

**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 (HERAING STREAM THREE)**

PLANNING

5 JUNE 2026

Executive summary

1. This statement of evidence addresses Waste Management NZ Limited's ("**WM**") submission points on the General Rural Zone ("**GRUZ**") provisions of the Proposed Plan. I have reviewed the Section 42A report prepared by Sean Bellamy ("**Section 42A Report**").
2. WM's evidence relates primarily to four key aspects of the GRUZ chapter: Policy GRUZ-P2, Objective GRUZ-O3, Rule GRUZ-R16, and Rule GRUZ-R17. The amendments sought by WM are intended to ensure that fill sites and waste management facilities, which are essential infrastructure, are appropriately recognised and provided for at a policy level.
3. In summary, I support the following relief sought by WM:
 - (a) amendments to Policy GRUZ-P2 to:
 - (i) recognise "lawfully established activities" as part of the receiving environment;
 - (ii) replace "rural and residential zones" with "urban and rural environment" to capture a broader range of adjoining zones;
 - (iii) add "or are appropriate in the location" as a new clause (iii) to provide for activities that may not have a strict functional or operational need but are nonetheless appropriate in the rural zone; and
 - (iv) delete or expand "that support rural development" from clause (e) to recognise that fill sites primarily support urban construction and infrastructure development;
 - (b) amendments to Objective GRUZ-O3 to add a new clause (c) to support lawfully established activities, recognising that buildings associated with such activities form a legitimate part of the rural zone;
 - (c) acceptance of the Section 42A Report's recommendation to include managed fills in GRUZ-R16 and adopt the proposed definition of "managed fill", which is necessary because managed fills are a distinct class of fill that do not fit into the definition of cleanfill or landfill; and

- (d) amendments to GRUZ-R17 to provide for waste management facilities as a restricted discretionary activity. I consider that a restricted discretionary activity status is appropriate because the effects of waste management facilities are well-defined and can be appropriately managed through specific matters of discretion to allow assessment of traffic effects, amenity effects (lighting, noise, dust and odour), hours of operation, rural productivity, and effects on sites of significance to mana whenua.

Introduction

4. My full name is Angela Joy Goodwin. I have previously prepared statements of evidence on behalf of WM relating to its submission on matters addressed in Hearing Stream #1 (Opening) and #2 (Business) of the Proposed Plan.
5. My qualifications and experience as a planning expert are set out in paragraphs 6 – 10 of my statement of evidence for Hearing Stream #1 (Opening) dated 13 April 2026.

Code of conduct

6. I repeat the confirmation given at paragraph 11 of my statement of evidence for Hearing Stream #1 dated 13 April 2026 that I have read the Expert Witness Code of Conduct and agree to comply with it.

Scope of evidence

7. I have been engaged by WM to present planning evidence in relation to the matters addressed in Hearing Stream #3 (Rural and Residential) of the Proposed Plan. Specifically, this statement of evidence will:
- (a) provide the rationale for defining managed fills;
 - (b) explain the benefits of amendments sought to Policy GRUZ-P2;
 - (c) provide reasoning for the proposed amendments sought to GRUZ-O3;
 - (d) provide further reasoning for the amendments to GRUZ-R16;
 - (e) explain the proposed amendments to GRUZ-R17 that would make waste management facilities a restricted discretionary activity; and
 - (f) respond to additional matters raised in the Section 42A Report.

Definition: Managed Fill

8. WM sought the inclusion of a new definition for managed fill as managed fills are a class of fill that do not fit into the definition of cleanfill or landfill and should therefore be specifically defined. The statement of evidence of Sarah Whiteman explains the functions and operations of cleanfills, managed fills and landfills and how these differ from one another.¹ The differences between these types of sites necessitates that a definition for managed fill be included into the Proposed Plan.
9. Whilst the Section 42A Report does not object to the proposed definition and recommends its acceptance, the Officer states:²

I do not agree with the impact of including the definition in provisions within the GRUZ. I consider that there is insufficient information provided to assess cost benefit and effectiveness and efficiency of the definition. This is discussed where relevant.

