

Submission on PC50 – Rural Chapter

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I do not stand to gain commercial advantage from my submission

I wish to be heard in support of my submission.

Text extracted from the documents is shown in BLACK.

My observations are shown in RED.

Requested relief is shown in GREEN

We are presented with the notified PC50 document together with the Section 32 Evaluation Report. It is my understanding that both of these documents are intended to be definitive and yet the S32 evaluation document pages are all stamped DRAFT. This appears to be symptomatic of a general lack of attention to detail.

It is not the responsibility of the General Public to redraft sloppy work and inadequate understanding of the Rural Area. It is not acceptable to do a cut and paste job transporting aspects of the Urban PC50 chapters to the Rural section.

Within these documents, PC50 and the Section 32 Evaluation, a general acceptance of NPS-HPL is projected. This reflects the belief that soil type, of itself, governs what type of agricultural activity will take place. There does not appear to be any form of consultation with agricultural/horticultural expertise to assess viable options for the area other than “livestock” farming. The document repeatedly advises that “a lot” of the HPL lies within the river flood plain.

The Mangaroa Valley HPL is surrounded by hills which, combined with its altitude, results in regular convection frosts, with only a 4 month frost free window over the summer months. Horticulture in general would probably need irrigation as the valley regularly experiences periods of 13 weeks with no rain.

Within this notified PC50 council has chosen to ride, rough shod, over private property rights. Lot sizes, configurations and the ability to access lots which are set back from public roads have been arbitrarily changed with minimal effective consultation. These rules have been inconsistently applied. Existing rules have been manipulated and new rules, specific to a council desired outcome have been crafted to circumvent a predicted outcome. The section 32 evaluation clearly outlines that, in respect of the Berketts Farm Precinct, there is a strong probability that, based on present rules, a Resource Consent application would be unlikely to succeed. Council has therefore chosen to change the playing field by making up a new set of rules that are specific to this one situation and purposely designed to ensure that it will proceed. There has been zero consultation with the community concerning this part of the Plan.

The present zoning and access rules have been in force for some 40 years and landowners and Rural residents have a legitimate expectation that the actions of council will not arbitrarily disadvantage their private property rights.

The following is a more detailed critique of both the notified PC50 and the S32 evaluation report.

In general, the notified PC50 document bears no resemblance to versions previously released for community consultation. As a result, there has effectively been zero consultation on the notified document.

The document should be withdrawn and there should be a period of intensive consultation with the Rural Community.

1.

Vehicle movements

Car = 1

Truck = 3

Truck and trailer = 5

This definition needs clarification. Size of truck – minimum?

Rural area – where does a tractor fit in or other farm machinery such as a bailer – is a tractor plus bailer 1, 3 or 5 units?

The number of movements per day makes no sense. A Farm Produce Sales operation working from a 10 hectare block is allocated a quota of 100 movements a day whilst a Commercial Operation based in a Settlement Zone on a 2,000 square metre block has a quota of 250 per day.

Delete this clause or redraft, following consultation with the Rural community, to reflect business realities and proportionality.

2.

Minor structures means any structure of less than 5m² in area with a **height of less than 1.2m**. 1. Any fence or wall with a height of less than 2m. 2. Any retaining wall with a height of less than 1.5m above the finished ground level. 3. Any tank or pool, and any structural support: o Which has a capacity of **less than 25,000 litres** and is supported directly by the ground.

Normal tank size for domestic water supply in a rural setting is 25,000 litres and up to 35,000 litres as a standard production capacity. Definition would exclude all these tanks as it calls for a capacity of **LESS** than 25,000.

In a rural setting 5 square metres is inadequate and the height of 1.2m is only good for the average Hobbit.

Planners advised that this is only one reference to minor structures which implies that other references are worded differently. Words are important and in drafting regulations, near enough is not good enough.

If the clause is superfluous then delete it. If it is required then amend it so that it makes sense and use phraseology that actually conveys that which is intended.

3.

Building NPS means a temporary or permanent movable or immovable physical construction that is: • partially or fully roofed; and • is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

So, under this definition a Motorhome or converted Bus is not a building but a Caravan is a building?

Assess whether this National Policy Statement definition appropriately meets the intentions of the plan. Amend as necessary.

4.

Community scale renewable energy generation means renewable electricity generation for the purpose of supplying electricity to a whole community which is not connected to the distribution network ('off grid'); or to supplying an immediate neighbourhood in an urban area with some export back into the distribution network

Definition not sufficient. There is an assumption that the Community scale will provide all of the Community needs and will produce a surplus. It does not cover a situation where there is a shortfall which is met by calling on the

distribution network. It also makes the assumption that it will occur in the urban area and does not reference the Rural area

Amend this clause to more accurately reflect probable permutations and reference Rural.

5.

Farm stay means visitor accommodation for paying guests, ancillary to farming activities, conservation activities or rural tourism where accommodation and meals are provided on site.

Not all Farm stay offerings include meals. Definition needs to be revised.

Amend the definition to read “where accommodation is provided on site and meals may also be provided.”

6.

Gang fortification any building or site which is used by groups for accommodation as a base or headquarters, and which is typified by high fencing and other fortification.

The Gang fortification clause was removed as noted in UHCC presentation to Independent Commissioner in relation to the IPI for NPS-UD but seems to have found its way back in these definitions.

Amend the document to remove reference to Gang Fortifications.

7.

TP-S8 Policy NU-P1 Where any car parking area accommodates more than five vehicle spaces and adjoins a site which is zoned General Residential, General Rural, Rural Production, Rural Lifestyle, Open Space or Special Activity, then it shall be effectively screened from that site by a close boarded fence, wall or landscaping of no less than 1.6m in height.

A car parking area with more than five vehicle spaces that adjoins a road shall also be screened by a landscaped strip within the site of at least 0.6m in width. Note that additional landscape requirements apply in the Special Activities Zone.

This policy is totally inappropriate for the Rural zone and needs to be thoroughly thought out. On a large rural block (like Mangaroa Farm shop) the car park is 100 metres from a Rural Lifestyle block. A screen of at least 1.6m in height and close boarded would stand out like a sore thumb. This concept would not work for Thompsons Riding Academy nor would it work for Rainbow Equestrian.

This policy clearly demonstrates the lack of consultation with the Rural Community. Council already knows where provision for car parking exists and consultation with those owners or organisations would have resulted in a clause that more accurately reflected the lived experience.

Revise and redraft this clause after community consultation.

8.

TP-S9 Traffic generation for any site shall not exceed:

1. 100 vehicle movements per day in the General rural, Rural production, Rural lifestyle zones.
2. 250 vehicle movements per day in the Settlement zone.

This needs a rethink and goes against the idea of encouraging Rural based activity in the Rural zone.

Thompsons Riding, Rainbow Equestrian and Smith Contracting (depending on how you count Farm machinery) would all exceed the 100 count.

It also seems backwards thinking for the Settlement Zone count to be higher than the Lifestyle Zone count.

As detailed above this entire concept needs to be properly thought out. Consult with Rural communities and revise accordingly.

