

Submission on Proposed Hutt City District Plan – SASM2 Overlay From: Anya & Donald Ferns

Property Address: [REDACTED]

Date: 02/05/2025

**District Plan Review Team
Hutt City Council
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1. This is a submission from Anya & Donald Ferns of [REDACTED] on the Proposed Lower Hutt District Plan 2025.
2. Our email address for service is [REDACTED]
3. We could not gain an advantage in trade competition through this submission.
4. We are submitting feedback on the proposed changes to the Hutt City District Plan, specifically the application of the Sites and Areas of Significance to Māori (SASM2) overlay to private land in [REDACTED]
5. Our submission on those provisions, and the decisions we seek are detailed below. We also seek all further, alternative, necessary, or consequential relief as may be necessary to fully achieve the relief sought in this submission.
6. We do not wish to be heard in support of my submission.

Thank you for the opportunity to submit feedback on the proposed changes to the Hutt City District Plan, specifically the application of the Sites and Areas of Significance to Māori (SASM2) overlay to private land in Lowry Bay.

We own and live at [REDACTED], a privately held residential property in [REDACTED]. We wish to **formally object to the inclusion of our land within the SASM2 overlay**.

While we fully support the protection and recognition of Māori heritage and the inclusion of culturally significant sites in the planning process, we do not believe this overlay is appropriately applied in this case. There has been no clear evidence presented to show that our property, or others like it in [REDACTED] has identifiable or verifiable cultural significance today - especially given that the natural landscape of the area was dramatically altered in the 1855 earthquake, which uplifted the foreshore and transformed the previous estuarine environment.

Our land, like many others in the area, has been in continuous private residential use for over a century. The absence of any visible or documented cultural features or archaeological evidence calls into question the need for such a designation.

More concerning, however, is the way in which this overlay has been introduced. There was no direct consultation with affected landowners before our properties were designated. Instead, we were sent letters informing us that the SASM2 overlay now applied to our land, and that it had immediate legal effect. This approach is deeply problematic. It breaches the principles of natural justice by failing to involve those most affected in the decision-making process. It also undermines public confidence in fair and transparent governance.

New Zealand law has long upheld the importance of protecting private property rights. The Waitangi Tribunal has also made it clear that efforts to address historical injustices resulting from colonisation must not erode the rights of current landowners, whether Māori or Pākehā. The application of the SASM2 overlay to private residential property without evidence, process, or consent fails to uphold those standards.

In practical terms, this designation creates significant uncertainty and a burden of additional cost for property owners. It introduces unclear requirements for consultation with iwi, without specifying who must be consulted, what such consultation entails, or how outcomes are to be managed (SASM-R4, SUB-P15 & SUB-R6). This makes it more difficult to plan, develop, or sell affected properties. It also raises questions about possible access for cultural practices on private land (SASM-R1) - again, without any clear guidance or boundaries.

Relief Sought

We respectfully request that the SASM2 designation be removed from our property, and from other similarly affected private properties in [REDACTED]. Cultural protections should focus on sites where values are clear, accessible, and supported by evidence - such as public reserves, shorelines, and unmodified landscapes. That is where meaningful protection can take place without compromising the long-standing rights of private landowners.

We thank you again for the opportunity to provide feedback and urge the Council to remove the SASM2 overlay in the interests of fairness, clarity, and legal integrity.

Yours sincerely,

Anya & Donald Ferns