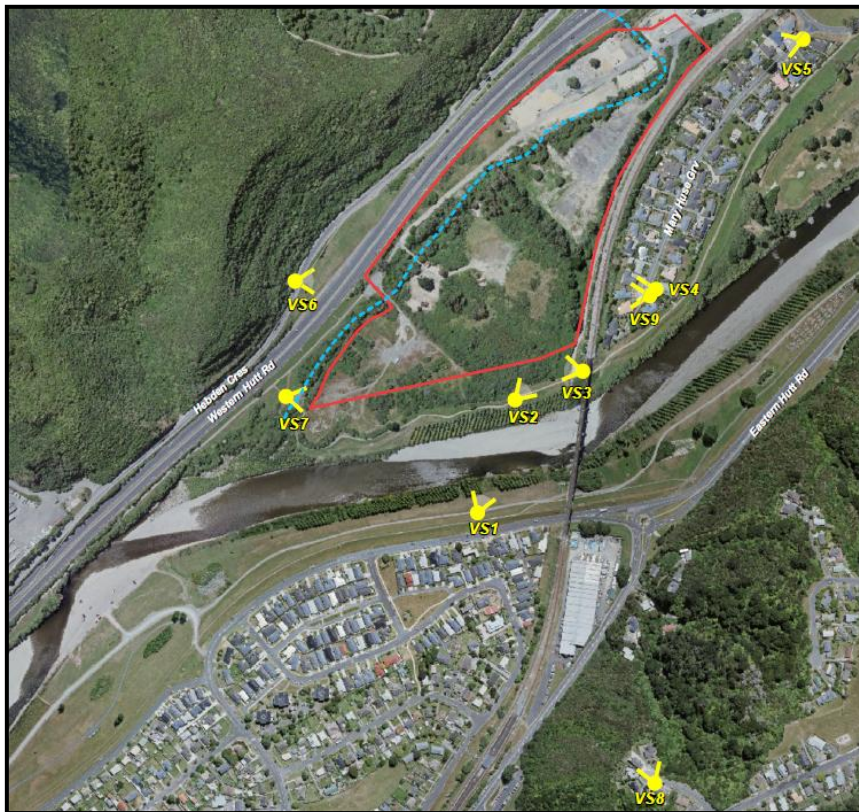


Figure 20: Visual aspects undertaken by Ms McRae

It is re-iterated that the effects of the proposal onto the public walkway as well as the residential properties on the western side of Mary Huse Grove are disregarded under s95D of the Act. The short-term effects relate to the construction period and establishment of new screen planting. The long-term effects relate to the period following construction and once the screen planting has grown whereby it effectively screens the site. These effects are estimated to be 5+ years following construction.

It is acknowledged that Ms McRae's report and Ms Armstrong's subsequent peer review are on the basis that planting be undertaken prior to construction works. The proffered condition of consent reinforces that the exterior planting will be undertaken prior to construction, but that the internal planting within the application site will be undertaken after construction.

Ms McRae described the planting along the eastern boundary (closest to Mary Huse Grove) as *"planting at the top of the bank that is 3-4m high when planted and which would reach 8m after 5 years of growth. This can be achieved with a mix of spacing (dependent of species type) that ranges from 1m-3m"*⁷

The planting to the south is outside of the application site, located within the GWRC land to the south.

In regard to the above effects assessment detailed by Ms McRae and Ms Armstrong in regard to landscape, visual and character effects of the proposal, the below details how these levels

⁷ Memorandum from Ms Emma McRae, Landscape Architect, Boffa Miskell called Resource Recovery Park LVEA – Peer Review Response, dated 29 July 2025, p.5

of effects convert to 'effects' in an RMA context (scale from: Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines).

very low	low	low-mod	moderate	mod-high	high	very high	
less than minor		minor	more than minor			significant ¹⁶	

A summary of the finding of Both Ms McRae and Ms Armstrong is tabled below, with Ms Armstrong agreeing with the conclusions reached by Ms McRae for all locations with the exception of the wider views (from Aldersgate Grove in Stokes Valley), where this was assessed as having higher levels of effects.

Location	Proximity and Views	Short-Term Effects	Long Term Effects
Te Awa Kairangi / Hutt River (North Side)	Roughly 50m to the south of the application site.	Ms McRae – Low to Moderate Ms Armstrong – Low to Moderate	Ms McRae – Low to None Ms Armstrong – Low to None
Te Awa Kairangi / Hutt River (South Side)		Ms McRae – Ms Armstrong – Not defined	Ms McRae – Low Ms Armstrong – Low
Mary Huse Grove – Public views (road corridor)	Located between 70m to the east of the application site, separated by the width of the rail corridor and residential properties.	Ms McRae – Low Ms Armstrong – Low	Ms McRae – Very Low Ms Armstrong – Very Low
Mary Huse Grove – Views from private properties	Located between 36 – 40m to the east of the application site, separated by the width of the rail corridor.	Ms McRae – Ranging from Low to None (depending on the property) Ms Armstrong – Ranging from Low to None (depending on the property)	Ms McRae – None (All properties) Ms Armstrong – None (All properties)
Other private views (dwellings) - Aldersgate Grove, Whitechapel Grove	Located roughly 600m from the application site, but at a higher elevation. Thus, looking down on the application site.	Ms McRae – Low Ms Armstrong – Low to Moderate	Ms McRae – Very Low Ms Armstrong – Low

I consider that Ms Armstrong has undertaken a comprehensive assessment of the landscape effects of the proposal from the above viewpoints. I accept Ms McRae's and Ms Armstrong's assessment in the context of their professional expertise and recognise the conversion of effects to a RMA context as outlined above, however these assessments need consideration of the

statutory planning considerations relevant to this site such as the permitted baseline and therefore the policy direction of the plan which are discussed further below.

In her peer review addendum dated 1 September 2025, Ms Armstrong has commented on the permitted baseline for the site as the processing planner advised that it is 20m² rather than the 1000m² for sites zoned GRAA not subject to the Secondary River Corridor overlay. Ms Armstrong notes in paragraphs 4.4 to 4.6 of her peer review:

In any case, I note that the existing environment at the site, (with no buildings present), is a very close representation of the 20m² permitted baseline for buildings at the site.

