

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

STATEMENT OF REBUTTAL EVIDENCE OF PETER MCDONALD

ON BEHALF OF HUTT CITY COUNCIL

Hearing Stream 6 – Infrastructure (Infrastructure)

16 September 2026

1.0 Introduction

- 1.1 My name is Peter McDonald, and I am a Senior Policy Planner at Hutt City Council.
- 1.2 This statement is my rebuttal evidence in response to evidence and tabled statements which respond to recommendations made in the section 42A report for Infrastructure. I have prepared a separate statement of rebuttal evidence with respect to Transport.
- 1.3 I have reviewed the evidence and tabled statements of:
 - 1.3.1 Tom Anderson for the Telecommunication Companies (PDP/311)
 - 1.3.2 Kaaren Rosser for Enviro NZ Ltd (PDP/323)
 - 1.3.3 Elliott Thornton for NZ Transport Agency (PDP/386)
 - 1.3.4 Rob Owen for the New Zealand Defence Force (PDP/404)
 - 1.3.5 Gary Scholfield for Powerco Ltd (PDP/414)
 - 1.3.6 Hanno van Helsdingen for Wellington Electricity (PDP/415)
 - 1.3.7 Timothy Blackman for Tiaki Wai Ltd (formerly Wellington Water Ltd, PDP422)
 - 1.3.8 Catherine Heppelthwaite for KiwiRail Holdings Ltd (PDP/442)
 - 1.3.9 Colin Hopkins for Winstone Aggregates (PDP/444)
 - 1.3.10 Angela Goodwin for Waste Management NZ Ltd (PDP/461)
 - 1.3.11 Bernard Warmington for Clarus Limited (PDP/474)
 - 1.3.12 Pauline Whitney for Transpower New Zealand Ltd (PDP/504)

- 1.4 This rebuttal evidence responds only to the pre-circulated written evidence and statements received from submitters prior to the hearing and listed above.
- 1.5 Other submitters may also present oral evidence or further details at the hearing. These may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence.
- 1.6 Except as expressly identified in this statement, all findings and recommendations contained in my original Section 42A report remain unchanged. For the sake of brevity, I will not comment on submitter statements and evidence where:
- the original Section 42A reports recommended accepting the submitter's originally requested relief, or
 - the statement or evidence concur with the recommendation in the Section 42A report, or
 - the statement or evidence repeats reasoning and evidence already present in the original submission,
- unless the issue is also in dispute from the evidence of a different submitter, or there is otherwise some reasoning or other information not covered in the Section 42A reports.

2.0 Qualifications, experience, and Code of Conduct

- 2.1 My qualifications and experience are set out in section 2.2 of my Section 42A Report. 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 Responses to submitter evidence and statements

- 3.1 The sections below respond to submitter evidence in relation to the provisions in the Infrastructure chapter.
- 3.2 Appendix 1 sets out my revised and updated recommended amendments in response to submitter evidence. Within Appendix 1, my Section 42A report recommended amendments are shown in red underlined or ~~strike-through~~ and further amendments recommended in this rebuttal evidence are shown in blue underline or ~~strike-through~~.

4.0 Strategic Directions

Gas and liquid fuel networks in Strategic Directions

- 4.1 The section 42A report recommends the inclusion of new strategic directions INFSD-O7 for Mineral Resources and Quarrying Activities and INFSD-O8 for Electricity Networks.
- 4.2 The evidence of Bernard Warmington for Clarus (474), considers that the inclusion of these strategic directions could elevate the priority of these activities relative to other infrastructure activities. Mr Warmington requests amendments to INFSD-O8 or a new Infrastructure Strategic Direction to provide specific direction for gas and liquid fuel networks.
- 4.3 My section 42A report recommends the addition of INFSD-O7 and INFSD-O8 as I agreed with the reasoning provided by submitters (PDP/246, PDP/444 and PDP/504), that to do so would align with higher order policy documents which provide specific direction for these activities.
- 4.4 Mr Warmington has not provided equivalent reasoning to justify specific direction in the strategic directions for gas and fuel networks. I do not consider that the inclusion of INFSD-O7 to INFSD-O8 is a sufficient reason to also provide specific direction for gas and liquid fuel networks.

