SUBMISSION ON PROPOSED LOWER HUTT DISTRICT PLAN 2025

To: Chief Executive, Hutt City Council

Via email to district.plan@huttcity.govt.nz

1. I, Shayne Patrick Hodge make this submission on the Proposed Lower Hutt District Plan 2025 ("Proposed Plan") in my own name

2. My email address for service is shayne@thehodgegroup.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 not consider presenting a joint case with them at the hearing.

My name is Shayne Hodge. I have been a resident of Lower Hutt for over 40 years. I have raised a family here — my children have gone on to buy their own homes in Lower Hutt — and I have started and owned several businesses, investing tens of millions of dollars back into Hutt City.

I currently own a residential home and two commercial properties in areas that have now been designated as Sites and Areas of Significance to Māori (SASM).

I oppose the Proposed District Plan's SASM provisions because they introduce vague and unjustified overlays that restrict private property use, hinder development, and limit housing supply.

While I fully support the protection of Māori culture, I do not support the Council's approach in this Proposed District Plan, for the reasons set out below.

I could not gain an advantage in trade competition through this submission.

Executive Summary

This submission opposes the Hutt City Council's proposed Sites and Areas of Significance to Māori (SASM) rules, which impose unjustified, unclear, and costly restrictions on private property.

While protection of genuine cultural and historical sites like pā and urupā is supported, the Council has vastly overreached. Large areas of developed commercial and residential land are now captured based on vague historical activities such as hunting, fishing, or cultivation, without specific evidence of ongoing cultural significance.

The rules introduce subjective and undefined requirements to protect "spiritual and cultural values," giving mana whenua broad influence over development without clear standards, thresholds, or compensation for affected owners. Arbitrary thresholds, such as the 200m^2 building size limit, create uncertainty and discourage investment in Hutt City.

The Council has failed to balance cultural considerations with private property rights, the community's housing needs, and economic development. It has mischaracterised serious impacts on property values and future use as mere "opportunity costs."

We strongly urge that the SASM rules be withdrawn or substantially rewritten to target only genuinely significant sites, protect property rights, and restore fairness, transparency, and economic confidence in Hutt City.

Lack of Consultation

I am appalled by the Council's total lack of consultation with landowners before these changes took effect.

I understand that these SASM sites were not included in the draft District Plan the Council released for consultation in late 2023. It appears Council consulted only with mana whenua, then added these sites into the Proposed Plan — without bothering to consult with affected landowners.

The first notice I received that my property was within a site of significance to Māori was a letter in the post earlier this year. This letter told me that there were immediate restrictions on my property — but it did not explain why, what values were being protected, or even detail what restrictions were being imposed. It was deliberately vague and uninformative.

As mentioned, there was no mention of these SASM rules in the original draft District Plan. Because of this, there was no opportunity for public feedback before these sweeping changes were made.

Council claims that the submission process now underway is the consultation. That is disingenuous. There is a significant difference between proactively seeking feedback before introducing regulations and passively allowing objections after the fact. Property owners have been blindsided, and the Council's process has eroded public trust.

Worse, the hearings panel can only make recommendations to the Council — recommendations the Council can ignore.

Despite repeated requests, elected members refused to meet with ratepayers or community groups to explain:

- How the SASMs were decided
- Which groups were consulted
- Whether any independent, empirical research was conducted to substantiate the SASMs

Instead, we were referred to Council planners who would only answer direct questions — never volunteering information unless you knew exactly what to ask.

Questions like:

- Why was this policy introduced?
- Why was it not disclosed in the draft District Plan?
- What problem was it solving (e.g., was there evidence of widespread desecration of Māori sites)?
- What documented evidence was used to identify SASMs?
- What process did Council follow to support these identifications?
- How was traditional oral history recorded and verified?
- What additional costs will homeowners face due to iwi consultation requirements, and have these been assessed?

Council staff could not answer.

Instead, we were directed to a "Friend to Submitters," Emily Bayliss. While she was more helpful explaining the effects of SASMs, she also could not answer the fundamental questions about process or evidence — and referred us back to Council. A vicious circle.

It seems members of mana whenua provided untested verbal submissions, which the Council accepted without question or independent verification.

The Council has treated these claims as sacrosanct — enshrining them in immediate legal effect.

For the first time in New Zealand history, Māori values will be given statutory rights and priority over the management of private land — with immediate effect — without proper consultation.

This process has been deeply unfair, non-transparent, and disrespectful to residents.

Misinformation by the Mayor, Deputy Mayor, Councillors, and Town Planners

Despite repeated refusals by elected officials to meet on the SASM issue, a "Coffee with Campbell" existing event (Mayor Barry) was scheduled at Hive Café in Eastbourne on 28 March 2025 from 12–1pm.

