IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Submissions and Further Submissions on the Proposed Hutt City District Plan

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Minute 22

Proposed District Plan – Hearing Stream 7: Other Topics – Directions and requests for expert conferencing, information, and technical discussions

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29 October 2026

Introduction

1. The Hutt City Council (HCC) Proposed District Plan (PDP) Hearings for Hearing Stream 7 – Other Topics commenced on Wednesday, 14 October 2026. Proceedings continued through Thursday, 15 and Friday, 16 October and are now adjourned pending receipt of further information from various parties.

2. The purpose of this minute is to set out the specific directions and information we requested during the hearing proceedings and the timetables for receiving that information.

Provision of information to the Panel from submitters

3. Over the course of the hearing, we requested information from several submitters, who agreed to provide the requested information.

KiwiRail

4. On behalf of KiwiRail Ms Dibley provided a copy of the consent order referred to within her legal submissions that relates to the 'vibration alert layer', sought in the KiwiRail submission.

5. Further when speaking to his evidence, Dr Chiles on behalf of KiwiRail referred to a joint witness statement concerning the Wellington City District Plan that addressed the pros and cons of the external noise standard as contained in the notified Proposed District Plan versus those of the internal noise standard sought by KiwiRail. In addition Dr Chiles also offered to provide a copy of Christchurch City Council report that provided an analysis of the uptake by developers of the two methods that were, as we understand it, both contained within the Christchurch City District Plan. Both of these documents have subsequently been provided.

6. There are two additional matters the Panel invites Dr Chiles to provide his view on, arising from the circulation of the Initial Reply Memorandum from Mr Davis and Mr Hunt.[1] Namely:

    (a) at section 3.0 of the memorandum, Mr Davis notes that the PDP includes a second compliance pathway for acoustic performance standards involving the use of a standardised construction schedule – this option has not been addressed by Dr Chiles, and the Panel would appreciate his view on the merits (or otherwise) of

[1] https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/667f6e00220113974d4e9ce25561d5fef5cc

that option being retained, whether in combination with the internal sound level approach or standardised level difference approach; and

(b) at section 4.0 of the memorandum, Mr Hunt refers to various New Zealand and international noise standards. Further Dr Chiles is requested to address those matters to assist the Panel.

7. It would be appreciated if Dr Chiles could provide his response on the above matters within two weeks of the date of this minute.

8. When speaking to her evidence, Ms Heppelthwaite on behalf of KiwiRail referred to the submitter's request that standards NOISE-S5 and S6 be amended to require the maintenance of noise screening in perpetuity. This is a point of difference between Ms Heppelthwaite and Mr Davis's evidence. Ms Heppelthwaite referred to potential amendments to clause 1(c) of both standards and advised that she would provide her requested amendments to achieve this to the Panel.

9. Ms Heppelthwaite also confirmed that the requested wording of NOISE-S5 as contained within her evidence would require noise mitigating design within the requested 'vibration alert layer', and that this is not consistent with the requested purpose of the layer. Ms Heppelthwaite offered to correct this and to provide us with an updated version.

10. We request Ms Heppelthwaite provides her requested wording to NOISE-S5 and S6 to achieve noise screening in perpetuity, and the corrected version of the requested standard NOISE-S5.

11. Ms Heppelthwaite offered to provide us with an evaluation under section 32AA of the Act that compares the notified PDP approach against the approach sought by KiwiRail, and to include information that is not contained within the section 32AA evaluation attached to her evidence including but not necessarily limited to the following matters:

    (a) The number of properties that would be affected by the requested 100m wide noise corridor for the Wairarapa Line, relative to the narrower 40m outer boundary of the overlay preferred by the Council experts;

    (b) The theoretical costs to development;

    (c) An evaluation of the costs and benefits that are specific within the Hutt City context as opposed to a nationwide context;

    (d) An evaluation of each method against the relevant objectives and policies; and

(e) Consideration of the standardised construction method noted by Mr Davis in the Initial Reply Memorandum,[2] and whether it should be retained or not in conjunction with KiwiRail's preferred internal sound level approach.

12. We request Ms Heppelthwaite provides the section 32AA evaluation and the revised standard within two weeks of the date of this minute.

