

SUBMISSION ON HUTT CITY PROPOSED DISTRICT PLAN FOR HUTT CITY UNDER CLAUSE 6 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

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

SUBMITTER: Waste Management NZ Limited ("**WM**")

SUBMISSION ON: Hutt City Proposed District Plan ("**PDP**")

Introduction

1. WM welcomes the opportunity to submit on the PDP.
2. WM is New Zealand's largest waste and environmental services company, with a long history in New Zealand dating back to 1935. The company is the market leader in the waste sector in New Zealand with an established national network of vertically integrated local waste and environmental management services.
3. WM owns or has operational interest in several landfills, refuse transfer stations, materials recovery facilities and other waste services across New Zealand. It has a variety of interests in Lower Hutt in the Wellington Region, including a hazardous waste facility at 57 – 59 Port Road, the Seaview Refuse Transfer Station at 27 Seaview Road, and a proposed resource recovery park at 30 Benmore Crescent, Manor Park.
 - (a) **Port Road:** WM operates a hazardous waste facility at this site. These operations include heavy metal waste processing, contaminated soil stockpiling and medical waste container washing.
 - (b) **Seaview Road:** WM operates a transfer station at this site. This facility undergoes recycling operations, and collects general domestic, green and commercial solid waste.
 - (c) **Benmore Crescent:** WM has lodged a land use consent application with the Council to establish and operate a resource recovery park on part of 30 Benmore Crescent, Manor Park.¹ The proposed resource recovery park will include material recovery, construction and demolition waste sorting and transfer, a repair café for the repair of goods, second hands good store and a general refuse transfer station.
4. WM relies on robust planning provisions to protect and enable the regionally significant essential infrastructure that we develop and operate. We are also strongly committed to ensuring our projects and operations contribute to positive outcomes for New Zealand's environment and communities.

Scope of submission

5. This submission relates to the PDP in its entirety. This submission is focused on

¹ Resource consent has already been granted for the construction of roading, civil infrastructure and associated bulk earthworks for the site to enable the development of the resource recovery park.

those aspects of the PDP that have the potential to impact WM's existing and future operations of essential waste infrastructure within Hutt City. Specific provisions of the PDP that this submission relates to are set out in **Attachment 1**.

6. Some provisions addressed in **Attachment 1** are supported by WM and others are opposed with amendments sought to address WM's concerns. To the extent a provision of the PDP is not specifically addressed in **Attachment 1**, WM supports that provision as notified.
7. Waste Management could not gain an advantage in trade competition through this submission.

Reasons for submission

8. For those provisions of the PDP that require amendment as sought by WM below, those provisions will not (without amendments proposed by WM):
 - (a) promote the sustainable management of resources or achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
 - (b) enable the social and economic wellbeing of the community;
 - (c) meet the reasonably foreseeable needs of future generations;
 - (d) achieve integrated management of the effects of use, development or protection of land and resources in Hutt City;
 - (e) enable the efficient use and development of WM's assets and operations, and of those resources;
 - (f) appropriately achieve the objectives of the Regional Policy Statement, in terms of section 32 of the RMA;
 - (g) give effect to the National Policy Statement for Urban Development; and
 - (h) provide certainty and clear interpretation to plan for waste management activities within Hutt City.

Specific reasons for submission

9. Without derogating from the generality of the above, the specific reasons for WM's submission are set out in **Attachment 1** to this submission. **Attachment 1** is a table setting out the relevant PDP provision; whether Waste Management supports or opposes the provision; the specific relief sought; and the reasons for that position.

Decision sought

10. WM seeks the following decision in respect of the PDP:
 - (a) amendments to the provisions and maps to appropriately and adequately address the matters in this submission including, as a minimum the relief set out in **Attachment 1**;
 - (b) that subject to these amendments, the provisions and maps in the PDP

are otherwise confirmed as notified; and

- (c) any other relief or consequential amendments necessary to address the concerns set out in this submission.

- 11. WM wishes to be heard in support of its submission.
- 12. If any other submitters make a similar submission, WM will consider presenting a joint case with them at the hearing.

