

**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**

PLANNING

13 APRIL 2026

Executive summary

1. Waste Management NZ Limited ("**WM**") operates waste infrastructure in Hutt City, including a hazardous waste facility at 57–59 Port Road, the Seaview Refuse Transfer Station at 27 Seaview Road, and has applied to establish a resource recovery park at 30 Benmore Crescent, Manor Park. This statement of evidence addresses two of WM's submission points within the scope of Hearing Stream #1 – Opening.
2. WM's submission (Point 461.23) seeks the addition of a rule to the Proposed Plan's General chapter clarifying that where an activity falls within the definition of both a specific activity and a broader category, the activity status of the more specific definition applies. The current drafting in the Proposed Plan creates ambiguity because solid waste transfer stations are specifically regulated in the General Rural Zone and listed within the definition of heavy industrial activity. Heavy industrial activities are not provided for, falling into the catch-all activity status. This makes it unclear which activity status applies and whether multiple consents are required. The s42A report for Hearing Stream 1 dated 26 March 2026 ("**S42A Report**") partially addresses this issue through a recommended amendment to GRUZ-R25. However, the amendment does not fully resolve the ambiguity, particularly as neither "solid waste transfer station" nor "resource recovery park" is defined in the Proposed Plan. It does not fully address the ambiguity created by resource recovery parks being regulated as a heavy industrial activity, and some individual components also having an activity status.
3. WM's remaining submission points, which will be addressed in subsequent hearing streams, seek the introduction of a definition of "waste management facility". This definition would more comprehensively resolve the ambiguity regarding activity status by providing a single, specific category for solid waste transfer stations and resource recovery parks.
4. WM's submission (Point 461.11) seeks that the definition of well-functioning urban environment be amended to add a reference to infrastructure support. The S42A Report recommends rejecting this submission on the basis that the definition mirrors that of the National Policy Statement for Urban Development ("**NPS-UD**") and any amendment could result in inconsistency with a higher order document. In addition, the objectives and policies of the Proposed Plan provide sufficient weight to the importance of infrastructure. The proposed addition goes beyond the NPS-UD minimum rather than altering it, and for this

reason I do not consider it conflicts with Policy 1 of the NPS-UD as the S42A Report suggests. I agree that objectives and policies do highlight the importance of infrastructure to the functioning of Hutt City.

Introduction

5. My full name is Angela Joy Goodwin. I am a director and principal planner at Potentialis Limited and have held this position since October 2011.

Qualifications and experience

6. I have the qualifications of Bachelor of Planning awarded with first class honours and Master of Planning both from the University of Auckland. I also have a Post Graduate Diploma in Business and Administration, majoring in economics, from Massey University.
7. I have satisfied the requirements of the Ministry for the Environment's Making Good Decisions programme and am certified to act as an Independent Commissioner. I am an Associate of the Arbitrators and Mediators Institute of New Zealand (AAMINZ), having completed the Associate training programme administered by the College of Law and AMINZ, in Mediation. I am an intermediate member of the New Zealand Planning Institute.
8. I have 21 years of experience as a consultant planner and policy planner working in the private sector, local and central Government. Prior to establishing Potentialis Limited, I held the role of Policy Planner and Senior Policy Planner at two territorial authorities and worked as a policy analyst for Ministry for Primary Industries, where my work involved engagement with resource management policy.
9. As principal planner of Potentialis Limited, I have prepared or overseen the preparation of several hundred resource consent applications, over multiple jurisdictions. I regularly consult to territorial authorities to process consents. This has required interpretation and understanding of multiple planning instruments, particularly district plans. I consulted to Waikato District Council to draft the s32 assessment report for the Rural and Centres chapters of the Proposed Waikato District Plan. I provided planning expertise on submissions and presented evidence on the Proposed Auckland Unitary Plan and recently have provided planning expertise informing submissions to Plan Change 120 to the Proposed Auckland Unitary Plan Operative in Part and Plan Change 1 to the Greater Wellington Regional Plan.

