

**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Hutt City Council Proposed
District Plan

STATEMENT OF REBUTTAL EVIDENCE OF HAMISH WESNEY

ON BEHALF OF HUTT CITY COUNCIL

TOPIC – SUBDIVISION

Planner

6 October 2026

1.0 INTRODUCTION

- 1.1 My name is Hamish Wesney, and I am a Partner and Planner at Boffa Miskell Limited.
- 1.2 This rebuttal evidence relates to the topic of **subdivision**.
- 1.3 I have reviewed the evidence of:
 - 1.3.1 Kaaren Rosser for Enviro NZ (323) (Planning);
 - 1.3.2 David Gibson for Survey and Spatial New Zealand, Wellington Branch (466) (Planning); and
 - 1.3.3 Tom Anderson for Connexa, Chorus, FortySouth, and Spark (Telecom Companies) (311) (Planning).
- 1.4 This rebuttal evidence responds only to the pre-circulated written evidence received from submitters prior to the hearing. Other submitters may present oral evidence or further details at the hearing, which may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence. 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 paragraphs 5 - 7 of my Section 42A Report¹. I repeat the confirmation provided in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

¹ [Hearing Stream #7 - Other topics | Hutt City Council](#)

3.0 CONFLICTS OF INTEREST

- 3.1 For completeness, I note that another planner at Boffa Miskell has provided planning advice to Transpower New Zealand Limited (Transpower) during the Proposed District Plan process.
- 3.2 To manage any actual or perceived conflict of interest, responsibility for addressing all provisions with submission points from Transpower's submission and evidence on the Financial Contributions and Subdivision Chapters has been allocated to Mr Nathan Geard. Accordingly, those matters are addressed separately in Mr Geard's evidence and are not considered further in this evidence.
- 3.3 I was also the reporting officer for the Financial Contributions Chapter. No submitter expert evidence has been received on the submission points that I evaluated; the only expert evidence relating to that chapter concerns Transpower matters evaluated by Mr Geard and is addressed separately in his evidence.

4.0 RESPONSES TO EXPERT EVIDENCE

- 4.1 This section responds to submitter evidence in relation to the provisions in the Subdivision Chapter. 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 ~~striketrough~~ and further amendments recommended in this rebuttal evidence are shown in blue underline or ~~striketrough~~.

Inclusion of 'Additional Infrastructure' in SUB-O3

SUB-O3 Servicing of Allotments

- 4.2 Enviro NZ (323.38) supports SUB-O3 in part and requests the following amendment:

Development enabled through subdivision is adequately serviced

and supported by infrastructure (including additional infrastructure) and the transport network.

- 4.3 In my Section 42A Report, I acknowledged submission point 323.38 by Enviro NZ seeking the inclusion of “additional infrastructure”. The submitter noted that the National Policy Statement on Urban Development (NPS-UD) defines additional infrastructure to include community infrastructure and other infrastructure necessary to support a well-functioning urban environment. I do not support the amendment.
- 4.4 As set out in my Section 42A Report, Objective SUB-O3 is a high-level objective that seeks to ensure that development enabled through subdivision is adequately serviced and supported by infrastructure and the transport network. I consider the amendment is unnecessary because the objective is focused on the servicing of allotments rather than the broader concept of a well-functioning urban environment. To the extent that community infrastructure and other components of a well-functioning urban environment are relevant to subdivision outcomes, these matters are already addressed through the wider PDP framework, including SUB-O1.
- 4.5 The addition of “additional infrastructure” would not materially alter the outcomes sought by SUB-O3 and is therefore unnecessary. Accordingly, I recommended that the request (323.38) by Enviro NZ to insert ‘additional infrastructure’ to SUB-O3 be rejected in my Section 42A Report.
- 4.6 Ms Rosser’s evidence² raises the following concerns:
- a. that omitting “additional infrastructure” from SUB-O3 fails to give appropriate effect to the NPS-UD;
 - b. that relying on a high-level objective, such as SUB-O1, creates a disconnect for processing planners when assessing intensive or large-scale subdivisions; and

² Statement of Evidence of K Rosser, paras 6.1 - 6.6

- c. that if the objective were intended to only govern pipes and wires, the phrase “and supported by” would be entirely redundant.

