

Hutt City Proposed District Plan

**Hearing Stream 6 – Infrastructure
(Hearing Stream 6)**

Hearing Summary Statement

Peter McDonald

1. My name is Peter McDonald. I am a Senior Policy Planner in the Policy Planning team at Hutt City Council. I am the reporting officer for the Infrastructure and Transport topics. I understand that my evidence has been taken as read.
2. Through this statement I provide an update on matters addressed in my s42A report and rebuttal, as well as additional information on the approach of both the operative and proposed district plans that may assist the panel for this hearing.

2.0 Infrastructure and Protection of Infrastructure

Revised national environmental standards

1. My rebuttal evidence stated that at the time of writing, the expected revised National Environmental Standards for Telecommunications Facilities (NESTF), had not been gazetted.
2. The revised NESTF had in fact been gazetted on 10 September, with the changes coming into force from 8 October.

3. The revised National Environmental Standards for Electricity Networks Activities (NESENA)¹ were gazetted at the same time, and also come into force from 8 October.
4. I consider that there are some provisions of the PDP that conflict with or duplicate new provisions in the revised national environmental standards. Section 44A of the RMA outlines requirements for updating plans or proposed plans to remove duplication or conflicts with national environmental standards.
5. I consider in this circumstance S44A(5) to be particularly relevant, which directs proposed plans to be updated as soon as practicable and without using Schedule 1.
6. I have included an addendum to my Section 42A report as Appendix 1 to this hearing statement. In the addendum I have identified where I consider amendments can be made to resolve clear instances of duplication or conflicts. Given the requirements of S44A(5), I do not consider the scope of submissions to be a limiting factor. However, the short timeframe following the release of the revised national environmental standards may limit the practicability of attempting this exercise at this time.
7. In the addendum, I have also identified some changes to provisions for electricity networks and telecommunication facilities, which are not strictly necessary to resolve a duplication or conflict, but where I consider a change to my assessment and recommendations are warranted in the context of the revised standards. I consider there is scope within submissions to make these changes.
8. Through my right of reply evidence, I will provide updated recommendations on submission points and tracked changes to the PDP, which incorporate those further recommendations I have made in Appendix 1 of this statement.

Approach of the Operative District Plan

9. Infrastructure is primarily addressed in the ODP in the Network Utilities (NU) chapter. The scope of the NU chapter in the ODP is generally similar to the Infrastructure chapter of the PDP, in that for the most part it acts as a one-stop-shop for provisions regulating network utilities, with some exceptions, particularly for district-wide

¹ Replaces the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities

matters. The NU chapter has a comparatively simple set of objectives and policies, but there are similarities with the PDP with respect to the structure of the rules.

10. The NU chapter includes rules, standards and assessment matters which address topics withdrawn from the PDP, including historical and cultural values, natural environmental values and coastal natural character. These matters are addressed in more detail in paragraphs 23 to 25 of my Section 42A report.
11. With regard to the protection of infrastructure from new land use, the NU chapter includes provisions for protecting the National Grid. Elsewhere in the ODP, the Transport chapter includes noise and vibration sensitivity provisions for protecting the state highway and rail corridors.

Approach of the Proposed District Plan

12. The Infrastructure chapter includes land use provisions for regulating 'infrastructure' as currently defined in the RMA.
13. The Infrastructure chapter is for the most part a one-stop-shop for infrastructure land use activities, with some exceptions particularly with regard to other district-wide matters. Objectives, policies and rules for infrastructure with respect to Noise and Notable Trees are contained in those chapters. Rules for infrastructure with respect to Earthworks and Signs are contained in the Infrastructure chapter, however relevant policy direction is contained within the chapters on those topics.
14. The introduction to the notified Infrastructure chapter stated generally "objectives and policies in other chapters may be relevant". In my Section 42A report and rebuttal evidence I have recommended this wording be refined, particularly as it relates to zone chapters. Activities regulated in the Infrastructure chapter are for the most part exempt from provisions in zone chapters, except for one instance where INF-P7, for upgrading and developing the transport network, cross-references to zone chapter objectives.
15. Subdivision for infrastructure activities is primarily addressed in the Subdivision chapter. However, the objectives and policies of the Infrastructure chapter are also

relevant for these activities. Subdivision which creates new roads is subject to compliance with the rules and standards of the Infrastructure chapter².