Chorus New Zealand Limited, Connexa Limited, Fortysouth Group LP and Spark New Zealand Trading Limited

13. In response to a question regarding Mr Anderson's requested changes to clause 2 of standard SUB-S8 that would include a requirement for an applicant to include a telecommunication operator response, Mr Anderson agreed to review the requested changes to confirm whether non-compliance with the requested clause might lead to the need for a resource consent in a manner that was not originally intended.

14. We request Mr Anderson to provide confirmation of his requested changes to SUB-S8, after having considered the above within two weeks of the date of this minute.

Te Karearea Ltd and Rosco Ice Cream Ltd

15. In response to a question, Mr Gibson confirmed that in preparing his requested modifications to standard NOISE-R5 and the proposed new 'Rule RX' for construction activities that result in vibration, as shown at page 6 of his evidence,[3] he did not consider the implications of the definition of 'construction activities'. We accordingly invite Mr Gibson to consider this and provide any update to his requested provisions. This is to be provided within two weeks of the date of this minute.

Joint Memorandum

Survey and Spatial NZ, Tiaki Wai and reporting officers

16. We request Mr Gibson, Mr Wesney, Ms Bennett and Mr Blackman to prepare a brief joint memorandum on the necessity and appropriateness for the subdivision rules and standards to refer to the potential new Appendix that would replace references to the Regional Standard for Water Services 2021. We consider it would be most efficient for the parties to consider the outcome of the expert conferencing on this matter directed on

[2] https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/667f6e00220113974d4e9ce25561d5fef5cc

[3] https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/f910d9ca1958e01343bcbb9fec704fe60b94

Hearing Stream 6 – Infrastructure in as much as they relate to subdivision rules and standards. The topic of that expert conferencing was to consider a request to replace references to the Regional Standard for Water Services 2021 with a bespoke technical appendix.

17. Mr Gibson, Mr Wesney, Ms Bennett, and Mr Blackman are to provide their joint memo, accompanied by any agreed amendments to the subdivision provisions to the Hearings Administrator within two weeks of the date of this minute.

Winstone Aggregates Ltd

18. Mr Exeter is requested to consider the difference between the noise measuring points for the Quarry Zone under the Operative District Plan provisions and consider any implications arising from the proposed changes to the noise measuring points under the Proposed District Plan, particularly with respect to the 1 decibel effective difference.

19. We also request that Mr Exeter reviews section 5.0 of the joint memorandum provided by Mr Hunt and Mr Davis and to provide any comments on this matter within two weeks of the date of this minute.

Potential future expert conferencing on noise

20. As set out within this minute, over the course of the hearing we requested further information relevant to noise provisions that manage transportation noise effects associated with the rail corridor and the State Highway. In addition, we granted Mr Hunt leave to provide further information on noise matters after having heard from KiwiRail's noise expert Dr Chiles. This was to provide information to us that Mr Hunt considered was important for the Panel to be aware of prior to directing any expert conferencing on noise matters.

21. We have also requested Dr Chiles and Mr Exeter to provide a response to specific matters contained within the Initial Reply Memorandum provided by Mr Davis and Mr Hunt.

22. Upon consideration of all the noise related information that has been provided following the hearing and in response to this minute, the Panel will issue a separate minute setting out what, if any, expert conferencing is required on noise and the associated planning matters.

Questions for s42A Author for the Signs chapter

Mr Bellamy

23. In addition to any other matters Mr Bellamy would like to address within his right of reply,

the Panel would appreciate his advice on the following matters:

(a) We request Mr Bellamy to reflect upon his recommended amendments to signage standard SIGN-S6 to reduce the display timeframe to no more than 7 days prior to an event. This would include consideration of whether there may be alternative drafting approaches that would address the concerns of Waka Kotahi while also not requiring temporary signage (such as that erected by community purpose events) to apply for resource consent if proposing to advertise events beyond the 7 day timeframe.

(b) In preparing his response to the Panel, we request Mr Bellamy to consider this matter through the lens of section 32AA, and to include his findings and any updated recommendations.

(c) We request Mr Bellamy provides this, along with any other matters he wishes to provide with his written right of reply within two weeks of the date of this minute.

