

SUBMISSION 93

. Name (Please use your full name)

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I could gain an advantage in trade competition through this submission

No

The specific provisions of the proposed Plan Change that my submission relates to are as follows

See attached document

My submission is that

See attached document

I seek the following decision from the local authority

See attached document

Please indicate whether you wish to be heard in support of your submission (tick appropriate box)

I do wish to be heard in support of my submission.

please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box)

I do not wish to make a joint case.

If your submission is over 500 words, please upload a word document with your submission. Please provide the questions as your headers before each paragraph.

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Submission on notified proposal for plan, change

To: Upper Hutt City Council
Name of submitter: Ian Douglas Stewart

This is a submission on the change proposed to the following plan:
Plan Change 50 - Rural (the **proposal**):

I could not gain an advantage in trade competition through this submission.

My submission is generally in support of the proposed plan change but seeks changes for the specified parts of the proposed plan change that I oppose. As my submission covers a number of specific provision and more general matters I have provided my submission under a number of topics.

The specific provisions of the proposal that my submission relates to are:

Provision/Issue	Topic #	Topic Name
The definition of “intensive farming”.	1	Intensive Farming
Definition of rural produce retail	2	Rural Produce Retail
Objective SUB-RUR-04	3	Subdivision in General Rural Zone
Policy SUB-RUR-P2	3	Subdivision in General Rural Zone
Policy SUB-RUR-P4	4	Subdivision Standards in Policy
Activities Table Controlled Activities	5	Rule hierarchy for complying Subdivision in Rural Zones
Standard SUB-RUR-S2	3	Subdivision in General Rural Zone
Standard SUB-RUR-S3	3	Subdivision in General Rural Zone
Activities Table Restricted Discretionary Activities.	5	Rule hierarchy for complying Subdivision in Rural Zones
Rule SUB-RUR-R12	5	Rule hierarchy for complying Subdivision in Rural Zones
EW -S18	6	Earthworks
New “Rural Living” Precinct in General Rural Zone.	7	Rural Living

Rule GRUR-R2	8	Forestry
Standard GRUZ -S2	9	Setbacks
Standard GRUZ -S6	8	Forestry
Standard GRUZ -S7	10	Minor Dwellings
GRUZ-R15	10	Minor Dwellings
GRUZ-R27	11	Intensive Farming
Policy RPROZ-P1	12	Home Business in Rural Production Zone
	8	Forestry
Rule RPROZ-E6	8	Forestry
Rule RPROZ-R7	12	Home Business in Rural Production Zone
Standard RPROZ-S2	9	Setbacks
Standard RPROZ-S6	8	Forestry
Standard RPROZ-S7	10	Minor Dwellings
Standard RPROZ-S8	12	Home Business in Rural Production Zone
Rule RPROZ-R12	10	Minor Dwellings
Rule RPROZ-R24	8	Forestry
Policy RLZ-P4	8	Forestry
Standard RLZ-S2	9	Setbacks
Rule RLZ-R14	11	Minor Dwellings
Standard RPROZ-S24	8	Forestry
Settlement Zone Standards	13	Lack of site coverage standard for the settlement zone
Objective SETZ-O1	14	Settlement Zone Industrial Activities
Policy SETZ-P6	8	Forestry
Rule SETZ- R12	14	Settlement Zone Industrial Activities
Zoning Map	15	Zoning of 268 Mangaroa
Various	16	Highly Productive Land

My submission and decisions sought are laid out in the tables below:

Topic 1	Specific Provision	Support/Oppose/Amend
Intensive farming	Definition	Oppose/Amend
Submission		Decision Sought
<p>The definition of intensive farming includes shed based calf rearing which is a common activity in the rural area and does not have adverse environmental effects.</p> <p>I note the NPS definition of intensive indoor primary production specifically excludes calf rearing.</p>		<p>Either include shed based calf rearing in the definition's exclusions or substitute the NPS definition.</p>

