



28 November 2025

Craig Innes
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Tēnā koe Craig,

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information request dated 19 November 2025, seeking a copy of the Plan Stop Exemption Application and all information provided to elected members about the process. Specifically, you requested:

“Please provide a copy of the application together with copies of all information supplied to elected members.”

Answer:

Please find attached a copy of the document titled *Hutt City Council – Plan Stop Exemption Application*. Please note that some contact details have been withheld in the attached document to protect individual privacy, in accordance with section 7(2)(a) of the LGOIMA.

The only other information provided to elected members was a short verbal update at a briefing on 3 November 2025. At that meeting, they were told the application had been submitted and Council was waiting for a response.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at: [Office of the Ombudsman – Complaints](#), or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website: [Proactive releases - Hutt City Council](#).

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'R. van der Splinter', written in a cursive style.

Rebekah van der Splinter

Senior Advisor, Official Information and Privacy



Plan Stop Exemption Application – Hutt City Council

1. Council information

Council name	Hutt City Council
Contact person	Tim Johnstone
Position	Head of Planning
Email / phone	E: tim.johnstone@huttcity.govt.nz and P: s7(2)(a)

2. Details of proposed planning instrument

Title of proposed plan or policy statement change	Proposed Lower Hutt District Plan (Proposed District Plan)
Title of relevant planning instrument (plan or policy statement being amended)	City of Lower Hutt District Plan (Operative District Plan)
Link to relevant planning instrument (or attach a copy to the application form)	City of Lower Hutt Operative District Plan (e-plan)
Link to proposed plan or policy statement change (or attach a copy to the application form), if applicable	Proposed Lower Hutt District Plan (e-plan)
Stage of process (e.g., council approved, pre-notification, notified, submissions received, etc.)	Submissions and further submissions on the Proposed District Plan have closed. A panel of independent commissioners has been appointed to hear submissions, and hearings were expected to begin September 2025.
Date of notification, if applicable	6 February 2025

3. Brief description of the proposed plan or policy statement change and its scope

The Proposed District Plan was notified on 6 February 2025. This represents the first full review of the Lower Hutt District Plan in over 20 years.

The Proposed District Plan is well-progressed, with significant time and money already being invested in the process by Council, the community and stakeholders, including people who have taken the time to get involved in the process and make submissions.

The Operative District Plan was made fully operative in 2004 and has since been updated as needed via a rolling review. There has been a total of 50 plan changes¹.

While the rolling review process has addressed some deficiencies, there are outstanding deficiencies that the Proposed District Plan review sought to resolve.

In 2019 the Council resolved to undertake a full District Plan review in order to:

- Comply with the RMA which requires a review of district plan provisions within 10 years of the provisions being operative. The rolling review had allowed some provisions to be reviewed, but not for others, resulting in deficiencies.
- The Operative District Plan was outdated and needed to give effect to higher order documents, such as the Regional Policy Statement and National Policy Statements.
- The Operative District Plan did not conform with the structure and format set by National Planning Standards (gazetted 2019).
- A comprehensive full District Plan review process provides opportunities to reflect and give effect to strategic goals and aspirations of the Lower Hutt community.

Over the last six years Council has undertaken significant work to inform its District Plan review process, including:

- Reviewing the efficiency and effectiveness of the Operative District Plan.
- Engagement with Mana Whenua.
- Engagement with the community and stakeholders, including targeted engagement on specific topics (e.g. business groups on enabling development and land uses) and community wide engagement through a non-statutory 'draft' District Plan.
- Expert technical assessments to inform evaluations and provide robust evidence base.

The District Plan review process would be further advanced (and possibly complete) if Hutt City Council had not been delayed by the Government's directions in 2021 that required tier one councils to implement the intensification policies in the National Policy Statement on Urban Development and to introduce the new Medium Density Residential Standards to their district plans. Hutt City Council was one of the first councils in New Zealand, and the first city council, to implement these requirements through Plan Change 56, which came into effect in 2023.

For more details on the District Plan review process, community engagement and technical advice and reasons for the proposed changes please refer to the Council's website for all s32 reports and technical advice: <https://www.huttcity.govt.nz/council/district-plan/district-plan-review/section-32-evaluation-reports-and-technical-assessments>

The output from the review is a full replacement Proposed District Plan.

