

02 May 2025

**Submission on the Proposed Lower Hutt District Plan, Under Clause 6 of Schedule 1 of the Resource Management Act 1991**

To: Chief Executive  
Hutt City Council  
Private Bag 31-912  
Lower Hutt 5040  
Via email: [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

**This is a submission made by Andrew and Robyn Robinson on the Proposed Lower Hutt District Plan (PDP) who are the owners of the property at 269 Muritai Road Eastbourne**

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We will not gain an advantage in trade competition through this submission.

We are directly affected by the subject matter of this submission.

**We wish to be heard in support of this submission.**

## Our submission includes:

- a. Introduction
- b. Scope of the submission
- c. Specific submission points
- d. Summary of decisions required from Hutt City Council
- e. Map of the locality and features referenced in this submission
- f. Submission Point – LLRZ
- g. Submission Point – NH Flood Hazard overlay
- h. Submission Point – NH Slope assessment overlay
- i. Submission Point – CE High and Very High Coastal Natural Character Area
- j. Submission Point – NH – Coast Inundation overlay
- k. Submission Point – SASM - Sites and Areas of Significance to Maori
- l. Incentivise Landowners to take useful action
- m. Hutt City Council communication with homeowners and ratepayers
- n. Next steps?
- o. An assumption that Hutt City Council would be wrong to make
- p. Summary

### a. Introduction:

We appreciate this opportunity to submit on the Proposed Lower Hutt District Plan 2025.

We own the property at 269 Muritai Road, Eastbourne, Lower Hutt. This is a 1229m<sup>2</sup> residential property that has frontage to Muritai Road. The site contains a two-storey timber dwelling that stands towards the front and the flat part of the property. The land behind the house rises at a relatively steep grade. The rear and side boundaries abut three properties, including Council reserve, 265a and 267 and 271 Muritai Road.

We have lived in this house since 2005 and have been members of the Eastbourne community since the mid-1990s.

In my working life I have provided property development advice and consultancy to a range of parties including major government agencies and have worked within the property industry since 1987 across property development, property management and valuation.

### b. Scope of Submission:

We note the purpose of the Plan is to assist Hutt City Council in carrying out its functions in order to achieve the purpose of the RMA.

We **support** the need for an appropriate District Plan to ensure our community can thrive and where resources are managed and maintained effectively.

We generally **support** the Proposed District Plan as notified, subject to resolution of the matters raised in this submission.

Without limiting the generality of this submission, the following particular provisions are not supported, and changes are sought as set out in this submission.

For context, under the Proposed District Plan we now have four new and substantive impacts to our property compared to the Operative District Plan (ODP).

The submission points, questions, changes sought, alternative solutions, risk reduction solutions, can be found in this submission and within the table in Appendix 1.

**c. Specific Submission Points:**

The specific matters of the Proposed District Plan that our submission relates to include:

- 1) The new Large Lot Residential zone.
- 2) The new Low Flood Hazard Overlay.
- 3) The new Slope Assessment Overlay.
- 4) The new High and Very High Coastal Natural Character Area.
- 5) Natural Hazard coastal inundation Overlay.
- 6) Sites and Areas of Significance to Maori.

**d. Summary of decisions sought**

PDP Reference	Decision sought
LLRZ	The deletion of the Large Lot Residential Zone
NH	The deletion or amendment of the Flood Hazard Overlay.
NH/SUB	The deletion or amendment to the Slope Assessment overlay and sub divisional rules
CE	The deletion or amendment of the High and Very High Coastal Natural Character Area
NH	The deletion of the Natural Hazard coastal inundation overlay on applicant properties
SASM	The amendment to the Sites and Areas of Significance to Maori rules and policy

**e. Maps and overlays – areas in question**



**We seek the following decisions from Hutt City Council (HCC):**

**f. Submission point - LLRZ**

- The deletion of the Large Lot Residential Zone for our and all properties in Eastbourne/Eastbourne Bays, to be replaced with the current zoning that applies across the rest of Eastbourne and within the ODP.
  - There is no compelling justification or evidence to support the introduction of this new zone.
  - Neither the application site, nor other properties, with this new zone have special characteristics that need protection from future development, or suffer from a lack of reticulated water, wastewater, or storm water services.
  - The zone should remain Medium Density Residential as there is nothing unique or unusual about the local environment or built character which is worthy of this special protection and limitation of future subdivision.
  - The change in zone is inconsistent and “one size doesn’t fit all”. One of the key criteria is access constraints and avoidance of subdivision or change to any properties that have access issues, from actually viewing the properties in question a number of properties have no access constraints and therefore there is no need or requirement for this zone for these properties, further investigation is required by HCC.
  - Our property should not be zoned Large Lot as the zoning provides an inconsistent and unbalanced approach to future housing development in Eastbourne, neighbouring properties are medium density and this will create a distorted built environment.
  - This new zone is contrary to the District Plan objectives to provide for sufficient residential development capacity to meet expected demand for housing into the future.
  - The impact of this change in lot size effectively reduces the future options for the application site and all properties placed under this proposed zone, the impact is a reduction in the value of the properties due to the removal of future options.
  - There is no specific compelling analysis or evidence provided by HCC to support a minimum lot size of 1,000 sqm.
  - We made an application to the draft plan in 2023 when this change in zoning was first proposed. In our submission we requested the supporting evidence to prove that this new zone is necessary, how the 1,000 sqm minimum lot size was determined, what additional rules would be applied to enhance not constrain the future use and development of this special group of properties. The 1,000 sqm rationale has still not been explained in any PDP material nor has the introduction of further constraints to development.



- The proposed zone rules are significantly detrimental to the future use of all properties with this proposed zoning compared to the ODP, specifically reduced site coverage, reduced height limits, greater constraints to height in relation to boundaries, and increased setbacks at the front yard. We seek the removal of these new rules in favour of the rules set out in the current ODP zone, as there are no compelling arguments for changing the current rules.
- There has been no consultation or evidence provided by HCC on the evidence to support the new zone and 1,000 sqm lot minimum, we have set out some alternatives for consideration in the table in Appendix 1 below.

