

district.plan@huttcity.govt.nz.

1. This is a submission from **Patsy Jorgensen** on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is **djorgs@xtra.co.nz**
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 **do not wish** to be heard in support of my submission.
6. If others make a similar submission, I **will not** consider presenting a joint case with them at the hearing.

Introduction

My submission relates to the section on Sites and Areas of Significance to Māori. I am opposed to including private land in the Sites and Areas of Significance to Maori beyond recording that historical or cultural significance, and publicising it. I oppose restrictions on private land because of cultural significance to Maori, and I oppose empowering one group in society to set conditions and withhold approval for private development.

The rules proposed:

- Are not required, nor envisaged, by the Resource Management Act. The Council has gone too far to give effect to the good intentions of the Act toward land of significance to Maori.
- create a dangerous precedent in favour of previous property owners / inhabitants, who gain rights and control over the current owners.
- break a long-standing cultural principle that property rights are only limited by your direct, provable, effect on others.
- relegate property *rights* below *claims* of culture and heritage
- institutionalise and prioritise racism in urban planning

The HCC rules clearly go too far, because the Government has decided to clarify in a new RMA that property rights are the fundamental principle. They will only be limited by the effects of changes on owners and users of other land, and on the environment.

We purchased our property in 1984 and settled in February 1985.

We expected to have the quiet enjoyment of our property when we moved in.

Within 10 years we had an environmental problem.

A professional advised us this would make it impossible to sell our property.

However, despite what we thought was protection in the district Scheme over a period there was involvement of the Planning Tribunal (Environment court in today's terms), District Court and ultimately the case returned to the Planning Tribunal and resulted in our having to pay for the remedy.

The second instance of our quiet enjoyment of our property being disrupted resulted from undermining of our garage without our authority.

In this instance we had engineering advice that once again the property could not be sold until the undermining was remedied.

On reading the proposals I object to I see no clear indication of what might be required to meet the suggested requirements except in relation to artifacts.

I agree that artifacts should be removed and protected for posterity.

Nor does there seem to be an indication of what the Tikanga Maori requirements in relation to spiritual and cultural values in particular will be. By that I mean the historical base leading to the classification.

Since no other Council has these requirements there are no prior guidelines to show how property values will be affected.

However, we do have a similar precedence to illustrate what happens when District planning changes the classification of land.

A recent Home insurance account arrived.

Last year the account went up about \$1000 and this year (2025 to 2026) \$2300. In 50 years, we have never made a claim.

Enquiries to two insurance companies resulted in being unable to get insurance with either.

One required only the address for refusal.

The second company resulted in two phone applications. The first with no return call.

The second was turned down after the enquiry about being in a hazard zone.

I have now discovered that the Regional Council has designated our property as being in a hazard zone. I think for flooding or a major earthquake.

The house has been standing for over 100 years and if it collapses then there will be such devastation that insurance claims will take forever to be paid out.

And in the 40 years since we bought there has never been flooding from overflowing water sources on both sides of the section and relatively minor flooding once during prolonged heavy rain which was in a basement and cleared easily needing no insurance claim.

Where is the documentation supporting these proposals showing the reason for the suggested requirements to give certainty to all property owners affected?

How is the cost benefit as mentioned calculated.

What is the expected cost to the property owner.

What will the effect be on property values and will the Capital Values be reduced to reflect this change.

Insurance costs clearly illustrate what assumptions in District Plan or Scheme Changes cause and the refusal to insure by alternative companies is disturbing.

Will these proposed changes in the Proposed District Plan for the Hutt City Council have unforeseen consequences?

Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
Part 2 – District wide matters	Historical and Cultural Values, Sites and Areas of Significance to Maori	SASM-P1	Support	<p>The Hutt landscape is rich with Māori history.</p> <p>It is important to Māori, and to everyone in the Hutt Valley, to have Māori heritage on the land identified, recorded and honoured.</p> <p>It is understandable that Māori may also want to identify, record and honour their cultural connection to this heritage.</p>	Keep provision
		SASM-P2	Neutral	The language of the provision “protect sites and areas listed as Nga Awa o te Takiwa from inappropriate subdivision, use, or development” is a strong statement. This could potentially make it harder to get consents re non-permitted activities in respect of these bodies of water.	
		SASM-P3	Neutral		<p>Could replace with:</p> <p>Acknowledge sites and areas listed as Category 1 in SCHED6 – Sites and Areas of Significance to Māori.</p>
		SASM-P4	Oppose		Could replace with:

#	Chapter	Provision	Position	Reasons	Relief sought
					Acknowledge sites and areas listed as Category 2 in SCHED6 – Sites and Areas of Significance to Māori .
		SASM-P5	Support		Keep provision
		SASM-P6	Oppose	<p>Our understanding is that the current RMA cannot be used to erode property rights – it can restrict a person’s use of their land, but it cannot allow a third party access/use rights to that person’s land that would not otherwise exist. So enabling tangata whenua to carry out tikanga Māori on land (by making this a permitted activity under SASM-R5) would not entitle Māori to trespass on private land to undertake the activity.</p> <p>I think HCC intends this policy for allowing tikanga to be exercised in these sites as a permitted activity where it would otherwise require resource consent.</p> <p>But recent uncertainty of law in this area suggests it would be wise to have this spelled out clearly. Hence my suggestion:</p>	Enable tangata whenua to carry out tikanga Māori (including mahinga kai) within sites and areas of significance to Māori, provided that the activity is consistent with the property rights of the landowner on which the activity takes place.
		SASM-P7	Support with change	If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications.	<p>Encourage landowners to:</p> <ol style="list-style-type: none"> 1. Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and

#	Chapter	Provision	Position	Reasons	Relief sought
					2. Work with tangata whenua to manage, maintain, preserve and protect sites and areas of significance to Māori, where doing so is practicable and proportionate in the circumstances.”
		SASM-P9	Oppose	If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications, so I suggest an alteration to SASM-9 which clarifies that each clause in the policy is limited by the extent to which it is reasonable and relevant (to development and use of private property)	<p>Add to each numbered paragraph one of the following:</p> <ul style="list-style-type: none"> a. ... to the extent to which it is reasonable for the proposal to respond to or incorporate the outcomes of that consultation. b. ... the extent to which it is reasonable to expect the proposal to reflect those values in private property. c. ... to the extent relevant to private property.
		SASM-R1	Support in part	Needs clarification to indicate no intention to provide rights over land owners to tikanga Māori on private land.	<p>Agree, with following change:</p> <p>Undertaking tikanga Māori within a public Site or Area of Significance to Māori, or private land with approval of the owner.</p>
		SASM-R2	Neutral	I support support the accidental discovery protocol requirement for category 2.	

#	Chapter	Provision	Position	Reasons	Relief sought
				I am in favour of providing for protection of SASM in this manner – ensuring recovery - even on private land. But this is all the protection that is needed. Get rid of all the additional rules about restricting new buildings/alterations/additions.	
		SASM-R3	Support		Keep provision
		SASM-R4	Oppose	<p>Adding resource consent requirements for building on private land will tie landowners up with consultation with tangata whenua, limits their property rights, limits commercial development and housing supply.</p> <p>I understand the application of these rules on category 1 significance, but application on category 2 goes beyond what most people think reasonable.</p> <p>There is no demonstrated need to restrict building/development in category 2 areas.</p>	<p>Separate Category 2 and replace all wording with:</p> <p>1. Activity Status: Permitted</p>
		SASM-R5	Support		Keep provision
		SASM-S1	Support	In the interests of supporting Maori heritage and cultural values, it is reasonable for archaeological monitoring and collection to start if artefacts are found.	Keep provision

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Thank you for the opportunity to submit this document.

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Introduction

My submission relates to the section on Low Flood Hazard zoning in Kotari Road Days Bay, with reference to 28 Kotari Road to illustrate my submission.

The rules proposed in NH 8 and NH 9
Specifically Natural Hazard Zone - Low flow Hazard Zone Upper Kotari Road

Recently I sent the contents of this letter to the Hutt City Council because what is happening in no way, in my opinion, justifies the inclusion of this area in a Low Hazard Zone.

“The weather forecast for the next two days is signalling severe rain and wind for our city.

In fairness to rates payers in Kotari Road who now have a Flood Zone overlay

Could I please suggest that an officer involved with this classification be asked to visit

in this period and produce all evidence of flooding that required a Hazard Zone classification.

We have owned this property since February 1985 and at no stage has there been such severe flooding that an insurance claim has been necessary.

There was minor flooding until we changed the surface of the drive and redirected the water into the storm water system so that it did not seep under the house. There has been no problem since.

