

BEFORE THE HUTT CITY COUNCIL

Proposed District Plan Hearings Panel – Stream 7 – Other topics

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 CRISTAL BENNETT

ON BEHALF OF HUTT CITY COUNCIL

Hearing Stream 7 – Other Topics (Notable Trees)

6 October 2026

1.0 Introduction

- 1.1 My name is Cristal Bennett, and I am a Senior Pou Whakamahere Kaupapa Here 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 Notable Trees.
- 1.3 I have reviewed the evidence of Tom Anderson for Chorus New Zealand Limited, Connexa Limited, Fortysouth Group LP and Spark New Zealand Trading Limited referred to as the 'Telecommunication Companies' (PDP/311).
- 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.

2.0 Qualifications, experience, and Code of Conduct

- 2.1 My qualifications and experience are set out in section 2.3 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 Notable Trees 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 Rule TREE-R3 - Activities within the root protection area or dripline of notable trees

4.1 Submission Point 311.84 of the Telecommunications Companies supported TREE-R3 (activities within the root protection area or dripline of notable trees) in part. However, the submitter sought an amendment to permit customer connection lines to be installed, subject to a specified methodology and use of a qualified arborist.

4.2 The section 42A report recommends that this point be rejected on the basis of comments on the methodology from Council's Maintenance and Renewals Manager.

4.3 In his evidence, Mr Anderson for the Telecommunication Companies considers that a customer connection in such a location should be permitted provided a specified methodology is carried out.

4.4 Mr Anderson continues to seek permitted activity status for such works through this evidence and presents a revised methodology to address the comments made from Council's Maintenance and Renewals Manager. Mr Anderson highlighted that such an approach would be in line with other recent district plans, including the Wellington, Porirua and Combined Wairarapa District Plans.

Rule TREE-R3 – Activities within the root protection area or dripline of notable trees:

1. Activity status: Permitted

Where:

- a. The activity does not create impermeable surfaces,*
- b. The activity does not involve land disturbance,*
- c. The activity does not involve the construction or addition of a structure, and*
- d. The activity does not involve the storage of material, refuse, or goods.*

X¹. Activity Status: Permitted

Where:

The activity is for a customer connection line, which achieves the following:

- a. the excavation is undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, within the root protection area; and*
- b. the surface area of a single excavation does not exceed 1m²; and*
- c. works involving root pruning are not on roots greater than 35mm in diameter at severance; and*
- d. works do not disturb more than 10 percent of the protected root zone; and*
- e. any machines used must operate on top of paved surfaces and/or ground protection measures.*
- f. works are undertaken under the direction of a Council approved qualified arborist.*

¹ In his evidence, Mr Anderson numbers his requested new rule as Rule TREE-R3.2. To avoid confusion with Rule TREE-R3.2 as notified (which is the restricted discretionary component of the rule) I refer to Mr Anderson's requested new rules as Rule TREE-R3.X.

- 4.5 Following consultation with Council's Maintenance and Renewals Manager, I support the amended wording of TREE-R3 provided by Mr Anderson (PDP/311) and consider it appropriate to meet the intent of the chapter.

5.0 Section 32AA Evaluation

- 5.1 Additional changes I have recommended to the rule are minor in nature and will improve plan useability and implementation for both Council and other plan users.
- 5.2 The recommended change to TREE-R3 will also improve policy and process support for notable tree activities within the root protection area or dripline.
- 5.3 I consider the change to TREE-R3 will provide clearer policy direction and provides the clarity when implementing sensitive dripline works of this nature.
- 5.4 The change to TREE-R3 will not increase harm to notable trees from activities within the root protection area or dripline and ensure that ongoing management is targeted and effective. TREE-R3 also ensures there is clear direction for assessment of non-compliances under this rule.

Cristal Bennett

Senior Pou Whakamahere Kaupapa Here

Hutt City Council

6 October 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

TREE-R3	Activities within the root protection area or dripline of notable trees
All Zones	1. Activity status: Permitted Where: a. The activity does not create impermeable surfaces, b. The activity does not involve land disturbance, c. The activity does not involve the construction or addition of a structure, and d. The activity does not involve the storage of material, refuse, or goods.
<u>All Zones</u>	<u>X. Activity Status: Permitted</u> <u>Where:</u> <u>The activity is for a customer connection line, which achieves the following:</u> <u>a. the excavation is undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, within the root protection area; and</u> <u>b. the surface area of a single excavation does not exceed 1m²; and</u> <u>c. works involving root pruning are not on roots greater than 35mm in diameter at severance; and</u> <u>d. works do not disturb more than 10 percent of the protected root zone; and</u> <u>e. any machines used must operate on top of paved surfaces and/or ground protection measures; and</u> <u>f. works are undertaken under the direction of a Council approved qualified arborist.</u>
All Zones	2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with TREE-R3.1. Matters of discretion are restricted to: 1. The extent to which the activity is likely to damage the tree or endanger its health.

	2. The functional need or operational need of the activity to occur within the root zone. 3. Any alternative methods available to undertake the activity.
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