**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Hutt City Council Proposed District Plan

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# REPLY STATEMENT OF PETER MCDONALD

## ON BEHALF OF HUTT CITY COUNCIL

22 October 2026

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## 1.0 INTRODUCTION

1.1 My name is Peter McDonald. I am a Senior Policy Planner at Hutt City Council and am Council's reporting officer for the Infrastructure and Transport topics.

1.2 This evidence responds to matters arising during Hearing Stream 6 for the Proposed Lower Hutt District Plan (the PDP) and the questions of the Hearing Panel in Minute #18, dated 30 September 2026.

1.3 Except as otherwise identified, all findings and recommendations contained in my Section 42A reports[1] and rebuttal evidence[2] remain unchanged.

1.4 As directed by Minute #18, planning experts have conferenced and arrived at some agreed positions. I will not repeat agreed material covered in those joint witness statements:

1.4.1 Joint Witness Statement of Catherine Heppelthwaite, Timothy Blackman, Cristal Bennett and Peter McDonald – dated 9 October 2026 – on the matter of maintenance and repair

1.4.2 Joint Witness Statement of Timothy Blackman and Peter McDonald – dated 9 October 2026 – on the matter of provision for three waters networks in the Infrastructure chapter

1.4.3 Joint Witness Statement of Pauline Whitney and Peter McDonald – dated 16 October 2026 – on the matter of duplication and conflicts of the PDP with the National Environmental Standards for Electricity Network Activities.

[1] Section 42A Report, Infrastructure, dated 24 August 2026, Section 42A Report, Transport, dated 24 August 2026.
[2] Statement of Rebuttal Evidence, Infrastructure, dated 16 September 2026, Statement of Rebuttal Evidence, Transport, dated 16 September 2026.

1.5 The agreed positions in those joint witness statements are reflected in my recommendations in Appendix 1. The exception to this is agreed positions between myself and Ms Whitney for amendments to be made under Section 44A of the RMA.

1.6 Where issues were not agreed in the joint witness statement, I will briefly set that out in this reply.

1.7 Appendix 1 sets out my revised and updated amendments in response to submitter evidence. This includes all new or revised recommendations after the recommendations set out in my Section 42A Report. Appendix 1 records these amendments using the following format:

- Section 42A Report recommendations: in red underline or ~~strike through~~
- Rebuttal evidence recommendations: in blue underline or ~~strike through~~
- Joint witness statement recommendations agreed by all parties: in orange underline or ~~strike through~~
- Joint witness statement recommendations of myself without the support of all other witnesses, and amendments I recommend in this right of reply evidence: in green underline or ~~strike through~~.

1.8 In some cases the same provision may have had different alterations in different iterations – the changes will be coloured with the latest iteration in which there are recommendations.

1.9 Appendix 1 does not include any amendments which are considered necessary under Section 44A to resolve duplication or conflict with national environmental standards (although a version showing these changes can be provided).

## 2.0 QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

2.1 My qualifications and experience are set out in paragraphs 5 to 7 of the Section 42A Report for Infrastructure. I repeat the confirmation

given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

## 3.0 SUPPORTING EVIDENCE

3.1 I attach as Appendix 2 a statement from traffic engineer Luke Benner providing further comment on the application of high trip generating activity provisions.

## 4.0 RESPONSES TO PANEL QUESTIONS

### TR-R4 and the NES – Detached Residential Minor Residential Units

4.1 The Hearing Panel have requested I confirm whether rule TR-R4 (Activities within the Highly Constrained Roads Overlay) conflicts with the National Environmental Standards for Detached Minor Residential Units (NES-DMRU), and if so, how to best address the conflict.

4.2 I confirm, that I consider the rule does conflict with the NES-DMRU. However, I consider the conflict can be resolved with the inclusion of an advice note to the rule.

4.3 The NES-DMRU includes a permitted activity rule and standard for detached minor residential units. Regulation 7 identifies that DMRUs are required to comply with district plan rules and standards for certain matters. This includes site-specific infrastructure requirements which manage the effects relating to health and safety. I do not consider TR-R4 to be a site-specific requirement within the meaning of this regulation.

4.4 Aside from the matters in Regulation 7, the NES-DMRU only allows for district plans to be more lenient than the permitted activity rule and standard in the Regulations. Rule TR-R4, so far as it applies to detached minor residential units, is more strict than the permitted activity rule and standard of the NES-DMRU. I consider this to be a conflict.

4.5 The NES-DMRU does not include rules or assessment criteria for detached minor residential units which do not comply with the permitted rule and standard. Any detached minor residential unit which does not comply with the NES-DMRU, is subject to any relevant provision in a district plan.

4.6 That is to say, TR-R4 is still relevant for detached minor residential units which do not comply with the permitted rule and standard of the NES-DMRU.

4.7 Therefore, I consider the following advice note is an appropriate inclusion to TR-R4:

> *Note:*
>
> *This rule does not regulate minor household units which are permitted under the National Environmental Standards for Detached Minor Residential Units.*

4.8 I consider the inclusion of this advice note will resolve the conflict between TR-R4 and the NES-DMRU, and is an amendment which Council can make in accordance with Section 44A of the RMA.

**TR-R3(1)(c) - 5% Trip Generation Increase**

4.9 The Hearing Panel have requested a response which advises:

> *… how permitted activity status would be demonstrated for the increase in motor vehicle trip generation up to the 5% threshold for an alteration or expansion of an existing high trip generating activity. Is the drafting sufficiently clear, or does some other detail need to be specified to ensure consistent administration?*

4.10 Determining whether an alteration to an existing activity is permitted under the rule, would require –

- Identifying whether the existing activity fits the definition of a ‘high trip generating activity’. This may require a specific calculation of trip generation, or may require a straight-

forward check of the activity against the thresholds in Table 8 of the Transport chapter, depending on the activity.

