

**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**")

**STATEMENT OF EVIDENCE OF ANGELA JOY GOODWIN ON BEHALF OF
WASTE MANAGEMENT NZ LIMITED
(HEARING STREAM SEVEN)**

PLANNING

29 SEPTEMBER 2026

1. EXECUTIVE SUMMARY

- 1.1 This statement of evidence is prepared on behalf of Waste Management NZ Limited ("**WM**"). It addresses the noise and vibration provisions of the Proposed Plan that are being considered in Hearing Stream 7 (Other Topics), and in particular the relief sought by the Manor Park and Haywards Residents Community Incorporated Society ("**Association**").
- 1.2 WM lodged further submissions opposing the relief sought by the Association in relation to noise and vibration.¹ The Hutt City Council ("**Council**") reporting officer, Mr Stephen Davis, has recommended that the Association's relief be rejected, or accepted only to the extent the Proposed Plan already provides for it.²
- 1.3 In summary, my evidence is that:
- (a) I agree with the Section 42A Report on Light, Noise and Temporary Activities prepared by Mr Stephen Davis, dated 15 September 2026 ("**Section 42A Report**") that the Association's request that vibration not be "discernible" on any residential land outside the site generating it, with a discretionary activity status where it is, should be rejected.³ "Discernible" is a subjective threshold that is not linked to whether an adverse effect occurs, and it would be difficult to administer and enforce consistently; and
 - (b) I agree with the Section 42A Report that no amendment is needed in response to the Association's request that noise and vibration from heavy vehicles and machinery be monitored at the site boundary.⁴ However, the Proposed Plan should be clear that compliance is assessed at or within the site receiving the noise or vibration, not at the boundary of the site generating it. Measuring at the boundary of the generating site would be inappropriate where the generating site and the nearest sensitive receivers are separated by land that is not sensitive to noise, such as the rail corridor between 30 Benmore Crescent and Mary Huse Grove.

¹ WM further submission points F39.15, F39.16 and F39.17, opposing Association submission points 377.10(a), 377.10(b) and 377.10(c). See Section 42A Report at [84], [89] and [141].

² Section 42A Report at [84]–[85], [89]–[91] and [141]–[144].

³ Section 42A Report at [144].

⁴ Section 42A Report at [91].

2. INTRODUCTION

- 2.1 My full name is Angela Joy Goodwin. I am the Director and Principal Planner of Potentialis Limited.
- 2.2 I have previously prepared statements of evidence on behalf of WM on its submissions on the matters addressed in Hearing Stream 1 (Opening), Hearing Stream 2 (Business), Hearing Stream 3 (Rural), Hearing Stream 5 (Natural Hazards) and Hearing Stream 6 (Infrastructure) of the Proposed Plan.
- 2.3 My qualifications and experience as a planning expert are set out in paragraphs 6 to 10 of my statement of evidence for Hearing Stream 1 (Opening), dated 13 April 2026.

Code of conduct

- 2.4 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearing Commissioners. Except where I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from my evidence.

3. SCOPE OF EVIDENCE

- 3.1 I have been engaged by WM to give planning evidence on the matters addressed in Hearing Stream 7 (Other Topics) of the Proposed Plan. This statement of evidence will:
- (a) respond to the relief sought by the Association in relation to noise and vibration matters;
 - (b) briefly address the Section 42A Report as it relates to those matters; and
 - (c) set out my conclusions and recommendations.
- 3.2 WM's further submission on the Noise chapter relates only to the relief sought by the Association.⁵ I therefore do not address the relief sought by other submitters on NOISE-R5, including the relief sought by Te Kārearea Limited

⁵ WM further submission, Attachment 1 (Noise), points F39.15, F39.16 and F39.17.

and Rosco Ice Cream Limited in relation to construction vibration. That relief is addressed in the evidence of Mr Yang and Mr Gibson.

3.3 In preparing this evidence I have read:

- (a) the parts of the Section 42A Report that relate to noise and vibration to the extent that it relates to the relief sought by the Association. ;
- (b) the evidence of Mr Malcolm Hunt, acoustic consultant, attached as Appendix 3 to the Section 42A Report, to the extent that it relates to the relief sought by the Association;
- (c) the statement of evidence of Mr Micky Yang, acoustic consultant at Marshall Day Acoustics, on behalf of Te Kārearea Limited and WM, dated 29 September 2026; and
- (d) the statement of evidence of Mr David Gibson on behalf of Te Kārearea Limited, dated 29 September 2026.