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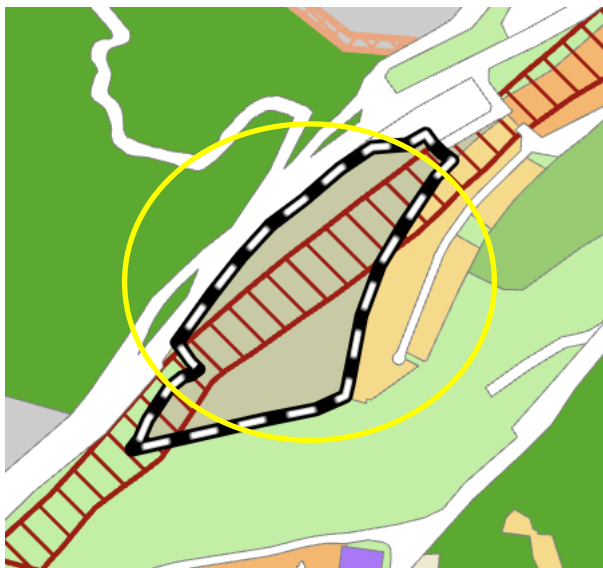
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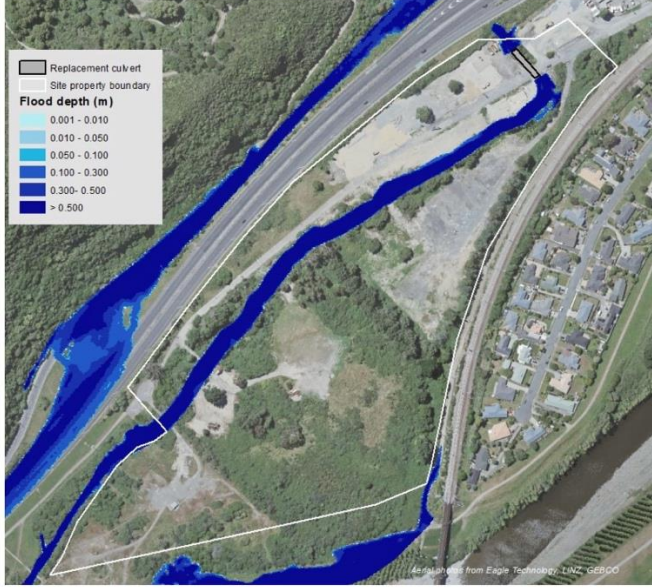
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Attachment 1

Submission point	Provision	Support/Oppose	Relief (WM proposed edits shown in red underline and strikethrough)	Reasons
Maps				
1.	Online maps and zone: 30 Benmore Crescent	Oppose	<p>WM seeks that 30 Benmore Crescent (location illustrated by the yellow circle in Figure 1) be zoned General Industrial instead of the proposed General Rural Zone.</p>  <p>Figure 1: Zone of the site in Proposed District Plan</p>	<p>An industrial zone for this site gives effect to the Wellington Regional Policy Statement and National Policy Statement for Urban Development, by providing sufficient development capacity for business land to meet current and future demand.</p> <p>The site does not easily provide for rural activities and is surrounded by urban uses and infrastructure which separates it from other rural parcels. An industrial zone is the most appropriate to achieve the objectives of the PDP, as it is adjacent to major transport routes, which would integrate land use and infrastructure.</p> <p>An industrial zone would directly contribute to increased economic growth and employment in the city.</p>



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				Effects resulting from an industrial zone can be managed by provisions that are part of the zone rules, as can effects on the natural environment.
2.	Online Maps: overlays	Support in part	<p>The flood overlay should be modified to reflect recent modelling undertaken by River Edge Consulting (shown in Figure 2). WM supports the other overlays applied to the site based on current knowledge (noise, liquefaction, faultline hazard area).</p>  <p>Figure 2 1:440 year flood hazard, as modelled by River</p>	<p>WM considers the flooding overlay should be updated to reflect the most up to date and available information.</p> <p>WM also supports the other overlays being applied to the site as they ensure appropriate activities will be located at the site.</p>



