

24 July 2025



The Chief Executive
Hutt City Council
30 Laings Road
Lower Hutt

By email: district.plan@huttcity.govt.nz

Further Submission for the Proposed District Plan

1. This is a further submission from the Wellington Tenth Trust and the Palmerston North Māori Reserve Trust.

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2. This is a **further submission** in support of a submission on the Proposed Lower Hutt District Plan
3. We consider that, under Clause 8 of the First Schedule of the Resource Management Act, we may make a further submission because as representatives of Mana Whenua we have an interest in the Proposed Plan Change that is greater than the interest of the general public.
4. We support the submission of Heritage New Zealand Pouhere Taonga on the Tangata Whenua Chapter and the SASM – Sites and Areas of Significance to Maori Chapter - Provisions: Objectives, Policies, Rules and SCHED6 - Sites and Areas of Significance to Māori (Whole Schedule) in the Proposed Lower Hutt District Plan.
5. We support the whole of the submission
6. We seek that the whole of the submission be allowed. The reasons for our support follow.

We acknowledge the support of Heritage New Zealand Pouhere Taonga of the SASM – Sites and Areas of Significance to Maori Chapter. There was a wide range of submissions received in relation to Sites and Areas of Significance to Māori (SASMs) in the proposed Hutt City Council district plan.

We stand by the draft SASMs chapter. The inclusion of this chapter and the Category 1, 2, and 3 sites in the District Plan represents our intergenerational knowledge, whakapapa, and mātauranga Māori — much of which has historically been excluded from formal planning processes.

However, we recognise the concerns of submitters and would be open to working with Council to:

- Refine mapping boundaries where errors or overreach are demonstrated
- Improve site descriptions in the SASMs schedule
- Ensure that engagement processes are in place to support landowners in understanding the significance of sites on or near their land.

What we cannot support is the wholesale removal of sites or the elimination of Category 2 and 3 protections simply because evidence is held in oral form, or because a site sits on private land.

The District Plan must reflect both the rights of property owners and the constitutional obligations under Te Tiriti o Waitangi. A fair outcome means addressing legitimate technical concerns without undermining the cultural and historical record that the SASMs framework is designed to uphold.

Many submitters appear to misunderstand the intent and effect of the SASMs provisions. The proposed rules do not impose blanket restrictions on land use, nor do they grant open access to private land.

Iwi do not wish to impose blanket restrictions and have no intention of encouraging the development of rules that allow open access to private land. What we encourage is a framework for recognising and considering sites of cultural significance in decision-making. One where activities can still occur but where the provisions simply ensure that the potential effects on cultural values are identified and, where appropriate, addressed.

Concerns raised about loss of property rights, development prohibitions, or automatic land access misinterpret how the provisions operate in practice. These rules are not about halting development but about respecting relationships with place and ensuring cultural values are not overlooked in planning decisions.

Response to Residential Property Concerns

We acknowledge that for some residential property owners, the inclusion of SASMs on or near their land may raise questions or concerns — particularly around what the provisions mean for everyday use, maintenance, or future development.

SASMs rules are not intended to prevent people from living in their homes, making improvements, or continuing normal use of their property. The provisions are designed to ensure that where works might disturb or impact a site of cultural importance, those effects are considered and, where appropriate, discussed with Mana Whenua. We would contend that Mana Whenua have no interest or intention to prevent property owners from the continuing normal use of their property or to direct them in what they may or may not do.

We recognise that in some cases, map boundaries may need refinement or better explanation, particularly in urban settings where landscapes have changed over time. We are open to working constructively with Council and landowners to clarify boundaries and update the schedule where credible concerns are raised.

At the same time, we ask that homeowners recognise that many of these sites reflect deep historical connections, often tied to places where Māori once lived, cultivated, buried their dead, or practiced tikanga. In many cases, these are sites that were taken, sold under pressure, or subsumed by development without recognition. Including them in the plan is one small way to ensure that this layered history is not erased or ignored.

We support a planning approach that balances the rights of current landowners with the responsibilities to protect cultural heritage — and believe this can be achieved through good faith engagement, clear guidance, and site-specific discussions where needed.

Response to Mapping Concerns

We acknowledge that some submitters have raised concerns regarding the accuracy, scale, or placement of mapped SASMs in the District Plan.

We recognise that mapping cultural sites, particularly in highly modified urban environments, is complex. In some cases, site boundaries may have been drawn too broadly, aligned imperfectly with physical features, or based on historic records that are difficult to translate precisely onto modern cadastral layers. Where these concerns are genuine, Mana Whenua are open to reviewing boundaries and working collaboratively with Council to ensure the maps are as accurate and defensible as possible.

