BEFORE THE INDEPENDENT HEARINGS PANEL
OF HUTT CITY COUNCIL

UNDER	the Resource Management Act 1991 ("**RMA**")
AND	
IN THE MATTER	of the Proposed Hutt City District Plan ("**Proposed Plan**")

LEGAL SUBMISSIONS
ON BEHALF OF WASTE MANAGEMENT NZ LIMITED

6 NOVEMBER 2026

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MAY IT PLEASE THE PANEL:

1. SUMMARY

1.1 These submissions on behalf of Waste Management NZ Limited ("**WM**") in relation to Hearing Stream Eight of the Proposed Plan, as it relates to 30 Benmore Crescent, Manor Park ("**Site**").

1.2 WM is New Zealand's largest waste and environmental services company and has an established operational presence in Hutt City and the wider Wellington Region. It operates regionally significant infrastructure collecting, transporting, sorting, processing, recycling, treating and ultimately safely disposing of waste produced in New Zealand.

1.3 The key question for the Panel in this hearing is whether the Site should be rezoned General Industrial and, if so, on what provisions.

1.4 WM seeks that:

(a) the Site be rezoned from General Rural to General Industrial, with a Benmore Crescent Precinct ("**Precinct**") containing site-specific provisions as set out in Ms Goodwin's evidence;[1] and

(b) the adjoining rail corridor be rezoned General Industrial.

1.5 WM's relief aligns with the landowner, who holds mana whenua, being Te Rūnanga o Toa Rangatira, and the Site's developer, Te Kārearea Limited ("**TKL**").

1.6 The Section 42A Report dated 12 October 2026 ("**Section 42A Report**") supports General Industrial zoning with a Precinct. The only differences concern the content of the Precinct provisions, being the activity status for waste management facilities (including resource recovery parks), a site-specific traffic rule and other activity restrictions.

1.7 WM has a sub-lease for part of the Site to develop a proposed resource recovery park. This proposed resource recovery park is the subject of a separate consent process and is not before the Panel. While references were made to it in WM and TKL's expert evidence these were for context only, illustrating the type of industrial activity the Site suits. WM's case for this

[1] Alternatively, WM supports a special purpose industrial zone with the same provisions.

hearing rests on the Site's suitability for industrial use generally, and none of the evidence in support depends on its consent application.

1.8 The evidence before the Panel is clear and consistent. General Industrial zoning for the Site on the Precinct provisions set out by Ms Goodwin (which will be addressed further at the hearing in light of rebuttal evidence) is the most appropriate option to achieve the purpose of the RMA, the objectives of the Proposed Plan, and to give effect to the NPS-UD, the NPS-I and the RPS. In particular:

(a) it would give effect to the NPS-UD by providing needed industrial land: Hutt City faces a shortfall of 33 to 37 hectares of vacant industrial land over the next ten years, and the Site would meet roughly a quarter to a third of that gap;

(b) there is no evidential basis for retaining the General Rural Zone: rural zoning would not achieve the General Rural Zone objectives, including because the Site is isolated from other rural land, is not highly productive land and in fact has close to zero rural productive capacity;

(c) the site-specific traffic rule proposed by Ms Goodwin (GIZ-PREC1-R13) reflects the limit of 2,900 vehicle movements per day (measured on a weekly average) assessed and consented under RM230018, and the Council's traffic expert agrees it is appropriate to exclude the standard high trip generation provisions where that rule is met;[2]

(d) restricted discretionary status for waste management facilities is appropriate: the standards require waste to be handled and stored indoors, no active composting, and fire, pest, and dust and odour management plans. Ms Ryan considers these proposed standards appropriately manage odour risk. Ms Goodwin will address the rebuttal evidence[3] on this site-specific provision at the hearing;[4] and

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2 Statement of Evidence of Mark Georgeson dated 27 October 2026 at [5.9] and [6.10]; Statement of Evidence of Luke Benner dated 4 November 2026 (Appendix 1 to the Statement of Rebuttal Evidence of Brett Osborne) at [8]–[11].

3 Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.6] and [5.9].