- If the existing activity is a 'high trip generating activity', then determining the existing vehicle trip generation, and the expected vehicle trip generation following the proposed alteration, and calculating if the proposed alteration would result in an increase of more than 5%.

4.11 Determining vehicle trip generation under this rule would be on the same basis as determining vehicle generation with respect to the catch-all rule in TR-Table 8. That is, vehicle trips per day.

4.12 Although it is not clearly specified in the plan, vehicle trips per day is assessed as the average vehicle movements per day, averaged over a full seven-day week.

4.13 Luke Benner has provided commentary, included as Appendix 2 to this statement, which provides a traffic engineering perspective on assessing vehicle trip generation.

4.14 The inclusion of the 5% threshold in TR-R3.1(c), is a relatively novel approach compared to other district plans. However, the ODP includes a similar catch-all clause to that included in TR-Table 8 (200 vehicle trips per day), as does the Porirua District Plan. The Wellington City District Plan includes a single threshold for general vehicle trip generation.

4.15 Of these other plans, only the Wellington City District Plan gives specific guidance for the measurement of a vehicle trips per day, which is as I have described in paragraph 4.12 above.

4.16 Therefore the PDP continues the existing approach of the ODP, and aligns with the current approach of adjacent district plans, in measuring vehicle trip generation on a per day basis. Whereby, I expect this approach is familiar to plan users in the region.

4.17 The PDP extends this approach through the 5% threshold in rule TR-R3.1(c). There may be some additional work required of plan users to demonstrate compliance with this clause. However, I

consider it is effective as it is an enabling provision (that is, not including this 5% threshold for alterations to existing high trip generating activities would result in the alteration requiring a resource consent as any existing consents or existing use rights may no longer authorise the activity). I also expect there will be circumstances where alterations to existing activities will clearly not increase trip generation, or increase it a negligible level, whereby detailed information demonstrating compliance with TR-R3.1(c) would not be expected or required.

4.18 I consider that it would be useful to include guidance on how to determine whether the 5% threshold is exceeded. On a similar basis, guidance for determining vehicle trip generation would be useful for the catch-all clause in TR-Table 8, which is 200 vehicle trips per day (vtpd).

4.19 I have considered whether scope is provided by submissions on the PDP, to make amendments to guide the interpretation of TR-R3(1)(c) and the 200 vtpd threshold in TR-Table 8.

4.20 Submissions which relate to these provisions include:

- Laura Skilton (314.5) who seeks that TR-R3.1(c) is deleted
- Te Kārearea Ltd (447.11) and NZTA (385.47), which have submissions relating to TR-Table 8 generally.

4.21 I do not consider that clarification of how to determine exceedance of high trip generator thresholds, including in relation to TR-R3(1)(c) and the 200 vtpd threshold in TR-Table 8, is a matter that has been raised in these submissions or through other submissions on the PDP.

4.22 However, if the hearing panel is satisfied that there is scope within submissions, then I recommend the following amendments to assist with plan administration.

4.23 Advice note for TR-R3.1:

***Note:***

*In determining motor vehicle trip generation for the purpose of TR-R3.1(c), vehicle movements per day must be assessed as average vehicle movements per day, averaged over a full seven-day week.*

*Estimation of trip generation may be based on site surveys, or trip generation rates sourced from NZTA or other publications.*

4.24 Advice note for TR-Table 8:

*Note to table:*

*Where "any" is stated in the threshold columns, means that any extent of the activity is considered to exceed table thresholds.*

*In determining vehicle trip generation per day for other activities (where a threshold is not otherwise specified), vehicle trips per day must be assessed as average vehicle movements per day, averaged over a full seven-day week.*

*Estimation of trip generation may be based on site surveys, or trip generation rates sourced from NZTA or other publications.*

4.25 These advice notes would ensure there is consistency in vehicle trip generation assessments by clarifying that assessment is required of average vehicle movements per day, averaged over a full seven-day week.

4.26 The advice notes also provide flexibility for plan users in recognising that multiple data sources can inform vehicle trip generation assessments.

**Consideration of consent order provided by PowerCo**

4.27 The Hearing Panel have requested that I consider and provide a response with respect to the consent order provided by Mr Scholfield.

4.28 The consent order is in relation to an appeal on the Combined Wairarapa Proposed District Plan by Powerco Limited. The consent order instructs that the plan be amended in line with changes agreed between the parties.

4.29 While the consent order states the agreed amendments, it does not provide any reasons for these changes or any other context apart from court procedural matters. Therefore, I respectfully refrain from proffering an uninformed opinion on this matter.

4.30 I understand the request of the Hearing Panel relates to the evidence of Mr Scholfield with respect to standard INF-S2.9.

4.31 The Joint Witness Statement between myself and Mr Blackman for Tiaki Wai[3], considered potential amendments to INF-S2.9. I consider the agreed position of myself and Mr Blackman on INF-S2 will address the concerns of Mr Scholfield. The agreed amendments to INF-S2 of myself and Mr Blackman are incorporated in Appendix 1 of this statement.

**Non-agreed position between myself and Mr Blackman**

4.32 Minute #18 directed conferencing between myself and Mr Blackman to resolve remaining matters of contention in relation to provision in the Infrastructure chapter for three water networks.