Regardless of whether the permitted baseline is used to assess effects, Te Tangi a te Manu sets out that an assessment of effects should be carried with the District Plan provisions in mind, as these define what is generally anticipated at a site in terms of development. At this site the level of built form anticipated is limited (compared to site with urban zoning), and adverse effects from development must be mitigated to retain amenity and natural character values.

The LVEA notes that the permitted standard for vegetation removal at the site (which permits all vegetation to be removed) “forms an important part of the context of the assessment of effects”. In my opinion, standards which anticipate significantly less built form at the site than is being proposed are similarly relevant, along with provisions relating to retention of amenity and natural character.

In her concluding comments, Ms Armstrong notes that there is disagreement between the author of LVEA and herself with regards to the long-term effect in views from near-by elevated parts of Stokes Valley. She notes that while some additional planting to internal parts of the site has been included in revised plans, in her opinion that it would not be sufficient to mitigate adverse effects on visual amenity and natural character, for nearby elevated parts of Stokes Valley. Ms Armstrong rates the effects more adversely than the LVEA at low-moderate.

I agree with Ms Armstrong’s commentary whereby it is reasonable for the site’s existing open character (albeit created through modification by earthworks) can be considered the extent of what is anticipated under the District Plan due to the limited permitted baseline for built form of 20m². With approximately 11,000m² of building footprint proposed, with a number of buildings exceeding the maximum height level for permitted activities in this zone, it is considered that the overall massing of the built form arising from the proposal will have more than minor visual amenity effects on the environment.

Amenity values

Amenity values can be intertwined with character which has been discussed in detail above. The character is not predominantly rural although it is acknowledged to be open and more mixed in character due to the variety of activities that take place.

This is not to say that because the local character is not predominately rural that amenity values are subsequently unaffected by the proposed change in character. Rather, that amenity values are felt and observed contextually relative to the character of the environment. The proposal introduces an industrial activity on a site where it is not anticipated by its zoning noting that no

industrial activity is permitted. The establishment of an activity of this nature can result in amenity effects from the activity relating to various elements of operation.

An assessment relating to earthworks and construction of the proposal will be undertaken separately below, however it is acknowledged that these also may affect amenity values and these are discussed under the respective headings. Other elements of the activity that may adversely amenity values of the environment include the extent of operation over a week and the associated noise, odour, and lighting.

Operational hours

The proposal will operate 7 days a week, with operating hours from 6am to 6pm. The applicant has advised it is anticipated up to 5 vehicle movements may occur between 2am and 5am on weekdays, 3 vehicle movements between 5am and 6am and from 6am vehicles begin to leave the site (estimated to be 12). This is likely to be able to be absorbed into the local and wider environment given the relatively low numbers of vehicles and in isolation, will have less than minor effects on the environment.

With respect to the hours and regularity of operations, the effects on the environment are mitigated and reduced through the site's separation from residential properties in Manor Park and the wider area, and that vehicles will be entering and exiting the site from the access road and upgraded intersection on Manor Park Road directly feeding onto SH2. The amenity effects on the environment relating to vehicle movements going to and from the site will be less than minor.

Noise

With regards to noise, the AEE is supplemented by the acoustic assessment undertaken by Mr Aaron Healy, Acoustic Consultant for Tonkin + Taylor, which was subsequently reviewed by Mr Malcolm Hunt, consultant for HCC. Mr Hunt identified that the proposal would exceed 40dB during daytime operations on Sundays in regard to the adjacent properties but the effects on these identified parties (27 – 31 Mary Huse Grove), which are discounted for the purposes of public notification. I note that only the operational noise is assessed here, with the construction noise assessed further below. Therefore, the noise effects on the environment are less than minor.

Odour

The proposal will see a proffered condition of consent requiring the production of an Air Quality Management Plan and an Odour Management Plan which forms part of the proposal. As part of the response to further information, Ms Goodwin has provided an initial Air Quality Assessment prepared by Mr Chris Bender of Pattle Delamore Partners Ltd.

Mr Bender considered the wind environment within Lower Hutt and how that may impact the carrying of odour, taking data from the Birch Street Windrose. Mr Bender's results as indicated in figure 20 below, but generally majority of wind originates from the north / northeast and is a mixture of low (1-3m/s) and moderate wind speeds (3-5m/s).

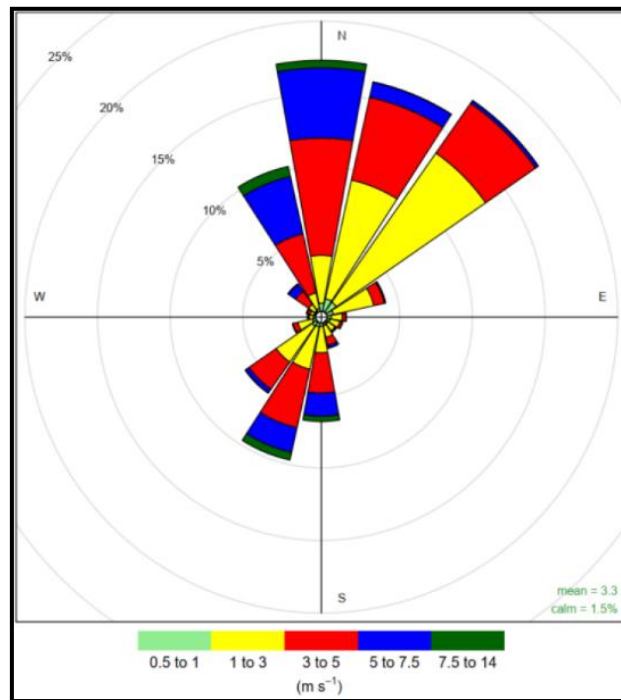


Figure 21: Birch Street Windrose Results (Source: Air Quality Assessment for Te Karearea Resource Recovery Park)

Mr Bender’s assessment used the Hamilton Resource Recovery Park (“HRRP”) as a baseline for the odour effects assessment instead of the WMNZ Seaview facility. The rationale for this being that Seaview sees the material deposited in a pit within a semi-enclosed building; which will not be similar in nature to the proposal, which will be completely enclosed within the identified RTS building. Both the WMNZ Seaview facility and the HRRP are located within an entirely industrial area with the surrounding activities also being of an industrial nature, but this noted by Mr Bender in his assessment.

