

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of Submissions and Further Submissions  
on the Proposed Hutt City District Plan

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**Minute 4**  
**Proposed District Plan – Hearing Stream 1 – Further Information**

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6 May 2026

## Introduction

1. The Hutt City Council (HCC) Proposed District Plan (PDP) Hearings commenced on 29 April 2026 with Hearing Stream 1. At that hearing the following matters were considered.
  - An overview of and an introduction to the PDP and hearing process;
  - Issues about partial withdrawal of parts of the notified PDP and exemption issues around integration with the Operative Plan;
  - How the Plan Works;
  - General definitions;
  - Strategic Directions – Tangata Whenua; and
  - Strategic Directions – Natural Environment.
2. The hearing included a presentation and questioning of the council's s42A report author Ms Kate Pascall as well as Mr Nathan Geard and Mr Stephen Davis. Council's legal adviser Mr Stephen Quinn was also in attendance for the first morning. There was also a number of submitters at the hearing that provided evidence and/or submissions.
3. Following completion of the Stream 1 hearing, the Hearing Panel has identified certain issues and questions that it requests the Council respond to in its written reply. We also request information from two other parties.
4. The Council is, of course, free to reply on any matters arising during the hearing that it considers worthy of a response, but the following are the matters on which the Hearing Panel would appreciate feedback.

### Information requested from Mr Quinn, HCC legal counsel:

5. We note that there has been a significant number of National Direction Instruments that have either been amended or have been introduced since the PDP was notified. In response to a question from Commissioner Muspratt, Mr Quinn offered to consider any implications of the High Court decision for Southern Cross Healthcare Limited v Eden Epsom Residential Protection Society Incorporated and others [2023] NZHC 948, for the

HCC PDP process regarding giving effect to national direction during the plan change process.

6. Further we would appreciate advice on whether there is any potential for the panel to be more liberal/flexible with its' recommendations particularly considering the previous advice received to exercise caution as to scope. In particular, can some provisions be amended where there is no express submission requesting that change but the wording is now within a National Policy Statement. The definition of 'additional infrastructure' that the reporting officer recommends is a case in point.
7. As both National Direction Instruments and the Regional Policy Statement (RPS) are higher order documents is the advice for giving effect to the same?
8. Can Mr Quinn also advise whether RPS Change 1 provisions must also be treated the same as new national direction, particularly where RPC Change 1 provisions are not under appeal.

**Information requested from the Reporting Officer:**

9. While acknowledging there is no Class 1 or 2 land, Mr Geard offered to advise on how much Class 3 Highly Productive Land there is in the city.
10. We requested a check of consistency of terminology and grammar used throughout the Appendix A (marked up plan provisions) document, to that what is recommended in the body of the s42A Report. For example:
  - Solid Waste Transfer Station and Waste Transfer Station;
  - Spelling of Te Ati Awa (paragraph 154);
  - Construction activity (paragraph 349) is followed through to Appendix 1, however later when this definition is again amended, it is not reflected in Appendix 1.
11. In respect of paragraph 150 of the s42A report we discussed whether the retention of the Table could be more preferable in that it helps users of the Plan understand national direction and whether the plan review has given effect to it. Can officers advise on whether the table of NPS's can be retained including the covering sentence.

