

SUBMISSION 121

**Submission on Plan Change 50 to the Upper Hutt District Plan
16 November 2023**

Submitter	Gillies Group Management Limited
Agent	Drew Cumming
Address for Service	acplanning@outlook.co.nz

PC50 Provision	Position	Reason	Decision Sought
<p>Berketts Farm Precinct provisions and related provisions</p>	<p>Support</p>	<p>GGML strongly supports the Rural Lifestyle zoning and the concept of the Berketts Farm Precinct and plan provisions that give effect to the Berketts Farm Structure Plan including the subdivision layout supported by plan provisions that provide for rural residential development in keeping with the character anticipated in the Rural Lifestyle Zone.</p>	<p>Confirm the Rural Lifestyle zoning and the Berketts Farm Precinct including the Berketts Farm Structure Plan and plan provision amendments as sought in this submission plus any required consequential amendments.</p>
<p>p43 SUB-RUR-O2 Rural lifestyle subdivision <i>Subdivision within the Rural lifestyle zone is consistent with and maintains rural character and amenity values.</i></p>	<p>Oppose</p>	<p>By definition, the Rural Lifestyle Zone will have different rural character and amenity to General Rural or Rural Production due to its pattern of smaller landholdings and more intensive built development.</p> <p>The objective should state the rural character and amenity outcomes sought for the RLZ not rural areas as a whole. The rural character and amenity outcomes sought for the RLZ should be as stated in the RLZ objectives.</p> <p>Each rural zone should have an objective that states the outcomes sought for the zone. Subdivision is then an activity that needs to be consistent with achievement of the outcomes.</p> <p>“Maintains” is inappropriate because it implies no change, when the purpose of the zone is to provide for some change.</p>	<p>Amend as follows: SUB-RUR-O2 Rural lifestyle subdivision Subdivision within the Rural Lifestyle Zone achieves a pattern of development that is consistent with and maintains the rural character and amenity values anticipated for the Zone.</p>

PC50 Provision	Position	Reason	Decision Sought
<p>p44</p> <p>SUB-RUR-O5</p> <p>Berketts farm precinct</p> <p><i>Berketts Farm Precinct is a high quality rural residential development that integrates with the natural environment and enhances indigenous biodiversity</i></p>	<p>Support in part</p>	<p>This objective needs to be more specific about what integration with the natural environment and enhancement of indigenous biodiversity mean.</p>	<p>Amend as follows:</p> <p>SUB-RUR-O5</p> <p>Berketts farm precinct</p> <p>Berketts Farm Precinct is a high quality rural residential development <u>where the subdivision layout and built development</u> that integrates with the <u>physical and environmental features of the site and are subservient to the expansive, rural and indigenous forest landscape.</u> natural environment and enhances indigenous biodiversity</p>
<p>p45</p> <p>SUB-RUR-P4</p> <p>Appropriate Subdivision</p> <p><i>Enable subdivision where it results in allotments that:</i></p> <ol style="list-style-type: none"> <i>1. are consistent with the purpose, characteristics and amenity values of the zone;</i> <i>2. comply with the minimum allotment sizes for each zone;</i> <i>3. result in building platforms sized to maintain the character of the zone; and</i> <i>4. have appropriate legal and physical</i> 	<p>Support in part</p>	<p>We support this policy, with the amendments below. The purpose, character and amenity of each zone needs to be set out in an objective so what the policy is trying to deliver is clear. See Objectives RLZ-O1 and RLZ-O3. The wording of RLZ-O3 is not particularly helpful.</p> <p>The term “character of the zone” should be set out in objectives and should be used consistently, rather than sometimes being expressed as “characteristics of the zone”, which has a different meaning.</p> <p>The relationship of building platform size to zone character is not clear,</p>	<p>Amend as follows:</p> <p>SUB-RUR-P4</p> <p>Appropriate Subdivision</p> <p>Enable subdivision where it results in allotments that:</p> <ol style="list-style-type: none"> 1. are consistent with the purpose, characteristics and amenity values <u>anticipated by</u> of the zone, <u>as influenced by any Precinct, Development Area or other overlay;</u> 2. comply with the minimum allotment sizes for each zone <u>as influenced by any Precinct or Development Area;</u>