A clear example of incorrect boundaries is the Te Whiti Park site. We would support the removal of all private property from the map of this site as was originally proposed to council by Mana Whenua. The only land for inclusion should be the Hutt City Council reserve and parkland.

At the same time, we stress that imprecision in mapping does not mean a site lacks cultural value. Many of the sites identified are supported by generations of oral history, ancestral knowledge, and lived experience. These sources of knowledge may not always align neatly with survey lines or land parcels — but they represent a deep relationship with place that is no less valid.

In some cases, the mapped extent is deliberately extensive to reflect the wider cultural landscape in which a site is situated, especially where wāhi tapu, former pā, cultivation areas, or burial grounds are concerned. This approach aligns with tikanga Māori, which recognises that significance is not confined to a narrow footprint. Examples of this are the precinct areas of Pito One and Waiwhetū Pā.

We support ongoing refinement of mapping, but any changes must be made in partnership with Mana Whenua, and not simply in response to pressure to reduce planning triggers or erase sites from the schedule. The integrity of the SASMs layer depends on its ability to reflect both cultural accuracy and planning practicality

Concern about Implied Access Rights and Private Property Impacts

Submitters generally support the recognition of tikanga Māori but oppose the rule where they believe it:

- Imposes obligations on landowners without their consent
- Allows Mana Whenua or others to access private land without the permission of the owner
- Blurs the line between cultural recognition and regulatory overreach

SASMs-R1 is a permissive rule that enables the practice of tikanga Māori within identified SASMs. It is not a directive rule and does not create obligations for landowners or confer a right of access to private land.

Concerns about “implied access” misrepresent the intent of the rule. The rule does not override property rights. It simply acknowledges that such practices may occur and that the plan recognises their legitimacy within SASMs.

Category 2 SASMs

Submitters who referenced Category 2 SASMs frequently sought the removal of these sites from private property, expressing strong opposition to the perceived impact on landowners. The primary reason cited was the undermining of private property rights, with concerns that these provisions were overly broad or unjustified. Some noted a lack of clarity around the mapping or criteria used to identify these sites.

An example of Requested Relief is submitters seeking that private properties are removed from Category 2 SASMs with the reason that "Proposed rules undermine private property rights and represent an overreach of Council powers."

Similarly, there were several submissions regarding Whiorau-Lowry Bay (Category 2) requesting the removal of the site or its reclassification to Category 3, especially where submitters believed the threshold for Category 2 significance was not met. The reasons reflected a combination of insufficient justification and impacts on private property.

Category 2 SASMs represent places of significant cultural value that have ongoing relevance to Mana Whenua. These include sites of settlement, cultivation, trade, conflict, or community life. These sites generally sit within landscapes that have been heavily modified following colonisation and subsequent development and where any archaeological evidence has been removed because of that development.

However, the recent discovery of pre-20th century archaeological remains at the site of Z Energy's E-Charging Station on Jackson Street in Petone—inside the proposed Category 2 Pito One Pā Precinct—demonstrates that we can never rule these things out.

The relief sought by opposing submitters — such as the wholesale removal of Category 2 sites from private land — dismisses the living cultural memory Mana Whenua maintain of these sites. We reject the view that planning provisions should only respond to tangible archaeological remains or Western evidentiary standards.

This approach disregards section 6(e) and 6(f) of the Resource Management Act 1991, which require active recognition and protection of Māori heritage and relationships with ancestral lands

Category 3 SASMs

Category 3 sites are an essential recognition layer. They enable the plan to acknowledge culturally important places that:

- May have lesser physical evidence, but are still valued

- Sit within urban environments where historic Māori occupation has been largely erased
- Reflect a graduated approach to engagement, rather than blanket protection.

Opposition to Category 3 is not based on planning risk. These sites provide a low-intensity trigger for consideration. There is no prohibition on any activity in Category 3 SASMs—only a request that an Archaeological Discovery Protocol be in place if earthworks over a certain size are planned.

Category 3 SASMs are a legitimate planning category and should be retained. If refinement is needed, Council must work with Mana Whenua to strengthen descriptions — not to dilute protections.

Conclusion

The SASMs chapter represents a necessary and overdue step in recognising the cultural, historical, and spiritual relationships that Mana Whenua have with the whenua. While we acknowledge the concerns raised by some submitters, we believe that these can be addressed through constructive engagement and refinement—not through the removal or dilution of protections. A planning framework that truly reflects Te Tiriti o Waitangi must include Māori voices, values, and histories. We are committed to work with Council, landowners, and the wider community to ensure that the final plan upholds both cultural heritage and planning fairness.

We wish to be heard in support of our submission.

If others make a similar submission, we will not consider presenting a joint case with them at the hearing.

Nāku noa, nā



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