Three waters networks

- 4.5 Timothy Blackman for Tiaki Wai (422), states support for the recommendations of the section 42A report in relation to INFSD-O1 and INFSD-O2, while stating a preference (contrary to the recommendations) that three waters infrastructure are specifically identified.
- 4.6 I only support identification of specific activities in the Infrastructure strategic directions where there is a need to provide specific direction, as I consider is the case for INFSD-O7 and INFSD-O8. I do not consider this is necessary for three waters network in relation to INFSD-O1 and INFSD-O2, and specific reference to three waters activities may unnecessarily elevate them relative to other infrastructure activities.

Protecting extensions to infrastructure

- 4.7 Mr Blackman supports the original submission of Clarus (474) to amend INFSD-O3 to clarify that supporting and protecting infrastructure includes extensions of existing infrastructure and new infrastructure. I note that Mr Warmington for Clarus supports the amendments recommended for INFSD-O3 in the section 42A report.
- 4.8 I do not consider that the recommended amended wording of INFSD-O3 precludes the protection of extensions of existing infrastructure and new infrastructure.
- 4.9 For the above reasons, I maintain my recommendations with respect to infrastructure strategic directions.

5.0 Infrastructure chapter and related definitions

Telecommunications – revised national environmental standards

5.1 Tom Anderson for the Telecommunication Companies (311) advises that there is an imminent update to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations (NESTF), which he expects will be gazetted prior to the hearing. The revised NESTF is pertinent in relation to Mr Anderson's evidence in relation to:

- Definition of 'aboveground mounted equipment'
- Definition of 'mount'
- Rule INF-R14 (Cabinets, antennas and poles regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF)
- Standard INF-S9 (Size – Antennas and aboveground mounted equipment)

5.2 The revised NESTF has not been gazetted at time of writing this rebuttal evidence, whereby I make no further recommendations in relation to Mr Anderson's evidence on these provisions. I acknowledge that should the revised NESTF be gazetted prior to the hearing, then it would be a relevant consideration for the hearing panel.

Telecommunications – definitions of 'support structure' and 'pole', standard INF-S6

5.3 Mr Anderson provides evidence with respect to the overlap between definitions of 'support structure' and 'pole', and seeks amendments to INF-S6 to specify both 'support structures' and 'poles'.

- 5.4 My intent was that the definition of ‘pole’ would sit within the definition of ‘support structure’, so that any use of the latter term would also include ‘poles’.
- 5.5 However, on further review and consideration of Mr Anderson’s evidence, I consider that the definition of ‘support structure’, to the extent it applies to ‘poles’, potentially distorts its meaning beyond the definition provided for ‘poles’.
- 5.6 I consider this can be addressed through amending the definition of ‘support structure’ to include ‘poles’, but otherwise excluding poles from the other criteria of the definition.
- 5.7 This will address the issues of overlap and potential distortion of meaning between the definitions. It will also mean that no further amendments are necessary where the term ‘support structure’ is used (such as requested by Mr Anderson with respect to INF-S6).
- 5.8 My recommended amendment to the definition of ‘support structure’ is included in Appendix 1 of this report.

Transport network – definition

- 5.9 I accept the explanation in the evidence of Catherine Heppelthwaite for KiwiRail (442) with respect to removing “public” as a word preceding rail in the defined term ‘transport network’.
- 5.10 The KiwiRail submission also sought that the suffix “but is not limited to:” be added to the chapeau of the defined term. No further evidence has been provided in relation to this request, whereby I maintain the recommendation of my Section 42A report with respect to this part of the definition.

Transport network – INF-R24

- 5.11 The original submission of KiwiRail (442) did not request changes to the matters of discretion for INF-R24. Therefore, I do not consider the amendment to the matters of discretion, requested in

the evidence of Ms Heppelthwaite to be within the scope of the KiwiRail submission.

Ancillary transport network infrastructure – definition

- 5.12 I disagree with the evidence of Kaaren Rosser for Enviro NZ (323), for the reasons outlined in paragraph 627 of the Section 42A report. I consider that provision for space for bins does not fit within the definition for ‘ancillary transport network infrastructure’, and adequate road and berm widths are provided for in INF-S15.

