

# 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](mailto:contact@huttcity.govt.nz), call 04-570-6666, or write to us at Private Bag 31912, Lower Hutt 5040.

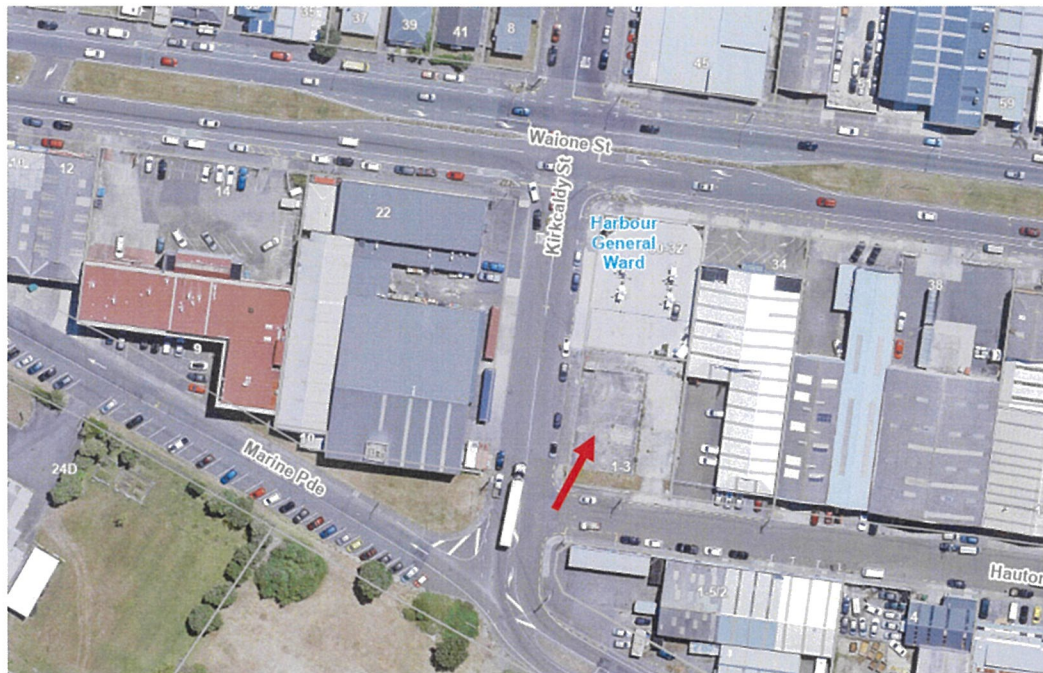
To: Chief Executive, Hutt City Council

Via email to [district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from **Andrew Cromie** on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is **andrew@maxam.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, **Andrew Cromie**, the owner of the property located at **1 Hautonga Street, Petone** (refer **Figure 1**), being legally described as **LOTS 101 & 103 DP 384 CT571/41**



**Figure 1:** location of **1 Hautonga Street**, (Source: Google maps)

8. **1 Hautonga St, Petone** is presently a development site currently leased as storage.  
- refer **Photo 1**.