4 Statement of Evidence of Deborah Ryan dated 27 October 2026 at [5.16]; Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.3].

(e) WM and TKL's technical experts (traffic, noise, air quality, water and landscape) conclude that the effects of industrial zoning can be appropriately managed through the General Industrial Zone, the Precinct provisions and the Natural Resources Plan for the Wellington Region ("**NRP**").

1.9 WM acknowledges the concerns of some submitters, particularly the Manor Park and Haywards Residents Community Incorporated Society ("**Residents' Society**"), about compatibility of a General Industrial Zoning with the Manor Park community. Many of those concerns are directed at WM's proposed resource recovery park, which is not before the Panel, or otherwise seek to retain General Rural Zone to prevent the Site's proposed future industrial development. No submitter has provided expert or lay evidence that the Site has rural production values, and WM's evidence is clear that it does not.[5] Seeking to protect the status quo and avoid potential future development through the plan-making process does not meet the section 32 and other statutory tests that the Panel must be concerned with.

1.10 In any event, the Site is separated from Mary Huse Grove by the active rail corridor, and any potential interface effects are appropriately managed through the General Industrial Zone provisions (including GIZ-O6), the district-wide noise standards and the Precinct provisions. Those Precinct provisions go beyond the controls that apply to other General Industrial land adjoining residential zones, including through landscaping, increased setbacks and controls on building colour and lighting. Any fixed separation distances sought by submitters are unsupported by evidence and rejected by both the reporting planner and WM's experts.

1.11 Evidence has been filed on behalf of WM (in some cases jointly with TKL) on the following matters:

(a) Sarah Whiteman – Corporate;

(b) Angela Goodwin – Planning;

(c) James Allen – Rural Productivity;

(d) Fraser Colegrave - Economics;

(e) Emma McRae – Landscape and Visual;

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5 Section 42A Report at [113] and [140]; Statement of Evidence of James Allen dated 27 October 2026 at [1.2] and [6.4].

(f) Deborah Ryan – Air Quality;

(g) Stuart Farrant – Water Management;

(h) Mark Georgeson – Traffic; and

(i) Darran Humpheson – Noise and Vibration.

1.12 For the reasons set out in evidence and in these submissions, WM respectfully seeks that the Panel recommend that the Council:

(a) rezone the Site General Industrial (as recommended in the Section 42A Report) but also with the Precinct provisions set out in Attachment 1 to Ms Goodwin's evidence, or alternatively a special purpose zone with the same provisions; and

(b) rezone the adjoining rail corridor from Medium Density Residential to General Industrial, as also recommended in the Section 42A Report.

2. OVERVIEW OF THE SITE AND RELIEF SOUGHT

2.1 The Site is approximately 13.21 hectares. It is owned by Te Rūnanga o Toa Rangatira, which reacquired it as commercial redress under its Treaty settlement. It has been leased to TKL, which is developing it with its sister company, Rosco Ice Cream Limited.

2.2 The Site lies between SH2 and the Wairarapa railway line, adjoins Te Awa Kairangi / Hutt River and is crossed by Dry Creek. The Mary Huse Grove residential area lies to the east, beyond the rail corridor.

2.3 The Site has been substantially modified. Bulk earthworks have created flat useable platforms above the flood level of Te Awa Kairangi and are largely complete.[6] Part of the Site is within the Fault Location Area, where buildings for sensitive activities are constrained.[7]

2.4 Resource consent RM230018 was granted in January 2025 for the roading and servicing of the Site, including upgrades to the Benmore Crescent / Manor Park Road intersection and the Manor Park rail level crossing, as described in

6 Consented under RM220258 and regional consent WGN230031.

7 Statement of Evidence of Angela Goodwin (Planning) on behalf of WM dated 28 October 2026 at [5.15]–[5.16]; Statement of Evidence of Sarah Whiteman dated 27 October 2026 at [5.6(c)].

more detail in the evidence of Mr Gibson and Mr Georgeson.[8] Although those works have not yet been completed, RM230018 is likely to be implemented. It therefore forms part of the existing environment.[9]

2.5 The Site was notified as General Rural in the Proposed Plan, with the adjoining rail corridor notified as Medium Density Residential.[10] As described earlier, WM seeks that the Site be rezoned General Industrial, with the Precinct provisions set out in Attachment 1 to Ms Goodwin's evidence, and that the rail corridor be rezoned General Industrial.

