

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, 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.

1. This is a submission from **Melissa Bahler** on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is **missynewzealand@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 **do not 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

7. My name is Melissa Bahler and I am a home owner and rate payer in Lower Hutt.
8. I am disappointed in the Council's total lack of consultation and transparency with landowners before these changes took effect. I understand that the sites were not included in the draft plan that the Council released for consultation in late 2023. It seems that Council consulted with mana whenua before including the sites in the Proposed Plan, but didn't bother to consult with landowners.
9. The first I heard that my property was within a site of significance to Māori was 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 Māori values were protected by restricting my right to develop my land. The council had all the information and data and it seems lazy or deceptive of the council not to include these details.
10. This lack of consultation and advance notice is disappointing. I've checked with the planner and have been told that a section of the RMA says that the Proposed Plan is in immediate effect even though it hasn't been voted on by the Council. This lack of transparency is in direct conflict with the openness expected of a democratic society.
11. Why and how were these areas selected and where is the documented evidence supporting the SASM?
12. I.e. how was oral history documented & validated when it is in conflict with information publicly available about the 3 tribes that were not originally Wellington based (they are from Taranaki and Hamilton). It is well documented that oral history rely on the memory of individuals and their personal feeling and meaningfulness to the person at the time and the same with the listener.

13. It is documented that Māori moved to Lower Hutt between 1820 and 1835 from the other areas mentioned (Taranaki/Hamilton) and further to the previous point, where is the proof to the hearsay that crops were grown in Lowry Bay when it is well documented the land was a swamp until the 1855 earthquake. Additionally the ownership for Lowry Bay had passed and sold approx. at that time. Reference: Treasury file held at Archives New Zealand Wellington Reference T1 1884/1103.

Māori Tribe Reference: <https://teara.govt.nz/en/te-ati-awa-of-wellington/print#:~:text=After%20their%20journey%20from%20Taranaki,since%20they%20were%20close%20kin.>

Earthquake Reference: <https://www.gw.govt.nz/assets/Documents/2022/03/App-D-Landscape-and-Visual-Assessment-Lodgement.pdf#:~:text=including%20areas%20of%20kahikatea%20swamp%20forest%20in,were%20drained%20following%20the%201855%20Wairarapa%20earthquake.'7.>

The first house built in Lowry Bay by settlers James and Emma Jackson was in 1841 but it was high on the hill due to the uninhabitable swamp area in Lowry Bay.

Lowry Bay first house Reference: <https://huttcitylibraries.co.nz/2020/07/08/whiorau-lowry-bays-first-british-settlers-james-and-emma-jackson/>

Submission and requested decisions

14. My submission and requested decisions from the Council are set out below:

Decisions Requested

#	Chapter	Provision	Position	Reasons
1	SASM-R1	Undertaking tikanga Māori within a Site or Area of Significance to Māori - Activity status: Permitted (Category 1 – 3 sites)	Oppose	I do not support this rule and expect that my private property rights are remain as they are and do not have special dispensations.
2	SASM-R2	Permitted in category 2 where compliance achieved with SASM-S1 – Accidental discovery protocol Permitted in SASM Category 1 where: Where: a. The land disturbance is for: i. Burials within an existing urupā, ii. Gardening, where land disturbance does not exceed 10m in any 12-month period, iii. Riparian planting, iv. Indigenous vegetation planting, v. The maintenance or repair of existing tracks and fences provided the area, extent and volume of land disturbed is limited to that which is necessary to maintain an existing track and fence along its existing alignment, and vi. Demolition or removal of an existing building or structure, where the land disturbance does not exceed 50m in any 12month period, and a maximum cut height or fill depth greater than 0.5m (measured vertically), and b. Compliance is achieved with SASM-S1: Accidental discovery protocol. Any activity that does not comply with the above rules is restricted discretionary resource consent, with matters of discretion confined to SASM P3, P7, and P9.	Oppose	I do not believe that the accidental discovery protocol applying in the category 2 is necessary as I expect that this is already covered by common law. If the accidental discovery protocol is retained, there should be guidance for landowners about what qualifies as an 'artefact'. For example, the standard could provide a list of examples, or it could be defined by reference to a definition from legislation.

3	SASM-R4	Additions, alterations or new buildings or structures within a Site or Area of Significance to Māori Category 3 – Permitted Category 2 + 1 – Permitted, where: a. The additions and alterations are for an existing residential activity, b. The new building or structure is less than 200m , and c. The addition or alteration to a building or structure are within an industrial/commercial zone and are less than 200m.	Oppose	I strongly oppose this rule. It is inconsistent with property rights and with the productive use and development of land. Consent is clearly required for new builds on residential land over 200m2. It is unclear to me how protection of the cultural and spiritual values of a site depend on the square metreage of proposed development and the underlying zoning of the site I.e. is this related to colour of a dwelling, design or is it the personal preference of the reviewer? What published guidelines are there for this, who wrote it and what is the basis of the decisions? Also included are my points listed in my introductions: - Why and how were these areas selected and where is the documented evidence supporting the SASM? - I.e. how was oral history documented & validated when it is in conflict with information publicly available about the 3 tribes that were not originally Wellington based (they are from Taranaki and Hamilton). It is well documented that oral history rely on the memory of individuals and their personal feeling and meaningfulness to the person at the time and the same with the listener. 15. It is documented that Māori moved to Lower Hutt between 1820 and 1835 from the other areas mentioned (Taranaki/Hamilton) and further to the previous point, where is the proof to the hearsay that crops where grown in Lowry Bay when it is well documented the land was a swamp until the 1855 earthquake. Additionally the ownership for Lowry Bay had passed and been sold approx. by that time.
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#	Chapter	Provision	Position	Reasons
				The first house built in Lowry Bay by settlers James and Emma Jackson was in 1841 but it was high on the hill due to the uninhabitable swamp area in Lowry Bay.

Melissa Bahler

1 May 2025.