16. Provisions for the protection of infrastructure are located in various different chapters of the PDP, partially due to the directions of the National Planning Standards. Policy PINF-P1 provides a unifying statement of the overall approach of the PDP in protecting infrastructure from incompatible use and development. Land use protections for the National Grid and gas transmission infrastructure are also located in the PINF chapter.

Other matters

17. My Section 42A report³ recommended that rule INF-R3.2 be amended to replace the non-complying activity status with a restricted discretionary activity status, however I omitted to recommend matters of discretion. I consider the matters of discretion specified in rule INF-R2.2 are suitable to adopt for INF-R3.2. These matters of discretion are as follows:

Matters of discretion are restricted to:

1. *The matters in INF-P1 to INF-P6.*
 2. *The degree of non-compliance and matters of discretion of any infringed standard.*
 3. *The functional needs, operational needs, and technical requirements of the infrastructure.*
 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.*
 6. *For National Grid infrastructure, the matters in INF-P8.*
 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.*
18. The legal statement for Tiaki Wai includes additional commentary with respect to policy clause INF-P14.1. This clause requires that upgraded or new infrastructure be located in the Active Street Frontage Overlay only where there is functional

² Refer Standard SUB-S3 (Roads)

³ Refer Section 42A report for Infrastructure, Section 4.4.6.4

need or operational need to do so. As stated in my evidence, I do not consider this to be an onerous restriction, particularly in the way it applies to existing infrastructure. However, an alternative approach which may address the concern of the submitter is to specify that the clause applies to new infrastructure only.

19. The corporate evidence of Michelle Grinlinton-Hancock for KiwiRail states that the Melling rail line is not currently operational due to the RiverLink project. To clarify, the Melling line is currently operational, but only up to the Western Hutt Station.

3.0 Transport

Approach of the Operative District Plan

17. Chapter 14A (Transport) of the ODP is generally equivalent to the PDP Transport chapter. It includes provisions regulating on-site transport facilities and vehicle crossings, and provisions for high trip generating activities.

Approach of the Proposed District Plan

18. The Transport chapter of the PDP includes provisions which manage the effects of on-site activities and their 'transport facilities'⁴ on the safety and efficiency of the transport network, and which support reduced reliance on private motor vehicles. This includes provisions which:

- Require the minimum provision of some transport facilities – specifically cycle parking and end-of-trip facilities, and loading areas.
- Restrict the provision of transport facilities in some areas – specifically vehicle crossings in the Active Street Frontage Overlay.
- And which regulate the design of these and other transport facilities where provided.

⁴ The notified definition of 'transport facilities' is as follows:

means all public rail, public roads, public pedestrian and cycling facilities, public transport and associated public infrastructure. It includes

a. train stations,

b. bus stops,

c. bus shelters, and

d. Park and Ride areas.

19. The chapter also includes provisions regulating high trip generating activities and highly constrained roads.

20. Provisions of the following chapters are of specific relevance to activities regulated in the Transport chapter:

- The planned outcomes in relation to character and amenity in zone chapters – which is referenced in TR-P3 in regard to the design of transport facilities.
- Outcomes for the Active Street Frontage Overlay – which is relevant to the control of vehicle crossings within this overlay.
- Direction in the Financial Contributions chapter for the determination of financial contributions for transport network infrastructure – which is cross-referenced in provisions for high trip generating activities and highly constrained roads.

21. The Subdivision chapter requires that private accesses which are a part of a subdivision are provided in accordance with the rules and standards of the Transport chapter⁵.

22. In paragraph 280 of my Section 42A report I agree in part with a submission point from Wellington Regional Council (452.70), so far as acknowledging that there is a gap in the high trip generating provisions for subdivision. I did not make a recommendation on this submission point as I considered it was best considered in the Subdivision Chapter. The Section 42A Report for this chapter, prepared by Hamish Wesney, has now been published. I concur with the reasoning and recommendation of Mr Wesney that requiring a high trip generator threshold for vacant lot subdivision is not the most effective or efficient response⁶.

23. I do not consider the Transport chapter in the PDP to be affected by the withdrawal of certain topics following the plan stop exemption. The chapter will be a full replacement of the equivalent chapter in the ODP.

⁵ Standard SUB-S2 (Legal and physical access)

⁶ Section 42A Report for Subdivision, Refer section 3.5.6, paragraphs 80 to 86.



