

**From:** [Sinclair G and C](#)  
**To:** [District Plan Review Team](#)  
**Subject:** [EXTERNAL] Submission on Proposed District Plan  
**Date:** Friday, 2 May 2025 2:40:29 pm

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To: The Chief Executive, Hutt City Council

Submission sent via email to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from **Grant Sinclair** on the Proposed Lower Hutt District Plan 2025.
2. My physical address is **24 Cheviot Road, Lowry Bay** and my email address is [sinclairjg@xtra.co.nz](mailto:sinclairjg@xtra.co.nz).
3. I do not stand to gain any advantage in trade competition through this submission.
4. The specific provisions in the Proposed District Plan that my submission relate to, my submissions on these proposals, and the changes I seek are outlined below.
5. I wish to be heard in support of my submission, but am happy to team up with other submitters (who raise similar matters) in the interests of efficiency.

## Introduction

My wife (Mrs C E Sinclair) and I have jointly owned our property since 1984. Our property - a mixture of “flat” and “hillside” - backs on to a large, publicly owned reserve covering several thousand hectares.

In April, 2025 we received a number of undated letters from the Hutt City Council advising us as to the various “zoning designations” that Council were proposing be applied to our property.

These included a **(new) Slope Assessment Overlay**, a **(new) Site or Area of Significance to Maori**, and advice they we were identified as being within an **Outstanding Natural Feature, Outstanding Natural Landscape or Coastal Natural Character Area**.

The Council’s correspondence did make limited reference as to why the new Slope Assessment Overlay was being proposed, but was completely silent as to why our property was now designated as a Site or Area of Significance to Maori. Nor was there any explanation as to the implications of this change.

So - in search of this basic information - I made a visit to the Council’s head office.

Here I would complement both the “front” and “back” office staff for the very efficient and friendly way in which my information requests were handled. Both the people I dealt with were very professional and helpful in their approach, although (understandably) they did not venture into discussing “policy” areas (this being seen as the preserve of Councillors and more senior staff).

I learnt that our property also has two “area development size restrictions” placed on it. And I was provided with helpful “Information Sheets” explaining the new Slope Assessment Overlay and Sites and Areas of Significance to Maori proposals. (Perhaps it would be helpful if ratepayers directly received such basic information in the event that new zoning proposals are made in the future?).

I also learnt that Council may have made a mistake when they wrote advising that our property had been identified as being within an **Outstanding Natural Feature, Outstanding Natural Landscape or Coastal Character Area**. (I was told that a tiny part of our property may qualify as coming within the “high” or “very high” designation, but that none of it qualified as “outstanding”).

This matter is discussed below.

But my visit did not enable me (perhaps understandably - as mentioned above), to gain real insight as to the reasoning, external factors or general public policy considerations that led Council to introduce the new **Site or Area of Significance to Maori** designation.

As a direct result of this “information vacuum” I therefore submitted an Official Information Request (under the LGOIMA 1987) to the Council on 21 April, 2025. (Receipt acknowledged on 23 April, 2025).

I did express my hope that the timing of Council’s response to this LGOIMA request would be such *“that it enabled us to take your information into account, when meeting your deadline for submissions regarding the Proposed District Plan of 2 May 2025”*.

I have held off making this submission until the last possible moment (that meets your 5 pm, 2 May deadline), and am disappointed that the information I requested has not yet been provided by Council.

### **Outstanding Natural Feature, Outstanding Natural Landscape or Coastal Natural Character Area**

As mentioned above, there appears to be uncertainty as to whether my property actually does fall within the proposed “outstanding” designation.

Be that as it may, I strongly submit that any such designation of our property (whether “outstanding”, “very high” or “high”), should be completely removed, for the following reasons.

Firstly, the map your official showed me had a very, very small part of the “upper extent” of our property falling within the designation. (The area appeared to be about “a pencil line width” from our boundary - perhaps representing less than one percent of our total hand area. Imposing constraints in such circumstances is disproportionate and I hope common sense will prevail).

Secondly, the notion that Council (as guardian of public land) has automatic rights to impose conditions/restrictions over adjoining private property does rankle.

Over the forty one years we have been privileged to live here we would (at best) describe Council as being an “average neighbour”.

This because the adjacent public reserve has presented us with ongoing challenges, being a continual source of invasive weeds and feral deer. Yes, the destruction of regenerating

native vegetation has significantly diminished over the years (thanks to the deer culling operation Council has initiated). But the ongoing challenges still remain. Every four or five years we have had feral deer cause extensive damage to plantings on our own property and we look forward to the day when we don't have to have deer shot in our own back garden.

Furthermore, over the years I have spent countless hours on your property (yes, without your prior approval), during my best to eradicate the noxious weeds (gorse in particular) that continually "cross the boundary".