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			Edge Consulting (post authorised filling of the site).	
3.	Online Maps: Rail Corridor adjacent to 30 Benmore Crescent	Oppose	The rail corridor is zoned Medium Density Residential (shown as the orange section adjacent to 30 Benmore Crescent in Figure 1 above). WM seeks for the zoning of the rail corridor adjacent to 30 Benmore Crescent to be changed to General Industrial.	The rail corridor is regionally significant infrastructure, and this should be recognised by the zone. The rail corridor is adjacent to 30 Benmore Crescent. WM considers it is inappropriate for the interface between 30 Benmore Crescent and the rail corridor to be Medium Density Residential as this does not reflect the land use of the rail corridor. Further, this residential zoning leads to residential buffer area provisions being applied between the rail corridor and 30 Benmore Crescent. The residential buffer area provisions were designed for residential uses, which the rail corridor is not.
4.	Online maps: 57-59 Port Road	Support in part	WM supports the heavy industry zone at this property subject to its amendments sought on the definition and activity status for heavy industrial activities.	WM operates a hazardous waste facility at this site. The Heavy Industry Zone is appropriate to reflect this use in its wider location subject to the amendments sought in this submission.



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5.	Online maps: 27 Seaview Road	Support in part	WM supports the heavy industry zone at this property subject to its amendments sought on the definition and activity status for heavy industrial activities.	WM operates a transfer station at this site. The Heavy Industry Zone is appropriate to reflect this use in its wider location subject to the amendments sought in this submission.
Definitions				
6.	Definition: <i>Waste management facility</i>	Propose new definition	<p>WM seeks the addition of a definition for waste management facility:</p> <p><u>Waste management facility means a facility used for receiving waste for transfer, minimisation, treatment, disposal, or temporary storage. Includes:</u></p> <ul style="list-style-type: none"> <u>resource recovery parks;</u> <u>refuse transfer stations; and</u> <u>recycling.</u> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> <u>landfills, managed fills and clean fills.</u> 	Waste management facilities are a specific activity, distinct from general industry. Adding a definition of waste management facility allows waste management facilities to be managed within the PDP in a non-ambiguous and efficient manner.
7.	Definition: <i>Heavy Industrial Activity</i>	Oppose	<p>WM seeks the definition of heavy industrial activity be amended as set out below.</p> <p>means:</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 	<p>The definition will unduly restrict development of waste management infrastructure. WM considers it is more appropriate for waste management facilities to be addressed through separate, specific rules in the plan.</p> <p>Without limitation, the inclusion of</p>



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			<p>materials, including any waste transfer station or resource recovery park, and</p> <ul style="list-style-type: none"> 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> <p><u>and excludes waste management facilities.</u></p>	<p>waste management activities and composting within the definition is inappropriate because:</p> <ul style="list-style-type: none"> - These activities are managed and where managed appropriately do not create offensive or objectionable noise, dust or odour, or elevated risks to people's health and safety. - The adverse effects that result from waste management activities are lesser in magnitude and scale than other activities forming part of the definition. The framework applying to heavy industrial activities is therefore unnecessarily restrictive to management the effects of waste management activities. <p>Waste Management seek the second part of the definition be deleted or at least clarified. Definitions are most often applied when determining resource consent requirements. The second part of the definition is ambiguous and most of these issues will be covered under the definition of offensive trade. It does not state</p>



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				the criteria for an activity to be offensive or objectionable, or what entity makes this judgement.
8.	Definition: <i>Infrastructure</i>	Support in part	<p>WM seeks the definition of Infrastructure is amended as set out below:</p> <p>has the same meaning as in section 2 of the RMA (as set out below) <u>Includes</u></p> <p>...</p> <p>l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166; <u>and</u></p> <p>m. <u>landfills, cleanfills, managed fills and waste management facilities.</u></p>	WM seek to expand the definition of infrastructure to include landfills, cleanfills, managed fills and waste management facilities. This is to recognise the importance of waste management facilities and landfills as essential services to the Hutt City District.
9.	Definition: <i>Regionally Significant Infrastructure</i>	Support in part	<p>WM seeks the following amendment to the definition:</p> <p>means regionally significant infrastructure including:</p> <p>h. authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities; <u>and</u></p> <p>i. the Strategic Transport Network as identified in the Wellington Regional Land Transport Plan 2021;</p> <p>j. <u>landfills, cleanfills and managed fills; and</u></p> <p>k. <u>waste management facilities.</u></p> <p>WM seeks a definition of waste management facilities be added to the definitions, as set out in submission point 6</p>	Landfills, cleanfills and managed fills and waste management facilities are vital for the functioning of the Wellington Region (and Hutt City) and should be recognised alongside other significant infrastructure.