- 4.7 Having considered Ms Rosser’s evidence, I maintain my view that the requested amendment is unnecessary. I do not consider clause 3.5(1) of the NPS-UD requires SUB-O3 itself to expressly refer to “additional infrastructure”. SUB-O3 forms part of an integrated PDP framework and is not the sole provision addressing the relationship between subdivision, development and infrastructure.
- 4.8 As set out in my Section 42A Report, the Subdivision Chapter operates alongside the Infrastructure, Three Waters and Transport chapters. Within the Subdivision Chapter, SUB-P7 provides more detailed direction, including requirements for sufficient infrastructure capacity to accommodate development in accordance with the planned purpose of the zone and, where new or upgraded infrastructure is required, future development and densities anticipated by the underlying zone. These requirements are implemented through the subdivision rules and servicing standards. For example, SUB-R4 requires compliance with SUB-S2 to SUB-S8 and expressly identifies SUB-P7 as a matter of control or discretion. The wider PDP provides further infrastructure-specific direction where relevant.
- 4.9 I also do not agree that the words “supported by” in SUB-O3 are redundant. In my view, they recognise that infrastructure must not only service an allotment, but have sufficient capacity and functionality to support the development enabled through subdivision. This is reflected in SUB-P7.2 and SUB-P7.3.
- 4.10 Accordingly, I consider that expressly referring to “additional infrastructure” would unnecessarily broaden SUB-O3 beyond its subdivision servicing function. The existing objective, read together with SUB-P7, the subdivision servicing standards and the wider PDP framework, appropriately addresses infrastructure requirements associated with subdivision. I therefore maintain my recommendation that submission point 323.38 be rejected.

Additional clause to SUB-P7 relating to accommodating solid waste management collection

SUB-P7 Servicing and access

- 4.11 Enviro NZ (323.39) supports Policy SUB-P7 in part and requests an amendment to the policy, as shown below:

Require all allotments created by any subdivision to be adequately serviced as follows:

...

4. Require new roads and new vehicle access to sites to meet minimum design standards to:

...

d. Accommodate solid waste management collection.

- 4.12 As set out in my Section 42A Report, I do not support this amendment. SUB-P7.4 is directed at the design and functional performance of roads and vehicle accessways. While waste collection vehicles are users of the transport network, specific servicing requirements for waste collection are more appropriately addressed through subdivision design and the access and road standards in the Subdivision chapter, including SUB-S2 (Legal and physical access) and SUB-S3 (Roads), together with the relevant Transport chapter provisions.
- 4.13 I consider the existing requirements relating to safe and efficient traffic movements and the safe accommodation of the intended number of users are sufficiently broad to encompass service vehicles, including waste collection vehicles. Accordingly, a specific reference to solid waste management collection is unnecessary. Therefore, I recommended that the request (323.39) by Enviro NZ to insert 'accommodate solid waste management' into SUB-P7.4 be rejected.

- 4.14 Ms Rosser's evidence³ raises the following concerns:
- a. That the Transport Chapter only considers waste collection in relation to developments of more than 10 units, whereas collection issues arise in developments comprising fewer than 10 units; and
 - b. that there is currently a deficiency in the PDP, as waste collection should not be treated as 'just another road user'.
- 4.15 Ms Rosser's evidence also cross-references her evidence for the Infrastructure chapter and notes that, if the Panel rejects the submission point, a future amendment to INF-S15 Road Design would address the relief sought by the submission point.
- 4.16 I acknowledge Ms Rosser's concerns regarding the operational requirements of waste collection vehicles, including road width, manoeuvring and interactions with other road users, and that these matters may arise in developments below the 10-unit threshold in TR-S10. However, I consider these matters are appropriately addressed as road and access design considerations rather than requiring a specific policy direction for waste collection in SUB-P7.
- 4.17 SUB-P7.4 already requires new roads and vehicle access to provide for safe and efficient traffic movements, the safety and amenity of pedestrians and other road users, and the intended number of users. This is supported by SUB-S2, which requires legal and physical access to comply with the Transport Chapter rules and standards, and SUB-S3, which requires new roads and intersections to comply with the Infrastructure Chapter rules and standards. The Transport Chapter also specifically addresses refuse collection through TR-P1.2, TR-S7 and, for developments of 10 or more residential units, TR-S10.
- 4.18 I therefore consider the PDP provides an appropriate framework for considering the operational requirements of waste collection through subdivision, access and road design without separately identifying waste collection in SUB-P7. Having considered Ms