**Additional questions**

- I. Can the HCC please provide the compelling justification or evidence to support the introduction of this new zone in these specific locations?
- II. Can the HCC please provide the specific compelling analysis or evidence to support a minimum lot size under the PDP of a proposed minimum 1,000 sqm?
- III. Can the HCC please provide the evidence for the changes to the proposed zone rules are significantly detrimental to the future use of all properties with this proposed zoning compared to the ODP, specifically reduced site coverage, reduced height limits, greater constraints to height in relation to boundaries, and increased setbacks at the front yard.

## g. Submission Point – NH Overland flow path

- Remove the new Flood Hazard Overlay from the applicant property -
  - There is limited historical basis, or accurate future modelling that provides compelling evidence for this overlay on the applicant properties.
  - The flood zone outline on the applicant properties bears no resemblance to any historical flooding or the topography of the property, it needs to be removed, or justification provided for the zone outline shown on each property.
  - None of the referenced floods (in the evidence outlined in the Wellington Water report) over the last 20 years have impacted the application properties.
  - Any surface flooding has been substantially a result of the lack of maintenance of a Council or Wellington Water owned culverts, lack of storm water system capacity, ineffective run off measures and outlets subject to the sea tides, and less about excessive/extreme weather events.
  - The suggested 1% AEP or 1 in 100-year flood analysis by Wellington Water is noted as best practice in the PDP but is hypothetical and not proven fact, the supporting documentation highlights a wide range of assumptions which suggest that confidence in the modelling needs to be taken with a grain of salt or used as a guide at best. To use this data to set flood hazard zones is irresponsible given the lack of unequivocal evidence in the technical report and the fact that the categorisation of this area as being flood prone is contrary to the empirical evidence we have, people who have lived in this location for many years.
  - The primary purpose of the report is infrastructure upgrade planning, not zoning. It is not stated anywhere in the report that the model output is appropriate for hazard zoning under the District Plan or for property-specific classification without further site verification.
  - The Wellington Water report limitations preclude accurate site-specific flood overlay classification: The report (Section 3.5.4) explicitly notes that:
    - Building floor levels are not included.
    - Fences, walls, and other structures affecting water flow are not modelled.
    - Culvert dimensions are partially assumed.
    - Private drainage infrastructures, such as soak pits, are excluded.
  - The report recommends further verification. In Section 5, the Wellington Water report clearly recommends that, when used for detailed work (such as design upgrades); further site-specific survey should be undertaken. By the same logic, any zoning impact based on the model must be independently verified before being applied.
  - Council zoning misuses community feedback to generate its zoning, in using the report as a basis for the flood hazard overlay the Council is using anecdotal

public comments to validate flood modelling in the absence of hard data. The following points are from actual events that have been misconstrued in the new flood hazard overlay as set out below

- Comments to Council including Social. Pinpoint submissions and email correspondence were made to highlight repeated flooding caused by runoff from HW Shortt Park and infrastructure failure, not natural overland flow. These comments have been selectively quoted and misrepresented to validate model predictions. Crucially, the context provided in our original messages—identifying the slope of the park, broken nib walls, and lack of drainage—was omitted.

- For example, one of our comments submitted to Social Pinpoint stated:

*“Flooded the whole street and came into our yard and up to the front door... Number 93 had to sandbag their garage. This has happened twice in a year.”*

- This has been cited in the Model Build – East Harbour Draft Report (Appendix B, p. 59) as justification for flood hazard classification, but the continuation of our comment, which clearly attributes the cause to runoff from HW Shortt Park and storm water infrastructure failures, was left out:

*“It’s the park across the street that slopes towards the street that is causing trouble. Also drains do not drain anywhere. Plus, the nib wall around the park is broken which could help divert run off from the park away from our houses. All has been reported to council before and nothing has happened.”*

- Interaction between homeowners, Council officers and Wellington Water—such as from as far back as October 2021 and earlier—make clear that flooding on Oroua Street has consistently stemmed from runoff from HW Shortt Park and storm water discharge issues. These emails were either not passed on to Wellington Water for inclusion in the modelling dataset or were ignored during model validation. This failure to appropriately account for known infrastructure limitations undermines the credibility of the model as a tool for hazard zoning.
- Concern of a lack of attention from current Councillors: A meeting was held between neighbours in Oroua Street, Councillor Simon Edwards and Deputy Mayor Tui Lewis on 10 October 2021 regarding the infrastructure issues. No substantive action followed this meeting.
- Recent meeting confirmed mitigation is needed: A second meeting was held on 3 April 2025 involving Deputy Mayor Tui Lewis, Bruce Hodgins from Council, and John Baines from Wellington Water. During that meeting, site visits confirmed the infrastructure problems identified by residents. HCC acknowledged the park’s surface runoff was contributing to flooding and agreed to investigate several remediation measures, including raising the nib wall, installing new drainage along the park’s eastern edge, and improving sump performance near the tennis courts. Wellington Water also agreed to review the undersized sumps and soak pits outside 91 and 97 Oroua Street.
- The above investigations have been ongoing, and the fact that mitigation options are now under active consideration demonstrates that the proposed flood hazard overlay is premature and unjustified.