Topic 2	Specific Provision	Support/Oppose/Amend
Rural Produce Retail	Definition	Oppose/Amend
Submission		Decision Sought
<p>The definition of definition of Rural Produce Retail is limited to "produce grown on a property". Putting aside the ambiguity this does not allow for sale of produce grown by neighbours, or a small amount of complementary product not grown on the property.</p> <p>I submit that this is inconsistent with the general nature of this activity and is unnecessarily limiting.</p>		<p>Suggest amending the definition to read:</p> <p><i>means the sale of rural produce predominantly grown on, or in the immediate vicinity of a property, including products manufactured from that produce.</i></p> <p><i>No more than 20%, by value of the produce or products sold, can be sourced from outside the property.</i></p>

Topic 3	Specific Provision	Support/Oppose/Amend
Subdivision in General Rural Zone	Objective SUB-RUR-04 Policy SUB-RUR-P2 Standard SUB-RUR-S2 Standard SUB-RUR-S3	Oppose/Amend
Submission		Decision Sought
<p>The Rural General Zone includes areas of land which are adjacent to roads and have been identified as suitable for 4ha allotments sizes for over 40 years. These areas have now generally changed from having an open outlook to having</p>		<p>1. Establish a "Rural Living" precinct in the General Rural Zone covering land zoned general rural in the proposed plan where properties front onto Collets</p>

<p>significant amenity planting and can absorb higher density development without impacting amenity or character for neighbours or public viewpoints.</p> <p>As a result of previous zoning the land previously zoned Rural Valley floor in the Mangaroa and Whitemans valleys has almost entirely been subdivided into 4ha blocks. PC50 has zoned much of this land as Rural Production and the effect of this zoning is to effectively stop any further subdivision as there are very few blocks of over 32ha (necessary to meet the average size standard). I support this outcome where it relates to Highly Productive Land.</p> <p>However, the Plan has also effectively stopped subdivision of previous Rural Valley Floor zoned land which is now zoned General Rural as there are very few lots over 40ha fronting Roads in the Mangaroa and Whiteman’s valley.</p> <p>Land previously zoned Rural Hill typically has significant impediments for low density rural residential subdivision, and I support the PC50’s provisions as they relate to this land.</p> <p>I submit that previous Rural Valley Floor zoned land which is now zoned General Rural should be treated differently from the remainder of the General Rural zoned land, and that further subdivision should be enabled.</p>	<p>Rd, Mangaroa Valley Road and Whitemans Valley Road. Allow Controlled Activity subdivision into two lots for existing properties in this precinct. With standards providing a minimum Lot size of 1 Ha and appropriate access standards.</p> <p>Or</p> <p>2. establish a Restricted Discretionary Rule with associated standards to the same effect.</p> <p>Or</p> <p>3. Provide a Controlled Activity Rule allowing properties of 4Ha or larger where titles were issued prior to 4 October 2023 to subdivide one further allotment with a minimum size of 1 Ha.</p>
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Topic 4	Specific Provision	Support/Oppose/Amend
Subdivision Standards in Policy	SUB-RUR-P4	Oppose/Amend
Submission		Decision Sought
<p>This policy identifies the following two standards as compliance criteria in the policy:</p> <p>1. <i>comply with the minimum allotment sizes for</i></p>		<p>Reword the policy to remove direct reference to the standards. For</p>

<p><i>each zone;</i></p> <ol style="list-style-type: none"> 2. <i>result in building platforms sized to maintain the character of the zone;</i> 3. <i>have appropriate legal and physical access.</i> <p>These standards are used as controlled activity standards to determine status. The implication of this is that any restricted discretionary, discretionary, or non-complying activity application will be contrary to the primary policy, regardless of merits and there is no basis for making consistent decisions other than refusing consent.</p> <p>I submit that if Council’s intention is to prohibit subdivision which breaches controlled activity standards it should do so directly rather than through bad drafting.</p>	<p>example:</p> <ol style="list-style-type: none"> 1. <i>allotment sizes maintain appropriate character and amenity;</i> 2. <i>buildings can safely established on site;</i> 3. <i>provision is made for site access.</i>
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Topic 5	Specific Provision	Support/Oppose/Amend
Rule hierarchy for complying Subdivision in Rural Zones	<ul style="list-style-type: none"> • Activities Table Controlled Activities • Activities Table Restricted Discretionary Activities • Rule SUB-RUR-R12 	Oppose/Amend
Submission		Decision Sought
<p>The Activities Table for Controlled Activity does not provide for any subdivision of new Lots in the General Rural, Rural Production, or Rural Lifestyle zones beyond the specific exceptions identified in rules SUB-RUR-R3, SUB-RUR-R4 & SUB-RUR-R5.</p> <p>I assume that this was an error as it does not otherwise follow the scheme of the Plan. As a consequence, the only subdivision which is captured by the Restricted Discretionary Activities rule is subdivision that does not meet access standards. As a consequence, subdivision that meets all standards (including access standards) is identified as a Discretionary Activity.</p> <p>I submit that this error should be corrected, or if intentional, that provision should be made for controlled activity subdivision where the standards are met.</p>		Include a rule allowing for subdivision that meets the standards to be undertaken as a controlled activity.

