

# Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

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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 Mark Hardy (Purdy Property Co (1993) Ltd on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is markhardy@hardytrade.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.

# Introduction

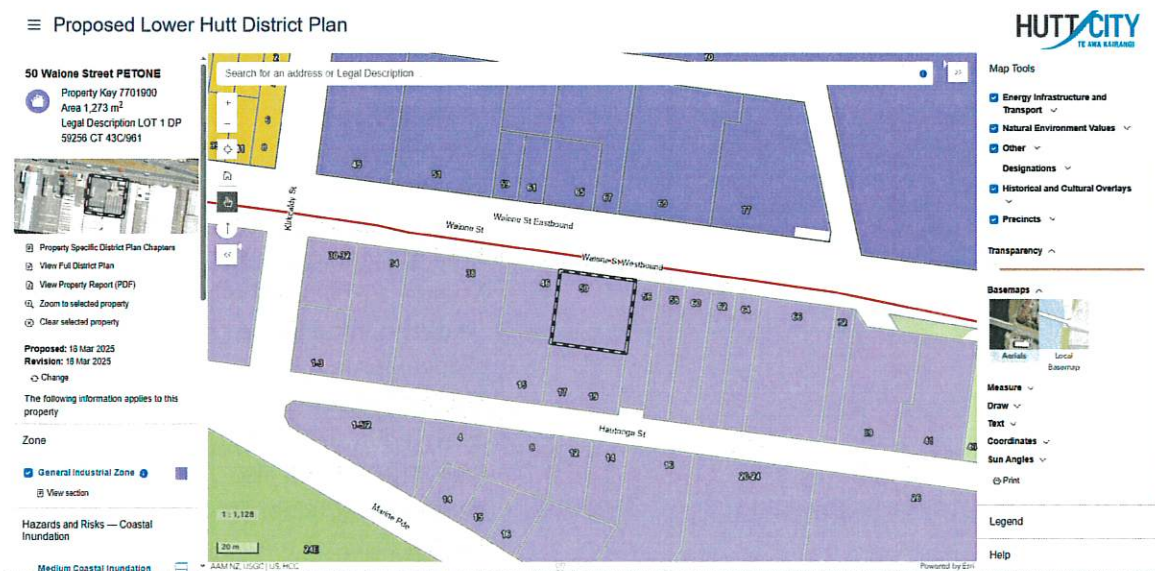
7. I, **Mark Hardy of Purdy Property Co (1983) Ltd**, the owner of the property located at 50-54 Waione Street, Petone, being legally described as **LOT 1 DP 59256 CT 43C/961**



**Figure 1:** location of 50-54 Waione Street, Petone (Source: Googlemaps)

8. 50-54 Waione Street Petone, Petone is presently occupied by Hardy Trade Supply Co Ltd - refer Photo 1.

9. The proposed zoning under the PDP is General Industrial Zone (GIZ) which is supported, noting that the GIZ provides for new buildings up to 22 metres in height and therefore enables significant redevelopment opportunities for 50-54 Waione Street Petone as a permitted activity under Rule GIZ-R3, subject to compliance with identified standards.
10. However, 50-54 Waione Street Petone is also identified in the PDP as a “Site or area of significance to Māori - Hikoikoi Pā” - refer - Proposed “Site or Area of Significance to Māori - Hikoikoi Pā (Category 2)  
(Source: HCC Proposed District Plan on HCC website) which, if retained, would have a significant and detrimental effect on the potential redevelopment of 50-54 Waione Street, Petone and therefore on the site’s property value as a direct consequence of this proposed ‘regulatory taking’.



11. As detailed in the following table, **Mark Hardy** requests that **50-54 Waione Street Petone** is removed from the Category 2 Site or Area of Significance to Māori - Hikoikoi Pā.

## Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
1	Maps	The mapped outline of the "Site or Area of Significance to Māori - Hikoikoi Pā".	Oppose	<p>There is no supporting evidence the inclusion of 50-54 Waione Street Petone is a "Site or Area of Significance to Maori – Hikoikoi Pa" as identified on the planning map.</p> <p>The inclusion of this property as a "Site or Area of Significance to Maori – Hikoikoi Pa" will be detrimental to the redevelopment / upgrade opportunities as stated in the District Plan. There could also be a large reduction in market value of the property and surrounding properties of SASM.</p> <p>Refer to supplementary sheet for a more detailed explanation why this is opposed.</p>	Exclusion of 50-54 Waione Street and all surrounding private properties as a "{Site and Areas of Significance for Maori – Hikoikoi Pa" and amending Planning Maps accordingly.

### SUPPLEMENTARY SHEET STATING REASONS FOR SUPPORTING THE SUBMISSION BY Mark Hardy

1. The area shown on the Planning Maps as the “Site or Area of Significance to Māori - Hikoikoi Pā” covers some sixty-three acres (25.5 hectares) compared to the 3 acres (1.2ha) understood to be occupied by the historic Hikoikoi Pā (Note: the Council’s s32 Evaluation report at page 76 states about the Hikoikoi Pā that in “1847 Colonel McClevery estimated that it covered an area of over three acres”). There is no evidence, including any physical remains and/or archaeological evidence, justifying the close-on twenty-fold extension of the area deemed to be an area of significance to Māori. The area of significance should much more closely represent/be aligned with the actual location of the historic Pā. To add 60 acres to the original 3 acres is totally unjustified.
2. If the Council has relied principally (if not solely) on iwi and hapu to identify the extent of the Sites and Areas of Significance to Māori, there is in the opinion of Mark Hardy an inherent ‘conflict of interest’ on the part of iwi and hapu, especially given such a significant **increase of 60 acres** in the area that, through District Plan regulation (‘regulatory take’), could in the future result in unreasonable constraints on the legitimate development expectation of owners of sites now potentially subject to the SASM provisions, including:
  - SASM-O3 which states that Tangata whenua have “self-determination” over sites and areas of significance to Māori; and
  - the requirement for resource consent for a Restricted Discretionary activity under Rule SASM-R4.2 for any new building with a floor area exceeding 200m<sup>2</sup>.
3. **As far as we can ascertain 50-54 Waione Street** is historically and geographically disconnected from the original Pā. Any natural features that contributed to the cultural context and significance that previously existed have long since been lost, either by natural processes or by urban development approved under previous operative town plans/district plans.

In summary, we purchased the said property in 1993 (32 years ago) as “Freehold Title” consisting of 1273m<sup>2</sup>. The principal point of this opposing submission is the lack of specific, verifiable evidence connecting the property at **50-54 Waione Street**, Petone, to support/justify its inclusion within the Category 2 Site and Area of Significance to Māori - Hikoikoi Pā, to the significant detriment of the reasonable and legal expectations of the property owner to develop/redevelop **50-54 Waione Street** in accordance with the provisions for the General Industrial Zone. The onus of proof should fall on the Lower Hutt City Council rather than iwi and hapu concerned

to establish much more precisely where the Pā was located, and not on private property owners in the very approximate vicinity of the Pā site to prove that it was not located on their property.

Signed

A large black rectangular box redacting the signature of Mark Hardy.

**Mark Hardy**  
**Managing Director / Shareholder**  
**Purdy Property Co (1993) Ltd**  
Owner of 50-54 Waione Street , Petone

Dated: 28<sup>th</sup> April 2025