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<p>access.</p>		<p>particularly as all rural zones have the same proposed building platform size. Building platform location is more important than platform size.</p>	<p>3. result in building platforms sized to maintain the character of the zone; and <u>Locate building platforms to avoid unacceptable effects on landscape character; and</u> 4. have appropriate legal and physical access.</p>
<p>p46 SUB-RUR-P8 Berketts Farm Precinct <i>Subdivision and development in the Berketts farm precinct is consistent with the Berketts Farm Structure Plan and is appropriately visually screened from Whitemans Valley Road, to maintain the rural character and amenity values of the zone.</i></p>	<p>Support in part</p>	<p>This should be rewritten in the format of a policy. The policy should deliver the outcomes sought in the relevant Berketts farm objective (SUB-RUR-O5).</p>	<p>Amend as follows: SUB-RUR-P8 Berketts Farm Precinct <u>Provide for</u> Ssubdivision and development in the Berketts farm precinct <u>that</u>:</p> <ol style="list-style-type: none"> 1. is consistent <u>generally in accordance</u> with the Berketts Farm Structure Plan; <u>and</u> 2. <u>achieves the outcomes sought in SUB-RUR-O5.</u> and is appropriately visually screened from Whitemans Valley Road, to maintain the rural character and amenity values of the zone.
<p>p48 SUB-RUR-S1 <i>Standards for subdivision</i></p>	<p>Oppose</p>	<ul style="list-style-type: none"> • SUB-RUR-S1 is expressed as a rule when it is supposed to be a standard. • If it's a standard, it doesn't need to restate other standards – they can be referred to directly by the relevant rules. • A standard should not refer to 	<p>Rephrase the standard.</p>

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<p>p48 SUB-RUR-S2 <i>Minimum requirements for subdivision</i></p> <table border="1" data-bbox="129 504 680 828"> <thead> <tr> <th>Rural Zones</th> <th>Minimum net site area</th> <th>Average lot size within the subdivision</th> <th>Building Platform</th> </tr> </thead> <tbody> <tr> <td>Settlement</td> <td>2000m²</td> <td>n/a</td> <td>200m²</td> </tr> <tr> <td>Rural Lifestyle</td> <td>3000m²</td> <td>1ha</td> <td>200m²</td> </tr> <tr> <td>Rural Production</td> <td>4ha</td> <td>16ha</td> <td>200m²</td> </tr> <tr> <td>General Rural</td> <td>1ha</td> <td>20ha</td> <td>200m²</td> </tr> <tr> <td colspan="4">Exemptions</td> </tr> <tr> <td colspan="4"><i>These standards shall not apply to any allotment for a network utility, reserve or conservation purposes.</i></td> </tr> </tbody> </table>	Rural Zones	Minimum net site area	Average lot size within the subdivision	Building Platform	Settlement	2000m ²	n/a	200m ²	Rural Lifestyle	3000m ²	1ha	200m ²	Rural Production	4ha	16ha	200m ²	General Rural	1ha	20ha	200m ²	Exemptions				<i>These standards shall not apply to any allotment for a network utility, reserve or conservation purposes.</i>				Oppose	<p>matters in a rule (DC-R2).</p> <ul style="list-style-type: none"> The table needs to identify that different minimum requirements apply in Development Areas and Precincts. 	<p>SUB-RUR-S2 Minimum requirements for subdivision</p> <table border="1" data-bbox="1507 504 2038 991"> <thead> <tr> <th>Rural Zones</th> <th>Minimum net site area</th> <th>Average lot size within the subdivision</th> <th>Building Platform</th> </tr> </thead> <tbody> <tr> <td>Settlement</td> <td>2000m²</td> <td>n/a</td> <td>200m²</td> </tr> <tr> <td>Rural Lifestyle</td> <td>3000m²</td> <td>1ha</td> <td>200350m²</td> </tr> <tr> <td>Rural Production</td> <td>4ha</td> <td>16ha</td> <td>200m²</td> </tr> <tr> <td>General Rural</td> <td>1ha</td> <td>20ha</td> <td>200m²</td> </tr> <tr> <td colspan="4">Exemptions</td> </tr> <tr> <td colspan="4">These standards shall do not apply to</td> </tr> <tr> <td colspan="4">1. any allotment for a network utility, reserve or conservation purposes.</td> </tr> <tr> <td colspan="4">2. Development Area 3 – Gabites Block Development Area.</td> </tr> <tr> <td colspan="4">3. Berketts Farm Precinct.</td> </tr> </tbody> </table>	Rural Zones	Minimum net site area	Average lot size within the subdivision	Building Platform	Settlement	2000m ²	n/a	200m ²	Rural Lifestyle	3000m ²	1ha	200 350m ²	Rural Production	4ha	16ha	200m ²	General Rural	1ha	20ha	200m ²	Exemptions				These standards shall do not apply to				1. any allotment for a network utility, reserve or conservation purposes.				2. Development Area 3 – Gabites Block Development Area.				3. Berketts Farm Precinct.			
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<p>p48 SUB-RUR-S3 Access standards for subdivision</p>		<ul style="list-style-type: none"> There is no need to add “Berketts Farm” to the right hand column because the standard applies to the entire RLZ. 	Delete “Berketts Farm Precinct” from the right hand column.																																																																				
<p>p49 SUB-RUR-R6</p>		<ul style="list-style-type: none"> Typographical error - This rule refers to the “access standards in SUB-RUR-S2”. There are no access standards in SUB-RUR-S2. Should be referring to the access standards in SUB-RUR-S3. 	Correct the typographical error.																																																																				

