BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearings Panel – Stream 6 – Infrastructure

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Lower Hutt District Plan

JOINT WITNESS STATEMENT

Planning

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9 October 2026

1.0 INTRODUCTION

1.1 This joint witness statement relates to the provision for the upgrade of three waters networks in the Infrastructure chapter of the Proposed Lower Hutt District Plan ('Proposed Plan' or 'PDP'). This statement responds to directions from the Hearing Panel contained in items 25 and 26 of Minute #18 dated 30 September 2026.

1.2 The expert conferencing was held online on 8 October 2026. The sessions were self-facilitated.

1.3 The expert attendees at the conference were:

1.3.1 Timothy Blackman for Tiaki Wai (422, F36)

1.3.2 Peter McDonald for Hutt City Council (reporting officer for Infrastructure)

2.0 CODE OF CONDUCT

2.1 This joint witness statement is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.

2.2 We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it. The experts confirm that the issues addressed in this joint witness statement are within our area of expertise, unless stated otherwise.

3.0 PURPOSE AND SCOPE OF CONFERENCING

3.1 Minute #18 issued by the Hearing Panel directs the conferencing parties to:

> *…discuss the outstanding matters relating to infrastructure setbacks with respect to minor upgrades, infrastructure works and upgrades within high flood hazard areas, and any other matters that remain in contention under the Wellington Water submission.*

4.0 PRIMARY DATA RELIED ON

4.1 The primary data on which the opinions are based is:

- The Proposed Lower Hutt District Plan (PDP)
- The Section 42A report for Infrastructure (dated 24 August 2026) and Rebuttal Evidence (dated 15 September 2026) of Peter McDonald
- Tiaki Wai / Wellington Water submission (PDP/422)
- Statement of Evidence (dated 7 September 2026) and hearing speaking notes of Timothy Blackman

5.0 FACTS AND ASSUMPTIONS

5.1 Relief sought in the Tiaki Wai / Wellington Water submission (PDP/422), includes that upgrades which have the same effects as repair or maintenance activities, are provided for as a permitted activity. The submission suggests one option to do so would be to provide for minor upgrades within INF-R2[1].

5.2 Subsequent evidence of Mr Blackman expanded on this position and suggested the inclusion of a definition of 'maintenance and minor upgrade', from the National Policy Statement for Infrastructure.

5.3 The position of Mr McDonald, expressed in the Section 42A report and rebuttal, is that minor upgrades of infrastructure are provided for through INF-R3[2], by enabling upgrading which complies with specified standards as permitted activities.

[1] INF-R2 Operation, maintenance and repair, and decommissioning of infrastructure (not regulated by the NESENA or NESTF). (This incorporates recommended wording from the addendum to the S42A report and the joint witness statement with respect to 'maintenance and repair').

[2] INF-R3 Upgrading of infrastructure (not regulated by the NESENA or NESTF), excluding transport network infrastructure, and gas transmission pipelines. (This incorporates recommended wording from the S42A report and addendum).

5.4 The advice in this joint witness statement assumes that the recommendations in the joint witness statement with respect to 'maintenance and repair' will be accepted.

6.0 MATTERS DISCUSSED

Minor upgrading of infrastructure

6.1 Mr Blackman maintains that the preference of Tiaki Wai is that minor upgrading is explicitly provided for in INF-R2, and is supported by a suitable defined term.

6.2 However, Mr Blackman considers the framework for providing for minor upgrading in the PDP, to be acceptable provided the requirements within the linked standards do not unduly regulate three waters activities which are of a minor scale.

6.3 On this basis, the parties turned their minds to what refinements may be made to the standards which are linked to INF-R3, to improve the degree to which minor upgrades of three water networks are enabled.

INF-S2 – Location of underground pipelines

6.4 The relocation and realignment of underground pipelines (including three waters pipelines), or their replacement in-situ with pipes with increased dimensions is regulated by INF-R3, which requires compliance with standards including INF-S2 (Upgrading of infrastructure) and INF-S3 (Underground infrastructure).

6.5 INF-S2.1 and INF-S2.8 require that such relocated or realigned pipes be located within 5m of the existing alignment or location.

6.6 The parties agree that it is not necessary to regulate the location or dimensions of underground structures beyond managing the effects of associated earthworks. For this reason, it is agreed to refine INF-S2.1 and INF-S2.8 to remove its application to underground pipelines. It is noted that there are not equivalent restrictions to these standards which apply to new pipelines.

6.7 In addition, the parties agreed that INF-2.1 and INF-S2.8 could be further refined, so that the setback requirements are not applied where the upgraded infrastructure is located in the road reserve. This provides additional flexibility to infrastructure providers. It acknowledges that the road reserve is typically a highly modified environment and a location where infrastructure is expected to be situated, whereby potential adverse effects from upgraded infrastructure can be more readily absorbed.