Upon assessment of the HRRP, Mr Bender specified that the odour emitted from the facility was characterised as a “*rubbish character (neutral to unpleasant in hedonic tone)*”, noting that the observations undertaken by Mr Bender were done on three separate days where the wind speeds were “*low to moderate (3 – 6m/s)*”. The results indicate that at comparable wind conditions to that experienced typically within Lower Hutt, odour would be:

“Weak to strong from 0 to 25 metres from the waste transfer building (RTS building), and weak to distinct within a distance of 25 to 60 metres of the building. The intensity of the odour from the HRRP within a distance of 60 to 100 metres of the building was observed to be weak”

Mr Bender concluded:

“There is the potential that weak odours may be detected within the residential area 70 to 100 metres from the RTS building, however, these will be low level and are expected to be very infrequent given the low frequency of light wind conditions when the nearest residential area is downwind of the site.

Undertaking waste transfer in an enclosed building is considered to be best practice for managing the odour and operational procedures to minimise odour be adopted as

described in Section 8.2. Procedures to manage odour at the suite are documented in the site Odour Management Plan. Provided that the proposed mitigation measures are followed and given the very low frequency of winds when the nearest dwellings are downwind, PDP considers that the risk of offensive or objectionable odour to the extent that there would be adverse effects from odour at or beyond the site boundary of the site is low.

Mr Bender largely focuses on the residential properties which are excluded for the purposes of s95D of the Act, with any potential odour effects being contained to that of the adjacent properties. Therefore, the proposal will have less than minor odour effects on the environment.

Lighting

Ms Goodwin supplied a lighting plan prepared by Mr Richard Bolderson of Advanced Lighting Technologies, with a proffered condition of consent requiring that a final lighting plan be provided. The lighting plan indicates that the proposal would have 61 lights within the subject site, 10 of which will be “back-to-back” lights, with detail provided in regard to the wattage, and orientation and tilt, spin and roll values of each respective light.

Luminaire Schedule						
Symbol	Arrangement	Label	Luminaire Watts	Qty	LLF	Description
□—□	Back-Back	P1 T	182	10	1.000	ADLT Twin Energy TRE, 182W 200 optic BLS, 4000K, Black
—□	Single	P1	182	25	1.000	ADLT Energy TRE, 182W 200 optic BLS, 4000K, Black
→	Single	C1	80	8	1.000	ADLT DOT Series, 80W, C12 optic, 4000K, White, Surface mount
□	Single	W1	70.82	5	1.000	ADLT XSPW, 8L 4ME, 4000K, Black
□	Single	W2	70.17	6	1.000	ADLT XSPW, 8L 2ME, 4000K, Black
—□	Single	P2	182	7	1.000	ADLT Energy TRE 182W, SCP optic, 4000K, Black

Figure 22: Proposed lighting table

Mr Bolderson calculated that the proposed lights will have a maximum of 3.1 Lux when measured outside of the application site boundaries, being within the light emission levels anticipated by the ODP. All of the proposed lights will be set at a roll and spin level of 0, with six lights having a tilt of 10, while the remaining lights will have a tilt of 0. Lights 32 – 38 (being P1 lights) are the only lights which will have any tilt, resulting in the remaining lights being directed towards the ground, ensuring that the lighting direction for these lights are directed internally of the application site. Lights 32 – 38 are all located along the southern boundary of the application site, facing inwards. Thus, while these lights will have a slight tilt, these lights are directed internally to the application site with all lights directed internally to the application site. Therefore, the proposal will have less than minor lighting effects on the environment.

Archaeological and Cultural Effects

The site is not identified in the District Plan as being of cultural or historical significance, nor is it identified by Heritage New Zealand as being a site of archaeological significance. On this basis, works are unlikely to disrupt or destroy any artifacts or values of historical or cultural significance.

The subject site has previously had an archaeological report prepared by Capital Heritage Limited, an archaeology and heritage consultancy, which was previously submitted with resource consent RM220258. The report concludes the following from the site visit and conclusion of the report:

“No probable or likely archaeological materials or features were seen during the site visit. The general property shows numerous signs of demolition and soil disturbance and there has clearly been a great deal of activity there in recent years. Little in the way of topsoil has survived over most of the site which mostly shows mixed alluvial soils and gravels at surface.

Although this general area was surveyed out for pastoral and railway purposes during the 1850s and 1870s, it appears that there was little in the way of direct, pre 1900 archaeological activities carried out here that are likely to have left tangible, physical remains today.

Although the railway line ran through this area from the early 1870s, the 1950s removal of the line and subsequent grading and asphaltting of the former rail bed will have substantially obscured and altered the original railbed. The former rail bed can be regarded as an historical route, rather than a detailed, archaeological feature. There is also no evidence to suggest that there was additional railway related activity in the area such as construction of a railway station or siding.

It is therefore concluded that the site is of limited historical or archaeological significance and it is determined that a General Archaeological Authority (as per the Heritage New Zealand Pouhere Taonga Act) will not be required in this instance as the site.”

As the Council does not recognise the site as being of historic value, the archaeology report prepared by Capital Heritage Limited, Archaeology and Heritage Consultancy is considered appropriate, and the conclusion of the report are accepted. An Accidental Discovery Protocol will also be included within the conditions of the consent that the council has proffered which will ensure that the discovery of any material of a historic nature will be preserved.

It is also noted that the proposal has seen extensive earthworks already undertaken as part of the existing environment under resource consent RM220258. During the undertaking of these earthworks, no archaeological, cultural or historical materials were discovered. This is of relevance as while the proposal will see a maximum of 15,000m³ of earthworks being undertaken to facilitate the proposed development, this will largely consist of the earthworks over the area which has been modified under RM220258. Therefore, making it unlikely that any archaeological, cultural; or historical finding will result from the proposed earthworks.

On 24th of May 2023, Mr Robert McClean, Principal Advisor for Te Rūnanga o Toa Rangatira, being the iwi authority for Ngāti Toa Rangatira (Ngāti Toa) provided a letter of support for the proposal. Mr McClean specified the following:

“Te Rūnanga considers the proposed resource recovery park will be beneficial for encouraging sustainable management of resources and achieving waste minimisation goals. Te Rūnanga also has no concerns about the development of the site as erosion and sediment controls and landscaping will mitigate potential effects on Te Awa Kairangi.

Te Rūnanga supports the proposal application as the property owner and as representing mana whenua for the purposes of the RMA.”

