



OFFICE USE ONLY

Submission number **172**

## PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

### Proposed Plan Change 50 – Rural Review

The closing date for submissions is Friday, 3 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).

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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:

Refer to attached submission.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

Refer to attached submission.

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:

Refer to attached submission.

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 17/11/2023

## By email

17 November 2023

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## Submission on Proposed District Plan Change 50 – Rural Review

### REASON FOR SUBMISSION

1. The Greater Wellington Regional Council (**Greater Wellington**) wishes to make a submission on Proposed Plan Change 50 (**the Plan Change**) pursuant to Schedule 1 clause 6 of the Resource Management Act 1991 (**the Act**). This submission is from Greater Wellington officers.
2. The Plan Change is to re-zone several areas to Rural Lifestyle, General Rural or Settlement, and to introduce new provisions for the four rural zone chapters.
3. Greater Wellington provided high-level comments on the draft 'Plan Change 50 – Rural and Residential' but did not undertake a thorough review at the time. We provided feedback on wastewater systems, wetlands, and the need to give effect to the National Policy Statement for Freshwater Management (**NPS-FM**). The remainder of our feedback related to supporting intensification and questioning the prominence of amenity values affecting the ability to meet housing and business demand.
4. Greater Wellington acknowledges that the Intensification Planning Instrument has since been notified to give effect to the National Policy Statement on Urban Development (**NPS-UD**) and Medium Density Residential Standards (**MDRS**), and we have engaged on this plan change seeking alignment with RPS Change 1, freshwater protection, and greater recognition of nature-based solutions in particular.
5. Greater Wellington supports in part the Plan Change, particularly that UHCC has started to implement the National Policy Statement for Highly Productive Land (**NPS-HPL**). We seek amendments to some provisions to strengthen indigenous biodiversity, freshwater and highly productive land direction. Greater Wellington is generally concerned about the extent of new rural lifestyle zoning from a rural productive capacity, freshwater, indigenous biodiversity and flood hazards perspective. Amendments requested to specific provisions are included in Attachment 1, to be read alongside this letter.

### POLICY FRAMEWORK

#### *Regional Policy Statement for the Wellington Region*

6. The Regional Policy Statement for the Wellington Region (**RPS**) is a regional document that identifies significant resource management issues within the region and sets out the objectives, policies and methods to achieve integrated management of natural and physical resources for the Wellington Region. The RPS was made operative on 24 April 2013.

7. The RPS contains four types of policies: the first set (policies 1-34) must be given effect to when making changes to district and regional plans (in accordance with section 75 of the Act). The second set (policies 35-60) are to be considered when deciding on resource consents, notice of requirements, or a change, variation, or replacement to a plan. Some of the second set of policies cease to have effect once the first set are given effect to through district or regional plans. The third set (policies 61-63) allocates responsibilities for indigenous biodiversity, natural hazards and hazardous substances. The fourth set (policies 64-69) outlines non-regulatory actions.
8. RPS Change 1 was notified in August 2022 and hearings have been underway since June 2023.

***Natural Resources Plan for the Wellington Region***

9. Proposed Change 1 to the Natural Resources Plan (**NRP**) was notified on 30 October 2023. It partially implements the NPS-FM and will have implications for development in urban and rural areas of Upper Hutt, including changes to earthworks rules. The Upper Hutt district plan will need to have regard to Proposed NRP Change 1 and align with it so that it is not inconsistent, and the zoning should be cognisant of regional plan consenting requirements that may apply to land parcels.

**AREAS OF INTEREST**

10. The following matters are of particular interest to Greater Wellington:
  - Implementation of the NPS-FM, Te Mahere Wai and Te Whanganui-a-Tara Whaitua Implementation Programme
  - Appropriate management of rural expansion
  - Protection of indigenous biodiversity
  - Future servicing and development of and around Maymorn train station
  - Protection of the productive capacity of land and implementation of the NPS-HPL

***Implementation of the NPS-FM, Te Mahere Wai and Te Whanganui-a-Tara Whaitua Implementation Programme***

11. Greater Wellington seeks that the Upper Hutt district plan gives effect to the NPS-FM, and implements the recommendations applying to territorial authorities in Te Mahere Wai and Te Whanganui-a-Tara Whaitua Implementation Programme. This includes giving effect to Te Mana o Te Wai. The rural plan change is particularly relevant to clause 3.5 of the NPS-FM on integrated management, which seeks that freshwater, land use and development are managed, 'in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments'. Greater Wellington seeks amendments throughout the plan change to strengthen the protection of freshwater from potential adverse effects of rural use and development.
12. Proposed Plan Change 50 has zoned some parcels to General Residential or Settlement which were previously entirely or partially Rural Lifestyle or General Rural (e.g. Lot 500 DP 573035, Lot 1002 DP 573035, Lot 400 DP 573035, Lot 7 DP 573035, Part Lot 1 DP 40443 etc.). This is inconsistent with Proposed Change 1 to the NRP, which has defined the urban extent in map 88,

and these parcels will be considered ‘unplanned greenfield development’. These parcels will be subject to Rule WH.R6 which makes the creation of impervious surfaces in unplanned greenfield development areas a prohibited activity.

