

**SUBMISSION ON
PROPOSED DISTRICT PLAN CHANGE 50 – RURAL REVIEW
UPPER HUTT CITY COUNCIL**

To: Upper Hutt City Council
By email to: planning@uhcc.govt.nz

Submission on: Proposed Plan Change 50 – Rural Review

Name of Submitter: **Urban Edge Planning Ltd**
on behalf of Lisa Nelson & Brent Alexander

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Attention: Corinna Tessendorf
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- This is a submission made on behalf of Lisa Nelson & Brent Alexander concerning Proposed Plan Change 50 – Rural Review as notified by Upper Hutt City Council on 04 October 2023.
- Lisa Nelson & Brent Alexander **could not gain an advantage in trade competition** through this submission.
- Lisa Nelson & Brent Alexander **would like to be heard** in support of this submission.
- Lisa Nelson & Brent Alexander **would not consider presenting a joint case** with others that make a similar submission.
- The specific provision of the plan change that this submission relates to is the proposed zoning of the site at 41A Mt Marua Drive, Timberlea.
- **Urban Edge Planning on behalf of Lisa Nelson & Brent Alexander seek the rezoning of the site at 41A Mt Marua Drive.**



SITE CONTEXT

This submission relates to the site at 41A Mt Marua Drive, Timberlea.



Figure 1: 41A Mt Marua Drive – Aerial (Source: UHCC Maps)

The site can be described as follows:

Address	41A Mt Marua Drive, Timberlea, Upper Hutt
Title	930014
Size	29.3ha
Parcel ID / Legal description	<ul style="list-style-type: none"> ▪ 7613446 / Lot 2 DP 546328 ▪ 8066744 / Lot 208 DP 502438 ▪ 7712746 / Lot 201 DP 487269
Current District Plan Zoning	<ul style="list-style-type: none"> ▪ General Rural Zone ▪ Rural Production Zone ▪ Rural Lifestyle Zone
Proposed District Plan Zoning	<ul style="list-style-type: none"> ▪ General Rural Zone ▪ Rural Lifestyle Zone
District Plan Overlays	<p>District Plan Features:</p> <ul style="list-style-type: none"> ▪ Southern Hills Overlay - Landscape ▪ Southern Hills Overlay - Visual ▪ Designation TZR1 (Purpose: Railway corridor purposes, Authority: KiwiRail Holdings Limited) ▪ Designation UHC8 (Purpose: Proposed Amenity Reserve, Authority: Upper Hutt City Council)

	<ul style="list-style-type: none"> ▪ Rivers & Streams – Mangaroa River <p>District Plan Hazards:</p> <ul style="list-style-type: none"> ▪ Mangaroa Erosion Hazard Area ▪ Mangaroa River Corridor ▪ Mangaroa Ponding Area
<p>Current Use and Development</p>	<p>The site is currently undeveloped except for a sealed private road that traverses the site from east to west. This private road connects the properties at 43 to 49 Mt Marua Drive which are located to the east of the site with Mt Marua Drive, located to the west of the site.</p> <p>The site is partially covered in pine forest and partially in what appears to be regenerating native bush.</p> <p>The Maoribank tunnel of the Wairarapa railway line of the Railway crosses under the south-west corner of the site with the eastern mouth of the tunnel located just outside the site boundary.</p>
<p>Surrounding Area</p>	<p>The surrounding area is characterised by low density residential development to the north and rural lifestyle development to the west and south. The land to the east of the site is undeveloped and designated as a proposed amenity reserve.</p> <p>The Mangaroa River meanders along the southern boundary of the site and briefly crosses onto the site.</p>



Figure 2: 41A Mt Marua Drive – Legal Description (Source: GRIP)



