

**From:** Kent Parker  
**To:** Hutt City Council – Chief Executive, Hutt City Council  
**Date:** 1<sup>st</sup> May 2025

## **Submission on the Proposed Lower Hutt District Plan**

1. This is a submission from Kent Parker on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is kentp@formway.com
3. I could not gain an advantage in trade competition through this submission.
5. The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the reasons are explained below. 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 do wish to be heard in support of my submission.
7. If others make a similar submission, I will / will not consider presenting a joint case with them at the hearing.

### **1. Introduction**

I'm writing to express my support for recognising Māori heritage sites and areas of significance in the Hutt Valley. I understand the importance of preserving Māori cultural history in the region. However, I strongly disagree with the rules in the proposed District Plan that force private property owners like myself to get approval from Māori interests before making any changes to our land or homes.

These rules unfairly restrict property rights, appear to give Māori values priority over private property without democratic consent, and could cause a lot of legal, financial, and practical problems for property owners. I urge the Council to reconsider these rules and find a more balanced approach that respects both Māori and private property rights.

### **2. Impact on Property Rights**

One of the fundamental principles in New Zealand is the right to own and enjoy private property. The proposed rules seriously undermine this by:

- Imposing restrictions without proper consultation or compensation;
- Giving non-elected Māori representatives the power to influence decisions on private property;
- Requiring landowners to get additional permissions before making changes to their own land.

This creates unnecessary complexity and takes away the clear rights that property owners should have, without public agreement or oversight.

### **3. Weak Justification and Overreach**

The areas that are included in this overlay appear to be based on broad historical associations rather than specific, identifiable Māori sites. In the case of "Category 2" areas like Lowry Bay, the designation is based on unspecific historical connections (e.g., Māori may have gathered food or travelled through the area long ago), but there's no concrete evidence of ongoing cultural significance in the present.

It seems to me that the rules are trying to impose Māori values as a statutory requirement, even when the historical connection is not clear enough to justify restricting land use today. This seems to be an overstep, and I don't think it's right to impose such rules without proper evidence and clear public support.

#### **4. Misuse of the Resource Management Act (RMA)**

It looks like the Council is stretching the Resource Management Act (RMA) beyond its original intent. The RMA does allow for recognising Māori cultural values, but it doesn't require landowners to defer to iwi or hapū representatives when making changes to private land.

The RMA focuses on recognising cultural values, not controlling land use or decision-making. The way these rules are written goes beyond what the Act intended and essentially gives Māori representatives a power over private property decisions, which wasn't part of the original scope of the legislation.

#### **5. Lack of Consultation and Transparency**

The way these changes were introduced has been pretty frustrating. Here's why:

- The rules and areas weren't clear in the early drafts of the District Plan;
- Property owners like myself weren't adequately notified about how these changes would affect us; I first heard that my property was within a site of significance to Maori when I received a letter in the post earlier this year. The letter told me that there were restrictions on my property that took effect immediately, but didn't tell me why this had occurred, or give me any details as to what Maori values were protected by restricting my right to develop my land.
- Communications from the Council downplayed the impact of the new rules, making it harder to understand how serious they were.

This kind of process doesn't feel fair, and it leaves many property owners feeling anxious... myself included.

#### **6. Real-World Impacts: Costs, Legal Risks, and Uncertainty**

The Council doesn't appear to have fully considered the practical consequences of these new rules. Here's what I believe could happen:

- Property values could drop due to the uncertainty and restrictions;
- There will be additional costs for landowners to apply for resource consents and go through the consultation process with iwi;
- We could face legal challenges, delays, and a lot of confusion about how these rules will be applied.

Instead of helping the community, these rules create more stress, costs, and conflict between property owners and Māori interests.

#### **7. Concerns About Lowry Bay**

Category 2 and 3 sites in Schedule 6 of the Proposed Plan appear to be poorly identified, both in respect of their coverage area and in terms of their significance to Maori.

I'm particularly concerned about Lowry Bay being included in the "Sites and Areas of Significance to Māori" overlay. I'd like to know how the Council established this area and its boundaries. Can you please show me the evidence and reasoning behind it?

Part of Lowry Bay are newly classified as a Category 2 site, which is based on the idea that Māori may have used the area for food gathering or travel in the past. I cannot argue with this; if it were, then I agree it would be good to recognise it.

However, the 1855 earthquake drastically changed the landscape of Lowry Bay, raising the land and making it much less suitable for food gathering. Since then, the land has been developed into residential homes, and I can find no evidence of any past or ongoing cultural significance.

If there's clear, site-specific evidence that Lowry Bay was used as a food gathering site before the earthquake, then maybe it should be considered a Category 3 site. Today, the majority of the land is privately owned and has been developed for residential use. It is home for many people and they have worked hard to make it home. This hard work has been going on for the past 180 years, and it doesn't seem right to impose these restrictions now on their private land.

## 8. Focus on Areas with Māori or Public Ownership

If the goal is to recognise and celebrate Māori heritage, there are plenty of other ways to do this that don't interfere with private property rights. There's a lot of public land in the Hutt Valley — like reserves, parks, and coastal areas — that could be used to:

- Install cultural markers and signs;
- Share Māori stories through community projects;
- Create heritage sites that don't interfere with people's homes and land.

I believe that projects like Tupua Horo Nuku, which celebrate Māori heritage on publicly owned land, show that Māori culture can be recognised and honoured in meaningful ways without affecting private property rights.

## 9. My Requests to the Council

I'm asking the Council to:

1. Remove private properties like mine from the Category 2 definition of the "Sites and Areas of Significance to Māori"
2. Reassess the classification of Lowry Bay — and if there is solid evidence of it being a place of significant Māori food gathering before the 1855 earthquake, it should be considered a **Category 3** area.
3. Remove or modify the rules requiring private landowners to get resource consent or cultural consultation for changes to their land.
4. Focus on using public land or areas with existing Māori ownership to promote cultural heritage, rather than imposing restrictions on private landowners.
5. Ensure a more transparent and open process in the future, so everyone's concerns are heard before decisions are made.

## 10. Conclusion

I support recognising and celebrating Māori heritage, but I don't think it should come at the expense of private property rights. The proposed rules appear overly broad and unjustified and could negatively

impact landowners and the community. There's a better way to do this, and I urge the Council to reconsider its approach.

**Sincerely,**

A handwritten signature in black ink, consisting of a stylized 'K' followed by a loop and a horizontal stroke.

Kent Parker  
1<sup>st</sup> May 2025