Questions for s42A Author for the Earthworks chapter

Ms Nichol

24. In addition to any other matters Ms Nichol would like to address within her right of reply, the Panel would appreciate her advice on the following matters:

(a) We request Ms Nichol to consider the recently settled RPS Change 1 natural hazard provisions, and to provide her advice on whether any amendments to the earthworks provisions should be made to bring the provisions closer to alignment with the RPS and the NPS-NH, particularly with regard to the proportionate management of risk. We record that Ms Nichol's consideration of this matter would be best informed by the outcomes of the conferencing we directed on the Natural Hazards chapter[4], and in doing so should liaise with Mr Davis to ensure consistency. We reiterate that this exercise must be carried out alongside the consideration of any scope provided by submissions.

(b) We request Ms Nichol to reflect upon her recommended amendments to rule EW-R6[5] to consider whether the amendments could result in unanticipated adverse natural hazard effects that may be contrary to objectives, such as:

[4] See the 'Active language & higher-level direction – 'the matrix'' heading within Minute 15: https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/aff19d2c1516cacd4261bdc4c1a9b3cd1193

[5] As set out at paragraph 263 of the s42A report: https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/689c454318327ae343bab40df37463d63dbf

(i) the temporary diversion of Medium or High Flood Hazard Overlay flood water onto adjacent sites; and

(ii) how the time period between the start of the earthworks and the completion of the earthworks would account for potential temporary adverse flood effects, considering that the beginning and end time periods for earthworks are not specified.

(c) We request Ms Nichol to review rules EW-R5 and EW-R3 to confirm whether her recommended changes in the section 42A report may introduce a consistency issue between these rules for earthworks associated with maintaining or constructing public walking and cycling tracks.

25. We request that Ms Nichol provides her response to these matters within two weeks of the date of this minute.

Questions for the s42A author for Financial Contributions & Subdivision chapters

Mr Wesney

26. We request Mr Wesney review the heading of table FC-Table 2 (Financial Contribution Amount and Nature for Reserves) to consider whether the term 'nature' could be clarified.

27. We request Mr Wesney to consider the JWS on natural hazards to confirm whether there is any need to consequential changes to the natural hazard provisions within the subdivision chapter within scope afforded by submissions.

28. We request Mr Wesney provides his response to these matters, and any other matters he wishes to address as part of his written right of reply, within two weeks of the date of this minute.

Questions for the s42A author for Notable Trees

Ms Bennett

29. We request Ms Bennett considers the additional information provided by Mr Phillips following the hearing on the additional trees he is requesting be added to the notable tree register[6], and to provide her advice on whether they should be added.

30. We request Ms Bennett provides a response to these matters, and any other matters she wishes to address as part of the written right of reply within two weeks of the date of this

6 https://hccpublicdocs.azurewebsites.net/api/download/d8937615b4d04c4eabe99da68ac79ed3/_dplanreview/c12b1f10221704124a47ad41821280f3d766

minute.

Written right of replies

31. As a result of the outstanding noise matters and the potential we will direct expert conferencing on noise and the associated planning matters, the Panel will issue a future minute setting out the timeframe for Mr Davis's written right of reply. As part of his written reply, we request that Mr Davis provide his opinion on the section 32AA evaluation we have requested above from Ms Heppelthwaite regarding the requested 100m noise overlay.

32. All other s42A report authors are to provide their written right of reply, including the specifically requested matters within this Minute and any other matters they wish to include, by the timeframes specified for those matters above.

33. The remining s42A report authors who are not required to provide any specific information or responses within this minute are to provide any written right of replies to the Hearings Administrator within two weeks of the date of this minute. For the avoidance of doubt the relevant topics are:

    (a) Activities on the Surface of Water;

    (b) Light;

    (c) Papakāinga;

    (d) Temporary Activities; and

    (e) Wind.

From here

34. Should the timing be problematical or if there any other procedural questions arising from this Minute, please address those to us through the Hearings Administrator, Ms Shetty Saritha.Shetty@huttcity.govt.nz with an office phone number of **04 560 1039** in the first instance.



Lindsay Daysh

Independent Commissioner

Chair Hutt City Proposed District Plan Hearing Panel

29 October 2026