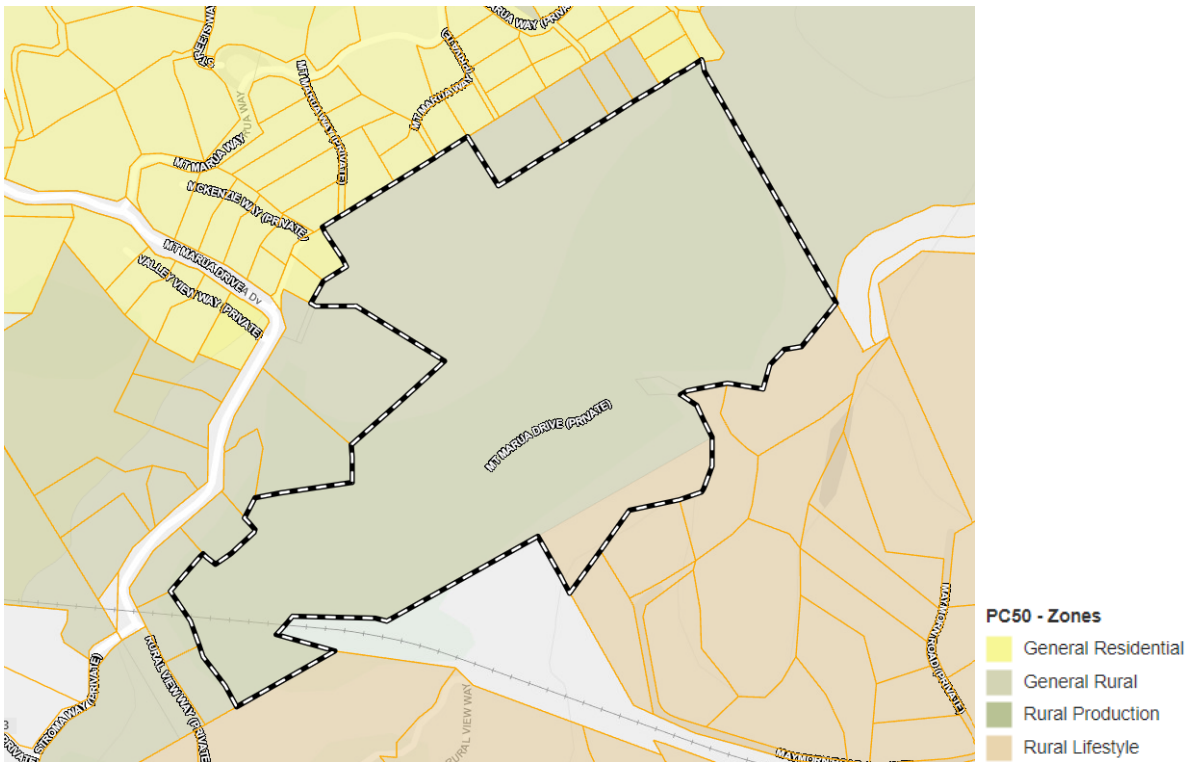


Figure 5: Proposed Plan Change 50 – Proposed Zones (Source: UHCC Maps)

The **General Rural Zone** as proposed by PC50 is described as having the following characteristics:

- No highly productive soils (which are more commonly located on the valley floor);
- Steeper topography;
- Larger scale farming operations;
- Forestry blocks;
- No highly fragmented rural lifestyle areas; and
- Spatially separated from the urban areas.

The s32 evaluation for the General Rural Zone states:

The rural land of the district generally provides an open low density backdrop to the surrounding Remutaka and Akatarawa Ranges. The approach in the PDP for the GRUZ is to protect the rural areas for land uses that utilise the soil resource while providing low density residential development that protects the established amenity of the area. Given the scale of the rural environment and the wide variety of activities that seek to locate there, it is important new activities ensure best use of the finite soil resource and are located to avoid any impacts on existing activities.

The General Rural Zone is intended to enable primary production as well as compatible activities including small scale commercial activities supporting and ancillary to farming activities, small scale visitor accommodation and rural tourism while discouraging incompatible activities.



The proposed provisions aim to:

- Enable a wide range of primary production activities;
- Reduce the pressure on rural land development by controlling the nature and extent of non-rural activities;
- Ensure that adverse effects on rural amenity values are managed appropriately by restricting inappropriate residential and commercial development;
- Manage activities that are likely to create adverse effects on amenity such as intensive farming and quarries through the appropriate consenting pathway;
- Ensure that each property has a basic level of amenity and access to sunlight through controlling building bulk and location;
- Minimise the potential for reverse sensitivity effects through setbacks where certain activities where likely to create adverse effects on amenity;
- Support investment in infrastructure to support the rural sector; and
- Ensures any adverse effects of inefficient infrastructure are managed.

The **Rural Lifestyle Zone** as proposed by PC50 is described as having the following characteristics:

- Provides for lifestyle development within a rural environment;
- Predominant land uses are small scale rural production and residential activities;
- Generally no high class soils;
- Close to key transport routes; and
- Easier topography.