- Another example of existing storm water system deficiency that exacerbates the potential flooding risk is outlined in the notes below and the two photos on page 10.
  - From observation by residents over recent years that the outfall in the photo below to the sea is itself a problem.
  - Logs and other timber debris can be seen to be lying below the outfall – a consequence of Hutt City’s policy in recent years of not clearing logs and timber which come down the Hutt River in heavy rainfall events, enter the harbour and lodge on the Robinson Bay beach, there to remain. The quality of the beach for use by Eastbourne residents and visitors deteriorates accordingly.
  - The quantity of such debris lying below the drainage outfall changes frequently, depending upon wind, sea swells from the south, and tides, however some debris is always present. The importance of this is not that water cannot find its way past logs, but because the logs cause wind eddies that assist beach sand to more quickly fill up the channel below the outfall.
  - From time-to-time Hutt City arranges for machinery to clear out sand from the channel, heaping that sand on each side of the channel.
  - This clearance is costly and is adequate for a brief time. However, the heaped sand is soon blown by wind back into the channel, resulting in a further cycle and waste of the money that was spent.
- Owners of properties on Muritai Road from 273 to 287 Muritai Road have an open drain that runs across the back of or through their properties. A plan to redirect this culvert was agreed with HCC several years ago and without any tangible change these properties are susceptible to flooding and coincidentally the flood hazard overlays on the applicant property and these properties relate to the lack of risk mitigation by HCC and Wellington Water. Please refer to Pictures on page 11. This is a solvable issue that should not be left as a risk on Landowners titles.
- In a similar vein the drain at the rear of 261 and 263 Muritai Road could be upgraded to remove the flood risk to these properties. See pictures below for current state and location of these drains. Upgrades or changes to these drains will remove the risk and the need for any overlay,
- The above examples are only four of many examples across Eastbourne; our comments are not limited to these four examples.
- The supporting evidence provided by Wellington Water highlights the inefficiencies of storm water management and system capacity. The impacts of the 1 in 100-year flood can be mitigated through prioritisation of investment in these overall systems (from streams to storm water outlets). The lack of planning and investment in infrastructure in this area unfairly places the burden on private properties and owners who have paid rates and tax to ensure this future planning and maintenance of infrastructure is implemented.

- The suggested overlay places an unnecessary consenting burden on all affected properties and removes the obvious necessity for Hutt City Council and Wellington Water to mitigate and remedy these flood risks through maintenance or changes to the stream/s, storm water capacity, run offs in question, which has been raised previously by landowners.
- While we acknowledge that there is a consenting pathway to develop property with an overlay, the inclusion of a flood overlay adds risk to any future redevelopment project that we might put forward. An overly cautious Council planner could see the flood overlay as a red flag and become obstructive, even though the actual risk as noted by comments above is low or non-existent.
- There has been no consultation with Hutt City Council over the implementation of this overlay or how the overlay lines have been derived, or assessment of how the pervious surfaces or other mitigation measures on these properties act to support the storm water drainage.



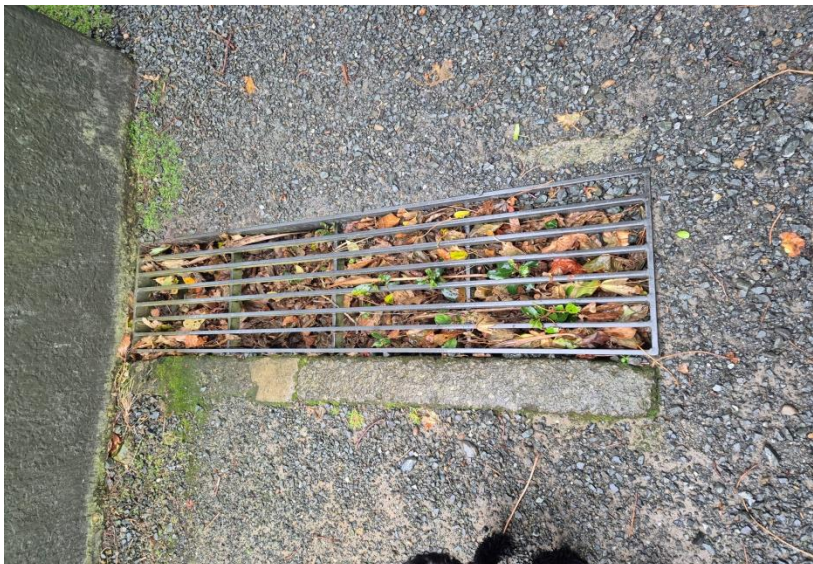




Photos 1<sup>st</sup> May 2025

Drain by Eastbourne wharf

Drains at 259/261 Muritai Rd  
Track







1<sup>st</sup> May 2025

Drain in 273 Muritai Rd, rear of 275/277 and across right of way for 283

Metal covers provided by owners.  
Flood risk all solvable







1<sup>st</sup> May 2025

Open drain somewhere under the foliage side of 285 Muritai Rd





### Additional Questions

- i. Does HCC agree that a home raised above ground level reduces the hazard to that home from flooding?
- ii. If HCC does not agree that a home raised above ground level reduces the hazard to that home from flooding, why not?
- iii. If HCC does agree that a home raised above ground level reduces the hazard to that home from flooding, will HCC (i) obtain relevant information for all homes effected by the Proposed District Plan, and (ii) advise those landowners with elevated homes of their reduction in risk?
- iv. If HCC will not obtain the information requested above regarding homes raised above ground level to reduce the hazard to that home from flooding, why not?
- v. How have the flood lines been drawn?
- vi. What is the long term plan to ensure the end-to-end storm water system is fit for purpose?
- vii. Why has HCC not upgraded the culvert and drain beside 285 Muritai Road to remove the risk to landowners
- viii. Why has HCC not upgraded the culvert and drain at 259, 261, 263, 265a Muritai Road to remove the risk to landowners and the need for the proposed flood overlay
- ix. Given the additional case in Oroua Street where there are mitigation options under active consideration does the HCC consider that the proposed flood hazard overlay is premature and unjustified?

