

# Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

## Privacy Statement

Your submission must include your name, and an address for service (preferably email, but you can use a postal address). All information you include in this submission, including your name and address for service, will be provided to other submitters and published on Hutt City Council's website. Paper copies may also be made available. Hutt City Council is required to collect and publish this information to carry out its functions under the Resource Management Act 1991 and to enable others to take part in the district plan process. The Council, other submitters, and the Environment Court may need to contact you during this process.

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

While the Council will retain all information provided in your submission in secure council systems, all contact details will be removed from any documents published on Council's website once the district plan process is complete. However, your name and the contents of your submission will still appear in these documents.

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To: Chief Executive, Hutt City Council

Via email to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from Jarred Gustafson and Paula Gentle on the Proposed Lower Hutt District Plan 2025.
2. Our email address for service is jarredandpaula@gmail.com.
3. We **could not** gain an advantage in trade competition through this submission.
4. The specific provisions of the proposal that our submission relates to, our submission on those provisions, and the decisions we seek are shown in the below table. We also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
5. We do not wish to be heard in support of my submission.
6. If others make a similar submission, we will consider presenting a joint case with them at the hearing.

## Introduction

7. We write to formally submit strong opposition to the inclusion of the proposed Slope Assessment Overlay in the updated Lower Hutt District Plan. The overlay imposes an excessive regulatory burden on affected property owners, lacks a sound technical foundation, and has the potential to cause unjustified financial consequences, including increased insurance premiums and reduced property values. The details of our concerns are laid out in the below points and the table at the conclusion sets out the decisions and changes requested.

### **Lack of Site-Specific Geological Engineering Assessment and Misclassification Due to Council Infrastructure**

8. The proposed Slope Assessment Overlay has been developed using broad modelling techniques rather than site-specific geological assessments. The information sheet provided by the council confirms that no direct site investigations were undertaken, and instead, the overlay was derived from generalized factors such as slope angle, lithology, and distance to fault lines. This means:
  - a. Many properties may be incorrectly classified as high risk despite having stable land and foundations.
  - b. Affected property owners will be required to undertake unnecessary and costly geotechnical assessments for routine development activities, despite the absence of a demonstrated site-specific risk. Even if a property has an assessment completed and deemed low risk there doesn't appear to be a process for altering the overlay to remove it.
  - c. The lack of precision in the overlay makes it an unreliable tool for effective land-use planning.
9. It is noted that the overlay excludes council roads from the area. In many cases the cut to create the road has created a potential slope risk, causing the adjoining property to be included into the overlay area. This can especially be seen where there is slope risk outside of the formed road, but risk sits within the road reserve and not the adjoining property. The council needs to take responsibility for these areas rather than requiring residential landowners to do so.
10. Per the above, although our property boundaries cease before the cut, we are unfairly affected by the implications of the Slope Assessment Overlay due to land that falls under the Council's jurisdiction.
11. The above points raise serious concerns about the fairness of the classification and whether the Council is shifting its responsibility onto private property owners by imposing unnecessary regulatory burdens.

## **Regulatory Duplication and Unjustified Burden**

12. Existing District Plan provisions already regulate land stability concerns, particularly in hillside residential areas where resource consents for earthworks are required. The introduction of an additional overlay:
  - a. Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.
  - b. Results in additional compliance costs for property owners, discouraging reasonable property development.
  - c. Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.

## **Adverse Impact on Property Insurance, Market Value, and Property Transactions**

13. The proposed Slope Assessment Overlay is likely to lead to increased insurance premiums and negatively impact property values, similar to past overlays such as the Wellington Fault Location Area. This impact is particularly concerning given that:
  - a. Insurers may treat all properties within the overlay as high-risk, despite the absence of site-specific evidence.
  - b. Lenders may consider properties within the overlay as higher risk, affecting mortgage approvals and property liquidity.
14. The uncertainty created by this classification can deter potential buyers and investors, reducing the market attractiveness of affected properties. A clear precedent for this effect can be seen with the Lower Hutt fault line study map, where all homes sold in this area have to declare the map as part of the sale and insurance companies quickly adopted the designation, increasing premiums based on a broad, non-site-specific assessment. Insurance premiums in the area have been observed to be 4 times higher than in other parts of the region and country. In the case of the fault line study map, a simple loosely drawn line—rather than detailed geologically evidenced area—has had lasting financial consequences for affected homeowners. The proposed Slope Assessment Overlay risks repeating this mistake, unfairly penalising property owners without sufficient justification.
15. Furthermore, the inclusion of a property within the overlay introduces significant difficulties in the process of selling a property, as potential buyers may be discouraged by the additional compliance requirements, potential insurance complications, and financing uncertainties. This could lead to prolonged listing times, lower sale prices, and additional hurdles for property owners seeking to sell their homes.
16. Despite the broad-reaching impacts of the above, it appears that only selected properties have been captured and thus contacted directly to respond to consultation, while homes directly adjacent may not have been. This demonstrates the lack of detail

and granularity in the Slope Overlay approach, highlighting how additional regulation would be applied to some property owners and not others, without any justification regarding the differing characteristics and risks between neighbouring properties.