I recognise that Council may not have the budget to carry out such necessary and ongoing weed control work and hence would ask that you work with neighbours who are trying to assist. (We are not the enemy, nor do we need "protecting from ourselves". The beautiful natural environment of Lowry Bay is what attracted us here in the first place and we will continue to do our best to both preserve and enhance it).

### **Site or Area of Significance to Maori**

The way in which this new chapter of the Proposed District Plan has been introduced has been most disappointing. Council does not appear to have sufficient confidence in their own processes/research/rationale/reasoning to share such thinking and information in advance with ratepayers. While I have endeavoured to better inform myself (both by visiting the Council and lodging an Official Information Request), at the time of making this submission there has been a dearth of necessary and relevant information released by Council.

For example, Council have been less than forthcoming in answering the most basic question: why has this new designation now been introduced to large numbers of privately owned properties?

Council's Information Sheet states that "*the Resource Management Act and the Wellington Regional Policy Statement require Hutt City Council to identify and protect sites and areas that are culturally important to Mana Whenua*".

So, does this new change imply that the way in which Council have previously been applying the provisions of the Resource Management Act of 1991 was incorrect? And if this is also a Wellington Regional Policy Statement requirement, why haven't fellow Wellington Region Council's introduced similar new designations? (Is this a "voluntary" requirement, or is it "mandatory"?).

As a result of my visit to the Council I now read that "*new sites and areas have been identified based on knowledge and records held by Council and representatives of Mana Whenua*". And that iwi will now have responsibility for determining whether proposed activity on my property will impact "*the cultural values associated with the site*".

As such - and in the interests of enabling open and informed discussions - why hasn't Council proactively disclosed the "*knowledge*" and "*records*" that underpin their new policy decision? Why haven't they "front footed" this issue by sharing their thinking and rationale with those who will be directly impacted by this decision? Why haven't meetings already been held with the relevant Community Boards and Residents Associations? Why haven't the perceived benefits of this change been released - alongside the additional direct costs which property owners will in future incur (in addition to greater uncertainties and additional delays in the consenting process?).

There are two other specific aspects of this change that have important public policy,

governance and procedural implications.

Firstly, with Council now having **delegated specific consenting powers to a third party** (by introducing an additional and mandatory step that certain property owners are required to follow), it is essential that the precise obligations, terms and conditions associated with this delegation are publicly released. Surely Council would not have just delegated statutory powers without ensuring that there were specific, accompanying requirements and obligations that had to be met? What exactly are the terms of the contract that Council have entered into with iwi?

Relevant questions that arise include:

- who is the relevant iwi?
- who within the iwi has responsibility to make such decisions and what is the requisite skill base that Council have mandated to be necessary?
- is there a time period within which iwi must reach and advise their decisions?
- what specific information must be supplied to iwi in order that they may reach a decision?
- is there an appeal process in the event that iwi refuse to grant consent?
- who determines the level of remuneration that this process will generate?
- will explanatory information be provided as to what these “*cultural values*” mean in practice when it comes to developing private property?

Secondly, Council will have had to deal with **conflicts of interest issues** when they reached their decisions as to which specific properties would form part of this new designation. Such conflicts extend to both individual councillors and senior staff. What was the process followed and how were decisions reached as to whether councillors own properties were deemed to be of significance to Maori? In the interests of ongoing public confidence, it would have been beneficial had Council taken the initiative and explained how this real conflict was handled. (Again, by “front footing” the issue).

This is particularly so given that the manner in which the maps (showing properties of Significance to Maori) were drawn appears rather nebulous: certainly being much more “subjective” than “objective”. And seemingly relying on people’s memories of what happened some 150 years ago.

For example, it has been suggested that historic food sources played a large role in determining which Lowry Bay properties were included in the new designation. With the ocean and foreshore being such a dominant source of food for Maori, one might therefore have assumed that all properties in relatively close proximity to the foreshore would fall within the new designation. But such appears not to be the case. And why part of our own property “is in” - while the hillside part “is out” - is hard to fathom. (Perhaps wood pigeons and ducks were not that mobile back in the nineteenth century....).

## Decisions Requested

1. **Request # 1** That Council completely remove any Natural Feature, Natural Landscape or Coastal Natural Character Area designations from our property (whether they be categorised as “outstanding”, “very high” or “high”).

**2. Request# 2** That Council withdraws and rescinds the sections in the Proposed District Plan dealing with Sites and Areas of Significance to Maori as they impact on privately owned property and immediately move to:

- publicly release all reports/studies/opinions/advice which led to and enabled them to precisely delineate which privately owned properties (within their ambit of responsibility) were “of significance to Maori”. (This in the interests of informed public discussion and consultation). And
- publicly release full details of the contract(s) Council entered into with iwi when they delegated specific consenting powers to iwi (again in the interests of informed public discussion). And
- publicly release full details of the procedures that were followed to ensure that all conflicts of interest issues were appropriately handled during Council’s deliberations concerning privately owned property deemed to be of significance to Maori.

**J G Sinclair**

**2 May 2025 (2:30 p.m.)**