13. There is a real risk that Plan Change 50 will enable small amounts of urban development that will be prohibited under the Proposed Natural Resources Plan, and we would like to work with Upper Hutt to resolve this inconsistency.

### ***Rural lifestyle expansion***

14. Greater Wellington considers that rural expansion should be carefully managed to appropriately protect highly productive land, the viability and vibrancy of existing centres, and to contribute to urban areas that are well-functioning. Generally, we don’t support extensive new rural lifestyle development and would prefer greater emphasis on intensifying existing urban areas where existing infrastructure capacity is available and can be used efficiently.
15. It is unclear why so much new rural lifestyle zoning is considered necessary for Plan Change 50, given the extent of realizable development capacity enabled through the recent Intensification Planning Instrument for Upper Hutt city. Greater Wellington is concerned about the potential adverse effects of such development from a highly productive land, flood hazard and freshwater perspective in particular.
16. The 2023 Housing and Business Development Capacity Assessment for Upper Hutt has projected a realizable development capacity of 18,461 dwellings by 2051, which is twice the expected residential demand for this period<sup>1</sup>. Given the extent of this realizable capacity, Greater Wellington does not support the extensive new rural lifestyle zoning proposed by Plan Change 50, given the environmental externalities likely to be associated with this rural lifestyle development.
17. In particular, much of the new rural lifestyle zoning proposed by Plan Change 50 is located on slopes with erosion risks that do not currently have significant vegetation cover. Greater Wellington is concerned that any level of development on these hills poses a potential sedimentation risk for downstream receiving environments, and that this needs to be managed as required by RPS Policy 15 and 41. There are also likely wetlands located in these slopes which have not yet been delineated, which future lifestyle development in these areas should be cognisant of.
18. Some of the rural lifestyle zoning proposed around Mangaroa River is potentially flood-prone or may exacerbate downstream flood and erosion hazards. Development in these potentially flood prone areas should be assessed using a risk approach to the flood hazard. Greater Wellington is also concerned that increased subdivision in the rural areas of Upper Hutt will result in a greater expectation from residents and the community for additional flood protection and hazard mitigation activities to protect the increased population and dwellings.
19. Objective 22 of the Regional Policy Statement seeks to achieve a compact regional form, and regionally significant issue 2 identifies the loss of rural or open space land and its associated productive, ecological, aesthetic or recreational values as an impact of sporadic, uncontrolled or uncoordinated development. In our view, extensive rural lifestyle development generally does not

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<sup>1</sup> [HBA working version \(wrlc.org.nz\)](https://www.wrlc.org.nz)

support a compact regional form and rather further disperses population densities. Dispersed development patterns generally also do not support active and public transport options which are sought by RPS Change 1, because the low densities make it difficult to provide alternatives to private vehicles.

### ***Indigenous biodiversity***

20. UHCC has not yet given effect to RPS Policies 23 and 24 regarding the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values. Tiaki Taiao - draft Plan Change 48, which identified Significant Natural Areas and introduced associated provisions, was paused at the draft stage until the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) was released, so it has not yet been notified.
21. Greater Wellington is concerned that this rural plan change is proceeding ahead of Tiaki Taiao - Plan Change 48 on Significant Natural Areas, particularly because some areas identified for new rural lifestyle zoning overlap with the extents of Significant Natural Areas identified in the Tiaki Taiao (draft Plan Change 48). Some RPS policies such as Policy 47 on indigenous ecosystems are also relevant to this plan change. We acknowledge that some attempts have been made to protect existing native vegetation in the Berkett's Farm structure plan through the 'no development' area.
22. UHCC must give effect to the NPS-IB as soon as reasonably practicable. The maintenance of indigenous biodiversity is a function of territorial authorities under section 31 of the RMA. We consider that all land identified in Tiaki Taiao (draft Plan Change 48) should remain zoned as General Rural, and that the provisions should appropriately protect indigenous biodiversity until the NPS-IB has been given effect to in the Upper Hutt district plan. We consider it would also be useful to use language and definitions that align with the NPS-IB and RPS.

