

# Instructions for using this template

Submissions on the proposed Lower Hutt District Plan must meet the requirements of Form 5 in the Resource Management (Forms, Fees, and Procedure) Regulations 2003. **You do not need to use this template to meet those requirements, but doing so will make it easier to meet all the legal requirements for a valid submission, and help you write a clear and effective submission.**

Instructions for using the template are highlighted in yellow, like this, and should be deleted before sending in your submission. Text you should replace with information relevant to you is in **green**. Any text that is not highlighted must not be altered.

If you want more information about making a submission or the district plan process, you can contact Council's planning team by email at [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz), by phone on 04-570-7426 (9am-5pm on working days). For advice on how to make a submission, contact the independent Friend of Submitters Emily Bayliss at [fos@baylissconsulting.co.nz](mailto:fos@baylissconsulting.co.nz) or [REDACTED]

Once you have finished writing your submission, make sure there is no green highlighted text left, delete the instructions highlighted in yellow, and email your document in Word or PDF format to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz) by **5pm, 4 April 2025**. Please note that your email address will be made public. You may also want to provide a phone number in the body of your email so Council staff can contact you quickly if there are any issues – unless you request it, this will not be made public.

To make an effective submission:

- If there are parts of the plan you support, say so – other people may submit against them and if you haven't said you support parts of the plan, your voice will not be heard.
- If you think that parts of the plan should be removed or changed, or new provisions added, say why and in what way. The clearest way to ask for changes is to quote the objective, policy, rule, or other provision you want changed, with additions underlined and deletions ~~struck through~~. For changes to maps, be clear about the relevant sites by using street addresses or providing a map.
- Include any maps, diagrams, expert evidence, photographs, or other material you wish to use that supports your submission. If you appear at the hearing, you will have the opportunity to provide additional supporting information.
- Be clear about what decisions you want Council to make about what's in the District Plan and be as specific as possible. Vague requests are usually not effective.

You should NOT:

- Include personal, political, or defamatory remarks about Council, Council staff, other submitters, or members of the public, or use offensive language.
- Include any information you do not want made public (apart from the legal requirement to include your name and an email or postal address for contact).

- Ask for the Council to make decisions that aren't about the content of the District Plan. The panel considering submissions does not have powers to make any decision except about the content of the district plan.
- Raise the issue of your business being affected by competition from a competitor. This is not a valid social or environmental concern and your submission may not be accepted. You could also face legal issues and costs (including damages for loss suffered) if it is proven in court that you have lodged a submission purely on anti-competitive commercial grounds. However, you can raise the issue of your ability to operate a business being reduced by a direct environmental effect, if these issues are relevant and do not relate to trade competition.

Submissions that are frivolous, vexatious, use offensive language, or are an abuse of process can be struck out by the Council. This would result in your submission not being considered further and limit or remove your ability to appear at the hearing or participate further in the process.

The Ministry for the Environment has more information about how to make an effective submission at <https://environment.govt.nz/assets/Publications/Files/3.2-making-a-submission.pdf>.

RMA Form 5

# 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.

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at [contact@huttcity.govt.nz](mailto:contact@huttcity.govt.nz), call 04-570-6666, or write to us at Private Bag 31912, Lower Hutt 5040.

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 **Craig & Margaret Barker, owner and resident at 18 Otira Grove, Kelson, Lower Hutt** on the Proposed Lower Hutt District Plan 2025.

2. My email address for service is marg\_craig@hotmail.com

**Note: Council will use this address to contact you as necessary through the hearing process for the proposed District Plan and provide this information to other submitters and publish it on Council's website. You should expect to be contacted by Council to arrange the hearing and update you on the outcomes of your submission, and by other submitters seeking to make a joint case or serving documents on you when they make further submissions or appeals. You must provide an email address or (not recommended) a postal address for service.**

3. I **could not** gain an advantage in trade competition through this submission.

**Note: you could gain an advantage in trade competition if what your submission asks for could make it harder for your business's competitors to compete with you, or for new competitors to enter the market in competition with you.**

**If you answer "could not" to paragraph 3, please delete all of paragraph 4 below and move on to paragraph 5.**

4. I **am** directly affected by an effect of the subject matter of the submission that:

- a. Adversely affects the environment, and

**Note: if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.**

**You should delete all of paragraph 4 if you answered "could not" in paragraph 3 above.**

5. 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.
6. I **wish** to be heard in support of my submission.