9.

TP-S10 Subdivision in General rural, Rural production or Rural lifestyle and Settlement Zones The maximum number of allotments accessed via a right of way or private road must:

1. be no more than six; and
2. comply with the widths in Appendix C, Figure 1 (Road Design Standards - Urban) of the eCode of Practice for Civil Engineering Works.

Not appropriate for Rural developments. Maymorn Farm has 20 times this limit already consented. Berkett Settlement Zone would require over 17 times for it to work. Council is setting double standards designed to support its own doctrine of removing zoning from areas which would not meet pre-determined outcomes. Council has already mandated a many for one in both the Maymorn and Berkett subdivisions whilst taking a diametrically opposite approach everywhere else.

Delete clause 1. Retain clause 2.

10.

SUB-RUR-O5 Berketts farm precinct. Berketts Farm Precinct is a high quality rural residential development that integrates with the natural environment and enhances indigenous biodiversity.

Is it appropriate for a major (within the Rural area) development to warrant only 20 words. Not only that, it is accompanied by a map with no labelling of any public road making it impossible for the site to be located.

The s32 evaluation contains information that is not presented in the notified plan.

There has been zero community consultation in respect of this development and there is a clear indication of predetermination by council. It would be a fair statement that the community has been blindsided by this development proposal that is being presented as a fait accompli.

The inclusion of this concealed proposal is reason in itself for the plan to be withdrawn and submitted to a public consultation process along similar lines to Private Plan Change 55 – Gabites block.

Withdraw the notified plan and consult meaningfully.

11.

EW-S3 Policies EW-P1, EW-P2 1. The physical extent of earthworks shall not exceed 150m² in surface area on any one site within any continuous 12 month period.

It is not clear if the earthworks provision is intended to incorporate the period of new house construction. Within the Rural area the footprint size of houses is generally more extensive than in the Urban area due to less constraint arising from the lot size. There are also earthworks associated with water storage tanks and sewage systems and dispersal fields. A minimum size for a dispersal

field is 250 square metres. If the object of the exercise is to reduce the necessity for a consent for “normal” activities then the Rural size for earthworks associated with building a new dwelling should be 500 square metres or greater.

It is also not clear what is meant by “any one site”. If the property is in the urban area then it is more simple. In the rural area a property can be 100 hectares so in that case what is the meaning of “one site”

The wording of this clause requires amendment to give clarity to the Rural situation and also provide for normal new build eventualities.

12.

NOISE-S1 Policies NOISE-P1, NOISE-P2 **Building and Demolition**

immediately outside residential units in the General Rural, Rural Production, Rural Lifestyle and Settlement Zones

Mon to Sat 7:00am - 7:00pm All other times, Sundays & public holidays **LeqdB**
A LmaxdB LeqdB LmaxdB **75 90 45 75**

NOISE-S3 Policies NOISE-P1 NOISE-P2 **Other noise sources**

Mon to Sat 7:00am — 7:00pm All other times, Sundays & public holidays **dB**
L10 Lmax L10 Lmax **50 - 40 70**

Maximum noise levels measured at or within the boundary of any site (other than the source site) in the General Residential, General Rural, Rural Production, Rural Lifestyle, Settlement and Open Space Zones.

NOISE-S5 Policies NOISE-P3 OSZ-P3 OSZ-P4 OSZ-P5 Noise within the Speedway Area of the Open Space Zone

Mon to Sat 7:00am - 7:00pm except where stated otherwise All other times, and Sundays and public holidays except where stated otherwise L10 LMAX L10 LMAX

Racing activities on race days Mon to Fri 7.30pm-10.30pm 70 Mon to Fri 7.30pm10.30pm 85 70 85

Noise standards are extremely difficult to comprehend given that there is a lack of consistency in the measurement standards used. Building and demolition uses leq_{dBA} and l_{maxdBA} whereas the others use $dBA L_{10}$ L_{max} .

For Building and Demolition the noise level is measured immediately outside residential units.

For other noise sources it is measured at the boundary.

Amend the structure of this policy to make it clearer for anyone other than a qualified Sound Engineer. In a document of this nature complex technical terms should be accompanied by an explanatory note.

13.

GRUZ-P6 Intensive farming

Restrict intensive farming to where it can be demonstrated that

2. there is adequate three waters and transport infrastructure available to service the activity;
4. areas of indigenous vegetation are retained;

This policy is totally disingenuous in that there is no 3 Waters infrastructure in the Rural area. No reticulated water, No storm water system and No reticulated sewage system. Why not simply state that Intensive farming is not permitted – not a good idea but at least it would be honest.

A blanket statement that “areas of indigenous vegetation are retained” is totally woolly. How big is an area? What form is the vegetation? Has it been mapped and agreed with landowners? This is even worse than the drafting of NPS-IB.

Remove the reference to three waters infrastructure.

Delete clause 4 or radically redraft.

14.

GRUZ-P8 Quarrying

Require any new quarrying activities or cleanfill areas and changes of use on existing quarry or cleanfill sites to demonstrate that:

Cleanfill area NPS means an area used exclusively for the disposal of cleanfill material.

What constitutes a Cleanfill area? Does 1 truckload constitute an area?

Amend the drafting to clarify these points.

15.

GRUZ-S10 Rural produce retail

2. the activity does not exceed gross floor area of 25m² ;

4. areas used for outdoor storage or sales must:

- a. be setback a minimum of 12m from all boundaries; and
- b. be screened from residential units on adjoining properties and roads by continuous evergreen planting to a minimum height of 2m above ground level
- c. ensure any stored equipment or goods does not exceed the height of screening.

Sounds good if you say it fast and don't think about it.

Use Mangaroa Farms as an example.

There is a carpark within the site required to be screened by a close boarded fence. Then there is the requirement for evergreen planting with a specified minimum height of 2m but no maximum height stipulated.

This is a Rural activity in a Rural area – not some operation in the middle of town. What precisely is the problem that you are trying to solve.

What components of the operation contribute to the gross floor area of 25m². Shop, greenhouse, Pick your own area.

12m setback does not make sense.

Settlement zone Commercial activity 150 square metres this activity 25m²

Settlement allotment 2,000 m² – Rural production zone 10 hectares – go figure!

Redraft the entire policy so that it makes sense and reflects rural realities. Meaningful consultation with the Rural community would have avoided this.

16.

GRUZ-S11

Rural industries and rural contractors depot must be limited to activities which:

1. are ancillary to residential activities or primary production activities on the site;

This does not fit with the use of a contractors depot which is principally for the storage of agricultural plant and machinery. The assumption is being made that Residential is the primary use. The contractor does not necessarily engage in Primary Production but is simply a contracted component of it.

Did planners perform an on ground check of Smiths Contractors depot before drafting this?

Redraft this so that it reflects the lived realities. Planners need to have a clear understanding of the way a rural environment operates.

17.