### ***Maymorn Station***

23. Greater Wellington is interested in working with UHCC to ensure Maymorn Station develops in a strategic and integrated way. We appreciate that the area around Maymorn Station has a complex nature with a combination of rural development and higher density urban activities occurring in the vicinity. The proposed new settlement zoning may also cause issues with Proposed Change 1 to the Natural Resources Plan.
24. We note that Maymorn Station currently operates as an 'on request' stop on the Wairarapa Rail Line, which currently has limited rail services. These services are planned to be improved and their frequency is to be increased in the future. Development around Maymorn Station should be cognisant of this context, including that the increased services will take several years to deliver. We consider that expectations of residents regarding transport options should be managed carefully going forward.
25. Maymorn Railway Station forms a key link for people to access Pākuratahi Forest Park and the Remutaka Rail Trail, so changes in land use around this station are likely to affect access to and demand for these areas and associated recreational activities. We wish to ensure that development around this area is cognisant of potential impacts on these areas and the existing activities underway.

### **Gabites Block**

26. Greater Wellington submitted on the (now operative) Plan Change 55 – Gabites Block, which proposed to zone a significant portion of land to the north-east of Maymorn Station to Settlement Zone. At the time we questioned the use of a settlement zone across the whole site, for what was in some places of an urban density and equivalent to residential zones in Upper Hutt (400m<sup>2</sup> lots). Greater Wellington also highlighted the development capacity enabled by the Intensification Planning Instrument for Upper Hutt and whether the plan change was necessary, as well as raising concerns regarding infrastructure constraints and the presence of LUC class 3 soils on the site. We maintain these views.

***Productive capacity of land***

27. NPS-HPL Policies 5, 6 and 7 contain strong direction to avoid the subdivision, re-zoning and development of highly productive land as rural lifestyle land and urban land (which includes settlement zones). The NPS-HPL is therefore directly relevant to Plan Change 50, which includes subdivision provisions as well as provisions for rural lifestyle, rural production, and settlement zones. While Greater Wellington supports that the NPS-HPL has partially been given effect to in this plan change through subdivision and zone chapter provisions, we seek amendments for stronger direction and consistency with the NPS-HPL and RPS. Some of the proposed rural lifestyle zoning also appears to contribute to the fragmentation of LUC class 3 land.
28. The proposed provisions often place similar or less emphasis on impacts on productive capacity as impacts on rural character and amenity. Greater Wellington considers that the ‘avoid’ direction in the NPS-HPL warrants an elevation of the protection of highly productive land over rural character and amenity. The subdivision provisions play a vital role in protecting Rural Production land from fragmentation or use for urban or rural lifestyle activities, which is necessary to give effect to the NPS-HPL. We consider they should be appropriately strong to achieve this purpose.
29. Greater Wellington also notes that operative RPS Policy 56 (which is retained by RPS Change 1 and should be given effect to in the Upper Hutt district plan) has direction to consider the impacts of development on productive capability in rural areas, which is broader than just on highly productive land.

**RELIEF SOUGHT**

30. Greater Wellington requests that amendments are made where sought in this submission, and any necessary consequential amendments.

**FURTHER INVOLVEMENT**

31. Greater Wellington wishes to be heard in support of its submission. We would also welcome the opportunity to clarify and further discuss the matters raised.



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## Attachment 1: Specific comments on Proposed Plan Change 50 – Rural Review

Note that these points are in addition to those made in the submission letter and they should be read together.