10. I have consulted to clients in the natural resource and waste management sectors for the past 11 years.

Code of conduct

11. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's 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 Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of evidence

12. I have been engaged by WM to present planning evidence in relation to the Proposed Plan. WM's interests have been categorised into a range of different hearing streams for the purposes of the hearing of submissions for the Proposed Plan. This statement of evidence only addresses WM's submission points in relation to Hearing Stream #1 – Opening. Specifically, my statement of evidence will:

- (a) provide background to WM's operations in Hutt City;
- (b) explain the need for a new rule providing that, where an activity is captured by two definitions, the activity status of the more specific definition applies;
- (c) explain the benefits of amending the definition of "well-functioning urban environment" to incorporate a consideration of infrastructure;
- (d) respond to matters raised in the S42A Report; and
- (e) address how the proposed amendments interact with WM's submission points to be considered in subsequent hearing streams.

For ease of reference, **Attachment 1** of this statement contains definitions and provisions from the Proposed Plan I refer to.

WM's operations in Hutt City

13. WM owns or has operational interest in several landfills, refuse transfer stations, material recovery facilities and other waste services across New Zealand. It has a variety of interests in Hutt City in the Wellington Region,

including a hazardous waste facility at 57 – 59 Port Road, the Seaview Refuse Transfer Station at 27 Seaview Road, base depot at 97 Port Road, and a proposed resource recovery park at 30 Benmore Crescent, Manor Park. These facilities operate with the intent of enhancing waste diversion, supporting decarbonisation goals, and aligning commercial and community interests:

- (a) **57 – 59 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) **97 Port Road:** WM operates a depot at this site that includes regional offices.
- (c) **Seaview Road:** WM operates a transfer station at this site. This facility undergoes recycling operations, and collects general domestic, green and commercial solid waste.
- (d) **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.

Proposed new rule providing that the activity status of the more specific definition applies

- 14. WM seeks a new provision be added to the General chapter to make it clear that where an activity falls into more than one activity status, the activity status of the more specific definition applies (Point 461.23). A practical example of why this is needed can be found in application of the rules of the rural chapter to solid waste transfer stations and resource recovery parks.
- 15. Under proposed rules, a "solid waste transfer station" is a discretionary activity (GRUZ-R17). Both solid waste transfer station and resource recovery park are listed within the definition of heavy industrial activity. Activities not provided for are a discretionary activity (GRUZ-R24). Industrial activities are a non-complying activity (GRUZ-R25). I note that Heavy industrial activity is

¹ Resource consent has already been granted to the Developer for the construction of roading, civil infrastructure and associated bulk earthworks for the site.

specifically defined. This indicates a deliberate choice to treat heavy industrial activities differently to industrial activities. This is the case in the Commercial and Mixed Use Zones where industrial activities are discretionary and heavy industrial activities are non-complying.² As currently drafted, the rural zone rules do not provide for heavy industrial activities and they would be a discretionary activity under GRUZ-R24.³ Therefore one activity, a solid waste transfer station, falls into two rules because it is regulated by GRUZ-R17 and specifically listed in the definition of heavy industrial activity.

16. The way the definitions are structured, including the absence of definitions for activities that have a specific activity status, results in ambiguity about how waste management activities should be assessed and the extent of consents required. The amendment proposed by WM, in conjunction with the relief sought to other submission points, intends to resolve this ambiguity.
17. In the absence of the addition proposed by WM, the General chapter of the Proposed Plan contributes to this ambiguity. It states (emphasis added):

Bear in mind that rules from multiple chapters may apply to an activity, and multiple rules within a chapter may apply. For example, your land use might fall within several different definitions, or have multiple components covered by different rules.

18. A land use can incorporate different activities, each of which may be regulated by a different rule. The Proposed Plan refers to these as ‘components’ that may fall within different definitions. WM’s proposed amendment is intended to address two aspects of the resulting ambiguity:
- (a) situations where a single activity falls within more than one rule, each with a different activity status; and
 - (b) situations where an overall land use has an activity status, but individual components of that land use are also separately regulated.