While it is not considered that the above to be formal written approval for the proposal, it does specify that Te Rūnanga are in support of the proposal and that the proposed redevelopment will have less than minor cultural effects. Therefore, noting the proffered conditions in relation to sediment erosion controls, accidental discovery and landscaping; it is considered that the proposal will have less than minor archaeological and cultural effects on the environment.

Operational Traffic Effects

As discussed under section 2.5 of this report, given the proffered condition of consents and likelihood of RM230018 being given effect to, RM230018 has been considered part of the existing environment for the purpose of this report. This is considered of high relevance when determining the traffic effects of the proposal on the environment as for the purposes of this assessment, there is a reliance on the intersection and roading upgrades. The upgrading of the intersection of Benmore Crescent and Manor Park Road has been designed to facilitate a maximum of 2,900vpd; with a condition of consent requiring a covenant to be registered on the title being imposed as such under RM230018. The proffered conditions consist of an Environmental Management Plan, which will in itself contain a traffic management plan.

The AEE was supported by a traffic engineering report prepared by Mr Steven Jiang of Stantec Ltd (Appendix 10 of the application), which was subsequently reviewed by Mr Luke Benner, Consultant Traffic Engineer for HCC. Mr Jiang has specified that the projected vehicle movements accessing the subject site will be 604vpd upon commencement of operation and 870vpd 16 years after the commencement of the operations. These projected vehicle movements will see a range of the following:

	At Commencement	Future (16 years)
Light Vehicles	284vpd	410vpd
Heavy Vehicles	320vpd	460vpd

Given the proffered condition requiring that RM230018 be completed prior to operation as well as the design of the intersection (and covenant condition) the proposed vehicle movements from the resource recovery park are able to be serviced by the intersection of RM230018. The projected future growth of the proposal (being 870vpd after 16 years), even accounting for a exceedance will still be well within the limits of intersection of Benmore Crescent and Manor Park Road. Mr Benner specified that he is comfortable with the projected modelling undertaken by Mr Jiang above and that the intersection is designed to be appropriate for it's proposed use to access the resource recovery park. The design of the intersection upgrade under RM230018 will see the dedicated right-hand turn bay into Benmore Crescent sufficient to allow for two separate heavy vehicles to queue waiting to turn right onto Benmore Crescent, with the comments from Mr Benner assessing that the intersection including the modelling for heavy vehicles to be sufficient for the proposed resource recovery park. Thus, while noting that the proposal will consist of a projected 460vpd of heavy vehicles, I consider that the proposal will have traffic generations that can be absorbed by the intersection between Benmore Crescent and Manor Park Road.

The upgrading works undertaken under RM230018 will also see a pedestrian walkway being constructed as well as level crossing upgrades to the rail corridor. Mr Benner also has specified that *“the presence of cyclists and pedestrians has been adequately catered for within the proposed upgrades to Benmore Cres and onwards to Manor Park Rd (particularly where*

pedestrians are concerned)". I concur with this assessment, in that the works undertaken under RM230018 will sufficiently cater for pedestrians and cyclists.

Overall the transport effects will be minor or less.

Natural Hazard Effects

The application is accompanied by a "Wellington Fault Investigation Report" prepared by Mr Tim Haxell, Engineering Geologist for Tonkin + Taylor. Mr Haxell provided a plan detailing the identified Faultline, depicted in yellow (see figure 23). Based on the findings of Mr Haxell, a 20m setback has been identified from the Wellington Faultline, of which all building except that "canopy" are outside of this setback area. This 20m setback being influenced by the direction of Policy 14H 1.2.

The canopy itself is designed for "shelter to persons that are dropping off second hand goods and to staff collecting those goods", being open in nature with no door or walls; but will be occupied temporarily but not for working purposes and not being considered habitable, reducing. All buildings within proximity to exterior boundaries are located outside the 20m setback area identified by Mr Haxell.

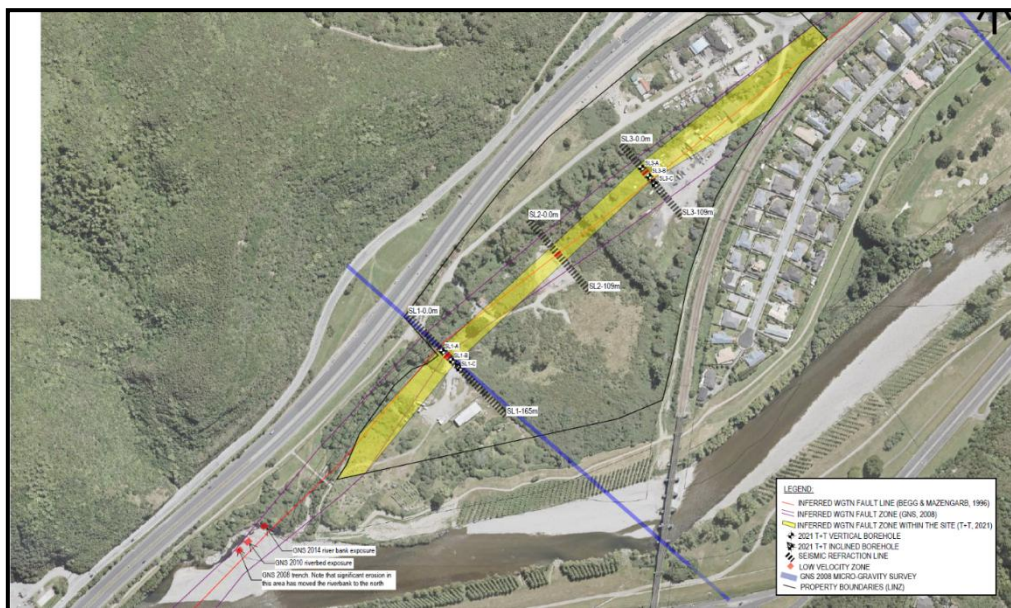


Figure 23: Wellington Faultline (Source: Tonkin + Taylor)

The proposal will also see all proposed building being constructed within the identified Secondary River Corridor Overlay of the ODP. It is also noted that RM220258 (forming part of the existing environment) has seen the ground levels of 30 Benmore Crescent being raised.