Provision	Submission	Reasons	Relief sought
Extent of proposed rural lifestyle zoning	Amend	<p>It is unclear why so much additional rural lifestyle land is necessary, given the capacity enabled by the recent intensification planning instrument and the findings of the 2023 Housing and Business Demand Capacity Assessment. We seek that the extents are re-considered.</p> <p>We also seek that a risk-based approach to managing potential flood and slope failure hazards, as well as the risk of increased sediment supply, in these areas is taken.</p> <p>The overlap between rural lifestyle zoning and areas identified as potentially having significant biodiversity values in Tiaki Taiao (draft Plan Change 48), should also be re-considered.</p>	<p>Reduce the extent of new rural lifestyle zoning.</p> <p>Review proposed locations for rural lifestyle zoning, taking into account potential flood and slope stability hazards, particularly directly adjacent to Mangaroa River (e.g. Lot 4 DP 391491, and overlap with areas with potential indigenous biodiversity values identified in Tiaki Taiao (draft Plan Change 48), and amend zoning accordingly. We consider that all land identified in Tiaki Taiao (draft Plan Change 48) should remain zoned as General Rural at this stage.</p> <p>Ensure the rule framework is sufficiently robust to provide for a risk-based approach to rural lifestyle zoning, development and subdivision, and to mitigate potential adverse effects on indigenous biodiversity until the NPS-IB has been given effect to in the Upper Hutt district plan.</p>
Zoning of Lot 2 DP 307929 and Lot 1 DP 366027	Amend	<p>We consider that the way rural lifestyle zones have surrounded Lot 5 DP 391491 and neighbouring titles, could contribute to the fragmentation of LUC class 3 land.</p> <p>This does not appear to best achieve the intent of the NPS-HPL.</p>	Amend zoning of Lot 2 DP 307929 and Lot 1 DP 366027 to Rural Production, to avoid the fragmentation of LUC class 3 land.
Zoning of LOT 1 DP 10580	Amend	<p>We acknowledge that proposed Plan Change 50 has partially amended the zoning of this parcel and surrounding parcels to reduce the extent of general residential zoning along this part of the Te Awa Kairangi river corridor, and support these amendments.</p> <p>We also acknowledge the work</p>	Amend zoning of LOT 1 DP 10580 on the river side of the access track/road from General Residential to General Rural.

Provision	Submission	Reasons	Relief sought
		<p>undertaken through Proposed Plan Change 47 on natural hazards, to identify this area as subject to high hazard for slope stability.</p> <p>However, we are still concerned that this land parcel remains very close to an eroding outer bend of Te Awa Kairangi. Given the rate of cliff erosion occurring and expected to continue, to appropriately manage the natural hazard risk we consider this parcel should be zoned to rural where it is in close proximity to the river.</p>	
Zoning to urban land uses	Oppose	<p>Proposed Plan Change 50 has zoned some parcels to General Residential or Settlement which were previously entirely or partially Rural Lifestyle or General Rural. This is inconsistent with Proposed Plan Change 1 to the NRP, which has defined the urban extent in map 88, and these parcels will be considered 'unplanned greenfield development'. These parcels will be subject to Rule WH.R6 which makes the creation of impervious surfaces in unplanned greenfield development areas a prohibited activity.</p> <p>There is a real risk that Plan Change 50 will enable small amounts of urban development that will be prohibited under the Proposed Natural Resources Plan.</p>	Work with Greater Wellington to resolve the inconsistency between the urban extent in Proposed Plan Change 50 and the planned urban areas in Proposed Plan Change 1 to the NRP (map 88).
Definition of highly productive land	Support	Support the use of a transitional definition which references the RPS.	Retain as notified.
<b>Subdivision in rural zones chapter</b>			
SUB-RUR-O1	Amend	Support the intent of this objective, subject to our other relief sought relating to the NPS-HPL. We note that the emphasis on avoiding	<p>Amend as follows:</p> <p>The productive capacity of highly productive land is protected <del>from</del> <u>and</u></p>

Provision	Submission	Reasons	Relief sought
		fragmentation is appropriate for the subdivision chapter, and that other provisions and zoning extents should avoid the loss of highly productive land.	fragmentation <u>is avoided</u> .
Objective s	Amend	A new objective is needed to give effect to the NPS-FM 2020.	Add new objective:  <b><u>SUB-RUR-O6 Protection of fresh water</u></b> <u>Subdivision in rural zones avoids, remedies, or mitigates adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</u>
SUB-RUR-P1	Amend	The amendments to the policy remove operative direction regarding earthworks and natural elements, and place significant emphasis on rural character and amenity values. We consider that the direction for protecting highly productive land should be stronger than the protection of rural character to recognise the strength of NPS-HPL Policies 5, 6 and 7, and that freshwater protection should be included to give effect to the NPS-FM.	Amend as follows (or similar relief):  To manage the adverse environmental effects arising from <u>subdivision, land use change and development density and associated development activities</u> so that they do not <u>significantly</u> compromise the productive capacity of highly productive land, <u>indigenous biodiversity or the health and wellbeing of water bodies, freshwater ecosystems, and do not significantly affect</u> rural amenity values, rural character and landscape values.
SUB-RUR-P5	Amend	We support this policy, however we seek that it is strengthened.	Amend as follows:  <u>Require</u> <del>Ensure</del> that subdivision creates allotments that are able to accommodate on-site wastewater, stormwater and water supply infrastructure, and provides sufficient water supply capacity for firefighting purposes.
SUB-RUR-P6	Amend	We support this policy, however we seek that it is strengthened for consistency with the NPS-HPL.	Amend as follows:  <del>Restrict</del> <u>Avoid</u> the fragmentation of highly productive land, <del>in a way that</del> <u>including where it diminishes the productive capacity of the land.</u>
SUB-RUR-R1, R2, R3, R4	Amend	Insert new condition to allow Council to manage adverse effects on freshwater, to better give effect to NPS-FM clause 3.5.	Amend as follows:  Council may impose conditions over the following matters: <b><u>Management of adverse effects on the</u></b>

