

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.

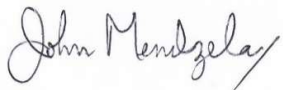
While the Council will retain all information provided in your submission in secure council systems, all contact details will be removed from any documents published on Council's website once the district plan process is complete. However, your name and the contents of your submission will still appear 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 John Mendzela on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is john.menzela@mendhurst.com
3. I could not gain an advantage in trade competition through this submission.
4. (not applicable)
5. 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.
6. I wish to be heard in support of my submission.
7. If others make a similar submission, I will consider presenting a joint case with them at the hearing.



Introduction

8. I (jointly with my wife Elisa Mendzela) own the residential property at 59 Walter Road, Lowry Bay, including the hillside area covenanted with the QE2 Trust that is accordingly denoted in Council records by the address 59a.

Under the current district plan, I understand that our property is zoned “Hill Residential”, falls under the plan’s provisions for that zone, and is not subject to any other classifications or constraints.

Under the proposed district plan, based on viewing the map provided on the Council Website, our property would be:

- Rezoned to fall within the new “Large Lot Residential” zone (entire property)
- Also fall within the new overlay for “Slope Assessment Area” (entire property)
- Also fall within the new overlay for “High and Very High Coastal Natural Character Area” (59a only)

Our property would also be affected by a more complex set of proposals affecting other areas of Lowry Bay. In particular our property can be accessed by public roadway only through the new Historical and Cultural Overlay for “Sites and Areas of Significance to Māori”, and I accordingly undertook research as to why and how this proposed new “zone” has been identified and what the direct and indirect impact of those proposals might be.

Having ascertained the locations of all those proposed changes from the excellent map provided, I nevertheless do not understand their potential impact on our property. The proposed district plan is a long, complicated, technical and highly cross-referenced document that a typical ratepayer and resident cannot easily understand and interpret. It would therefore have been helpful, and indeed would help meet the legal requirement for natural justice within the consultation process, to provide a series of simple fact sheets such as “Hill Residential zone compared with Large Lot Residential zone: What has changed and what hasn’t?”.

In the absence of readily comprehensible and specific information of that nature, I can only request decisions on the draft district plan in the general terms expressed below. (In doing so I have checked and fully met the requirements expressed within Form 5 in the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Those regulations do not refer to or mandate the completion of multicolumn tables such as those your template unequivocally demands that all submitters complete.)

9. Decisions Requested

Decision Request #1

I request that Council recognise that our property at 59a Walter Road, being subject to an Open Space Covenant with the Queen Elizabeth the Second National Trust that is publicly available on the Land Registry, already has its natural character and biodiversity fully, permanently and indefeasibly protected by law. No further such protection is needed or appropriate. Consequently, I request that Council entirely remove from 59a Walter Road the overlay for, and consequent impacts of, the proposed “High and Very High Coastal Natural Character Area”.

Decision Request #2

I request that Council carefully review the proposals for the “Large Lot Residential” zone in their own right and in conjunction with the proposals for the “Slope Assessment Area”, and ensure that in their application to our property and surrounding properties they would comprise an improvement on the current provisions for “Hill Residential” zone and that our property is not materially disadvantaged or endangered by the new proposals.

Decision Request #3

I request that Council recognise that the sections of the proposed district plan that introduce “Sites and Areas of Significance to Māori” are derived from dubious and vague concepts, often reflect inadequate and inaccurate mapping, and are inappropriate in principle. There is a considerable difference between considering such significance in relation to particular consents as and when those arise, and creating a “zone” that is subject to prescriptive rules that affect all property within that zone and can be readily changed in future. As they stand, those sections of the proposed district plan constitute a broad avenue for parties to apply them so as to generate widespread conflict, rorts, blackmail and bribery. I therefore request that Council modify the proposed district plan to fairly and properly recognise and provide for only those sites and areas of genuine, specific, substantial and objectively demonstrable Māori significance.