Electricity Networks – revised NPS

- 5.13 Pauline Whitney for Transpower (504) considers the PDP provisions for electricity transmission, particularly policy INF-P8, should be amended to achieve alignment with the revised NPS for Electricity Networks 2008 (NPS-EN).
- 5.14 My section 42A report identifies my reservations in attempting to align the PDP at this stage with the revised NPS-EN, including natural justice considerations.
- 5.15 Ms Whitney considers it is not appropriate for PDP provisions to remain which do not give effect to or which are partially contrary to the NPS-EN, and to do so “ignores the reality that the NPS-EN is in effect and must be given effect to”.
- 5.16 In responding to the evidence of Ms Whitney I refer to legal evidence of Stephen Quinn which has previously been supplied to the hearing panel.
- 5.17 The NPS-EN does not direct that local authorities must amend district plans to incorporate specific objectives or policies or to give effect to specific objectives and policies.

- 5.18 Therefore, in giving effect to the NPS-EN, all necessary amendments to a district plan, must be undertaken in accordance with Schedule 1 (including the normal submissions process)¹.
- 5.19 It has been confirmed through case law that Council are not obligated to give effect to amended higher order direction immediately².
- 5.20 The process of completing a fulsome and objective plan review to address higher order direction can be somewhat compromised by submitters proposing their own changes before the Council has itself drafted and notified proposed provisions, which gives everyone with an interest a chance to submit³.
- 5.21 For the above reasons, I do not recommend further amendments to INF-P8 or other provisions, to give effect to the NPS-EN.

Electricity networks – other matters

- 5.22 I agree with the evidence of Ms Whitney, with respect to amending the definition of ‘transmission line’, and have included the recommended amendment in Appendix 1 of this report.
- 5.23 My Section 42A report recommended accepting the relief requested in the Transpower submission (504), with respect to definitions for ‘National Grid’ and ‘National Grid Subdivision Corridor’. Therefore, I do not consider the request in Ms Whitney’s evidence for additional amendments is within the scope of the Transpower submission.
- 5.24 I do not consider the evidence of Ms Whitney introduces new information with respect to considering the Transpower (504) submissions on provisions INF-R17 and INF-S21.

¹ Refer Right of Reply – Stephen Quinn, 20 May 2026 (paragraphs 5 and 6), and Section 55 of the RMA.

² Refer Right of Reply – Stephen Quinn, 20 May 2026 (paragraph 12).

³ Refer Right of Reply – Stephen Quinn, 20 May 2026 (paragraphs 7 and 8).

Gas networks – biogas

- 5.25 Mr Scholfield for Powerco (414) continues to seek that “biogas” be added to the notified definitions for ‘infrastructure’ and ‘network utility operator’.
- 5.26 I recommended to reject these submissions as clause (a) of both definitions include “biofuel”, which I consider encompasses “biogas”.
- 5.27 The evidence of Mr Scholfield states concern with the consistent use of terms, and cites the definition of ‘gas’ in the Gas Act 1992, which includes “biogas”.
- 5.28 Clause (a) of both definitions of ‘infrastructure’ and ‘network utility operator’, includes “gas”. I consider this supports my recommendation that biogas is adequately covered by the notified definitions without modification required.

Gas networks – INF-P4.3 – renewable energy sources

- 5.29 The original submission of Clarus sought the following relief with respect to INF-P4.3:

Facilitate a transition to renewable electricity and other renewable energy sources

- 5.30 My Section 42A report recommends this be accepted in part with the additional text “and have low emissions”.
- 5.31 Both Mr Scholfield for Powerco (414) and Mr Warmington for Clarus (474) object to the inclusion of “and have low emissions”.
- 5.32 The evidence of Mr Blackman for Tiaki Wai (422) suggests alternative drafting:

Facilitate a transition to renewable electricity and other energy sources which are renewable and either have low emissions, or are produced by a source of waste

- 5.33 The evidence of both Mr Scholfield and Mr Warmington opposes my recommendation on INF-P4.3 as they consider it goes beyond the requested relief of the original submission of Clarus.
- 5.34 I do not think the Council is restricted to solely considering the relief requested. Alternative relief can and should be considered, particularly where a Section 32AA evaluation would reflect a more effective or efficient approach.
- 5.35 I consider the amendment suggested by Mr Blackman expands the intent of the policy clause to an unreasonable degree. The focus of the policy was originally solely on the transition to renewable electricity, and while I accept that this should be expanded to other energy sources where there are low emissions, expanding this policy to energy sources where there are not low emissions is a substantially different transition.