4.33 Agreed amendments from this joint conferencing are incorporated in Appendix 1 to this statement.

4.34 Mr Blackman and myself did not agree with respect to amendments to INF-P3.2. The reasons for the difference in our respective positions are set out in the joint witness statement.

4.35 My recommended amendment to INF-P3.2 as a result of this conferencing, not agreed to by Mr Blackman, is incorporated in Appendix 1 to this statement.

4.36 Alternative amendments to INF-P3.2 recommended by Mr Blackman are included in the joint witness statement.

[3] Joint Witness Statement of Peter McDonald and Timothy Blackman - provision for three waters networks response to items 25 and 26 of minute #18 - 9 October 2026

## 5.0 OTHER MATTERS

### Wellington RPS Consent Order

5.1 During questioning at the Hearing in relation to policy INF-P9 (Upgrading and developing infrastructure in natural hazard overlays), Commissioner Jones invited me to reflect on and provide a response in relation to the alignment of INF-P9 (as I had recommended it be amended in my rebuttal evidence) with the objectives and polices of the Wellington RPS, particularly as amended through a recent consent order[4]. This was with particular regard to the concept of proportionality in managing natural hazard risk.

5.2 The consent order includes amendments to Objective 19, Policy 29 and Policy 51 of the Wellington RPS. Policy 29 is a plan making policy, and Policy 51 is a consideration policy for plan making and for resource consents (if not otherwise implemented through plans).

5.3 The amended RPS policies direct that:

- Subdivision, use and development for hazard sensitive activities are avoided, where hazards or risks from natural hazards are high or greater;
- That otherwise, the risks from natural hazards are minimised or not increased, in way that is proportionate to the risk or hazard;
- That exceptions to the above may be applied, including where;
    - Outside the coastal marine area, and there is an operational need or functional need for the subdivision, use or development, and the risk from natural hazards shall be minimised;
    - The subdivision, use or development is for regionally significant infrastructure, and

[4] [2026] NZEnvC 196 Porirua City Council v Wellington Regional Council, issued 31 July 2026

- the risk to ancillary hazard sensitive activities is minimised; and
- the risk of coastal hazards beyond the regionally significant infrastructure, shall be minimised or not increased.

5.4 Policy INF-P9, as recommended to be amended in my rebuttal evidence, reads as follows:

> *Provide for new or upgraded infrastructure in natural hazard overlays where:*
>
> 1. *There is a functional need or operational need for the infrastructure to be in that location,*
> 2. *Significant increases in natural hazard risk to people and property, other than activities least sensitive to natural hazards, in identified high natural hazard overlays are avoided, and other natural hazard effects are avoided, remedied or mitigated to the extent practicable.*

5.5 I consider the following change to INF-P9.2 would improve alignment with the RPS (as amended in the consent order):

> 2. *Significant increases in natural hazard risk to people and property, other than activities least sensitive to natural hazards, in identified high natural hazard overlays are avoided, and other natural hazard effects are ~~avoided, remedied or mitigated to the extent practicable~~ minimised.*

5.6 I consider the direction in INF-P9.2 for managing natural hazard risk in the high natural hazard overlays to be aligned with the RPS policies as amended through the consent order, particularly the direction in sub-clauses P29.3(a) and P51.2(a).

5.7 The amendment will better align the direction in INF-P9.2 for other natural hazard effects, to the language used in the amended RPS policies. It particularly aligns with the direction in the RPS policy sub-clauses P29.4(d) and P51.2(c). These sub-clauses provide for exceptions to the general direction of the RPS policies, where there is a functional need or operational need for the activity, and the risk from natural hazards is minimised.

5.8 I consider this change to be within the scope of submissions.

## 6.0 SECTION 32AA EVALUATION

6.1 Amendments recommended included in this reply statement include:

- New advice notes for TR-R3.1(c) and TR-Table 8 to clarify the implementation of high trip generating activity provisions, and
- An amendment to INF-P9.2 to address the management of adverse effects in natural hazard overlays.

6.2 The inclusion of the advice notes for high generating activity provisions would improve the general effectiveness and efficiency of the provisions at implementing the relevant objectives by improving plan useability and will support plan implementation.

6.3 The change to INF-P9 will improve alignment with higher order policy direction while not substantially altering the effectiveness and efficiency of the policy.



Peter McDonald
Hutt City Council
22 October 2026

# APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

# Definitions

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| Term | Definition |
|---|---|
| ~~aboveground mounted equipment~~ | ~~means equipment which are located above ground level on a support structure, and includes transformers, switches, capacitors, battery banks, small cell units and similar devices, and supporting equipment for antennas.~~<br><br>~~Does not include:~~<br>~~a) antennas,~~<br>~~b) aerials, or~~<br>~~c) lighting devices.~~ |
| maintenance and repair | For infrastructure and renewable electricity generation activities<br><br>means any work or activity necessary to continue the operation or functioning of existing infrastructure or renewable electricity generation activities. It does not include upgrading, but does include replacement of an existing structure with a new structure of reduced or identical dimensions. |
| ~~mount~~ | ~~means equipment used to attached –~~<br><br>~~a) an antenna to a building; or~~<br>~~b) an antenna to a pole without a headframe; or~~<br>~~c) an antenna to a headframe; or~~<br>~~d) a headframe to a pole.~~ |
| renewable electricity generation activities | means the construction, operation and maintenance and repair of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. |
| support structure | includes poles<br>and means any other mast~~, pole~~ or similar structure used or intended to be used for the support of lighting devices, lighting rods, signs, aerials, antennas, sensing devices, beacons, lines or aboveground mounted equipment. |
| transmission line | has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Regulations 2009 (Amended 2026) as set out below~~)~~: |

| | |
|---|---|
| | a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the National Grid; and<br>b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but<br>c. does not include an electricity substation. |
| transport network | means ~~all public~~ the rail network, public roads, public pedestrian and cycling facilities, public transport and associated public infrastructure. It includes<br><br>a. train stations,<br>b. bus stops,<br>c. bus shelters, and<br>d. Park and Ride areas. |