The s32 evaluation for the Rural Lifestyle Zone states:

The primary purpose of the zone is to enable people to live in a rural setting, however because of the lot sizes there is the opportunity for people to utilise the sites for food or on larger lots enabling some small-scale farming activities. The zone provides a transition to the surrounding rural zone helping to minimise reverse sensitivity effects associated with housing in close proximity to primary production. The land is not generally serviced by reticulated three waters infrastructure and suitable on-site solutions will need to be provided when development occurs.

The proposed provisions aim to:

- Define where rural lifestyle living can occur within the pockets of rural land that is not suitable for large scale primary production purposes;
- Maintain the general open space character and amenity associated with the lifestyle environment;
- Ensure that effects on the environment are minimised;

- Enable small scale activities to operate which will in turn support investment in infrastructure to keep these activities viable;
- Not compromise the safe, efficient and effective operation and use of existing infrastructure, including transport infrastructure; and
- Avoid activities that are incompatible with the purpose of the zone and its character and amenity, such as intensive farming, commercial or industrial activities.

Proposed Plan Change 47

Proposed Plan Change 47 (PC47) was notified by Upper Hutt City Council on 5 October 2022 and proposes updates to the Natural Hazards provisions of the ODP. In summary PC47:

- Introduces a definition for Hazard Sensitive Activities, Potentially Hazard Sensitive Activities, and Less Hazard Sensitive Activities;
- Updates natural hazard objectives, policies, rules, and mapping that relate to the Wellington Fault;
- Introduces natural hazard objectives, policies, rules, and maps pertaining to the proposed High Slope Hazard Overlay and Poor Ground Conditions Overlay in Mangaroa. The current District Plan provisions do not address these two hazards; and
- Updates the earthworks and subdivision provisions in relation to natural hazards.

The site at 41A Mt Marua Drive is subject to the High Slope Risk Overlay introduced by PC47.

We would like to acknowledge the involvement James Beban of UEP in the preparation of PC47. However, this does not create a conflict of interest since this submission does not relate to or seek any changes to the provisions or overlays introduced by PC47. In addition, we confirm that Mr Beban has had no involvement in the preparation of this submission.

SUBMISSION

Submission

This submission relates solely to the zoning of the site at 41A Mt Marua Drive. It does not seek any amendments to the proposed provisions or existing overlays and designations.

As outlined above the PC50 proposed the zoning of the majority of site as General Rural and with a smaller portion of the site being zoned as Rural Lifestyle.

The proposed subdivision provisions for the Rural Lifestyle Zone and the General Rural Zone would allow for subdivision at the following scale:

Rural Zones	Minimum net site area	Average lot size within the subdivision	Building Platform ¹
Rural Lifestyle	3000m ²	1ha	200m ²
General Rural	1ha	20ha	200m ²

The focus of the General Rural Zone is on primary production activities and such activities that support primary production activities. The zone character is shaped by low density development and a general sense of openness.

The Rural Lifestyle Zone on the other hand provides predominantly for residential activities in a rural environment and smaller scale rural activities. Built development is expected to integrate with the rural character and maintain a sense of openness.

Any future subdivision and development of the site would need to consider and comply with operative overlays that protect landscape values and manage natural hazard risks on the site and the in the wider area.

As noted above, the site is subject to the Southern Hills Overlay Areas relating to Visual and Landscapes. The purpose of the existing Southern Hills Overlay Area is to identify and protect areas of high visual and/or landscape value. The intention is to manage adverse effects on these values rather than preventing development in general. Within the Southern Hills Overlay Area any new buildings or structures that would be permitted by the underlying zone are a restricted discretionary activity. Any subdivision within the Southern Hills Overlay Area is at least a restricted discretionary. This will allow for the consideration and management of potential adverse effects of subdivision and development on the identified visual and landscape values. We note that the overlays apply to surrounding residential and rural areas that have been developed recently.

In addition the relevant provisions of the Natural Hazards chapter that relate to the Mangaroa Flood Hazard Extent apply to any subdivision and development of the site.

¹ We note that it is unclear whether the 200m² building platform standard refers to a minimum or maximum requirement since the title of SUB-RUR-S2 refers to minimum requirements for subdivision.



The proposed PC47 provisions relating to slope hazard risk are considered appropriate and sufficient to manage any potential effects of subdivision and development on slope stability.

The site does not contain any class 1, 2 or 3 soils and therefore is not subject to the National Policy Statement for Highly Productive Land.

Option A – Zoning as Rural Lifestyle

Urban Edge Planning on behalf of Lisa Nelson & Brent Alexander opposes the proposed partial zoning of the site as General Rural Zone and seeks the zoning of the entire site as Rural Lifestyle Zone. The requested zoning would provide for limited additional development at a rural lifestyle density that aligns with surrounding development patterns and land use activities.