Gas networks – setbacks of street trees from gas distribution lines

- 5.36 Mr Scholfield in his evidence for Powerco (414) disagrees with “the assertion that imposing a setback for street trees from infrastructure represents an unreasonable restriction”.
- 5.37 No such assertion has been made in the Section 42A report. INF-Table 1: Street trees identifies an array of setback requirements for street trees, including from gas distribution lines. Where I disagree with Powerco and the evidence of Mr Scholfield, is that I consider placing further restriction on the placement of street trees is unreasonable in the context of the various existing setback requirements in the notified provisions.
- 5.38 I accept the evidence of Mr Scholfield that the Section 42A report is incorrect where it states the PDP setback requirements are consistent with the district plans of Wellington City and Porirua. The Wellington City District Plan has similar setback requirements to the PDP, albeit in reference to smaller tree sizes, whereas the Porirua District has a larger setback requirement.

- 5.39 There are a lot of competing demands for infrastructure to locate in the road reserve, which is evidenced by the array of setback requirements for street trees in INF-Table 1. Every additional or increased setback requirement imposes a further constraint and cost in relation to the placement of street trees. I maintain a reasonable balance is achieved in the recommendations of my Section 42A report with respect to INF-Table 1, and I recommend no further changes.

Gas networks – new gas transmission pipelines in high natural hazard overlays

- 5.40 I agree in part with the evidence of Mr Warmington for Clarus (474) in relation to INF-R16, specifically that:
- The High Natural Hazard Overlay covers a range of natural hazard overlays. I agree with the example proffered by Mr Warmington that a buried gas transmission pipeline would not necessarily elevate risk in a flooding event, and
 - The policy direction in INF-P9.3 is overly strong and a gateway assessment with reference to this policy may preclude pipelines from crossing high natural hazard overlays.
- 5.41 Due to the potential consequence of damage to a gas transmission pipeline in a land rupture event I maintain that a non-complying activity status is appropriate, albeit with more targeted parameters than the current framing of INF-R16 and INF-P9.
- 5.42 With respect to rule INF-R16, I recommend that the non-complying activity status be amended to apply to the Fault Location Area only.
- 5.43 I also recommend further changes to INF-P9 in response to the evidence of Mr Warmington, however I will discuss these in the following paragraphs in the context of other evidence on this policy.

INF-P9 – Natural hazards

- 5.44 The evidence of Catherine Heppelthwaite for KiwiRail (442) considers the recommended amendments to INF-P9 to be inconsistent with the NPS-I and supports the relief sought in the original KiwiRail submission.
- 5.45 The evidence of Mr Scholfield for Powerco (414) considers the recommended amendments, particularly to INF-P9.2, are not within the scope of submissions and significantly alters the intent of the policy.
- 5.46 The evidence of Mr Blackman supports the recommended amendments to INF-P9.2, but seeks further amendment to INF-P9.3.
- 5.47 As discussed in the preceding section of this report, I consider the evidence of Mr Warmington is also relevant to consideration of policy INF-P9.
- 5.48 I disagree with the evidence and alternative amendments suggested by Mr Blackman with respect to INF-P9.3. Displacement of floodwaters is not the only risk to manage with respect to activities in the High Flood Hazard Overlay (as addressed through clause 2), whereby I do not consider it appropriate to exclude this overlay from clause 3.
- 5.49 Mr Blackman's alternative wording for INF-P9.3 also removes the exclusion for activities least sensitive to natural hazards. Mr Blackman's amendment would make the direction in this clause more onerous. I maintain my recommendation of including an exclusion for activities least sensitive to natural hazards as appropriate as a risk-based approach.
- 5.50 I agree with the analysis of Ms Heppelthwaite with respect to the direction of the NPS-I for managing the adverse effects of infrastructure, including natural hazard effects.
- 5.51 However, I refer to the caveats discussed earlier in this report (in relation to the NPS-EN) with regard to attempting to give effect to

updated national policy direction, other than through a comprehensive review under schedule 1. This equally applies to the NPS-I.

5.52 Notwithstanding this, I agree that the effects management directive under INF-P9.3 is too onerous. As discussed earlier, with regards to the evidence of Mr Warmington, I agree that it sets too narrow a gateway for activities in the high natural hazard overlay with a non-complying activity status. I consider further refinement would improve alignment with the directive for managing natural hazard risk under s6 of the RMA.

5.53 The intent of INF-P9.2 is to provide specific direction in relation to requirements in the Infrastructure standards for buildings, structures and earthworks located in Medium and High Flood Hazard Overlays. However, based on the evidence, I accept that this approach may be confusing to plan users, whereby I support combining the effects directives into one clause.