## h. Submission Point – NH Slope Assessment overlay

- Remove the Slope Assessment Overlay as this adversely constrains the future use and development of the affected areas and unnecessarily raises concerns over stability and run out impacts.
  - There is no Slope assessment overlay in the ODP.
  - The report material provided by WSP is substantial and generated from a desk top assessment, and they recommend this is not used as a property-by-property assessment without actual on-site inspection. So, we question why the HCC has ignored that advice and have introduced a one size fits all approach to this overlay without that inspection?
  - The WSP report suggests there is a clear differentiation between areas across the Hutt Valley (with a range of very low to very high slope instability risk, differing geology, differing slope %'s, existing retention, per property). As a minimum, these key factors should have been advised to landowners with the underlying analysis that supports this rating for their property, nothing is provided in the PDP other than a one size fits all, the same rules, the same risk levels which is again not consistent with WSP's recommendations. So, we question why the HCC has ignored that advice and have introduced a one size fits all approach to this overlay?
  - We appreciate that the WSP modelling includes a wide range of factors with different weightings, given the seriousness of this and the impacts on private property, why has this modelling not been peer reviewed to confirm that the factors, weightings and rankings are appropriate for the Hutt Valley.
  - We appreciate that the WSP modelling includes a wide range of factors with different weightings, given the seriousness of this and the impacts on private property, this modelling should be peer reviewed to confirm that the factors, weightings and rankings are appropriate for the Hutt Valley and for individual properties.
  - The Slope Assessment Overlay line needs to be tested on a property-by-property basis. The line on the applicant property and neighbouring properties contains areas where this is minimal slope (using the % parameters contained in the WSP report) and we question the accuracy of the mapping and robustness of the research undertaken by Council before preparing these maps.
  - We are aware of geotechnical studies being completed by neighbours as part of their purchase due diligence that suggests the slope degradation risk is very minimal, we ask whether HCC has had the WSP material peer reviewed or taken actual samples/undertaken any testing to provide the slope risk? There is no additional material attached to the PDP reports that suggests this so given the extent of the issues raised by WSP we question why this has not been done by HCC?

- The PDP creates a number of overlapping overlays that simply avoid future stability considerations (irrespective of the actual risk level) through limiting the ability to undertake development in these affected areas, it is folly to think that risks are best managed by avoidance, when appropriate development can also reduce risks to slope, land cover, soil drainage and hardness, so we ask why HCC is not looking at this as part of the long term solution?.
- The development potential of land in the Overlay areas may not only be limited by the new rules, but also could be prevented, depending on how the overlay provisions are interpreted and implemented by Council officers.
- Existing development on the subject property and adjacent properties demonstrates that the land can be successfully built on. We wish to avoid a situation where a processing planner sees the overlay as a red flag to development and is consequently obstructive to any development proposal that we or our neighbours put forward in the future.
- Our concern is that the ability for potential future subdivision is effectively removed through this becoming a restricted discretionary activity, this would seem to be a short-sighted view and seems to ignore that our residential development specification and building code is world class to cater for our variable and diverse property conditions.
- Our position is that any assessment of slope hazard, instability, or run out will be reflected in the engineering designs for building foundations and earthworks for all land sloping or otherwise and is best covered by existing Building Act and Building consenting processes, which is where this evaluation of all slope conditions should actually take place, through expert reports provided in support of any resource or building consent application.
- The proposed overlay places restrictions on earthworks and development; if the overlays/rules cannot be removed it should be made clear in the DP that there is a permitted pathway to development of land in the Slope Assessment Overlay area.
- Of concern to property owners are the Stability and Runout areas that relate to areas owned by the HCC and by Government. The neglect of these areas can certainly have an impact on the future of the applicant property and neighbouring properties in question and this has been raised with the HCC previously, we see no measures reflected in the PDP as to how the HCC will manage its own estate to protect landowners. There is the concern that the presence of this overlay on private property may indicate an acceptance of risk from adjoining landowners and effectively rule out any legal avenues for redress from negligence or nuisance.
- There has been no consultation on the introduction of this assessment overlay despite the original WSP report being completed in 2021.

**i. Submission Point – CE - Coastal Environment High and Very High Coastal Natural Character Area**

- Remove the new High and Very High Coastal Natural Character Area from the applicant property and neighbouring properties in Eastbourne.
  - There is already precedence of housing being built in elevated areas near the applicant property and across Eastbourne, and many of these houses have been there for at least 30 years.
  - We would dispute the assertion (page 68 of the Section 32 evaluation) that it will be the first time that development has had to take into account natural hazard risks. The Building Code, Building Act and RMA have been in place for many years and set high standards for the development of property to mitigate all natural hazards.
  - This new overlay is not about development management, it appears to be a means to prevent any further development of these areas and retention of Coastal Natural Character. We contest that this amenity should be provided by private owners at no cost, when it can be preserved with the many hectares of Council and DOC reserve surrounding Eastbourne.
  - The Boffa Miskell Coastal Natural Character Assessment report summary findings 4.1.2 and section 4.17.4 provides an assessment of Moderate Abiotic, Biotic and Experiential Natural Character Attributes for the Eastern Bays. The report does not suggest there is any High or Very High Natural Character areas within the area depicted in the report. It is not clear how that report summary finding has translated into a High and Very High Coastal Natural Character Area in the PDP.
  - We would argue the assertion, on page 69 of the Section 32 report, that insurance of the property may somehow be affected by poor development, that may be the case, but what is missing from the s32 report is that insurance will be more heavily impacted by having detrimental overlays on property such as outlined in the PDP across Eastbourne. We would challenge the HCC to prove their case and provide the insurance industry evidence to support their claim.
  - The same comments apply to the “Reasonableness test” outlined on page 82 of the Section 32 report; again, there is a statement on how the insurance markets will react. We dispute this and ask for the evidence to suggest how insurance markets will react or respond to these changes. This is important as the PDP implies that these new rules have a positive insurance impact and supports the justification for these new overlays and rules.
  - With respect to “Acceptable level of uncertainty and risk” (page 87 of the Section 32 report), this is all focussed on the community, developers and stakeholders but seems to ignore the landowner impacts and the risks to owners from having this overlay. The risk is obtaining affordable insurance and the potential effect of any exclusions in that insurance from this overlay, as well

as increased saleability risks, and Resource or Building consenting risks if urgent repairs or changes or a rebuild is required to any property with this overlay.

- There is no evidence provided stating what the Coastal Natural Character is that needs to be protected, we have disputed this previously as far back as the SNA process, where the Special Natural Areas and Character that was proposed to be preserved was disputed and withdrawn by Hutt City. We have had no meaningful dialogue with HCC on this not clarification as to what feature needs protection.
- There is no valid reason for this overlay on private property, the imposition equates to an easement as the new rules limit any future subdivision to a discretionary activity and potentially impossible to develop. There is the opportunity of a win-win solution here and if the HCC want this overlay preserved for the benefit of the wider community and stakeholders, there is the opportunity to show some leadership by providing incentives or compensation for the loss of use or development. This is also an aspiration of the Government and the Expert Advisory Group as part of the Resource Management reform under “Protection against regulatory takings (paragraph 104).
- The limiting clearance to 50sqm per annum is noted but takes no account of necessity, for example should there be a warranted health and safety (to the landowner, neighbours, public) situation then there should be no limit to the area and no consent required. This should include any flora, fauna or foliage indigenous or not, dead, dying, diseased or not dead, dying, or diseased.
- Finally, we dispute the “extensive community engagement” referenced in the Evidence report specifically in Eastbourne relating to this proposed overlay, we have not seen or been invited to any community engagement where the reasons for or the benefits of this change have been outlined.