³ Statement of Evidence of K Rosser, paras 6.7 – 6.11

Rosser's evidence, I maintain my recommendation that submission point 323.39 be rejected.

Subdivision standards in relation to Three Waters

SUB-S4 Water supply, SUB-S5 Wastewater disposal and SUB-S6 Stormwater management

- 4.19 Survey and Spatial New Zealand, Wellington Branch sought to remove the cross-reference to the Regional Standard for Water Services 2021 (RSWS) in SUB-S4, SUB-S5 and SUB-S6 and requested that the maximum water pressure requirements to the point of supply, the minimum requirements for a wastewater connection, and minimum requirements for a stormwater connection be specified within the relevant standard (466.4, 466.5 and 466.6).
- 4.20 Mr Gibson's evidence⁴ raises concerns about the consistency between the Three Waters provisions and the Subdivision provisions. In my Section 42A Report, I did not support these submission points because I considered that selectively reproducing technical requirements from the RSWS within individual Subdivision standards could result in unnecessary duplication and potential inconsistency.
- 4.21 Since preparing my Section 42A Report, I have considered Mr Gibson's evidence and discussed this matter with Ms Cristal Bennett, the reporting officer for the Three Waters Chapter. Ms Bennett has reconsidered the equivalent issue in relation to THW-R1 and now recommends that, rather than relying on the RSWS 2021 as the District Plan compliance document, the PDP include a specific appendix identifying the RSWS requirements relevant to determining compliance with THW-R1. She considers that approach provides a clearer and more certain compliance pathway, reduces ambiguity and supports more consistent implementation.
- 4.22 I agree that the same implementation issue arises for SUB-S4, SUB-S5 and SUB-S6. Each standard currently requires compliance with specified parts of the RSWS in determining whether subdivision

⁴ Statement of Evidence of D Gibson

complies with the relevant servicing standard. Consistent with the approach now recommended for THW-R1, I consider it preferable for the particular requirements that are relevant to District Plan compliance to be identified through a new Appendix in the Three Waters chapter⁵ rather than requiring applicants and decision-makers to interpret the wider RSWS.

- 4.23 However, I do not consider that the appropriate response is to simply reproduce individual requirements, such as water pressure requirements, directly within SUB-S4, SUB-S5 and SUB-S6. The new Appendix in the Three Waters Chapter provides a single and consistent location for the technical requirements relevant to District Plan compliance, while avoiding duplication of those requirements across the Three Waters and Subdivision chapters. Ms Cristal in her Three Waters chapter rebuttal evidence also highlights that Wellington City Council (WCC) recently considered this same matter through their Plan Change 1. Similar to Ms Cristal, I have adopted the wording in WCC Plan Change 1 for the Subdivision chapter for the equivalent provisions.
- 4.24 Accordingly, having considered Mr Gibson's evidence and the revised position of the Three Waters reporting officer, I have amended my recommendation. I recommend that submission points 466.4, 466.5 and 466.6 are accepted in part, with SUB-S4, SUB-S5 and SUB-S6 amended to refer, where applicable, to the new Three Waters Chapter Appendix – Three Waters Connections.

Connection and capacity of mobile network operators

SUB-S8 Telecommunications

- 4.25 Through Mr Anderson's evidence, the Telecom Companies are no longer seeking the relief sought in respect of SUB-P7 Servicing and access and no longer pursuing the wording sought through submission point 311.86. This is because INF-P7(2) directs that

⁵ This new appendix is Appendix 2 in Cristal Bennett's rebuttal evidence for Hearing Stream 6 on the Three Waters Chapter dated 10 September 2026 and likely to be numbered Appendix THW-APP1.

infrastructure providers (including mobile network operators) have sufficient network capacity to service new allotments⁶.