2. areas used for outdoor storage of equipment and goods must:
 - a. be setback a minimum of 12m from all boundaries;
 - b. be screened from residential units on adjoining properties and roads by continuous evergreen planting to a minimum height of 2m above ground level
 - c. ensure any stored equipment or goods does not exceed the height of the screening; and
 - d. not be located in any **front yard**.

None of this makes sense in the Rural Setting. Farm machinery is an intrinsic part of the Rural environment and does not need to be hidden away. The area is a community of Rural residents who do not think and react like Townies. The Rural chapter should reflect the norms of the Rural community and Urban thought patterns have no place in it. Front yards are not features of Rural Residential properties.

Delete this clause.

Consultation with the Rural community would have precluded these thought patterns and resultant nonsensical regulation.

18.

GRUZ-S14 Water supply and fire fighting sprinkler system for residential units

1. Each residential unit that is not connected to Council's reticulated water supply must have the following installed:
 - a. a self-sufficient potable water supply with a minimum volume of 38,000L; and

b. a domestic fire sprinkler system in accordance with NZS 4541:2013 that is connected to a firefighting water supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Where did the number 38,000 spring from?

Is the requirement for a domestic fire sprinkler system to be fitted going to also apply to the Urban area? If not then why is the Rural area being discriminated against?

Planners should check the evidence presented relative to Private Plan Change 55 when the sprinkler system was put forward as a desirable but not mandated option.

Planners reference 2 documents in the plan, NZS 4541:2013 and SNZ PAS 4509:2008. The first of these is no longer current and has been replaced by NZS 4541:2020. Neither of these are freely available with costs of \$117 and \$139.50 respectively making a total cost of \$256.50 if we wish to confirm the veracity of planner's statements.

Is this even the appropriate place for this regulation and should it not be part of the building code? In this respect have Building Services been consulted?

Delete this clause from PC50 and ensure that there is a consistent approach between developments in the Rural area. If Council wishes to make statements that can only be verified by looking at a New Zealand Standards document the Council should ensure that the document is freely available to submitters.

19.

The Settlement zone applies to two existing settlements within the rural environment — Maymorn and **McLaren Street**

Land within the Settlement zone is not serviced by reticulated three waters infrastructure.

This blanket statement is not correct. McLaren Street has reticulated water, sewage and storm water. McLaren Street is not a settlement zone. It is an historical anomaly constructed to service an industry that no longer exists.

This factually incorrect statement must be corrected and the nomenclature for MacLaren Street should be corrected to reflect its true nature

This is another example that indicates an absence of Community consultation.

20.

Appendix 3 — Berketts Farm Precinct Structure Plan

development of **up to 100** allotments.

Narrative states up to 100 allotments but numbers on the schematic shows allotments totalling 105. Numbers in the s32 evaluation show 103.

This is a major development by Valley standards (Larger than the original KMD development) and yet it only warrants one page of the notified PC50 provisions.

It's like "OH and by the way we are going to throw up 105 houses over here! Nothing of any consequence.

Nothing to show where it is in the overall scheme of things – where is it within the valley. The map has no roads identified. You have to read the s32 evaluation to find any reference to 528 Whitemans Valley Road.

Where is it in relation to the one lane bridges.

Will the private road bridge carry a 20 ton vehicle as required by the Fire Service and is the carriageway at least 4 metres wide.

Traffic Volumes etc.

Storm water implications?

There has been no consultation in respect of this development and no explanation why council is choosing to manipulate the normal rules to enable it

to proceed. No explanation has been given as to why this proposal should be subjected to a lesser degree of scrutiny that was given to PPC55 (Maymorn Farms)

Due to there having been no consultation and the general paucity of information this proposal should be withdrawn from the notified PC50 and resubmitted as a Private Plan Change.

Section 32 evaluation report

All pages are stamped DRAFT.

A number of observations in the evaluation amount to no more than individual opinion and conjecture

As an example the analysis on page 20 in respect of **Rural Production Zone – Lot size 10 hectares** – The comments column consists of a mix of factual statements and conjecture which indicates a high degree of predetermination.

21.

Comments - • Opens the zone up to more activities of a non rural nature.
• Increased risk of non rural activities.

This is simply not correct. The size of the allotment is not relevant – rather it is the rules that govern the entire Rural Area that dictate what can and what cannot take place. A block of this size would be attractive to a buyer with equestrian interests. They may well also use it for hay production – check out the Berkett paddock at Gorrie Road which regularly produce 2 crops of hay each year.

Delete

22.

Option - Has **a lot of flood plain on it**, particularly the bigger sites and makes it difficult to subdivide.

Define “a lot”. Is it 5 percent or is it 50 per cent, and why mention the opinion that it is therefore difficult to subdivide when not subdividing seems to be the objective being sought.

It also poses the question as to whether it is more difficult to subdivide a big site or a little site.

Delete

23.

May also include **the Mangaroo Peatland** which is not suitable for additional lots.

What relevance does the Peatland have to Highly Productive Land. NPS – HPL related to Land Use Classification soil types 1, 2, and 3. The Peatland does not fall within these soil types.

Reference to the Mangaroo Peatland should be struck out.

Rural Production - 20ha

24.

Option

Is there any economic analysis which would support this lot size as being more viable for primary production

Why are the planners addressing this question to the reader? It is the job of the person drafting the document to answer this question.

Either strike out this question or provide an answer to it.

25.

Has a lot of flood plain on it, particularly the bigger sites and makes it difficult to subdivide

Same observation as for Rural Production 10 hectare.

Delete

26.

May also include the Mangaroa Peatland which is not suitable for additional lots

Again query the rationale for reference to the Mangaroa Peatland.

Delete Peatland references and change drafting to remove vague phrases.

General Rural 20ha

Planning response

27.

- Limit non compatible rural activities which may require larger land holdings ie Resort accommodation, animal breeding operations.

Resort Accommodation is not restricted by the size of the allotment but by all of the ancillary rules regarding number of dwellings on any single allotment and the rules around Commercial activity.

The animal breeding operation comment demonstrates a failure to realise that this is precisely what a livestock farming operation tends to revolve around.

Change this so that it makes sense.

28.

Option

Preferred solution is 1ha minimum, 20ha average

This invites a clustering response and associated anomalies and does not seem to make sense.

Needs clarification.

29.

- Compact urban development

This is an analysis of the Rural area. Why is a reference to Urban slipped in?

Delete.

30.

- Some are very far from

This bullet point would appear to be incomplete.

Delete

31.

- Very narrow, windy roads unsuitable for intensification

This is a generalisation and does not apply to all roads in the Rural area. It does, however, apply to the roads in the vicinity of the Berketts Farm Structure Plan for 105 allotments.

Prefix statement with "Some"

32.

Rural Lifestyle 3000sqm 3523

Rural Lifestyle 4000sqm 2510

The analysis does not make sense when considered as a whole. The PC50 Rural Focus Group were presented with data relating to proposed Settlement Zones – which appear to have disappeared from the map – and the Group was advised that a lot size of 2,000 m² was adequate to accommodate 2 x 25k water tanks plus sewage dispersal field, plus house, plus garage, plus driveway.