### **Additional Questions**

- i. Can HCC provide the insurance industry evidence to support their claims around the positive insurance impacts from preventing any development or avoidance in dealing with slope issues, and the flip side whether good development would improve these areas and reduce property risk?.
- ii. The Boffa Miskell Coastal Natural Character Assessment report summary findings 4.1.2 and section 4.17.4 provides an assessment of Moderate Abiotic, Biotic and Experiential Natural Character Attributes for the Eastern Bays. Can HCC please confirm how that report summary finding has been translated into a High and Very High Coastal Natural Character Area in the PDP?
- iii. This new overlay is not about development management, it appears to be a means to prevent any further development of these areas and retention of Coastal Natural Character. Why should this amenity be provided for the public good at the expense of private owners, when it can be preserved with the many hectares of Council and DOC reserve surrounding Eastbourne?



- IV. Does HCC consider this overlay to be an easement or instrument which erodes landowner rights, and if not why? Alternatively if so then what has HCC confirmed it will provide to Landowners as compensation for the loss of rights.

**j. Submission Point – Natural Hazard - coastal inundation overlay**

- Remove or amend the Medium and Low coastal inundation overlay as it relates to Karamu Street, Oroua Street, Marine Parade, Pukatea Street
  - These points relate to the coastal inundation overlays proposed for properties in streets around Muritai.
  - There is an inconsistency being applied to properties across Eastbourne, and the one size zone doesn't fit all and neglects key topographic and geographic factors. Properties closer to the current shoreline have the same inundation rating as properties two to three streets back.
  - The flood maps have been updated to reflect the latest guidance, where 1.59m of sea level rise needs to be used in modelling. Can you please confirm that guidance (assume this is the 2023 NIWA report?). Based on that report, we would contest the "need" for the 1.59m to be adopted now and overlays imposed when the District Plan will be reviewed again in 10 years when better data will be available.
  - The interpretation of the NIWA modelling suggests there is a range of SLR possibilities based on modelling types and extreme weather all extrapolated out to 2130. The current rate of sea level rise has been minimal (circa 3.2mm per annum incorporating the effect of land subsidence). Future "projections" suggest a rise of 30cm by 2040 and up to 50 cm by 2060. These are projections only. The modelling is complex with inherent uncertainties and is reliant on implied rates of vertical land movement, long term tide gauge data, the assessment of impacts on specific local variations, and the ongoing reassessment of assumptions based on current and trending greenhouse gas emission levels. We request more clarity around the uncertainty ranges used and how HCC incorporated these lower and upper levels into the planning and adaptation strategies.
  - SeaRise level variations to these projections is likely – an example being the SeaRise projections estimated a rise of 11cm between 2005 and 2020 when in fact the tide gauge data recorded only a 2cm rise, indicating significant variability and complexities of local predictions. With that new data the overlays should be revisited.
  - The NIWA report (figure 2-3) shows that under all scenarios that there is possible SLR of 500mm by 2060. The modelling commences prior to 2010 and that by now in 2025 we are meant to have a 100mm increase; we know that the reality is only 20mm based on the point above. It doesn't look like the NIWA

modelling has been amended to reflect the reality from the assessment in 2020. Even if the model had been correct, we should have had a 100mm increase by now and another 100mm in the next District Plan cycle the sea level will have risen by another. While that may make some areas of the Hutt more susceptible to tidal floods we do not accept that the subject houses will be impacted and should not be included now.

- In relation to the extension of the overlay in the Muritai area there is no justification to introduce an extension of the overlay that was introduced in PC56. What specific modelling has been done to assess the variability and differences for this extension area other than applying the one size fits all approach being a 100-year view from the NIWA report and model?
- The extension area in Muritai does not exhibit any of the natural features typically associated with coastal areas that are on the coastal edge prone to sea surge, substantial erosion and the flooding from high tides or king tides.
- It is not clear what if any allowances the inundation modelling has made with respect to mitigants already in place on properties, either through raised floors, drainage and site sculpturing, impervious surfaces.
- The extension of the overlay imposes consenting difficulties and provides the Council with too much discretion, undermines property value, and may influence insurance costs and conditions – all based on untested future modelling that should not apply to these properties. The overlays should be removed and sub-division pathways amended to a discretionary level or less.

To support the points above, the following information is drawn from a MSc thesis by David Olson. This was completed in 2010 at Victoria University it has recently (2023) been posted online to provide free access for the public.

- [https://openaccess.wgtn.ac.nz/articles/thesis/Decadal Shoreline Stability in Eastbourne Wellington Harbour/16974082?file=31398385](https://openaccess.wgtn.ac.nz/articles/thesis/Decadal_Shoreline_Stability_in_Eastbourne_Wellington_Harbour/16974082?file=31398385)
- The thesis is comprehensive; draws on prior published literature, historical and more recent data collected by Olson's fieldwork and analysis of aerial photography. It repays careful reading. One of its foci, detailed in thesis Chapters 5 and 6, is tracking the beach progradation caused by the northward moving gravel front which, by 2010, had reached the southern part of Days Bay, ~20 km north of its Orongorongo sediment source.
- This gravel front is very evident along the length of Robinson Bay. In this regard Olson writes, quote:

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"Recently, the gravel front has rendered the (Robinson Bay) sea wall redundant, and the metal groynes have been removed as a safety measure, as only the tips were protruding from the gravel, creating a hazard for walkers."