- 4.26 SUB-S8 sets out how telecommunications are to be provided for within subdivisions. Submission point 311.92 sought the replacement of SUB-S8 with the Telecom Companies preferred standard. However, Mr Anderson considers that the outcome sought by the mobile network operator can be achieved, and that the standard would give effect to INF-P7, by amending SUB-S8 as follows:

SUB-S8 Telecommunications

1. Open access telecommunication connections with sufficient capacity (as confirmed by both the fibre and mobile network operators) must be ~~provided~~ available to service each new allotment.
2. All new allotments must have provision for suitable telecommunication connections as follows:
 - a. Where a connection to a fixed telecommunication line (fibre broadband) is available, all new allotments must be provided with a connection at the allotment boundary.
 - b. Where no connection to a fixed telecommunication line (fibre broadband) is available, sufficient wireless network capacity (as confirmed by the mobile network operators) must be available to serve all new allotments.

Matters of discretion if the standard is breached:

1. The extent to which the proposed telecommunications supply is sufficient for the development or activity it serves.
2. Alternative provision of telecommunications services.
3. Any site constraints that make compliance impracticable

⁶ Statement of Evidence of T Anderson paras 13-21

- 4.27 The amendments sought by Mr Anderson would require mobile network operators to confirm that sufficient network capacity exists to service the subdivision. Where insufficient capacity exists the amendment would provide an opportunity for consultation between the subdivider and the relevant mobile network operator to ensure that adequate network capacity and coverage is available.
- 4.28 I acknowledge Mr Anderson's evidence that earlier engagement with mobile network operators may assist in identifying potential network capacity or coverage constraints. I also acknowledge that confirmation from the relevant network operator may be an appropriate means of demonstrating compliance with SUB-S8 where network capacity is uncertain. However, it is not necessarily the only means by which telecommunications servicing can be considered. Depending on the circumstances, publicly available network coverage and service availability information, together with information on existing telecommunications infrastructure and the proposed servicing arrangements, may assist in demonstrating that telecommunications services are available to new allotments.
- 4.29 SUB-S8 already requires sufficient telecommunications capacity to serve new allotments. In my view, the standard should specify that servicing outcome rather than prescribe operator confirmation as the mandatory means of demonstrating compliance in every case. Where the available information does not adequately demonstrate capacity, confirmation from the relevant operator may be necessary. Requiring such confirmation in all cases would introduce an unnecessary procedural requirement irrespective of the scale, location or circumstances of the subdivision.
- 4.30 I therefore maintain my recommendation that submission point 311.92 be rejected.

Hamish Wesney
Planner
Boffa Miskell Limited (on behalf of Hutt City Council)
6 October 2026

APPENDIX 1: RECOMMENDED AMENDMENTS TO PROVISIONS

Subdivision

Policy

SUB-P7	Servicing and access
Require all allotments created by any subdivision to be adequately serviced as follows: 1. Require new infrastructure and upgrades to existing infrastructure to meet the relevant Council engineering standards. 2. Require sufficient infrastructure capacity to accommodate development in accordance with the planned purpose of the zone. 3. Where upgrades to existing infrastructure or new infrastructure are required ensure that the upgraded or new infrastructure have sufficient capacity to accommodate future development and densities anticipated by the underlying zone. 4. Require new roads and new vehicle access to sites to meet minimum design standards to: a. Allow for safe and efficient traffic movements, b. Provide for <u>the safety and amenity</u> pedestrians <u>and other road users amenity</u>, and c. Safely accommodate the intended number of users. 5. Require suitable access and connections to reticulated water supply, wastewater, and stormwater networks in urban areas that meet the requirements of the Wellington Water Regional Standard for Water Services v3.1, December 2021. 6. Where reticulated services are not available require allotments to be of sufficient size and shape with appropriate soil conditions to accommodate on-site wastewater, stormwater and water supply infrastructure, including water supply for fire-fighting purposes. 7. Require the provision of suitable connections to telecommunications and electricity.	