RM220258 was accompanied by a flooding report prepared by Mr Philip Wallace of River Edge Consulting Ltd which concluded that through the undertaking of works proposed under RM220258 (forming part of the existing environment) would reduce all the mapped flooding on 30 Benmore Crescent to be contained within the Dry Stream Corridor. The applicant has also proffered a condition of consent requiring the production of a Hazard Management Policy in regard to the operation of the resource recovery park for flooding, tsunami, earthquake, extreme weather. Overall, I consider that natural hazard effects from the proposal are largely contained to the land excluded under s 95D.

Therefore, when discounting the effects of the proposal on the application site under s 95D; I consider that the proposal will have less than minor natural hazard effects on the environment.

Construction Effects

The proposed will involve the construction of the resource recovery park, which has potential construction effects in relation to dust, traffic, vibration and noise. Mr Bender specified that *“The duration of the construction phase is expected to be around 6 to 12 months”*.⁸ This will be the duration of the construction period used in regard to this assessment.

The application consists of proffered conditions of consent requiring a construction management plan as well as the preparation of a construction traffic management plan (“CTMP”) prior to construction work with all construction work being supervised as required.

A draft CTMP, prepared by Mr David Gibson of Spencer Holmes was prepared and lodged with the application which details the inclusion of the following details in the final CTMP, proffered as a condition of consent:

- Temporary traffic management signage installed at the intersection of Manor Park Road and Benmore Crescent as well as on the approach roads to warn of truck turning movements.
- Site contractor to programme deliveries to minimise movements at peak times
- Site contractor to identify loading / unloading area(s) within the site.
- Site contractor to identify on-site parking areas for staff and sub-contractors.
- Detailed traffic management plans and related documentation to be submitted for approval.

Mr Gibson also specified that the hours of works for construction shall be limited to Monday to Saturday: 7:30 am to 6:00 pm (with quiet work only from 6:30 am to 7:30 am), with no works on Sundays or public holidays. This being within the standard construction hours within Lower Hutt. The draft CTMP provided by Mr Gibson did not detail the potential number of trucks, nor trucking types that are to be used during the construction period. Given the scale of the proposal, it is acknowledged that there is the potential for a greater number of vehicle movements during the construction period than for a ‘typical’ development. Nevertheless, with the inclusion of the proffered conditions of consent and appropriate traffic management, I consider that the proposal will have no more than minor construction traffic effects on the environment.

While it is noted that the proposal will comply with the dust provisions of the ODP, Mr Bender has provided an assessment regarding the potential dust effects resulting from the construction. In his conclusion, Mr Bender specified:

“PDP has assessed the potential effects of dust and odour from the proposed WMNZ site within the Te Karearea development having regard to the FIDOL factors. Considering the proposed site management and mitigation for odour and dust, PDP concludes that there is a low likelihood that the construction and operation of the proposed WMNZ site will result in dust or odour beyond the site boundary that would be considered offensive or objectionable to the extent that there is an adverse effect.

⁸ Air Quality Assessment for Te Karearea Resource Recovery Park, Prepared by PDP (p.17)

Therefore, I consider that the proposal will have no discernible construction dust effects on the environment.

In regard to construction noise effects, the proposal consists of a proffered condition of consent requiring both:

- Construction noise and operational noise limits
- Operate under a Noise Management Plan and submit a Noise Management Plan for approval.

While the construction noise limits proffered under the condition of consent has not been substantiated by Ms Goodwin; it is considered that the production of a Noise Management Plan is considered sufficient to mitigate the potential noise effects on the environment to a less than minor degree.

Mr Steve Arden of Marshall Day Acoustics prepared a memo in relation to what 'discernible' vibration is with reference to British Standard BS 5228-2:2009 "*Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration*". Mr Arden specified that utilising this standard a vibration of 0.3mm/s PPV is just perceptible in normal residential environments, hence ensuring that vibration levels are below this will result in no vibration being discernible beyond the site boundaries. While it is not confirmed if vibration compactors are proposed to be used during the construction period, an assessment regarding this should nevertheless be undertaken. Mr Arden specified that vibration level of less than 0.3mm/s PPV is achieved at 60m from the source of vibration in regard to compaction rollers.⁹ Therefore, when excluding the adjacent properties under s 95D of the Act, I consider that there will be no discernible vibration on the environment.

Overall the construction effects will be minor or less.

Earthworks Effects

Ms Goodwin has specified that a maximum of 15,000m³ of earthworks to be undertaken to "prepare the site for asphaltting / surfacing and the building platforms". The proffered conditions of consent will ensure that an erosion and sediment control plan be provided and implemented during the earthworks and construction phase. The submitted architectural plans indicate that the earthworks undertaken will largely retain the existing ground levels of the application site (as altered by RM220258). The proposal will see all earthworked areas within the subject site being covered, either by buildings or appropriate material to ensure that vehicles can utilise the site; thus, ensuring that there will be no permanent scarring as a result of the earthworks.

When considering the earthworks in isolation, the character and amenity effects of the earthworks will be no more than minor as the site would have an open character and existing ground levels largely retained in conjunction with erosion and sediment control plan being in place. The cumulative character and amenity effects of the earthworks are assessed separately under the heading 'cumulative effects' below.

Contamination Effects

⁹ A level of 0.24mm/s PPV was measured at 60m from the source of vibration.

Ms Goodwin has supplied the DSI reported submitted under RM220258 in support of the proposal. This DSI specified that 30 Benmore Crescent does include contaminated land, but notes that no human health criteria were exceeded in the testing undertaken. Ms Roz Cox of ENGE0 Ltd concluded in her DSI report that the site was suitable for the use of the site for industrial / commercial purposes. Ms Cox concluded that white asbestos (chrysotile) was found within the samples but were below the human health requirements. The proposed resource recovery park will be located in 'Zone 1' (former quarry and concrete batching) and 'Zone 2' (horticulture and undocumented fill) within the DSI. A Site Management Plan ("SMP") has been prepared and supplied in regard to both Zones 1 & 2 as recommended by Ms Cox.