6.8 Recommended amendments to INF-S2.1 and INFS2.8 are included in Attachment A of this statement.

INF-S2.9 – Increased footprint of buildings and structures

6.9 Both parties agree that INF-S2.9 should be specified as applying to aboveground infrastructure only, noting that a restriction on the footprint of buildings and structures is not relevant to underground structures.

6.10 It is also agreed that is appropriate to delete sub-clause INF-S2.9(a), which specifies a higher restriction on the footprint of buildings and structures which are located in High and Medium Flood Hazard overlays. It is considered this sub-clause represents a higher restriction on additions to infrastructure, than equivalent provisions in the Natural Hazard chapter for non-infrastructure buildings and structures. Retaining matter of discretion #5, will ensure that where compliance is not achieved with INF-S2, and the activity is located in a High or Medium Flood Hazard overlay, that effects on the obstruction and displacement of floodwaters would still be considered.

6.11 As a consequence of these amendments, it is considered that the description of INF-S2 can be amended as being for the upgrading of *aboveground* infrastructure.

6.12 Recommended amendments to INF-S2.9 are included in Attachment A.

INF-S2 – exemption for water meters

6.13 The parties agree to add a clause to INF-S2, specifying that the installation, replacement or upgrade water meters is exempt from the standard. It considered that these activities are likely to have adverse effects of a negligible scale in any given location. Although the activities are not likely to otherwise be captured by requirements within INF-S2 or elsewhere in the INF provisions, the exemption will provide regulatory certainty. In some circumstances, components of water meters will be located aboveground, whereby the inclusion of the exemption is appropriate for this standard. The recommended amendment is included in Attachment A.

7.0 AGREED POSITION

7.1 That standard INF-S2 be amended as per the recommendations detailed in Attachment A to this statement.

7.2 Attachment A records the agreed amendments to the PDP using the following format:

7.2.1 Section 42A Report recommendations: in red underlined or ~~strike through~~

7.2.2 Further amendments agreed in this conferencing are shown in blue underline or ~~strike through~~.

Section 32AA Evaluation

7.3 The amendments to standard INF-S2, will ensure that INF provisions regulating upgrading of underground pipelines will be focused on managing the effects which are relevant to these activities. It is not considered the location controls within INF-S2, are relevant or necessary to be applied to underground pipelines.

7.4 Removing sub-clause INF-S2.9(a), while retaining matter of discretion #5, will ensure that adverse effects of flood hazard in High and Medium Hazard Floor Hazard overlays are managed,

without unduly restricting upgrades to existing aboveground structures.

7.5 Clarifying that INF-S2 applies only to aboveground infrastructure will provide regulatory certainty to plan users.

7.6 For the above reasons, the recommended amendments will improve the effectiveness and efficiency of the rules and standards in implementing the objectives and policies of the INF chapter.

8.0 NON-AGREED POSITION AND RECOMMENDATIONS

8.1 The parties were not able to resolve differences in opinion with respect to INF-S3.2, which requires that trenching not exceed 1.0m in depth where within 1.5m of a building or structure on any adjacent site.

Position of Mr McDonald with respect to INF-S3.2

8.2 That INF-S3.2 be retained as notified, or is refined so its application is limited to habitable buildings and structures, and the installation and upgrading of water meters is excluded.

Position of Mr Blackman with respect to INF-S3.2

8.3 That INF-S3.2 be deleted.

Reasons for differences between Mr McDonald and Mr Blackman

8.4 Mr McDonald considers that it is appropriate to regulate the potential adverse effects of earthworks trenching on the stability of nearby buildings and structures, whether the activity is for new or upgraded pipelines.

8.5 Mr McDonald considers the threshold within INF-S3.2 would not catch most trenching activities associated with upgrading pipelines.

8.6 Mr McDonald acknowledges there are built-up areas within Lower Hutt (such the Hutt CBD and Petone) where both buildings and underground pipelines are located in proximity to site frontages. In

these locations, it is likely that resource consent for upgrading pipelines (where located near site frontages) would be triggered under INF-R3/INF-S3.2. Mr McDonald considers this is an appropriate regulatory response to ensure effects of earthworks on the stability of structures are appropriately managed.

8.7 Mr Blackman understands that a reasonably significant proportion of the three waters network owned and operated by Tiaki Wai in Hutt City Council's jurisdiction is located within 1.5m of a building or structure on any adjacent site and at depths exceeding 1m. Therefore, Mr Blackman considers that INF-S3.2 is likely to capture a substantial number of routine network projects within established urban areas.

8.8 In his view, the standard does not adequately distinguish between activities that pose a material risk to adjacent buildings and structures and those where effects can be appropriately managed through project-specific design and construction methodologies.

