

**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**

18 SEPTEMBER 2026

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MAY IT PLEASE THE PANEL:

1. SUMMARY

- 1.1 These submissions are made on behalf of Waste Management NZ Limited ("**WM**") in relation to Hearing Stream 6 (Infrastructure) of the Proposed Hutt City District Plan ("**Proposed Plan**").
- 1.2 WM is New Zealand's largest waste and environmental services company and provides critical services in Hutt City and Wellington Region. It relies on robust planning provisions to protect and enable the regionally significant infrastructure it develops and operates for the benefit of Hutt City and the Wellington Region. The content, and subsequent application, of the Proposed Plan is therefore crucial to WM.
- 1.3 The waste infrastructure network includes the collection, transportation, sorting, processing, recycling, treating and ultimately the safe disposal of waste produced by the people in New Zealand. WM's facilities (and waste facilities more generally) function as an integrated network, with landfills, transfer stations, and resource recovery parks working together to support well-functioning urban environments and waste minimisation objectives.¹
- 1.4 The National Policy Statement for Infrastructure 2025 ("**NPS-I**") came into force on 15 January 2026 and recognises that waste services, like WM's, are essential to well-functioning communities and environments. The NPS-I adopts an expanded definition of "infrastructure" that includes "additional infrastructure", which expressly encompasses "resource recovery or waste disposal facilities".
- 1.5 We agree with the advice the Council has received from Mr Quinn that there is an obligation to give effect to the NPS-I (and other national direction) as soon as practicable.² While Mr Quinn has cautioned the Council on its consideration of amendments to give effect to the NPS-I, the risks outlined by Mr Quinn are not present in this case.³ There is no disadvantage to parties or other risks associated with WM's relief. WM's submission clearly identified it sought an amendment to infrastructure definitions (among other matters) and other parties have engaged with that submission point(s).

¹ Evidence of Willem Bezuidenhout dated 7 September 2026 at [14].

² Letter from Stephen Quinn, Barrister, to Nathan Geard, Policy Planning Manager, Hutt City Council dated 9 March 2026, at [3(f)] ("**Stephen Quinn 9 March Letter**") at [(3)(f)].

³ Letter from Stephen Quinn, Barrister, to Nathan Geard, Policy Planning Manager, Hutt City Council dated 8 May 2026 ("**Stephen Quinn 8 May Letter**") at [15].

- 1.6 Currently, the Proposed Plan fails to give effect to the NPS-I. The approach taken in the Section 42A report on Infrastructure ("**Infrastructure s42A Report**") (and in rebuttal) to waste infrastructure reflects an historic overlooking of the critical nature of waste services across New Zealand.
- 1.7 While the Infrastructure s42A Report recommends adding a definition of "additional infrastructure", which WM supports, this alone does not give sufficient effect to the NPS-I in this process. Planning provisions that fail to fully recognise WM's infrastructure will undermine the policy support necessary for continued investment in, and resilience of, this nationally significant infrastructure.⁴
- 1.8 To ensure the importance of its regionally significant waste infrastructure is recognised, WM seeks amendments to:
- (a) the "infrastructure" definition to include "additional infrastructure";
 - (b) the "regionally significant infrastructure" definition to include "Landfills, including Silverstream Landfill and their supporting waste management facilities, cleanfills and managed fills"; and
 - (c) the foreword and "Relationship with other chapters" section of the Infrastructure Chapter so that its objectives and policies (but not rules) clearly apply to additional infrastructure, which includes resource recovery and waste disposal facilities.⁵
- 1.9 In our submission, there is no sound reason to deny waste management facilities the benefit of the Infrastructure Chapter's objectives and policies, consistent with the NPS-I, while future processes address its remaining requirements. The Council has a timely opportunity to give effect to the NPS-I where practicable and keep the Proposed Plan as current as possible during the transition to a new resource management framework as part of the current reforms.
- 1.10 Ms Goodwin has prepared a s32AA analysis to support her evidence and WM's relief to include "additional infrastructure" in the definition of "infrastructure". A copy of this is appended to these legal submissions as **Attachment 1**. Ms Goodwin will speak to this at the hearing.

⁴ Evidence of Willem Bezuidenhout (Hearing Stream Six) dated 7 September 2026 at [36].