The DSI was undertaken prior to the earthworks being undertaken as consented under RM220258. Condition 9 of RM220258 requires that the earthworks be undertaken in accordance with the Site Management Plans ("SMPs") for 30 Benmore Crescent. This indicates that the earthworks undertaken under RM220258 was done in a manner that did not increase the contaminants present on 30 Benmore Crescent. Also of note is that condition 11 of RM220258 requires that either a site validation report or a long-term site management plan upon completion of works. A condition of consent is proffered by Ms Goodwin specifying that sediment erosion control measures will be in place, ensuring that potential contaminant runoff will not occur. Thus, while the site has been identified as containing contaminants within the DSI, the proposed land disturbance largely consists of construction work thus will be contained to the earth which has been remediated under RM220258. Therefore, I consider that the proposal will have less than minor contamination effects on the environment.



Figure 24: DSI Zone Map (Source: ENGE0)

Cumulative effects

As per section 3(d) of the RMA cumulative effects can be considered on a temporal basis i.e. over time or in combination with other effects such that an individual effect may be minor, but when considered cumulatively the overall effects may be more than minor. Given the changes

over time to this site that have resulted from prior approvals and are expected to occur in conjunction with this proposal it is appropriate to consider the cumulative effects of the proposal.

Cumulative character and visual amenity effects

The character of the site has changed over recent years because of earthworks undertaken in accordance with RM220258 which approved 74,200m³ of cut and 155,120m³ of fill, with a vertical change of 6m. Following that approval, RM230018 was approved for an additional 600m³ of cut, 50m³ of fill with maximum vertical change (fill) of 0.6m on the application site (not yet given effect to). The applicant is now seeking consent for an additional 15,000m³ of earthworks with less than 1.2m vertical change. Cumulatively, this results in 244,970m³ of earthworks undertaken where the permitted baseline allows up to 50m³.

In assessing the cumulative effects of the proposal, the existing environment detailed in section 2.5 of this report is recognised but is not wholly relied upon in providing a 'baseline' for assessment. This is due to the large extent of earthworks approved under RM220258 and works approved under RM230018 now forming part of the existing environment both of which go considerably beyond the permitted baseline. To then place significant weighting on the existing environment could lead to minimising of cumulative effects that wouldn't be reflective of the scale of effects caused by the proposal.

The character effects are currently acceptable given the open space nature of the site which reflects the permitted baseline due to the lack of buildings. Once the proposed buildings are constructed, it is considered there will be cumulative character and visual amenity effects as result of the combination of the increase of ground height, and in turn visual amenity effects of the built form particularly from an elevated position over the long-term. While Council's consultant landscape architect Ms Armstrong did not rank the landscape character effects as more than minor, when considering the proposed changes cumulatively in the context of a very limited permitted baseline for the site, the change and scale of character and visual amenity over time as a result of this proposal (and RM220258 and RM230018) are considered to be more than minor.

Cumulative amenity effects

While noise, lighting, odour and effects of operational hours are considered to be minor or less as assessed in earlier sections of this report, it is relevant to consider the cumulative effects of this activity combined with other approved activities that have either been given effect to or are expected to be given effect to. This assessment on cumulative amenity therefore accounts for RM230018 as those works must occur as a proposed condition of consent prior to any works associated with this consent commencing.

Once given effect to RM230018 will be primarily a roading upgrade that occurs outside 30 Benmore Road which will largely be observed as a roading upgrade project rather than works associated with the resource recovery centre. This is further supported with the bulk of the works and buildings in this proposal taking place in the southern-most part of the application site separate to the area of roading upgrade.

For these reasons the cumulative amenity effects of the proposal are considered to be minor or less.

Cumulative construction effects

The application site has seen extensive construction and earthworks being undertaken authorised under RM220258, granted 21 December 2022, of which earthworks are still being undertaken. This has resulted in work being undertaken for roughly 30 months (noting some works stopped winter works periods). Of a similar note, the proffered condition of consent, while requiring RM230018 to be completed *prior* to operation; will allow for the construction of the proposal and the works under RM230018 to be undertaken simultaneously.

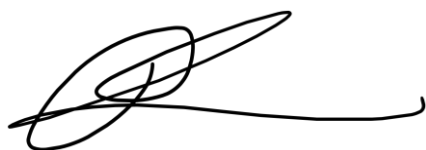
It is anticipated that RM230018 will have a construction period of 6 months, while the proposal is anticipated to have a construction period of between 6 – 12 months. It is currently unclear how long is anticipated for the works under RM220258 to be completed but given that the remaining work is contained to the southeastern corner, I consider that it to be unlikely that construction work for RM220258, RM230018 and the proposal to be undertaken simultaneously. Therefore, the cumulative construction effects will focus on that of the proposal in conjunction with RM230018.

As assessed by Mr Healy in the acoustic assessment, the proposed construction work will comply with NZS 6803:1999, with condition 5 of RM230018 also requiring compliance with the construction noise standards of NZS 6803:1999. Majority of the works under RM230018 will be located within the legal road of Benmore Crescent & Manor Park Road, sufficiently separated from the proposed development site. Therefore, I consider that the proposal will have no more than minor cumulative construction noise effects.

The construction hours of RM230018 and the proposal are the same being Monday to Saturday: 7.30am to 6pm (No work on Sundays or Public Holidays). Thus, resulting in construction occurring during 'rush hour' times and on Saturdays, noting that the only access to Manor Park Road being through the area of works under RM230018 (Benmore Crescent and Manor Park Road) also being used as access to the proposed construction site. With the proffered condition of consent in relation to a CTMP and the implementation of condition 4 of RM230018 (CTMP) will see temporary traffic management measures being implemented to mitigate the potential construction traffic effects. It is not anticipated that the cumulative construction traffic will result in flow on effects onto the state highway network, but rather to persons accessing Manor Park Road. Nevertheless, when considering the compounding construction effects of both the proposal and RM230018 being undertaken simultaneously, I consider that the effects will be greater than individual operations. Thus, when discounting the effects on persons under s 95D of the Act; I consider the cumulative construction effects on the environment to be minor.

Conclusion

Overall it is considered the proposal will have more than minor effects on the environment. Public notification is required under step 3.



Baylee O'Sullivan
Resource Consents Lead

ADDENDUM – NOTIFICATION DECISION BY INDEPENDENT COMMISSIONER

Resource Recovery Centre – Benmore Crescent, Manor Park

Application information

- **Applicant:** Waste Management (NZ) Ltd (“**the Applicant**”);
- **Location:** 30 Benmore Crescent, Manor Park, Lower Hutt (“**the Site**”)
- **Proposal description:** Establishment and operation of a resource recovery park, including sale of second-hand goods, repair café, material recovery, construction and demolition waste sorting, and general waste transfer (“**the Proposal**”)
- **Activity status:** Non-complying

Summary of decision

The Proposal subject to this application for resource consent is assessed as having, or as likely to have, adverse effects on the environment that are more than minor. The application must accordingly be publicly notified under section 95A of the Resource Management Act 1991 (“**RMA**”).

