

**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 ANGELA JOY GOODWIN ON BEHALF OF
WASTE MANAGEMENT NZ LIMITED
(HEARING STREAM SIX)**

NATIONAL PLANNING STANDARDS

9 OCTOBER 2026

1. INTRODUCTION

1.1 During Hearing Stream Six (Infrastructure), the Panel asked me to consider whether the National Planning Standards dated November 2019 ("**National Planning Standards**") would be consistent with the following relief sought by Waste Management NZ Limited ("**WM**"):

- (a) amending the definition of "Infrastructure" to include "additional infrastructure";¹ and
- (b) applying the objectives and policies of the infrastructure chapter but not the rules of that chapter to additional infrastructure.

1.2 The Panel subsequently issued Minute #18 with the following direction:

Waste Management NZ – Ms Goodwin 11. In response to a question from Commissioner Jones, Ms Goodwin agreed to provide her opinion on whether applying the objectives and policies of the infrastructure chapter to waste management facilities, but not the infrastructure rules, would be consistent with National Planning Standards requirements. 12. We request Ms Goodwin to provide this information to the Hearings Administrator by 4:00pm 9 October 2026, and this will then be uploaded to the Hearing Stream 6 webpage.

1.3 I consider that it is necessary to analyse whether the changes sought to the definition of "infrastructure" are consistent, in order to answer the primary question from the Panel.

1.4 In summary, in my opinion the National Planning Standards do not prevent the relief sought, and the relief is not inconsistent with them. The National Planning Standards deliberately leave the definition of infrastructure to local authorities, and they direct where plan content is located rather than what it contains. However, there is potential conflict between giving effect to the National Policy Statement for Infrastructure 2025 which came into force on 15 January 2026 ("**NPS-I**") in making decisions on the Proposed Plan and following a literal interpretation of directive 5, section 7 (District-wide Matters Standard), of the National Planning Standards. This is due to the National Planning Standards pre-dating the NPS-I by seven years.

¹ NPS-I, Part 1, at 1.4: "**infrastructure** includes all infrastructure as defined by the Act and additional infrastructure as defined in this National Policy Statement". "**Additional infrastructure** includes... (f) a stormwater network; (g) resource recovery or waste disposal facilities; and (h) flood control and protection works carried out by, or on behalf, of a local authority."

- 1.5 As discussed further in section 4, there are three options to reconcile the potential conflict between the NPS-I and National Planning Standards:
- (a) Option A: bring the zone provisions that provide the activity statuses of all the "additional infrastructure" into the infrastructure chapter;
 - (b) Option B: have a cross-reference in the rules section of the infrastructure chapter to the zone chapters; or
 - (c) Option C: have a special zone for uses falling under the "additional infrastructure" definition.
- 1.6 Of these options, Option B, being a cross-reference in the rules section of the infrastructure chapter to the zone chapters carries the lowest risk and involves the least modification of the Proposed Plan as notified. It allows decisions on the Proposed Plan to give effect to the NPS-I and follows the intent of the National Planning Standards. The other options have greater risk because they alter the structure of the Proposed Plan.
- 1.7 Option C, being a special zone, would also effectively reconcile the conflict in respect of WM's submission points that relate to 30 Benmore Crescent in Manor Park, where WM proposes a resource recovery facility. There may, however, be challenges in applying this approach to all activities that comprise additional infrastructure. I note that the zoning of 30 Benmore Crescent will be heard during Hearing Stream Eight in November.

2. BACKGROUND

National Planning Standards

- 2.1 The National Planning Standards were approved in April 2019 and amended in November 2019 and February 2022. Their purpose is to create consistency across policy statements and plans in New Zealand. To achieve this, the National Planning Standards prescribe a structure and common zones, sections and chapters. They contain a series of directions that councils must follow when drafting proposed plans. The General Approach chapter of the Proposed Plan records that the Plan has been prepared to give effect to the National Planning Standards as at November 2019.
- 2.2 The Foundation Standard states that the National Planning Standards are directed at structure and format, rather than content:²

² *National Planning Standards, 1. Foundation Standard, Purpose.*

The planning standards do not alter the effect or outcomes of policy statements or plans.