This was promoted on social media by concerned ratepayers as possibly the only chance to raise SASM concerns directly before the original 4 April submission deadline.

Conveniently, after this was circulated, the Mayor announced he could not attend due to a scheduling clash — replacing himself with Deputy Mayor Tui Lewis.

However, social media posts then claimed the Mayor would arrive late to the meeting.

What began as a small table for four quickly ballooned, with over 30 ratepayers attending. The group was moved upstairs to a larger room.

In attendance were:

Deputy Mayor Tui Lewis

Senior Town Planner Nathan Geard

Councillor Brady Dyer (arrived later)

At the meeting, a significant amount of concern was raised about:

- The Council's failure to consult
- The sudden implementation of new rules
- The impossibly short submission window
- The lack of clarity about resource consent requirements
- The potential impact on property values

One homeowner described the notification letter as "like a grenade thrown through my front door."

Another highlighted the injustice of consulting only one special interest group (mana whenua) but imposing rules on all homeowners.

Matters were made worse when Mayor Barry arrived and incorrectly stated that the new rule requiring resource consent for building additions over 200m^2 only applied to commercial properties, not residential.

This was completely false — contradicting previous advice from Council planners and the Council's own website.

When challenged, neither the Mayor, Deputy Mayor, Councillor Dyer, nor the town planner could provide a clear or accurate answer.

Councillor Dyer even incorrectly asserted that resource consents were already required — which is untrue.

When asked about the cost of a resource consent, he casually said, “maybe a few thousand dollars,” but offered no certainty.

It was confirmed that there will be no compensation for the additional costs homeowners will incur.

It is deeply troubling that our elected officials and senior staff did not even understand the rules they are imposing.

Post-Meeting Actions and Ongoing Problems

There was unanimous agreement from those attending the meeting that the Council must halt the changes and undertake proper, transparent consultation with affected communities.

Council officers confirmed that the Resource Management Act (RMA) allows for at least a two-month postponement — yet Mayor Barry refused to commit to it.

Eventually, the submission deadline was extended to 2 May 2025 — a direct result of public pressure.

Councillor Brady Dyer acknowledged this on his Facebook page, stating:

“Just wanted to acknowledge this post and thank everyone who came along on Friday. Your feedback was clear, and this morning we’ve agreed to extend the Proposed District Plan submission period by one month, until 2 May – a direct result of the conversations had.”

This was galling, given councillors had previously refused to meet or engage on the issue.

I subsequently met with Mayor Barry and senior planner Tim Johnstone on 2 April.

At that meeting, it was confirmed that development of private residential properties is restricted under SASM rules — including a planned one-off exemption for extensions to existing homes but otherwise requiring resource consent for any land or building changes over 200m^2.

Despite this, no public statement has been issued correcting the earlier false information.

The Council’s website has only recently been updated to acknowledge that:

"A number of people have told us that it is not clear how this rule would apply in practice for properties in Category 1 and 2 Sites and Areas of Significance to Māori.

Our officers agree that the rule is not clear enough. In response, Council officers are preparing a neutral submission on the Proposed District Plan that will request an amendment to clarify the building permissions."

Conclusion on lack of consultation

The way in which these changes have been introduced is completely unacceptable.

The Council has failed to:

- Provide proper consultation
- Ensure transparency around the SASM identification process
- Clarify the impacts on affected landowners
- Offer any reasonable means of redress for costs or limitations imposed

The process has severely undermined trust in the Council and its elected officials

Lack of Detail on Effects and Costs to Property Owners

The Council claims that the benefits of the SASM (Sites and Areas of Significance to Māori) rules outweigh the costs to private landowners.

Despicably, the Council has made no attempt to calculate or describe the supposed benefits of allowing Māori values to prevent or limit the improvement of private land in these designated areas.

Worse, it has made no effort to weigh the very real costs to property owners and the broader community.

Instead, without any evidence, the Council dismisses these costs as mere “opportunity costs.”

This approach diminishes the immediate and significant impacts these rules have on land value. Properties burdened with limitations that require Māori consent for development are plainly less attractive to buyers.

The Council also misrepresents the likelihood of these “opportunity costs” arising.

The reality is that almost all properties are improved or replaced at some point — not as a matter of luxury or choice, but out of necessity. They are not choices.

There is effectively a 100% chance that changes requiring Māori consultation will be needed over time, as properties undergo maintenance, as technology and lifestyles evolve, and as planning rules change.

Currently under Hutt City’s interpretation, buildings under 200m^2 are temporarily exempt from requiring consent.

