

ref: Thornton/30148

24 March 2025

Hutt City Council
Private Bag 31912
Lower Hutt

Via Proposed District Plan submissions

Dear Hutt City Council

SUBMISSION TO PROPOSED HUTT CITY DISTRICT PLAN

This is a submission on behalf of our client Zara Wills and Jacob Seneti-Time, opposing in part the Proposed Lower Hutt District Plan 2025 (PDP).

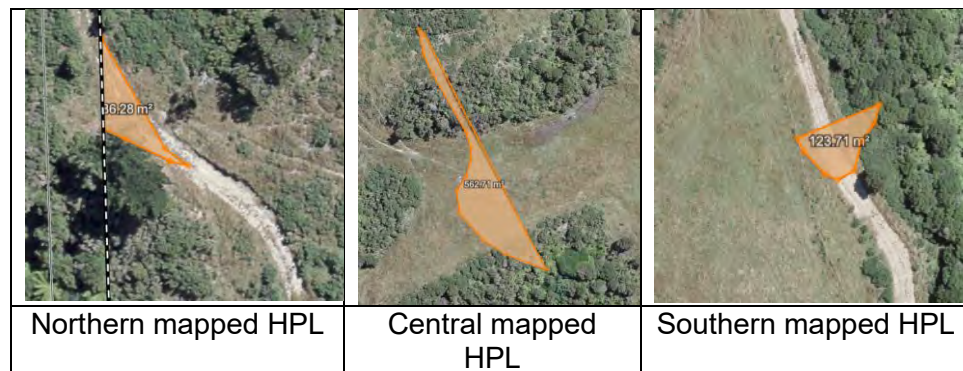
While they are supportive of the proposed rezoning to Rural Lifestyle Zone, they oppose the Highly Productive Land (HPL) mapping within the PDP, including over land at 166 Upper Fitzherbert Road, Wainuiomata as:

- The current Government has given a very strong indication of their intent to re-define what is HPL, including the exclusion of Land Use Capability (LUC) 3 from the definition as outlined in the National Party's Going for Housing Growth policy¹.
- A review of the Manaaki Whenua Landcare Research mapping of LUC², shows that only LUC 3 land is located within HCC's area. LUC 1 and 2 land are not present within HCC's boundaries.
- Notwithstanding, to our knowledge, there is no commercial horticultural or viticultural activities occurring within the boundaries of HCC. The only commercial growing that does occur within HCC is forestry, which does not require good agricultural soils for growth and is restricted to the slopes, and not currently present on this site.
- With the exception of the area from the South Coast, north to the existing urban boundary of Wainuiomata along Coast Road, all other pockets of land proposed to be mapped as highly productive including this site, is in our opinion, highly fragmented and no-cohesive, which in our view would clarify as areas exempt from the HPL under clause 3.4(5)(d) of the National Policy Statement for Highly Productive Land (NPS-HPL) as further detailed below:

¹ National Party, Going for Housing Growth
https://assets.national.org.nz/Plan_Going_for_housing_Growth.pdf

² https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_main

- The site has two areas proposed to be mapped as HPL as shown in the figure below. The northern mapped area is approx. 36m² in area, the centrally mapped HPL is approximately 560m² in area, and the southern area is approximately 123m² in area, and all isolated from each other within the site, and from other areas of HPL.



- Neither of these mapped areas are of a size that could reasonably carry out productive activities on a commercial scale. With regards to the southern area, this is over an existing vehicle access and therefore has no potential productive purpose.
 - Further, the surrounding area has very limited potential for productive activities. The surrounding area is predominately urban with the valley floor predominately forming part of the urban boundary of Wainuiomata. 330m to the south is zoned Medium Density Residential and to the north, the terrain is steeply sloping and vegetated in regenerating bush, which is unsuitable for productive purposes, and isolating the area from other rurally zoned land that could be used for productive purposes.
 - It is my likely in my opinion that despite the current and proposed zoning, the area will eventually be developed for urban purposes, with the bushline representing a natural physical boundary to the urban extent of Wainuiomata. Any productive activities would potentially introduce reverse sensitivity effects to the existing urban area, such as vehicle movements, noise, odour and spray drive, which would likely be incompatible.
- The area of HPL mapped on this site is located on land also proposed to be rezoned as Rural Lifestyle, which under clause 3.7 of the NPS-HPL, cannot be considered highly productive land, therefore the value in mapping it as such as effectively void.
 - Under clause 3.5(3) and 4.1(2) of the NPS-HPL, there is no obligation for HCC to map HPL in advance of mapping by Greater Wellington Regional Council (GWRC) in the relevant regional policy statement.

Therefore, it seems premature to map land as HPL in the PDP as it appears likely that LUC 3 will be removed from the NPS-HPL definition of HPL, and LUC 1-2 are not present in the HCC boundaries.

Relief is therefore sought to remove all highly productive mapping from the PDP, including this site, until it is required to be mapped under clause 3.5(3) and 4.1(2) of the NPS-HPL.

It is noted that until such time, for the purposes of resource consenting, land identified as LUC 3 and within the General Rural or Rural Productive zones will remain effectively considered Highly Productive Land under clause 3.5(7) of the NPS-HPL.

It is also noted in the event that LUC 3 is not removed from the definition of HPL, HCC can simply adopt the GWRC mapping in the regional policy statement and amend the District Plan accordingly under section 55(2) of the Resource Management Act 1991 (RMA) as directed by clause 3.5(4) of the NPS-HPL and avoid the schedule 1 process.

In considering the specific of the site, and surrounding area, it is our view that it is currently not and will never likely be used for productive purposes. Under clause 3.7 the proposed HPL mapping appears to conflict with proposed zoning.

Summary

- Oppose the inclusion of HPL mapping in advance of mapping by GWRC in the regional policy statement as directed by clause 3.5(4) of the NPS-HPL.

My email address for service is Elliott.Thornton@cuttriss.co.nz.

The specific relief sought is listed in Attachment 1. The submitter is not a trade competitor. The submitter may wish to be heard in relation to this submission to assist the Hearing Panel.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yours faithfully



Elliott Thornton, BUrbEnvPlan, MNZPI
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#	Chapter / Sub-part	Specific provision – matter	Position	Reason for Submission	Decisions requested / relief sought
1	Highly Productive Land mapping General Rural Zone Chapter Subdivision Chapter	Highly productive land overlay	Oppose	<ul style="list-style-type: none"> - The NPS-HPL is likely to be amended to exclude LUC 3 from the definition of HPL. - There are no known commercial horticultural or viticultural activities within HCC at present. - The areas of HPL on the site are isolated and geographically separated from other area of HPL. - The site is proposed to be rezoned Rural Lifestyle, which HPL does not apply on. - There is no requirement to introduce HPL mapping in advance of mapping by GWRC in the regional policy statement. 	<p>Remove highly productive land mapping overlay.</p> <p>Remove references to Highly Productive Land Overlay in the preamble to GRUZ.</p> <p>Remove GRUZ-HPLO-O1.</p> <p>Remove GRUZ-HPLO-P1 and P2.</p> <p>Remove GRUZ-HPLO-R1 and R2.</p> <p>Remove SUB-P11 Item 2.</p> <p>Remove SUB-P23.</p> <p>Remove SUB-R22.</p>