Planners are now suggesting that a lot 50% larger is not adequate. Why the inconsistency?

Present reasoning for a change of opinion.

33.

- Creates excessive number of lots

This indicates a predetermined concept as to what is not an excessive number. If council has a desired outcome in respect of numbers then it should be up front and state it.

Council should state if it has a desired number.

34.

- Increases the adverse effects of discharges **exponentially**.

No it does not!! Any increase will be a linear progression. An exponential increase would be on the formula of 2 – 4 – 8 – 16 – 32.

Amend this incorrect statement.

35.

- Increase in effects on road **and rail transport** systems

Other than at Maymorn there is no rail transport within the Rural area. Any increase on rail will be minimal in comparison to increases originating from the Urban area.

Remove the reference to rail as no matter how many people stand on the platform at Maymorn there will be no service increase. It is a single track and service frequency is governed by demand from Wairarapa.

36.

- Increase in possible adverse effects from business operating from home (depending on type eg engineering)

This is just being silly! The type of business operation is governed by specific rules and engineering is excluded.

Remove the example

37.

Rural Lifestyle 5000sqm 1893

- Creates less number of lots but **more under utilised space on property**

Another silly observation. The entire point of a Rural Lifestyle block is that it is intended to create under utilised space.

Delete the wording under utilised.

38.

Rural Lifestyle 6000sqm 1475

- Regimented development with no variety of lot sizes either smaller or larger

Another subjective comment. Lots may be a consistent size but shapes can vary to better reflect the land forms and access ways.

Delete

39.

- Possible reverse sensitivity from unexpected activities establishing

Not a valid comment. Rules controlling use already prevent this.

Planners may be able to indicate what unexpected activities they envisage that are not covered by existing rules.

40.

Rural Lifestyle 1ha lot size or 1ha average 739

- When used as an average provides for a wider variety of lot size

Planners have not considered the possibility of the simple solution of 1 hectare minimum. Topography and natural features will result in a variety of shapes and sizes and meet most of the concerns expressed by the Planners.

The mindset appears to be 1 hectare or smaller and does not consider the option of 1 hectare or larger.

You cannot have a 1 ha average without also having a minimum as part of the formula.

Adopt 1ha minimum.

41.

Characteristics: • Bit of topography apart from Maymorn

Not appropriate to refer to Maymorn. The configuration of that area was determined by PPC55 and should be excluded from these considerations. Regardless of that there are a variety of land forms there.

The observation “Bit of topography” displays a lack of appreciation of the variety of landforms within the Rural area. Moonshine, Akatarawa Valley, Kaitoke. All of these beg the question as to whether the author is familiar with the area.

Amend to a more appropriate description.

42.

• Visually prominent because of the wide valleys.

This invites the question – Is Katherine Mansfield Drive visually prominent? People who buy a lifestyle property invariably plant trees and create their own “Nature Based Solutions” as promoted by GWRC Regional Policy Statement. The outlook will change and any houses will be camouflaged by the plantings. Additionally, not all the Rural valleys are wide. Authors should be familiar with the areas and consult with the local community.

Amend this comment.

43.

Settlement 2000sqm 1524

Given that the only areas that PC50 considers to be Settlement Zone are McLaren Street (fully developed with no additional capacity) and the Maymorn Farms development with a maximum of some 250, it would be interesting to know where the planners come up with 1524.

Explain where the number 1524 comes from.

44.

- Schedule development with availability of infrastructure (3 waters)

Apart from the historical anomaly of McLaren Street there is no provision of 3 Waters infrastructure in the Rural Area. If this is to be a prerequisite for Settlement Zones then none will happen. Does the author have any knowledge of the Upper Hutt Rural area?

There will be no further 3 waters extensions in the valley so delete this clause.

45.

Viable in defined areas

This observation is not compatible with the 3 Waters requirement.

Re think needed.

46.

- Only apply to where there is a true settlement

This is a “Cart and Horse” concept with the planners putting the Cart before the Horse! They are creating a circular argument. The zoning will result in a Settlement being created but unless the Settlement is present there will be no zoning.

Delete this clause.

47.

- Settlement Zone could be applied to McLaren Street

McLaren Street is an historical anomaly and the factors that caused it to be created no longer exist. To classify it as a Settlement Zone simply creates

another anomaly. It is a square peg in a round hole and pretending that it is something else will achieve nothing.

Delete this throwaway line.

48.

- McLaren could be Large Lot Res to recognise that full urban services are available for water and wastewater.

Here the S32 evaluation recognises the presence of full urban services in McLaren Street whereas in the Proposed PC50 documentation the statement is made that there are no reticulated services in McLaren Street.

Planners need to get information fact checked and consult with local communities to avoid wasting time and money on wild goose chases.

Transport and Parking

49.

Reason for change

Limits the number of properties that can be accessed via a right or way or private road to result in a safer transport network.

Exactly what is the perceived problem that the proposal is wishing to solve.

How is having a larger number of access points to a public road going to improve safety. In all probability it will achieve the opposite.

Publish any study that shows this to be the case.

50.

Limits the number of properties that can be accessed via a right of way or private road **to result in a safer transport network.**

This amounts to a totally unsubstantiated throwaway line.

In assessing Plan Change 55 (Maymorn Farm development) Council placed a requirement on the developer that there would only be 2 exits/entrances joining Maymorn Road. The requirement specifically forbade any of the allotments adjoining the road forming an exit to the road. So, in this case council has mandated 100 plus lots amalgamating into 2 exits to the highway.

In the proposal for Berketts Farm Structure Plan, the physical layout would appear to have 100 plus allotments concentrate into a single flow of traffic to and from Whitemans Valley Road.

The proposal lacks consistency and is devoid of logic and flies in the face of demands placed on developers by council. Safety is enhanced by having fewer junctions with the public highway not more.

Review the logic and consistency behind this policy.

51.

. Gives effect to Objective 22 and Policies 57 and 58 of the WRPS

Policies 57 and 58 of the GW Regional Policy Statement both relate to Objective 22.

Objective 22 relates to well-functioning **URBAN** environments. It does not relate to Rural environments and therefore has no relevance to PC50 – Rural Chapter.

Delete this statement as it does not relate to the Rural environment.

General Rural Zone (GRUZ)

52.

Rural area can be home to competing interests; activities that can only establish within that environment

Rural residential development is often sensitive to these adverse effects which potentially leads to reverse sensitivity effects.

This is a statement of fact and can be addressed in more than one way. The approach being adopted is to simply not do it. If you don't do it, you will not generate a situation that needs to be managed. Another approach would be for Council to issue an advisory giving notice to potential purchasers that these factors exist and create a case of 'caveat emptor'.

Adopt a policy of advising purchasers of normal rural situation by means of an advisory pamphlet.

53.

In terms of the distribution of the General rural zone, the following characteristics have generally been applied:

. Avoids highly fragmented rural lifestyle areas.