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			above.	
10.	Definition: <i>Industrial activity</i>	Support in part	<p>WM seeks the following amendment to the definition:</p> <p>means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.</p> <p><u>This includes waste management facilities.</u></p>	WM considers the inclusion of waste management facilities in the definition of industrial activity provides certainty of how these activities should be considered under the plan.
11.	Definition: <i>Well-functioning urban environment</i>	Support in part	<p>WM seeks the following amendment to the definition:</p> <p>means an urban environment that, as a minimum:</p> <p>...</p> <ul style="list-style-type: none"> 6. supports reduction in greenhouse gas emissions; and 7. are resilient to the likely current and future effects of climate change.; and 8. <u>is supported by infrastructure including regionally significant infrastructure.</u> 	<p>The elements listed are part of a well-functioning urban environment, which requires infrastructure to support the function and growth of Hutt City.</p> <p>This amendment is on the basis that the definition of infrastructure and regionally significant infrastructure is amended to include waste management facilities as per submission point 8 and 9.</p>
12.	Definition: <i>managed fill</i>	Propose new definition	WM seek the addition of the following definition of managed fill.	Managed fills are a class of fill site that do not fit into the definition of cleanfill or landfill and therefore should be specifically defined.



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			<p>Facility where managed fill material is accepted for deposit. Managed fill material is:</p> <ul style="list-style-type: none"> - Contaminated soil and other contaminated materials; - Natural materials such as clay, gravel, sand, soil, rock; or - Inert manufactured materials such as concrete and brick; and <p>That does not contain:</p> <ul style="list-style-type: none"> - Hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; - Products or materials derived from hazardous waste treatment stabilisation or disposal practices; - Materials such as medical and veterinary waste, asbestos, or radioactive substances; - Combustible components; or - More than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation). 	
Objectives, policies and rules				
13.	GRUZ- R17	Oppose	WM seeks the following amendments:	Solid waste transfer stations are not defined. This creates ambiguity. Resource recovery parks



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			<p>Delete 'solid waste transfer stations. — Discretionary activity'</p> <p>Add <u>'waste management facilities and ancillary activities, — Restricted Discretionary activity'</u></p>	<p>incorporate waste transfer, but this is by no means their only function or focus. Transfer stations and resource recovery parks are included in the definition of heavy industry (which WM opposes). Heavy industry is noncomplying in the rural zone.</p> <p>The effects of waste management facilities can be appropriately managed via a restricted discretionary activity status as effects can be identified and controlled via matters of discretion. Due to the known nature of what effects are generated by waste management facilities a discretionary activity status is not needed. While industrial activities are discretionary in the General Rural Zone, waste management facilities should be treated separately as the effects of general industrial activities are not defined and therefore less certain.</p>
14.	GRUZ – R16	Support in part	WM seeks this rule be retained with the following amendment:	The regulation of landfills and clean fills as a discretionary activity is



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			Landfills and , cleanfills, and <u>managed fills</u> .	appropriate. Managed fills are a class of landfill between a clean fill and landfill (they do not fall comfortably into either category). Managed fills should be specifically stated in the rule.
15.	GRUZ – O3	Support in part	<p>WM seeks the following amendment in relation to built development within the General Rural Zone:</p> <p>Built development within the General Rural Zone:</p> <ul style="list-style-type: none"> a. Either provides for rural activities and low-density residential development or is compatible with the provision of rural activities and residential activities within the zone, and b. Retains open space areas suitable for rural activities, and other activities that have an operational need or functional need for a location with a rural or open space character.—and c. <u>Supports a lawfully established activity.</u> 	Buildings associated with lawfully established activities should not be restricted. Lawfully established activities do not fall within the definition of rural activity and therefore should be specifically referred to.
16.	GRUZ-P2	Support in part	<p>WM seeks the following amendments in relation to compatible activities:</p> <ul style="list-style-type: none"> 1. Provide for activities in the General Rural Zone that: <ul style="list-style-type: none"> a. Are compatible with the rural activities, <u>lawfully established activities.</u> 	Clean fills, managed fills, and landfills require a peri urban location to function most efficiently. They are an activity that can be compatible with its surrounding land uses. They primarily support urban development and growth, not rural development. Fill is removed from