10. Despite the Section 42A Report recommending acceptance of the addition of "managed fill" into GRUZ-R16, the introductory statement outlines that there is insufficient information provided to assess the cost benefit and effectiveness and efficiency of the definition. However, the Section 42A Report does not discuss this concern any further and has ultimately accepted WM's relief to include a definition for "managed fill" and include this into GRUZ-R16.³ The adoption of this definition into GRUZ-R16 is discussed below.

GRUZ-P2: (Compatible Activities)

11. WM sought the following amendments to policy GRUZ-P2 (proposed amendments shown in red underline and strikethrough):

1. *Provide for activities in the General Rural Zone that:*

- (a) *Are compatible with the rural activities, lawfully established activities, and residential activities within the zone and the adjoining rural and residential zones, urban and rural environment and*
- (b) *Either:*

¹ Statement of evidence of Sarah Whiteman dated 5 June 2026 at [11] - [17].

² Section 42A Report at [100].

³ Section 42A Report at [317].

- (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, or*
- (iii) *are appropriate in the location.*

12. The Section 42A Report recommends rejecting this aspect of WM's relief.⁴
13. Lawfully established activities form part of the receiving environment. They should be treated in the same way as rural activities in order to manage reverse sensitivity effects.
14. The replacement of "rural and residential zones" with "urban and rural environment", is intended to cover urban zones rather than just residential zones. Open space zones, and some commercial zones should also be considered when deciding if an activity in the adjoining rural zone is appropriate. Environment is used to mirror the definition in section 2 of the RMA. However, "zones" could equally be used with the same effect.
15. Clause (ii) refers to "operational or functional need". Both of those terms are defined in the Proposed Plan.⁵ The definition of functional need is:
- the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.
16. Operational need is defined as:
- the need for a proposal or activity to traverse, locate or operate in a particular environment **because of technical, logistical or operational characteristics or constraints.**
17. In recommending the addition of operational need to the National Planning Standards the following comment was made:⁶
- We consider that the term 'operational need' can be used to cover situations where there are valid reasons why an activity should be enabled to occur in a particular location.

⁴ Section 42A Report at [230].

⁵ The definition in the Proposed Plan adopts the National Planning Standards.

⁶ Ministry for the Environment. 2019. *21 Definitions Standard – Recommendations on Submissions Report for the First Set of National Planning Standards*. Wellington: Ministry for the Environment. Publication number ME 1404, at section 3.43 (pp. 95–97).

18. At the time of a consent application, the terms functional or operational need would be interpreted and applied. I consider both fill sites and waste management facilities will have an operational need to locate in the rural area due to the number of constraints which dictate where they can be located. For example, the location of a fill sites is dependent on a number of factors, including the topography of the land and a compatible transport network.⁷
19. The addition of "or are appropriate in the location" intends to avoid the risk that fills sites and waste management facilities which are not considered to have an operational need to locate in the rural area, but which are clearly still appropriate in a specific location to also be provided for at a policy level. Waste management facilities can and do operate within the urban area. However, they may also be appropriate within the rural zone. Some sites within the rural zone may offer suitable characteristics for the operation of a waste management facility. Dependent on site selection and management of effects they can be compatible within the rural zone.
20. Providing for fill sites and waste management facilities at a policy level is consistent with the National Policy Statement for Infrastructure 2025 (which includes resource recovery or waste disposal facilities in the definition of infrastructure), particularly Policy 9(1) that states:
- Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.
21. The second part of GRUZ-P2 lists potentially compatible activities. Clause (e) as currently drafted is "cleanfill, managed fills and quarrying activities that support rural development." WM sought to delete "that support rural development". The reason for this is that while fill sites may assist in the development of the local rural economy, they primarily and directly support urban development. This is because most of the fill being disposed of at fill sites is from urban construction sites and providing fill sites is integral to current models of urban construction where cut to fill is not always balanced, and infrastructure projects where fill needs to be removed to facilitate construction. An alternative to the relief sought by WM would be to keep the reference to "rural development" and add "urban development".
22. I note that the effects of a fill site (and therefore their compatibility) are the same whether the source of fill is rural or urban sites although there may be small differences in traffic effects.