Peter McDonald

21 September 2026

4.0 Appendix 1: Addendum to Section 42A Report for Infrastructure – updated recommendations in response to revised environmental standards

Section 42A Officer's Report – addendum

Hearing Stream 6: Infrastructure

Subjects: Infrastructure – updated recommendations in response to revised national environmental standards

Prepared by: Peter McDonald
Senior Policy Planner
Hutt City Council

Reviewed by: Nathan Geard
Policy Planning Manager
Hutt City Council

1 Introduction

- (1) On 10 September 2026, revisions were gazetted to:
 - National Environmental Standards for Telecommunication Facilities (NESTF)
 - National Environmental Standards for Electricity Network Activities (NESENA)
- (2) The revisions come into force on 8 October 2026. Under Section 44A(5) of the Resource Management Act (RMA), local authorities must amend any plan or proposed plan to remove any duplication or conflict with these revised standards, as soon as practicable and without using a process under Schedule 1.
- (3) This addendum includes additional assessment and further amendments with respect to:
 - Amendments to resolve clear instances of duplication or conflict of PDP provisions with the revised national environmental standards, in accordance with Section 44A(5) of the RMA. I do not consider that the scope of submissions is a limiting factor in considering such changes.
 - Other amendments to provisions which regulate telecommunications and electric network activities, where scope is provided by submissions. These are changes which I consider are appropriate in the context of the new changes, whilst not strictly necessary to resolve duplication or conflict.

2 Updated National Environmental Standards

2.1 National Environmental Standards for Telecommunication Facilities

- (4) The revisions to the NESTF increase the extent of activities regulated by the standard including:
- Antennas on new poles in the road reserve and located more than 100m from an existing pole
 - Antennas on new poles not in the road reserve, and in one of the following zones (as described in standard 8 of the national planning standards):
 - A commercial zone
 - An industrial zone
 - A Local Centre Zone, Mixed Use Zone or Neighbourhood Centre Zone
 - Temporary facilities.
- (5) Although I do not consider it is made clear in the revised NESTF, I understand that commercial zones is not meant to include the Metropolitan Centre Zone or the City Centre Zone. Antennas on new poles in these zones (and special purpose zones and opens space zones), and which are not in the road reserve, will continue to be regulated by district plans.
- (6) The revised NESTF also includes amendments to requirements for the dimensions or location of telecommunication facilities which are regulated under the NESTF.
- (7) I do not consider that a district plan conflicts with the NESTF if, for example, it specifies a stricter width for panel antennas in the residential zone than an equivalent requirement in the NESTF for panel antennas in an industrial zone.

2.2 Revisions to the National Environmental Standards for Electricity Network Activities

- (8) The revised NESENA updates the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities. Key changes include:
- A wider range of routine maintenance and upgrading activities for the electricity transmission network.
 - Provisions for operating, maintaining and upgrading the electricity distribution network. Includes new poles on existing distribution lines but not new distribution lines.
 - Standards for protecting the National Grid and electricity distribution lines from other activities.

3 Recommended additional changes

- (9) The table in the following pages includes additional recommendations to PDP provisions following the revised national environmental standards. The table includes reasoning for the changes, including whether I consider the change to be a necessary amendment under Section 44A(5). The table also identifies relevant submission points and if I have changed my recommendation to these submission points.
- (10) Within the table, my recommended Section 42A report amendments are shown in red underline or ~~strikethrough~~ and further amendments recommended in this addendum are shown in grey underline or ~~strikethrough~~.

	Amendment	Reasoning
(11)	[Introduction to Infrastructure chapter] ... Other regulatory requirements Additional regulatory requirements, which are separate to the District Plan or Regional Council planning documents, but are relevant to infrastructure include: • The Resource Management (National Environmental Standards for Electricity <u>Network Transmission and</u>	Change is in accordance with Section 44A(5). Corrects reference to updated name of regulations.