2.3 Of relevance to the relief sought by WM is directive 5:³

Energy, infrastructure and transport

5. Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading. These provisions may include:
 - a. statement about the status of transport corridors eg, the adjoining zoning applies to the centre line of mapped roads
 - b. noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. Noise and vibration metrics Standard
 - c. the management of reverse sensitivity effects between infrastructure and other activities.
6. The chapters under the Energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections.
7. Zone chapters must include cross-references to relevant provisions under the Energy, infrastructure and transport heading.
8. All chapters must be included alphabetically.

NPS – Infrastructure

- 2.4 The NPS-I defines additional infrastructure as part of the definition of infrastructure. The National Planning Standards came into force well before the NPS-I. Directive 5 of the National Planning Standards was not drafted with additional infrastructure in mind and does not address where within a district plan such activities should be regulated. Additional infrastructure generally comprises infrastructure facilities that are established on one or more sites, rather than linear networks.
- 2.5 The definition of "infrastructure" in the Proposed Plan is drawn from section 2 of the RMA. WM seeks to amend this definition to include additional

³ *National Planning Standards, 7. District-wide Matters Standard, mandatory directions 5–8.*

infrastructure. If granted, this would result in the infrastructure objectives and policies (but not the rules) applying to additional infrastructure.

- 2.6 The rules section of the Infrastructure Chapter opens (emphasis added):⁴

The rules of this chapter address the operation, maintenance, repair, removal, upgrading and development of infrastructure undertaken by network utility operators.

- 2.7 The objectives INF-O1 to INF-O4, and the policies of the Infrastructure Chapter, relate to infrastructure broadly, not just infrastructure undertaken by network utility operators. The rules for other forms of infrastructure listed in section 2 of the RMA that are not undertaken by network utility operators are contained in Special Zones or the Energy and Transport Chapters, and that is consistent with the wording of directive 5 of the National Planning Standards.
- 2.8 For completeness, WM is not a network utility operator or requiring authority.

3. ANALYSIS

The National Planning Standards do not preclude the amendment to the definition of "infrastructure" sought by WM

- 3.1 The National Planning Standards concern structure of a district plan, not content. This was made clear in the analysis of submissions on the National Planning Standards. Following submissions, the list of infrastructure types previously included in the draft standards' definition section was deleted. The Ministry for the Environment ("MfE") stated that councils could determine what constituted infrastructure based on local circumstances.
- 3.2 MfE recorded the intent of the standard as follows:⁵

The intent of the infrastructure and energy standard was to direct councils to the location in plans for containing infrastructure, transport and energy provisions. The intent was not to prescribe content for plans ...

⁴ *Proposed District Plan, INF – Infrastructure, Rules.*

⁵ *Ministry for the Environment, 2E Chapter Standards – Recommendations on submissions report for the first set of National Planning Standards ("ME 1400, April 2019"), 5.6.3, p 50.*

- 3.3 On the deletion of the list of infrastructure types, ACI Operations New Zealand Limited had submitted that waste infrastructure should be added to the list in the draft standard. MfE deleted the list altogether and recorded:⁶

We also note the recommendation to delete the definition of 'infrastructure' from the Definitions Standard, pending further consideration of it ... Without this definition, councils will have the ability to define infrastructure as necessary to their local circumstances and will provide sufficient scope to include all types of infrastructure relevant to their circumstances.

- 3.4 The NPS-I has now given clear direction to councils on what constitutes infrastructure. The analysis above was undertaken by MfE well before the NPS-I, which clarifies what should be included as infrastructure. Given that the National Planning Standards pre-date the NPS-I and concern the structure of district plans rather than their content, the National Planning Standards should not frustrate the later NPS-I (which prescribes the content of district plans).

- 3.5 Given the National Planning Standards were specifically amended to remove a definition of infrastructure, leaving this to local authorities to determine, the National Planning Standards do not preclude the amendment to the infrastructure definition sought by WM.