¹ <https://www.huttcity.govt.nz/council/district-plan/district-plan-changes/completed>

The Proposed District Plan contains the following key changes:

- Alignment of the Zones with the National Planning Standards.
- Applying the Zones to existing and new centres and development areas to provide greater development opportunities and economic growth.
- Enabling and protecting industrial areas for industrial and business activities, support economic development and employment opportunities.
- Better managing development, subdivision and land use activities in areas subject to significant natural hazard risks (tsunami, coastal flooding, river and rainfall flooding, major fault lines).
- New and updated designations for infrastructure.
- The Proposed District Plan also enables greater levels of housing developments in addition to the recent plan changes 56² and 58³. The Proposed District Plan provides for increased housing opportunities in the Large Lot Residential, Rural Lifestyle and General Rural Zones. In addition, through submissions on the Proposed District Plan, developers and property owners have requested rezoning of land and provisions for further intensification.

Scope of proposed Plan Stop exemption

The Council is seeking a Plan Stop exemption through this application for all chapters and provisions in the Proposed District Plan, except for the following chapters and provisions which are proposed to be withdrawn from the Proposed District Plan:

Historical and Cultural Values chapters, schedules and overlays:

- Historical Heritage
- Sites and Areas of Significance to Māori

Natural Environment Values chapters, schedules and overlays:

- Ecosystems and Indigenous Biodiversity
- Natural Character
- Natural Features and Landscapes
- Public Access

- Non-hazard parts of the Coastal Environment chapter and associated schedules and overlays (relating to coastal natural character)
- Parts relating to Highly Productive Land

In addition, parts of other chapters that address historical heritage, sites of significance to Māori, ecosystems and indigenous biodiversity, natural character of coastal and riparian margins, natural features and landscapes, public access, coastal natural character areas and highly productive land would also be withdrawn.

² <https://www.huttcity.govt.nz/council/district-plan/district-plan-changes/completed/implementing-government-requirements-for-housing-intensification>

³ <https://www.huttcity.govt.nz/council/district-plan/district-plan-changes/completed/proposed-private-district-plan-change-58>

The provisions of the current Operative District Plan that address these matters would be retained and continue to have effect alongside the Proposed District Plan (effectively retaining the existing District Plan approach for these matters while introducing the new approach of the Proposed District Plan for all other matters).

The above parts that are proposed to be withdrawn reflect the direction of the Government's Resource Management Reforms in terms of removing and reducing regulation relating to the protection of aspects of the environment on private property (such as regulation of cultural, heritage and natural values). Those topics will be revisited following that legislative reform.

The remaining parts of the Proposed District Plan proposed for exemption through this application are well aligned with many Government priorities relating to providing for urban growth and development and a wide range of land uses throughout Hutt City along with the associated infrastructure needs.

A full withdrawal of the Proposed District Plan would mean the wide-ranging planning improvements that would be introduced (as well as through amendments requested by submitters) would either not take place or would be delayed a number of years until a future planning process following legislative reform.

An exemption approval from the Minister should allow discretion for Council and the hearing panel for the Proposed District Plan to make a variety of consequential changes to the Proposed Plan to ensure that there is a coherent planning framework in place as a result of those parts of the Proposed District Plan to be withdrawn as noted above.

4. Grounds for exemption request

Section 80W lists the criteria the minister may consider for granting an exemption. Select any that apply and explain how the plan or policy statement change will meet the criteria.

The relevant criteria for this exemption are:

- (b) rectify any provisions in a plan or policy statement that have had unintended consequences, are unworkable, or have led to inefficient outcomes.
- (d) better enable climate change to be managed.
- (h) enable work to be progressed that, for any other reason, the minister considers appropriate.

Criteria (b) rectify any provisions in a plan or policy statement that have had unintended consequences, are unworkable, or have led to inefficient outcomes

The Proposed District Plan has been prepared as a fully integrated and comprehensive planning document to replace the Operative District Plan.