3.4 I rely on the evidence of Mr Yang on technical acoustic and vibration matters.

4. RESPONSE TO RELIEF SOUGHT BY THE ASSOCIATION

Noise and vibration emitted from the use of heavy vehicles

4.1 The Association's submission sought amendments to NOISE-R1, NOISE-R2, and NOISE-R5 in the Proposed Plan's Noise Chapter to ensure noise and vibration emitted from the use of heavy vehicles and machinery is monitored on the site boundary, with Council being able to require the results of monitoring at its discretion.⁶ WM opposed this relief.⁷

4.2 The Section 42A Report recommends that this relief be accepted only to the extent that the Proposed Plan already provides for it, for two reasons:

- (a) the Council's enforcement powers under the RMA already allow it to require people carrying out activities to monitor noise and vibration and to report the results. That power arises from the RMA, not from provisions in the Proposed Plan;⁸ and

⁶ Association submission point 377.10(a).

⁷ WM further submission point F39.15.

⁸ Section 42A Report at [84]-[85].

- (b) the noise standards and appendices are generally worded so that noise can be monitored at any location within a site, including at the boundary of the site, as discussed by Mr Hunt.⁹

- 4.3 I agree that no amendment is required. Making reporting of monitoring a routine requirement for all activities using heavy vehicles and machinery would impose compliance costs on activities that meet the relevant noise and vibration standards, without a corresponding environmental benefit. Where there is a concern about compliance, the Council's existing enforcement powers under the RMA are the appropriate tool. This is consistent with the reasons given in WM's further submission, which noted that such a requirement would impose significant compliance costs on activities where noise levels are met, and would be inefficient.¹⁰
- 4.4 However, I am concerned that the Association's relief, and the reference in the Section 42A Report to monitoring at "any location within a site",¹¹ could be read as meaning that noise and vibration are assessed at the boundary of the site generating them. Mr Yang interprets the Association's relief in this way.¹² He agrees with Mr Hunt who responds to submission point 314.92 that measuring at the boundary of the site generating the noise or vibration is not appropriate.¹³ Mr Yang refers to clause 8.4.4 of NZS 6802:2008 Acoustics – Environmental noise, which provides that the measurement location "should always be defined in terms of "received sound" and "will generally be at any point within an area desired to be protected".¹⁴
- 4.5 This reflects the reasons given in WM's further submission. The Proposed Plan requires noise to be measured in accordance with NZS 6801:2008, and that prescribing a measurement location, such as the site boundary, may in some cases conflict with the relevant standard or not reflect best practice.¹⁵

⁹ Section 42A Report at [89]–[91], referring to Appendix 3, at [22].

¹⁰ WM further submission, Attachment 1, reasons for opposing Association submission point 377.10(a).

¹¹ Section 42A Report at [91].

¹² Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [5.3].

¹³ Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [5.3], referring to Appendix 3, at [22].

¹⁴ Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [5.3].

¹⁵ WM further submission, Attachment 1, reasons for opposing Association submission point 377.10(a).

- 4.6 For many sites, the boundary of the site generating the noise and the boundary of the site receiving it will be shared, and the distinction will make little difference. For some sites, however, it will. For example, 30 Benmore Crescent, Manor Park, is separated from the nearest residential street, Mary Huse Grove, by the rail corridor. The rail corridor is not sensitive to noise, whereas the residences on Mary Huse Grove are. Assessing noise and vibration at the boundary of the receiving residential sites would focus the standard on where the effects are potentially experienced.
- 4.7 Assessing compliance at the boundary of 30 Benmore Crescent would, in effect, impose a lower limit on that site than on equivalent sites that directly adjoin their receivers. That would lead to inconsistent outcomes between sites with similar effects on sensitive receivers.
- 4.8 I therefore recommend that, if the Panel considers there is any ambiguity, the Noise chapter be clarified to confirm that compliance with the noise and vibration standards is assessed at or within the boundary of the site receiving the noise or vibration (or at the notional boundary where that applies).

Discernible vibration

- 4.9 The Association's submission also sought amendments to NOISE-R1, NOISE-R2, and NOISE-R5 in the Proposed Plan's Noise Chapter that:¹⁶
- (a) require vibration to not be discernible on any residential land outside the subject development; and
 - (b) identify a "discretionary" activity status for vibration which is discernible outside the subject development site.
- 4.10 WM opposed this relief.¹⁷
- 4.11 The Section 42A Report recommends rejecting this relief.¹⁸ Mr Davis considers that the restricted discretionary activity status in the Proposed Plan is appropriate, because the relevant effects have been identified at the plan-making stage and broader discretion over other, non-vibration issues is not necessary. He also does not consider the test of "discernible ... outside the subject development site" to be realistic, and prefers the Proposed Plan's approach of requiring "some demonstrable effect on health or wellbeing".¹⁹

¹⁶ Association submission points 377.10(b) and 377.10(c).

