



OFFICE USE ONLY

Submission number

151

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

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

### To Upper Hutt City Council

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

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

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

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

### Details of submitter

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

NAME OF SUBMITTER: Ross Copland, on behalf of the Ferry Hill Trust.

POSTAL ADDRESS OF SUBMITTER: 492 Moonshine Hill Road, Upper Hutt, 5381.

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE: 027 838 9399

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

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

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

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

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

GRUZ-O1; GRUZ- General Rural Zone, Background; Renewable energy, Earthworks, Quarrying, Airstrip, S32 analysis, TP-S10; SUB-RUR-P2; SUB-RUR-P5; SUB-RUR-P4; SUB-RUR-R1; SUB-RUR- S2

- Refer to attached submission document with detail on specific aspects of each of these matters.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

Please refer to attached document which covers the full range of issues covered in my submission.

The most important aspect of my submission relates to the SUB-RUR-S2 provisions for Average Lot Size within the General Rural zone. **I submit that the proposed 20Ha average lot size within a subdivision should be modified to 4Ha.** Further, that the building platform size of 200m<sup>2</sup> should be increased to 500m<sup>2</sup> to provide flexibility as to the micro-siting and layout of any dwellings or buildings. And finally, that Council should consider whether the Rural Production minimum net site area and average lot size should be increased to compensate for the reduction in Average lot size in the General Rural zone, noting that the Rural Production Zone is where the highest value soils are located and therefore, where the NPS HPL directs UHCC to manage the risks of land fragmentation through the plan. The proposed PC50 average lot size for the zone with higher value soils is smaller than the area with low value soils in the General Rural zone – this appears to be inconsistent with the stated policy objectives and the NPS HPL.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

1. That the proposed 20Ha average lot size within a subdivision of General Rural zone land should be modified to 4Ha.
2. A detailed summary of other decisions sought is set out in the attached document.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

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

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

I do not wish to be heard in support of my submission.

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

I do wish to make a joint case.

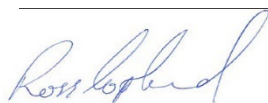
I do not wish to make a joint case.

## Signature and date

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

SIGNATURE

DATE: 16 November 2023



# Proposed Plan Change 50 — Rural Review

Submission by: Ferry Hill Trust

Author (on behalf of the Ferry Hill Trust): Ross Copland, BE Civil (Hons), MBA, BCom

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Specific provision:	My submission is that:	I seek the following decision:
GRUZ-O1	I support the inclusion of “rural living” within the purpose of the General Rural Zone.	Request that rural living remain explicitly stated as part of the purpose of the General Rural Zone.
GRUZ- General Rural Zone, Background	The background refers to the National Planning Standards definition of this zone stating that it is to be used for primary production activities, including intensive farming. It does not, however, highlight that only 13.7% of the Upper Hutt District is classified as high-class soils (reference page 11, para 32 of the Section 32 Report) and that this land is proposed to be zoned “rural production zone” except where exempt in accordance with provisions under the NPS HPL.	The Background section in the GRUZ chapter should be modified to explicitly state that this zone applies to areas of land with low quality soils that are less suitable for intensive primary production and are more suited to other rural activities including rural living.
TP-S10	TP-S10 includes a limit of 6 allotments that can be accessed by a right of way or private road. This is arbitrary and will potentially lead to increased environmental impacts as a result of having to construct additional roads or rights of way to access sites where the potential number of allotments could exceed 6. Given that there are already daily vehicle movement limits in TP-S9, and requirements for the construction of private roads and rights of way in TP-S10 (compliance with the Code of Practice for Civil Engineering Works) this limit of 6 allotments does not appear to manage any specific risk, is likely to cause inefficient infrastructure provision and may increase environmental harm by necessitating additional road construction than is necessary.	Recommend that the following sentence shown in red below be struck out (removed):  <i>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: <del>1. be no more than six</del>; 2. comply with the widths in Appendix C, Figure 1 (Road Design Standards - Urban) of the Code of Practice for Civil Engineering Works.</i>
SUB-RUR-P2	SUB-RUR-P1 already addresses the purpose of highly productive land. Therefore, SUB-RUR-P2 should be clear that it is addressing the development and use of lower productivity land (e.g. not highly productive) while striking a balance between the needs of housing variety and housing affordability with a desire to retain the rural character of rural land in Upper Hutt.	Recommend that the drafting be modified as follows:  <i>Provide for subdivision, use, and development <del>where it does not compromise the purpose of lower</del></i>

