

RMA Form 5

# Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

## Privacy Statement

Your submission must include your name, and an address for service (preferably email, but you can use a postal address). All information you include in this submission, including your name and address for service, will be provided to other submitters and published on Hutt City Council's website. Paper copies may also be made available. Hutt City Council is required to collect and publish this information to carry out its functions under the Resource Management Act 1991 and to enable others to take part in the district plan process. The Council, other submitters, and the Environment Court may need to contact you during this process.

If your submission does not include your name and an address for service, it will be rejected.

While the Council will retain all information provided in your submission in secure council systems, all contact details will be removed from any documents published on Council's website once the district plan process is complete. However, your name and the contents of your submission will still appear in these documents.

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at [contact@huttcity.govt.nz](mailto:contact@huttcity.govt.nz), call 04-570-6666, or write to us at Private Bag 31912, Lower Hutt 5040.

To: Chief Executive, Hutt City Council

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

1. This is a submission from CC Christison on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is [col.christison@gmail.com](mailto:col.christison@gmail.com)
3. I could not gain an advantage in trade competition through this submission.
4. The specific provisions of the proposal that my submission relates to, my submission on those provisions, and the decisions I seek are shown in the below table. I also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
5. I wish to be heard in support of my submission.
6. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

## Introduction

I own a property in the Eastbourne area and in 2018, our property, like many others in the Eastbourne, was identified by the Hutt City Council's Consultants Boffa Miskell as having Outstanding Natural Features (ONF), Outstanding Natural Landscape (ONL) and Significant Natural Features (SNA). The HCC said that the Resource Management Act (RMA) required councils to protect outstanding and significant areas and landscapes. This would place restrictions on a large proportion of our property and our land effectively annexed to the Eastbourne Regional Park.

After community consultation, SNA's were not introduced into the District Plan in favour of grants to assist landowners in protecting the bush.

However, we received a letter from HCC this year to inform us that once again, under the obligations of the RMA, Lower Hutt City Council had identified the exact same area of our property as the Boffa Miskell mapping of 2018, as being within an Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) **OR** Coastal Natural Character Area (CNCA). Stating that we **MAY** be affected by **"at least one of these categories"**. Looking at the map on the District Plan for our property, this appears to be a CNCA but it is not clear.

Under the proposed District Plan, this new designation over our land and the information provided is vague, so we have no way of understanding the effects of this regulation in the District Plan or which designated category we are in and therefore our legal obligations. Nor has there been any consultation, since the 2018 when these proposals were first considered and subsequently rejected in favour of grants to landowners to protect and manage these natural areas.

Lower Hutt City Council say they are required to protect outstanding natural features and landscapes and the natural coastal environment under the Resource Management Act. However, the RMA is undergoing a review, and the government is introducing two new laws, the Planning Act and the Natural Environment Act, to the House, which promised "a radical transition to a far more liberal planning system with less red tape," according to Chris Bishop, the RMA Minister. Hutt City Council must have or should know about these significant changes.

Chris Bishop, says new legislation that the government is proposing is

"The starting point for the new regime will be a presumption of land use. So, if you own a piece of land, you can do with it what you like, and you have to take account of effects on where that land use will affect others."

The equal principle was where there was an impact on people's private land use, sometimes called a regulatory taking, which was a more complex piece of work and took into account things like heritage, or outstanding natural landscapes.

(<https://www.thepost.co.nz/politics/360626662/live-plans-unveiled-radical-transition-liberalise-resource-management> )

**DECISIONS REQUESTED: MAHINA ROAD**

I do not support any changes that affect my private property rights and the large proportion of my land which will be effectively annexed to the Eastbourne Regional Park because I feel inadequate consultation and/or information has been provided to affected landowners which must be an obligation of council to reasonably inform its ratepayers.

I also do not support it, because the 2018 Boffa Miskell system of identifying ONA's, ONL's and CNCA's on private land is arbitrary, too broad and unnecessary.

Also, with the introduction by the government of nationally set standards, including standardised land use zones replacing the current system where individual councils determine the technical rules of each of their zones, I think the Hutt City Council is acting prematurely in applying these rules and regulations prior to the new legislation.