Topic 6	Specific Provision	Support/Oppose/Amend
Earthworks	Standard EW-S18	Oppose/Amend
Submission		Decision Sought
<p>This standard sets a 500mm ground-level alteration threshold for earthworks in the Rural Production Zone without minimum areas, or other exemptions. Activities that breach this threshold become Discretionary Activities.</p> <p>While I understand the rule seeks to provide scrutiny of earthworks on Highly Productive Soil, the Rural Production Zone includes significant areas that are not such soil.</p> <p>There are numerous reasons why earthworks breaching this standard may be appropriate in this zone.</p> <p>I submit that this rule is overly onerous and it does not give guidance to Council as to how to consider consent applications.</p>		<p>Either link Standard EW-S18 to Restricted Discretionary Activity Rule EW-R9, OR Provide a breach specific Restricted Discretionary Rule if Council considers that particular matters of discretion should be considered.</p>

Topic 7	Specific Provision	Support/Oppose/Amend
Rural Living	Include new Rural Living Precinct including a purpose statement and new policy.	Amend
Submission		Decision Sought
<p>As noted above there is a considerable number of primarily rural living properties in the General Rural Zone as a result of subdivision over the past 40 years, mandated by previous District Planning provisions.</p> <p>In the Mangaroa and Whitemans Valleys this includes a large number of properties fronting onto Collets Rd, Mangaroa Valley Rd and Whitemans Valley Rd.</p>		<p>Establish a Rural Living Precinct in the General Rural Zone. Include Purpose: <i>The Rural Living Precinct provides for low density rural residential living opportunities within a rural environment. The predominant land uses within the Rural Living Precinct are primary production and residential activities. Some non-residential activities are located within the Rural Living Precinct to support the residential</i></p>