# INF — Infrastructure

…

The successful functioning of the city depends on infrastructure. It is important that construction, maintenance, upgrade and operation of these services be provided for, that technical and geographical constraints on the operation of networks are acknowledged, and that the benefits derived from them are recognised. However, infrastructure can also have adverse effects on the environment resulting from their construction, operation or associated maintenance and repair activities.

**…**

**Relationship with other chapters**

The Infrastructure chapter includes provisions for operating, maintaining, repairing, developing, upgrading and decommissioning infrastructure. These infrastructure activities are excluded from most rules in other chapters of the District Plan (details on which other rules apply to infrastructure are given at the beginning of the rules section of this chapter)~~,~~. The provisions of the INF chapter should be read in conjunction with the objectives and policies of other district-wide chapters, where relevant. The objectives of zone chapters are only relevant where specified within a provision of the INF chapter ~~however objectives and policies in other chapters may be relevant~~

…

| INF-P1 | Recognise benefits of infrastructure |
|---|---|
| Recognise the social, economic, cultural and environmental benefits that infrastructure provide, including: | |

1. Enabling maintenance and enhancement of the quality of life and standard of living for people and communities,
2. Providing for ~~public~~ the health ~~and~~ safety and resilience of people and communities,
3. Enabling businesses to function,
4. Enabling growth, access and development,
5. Enabling the transportation of freight, goods and people,
6. Providing a lifeline during emergencies, ~~and~~
7. Enabling the effective, safe, secure and efficient transmission of electricity, and
8. Improving the quality of water, air or soil, and ecosystem health, resilience and indigenous biodiversity, where natural or semi-natural features or processes are incorporated into stormwater networks.

| INF-P2 | Provide for infrastructure |
|---|---|

Provide for infrastructure by:

1. Enabling safe, resilient, effective, and efficient operation, ~~maintenance, repair,~~ maintenance and repair, minor upgrade, or decommissioning of infrastructure,
2. Providing for other upgrades to, and the development of new infrastructure, and
3. Enabling investigation and monitoring activities associated with infrastructure operations.

…

| INF-P7 | Upgrading and developing the transport network |
|---|---|

Provide for upgrading and developing the transport network where, as far as practicable, it:

1. Supports the growth of active and public transport modes,
2. Maintains or improves ~~Does not compromise~~ the safety, efficiency, and resilience of the transport network,
3. Improves connectivity for and integration between all transport modes, including by:
    a. Providing and enhancing active transport connections to existing active transport and public transport networks,
    b. Allocating adequate space in the road corridor for walking, cycling, public transport infrastructure, streetlighting and street trees as well as vehicles and on-street parking (where appropriate), and other infrastructure, and
    c. Avoiding permanent no-exit streets unless there is no practicable alternative due to site and topographical constraints.
4. Is consistent with the planned outcomes, including in relation to character and amenity, of the zones and precincts in which it is located.

Note:

This policy is to be read in conjunction with objectives in the relevant zone chapters which describe the planned character and planned urban built environment, or purpose and character, of the relevant zone or precinct.

…

| INF-P9 | Upgrading and developing infrastructure in natural hazard overlays |
|---|---|

Provide for new or upgraded infrastructure in natural hazard overlays where:

1. There is a functional need or operational need for the infrastructure to be in that location,
2. ~~Related buildings, structures or earthworks are of a scale and design that do not significantly increase natural hazard risk in High Flood Hazard Overlays and Medium Flood Hazard Overlays, and~~
3. Significant ~~i~~increases in natural hazard risk to people and property, other than activities least sensitive to natural hazards, in identified high natural hazard overlays are avoided, and other natural hazard effects are minimised.

…

| INF-P14 | Upgrading and developing infrastructure in the Active Street Frontage Overlay |
|---|---|

Provide for new or upgraded infrastructure in the Active Street Frontage Overlay where:

1. There is a functional need or operational need for the infrastructure to be in that location,
2. Significant adverse effects on pedestrian amenity, comfort and safety, and visual amenity are avoided, and
3. Other adverse effects are avoided, remedied, or mitigated., ~~and~~
4. ~~It is consistent with the urban design outcomes for the zone or precinct in which it is located.~~

Note:
This policy does not apply to upgrading and developing the National Grid, which is covered by Policy INF-P8.

~~This policy is to be read in conjunction with objectives and policies in the relevant zone chapters which describe the outcomes sought for pedestrian environments and the Active Street Frontage Overlay.~~

**Rules**

The rules of this chapter address the operation, ~~maintenance, repair,~~ maintenance and repair ~~removal,~~ upgrading, ~~and~~ development and decommissioning (which includes removal) of infrastructure ~~undertaken by network utility operators~~.

...

