

# SUBMISSION 91

Submission on PC50 – Rural Chapter

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09.11.2023

**I do not stand to gain commercial advantage from my submission.**

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

I am seeking the following relief.

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For clarity Extract from the documents published by the council is shown in Normal fonts and our observations are shown in italics.

We are presented with the notified PC50 document together with the Section 32 Evaluation Report. It is my understanding that both, of these documents are intended to be definitive and yet the S32 evaluation document pages are all stamped "DRAFT". Is this an error or is there a reason for it?

**Seems as if the council has decided to change the rules to suit who it wants to cater too. Existing rules have been manipulated and new rules, specific to a council desired outcome have been crafted to circumvent a predicted outcome.**

Sec 32 Point numbers 31 and 32 relate how the rural area has been divided into 4 zones and soil analysis etc. But no test reports have been provided and where were these samples tested. It also states.

" A key focus is to ensure that the rural environment does not become so fragmented that it can no longer be used effectively for productive rural activities. Avoiding the repeated subdivision of land is a vital part of avoiding cumulative adverse effects on the rural environment. "

***But you then allow the Berkett's Farm Precinct to go ahead. Where is the consistency in what you say.***

***Sec 32 evaluation clearly outlines that, in respect of the Berketts Farm Precinct, there is a strong probability that, based on present rules, a Resource Consent application would be unlikely to succeed. Council has therefore chosen to change the playing field by making up a new set of rules that are specific to this one situation and purposely designed to ensure that it will proceed. There has been zero consultation with the community concerning this part of the Plan.***

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

PC50- Proposed Rural Objectives & Policies.

The council has under RED01 Rural Character explanation.

***Seems like its contradicting itself in RED -01 Rural Character.***

***By definition a Rural Area is as follows***

***What does rural area mean?***

***Rural Area***

***A rural area is an open swath of land that has few homes or other buildings, and not very many people. A rural areas population density is very low. Many people live in a city, or urban area. Their homes and businesses are located very close to one another.***

***Well Council if you allow the Berketts precinct to go ahead then Whitemans Valley will no longer fall under this definition. It will be an urban development in the Rural area.***

***Back to the drawing board please.***

***We should have more community consultation with those that are affected by these changers ( Berketts Farm Precinct). The rights of the majority of the people in the rural area should not be sacrificed for the benefit of a few.***

## **Section 32 Report Berketts Farm Precinct Scale and Significance of the effects.**

Criteria number Table 1 Row heading 3.

Who and how many will be affected, geographic scale of effects Localised as it is only restricted to the 353 hectares covered by the Precinct. There may be effects for other landowners living in close proximity to the site due to the proposed development. Value given 1

***This is news to us. We are in close proximity we have not been consulted and I know for a fact most others in the area who are in close proximity have not been consulted either. So please go back to the drawing board***

Section 32 Report Berketts Farm Precinct Scale and Significance of the effects. Criteria number Table 1 Row heading 6.

Type of effect: Effects on character of the site. Improved water quality and biodiversity through revegetation. Short term effects of construction and earthworks value given 1

***Who thought this merited only 1 in the scoring. Ask the locals council, we do have a voice. Can't see how the water quality is going to improve by the building of 100 plus houses and associated activities. What is this going to do to the wild life existing in the local water ways.***

In this section the Total (out of 35): 10

***I am sure the total will be vastly different if the locals were contacted and their opinion was taken into account.***

Sec 5 RMA

Section 5 sets out the purpose of the Act. Within the rural environment there will be a number of varying activities but ensuring that rural land is kept for rural use is at the heart of this plan change. Berketts Farm Precinct is a specific precinct located in Whitemans Valley Road, within the wider rural environment. While the General rural zone and Rural production zone seeks to protect the rural land for production, Berketts Farm Precinct enables living opportunities within a rural environment. The Precinct is meeting the needs of sustainable development by enabling rural living on smaller sites.

