

**SUBMISSION ON PROPOSED LOWER HUTT DISTRICT PLAN 2025**

To: Chief Executive, Hutt City Council

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

1. I, Michael William Norman Lee make this submission on the Proposed Lower Hutt District Plan 2025 ("Proposed Plan") as a Trustee of the Lowry 215 Trust, the owner of 15B Dillon Street, Lowry Bay, Lower Hutt.
2. My email address for service is michael@pennylee.co.nz
3. I could not gain an advantage in trade competition through this submission.
4. I am directly affected by an effect of the subject matter of the submission that adversely affects the environment.
5. The specific provisions of the proposal that my submission relates to are the principles, unacceptable Council process, hidden costs, uncertainty, far reaching ramifications and unacceptable outcomes that would without doubt result from the Proposed Plan. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
6. I wish to be heard in support of my submission.
7. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

**Background**

8. I am a trustee of The Lowry 215 Trust, my family's trust that owns the property at 15B Dillon Street, Lowry Bay, Lower Hutt. Our family trust purchased this property in 2014 and built our family home in 2015-2016.
9. I am a director of a property development company (Pennylee Investments Ltd) that has developed properties in Lower Hutt and would like to do so again in the future. I am a shareholder in a company, NZPS Management Ltd, that owns a commercial property in Seaview. My submission does not relate to these two interests. However, my concerns in relation to residential property would equally apply to commercial property.

**Submission**

10. My submission is based on concerns with the following Proposed Plan references:
  1. Schedule 6
  2. SASM – 01
  3. SASM – 02
  4. SASM – 03
  5. SASM – P4
  6. SASM – P9
  7. SASM – R4
  8. Sub-P15
  9. EW – P10, EW-R10, EW -E9

11. The proposed District Plan will result in increased costs and delays to the development of private property.
12. New Zealand has an extremely high compliance cost associated with developing properties. Every central and local government has expressed concern about affordability and committed to reduce these costs, not increase them. The involvement of tangata whenua undoubtedly would create another cost and is thus contradictory to central and local government objectives.
13. I understand that the justification for the Proposed Plan stems from Resource Management Requirements. This justification has not been evidenced and is totally spurious in the context that the Resource Management Act is in the process of being rationalised to make the development of private land less burdensome, not more burdensome.
14. The areas identified, which include my family house, are vague and arbitrary. No evidence has been provided to prove anything significant was undertaken on the each property identified. At the same time, no evidence has been provided that significant activity was not undertaken on adjoining properties.
15. In relation to the residential private properties identified, such as ours, it is impossible to understand any purpose for the Proposed Plan other than to inflict stress and costs on the owners.
16. On virtually all of the properties identified, there are existing private buildings that have been lawfully built and approved. The current owners have purchased the properties and paid ongoing contributions and rates with the understanding that the buildings will at some point in the future come to the end of their useful lives and will need to be re-developed in a legal way in accordance with the properties' zoning. The restrictions imposed by the Proposed Plan would diminish the value of all properties identified. This is unacceptable unless full compensation is provided by the Council, and clearly Council has no ability to provide such compensation.
17. The Proposed Plan wrongly refers to the development of land, when in fact if a property has already been developed, then the activity would be a re-development. There is a substantive difference between these terms and it is a failure in the Proposed Plan that the authors clearly did not consider this fundamental difference.
18. The apparent significance noted relates to historical activities such as possible crop growing, hunting or fishing. These types of activities are normal activities in everyday life rather of a special nature that any reasonable person would consider significance. It is an appalling failure of Council to conclude that these everyday activities meet the threshold of significance, or lend themselves to any right to intervene on the re-development of private property.
19. The Proposed Plan attempts to play down the effects of the restrictions, whilst at the same time the wording is far reaching. The proposed wording that tangata whenua has rights of self-determination over private land means that tangata whenua have property rights on private land. This is contrary to the understanding that all current owners had when they purchased their private properties.
20. It is wrong to believe that the tangata whenua's involvement will not cause significant delays or costs. It is indeed well proven that tangata whenua's involvement does come with significant costs and delays, and I can provide factual evidence of this.

21. The Council's process is unfair and undemocratic by advising landowners such as myself via a letter stating that the restrictions arising from the Proposed Plan were effective immediately.
22. This lack of consultation, advance notice and process is unbelievable. I believe this illustrates a Council that has godly powers to impose whatever rules and costs any bureaucrat dreams up and I therefore contend that ratepayers' money is unwisely spent employing these people.

### **Conclusions**

23. The Council has not given a satisfactory justification or provided legal evidence for the Proposed Plan because there isn't a justification or legal evidence that would be accepted via a fair or democratic process.
24. The anomalies and far reaching ramifications of the Proposed Plan are well beyond what any reasonable, qualified person could consider a fair, let alone legal Plan. It is simply unfair on the current owners of the private properties identified.
25. I ask the Council to communicate with all ratepayers with a balanced and comprehensive report on the challenges made to the Proposed Plan.
26. I ask the Council to cancel all aspects of the Proposed Plan noted in paragraph 10 above that affect private property until such time as these aspects have specific evidence supporting them under statutory requirements, along with ratification by a qualified legal expert who is approved by the majority of the qualified respondents who have challenged the Proposed Plan.



Michael William Norman Lee

2 May 2025