Operating, ~~maintaining, repairing,~~ maintenance and repair, upgrading, developing and decommissioning of infrastructure is excluded from all ~~provisions~~ rules in area-specific and other district-wide chapter, except for:

| INF-R2 | | Operation, ~~maintenance, repair,~~ maintenance and repair, and decommissioning of infrastructure |
|---|---|---|
| | All zones | 1. **Activity status:** Permitted<br><br>Where:<br>a. Compliance is achieved with:<br>i. INF-S3: Underground infrastructure;<br>ii. INF-S16: Earthworks — Slope, height, depth and location;<br>iii. INF-S17: Earthworks — Area limit, including trenching; and<br>iv. INF-S18: Earthworks — reinstatement. |
| | All zones | 2. **Activity status:** Restricted discretionary<br><br>Where:<br>a. Compliance is not achieved with INF-R2.1.<br><br>**Matters of discretion are restricted to:**<br>1. The matters in INF-P1 to INF-P6.<br>2. The degree of non-compliance and matters of discretion of any infringed standard.<br>3. The functional needs, operational needs, and technical requirements of the infrastructure.<br>4. Any positive effects that can only be achieved through non-compliance with a rule or standard.<br>5. For transport network infrastructure, the matters in INF-P7.<br>6. For National Grid infrastructure, the matters in INF-P8.<br>7. For infrastructure (other than National Grid infrastructure) located within the Active Street Frontage Overlay, effects on pedestrian amenity, comfort, and safety, and visual amenity.<br>8. For infrastructure located within a High Natural Hazard Overlay, the change to risks from natural hazards as a result of the activity being undertaken |

| | | |
|---|---|---|
| **INF-R3** | | **Upgrading of infrastructure (not regulated by the NESENA), excluding transport network infrastructure, and gas ~~and~~ transmission pipelines ~~over 110kV~~** |
| | All zones | 1. **Activity status:** Permitted<br><br>Where:<br>a. Compliance is achieved with:<br>i. INF-S2: Upgrading of aboveground infrastructure<br>ii. INF-S3: Underground infrastructure<br>iii. INF-S16: Earthworks — Slope, height, depth and location;<br>iv. INF-S17: Earthworks — Area limit, including trenching; and<br>v. INF-S18: Earthworks — reinstatement. |
| | All zones | 2. **Activity status:** Restricted discretionary ~~Non-complying~~<br><br>Where:<br>a. Compliance is not achieved with INF-R3.1. |

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|---|---|---|
| **INF-R11** | | **New antennas ~~or aboveground mounted equipment~~ attached to existing support structure or buildings (not regulated by the NESTF)** |
| | All zones | 1. **Activity status:** Permitted<br><br>Where:<br>a. Compliance is achieved with:<br>i. INF-S9: Size — antennas and aboveground mounted equipment; and<br>ii. INF-S10: Height — building mounted antennas (not regulated by the NESTF). |
| | All zones | 2. **Activity status:** Restricted discretionary<br><br>Where:<br>a. Compliance is not achieved with INF-R11.1.<br><br>**Matters of discretion are restricted to:**<br>1. The matters in INF-P1 to INF-P6.<br>2. The degree of non-compliance and matters of discretion of any infringed standard.<br>3. The functional needs, operational needs, and technical requirements of the infrastructure.<br>4. Any positive effects that can only be achieved through non-compliance with a rule or standard. |

| | | |
|---|---|---|
| | | 5. For transport network infrastructure, the matters in INF-P7.<br>6. For National Grid infrastructure, the matters in INF-P8.<br>7. For infrastructure (other than National Grid infrastructure) located within the Active Street Frontage Overlay, effects on pedestrian amenity, comfort, and safety, and visual amenity.<br>8. For infrastructure located within a High Natural Hazard Overlay, the change to risks from natural hazards as a result of the activity being undertaken |

…

| **INF-R16** | **New gas transmission pipelines** |
|---|---|
| All zones | 1. **Activity status:** Discretionary<br><br>Where:<br>a. Not located in the Active Street Frontage Overlay; and<br>b. Not located in the Fault Location Area ~~High Natural Hazard Overlay~~. |
| All zones | 2. **Activity status:** Non-complying<br><br>Where:<br>a. Located in the Active Street Frontage Overlay; or<br>b. Located in the Fault Location Area ~~High Natural Hazard Overlay~~. |

| ~~**INF-R17**~~ | ~~**Upgrading of transmission lines above 110kV, including associated support structures (not regulated by the NESETA)**~~ |
|---|---|

| | | |
|---|---|---|
| | All zones | 1. **Activity status:** Permitted<br><br>Where:<br>a. Not located in the Active Street Frontage Overlay;<br>b. Not located in the High Natural Hazard Overlay; and<br>c. Compliance is achieved with:<br>i. INF-S14: Buildings or structures, other than cabinets or support structures;<br>ii. INF-S16: Earthworks — Slope, height, depth and location;<br>iii. INF-S17: Earthworks — Area limit, including trenching;<br>iv. INF-S18: Earthworks — reinstatement; and<br>v. INF-S21: Upgrading of transmission lines. |
| | All zones | 2. **Activity status:** Restricted discretionary<br><br>Where:<br>a. Located in the Active Street Frontage Overlay; and<br>b. Compliance is achieved with:<br>i. INF-S14: Buildings or structures, other than cabinets or support structures;<br>ii. INF-S16: Earthworks — Slope, height, depth and location;<br>iii. INF-S17: Earthworks — Area limit, including trenching;<br>iv. INF-S18: Earthworks — reinstatement; and<br>v. INF-S21: Upgrading of transmission lines.<br><br>**Matters of discretion are restricted to:**<br>1. The matters in INF-P1 to INF-P6.<br>2. The functional needs, operational needs, and technical requirements of the infrastructure.<br>3. Any positive effects that can only be achieved through non-compliance with a rule or standard.<br>4. For National Grid infrastructure, the matters in INF-P8.<br>5. For infrastructure (other than National Grid infrastructure) located within the Active Street Frontage Overlay, effects on pedestrian amenity, comfort, and safety, and visual amenity. |
| | All zones | 3. **Activity status:** Restricted discretionary<br><br>Where:<br>a. Located in the High Natural Hazard Overlay; and<br>b. Compliance is achieved with: |

