

RMA Form 5

Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

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If your submission does not include your name and an address for service, it will be rejected.

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To: Chief Executive, Hutt City Council

Via email to district.plan@huttcity.govt.nz.

1. This is a submission from Jo-Ella Marijke Sarich on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is joellasarich@gmail.com.
3. I could not gain an advantage in trade competition through this submission.

4. The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the below table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
5. I wish to be heard in support of my submission.
6. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
1	NH Natural Hazards	Natural Hazard overlays (Slope Assessment overlay)	Oppose in part	I oppose the inclusion of the Slope Assessment Overlay. The classification is disproportionate and not adequately supported by evidence. Reasons given below.	Remove the Slope Assessment Overlay.
2	SUB subdivision and EW Earthworks	SUB-R20, EW-P8, EW R8	Oppose	I oppose the inclusion of specific provisions relating to a Slope Assessment Overlay Area. There are existing tools that could be utilised to adequately manage any land instability risk. Reasons given below.	Delete provisions.

Submission on Proposed District Plan – Opposition to Slope Assessment Overlay

I appreciate your letter notifying us of the proposed plan change to include a new Slope Assessment Overlay.

I oppose the inclusion of the slope stability overlay in the Proposed District Plan. My concerns are outlined below, grounded in the Resource Management Act 1991 (RMA) and evidence from the plan’s supporting documentation.

In principle, I support the Council’s objectives of managing significant risks from natural hazards.¹ However, the slope assessment overlay is disproportionate when other less intrusive tools exist to adequately manage risk.

1. The hazard rating of the Slope Assessment Overlay area lacks supporting evidence and is disproportionate

The Proposed District Plan includes a new Slope Assessment Overlay. The purpose of the Slope Assessment Overlay is to identify those areas susceptible to failure as well as their associated runout extents within the urban area of Hutt City.² The overlay mostly applies to hilly areas in Lower Hutt’s urban and rural-residential areas.

My first concern is that the Proposed District Plan gives the slope assessment overlay area a “Medium” hazard ranking:

Natural Hazard Overlay	Respective Hazard Ranking
Wellington Fault	High
Stream Corridor (1% AEP flood event + 1.59m sea level rise)	
Overland Flowpath (1% AEP flood event + 1.59m sea level rise)	Medium
Slope Assessment Overlay	
Liquefaction Hazard Area	Low
Inundation Area (1% AEP flood event + 1.59m sea level rise)	

According to the Council’s Natural Hazards Information Sheet, “Each area is assigned either a “High”, “Medium” or “Low” hazard ranking, according to the probability of the hazard occurring and its potential destructive force”. The s 32 report also asserts that the “proposed provisions [in the District Plan] take a consistent approach across the various natural hazards.”

¹ Hutt City Council Section 32 General Evaluation Report at 31.

² Hutt City Council Section 32 Evaluation Natural Hazards and Coastal Hazards at 48.

However, the hazard ranking system is not consistent, nor is the ‘medium’ ranking for the slope assessment overlay area proportionate. Firstly, the characterisation of the overlay area as a ‘slope *assessment* area’ is telling – it indicates that further assessment is required to determine risk.

Secondly, the overlay’s “medium risk” designation for slopes is based on generalised assumptions rather than site-specific evaluations. The s 32 evaluation report lists two technical reports that support the overlay classification. These are supported by maps at a scale of 1:15,000, which make it impossible to determine how the data has been extrapolated out to individual properties. Council staff have provided me with GIS files for these maps, but as I do not have access to GIS and the Council has not loaded the data onto its open ArcGIS system, it is impossible for submitters to engage with this data, which is of concern.

