



Surveyors. Engineers. Planners.

ref: 23110

15th November 2023

Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

Via Proposed District Plan submissions

Dear Upper Hutt City Council,

SUBMISSION ON PLAN CHANGE 50 RURAL REVIEW TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

- This is a submission on behalf of our clients, the Maymorn Collective (details below).
- We could not gain an advantage in trade competition through this submission.
- We wish to be heard on behalf of our client, the Maymorn Collective in support of this submission.
- The Maymorn Collective are opposed to the proposed zoning of their land.

The Maymorn Collective:

168 Parkes Line Road	Amanda Mounla and Rami Mounla. Marita Manns Trustee Limited
180 Parkes Line Road	Tamara Hrstich
180A Parkes Line Road	Marlnuk Agistments Limited - Richard Bialy and Lynn Bialy
186 Parkes Line Road	Bruce Bates and Kim Cheeseman
216 Parkes Line Road	Paul Persico and Megan Persico
224a Parkes Line Road	Dean Spicer, Michelle Spicer and Benjamin Shaw (as trustees for Bridgewater Trust)
224 B Parkes Line Road	John Boyle and Susan Boyle
264G Parkes Line Road	Philip Eales and Teresa Eales

We consider it appropriate to rezone this entire block of land to enable rural-residential scale development for the following reasons:

- The proposed Rural Production zoning is not appropriate for this land.
- The proposed zoning is incompatible with the existing and proposed adjacent environment.
- The Settlement Zone is more appropriate zone to this land.

Appropriateness of the Rural Production Zone

The majority of the land is proposed to be in the Rural Production Zone (180, 180A, 186, 216, 224B, 264G Parkes Line Road). We consider the Rural Production Zone to be inappropriate for this land. We have offered reasoning for your consideration below.

We make specific reference to the objectives and policies in our discussion below:

SUB-RUR-O1 Protection of rural productivity

The productive capacity of highly productive land is protected from fragmentation.

Response: The lots are already used for rural residential activities and fragmented. It is unlikely that in their current state they would revert to rural productive purposes and further subdivision would not change the productive capacity or lack thereof further.

SUB-RUR-P1 Development in the Rural Zones

To manage the adverse environmental effects arising from density and associated development activities so that they do not significantly compromise the productive capacity of highly productive land, rural amenity values, rural character and landscape values.

Response: The land directly to the east and west of the proposed zoning enabled increased density that would compromise the ability to use the land for rural productive purposes due to potential reverse sensitivity effects, and would compromise the existing amenity, character and landscape values associated with the immediate surrounding area which is predominately used as rural residential scale of development.

SUB-RUR-P6 Productive Capacity of highly productive land

Restrict the fragmentation of highly productive land in a way that diminishes the productive capacity of the land.

Response: The land is already fragmented (by lot sizes and existing use) and not used in any kind of productive way. It is therefore highly unlikely that that land will be used for productive capacity in the future, noting that the definition of highly productive land is likely to change soon. See further details below.

RPROZ-O3 To maintain and enhance the rural character and amenity values of the Rural production zone.

Response: The existing character is already predominately rural residential in nature; therefore, the rezoning would diminish the character and amenity values that are already present, rather than an alternative activity which would allow for some further subdivision albeit at a very low density, more akin to the existing character and amenity present.

RPROZ-P1 Appropriate activities

This seeks to enable activities that maintain the productive capacity of HPL in the rural production zone, while ensuring that their design scale and intensity is appropriate to the rural environment, including...

Response: As mentioned above, the proposed zoning is highly unlikely to enable activities that would maintain or ever provide for productive activities on the land, primarily due to the demand of rural residential living, as well as the potential to cause reverse sensitivity effects on the land to the east and west. The scale and intensity of a Settlement Zone would be more appropriate to the existing rural environment and may even enhance the rural productivity capacity elsewhere as it would take pressure off other more productive areas of the District.

RPROZ-P2 Rural character and amenity values

Use and development in the Rural production zone will maintain or enhance the Districts rural character and amenity values, including:

1. *The general sense of openness*
2. *Significant areas of indigenous vegetation*
3. *Natural character, landscapes and features*
4. *Overall low density of development*
5. *The predominance of primary production activities*

Response: The rezoning to Settlement Zone would not significantly diminish any sense of openness as it would still provide only very low density rural residential activities. The sites are not considered to contain any significant areas of indigenous vegetation, natural character or landscapes. The rezoning to Settlement Zone would maintain a low density of development, and not reduce the predominance of primary productive activities as they are not currently present anyway.