Based on the minimum requirements for subdivision, the topography of the site and the overlays that apply further restrictions to the site the requested Rural Lifestyle zoning of the entire would be expected to allow for a maximum of 20 to 25 additional lots.

Figure 6 below shows the requested zoning under Option A.

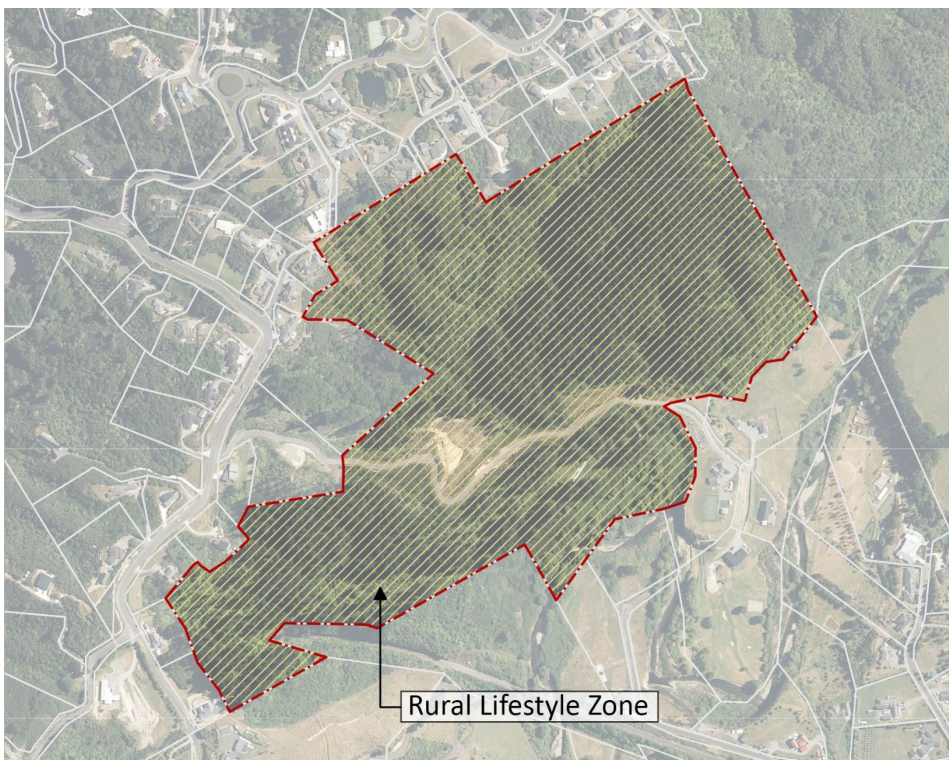


Figure 6: Option A - Zoning as Rural Lifestyle

Option B – Zoning as Rural Lifestyle (southern portion) and General Rural (northern portion)

Should Council not agree with the requested zoning of the entire site as Rural Lifestyle we seek the following zoning change instead (see Figure 7):

- Zoning of the southern portion of the site (located to the south of the private road) as Rural Lifestyle Zone.
- Retain the proposed General Rural Zone for the northern portion of the site (located to the north of the private road).



The southern portion of the site that is requested to be zoned as Rural Lifestyle Zone has an area of approximately 10.5ha. The northern portion of the site has an area of approximately 18.8ha.

The rezoning of the southern portion of the site to Rural Lifestyle Zone would provide for limited additional development at a rural lifestyle density that aligns with surrounding development patterns and land use activities. Under this option the northern portion of the site would continue to provide a green backdrop and buffer along the ridgeline that provides no further development potential.

This option would allow for the development of around 10.5ha of land in accordance with the proposed provisions of the Rural Lifestyle Zone and the relevant existing overlays. Based on the minimum requirements for subdivision and the overlays that apply to the site the partial rezoning would be expected to allow for a maximum of 8 to 9 additional lots.

Figure 7 below shows the requested zoning under Option B.