² The Light Industrial Zone and General Industrial Zone also have a specific rule for heavy industrial activities, reinforcing they are treated separately to industrial activities.

³ It is unlikely to be the intent of the rural zone rules to place less restriction on heavy industrial activities than industrial activities. The intent is likely to be that heavy industrial activities fall within GRUZ-25 albeit this is not clear and contradicts the approach taken in the Commercial and Mixed Use Zones for example that has a separate rule for industrial activities and one for heavy industrial activities. Consideration of this point is outside the scope of this hearing stream. It is mentioned here to demonstrate the ambiguity within the Plan that WM’s amendment to the General Chapter would resolve.

19. As set out above, "resource recovery park" is not itself defined but specifically listed in the definition of heavy industrial activity (that is not provided for). Solid waste transfer, retail, ancillary offices that form part of resource recovery parks are also provided with specific activity statuses. Without a clarifying statement, this would be akin to an application for a mixed use development that contains dwellings, offices and retail activities, having to seek consent for a mixed use activity (the overall land use) as well as each individual component. In cases where the overall activity is regulated, it is inefficient to then also seek consent for each component.
20. WM's amendment resolves the ambiguity apparent in the example above by making it clear that the activity status of the more specific activity prevails. In the example above, an application only for a solid waste transfer station would require consent as a discretionary activity. An application for a resource recovery park would be discretionary, as resource recovery park is specifically listed in the definition of heavy industrial activity and heavy industrial activities are not provided for.
21. WM's other submission points oppose both solid waste transfer stations and resource recovery parks being included in the definition of heavy industrial activity. WM also seeks a definition of waste management facility be added to the Proposed Plan that would cover both solid waste transfer stations and resource recovery parks. I discuss this in subsequent sections of this statement.
22. However, regardless of whether the relief sought by WM in relation to other submission points is granted, the amendment sought to the General chapter of the Proposed Plan would benefit its overall interpretation. This would assist in the efficient processing of resource consent applications. It would also provide greater certainty to developers both in the selection of sites, design of proposals and in the application for consents.
23. Waste management facilities have a significant function in the operation of an urban area and ambiguity in the planning framework creates inefficiencies in consenting new sites.
24. Such an amendment would also ensure consistency with general rules of interpretation, where the specific overrides the general.

Amendment to the definition of "well-functioning urban environment"

25. WM's submission (Point 461.11) seeks that the definition of well-functioning urban environment be amended to add a reference to infrastructure support.

26. The definition of well-functioning urban environment, as identified in the S42A Report, duplicates that in the NPS-UD and provides features that an urban environment should have 'at a minimum'. WM supports the definition in part but seeks that "and is supported by infrastructure, including regionally significant infrastructure" be added to the end of the definition.
27. Policy 1 of the NPS-UD sets out the minimum features of a well-functioning urban environment. Infrastructure, including the provision of waste management facilities, is also important to the functioning of Hutt City, in addition to the features listed. Aside from being important to daily functioning, the provision of infrastructure contributes to the resilience of Hutt City that is at risk of natural hazard events including flood hazards and earthquakes.
28. The intent of the amendment proposed by WM is to highlight that in addition to the features stated, infrastructure also allows Hutt City to function well.

Matters raised in s42A report

Clarifying that specific activities take precedence over general definitions (Point 461.23)

29. The S42A Report, in recognition of the intent of Submission Point 461.23, states:

The plan is written so that land uses or activities are easily defined, in instances where a land use does not fit one definition the land use would follow the catch-all pathway as provided for in the PDP text. However, I have identified one instance where the catch-all pathway described above is unclear in the notified PDP. In the General Rural Zone

chapter, Rule GRUZ-R25 applies a non-complying activity status to 'Industrial Activities', however the land use activity table includes other specific activities that would also fall within the definition of 'industrial activities', such as landfills and cleanfills (Rule GRUZ-R16) and solid waste transfer stations (Rule GRUZ-R17). For clarity, I recommend amending Rule GRUZ-R25 to state 'Industrial activities not already provided for'.