***If people wanted to live on smaller sites they will live in the urban area. You come to the rural area to enjoy the birds and Bees and Butterflies. Not to hear your neighbours voice over the fence. Get a grip on life council.***

Key characteristics of the Precinct is the retirement of the site from farming, protection of existing indigenous vegetation and the establishment of further planting. SUB-RUR-O5 will enable development while protecting natural and physical resources in accordance with s5(2) of the RMA.

***People are allowed to retire from farming but does that mean they have to make the rural area a urban living situation. The council is allowing this to happen to satisfy a few people who are in it to gain monetarily, while a lot of rural rate payers are upset as their piece of paradise is getting smaller and smaller. People put in life savings to live in the rural area as that was what it was supposed to be in Whitemans Valley, but now that dream is being snatched from peoples hands to satisfy a few.***

The revegetation and enhancement of indigenous biodiversity will sustain the natural resources and support improve water quality. This achieves s5(2)(a) of the RMA, and safeguard ecosystems in accordance with s5(2)(b) of the RMA. SUB-RUR-O5 essentially balances development with positive environmental effects. Because development in the Precinct will integrate with the natural environment and enhances indigenous biodiversity, SUB-RUR-O5 has the effect of avoiding, remedying, or mitigating any adverse effects of activities on the environment in accordance with s5(c) of the RMA

***We the residents of Whitemans Valley would love to know how the above is going to achieved. 105 houses in 353 hectares. Some of them on lot sizes of less than .5 hectare.***

***Why have we not been provided with a map showing the roads the lots etc. This needs to be provided to us before we can understand where the blocks of housing is going to be, where the roads are going to be, how it is not going to be seen from the Whitemans Valley Road, where are these going to be situated.***

Sec 6 RMA

***This area seems to contradict itself with what is mentioned in page 51 and 52 of the Landscape Report UH RLUA.docx***

## Sec 7 RMA

### Para 23

The Precinct will be characterised by low density residential development, onsite infrastructure, low traffic volume roads and areas of biodiversity, natural features and open space; • Enables environmental gains; and • Provides rural living into focused areas and thus minimises the risk of compromising primary production activities of the wider rural environment.

***What a load of Nonsense. Please give us some credit. Seems like the you have not travelled on the existing Whiteman's Valley Road. What does low traffic Volume roads even mean.***

***This would add at least 300 more vehicles on the road on a regular basis, not taking account of all the heavy machinery that would be on the road during the development stage. Or has the developer got some other plan that has not been mentioned to us.***

***Please explain what environmental gain ( Light pollution as I understood is not a environmental gain nor is wild life disappearing an environmental gain, nor is storm water flowing down etc etc.***

## Sec 8 RMA

Option 1 – No bespoke precinct or provisions This option would mean that development of the sites would require a resource consent under the proposed Rural lifestyle zone. The development would be unlikely to be granted resource consent due to the misalignment in densities proposed with the Rural lifestyle zone, and the unique characteristics of the site and proposed development.

Option 2 – Include rules in the existing zones to enable development This option would include rules to enable development of Berketts Farm in the existing zone chapters. The most significant disadvantage to this is that the development would not align with the objectives and policies of the Rural lifestyle zone.

Option 3 - Include a zone for the site This approach would require a newly created zone, however there are limitations on the naming and purpose of rural zones due to the National Planning Standards. While a special purpose zone is a possibility, there are specific criteria for a special purpose zone in the National Planning Standards which the development would not satisfy.

Option 4 – Bespoke precinct A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone. In this case it would comprise bespoke provisions that modify the underlying zones and enable development in accordance with a structure plan. In order to identify other reasonably practicable options, the Council has undertaken the following: 8 Upper Hutt City Council – Berketts Farm Precinct Section 32 Evaluation Analysed the National Planning Standards; Engaged with the consultants promoting the development; Sought feedback from the community on a draft PC50; and Sought feedback from elected members. The preferred option is Option 4 because of the requirements of the National Planning Standards. The provisions to enable development of the Berketts Farm Precinct appears primarily in the Subdivision chapter: a. Subdivision chapter: i. Objective ii. Policy iii. Rules iv. Standards; and b. Appendix 3 Berketts Farm precinct development areas.

