

BEFORE THE INDEPENDENT HEARING PANEL

APPOINTED BY HUTT CITY COUNCIL

**IN THE MATTER** of the Resource Management Act  
1991

AND

**IN THE MATTER** of Submission 516 on the  
Proposed District Plan: 104 Upper  
Fitzherbert Road, Wainuiomata -  
Rezoning to Medium Density  
Residential Zone

**HEARING TOPIC** Hearing Stream 3: Residential /  
Rural

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**OPENING STATEMENT OF KERRY WYNNE**

**PLANNING EVIDENCE IN RELATION TO SUBMISSION 516**

**19 June 2026**

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## **1. INTRODUCTION**

- 1.1. My name is Kerry Louise Wynne. I provided a primary statement of evidence in support of Submission 516, dated 5 June 2026. My qualifications, experience and commitment to complying with the Expert Witness Code of Conduct 2023 are set out in my primary statement of evidence.
- 1.2. Submission 516 relates to 104 Upper Fitzherbert Road, Wainuiomata (the site), and sought to rezone the site from the Rural Lifestyle Zone to the Medium Density Residential Zone (MRZ) under the Proposed District Plan.
- 1.3. Since the preparation of my primary statement of evidence (5 June 2026), I have read the rebuttal evidence of Council's S42A Officer, Mr Bellamy, including the expert assessments of Mr Aitchison (civil infrastructure) and Mr Benner (transport).

## **2. SUMMARY OF PRIMARY EVIDENCE**

- 2.1. My primary evidence addressed a range of matters, including:
  - a) *Civil engineering and infrastructure* – as per the evidence of Mr Godwin, solutions to known three waters network limitations exist and can be appropriately managed via the PDP Three Waters and Subdivision chapters.
  - b) *Transport* – access to the site and securing a north-south strategic extension to Wise Street are central to the rezoning sought. Informed by the evidence of Mr Wilkie, I concluded that access via Wise Street is feasible with sufficient roading capacity to support the rezoning.

It is my view that there are two mechanisms for securing the Wise Street extension:

- reliance upon the Subdivision and Infrastructure provisions in the PDP as notified, or
  - introducing bespoke provisions within the Subdivision chapter to expressly require the road connection. My primary evidence included a recommended rule structure (Appendix 1) and associated s32AA analysis (Appendix 2).
- c) *Flooding and natural hazards* – as per the evidence of Daniel McMullan, flood hazards can be addressed at the time of resource consent, as required by the Natural Hazards and Subdivision chapters of the PDP, National Policy Statement for Natural Hazards, and s106 and 106A of the RMA. Liquefaction risk is best managed via building consent processes.

- d) *Ecology* – as per the evidence of Dr Keesing, the presence of wetlands and a waterway onsite can be managed at the time of resource consent. These are largely managed via higher order planning frameworks including the NPS on Freshwater Management, NES for Freshwater and Regional Planning documents. The PDP addresses water quality outcomes via the Earthworks and Three Waters chapters.
- e) *Landscape and Visual Effects* – as per the evidence of Ms Reid, the rezoning of the site to MRZ and future residential development will have low landscape and very low to low visual effects. I consider that the rezoning is appropriate from a landscape and visual perspective.

### **3. COUNCIL OFFICER'S REBUTTAL EVIDENCE**

- 3.1. The rebuttal evidence (dated 15 June 2026) of Council's s42A Officer, Mr Bellamy, confirms that rezoning to the MRZ is now supported provided that amendments are made to the Subdivision provisions recommended in my primary statement of evidence (dated 5 June 2026).
- 3.2. I agree with Mr Bellamy that rezoning to MRZ is the most appropriate way to achieve the purpose of the RMA.
- 3.3. Mr Bellamy's rebuttal evidence recommends the use of site-specific provisions in the Subdivision chapter to secure civil infrastructure and transport outcomes. In light of Mr Bellamy's rebuttal, I accept that site specific provisions offer more certainty of outcome and are more appropriate than relying upon the PDP provisions as notified.
- 3.4. My primary evidence set out a rule framework, including:
  - a) A Controlled activity subdivision pathway, only where the Wise Street extension is provided;
  - b) A Discretionary activity subdivision pathway where the Wise Street extension is not provided.
- 3.5. While Mr Bellamy suggests changes to this rule framework, we are fundamentally aligned that the rezoning and site specific rules are appropriate.

#### *Subdivision activity status*

- 3.6. Mr Bellamy recommends changing the activity status for subdivision of 104 Upper Fitzherbert Road from Controlled to Restricted Discretionary (paragraph 5.27). In my view a Controlled activity status is most appropriate as it is consistent with rule structure in the wider Subdivision chapter and applies only where the strategic roading outcome is secured.

- 3.7. If the roading connection is not provided, Mr Bellamy and I agree that a Discretionary activity status for subdivision is appropriate.

Changes to applicable standards

- 3.8. Mr Bellamy recommends additional site-specific provisions (paragraphs 5.29 – 5.31).
- 3.9. Recommended standard ‘a’ would include standards for allotment size, access, services and esplanades. However, the introductory section of the Subdivision chapter confirms that site specific rules apply in addition to the general rules. In my view, carrying these standards into the site specific provisions results in unnecessary duplication of the general rules.
- 3.10. Standard ‘b’ would preclude access to Upper Fitzherbert Road. While there is consensus between Mr Wilkie and Mr Benner that access to Upper Fitzherbert Road is not recommended, neither has suggested a clause precluding such access. Connection to Upper Fitzherbert Road is a matter best dealt with at resource consent and can be appropriately addressed under the provisions of the Transport, Infrastructure and Subdivision chapters.
- 3.11. Recommended standard ‘c’ would require all development to be in general accordance with a site plan, being an Appendix to the PDP. I do not consider this appropriate for the following reasons:
- As per my primary evidence (Appendix 1, paragraph 4), I consider the ‘Specific Control’ approach under the Spatial Layers of the National Planning Standards to be the most appropriate mechanism to apply to the rezoning of 104 Upper Fitzherbert Road. Including a site layout within the District Plan is akin to the ‘Development Area’ approach. In my view the site is too small, the concept plan too preliminary, and future development patterns of the wider Upper Fitzherbert/Wainuiomata North area are too uncertain to justify use of a concept or structure plan.
  - Throughout the primary evidence for submission 516, we noted the site plan was prepared to give context to the rezoning and is indicative only. It is a high-level concept and does not deal with nuance (for example, sizing of flood management and drainage systems, wetland considerations, or changing market conditions) whereby lot design and yield may need modification. The rules I recommend make it clear that a north-south roading connection must be provided; it would apply equally to a two-lot subdivision or a high yield development scenario, securing the Wise Street extension without dictating layout or yield.

- Standard 'c' requires development to be "in general accordance" with the concept plan. Whether something is "in general accordance" is a matter of fact and degree and the rule lacks clarity as to the level of departure from the concept plan that can be tolerated. Such wording brings uncertainty to the development and consenting processes.

#### **4. CONCLUSION**

- 4.1. Overall, I agree with Mr Bellamy that the rezoning of 104 Upper Fitzherbert Road to the Medium Density Residential Zone is appropriate.
- 4.2. I consider that the rule framework within my primary statement of evidence is more effective and efficient than those recommended by the Council officer.