| | | |
|---|---|---|
| | | i. INF-S14: Buildings or structures, other than cabinets or support structures;<br>ii. INF-S16: Earthworks — Slope, height, depth and location;<br>iii. INF-S17: Earthworks — Area limit, including trenching;<br>iv. INF-S18: Earthworks — reinstatement; and<br>v. INF-S21: Upgrading of transmission lines.<br><br>**Matters of discretion are restricted to:**<br>1. The matters in INF-P1 to INF-P6.<br>2. The functional needs, operational needs, and technical requirements of the infrastructure.<br>3. Any positive effects that can only be achieved through non-compliance with a rule or standard.<br>4. For National Grid infrastructure, the matters in INF-P8.<br>5. For infrastructure located within a High Natural Hazard Overlay, the change to risks from natural hazards as a result of the activity being undertaken |
| | All zones | 4. **Activity status:** Discretionary<br><br>Where:<br>a. Compliance is not achieved with INF-R17.3(c). |
| | All zones | 5. **Activity status:** Discretionary<br><br>Where:<br>a. Located in the High Natural Hazard Overlay; and<br>b. Compliance is not achieved with INF-R17.3(b). |
| | All zones | 6. **Activity status:** Non-complying<br><br>Where:<br>a. Located in the Active Street Frontage Overlay; and<br>b. Compliance is not achieved with INF-R17.2(b). |

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| INF-S2 | Upgrading of aboveground infrastructure |
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| All Zones | 1. The replacement, realignment or relocation of a line, ~~any pipe (excluding a gas transmission pipeline),~~ support structure, conductor, cross arm, switch, transformer or ancillary structure must be within 5m of the existing alignment or location, except where located within the road reserve.<br>2. A single mast pole, pi pole or similar support structure must not be replaced by a steel-lattice structure.<br>3. A support structure must not exceed the height of the replaced support structure, or the maximum structure height provided for in INF-S6: Height — Support structures not regulated by the NESTF, whichever is higher.<br>4. The diameter or width of a replacement support structure:<br>a. Must not exceed twice the width of the replaced support structure at its widest point, or<br>b. Where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed 4.2m.<br>5. The number of additional support structures required to achieve the conductor clearances required by NZECP 34:2001 must not exceed two.<br>6. Additional cross arms must not exceed twice the length of the existing cross arm, up to a maximum of 4m.<br>7. The diameter of replacement pipes located aboveground must not exceed the diameter of the replaced pipe by more than 300mm.<br>8. The realignment, relocation, or replacement of any other infrastructure structure or building must be within 5m of the alignment of location of the original structure or building, except where located within the road reserve.<br>9. The realignment, relocation, or replacement of any infrastructure structure or building must not increase its footprint by more than 30% ~~the following~~:<br>~~a. Where located within a High Flood Hazard Area Stream Corridor or Medium Flood Hazard Area Overland Flow Path: 5%.~~<br>~~b. In all other cases: 30%.~~<br>10. A replacement panel antenna must not increase the face area by more than 20%.<br>11. A replacement dish antenna must not increase in diameter by more than 20%.<br>12. [to be removed due to plan stop requirements].<br>12. This standard does not apply to the installation, replacement, relocation or upgrading of water meters. |

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| | **Matters of discretion if the standard is breached**:<br>1. Visual effects, including impacts on:<br>a. The residential and recreation use of land in the vicinity of the structure,<br>b. The existing character, landscape, streetscape, and amenity values of the locality, and<br>c. Key public places, public viewing points, the coast, and significant recreational areas.<br>2. Measures to mitigate the visual effect of the structure, including screening, colour and finish treatment, landscape screening, viewing distances, and the location of support structures.<br>3. Whether the size and scale of the structure is compatible with other development in the area.<br>4. The extent to which it is technically, economically, or practically reasonable for the masts or antennas to be co-sited with similar structures or other buildings.<br>5. Where located in the High Flood Hazard Overlay or Medium Flood Hazard Overlay:<br>a. Effects related the obstruction and displacement of floodwaters. |

| **INF-S3** | **Underground infrastructure** |
|---|---|
| All Zones | 1. For the installation or upgrading of pipelines, the gauge pressure must not exceed 2,000 kilopascals.<br>2. Trenching for the construction, operation, maintenance and repair, removal, or upgrade of infrastructure must not exceed 1.0m in depth where located within 1.5m of a building or structure with habitable rooms on any adjacent site. This requirement does not apply to the installation, replacement, relocation or upgrading of water meters.<br>**There are no matters of discretion if the standard is breached.** |

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| **INF-S9** | **Size — Antennas ~~and aboveground mounted equipment~~** |
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| All Zones | 1. A panel antenna:<br>a. Must not exceed a front face width of 0.7m, and |