	<p>The existing drafting does not signal the importance of utilising low productive value rural land (eg LUC4+ land) for rural living to support housing affordability which is a key objective of the PC50 plan change. The vast majority of rural land in the Upper Hutt has low productivity soils and is therefore well suited to support housing affordability and variety while better utilising existing infrastructure. This is sustainable and efficient and should be included in the stated purpose of the rural zone.</p> <p>It is unnecessary to include the reference about visibility of the land from public places and roads as visibility is implicit in the evaluation of rural character and values.</p>	<p><i>productivity rural land to support housing variety and affordability, while retaining the character, and amenity values of the zone where practical.;</i>  <del><i>particularly where the land is visible from roads and public places.</i></del></p>
SUB-RUR-P5	<p>Infrastructure capacity: this section omits reference to the availability, affordability and quality of off-grid power supply and telecommunications technology that is now readily available and already in use in the Upper Hutt district. Suggest that the wording of this section be modified to make it clear that in addition to ensuring that Subdivision creates allotments that are able to accommodate on-site water, waste water, stormwater and firefighting water, that it also provides for the option for landowners to adopt off-grid power and telecommunications infrastructure too.</p>	<p>Modify the drafting in this section to be explicit that subdivision shall be considered appropriate even where there is no electricity, water, telecommunications networks available provided that these can be accommodated onsite (using for example Star Link, rainwater storage tanks and solar power).</p>
SUB-RUR-P4	<p>For some reason the author has removed reference to the General Rural Zone in this section. This is important because the General Rural Zone consists of low productivity land. This means the land fragmentation concerns that are relevant to subdivision of Highly Productive Land are not relevant considerations for subdivision of this land. It also means that this type of land should be expected to accommodate more rural living over time and that decision makers should be aware of this when considering how the rural character of the land will change and evolve over time (it is very unlikely and undesirable for low productivity rural land to be treated as 'open space' zone given this is already provided for and there is far greater community wellbeing from creating a variety of housing supply in these areas of low productivity rural land than is gained by retaining it in marginal pastoral farming or production forestry for example).</p>	<p>Modify the drafting of this section to reinstate the specific reference to the General Rural Zone, note that this area has low productive capacity and is therefore more suited to smaller allotments than the Rural Production Zone land which should be protected from fragmentation due to its Highly Productive Soils.</p>

SUB-RUR-R1	<p>This section includes the following matters of control:</p> <p>3. Provision of and effects on network utilities and/or services.</p> <p>Note that it is essential that property owners have the right to opt-out of centralised infrastructure where their rural property has the potential to meet their infrastructure needs on site. Landowners should not be compelled to join an infrastructure network that they do not require access to – that would be anti-competitive and inconsistent with the principles set out in the Commerce Act.</p>	<p>Include a provision either in this section or elsewhere, that explicitly states that where landowners can accommodate infrastructure services on their own allotments that they will not be compelled to connect to a network utility as a condition of granting a subdivision consent (unless there is an engineering reason for why they ought to be compelled e.g. due to unsuitability of the new allotment to accommodate onsite stormwater management).</p>
SUB-RUR- S2	<p>The minimum net site area and average lot sizes set out for Settlement and Rural Lifestyle appear logical and consistent with the objectives and policies set out in the supporting information and evidence for the Plan Change, including the Section 32 Report.</p> <p>However, there appears to be an error in the assessment of suitable minimum and average lot sizes for the Rural Production and General Rural zones. I have studied the documents and evidence in support of these limits and it appears there has been an error made that needs to be corrected:</p> <ol style="list-style-type: none"> <li>1. The entire assessment relating to Minimum Lot Size in the report by 4Sight consulting (p17) states that: “The economic viability of rural allotment sizes is outside our area of expertise. However, we note that discussion on this point has focused on the rural character outcomes for properties at a smaller minimum parcel sizes than permitted in this zone. There is no overriding concern related to the rural character afforded by the minimum permitted 20ha allotment standard (noted in discussion with Council, arising from the earlier RLUA study and the rural focus group’s feedback).” It appears that the entire justification for the recommended Minimum Lot Size is based on the fact that no one they consulted with during their rural focus group study minded the current 20Ha limit. This is very weak justification for adopting such a stringent limit on minimum lot size as it pertains to low productivity rural land in the General Rural zone.</li> <li>2. The objectives and policies of PC50 include commentary about the</li> </ol>	<p>Recommend that the General Rural zone minimum requirements for subdivision be amended as follows:</p> <p><b>Minimum net site area: 1Ha</b>  <b>Average lot size within the subdivision: 4Ha</b></p> <p>UHCC may consider it appropriate to increase the minimum net site area and average lot size in the Rural Production zone as a trade-off for increasing the density in the General Rural zone. We would not object to that approach given it would be consistent with the stated objective of minimising land fragmentation to protect highly productive soils.</p> <p>In our observation, there is already extensive land subdivision within the General Rural zone with lot sizes around the proposed 4Ha minimum and it would therefore not materially impact on the rural character of the Zone, while making a material difference to the capacity for rural living (theoretically up to 5x increase although in practice</p>