RPROZ-P8 Inappropriate activities

Limit activities which:

1. *Are incompatible with the purpose, character and amenity values of the RPZ*
2. *Will result in the loss of productive capacity of HPL*
3. *May generate reverse sensitivity effects and/or conflict with permitted activities in the zone*
4. *Will result in development of an urban scale of intensity*

Response: The rezoning to Rural Production Zone would in our view be incompatible with the purpose, character and amenity values currently present. It will not result in the any net loss in capacity as it's unlikely in our view to ever be utilised for productive purposes. The use of the land for any kind of productive activity would likely result in reverse sensitivity effects as the land to the east and west both accommodate residential scale activities. The rezoning as Settlement Zone would still not be of a scale that is considered urban, but would maintain the existing rural character and amenity that is currently valued by the Collective and nearby residents.

The Rural Production Zone is defined in the National Planning Standards as:

Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

This is further detailed in proposed PC50 through RPROZ-P2 which describes the expected character and amenity values. RPROZ-P2 and RPROZ-P8 then describe appropriate and inappropriate activities. Generally, these enable activities that maintain the productive capacity of land in the rural production zone, while ensuring that their design scale and intensity is appropriate to the rural environment.

As already noted in response to the relevant Objective and Policies, the land is not, and unlikely in our opinion to ever be used predominately for primary production activities. Therefore, the intent of the proposed zoning will never be realised as the demand for rural residential will likely mean that these existing lots will only ever be used primarily for that purpose, particularly given the proximity to Upper Hutt's urban areas and the Maymorn Railway Station.

Further, if a productive activity were to establish, this may lead to reverse sensitivity effects and compromise the character and amenity of the adjoining residential and rural lifestyle blocks to the east and west.

The outcomes for Rural Productive Zone would be better served by enabling additional rural residential supply, thus taking pressure off other more remote or separated rural productive areas.

- **Lot size**

The minimum net site area proposed for the Rural Production Zone is 4ha, with an average of 16ha. The sites in this area are already reasonably fragmented, with areas ranging from 3.2 – 7.1ha, such that they are already rather contrary to SUB-RUR-O1, SUB-RUR-P1 and SUB-RUR-P6 and the net site area standards which seek to protect rural productivity, to not significantly compromise the productive capacity of HPL and to restrict fragmentation that would diminish the productive capacity of the land.

We consider that this is not an efficient use of land and does not reflect the existing environment which has already been established for many years as lifestyle blocks near higher density residential development.

- **Productive capacity**

With regard to highly productive land (HPL) specifically, we query whether the desired values are in fact present currently, and if not present, whether they can be compromised.

The ability to align with the provisions above is dependent on that productive capacity being available in the first place, and the fragmentation not yet having occurred. The sites in Maymorn are small (relative to the 4ha minimum, 16ha average lot size) and located immediately adjacent to areas of higher density development: MacLaren Street, Old School Road, Gabites Block, and the land to the north of Parkes Line Road proposed to be re-zoned Settlement Zone.

The s32 report acknowledges that the Operative Rural Production Zone provisions were inappropriate for protecting productive potential as sites with a minimum lot size of 4ha, would

“need to be amalgamated or at least managed in a collaborative way to enable primary production at an economically viable scale to occur”¹.

We concur with this statement and consider that this be applicable here where these existing sites are likely too small to support primary production at an economically viable scale. The likelihood is reduced further given the adjacent activities and the existing environment being predominately urban or rural lifestyle in nature, with the potential for rural productive activities to be incompatible due to reverse sensitivity effects amongst other matters.

Further, the sites area already utilised for rural residential purposes and in the current market, are highly unlikely in any circumstance to revert to rural productive activities as we consider it more likely that any land sale in their current configuration would be purchased for rural lifestyle, rather than rural productive purposes.