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| | b. When in a road reserve, must fit within an envelope of 3.5m in length and 0.7m in width.<br>2. A dish antenna must not exceed a diameter of 1.2m.<br>3. Omni directional 'whip' or dipole antenna must not exceed:<br>a. 1.6m in vertical length,<br>b. 60mm in diameter, and<br>c. 1.5m in horizontal length.<br>4. A headframe must not exceed:<br>a. 2.5m in diameter in Residential Zones (except when located in a road), or<br>b. 6m in diameter in all other zones.<br>~~5. In residential zones, aboveground mounted equipment associated with antennas must be located within the antenna mounts.~~<br>~~6. Aboveground mounted equipment must not exceed 1m in length.~~<br>~~7. The area when measured in plan view of aboveground mounted equipment not associated with antennas must not exceed:~~<br>~~a. 0.5m$^2$ if unenclosed, and~~<br>~~b. 1.0m$^2$ if enclosed in a three-dimensional casing.~~<br>**Matters of discretion if the standard is breached:**<br>1. Visual effects, including impacts on:<br>a. The residential and recreation use of land in the vicinity of the structure,<br>b. The existing character, landscape, streetscape and amenity values of the locality, and<br>c. Key public places, public viewing points, the coast, and significant recreational areas.<br>2. Measures to mitigate the bulk and scale of the structure including screening, colour and finish treatment, landscape screening, viewing distances, and the location of support structures.<br>3. Whether the size and scale of the structure is generally compatible with other development in the area.<br>4. The extent to which it is technically, economically or practically reasonable for the masts or antennas to be co-sited with similar structures or other buildings. |

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| INF-S16 | Earthworks — Slope, height, depth, and location |
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| All Zones | **Matters of discretion if the standard is breached:**<br>1. The stability of land or structures in or on the site or adjacent sites.<br>2. The visual amenity values and character of the surrounding area.<br>3. The natural landform and the extent to which the finished site will reflect and be sympathetic to the surrounding landform removed.<br>4. Methods for t~~T~~he retention of silt and sediment on the site and the control of dust.<br>5. Any ~~The~~ staging of earthworks.<br>6. The total area of exposed soils at any point in time.<br>7. [to be removed due to plan stop requirements]<br>8. The ability to integrate the proposed earthworks and be sympathetic with the surrounding landform removed.<br>9. The degree to which the effects of the earthworks can be remedied or mitigated.<br>10. [to be removed due to plan stop requirements]<br>11. Whether there is any change to natural hazard risk.<br>12. Where located in the High Flood Hazard Overlay or Medium Flood Hazard Overlay:<br>a. Effects related to the obstruction and displacement of floodwaters. |

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| ~~INF-S21~~ | ~~Upgrading of transmission lines not regulated by the NESETA~~ |
| ~~All Zones~~ | ~~1. The upgrade must not include any new or relocated support structures.~~<br>~~There are no matters of discretion if the standard is breached.~~ |

## REG – Renewable Electricity Generation

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Potential adverse effects from renewable electricity generation can include effects on amenity, landscape, ecology, cultural and historic heritage values. These effects can be a result of a renewable electricity generation activity itself or as part of the construction, ~~maintenance or repair~~ maintenance and repair of structures.

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# TR — Transport

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| TR-R3 | All activities — Trip generation |
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| All Zones | 1. **Activity status:** Permitted<br><br>Where:<br>a. New activities do not exceed a motor vehicle trip generation threshold set out in Table 8: High trip generating activity thresholds, including when assessed cumulatively with all other activities which share on-site motor vehicle access, circulation, or parking, and<br>b. Where the activities are located in the City Centre Zone, Metropolitan Centre Zone or the Specified High Trip Generator Exemption Overlay, no more than 10 on-site motor vehicle parking spaces are provided for the activity, and<br>c. Alteration or expansion of an existing high trip generating activity does not:<br>i. Increase motor vehicle trip generation by greater than 5%,<br>ii. Alter, remove, or increase the number of, vehicle crossings which provide access to the activity, and<br>iii. Remove the ability for vehicles to enter and exit the site in a forward direction~~.~~ and<br>d. The activity is not a new service station or a new drive-through activity.<br><br>**Note:**<br>In determining motor vehicle trip generation for the purpose of TR-R3.1(c), vehicle movements per day must be assessed as average vehicle movements per day, averaged over a full seven-day week.<br><br>Estimation of trip generation may be based on site surveys, or trip generation rates sourced from NZTA or other publications. |
| All zones | 2. **Activity status:** Restricted discretionary<br><br>Where:<br>~~1.~~ Compliance is not achieved with TR-R3.1~~, or~~<br>~~2. The activity is a new service station or a new drive-through activity.~~<br>**Matters of discretion are restricted to:**<br>1. The extent that the development provides for active and public transport modes.<br>2. Positive effects on facilitating the uptake of active and public transport modes where in |

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| | | relation to any matter specified in TR-P7: Positive effects.<br>3. Effects on the capacity, safety, efficiency, and multi-modal function of the transport network.<br>4. Whether safe and effective access can be provided and maintained for emergency service vehicles to the site and within the transport network.<br>5. The design of transport facilities and their integration with the transport network.<br>6. Whether any improvements to the transport network are proposed or required as a result of the activity, and a financial contribution has been made in accordance with the provisions of the Financial Contributions chapter.<br>7. The transport needs of activities on the site.<br>8. Any cumulative adverse effects.<br>**Information Requirements:**<br>Applications made under this rule must include an Integrated Transport Assessment prepared by a suitably qualified traffic engineer or transport planner.<br><br>Where the application is for a new high trip generating activity the Integrated Transport Assessment must include a travel choice assessment.<br><br>The Waka Kotahi NZ Transport Agency guidelines in Research Report 422: Integrated Transport Assessment Guidelines, November 2010 should be used to inform any Integrated Transport Assessment. |