⁵ Ms Goodwin considers this could be via an amendment to the foreword and "Relationship with other chapters" sections of the Infrastructure Chapter. Alternatively, this could be set out in the "How the Plan Works" chapter.

2. LEGAL FRAMEWORK AND SCOPE

- 2.1 The Panel will be familiar with the legal framework for assessing the Proposed Plan. However, critical to these submissions, regional and district plans must "give effect to" any national policy statement.⁶ The Supreme Court's decision in *New Zealand King Salmon* will be very familiar to the Panel, but to reiterate, the statutory direction to "give effect to" is a strong one.⁷
- 2.2 A local authority must make amendments to recognise national policy statements "as soon as practicable".⁸ We agree with the advice the Council has received from Mr Quinn,⁹ that this obligation is not diminished by the fact that a council may be undertaking a plan change process before the national policy statement arose.
- 2.3 We also agree with Mr Quinn that:
- (a) the Council "is required to give effect to the new/alterd higher order documents to the extent practicable within the scope provided by the exemption¹⁰ and submissions";¹¹
 - (b) "reliance can be placed on general submissions... to provide jurisdiction to enable those changes to be made";¹² and
 - (c) "[a]ny new PDP [Proposed Plan] provisions required to give effect to the new/alterd higher order documents should be addressed in a future plan review process, rather than attempting to change the scope of this PDP process."¹³
- 2.4 In this case, the amendments sought by WM are not "new" provisions – WM is seeking targeted changes to definitions as set out in its submission (and further submission) to ensure that the existing Infrastructure Chapter objectives and policies clearly apply to its critical infrastructure. These are within scope and parties have been able to consider these submissions.¹⁴ They do not seek to

⁶ RMA, ss 67(3)(a) and 75(3)(a).

⁷ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [77] and [80].

⁸ RMA, s 55(2D)(a).

⁹ Stephen Quinn 9 March Letter at [(3)(f)].

¹⁰ That is, the chapters and provisions of the Proposed Plan covered by the exemption granted by the Minister Responsible for RMA Reform on 13 January 2026, which allowed most of the Proposed Plan to proceed while other chapters were withdrawn.

¹¹ Stephen Quinn 9 March Letter at [3(f)].

¹² Stephen Quinn 8 May Letter at [15].

¹³ Stephen Quinn 9 March Letter at [3(f)].

¹⁴ For example, Winstone Aggregates (PDP/444) made a general "whole of plan" submission seeking that the PDP be updated to give effect to National Policy Statements. WM's submission paragraphs 5, 6, and 10(c), and in particular submission

expand the scope of the current process and will not create disadvantage to others as Mr Quinn has warned.¹⁵ WM acknowledges that any broader amendments needed to give full effect to the NPS-I, including changes to existing provisions or rules to reflect its objectives and policies, would likely be more appropriately addressed through future processes.

3. THE PROPOSED PLAN AND THE NPS-I

3.1 The following matters need to be included in the Proposed Plan to give effect to the NPS-I:

- (a) a definition of "additional infrastructure" consistent with the NPS-I;
- (b) a definition of "infrastructure" that includes reference to "additional infrastructure";
- (c) a definition of "regionally significant infrastructure" that includes "Landfills, including Silverstream Landfill and their supporting waste management facilities, cleanfills and managed fills"; and
- (d) clarification that the objectives and policies (but not the rules) of the Infrastructure Chapter apply to "additional infrastructure" which includes resource recovery and waste disposal facilities.

3.2 The Infrastructure s42A Report recommends adding a definition of "additional infrastructure" to the Proposed Plan.¹⁶ WM supports this recommendation. However, the Infrastructure s42A Report fails to properly give effect to the NPS-I as it fails to provide for the matters in 3.1(b) – 3.1(d) above.¹⁷ We address these matters below.

"Infrastructure" definition

3.3 WM's submission sought a specific amendment to the definition of infrastructure to include "landfills, cleanfills, managed fills and waste management facilities",¹⁸ but it now supports the inclusion of "additional infrastructure" as proposed in the Infrastructure s42A Report as this is aligned with the NPS-I.

point 1, "... 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."

¹⁵ Stephen Quinn 8 May Letter at [8].

¹⁶ Infrastructure s42A Report at [48] – [50].