<https://environment.govt.nz/news/reforming-the-resource-management-system-replacing-the-rma/>

With SNA's currently not in the RMA, I think some of the rational for rejecting them is the same for private property with ONF, ONL, and/or CNCA.

Andrew Hoggard, Associate Minister for the Environment says.

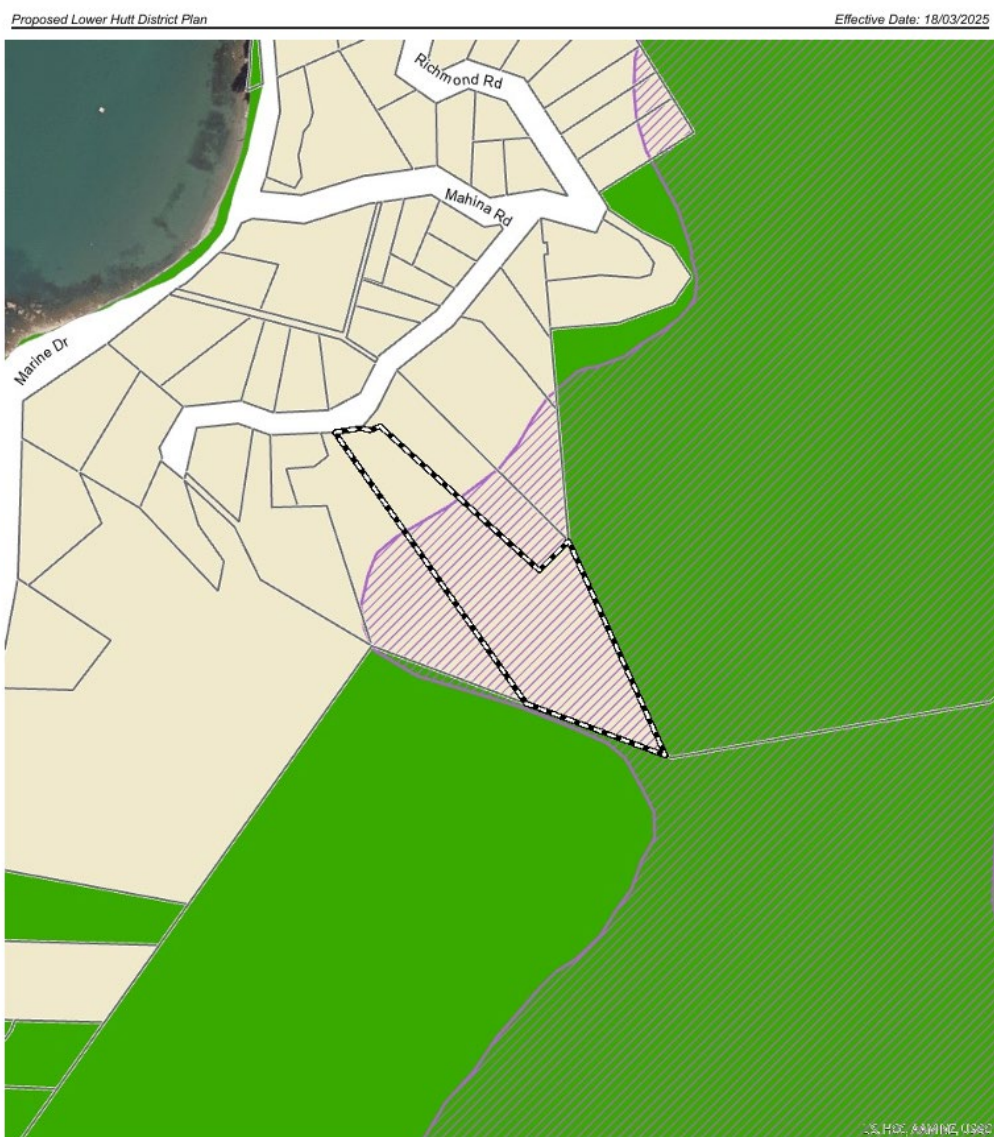
“We’ve made this change via the Resource Management (Freshwater and Other Matters) Amendment Act because we’ve heard concerns from some stakeholders that the approach to identifying new SNAs was too broad, capturing areas with less significant native biodiversity and overly restricting land use.”