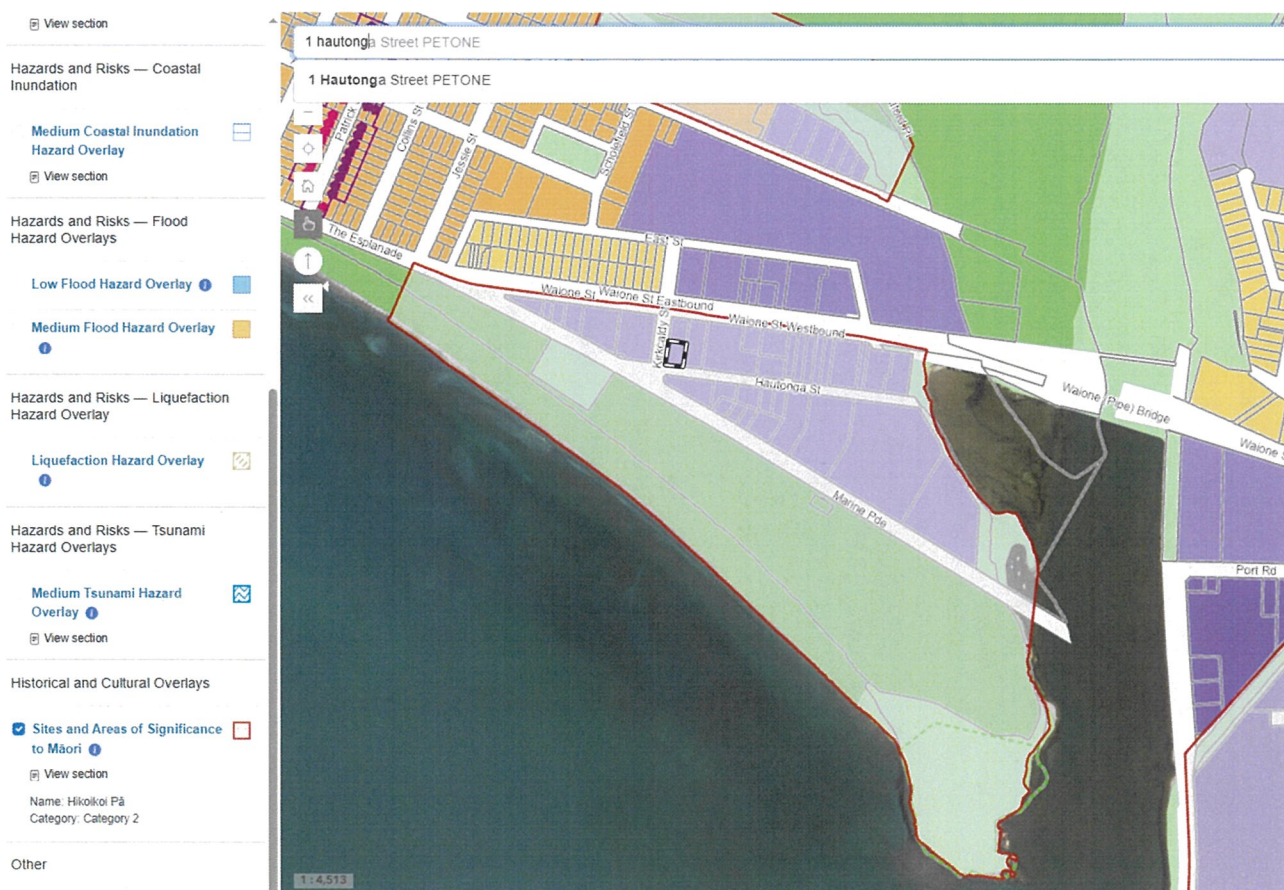


**PHOTO 1:** **1 Hautonga Street, Petone**



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 **1 Hautonga Street** as a permitted activity under Rule GIZ-R3, subject to compliance with identified standards.
10. However, **1 Hautonga Street** is also 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 **1 Hautonga Street, Petone** and therefore on the site’s property value as a direct consequence of this proposed ‘regulatory taking’.

### ≡ Proposed Lower Hutt District Plan



**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, **Andrew Cromie** requests that **1 Hautonga Street** 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>The inclusion of <b>1 Hautonga St, Petone</b> and adjoining properties, 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.</p> <p>For a more detailed outline of the reasons for opposing the provision, refer to the attached supplementary sheet.</p>	<p>Removal of <b>1 Hautonga St, Petone</b> and adjoining properties proposed for inclusion within the scope of the "Site and Areas of Significance for Māori - Hikoikoi Pā", and amend the Planning Maps accordingly.</p> <p>To uphold the sanctity of private property rights, removal of all private properties from being identified as a SASM under the Proposed District Plan.</p>

## SUPPLEMENTARY SHEET STATING REASONS FOR SUPPORTING THE SUBMISSION BY ANDREW CROMIE

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 McCleveryly estimated that it covered an area of over three acres"). It also states that "much of the peninsula where the pa was located has been lost to coastal and river erosion". 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. 1 Hautonga Street is historically and geographically disconnected from the original Pa. 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.
3. 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 **Andrew Cromie** 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 existing property rights and 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-R42 for any new building with a floor area exceeding 200m<sup>2</sup>.

**In summary**, the principal points of this opposing submission are:

- The lack of specific, verifiable evidence connecting the property at 1 Hautonga St, 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 1 Hautonga Street in accordance with the provisions for the General Industrial Zone.
- The imposition of significant costs, private property loss of value and utility on the owners.
- The onus of proof should fall on the Council 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



**Andrew Cromie**  
**Director - Maxam Corporation**  
 Owner of 1 Hautonga Street, Petone

Dated: 31 March 2025



# 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](mailto: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](mailto:district.plan@huttcity.govt.nz).

1. This is a submission from **Andrew Cromie** on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is **andrew@maxam.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, **Andrew Cromie**, the owner of the property located at **30 Waione Street, Petone** (refer **Figure 1**), being legally described as **LOTS 100 & 102 DP 384 CT 462/208**



**Figure 1:** location of **30 Waione St, Petone** (Source: Googlemaps)

8. **30 Waione St, Petone** is presently occupied by **Gull New Zealand** - refer **Photo 1**.