It is hard to understand why, if land is genuinely of deep cultural significance, development of 100m^2 does not harm it — but development of over 200m^2 does.

Under the SASM framework, to obtain resource consent, a property owner must:

- Consult with mana whenua; and
- Prove to the Council that their development plans have been modified to meet Māori values, as well as the Council's own policy commitments to further Māori interests.

A recent example from outside the Hutt illustrates the risks.

In Ōhope Beach, a property owner applying for a zoning change and resource consent was told they had to pay a significant fee to the local iwi before the Council would release the resource consent.

The iwi provided no services or benefits in return. This example underscores the opaque nature of the process.

Similarly, in my own experience:

In February 2022, MediaWorks lodged a resource consent application to install a digital billboard at our commercial property on The Esplanade, Petone.

Over two years and more than $100,000 later in consultants' fees, the Council advised that resource consent would only be granted under two unacceptable conditions:

- The billboard could only advertise on-site businesses; or
- If advertising third parties, the sign would have to be switched off at night.

MediaWorks rightly declined both conditions as untenable.

As property owners, we then assumed the application ourselves and moved to a fully notified public consent process. Our only remaining option.

On the same day the hearing was notified, Council officers personally letter-dropped neighbours, misinforming them about the size and location of the sign.

Coincidently a flurry of social media opposition, including campaigns from organisations like the Cycle Action Network Wellington.

Mana whenua initially made no comment and did not submit by the deadline.

However, HCC extended the deadline to allow mana whenua to submit after the original closing date.

Submissions from Richard Te One and Hīkoikoi Management Limited were then filed, claiming:

- The proposed digital billboard was inappropriately located on a site of cultural and historical significance; and
- That mana whenua had not been properly consulted.

Yet, based on advice from HCC, and a review of the then Hutt City District Plan (HCDP), consultation with mana whenua was not required.

The HCDP did not identify the wider Petone foreshore as a site of significance to mana whenua, nor mention signage as a culturally incompatible activity.

Of the four listed nearby sites of cultural significance, the closest was Te Puni family's urupā — about 160m away — and buffered by roads, commercial buildings, and other signage.

We strongly believed — and still do — that the billboard would not adversely affect any identified cultural values.

Nonetheless, during the hearing it became clear that some form of compensation was expected if we wanted consent granted — and that further delays and costs would be incurred otherwise.

Ultimately, we agreed to a compromise:

- A condition requiring us to make available at least 2.5% of the billboard's media time gratis to promote Māori cultural values.

This time is valued between $15,000 and $20,000 annually.

Consent was finally granted on 19 August 2024.

This experience suggests that Māori consent is increasingly being treated like a tax or regulatory burden — one triggered by property value or financial thresholds, rather than any genuine or tangible cultural connection to the land.

Making this situation even more concerning:

The same unelected, but appointed by council, Richard Te One later voted — using his two committee votes — for the immediate effect SASM provisions (which include both of our commercial properties and our residential property) on 4 December 2024, without declaring any conflict of interest.

Indeed, the meeting minutes record a positive endorsement: Council members "recognise the authority of mana whenua to exercise their respective authority in order to meet their responsibilities to their people."

The reality is clear:

Rather than protecting truly sacred areas, Hutt City's approach creates a "fun zone" of control over valuable properties, particularly those exceeding the arbitrary 200m^2 threshold.

While the bureaucrats behind these rules may have been well-meaning, the effect will be to reinforce existing power structures and wealth, without necessarily benefiting Māori communities.

Rules Invite Backroom Deals and Legal Battles

The SASM rules give mana whenua significant new powers over private property.

This invites — and may even encourage — backroom deals and opportunistic legal tactics.

It is not unreasonable to worry that:

- Developers may lobby or otherwise incentivise mana whenua representatives to obtain favourable outcomes.
- Neighbours may weaponise these rules against each other.
- Costly legal disputes will erupt, dragging in landowners, developers, and mana whenua alike.
- Council — and therefore ratepayers — will be left footing the bill.

Rather than fostering harmony, these rules may exacerbate community conflict.

Real-World Impacts on Property Owners

The real-world consequences for affected landowners are severe:

- Who decides what can be built, how it looks, or what additional regulatory burdens must be met?
- How will these new requirements affect property values?
- Who benefits from the consultation fees or "cultural engagement" costs imposed as part of the consent process?

Without clear answers, these rules increasingly resemble an informal tax — one that disadvantages some property owners based on arbitrary and opaque criteria, while providing questionable community benefit.

The 200m^2 Threshold: Arbitrary, Illogical and nonsensical:

The Council has claimed that Māori consent will only be required for developments larger than 200m^2.