⁷ Statement of evidence of Sarah Whiteman dated 5 June 2026 at [20].

23. WM's submission reasoned that cleanfills, managed fills and landfills need a peri urban area to function most efficiently. Peri-urban in this context meaning a location in the general rural area closer to the urban area. The Section 42A Report states that WM has not provided evidence in support of the assertion this is always the case.⁸ It is not WM's submission or assertion that a peri urban location is needed in every single case. The reasoning in the submission also sets out that landfills need to be located in the rural zone due to their inappropriateness in an urban area.
24. With reference to the statement of evidence of Sarah Whiteman, as fill sites (particularly cleanfills and managed fills) accept fill primarily from urban areas, the closer they are to the source of the fill, the greater efficiency they have.⁹ The further away fill sites are from the urban area, the greater the distance that trucks need to travel.¹⁰ This has greater emissions and in some cases, effects on the road network. It also increases the costs of urban construction that may indirectly contribute to housing affordability and other outcomes sought by the National Policy Statement on Urban Development 2020. This is not to say that fill sites cannot function further from the urban area, simply that they function more efficiently when they are in proximity.
25. The Section 42A Report goes on to state that the effects of fill activities on rural and residential activities likely needs to be managed.¹¹ I agree that the effects of fill sites need to be managed. However, this does not preclude them from being compatible with rural and residential activities once effects are managed. The same paragraph states that fill sites may need to be located in a rural zone for functional or operational reasons. I agree that fill sites have a need to locate in the rural zone. I have discussed these terms and the related rationale of adding "or are appropriate in the location" in preceding sections of this evidence.

GRUZ-03: (Built character)

26. The submission by WM to add "and lawfully established activities" to GRUZ-P2(1)(a) is consistent with the relief sought by WM to GRUZ-O3. That relief is set out below:

Built development within the General Rural Zone:

⁸ Section 42A Report at [223].

⁹ Statement of evidence of Sarah Whiteman dated 5 June 2026 at [18].

¹⁰ Statement of evidence of Sarah Whiteman dated 5 June 2026 at [18].

¹¹ Section 42A Report at [224].

- 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. **Supports a lawfully established activity.**

27. I note that the intent is not that buildings associated with lawfully established activities would be unrestricted or permitted. The intent rather is to recognise that at a policy level, buildings associated with lawfully established activities form a legitimate part of the rural zone and should be supported through policy direction.

GRUZ-R16: (Landfills and cleanfills)

28. WM sought GRUZ-R16 be amended to include managed fills on the basis that the regulation of landfills and clean fills as a discretionary activity is appropriate. Managed fills are a class of landfill between a clean fill and landfill (they do not fall comfortably into either category).¹² Managed fills should be specifically stated in the rule.

29. The Section 42A Report recommends accepting WM's relief to add managed fills into GRUZ-R16, and states the proposed change identifies activities not previously included in GRUZ-R16.¹³ I agree with the recommendation in the Section 42A Report to retain the discretionary activity status for fills. Fill sites are generally not appropriate when located in urban areas. This is due to the large area of land they occupy that means they would use urban land inefficiently and the potential effects that are generally unacceptable in an urban environment.¹⁴ I note there is a distinction between operating a cleanfill (where the primary objective is accepting material that is being disposed of) and importing and using cleanfill as part of bulk earthworks being undertaken on a site. GRUZ-R16 should only apply to the former.

30. I note that the Section 42A Report, in response to another submission point regarding industrial zoning, states:¹⁵

¹² Statement of evidence of Sarah Whitman dated 5 June 2026 at [12].

¹³ Section 42A Report, at [318] – [320].

¹⁴ Statement of evidence of Sarah Whitman dated 5 June 2026 at [20].