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			<p>and residential activities within the zone and <u>the</u> adjoining rural and residential zones, <u>urban and rural environment</u> and</p> <p>b. Either:</p> <ul style="list-style-type: none"> i. Support the rural activities and wellbeing of the community within the zone and surrounding area, ii. Have an operational or functional need to be in a rural area or an area with a low level of development, <u>or</u> iii. <u>are appropriate in the location.</u> <p>2. Potentially compatible activities include:</p> <ul style="list-style-type: none"> a. Commercial activities, Child care services, Health care activities, and Community facilities that support the community within the zone and surrounding area, b. Retail of goods grown and produced on the site or in the surrounding area, c. Visitor accommodation, d. Educational facilities, recreation activities, and commercial activities that require access to open spaces, a rural location, or the natural features and landscapes within the zone and adjoining areas, e. Cleanfill, managed fill and quarrying activities that support rural development, and f. Boarding of domestic pets. 	<p>urban construction sites and taken to a clean or managed fill site or a landfill. Landfills generally have a functional need to be located in the rural zone, due to the inappropriateness of an urban location. Clean or managed fill sites have an operational need to be located in the rural zone, if this is interpreted broadly and not as only applying to one specific site within the rural area. For this reason, including reference to “or are appropriate in the location” accommodates activities that do not have to be located on a specific site but do require a rural location.</p> <p>Other activities that serve the urban area, such as waste management facilities may be appropriate in the rural zone, depending on management of effects. Lawfully established activities have a right to continue operating in the rural zone. At a policy level, compatibility of new uses with those lawfully established should be considered to manage reverse sensitivity effects.</p>



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17.	GIZ-R4	Support	WM supports industrial activities (including waste management facilities) being permitted in the General Industrial Zone.	As industrial / heavy industrial / light industrial zone is the most appropriate place for waste management facilities to locate – these should be permitted activities. This is because the effects can be appropriately managed within an industrial zone and have been zoned for such activities. This submission point is subject to waste management facilities being included in the definition of industrial activity.
18.	GIZ-R17(1)	Support	WM supports other activities which are ancillary to permitted activities being permitted activities.	WM requires activities which are ancillary to its other operations. This provides certainty, these activities are also appropriate in the General Industrial Zone.
19.	LIZ-R4	Support	WM supports industrial activities (including waste management facilities) being permitted in the Light Industrial Zone.	See the reasoning per submission point 17.
20.	HIZ-R4	Support	WM supports industrial activities (including waste management facilities) being permitted in the Heavy Industrial Zone.	See the reasoning above per submission point 17.
21.	HIZ-R17	Oppose	WM seek that heavy industrial activities and ancillary activities are permitted in the Heavy Industry Zone, rather than restricted discretionary.	See the reasoning above per submission point 17.



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22.	GIZ-R20 / GIZ-R22	Support in part	<p>WM suggest the following amendment to the notification requirements under these rules.</p> <p>Public notification is required for any application under this rule, <u>unless the applicant can demonstrate exceptional circumstances that mean notification will not provide any benefit to the decision maker and that effects are no more than minor.</u></p>	There may be situations where mandatory notification would not be effective or add value to the decision making process, such as for isolated sites where effects are limited to the immediately surrounding sites. In this circumstance, limited notification would be more appropriate.
23.	Propose General Rule	Propose General Rule	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.	The addition of this proposed rule aids in interpretation of the Plan and removes ambiguity. For example, in the General Rule chapter, waste management facilities are restricted discretionary (as per WM's proposed amendment), and industrial activities are discretionary. The addition of this general rule clarifies that only the restricted discretionary rule would apply. Regardless of WM's amendment this general rule would remove some ambiguity in interpretation of the Plan as drafted, where Transfer Stations are included in the definition of Heavy Industry (which WM opposes) but also provided with a specific activity status.