

**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Hutt City Council Proposed
District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF KATE LOUISE PASCALL
ON BEHALF OF HUTT CITY COUNCIL**

Principal Planner

22 April 2026

1.0 INTRODUCTION

1.1 My name is Kate Louise Pascall, and I am a Principal Planner at Boffa Miskell Limited.

1.2 I have reviewed the evidence and tabled statements of:

1.2.1 Kaaren Rosser for Enviro NZ (323) (Planning)

1.2.2 Angela Goodwin for Waste Management NZ Limited (461) (Planning)

1.2.3 Ben Farrell for Manor Park & Haywards Residents Community Inc. Society (377) (Planning)

1.2.4 Connexa, Chorus, FortySouth and Spark (311) – submitter statement

1.2.5 Powerco Limited (414) – submitter statement

1.2.6 Transpower New Zealand Limited (504) – submitter statement.

1.3 This rebuttal evidence responds only to the pre-circulated written evidence and statements received from submitters prior to the hearing. Other submitters may present oral evidence or further details at the hearing, which may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence. Except as expressly identified in this statement, all findings and recommendations contained in my original section 42A report remain unchanged.

2.0 QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

2.1 My qualifications and experience are set out in paragraphs 12 and 13 of my Section 42A Report. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

3.0 RESPONSES TO EXPERT EVIDENCE

3.1 This section responds to submitter evidence in relation to the provisions in this topic. Appendix 1 sets out my revised and updated recommended amendments in response to submitter evidence. Within Appendix 1, my Section 42A report recommended amendments are shown in red underlined or ~~strike-through~~ and further amendments recommended in this rebuttal evidence are shown in blue underline or ~~strike-through~~.

Enviro NZ (Submitter 323)

Objective UDSD-O2

3.2 Ms Rosser¹, on behalf of Enviro NZ, has identified an error in the section 42A report whereby Enviro NZ's relief sought in relation to Strategic Direction UDSD-O2 was incorrectly summarised and grouped with the Connexa, Chorus, FortySouth and Spark submission point which sought an amendment to clause (c) of the objective to delete the words 'the necessary' which I recommended accepting. Ms Rosser clarifies that Enviro NZ did not seek this relief but instead sought the following amendment to clause (c)²:

Urban development supports the creation of liveable, well-functioning urban environments that are:

...

c. Serviced by the necessary infrastructure (including local infrastructure) appropriate to the intensity, scale and function of the development

...

3.3 I understand this relief was sought by Enviro NZ to allow for district or regional resource recovery or waste disposal facilities to be considered in the same manner as other infrastructure where urban growth and development occurs.

3.4 Ms Rosser notes that since submissions closed on the PDP, the National Policy Statement for Infrastructure (NPS-I) has been

¹ Statement of Evidence of K Rosser, para. 1.3

² Statement of Evidence of K Rosser, para. 1.2

gazetted and includes a definition of ‘additional infrastructure’, as follows³:

additional infrastructure includes:

a relevant school or institution as defined in the Education and Training Act 2020;

(a) a health facility operated by Health New Zealand to meet its obligations under the Pae Ora (Healthy Futures) Act 2022;

(b) fire and emergency services facilities;

(c) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990;

(d) correction facilities operated by the Department of Corrections to meet its obligations under the Corrections Act 2004;

(e) a stormwater network;

(f) resource recovery or waste disposal facilities; and

(g) flood control and protection works carried out by, or on behalf, of a local authority.

3.5 I agree with Ms Rosser that the matters set out in the definition of ‘additional infrastructure’ are all necessary to support well-functioning urban environments. While Objective UDSD-O2 refers to ‘infrastructure’, the PDP applies the RMA s2 definition of ‘infrastructure’ (which I support) which is limited to transport, three waters, and other network utilities. It does not include waste management or social infrastructure that supports urban development and is needed to support well-functioning urban environments, particularly facilities required for social and environmental wellbeing.

3.6 The term ‘additional infrastructure’, provided it is defined in the PDP, is more appropriate than the submitter’s original relief of ‘local infrastructure’ which is a high-level term open to interpretation. Many of the matters in the RMA definition of ‘infrastructure’ are also ‘local infrastructure’, whereas the NPS-I definition of ‘additional

³ Statement of Evidence of K Rosser, para. 1.4

infrastructure’ provides a clear and nationally consistent scope. The inclusion of ‘additional infrastructure’ in Objective UDSD-O2 and a definition of this term in the PDP will clarify that the infrastructure that supports well-functioning urban environments is broader than the core infrastructure of transport, three waters and network utility infrastructure.