	<p>importance of rural production to the economy of Upper Hutt – these references are simply a romantic notion likely drafted by a planner unfamiliar with the reality of operating a farm in the Upper Hutt region. Our trust currently operates a 700 stock-unit carrying capacity property in the General Rural zone. Thus, I speak from experience as a farmer with rural properties under management in Upper Hutt, Otago and Southland (offered as comparison regions). The rural production economy has long since vacated Upper Hutt. I have to travel as far as Masterton for my rural service needs, to have my tractor serviced, to purchase fencing supplies and animal health needs. I do not have access to the usual range of rural contractors or large animal vets in this region and I don't have local access to rural freight services of conventional scale. There is no local branch of PGG Wrightson, Farmlands or Farmsource – NZ's largest rural retailers, the closest being in Featherston. The Upper Hutt region has close to zero residual rural economy – it has a thriving rural lifestyle economy consisting of boutique lifestyle equipment suppliers like Rural Trading Post in Upper Hutt supporting hobbyists, horse and large pet owners and lifestylers. The cost of operating a commercial farming business in this region and the very small scale average parcel size combined with the relatively low productivity of soil types in the General Rural zone means that any notion of protecting the rural economy through insisting on 20Ha minimum lot sizes for General Rural zone PC50 is actually harming the potential for an even more thriving rural lifestyle economy to support the activity of those who choose to adopt the benefits of rural lifestyle in close proximity to the Upper Hutt labour market. Pastoral farming on a 20Ha scale on low productivity soils in the General Rural zone is an area at least 10 times smaller than what would be considered an 'economic unit'. Thus, the 20Ha minimum lot size is neither meeting the potential for servicing the significant demand for rural lifestyle property and affordable housing, nor meeting the stated objective of protecting the rural economy from the productivity effects of land fragmentation.</p>	<p>other constraints such as access, infrastructure etc will limit this potential) over what is currently enabled. This will contribute to community wellbeing by increasing housing supply and variety at a time when technology is allowing greater remote working and the consequential reduction in VKT, transport emissions, along with enhanced quality of life that this brings for many UHCC residents. The availability of technology like Star Link and Teams/Zoom has changed dramatically since the proposed PC50 was introduced, and this needs to be reflected in the way rural living is enabled through the updated PC50.</p>
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	<p>3. The Upper Hutt Affordable Housing Strategy states in its Goals: <i>Ensure Plan Change 50 assists in delivering affordable housing outcomes, in addition to a net increase in supply of new housing</i>; The minimum lot size in the General Rural zone is at odds with this stated strategy given that the zone is well serviced by existing transport and electrical infrastructure (which have extremely low utilisation rates), and therefore has tremendous scope for supporting rural lifestyle living at much higher residential densities than one dwelling per 20Ha.</p> <p>4. The Section 32 report in paragraph 32, page 11 states: <i>Land based primary production and rural industries make a vital contribution to sustainable management, especially towards the social, cultural and economic wellbeing of the community. Adverse effects on these activities need to be carefully managed to ensure continuing future economic wellbeing.</i> There is no evidence to support this claim anywhere in the document, it is not referenced. It is not my lived experience that land based primary production is enhanced by the proposed PC50 policies, particularly in relation to limiting average lot size (which is arguably the single most important lever in the entire policy). The paragraph goes on to say: <i>Subdivision needs to be managed, and rural character and amenity needs to be retained, in ways that provide for the efficient utilisation of natural and physical resources (including built facilities such as transport networks, mineral resources and ongoing rural production) and that enable the community to provide for its wellbeing, both now and in the long term.</i> This statement is contradictory on a number of levels. 1) It implies that the subdivision policies limiting average and minimum lot sizes are enhancing community wellbeing – clearly they actually do the reverse by limiting opportunities for rural living, limiting opportunities to increase utilisation of existing rural transport and electricity infrastructure, and doing nothing to enhance the economic activity arising from primary production (because the General Rural zone in Upper Hutt is already an uneconomic proposition unaided by the proposed 20Ha average lot) and it concurrently blocks the opportunities</p>	