The Operative District Plan, particularly the Zone chapters (called Activity Areas) and District-Wide chapters (e.g. noise, hazardous facilities, earthworks) have not been reviewed since they were first developed in the 1990s. For example, the hazardous facilities chapter was developed prior to many of the hazardous substances regulations being developed under the Hazardous Substances and New Organisms Act 1996 and Health and Safety at Work Act 2015. Other examples include the noise and transport provisions referring to superseded and out-of-date New Zealand Standards which are no longer in effect. Cumulatively, the zone and district-wide chapters are out-of-date and impose unnecessary, impractical or overly prescriptive controls.

The Proposed District Plan contains new provisions that are simpler, are consistent with other recent District Plans in the Wellington region providing for efficiencies, and enable more efficient use of land.

Refer to the Section 32 Reports for the zone and district-wide chapters for further details on the inefficient outcomes and provisions proposed to be replaced.

Criteria (d) better enable climate change to be managed

The Proposed District Plan contains new or amended natural hazard provisions that better manage the impacts of climate change, such as flooding, coastal erosion and inundation.

The natural hazard provisions in the Proposed District Plan are automatically exempt under Section 80U(2)(f) of the RMA. In addition to the natural hazard provisions, the following chapters and provisions (generally) enable climate change to be better managed:

- Zoning patterns that encourage development to be located in areas where a greater proportion of trips can be made through public and active transport modes.
- New provisions to enable hazard mitigation works and green infrastructure.
- A new Three Waters chapter with requirements for hydraulic neutrality and water-sensitive urban design in new developments.
- New provisions to provide for and encourage active transport modes.
- Provisions to enable new renewable electricity generation activities.

Criteria (h) enable work to be progressed that, for any other reason, the minister considers appropriate.

As detailed further below in this application, the Proposed District Plan aligns with many government priorities. These priorities include:

- **Accelerating housing supply and providing for intensification:** The Zone chapters, particularly the Residential, Commercial and Rural Zones provide increased opportunities and development capacity for housing, including intensification of existing urban areas around existing and planned transport and infrastructure upgrades. Specific provision is also made for papakainga development throughout the city. The Proposed District Plan provides for long term development capacity, with a realisable capacity of more than 17,000 dwellings. This aligns with the Government's Going for Housing Growth priority.
- **Supporting businesses, economic growth and employment opportunities:** The Proposed District Plan contains a new zoning framework for business land which supports a wide range of land use (business) activities. It removes unnecessary controls and requirements that are in the Operative District Plan as they are no longer considered necessary. The Proposed District Plan also contains provisions which protect businesses and industries from new sensitive activities establishing nearby which could constrain the operation or expansion of these businesses or industries in the future.
- **Enabling infrastructure development:** The District-Wide chapters, particularly the Infrastructure, Transport, Three Waters and Renewable Electricity Generation chapters enable and support the development of a wide range of infrastructure. This includes enabling upgrades and expansion of existing infrastructure, as well as the establishment of new infrastructure. The Proposed District Plan also contains new Special Purpose Zones that provide for and support specific types of infrastructure or infrastructure related activities. These include the Hospital Zone, Quarry Zone, Seaview Marina Zone and Tertiary Education Zone. These zones apply to well-established facilities and infrastructure and provide for their ongoing use, development and expansion.
- **Enabling infrastructure development (Designations):** As part of the Proposed District Plan process, Council is obliged to notify Requiring Authorities and confirm whether they seek to rollover or modify existing designations, and whether they seek any new designations. Designations authorise, enable and protect infrastructure development. Council has received rollover notices or modifications for existing designations, as well as notices for new designations from Greater Wellington Regional Council, Ministry of Education and Hutt City Council / Wellington Water Limited. New designations are sought for flood protection works, three-water-waters infrastructure (wastewater pump stations, water supply reservoirs) and schools. An exemption would enable these designations and notices to continue through the Proposed District Plan process which would support and enable infrastructure development.