2.6 The Precinct provisions sought include (subject to the refinements which Ms Goodwin will address at the hearing and we briefly address in section 4 below):[11]

(a) a Precinct objective and policies (GIZ-PREC1-O1, GIZ-PREC1-P1 and GIZ-PREC1-P2) that recognise the Site's role in providing land for industrial activities, including resource recovery and waste management facilities, protect the values of Dry Creek and Te Awa Kairangi, and manage interface effects with the Te Awa Kairangi recreational corridor and the residential area at Mary Huse Grove;

(b) landscaping, building colour, signage and lighting, and setback standards (GIZ-PREC1-S1 to S3), a 1,000 m² building size threshold for buildings other than those associated with a resource recovery park (GIZ-PREC1-S4), and a fire-fighting water supply standard (GIZ-PREC1-S5);

(c) restricted discretionary activity status for waste management facilities (including resource recovery parks) (GIZ-PREC1-R4), subject to specific standards including that waste is handled and

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8 Statement of Evidence of David Gibson (Hearing Stream Eight) dated 27 October 2026 at [5.1]–[5.17]; Statement of Evidence of Mark Georgeson (Traffic) dated 27 October 2026 at [1.3], [2.8] and [5.1]–[5.10].

9 The existing environment includes the environment as it exists, together with the future state of the environment as it might be modified by resource consents that have been granted and are likely to be implemented: *Queenstown Lakes District Council v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299 (CA). Also see Statement of Evidence of Mark Georgeson dated 27 October 2026 at [5.3] and [5.7].

10 Section 42A Report at [17] and [171].

11 Scope for these provisions is provided by TKL's submission (447.6), which sought General Industrial zoning with site-specific provisions (including restricted discretionary status for waste transfer stations and resource recovery facilities, an upper traffic limit and restrictions on retail and food and beverage activities), and by WM's further submission in support (FS39): Section 42A Report at [96]–[97].

stored indoors, there is no active composting, and fire, pest, and dust and odour management plans are in place;

(d) non-complying activity status for grocery stores and supermarkets (GIZ-PREC1-R7) and residential activities (GIZ-PREC1-R9); and

(e) a traffic generation and transport infrastructure rule (GIZ-PREC1-R13) providing permitted activity status only where the consented transport, water supply and wastewater upgrades are operational and total traffic does not exceed 2,900 vehicle movements per day (measured on a weekly average), with non-complying status where those conditions are not met.

2.7 We address these Precinct provisions further in section 4 below.

3. LEGAL FRAMEWORK

3.1 The Panel will be familiar with the legal framework for assessing the Proposed Plan. A summary of key provisions is provided below for completeness.

3.2 The Panel will also be aware of the recent transitional changes to the RMA following the passing of the Planning and Natural Environment Acts 2026 including a new section 76(6) RMA.[12] Those changes are not relevant to this hearing stream.

Summary

3.3 The legal framework for assessing district plan changes was outlined by the Environment Court in *Long Bay*,[13] and summarised further in *Colonial Vineyards*.[14] We do not intend to take the Panel through the detail of those tests, except to summarise the matters below.

3.4 Section 74 RMA sets out the matters the Council must consider in preparing and changing a district plan. As relevant here, these include:

(a) the Council's functions under section 31;

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12 Which specifies that a rule must not require a resource consent for an activity solely because it relates to a matter specified in section 104(1A). Section 104(1A) relates to certain residential activity matters, trade competition, retail distribution, demand or financial viability of a project, types of residents housed in new developments and views from private property.

13 *Long Bay-Okura Great Park Society v North Shore City Council* (2008) EnvC A078/2008.

14 *Colonial Vineyards v Marlborough District Council* [2014] NZEnvC 55.