- 3.7 I therefore support the relief sought by Ms Rosser and I recommend adding reference to ‘additional infrastructure’ to clause (c) of Objective UDSD-O2. However, I consider the amendment should read ‘and additional infrastructure’ rather than ‘including additional infrastructure’ to make it clear that ‘infrastructure’ and ‘additional infrastructure’ are distinct terms in the PDP. To support interpretation of the clause, I also recommend the inclusion of a definition of ‘additional infrastructure’ from the NPS-I in the Interpretation chapter of the PDP.

Section 32AA Assessment

- 3.8 I consider the amendments I am recommending are more appropriate in achieving the purpose of the RMA than the notified provisions for the following reasons:
- 3.8.1 The amendment to Objective UDSD-O2 will clarify that the infrastructure required to achieve a well-functioning urban environment is broader than the core infrastructure of transport, three waters and network utilities.
- 3.8.2 The addition of a definition of ‘additional infrastructure’ will provide clarity for plan users about what this term means in relation to ‘infrastructure’ when used in Objective UDSD-O2 which has an established RMA definition.
- 3.8.3 In my opinion, the amendment will not have any greater environmental, economic, social, or cultural effects than the notified provisions.

Waste Management NZ Limited (Submitter 461)

General Approach Chapter

- 3.9 Ms Goodwin⁴ seeks the addition of the following text to the General Approach chapter:

In parts of the Plan an activity falls within the definition of a wider category. For example, waste management facility is within the umbrella of industrial activity. In this Plan, where an activity status is specified for an activity within a broader category, the activity status applying to the specific activity applies.

- 3.10 This is the relief sought in Waste Management NZ's original submission. In my Section 42A report I recommended rejecting this relief on the basis the PDP is written in a way that land uses or activities are easily defined and where a land use does not meet one definition the land use would follow the catch-all pathway provided for in the PDP text. I did note there is one instance (in the Rural chapter) where greater clarity is warranted, being Rule GRUZ-R25 and I have recommended an amendment to clarify that rule applies to industrial activities not already provided for.

- 3.11 However, Ms Goodwin considers there is still ambiguity in the way the rules and definition are structured, and uses the General Rural Zone land use activity rules as an example:

3.11.1 solid waste transfer stations are specifically listed as a discretionary activity (GRUZ-R17)

3.11.2 activities not otherwise provided for are discretionary (GRUZ-R24)

3.11.3 Industrial activities are a non-complying activity (GRUZ-R25).

3.11.4 Solid waste transfer stations and resource recovery parks are listed in the definition of 'Heavy Industrial Activity'. The land use activity rules in the General Rural Zone chapter do

⁴ Statement of Evidence of A. Goodwin, para. 14-24

not specifically refer to either ‘heavy industrial activity’ or ‘resource recovery parks’.

3.12 I understand the issue Ms Goodwin is highlighting is that the PDP is unclear whether heavy industrial activities (other than solid waste transfer stations) and resource recovery parks are to be considered under Rule GRUZ-R24 as a discretionary activity or as a non-complying activity under Rule GRUZ-R25. Ms Goodwin notes that my recommended amendment to Rule GRUZ-R25 to state ‘Industrial activities not otherwise provided for’ goes some way to relieve the issue, but does not resolve it.

3.13 I have confirmed with Council officers that ‘industrial activity’ is the umbrella term, with ‘heavy industrial activity’ being a subset of this. In the example of the General Rural Zone land use rules, this would mean that resource recovery parks (and any other heavy industrial activity not specifically listed) would be a non-complying activity. However, I acknowledge this way of interpreting the provisions and definitions of ‘industrial activity’ and ‘heavy industrial activity’ is unclear. To resolve this issue, I recommend an amendment to the definition of ‘heavy industrial activity’ as follows:

means an Industrial Activity that includes:

- *an offensive trade,*
- *a significant hazardous facility,*
- *an abattoir,*
- *a refinery,*
- *the storage, treatment, or disposal of waste materials, including any waste transfer station or resource recovery park, and*
- *the composting of organic materials, excluding composting undertaken on the site from which the material is sourced, of up to 10m³ in volume.*

or any other industrial activity that creates offensive and objectionable noise, dust, or odour, or elevated risks to people's health and safety.

3.14 Ms Goodwin is also concerned that a proposal for a resource recovery park (a heavy industrial activity) which includes a solid waste transfer station, retail and offices that form part of a resource recovery park would each require separate consents and that this

approach is inefficient. I disagree that separate consents would be required. As a resource recovery park is specifically included as a heavy industrial activity in the definition, the activity would be assessed as a single non-complying activity, including its ancillary activities⁵. This reflects standard district plan interpretation practice, where ancillary activities are absorbed into the activity status of the primary activity unless expressly excluded.