	Electric Vehicle Charging Infrastructure Activities) Regulations 2009 (NESENA NESETA), 	
(12)	INF-R1 Operation of infrastructure involving radiofrequency fields and electric and magnetic fields (not regulated by the NESENA or NESTF)	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards
(13)	INF-R2 Operation, maintenance, repair, and decommissioning of infrastructure (not regulated by the NESENA or NESTF)	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards
(14)	INF-R3 Upgrading of infrastructure (not regulated by the NESENA or NESTF), excluding transport network infrastructure, electricity transmission infrastructure over 110kV and gas and transmission pipelines over 110kV	The addition of “not regulated by the NESENA or NESTF” addresses potential duplication with the standards and is in accordance with Section 44A(5). The deletion of the exclusion for electricity transmission infrastructure is not a S44A(5) change, but I consider is within scope of submissions. The rationale for this change is explained in row (23) of this table.
(15)	INF-R5 Temporary infrastructure and temporary electricity generators and self-contained power units to supply	Change is in accordance with Section 44A(5).

	existing infrastructure <u>(not regulated by the NESENA or NESTF)</u>	Addresses duplication of activities regulated by standards
(16)	INF-R6 Signs associated with operating, maintaining, and repairing, or developing, upgrading and decommissioning of infrastructure <u>(not regulated by the NESENA)</u>	Change is in accordance with Section 44A(5). Addresses potential conflict or duplication of activities regulated by standards
(17)	INF-R7 New cabinets (not regulated by the <u>NESENA or NESTF</u>)	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards
(18)	INF-R9 New underground pipelines, including electricity and gas distribution and three waters, excluding electricity and gas transmission	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards. Existing and new underground electricity distribution lines are regulated by the NESENA
(19)	INF-R11 New antennas or aboveground mounted equipment attached to existing support structure or buildings (not regulated by the NESTF)	PDP provisions for aboveground mounted equipment primarily address telecommunications and electricity distribution ancillary equipment. Removal of provisions for aboveground mounted equipment so far as they relate to electricity distribution is in accordance with S44A(5), as ancillary

		equipment for electricity distribution equipment is now regulated under the NESENA. The submission of the Telecommunication Companies (311.66) provides scope for removing provisions for aboveground mounted equipment so far as it relates to telecommunication facilities. INF-S9.5 and INF-S9.6 are the provisions for aboveground mounted equipment which are of specific relevance to telecommunications facilities. Although the requirements of these provisions are misaligned with equivalent requirements of the NESTF, I do not consider this constitutes a conflict, as INF-S9 specifies requirements for activities which are not regulated by the NESTF. However, I consider INF-S9.5 and INF-S9.6 are not appropriate or workable restrictions for telecommunication ancillary equipment, and I support their deletion. Consequently, I support the removal of all provisions and definitions relating to aboveground mounted equipment.
--	--	---

(20)	INF-R12 New support structures including telecommunication poles, with or without associated lines (not over 110kV), antenna or aboveground mounted equipment (not regulated by the <u>NESENA or</u> NESTF)	New support structures on existing electricity distribution lines are newly regulated by the revised NESENA, however support structures on new lines will continue to be regulated by district plans. Therefore, the addition of “not regulated by the NESENA” will clarify the relationship of the plan with the standards, and is a necessary amendment under Section 44A(5). The removal of “aboveground mounted equipment” is partially due to changes to the NESENA, but is not strictly necessary under S44A(5). The rationale for this change is explained in row (19) of this table.
(21)	INF-R13 New customer connection lines and support structures (not regulated by the <u>NESENA or</u> NESTF)	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards. Customer connection lines to the electricity distribution network are newly regulated by the NESENA.
(22)	INF-R14 Cabinets, antennas and poles regulated by the NESTF that do not meet the <u>relevant</u> permitted activity	Change is in accordance with Section 44A(5).

	standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF	The notified rule description is out-of-date, as the NESTF introduce new permitted activity standards.
(23)	INF-R17 Upgrading of transmission lines	This change is not strictly necessary to address conflicts with revised national environmental standards, however is within scope of submission 504.39 of Transpower. The revised NESENA now regulates the upgrading of electricity distribution networks which exist as of 8 October 2026. The NESENA will continue to regulate the upgrading of transmission lines which were in existence as of 14 January 2010 (none have since been established in Lower Hutt). The probability of the District Plan needing to regulate the upgrading of electricity networks beyond what is regulated by the NESENA is very marginal, and I consider can be adequately covered by the small amendment to the description of rule INF-R3 (see row 14 of this table). I recommend that submission point 504.39 of Transpower be accepted.