The National Planning Standards do not preclude the rules for waste management activities (additional infrastructure) being located in the zone chapters, with only the infrastructure chapter objectives and policies applying

- 3.6 On a strict reading, there would appear to be some tension between directive 5 of the National Planning Standards and the NPS-I as it applies to additional infrastructure. Giving effect to the NPS-I in decision-making while implementing the National Planning Standards as strictly drafted could give rise to conflict. The Council is required to do both when preparing and making decisions on the Proposed Plan.⁷ To the extent that there is any inconsistency between directive 5 and the Proposed Plan, this already exists and is not a result of the relief sought by WM. WM's relief simply highlights it.
- 3.7 The principal issue is that directive 5, on a strict reading, requires rules relating to infrastructure to be located in the infrastructure chapter or contained in a special zone. This is logical for those activities considered infrastructure when the National Planning Standards were drafted and came into force, at which

⁶ ME 1400, April 2019 5.6.3, p 49.

⁷ RMA, s 75(3).

time there was no apparent conflict with giving effect to national instruments. However, additional infrastructure is different in nature. Taking waste management infrastructure as an example, it comprises a network of facilities. Each facility is typically consented separately and assessed against the provisions of the zone in which it is located. This approach is effective and efficient because such facilities do not cut across many zones. This is fundamentally different from network utilities, which traverse many zones and are not site-specific.

- 3.8 The use of zones for facilities is consistent with Table 18 of the National Planning Standards. Table 18 of the District Spatial Layers Standard describes the function of a zone as follows:⁸

A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.

- 3.9 In the following section of this statement, I propose some options to reconcile the potential for any conflict between implementing the National Planning Standards and giving effect to the NPS-I. To give context to those options, it is useful to understand the background to directive 5 of the National Planning Standards, the approach to where content is located, and the intent of the directive. I discuss each of these matters in turn in the following paragraphs.

- 3.10 The origin and logic of directive 5 appears to be to centralise provisions dealing with networks that cut across zones. This makes it easier for both infrastructure providers and the community to find the provisions that relate to network utilities. In relation to directive 5, the analysis on submissions rejected requests for flexibility to include some infrastructure provisions in zone chapters. In my opinion, this reflects the pre-NPS-I scope of infrastructure, which focused on network utilities, and the overriding purpose of making it easy to locate provisions for such utilities.

- 3.11 MfE described the intention of the directions in these terms:⁹

The intention of the directions is to have an infrastructure and energy chapter that largely contains infrastructure-related provisions in one place. This would make it easier for infrastructure operators and adjacent landowners to find relevant provisions.

⁸ *National Planning Standards, 12. District Spatial Layers Standard, table 18.*

⁹ *ME 1400, 5.6.1, p 45.*

- 3.12 The clause from which directive 5 descends was draft direction 23 of the Infrastructure and Energy Chapter Standard. That direction listed the types of infrastructure MfE had in contemplation: state highways and local roads; railways; airports; ports; electricity generation, transmission and distribution; wastewater, stormwater and drinking water infrastructure; other network utilities not listed; bulk storage and transmission of fuel or energy; street furniture; and buffer corridor area provisions required for the national grid. Each is a network asset that traverses areas and zones.
- 3.13 The submissions seeking flexibility to include infrastructure provisions in zone chapters, referred to at paragraph 3.10 above, were made by Trustpower and the New Zealand Planning Institute. MfE responded to those submissions in its recommendations report on the draft chapter standards as follows:¹⁰
- Trustpower and the New Zealand Planning Institute requested the ability to continue to have zone provisions (not just special-purpose zones) that recognise and provide for renewable electricity generation and other infrastructure in specific parts of the district. Trustpower gave an example of objectives and policies in rural zones to enable renewable electricity generation. We do not agree that this level of flexibility is needed. We consider that provisions within this chapter can be broken down to relate to certain zones in this way if councils consider it appropriate. Therefore, we do not recommend changing this direction.
- 3.14 At the time of the above analysis, MfE was not addressing where provisions for site-based additional infrastructure should sit, because that category did not exist until 2025.
- 3.15 Therefore, the context to directive 5 has changed. The key intent of directive 5 is to make it easy to locate provisions that relate to infrastructure. Given the change in the scope of infrastructure that is now to be recognised under the NPS-I, I consider it is this intent that should guide interpretation, rather than a strict literal reading of the directive. This purposive approach is consistent with general rules of statutory interpretation where there is apparent conflict between two instruments.
- 3.16 I note that the National Planning Standards do not give direction on whether one chapter of a plan should take precedence over another. In its submission on the draft National Planning Standards, Powerco submitted that the