Provision	Submission	Reasons	Relief sought
			<u>health and wellbeing of water bodies, freshwater ecosystems, and receiving environments.</u>
SUB-RUR-R6	Amend	Insert new matter of discretion to allow Council to manage adverse effects on freshwater, to give effect to NPS-FM clause 3.5.	Amend as follows:  Council may impose conditions over the following matters: <u>Management of adverse effects on the health and wellbeing of water bodies, freshwater ecosystems, and receiving environments.</u>
<b>General Rural Zone</b>			
GRUZ-O2	Amend	<p>The proposed amendments to this objective have shifted its focus from protecting the soil and land resources and promoting their sustainable management, to protecting rural character and amenity. This is a considerably different purpose, and it should be broadened for consistency with RPS Policies 56, 47 and 42. Policy 56 is broader than just applying to highly productive land, so it is appropriate for the General Rural Zone to also consider impacts on productive capacity.</p> <p>We also note that the wording of this objective is inconsistent with that of RPROZ-O3 which is similar, and that it is phrased more as a policy than objective.</p>	<p>Amend as follows (or similar relief):</p> <p><b><u>Rural character, natural environment and amenity values</u></b>  <del>Use and development in the General rural zone will</del> <u>To maintain natural and rural character and amenity values in the General rural zone, including for indigenous biodiversity, freshwater, and productive capacity.</u></p>
GRUZ-O3	Amend	We support the intent of this objective, however we seek that it is strengthened to align with RPS Policy 58.	<p>Amend as follows (or similar relief):</p> <p><b><u>Infrastructure</u></b>  Appropriate <u>and adequate</u> infrastructure is provided <u>in an efficient and coordinated way</u> to support existing and planned activities meeting the needs of the rural community.</p>
GRUZ-P1	Support	The conditions provide strong direction on managing freshwater, both runoff and effects on freshwater.	Retain conditions 3 and 6 as notified.
GRUZ-P2	Amend	Operative policy direction regarding adverse effects on	Amend as follows (or similar relief):

Provision	Submission	Reasons	Relief sought
		<p>indigenous flora or fauna has been removed by the amendments, and it is now focused on rural character and amenity.</p> <p>We seek that the wording is amended for consistency with the NPS-IB and RPS Policy 47, which has a range of direction including the maintenance of connections within and corridors between habitats of indigenous flora and fauna, providing adequate buffering, managing wetlands, and avoiding, remedying or mitigating adverse effects. The NPS-IB also contains direction to maintain indigenous biodiversity and promote indigenous vegetation cover beyond just SNAs, so we suggest that terminology consistent that is consistent with the NPS-IB is used. We note that the Section 42A report author for Plan Change 49 on Open Spaces<sup>2</sup> has recommended the insertion of reference to 'indigenous biodiversity values' in the Natural Open Space zone. Our requested insertion of indigenous biodiversity values would be consistent with this direction.</p> <p>Likewise, we seek that reference to freshwater and productive capacity is included in this policy for consistency with the NPS-FM clause 3.5 and RPS Policy 56, which applies to all rural land.</p>	<p><b>Rural character, natural environment and amenity values</b></p> <p>Use and development in the General rural zone will maintain or enhance the District's rural character, <u>indigenous biodiversity, freshwater, productive capacity</u> and amenity values, including:</p> <ol style="list-style-type: none"> <li>1. the general sense of openness;</li> <li>2. <del>significant areas of indigenous vegetation</del> <u>indigenous vegetation, ecosystems and habitats</u>;</li> <li>3. natural character, landscapes and features;</li> <li>4. overall low density of development; <del>and</del></li> <li>5. the <u>productive capacity of land and the predominance of primary production activities</u>; <del>and</del></li> <li>6. <u>the health and well-being of water bodies, freshwater ecosystems, and receiving environments, including wetlands and streams.</u></li> </ol>
GRUZ-P6	Support	The policy provides strong direction on ensuring adequate three waters infrastructure is available.	Retain as notified.
GRUZ-P7	Amend	The wording on indigenous vegetation should be amended for	Amend wording as follows: ...

