

13 August 2026

By Email: Saritha.Shetty@huttcity.govt.nz

Attention: Saritha Shetty

C/O: Lindsay Daysh and the Independent Hearing Panel appointed for the Proposed Lower Hutt District Plan

Hutt City Council
30 Laings Road
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Hearing 5 Natural Hazards - Proposed Lower Hutt District Plan

1. Introduction

- 1.1 Hutt City Council (**Council**) notified the Proposed Lower Hutt District Plan (**PDP**) on 6 February 2025. Argosy made a submission on the PDP (Submitter 237) on 4 April 2025.
- 1.2 Argosy's submission relates to three properties it owns in Lower Hutt, all of which are subject to natural hazards overlays. In its submission, Argosy largely supported the PDP natural hazard provisions as notified, to the extent that these provisions provide appropriate protections against natural hazard risk while ensuring workability.
- 1.3 The Council officer's section 42A report for Hearing 5 Natural Hazards (**Section 42A Report**) was made available on 22 July 2026¹ and largely accepts Argosy's relief, in whole or in part, with the exception of the specific relief sought in respect of:
 - (a) the Liquefaction Hazard Overlay: Argosy sought a definition of the Liquefaction Hazard Overlay that clearly defines and explains its purpose, which the Section 42A Report rejects on the basis that the overlay is already sufficiently described;²
 - (b) NH-R13: Argosy sought for the Conversion of Buildings within Medium and High Flood Hazard Areas to have a discretionary, rather than non-complying, activity status, which the Section 42A Report rejects, recommending the activity remain non-complying;³ and
 - (c) CE-P13: Argosy sought to "enable", rather than "only allow", hard engineering coastal hazard mitigation works (**HEMW**) that reduce coastal hazard risk, and to remove the requirement that no practicable alternative exists before such works can be undertaken. The Section 42A Report does not consider that the relief sought would be consistent with the New Zealand Coastal Policy Statement 2010 (**NZCPS**) and the Regional Policy Statement for Wellington (**RPS**) and instead recommends alternative wording to "discourage" as a middle ground between the PDP as notified and Argosy's amendment.⁴

¹ The Section 42A Report is dated 21 July 2026 but was made available to submitters on 22 July 2026.

² Section 42A Report – Natural Hazards, 21 July 2026 at [965]-[966].

³ Section 42A Report – Natural Hazards, 21 July 2026 at [715]-[716].

⁴ Section 42A Report – Natural Hazards, 21 July 2026 at [434]-[451].

- 1.4 Argosy maintains the position set out in its submission on the Liquefaction Hazard Overlay definition and NH-R13. In response to the Section 42A Report's recommendations on CE-P13, Argosy considers that:
- (a) it is appropriate and consistent with the NZCPS and RPS to “enable” HEMW without a “no practicable alternative” requirement; and
 - (b) the term “discourage” is inconsistent with the spectrum of language used in the PDP and is unclear.
- 1.5 Argosy considers that CE-P13 should explicitly “enable” HEMW. The Council, property owners and occupiers affected by hazards should have flexibility to consider the most appropriate mechanisms to avoid, remedy or reduce the adverse effects of that hazard, including HEMW. It is not appropriate or practical to establish a high bar for the consideration of HEMW in the PDP. “Enable” or “allow for” HEMW is necessary and would better give effect to the NZCPS.
- 1.6 These matters are expanded on below.
- 1.7 Argosy has elected not to appear at Hearing 5 but requests that this letter be provided to the Independent Hearing Panel (IHP) for its consideration.

2. Background to Argosy and its submission

- 2.1 As set out at paragraphs 4–6 of Argosy's submission, Argosy is a commercial property ownership company with a portfolio of high-quality industrial, office, and retail properties across the Auckland and Wellington regions. This includes three properties in Lower Hutt, all of which are subject to natural hazard overlays under the PDP:
- (a) 39 Randwick Road, Moera;
 - (b) 147 Gracefield Road, Gracefield; and
 - (c) 19 Barnes Street, Seaview.
- 2.2 Argosy's investment strategy targets a balanced mix of core and value-add properties supporting strong long-term demand. As Argosy reinvests in and refines its portfolio, it seeks to ensure the PDP provides appropriate planning controls and enables suitable future development.
- 2.3 In its submission, Argosy largely supported retaining the PDP natural hazard provisions as notified, to the extent they provide appropriate protection against natural hazard risk while enabling workability and appropriate development.