- **Alignment with recent National Direction:** The Zone and District-Wide chapters align with recent National Policy Statements (NPSs) and National Environmental Standards (NESs). They remove duplication and conflict between the NESs and the Operative District Plan, and implement NPS policy direction. For example, the Proposed District Plan does not duplicate provisions from the recent amendments to the National Environmental Standard for Telecommunication Facilities for roadside cabinets and poles. The Proposed District Plan also implements policy direction in the NPS for Renewable Electricity Generation which would contribute towards the government's goal of 90% renewable electricity generation by 2025 and has an aspirational goal of reaching 100% renewable electricity by 2030.
- **Realise existing investment by Council, submitters and community in Proposed District Plan process:** Continuing with the Proposed District Plan process enables the existing investment in time and costs to be realised. The Council has committed significant time and costs to the Proposed District Plan over the last few years, and an exemption would enable the benefits from this process to be realised (see discussion on benefits further below). Also, submitters on the Proposed District Plan have invested time and costs in preparing submissions to seek particular outcomes. For example, requests to rezone land to further increase development capacity. An exemption would enable consideration of these submissions and the aspirations from submitters to be realised.

5. Timing and urgency

Explain any time-critical need to proceed with the plan change before the transition under the RMA reform process.

The Operative District Plan has been updated on a rolling review basis, since 2004, which has left some provisions untouched and outdated.

The Proposed District Plan is well-progressed, with significant time and money already being invested in the process by Council, the community and stakeholders, including people who have taken the time to get involved in the process and make submissions.

The Proposed District Plan contains numerous and wide-ranging improvements to the planning framework for Lower Hutt. The sooner this planning framework takes effect, the sooner these improvements and associated benefits will be realised.

A withdrawal of the Proposed District Plan would mean the planning improvements that would be introduced through the Proposed District Plan (as well as through amendments requested by submitters) would either not take place or would be delayed until a future planning process.

The Proposed District Plan is at advanced stage. Substantial foundation work and the submission process for the Proposed District Plan is complete. The community and stakeholders have been invested in this process since 2023. If the exemption application is granted the Council would be in a position to have decisions on submissions notified by early 2027.

Completing the statutory process for the Proposed District Plan can be done in a timely manner and without compromising Council's ability to effectively plan for and work towards the transition to the new planning system.

Council could have chosen to proceed with only those provisions in the Proposed District Plan that have an automatic exemption – i.e. the natural hazard provisions. However, Council considers only proceeding with the natural hazard provisions is a poor planning approach as these provisions have been developed as part of a fully integrated package in the Proposed District Plan. If Council was to proceed with only the natural hazard provisions, the most efficient and effective approach would be to withdraw the full Proposed District Plan and notify a plan change to the Operative District Plan solely relating to natural hazards. This alternative approach adds time and costs, requires another submission and further submission process, and does not achieve the overall benefits of proceeding with this exemption as set out in this application.

6. Alignment with Government priorities

Explain how the proposed plan supports national direction, legislative intent or critical local needs.

The Proposed District Plan supports and aligns with numerous government priorities:

- 1. Consistency with national direction:** The Proposed District Plan gives effect to the current series of National Policy Statements and is consistent with and does not duplicate National Environmental Standards. The Proposed District Plan fully implements the National Planning Standards achieving consistency with all other District Plans in the Wellington region and nationwide. It increases development capacity for housing and business growth, and enables the delivery of necessary infrastructure, including increased generation of renewable electricity. It also safeguards the environment and human health (e.g. better manages risks associated with hazardous facilities), reduces risks from natural hazards and the effects of climate change (e.g. adopts latest flood modelling). It is also aligned with recent Government priorities, such as Going for Housing Growth, by providing for increased housing supply and making efficient use of infrastructure. The exemption application excludes the parts of the Proposed District Plan that the government has indicated will not be the responsibility of City/District Councils in the RMA reform i.e. historic heritage. Noting all of the above, this exemption application is well aligned with current national direction and Government priorities and the overall objectives for the RMA reforms.
- 2. Intent of the Legislation:** The intent of the plan stop is to ensure that local authorities do not expend resources unnecessarily between now and when the new RMA replacement legislation comes into force. As outlined earlier in this application, Hutt City Council has carefully considered and only selected those parts of the Proposed District Plan to proceed with that would make a material difference to realising the benefits of the new planning framework that has been signalled by the Government. This considered approach minimises costs and saves time with completing the Proposed District Plan process. It also enables the Council to be in a position to quickly and efficiently implement the new planning regime once the new legislation is in force.
- 3. Local Needs:** The Council has worked with the local community, including businesses, residents, iwi and government agencies in reviewing the District Plan and preparing the Proposed District Plan. Through the submission process the community has highlighted further ways the Proposed District Plan can address local needs. This could be site-specific responses (e.g. rezoning requests) or addressing city-wide issues (e.g. affordable housing). The Council considers completing the Proposed District Plan process would enable these local needs to be further met.