### **Conflict with the New Zealand Government's Regulatory Strategy**

17. The newly established Ministry for Regulation has a clear mandate to reduce unnecessary regulatory burdens and ensure efficient, evidence-based policy implementation. The inclusion of the Slope Assessment Overlay runs contrary to this objective because:
- a. It imposes additional regulatory constraints without a clear, site-specific justification.
  - b. It duplicates existing regulations rather than simplifying them.
  - c. It creates economic inefficiencies by discouraging reasonable land use and property improvements.

### **Summary**

18. Considering the above points, we strongly urge the Council to:
- a. Remove the Slope Assessment Overlay from the proposed District Plan.
  - b. Rely on existing resource consent processes to assess land stability risks on a case-by-case basis.
  - c. Conduct site-specific assessments before imposing any future land-use restrictions.
  - d. Ensure all regulatory changes align with the Ministry for Regulation's objectives to reduce unnecessary compliance burdens.
19. We request that this submission be given full consideration and that I be kept informed of further developments regarding the District Plan review.

## Decisions Requested

| # | Chapter | Provision | Position | Reasons | Relief sought |
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| 1 | Part 2 – District-Wide Matters/HAZARDS AND RISKS/Natural Hazards: Natural Hazard Overlays | Natural Hazard Overlay Table: Slope Assessment Overlay | Oppose | <p>The provisions of the table, and classification within, rests upon the inclusion of a Slope Assessment Overlay, giving rise to the following issues:</p> <ul style="list-style-type: none"> <li>• Lack of Site-Specific Geological Engineering Assessment</li> <li>• Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>• Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>• Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>• Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>• Results in additional compliance costs for property owners, discouraging reasonable property development.</li> <li>• Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.</li> </ul> | <p>Remove the Slope Assessment Overlay from the proposed District Plan.</p> <p>Rely on existing consent processes to assess land stability risks on a case-by-case basis.</p> |
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|  |  |  |  | <ul style="list-style-type: none"> <li>• Financial impact by way of insurers using overlay data and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</li> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing regulations rather than simplifying them.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by</li> </ul> |  |
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| # | Chapter | Provision | Position | Reasons   | Relief sought |
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|   |         |           |          | discouraging reasonable<br>land use and property<br>improvements thus<br>creating economic<br>inefficiencies. |               |

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| 2 | Maps | Slope Assessment Overlay | Oppose | <p>The inclusion of the Slope Overlay in the map gives rise to the below issues:</p> <ul style="list-style-type: none"> <li>• Lack of Site-Specific Geological Engineering Assessment</li> <li>• Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>• Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>• Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>• Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>• Results in additional compliance costs for property owners, discouraging reasonable property development.</li> <li>• Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.</li> <li>• Financial impact by way of insurers using overlay data</li> </ul> | Remove the Slope Assessment Overlay from the map |
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|  |  |  |  | <p>and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</p> <ul style="list-style-type: none"> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing regulations rather than simplifying them.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by discouraging reasonable land use and property</li> </ul> |  |
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|   |         |           |          | improvements thus<br>creating economic<br>inefficiencies. |               |

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| 3 | Proposed Lower Hutt District Plan Part 2 – District-Wide Matters<br>HAZARDS AND RISKS<br>Natural Hazards | Slope Assessment Overlay – Policy: NH-P12 | Oppose | <p>The policy rests upon the inclusion of a Slope Assessment Overlay, giving rise to the following issues:</p> <ul style="list-style-type: none"> <li>• Lack of Site-Specific Geological Engineering Assessment</li> <li>• Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>• Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>• Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>• Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>• Results in additional compliance costs for property owners, discouraging reasonable property development.</li> <li>• Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.</li> <li>• Financial impact by way of insurers using overlay data</li> </ul> | <p>Remove policy NH-P12</p> <p>Remove the Slope Assessment Overlay from the proposed District Plan.</p> <p>Rely on existing resource consent processes to assess land stability risks on a case-by-case basis.</p> |
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|  |  |  |  | <p>and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</p> <ul style="list-style-type: none"> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing regulations rather than simplifying them.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by discouraging reasonable land use and property</li> </ul> |  |
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|   |         |           |          | improvements thus<br>creating economic<br>inefficiencies. |               |