¹⁵ Section 42A Report, at [315].

I consider treatment of the solid waste is an activity more appropriately carried on industrial zoned land is a valid consideration. However, it is important that waste can be disposed of, stored or reused, and to recognise that sometimes there will be functional or operational need to locate in the GRUZ.

31. GRUZ-R16 concerns cleanfills, managed fills and landfills. Cleanfills and managed fills do not handle solid waste only class 1 landfills. It would be inappropriate for a landfill to locate in an industrial area for the reasons set out above. I have addressed points about functional and operational need as part of the response to the requested changes to GRUZ-P2. It may be that the discussion intended to refer to waste management facilities (the term I use to encompass waste transfer stations and resource recovery parks and I turn to this below).

GRUZ-R17: (Solid waste transfer stations)

32. WM sought to amend GRUZ-R17 so the rule applies to "waste management facilities and ancillary activities" rather than "solid waste transfer stations". WM also sought for the activity status to change from discretionary to restricted discretionary.
33. The Section 42A Report accepts WM's relief the activity description should be amended from "solid waste transfer station" to "waste management facilities and ancillary activity".¹⁶
34. More broadly, WM's submission is that "waste management facility" should be defined. The definition of waste management facility proposed by WM includes reference to both transfer stations and resource recovery parks. WM's submission sought to first to ensure resource recovery parks are regulated in the same manner as transfer stations. Resource recovery parks include a wider range of functions than solid waste transfer. It is important that where an activity is specifically regulated, it is defined and that definition is accurate. The absence of a definition is problematic as it is unclear what range of activities fall into the category. I acknowledge that the definition for "waste management facility" requested by WM will be considered during the Hearing Stream #6 (Infrastructure).

¹⁶ Section 42A Report, at [326].

35. I support the recommendation proposed to GRUZ-R17 to change "solid waste transfer station" to "waste management facility".¹⁷ However, for GRUZ-R17 to operate effectively "waste management facility" must also be defined.
36. The Section 42A Report rejects WM's proposed amendment to GRUZ-R17 for the activity status to be restricted discretionary (rather than discretionary).¹⁸ In the Officer's opinion, there is insufficient information to identify and justify the matters of discretion.¹⁹ The Section 42A Report discusses the appropriateness of the discretionary activity status currently ascribed in GRUZ-R17. WM seek a restricted discretionary activity status for waste transfer stations in the GRUZ. This is appropriate as:
- (a) The effects of waste management facilities can be defined and therefore reflected in matters of discretion.
 - (b) Applications for restricted discretionary activities still go through a consent process, can be declined and are subject to standard notification tests (unless precluded which is not proposed by WM). A restricted discretionary activity status does not provide for the activity without assessment or management of effects.
 - (c) There is little uncertainty or variation in the nature of effects of a waste management facility that would benefit from unrestricted discretion.
37. I note that district wide rules would apply with any infringements of those rules assessed through the consent process.
38. In regard to effects that may translate into matters of discretion, I recommend the following:
- (a) the effects of traffic movements on the safe and efficient operation of the transport network;
 - (b) effects of lighting, noise, dust and odour on the amenity values and character of the receiving environment;
 - (c) hours of operation and subsequent effects on amenity values of the receiving environment;

¹⁷ Section 42A Report, at [326].

¹⁸ Section 42A Report at [327].

¹⁹ Section 42A Report at [327].

- (d) effects on rural productivity; and
- (e) effects on waahi tapu or sites of significance to mana whenua.