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<p>p50</p> <p>SUB-RUR-R7 – Restricted Discretionary</p> <p><i>Subdivision of land in the Berketts Farm precinct complies with SUB-RUR-S7.</i></p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. The extent to which the activity will adversely affect traffic and pedestrian safety. 2. The extent to which the activity will adversely affect the efficient functioning of the roading network. 3. Council's restriction is also restricted to the matters listed in SUB-RUR-R1. 	<p>Support in part</p>	<ul style="list-style-type: none"> • The rule requires additional matters to which discretion is restricted so the matters of interest as set out in the relevant objectives and policies, i.e. character, indigenous biodiversity, natural hazards, are able to be assessed. • Subdivision in accordance with the Structure Plan and SUB-RUR-S7 should not require public or limited notification. 	<p>Amend as follows:</p> <p>SUB-RUR-R7 – Restricted Discretionary</p> <p>Subdivision of land in the Berketts Farm precinct that is in general accordance with the Berketts Farm Structure Plan and complies with SUB-RUR-S7.</p> <p>Council will restrict its discretion to, and may impose conditions on:</p> <ol style="list-style-type: none"> 1. The extent to which the activity will adversely affect traffic and pedestrian safety. 2. The extent to which the activity will adversely affect the efficient functioning of the roading network. 3. The extent to which the activity achieves Objective SUB-RUR-O5; 4. The management of indigenous biodiversity; 5. The effects of natural hazards including the effects of the Mangaroa Flood Extent on access; 6.5. Council's restriction is also restricted to the matters listed in SUB-RUR-R1. <p>Notification</p> <p>In respect of Rule SUB-RUR-R7, applications are precluded from limited and public notification (unless special circumstances exist).</p>
<p>p52</p> <p>SUB-RUR-S7</p> <p>Subdivision within the Berketts Farm</p>	<p>Oppose</p>	<ul style="list-style-type: none"> • The total number of lots set out in the Structure Plan is more than the 100 overall maximum stated in the 	<p>Amend as follows:</p> <p>SUB-RUR-S7</p> <p>Subdivision within the Berketts Farm</p>