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| 4 | Proposed Lower Hutt District Plan Part 2 – District-Wide Matters<br>SUBDIVISION<br>Subdivision | SUB-R20: Subdivision within the Slope Assessment Overlay | Oppose | <p>This rule rests upon the inclusion of a Slope Assessment Overlay, giving rise to the following issues:</p> <ul style="list-style-type: none"> <li>• Lack of Site-Specific Geological Engineering Assessment</li> <li>• Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>• Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>• Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>• Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>• Results in additional compliance costs for property owners, discouraging reasonable property development.</li> <li>• Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.</li> <li>• Financial impact by way of insurers using overlay data</li> </ul> | <p>Remove Rule SUB-R20</p> <p>Remove the Slope Assessment Overlay from the proposed District Plan.</p> <p>Rely on existing resource consent processes to assess land stability risks on a case-by-case basis.</p> |
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|  |  |  |  | <p>and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</p> <ul style="list-style-type: none"> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing regulations rather than simplifying them.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by discouraging reasonable land use and property</li> </ul> |  |
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| 5 | Part 1 –<br>Introduction and<br>General Provisions<br>INTERPRETATION<br>Definitions | Definition of:<br>medium hazard<br>overlay | Support with<br>amendment | <p>Definitions are useful in regulation however the inclusion of “d. Slope Assessment Area” rests upon the inclusion of a Slope Assessment Overlay, giving rise to the following issues:</p> <ul style="list-style-type: none"> <li>• Lack of Site-Specific Geological Engineering Assessment</li> <li>• Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>• Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>• Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>• Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>• Results in additional compliance costs for property owners, discouraging reasonable property development.</li> <li>• Contradicts the principles of efficient land-use planning by introducing</li> </ul> | Remove point “d. Slope Assessment Area” from the definition provided. |
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|  |  |  |  | <p>unnecessary complexity without clear benefits.</p> <ul style="list-style-type: none"> <li>• Financial impact by way of insurers using overlay data and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</li> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing regulations rather than simplifying them.</li> </ul> |  |
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|   |         |           |          | <ul style="list-style-type: none"><li>• Conflict with the New Zealand Government's Regulatory Strategy, by discouraging reasonable land use and property improvements thus creating economic inefficiencies.</li></ul> |               |

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| 6 | Lower Hutt District Plan<br>Part 2 – District-Wide Matters<br>GENERAL DISTRICT-WIDE MATTERS<br>Earthworks | <ul style="list-style-type: none"> <li>EW-P8: Earthworks in the Slope Assessment Overlay</li> <li>EW-R8: Earthworks for a building platform in the Slope Assessment Overlay</li> </ul> | Oppose | <p>The risks this rule is proposed to address are adequately covered by other regulations within this chapter and the District Plan more widely.</p> <p>The inclusion of rule EW-P8 rests upon the inclusion of a Slope Assessment Overlay, giving rise to the following issues:</p> <ul style="list-style-type: none"> <li>Lack of Site-Specific Geological Engineering Assessment</li> <li>Financial burden placed on property owners for potentially unnecessary geological studies</li> <li>Many areas of risk exist on council land and road reserves rather than the adjoining properties</li> <li>Existing District Plan provisions already regulate land stability (duplication of regulation)</li> <li>Adds an unnecessary regulatory layer without providing any demonstrable improvement in safety or environmental outcomes.</li> <li>Results in additional compliance costs for property owners, discouraging reasonable property development.</li> </ul> | <p>Remove rule EW-P8 and EW-R8</p> <p>Rely upon existing regulation which adequately covers the risks EW-P8 is proposed to address.</p> |
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|  |  |  |  | <ul style="list-style-type: none"> <li>• Contradicts the principles of efficient land-use planning by introducing unnecessary complexity without clear benefits.</li> <li>• Financial impact by way of insurers using overlay data and treating all properties within the overlay as high-risk, despite the absence of site-specific evidence.</li> <li>• Financial impact by way of lenders using the overlay and considering properties within the overlay as higher risk, despite the absence of site-specific evidence, thus affecting mortgage approvals and property liquidity.</li> <li>• Financial and personal impact by way of difficulties in selling properties captured within the overlay</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by imposing additional regulatory constraints without a clear, site-specific justification.</li> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by duplicating existing</li> </ul> |  |
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|   |         |           |          | <p>regulations rather than simplifying them.</p> <ul style="list-style-type: none"> <li>• Conflict with the New Zealand Government's Regulatory Strategy, by discouraging reasonable land use and property improvements thus creating economic inefficiencies.</li> </ul> |               |