¹⁷ WM further submission points F39.16 and F39.17.

¹⁸ Section 42A Report at [144].

¹⁹ Section 42A Report at [141] – [144].

4.12 I agree with Mr Davis. Mr Yang also agrees with the Section 42A Report on this point.²⁰ In my opinion, a "discernible" standard would have the following unintended consequences:

- (a) vibration in an urban environment can come from many sources, particularly for sites near strategic or main transport routes, including the rail corridor and main roads. Where vibration is discernible, it may be difficult to establish which source is responsible, creating uncertainty for both enforcement and consenting. Mr Yang's evidence is that vibration is already experienced day to day from existing sources, mainly vehicles on roads, so that measuring compliance or confirming an exceedance would be very difficult or impracticable.²¹
- (b) vibration can be discernible without being at a level that has an unreasonable effect on people or the environment. A "discernible" threshold is therefore not proportionate to the management of vibration effects. It is also out of step with the duty in section 16 of the RMA, which is to ensure that the emission of noise (which includes vibration) does not exceed a reasonable level, and with NZS 6802:2008, which recognises that low or controlled levels of noise are not necessarily unreasonable.²² This is consistent with Mr Hunt's evidence, as summarised in the Section 42A Report, that the effects of vibration are often not well correlated with measured levels;²³ and
- (c) "discernible" is a subjective term. What is discernible to one person may not be discernible to another. This is likely to lead to inconsistent application of the rule when determining whether resource consent is required.

4.13 These consequences reflect the reasons given in WM's further submission. It opposed the relief because it requires a subjective assessment that depends on an individual's ability to discern vibration and its source; because vibration in an urban environment can be generated from multiple sources, including

²⁰ Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [5.4], referring to Section 42A Report at [143].

²¹ Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [5.4], referring to Appendix 3, at [63] and [64].

²² RMA, s 16 and s 2 (definition of "noise"); NZS 6802:2008, clause 2.3. See Statement of Evidence of Micky Yang (Noise and Vibration) Hearing Stream Seven dated 29 September 2026 at [4.9].

²³ Section 42A Report at [147].

roads; and because discernible vibration does not have an unacceptable adverse effect in all cases.²⁴

- 4.14 Because of these consequences, the relief sought by the Association is not, in my opinion, the most efficient or effective way to achieve the objectives of the Noise chapter. Its costs are likely to exceed its benefits. I also agree with Mr Davis that a full discretionary activity status is not necessary, as the relevant vibration effects have been identified at the plan-making stage and can be addressed through targeted matters of discretion. As WM's further submission noted, activity status should be based on objective measures of effect, not on whether vibration is subjectively discernible.²⁵

5. SECTION 42A REPORT

- 5.1 For the reasons set out above, I agree with the Section 42A Report's recommendations on:
- (a) the Association's request that vibration not be "discernible", and for discretionary activity status (paragraphs 141 to 144); and
 - (b) the Association's requests regarding monitoring and the location of monitoring (paragraphs 84 to 85 and 89 to 91), subject to the clarification I recommend on where compliance is assessed.

6. CONCLUSION

- 6.1 In conclusion, I recommend that the Panel:
- (a) reject the Association's relief to the extent that it would require noise and vibration to be assessed at the boundary of the site generating them, and confirm (if necessary by clarifying the Noise chapter) that compliance is assessed at or within the boundary of the site receiving the noise or vibration; and
 - (b) reject the Association's relief to require that vibration not be "discernible" on residential land outside the site generating it, and to apply a discretionary activity status where it is.

²⁴ WM further submission, Attachment 1, reasons for opposing Association submission point 377.10(b).

²⁵ WM further submission, Attachment 1, reasons for opposing Association submission point 377.10(c).

- 6.2 In my opinion, retaining the Proposed Plan's approach, with the clarification I recommend in the noise chapter on where compliance is assessed (being at or within the boundary of the site receiving the noise or vibration (or at the notional boundary where that applies)), is more efficient and effective than the relief sought by the Association, and appropriately protects people and property from adverse noise and vibration effects.

Angela Joy Goodwin

29 September 2026