At first glance, this might seem like a practical threshold aimed at larger projects.

However, the underlying logic is deeply flawed:

If the land is culturally significant, any development — even a small 5m^2 deck extension — should theoretically be important.

By focusing only on larger developments, the system exposes itself as motivated more by economic considerations than by genuine cultural or environmental concerns.

The 200m^2 rule conveniently targets higher-value, revenue-generating developments — reinforcing the perception that this process is about money and control, not authentic cultural preservation.

A development of 201m^2 requires full cultural engagement and protection measures, while one of 199m^2 does not — an arbitrary threshold that cannot be justified by reference to genuine cultural concerns.

Commercial properties are treated more harshly than residential ones, with fewer exemptions, even though residential extensions can also be large and intrusive.

Conclusion on impact of rules

The Council claims that the SASM rules' benefits outweigh the costs.

This is nonsense.

They have provided:

- No real analysis of benefits.
- No evidence-based assessment of costs.
- No explanation why protecting Māori values justifies limiting improvements to private land.

Instead, they rely on belittling very real economic damage as mere "opportunity costs" — ignoring the certain, unavoidable impact on property maintenance, development, and housing supply.

These rules risk:

- Imposing hidden taxes on property owners.
- Decreasing land values, without compensation.
- Hindering property improvements and housing development.
- Creating opportunities for abuse and conflict.

They must not proceed in their current form.

Inadequate Site Definition and Overreach (Schedule 6)

In recent years, efforts to integrate Māori cultural considerations into urban planning have led to the designation of "areas of significance" across New Zealand.

Originally, these areas protected genuinely important sites such as urupā (burial grounds) and pā sites (fortified villages).

However, the criteria have now expanded — in some cases dramatically.

Today, land may be classified as "significant" based simply on historic activities such as seasonal gardening, occasional hunting, fishing, or general movement through an area.

There is often no evidence of remains, artefacts, or permanent occupation — only broad, generalised claims of historic association.

This shift is starkly evident in Hutt City.

Around 250 commercial and 500 residential properties in Petone, Korokoro, and Eastbourne have been swept into newly designated SASM zones.

Effective immediately, the Council has imposed new rules under the District Plan:

- Resource consent is now required to build any new building or structure over 200m^2; and
- Consent is also required for any additions or alterations to existing buildings exceeding 200m^2, in commercial or industrial zones.

These new rules treat each private parcel of land as if Māori had an intense and significant relationship with every inch of it — despite the lack of specific historical evidence.

The way these boundaries have been drawn raises serious concerns about fairness, transparency, and real-world impact.

Arbitrary and Unexplained Boundaries

One of the most puzzling features of the SASM zones is the precise, street-by-street way the boundaries have been drawn.

Certain streets and neighbourhoods are labelled as "Māori significant," while nearby areas are excluded — often with no clear historical, cultural, or archaeological justification.

In some cases, areas with no known Māori heritage have been included, while nearby places with stronger historical associations have been left out.

It is hard not to ask uncomfortable but necessary questions:

- Was personal interest involved?

- Did decision-makers exclude areas where they or their associates live?
- Was this a genuine exercise in cultural protection — or something more selective and convenient?

The situation is especially alarming in economically vital areas like Petone, where high-value commercial properties have been swept into SASM zones.

Is it merely coincidence that areas of high economic potential have been captured, while others have not?

If cultural protection were truly the goal, all land would be treated equally — regardless of financial value.

Context: No Meaningful Features to Protect

In commercial areas such as Petone, Seaview and Gracefield:

- Over 100 years of modern development has already occurred.
- The land is now covered by factories, warehouses, homes, fences, roads, and service networks.
- There is almost nothing left of the original landscape or features that would warrant cultural protection.

Yet the rules assume that any minor earthworks or development activities on these highly modified sites somehow threaten significant cultural values — an assumption that is illogical and unsupported by evidence.

The reason for this broad-brush protection seems to be that historical events (such as contact with Europeans) occurred in the area and the area contains a number of other sites (that have their own protections).

Poor Quality of Evidence and Process

Many sites listed in Schedule 6 (Categories 2 and 3) suffer from vague descriptions, speculative claims, and no confirmed historical basis.

Key problems include:

- Arbitrary and imprecise boundaries that confuse landowners and undermine trust in the process.
- Unclear or missing evidence for why protection is warranted.
- Overly broad regulatory overlays that catch large areas of already developed or highly developable land, without tangible cultural features justifying the restrictions.

This leads to a system that is unpredictable, unfair, and legally vulnerable — a system that will impose unnecessary costs, delays, and conflict on our communities.