5.54 Following the above discussion, I recommend further amendments, including to:

- Delete INF-P9.2
- Amend INF-P9.3 to further restrict the avoid directive to significant increases in natural hazard risk.
- Add additional wording to INF-P3, to apply an avoid, remedy, mitigate effects hierarchy (to the extent practicable) to other natural hazard effects. This hierarchy will apply to:
 - Effects of infrastructure activities located in low or medium natural hazard overlays
 - Less than significant increases to natural hazard risk in High Natural Hazard Overlay, and
 - Significant increases to natural hazard risk for activities least sensitive to natural hazards in the High Natural Hazard Overlay

- 5.55 As a consequential amendment to the deletion of INF-P9.2, I consider an additional assessment matter should be added to INF-S16, to provide specific direction for assessment of earthworks within the Medium and High Flood Hazard Overlay.

Maintenance and repair – definition

- 5.56 My Section 42A report recommends a new definition for ‘maintenance or repair’. The evidence of Ms Heppelthwaite supports the definition with the following amendment:

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 the same, similar or reduced ~~identical~~ dimensions.

- 5.57 I disagree with this amendment, due to the subjective language of “same” and “similar”, and because replacement of structures with non-identical dimensions is provided for within the definition and provisions for ‘upgrading’. The provisions for upgrading includes a permitted pathway where compliance is achieved with relevant standards.

Upgrading – INF-S2

- 5.58 Mr Anderson for the Telecommunications Companies (311), Hanno van Helsdingen for Wellington Electricity (415) and Mr Blackman for Tiaki Wai (422) provide evidence opposing the recommendation to not increase the allowable distance for realigned structures from 5m from the existing alignment to 10m.
- 5.59 I understand that increasing the clause from 5m to 10m will have benefits for infrastructure providers. However, relocation of structures has the potential to remove the adverse effects beyond the immediate environment in which they have been established. I maintain that 5m is a reasonable balance between providing for

infrastructure providers, while ensuring adverse effects remain somewhat comparable to the existing infrastructure.

- 5.60 I consider that the evidence of Mr Scholfield with respect to INF-S2.9, is not within scope of Powerco's submission. Powerco supported the standard as notified, and the only change I have recommended is a correction to the name of overlays referenced in the standard.

Minor upgrading – INF-R2

- 5.61 In response to the evidence of Mr Blackman for Wellington Water (422) with respect to INF-R2, I refer back to my Section 42A report (paragraphs 360 and 361) which explains the approach taken in the Infrastructure chapter for providing for minor upgrading.
- 5.62 I maintain that including "minor upgrading" in a rule or standard, relies on some subjective assessment as to if the activity meets the definition and therefore if the rule is applicable.
- 5.63 I consider this issue remains with the definition proffered by Mr Blackman of 'maintenance and minor upgrade', which he also proposes by including in the description of INF-R2. A plan user applying this definition would have to make a number of subjective assessments, including whether the work is an "effective and efficient operation". I do not consider that such subjectivity and ambiguity should apply when it comes to determining if a rule is applicable.
- 5.64 The approach of the PDP provides a pathway for minor upgrading, where compliance is achieved with standards. This is an effects based approach and avoids any ambiguity with respect to which rules and standards apply.

Benefits of infrastructure – INF-P1

- 5.65 I agree with the evidence of Mr Blackman for Wellington Water (422) that INF-P1.1 should be amended to refer to maintenance as

well as enhancement of the quality of life and standard of living for people and communities.

- 5.66 I consider it was an error in the Section 42A report that this was omitted from the recommended amendments. My assessment at paragraph 220 supports the inclusion of maintenance in INF-P1.1.
- 5.67 The evidence of Mr Warmington addresses INF-P1, however I consider does not introduce new information not considered in the Section 42A report.

Consideration of adverse effects – INF-P6

- 5.68 I disagree with the evidence of Mr Scholfield with respect to INF-P6, as the clauses in INF-P6 are considerations for decision makers when assessing adverse effects rather than firm directives.

Allocation of space in the road corridor – INF-P7.3(b)

- 5.69 I agree with the evidence of Mr Scholfield, that my recommended amendment to INF-P7.3(b) had the unintended consequence of removing the general provision for infrastructure in the road corridor. I have recommended a further amendment in Appendix 1 of this report.