<sup>2</sup> [Microsoft Word - PC49 - Combined Tracked Changes Document \(upperhuttcity.com\)](#)

Provision	Submission	Reasons	Relief sought
		<p>consistency with the NPS-IB and RMA section 31.</p> <p>We note that the Section 42A report author for Plan Change 49 on Open Spaces<sup>3</sup> has recommended the insertion of reference to 'indigenous biodiversity values' in the Natural Open Space zone. Our requested insertion of indigenous biodiversity values would be consistent with this direction.</p>	<p>1. <del>significant indigenous vegetation</del> <u>indigenous biodiversity</u></p> <p>...</p>
GRUZ-S5	Support	The new clause 2 provides strong direction on managing stormwater runoff.	Retain as notified.
GRUZ-S6 & GRUZ-R2	Amend	None of the amendments to GRUZ-P7 seem to have been incorporated into GRUZ-S6. This is problematic as GRUZ-R2 allows plantation forestry as a permitted activity provided it meets the conditions of GRUZ-S6.	Either reclassify GRUZ-R2 as a controlled or restricted discretionary activity (with matters of control or discretion over the areas in GRUZ-P7) or amend GRUZ-S6 to incorporate the areas in the amended GRUZ-P7.
<b>Rural Production Zone</b>			
RPROZ-O1	Amend	We support this objective, however seek that it is aligned with the wording of the NPS-HPL objective.	Amend as follows (or similar relief): Highly productive land is <del>available</del> <u>protected</u> for primary production activities.
RPROZ-O2	Amend	We support the intent of this objective, however we seek that it is strengthened to align with RPS Policy 58.	Amend as follows (or similar relief):  <b>Infrastructure</b> Appropriate <u>and adequate</u> infrastructure is provided in <u>an efficient and coordinated way</u> to support existing and planned activities meeting the needs of the rural community.
RPROZ-O3	Amend	As with GRUZ-O2, this objective replaces an operative objective RPROZ-O2 which relates to the sustainable management of soil, water and land resources, and there is now no objective in the chapter which provides this direction.	Amend as follows (or similar relief):  <b>Rural character, natural environment and amenity values</b> To maintain and enhance the <u>natural and rural character and amenity values</u> of the Rural production zone, <u>including for indigenous biodiversity, freshwater, and productive capability</u> .

<sup>3</sup> [Microsoft Word - PC49 - Combined Tracked Changes Document \(upperhuttcity.com\)](#)

Provision	Submission	Reasons	Relief sought
		Similar to our relief on GRUZ-O2, we seek that the wording of this objective is broadened for consistency with RPS Policies 56, 47 and 42. The NPS-IB also contains direction to maintain indigenous biodiversity and promote indigenous vegetation cover beyond just SNAs. Likewise, we seek that reference to freshwater is included in this policy for consistency with the NPS-FM.	
RPROZ-P1	Support	The conditions provide strong direction on managing freshwater, both runoff and effects on freshwater.	Retain as notified.
RPROZ-P2	Amend	<p>Operative policy direction regarding adverse effects on indigenous flora or fauna has been removed by the amendments, and it is now focused on rural character and amenity.</p> <p>We seek that the wording is amended for consistency with the NPS-IB and RPS Policy 47, which has a range of direction including the maintenance of connections within and corridors between habitats of indigenous flora and fauna, providing adequate buffering, managing wetlands, and avoiding, remedying or mitigating adverse effects. The NPS-IB also contains direction to maintain indigenous biodiversity and promote indigenous vegetation cover beyond just SNAs, so we suggest that terminology consistent that is consistent with the NPS-IB is used. We note that the Section 42A report author for Plan Change 49 on Open Spaces<sup>4</sup> has recommended the insertion of reference to 'indigenous</p>	<p>Amend as follows (or similar relief):</p> <p><b><u>Rural character, natural environment and amenity values</u></b></p> <p>Use and development in the Rural production zone will maintain or enhance the District's rural character, <u>indigenous biodiversity, freshwater, productive capacity</u> and amenity values, including:</p> <ol style="list-style-type: none"> <li>1. the general sense of openness;</li> <li>2. <del>significant areas of indigenous vegetation</del> <u>indigenous vegetation, ecosystems and habitats</u>;</li> <li>3. natural character, landscapes and features;</li> <li>4. overall low density of development; <del>and</del></li> <li>5. the <u>productive capacity of land and the predominance of primary production activities; and</u></li> <li>6. <u>the health and well-being of water bodies, freshwater ecosystems, and receiving environments, including wetlands and streams.</u></li> </ol>