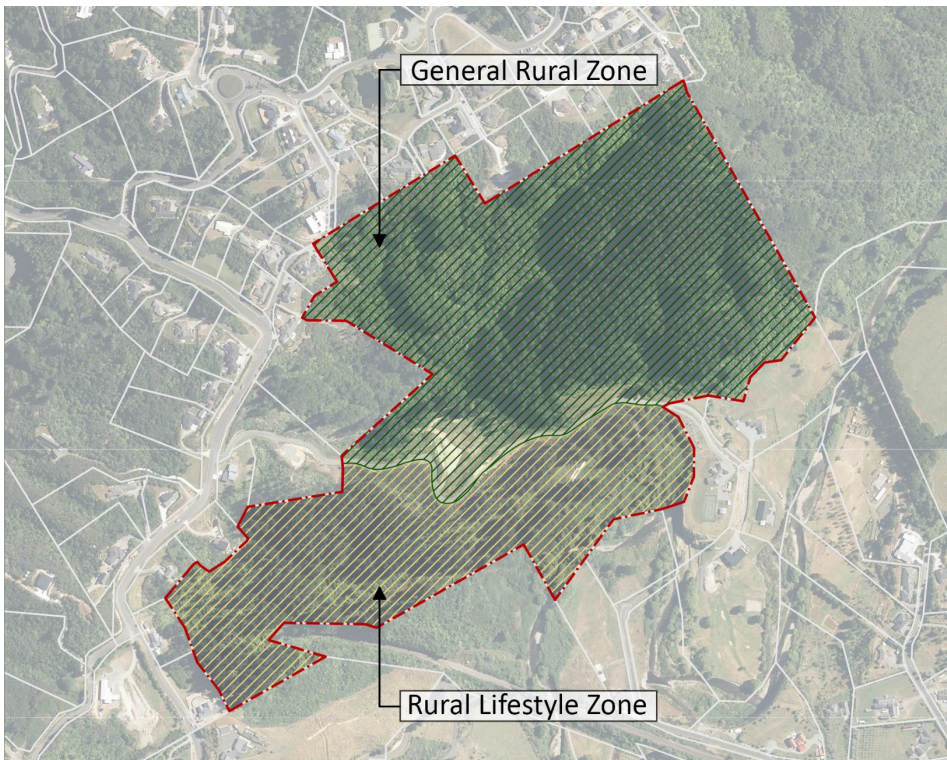


Figure 7: Option B - Zoning as Rural Lifestyle (southern portion) and General Rural (northern portion)



Decision Requested

Urban Edge Planning on behalf of Lisa Nelson & Brent Alexander request the following decision from Council:

- **Option A:** Zoning of the entire site as Rural Lifestyle Zone;

Or:

- **Option B:** Zoning of the southern portion of the site (located south of the existing private road) as Rural Lifestyle Zone while zoning the northern portion of the site (located to the north of the private road) as General Rural Zone.

Under either option the requested zoning would provide for limited additional development at a rural lifestyle density that aligns well with the surrounding development patterns.

Urban Edge Planning on behalf of Lisa Nelson & Brent Alexander request any consequential changes or alternative relief required to achieve the intended outcomes sought within this submission.

We note that under Option A the zoning of the site at 41A Mt Marua Drive as Rural Lifestyle would leave the neighbouring sites at 15A, 24A, 25A and 25B Mt Marua Way (located to the north of 41A Mt Marua Drive) as a small and isolated area of land zoned General Rural. We consider that the proposed General Rural zoning of these sites is not supported by existing development patterns, property sizes or land uses and therefore suggest that, as a consequential change, the zoning of these sites as Rural Lifestyle Zone might be more appropriate.



Corinna Tessendorf
Urban Edge Planning Ltd

On behalf of:

Lisa Nelson & Brent Alexander

16 November 2023



Appendix 1 – Most relevant PC50 Objectives and Policies

SUB-RUR – Subdivision in Rural Zones

Objectives

SUB-RUR-O2	Rural lifestyle subdivision
Subdivision within the Rural lifestyle zone is consistent with and maintains rural character and amenity values.	
SUB-RUR-O4	Density within General Rural Zone
The General rural zone is characterised by low density of development.	

Policies

SUB-RUR-P2	Subdivision and rural character and amenity values
Provide for subdivision, use, and development where it does not compromise the purpose, character, and amenity values of the zone, particularly where the land is visible from roads and public places.	
SUB-RUR-P3	Natural hazards
To provide for rural subdivision which avoids, remedies or mitigates the effects of natural hazards.	
SUB-RUR-P4	Appropriate subdivision
<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 of the zone; 2. comply with the minimum allotment sizes for each zone; 3. result in building platforms sized to maintain the character of the zone; and 4. have appropriate legal and physical access. 	