12. Can officers consider the wording of a statement explaining there is no hierarchy between the Strategic Directions Objectives. It could be useful for users of the Plan to understand that.
13. An issue arose when there was discussion on Royal Forest and Bird Protection Society's submission on giving effect to the NPS - Freshwater (s42A report paragraph 175). Please provide the RPS wording regarding what a District Plan is directed to do in terms of consideration of urban development effects on Fresh Water and provide commentary as to whether the PDP is achieving that.
14. Please reassess how Te Awa Kairangi is defined – is it just the main water body or are tributaries included e.g. Waiwhetu Stream. While noting that Waiwhetu Stream has its own objective, is this confusing? Can officers therefore consider whether there is duplication with Objectives 2 and 3 in the Natural Environment section of the Strategic Directions.
15. On a related matter, is there any cross referencing or assessment of the Statutory Acknowledgements as to whether tributaries are included in Te Awa Kairangi, and if so, is that an issue.
16. Please develop a diagram which shows the links between the objectives and policies and the rules and standards, to confirm there are links from objectives through to policies and other methods, and to identify any orphan provisions.
17. On a related matter can there be a check of the ePlan version to ensure that all hyperlinks to defined terms are correct and that it links to the correct place. For example, for the definition of “restoration” the definition pop-up description within provisions is correct, but the definition for restoration does not appear in the ePlan definitions list. Please also identify any instances where hyperlinks have been used, but the plain English meaning of the term should be used rather than the definition in the Plan.
18. Please clarify the difference between whenua Māori and Māori Land and the recommendation in paragraph 222 of the s42 Report. What was intended?
19. Ms Pascall agreed that the definition of “Construction Activity”, was confusing. Please provide amended wording to provide for additional clarity.

20. Can the officers consider the extent of the use of the term 'coastal environment' across the PDP, and any potential implications for implementation following the recommended withdrawal of the defined term for coastal environment. This definition appears to remain valid for Natural Hazards even though the map has been withdrawn. Other examples of provisions that still use this term appear to include subdivision provisions and esplanade reserves. Therefore, what are the substantive matters that arise from the withdrawal of the defined term?
21. Please clarify if PDP rules cover structures proposed within legal road or are they dealt with purely in respect of encroachment licenses. Additionally, can there be clarification of the role of the Public Spaces Bylaw regarding the management of encroachment licenses (including if that Bylaw was recently reviewed and updated).
22. In respect of how legal roads are defined in the plan, please confirm whether these are zoned the same as the adjoining land.
23. Please clarify if there are any PDP controls in place to prevent a relocated building from being left on temporary foundations for a long period of time, if no resource consent is required in the first place.
24. Please confirm your opinion on whether there are any potential implementation issues with respect to the lack of defined terms for waste transfer station and resource recovery park, and the potential interplay with how ancillary activities are enabled (and any impact on confirming the activity status of these activities).
25. With regard to paragraph 490 of the s42A Report, please provide details regarding explanatory text setting out an "acknowledgement" of river gravel extraction.
26. With regard to paragraph 3.18 of the Rebuttal Report, please provide advice concerning NPS Infrastructure Policy 1 sub clause 2b. Has this "shifted the goal posts" regarding the definition for well-functioning urban environment?
27. A review of whether there are any objectives that are written as policies, and if any are identified, any recommended amendments and the relevant scope arising from submissions to make the recommended amendments. Could Ms Pascall and the future s42A authors assist us with a drafting exercise to identify any objectives written in policy

language and to provide a drafting solution that reframes it as an outcome for the Panel's consideration.

28. Regarding objectives NESD-O2 and O3:

- Consideration of the proposed addition of the term "restore" given the explanation in the s42A Report that there are no lower order provisions to implement such an outcome; and
- In NESD-O3 specifically, where multiple outcomes are expressed for multiple identified features, consideration of whether adding the word "restore" could create confusion as to the specific outcome desired.

**Information requested from Mr B Farrell (#377):**

29. In questioning of Mr Farrells evidence on behalf of Manor Park and Haywards Residents Community Incorporated Society, we requested he provide examples from his experience of other District Plans providing strategic direction for rezonings akin to what is sought in paragraph 13 of his evidence. We request that this is provided by 15 May 2026.

**Winstone Aggregates**

30. At our request Winstone's legal counsel Ms Phernne Tancock offered to provide further justification for the request to change the scheduling of the hearing for the Special Purpose Quarry Zone to later in the hearings programme by 6 May 2026. Once received I will endeavour to respond as quickly as possible.

**Timing**

31. It would be appreciated if the officers right of reply could be received by Wednesday 20 May 2026.



Lindsay Daysh

**Independent Commissioner**

**Chair Hutt City Proposed District Plan Hearing Panel**

6 May 2026