¹⁰ ME 1400, 5.6.3, p 52.

relationship between the infrastructure and energy, general district-wide matters and area-specific matters chapters was unclear, and sought a new direction specifying the relationship between the rules of each chapter.¹¹ MfE declined:¹²

We do not consider it necessary to provide a direction that specifies the relationship of rules in each chapter or section, as requested by Powerco. The purpose of these standards is to direct the location of plan content not to prescribe a hierarchy across plan content. The hierarchy of plan rules is a matter that is most appropriately established in individual plans.

- 3.17 In my opinion it follows that whether the Infrastructure chapter of the Proposed Plan overrides the zone chapters, or whether both sets of provisions apply, is a matter established by the Proposed Plan itself and not by the National Planning Standards.

4. OPTIONS

- 4.1 There are three possible ways to give effect to the NPS-I whilst maintaining consistency with the National Planning Standards. I have described these three options by reference to waste management facilities, being part of the relief sought by WM. However, the same approaches could be applied to other forms of additional infrastructure, and I comment on the implications of doing so in section 5. The options are:

- (a) Option A: amend the rule section of the Infrastructure Chapter to have a table that states the activity status of waste management facilities in each zone;
- (b) Option B: have a cross-reference in the rule section of the Infrastructure chapter to the zone provisions for waste management facilities; or
- (c) Option C: have a special zone for waste management facilities.

Option A – activity status table in the Infrastructure chapter

- 4.2 One way to maintain consistency with the strict interpretation of the National Planning Standards whilst giving effect to the NPS-I would be to amend the Infrastructure rules to have a table for waste management facilities in each

¹¹ ME 1400, 5.6.3, p 48.

¹² ME 1400, 5.6.3, p 52.

zone. This would rely on a definition of waste management facility being added to the Proposed Plan and resource recovery and transfer stations being removed from the definition of heavy industry. WM seeks both of these amendments and I have provided evidence on these issues at previous hearing streams.

4.3 This option reflects the drafting technique MfE identified in the passage quoted at paragraph 3.13 above, namely that provisions within the infrastructure chapter can be broken down to relate to certain zones.

4.4 Notwithstanding WM's submission points on these matters, waste management activities are presently regulated through the following zone rules, noting they are non-complying in the residential zones:

Rule	Activity	Activity status
GRUZ-R16	Landfills and cleanfills	Discretionary
GRUZ-R17	Solid waste transfer stations	Discretionary
GIZ-R18	Heavy industrial activities	Discretionary
HIZ-R17	Heavy industrial activities	Restricted discretionary
CCZ-R25	Heavy industrial activities	Non-complying
MCZ-R25	Heavy industrial activities	Non-complying
LCZ-R20	Heavy industrial activities	Non-complying
NCZ-R20	Heavy industrial activities	Non-complying
MUZ-R27	Heavy industrial activities	Non-complying

4.5 This option would require inserting a table similar to the above into the infrastructure chapter. Only the activity status for waste management facilities would sit in the Infrastructure chapter. The zone chapter standards would continue to apply to those facilities, in the same way that the Noise and Earthworks chapters contain standards that apply to infrastructure even though they sit outside the Infrastructure chapter.

4.6 I consider this is within the scope of WM's submission as it does not change any of the content beyond the relief sought. It only changes where in the plan the rules sit.