“Fragmented rural lifestyle areas” shows a high level of predetermination in the mind of the planners. This is the same argument that was put forward in relation to the KMD subdivision some 40 years ago and indicates that the mindset that prevailed then still exists now. KMD is a prime example of a cohesive community that is prepared to pursue actions that are in the common interests of the Community. The combination of vegetation planting by individuals is a prime example of GW RPS – Nature Based Solutions put into practice.

Delete the words “Highly fragmented”.

54.

1.3 Scale and Significance of the Effects

Reason for change

Giving effect to higher level RMA document (**NPS-UD**) and (NPS-HPL) by restricting development in the rural area and protecting highly productive land.

National Policy Statement **Urban Development** does not relate to the Rural Area. Additionally Upper Hutt does not have any land that meets the test for Highly Productive Land.

Delete this clause.

55.

Who and how many will be affected, geographic scale of effects

Wide public engagement undertaken.

Yes, wide public engagement was undertaken BUT that was in respect of the original draft PC50. **There have been major changes to that document and none of them were signalled to the community prior to this document being notified** nor were they signalled to the PC50 Rural Focus Group. Examples include Traffic movement calculations that make no provision for agricultural vehicles, changing zoning based on Land Transfer Office property boundaries, removing existing property rights by amalgamating 1 hectare lots into substantially larger lots with no landowner consultation, removal of all proposed Settlement Zones, restriction on the number of properties being serviced by a private road to 6 or fewer and the creation of a 100 lot development in the form of the Berketts Farm Structure Plan.

This document has not been put out for “wide public engagement”.

Withdraw the Notified PC50 document, enter in to public consultation before issuing a revised document.

56.

The amendments will affect private property especially in the respect of subdivision and what new activities can occur.

This is unacceptable. A policy is drafted that council clearly understands will impinge on private property rights with no prior warning and no consultation. There is no need to change zoning that has been in place for the last 40 years. What is the problem that council has decided that it needs now to fix.

Council should make amendments so that existing property rights are not compromised.

57.

Degree of impact on or interest from Māori.

Throughout both the notified plan and the S32 reports there is no recorded interest from Maori. Given no interest recorded then planners are presuming to record what they believe Maori interest would have been. It is difficult to understand how the absence of any response can be extrapolated to be “Interest in water quality and the impact of land use activities on that.”

The observation in this document is that it does not affect Maori land. In other council documents great store is placed on Papakianga and the desire to incorporate non-Maori land that is owned by Maori.

Council should either engage or not engage.

To not engage and then seek to present the situation as if engagement has taken place is not acceptable. Tables should clearly state that engagement has not happened.

58.

Degree of risk or uncertainty

There may be some negative risk from landowners **who wish to pursue activities that are not conducive within the rural environment** or they feel that the rules impinge on their personal property rights.

What an insulting and arrogant presumption this is. Why, when for the 40 years that this zoning has been in place without rogue Landowners attempting to corrupt the integrity of the Rural area, should they suddenly take it into their heads to do just that. It would be appropriate for the authors of this to **withdraw and apologise.**

That landowners may feel that the rules impinge on their property rights is probably because that is exactly what the rules do. A state that has existed unchanged for 40 years has, in all probability, established a **legitimate expectation** that the status quo will continue. Should Council wish to change the status quo then that would require specific consultation and in all probability compensation.

This same observation also applies to the proposal for there to be a maximum of six lots being serviced by a private road. This restriction may also reduce the viability of a development. It also poses the question, why 6. Not 4, not 8 but 6.

Delete

General Rural Zone (GRUZ) Section 32 Evaluation

59.

2.4Section 8 RMA

In developing the GRUZ provisions the Council **has worked in partnership** with Taranaki Whanua and Ngati Toa to protect their interests. The duty to make informed decisions through consultation is relevant to this plan change.

It is somewhat difficult to reconcile this statement with the reality that, within these documents, whenever consultation with the Iwi is mentioned, the response is invariably a bland “**No response**”

March to May 2020, September to November 2020, July to September 2021 are the dates shown. How is it possible that over these 3 individual quarter periods council officers failed to generate any expression of interest. It also begs the question why there is no recorded attempt to engage in dialogue for the last 3 years.

The section 32 evaluation should deal with what actually has happened – not what the planners would like you to think has happened. There has been no effective consultation with Iwi and this disingenuous comment should be deleted.

60.

Option 1 – Status Quo: Retain operative district plan provisions.

The issues identified with the Operative District Plan management of the General rural zone are:

- Reverse sensitivity;

The planners repeatedly demonstrate a total obsession with “reverse sensitivity”.

When people move into a Rural area they need to adapt to the area – not the other way round.

No footpaths, no streetlights, no reticulated water, no reticulated sewage, no public transport.

Sheep baa, cows moo and cocks crow – get used to it.

All references to reverse sensitivity to be removed from both PC50 and the s32 evaluation reports as it conveys no useful information.

61.

- Insufficiently enabling for land uses which need a rural environment;

Does not compute – exactly what land uses does this apply to? Is there an established demand that is not being met and has been unable to be met for the last 40 years. The more council meddles the less likely it is that they will achieve their aims.

If this is a valid observation the quantify the statement.

62.

- Inflexibility to cater for changing needs of the rural communities

It would be useful if there was an example of these changing needs. It is an interesting statement in that the notified PC50 is even more inflexible than the ODP that it is intended to replace.

Delete meaningless observation.

63.

- Subdivision rules do not enable layouts that reflect site functionality and practicality, instead they focus on achieving minimum allotment sizes;

This statement is totally subjective. It first forms a conclusion and then looks for the facts to fit it and demonstrates a high level of predetermination on the part of the planners. If a landowner is looking to split off a block from his property, the new boundaries will frequently follow the outline of natural features that are present. Fencing considerations, access considerations, building platform. What will make the new lot attractive to potential buyers or to the needs of a family member.

Then add to all this the fact that the new rules enable even smaller minimum size lots and we are left wondering what the planners are driving at.

Delete this observation from the document.

64.

- Areas with development potential have been developed in an ad hoc fashion, creating **ribbon developments** that are not responsive to the surrounding environment or housing demand;

Show me!!! Please will the author show me where within the Rural area I can find an example of this. The response to housing demand is directly proportional to the availability of Lifestyle type lot sizes. This is a prime example of the planner mind set wanting a dollar each way.

Delete this inaccurate observation from the document.

65.

- Does not enable bespoke master-planned developments where the density differs from the zoning due to the physical characteristics of the site.

Bespoke developments will, by their very nature, be unlikely to neatly dovetail in to any District Plan. They require a high level of detailed analysis (eg Maymorn Farms) which only happened as the result of a Private Plan Change.

Bespoke developments require a predetermined mindset and collusion on the part of the planners who need to manipulate the rules that govern the rest of the community. Exposing them to the cold light of day will highlight any problematic aspects.

Attempts to ramrod them through during an overall planning process will not generate a positive community response.

Bespoke developments should, as a matter of policy, be subjected to a higher degree of community scrutiny.

66.

In order to identify other reasonably practicable options, the Council has undertaken the following.

Community consultation

Consultation took place on the basis of the original draft PC50 proposals and the majority of the measures contained in the notified document did not exist in that original draft document. To that extent there has been minimal consultation with the community.