Functional needs and operational needs in Active Street Frontage Overlay – INF-P14

- 5.70 The evidence of Mr Blackman describes a scenario (paragraph 35) of “upgrades necessary to prevent future repairs and/or when upgrading would otherwise occur alongside repairs”. I do not consider such scenarios to be precluded by clause INF-P14.1 which refers of functional and operational needs.

Earthworks assessment matters – INF-S16

- 5.71 The evidence of Mr Blackman for Wellington Water (422) opposes my recommendation to not include an additional assessment matter

#12 and to modify assessment matter #11 of INF-S16, as requested in the original submission of KiwiRail (442).

- 5.72 I disagree with Mr Blackman for the reasons set out in my Section 42A report (paragraph 582). INF-P6 sets out considerations when assessing adverse effects including functional and operational needs and measures taken to minimise adverse effects. The enabling direction within policies INF-P1 to INF-P4, provides for the benefits to be considered including in a “counter-factual” assessment.

Relationship with other chapters – chapter introduction

- 5.73 I agree in part with the evidence of Ms Whitney with respect to the Introduction to the Infrastructure chapter, and the text under the heading “Relationship with other chapters”.
- 5.74 Specifically, I agree that there is remaining ambiguity with respect to the relationship between infrastructure activities and the policies of other district-wide chapters.
- 5.75 However, I disagree with the suggested additional wording recommended by Ms Whitney which states the policies of other district-wide chapters are not relevant.
- 5.76 I consider that the policies of other district-wide chapters, such as the Earthworks and Noise chapters, provide policy direction that is relevant to infrastructure activities.
- 5.77 I have recommended a further amendment to the introduction to refer to the “objectives and policies of other district wide chapters”.

Relationship with other chapters – cross references to the planned outcomes of zones

- 5.78 My Section 42A report recommended the addition of advice notes to policies INF-P7 (Upgrading and developing the transport network) and INF-P14 (Upgrading and developing infrastructure in the Active Street Frontage Overlay).

- 5.79 The evidence of Mr Scholfield for Powerco (414), seeks that INF-P14.4 is deleted (in line with the original submission of Powerco), and that the advice note is also removed.
- 5.80 I disagree with the opinion of Mr Scholfield that the inclusion of the advice note to INF-P14 is not within scope of submissions. However, I agree that INF-P14.2 provides clear direction for managing the effects of infrastructure activities on pedestrian environments where located in the Active Street Frontage Overlay. While zone chapters provide more specificity on outcomes sought within the overlay, this is not directed toward infrastructure activities.
- 5.81 Therefore, I agree with the deletion of INF-P14.4, and by consequence I also agree with the deletion of the cross-reference advice note.
- 5.82 Ms Heppelthwaite for KiwiRail (442), continues to seek the removal of INF-P7.4, which cross-references zone outcomes in relation to upgrading and developing the transport network.
- 5.83 I maintain that retaining this policy clause is appropriate as it references outcomes which may be impacted by transport infrastructure, which vary from zone to zone, and which are not otherwise captured in the Infrastructure objectives and policies.
- 5.84 Ms Heppelthwaite cites railway upgrades requiring a bridge or underpass, as an example where it would be unclear how such works achieve alignment with zone outcomes for planned character and amenity.
- 5.85 I accept that there may be instances where it will be hard to demonstrate how new infrastructure projects achieve consistency with zone outcomes. However, the chapeau of the policy includes the qualifier “as far as practicable”. The policy is also to be read in conjunction with the enabling direction of other objectives and policies of the Infrastructure chapter.

- 5.86 For the reasons above, I recommend no further changes to the cross-referencing of provisions in INF-P7.

Waste management and resource recovery facilities

- 5.87 Kaaren Rosser for Enviro NZ (323) and Angela Goodwin for Waste Management (461) continue to seek amendments to provide for waste management and resource recovery facilities (or similar) in the definition of 'infrastructure' and in the Infrastructure chapter, to better align with the NPS-I.
- 5.88 The formulation of the Infrastructure chapter is based on the RMA definition of 'infrastructure' which is adopted by the PDP. I consider there are commonalities in the types of infrastructure described in this definition. Specifically that these infrastructure types form interconnected networks which often cover wide areas traversing public and private spaces, and are often located in shared spaces (such as road corridors). As such, I consider there is a strong rationale for providing for these activities in a cohesive way in a single chapter of the district plan.
- 5.89 I consider that resource recovery and waste disposal facilities, and other facilities described in the NPS-I definition of 'additional infrastructure', are fundamentally different to the infrastructure networks provided for in the Infrastructure chapter. I do not consider it would be appropriate to retroactively insert these activities into the Infrastructure chapter which has been formulated for infrastructure networks rather than facilities.
- 5.90 The NPS-I does not require that provisions for resource recovery and waste disposal facilities be located in an Infrastructure chapter.
- 5.91 I remain of the opinion expressed in my Section 42A report, that the approach of the PDP to provide for resource recovery and waste disposal facilities in zone chapters, achieves alignment with the NPS-I.
- 5.92 The degree of alignment of the PDP with the NPS-I could be improved. However, as previously noted there are limitations in