- 3.15 I agree that as notified, there could be confusion due to solid waste transfer stations being specifically listed as a discretionary activity, as well as being defined as a heavy industrial activity (non-complying activity). However, I consider this situation is addressed through my recommended amendment to GRUZ-R25, which clarifies the rule applies to industrial activities not otherwise listed. This ensures that a standalone solid waste transfer station that is not part of a resource recovery park is treated as a discretionary activity, while a resource recovery park (which may include a solid waste transfer station and a range of ancillary activities) is appropriately assessed as a non-complying activity as a heavy industrial activity. On this basis my position remains unchanged, and I do not consider it is necessary to include a statement in the General Approach chapter as sought by Ms Goodwin.

Section 32AA Assessment

- 3.16 I consider my recommended amendment to the definition of 'heavy industrial activity' is more appropriate in achieving the objectives of the PDP than the notified definition because it provides greater clarity to plan users that heavy industrial activities are a subset of industrial activity, thereby aiding interpretation of the rule framework where these terms appear. In my opinion, the amendment will not have any greater environmental, economic, social, or cultural effects than the notified definition.

Definition of well-functioning urban environments

⁵ The definition of an 'industrial activity' includes ancillary activities.

- 3.17 Ms Goodwin⁶ disagrees that an amendment to the definition of ‘well-functioning urban environments’, as sought by Waste Management NZ⁷, would result in inconsistency with Policy 1 of the National Policy Statement on Urban Development (NPS-UD).
- 3.18 I remain of the view that the definition should mirror Policy 1 of the NPS-UD without further amendment as set out in my section 42A report⁸. I note that the same definition applies in other district plans in the region, including the Wellington City District Plan 2024 and the Porirua District Plan 2025. It is appropriate and efficient to maintain this consistency across the plans in the region on common definitions.
- 3.19 I agree with Ms Goodwin that this issue is closely related to Waste Management NZ’s other submission points that are due to be addressed in the Infrastructure chapter hearing, including definitions of ‘waste management facility’ and the definition of ‘infrastructure’. That hearing stream will also address the infrastructure-related strategic objectives where there may be further opportunity to address the concerns raised by Ms Goodwin, when considered alongside Waste Management NZ’s other submission points.

Manor Park and Haywards Residents Community Incorporated Society (Submitter 377)

- 3.20 Mr Farrell⁹ seeks the addition of a Strategic Objective directing the avoidance of incompatible land uses. Mr Farrell is concerned that there is insufficient consideration of these incompatible land uses when land is proposed to be rezoned.
- 3.21 While I agree with Mr Farrell that the Strategic Directions are relevant in determining the appropriateness of rezoning land, they must be considered alongside all relevant objectives and policies of the plan. The Strategic Direction objectives are by their nature high-level, providing guidance to plan users about the key issues and

⁶ Evidence of A. Goodwin, para. 35-38

⁷ Submission 461.11

⁸ Para. 393-397

⁹ Statement of Evidence of B. Farrell, para. 13

matters of significance for the district as a whole. In the case of a rezoning request, the strategic objectives are relevant to determining whether the proposed zoning aligns with the Council's strategic direction, but in my opinion they are not the sole driver.

- 3.22 I agree that compatibility with adjoining existing land uses is an important consideration in assessing a rezoning proposal, but as I have outlined in my section 42A report, there are more specific objectives, policies, and rules that must be considered at a site level in determining rezoning. This does not need to be repeated at a strategic level. A key purpose of the zone framework is to address matters such as adverse effects at zone interfaces which is expressed through objectives, policies, and rules that are tailored to the specific context and activity mix anticipated within each zone.
- 3.23 In my opinion, strategic objectives are a useful starting point for decision-makers to understand the general philosophy of the PDP, the approach to managing use and development at a spatial level, and they can also be relevant where there is a conflict between lower-order policy direction. They should not be determinative on their own which is my interpretation of Mr Farrell's recommended objectives and the relief sought by Manor Park and Haywards Residents Community Incorporated Society.
- 3.24 I also consider there are strategic objectives in the PDP that provide broad scope to consider a range of issues for adjoining communities. In particular:
- 3.24.1 UDSD-O1 requires consideration of how a rezoning proposal contributes to 'a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety'
- 3.24.2 UDSD-O2 would guide decision-making about where urban development occurs and how it supports liveable, well-functioning urban environments that include the matters in clauses a-i.