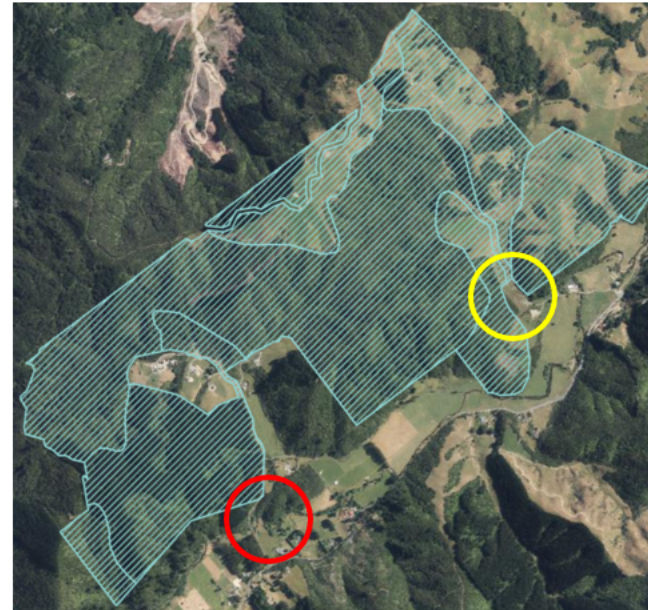
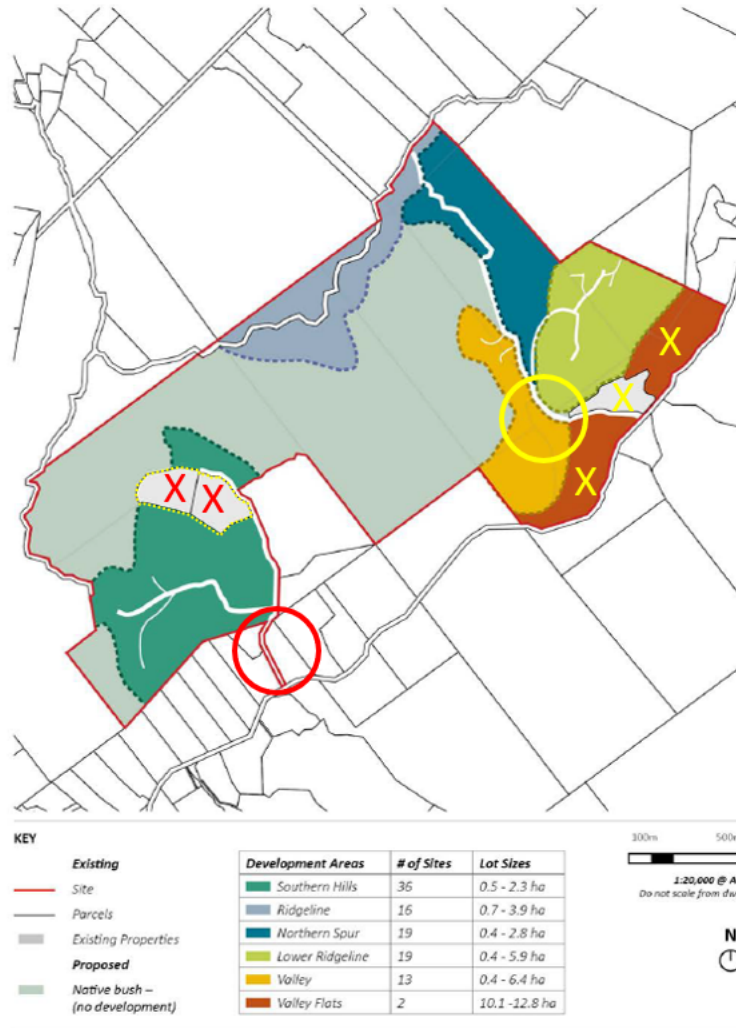
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<p>precinct</p> <p>1. The maximum number of allotments and minimum allotment sizes in the development areas identified in Appendix 3 – Berketts Farm structure plan must not exceed those set out in the table below.</p> <table border="1" data-bbox="129 531 629 751"> <thead> <tr> <th>Precinct Development Area</th> <th>Minimum allotment size (m²)</th> <th>Maximum number of allotments</th> </tr> </thead> <tbody> <tr> <td>Southern hills</td> <td>7000</td> <td>36</td> </tr> <tr> <td>Ridgeline</td> <td>4000</td> <td>16</td> </tr> <tr> <td>Northern spur</td> <td>4000</td> <td>19</td> </tr> <tr> <td>Lower ridgeline</td> <td>4000</td> <td>19</td> </tr> <tr> <td>Valley</td> <td>4000</td> <td>13</td> </tr> </tbody> </table> <p>2. Location of allotments, accesses and roads shall be consistent with the Berketts Farm Structure Plan.</p> <p>3. All building platforms must be located so resulting earthworks or buildings will not be visible from Whitemans Valley Road.</p> <p>4. All existing Indigenous Vegetation is retained and legally protected.</p> <p>5. each allotment is enhanced with the addition of new indigenous on a minimum of 10% of the allotment.</p>	Precinct Development Area	Minimum allotment size (m ²)	Maximum number of allotments	Southern hills	7000	36	Ridgeline	4000	16	Northern spur	4000	19	Lower ridgeline	4000	19	Valley	4000	13		<p>table. The correct total is 103.</p> <ul style="list-style-type: none"> “All existing vegetation is retained and legally protected” is impracticable. It would mean every single isolated tree or plant would need to be identified and covenanted. The protection of vegetation should be managed in the context of the whole Precinct development. The requirement for 10% new indigenous planting is onerous while also being non-specific, with no relation to context, type of vegetation, location or potential effects. The protection of vegetation should be managed in the context of the whole Precinct development and not allotment by allotment. The comprehensive Precinct development will protect some 200 ha of vegetation. The matters of character and indigenous vegetation should be addressed as matters of discretion in Rule SUB-RUR-R7 as amended above (rather than in this standard), with appropriate direction from Objective SUB-RUR-O5 and Policy SUB-RUR-P8, as amended. 	<p>precinct</p> <p>1. The maximum number of allotments and minimum allotment sizes in the development areas identified in Appendix 3 – Berketts Farm structure plan must not exceed those set out in the table below.</p> <table border="1" data-bbox="1507 531 2007 778"> <thead> <tr> <th>Precinct Development Area</th> <th>Minimum allotment size (m²)</th> <th>Maximum number of allotments</th> </tr> </thead> <tbody> <tr> <td>Southern hills</td> <td>7000</td> <td>36</td> </tr> <tr> <td>Ridgeline</td> <td>4000</td> <td>16</td> </tr> <tr> <td>Northern spur</td> <td>4000</td> <td>19</td> </tr> <tr> <td>Lower ridgeline</td> <td>4000</td> <td>19</td> </tr> <tr> <td>Valley</td> <td>4000</td> <td>13</td> </tr> <tr> <td><u>Total</u></td> <td></td> <td><u>103</u></td> </tr> </tbody> </table> <p>2. Location of allotments, accesses and roads shall <u>must</u> be consistent <u>generally in accordance</u> with the Berketts Farm Structure Plan.</p> <p>3. All building platforms must be located so resulting earthworks or buildings will not be visible from Whitemans Valley Road.</p> <p>4. All existing Indigenous Vegetation is retained and legally protected.</p> <p>5. each allotment is enhanced with the addition of new indigenous on a minimum of 10% of the allotment.</p>	Precinct Development Area	Minimum allotment size (m ²)	Maximum number of allotments	Southern hills	7000	36	Ridgeline	4000	16	Northern spur	4000	19	Lower ridgeline	4000	19	Valley	4000	13	<u>Total</u>		<u>103</u>
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<p>p53</p> <p>Discretionary Activity</p> <p>SUB-RUR-R12</p> <p><i>Subdivision which does not comply with the standards specified in :</i></p> <ol style="list-style-type: none"> 1. SUB-RUR-S1; 2. SUB-RUR-S2; or 3. SUB-RUR-S3. 	Oppose	<ul style="list-style-type: none"> • This rule as it stands would inadvertently make subdivision in the Berketts Farm Precinct discretionary. • For the avoidance of doubt an exemption should be added. 	<p>Amend as follows:</p> <p>Discretionary Activity</p> <p>SUB-RUR-R12</p> <p>Subdivision which does not comply with the standards specified in :</p> <ol style="list-style-type: none"> 1. SUB-RUR-S1; 2. SUB-RUR-S2; or 3. SUB-RUR-S3. <p>Exemption:</p> <p>This rule does not apply to the Berketts Farm Precinct.</p>
<p>p53</p> <p>SUB-RUR-R13</p> <p><i>Subdivision within the Ponding Area and Erosion Hazard Area of the Mangaroo Flood Hazard Extent which results in any undeveloped allotments that contain no residential unit or nonresidential building, where one or more of the following occurs;</i></p> <ol style="list-style-type: none"> 1. The proposed access is below the 1 in 100-year flood level; 2. Proposed access is located within an Overflow Path; 3. Proposed allotments do not comply with 	Oppose	<ul style="list-style-type: none"> • Since the Berketts Farm access goes through the Ponding Area, subdivision of Berketts Farm would always be discretionary, when the intention is that it is restricted discretionary. • We suggest adding an exemption to Rule SUB-RUR-R13 and addressing natural hazards as a matter of discretion under Rule SUB-RUR-R7 as amended above. 	<p>Amend as follows:</p> <p>SUB-RUR-R13</p> <p>Subdivision within the Ponding Area and Erosion Hazard Area of the Mangaroo Flood Hazard Extent which results in any undeveloped allotments that contain no residential unit or nonresidential building, where one or more of the following occurs;</p> <ol style="list-style-type: none"> 1. The proposed access is below the 1 in 100-year flood level; 2. Proposed access is located within an Overflow Path; 3. Proposed allotments do not comply with