(b) the provisions of Part 2;

(c) the Council's obligations to prepare, and have particular regard to, an evaluation report under sections 32 and 32AA;

(d) the requirement to give effect to any national policy statement, the National Planning Standards and the regional policy statement;[15] and

(e) the requirement to have regard to any proposed regional policy statement, here Proposed Change 1 to the RPS.[16]

3.5 Because WM seeks changes to the notified Proposed Plan, a further evaluation under section 32AA is required. Section 32AA(1)(b) requires that evaluation to be undertaken in accordance with section 32(1) to (4).

3.6 Section 32 requires evaluation of whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA, and whether the provisions are the most appropriate way to achieve those objectives by identifying other reasonably practicable options and assessing the efficiency and effectiveness of the provisions. Under section 32AA, that evaluation is required only for the changes, at a level of detail that corresponds to their scale and significance.

3.7 Ms Goodwin sets out these requirements in her evidence,[17] and has undertaken a section 32AA evaluation of the rezoning and the Precinct provisions in Attachment 2 to her evidence. That evaluation compares General Industrial zoning with retaining the General Rural Zone, a residential or mixed-use zone and a Light Industrial Zone. Among other matters, Ms Goodwin also addresses how the proposed zoning gives effect to the NPS-UD, the NPS-I, the RPS and the National Planning Standards, and has regard to Proposed Change 1 to the RPS.[18]

3.8 In our submission, General Industrial zoning of the Site with the Precinct provisions proposed by Ms Goodwin meets each of the above tests.

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15 RMA, s 75(3).

16 RMA, s 74(2)(a)(i); Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [5.31] and [5.49].

17 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [5.1]–[5.3] and Attachment 2 at [2.1]–[2.4].

18 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [5.31]–[5.50].

4. KEY ISSUES – ZONING AND PRECINCT PROVISIONS

4.1 The key question for the Panel is whether the Site should be rezoned General Industrial and, if so, on what provisions.

4.2 In our submission, General Industrial zoning with the Precinct provisions proposed by Ms Goodwin is the most appropriate way to achieve the purpose of the RMA and objectives of the Proposed Plan, having regard to their efficiency and effectiveness.

4.3 That conclusion is supported by each of WM and TKL's experts, with the General Industrial zoning also supported in the Section 42A Report. No expert evidence has been filed in support of retaining the General Rural Zone, or any other alternative zone.

4.4 The evidence on behalf of WM and TKL demonstrates that rural zoning is not efficient or effective or the most appropriate option to achieve the purpose of the RMA. Mr Allen's evidence confirms the Site's rural productive capacity is close to zero, it is not highly productive land, and any hypothetical remediation for rural use is not realistic.[19] No submitter has shown the Site is needed for rural production.[20] In addition, Mr Farrant's evidence is that rural use would present a greater risk to Dry Creek and Te Awa Kairangi, through potential nutrient leaching to groundwater.[21]

4.5 In our submission, the submissions seeking retention of the General Rural Zone at the Site are, in substance, directed at preventing WM's proposed resource recovery park. That is an irrelevant purpose for a zoning decision. The appropriate place to assess the effects of that proposal is the separate consent process, which is not before this Panel.[22]

4.6 The evidence equally demonstrates that the effects of industrial zoning will be appropriately managed:

(a) Mr Georgeson's evidence is that the consented upgrades to the Benmore Crescent / Manor Park Road intersection and the Manor Park rail level crossing will accommodate up to 2,900 vehicle

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19 Statement of Evidence of James Allen dated 27 October 2026 at [1.2]–[1.4] and [7.1]–[7.3].