attempting to achieve comprehensive alignment with new national policy direction, this far into a plan review.

Defence facilities

- 5.93 The evidence of Rob Owen for the New Zealand Defence Force (404), continues to seek inclusion of defence facilities within the definition of 'infrastructure'.
- 5.94 On this point, I do not consider the evidence of Mr Owen introduces new information beyond what was considered at the time of the Section 42A report. Again, I note the limitations of attempting to comprehensively reflect updated national policy direction this late in a plan review.

6.0 Protection of Infrastructure chapter and related definitions

Reverse sensitivity

- 6.1 I disagree with the evidence of Mr Blackman, which seeks that reverse sensitivity is referred to in PINF-O1. I maintain the opinion expressed in my Section 42A report (paragraph 762), that the wording of PINF-O1 (as I have recommended it be amended) is appropriate for expressing the intended outcome for protecting infrastructure.
- 6.2 I disagree with the evidence of Ms Heppelthwaite to modify PINF-P1 to include a reference to reverse sensitivity, and the evidence of Rob Owen for the NZ Defence Force (404) requesting a new policy for reverse sensitivity.
- 6.3 PINF-P1 provides clarity as to how various provisions spread throughout the plan, protect infrastructure from incompatible activities. More specific policy direction, in some cases including direction on reverse sensitivity, is included in the relevant chapter.

Regionally significant infrastructure

- 6.4 The evidence of Ms Rosser and Ms Goodwin include additional commentary to support the requests of Enviro NZ (323) and Waste Management NZ (461), to amend the definition of ‘regionally significant infrastructure’ to provide for resource recovery or waste disposal facilities, or landfills and other waste management facilities.
- 6.5 I maintain my recommendations on these submissions for the reasons set out in my Section 42A report.

Telecommunication network protections

- 6.6 My Section 42A report recommended rejecting an additional clause for the protection of telecommunication antenna, on the basis that it was not implemented by rules and standards of the PDP.
- 6.7 The evidence of Mr Anderson seeks the addition of new assessment matters to height standards in zone chapters, to implement the clause requested in their original submission.
- 6.8 I do not consider the additional amendment to be within scope of the original submission. People with an interest in the height standards in zone chapters would not have had the opportunity to review, and submit or further submit on the additional amendments requested by Mr Anderson.

Adverse effects on the National Grid

- 6.9 I do not consider the further amendment to PINF-P3, requested in the evidence of Ms Whitney, to be within the scope of submissions.

Rail corridor protection – setbacks

- 6.10 In my Section 42A report, I recommend rejecting the suite of provisions proposed by KiwiRail which would require buildings to be setback 5m from the rail corridor.

- 6.11 The evidence of Ms Heppelthwaite refers back to the submission documents to demonstrate the issue which KiwiRail seeks to address through their requested provisions. These documents were considered prior to the recommendations in my Section 42A report.
- 6.12 I remain of the view that the issue described by KiwiRail is highly conceptual. In my Section 42A report, I suggested KiwiRail provide real-world examples of the issue they are seeking to manage, either with respect to the over 25,000 properties abutting the rail corridor nation-wide, or with specific regard to the Lower Hutt context. I don't consider this is provided in the further evidence. I note that the statement of Michelle Grinlington-Hancock refers to instances of scaffolding obscuring level crossings. I don't consider this issue would be addressed by the requested relief.
- 6.13 The evidence of Ms Heppelthwaite describes the issue as not just being to prevent dropped objects, but also to reserve space for scaffolding for future maintenance of buildings. I do not consider it credible that such a width is necessary for scaffolding. I doubt that the scaffolding required for maintaining buildings is likely to be more than that required for their construction.
- 6.14 I don't consider that the evidence of Ms Heppelthwaite provides a realistic accounting for costs on property owners. While properties would still have the use of the rear setback area for uses such as outdoor space, I consider precluding the placement of buildings is a serious imposition of the use of the land. Particularly in the context of the size of urban lots in Lower Hutt and demand for intensification, a setback of 5m is a considerable constraint in how these sites can be developed.
- 6.15 The commentary of Ms Heppelthwaite with respect to alternative methods refers back to the submission evidence already considered, and does not respond to the question posed in my Section 42A report concerning alternative approaches implemented in district plans, including the efficacy of the incumbent district plan settings.