3. Section 42A Report recommendations on Hard Engineering Coastal Hazard Mitigation Works (CE-P13)

- 3.1 The Section 42A Report refers to the following policies as governing the approach to HEMW in the PDP⁵:
- (a) RPS Policy 52, which requires the Council, when preparing a plan change, to have particular regard to, among other things, “avoiding hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure or property from unacceptable risk and the works form part of a hazard risk management strategy that represents the best practicable option for the future”⁶;

⁵ Section 42A Report – Natural Hazards, 21 July 2026 at [440].

⁶ Regional Policy Statement for the Wellington, Chapter 4, Policy 52 b), October 2024.

- (b) NZCPS Policy 25 Subdivision, use, and development in areas of coastal hazard risk, which discourages hard protection structures and promotes the use of alternatives to them, including natural defences,⁷ and
 - (c) NZCPS Policy 27 Strategies for protecting significant existing development from coastal hazard risk, which provides a detailed list of considerations to weigh up when deciding if hard engineering works are the appropriate way forward.⁸
- 3.2 The Section 42A Report considers that neither the NZCPS or the RPS strongly directs avoiding HEMW and on that basis, it considers the PDP's notified wording ("only allow for... where") to be unnecessarily restrictive.⁹ However, the Section 42A Report also considers that the wording sought by Argosy of "enable" does not sufficiently discourage unnecessary works, as intended by the NZCPS. As a middle-ground approach that better aligns with the NZCPS, the Section 42A Report recommends using "discourage... unless".¹⁰
- 3.3 In addition, the Section 42A Report notes Argosy's request to remove the requirement that no practicable alternative exists, on the basis that this criterion forms a key part of NZCPS Policy 27(2)(a).¹¹
- 4. It is appropriate and consistent with NZCPS and RPS to enable HEMW without a "no practicable alternative" requirement**
- 4.1 Argosy agrees with the Section 42A Report that the notified wording of CE-P13, which would "only allow for" HEMW where specified circumstances are met, is unnecessarily restrictive and imposes a higher threshold than that adopted in either the NZCPS or RPS. However, Argosy does not support the recommendation that HEMW are "discouraged" and a requirement that there is no practicable alternative to HEMW.
- 4.2 The Section 42A Report relies on NZCPS Policy 25 as the basis for the need to "discourage" HEMW.¹² While NZCPS Policy 25 is relevant, it is directed at avoiding the creation of new coastal hazard exposure through development location decisions over at least the next 100 years.¹³ Its focus is on managing future development and future risk exposure, rather than the protection of existing development and infrastructure.
- 4.3 NZCPS Policy 27 is the more directly applicable policy, while still limited to the coastal environment context. Policy 27 addresses strategies for protecting significant existing development from coastal hazard risk and expressly contemplates hard protection structures as one of the available responses.
- 4.4 NZCPS Policy 27 directs that a range of options for reducing coastal hazard risk should be assessed for areas of significant existing development. This includes relocation, removal, hard protection structures and a "do-nothing" comparator.¹⁴ Significantly, Policy 27(1)(c) recognises that hard protection structures "may be the only practical means" of protecting existing infrastructure of national or regional importance and meeting the reasonably foreseeable needs of future generations. This reflects a clear policy recognition that HEMW are, in some circumstances, an appropriate and anticipated response to coastal hazard risk.

⁷ New Zealand Coastal Policy Statement 2010, Policy 25(e).

⁸ New Zealand Coastal Policy Statement 2010, Policy 27, as discussed at [440] of Section 42A Report – Natural Hazards, 21 July 2026.

⁹ Section 42A Report – Natural Hazards, 21 July 2026 at [445].

¹⁰ Section 42A Report – Natural Hazards, 21 July 2026 at [445].

¹¹ Section 42A Report – Natural Hazards, 21 July 2026 at [446].

¹² Section 42A Report – Natural Hazards, 21 July 2026 at [445].

¹³ New Zealand Coastal Policy Statement 2010, Policy 25.

¹⁴ New Zealand Coastal Policy Statement 2010, Policy 27(a)-(e).

