

1. This is a submission from Blake and Candia Horsley c/-Blake Horsley on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is blake@horsley.co.nz
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.

This submission pertains to the section regarding Sites and Areas of Significance to Māori. I respectfully object to the inclusion of private land within these areas, except for the purpose of documenting and publicly disclosing its historical or cultural significance. I oppose the imposition of any legal or regulatory restrictions on private property based solely on its cultural importance to Māori. Furthermore, I am strongly against granting any group the authority to impose conditions or veto private development. For example, if a private residence were destroyed in a natural disaster, such as a tsunami, it seems unreasonable to require Māori permission to rebuild. Such a situation would be both impractical and inconsistent with fundamental property rights and the principle of equitable governance.

As a real estate developer, I had been considering sites within the designated area for potential home development. Should this policy proceed, however, I would be compelled to shift my focus to other parts of Wellington, as the restrictions imposed would significantly limit the viability of projects in these areas.

#	Chapter	Provision	Position	Reasons	Relief sought
Part 2 – District wide	Historical and Cultural Values, Sites and Areas of	SAS M-P1	Support	<p>The Hutt landscape is rich with Māori history.</p> <p>It is important to Māori, and to everyone in the Hutt Valley, to have Māori heritage on the land identified, recorded and honoured.</p>	Keep provision

mat ters	Significanc e to Maori			It is understandable that Māori may also want to identify, record and honour their cultural connection to this heritage.	
		SAS M-P2	Neutral	The language of the provision “protect sites and areas listed as Nga Awa o te Takiwa from inappropriate subdivision, use, or development” is a strong statement. This could potentially make it harder to get consents re non-permitted activities in respect of these bodies of water.	
		SAS M-P3	Neutral		Could replace with: Acknowledge sites and areas listed as Category 1 in SCHED6 – Sites and Areas of Significance to Māori .
		SAS M-P4	Oppose		Could replace with: Acknowledge sites and areas listed as Category 2 in SCHED6 – Sites and Areas of Significance to Māori .
		SAS M-P5	Support		Keep provision

		SAS M-P6	Oppose	<p>Our understanding is that the current RMA cannot be used to erode property rights – it can restrict a person’s use of their land, but it cannot allow a third party access/use rights to that person’s land that would not otherwise exist. So enabling tangata whenua to carry out tikanga Māori on land (by making this a permitted activity under SASM-R5) would not entitle Māori to trespass on private land to undertake the activity.</p> <p>I think HCC intends this policy for allowing tikanga to be exercised in these sites as a permitted activity where it would otherwise require resource consent.</p> <p>But recent uncertainty of law in this area suggests it would be wise to have this spelled out clearly. Hence my suggestion:</p>	<p>Enable tangata whenua to carry out tikanga Māori (including mahinga kai) within sites and areas of significance to Māori, provided that the activity is consistent with the property rights of the landowner on which the activity takes place.</p>
		SAS M-P7	Support with change	<p>If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications.</p>	<p>Encourage landowners to:</p> <ol style="list-style-type: none"> 1. Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and 2. Work with tangata whenua to manage, maintain, preserve and protect sites and

					areas of significance to Māori, where doing so is practicable and proportionate in the circumstances.”
		SAS M-P9	Oppose	If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications, so I suggest an alteration to SASM-9 which clarifies that each clause in the policy is limited by the extent to which it is reasonable and relevant (to development and use of private property)	<p>Add to each numbered paragraph one of the following:</p> <ul style="list-style-type: none"> a. ... to the extent to which it is reasonable for the proposal to respond to or incorporate the outcomes of that consultation. b. ... the extent to which it is reasonable to expect the proposal to reflect those values in private property. c. ... to the extent relevant to private property.
		SAS M-R1	Support in part	Needs clarification to indicate no intention to provide rights over land owners to tikanga Māori on private land.	<p>Agree, with following change:</p> <p>Undertaking tikanga Māori within a public Site or Area of Significance to Māori, or private land with approval of the owner.</p>

		SAS M-R2	Neutral	<p>I support support the accidental discovery protocol requirement for category 2.</p> <p>I am in favour of providing for protection of SASM in this manner – ensuring recovery - even on private land. But this is all the protection that is needed. Get rid of all the additional rules about restricting new buildings/alterations/additions.</p>	
		SAS M-R3	Support		Keep provision
		SAS M-R4	Oppose	<p>Adding resource consent requirements for building on private land will tie landowners up with consultation with tangata whenua, limits their property rights, limits commercial development and housing supply.</p> <p>I understand the application of these rules on category 1 significance, but application on category 2 goes beyond what most people think reasonable.</p> <p>There is no demonstrated need to restrict building/development in category 2 areas.</p>	<p>Separate Category 2 and replace all wording with:</p> <p>1. Activity Status: Permitted</p>
		SAS M-R5	Support		Keep provision
		SAS M-S1	Support	In the interests of supporting Maori heritage and cultural values, it is reasonable for archaeological monitoring and	Keep provision

				collection to start if artefacts are found.	
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