30. The Reporting Officer does not consider WM's proposed additional rule in the General chapter of the Proposed Plan is necessary because the plan is structured to have a catch-all rule that captures any activities that are not provided for. I agree the catch all rule provides for activities that do not fall into a specific rule. However, the additional rule was intended to clarify what

happens when the same activity is listed in two different rules that have a different activity status.

31. The amendment proposed within the S42A Report partially resolves this. As currently drafted, solid waste transfer stations and resource recovery parks are specifically listed in the definition of heavy industrial activity. As set out above, heavy industrial activities are not provided for and subsequently would fall into the catch-all rule rather than GRUZ-R25 that only covers industrial activities. The relief sought by WM as part of other submission points effectively resolves this. In the absence of consideration of those other submission points, the remaining ambiguity could be clarified by a further amendment to that suggested in the S42A Report, to state "industrial activities and heavy industrial activities not already provided for".
32. I note that several other Proposed District Plan chapters set a catch-all rule for activities not provided for as a discretionary activity and industrial activities as a non-complying activity.⁴ To resolve the ambiguity over where heavy industrial activities fit, the same approach set out above from the General Rural zone could be taken.
33. The amendment does not resolve the ambiguity that applies to resource recovery parks where both the overall land use and individual components are regulated. As set out above, under the current drafting of the plan rules and as amended by the suggestion in the S42A Report, more than one activity status would apply to resource recovery parks (GRUZ-R17 for the solid waste transfer station component and GRUZ-R24 for a heavy industrial activity). I emphasise that neither solid waste transfer station nor resource recovery park is defined in the Proposed Plan. This compounds ambiguity as the Proposed Plan does not define resource recovery park yet specifically lists it in the definition of heavy industrial activity. This makes it difficult for applicants to determine where a solid waste transfer station ends and a resource recovery park begins.
34. Whilst not addressed in this hearing stream, the introduction of a definition of *Waste Management Facility* as sought by WM under other submission points would resolve this issue. In the absence of such a definition, Rule GRUZ-17 could be amended to add 'resource recovery parks'. Again, whilst outside the scope of this hearing, any activity that is specifically provided with an activity status should be defined.

⁴ Large Lot Residential Zone, Medium Density Residential Zone, High Density Residential Zone, Rural Lifestyle Zone,

Well-Functioning Urban Environment (Point 461.11)

35. The S42A Report rejects point 461.11 on the basis that it would be inconsistent with Policy 1 of the NPS-UD and that objectives and policies of the Proposed Plan stress the importance of infrastructure to the functioning of the City. I agree that the objectives and policies do reference the strategic importance of infrastructure particularly INFSD-O1 – INFSD-O3.
36. The objectives for well-functioning urban environments are not as comprehensive in regard to the importance of infrastructure to the function of Hutt City as a whole. Objective UDSD-O2 states outcomes for well-functioning urban environments. Clause (c) is that well-functioning urban environments are *Serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development*. WM's submission is that firstly waste management facilities be included within the definition of infrastructure, recognising their role. Secondly, it is that these facilities are part of a well-functioning urban environment, at a City-wide scale. UDSD-O2 states the role of infrastructure at a development level but does not include any reference to the role of infrastructure at the wider City scale. WM's proposed amendment to the definition would capture this.
37. As set out above, as an addition is proposed to a definition that sets out minimums, I do not consider granting the relief sought by WM would result in inconsistency with Policy 1 of the NPS- UD. WM's proposed amendment goes beyond that in the NPS-UD, rather than seeking to change that definition.
38. For context and as set out further below, the submission was made in relation to waste management facilities being included within the definition of infrastructure. WM's submission proposed amendment to the definition of "well-functioning urban environment" was expressly linked to WM's submission points 461.8 and 461.9, which seek to include waste management facilities in the definitions of infrastructure and regionally significant infrastructure respectively. 'Waste management facility' is a new definition sought by WM in Point 461.6 that would cover refuse transfer stations, resource recovery parks and recycling facilities but exclude landfills, clean fills and managed fills.