¹ Upper Hutt City Council – Section 32 Report Subdivision in Rural Zones, page 8

- **National Policy Statement – Highly Productive Land (NPS-HPL)**

We acknowledge that the NPS-HPL presents a clear directive to councils. It appears that the land was zoned Rural Production Zone because of the LUC Class 3 soils² with lesser regard for other important factors, such as viability of primary production activities and the existing environment which seemingly contradicts the proposed zoning.

We note that the NPS-HPL provides some exemptions under clause 3.5(7) by which council can exclude LUC 1, 2, 3 land from the HPL mapping, being: land that is (i) identified for future urban development; or (ii) subject to a Council initiated, OR an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle. The definition of *urban* under the NPS-HPL specifically includes Settlement Zones.

The Ministry for the Environment Guide to implementation indicates that the intention of these exemptions was not to undermine work that is well advanced by local authorities. We consider the above to suggest that the area of Maymorn, that was identified under the consultation version of PC50 to be rezoned as Settlement Zone, could reasonably be excluded from this requirement on the grounds that it is subject to a well-advanced, Council initiated plan change.

It is also noted that under clause 3.4(5) of the NPS-HPL, small discrete areas of LUC 1, 2, 3 need not be included if they are separated from any large and geographically cohesive areas of LUC1, 2, 3. In this instance, the proposed Rural Lifestyle Zone to the east, and west would separate much of the land from the LUC 3 land to the south.

It is also noted that the incoming Government's 2023 election platform³ specifically identified that land that is identified as LUC 3 be excluded from NPS-HPL. Therefore, any decision that relies on the current LUC 3 mapping should wait until further direction is provided by the incoming Government. We believe the Class 3 soil should be excluded from the Highly Productive Land now in this plan change.

Incompatibility with the surrounding existing and proposed environment

A consideration of the appropriateness of the proposed RPZ zoning needs also to address the adjacent environment and proposed zoning, the Settlement Zone.

We refer the following provisions in our discussion:

SETZ-O1 Purpose of the Settlement Zone

Small settlements that create a focal point for the rural community and are used predominantly for a cluster of residential activities, commercial activities, light industrial and/or community activities that are located in rural areas.

SETZ-P5 Inappropriate activities

Limit activities which:

1. *are incompatible with the purpose, character and amenity values of the Settlement zone;*
2. *may generate reverse sensitivity effect and/or conflict with permitted activities in the zone; or*

² Upper Hutt City Council – Zoning Section 32 Evaluation, page 278

³ National Party Housing for Growth, page 5, paragraph 10

3. *includes avoiding animal boarding, intensive farming, quarrying activities or cleanfill areas to maintain the amenity values of the Settlement zone.*

The Settlement Zone has been reduced in size from what was proposed in the consultation version (which was supported, via submission and numerous consultations by our clients).

- **Reverse sensitivity**

The proposed Rural Production Zone land to which this submission relates is a maximum of 650m in length, between proposed Settlement Zone and Rural Lifestyle Zone areas.

RPROZ-P2 seeks to enable activities where they can (among other things): *manage reverse sensitivity effects on sensitive activities.*

As already mentioned above, we consider that without a buffer zone between this land and the existing development at MacLaren Street, it is difficult to see how the sites could be used for productive purposes without potentially resulting in reverse sensitivity effects.

- **Cohesive zoning**

The sites were originally identified for Settlement Zone in the consultation version of PC50, however, this was changed in the notified version. The area proposed for the Settlement Zone under the notified version appears as an anomaly around a previous development and does not lend itself toward cohesive character of the Maymorn area.

The proposed zoning will not support the growth of Maymorn in a consolidated form. The combination of Settlement, Rural Lifestyle, and Rural Production zones over a geographically cohesive area will result in a confused character and amenity. This could be improved with a more cohesive use of the available zones.

We consider that while the proposed Settlement Zone area could generally align with this policy if a clear gradation of zoning was provided, the placement of the Rural Production Zone immediately adjacent to the denser residential-style development at MacLaren Street would promote incompatible land use. Further, it would likely detract from the character of the MacLaren Street area (and vice versa).

We consider that these areas should, at the least, complement each other, for example, by use of the Settlement Zone for the Collectives land.

Preferred Zoning

The Collective seek to have the land zoned as per that shown in the consultation version of PC50 (Figure 1) to provide a gradation of zoning. It is also noted that Rural Lifestyle Zone may also be relevant, however the Settlement Zone is considered a more appropriate zoning. The relevant area is bordered in red in Figure 2.