Option B – cross-reference from the Infrastructure chapter

- 4.7 Alternatively, I consider that a statement in the rule section of the Infrastructure chapter, that contains a cross-reference to relevant zone rules, would maintain consistency with the intent of the National Planning Standards. The National Planning Standards encourage cross-references.
- 4.8 Cross-referencing is the mechanism the standards adopt where provisions relevant to one subject are located in more than one chapter. Directives 6 and 7 of the District-wide Matters Standard of the National Planning Standard requires cross-referencing between the Energy, infrastructure and transport chapters and Special purpose zone and zone chapters. Directives 25, 30 and 35 require the Subdivision, Earthworks and Noise chapters respectively to cross-reference relevant provisions under the Energy, infrastructure and transport heading.
- 4.9 I consider this option gives effect to the intent of the National Planning Standards as it achieves the objective of making it easy to find provisions related to infrastructure.

Option C – special zone

- 4.10 The third option is a special zone for waste management facilities. Special purpose zones are specifically identified in directive 5. I note that the zoning of 30 Benmore Crescent, where WM has proposed a resource recovery park, is the subject of Hearing Stream Eight. The relief of Te Rūnanga o Toa Rangatira, which WM supports, is to have a special zone.
- 4.11 Directive 3 of the Zone Framework Standard within the National Planning Standards provides that an additional special purpose zone must only be created where the proposed land use activities or anticipated outcomes of the zone:¹³
- a. are significant to the district, region or country
 - b. are impractical to be managed through another zone
 - c. are impractical to be managed through a combination of spatial layers.
- 4.12 Without prejudice to consideration during the Benmore Crescent hearing and in statements of evidence for that hearing which have not yet been filed, the

¹³

National Planning Standards, 8. Zone Framework Standard, mandatory direction 3.

proposed facility at 30 Benmore Crescent could potentially meet (a) to (c) directly above.

- 4.13 Whilst this option may potentially be viable for the proposed resource recovery park at 30 Benmore Crescent, as a principle applied to additional infrastructure more generally it would result in multiple special zones. In some cases, like WM's technical services facility and transfer station in Seaview, this would be unnecessary and those facilities would not necessarily meet the test of b in 4.11 above, as they can be managed through zone provisions (albeit this might not be optimal or the most efficient option compared to a special zone).

5. CONCLUSION

- 5.1 In my opinion the National Planning Standards do not prevent the relief sought by WM, and the relief is not inconsistent with them. However, there is potential conflict between giving effect to the NPS-I in making decisions on the Proposed Plan and following a literal interpretation of directive 5 of the National Planning Standards, as it applies to additional infrastructure. This potential conflict exists because the National Planning Standards were drafted with a conception of infrastructure as networks across zones, rather than a network of facilities.
- 5.2 This tension is capable of being resolved through the drafting options set out above. In my opinion, Option B is the least disruptive to the Proposed Plan as notified, it preserves the role of the zone framework in determining which activities are compatible with each zone, and it directly addresses the concern that gave rise to directive 5, namely that plan users should be able to locate the provisions that apply to them. It is the lowest risk option and could apply to all additional infrastructure without additional administration. It implements the intent of the National Planning Standards at a purposive level, albeit not on a strict literal reading of directive 5.
- 5.3 Moving the provisions that state activity statuses for additional infrastructure into the infrastructure chapter carries some risk of provisions becoming disjointed. In some cases, it is likely to require additional definitions or notes of clarification. This is because not all additional infrastructure is specifically identified in the zone rules, with some being regulated as part of a larger activity category (eg community facility, industrial activity). These challenges do not appear insurmountable but would require a more comprehensive exercise.

- 5.4 The option of a special zone would be consistent with the National Planning Standards, the NPS-I and WM's relief in relation to 30 Benmore Crescent. Such a zone remains within scope. The risk in applying this option more broadly is in the number of special zones that would need to be created and the fact that they may not meet the requirements for a special zone.
- 5.5 In my opinion, the content of the Proposed Plan should take precedence over structure, and for this reason I consider it more important to give effect to the NPS-I, and the intent of the National Planning Standards, rather than taking a literal reading of the National Planning Standards that would result in decisions on the Proposed Plan failing to give effect to the NPS-I. I prefer the option of having a cross-reference in the infrastructure chapter rules to the zone provisions. It achieves this objective and is the least challenging option to implement. I also consider that a special zone applying to 30 Benmore Crescent may be appropriate, but consider it more efficient to address this during the upcoming Benmore Crescent hearing.

Angela Joy Goodwin
9 October 2026