Conclusion on lack of evidence and poor process

The Hutt City Council's Schedule 6 designations and SASM rules represent a serious overreach.

They impose real burdens on private property owners without clear evidence or justification.

They undermine property rights and economic vitality.

They appear arbitrary, selectively applied, and economically motivated.

They risk creating backroom deals, unnecessary legal battles, and community resentment — while doing little to genuinely honour or preserve Māori heritage.

This panel must reject this approach before real and lasting damage is done to property rights, community relations, and public trust.

Inappropriate Weight Given to Undefined Cultural Values (SASM-P9)

The introduction of SASM-P9 into Hutt City's District Plan embeds highly subjective and potentially unbounded criteria for assessing resource consents.

Specifically:

- Applicants must consider vague concepts such as "spiritual or cultural values," without clear definitions.
- There may be a requirement for cultural impact assessments — but with no objective thresholds for when or why they are required.

The process implicitly grants mana whenua a de facto veto over development, due to the heavy reliance on undefined "consultation outcomes" with no measurable standards.

Similarly, SUB-P15 applies these subjective standards to subdivision consents, and goes further by mandating "practical mechanisms" to maintain or enhance mana whenua access to sites — seemingly requiring private landowners to allow uncompensated access to their own land.

This approach is deeply unbalanced.

It fails to consider:

- Private property rights,
- The wider community's urgent need for housing, and
- The necessity of enabling productive, efficient land use to support economic and infrastructure development.

Strong Opposition to Land Use Restrictions (SASM-R4, SUB-R6, EW-R10)

As currently drafted:

- Resource consent is required for any land development exceeding 200m^2 involving Category 1 or 2 sites.
- Subdivision of land containing these sites also requires consent.
- Earthworks exceeding just 50m^2 in area or 0.5m in depth require consent — a rule so restrictive that almost any minor project is captured.

Worse still, the only matter for consent assessment is protection of Māori sites and engagement with mana whenua.

There is no objective benchmark against which Council can evaluate mana whenua input.

This creates a practical veto by mana whenua over private development, with no meaningful legal limits or review standards.

These rules directly undermine Hutt City's own housing intensification and urban renewal objectives.

Investment Impact: Capital Flight Risk

The effect on private investment cannot be overstated.

Private capital will not invest in Hutt City while facing such uncertain, costly, and discretionary planning controls.

Our company will no longer invest in any Hutt City jurisdiction — SASM-designated or not — due to the risk of future expansion of these designations and the unknown costs and barriers they will impose.

Other investors will likely reach the same conclusion.

This will cripple local economic growth, precisely when urban centres like Petone need revitalisation and modernisation.

Summary: Private Rights Trampled Without Cause

Hutt City Council has crossed a critical line by compelling private property owners to protect broad, undefined spiritual and cultural "values" at their own expense.

These rules are not required under the Resource Management Act — they reflect a wilful misinterpretation of the Act's objectives.

Protecting specific sites (e.g., pā, urupā) is appropriate and necessary.

Promoting awareness of Māori history is valuable.

Monitoring for Māori artefacts during major development is reasonable.

But general areas historically used for hunting, fishing, gardening, or movement are not sufficiently significant to justify permanent land use restrictions.

The designated areas are already heavily urbanised, and no meaningful cultural features remain to protect.

The arbitrary size thresholds, disproportionate treatment of commercial land, and lack of objective standards create uncertainty, injustice, and economic harm.

Property owners bear real and immediate financial costs:

- Reduced property values,
- Mandatory consultation and consent fees,
- Future development limitations with no compensation.

The Council's claim that the cost to property owners is zero is false.

The costs are real, ongoing, and significant — and they are unfairly imposed on a small, unlucky subset of the community without compensation or recourse.

Recommended changes in brief:

Given the problems noted in my submission I recommend the Proposed Plan should be withdrawn.

If the plan is retained I recommend the following changes:

- I support recognition of Māori heritage, but the Plan must distinguish between genuinely significant sites and general areas with past activity:
- Limit category 1 sites to public land or clearly intact sites of obvious and ongoing cultural or spiritual importance, such as urupā.
- Merge categories 2 and 3 and provide recognition and opportunities for engagement, but remove the special land use protections on these sites (SASM-R4, SUB-R6, EW-R10),

- SASM-O1 and O4: Add “and (where consistent with private property rights)” to signal that protection depends on significance and land ownership context – private property rights must still prevail.
- SASM-O2, P6, and R1: Limit the exercise of tikanga Māori to situations consistent with private property rights to avoid confusion about implied rights of access
- SUB-P15.4: Remove this policy to make it clear that subdivision consents cannot be conditional on providing mana whenua a licence to access to property that they do not own.