Withdraw the notified PC50 and enter in to robust consultation with the community.

– General Rural Zone (GRUZ) Section 32 Evaluation

67.

The preferred option is Option 4 because:

- Reduces the potential for reverse sensitivity effects arising from ad hoc, sporadic and incompatible development

It would be helpful if the planners gave a specific practical example of where exactly this “ad hoc, sporadic and incompatible development” has occurred and why existing rules failed to prevent it and how any new rules would be better from a community point of view.

Provide clear information as to how the new rules would achieve this.

68.

Option 4 – Balanced approach to land use activities with revised provisions Objective 1: GRUZ-O1 Purpose of the General Rural Zone

It is rather difficult to reconcile how a smaller number of larger lots is going to result in the above. The effect is more likely to be that there will be fewer housing options and less flexibility to meet any perceived cultural needs.

Explanation needed to illustrate precisely how the revised rules will achieve the stated aims.

69.

Benefits Environmental:

- Reduces the potential for reverse sensitivity effects.

It is far from clear how this reduction is slated to occur. None of the factors mooted to result in demonstrable reverse sensitivity have changed.

Delete this claim as unsupported conjecture.

70.

Costs Economic:

- Provisions restricting non rural business and rural businesses that do not need to locate within rural areas will reduce the pressure on land availability for farming.

A generalised statement without any demonstrated “real world” examples.

This is a statement that sounds good but in reality, lacks substance.

All the controls that are needed to restrict non rural businesses are already in place and whether a rural business needs to locate in a rural area is a matter of economic reality.

Delete this clause.

Costs Economic:

71.

- Administrative and compliance costs associated with activities/development that do not meet the relevant standards.

What is the basis for this contention. What level of costs has council been experiencing under the present ODP where an activity failed to meet a relevant standard.

Explain the basis or delete the clause.

72.

- Limits the development options of land.

How do we reconcile this statement with the one made earlier in the document that the new provisions will result in • Greater housing options and flexibility that meets cultural needs. The two would appear to be mutually exclusive.

Explain the logic or delete the clause.

73.

Costs Social

- Residential development in rural areas is generally located **some distance** from main towns and is likely to result in increased travel costs.

This is a prime example of generalisations being false and ignores one of the main attributes of Whitemans/Mangaroa Valley.

Katherine Mansfield Drive (Rural) is exactly the same distance from the Civic Centre as is Gemstone Drive (Urban).

The proposal is intending to rezone a large number of potential Lifestyle properties (1 hectare) to General Rural (20 hectares). A significant proportion of these are within 2 Kilometres of the Civic Centre.

The document states that Lifestyle Developments are to be **within** ie less than, 10 km of the city. Despite this the document is seeking to facilitate a bespoke development that is greater than 10km from the city.

Amend the document to explain why Council is actively encouraging measures that encourage development to occur further away from the city and outside its own distance guidelines.

74.

Costs Cultural:

- Under the proposed provisions there may be reduced opportunities for Tangata Whenua to develop their land.
- Marae require resource consent.

This is another example of document inconsistency. The document specifically states that there is no Maori land in the Upper Hutt rural area. How then can an opportunity that did not exist be reduced.

Delete this clause as having no relevance.

Effectiveness in achieving the objectives.

75.

- Reduces pressure on rural land development by controlling the nature and extent of non rural activities (e.g. residential densities) locating in the zone;
- Enable land to be used for a wider range of activities which provides resilience to adapt to changes in the environment;

These two factors are mutually exclusive – it is highly unlikely that the provisions will both reduce pressure on rural land whilst at the same time enable a wider range of activities. A most unlikely outcome in the real world.

Amend the clause to reflect reality or Delete it.

76.

- Can effectively manage reverse sensitivity effects;

How much of a problem is reverse sensitivity? Planners seem to demonstrate a disproportionate fixation with this concept.

Explain from practical examples how these effects are being manifested.

77.

- Enable provisions that support rural production thereby increasing economic activity in that sector.

It is highly unlikely that any of the provisions in PC50 will result in an increase in rural production. It is very rare for an increase in the level of restrictions to have a positive impact on the level of economic activity, usually the opposite applies. Equally in the document it states that increased economic activity is not likely.

Quantify or delete.

78.

Efficiency in achieving the objectives

This is an intriguing heading given that the only objective listed is –

- Greater housing options and flexibility that meets cultural needs.

It would appear that this is another example of sloppy drafting in that the only objective listed does not appear to be appropriate for the General Rural zone

Delete

TABLE 5: EVALUATION OF PROVISION

79.

Benefits

Economic: • Retains the rural value of property.

This is a legal document and as such it must be precise in its phraseology. It is another example of poor drafting which refers to the **rural value of property**. It may well be that the intention was to refer to **the value of rural property**.

If the intention of the provisions was to retain the value of a rural property, then in that respect the provisions will have been spectacularly unsuccessful.

Amend clause to be grammatically correct.

80.

Cultural: • No cultural benefits.

Council have no option but to come to this conclusion as they have totally failed to consult Iwi. It is incomprehensible that over a 3 year time frame in addition to 3 quarter periods Council has failed to have a meaningful conversation and record the opinions of Iwi.

Document the inadequacy of Iwi consultation.

81.

Costs Environmental: • Farming can have adverse effects on amenity such as hours of operation, lighting, odour, dust and noise

The authors have produced a list of factors that possibly could be the case but do not generally reflect my personal experience based on life in the Upper Hutt Rural area over the last 40 years.

Consult with the rural community to find out if this reflects the lived experience.

GRUZ-03 Infrastructure

82.

Benefits Environmental: • The provisions ensure there is appropriate servicing for three waters.

Within the Rural Area there is no provision for three waters servicing. The community has repeatedly been told by Council that three waters servicing is not available and Council has no plans to implement it in the Rural area. Independent Commissioners hearing submissions relating to Private Plan Change 55 were informed that Wellington Water had advised that the existing sewer pipeline which services McLaren Street was at full capacity. They were also advised that there was no capacity available in the potable reticulated water network.

Based on what the Community has been told, this statement is flat out wrong.

Delete this factually incorrect statement.

83.

Economic:

- The appropriate locating of activities within rural areas can reduce transport costs.

This is an interesting statement. How is cost reduction going to occur given the limited permutations for traffic from the rural area to interface with the main regional transport links. It sounds like a straight lift out of the Planners Guidebook 101.

Delete

84.

- Provisions restricting non rural business and rural businesses that do not need to locate within rural areas will reduce the pressure for infrastructure.

It would have been helpful if the planners had given some indication of the level of pressure that currently exists. For you to be able to reduce something a base level would need to be present.

Delete.

85.

- Social:
- Provision of transport systems enables people to participate in activities that contribute to their health and wellbeing.

This has the appearance of another statement that is made for the sake of saying something whether relevant or not. The only transport systems in the Rural area are sealed roads. No other systems exist.

Delete

86.

Cultural: • Cultural impacts from inadequate on-site disposal are avoided.