¹⁷ Infrastructure s42A Report at [189].

¹⁸ WM submission points 461.6, 461.8 and further submission point 39.2.

- 3.4 As detailed in Mr Bezuidenhout's evidence, without clear provisions that recognise landfills and waste management facilities as infrastructure (and regionally significant infrastructure) there will be:¹⁹
- (a) slower, more costly and more complex consenting processes;
 - (b) a lack of support to ensure the resilience of waste infrastructure in Hutt City; and
 - (c) planning policies and rules that do not fully reflect how modern waste management infrastructure operates.
- 3.5 As detailed in Ms Goodwin's evidence, amending the definition of "infrastructure" to include "additional infrastructure" would mean all the activities in the definition of "infrastructure" in the NPS-I are clearly defined as "infrastructure" in the Proposed Plan.²⁰ In her view this gives effect to, and reflects the clear intent of, the NPS-I to recognise those activities as infrastructure as soon as practicable.
- 3.6 Ms Goodwin is confident that the application of the Infrastructure Chapter objectives and policies to additional infrastructure would lead to the effective and efficient management of these activities.²¹ Ms Goodwin has completed a further evaluation under s32AA to analyse the application of these objectives and policies at **Attachment 1**. This illustrates Ms Goodwin's approach is the most appropriate way to achieve the purpose of the RMA.
- 3.7 If for any reason the Panel finds including "additional infrastructure" in the definition of "infrastructure" is inappropriate, WM respectfully requests the definition of "infrastructure" is amended as follows:

~~has the same meaning as in section 2 of the RMA (as set out below)~~ includes

...

l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166; and

m. resource recovery or waste disposal facilities.

¹⁹ Evidence of Willem Bezuidenhout (Hearing Stream Six) dated 7 September 2026 at [29] – [38].

²⁰ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [21].

²¹ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [21].

- 3.8 Ms Goodwin's view is that this would be appropriate as it mirrors the definition of "additional infrastructure" in regard to waste management infrastructure but would not include wider "additional infrastructure" as defined in the NPS-I.²² As that wider term provides for several additional activities.

"Regionally significant infrastructure" definition

- 3.9 WM's submission sought that the definition of "regionally significant infrastructure" in the Proposed Plan be amended to include "landfills, cleanfills and managed fills; and waste management facilities".²³ The reporting planner recommends rejecting this relief,²⁴ but does recommend accepting the relief sought by WM and Enviro NZ Services Limited's ("**Enviro NZ**") in part by amending the definition to add "Silverstream Landfill".²⁵
- 3.10 WM supports the recommended amendment to include Silverstream Landfill in the definition of "regionally significant infrastructure". Silverstream Landfill is currently the only Class 1 landfill in Lower Hutt and receives approximately 145,000 tonnes of waste annually from across the Wellington Region.²⁶ It is regionally significant.
- 3.11 However, WM submits that the definition should not be limited to existing landfill facilities and should also include the regionally significant waste management facilities that support landfills. This is because:
- (a) The Section 42A Report recommendation does not give effect to the NPS-I. The NPS-I expressly includes "resource recovery or waste disposal facilities" within the definition of "additional infrastructure". Recognising only "Silverstream Landfill" as regionally significant infrastructure does not reflect the broader category of resource recovery and waste disposal infrastructure that the NPS-I recognises.
 - (b) The Section 42A Report recommendation does not give effect to the RPS. The Operative RPS has an inclusive definition of "regionally significant infrastructure" but does not refer to waste infrastructure. While the Proposed RPS (Appeals version) intends to specifically recognise Silverstream Landfill (and two other landfills – Southern

²² Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [23].
²³ WM submission point 461.9.

²⁴ Infrastructure s42A Report, at [860].

²⁵ Infrastructure s42A Report, at [862].

²⁶ Evidence of Willem Bezuidenhout (Hearing Stream Six) dated 7 September 2026 at [17].

and Spicer) as regionally significant infrastructure,²⁷ an inclusive definition is still used. WM's proposed amendment differs from that wording but is not inconsistent with it, because the inclusive definition contemplates other forms of regionally significant infrastructure.