8.9 Tiaki Wai and its contractors typically undertake a risk-based approach when working within 1.5m of a building or structure on any adjacent site. Trenching within proximity to a building or structure only occurs if it is not appropriate to, firstly, relocate the asset, or, secondly, implement trenchless methods. When trenching is undertaken near a building or structure, methods such as shoring are undertaken to mitigate potential effects.

8.10 Accordingly, Mr Blackman considers that requiring resource consent for these activities is not a proportionate regulatory response and would create an unnecessary consenting burden for routine network upgrade works. For these reasons, Mr Blackman is of the view that INF-S3.2 should be deleted.

Additional recommendations

8.11 Additional recommendations of Mr McDonald with respect to INF-S3.2 are detailed in Attachment B, including additional Section 32AA evaluation.

8.12 Additional recommendations of Mr Blackman with respect to INF-S3.2 are detailed in Attachment C, including additional Section 32AA evaluation.

Date: 9 October 2026



Timothy Blackman



Peter McDonald

ATTACHMENT A: AGREED AMENDMENTS TO PROVISIONS

INF – Infrastructure

…

INF-S2	Upgrading of aboveground infrastructure
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. 2. A single mast pole, pi pole or similar support structure must not be replaced by a steel-lattice structure. 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. 4. The diameter or width of a replacement support structure: a. Must not exceed twice the width of the replaced support structure at its widest point, or b. Where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed 4.2m. 5. The number of additional support structures required to achieve the conductor clearances required by NZECP 34:2001 must not exceed two. 6. Additional cross arms must not exceed twice the length of the existing cross arm, up to a maximum of 4m. 7. The diameter of replacement pipes located aboveground must not exceed the diameter of the replaced pipe by more than 300mm. 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. 9. The realignment, relocation, or replacement of any infrastructure structure or building must not increase its footprint by more than 30% ~~the following~~: ~~a. Where located within a High Flood Hazard Area Stream Corridor or Medium Flood Hazard Area Overland Flow Path: 5%.~~ ~~b. In all other cases: 30%.~~ 10. A replacement panel antenna must not increase the face area by more than 20%. 11. A replacement dish antenna must not increase in diameter by more than 20%. 12. [to be removed due to plan stop requirements]. 12. This standard does not apply to the installation, replacement, relocation or upgrading of water meters.

	Matters of discretion if the standard is breached: 1. Visual effects, including impacts on: a. The residential and recreation use of land in the vicinity of the structure, b. The existing character, landscape, streetscape, and amenity values of the locality, and c. Key public places, public viewing points, the coast, and significant recreational areas. 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. 3. Whether the size and scale of the structure is compatible with other development in the area. 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. 5. Where located in the High Flood Hazard Overlay or Medium Flood Hazard Overlay: a. Effects related the obstruction and displacement of floodwaters.

ATTACHMENT B: ADDITIONAL RECOMMENDATION OF MR MCDONALD

INF – Infrastructure

INF-S3	Underground infrastructure
All Zones	1. For the installation or upgrading of pipelines, the gauge pressure must not exceed 2,000 kilopascals. 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. **There are no matters of discretion if the standard is breached.**

SECTION 32AA Evaluation

The amendment to restrict INF-S3.2 to buildings and structures with habitable rooms, will ensure the provision is more effectively targeted and will reduce the potential extent of regulation of the three waters network.

I consider that adverse effects from earthworks on other buildings and structures (without habitable rooms) to be more tolerable as there is a reduced risk to health and safety, and such buildings are typically less valuable than buildings and structures which have habitable rooms.

'Habitable rooms'[3] is a defined term in the PDP.

I consider trenching works associated with the installation, replacement, relocation or upgrading of water meters, is not likely to be intensive or to have a high potential of undermining the stability adjacent buildings or structures. Therefore I consider it appropriate to exclude these activities, and this will ensure that INF-S3.2 is more targeted and effective.

I consider these amendments will refine INF-S3.2 so that it is more targeted and effective. The amendments will reduce the potential regulatory burden while providing for effects of most concern in relation to the stability of buildings and structures, to be appropriately managed.

[3] 'Habitable rooms' means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

ATTACHMENT C: ADDITIONAL RECOMMENDATION OF MR BLACKMAN

INF – Infrastructure

INF-S3	Underground infrastructure
All Zones	1. For the installation or upgrading of pipelines, the gauge pressure must not exceed 2,000 kilopascals. ~~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 on any adjacent site.~~ **There are no matters of discretion if the standard is breached.**

SECTION 32AA Evaluation

The requested amendment to remove the requirement to seek and obtain a resource consent when upgrading underground infrastructure within 1.5m of a building or structure, at depths of greater than 1m, will ensure any potential effects can be addressed by Tiaki Wai processes that sit outside of a district plan. This approach will ensure water infrastructure can be delivered efficiently from an economic perspective whilst achieving environmental outcomes.