<p>This area provides for a rural living demand that is intermediate between the Rural Lifestyle Zone and the General Rural Zone. This demand is well established and has been fostered by the planning history of the area.</p> <p>I submit that the policies in the plan should recognise this type of land use within the policy framework.</p> <p>This is most easily accomplished by defining a Rural Living Precinct within the General Rural Zone as suggested above and including a policy associated with that precinct.</p>	<p><i>and rural functions of the community.</i></p> <p>Include a new Policy GRUZ-P*: <i>Rural Living Precinct:</i> <i>Enable activities that are compatible with purpose of the Rural Living Precinct, while ensuring that their design, scale and intensity is appropriate to the rural environment, including:</i></p> <ol style="list-style-type: none"> <i>1. farming activities and ancillary activities;</i> <i>2. rural residential activities;</i> <i>3. small scale commercial or non-residential activities which support or are ancillary to farming activities and residential activities, including visitor accommodation, farm stay, rural produce retail and associated home businesses;</i> <i>4. rural tourism which contributes to the vitality and resilience of the District's economy; or</i> <i>5. passive recreation activities;</i> <p><i>where they:</i></p> <ol style="list-style-type: none"> <i>1. support the social, economic and cultural needs of the community;</i> <i>2. provide for varying forms, scale, and separation of buildings and structures, which including additions and alterations</i> <i>3. manage the density and location of residential development;</i> <i>4. ensure adequate infrastructure is available on-site to service the activity;</i> <i>5. will not compromise the efficiency transport network;</i> <i>6. manage reverse sensitivity effects on sensitive activities; and</i> <i>7. minimise adverse effects on the environment.</i>
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Topic 8	Specific Provision	Support/Oppose/Amend
Forestry	Rule GRUZ-2 Standard GRUZ S6 Policy RPOZ-P6 Standard RPOZ-S6 Rule RPOZ-R24 Policy RLZ-P4 Standard RLZ-S6 Policy SETZ- P6	Oppose/Amend
Submission		Decision Sought
<p>The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 provide for a comprehensive set of definitions rules and standards for plantation forestry. While the standards does allow for rules to be more stringent than the National Standard (regulation 6) the circumstances justifying more stringent rules do not exist in Upper Hutt and in fact the proposed rules are less stringent.</p> <p>The definition of plantation forestry covers any relevant forestry covered by the rules in PC50 and hence the proposed rules are duplicitous and contradictory.</p> <p>I note a particular issue in the Rural Production Zone and the Rural Lifestyle Zone where policies (RPOZ-P6 & RLZP4) “provides for plantation forestry”, there is no permitted activity rule for plantation forestry, but there is a permitted activity standard (RPOZ-S6 &RLZ-S6). Forestry (including plantation forestry) is then identified as a discretionary activity in the Rural Production Zone(RPOZ-R24) and defaults to a discretionary activity in the rural lifestyle zone.</p> <p>I submit that the NPS provides adequate and appropriate controls for forestry.</p>		Delete rules and standards related to Forestry and rely on Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Topic 9	Specific Provision	Support/Oppose/Amend
Setbacks	Standard GRUZ S2 Standard RPOZ S2 Standard RLZ-S2	Oppose/Amend
Submission		Decision Sought
The standards for setbacks in the General Rural, Rural		Change the relevant

<p>Production and Rural Lifestyle Zones default to the Settlement Zone setbacks for sites less than 1.5ha. This is a 5m road boundary and 3m other boundary setback.</p> <p>I submit that this setback is both too small and unnecessary for blocks in these Zones</p> <p>The setbacks are likely to have adverse effects on the amenity of properties neighbouring these blocks. A primary consideration for people living in all three zones is privacy and separation from neighbours and having neighbours 3m from your boundary without regard to the location of your own curtilage has the potential to be significantly adverse.</p> <p>Likewise the scheme of PC50 provides for small lots in all three zones which are likely adjacent to functioning farms. Small setbacks will inevitably lead to reverse sensitivity issues.</p> <p>Properties envisaged in these zones will typically have plenty of room to provide a boundary separation of 12m (effectively be 40m wide at the location of the building platform).</p> <p>I accept that very small lots may have difficulties and hence submit that the default to the Settlement Zone setbacks occurs for sites of 0.5ha or smaller.</p>	<p>part of the Setback standards for the General Rural, Rural Production and Rural Lifestyle zones to read:</p> <p><i>Sites of less than 0.5ha in the [Insert zone] shall comply with the setback standards of the Settlement zone in SETZ-S2.</i></p>
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Topic 10	Specific Provision	Support/Oppose/Amend
Minor Dwellings	Rule GRUZ-R15 Standard GRUZ-S7 Rule RPROZ-R12 Standard RPROZ-S7 Rule RLZ-R14	Oppose/Amend
Submission		Decision Sought
<p>The permitted activity rules and standards allow as a permitted activity a single residential unit and a single minor residential unit on a site.</p> <p>Additional minor residential units are identified as discretionary if for visitor accommodation (eg GRUZ-R24) and otherwise non-complying (eg GRUZ-R29 – noting that the rule is ambiguous).</p>		<p>For the General Rural, Rural Production and Rural Lifestyle Zones:</p> <p>Either Modify the existing Restricted Discretionary Activity Rules for breaches to permitted activity</p>