Aside from the lack of granularity, it is unclear even how the broader assumptions that can be distilled from the reports justify a blanket “medium” risk rating. The 2021 report notes that “Zones of moderate slope failure susceptibility generally comprise moderately steep to steep greywacke slopes, typically in the range of 35° to 45°. Shallower slopes of around 25° to 35° in weaker materials also fall within this zone, but may be more susceptible to slope failure in places depending on the combination of land cover and other influencing factors.” It is therefore unclear why a *moderate* hazard rating has been applied to properties such as our property in Tilbury Street, which would be on a slope of less than 35°. There does not appear to be any analysis in the report of whether slopes included in the overlay area of less than 35° are of ‘weaker materials’ and have adequate land cover or are subject to other ‘influencing factors’. We have a geotechnical assessment for our property showing it is on “Class B soil: rock”. While any cut slopes within the area might elevate risk, there is no assessment of whether these cuts have been adequately retained. We have recently retained the major cut slope on our property, which was signed off both by geotechnical engineers and Council inspectors.

This can be contrasted with flood hazard mapping, which utilises Annual Exceedance Probability (AEP) models. It is appropriate to apply risk classifications to flood hazard areas because the risk is known and quantifiable. Further, **Flood hazard assessments** incorporate detailed hydrological modelling, accounting for climate change calculate flood depths and velocities at specific locations.³ In contrast, **slope instability designations** apply a blanket “Medium” risk to entire areas without individualized geotechnical investigations.

Without site-specific slope stability analyses (e.g., borehole testing, shear strength measurements), the “Medium” risk label for individual properties is speculative and fails to meet the evidence-based standards applied to other hazards like flooding.

³ See for example Stantec *Eastern Lower Hutt Stormwater Model Build* March 2022.

2. Other RMA Tools Adequately Manage Risk

The evaluation reports do not identify why the proposed slope assessment overlay is the most appropriate way to achieve risk mitigation objectives, compared with other reasonably practicable options (s 32(1)(b)(i) Resource Management Act). The proposed overlay duplicates existing mechanisms, including:

1. **Resource consent requirements** for geotechnical assessments during development.
2. **Site-specific engineering solutions** (e.g., retaining walls, drainage systems) that can mitigate slope risks without blanket zoning.
3. **Building Act 2004 provisions**, which already enforce stability standards for new structures.

For example, it is not clear why the risk of slope instability is not already mitigated by EW-S3, which provides that earthworks must not be undertaken on land with an existing slope angle of 34 degrees or greater, sustained over a distance of at least 3 metres. As the specific rules applying to the slope assessment overlay concern activities sensitive to natural hazards, matters of discretion under EW-S3 could be restricted according to nature of the activity. This should adequately address any concerns about sensitive activities being consented in the slope assessment overlay area – because the proposed District Plan already requires slope hazard to be quantified (rather than relying on an overbroad overlay classification).

As an aside, in addition to the existing exemption from EW-S3 earthworks to *retain* an existing cut should also be exempt.

In addition, the District Plan Review Committee’s own analysis acknowledges that the Large Lot Residential Zone was initially used to address slope hazards, but this approach is now redundant due to improved mapping.⁴ However, this does not justify replacing one overly broad tool (zoning) with another (overlays) when property-level solutions exist.

2. Unfair Impact on Property Values

Inclusion of a “Medium” slope risk designation on Land Information Memoranda (LIMs) risks unjustified devaluation of affected properties. This does not appear to be addressed in the evaluation report, as part of the ‘benefits and costs’ of the measure (s 32(2)(a) RMA).

1. LIM reports heavily influence buyer perceptions and bank lending decisions. A generic risk label, unsupported by property-specific data, creates undue stigma. For example, neighbouring properties with identical zoning but differing slope conditions would be unfairly grouped under the same risk category.

⁴ Hutt City Council District Plan Review Committee *Update on Large Lot Residential Zone for the proposed District Plan* 24 July 2024 at [16]-[18].

2. Research indicates that “Medium” hazard designations are likely to impact on property values at least in the short term.⁵

3. Requested Amendments

I urge the Council to:

1. **Remove the Slope Assessment Overlay** and utilise other RMA tools to manage any risk of land instability (such as existing consent provisions).
2. **Exclude generalised slope risk classifications from LIM reports** unless supported by individualized data.

⁵ Truss & Keys Valuers Limited *Effect of Flood Hazard Notation on Property Values* Report Prepared for the Taupō District Council September 2015
<<https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/our-council/consultation/documents/flood-hazard-consulation/Effect-of-Flood-Hazard-notation-on-property-valuers-report.pdf>>