- (c) As set out by Ms Goodwin, the definition should be future-looking, to provide for facilities that may be established in the future.²⁸ Other items in the existing definition of "regionally significant infrastructure" are not confined to named existing facilities. For example, the definition refers generically to "the local authority wastewater and stormwater networks and systems" and "the Strategic Transport Network", rather than identifying specific assets by name. A consistent approach should be taken for waste management infrastructure.
- (d) As explained by Mr Bezuidenhout, waste management facilities (such as resource recovery parks and transfer stations) enhance the operation of landfills by diverting materials away from landfill.²⁹ Waste management facilities enable landfills to function effectively and extend their operational life and operate as an integrated network. Recognising only the landfill without the facilities that support it would not fully reflect the importance of waste infrastructure and waste minimisation to the Region.

3.12 WM accordingly submits that the definition of "regionally significant infrastructure" should read:

means regionally significant infrastructure including:

h. the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities; ~~and~~

i. the Strategic Transport Network as identified in the Wellington Regional Land Transport Plan 2021; ~~and~~

j. landfills, including Silverstream Landfill, and their supporting waste management facilities, cleanfills and managed fills.

²⁷ Proposed Change 1 to the Regional Policy Statement for the Wellington, Appeals Version (October 2024) at page 46.

²⁸ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [27].

²⁹ Evidence of Willem Bezuidenhout (Hearing Stream Six) dated 7 September 2026 at [37].

- 3.13 In our submission, the relief sought would properly give effect to both the NPS-I and the RPS.

Infrastructure Chapter

- 3.14 WM's further submission supported Enviro NZ submissions to amend the:³⁰
- (a) "foreword" section to refer to infrastructure as defined "under this Plan" (rather than under section 2 of the RMA); and
 - (b) "Relationship with other chapters" section to confirm that the objectives and policies of the Infrastructure Chapter apply to resource recovery and waste disposal facilities.
- 3.15 The Infrastructure s42A Report does not consider the objectives and policies of the Infrastructure Chapter should apply to resource recovery and waste disposal facilities, primarily because this could undermine the implementation of zone chapter objectives and provisions³¹ and that the Infrastructure Chapter has been formulated for "infrastructure networks rather than facilities".³² WM respectfully disagrees with this reasoning for the following reasons:
- (a) This fails to give effect to the NPS-I. The NPS-I requires decision-makers to enable infrastructure and to recognise its benefits. Other forms of infrastructure already have the benefit of the Infrastructure Chapter objectives and policies. Excluding resource recovery and waste disposal facilities from those same provisions, despite their recognition as infrastructure under the NPS-I, is inconsistent with the national direction to provide for infrastructure.
 - (b) Reading two sets of objectives and policies together is already a feature of the Proposed Plan where this is specifically stated within the Infrastructure Chapter.³³ Applying both the zone and Infrastructure Chapter objectives and policies to resource recovery and waste disposal facilities would not be unusual.
 - (c) Applying both the zone and Infrastructure Chapter objectives and policies would reinforce, rather than undermine, the need to manage the effects of resource recovery and waste disposal facilities. The

³⁰ WM further submission points 39.10 and 39.11.

³¹ Infrastructure s42A Report at [129]. This view is retained in the Rebuttal Evidence of Peter McDonald on behalf of Hutt City Council dated 16 September 2026.

³² Rebuttal Evidence of Peter McDonald on behalf of Hutt City Council dated 16 September 2026 at [5.89].

³³ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [51].

Infrastructure Chapter itself references the need to manage adverse effects of infrastructure. In practice, applying both sets of provisions is unlikely to lead to a tension that cannot be reconciled as explained by Ms Goodwin.³⁴

- 3.16 WM agrees with the reporting officer that, at this point, the Proposed Plan has not been drafted in a manner that means it would be appropriate to apply the *rules* of the Infrastructure Chapter to waste management activities.³⁵ However, the objectives and policies of the Infrastructure Chapter should still apply while a broader review of them is undertaken to more fulsomely give effect to the NPS-I (as part of future reform processes). Under the approach recommended by WM and described during Hearing Stream Two (Business), waste management facilities would be specifically regulated in each zone, while the Infrastructure Chapter objectives and policies would recognise and enable them as infrastructure.³⁶
- 3.17 Applying the Infrastructure Chapter objectives and policies to additional infrastructure would not give rise to implementation difficulties as summarised by Ms Goodwin.³⁷ Any further amendments to the rules, objectives and policies of the Infrastructure Chapter to more fully give effect to the NPS-I can be addressed through future processes.
- 3.18 WM accordingly submits that the "foreword" should read:

This chapter outlines the provisions of the District Plan that relate to the operation and development of infrastructure. Infrastructure enables a community to undertake its everyday activities and functions and allows people to provide for their social and economic wellbeing, and their health and safety. The infrastructure managed through this chapter include those defined as infrastructure under this Plan section 2 of the Resource Management Act. Only the objectives and policies in this chapter apply to the district or regional resource recovery or waste disposal facilities (including the Silver stream Landfill).