<sup>4</sup> [Microsoft Word - PC49 - Combined Tracked Changes Document \(upperhuttcity.com\)](#)



Provision	Submission	Reasons	Relief sought
		<p>biodiversity values' in the Natural Open Space zone. Our requested insertion of indigenous biodiversity values would be consistent with this direction.</p> <p>Likewise, we seek that reference to freshwater and productive capacity is included in this policy for consistency with the NPS-FM clause 3.5 and the NPS-HPL, including Policy 2 and clause 3.2.</p>	
RPROZ-P3	Support with amendment	Strengthen for NPS-HPL direction.	<p>Amend as follows (or similar relief):</p> <p><b>Earthworks</b> To ensure that earthworks do not <u>fragment areas of highly productive land</u> or result in a loss of topsoil from highly productive land, avoid or mitigate run-off, contamination or erosion of soil and do not significantly affect rural character and amenity values, particularly where the land is visible from roads and public places.</p>
RPROZ-P5	Support	Effective consideration of protection of highly productive land.	Retain as notified.
RPROZ-P6	Amend	<p>The wording on indigenous vegetation should be amended for consistency with the NPS-IB and RMA section 31.</p> <p>We note that the Section 42A report author for Plan Change 49 on Open Spaces<sup>5</sup> has recommended the insertion of reference to 'indigenous biodiversity values' in the Natural Open Space zone. Our requested insertion of indigenous biodiversity values would be consistent with this direction.</p>	<p>Amend as follows:</p> <p>...</p> <p>1. <del>significant indigenous vegetation</del> <u>indigenous biodiversity</u></p> <p>...</p>
RPROZ-P7	Support	Effective consideration of protection of highly productive	Retain as notified.

<sup>5</sup> [Microsoft Word - PC49 - Combined Tracked Changes Document \(upperhuttcity.com\)](#)



Provision	Submission	Reasons	Relief sought
		land.	
RPROZ-P8	Support with amendment	<p>We support this policy, however we seek that the direction is strengthened to align with the strength of direction in clause 3.9(1) of the NPS-HPL on inappropriate use and development; ‘...avoid the inappropriate use or development of highly productive land that is not land-based primary production.’ There is also avoid direction regarding reverse sensitivity effects in 3.9(3)(b).</p> <p>We suggest that this direction is separated from the rest of the policy where ‘limit’ is more applicable.</p>	<p>Amend as follows (or similar relief):</p> <p><b>Inappropriate activities:</b> Limit activities which:</p> <ol style="list-style-type: none"> <li>1. Are incompatible with the purpose, character, and amenity values of the Rural production zone;</li> <li><del>2. Will result in the loss of productive capacity of highly productive land;</del></li> <li>3. May <del>generate reverse sensitivity effects and/or</del> conflict with permitted activities in the zone; or</li> <li>4. Will result in development of an urban scale or intensity; <u>and</u></li> </ol> <p><u>Avoid activities which:</u></p> <ol style="list-style-type: none"> <li>5. <u>Will result in the loss of productive capacity of highly productive land;</u></li> <li>6. <u>Will generate reverse sensitivity effects on primary production activities.</u></li> </ol>
RPROZ-S5	Support	The new clause 2 provides strong direction on managing stormwater runoff.	Retain as notified.
RPROZ-S6	Oppose	This provision seems to be unnecessary now that forestry is a discretionary activity in the rural production zone.	Delete RPROZ-S6.
<b>Rural Lifestyle Zone</b>			
RLZ-O3	Amend	Given the fact that some of the proposed rural lifestyle zone extent overlaps with areas identified in the draft Plan Change 47 on Significant Natural Areas, we seek that there is recognition of indigenous biodiversity values in this objective, to recognise the NPS-IB.	<p>Amend as follows (or similar relief):</p> <p><b>Rural character and amenity values</b> The rural character, <u>indigenous biodiversity</u> and amenity values of the Rural lifestyle zone are maintained and comprise of:</p> <ol style="list-style-type: none"> <li>1. natural character consisting of a sense of space and openness, trees and landscaping;</li> <li>2. residential units and farm buildings that integrate with the natural and rural character of the area; and</li> <li>3. a high level of rural residential amenity values; <u>and</u></li> </ol>