**Note: if you ask to be heard, Council staff will contact you to arrange a time for you to appear before the panel. You can change your mind before the hearing – let us know at [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).**

7. If others make a similar submission, I **will not** consider presenting a joint case with them at the hearing.

**Note: you can change your mind about this later.**

## Introduction

8. Under the new district plan our property at 18 Otira Grove, Kelson where we have lived for the past 20 years is now subject to the new slope assessment overlay which identifies the property as being at an 'elevated risk from slope instability, and also run-out areas which may be impacted by soil and rock debris from upslope failures'

It is the later half of the above we are are now impacted being 'run-out areas which may be impacted by soil and rock debris from upslope failures'!!

Behind our property is the new development where earthworks have been completed with raising the development a good 20 metres above our property line and only a few metres from our boundary.

The proposed district plan shows that in the event of a failure of the site we will be severely impacted by the soil. Rocks and debris that will come onto our site which will severely impact our home.

Now, this is not a natural hazard, but one that has been forced on us due to the approval of the development by the Hutt City Council to allow such work to be completed and put our home at high risk where a raised building platform was completed with a very steep unsupported slope, which has now been identified as an elevated risk of failure!!!

Apart from the fact that is very much an eyesore and impacts the appeal of our property, we are now at risk of impact by this change to the district plan.

This will likely increased our insurance premiums, the appeal and value of our property due to this Slope Assessment Overlay all due to what can only be identified as poorly applied design and approval of this part of the development. I am assuming that it would not be a deliberate decision to put houses at risk when these decisions are made?.

Requirement:

We have already been impacted once in May 2024 where we had water overflow and silt flow onto our property, flooding the back court yard, garage and under our house. Under our house is still impacted due to the silt that is now covering the earth within the walls of the foundations.

My wife and I are very concerned and stressed at this situation which is having an impact on our mental health due to potential increases in Insurance premiums due to the increased risk that wasn't there before and a potential drop in both the appeal and value of the home!

WE want to understand what the Hutt City Council is going to do to mitigate this high risk hazard that has been deliberately put in place impacting our property. Ie: reducing the height of the platform to reduce the run-out risk.

This hazard could or would potentially cause injury or death due to the soil demolishing the back of our home as it is a bedroom that has been identified as the highest risk area and impact.

9. ...

(See page below to fill out the decisions you're requesting)



## Decisions Requested

Use as many rows as necessary. Try to use one row for each provision. Some examples are given in the table – these are made-up provisions to give you examples of how to write your submission points. You should replace these with your own views.

#	Chapter	Provision	Position	Reasons	Relief sought
1.0	Slope Assessment Overlay	18 Otira Grove, Kelson	Oppose	<p>As this was very recently man made earthworks we expect the current design and layout to be altered so that there is no impact to our property. This design has been approved by the HCC and they need to rectify this with the developer.</p> <p>Just today 02/05/2025 - 2 large slips have occurred which have totally blocked the waterway and that is now flowing into the ravine directly behind our property and has no way of escaping bar seeping into the soil.</p> <p>Jess from HC has been working with us over the last 18 months due to dust, slips, flooding and silt that has flowed onto our property. So there will be records of the damage this has already caused.</p>	This earthworks must be mitigated so that there is NIL impact on our property.

#	Chapter	Provision	Position	Reasons	Relief sought
1	How to use the plan	Whole chapter	Support with amendment	I support the proposed chapter but think more detail is needed about how to make applications for trimming notable trees.	Add a description of the information needed for applying for notable tree consents.
2	Coastal Environment	CE-O3 (Beaches)	Support	I support the approach to promoting beaches in the plan as this is consistent with the New Zealand Coastal Policy Statement.	Keep provision
3	Noise	NOISE-R11 (Leafblowers)	Oppose	The rule for leaf-blowers is overly complicated and there is no good reason to treat them differently to other sources of noise.	Delete provision
4	Light	LIGHT-R3 (Fairy lights)	Support with amendment	I support the proposed rule but want to provide for larger strings of fairy lights.	Amend provision: "The use of strings of up to <del>1000</del> 2000 fairy lights is a permitted activity."
5	Medium Density Residential Zone	MDZ-Pxxx (Tyre swings) – new provision	Support new provision	Providing a policy on promoting tyre swings will advance social wellbeing.	Add a new policy: "Promote the construction and use of tyre swings within the zone."
6	SCHED1 Heritage Buildings and Structures	H161 (Joe Bloggs House)	Oppose	The building does not have historic heritage value and does not need to be protected in the plan.	Delete listing.
7	Maps	Light Industrial Zone - 123 Fake Street, Hutt Central	Support with amendment	I support the proposed industrial zoning for this site but think the General Industrial Zone would better fit the surrounding context.	Rezone from Light Industrial Zone to General Industrial Zone.
8				(use as many rows as you need – right click in this table -> insert -> insert rows)	
9					
10					
11					
12					

#	Chapter	Provision	Position	Reasons	Relief sought
13					
14					