39. In drafting this list, I have had regard to the directive reflected the Section 42A Report that matters that relate to highly productive land and natural environment and biodiversity are not exempted from plan stop requirements and subsequently cannot be considered as part of this process.²⁰ I have included clause (d) rural productivity. This matter is intended to allow assessment of productivity, rather than the loss of highly productive land. I consider this appropriate given the purpose of the rural zone. Existing rules in the operative plan that relate to natural values and biodiversity would continue to apply.
40. I have considered whether specific criteria are required where sites are in proximity to residential or rural lifestyle dwellings. My suggested clauses refer to effects on the receiving environment. This is broad enough to capture zones and land uses in proximity to a proposed waste management facility.
41. I reiterate that GRUZ-R17 relates only to waste management facilities and not landfills, cleanfills or managed fills.
42. The Section 42A Report discusses submissions that seek waste management facilities in the GRUZ be non-complying. I agree with the reasons provided within the report why a non-complying status is not necessary; that in some cases waste management facilities may be appropriate in the rural zone. I agree with this, particularly in peri-urban parts of the rural area. With reference to the evidence of Mr David Howie, waste management facilities need to be located where they are accessible to customers.²¹ This is because transfer stations and resource recovery parks operate with direct public access, enabling residential and commercial customers to drop off waste and recoverable materials.²² I note that they also require relatively larger areas of flat land. With reference to the evidence of Sarah Whiteman, I understand there is a shortage of sites available to accommodate the needs of waste management facilities in urban parts of Hutt City.²³

²⁰ Section 42A Report at [22] – [25].

²¹ Statement of evidence of David Howie dated 8 May 2026 at [17] - [18].

²² Statement of evidence of David Howie dated 8 May 2026 at [15].

²³ Statement of evidence of Sarah Whiteman dated 5 June 2026 at [21].

Additional matters raised in Section 42A Report

Definition of landfill

43. Enviro NZ (323) sought a new definition of "landfill". The Section 42A Report recommends that relief be accepted. WM's further submission stated that WM do not oppose a definition of landfill. However, that the definition should exclude closed landfills and considered "closed landfill" should be separately defined. The reason being that closed landfills have different considerations for the management of effects and in this sense are a different activity.
44. The inclusion of closed landfills would potentially impact on consent applications for rehabilitation activities on those sites, if needed. This would be indirect and impact a small number of applications.
45. Notwithstanding the above, I support the recommendation of the reporting planner to include the definition of landfill within the plan.

GRUZ-PX: (Cross Boundary Issues)

46. The Section 42A Report lists the provisions that are assessed in the report, the last bullet point of the list states "(new provision sought) GRUZ-PX Cross Boundary Issues". To clarify, WM has not sought a new provision for cross boundary issues or made a further submission on this point.

Matters to be addressed in other hearing streams

47. I also note that certain other matters raised in WM's submission will be addressed through other hearing streams. In particular:
- (a) the definition of "waste management facility" will be considered in the Hearing Stream #6 (Infrastructure),
 - (b) the amendments sought to the definition of "heavy industrial activity" were addressed in the Section 42A Report for the Industrial Zones in Hearing Stream #2; and
 - (c) the rezoning submission for 30 Benmore Crescent will be addressed in Hearing Stream #8 (Benmore Crescent).

Conclusion

48. For the reasons set out in this statement of evidence, I consider that the Panel should:

- (a) accept WM's relief on Policy GRUZ-P2 to include reference to "lawfully established activities", recognise "urban and rural environment" rather than "rural and residential zones", add "or are appropriate in the location" as a new clause (iii), and either delete "that support rural development" from clause (e) or expand it to include urban development;
- (b) accept WM's relief on Objective GRUZ-O3 to add a new clause (c) to support lawfully established activities;
- (c) accept the Section 42A Report's recommendation to include managed fills in GRUZ-R16 and adopt the proposed definition of managed fill;
- (d) amend GRUZ-R17 to provide for waste management facilities as a restricted discretionary activity, with the following matters of discretion:
 - (i) the effects of traffic movements on the safe and efficient operation of the transport network;
 - (ii) effects of lighting, noise, dust and odour on the amenity values and character of the receiving environment;
 - (iii) hours of operation and subsequent effects on amenity values of the receiving environment;
 - (iv) effects on rural productivity; and
 - (v) effects on waahi tapu or sites of significance to mana whenua.

Angela Goodwin
5 June 2026