Provision	Submission	Reasons	Relief sought
			<u>4. indigenous biodiversity values.</u>
RLZ-O5	Amend	Provides good direction on providing infrastructure to support existing and planned activities, including water-related infrastructure.  We seek that it is strengthened to align with RPS Policy 58.	Amend as follows (or similar relief):  <b>Infrastructure</b> Appropriate <u>and adequate</u> infrastructure is provided <u>in an efficient and coordinated way</u> to support existing and planned activities meeting the needs of the rural community.
RLZ-P1	Support	The conditions provide strong direction managing runoff and effects on freshwater.	Retain condition 4 and 7 as notified.
RLZ-P2	Amend	We seek that the wording is amended for consistency with the NPS-IB.  Likewise, we seek that reference to freshwater is included in this policy for consistency with the NPS-FM clause 3.5.	Amend as follows (or similar relief):  <b>Rural character, natural environment and amenity values</b> Use and development in the Rural lifestyle zone will maintain or enhance the District's rural character, <u>indigenous biodiversity, productive capacity, freshwater</u> and amenity values, including: 1. the general sense of openness; 2. <del>significant areas of indigenous vegetation</del> <u>indigenous vegetation, ecosystems and habitats</u> ; 3. natural character, landscapes and features; 4. overall low density of development; <del>and</del> 5. the presence of farming activities; <u>and</u> 6. <u>the health and well-being of water bodies, freshwater ecosystems, and receiving environments, including wetlands and streams.</u>
RLZ-P4	Amend	The wording on indigenous vegetation should be amended for consistency with the NPS-IB and RMA section 31.  We note that the Section 42A report author for Plan Change 49 on Open Spaces <sup>6</sup> has	Amend as follows: ... 1. <del>significant indigenous vegetation</del> <u>indigenous biodiversity</u> ...

<sup>6</sup> [Microsoft Word - PC49 - Combined Tracked Changes Document \(upperhuttcity.com\)](#)

Provision	Submission	Reasons	Relief sought
		recommended the insertion of reference to 'indigenous biodiversity values' in the Natural Open Space zone. Our requested insertion of indigenous biodiversity values would be consistent with this direction.	
RLZ-S5	Support	The new clause 2 provides strong direction on managing stormwater runoff.	Retain as notified.
<b>Settlement Zone</b>			
SETZ-O3	Amend	Provides good direction on providing infrastructure to support existing and planned activities, including water-related infrastructure.  We seek that it is strengthened to align with RPS Policy 58.	Amend as follows (or similar relief):  <b>Infrastructure</b> Appropriate <u>and adequate</u> infrastructure is provided <u>in an efficient and coordinated way</u> to support existing and planned activities meeting the needs of the rural community.
SETZ-O4	Amend	It is unclear what this means in the context of the National Planning Standards definition of settlement zone. As stated in our letter, the settlement zone in the Gabites Block area is being applied to typically urban densities.	Amend to improve clarity on the intent of the Gabites Block Development Area and whether this is appropriate for a settlement zone, given the settlement zone is being used to apply a wide range of densities and forms.
RLZ-P1	Support	The conditions provide strong direction managing runoff and effects on freshwater.	Retain condition 4 and 7 as notified.
SETZ-P2	Amend	Consistent with our relief on the other zone chapters, we seek that broader recognition of indigenous biodiversity, productive capacity and freshwater is included in this policy, for consistency with the RPS and policies in other rural chapters.	Amend as follows (or similar relief):  <b>Rural character, natural environment and amenity values</b> Use and development in the Settlement zone will maintain <del>and enhance</del> the District's rural character, <u>indigenous biodiversity, productive capacity, freshwater</u> and amenity values, through: 1. a concentrated mix of activities within a rural setting; 2. retaining established streetscapes with vegetated front setbacks; 3. consisting of buildings predominantly 1-2 storeys in height; <del>and</del> 4. providing for a range of rural residential living environments; 5. <u>indigenous vegetation, ecosystems and</u>

Provision	Submission	Reasons	Relief sought
			<u>habitats;</u> <u>6. natural character, landscapes and features; and</u> <u>7. the health and well-being of water bodies, freshwater ecosystems, and receiving environments, including wetlands and streams.</u>
SETZ-P7 & SETZ-P8	Amend	<p>It is unclear what these policies mean in the context of the National Planning Standards definition of settlement zone. As stated in our letter, the settlement zone in the Gabites Block area is being applied to typically urban densities as well as rural lifestyle densities.</p> <p>SETZ-P8 refers to 'low density residential' and 'rural residential' development while SETZ-P7 refers to 'urban fringe'. The actual intended form of this area is unclear and appears to differ considerably.</p>	Amend to improve clarity on the intent and form of the Gabites Block Development Area and whether this is appropriate for a settlement zone, given the settlement zone is being used to apply a wide range of densities and forms.