***We see the zoning happening as a result of obliging the developer, not the residents living presently. Consult us before you devalue our property and our sanity.***

Landscape Report )Rural Land Use Assessment) RLUA.Docx Page 17 refers to

The headwaters of Mangaroa River are located in the south of the Whitemans Valley (Boffa Miskell Ltd, 2012, p. 33). The river flows north from here through Whitemans Valley and into Mangaroa. There are multiple hazards associated with the river corridor, including flooding and ponding.

SENSITIVITY TO DEVELOPMENT The indigenous native vegetation of the surrounding hills is a key factor of the local landscape values in this area. The valley is relatively narrow along much of its length, and in other areas the potentially developable area is also close to the road, which means any future development may be prominent (and close) for public views. Through the southern area, curved driveways wind through the landscape up from the road and across the undulating rolling countryside. The typically elevated aspect of dwellings above the road can highlight the peppered development pattern through this relatively open area.

***Yet despite all of the above the council wants to allow 105 houses in the Berketts Precinct. Please explain how the council can contradict itself like this. Whiteman's Valley is one of the rural areas that add value to the UH***

***region, please don't urbanise it, pollute it and ruin it for those living on this land now and in the future.***

Appendix 3 — Berketts Farm Precinct Structure Plan  
development of up to 100 allotments.

***Narrative states up to 100 allotments but numbers on the schematic shows allotments totalling 105. Numbers in the s32 evaluation show 103. This is a major development by Valley standards ( Larger than the original KMD development) and yet it only warrants one page of the notified PC50 provisions.***

***As mentioned before why has the council not consulted those living in Whitemans Valley. This impacts and affects the people living in the 2 areas concerned. We are caught in the middle of both these subdivisions. What is the land mass of this subdivision.***

***Nothing to show where it is in the overall scheme of things – where is it within the valley. The wording states that it will not be seen from the main Whitemans Valley Road, but what about the people who are presently residing who will wither overlook this area built up fortifications or be looked down on. Is it right for the council to do this to a majority of the people living in Whitemans Valley.***

***The map has no roads identified. You have to read the s32 evaluation to find any reference to 528 Whitemans Valley Road. As mentioned before who has considered the impact on the three one lane bridges.***

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

***Traffic Volumes etc.***

***Storm water implications?***

***Water tanks and sprinkler systems.***

***Water Tanks for sprinklers and home usage- Will all of the Berkett Farm Precinct have these in each of the 105 houses. That is going to be***

***approximately 3 water tanks per house hold. What sizes are the houses in each of the sections going to be? By the time the house is put on the site, then the 3 water tanks and a sewerage tank is situated, how does the minimum distant between the neighbour's property and yours be maintained.? We would like some answers to these questions as this does not seem to compute.***

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

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

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

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

***At the moment Whitemans Valley has a thriving bird life population, 100+ houses would mean that we would have homes with pets including cats. What will this do to this wild life population. Or is the council going to ban people having pets in these new households? As a side note we have recently been to the Great Barrier Island and we have more Bird species here in Whitemans Valley than they have there.***

***There has been no consultation in respect of this development and no explanation why council is choosing to manipulate the normal rules to enable it to proceed. No explanation has been given as to why this proposal should be subjected to a lesser degree of scrutiny that was given to PPC55 (Maymorn Farms)***

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

Plan Change 50 – Rural and Residential Chapter Review- Key Draft change proposal mentions

Introducing enabling controls to help establish a centre for the local rural community near Whitemans Church and around the Maymorn Station.