³⁴ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [59].

³⁵ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [60].

³⁶ Evidence of David Howie (Hearing Stream Two) dated 8 May 2026 at [25]; and Evidence of Angela Goodwin dated 8 May 2026 at [23].

³⁷ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [44].

- 3.19 WM accordingly submits that the "Relationship with other chapters" section of the Infrastructure Chapter should read:

The infrastructure chapter does not include provisions which address the following:
[...]

Rules for district or regional resource recovery or waste disposal facilities (including the Silverstream Landfill)

- 3.20 If for any reason the Panel finds that updating the foreword or "Relationship with other chapters" section of the Infrastructure Chapter is inappropriate, WM respectfully requests in the alternative that the Panel insert an express exclusion for "additional infrastructure" in "How the Plan Works" section as follows:

...

Finally, some chapters provide an all-in-one framework for specific activities that overrides provisions in zones. Other district-wide chapters will be relevant, but if covered by one of these chapters, you will not need to refer to the zone unless a district-wide chapter directs you to:

- Renewable Electricity Generation
- Infrastructure (excluding additional infrastructure)
- Temporary activities

- 3.21 This will ensure district-wide and zone chapters apply to Additional Infrastructure. This is consistent with advice from Mr Quinn to the Panel that confirms specific chapters of the Proposed Plan can be excluded from applying to certain activities through the "How the Plan Works" section (rather than by way of cross-references in each chapter).³⁸ However, clarifying in the Infrastructure Chapter introduction that its objectives and policies apply to additional infrastructure (including resource recovery and waste disposal facilities) is in our submission a more efficient and clear method for users of the plan.

4. OTHER MATTERS IN THE PROPOSED PLAN

- 4.1 In addition to the matters required to give effect to the NPS-I detailed in the section above, we address WM's submission on INFSD-O1 and its opposition

³⁸ Letter from Stephen Quinn, Barrister, to Nathan Geard, Policy Planning Manager, Hutt City Council regarding Proposed District Plan dated 7 September 2026, at [23]–[39].

to relief sought by the Manor Park and Haywards Residents Community Incorporated Society ("**Association**") below.

Amendment to INFSD-O1

- 4.2 WM's further submission supported an amendment sought by Enviro NZ to amend INFSD-O1 to read:³⁹

Land use and development is integrated with the provision of infrastructure, including transport and three waters services, waste facilities and open space.

- 4.3 The reporting planner recommends that INFSD-O1 be amended to read:⁴⁰

Land use and development is integrated with the provision of infrastructure ~~and additional infrastructure, including transport and three waters services, and open space.~~

- 4.4 As set out above, WM's primary position is that the definition of "infrastructure" should be amended to include "additional infrastructure". If that relief is granted, INFSD-O1 would not require separate amendment as the reference to "infrastructure" would already encompass additional infrastructure. However, in the event the Panel does not accept that primary relief, WM seeks in the alternative that INFSD-O1 be amended to include reference to "additional infrastructure".

- 4.5 In addition, as Ms Goodwin sets out in her evidence, the Infrastructure s42A Report's approach creates an inconsistency as INFSD-O1 would recognise resource recovery and waste disposal facilities as "additional infrastructure", while the recommended changes to the Infrastructure Chapter introduction by the reporting planner would state that the chapter does not address "additional infrastructure".⁴¹ Respectfully, this does not make sense.

Association's relief

- 4.6 The Association has sought amendments to UDSD-O2, or a new objective, to protect existing residential communities from incompatible land use and development.

³⁹ Enviro NZ submission point 323.19.

⁴⁰ Infrastructure s42A Report at [56].

⁴¹ Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [48].