The meaning of this is far from clear and needs to be expressed in a clearer form.

Delete

87

Opportunities for economic growth There are no additional opportunities for economic growth.

At an earlier point in the document the converse opinion is put forward that the changes will promote economic growth. Both statements are the opinion of the planners but it is not acceptable to put forward two positions that are diametrically opposed.

Amend or delete.

88.

Opportunities for employment There are no additional opportunities for employment.

The same observations apply to this clause as to the one above. One part of the document says there will be opportunities although small and this part comes out with a definitive **no**. Statements such as these must demonstrate consistency both within and between documents if council is to retain credibility.

Amend or delete.

89.

Certainty and sufficiency of information Infrastructure arrangements differ for each development in the rural area and therefore there is uncertainty regarding the costs of providing the infrastructure demanded by new development.

The author does not appear to have an understanding of council policy in respect of new developments in all areas of the city, not just the Rural area. If the development will result in an increase in costs to council then the developer will be expected to contribute towards meeting those costs.

Amend or delete.

90.

Risk of acting or not acting if there is uncertainty or insufficient information.

The risk of not acting is that there is insufficient infrastructure to support new land uses, or new land uses have significant adverse effects on the infrastructure network, such as transport.

Overall, statements such as this, amount to unsubstantiated speculation. An assumption is made that the present infrastructure level will not be sufficient. It also makes the assumption that any effects will be adverse. The author has no basis for making such assumptions. It may equally be that the present level of infrastructure meets the needs of the new land use, that the new use will have significant beneficial effects and will not adversely impact on networks such as transport.

Amend or delete.

Rural Production Zone (RPROZ)

91.

Highly productive land is defined in the NPS-HPL as that which has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5.

NPS – HPL contains the guidelines that the **Regional Council** must follow in the mapping process.

National Policy Statement for Highly Productive Land 2022 September 2022

3.4 Mapping highly productive land

(1) Every **regional council** must map as highly productive land any land in its region that:

(a) is in a general rural zone or rural production zone; **and**

(b) is predominantly LUC 1, 2, or 3 land; **and**

(c) forms a large and geographically cohesive area

Clause 3.4 above is taken directly from the NPS – HPL. It clearly identifies that there are 3 factors that need to be met for the land to meet the HPL definition. These 3 factors are intended to be read in conjunction with each other as evidenced by the fact that both 1 and 2 are followed by the word “and”.

Council has only quoted the first 2 and needs to additionally consider whether the UHCC soils form **a large and geographically cohesive area**. Initial mapping by GWRC does not incorporate the Rural areas of Upper Hutt which would indicate that they are neither large nor geographically cohesive.

It is not the function of UHCC to second guess the Regional Council map and should be guided by their initial draft maps.

PC50 needs to be redrafted as a large part is reliant on the existence of HPL which, from the above, would appear not to exist. Based on this PC50 should be withdrawn and meaningful consultation entered into.

92.

Section 8 requires that in managing the use, development, and protection of natural and physical resources the principles of the Treaty of Waitangi are taken into account. In developing the RPROZ provisions **the Council has worked in partnership with Ngati Toa Rangitira and Taranaki Whanui to protect their interests**. The duty to make informed decisions through consultation is relevant to this plan change.

Throughout these documents the same table appears which relates to consultation with Iwi. In every instance the column headed “Summary of advice concerning the proposal received from iwi authorities” shows the same narrative “No response provided”

How does council reconcile the statement “No response provided” with the contention that **the Council has worked in partnership with Ngati Toa Rangitira and Taranaki Whanui to protect their interests.** –

Remove conflicting statements from the document.

Option 1 – Status Quo

This option does not give effect to the objective of the NPS – HPL . Therefore the Status Quo is not a viable option.

This conclusion is based on the presumption that the UH Planners have applied the correct interpretation of NPS – HPL. The NPS calls for 3 factors to be considered before classifying an area as Highly Productive Land – Council has only considered 2 out of 3 factors. If the third factor is applied then there is no land within the boundaries of Upper Hutt that fits the HPL definition. This means that the provisions relating to General Rural and Rural Production zones are based on a false premise.

All contentions and arguments put forward in relation to HPL are invalid and the changes proposed amount to change for the sake of change. If we eliminate the HPL factor then the present rules appear to be working well.

Withdraw the document as it is not fit for purpose.

Rural Lifestyle Zone (RLZ)

93.

1.3 Scale and Significance of the Effects

Reason for change

Giving effect to higher level policy documents (NPS-UD and NPS-HPL) in restricting development in the rural area and protecting highly productive land

NPS – UD relates to the Urban area and I am not able to find clauses that relate to the Rural area.

NPS – HPL has been incorrectly interpreted and does not apply to Upper Hutt.

Delete this clause as not relevant.

94.

Who and how many will be affected, geographic scale of effects.

Wide public engagement undertaken.

This statement is disingenuous. Public engagement/consultation was based on the provisions contained in the original Draft PC50. Those provisions have been radically altered and most of the contentious provisions are new introductions not previously seen by the community.

For council to consult on one plan and then make so many alterations and introduce new provisions to the notified version, means that council has failed in its obligation to engage in meaningful consultation which places it in breach of the RMA.

Council must meet its obligations under the RMA. Notified plan PC50 should be withdrawn pending meaningful consultation with the community.

95.

Only affects landowners with properties in the Rural lifestyle zone

This contention appears to be deliberate obfuscation. Based on Council's own data the changes affect some 750 properties. This factor amounts to a sizable portion and cannot be written off in such a dismissive tone. If council wishes to abrogate private property rights and legitimate expectation then it should undertake targeted consultation with a view to compensation. This applies to all zones.

Withdraw the notified plan as insufficient consultation has taken place which puts Council in breach of its RMA obligation.

96.

Degree of impact on or interest from Maori

No anticipated impact on Maori as this reflects what is currently happening in the area.

Council is guessing and given that it has failed to effectively consult with Maori is making an unsubstantiated presumption.

Withdraw this clause as it amounts to pure conjecture.

97.

Type of effect:

Low consequences to the landowners

That council can even consider making this assertion demonstrates a total lack of understanding of the multiple consequences of their actions.

Not all subdivision takes place for financial gain. In many cases landowners have a long-term plan which envisages land being made available for children to construct their own home in a multi-generation style of living.

The proposals also constitute a **major impingement of private property rights** in that they remove the ability to capitalise through subdivision and restrictive private road access provisions. The current zoning and private road access provisions have been in place for some 40 years and to make arbitrary changes of the nature that is proposed removes established legitimate expectations.

Amend this observation to reflect reality or delete.

Settlement Zone (SETZ)

98.

The Settlement Zone applies to two existing settlements currently zoned Lifestyle Sub-zone in the ODP, within the rural environment – Maymorn and MacLaren Street.

This statement does not appear to be complete in respect of Maymorn Farms which only came into being as a result of Private Plan Change 55. The terms

and conditions recommended by the Independent Commissioners specify how development is authorised to proceed and is unique to this area. As such it is not appropriate for it to be considered as meeting the Settlement Zone criteria and should be a separate zone in its own right.