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**Table 8: High trip generating activity thresholds**

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| *Note to table:*<br><br>*Where "any" is stated in the threshold columns, means that any extent of the activity is considered to exceed table thresholds.*<br><br>*In determining vehicle trip generation per day for other activities (where a threshold is not otherwise specified), vehicle trips per day must be assessed as average vehicle movements per day, averaged over a full seven-day week.*<br><br>*Estimation of trip generation may be based on site surveys, or trip generation rates sourced from NZTA or other publications.* |

## EW – Earthworks

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| EW-P3 | Earthworks for Public Walking and Cycling Tracks |
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| Recognise the benefits of, and enable earthworks required for, the development, ~~repair, and~~ maintenance and repair, of public walking and cycling tracks. | |

# APPENDIX 2: STATEMENT OF LUKE BENNER

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO MAKE RECOMMENDATIONS ON THE HUTT CITY COUNCIL PROPOSED DISTRICT PLAN**

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| **IN THE MATTER** | of the Resource Management Act 1991 (the Act) |
| | **AND** |
| **IN THE MATTER** | of a hearing by the Hutt City Council on Hearing Stream 6 – Infrastructure and Transport |

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# REPLY STATEMENT OF LUKE BENNER FOR THE HUTT CITY COUNCIL TRAFFIC ENGINEERING

**OCTOBER 2026**

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## Introduction

**1.** My name is Luke Michael Benner. I am the Director of LBC Traffic Engineers Limited, a traffic and transportation engineering consultancy based in Horowhenua and Kāpiti. I have been engaged by Hutt City Council since 2023 to advise on transportation matters associated with the Proposed District Plan (PDP).

**2.** Council's reporting officer for the Infrastructure and Transport topics, Mr Peter McDonald, provided me with the section 42A reports for those topics, and I have reviewed his assessment and his reply statement.

**3.** This reply statement responds to item 24 of Minute 10 – Hearing Stream 4, which concerns the 5% threshold in rule TR-R3.1(c) for an alteration or expansion of an existing high trip generating activity.

## Code of Conduct

**4.** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, as stated in my primary statement of evidence, and that I have complied with it in preparing this reply statement.

## Response to Panel Question

**5.** The Hearing Panel has requested advice on:

> *… how permitted activity status would be demonstrated for the increase in motor vehicle trip generation up to the 5% threshold for an alteration or expansion of an existing high trip generating activity. Is the drafting sufficiently clear, or does some other detail need to be specified to ensure consistent administration?*

**6.** I have reviewed the reply statement prepared by Mr McDonald and have discussed it with him. I agree with his assessment, including the steps he sets out for determining whether an alteration is permitted under TR-R3.1(c), that vehicle trips per day should be assessed as average vehicle movements per day averaged over a full seven-day week, and that guidance on how to determine whether the 5% threshold is exceeded would be useful for consistent administration.

**7.** To assist the Panel, I set out below how I would assess compliance with this provision if I were preparing a transport assessment.

**8.** First, I would review TR-Table 8 of the Transport chapter of the PDP to confirm whether the existing activity is classified as a high trip generating activity. If it is, the existing daily trip generation of the activity needs to be established as a baseline, and the additional daily trips generated by the alteration or expansion are then compared against the 5% threshold in TR-R3.1(c). In my view there are two acceptable ways to estimate these trips, as set out below.

**9.** The first approach is to use published trip generation research and data sets from New Zealand, Australia or elsewhere. These include NZ Transport Agency Research Report 453 “Trips and Parking Related to Land Use” (2011), the New South Wales Roads and Traffic Authority (RTA) “Guide to Traffic Generating Developments” (2002), and the Trips Database Bureau data sets, which are available to practitioners by paid subscription.

**10.** The second approach is for the practitioner to use their own trip generation data built up from previous comparable projects, or to carry out site-specific surveys such as seven-day tube counts. Shorter surveys, such as peak hour turning counts, can also be used provided they are converted to a seven-day average daily figure using reliable factors. In my experience over recent years, published trip generation research can overstate daily and peak hour trip rates when compared with surveyed data, so depending on the activity the second approach may be more appropriate. Examples include low and medium density residential, commercial, retail and industrial developments, where the trip rates per lot, per dwelling or per 100m² of gross floor area or site area can differ significantly from those in the published research.

**11.** As I regularly peer review transport assessments for a number of councils, I consider that either approach is acceptable for a transport engineer or planner to use when assessing the trip generation of an activity and testing it against the 5% threshold in TR-R3.1(c).

**12.** Whichever approach is used, the result should be expressed as average vehicle movements per day over a full seven-day week,

consistent with Mr McDonald's recommended advice notes. A suitably qualified and experienced transport engineer acting for Council would then be able to accept or challenge the data used, and whether it can be relied on when assessed against the 5% threshold.

**Conclusion**

**13.** In response to the Panel's question, I consider that permitted activity status under TR-R3.1(c) can be demonstrated through a trip generation assessment that establishes both the existing daily vehicle trip generation of the activity and the additional daily trips generated by the alteration or expansion, using either published trip generation research or reliable surveyed or project-specific data.

**14.** I agree with Mr McDonald that the drafting would benefit from additional guidance, and I support both of his recommended advice notes for TR-R3.1 and TR-Table 8. Requiring trip generation to be assessed as average vehicle movements per day over a full seven-day week, while allowing it to be estimated from site surveys or published trip generation rates, provides a consistent basis for plan users and Council, and accommodates both of the approaches I have described above.

**Luke Michael Benner**



**October 2026**