Interaction with submission points in subsequent hearing streams

39. The submission points addressed by this hearing stream are strongly related to remaining submission points made by WM, particularly the following
- (a) Point 461.6 seeking a new definition of waste management facility,

- (b) Point 461.7 to remove waste management activities from the definition of heavy industrial activity.
 - (c) Point 461.10 to add waste management facilities into the definition of industrial activity.
 - (d) Point 461.13 seeking to alter the reference to solid waste transfer station to waste management facility in GRUZ-R17 and amend the activity status to restricted discretionary.
 - (e) Points 461.8 and 461.9 seeking that waste management activities be included within the definition of infrastructure and regionally significant infrastructure respectively.
40. As set out above, the addition of a definition of '*waste management facility*' as sought by WM (461.6) would effectively resolve the submission point that is subject of this hearing stream and in the event this relief is accepted, the changes recommended in the S42A Report and that I have discussed would not be required.
41. WM sought advice from the Proposed Plan administrators on what hearing stream WM's remaining submission points would be considered in. At the time of writing this statement of evidence, this information is not available. It is my opinion that decisions on recommendations to change Rule GRUZ-R25 should be considered in conjunction with the relief sought by WM in other submission points and not in isolation, particularly point 461.6. The decisions are interrelated.
42. Notwithstanding the above point, a statement in the General chapter provisions clarifying that where an activity falls within two definitions, the activity status applying to the more specific activity prevails, would lead interpretation of plan provisions to be more effective. This would be the case regardless of whether the relief sought by WM on other submission points is accepted.

Conclusion

43. The current drafting of the General chapter sections creates ambiguity, particularly as they relate to waste management activities. This results from solid waste transfer stations being regulated as a discretionary activity in the Rural Zone but solid waste transfer station not being defined, and solid waste transfer stations being specifically listed in the definition of heavy industry. Heavy industrial activities are a discretionary activity in the Rural Zone, falling into the 'catch all' rule. Resource recovery parks, which include solid waste

transfer stations but also a range of other activities to minimise waste going to landfill, are not provided with an activity status but again are specifically listed in the definition of heavy industrial activity.

44. The S42A Report recommends adding 'not otherwise provided for' to GRUZ – R25. This partially resolves the ambiguity; it makes it clear that an application for a solid waste transfer station would not also require an application to be made for a heavy industrial activity. However, it does not resolve ambiguity created by a "solid waste transfer station" not being a defined term. New solid waste transfer stations are commonly part of a resource recovery park. "Resource recovery park" is listed in the definition of heavy industrial activity. There is therefore remaining ambiguity about applications for resource recovery parks. This ambiguity would effectively be resolved by the addition of a definition of *waste management facility* as sought by WM (and understood to be considered during other hearing streams – yet to be determined). The amendments sought by WM also better reflect the actual and potential effects of waste management facilities and ensure that the definitions are fit for purpose.
45. Whilst the General chapter, as indicated in the S42A Report, indicates that the more specific activity prevails, the part of the General chapter that states an activity may fall within more than one definition and all apply means that the section overall still lacks clarity. Amending the wording of this section to make it clear that where the same activity falls within multiple definitions, the more specific one applies, would remove this ambiguity when applying and processing resource consent applications. It would also make the General chapter consistent with general principles of interpretation.

Angela Goodwin
13 April 2026

Heavy Industrial Activity Definition

Heavy Industrial Activity means:

- An offensive trade
- A significant hazardous facility
- An abattoir
- A refinery
- The storage, treatment, or disposal of waste materials, including any waste transfer station or resource recovery park, and
- The composting of organic materials, excluding composting undertaken on the site from which the material is sourced, of up to 10m³ in volume.

Or any other industrial activity that creates offensive and objectionable noise, dust or odour, or elevated risks to people’s health and safety.

Rules GRUZ-17, GRUZ-24 and GRUZ-25

GRUZ-R17	Solid waste transfer stations
1. Activity status: Discretionary	
GRUZ-R24	Activities <u>not otherwise provided for</u>
1. Activity status: Discretionary	
GRUZ-R25	Industrial activities
1. Activity status: Non-complying	

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.