Commented [HW1]: Wellington Regional Council (452.125)

Commented [HW2]: Survey and Spatial New Zealand (466.4). Consequential amendment arising from submission on SUB-S4.

Standards

SUB-S4	Water supply
1. Where a connection to a publicly-owned reticulated water supply <u>systems network</u> is available, all new allotments must: a. Be provided with a water supply connection <u>to the public main</u> at the allotment boundary that meets the requirements <u>of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 6, Tables 6.1 and 6.2) in the Water Supply section of Appendix THW-APP1</u>, and	

- b. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
2. Where a connection to a publicly-owned reticulated water supply systems is not available, all allotments must:
 - a. Be provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L, and
 - b. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Matters of discretion if the standard is breached:

1. The extent to which the proposed water supply is sufficient for the development or activity it serves.
2. The suitability of the proposed water supply for fire-fighting purposes, including effects on people's health and safety, and on property.
3. Where a publicly-owned reticulated system network is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.
4. Whether any site constraints make compliance impracticable.
5. Any resulting changes to the level of service provided to other properties in that part of the network.

Commented [HW3]: Survey and Spatial New Zealand (466.4)

SUB-S5	Wastewater disposal
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1. Where a connection to a publicly-owned reticulated wastewater systems network is available, all new allotments must be provided with a connection to the public main at the allotment boundary that meets the requirements of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 5, section 5.2.3) in the Wastewater section of Appendix THW-APP1.
2. Where a connection to a publicly-owned reticulated wastewater systems network is not available, all allotments must be provided with on-site wastewater systems or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment in accordance with the Wellington Water Regional Standard for Water Services December 2021 (Section 5.2.6) have an area identified within the allotment for wastewater treatment and disposal sufficient to meet Wellington Regional Plan standards for on-site domestic wastewater.
3. Where a connection to a publicly-owned reticulated wastewater systems is not available and sewage is to be disposed to ground, that an area identified in 2. above must not be subject to instability or inundation or used for the disposal of stormwater.

Matters of discretion if the standard is breached:

1. The extent to which the proposed wastewater disposal solution is sufficient for the development or activity it serves.
2. The extent to which the proposed wastewater disposal solution will result in adverse effects on public health and safety.
3. Whether the proposed wastewater disposal solution may result in contamination of water, groundwater or stormwater, including as a result of wet weather overflows.
4. Where a publicly-owned reticulated system network is not immediately available but is likely to be in the near future, the appropriateness of temporary systems.
5. Whether any site constraints make compliance impracticable.

Commented [HW4]: Survey and Spatial New Zealand (466.5).

SUB-S6	Stormwater management
	1. All subdivisions and stormwater systems must be designed to achieve hydraulic neutrality. 2. Where <u>a connection to a stormwater flows into the publicly owned stormwater management systems network (including to a public road via a kerb and channel outlet) is available</u>, all new allotments must be provided with a connection <u>at the allotment boundary, that meets the requirements of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 4 Stormwater, Tables 4.1, 4.2 and 4.3) in the Stormwater section of Appendix THW-APP1.</u> 3. Where <u>a connection to onsite stormwater does not flow into the publicly owned stormwater systems management network, any area where is not available and the means of stormwater disposal is disposed</u> to ground, <u>that area</u> must not be subject to instability or inundation or be used for the disposal of wastewater. Matters of discretion if the standard is breached: 1. The extent to which the proposed stormwater management solution is sufficient for the development or activity it serves. 2. The extent to which the proposed stormwater management solution results in adverse effects on public health and safety. 3. Whether the proposed stormwater management solution results in adverse flooding effects on other property, including on the effective function of a publicly owned reticulated network. 4. Where a publicly <u>owned</u> reticulated <u>system network</u> is not immediately available but is likely to be in the near future, the appropriateness of temporary systems. 5. Whether any site constraints make compliance impracticable.

Commented [HW5]: Survey and Spatial New Zealand (466.6)