Development in the Maymorn area has been established for years and the amenity and character are apparent. Settlement Zoning would better reflect the existing character which the community recognise and ensure that future development is cognisant of that.

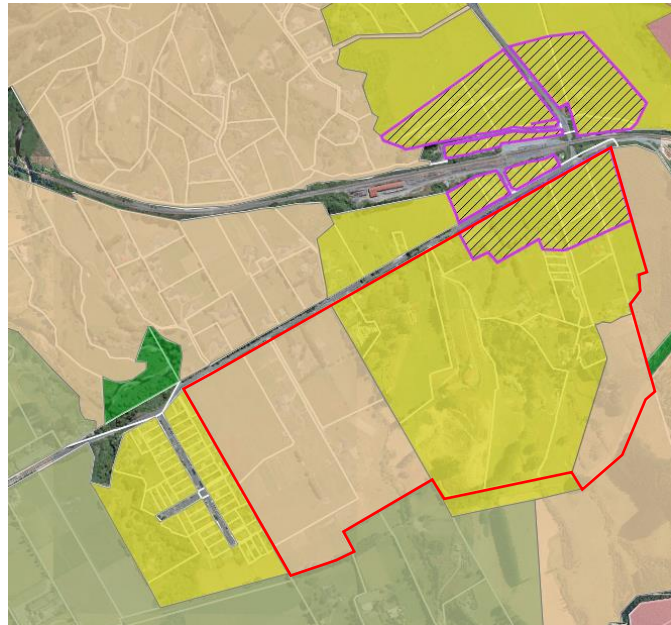


Figure 1. Draft PC50 Zoning and Engagement (2021) map

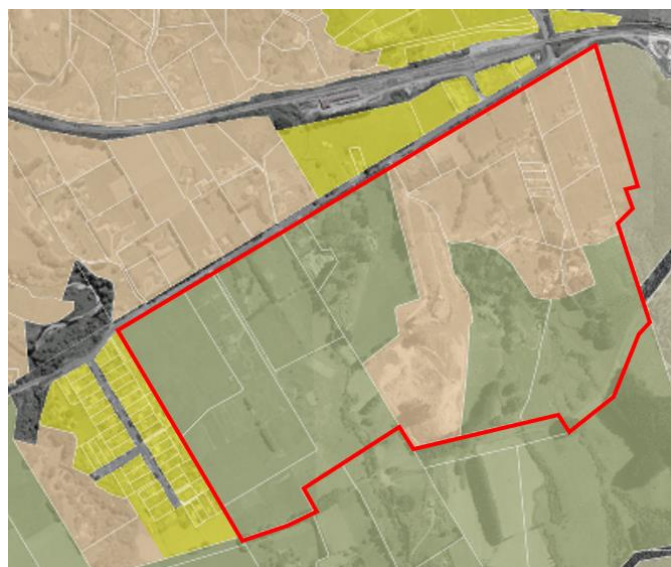


Figure 2. Aerial view of the site and proposing zoning with red border indicating the land the Collective seeks alternative zoning for with the Proposed PC50 zones showing.

- **Settlement Zone**

The zone is described in the plan as:

The Settlement zone applies to two existing settlements within the rural environment — Maymorn and McLaren Street. These settlements have a rural village character which includes pockets of mixed use development.

The Settlement zone consists of a range of compatible land uses including residential, commercial and community activities and thereby enables residents to meet some of their servicing needs locally.

Given the size of the subject sites (7,700m² – 6ha), as mentioned above it is unlikely that they would be used, now or in future, for purposes that align with the proposed Rural Production Zone. These sites would be better zoned in a way that reflected the use and character of the area and the adjacent environment. Sites of this size, particularly being immediately adjacent to residential/settlement style development, are unlikely to support primary production at a scale that would be economically viable. To do so would require cooperative management, amalgamation, or similar.

- **Rural Lifestyle Zone**

As noted above, we consider the Settlement Zone the most appropriate zone that should apply to the land. However, we also acknowledge that the Rural Lifestyle Zone may also be appropriate which is described as the following:

SUB-RUR-O2 Rural lifestyle subdivision

Subdivision within the Rural lifestyle zone is consistent with and maintains rural character and amenity values.

