



OFFICE USE ONLY

Submission number

24

## PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN Proposed Plan Change 50 – Rural Review

The closing date for submissions is **Friday, 17 November 2023, at 5pm**

### To Upper Hutt City Council

#### Submission on Proposed Plan Change 50 to the Upper Hutt City Council District Plan

**Deliver to:** Upper Hutt Civic Centre, 838 – 842 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

### Details of submitter

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER Scott & Loretta Lovell

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AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

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I could gain an advantage in trade competition through this submission (please tick one ): **yes**  **no**

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

## Details of submission

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

We undertake a small hobby dog breeding programme on our property. This will now be a discretionary activity requiring a consent under PC50. Our property is within the rural lifestyle zone

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USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

We do not support the change to Rule R19 as it relates to Animal Boarding.

We have up to 7-8 small dogs at our home when we don't have puppies. Our property and home is set up for them with safety and management of risk and amenity and we would not call our home a commercial boarding or such facility. When we moved to the valley we invited the council dog ranger to our property. They have been welcome to visit again at any time. We have never had any complaints about our property and our dogs are registered (they are no longer considered rural working dogs entitled to reduced fees). We are responsible dog owners under the Councils scheme. We occasionally breed for our own purposes and those pups we don't keep we sell thereby meeting the presumption of commercial. We note that the money we make from the sale of pups goes back to maintaining the property for our dogs. We would hope to be grandfathered as an Existing Land Use under the previous section 10 of the RMA but would like clarity from the Council on that point?

Our activity would fall under permitted activity R5 under the current plan. We confirmed this verbally with council when purchasing the property. However under PC50 amends rule RLZ R19 replacing "active recreation activities" with Animal boarding". Animal boarding is broadly defined without reference to scale or size of activity. Commercial activity is included in the definition and that we presume would include our occasional sale of pups.

We note that the amendment of the rule R19 would not be a consequential amendment – the change from active recreation activities does not seem in our mind to align with animal boarding and would seem to remove other "active recreation activities" from coverage by the plan which seems short sighted as well.

It seems a slot was found for it rather than a specific change reflective of the existing rule. There is little direction or clarification in the plan of the implications of this additional rule for persons who prior had not had to undertake a consenting process at all. The s32 report does not discuss the change at all and does not provide an appropriate evaluation of the appropriateness of the change in achieving the purpose of the RMA, and for the policies and methods to be evaluated for their efficiency, effectiveness and risk.

We consider that while animal boarding can cause issues from an amenity and noise perspective it is a question of scale and size. Also we are in a rural area - noise happens. Our dogs are not the primary or even close to the primary noise in our street. We consider that a discretionary activity level prescription for small scale boarding within ones home is not commensurate with the risk. There is nothing in the materials that speaks to what the risk maybe and what data there is to suggest that it is an issue. This should in our minds have been included in any s32 report where making a substantial change from the existing rule 19.

There should be some nuance included in the plan that allows for hobbyists such as ourselves who have and are causing no issue. There is a question of reasonableness as well again when there is no imperial data or information to support the change nor the need for the level of activity status to be one of full discretionary as opposed to the current permitted status. That is a substantial leap without reference to clear reason or proof.

While I have not had the chance to reflect on the subdivision activities proposed in our area. I understand there are concerns from residents. We are travelling away so will not be in the country when the deadline expires so would like to put a placeholder in our submission to provide further feedback within scope with respect to the proposed subdivision activities and changes which will affect our property and the rural lifestyle zone more broadly. I will initially observe that the level of traffic and truck movements in the area and along our road is not good. The trucks come through at all hours of the day and weekends and they travel at speed. They have caused considerable damage to our roading as well. Further services – telecommunication and electric are not easily accessed and are sensitive to changes and works creating issues for landowners such as ourselves who work from home and need consistency of services.

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I seek the following decision from the local authority:

The council has failed to provide an appropriate evaluation or any in fact of the need for this change. Nor has imperial and clear information and data reflecting the need for this change been provided. We consider that the decision makers on that basis should reject the change with landowners such as ourselves and these activities continuing to be permitted under R5.

If retained then the decision makers should

- (a) review the definition of animal boarding to exclude small scale animal housing and breeding. The definition is not included in the National Planning Standards therefore the Council has discretion to provide for that nuance.
- (b) Reduce or step the activity status from discretionary to permitted (for 10 dogs or less full time at the property), controlled (for 10-20) and discretionary (20+)
- (c) Require the council to confirm that our existing activities are covered under Existing Use Rights for the purposes of the plan and PC50.
- (d) Such other ancillary, consequential and technical changes so as to support the decisions sought.

We will provide any proposed decisions recommended with respect to subdivision (if required) during our presentation.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

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.
- I **do not** 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** wish to make a joint case.
- I **do not** wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:



SIGNATURE

DATE 1/11/23