- 6.16 With regard to fencing of the rail corridor, the question raised in my Section 42A report is whether the relief sought is appropriate where extensive fencing exists. My understanding is that the provisions sought by KiwiRail for the PDP, are provisions they seek to implement nation-wide, and the 5m setback accounts for both fenced and unfenced portions of the rail corridor. So, I consider there is a question of appropriateness and proportionality of the setback provisions where extensive fencing exists.
- 6.17 I recommend no further changes to the recommendations in my Section 42A report on this subject.

Rail corridor protection – noise buffers

- 6.18 I remain of the view that no amendments are necessary to the Protection of Infrastructure chapter with respect to railway noise sensitivity, as this issue is addressed through provisions in the Noise chapter, and will be addressed through Hearing Stream #7.

Rail corridor protection – sightlines

- 6.19 I do not support further amendments to the Protection of Infrastructure chapter with respect to managing sightlines in relation to railway crossings. This is adequately addressed through Transport chapter provisions, and PINF-P1. The level of detail in the provisions are proportionate to the extent of the issue in Lower Hutt.
- 6.20 I note the evidence of Ms Heppelthwaite raises the potential of future level crossings being implemented. I consider there is a low likelihood of this occurring, and if it did there is likely to be sufficient warning and opportunity to update the district plan if necessary.

7.0 Section 32AA Evaluation

- 7.1 Additional changes I have recommended to definitions are minor in nature and will improve plan useability and implementation.

- 7.2 The change recommended to INF-P7.3(b) will also assist plan implementation, and will improve policy support for infrastructure located in the road corridor.
- 7.3 I consider the most substantial changes to be those I have recommended for natural hazard provisions in INF-P9, INF-R16 and INF-S16. The change to INF-P9 will provide clearer policy direction, and I consider the changes to the clause of the policy is more comprehensive in addressing the chapeau of the policy. I consider the revised policy is more aligned with section 6 of the RMA and the direction in the NPS-I, with respect to natural hazards. The change to INF-R16, will reduce the regulatory burden on potential future gas transmission activities and will ensure that the non-complying activity status is more targeted and effective. The change to INF-S16 will ensure there is clear direction (following deletion of INF-P9.2) for assessment of non-compliances under this standard.

Peter McDonald
Senior Policy Planner
For Hutt City Council
16 September 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

Definitions

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Term	Definition
support structure	<u>includes poles</u> and means any <u>other</u> 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.

...

Term	Definition
transmission line	has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Electricity Transmission <u>and Electric Vehicle Charging Infrastructure</u> Activities) Regulations 2009 (<u>Amended 2026</u>) 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 b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but c. does not include an electricity substation.

...

Term	Definition
transport network	means all public <u>the</u> rail <u>network</u> , 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.

INF — Infrastructure

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 <u>maintenance and</u> enhancement of the quality of life and standard of living for people and communities, 2. Providing for public the health and safety <u>and resilience of people and communities</u>, 3. Enabling businesses to function, 4. Enabling growth, <u>access</u> 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, <u>and</u> 8. <u>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.</u>	

...

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. <u>Maintains or improves</u> 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, <u>public transport</u> infrastructure, streetlighting and street trees as well as vehicles and on-street parking <u>(where appropriate), and other infrastructure,</u> 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. <u>Note:</u> <u>This policy is to be read in conjunction with objectives in the relevant zone chapters which describe the planned character and planned urban</u>	

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 the High Flood Hazard Overlays and Medium Flood Hazard Overlays do not impede the conveyancing of floodwaters or cause floodwaters to be diverted to adjacent properties, and 23. 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.	

...

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, <u>and</u> 3. Other adverse effects are avoided, remedied, or mitigated, and 4. It is consistent with the urban design outcomes for pedestrian environments and the Active Street Frontage Overlay 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. <u>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.</u>	

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

...

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