When it comes to insurance would you please note the following:

*In the last two years our house premium has gone up over **\$3,000**.*

*In spite of our never making a claim in over **50 years**.*

So I tried to get insurance with

Tower *Typing in the address resulted in a message saying they would not insure here.*

State *I spoke twice with their call centre.*

In the first instance the promised return call did not happen.

In the second instance I was asked if the property was in a Hazard Zone.

Unknowingly I said "No".

It was not until I started looking into the proposed District Plan after notification of a Maori interest in this area that I found we had been classified as a Hazard Zone for flooding.

I am somewhat surprised by this classification which is why I am asking for a street visit to confirm with photographs during a severe storm the necessity for this.

It would seem to me that whoever decided that it was a Hazard Zone may have made the decision based on information that does not fit reality."

I have read the documentation supporting these proposals showing the reason for the suggested requirements. However, it seems that there is insufficient documentation to show that the suggested flooding will occur.

My questions are:

What will the effect be on property values and will the Capital Values be reduced to reflect this change.

Will these proposed changes in the Proposed District Plan for the Hutt City Council have unforeseen consequences apart from the one outlined above?

Decisions Requested

NH-O2	Risk from natural hazards in Low Natural Hazard Overlays and Medium Natural Hazard Overlays
	Subdivision , use and development within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays minimise the risk from natural hazards to people, buildings and infrastructure .

Position: I oppose this provision for the upper Part of Kotari Road as there is no likelihood of flooding in the area with Low Flood hazard overlay.

Reason: As outlined above and experience from living here for over 40 years.

The map attached with levels (from Hutt City Council files) show neither partially piped and partially open stream on the Northern side of the road or on the Southern side of our boundary, No 28.

Furthermore, on the Northern and the Southern side the level of the creek opposite is not shown on the map.

Inspection would show that there are deep channels and this can be seen in the attached photographs.

Relief sought: Removal of the Low Flood Hazard Zoning from the Kotari Road and Pitoitoi Road junction to Korimako Road.

Flood Hazard Overlays - Policies

NH-P8

Additions to existing buildings and structures in the Flood Hazard Overlays

Additions to existing buildings and structures in the Flood Hazard Overlays are managed as follows:

1. Allow for additions to existing buildings and structures for activities least sensitive to natural hazards in the Flood Hazard Overlays.
2. Allow for additions to existing buildings for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Low Flood Hazard Overlay, where:
 - a. The risk to people, and buildings on site from the 1% Annual Exceedance Probability Flood is minimised due to the incorporation of mitigation measures,
 - b. The existing risk to people and buildings on adjacent properties is reduced or not increased from the 1% Annual Exceedance Probability Flood.

Position: I oppose this provision for the upper Part of Kotari Road as there is no likelihood of flooding in the area with Low Flood hazard overlay.

Reason: As outlined above and experience from living here for over 40 years.

The map attached with levels (from Hutt City Council files) show neither partially piped and partially open stream on the Northern side of the road or on the Southern side of our boundary, No 28.

Furthermore, on the Northern and the Southern side the level of the creek opposite is not shown on the map.

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Relief sought: Removal of the Low Flood Hazard Zoning from the Kotari Road and Pitoitoi Road junction to Korimako Road.

NH-P9	<u>Subdivision</u>, use and development in the <u>Flood Hazard Overlays</u>
<p><u>Subdivision</u>, use and development in the <u>Flood Hazard Overlays</u> are managed as follows:</p> <ol style="list-style-type: none"> 1. Allow for new <u>buildings</u>, <u>structures</u>, building platforms, and the conversion of existing <u>buildings</u> that will contain <u>activities least sensitive to natural hazards</u> in the <u>Low Flood Hazard Overlay</u>, 	

Position: I oppose this provision for the upper Part of Kotari Road as there is no likelihood of flooding in the area with Low Flood hazard overlay.

Reason: As outlined above and experience from living here for over 40 years.