Page 90

"Eastbourne beach between Windy Point and Burdans Gate has increased in area from approximately 100,000m<sup>2</sup> in 1941 to 200,000m<sup>2</sup> (in 2008), and the measured Pencarrow shoreline has also doubled in area between 1941 and

2001.”

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“Northern Robinson Bay maintains back beach zones of sand size sediment with sporadic grassed dunes to the north of the Recreation Ground. South of the Recreation Ground, back beach and foreshore sediment is dominated by gravel. Pockets of sand appear mostly on the low tide terrace, with the remainder of the beach alternating between pebble and granule sized clasts.”

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“The most significant shoreline width changes have occurred in Robinson Bay (Fig 5.14), where there has again been a net increase in beach width of up to 60m through the Recreation Ground area and up to 120m through the southern prograding section at Miro Street. Width remained low through the southern part until 1985, when beach width increased dramatically from 20 to 100m. The northern progradation has generally shown increased width, but with reduction shown in the period from 1969.”

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“**The most significant finding** to come out of this study relates to whether -

- the change currently observed along Eastbourne’s shoreline is a short-term beach adjustment to a gravel pulse, or
- A more permanent adjustment relating to longer term changes in supply and/or transport processes.
- The temporal results of this research **have indicated a more permanent change** to the morphology and sedimentology of this coastline.
- The historical aerial photographs analysed have shown significant net progradation over 67 years between the Orongorongo River in Pencarrow and Days Bay 20km to the north, with smaller annual erosion/accretion cycles superimposed on the longer-term decadal shoreline advance.”

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“Given the extent of coastal erosion experienced in Eastbourne throughout much of the 20th Century, **from a coastal management perspective, the accumulation of gravel along the beach face is a positive outcome.** It has provided a natural buffer to erosion as the beach is prograding, reducing wave inundation distances and rendering some of the hard engineering mitigation structures redundant, including the removal of the metal groyne system in recent years.”

- The bolding of text above in the two above paragraphs is by this submitter, not Olson.
- Visual inspection in March 2025, 15 years after Olson’s work, lacks his carefully measured precision, however, indicates that the prograding accumulation of gravel along the coastline beachfront from Burdan’s Gate northward has continued.
- Based on the above observation and Olson’s findings that the prograding accumulation of gravel along the coastline beachfront from Burdan’s Gate northward is beneficial, it seems clear that prograded gravel accumulation

should be considered in respect to the risk of coastal inundation to the Muritai properties referenced when formulating the Lower Hutt's Proposed District Plan.

### **Additional Questions**

- i. Please explain the adoption of the 1% AEP flood event plus 1.59m sea level vs the figures outlined in the NIWA report which only highlight a potential rise of .500mm by 2060, and when actual data suggests that modelling may be optimistic?
- ii. Will the HCC change the overlays based on the actual tidal gauge data?
- iii. Is HCC or NIWA aware of David Olson's work regarding prograding accumulation of gravel?
- iv. Does HCC have objective data on the prograding accumulation of gravel after Olson's work, i.e. since 2010?
- v. Has HCC considered Olson's work and the significant beneficial effects of gravel progradation in formulating the Proposed District Plan?
- vi. If the answer to the above question is yes, has the Medium Hazard Ranking for coastal inundation been amended where gravel progradation is evident?
- vii. If the Medium Hazard Ranking rating for coastal inundation has been amended, how?
- viii. If the Medium Hazard Ranking rating for coastal inundation has not been amended, will HCC (i) review Olson's work, and the ongoing prograding accumulation of gravel in the 15 years since 2010 and (ii) advise residents of Eastbourne and the eastern harbour bays the outcome of its review?
- ix. Does HCC agree that a home raised above ground level reduces the hazard to that home from coastal inundation and flooding?
- x. If HCC does not agree that a home raised above ground level reduces the hazard to that home from coastal inundation and flooding, why not?
- xi. If HCC does agree that a home raised above ground level reduces the hazard to that home from coastal inundation and flooding, will HCC (i) obtain relevant information for all homes affected by the Proposed District Plan, and (ii) advise those landowners with elevated homes of their reduction in risk?
- xii. If HCC will not obtain the information requested above regarding homes raised above ground level to reduce the hazard to that home from coastal inundation and flooding, why not?



Taken 1<sup>st</sup> May 2025

High tide areas shown –  
significant storm surge





**k. Submission Point – Rules relating to Private Land in the section on Sites and Areas of Significance to Māori.**

- Remove or amend the various rules relating to Private Land in the section on Sites and Areas of Significance to Māori.
  - We oppose including private land in the Sites and Areas of Significance to Maori beyond recording that historical or cultural significance and publicising it.
  - We oppose restrictions on private land because of cultural significance to Maori, and we oppose empowering one group in society to set conditions and withhold approval for private land use and 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 proposed Hutt City Council rules go too far at this point in time. The Government has decided to clarify, in a new RMA, that property rights are the fundamental principle. The property rights will only be limited by the effects of changes in owners, uses of other land, and on the environment.

## **l. Incentivise landowners to take useful action**

What is not obvious is how Landowners are being incentivised to support the challenges facing Hutt City?

We acknowledge the Hutt City is facing substantial challenges head on through the proposed District Plan, but the means doesn't justify the end. The changes will erode confidence and support for the Council at a time when given the number of challenges confronting the Hutt District, the Council should be seeking to strengthen rate payer support and engagement.

Has the Hutt City considered any non-financial or financial incentives to encourage the outcomes it is seeking from this proposed District Plan? If so, can you please outline them?

## **m. HCC communication with Landowners**

The PDP is a substantial document and we acknowledge the considerable effort that has gone in the PDP. That said the PDP takes considerable time to work through the various layers to assess the relevant information.

It has been our experience that many landowners have expressed concern at the limited amount of relevant information provided to them on the effects on their properties, as well as any supporting information to communicate the differences between the ODP and PDP.

The web page maps are very helpful to see the proposed state but don't provide any comparison with the current state view.

We have had to obtain external planning advice, at cost, to do complete a comparison review. Placing that burden on individual landowners in this current financial climate is hard to accept and HCC could have done more to support landowners.