20 Section 42A Report at [113] and [140]; Statement of Evidence of James Allen dated 27 October 2026 at [6.4].

21 Statement of Evidence of Stuart Farrant dated 27 October 2026 at [1.4] and [5.18]–[5.19].

22 Section 42A Report at [31], [120]–[121] and [190].

movements per day without unacceptable effects on the network or emergency access;[23]

(b) Mr Humpheson's evidence is that the district-wide noise standards, which apply within the residential receiving sites, appropriately manage noise and vibration, and that fixed separation distances are not justified;[24]

(c) Ms Ryan's evidence is that discharges to air can be managed through the district and NRP consenting frameworks, and that the 400 m to 500 m separation sought by the Residents' Society is not justified (no expert evidence has been filed by the Residents' Society to the contrary);[25]

(d) Mr Farrant's evidence is that stormwater from industrial development will be treated and managed under the NRP, and the reporting planner agrees freshwater values are protected;[26] and

(e) Ms McRae's evidence is that the Site is highly modified, has a contained visual catchment and no coherent rural character, and that the Precinct provisions, including the landscaping standard (GIZ-PREC1-S1) requiring a 20 m planted corridor along Dry Creek and screening from Te Awa Kairangi and Mary Huse Grove, and the building colour, signage and lighting controls (GIZ-PREC1-S2), will integrate industrial development into its setting.[27]

4.7 For completeness, the other zone options identified by submitters would not achieve the purpose of the RMA or the objectives of the Proposed Plan. As described further by Ms Goodwin:

(a) residential and mixed-use zoning would be constrained by natural hazards and road and rail noise;

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23 Statement of Evidence of Mark Georgeson dated 27 October 2026 at [8.3]–[8.4] and [9.1].

24 Statement of Evidence of Darran Humpheson dated 27 October 2026 at [1.3]–[1.4], [7.8]–[7.9] and [8.1].

25 Statement of Evidence of Deborah Ryan dated 27 October 2026 at [1.3]–[1.4] and [7.6].

26 Statement of Evidence of Stuart Farrant dated 27 October 2026 at [1.3] and [7.1]; Section 42A Report at [212]–[213].

27 Statement of Evidence of Emma McRae dated 27 October 2026 at [11.30]–[11.31] and [12.1]–[12.2].

(b) open space zoning of private returned Treaty settlement land would be extremely unusual and, in our submission, inappropriate under section 32, particularly without the landowner's consent;[28] and

(c) light industrial zoning would make less efficient use of the Fault Location Area.[29]

4.8 The Section 42A Report recommends General Industrial zoning of the Site with a Precinct, including a Precinct objective, a 10 m setback from site boundaries and a resource consent requirement for buildings over 1,000 m², and rezoning of the adjoining rail corridor to General Industrial. It also accepts in principle provisions protecting Dry Creek and managing stormwater, subject to further detail.[30]

4.9 WM generally supports these recommendations, but seeks additional and refined provisions, including extending the proposed 10 m setback also to Dry Creek and outdoor operational areas and excluding resource recovery park buildings from the 1,000 m² gross floor area threshold.[31] Ms Goodwin's section 32AA evaluation confirms that the Precinct provisions she proposes are the most appropriate way to achieve the purpose of the RMA and the objectives of the Proposed Plan.[32]

4.10 There are limited points of difference between WM's experts, the Section 42A Report, and now rebuttal evidence. The only remaining differences relate to some of the proposed Precinct provisions and the option of providing a special purpose industrial zone. We address these below.

4.11 We understand that Ms Goodwin agrees with aspects of the reporting planner's rebuttal evidence received on 5 November 2026. The Precinct standards (GIZ-PREC1-S1 to S5) and other matters are being revisited in light of that evidence, and Ms Goodwin will address those at the hearing.

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28 RMA, s 85; Section 42A Report at [161]. There are no easements or other property rights over Te Rūnanga o Toa Rangatira's land providing for public access to the Site.

29 Section 42A Report at [155]–[169]; Statement of Evidence of Darran Humpheson dated 27 October 2026 at [7.12]–[7.17]; Statement of Evidence of Fraser Colegrave dated 27 October 2026, Appendix A at [A3]–[A4].

30 Section 42A Report at [127(e)], [170]–[179] and [248]–[249].

31 Section 42A Report at [127(e)]–[127(f)] and [129]; Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [1.2] and [5.6].

32 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [1.3], [5.6] and [5.9].