Amend to show Maymorn Farms as a stand-alone zone.

99.

These two areas differ in intensity and scale from the more urban centres and are not serviced by reticulated three-waters infrastructure which limits further intensification within the area.

A factually incorrect statement – MacLaren Street does have 3 waters infrastructure and the level of intensification within Maymorn Farms is restricted by the terms and conditions relative to the approval of PPC55. MacLaren Street is an historical anomaly.

Amend document to correct.

100.

The National Planning Standards describe the Settlement Zone as: Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments. This zone description seems to fit well with the intent of these two areas.

The zone description may well apply to Maymorn Farms but it does not apply to MacLaren Street which is purely residential in nature.

The previous draft PC50 proposed Settlement Zones in the vicinity of the historic church in the centre of the valley plus on Wallaceville Hill Road bordering on to the City Urban area. It is this configuration which was presented for public consultation and not the current format which has had no consultation.

Amend document to reflect that the rural area has no Settlement Zones

Berketts Farm Precinct

TABLE 3: S32 ASSESSMENT OF PROPOSED OBJECTIVES

101.

Proposed Berketts Farm Precinct SUB-RUR-O5

Berketts Farm Precinct is a high quality rural residential development that integrates with the natural environment and enhances indigenous biodiversity

This statement indicates a high level of predetermination on the part of the planners. Whether the development is high quality or not presumes that there are controls in place to affect the built form. If those controls are present then they should be clearly indicated in this plan together with proposals to preclude them from being watered down.

The thrust of the S32 report is that council has decided that they want this proposal to go ahead and are manipulating the rules to enable it to happen. The structure of the report is more of the nature of a resource consent application and has the appearance of a misuse of process.

Planners are choosing to ignore elements upon which they place great store in other sections of the PC50 documentation. This development site appears to have a single point of entry/exit at Whitemans Valley Road – this would mean that traffic originating from 105 lots would concentrate to that one point. PC50

argues that there should be a maximum of 6 lots feeding to a single junction with a public road.

The site would need to be serviced by a network of private roads, contrary to the philosophy put forward elsewhere in the document.

PC50 needs to be redrafted. Within the notified document there is little detail regarding the precinct. There is only one small scale map with no detail showing and no identified features – such as Whitemans Valley Road. S32 evaluation presents information that has not been gleaned from PC50 which begs the question as to what is the information source.

102.

In order to identify other reasonably practicable options, the Council has undertaken the following:

Sought feedback from the community on a **draft PC50**;

This statement is a blatant misrepresentation. Feedback was sought on a draft PC50 but no feedback was sought on the version of PC50 that is now proposed. The original draft PC50 makes no mention of any proposed development in this area, either as a manipulated precinct or as a new area of Lifestyle zoning.

Amend the document to more correctly identify that there has been no community consultation as require by legislation.

103.

The preferred option is Option 4 because of the requirements of the National Planning Standards.

In other words, Option 4 is the only way that the rules can be manipulated to ensure the desired predetermined outcome. If the proposal will not fit within the framework of rules that apply to all other areas of the Rural zone, then council changes the rules for this one situation. By circumventing the Resource Consent process council is denying the community the opportunity to examine this development proposal in detail and submit when they are directly or indirectly affected. It gives the impression of council having double standards when compared to the level of scrutiny applied to the Gabites Block development proposals.

The proposal should be withdrawn and subjected to the level of Community consultation that is appropriate for a development of this size. Given the nature of the proposal and its potential impact on the Community at large Council should remove itself from the process and place it before Independent Commissioners.

104.

Option 4 – Bespoke precinct

Benefits

Economic:

- Enables a higher level of development than the underlying zones and therefore a higher return from development.
- Increased economic return when compared with farming.

Why is this drafted solely from the point of view of the developer. Whether or not the landowner will gain a greater economic benefit than that arising from

farming is a basic business decision and should not be of concern to council, especially when other actions by council within PC50 are clearly detrimental to other landowners. Council needs to be seen to be consistent in its approach.

Withdraw this proposal and place in front of Independent Commissioners.

105.

Social:

- Supports rural social infrastructure such as schools.

This observation is subjective.

Whether or not this is a benefit depends on the ability of the infrastructure to absorb increased demand within existing capacity.

Delete this clause.

Clay Target Club Acoustic Overlay

106.

The Clay Target Club Acoustic Overlay (acoustic overlay) is associated with the Hutt Valley Clay Target Club on 63 hectares located at 280 Wallaceville Road

the acoustic overlay extends over 160 hectares of land zoned as:

- a. Rural lifestyle zone;
- b. General rural zone; and
- c. Rural production zone.

The purpose of the acoustic overlay is to minimise potential reverse sensitivity effects arising from the noise generated by the Hutt Valley Clay Target Club activities

Council has shown that they have a low level of comprehension regarding noise originating from the Gun Club. Does council have information that establishes the ambient noise levels together with any study that establishes the generated level of noise above the ambient. Do they have any data that can establish a viable base line.

They have also again shown a fixation with the concept of “reverse sensitivity”.

Planners have made the assumption that the main adverse impact of noise is experienced within dwellings.

Shooting times are within daylight hours and usually contained in a band from 9am to 6pm. Accordingly, the main impact is experienced by people wishing to enjoy the outdoors, especially during the warmer months of the year.

The Gun Club is situated in a natural bowl and as such any noise is projected outwards to the main part of the valley. The level of percussive sound is influenced by atmospheric conditions and varies from barely perceptible to intrusively loud. This observation is based on personal experience over some 38 years with our property being over 1km from the club – line of sight.

The configuration of the shooting stands has a major influence on the direction most affected and the club can take measures to reduce its impact by manipulating the line on which discharge will occur.

This acoustic overlay is not necessary. Given that planners are only concerned with a singular source of noise output then a note on the LIM reports for potentially affected properties would be more effective as that would have the effect of bringing it directly to the attention of any new purchasers within the noise level envelope.

There is also no evidence to indicate that acoustic testing has been undertaken when determining the shape and the extent of the envelope.

Elsewhere in the plan council has proposed a requirement to plant an evergreen screen of 2m height to hide agricultural contractors plant and

machinery. I have not been able to locate any requirement for the Gun Club to instal any acoustic screening.

The logic being adopted by council, in response to the probability of excess levels of noise being generated, is to require residents to incur the financial burden of purchasing the equivalent of better ear plugs. The club is generating more noise and residents are being mandated to absorb the cost resulting from the leisure activity of a club membership that is predominately drawn from people who live outside of the Valley.

Delete the proposals for an acoustic overlay.

Zoning – Section 32 evaluation

107.

Who and how many will be affected, geographic scale of effects

Localised as it is **only restricted to 750 properties**, of which 271 are a change from a split zoning to a single zone.

How can council possibly consider that the impact of this is low – graded 1. There was no consultation or advanced warning and the impact is considerable. The grading is not appropriate.

Amend wording to reflect the community reality – or delete.

End of Submission