GRUZ – General Rural Zone

Objectives

GRUZ-O1	Purpose of the general rural zone
A range of farming activities, rural industry, forestry, rural living and associated activities are enabled.	
GRUZ-O2	Rural character and amenity values
Use and development in the General rural zone will maintain natural and rural character and amenity values.	



Policies

GRUZ-P1	Appropriate activities
<p>Enable activities that are compatible with the purpose of the General rural zone, while ensuring that their design, scale and intensity is appropriate to the rural environment, including:</p> <ol style="list-style-type: none"> 1. farming activities and rural industry and ancillary activities; 2. rural residential activities; 3. small scale commercial activities which support or are ancillary to farming activities and residential activities, including visitor accommodation, farm stay, rural produce retail and home businesses; 4. rural tourism which contributes to the vitality and resilience of the District's economy; or 5. passive recreation activities. <p>where they:</p> <ol style="list-style-type: none"> 1. provide for varying forms, scale, and separation of buildings and structures, including additions and alterations 2. manage the density and location of residential development; 3. ensure adequate infrastructure is available to service the activity, including on-site servicing where reticulated services are not available; 4. will not compromise the efficiency of the transport network; 5. manage reverse sensitivity effects on sensitive activities; and 6. minimise adverse effects on the environment. 	
GRUZ-P2	Rural character and amenity values
<p>Use and development in the General rural zone will maintain or enhance the District's rural character and amenity values, including:</p> <ol style="list-style-type: none"> 1. the general sense of openness; 2. significant areas of indigenous vegetation 3. natural character, landscapes and features; 4. overall low density of development; and 5. the predominance of primary production activities. 	
GRUZ-P3	Inappropriate activities
<p>Limit activities which:</p> <ol style="list-style-type: none"> 1. are incompatible with the purpose, character and amenity values of the General rural zone; 2. may generate reverse sensitivity effects and/or conflict with permitted activities in the zone; or 3. will result in development of an urban scale or intensity. 	



RLZ – Rural Lifestyle Zone

OBJECTIVES

RLZ-O1	Purpose of the Rural lifestyle zone
The Rural lifestyle zone is predominantly for rural residential living within a rural environment while still enabling small scale non-intensive farming activities to occur.	
RLZ-O2	Farming activities
Appropriate infrastructure is provided to support existing and planned activities meeting the needs of the rural community.	
RLZ-O3	Rural character and amenity values
The rural character and amenity values of the Rural lifestyle zone are maintained and comprise of: <ol style="list-style-type: none">1. natural character consisting of a sense of space and openness, trees and landscaping;2. residential units and farm buildings that integrate with the natural and rural character of the area; and3. a high level of rural residential amenity values.	
RLZ-O4	Non residential activities
Non-residential activities that support the community's social, economic and cultural well-being are provided at a scale and intensity that is compatible with the purpose of the zone.	

POLICIES

RLZ-P1	Appropriate activities
Enable activities that are compatible with the purpose of the Rural lifestyle zone, while ensuring that their design, scale and intensity is appropriate to the rural environment, including <ol style="list-style-type: none">1. farming activities and ancillary activities;2. rural residential activities;3. small scale commercial or non-residential activities which support or are ancillary to farming activities and residential activities, including visitor accommodation, farm stay, rural produce retail and home businesses;4. educational facilities, educational activities and early childhood centres;5. rural tourism which contributes to the vitality and resilience of the District's economy; or6. passive recreation activities: where they: <ol style="list-style-type: none">1. support the social, economic and cultural needs of the community;2. provide for varying forms, scale, and separation of buildings and structures, including additions and alterations	



3. manage the density and location of residential development;
4. ensure adequate infrastructure is available to service the activity, including on-site servicing where reticulated services are not available;
5. will not compromise the efficiency of the transport network;
6. manage reverse sensitivity effects on sensitive activities; and
7. minimise adverse effects on the environment.

RLZ-P2	Rural character and amenity values
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Use and development in the Rural lifestyle zone will maintain or enhance the District’s rural character and amenity values, including:

1. the general sense of openness;
2. significant areas of indigenous vegetation
3. natural character, landscapes and features;
4. overall low density of development; and
5. the presence of farming activities.

RLZ-P6	Inappropriate activities
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Limit activities which:

1. are incompatible with the purpose, character and amenity values of the Rural lifestyle zone;
2. may generate reverse sensitivity effects and/or conflict with permitted activities in the zone;
3. will result in development of an urban scale or intensity; or
4. includes avoiding industrial activities, intensive farming, quarrying activities or cleanfill areas to maintain the amenity values of the Rural lifestyle zone.