Activity status for waste management facilities

4.12 The Section 42A Report recommends that waste management facilities should be discretionary as heavy industrial activities.[33] In rebuttal, the reporting planner maintains that position, but agrees with a Precinct policy (GIZ-PREC1-P2) recognising the benefits of these activities.[34]

4.13 WM seeks restricted discretionary status for waste management facilities in the Precinct, subject to specific standards requiring waste to be handled and stored indoors, no active composting, and fire, pest, and dust and odour management plans.

4.14 In our submission, and as set out further in Ms Goodwin's evidence, restricted discretionary status is the most appropriate option under section 32 compared to discretionary consent status:

(a) it is effective, because the conditions and matters of discretion target the potential effects identified by the technical experts and Council retains the ability to decline consent;[35]

(b) it is efficient, because it focuses assessment on the relevant effects and thereby reducing the cost and time of consenting;[36] and

(c) discretionary status would reflect the current treatment of waste transfer stations and resource recovery parks as heavy industrial activities under the Proposed Plan. As heavy industrial activities, these facilities would remain subject to Policy GIZ-P3 (Heavy industrial activities), which seeks to avoid such activities. On this Site, given that the expert evidence is that the potential adverse effects of these facilities can be appropriately managed that approach would not give effect to Policies 1 (Providing for the benefits of infrastructure), 4 (Enabling the efficient and timely operation and delivery of infrastructure activities) and 9 (Managing the effects of new infrastructure and major upgrades) of the NPS-I (which recognise the benefits of infrastructure, require its efficient

33 Section 42A Report at [127(d)] and [190].

34 Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.10]–[5.11], [5.16] and [5.21].

35 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.3]; Statement of Evidence of Deborah Ryan dated 27 October 2026 at [5.16].

36 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.4].

and timely delivery to be enabled, and enable new infrastructure in all environments).[37]

4.15 The reporting planner considers the NPS-I is not relevant to the Proposed Plan review.[38] With respect, that is incorrect. WM comprehensively addressed the NPS-I in its legal submissions for Hearing Stream Six and does not repeat those submissions here[39] except to say that the Proposed Plan must give effect to the NPS-I.[40] The NPS-I defines "additional infrastructure" to include resource recovery facilities. The NPS-I is directly relevant to the supply of land where such infrastructure can locate, and to how the provisions applying to the Site treat it.[41]

4.16 This relief also connects with the definitions addressed in Hearing Stream Two. Under the notified Proposed Plan, waste management facilities fall within the definition of "heavy industrial activity", which is discretionary in the General Industrial Zone (GIZ-R18) and subject to Policy GIZ-P3 (Heavy industrial activities). WM has sought a separate definition of "waste management facility", excluded from "heavy industrial activity", and the Precinct provisions are drafted on that basis.

4.17 In the event that relief is not granted, Ms Goodwin proposes alternative provisions, GIZ-PREC1-P3 (Heavy industrial activities) and GIZ-PREC1-R10 (Heavy industrial activities, excluding waste management facilities). These would keep other heavy industrial activities discretionary, while waste management facilities would remain restricted discretionary under the proposed provision GIZ-PREC1-R4 (as addressed at 4.12 to 4.14 above).[42] Ms Goodwin intends to address these alternative provisions further at the hearing.

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37 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.4].

38 Section 42A Report at [40].

39 Legal submissions on behalf of WM (Hearing Stream Six) dated 18 September 2026 at [1.4]–[1.9] and [2.1]–[3.21].

40 RMA, s 75(3)(a).

41 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [5.36]–[5.39] and [7.4].

42 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [4.5]–[4.6].

Landscaping, building colour, signage and lighting (GIZ-PREC1-S1 and S2)

4.18 The landscaping standard (GIZ-PREC1-S1) requires a certified landscape plan, including a continuous buffer along the Te Awa Kairangi recreational corridor, screening from the Hutt River Trail and Mary Huse Grove, and a predominantly indigenous planted corridor at least 20 m wide along Dry Creek. GIZ-PREC1-S2 requires recessive building colours and controls signage and lighting where buildings are visible from the river corridor or Mary Huse Grove.[43]

4.19 The reporting planner generally supports both standards, subject to clarification of certain wording (including the reference to the "portion adjacent to the activity proposed", "principal building" and the signage provisions) and the addition of matters of discretion.[44] Ms Goodwin intends to address those refinements before the hearing and is available to work with him on those refinements, as required. It is expected, for example, that Ms Goodwin will recommend the landscaping standard be amended to refer to the area of the Site leased by the relevant activity.