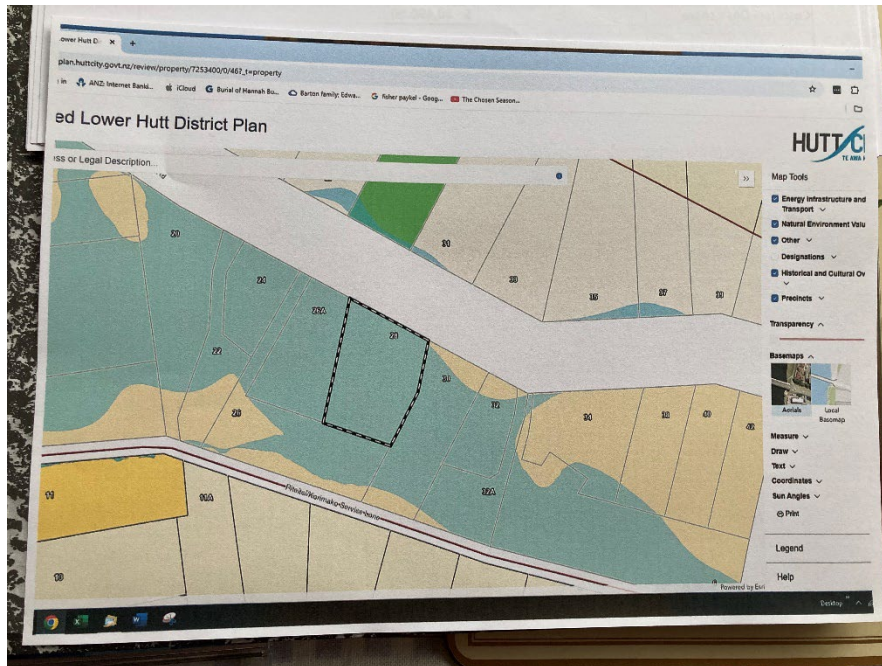
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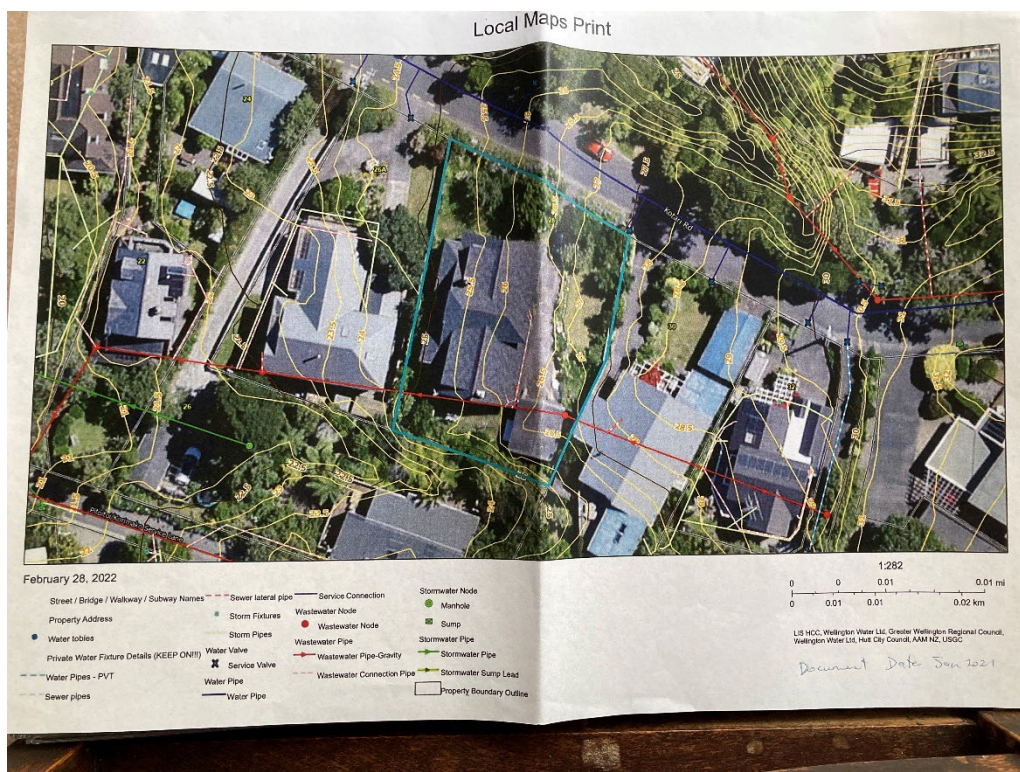
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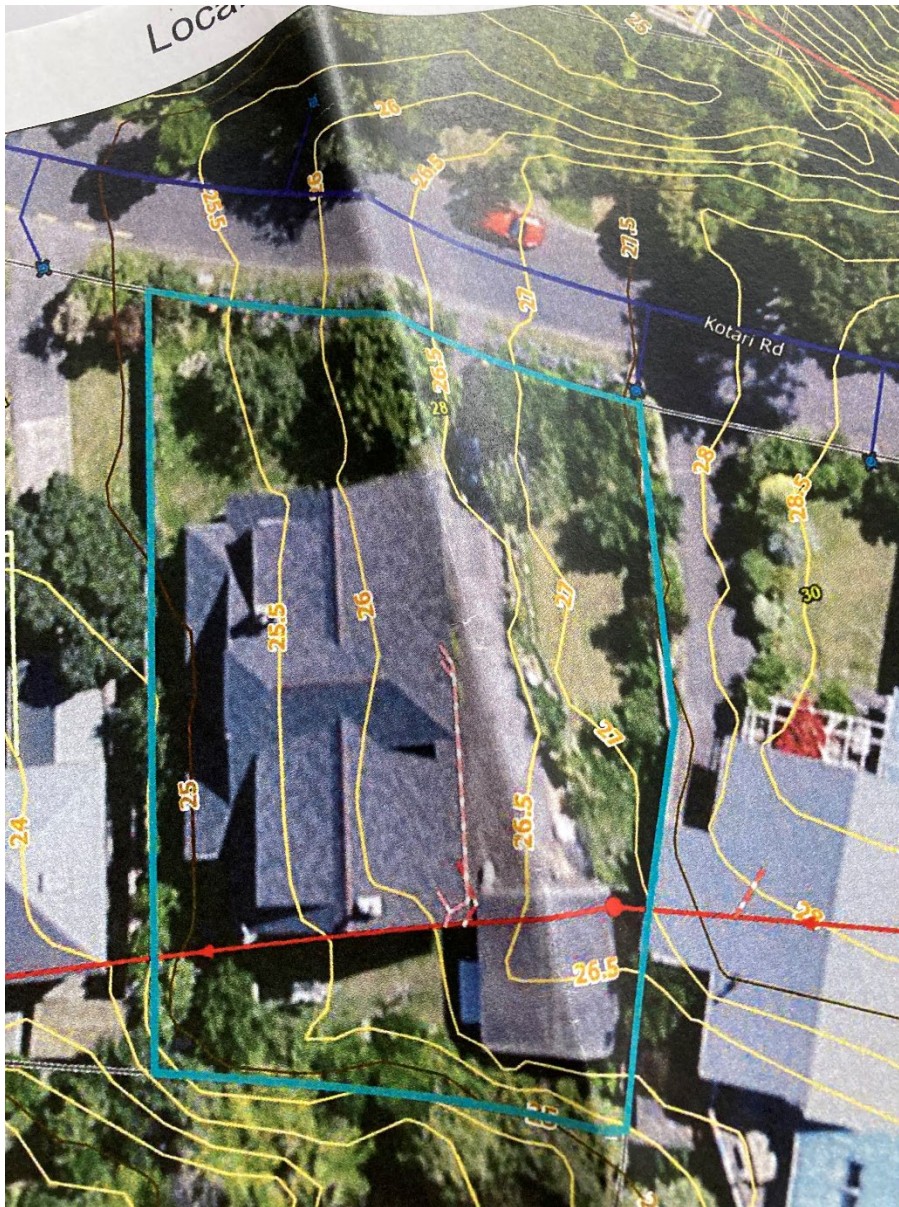
Photographs and video to support the Submission by
Patsy Jorgensen.



Northern Boundary



Southern Boundary



Video from Storm in March 2024.



March 2024
IMG_4241.MOV

No flooding caused by this at 28 Kotari Road or water flowing down the street other than runoff from rain directly on the road surface.

4 May 2025 photographs below

Road uphill from No 28 showing no flooding



Creek opposite No 28

Note depth from bridge.



Second view of stream opposite.



Stream at Northern end of bridge at junction of Kotari Road and Pitoitoi Road



Exit from culvert on Southern side



Flow further from exit at Southern end of culvert



View down road from No 28



Drive entrance below No 28 showing no flooding



Drive at 28 Kotari Road.
No flooding
Small amount of water in road gutter.



Creek halfway between No 28 and Kotari Road and Pitoitoi junction