<p>There are circumstances where rural sites can accommodate more than one minor unit and where such uses can be undertaken without impacts off site.</p> <p>The Restricted Discretionary Rules (eg GRUZ-R15) for standard breaches for minor residential units addresses all the matters relevant for Council to decide on for additional units.</p> <p>I submit that provision should be made for more than one minor unit on a property, subject to consent.</p>	<p>standards, to assess additional Minor Dwellings,</p> <p>Or</p> <p>Establish new Restricted Discretionary Activity rules which mirror the considerations in Rule GRUZ-R15 addressing additional minor dwellings.</p>
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Topic 11	Specific Provision	Support/Oppose/Amend
Intensive farming	Rule GRUZ – R27	Oppose/Amend
Submission		Decision Sought
<p>Given the current and likely future density of settlement, the only place where Intensive Animal farming could reasonably be established within Upper Hutt is within the General Rural Zone. Under the current scheme, the Plan treats it as a Discretionary Activity in the General Rural Zone.</p> <p>It is also a Discretionary Activity in the Rural Production Zone, which I support. It is appropriately a Non-Complying activity in the Rural Lifestyle Zone.</p> <p>I submit that better outcomes will be achieved through including Restrict Discretionary consent criteria for Intensive Farming to ensure that it is preferentially established in less densely settled part of the rural environment.</p>		<p>Establish a new Restricted Discretionary Activity rule for intensive farming sited outside the Rural Living Precinct in the General Rural Zone. The Waikato District Council (Waikato Section) rule 25.11B provides a good template for appropriate considerations.</p>

Topic 12	Specific Provision	Support/Oppose/Amend
Home Business in Rural Production Zone	Policy RPOZ-P1 Rule RPOZ-R7 Standard RPOZ-S8	Oppose/Amend
Submission		Decision Sought
<p>The scheme for home business in the rural production zone provides policy encouragement for such activities (RPOZ-P1) and provides for constrained home business as a</p>		<p>Include a new Restricted Discretionary Rule:</p> <p><i>Home business, ancillary to residential activities carried out on the site, which</i></p>

<p>permitted activity (RPOZ- R7 and RPOZ-S8). However the activity then defaults to being a discretionary activity without guidance to discretion.</p> <p>I submit that this is unnecessarily constraining and not reflective of the extent of rural residential subdivision of the zone which has occurred as a result of council planning over the past 40 years.</p> <p>I submit that the default should be a Restricted Discretionary activity similar to rule GRUZ-R18. However and additional restriction should be included to protect highly productive soil.</p>	<p><i>do not meet permitted activity standards Council will restrict its discretion to, and may impose conditions on:</i></p> <ol style="list-style-type: none"> <i>1. Loss of areas of highly productive soil for primary production.</i> <i>2 External storage.</i> <i>3. The number of non-resident workers employed on the site.</i> <i>4. The creation of dust, light, noise, vibration or other nuisance.</i> <i>4. Appearance of buildings.</i> <i>5. Size, number of, location and appearance of signs.</i> <i>6. Car parking, traffic and pedestrian safety and the efficient functioning of the roading network.</i> <i>7. Financial contributions.</i>
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Topic 13	Specific Provision	Support/Oppose/Amend
Settlement Zone Site Coverage	Permitted Activity Standards	Oppose/Amend
Submission		Decision Sought
<p>The Rural Settlement Zone allows controlled activity subdivision to 2000m² (without a larger average lot size) MacLaren Street already is made up of lots of 800-1200m².</p> <p>Both the controlled activity subdivision standard and the existing situation in MacLaren result in sections where over-development can lead to significant amenity effects for neighbours. This is particularly the case with the liberal identification of permitted activities in the zone and 3m boundary setbacks.</p> <p>Sections of this size are most analogous to the Residential Hill and Residential Conservation Precinct of the General Residential Zone (Precinct 2). This precinct has a 30% site coverage standard.</p> <p>I submit that it is appropriate to control site coverage withi the Settlement Zone.</p>		<p>Include a 30% site coverage standard for permitted activities in the Rural Settlement Zone</p>