4.7 WM respectfully submits the Association's relief should be disallowed:

- (a) If "additional infrastructure" is added to the definition of "infrastructure", the concern is already addressed by the existing provisions of the Infrastructure Chapter, including INF-O2⁴² (which requires the adverse effects of infrastructure on the environment to be effectively managed), INF-P5 (which requires adverse effects to be avoided, remedied or mitigated), and INF-P6 (which addresses effects on the surrounding environment).
- (b) The zone chapters address interface effects for potentially incompatible activities. For example, the concern is addressed by provisions GRUZ-O4 (Adverse effects), GIZ-O6 (Adverse effects), HIZ-O6 (Adverse effects).⁴³

5. RELIEF SOUGHT

5.1 WM respectfully seeks the Panel:

- (a) add a definition of "additional infrastructure" to the Proposed Plan;
- (b) amend the definition of "infrastructure" to refer to "additional infrastructure";
- (c) amend the definition of "regionally significant infrastructure" to include "Landfills, including Silverstream Landfill and their supporting waste management facilities, cleanfills and managed fills";
- (d) amend the foreword and "Relationship with other chapters" sections of the Infrastructure Chapter to make clear that the objectives and policies of the Infrastructure Chapter (but not the rules) apply to resource recovery and waste disposal facilities;
- (e) if WM's relief at 6.1(b) above is not granted, amend INFSD-O1 to include reference to "additional infrastructure"; and

⁴² Evidence of Angela Goodwin (Hearing Stream Six) dated 7 September 2026 at [63].
⁴³ GRUZ-O4 provides: "Adverse effects and reverse sensitivity of activities and development are effectively managed within the zone and at interfaces with Residential Zones and the Rural Lifestyle Zone." GIZ-O6 and HIZ-O6 provide: "Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones."

- (f) disallow the relief sought by the Association to UDSD-O2.

DATED: 18 September 2026

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1. INTRODUCTION

- 1.1 Waste Management NZ Ltd ("**WM**") seeks that the definition of "infrastructure" in the Proposed District Plan ("**PDP**") be amended to include "additional infrastructure". "Additional infrastructure" is a defined term in the National Policy Statement on Infrastructure 2025 ("**NPS-I**") and includes resource recovery and waste disposal facilities.¹
- 1.2 The NPS-I came into force on 15 January 2026, after the PDP was notified. A district plan must give effect to a national policy statement, and clause 3.1 of the NPS-I requires decision-makers to give effect to it from commencement.
- 1.3 The NPS-I recognises that infrastructure is essential to support a well-functioning urban environment and requires decision-makers to enable infrastructure and recognise the benefits it provides. Resource recovery and waste disposal facilities were intentionally included in the definition of "additional infrastructure" in the NPS-I. Decision-makers must therefore enable these activities and recognise the benefits they provide.
- 1.4 Council's reporting planner recommends including a definition of "additional infrastructure" in the PDP, adopting the NPS-I definition,² and adding "additional infrastructure" within the scope of strategic objective INFSD-O1, which relates to land use and infrastructure integration.³
- 1.5 However, the reporting planner disagrees with the amendment sought by WM on the basis that the definition of "infrastructure" in the PDP is adopted from section 2 of the Resource Management Act 1991 ("**RMA**") and amending it in the manner sought would broaden that definition in a way the PDP was not drafted to anticipate.⁴ Further, the reporting planner considers that the activities listed in the section 2 of the RMA definition are networks, and waste management infrastructure is not a network.⁵
- 1.6 Waste management infrastructure is a network of collection points, recovery and transfer facilities, and end facilities such as landfills. While the waste network utilises roads to transport waste and does not have its own conveyance system in the way a wastewater or water supply network does, this does not alter its character as an integrated network of infrastructure. Waste management facilities (such as resource recovery parks and transfer stations) enhance the operation of landfills by diverting materials away from landfill, enabling landfills to function well and extend their operational life.⁶ In this manner, waste management facilities and landfills work together to support well-functioning urban environments.
- 1.7 The NPS-I makes it clear that "additional infrastructure", including resource recovery and waste disposal facilities, is to be treated as infrastructure. The NPS-I requires decision-makers to recognise and provide for infrastructure, which is clearly defined to include "additional infrastructure". Simply defining "additional infrastructure" in the PDP without amending the definition of "infrastructure" to include it would not recognise or provide for these facilities in any meaningful way. The proposed amendment sought by WM best gives effect to the NPS-I.