- 4.5 Further, NZCPS Policy 27 does not require that there is no practicable alternative before HEMW can be considered. Rather, Policy 27(2)(a) directs decision-makers to focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions. That direction informs the overall assessment required under the policy but is not framed as a threshold test or prerequisite. When read as a whole, Policy 27 recognises that the full range of options should be assessed for reducing coastal hazard risk.
- 4.6 A similar approach is adopted by Policy 52 of the RPS. RPS Policy 52 only requires avoidance of hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure, or property from unacceptable risk and the works form part of a hazard risk management strategy that represents the best practicable option for the future.¹⁵ The explanation for Policy 52 records that this policy provides direction to consider soft engineering, nature-based solutions or Mātauranga Māori options, that may be more appropriate, providing that they can suitably mitigate the hazard. Accordingly, the RPS does not discourage HEMW, it “enables” or “allows for” HEMW where it is appropriate to do so.
- 4.7 When read together, the NZCPS and the RPS establish a coherent policy framework under which HEMW should not be adopted as a default response to coastal hazard risk, and decision-makers should carefully consider alternative approaches before such methods are pursued. At the same time, both instruments contemplate circumstances where HEMW may represent the best practicable option, and in some situations the only practical means, of protecting existing development and nationally or regionally significant infrastructure. The focus of both the NZCPS and the RPS is therefore not on discouraging HEMW as an outcome in itself, but on ensuring that they are appropriately justified and implemented where warranted.
- 4.8 It is appropriate for CE-P13 to expressly enable HEMW where they are necessary to address a demonstrable risk to life, private property, or existing nationally or regionally significant infrastructure from coastal hazards. This would be consistent with and give effect to both the NZCPS and the RPS.
- 4.9 Importantly, as notified CE-P13 is already subject to criteria that require there to be a demonstrable risk to life, private property or existing nationally or regionally significant infrastructure from the coastal hazard, and that the construction of the HEMW will not increase coastal hazard risk on adjacent properties that are not protected by the works.¹⁶ Those requirements ensure that HEMW are not utilised as a default response, but are instead available only where justified by the nature and extent of the risk, and where they can be implemented without creating unacceptable adverse effects elsewhere.
- 4.10 It is noted that the Section 42A Report recommends additional assessment matters, including consideration of the environmental and social costs of HEMW, the short- and long-term direct and indirect costs of the proposed works, and the impacts of sea-level rise and other climate change effects, including the period for which the structure will remain viable.¹⁷ Argosy supports the addition of these considerations, which will strengthen the assessment of alternatives while still enabling HEMW to be utilised where appropriate.
- 4.11 Together, these assessment matters provide a further safeguard against the inappropriate use of HEMW, while maintaining the flexibility contemplated by the NZCPS and RPS to utilise HEMW.

5. The use of “discourage” is unclear and inconsistent with the PDP terminology

- 5.1 The Section 42A Report selects “discourage” on the basis that this term is “most compatible with the NZCPS language.”¹⁸ However, “discourage” only appears in NZCPS Policy 25 which, as discussed above, is more relevant to avoiding future risk through development location decisions than to

¹⁵ Regional Policy Statement for the Wellington Region, October 2024, Chapter 4, Policy 52 b).

¹⁶ PDP Coastal Environment Chapter CE-P13(1)-(5).

¹⁷ Section 42A Report – Natural Hazards, 21 July 2026 at [451].

¹⁸ Section 42A Report – Natural Hazards, 21 July 2026 at [445].

protecting existing development.¹⁹ In addition, the PDP itself does not use the term “discourage” in other objectives or policies.

- 5.2 It is considered that the terminology recommended by the Section 42A Report for CE-P13 is unclear and inconsistent with the spectrum of language otherwise used throughout the PDP. The range of language used across the PDP generally and within the Natural Hazards and Coastal Environment policies includes “enable”, “allow for”, “provide for” and “only allow” and “avoid”²⁰
- 5.3 Within the existing spectrum of language already used in the PDP, and for the reasons set out above, it is more appropriate to “enable” HEMW rather than introduce a new term that does not fit clearly within the PDP’s existing hierarchy of enabling and restrictive language.
- 5.4 As an alternative to “enable”, “allow for” would be consistent with the NZCPS and RPS and would represent a more appropriate middle ground than “discourage”. “Allow for” already appears as an established term within the PDP’s own hierarchy of activity-enabling language used elsewhere in the Natural Hazards and Coastal Environment chapters.²¹

6. Conclusion

- 6.1 For the reasons set out above, Argosy considers that CE-P13 should explicitly “enable” HEMW. The NZCPS and RPS policy framework recognises that, where existing development or significant infrastructure is at risk, it is appropriate to protect against that risk through HEMW. The qualifying criteria already in CE-P13 as notified, together with the further considerations recommended in the Section 42A Report, will ensure HEMW are enabled only where the circumstances justify it.
- 6.2 “Discourage” is inconsistent with the terminology used in both the NZCPS and PDP. “Enable” or “allow for” would better reflect that terminology and give effect to the NZCPS and RPS.

Yours faithfully
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¹⁹ New Zealand Coastal Policy Statement 2010, Policy 25(e).

²⁰ See for example PDP Coastal Environment Chapter CE-P11, CE-P12, PDP Natural Hazards Chapter NH-P8 and NH-P9.

²¹ See for example PDP Coastal Environment Chapter CE-P11, CE-P12, and CE-P15, and PDP Natural Hazards Chapter NH-P4 NH-P8 and NH-P9.