The initial March letter/s gave little information and a month to formally respond. The submission period was extended later to 2<sup>nd</sup> May 2025. Even with the extra time there is limited opportunity for landowners to read the full District Plan and truly understand the implications of the changes proposed.

In each Submission point above we note that there has been minimal consultation with the Landowners apart from a simple letter. We consider there is an opportunity for HCC to pull back some of these changes from the PDP to allow for broader discussion and insight from all parties.

## **n. Next steps?**

We understand that the formal hearings are expected in October 2025.

It is our hope that we can work collaboratively with the HCC and would welcome the opportunity to discuss this submission on the PDP with Council officers prior to the hearing.

It would be good to obtain clarity on the current process and timetable that HCC will be following, after receipt of landowner's submissions.

Can you confirm when a timetable and steps will be made available?

## **o. An assumption that HCC would be wrong to make**

We acknowledge the huge amount of work that has gone into the Proposed District Plan picking up on unique and complex challenges and issues that may impact our city.

HCC should not assume that few submissions mean Landowners are not interested. Discussions with Eastbourne residents and neighbours strongly indicates that many are seriously worried, would like to submit, however have simply been unable to find the time to consider the many issues that have been raised in the PDP. This is especially so for older people who are well beyond the age group able to easily do so, for younger/mid-age people with children at home, and for others who are busy/away and in some way disadvantaged.

These discussions also reveal the high financial pressure and stress that many people are experiencing because of proposed changes to which they have been given little opportunity by HCC to contribute. There is concern that property values will be negatively impacted, and home insurance might become unaffordable if available now to cover certain risks.

Some of the PDP changes are not necessary right now and the HCC has the opportunity to reconsider how far it goes now with all these changes vs a more staggered approach that allows for greater public participation and reduces that pressure and stress.

#### **p. Summary**

The PDP is complex and introduces new provisions and changes to existing provisions that need either removal or amendment, in some cases reverting to the status quo, but if introduced will need further assessment and qualification to prevent the PDP simply becoming a massively onerous constraint to the future use of the applicant properties and to the ongoing vibrancy of Eastbourne.

The application of overly broad and unverified hazard overlays risks undermining public confidence in the District Plan, inflating consenting costs unnecessarily, and eroding property rights without cause.

We note that Council's obligations under the Resource Management Act (RMA) and Local Government Act (LGA) require it to manage natural hazards in a way that is proportionate, site-specific, and sensitive to both environmental and financial impacts on communities. Applying long-horizon hazard overlays based on highly uncertain projections risks exceeding those obligations.

The proposed overlays may have material impacts on insurance access, property values, and redevelopment potential, which HCC must weigh carefully when assessing the proportionality and justification for hazard classifications.

We request the changes reflected in this submission and would welcome the opportunity to engage further with Council staff to discuss these matters.

#### **We wish to be heard in respect of its submission.**

It is our hope that we can work collaboratively with the Council and would welcome the opportunity to discuss this submission on the PDP with Council officers prior to the hearing



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## Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
1	LLRZ - Large Lot Residential Zone	(whole chapter – Objectives 02,03, Policies – P4, Rules - R3 Standards – S1-S7 Figures 1 & 2)	oppose	No compelling reason or evidence to support the interdiction of this zone or the rules to be applied  No evidence in any report as to why 1,000 sqm has been selected.	Removal of Zone in favour of retention of ODP zone
2			oppose in part (alternative solutions)	Alternative solution to removal  600 sqm allows for some future subdivision of some of the properties  All sites whether below or above 600 sqm get the same rules as other properties across Eastbourne.	Permitted activity Reduce 1,000 sqm to 600 sqm Increase site coverage to 50% Increase height limit to 12m Retain ODP recession plan, setbacks, permeable surfaces and landscaped areas Permitted use subdivision and earthworks pathway
3					If the 1,000 sqm minimum is retained then the HCC will provide 100% enduring rates relief for the area above 1,000 sqm or purchase that area, at the current market value, above 1,000 sqm. As the new rules effectively mean there is no future subdivision and compensation should be paid for the loss of property rights.



#	Chapter	Provision	Position	Reasons	Relief sought
4	NH – Natural Hazards – Flood zones	[whole chapter – objectives - NH-02, NH R12 Policies P2, P8, P9, R9, R10, R11, R12	oppose	<p>In accuracies in maps presented. No historical evidence to support requirement. Future modelling is untested and is a guide only. Its use is not appropriate on private properties especially in areas of low historic flooding.</p> <p>The risks can be mitigated by HCC and Wgtn Water not shifted to private owners to resolve through building changes to each property</p> <p>Remove the various new rules that apply to low hazard and medium hazard sites.</p>	<p>Removal of the hazard overlays until better data can be provided.</p> <p>Remove R8 compliance requirement in existing properties, where the existing property does not meet this standard.</p> <p>P9 and R9 - Remove the requirement within Medium Flood Hazard overlays for all subdivision, use and development to provide for unimpeded and unobstructed conveyancing of flood waters as this will require major changes to property and a major loss of utilisation and value.</p>
5			oppose in part (alternative solution)	<p>Maps are not accurate and place unnecessary burden on landowners</p> <p>Remove R8 compliance requirement, due to the impracticalities of providing finished floor levels to the required standard in existing properties where the balance of the property does not meet this standard.</p> <p>The risks can be mitigated by HCC and Wgtn Water not shifted to private owners to resolve through building changes to each property</p>	<p>Recognition that flood risks exist in District Plan.</p> <p>Recognition that some areas historically have been affected but do not place any zones on individual properties as this cannot be done with any degree of accuracy.</p> <p>Ensure the building consent processes consider the type of construction for new standalone structures where the existing construction meets the new hazard rules. Otherwise the ODP rules apply.</p>