7. Consequences of not proceeding

Describe the risks or impacts if the exemption is not granted (such as housing shortfalls, hazard exposure or legal obligations).

The community, stakeholders and mana whenua have been actively consulted and engaged throughout the Proposed District Plan process, with over 500 submissions and further submission made.

If the Proposed District Plan does not proceed, those who have participated, particularly those who have made a submission and invested in expert technical advice, will have incurred costs without seeing anticipated outcomes. This could lead to frustration and disappointment among stakeholders and may damage trust in the Council's commitment to collaborative planning and transparent decision-making. The effort, time and resource already expended on this significant District Plan review process would be lost.

Withdrawing the Proposed District Plan would mean some submitters would no longer have the opportunity to seek the outcomes they would like to achieve through their submissions (or would have these delayed until a future planning process). This would have a large impact on development in the District.

Developers may need to lodge private plan change requests, which are costly and time-consuming. They would also be subject to the process of consultation including submissions and further submissions, which has already occurred under this process. In the face of new legislation expected in mid-2026, it provides uncertainty, and this will result in development halting across the district while the industry waits for this to be resolved at a national level.

Infrastructure providers would need to lodge notices of requirement separately, rather than benefiting from integrated designation process as part of the Proposed District Plan.

Continuation of the Operative District Plan for a longer period with its inefficient and ineffective provisions will add unnecessary time, costs and uncertainty for land and housing development and businesses.

Failure to proceed with the Proposed District Plan means that these identified deficiencies will not be resolved, leading to ongoing poor planning outcomes. For example, the risks from natural hazards are not currently being fully and effectively managed.

The many planning improvements included in the Proposed District Plan, such as increased housing capacity, better infrastructure provisions, and improved management of natural hazards, and climate change impacts would be significantly delayed from having effect.

8. Benefits of proceeding

Describe the benefits (if any) of proceeding with the exemption.

The progression of the identified parts of the Proposed District Plan for exemption would allow Lower Hutt to enable and achieve improved planning outcomes. The Proposed District Plan chapters would introduce provisions that support increased housing capacity, a broader range of land uses, enhance industrial development capacity, including protection for hazardous facilities, provide for new infrastructure and community facilities through updated designations, and improve management of natural hazards and climate change impacts.

The inefficiencies of the Operative District Plan have been identified, and the solutions to these have been proposed through the Proposed District Plan. There are key issues that need to be resolved now. There are clear and wide-ranging benefits with proceeding with the identified parts of the Proposed District Plan including:

- Increased housing supply and opportunities for development, including those sought through submissions.
- Greater development opportunities that support businesses, economic growth and employment opportunities.
- Reduced consent requirements and removing unnecessary and restrictive requirements for developments.
- Reduced uncertainty and delays for developers and infrastructure providers.
- Enabling infrastructure providers to utilise the designation process as part of the Proposed District Plan process, saving time and costs.
- Better management of risks from natural hazards, reducing harm to people, property and the environment.
- Respecting and supporting the community and stakeholders who have invested time and resources into the process to date.

9. Supporting documents

Include any relevant maps, reports, legal advice or community engagement summaries. It would be helpful to understand if any stakeholder consultation, including tangata whenua engagement, has occurred on the proposal. If available, you may wish to supply a s32 report.

Links to publicly available supporting information:

[District Plan Review webpage](#). Includes links to background information, Proposed District Plan, designation rollover notices and Notices of Requirements, and submissions received.


Evaluation Reports and Technical Assessments: [Section 32 Evaluation Reports and Technical Assessments](#)

10. Outcome requested

- Full exemption to continue or notify the proposed plan or policy statement change
- Partial exemption (specify portions, sections or purposes excluded from the national moratorium)
- Other (for example, some local authorities may need permission to vary the plan change as it progresses)

11. Declaration

I declare that the information provided in this application is accurate and complete.

Name	Tim Johnstone
Position	Head of Planning
Local authority	Hutt City Council
Signature	s7(2)(a) 
Date	10 October 2025