(24)	INF-S6 Height — Support structures not regulated by the <u>NESENA or NESTF</u>	Change is in accordance with Section 44A(5). Addresses duplication of activities regulated by standards.
(25)	INF-S9 Size — Antennas and aboveground mounted equipment 1. A panel antenna: .. b. — When in a road reserve, must fit within an envelope of 3.5m in length and 0.7m in width.	Change is in accordance with Section 44A(5). All telecommunication antennas in road reserve are now regulated by the NESTF.
(26)	INF-S9 Size — Antennas and aboveground mounted equipment ... 5. — In residential zones, aboveground mounted equipment associated with antennas must be located within the antenna mounts. 6. — Aboveground mounted equipment must not exceed 1m in length.	The removal of provisions for “aboveground mounted equipment” is partially due to changes to the NESENA, but is not strictly necessary under S44A(5). The rationale for this change is explained in row (19) of this table.

	7. — The area when measured in plan view of aboveground mounted equipment not associated with antennas must not exceed: a. — 0.5m² if unenclosed, and b. — 1.0m² if enclosed in a three-dimensional casing.	
(27)	INF-S21 Upgrading of transmission lines not regulated by the NESETA	This change is not necessary under S44A(5) to address conflicts with the updated national environmental standards. The rationale for removing provisions for upgrading transmission lines is discussed in row (23) of this table. This change is in scope of submission point 504.43 of Transpower. I recommend this submission point be accepted.
(28)	Definition – aboveground mounted equipment: means equipment which are located above ground level on a support structure, and includes transformers, switches,	The removal of provisions for “aboveground mounted equipment” is partially due to changes to the NESENA, but is not strictly necessary under S44A(5). The rationale for this change is explained in row (19) of this table.

	capacitors, battery banks, small cell units and similar devices, and supporting equipment for antennas. Does not include: • antennas, • aerials, or • lighting devices.	This change is in scope of submission point 311.1 of the Telecommunications Companies. I recommend this submission point be accepted.
(29)	Definition – mount: means equipment used to attached – • an antenna to a building; or • an antenna to a pole without a headframe; or • an antenna to a headframe; or • a headframe to a pole.	The term 'mount' is only used in relation to provisions for aboveground mounted equipment. The removal of provisions for “aboveground mounted equipment” is partially due to changes to the NESENA, but is not strictly necessary under S44A(5). The rationale for this change is explained in row (19) of this table. This change is in scope of submission point 311.8 of the Telecommunications Companies. I recommend this submission point be accepted.

3.1 Section 32AA evaluation

- (30) Section 32AA evaluation is not required for changes which are necessary under S44A to remove duplication or conflict with the national environmental standards.
- (31) I have also recommended changes to remove provisions for aboveground mounted equipment, and to simplify the provision for upgrading of electricity networks. These changes are partially in response to the revised national standards, albeit not wholly necessary to address conflicts or duplications.
- (32) With respect to provisions for aboveground mounted equipment, ancillary equipment for electricity distribution is now regulated by the NESENA. There are also fewer instances where the provisions may apply to telecommunications equipment, following the revised NESTF. The notified provisions, particularly the requirement that aboveground equipment must be located within antenna mounts (INF-S9.5), is not practicable within the typical design of telecommunication facilities. I understand ancillary equipment for telecommunications antenna support their signal strength and reduces the need for additional telecommunications poles. The visual adverse effects of mounted ancillary equipment would be typically marginal. Therefore, I do not consider the notified provisions for aboveground mounted equipment are the most efficient or effective means for implementing the Infrastructure objectives and policies.
- (33) With respect to upgrading electricity networks, the need for these activities to be regulated by district plans is very marginal as the upgrading of all existing networks is regulated by the NESENA. A district plan would only regulate upgrading of electricity networks in Lower Hutt which have been developed after 8 October. Providing for upgrading of electricity networks through the general rule for upgrading (INF-R3) is adequate for addressing the effect of these activities should the need arise, and is a more efficient approach than specific provisions for upgrading the electricity transmission network.

3.2 Other matters

- (34) The revised NESENA introduces regulations for protecting the National Grid (regulations 73 to 84) and electricity distribution lines (regulations 85 to 92) from incompatible activities.
- (35) The PDP provisions for protecting the National Grid are generally consistent with those of the NESENA. Despite this duplication, I do not recommend removing National Grid protections from the PDP. Plan users might not be aware of relevant regulations in the NESENA.
- (36) The PDP does not include provisions for protecting electricity distribution lines, and I do not recommend introducing new provisions which duplicate the NESENA.
- (37) There may be the opportunity to further review how the PDP integrates with regulations in the national environmental standards, as part of the exercise to integrate the PDP and ODP.