3.24.3 UDSD-O13 and UDSD-O14 recognise the strategic importance of business and industrial activities alongside the need for these activities to contribute to the economic, cultural, social and environmental wellbeing of the wider community.

3.25 The type of zoning that is requested or proposed in the plan change is also a relevant consideration alongside the specific context of the proposal, including the location. For example, the PDP has three industrial zones and a relevant consideration for the location of those zones is their proximity to residential areas and commercial centres where amenity values need to be managed. The Introduction to the Light Industrial Zone chapter states that ‘the zone recognises the need for industrial areas throughout the urban area of Lower Hutt while acknowledging that these areas are usually located close to residential areas or commercial centres and the management of amenity values is more important’. This is carried through to Objective LIZ-O1 (Purpose of the Light Industrial Zone):

The Light Industrial Zone is used primarily to meet the needs of industrial and research activities, and compatible activities such as commercial, community, or government activities that are not appropriately located in commercial centres. The Light Industrial Zone is usually located next to or near residential, commercial, and other zones that provide for activities sensitive to industry, and activities in the zone are managed to be compatible with this.

3.26 Objective LIZ-O6 also sets the direction for the management of adverse effects both within the zone and at the zone interface with other zones. Policy LIZ-P3 directs the avoidance of heavy industrial activities in the zone, and Policy LIZ-P12 directs the management of activities within the zone to mitigate adverse effects on other adjoining zones. A similar approach has been applied to the General and Heavy Industrial Zones, tailored to the nature of the activities in those zones which are less compatible with sensitive land uses, such as residential areas.

3.27 Accordingly, I am satisfied that the PDP does not require specific strategic direction level objectives relating to incompatible zones, as these matters are already comprehensively addressed through the zone framework and associated objectives, policies, and rules. I do not recommend any changes to the PDP as a result of Mr Farrell's evidence.

KATE LOUISE PASCALL

Principal Planner

Boffa Miskell Limited (on behalf of Hutt City Council)

22 April 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

Definitions

Term	Definition
<u>Additional infrastructure</u>	<p>has the same meaning as in clause 1.4 of the National Policy Statement for Infrastructure 2025 (as set out below)</p> <p>(a) <u>a relevant school or institution as defined in the Education and Training Act 2020;</u></p> <p>(b) <u>a health facility operated by Health New Zealand to meet its obligations under the Pae Ora (Healthy Futures) Act 2022;</u></p> <p>(c) <u>fire and emergency services facilities;</u></p> <p>(d) <u>defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990;</u></p> <p>(e) <u>correction facilities operated by the Department of Corrections to meet its obligations under the Corrections Act 2004;</u></p> <p>(f) <u>a stormwater network;</u></p> <p>(g) <u>resource recovery or waste disposal facilities; and</u></p> <p>(h) <u>flood control and protection works carried out by, or on behalf, of a local authority.</u></p>
Heavy industrial activity	<p>means <u>an Industrial Activity that includes:</u></p> <ul style="list-style-type: none"> • an offensive trade, • a significant hazardous facility, • an abattoir, • a refinery, • the storage, treatment, or disposal of waste materials, including any waste transfer station or resource recovery park, and • the composting of organic materials, excluding composting undertaken on the site from which the material is sourced, of up to 10m³ in volume. <p>or any other industrial activity that creates offensive and objectionable noise, dust, or odour, or elevated risks to people's health and safety.</p>

Commented [KP1]: HS1 - Enviro NZ (323)

Commented [KP2]: HS1 - Waste Management NZ Limited (461)

SD — Strategic Direction

Urban Form and Development

UDSD-02	Outcomes for Well-Functioning Urban Environments
	<p>Urban development supports the creation of liveable, well-functioning urban environments that are:</p> <ol style="list-style-type: none">Safe and well-designed,Walkable and connected by public transport and sustainable travel choices, including micro-mobility modes,Serviced by the necessary infrastructure <u>and additional infrastructure</u> appropriate to the intensity, scale and function of the development,Connected to open space and the natural environment,Ecologically sensitive,Close to employment opportunities,Resilient to the impacts of natural hazards and climate change,Respectful of, and integrated with, the city's historic heritage, andAdaptable over time and responsive to their evolving, more intensive surrounding context.

Commented [KP3]: The Fuel Companies (471.90), HNZPT (248.11), FENZ (374.17), MoE (399.17), and Petone Historical Society (496.10), Enviro-NZ (323-22) and Connexa, Chorus, FortySouth and Spark (311.20)

Commented [KP4]: HS1 - Enviro NZ (323)