The Rural lifestyle zone provides for residential living opportunities within a rural environment. The predominant land uses within the Rural lifestyle zone are non-intensive primary production and residential activities. Some non-residential activities are located within the Rural lifestyle zone to support the residential and rural functions of the community.

The Rural lifestyle zone is generally located on the periphery of the City in locations which are not identified as having high quality soils. The Rural lifestyle zone provides a transition to the surrounding Rural zone and thereby helps to avoid reverse sensitivity effects associated with housing in proximity to more intensive forms of primary production.

It is expected that residential development and subdivision within the Rural lifestyle zone will continue as a result of a reduced requirement for urban living and the attractiveness of a semi-rural lifestyle that provides space and a sense of community.

We believe the land would be better suited to at least the Rural Lifestyle Zone (minimum site area 3,000m², average size, 1ha). This would be more consistent with the well-established character. This would also result in a more coherent suburb with a gradation of zoning that could subsequently reduce risk of reverse sensitivity through incompatible land uses (e.g., spray drift adjacent to residential development) as per the intention of the zone.

The potential for Maymorn to be an area for future development has been subject of discussion for some time. In 2011 Upper Hutt City Council (UHCC) released the Maymorn Structure Plan which introduced Maymorn as an area for future residential development north of the city in response to the expected population growth. At the time it was considered that the existing railway line, which could potentially be electrified in future, made this a good area for increased development. The Long Term Plan 2015 – 2025 then identified the importance of rural recreation and rural lifestyle to Council's vision for the future of the city. In the Land Use Strategy 2016 – 2043, Maymorn was identified as an area that held merit for adding to the city's lifestyle opportunities⁴. In the end, the general consensus seemed to be that Maymorn offered value for rural lifestyle type development, which is reflective of the current use of the Collectives land.

The need for rural lifestyle as a housing choice in Upper Hutt has only increased with the Intensification Planning Instrument upzoning much of the existing urban areas to Medium

⁴ <https://www.upperhuttcity.com/files/assets/public/v/1/yourcouncil/land-use-strategy-2016-2043.pdf>
(page 82)

or High Density Residential, meaning there are limited opportunities available for providing this type of housing within Upper Hutt.

This direction was apparent in the consultation version of PC50 which saw this land zoned for either Settlement or Rural Lifestyle and was supported by the Collective. We consider that was more suitable for ensuring the community could continue to function as it does currently and in a sustainable manner.

Conclusion

As detailed above, The Collective object to PC50 and request that Council reconsider the proposed zones for the subject sites. It is suggested that the zoning as proposed in the Draft PC50 Zoning and Engagement version (2021) on which community feedback was provided, is more appropriate for these sites (refer Figure 1). The reasons for this are detailed above and summarised below:

The Rural Production Zone is not suitable for this land:

- The provisions of the Rural Production Zone contradict the character and amenity of the existing environment, being a small geographically isolated area squeezed between two areas of higher intensity development.
- The sites are unlikely to support primary production at an economically viable scale without amalgamation or cooperative management between owners.
- Exclusions in the NPS-HPL are applicable.
- The LUC 3 mapping is likely to be excluded from the definition of highly productive land in the NPS-HPL under a National Party led government.
- Site specific fragmentation is also evident on these sites (existing uses, built environment, etc.).

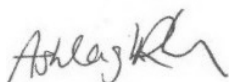
The proposed zoning is incompatible with the existing environment and proposed zone:

- A more cohesive suburb would be better created with a gradation of zoning. The zoning risks incompatible land use immediately adjacent to the MacLaren Street and other adjacent areas as if the land were to be used for rural productive purposes in the future they would likely be incompatible with the directly adjoining residential / rural lifestyle land uses, leading to reverse sensitivity effects.

The land would be better suited to offer rural lifestyle opportunities:

- The use of the Settlement Zones would offer a transitional zone.
- Use of the land that reflects current use and expectation of neighbourhood.

Yours faithfully,



Ashleigh Wharam
Senior Planner, MSc, Assoc.NZPI
Cuttriss Consultants Ltd.

On behalf of the Maymorn Collective



Elliott Thornton
Principal Planner, BUrbEnvPlan, MNZPI