

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.

The Chief Executive, Hutt City Council

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

1. This submission is from Murray Fawcett on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is murray@spoilers.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 table below. 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, Murray Fawcett, the joint owner of the property located at 46 and 48 Waione Street, Petone (refer **Figure 1**), being legally described as LOTS 116 & 118 DP 384 WN98/121 & WN555/13.



Figure 1: location of 46 and 48 Waione Street, Petone (Source: Googlemaps)

8. 46 and 48 Waione Street, Petone is presently occupied by Grip Tyres and Wheels Ltd - refer **Photo 1**.

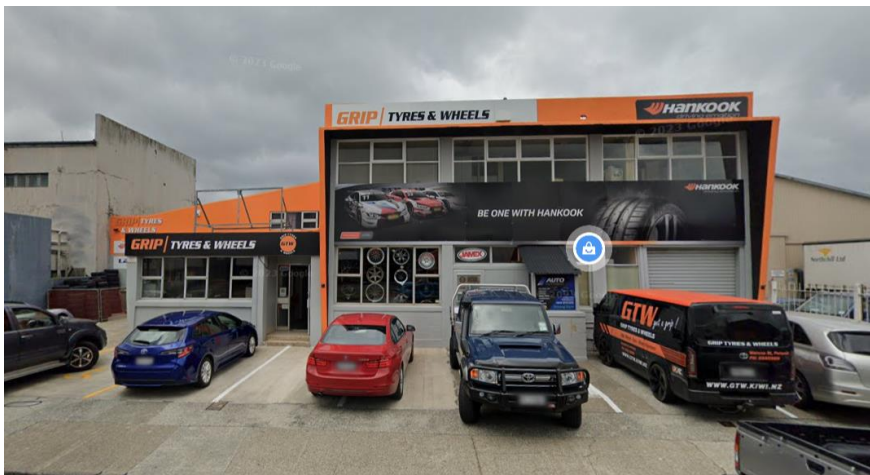


Photo 1: 46-48 Waione Street

9. I am writing to express my utter concern on the possibility of any expansion / upgrade plans with these buildings being denied in the future.

I purchased the buildings at 46-48 Waione Street, Petone in the knowledge that they were classified General Industrial Zone (GIZ) and therefore allowed for significant redevelopment opportunities - add a new building up to 22metres high /or dismantle part of the oldest building

(under Rule GIZ-R3, subject to compliance with identified standards)

10. 46- 48 Waione Street is identified in the PDP as a “Site or area of significance to Māori - Hikoikoi Pā” - refer **Figure 2** - which, if retained, would have a significant and detrimental effect on the potential [re]development of 46-48 Waione Street, Petone and therefore on the site’s property value as a direct consequence of this proposed ‘regulatory taking’.



Figure 2: Proposed “Site or Area of Significance to Māori - Hikoikoi Pā (Category 2)
(Source: HCC Proposed District Plan on HCC website)

11. As detailed in the following table, I request that 46-48 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	The inclusion of 46-48 Waione Street, Petone and adjoining properties fronting Waione Street, identified on the Planning Map as being within the “Site or Area of Significance to Māori - Hikoikoi Pā” is not evidence based and therefore is inappropriate given that, as a direct consequence of this proposed ‘regulatory taking’, it will adversely affect the District Plan’s otherwise anticipated and enabled redevelopment opportunities for the property and therefore the owner’s legitimate property interests. For a more detailed outline of the reasons for opposing the provision, refer to the attached supplementary sheet.	Removal of 46-48 Waione Street, Petone and the other properties fronting Waione Street and those between Waione Street and Hautonga Street for inclusion within the scope of the “Site and Areas of Significance for Māori - Hikoikoi Pā”, and amend the Planning Maps accordingly. In the first alternative, to uphold the sanctity of private property rights, removal of all private properties from being identified as a SASM under the Proposed District Plan.

SUPPLEMENTARY SHEET STATING REASONS FOR SUPPORTING THE SUBMISSION BY MURRAY FAWCETT

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.

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 Murray Fawcett an inherent 'conflict of interest' on the part of iwi and hapu, especially given such a significant increase 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 200m².
3. 46-48 Waione Street, Petone 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, the principal point of this opposing submission is the lack of specific, verifiable evidence connecting the property at 46-48 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 46-48 Waione Street in accordance with the provisions for the General Industrial Zone. The onus of proof should fall on the Hutt City Council 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.

Submitted by email by

Murray Fawcett
 Managing Director
 Discount Auto Accessories 2010 Ltd
 Owner of 46 and 48 Waione Street, Petone

Dated: 2nd April 2025