Introduction & delegation

1. Hutt City Council (“**Council**”) appointed me under delegation dated 11 August 2025 to issue this notification decision pursuant to sections 95-95G of the RMA, having regard to the assessment and recommendation of Council’s Resource Consents Lead, Ms Baylee O’Sullivan.
2. As noted in the delegation, Ms O’Sullivan’s recommendation is not in any way binding on my decision.

Information considered

3. In making this decision, I have considered Ms O’Sullivan’s recommendation report and the information indexed at **Annexure A**.

Process followed since appointment

4. Following my appointment, I commenced reading the AEE and other information referenced in Annexure A. At that time, the processing officer was Council’s Senior Resource Consents Planner – Vincent Ashman – and I made contact with Mr Ashman to discuss the format of, and his timetable for completing, his recommendation report. Mr Ashman was only able to partially complete his recommendation report before leaving the Council for a new role at Christchurch City Council.
5. Ms O’Sullivan then assumed responsibility for writing the recommendation report at the end of September.
6. Ms O’Sullivan provided a draft copy of her recommendation report on 20 October which afforded me the opportunity to seek clarification on various matters of detail.
7. Ms O’Sullivan updated her report to address those questions of clarification and issued her final recommendation report on Friday 24 October.
8. I confirm I have also visited the Site and locality to inform my decision.

Consideration of Ms O’Sullivan’s recommendation report

9. Overall, I consider Ms O’Sullivan’s report to be well-structured and comprehensive in its identification of relevant information for me to have regard to. In the main, I share her assessment; however, there are a few matters I wish to emphasise here including on two matters of detail where my assessment departs from Ms O’Sullivan’s. I have organised my discussion here as follows:
 - a. considerations as to affected parties and limited notification;

- b. effects on the environment assessed as 'no more than minor'; and
- c. effects on the environment assessed as 'more than minor'.

Considerations as to affected parties and limited notification

10. As a preliminary matter, I acknowledge that Ms O'Sullivan has not undertaken any limited notification assessment under section 95B of the RMA, nor has she turned her mind to whether any special circumstances exist that warrant public or limited notification (respectively) under section 95A(9) or section 95B(10).
11. Given Ms O'Sullivan's own assessment concludes that there are effects on the environment which are more than minor, she has identified that the application must be publicly notified under section 95A(7)(a). Having arrived at that conclusion, there is no compulsion to then consider special circumstances under section 95A(9), nor does the sequence for determining limited notification under section 95B(2)-(10) need to be followed¹⁰.
12. Relevantly, section 95D of the RMA requires that owners and occupiers of the application site and any 'adjacent land' must be disregarded when considering effects of a proposal on the wider environment under section 95A. Such persons may (or may not) be deemed to be affected by the relevant proposal, but that is subject to a separate test under the RMA subsequent to the public notification assessment under section 95A. I consider that Ms O'Sullivan has identified the relevant owners and occupiers in section 5.1 of her report that should be disregarded this purpose.
13. I make these points of clarification principally to record the reason why neither Ms O'Sullivan nor I have assessed whether the Proposal will result in adverse effects on owners or occupiers of adjacent land. Namely, this is due to the structure of sections 95A-95E of the RMA, not due to some inadvertent omission or other motivation to ignore impacts on those persons.

Effects assessed as no more than minor

14. Ms O'Sullivan considers that the following effects of the Proposal on the wider environment will be no more than minor:
 - a. effects on amenity values, including from general operation and associated noise, dust, odour, and lighting – but excluding visual amenity;
 - b. archaeological / cultural effects;
 - c. effects on the transport network;
 - d. effects associated with natural hazards;
 - e. construction noise and vibration effects; and
 - f. effects from the use and development of contaminated land.
15. In all the above respects, I consider that Ms O'Sullivan has based her view on appropriate information by relevant experts who have undertaken various specialist assessments for the Applicant and/or peer reviews for the Council. Her assessment is well-founded in these respects, and I adopt her conclusions that the corresponding effects on the wider environment are no more than minor for the reasons she has expressed.

Effects assessed as more than minor

16. Ms O'Sullivan considers that the following effects of the Proposal on the wider environment will be more than minor:
 - a. effects on character values;

¹⁰ Noting that section 95B(1) states that the steps must be followed in the order given *if the application is not publicly notified under section 95A*.

- b. effects on visual amenity; and
 - c. cumulative effects on both factors above.
17. Addressing each of these in turn, I consider Ms O’Sullivan’s assessment is well-founded on the information available that the Proposal will have effects on **character values** that are more than minor.
18. There does not appear to be any assertion in the information I have considered that the Site’s existing character is of a rural nature despite its rural zoning in both the operative and proposed District Plans; however, the Site is accepted as being generally ‘open’ which is a characteristic to be maintained and enhanced under the operative objectives and policies in the General Rural Activity Area¹¹. I consider that Ms O’Sullivan’s assessment on character values has been appropriately informed by that policy direction. I note also that the proposed District Plan, while yet to be subject to hearings on submissions received, includes comparable direction in the General Rural Zone.¹²
19. The Proposal involves a collective built floor area of more than 11,000m² on the Site, with four of the proposed buildings each being in excess of 1,000m². While the proposed buildings vary in height, five of them are 10m in height or greater above the new ground levels resulting from previously consented bulk earthworks. These are relatively large buildings which are visible to varying degrees from multiple vantage points in the wider environment, both individually and as part of a collective group.
20. Given the nature, scale and position of the proposed buildings and the size and location of the Site, I share Ms O’Sullivan’s assessment that the proposed built form is unable to maintain an overall open character for the site and area to an extent that can be deemed minor or less. I accordingly adopt Ms O’Sullivan’s conclusion that this effect is more than minor for the reasons she has expressed.
21. Turning to **visual amenity effects**, I find Ms O’Sullivan’s assessment to be less supported in the relevant evidence from the Applicant’s landscape expert and the Council’s landscape peer reviewer. Both landscape experts support the methodology adopted by the Applicant’s expert as being consistent with best practice guidance; and having both assessed effects from representative viewpoints in the wider environment, neither expert has concluded that effects on associated visual amenity would be at a level that could be said to be more than minor. In my understanding of the experts’ respective views, the highest magnitude of effect assessed in that respect is of a low-moderate degree, which translates as a minor effect in RMA terms.
22. I rely on the shared view of the two landscape experts in finding that the effects of the Proposal on visual amenity values are no more than minor as relates to the wider environment.
23. For completeness, I also record my understanding that there is a difference in opinion between the landscape experts as to the effect of the Proposal on natural character and landscape values, with the Council’s peer reviewer concluding that such values are affected to a more than minor degree in some locations. However, I understand those viewpoints to be within ‘adjacent land’ and I have accordingly set those effects aside for the current purposes for the reasons discussed above. In terms of the wider environment, I understand that neither expert has assessed the Proposal as resulting in effects on natural character or landscape values that are more than minor.
24. Turning lastly to **cumulative effects**, I have arrived at a different conclusion than Ms O’Sullivan as stated on page 55 of her recommendation report where she states the following:

Once the proposed buildings are constructed, it is considered there will be cumulative character and visual amenity effects as result of the combination of the increase of ground height, and in turn

¹¹ Objective 8B 1.1.1 and supporting policies

¹² For example Objective GRUZ-O1, GRUZ-O3 and Policy GRUZ-P4

visual amenity effects of the built form particularly from an elevated position over the long-term. While Council's consultant landscape architect Ms Armstrong did not rank the landscape character effects as more than minor, when considering the proposed changes cumulatively in the context of a very limited permitted baseline for the site, the change and scale of character and visual amenity over time as a result of this proposal (and RM220258 and RM230018) are considered to be more than minor.

25. In reaching a different view to Ms O'Sullivan, this is not to say that the sequential granting of consents and associated development of the Site has not had an impact on the environmental effects of the Proposal; however, I consider those effects have already been accounted for to an appropriate extent in the consideration of the component parts of Ms O'Sullivan's assessment dedicated to effects on character and visual amenity.
26. To that end, I understand that both landscape experts have assessed the built form of the Proposal as it would be constructed on the Site with the finished ground levels authorised by application RM220258. The cumulative effects of the sequential applications have accordingly been addressed and there is no need to double count those effects in my view.
27. I do acknowledge that the bulk earthworks authorised under RM220258 have materially changed the original ground level and this is clearly evidenced in the updated drawings provided by the Applicant which illustrate both original and altered average ground level under each proposed building. The earthworks have an impact on the degree to which each building complies with, or contravenes, the permitted 8m height limit as outlined in the compliance table provided by Ms O'Sullivan. The net effect is that:
- a. where average ground level has been raised relative to original ground, the tallest point of proposed buildings in those locations will be higher than would have been the case if RM220258 was not implemented; while
 - b. where average ground level has been lowered by earthworks cut, the tallest point of the proposed buildings is lower than would have been the case.
28. While the Proposal includes additional earthworks for building foundations and localised contouring, I do not consider those earthworks will combine with the previous authorised works and the proposed buildings themselves to result in a cumulative effect over and above what has already been assessed.

Notification Decision

29. For the reasons outlined above and based on the information I have considered as set out in Annexure A, I find that the Proposal will result in actual and potential effects on the environment which are more than minor.
30. The Application must be publicly notified pursuant to section 95A of the RMA.

Signed under delegated authority



JC Jones
Independent Commissioner

29 October 2025

ANNEXURE A

Index of information considered by Commissioner

- the application document prepared for the applicant by Potentialis Planning | Resource Management, titled '*Application for Land Use Consent and Assessment of Environmental Effects, 30 Benmore Crescent, Manor Park, Lower Hutt 5019*' dated 26 January 2025 ("AEE");
- the record of title included at Attachment 2 to the AEE;
- the following material prepared by Boffa Miskell Ltd at Appendix 4 to the AEE:
 - *Assessment of Landscape Effects* dated 19 December 2022; and
 - *Resource Recovery Park Development Visual Illustrations* dated 6 December 2022;
- the *Wellington Fault Investigation Report* dated 7 July 2021 prepared by Tonkin & Taylor at Appendix 5 to the AEE;
- the flood assessment prepared by River Edge Consulting at Appendix 6 to the AEE (titled 'Benmore Crescent – Alternative culvert option and dated 1 November 2022);
- copy of granted resource consent application RM220258 for bulk earthworks and vegetation clearance activities on the site at Appendix 7 to the AEE;
- the plans for the proposal produced by Harris Architects at Appendix 8 to the AEE;
- the *Three Waters Servicing Report* dated 24 January 2023 prepared by Spencer Holmes Ltd at Appendix 9 to the AEE;
- the *Traffic Engineering Report* dated December 2022 prepared by Stantec at Appendix 10 to the AEE;
- the *Acoustic Assessment* dated 31 October 2022 prepared by Tonkin & Taylor at Appendix 11 to the AEE
- response from the Applicant to the Council's further information request under Section 92 of the RMA, including:
 - Cover letter, Further information response and Addendum to the AEE prepared by Potentialis Planning | Resource Management;
 - Transport Response prepared by Stantec;
 - Addendum to the Landscape and Visual Assessment prepared by Boffa Miskell;
 - Lighting plan and calculations prepared by Advanced Lighting Technologies;
 - Air Quality Assessment report prepared by PDP;
 - Updated plans and elevations, inclusive of average original ground level and averaged raised ground level (following bulk earthworks) notations;
 - Plan showing all proposed signage;
 - Email from Tonkin & Taylor regarding vibration effects; and
 - Email from Te Rūnanga o Toa Rangatira indicating support for the proposal;
- Peer review on acoustics dated 30 March 2023 prepared by Malcolm Hunt;
- Peer review on landscape effects dated 14 September 2023 prepared by Isthmus Group;
- Peer review on transportation effects dated 12 March 2024 prepared by Luke Benner;
- Response to landscape peer review dated 29 July 2025 prepared by Boffa Miksell Ltd;
- Updated drawings, plans and sections provided by the Applicant in August 2025; and
- Operative *City of Lower Hutt District Plan* and *Proposed Lower Hutt District Plan*.