4.20 The alternative is to rely on the General Industrial Zone landscaping and screening standards alone. Those do not respond to the Site's river-edge setting.[45] The site-specific standards are effective, because they implement Ms McRae's recommendations and target the interfaces of most concern. They are efficient, because much of the planting is already required by RM220258 and RM230018, and the colour and signage controls apply only to buildings visible from those interfaces.[46]

Building setbacks and building size (GIZ-PREC1-S3 and S4)

4.21 The Section 42A Report recommends a 10 m setback from the Site boundaries and a consent requirement for buildings with gross floor areas over 1,000 m², as additional mitigation responding to submissions seeking buffers between the zones.[47] WM generally supports both. Ms Goodwin proposes that the setback also apply from the centreline of Dry Creek and to outdoor storage, waste handling, parking and impermeable operational areas (GIZ-PREC1-S3),

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43 Statement of Evidence of Emma McRae dated 27 October 2026 at [9.5]–[9.7].

44 Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.33]–[5.38].

45 Statement of Evidence of Emma McRae dated 27 October 2026 at [11.27]–[11.28].

46 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.5].

47 Section 42A Report at [127(e)] and [129].

and that the building size threshold exclude resource recovery park buildings (GIZ-PREC1-S4).[48]

4.22 The alternative is the standard 5 m setback from sensitive zone boundaries (GIZ-S3), with no building size threshold. The site-specific standards are effective, because they provide separation and allow the scale and appearance of larger buildings to be assessed at the Te Awa Kairangi and Mary Huse Grove interfaces.[49] They are efficient, because their only cost is a modest reduction in the usable area of the Site.[50]

4.23 In rebuttal, the reporting planner generally agrees with GIZ-PREC1-S3, subject to clarification of the Dry Creek setback, and seeks clarification of the resource recovery park exclusion in the building size threshold (GIZ-PREC1-S4).[51] We understand Ms Goodwin considers it is appropriate to increase the Dry Creek setback for buildings and impervious areas to 15 m, leaving a 5 m gap beyond the planted corridor. She also proposes to remove the resource recovery park exclusion, so that the building size threshold applies to all buildings. These matters will be addressed further at the hearing.

Site-specific traffic rule (GIZ-PREC1-R13)

4.24 The proposed site-specific traffic rule (GIZ-PREC1-R13) would replace the Proposed Plan's standard high trip generation provisions for the Site. In our submission, it is appropriate because the effects of up to 2,900 vehicle movements per day have already been assessed and approved through RM230018.[52]

4.25 The rule is efficient because it avoids repeated assessment of the same effects, and effective because it ties development to completion of the transport, water supply and wastewater upgrades. It achieves INFSD-O1 (Integration) and INFSD-O2 (Coordination) and GIZ-PREC1-O1 (Benmore Crescent Precinct), and gives effect to RPS Policies 57 (Integrating land use

48 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 1 (GIZ-PREC1-S3 and S4) and Attachment 2 at [5.6].

49 Statement of Evidence of Emma McRae dated 27 October 2026 at [11.14] and [11.37].

50 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.6].

51 Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.39]–[5.40].