***What exactly does this mean, has the community at large requested this in Whitemans Valley or is this a hidden agenda item of the council. Why have the residents of Whitemans Valley not been consulted.***

***Enablement of rural businesses that build upon our great outdoor environment.***

***What does this mean, we can now have mountain bike parks and walking tracks and river fishing on the Mangaroa river?***

*Rural Lifestyle areas generally moving to foothills, where easily accessible to urban areas, protecting the openness and productive value of the valley floor. Protection of all high class soils in rural areas through an increase in minimum subdivision standards, while enabling key settlement areas previously identified.*

***The above does not make sense. IT seems to contradict itself to what the council is proposing in the Berkett precinct area. As mentioned before we have three one lane bridges, roads are narrow and at the best of time going up and down Blue Mountain hill is not the best, so do not understand how this is easily accessible.***

***The classification of what constitutes as productive land has been changed to accommodate the Berketts precinct. The council is establishing double standards.***

Introduction of many landscape-oriented controls in the rural environment to protect this sensitive area.

***Does this mean making it harder for those living and making a living harder. What does the council want more of protection of land owned by some but allow others who own land to do what they desire .***

## ***In summary***

- ***We do not think we have been given enough information. The council has not consulted those living in Whitemans Valley on this matter and would like the council to NOT to go ahead with this plan change of the Berketts farm Precinct.***
- ***Do not go ahead with changing the Zoning of the Rural Land areas.***
- ***We would like to council to consider this Precinct under a private plan change if it has to be discussed further.***
- ***Have much more robust community consultation with those effected and hear the positive and negative facts that will no doubt be tabled.***
- ***The pitfalls and the negative issues in summary are***
  - ❖ ***More stress on the already badly maintained roads and one way bridges.***
  - ❖ ***Loss of Productive land***
  - ❖ ***Potential loss of Wild life and Bird population is sure to decrease. The council seems ot sing from a different hymn book depending which way the wind is blowing.***
  - ❖ ***Potential Light pollution***
  - ❖ ***Storm Water Issues***
  - ❖ ***Urbanising Whitemans Valley when it is one of the last few valleys in the Upper Hutt District that has managed to maintain its Rural Environment.***
  - ❖ ***Pc 50 Mentions 105 houses in one place and 100 allotments in appendix 3 in the Berketts precinct. Should these not be matching.***
  - ❖ ***PC 50 mentions zoning changers. We would like to know what was the criteria and how was this decided based on what information. What scientific studies were done to decide what was rural productive land and what is general rural etc. Were any soil tests done? What impact will this have on our land values in the future.***
  - ❖ ***How large is the land mass for the 100 allotments. And is the council changing the rules so these houses can be built on the protected areas.? Could we please know the answer to this, and if it possible to build on protected areas is this option available for other land owners too.***

- ❖ *Map on page 136 shows a road connecting Berketts Princint with some other road. But there no names. How are we supposed to understand what these roads are and what connections they lead too, is this going to impact us visually, travel time wise etc.*
- ❖ *You mention on page 133 that the houses wont be visible from the Whitemans Valley Road but what about the light pollution, rates increase, double standards, zoning not done in a uniform manner which seems different strokes for different groups of people.*
- ❖ *Should we not be Protecting green space for future generations.*

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I have put in a submission already, but would like to add this please as I was waiting on an independent expert to send some information through.

Some issues that I think may need some consideration are the way waste water will be dealt with. Modern septic systems are quite good at treatment, IF they are properly serviced. What will the council do to ensure this happens.

However there is always the flow through which has traditionally (and currently) relied on “field drains” to disperse the overflow, the problems I anticipate is the size of the properties not having the area to cope with the field drain requirement, saturation of the land, waste travelling onto neighbouring properties, waste water travelling into the stream and polluting it, contamination of the water table.

I think the ramifications of stormwater becoming a very real

problem with the land being covered with buildings, roads and driveways severe flooding downstream from this subdivision needs some expert investigation.

Has the supply of electricity been considered, my recollection of living in the valley was of regular electrical failure especially in bad weather and road accidents.