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<p>SUB-RUR-S1.</p>			<p>SUB-RUR-S1.</p> <p>Exemption:</p> <p>This rule does not apply to the Berketts Farm Precinct.</p>
<p>p53</p> <p>SUB-RUR-R16</p> <p><i>Subdivision within the Mangaroa Flood Hazard Extent which results in any new undeveloped allotments that contain no residential unit, where one or more of the following occurs:</i></p> <p>1. <i>The proposed building platform is located within an Overflow Path or River Corridor;</i></p> <p>2. <i>Access to the building platform is within a River Corridor</i></p>	<p>Oppose</p>	<ul style="list-style-type: none"> • Since the Berketts Farm access goes through the River Corridor, subdivision of Berketts Farm would always be non-complying, when the intention is that it is restricted discretionary. • We suggest adding an exemption to Rule SUB-RUR-R16 and addressing natural hazards as a matter of discretion under Rule SUB-RUR-R7 as amended above. • 	<p>Amend as follows:</p> <p>SUB-RUR-R16</p> <p>Subdivision within the Mangaroa Flood Hazard Extent which results in any new undeveloped allotments that contain no residential unit, where one or more of the following occurs:</p> <p>1. The proposed building platform is located within an Overflow Path or River Corridor;</p> <p>2. Access to the building platform is within a River Corridor.</p> <p>Exemption:</p> <p>This rule does not apply to the Berketts Farm Precinct.</p>
<p>p111</p> <p>RLZ-P2</p> <p><i>Use and development in the Rural lifestyle zone will maintain or enhance the District's rural character and amenity values, including:</i></p> <p>1. <i>general sense of openness;</i></p>	<p>Oppose</p>	<ul style="list-style-type: none"> • By definition, the RLZ will increase the density of development in rural areas so Point 4 is not achievable and does not assist plan users. • The difference between the RLZ character (as influenced by precincts and development areas) and other zones should be acknowledged. 	<p>RLZ-P2</p> <p>Use and development in the Rural lifestyle zone will maintain or enhance the District's rural character and amenity values anticipated by the Zone, as influenced by any Precincts or Development Areas, including:</p> <p>1. general sense of openness;</p>