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	<p>afforded by enhanced rural lifestyle activity in the General Rural zone if more rural housing was enabled. Readers are asked to believe that the marginal value of “rural amenity” exceeds the marginal value of wellbeing that could be provided through more housing supply – it seems that by any objective measure, noting the significant % of total land in the district held in regional parks, forests and open space (which contribute to amenity values and character), that this is extremely unlikely.</p> <ol style="list-style-type: none"> <li>5. Perversely, the 4Sight Consulting report recommends higher density in the Rural Production zone which has much higher value soils than the Rural General Zone. This makes no sense at all if the stated objectives and policies are genuinely guiding the application of Minimum and Average lot sizes. It would seem logical that the lower value soils would be utilised for rural living at a higher density than the higher value soils.</li> <li>6. Upper Hutt City Council has proposed far lower density for its General Rural zone than some other councils who share similar objectives and policies. For example, Invercargill City Council district plan permits a maximum density of one residence per two hectares – 10x the density proposed by UHCC for PC50 in the General Rural zone. While at the other end of the country, the Auckland Unitary Plan has minimums of 2 to 4 hectares for land of similar rural character to that described in the Rural General zone as set out in the proposed PC50, between 5 and 10x the density of that proposed by UHCC.</li> <li>7. Para 25 on page 7 of the S32 report states: <i>SUB-RUR-O4 retains a low level of development and thus maintains the quality of the environment in these two zones.</i> It is not clear what environmental matters are at risk in the General Rural zone given the soils are of low value, the scale of development is very low (one 200m<sup>2</sup> house on multiple hectares has very low environmental impact) etc. It appears this is mostly about subjective amenity values which needs to be traded off against the competing objectives to delivery housing affordability and variety, better utilisation of existing infrastructure etc.</li> </ol>	
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<p>Definition of Community Scale Renewable Energy Generation</p>	<p>Community Scale Renewable Energy Generation definition lacks a metric for installed capacity which may create contestability around what is included adding cost unnecessarily. It is my submission that the Electricity Distribution networks benchmark of 10MW for a distributed energy system be adopted.</p>	<p>Suggest adding the following changes in Red: <i>means renewable electricity generation of up to 10MW installed capacity 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 connecting into the local distribution network.</i></p>
<p>Definition of Small scale wind turbines</p>	<p>My submission is that many rural areas of Upper Hutt are highly suitable for wind energy. A 10kW turbine is residential scale (noting a turbine of this size is likely to have an average output of approximately 30% of its installed capacity). Instead, I recommend adopting an agreed reference hub height of 50m for a small scale wind turbine. This would provide for turbines of a scale suitable to connect into the local grid which has significant resilience, power quality and sustainability benefits, while being limited by the overall installed capacity limits in the definition of Small Scale Renewable Energy Generation (being 10MW total).</p>	<p><i>Small scale wind turbines means wind turbines that are capable of generating up to 10kW of electricity have a hub height of no greater than 45m.</i></p>
<p>Renewable Energy provisions within PC50 are omitted and need to be included.</p>	<p>The proposed PC50 includes definitions for renewable energy generation at community scale, small scale etc but then completely omits objectives, policies, standards, rules and activity statuses for when these activities can be undertaken in the rural zone, particularly the General Rural zone which is likely to be the most appropriate zone for these activities to occur. Suggest that GRUZ-R3 have details added to it to make small scale renewable energy generation a permitted activity with associated standards, and GRUZ-R20 be added as a new Restricted Discretionary Activity outlining the matters relating to community-scale renewable energy generation of up to 10MW installed capacity.</p>	<p>Recommend that PC50 be updated to make Community Scale Renewable Energy Generation a controlled activity along with a supporting set of policies, objectives and rules to support this. Likewise, solar and wind turbines are low cost, highly efficient options for small and community scale generation of renewable energy which is likely to become increasingly important to Upper Hutt as we electrify our business and transport needs over time in order to decarbonise. It seems like a very significant omission not to have greater certainty about when and how these activities can be undertaken in the PC50 updates – and looking at the definition list it seems the author intended to write about these activities given they introduced definitions for the relevant terms (comments on</p>