Topic Topic 14	Specific Provision	Support/Oppose/Amend
Settlement Zone Industrial Activities	Objective SETZ-01 Rule SETZ-R12	Oppose/Amend
Submission		Decision Sought
<p>Objective SETZ-01 provides support for “light industry” as part of the purpose of this zone. Rule SETZ-R12 provides a mechanism for consenting industrial uses (without the qualifier light) as a restricted discretionary activity. Separate provision is made for rural industry and home business.</p> <p>The restrictions on discretion for “Industry” are less onerous than those for “home business”</p> <p>The inclusion of industrial activities without qualification within this zone allows for a less restrictive consenting path with fewer controls than in the general industrial zone.</p> <p>Two examples are: The restrictions for restricted activity approval in the industrial zone provide better protection for adjacent residential activity. High impact activities such as hazardous activities are identified as Discretionary Activities in the General Industrial Zone with significant guidance for discretion. In the Rural Settlement Zone they are Restricted Discretionary.</p> <p>I submit that stronger controls are necessary for industrial activities within the Settlement Zone.</p>		Provide more appropriate controls for industrial activities in the Settlement Zone.

Topic Topic 15	Specific Provision	Support/Oppose/Amend
Zoning 268 Mangaroa Valley Rd	Zoning Map	Oppose/Amend
Submission		Decision Sought
<p>The Property at 268 Mangaroa Valley Rd (Lot 5 DP78854 & Lot 7 DP81298) was zoned Rural Valley Floor in the Operative District Plan until 2022. It was then zoned Rural Production in the Operative District Plan. The property was identified as being Rural Lifestyle in the 2020 Council Consultation documentation.</p>		Zone 268 Mangaroa Valley Rd (Lot 5 DP78854 & Lot 7 DP81298) as Rural Lifestyle.

<p>The property is mostly nearly flat and well drained. It is part of a small area of class 4 land in the LUC classification (land use capability). LUC4 land is very rare in rural Upper Hutt and there is a small area extending along the south Side of Collets Rd and for a short distance along the south side of Mangaroa Valley Rd. This land does not qualify as Highly Productive Land under the National Policy Statement. It is however uniquely suitable for rural lifestyle living due to its gradient, drainage and soil strength. The area of C4 land fronting Mangaroa Valley Rd is especially suitable for rural lifestyle development as it has excellent Road access to Upper Hutt, without the restrictions on most of Collets Rd. Zoning of this property as either General Rural, or Rural Production is anomalous as it does not readily fit the zone descriptions of either zone. It does however meet five of the six charactersitics described for the Rural Lifestyle Zone.</p> <p>I submit that Rural Lifestyle is the most appropriate zoning for this property. Council could also extend this zone into surrounding properties, but this is not part of my submission.</p>	
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Topic Topic 16	Specific Provision	Support/Oppose/ Amend
Highly Productive Land	Various	Amend
Submission		Decision Sought
<p>Upper Hutt City includes a significant amount of land that is deemed to be Highly Productive Land (HPL) under clause 3.5.7 of the National Policy Statement for Highly Productive Land 2022 (NPS). It is likely that most, or all of this land will continue to be so identified when the Regional Council completes its mapping.</p> <p>This land is included in the Rural Production Zone. The Rural Production zone also considers a significant area of land (possibly 50% of the area) which is neither deemed, nor likely to be identified as HPL.</p> <p>The scheme of the plan for the Rural Production Zone for both subdivision and landuse does not distinguish</p>		<p>Identify a specific set of policies and rules for HPL and non-HPL so that</p> <ol style="list-style-type: none"> 1. The scheme for the HPL gives effect to the NPS. 2. The scheme fo other land in the zone recognises that the impact of previous planning means that it is no longer suitable

<p>between HPL and non-HPL.</p> <p>I submit that the provisions do not meet the Council's obligations to avoid subdivision of HPL with carefully identified exceptions (NPS Clause3.8). The Provisions do not avoid the inappropriate use or development of highly productive land that is not land-based primary production (NPS, Clause3.9). This is especially the case given the definition of “inappropriate” provided in the subclauses.</p> <p>I submit that the scheme of the plan is also wrongly aligned for land within the Rural Production Zone that is not HPL.</p> <p>It appears that the land included in the Rural Production Zone which is not HPL has been placed there as a legacy of zone renaming in 2021. This land is already largely subdivided into non-productive block sizes and the proposed rules are poorly aligned for current and future use.</p>	<p>for primary production.</p>
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I wish to be heard in support of my submission.

Ian Douglas Stewart.

Signature of submitter

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Date 15 November 2023