#	Chapter	Provision	Position	Reasons	Relief sought
6	NH – Natural Hazards – slope Assessment	[whole chapter – objectives - NH-02, Policies P2, P12 Rules R8  Subdivision SUB – R20 Earthworks – EW P8	Oppose	<p>The slope assessment information provided to the HCC was a desk top exercise and was qualified in WSP report that the data is not meant for use on individual properties and slope lines and risks need testing on individual properties.</p> <p>The slope assessment rules are minimal and allow for earthworks but make any subdivision activity restricted discretionary therefore reducing future options for any property with the overlay</p> <p>The run out areas need to be reviewed collaboratively first so any upstream risk is understood – e.g. pine trees on HCC land may cause landslide if trees die and collapse.</p>	Remove slope assessment overlay. Needs consultation with landowners to find the best solutions, and incentives to improve stability (which may include development/earthworks)
7			Oppose in part	The slope overlay needs adjustment per property to match the real risk not a one size fits all approach adopted in the PDP	Reduce overlay to high risk stability areas only by consultation

#	Chapter	Provision	Position	Reasons	Relief sought
8	CE – Coastal Environment	High, Very High coastal Natural Character areas CE-O2 CE-P2 CE-R2 CE-R4 CE-R7 CE-S2 SCHED 5	Oppose in part	<p>There is no provided evidence or supporting data to prove the merits of this overlay.</p> <p>This is aspirational at best and there are no benefits provided for the inclusion of this area in Eastbourne. This issue was rejected by the Community in the SNA debacle and the same community sentiment remains.</p> <p>The Boffa Miskell and NIWA assessment suggests the applicant areas are Moderate – not High or Very High.</p> <p>There is plenty of local good quality precedent that these areas can be developed and housing established that meets the intent of the Natural Character provisions.</p> <p>Eastbourne is not short of Council or Central Government Natural Character.</p> <p>The very small area outlined on the applicants (our) property is irrelevant and should simply be removed.</p> <p>The rules will prevent any subdivision or meaningful use of these areas – the one concession of a 50sqm structure is ridiculous and again there is no evidence provided to support this maximum</p>	Removal of the Natural Character area from the applicant property

#	Chapter	Provision	Position	Reasons	Relief sought
9			Oppose in part	Alternative solution	Alternative solution HCC purchase the land in question where there is no dwelling or structures within the area as a means of preserving the Natural Character.  As the new rules effectively mean there is no future subdivision and compensation should be paid for the loss of property rights.
10		High, Very High coastal Natural Character areas CE-O2 CE-P2 CE-R2 CE-R4 CE-R7 CE-S2 SCHED 5		Subdivision as a restricted discretionary activity impedes any future development opportunity and is not consistent with the Boffa Miskell/NIWA assessment.	Provide a revised rating to Moderate as outlined in the Boffa Miskell/ NIWA report and a consenting pathway that allows for exceptional development outcomes – many examples across the Hutt Valley hills already.
11		High, Very High coastal Natural Character areas CE -R3 CE- S1 SCHED 5		Removal of 50 sqm per year limit as this ignores the realities of life, and what may be required in an emergency situation.  The 50 sqm per annum limit fails to address the removal of “live” vegetation that may be an imminent threat, and may be outside 3 m of an external wall or existing building but still be a life safety issue.	Maintain 50 sqm as a limit, and add in carve out where emergency and danger require the removal of more than 50 sqm and includes living indigenous vegetation.  Where development requires the removal of vegetation, this vegetation is replaced elsewhere on the property and is confirmed by a Landscape Architect within any consent application.

#	Chapter	Provision	Position	Reasons	Relief sought
12	Part 2 District Wide matters Historical and Cultural Values, Sites and Areas of Significance to Maori	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.	Amend language to confirm pathway for non-permitted activities in respected to these bodies of water
13		SASM-P3	Neutral		Could replace with:  Acknowledge <a href="#">sites</a> and areas listed as Category 1 in <a href="#">SCHED6 – Sites and Areas of Significance to Māori</a> .
14		SASM-P4	Oppose		Replace with:  Acknowledge <a href="#">sites</a> and areas listed as Category 2 in <a href="#">SCHED6 – Sites and Areas of Significance to Māori</a> .
15	NH – Natural Hazards – Inundation Area	[whole chapter – objectives - NH-02, NH R12 Policies P2, P8, P9, R9, R10, R11, R12	Oppose	Hard to know what areas of the rules apply to the Inundation Area  Future modelling is complex, is not site specific and is a model only. Actual data suggests the risk is less.  Remove the various new rules that apply to low hazard and medium hazard sites.	Removal of the hazard overlays until better data can be provided.  Amend P9 - Impracticable for private owners to convert to above 1% AEP.  Under natural hazard risk – impractical to integrate the range of potential mitigation measures into provide properties, needs further discussion.

#	Chapter	Provision	Position	Reasons	Relief sought
16		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 <a href="#">tangata whenua</a> to carry out <a href="#">tikanga Māori</a> (including <a href="#">mahinga kai</a> ) 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.
17		SASM-P7	Support with change	<p>If my proposal on category 2 rules is not accepted, our rights need protection via the process for determining resource consent applications.</p>	<p>Encourage landowners to:</p> <p>Engage with <a href="#">tangata whenua</a> where <a href="#">subdivision</a>, use, or development has the potential to adversely affect <a href="#">sites or areas of significance to Māori</a>, and</p> <p>Work with <a href="#">tangata whenua</a> to manage, maintain, preserve and protect sites and areas of significance to Māori, where doing so is practicable and proportionate in the circumstances.</p>



#	Chapter	Provision	Position	Reasons	Relief sought
18		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><b>Alternative wording proposed - Add to each numbered paragraph one of the following:</b></p> <p>... to the extent to which it is reasonable for the proposal to respond to or incorporate the outcomes of that consultation, or</p> <p>... The extent to which it is reasonable to expect the proposal to reflect those values in private property, or.</p> <p>... To the extent relevant to private property.</p>
19		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 <u>tikanga Māori</u> within a public <u>Site or Area of Significance to Māori</u>, or private land with approval of the owner.</p>
20		SASM-R2	Neutral	<p>I support the accidental discovery protocol requirement for category 2.</p> <p>I am in favour of providing for protection of SASM in this manner – ensuring recovery - even on private land.</p>	Please amend as this is all the protection that is needed. Get rid of all the additional rules about restricting new buildings/alterations/additions

#	Chapter	Provision	Position	Reasons	Relief sought
21		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, and 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>Activity Status: Permitted</p>