52 Statement of Evidence of Mark Georgeson dated 27 October 2026 at [6.3], [6.10] and [7.3]–[7.4].

and transportation – consideration) and 58 (Co-ordinating land use with development and operation of infrastructure – consideration).[53]

4.26 The alternative is to rely on the high trip generating activity provisions in the Transport chapter (TR-R3 and Table 8), which include a threshold of 200 vehicle trips per day for activities not otherwise listed. Development of the Site would exceed those thresholds, triggering restricted discretionary consent and an Integrated Transport Assessment. Mr Georgeson's evidence is that the assessment underpinning RM230018 already addresses those matters. Relying on the standard rules would therefore be inefficient and would duplicate assessment of the same effects.[54]

4.27 The Council's traffic expert, Mr Benner, agrees it is appropriate to exclude TR-R3 where GIZ-PREC1-R13 is met. The remaining difference concerns the activity status where the limit is exceeded: Mr Benner considers non-complying status appropriate, while the reporting planner recommends restricted discretionary.[55] Ms Goodwin considers non-complying status is appropriate and can address this further at the hearing.

Other site-specific provisions (GIZ-PREC1-R5 to R9, R11 and R12)

4.28 The Section 42A Report rejected TKL's requested restrictions on retail, supermarkets, service stations, garden centres and food and beverage activities, on the basis that no reasons had been given for them.[56] The rebuttal evidence maintains the view that restrictions on certain land uses is not appropriate.[57]

4.29 Ms Goodwin has reviewed that rebuttal evidence and agrees some of the proposed rules, other than those for grocery stores and supermarkets (GIZ-PREC1-R7) and residential activities (GIZ-PREC1-R9), are not required. We understand Ms Goodwin considers restrictions on grocery stores and supermarkets, and residential activities are necessary to ensure the contribution the Site provides for future industrial activities. Ms Goodwin will address this and her recommended Precinct provisions further at the hearing.

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53 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [4.8] and Attachment 2 at [5.8].

54 Statement of Evidence of Mark Georgeson dated 27 October 2026 at [6.6]–[6.10].

55 Statement of Evidence of Luke Benner dated 4 November 2026 (Appendix 1 to the Statement of Rebuttal Evidence of Brett Osborne) at [8]–[11], [18] and [22]; Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.31]–[5.32].

56 Section 42A Report at [127(b)]–[127(c)].

57 Statement of Rebuttal Evidence of Brett Osborne dated 4 November 2026 at [5.22]-[5.26].

Rail corridor

4.30 The options for the adjoining rail corridor are to retain the notified Medium Density Residential zoning or to rezone it General Industrial. The Section 42A Report recommends rezoning, and WM agrees.[58] Retaining residential zoning would apply the residential height in relation to boundary standard (MRZ-S4) along the Site boundary through GIZ-S2 (Height in relation to boundary – Adjoining zones), even though the approximately 30 m wide rail corridor cannot be built on. The railway itself is unaffected, because it operates under its designation.[59]

4.31 Ms Goodwin considers the rezoning is efficient, because it avoids an unnecessary constraint on the use of the Site, and effective, because it applies the zone interface standards where they are intended to apply, achieving GIZ-O4 and GIZ-O6. It has no material costs.[60] Mr Humpheson also confirms the rail corridor is not a noise-sensitive receiving environment.[61]

5. CONCLUSION

5.1 In our submission, General Industrial zoning of the Site with the Precinct provisions proposed by Ms Goodwin is the most appropriate way to achieve the purpose of the RMA and objectives of the Proposed Plan. It gives effect to the NPS-UD, the NPS-I and the RPS. There is no evidential basis for retaining the General Rural Zone – opposition to WM's proposed resource recovery park is not a valid planning reasons for retaining a rural zoning. The expert evidence is that the effects of industrial zoning will be appropriately managed.[62] There is no expert evidence filed to the contrary.

58 Section 42A Report at [170]–[179] and [249].

59 Section 42A Report at [173]–[177].

60 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026, Attachment 2 at [5.9].

61 Statement of Evidence of Darran Humpheson dated 27 October 2026 at [6.6].

62 Statement of Evidence of Angela Goodwin (Planning) dated 28 October 2026 at [8.1] and Attachment 2.

5.2 WM respectfully seeks that the Panel recommend that the Site and the adjoining rail corridor be rezoned General Industrial, with the Precinct provisions set out in Attachment 1 to Ms Goodwin's evidence (or, alternatively, a special zone with the same provisions).

DATED: 6 November 2026

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