¹ NPS-I, clause 1.4.

² Infrastructure s42A Report at [48] – [50].

³ Infrastructure s42A Report at [56].

⁴ Infrastructure s42A Report at [120].

⁵ Section 42A Reporting Officer's Rebuttal Evidence for Infrastructure dated 16 September 2026 at [5.88] and [5.89].

⁶ Statement of Evidence of Willem Bezuidenhout dated 7 September 2026 at [20] and [37].

- 1.8 The amendment sought is the most efficient and effective way to achieve the purpose of the PDP. It is more efficient to amend the definition of "infrastructure" than to amend every objective and policy to refer to "additional infrastructure" separately, or to introduce additional complexity into individual provisions. The analysis supporting this conclusion is set out below.

2. SECTION 32AA

- 2.1 Section 32AA of the RMA states:

32AA Requirements for undertaking and publishing further evaluations

- (1) A further evaluation required under this Act—
- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the **changes**); and
 - (b) must be undertaken in accordance with section 32(1) to (4); and
 - (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and
 - (d) must—
 - (i) be published in an evaluation report that is made available for public inspection at the same time as the decision on the proposal is notified; or
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

- 2.2 Section 32AA of the RMA refers to the requirements in section 32(1) to (4), which are as follows:

32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and

- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an amending proposal) will amend a regional policy statement, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—
- (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

2.3 Section 32AA(1)(c) of the RMA states that the evaluation required under section 32 of the RMA "must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes". It is considered that this Section 32AA evaluation reflects the scale and significance of the proposed changes.

- 2.4 In relation to section 32(4) of the RMA, there are no national environmental standards that are relevant to the subject matter of this evaluation.

3. PURPOSE OF THE PROPOSAL AND OBJECTIVES

- 3.1 Council's Section 32 Evaluation Report for the Infrastructure Chapter records that the purpose of the Infrastructure Chapter is to provide for and protect infrastructure and manage its adverse effects, recognising that infrastructure enables people and communities to provide for their social and economic wellbeing and their health and safety.
- 3.2 Council's Section 32 Evaluation Report identifies the key resource management issues as recognising and providing for the benefits of infrastructure, managing its adverse effects, and protecting it from incompatible activities. The PDP adopts objectives INF-O1 to INF-O3, supported by strategic directions INFSD-O1 to INFSD-O3, to respond to those issues.
- 3.3 The primary objective is that the national, regional and local benefits of infrastructure are recognised and provided for (INF-O1), with delivery enabled in a way that is responsive to the needs of the community (INF-O3). INFSD-O1 provides that land use and development is to be integrated with the provision of infrastructure. UDSD-O1 is to have a well-functioning urban environment. The Section 32 Evaluation Report adopts the definition of "infrastructure" in section 2 of the RMA but does not evaluate the scope of that definition or any alternative to it. The evaluation below therefore assesses whether the amended definition sought by WM is the most appropriate way to achieve UDSD-O1, INF-O1 to INF-O3 and INFSD-O1 to INFSD-O3, having regard to the reasonably practicable alternatives.
- 3.4 The realistic alternatives are:
- (a) retaining the section 2 definition of "infrastructure" and adding a reference to "additional infrastructure" in INFSD-O1 only (as recommended by the reporting planner) - meaning that the objectives and policies of the Infrastructure Chapter would not apply to additional infrastructure;
 - (b) amending specific Infrastructure Chapter provisions to refer to "additional infrastructure" individually, without amending the definition of "infrastructure"; and
 - (c) the definition of "infrastructure" being amended to include "additional infrastructure".
- 3.5 The first alternative (the notified version as amended by the recommendations of the reporting planner) does not achieve the objectives of the PDP, as it fails to recognise that resource recovery and disposal facilities enable people to provide for their social, economic and cultural wellbeing as well as their health and safety. The reporting planner's recommended approach would add a definition of "additional infrastructure" but expressly confirm that the Infrastructure Chapter "does not include provisions which address... additional infrastructure".⁷ This would mean that, even with the new definition in place, the objectives and policies of the Infrastructure Chapter would not apply to resource recovery and waste disposal facilities or other "additional infrastructure". This approach does not give effect to the NPS-I.
- 3.6 The second alternative would lead to greater complexity in individual provisions and would result in a greater administrative burden. It is more efficient to amend the definition of

⁷ Infrastructure s42A Report at [189].