(<https://www.beehive.govt.nz/release/suspension-new-snas-passes-its-third-reading.>)

## DECISIONS REQUESTED: MAHINA ROAD

**OUR AFFECTED MAHINA BAY PROPERTY SHOWING THE EXACT AREA AS IDENTIFIED BY BOFFA MISKELL IN 2018**

- Note the large proportion of our land that would be affected and how it is effectively an annexing to the Regional Park.
- This bush is not special, having been cleared by early Europeans for logging. All the large trees were removed over 100 years ago. We predominantly have regenerating black beech and tree ferns, so nothing outstanding.
- The property rises steeply so no dwelling/s would get planning permission
- The property has tracks which we maintain as a resilience measure



## DECISIONS REQUESTED: MAHINA ROAD

#	Chapter	Provision	Position	Reasons	Relief sought
1	NFL – Natural Features and Landscapes	NFP-L1	<p>I do not support these provisions/rules. A review of the mapping undertaken in 2018 by Boffa Miskell was too broad and unnecessarily included large areas of private property.</p> <p>These are still the same maps, as in the District Plan, and have been unmodified since 2018.</p>	<p>I do not support this objective/proposal as the government is currently reviewing the RMA and introducing a two-act approach, a reviewed RMA and an Environment Act which intends to limit the powers of Councils to reduce property owners' rights to the enjoyment of their land. Where councils do so, compensation must be paid.</p> <p>I would support this proposal but exclude Eastbourne land on Private Property as the Eastbourne Regional Park more than meets the RMA and Policy 13 and 15 of DOC's preservation of natural areas.</p> <p>Under this objective the Eastern Bays are not included as per schedule 4, is this an error?</p> <p>Also, I would support a delay to these proposals until the new RMA and Environment Legislation is enacted which will affect these proposals.</p> <p>I would not support these proposals until affected property owners had consultation on how these proposals affected our properties. To date, the only information we have received is very vague, and a letter says we may fall into one of these categories. Which one, please?</p> <p>"We want to work collaboratively with landowners to make sure that the most unique and special environments are sensibly protected, without putting undue restrictions on land use change." Andrew Hoggard.  <a href="https://www.beehive.govt.nz/release/suspension-new-snas-passes-its-third-reading">https://www.beehive.govt.nz/release/suspension-new-snas-passes-its-third-reading</a>.)</p>	<p>Review of the Natural features and Natural Landscapes, and Coastal character map that is over 7 years old. These are too broad and are capturing areas better represented by the Eastbourne Regional Park.</p> <p>Reduce my properties affected area and not the current amount of more than 2/3rds of my/our land.</p> <p>If you proceed, then include compensation, as per the new Environment Act that will be launched soon by the government, as per Chris Bishop.</p> <p>Financially support landowners to eradicate pests (rodents, wasps), as part of the obligation to protect. Produce an information guide as to native plants care in this region. I would happily write this in conjunction with a DOC expert who did work on Matiu/Somes (not sure of his name.)</p> <p>Consultation please. More information is required so that we can make an informed decision.</p>

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2	Coastal Natural Character Areas	CNA1 I Eastern Bay Hills	I do not Support this proposal as the RMA and DOC Policy 13 and 15 can be met without all the restrictions.	<p>I do not support the approach to large swathes of land being restricted in the plan as this is inconsistent with the intent of the New Zealand Coastal Policy Statement.</p> <p>The Council's responsibility to protect these areas is not fulfilled by placing unreasonable restrictions over private property, nor if these proposals are put into the District Plan, then compensation for loss of rights and also financial and educational support should be provided to these owners, for ongoing protection.</p> <p>A map and restrictions do not equal adequate protection. Co-operation from property owners is also required.</p>	<p>Review the Boffa Miskell 2018 mapping as it goes to extremes. The objectives of keeping the character and natural; areas of the Eastern Hills are met without this land grab approach. (NFL-P1)</p> <p>A publication on plants of the Eastern Hills and their care and maintenance provided free.</p> <p>Seminars, with support for pest control and eradication – wasps and rodents.</p>