		definitions are above).
GRUZ-R26 Quarrying	Quarrying for on-site use for farming and related activities should be a permitted activity, not a discretionary activity. Large-scale commercial quarrying for the production of materials for off-site use could be considered a discretionary activity.	Ammend GRUZ-26 to state clearly that Quarrying of commercial scale for off-site use is discretionary. Add new GRUZ permitted activity for Farm Quarrying for onsite use by the landowner within the site. It is unfair and inefficient to make landowners seek costly consents for small scale quarrying activities in support of their rural production. If the zone purpose is genuinely to support agriculture, then this is a practical way of doing so.
GRUZ – XX Farm Airstrip	There is currently no permitted activity status for continued operation of farm airstrips in support of agriculture in the General Rural Zone. Our property in the Moonshine Valley has an operational farm airstrip that has been in continued use since the 1960's. The continued operation of existing airstrips in the region should be a permitted activity and included in the NOISE-AER4 standards.	Add a permitted activity status for the operation of existing airstrips in the GRUZ zone and associated permitted noise standards under NOISE-AER4 or other appropriate standard.
Earthworks – GRUZ	There is no permitted activity rules for earthworks in the General Rural zone – it appears those carrying out typical maintenance and upgrading of farm tracks etc need to apply the generic provisions more relevant to other zones. This is rather unusual, it is more common that earthworks relating to rural activities on farm be provided with specific permitted activity standards and rules to ensure efficiency and certainty for landowners.	Please draft a permitted activity set of rules and policies ensuring that rural landowners are enabled to undertake earthworks on their own land in support of their rural activities. Note the NES PF already provides a protocol for this where the land is used for plantation forestry, this may provide a useful guide.
SUB-RUR-S2	Building Platform size is limited to 200m2. This is arbitrarily small in the context of the very large lots typical of the General Rural zone.	Suggest a building platform size of 500m2 is more appropriate providing flexibility to site the building in the optimal location within the site.
Section 32 Analysis relating to subdivision.	It is clear that the s32 analysis summarised in Appendix 1 on page 21 did not consider any alternative to the 20Ha average minimum lot size currently in place. The analysis is shallow and fails to make a case that it is necessary to apply this degree of stringency to the subdivision of lower value rural land, particularly noting that the other constraints such as SNA's, topography and the like would still provide practical limits to the density of development even if densities more consistent with other rural zones of a similar nature near urban	Review the s32 analysis for the General Rural zone which has received far less focus and consideration of the options, benefits and risks of adopting a slightly more dense scale of rural living than is enabled currently with the requirement for 20Ha average. Recommend testing an option for a 2Ha, 4Ha and 5Ha average lot size.

	<p>areas around NZ was adopted (which often range from 2-4 hectares average lot size).</p> <p>It is unfortunately to see that “TABLE 5: EVALUATION OF PROVISIONS: Provisions for the General rural zone, Settlement zone and Rural lifestyle zone as well as those that apply to the rural zones generally” lumps together the General Rural, Settlement and Rural lifestyle zones in its evaluation and analysis despite these zones providing the highest and lowest proposed density in PC50 rural zones. This highlights what appears to be a real lack of focus on the General Rural zone.</p>	
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