"infrastructure" to include "additional infrastructure" than to amend every objective and policy to refer to "additional infrastructure" separately.

3.7 In this case, the proposed amendment to the definition of "infrastructure" is appropriate for the following reasons outlined in **Table 1** (with reference to the relevant considerations in section 32 of the RMA).

Table 1: Section 32AA Evaluation

Evaluation of Proposed Provision	
Proposed Amendment	
Amend the definition of "infrastructure" in the Interpretation Chapter of the PDP as follows: has the same meaning as in section 2 of the RMA (as set out below) includes ... I. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166; and m. additional infrastructure.	
Benefits	Cost
Environmental The amendment results in enhanced management of environmental effects, as both the zone and Infrastructure Chapter provisions will apply to effects management. There may be indirect environmental benefits from the more efficient consenting of additional infrastructure that the amendment would enable, allowing additional infrastructure to be delivered in a more timely manner.	Environmental No environmental costs have been identified as a result of the amendment. Effects will continue to be appropriately managed through the existing rule framework.
Economic Improved certainty for plan users and greater efficiency in the consenting and management of infrastructure. The amendment provides clear policy support for additional infrastructure, reducing interpretive uncertainty and the potential for inconsistent application during consent processing.	Economic No economic costs have been identified as a result of the amendment.
Social The amendment results in recognition of the benefits of additional infrastructure and that it enables people to meet social needs. More efficient and effective consenting and management of waste management infrastructure results in social benefits to the	Social No social effects are anticipated as the rule framework continues to apply.

Evaluation of Proposed Provision

community through the sustainable management of waste generated.

Effects will continue to be appropriately managed through the rule framework that remains unchanged.

Cultural

No cultural benefits have been identified as a result of the amendment.

Cultural

No cultural costs have been identified as a result of the amendment.

Efficiency

It is considered that the amendment to include "additional infrastructure" within the definition of "infrastructure" in the PDP will meet the objectives efficiently, given the benefits outweigh the costs as identified above. The amendments improve efficiency by making the PDP clear and consistent, and by aligning the intent of the provisions with the NPS-I.

It is not efficient to amend each objective and policy individually, as this is a more cumbersome approach. The first alternative (the status quo as amended by the reporting planner's recommendations) is not efficient as it does not achieve objectives that recognise the necessity for and benefits of infrastructure including additional infrastructure. The approach of amending the definition is the most efficient way to give effect to the NPS-I.

Effectiveness

The amended definition is effective in achieving the objectives of the PDP. The Infrastructure Chapter objectives and policies will apply to additional infrastructure, including resource recovery and waste disposal facilities, providing clear policy support for these activities as infrastructure. The zone rule framework continues to apply to manage the effects of these activities at the interface with other uses. The addition of the definition strengthens the PDP to achieve well-functioning urban and rural environments.

Risk of acting or not acting

There is sufficient information to understand the matter.

The risk of acting is low, primarily because the amendment aligns the PDP with the NPS-I. The policies in the NPS-I have been tested through the national policy development process. Applying the Infrastructure Chapter objectives and policies to additional infrastructure would lead to effective and efficient management of these activities. The risk of not acting is higher, as additional infrastructure will fail to be given recognition at a policy level, creating an inconsistency with the NPS-I. This would reduce the efficiency of consent processes and result in delays in the delivery of waste management services that support the function of the City, in addition to higher costs, environmental risk and less resilience.

The rule framework that applies to "additional infrastructure" will not change. The zone objectives and policies continue to apply in addition to those in the infrastructure chapter. This lowers the risk of acting as the management of the effects of "additional infrastructure" are the same as the notified version of the PDP.

Overall Evaluation

Evaluation of Proposed Provision

The amendment to the definition of "infrastructure" to include "additional infrastructure" is considered appropriate and effective in meeting the purpose of the PDP and giving effect to the NPS-I. The benefits of the amendment outweigh any costs, and the risks of not acting are higher than the risks of acting.