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<p>2. significant areas of indigenous vegetation</p> <p>3. natural character, landscapes and features;</p> <p>4. overall low density of development; and</p> <p>5. the presence of farming activities.</p>			<p>2. significant areas of indigenous vegetation</p> <p>3. natural character, landscapes and features;</p> <p>4. overall low density of development; and</p> <p>5. the presence of farming activities.</p>
<p>p133</p> <p>Appendix 3 — Berketts Farm Precinct Structure Plan</p> <p>The Berketts farm precinct is a rural lifestyle precinct which includes over 200 hectares of protected indigenous vegetation and enables the development of up to 100 allotments. The location of transport infrastructure and areas of rural residential activity are identified in the Berketts Farm Precinct Development Areas. All buildings in the precinct will be located and designed to not be visible from Whitemans Valley Road.</p>	Oppose	<ul style="list-style-type: none"> The Appendix states the Berketts Farm yield incorrectly. It is 103 rather than 100. Buildings should be located and designed to avoid unacceptable adverse effects on landscape character. The requirement to not be visible is unnecessarily stringent. The receiving environment is a working rural landscape that includes a range of dwellings and farm buildings. 	<p>Amend as follows:</p> <p>Appendix 3 — Berketts Farm Precinct Structure Plan</p> <p>The Berketts farm precinct is a rural lifestyle precinct which includes over 200 hectares of protected indigenous vegetation and enables the development of up to 100 <u>103</u> allotments. The location of transport infrastructure and areas of rural residential activity are identified in the Berketts Farm Precinct Development Areas. All buildings in the precinct will be located and designed to <u>avoid unacceptable adverse effects on landscape character</u> not be visible from Whitemans Valley Road.</p>
Mapping	Support in part	<ul style="list-style-type: none"> The Berketts Farm Structure Plan map in Appendix 3 needs some minor amendments to make it consistent with the planning map and the plan provisions. 	Amend as shown and explained in the diagram below.

structure plan
~~Berketts farm precinct development areas~~



- The Valley Flats in the Xplorer planning map and in the plan provisions are zoned Rural Production and not included in the Berketts Farm Precinct. This map (see yellow x's above) and table need to be consistent with the planning map and provisions. Delete "Valley Flats" from the table.
- The BF Precinct in the Xplorer planning map reflects the legal description boundaries and should be matched in the Appendix 3 map – see the yellow circles above.
- The properties marked with red x's are not part of the BF Precinct and should be shaded white. The Precinct boundary should be amended to exclude them – yellow dotted line.
- The identifier "Existing Properties" should be deleted as superfluous
- The planning map needs to include the access panhandle in the BF Precinct and RLZ (red circles)