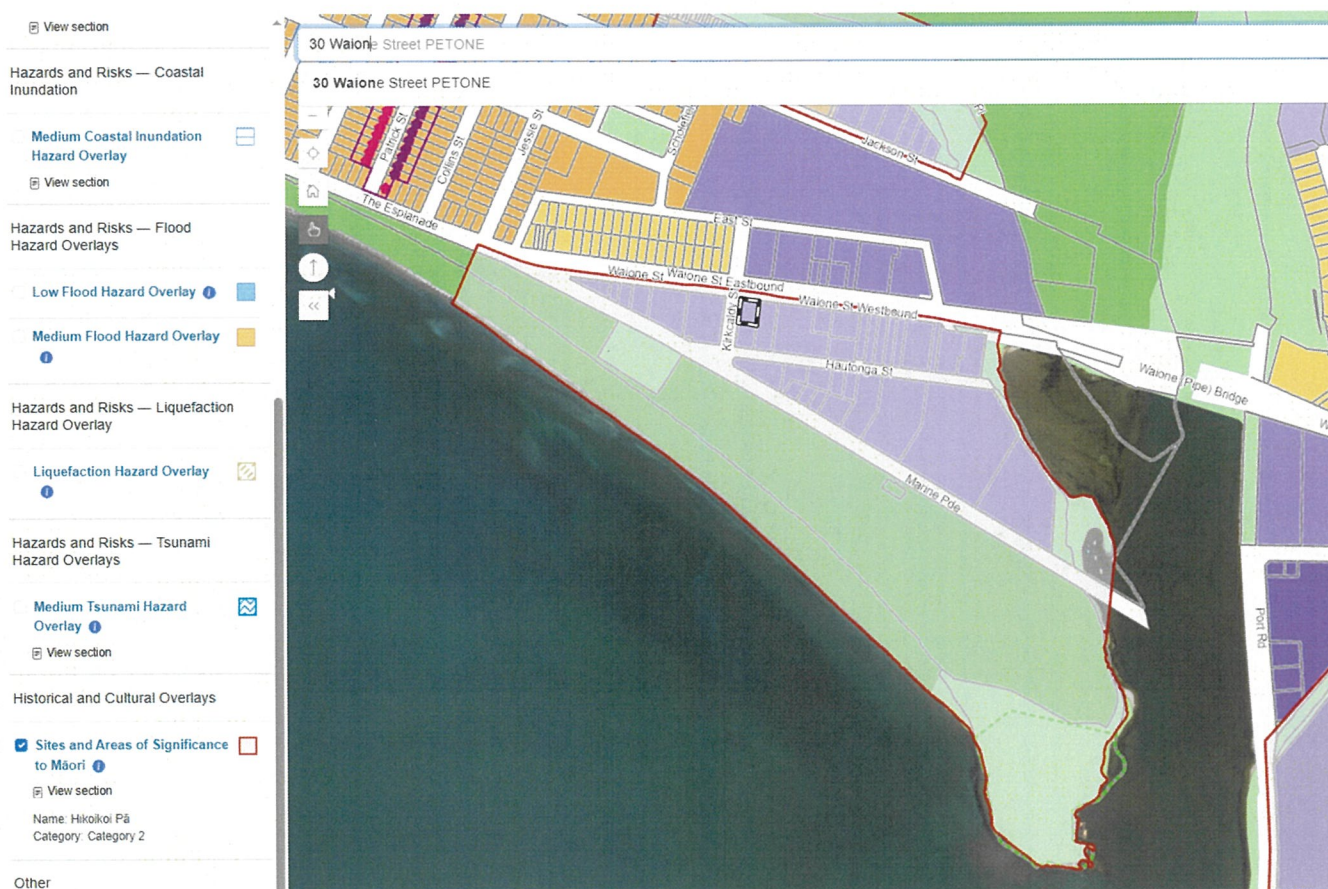


**PHOTO 1:** **30 Waione Street, Petone**



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 **30 Waione Street** as a permitted activity under Rule GIZ-R3, subject to compliance with identified standards.
10. However, **30 Waione Street** is also 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 **30 Waione Street, Petone** and therefore on the site’s property value as a direct consequence of this proposed ‘regulatory taking’.

### ≡ Proposed Lower Hutt District Plan



**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, **Andrew Cromie** requests that **30 Waione Street** 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>The inclusion of <b>30 Waione Street, Petone</b> and adjoining properties, 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.</p> <p>For a more detailed outline of the reasons for opposing the provision, refer to the attached supplementary sheet.</p>	<p>Removal of <b>30 Waione Street, Petone</b> and the other adjoining properties proposed for inclusion within the scope of the "Site and Areas of Significance for Māori - Hikoikoi Pā", and amend the Planning Maps accordingly.</p> <p>To uphold the sanctity of private property rights, removal of all private properties from being identified as a SASM under the Proposed District Plan.</p>

## SUPPLEMENTARY SHEET STATING REASONS FOR SUPPORTING THE SUBMISSION BY ANDREW CROMIE

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 McCleveryly estimated that it covered an area of over three acres”). It also states that “much of the peninsula where the pa was located has been lost to coastal and river erosion”. 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. 30 Waione Street is historically and geographically disconnected from the original Pa. 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.
3. 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 **Andrew Cromie** 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 existing property rights and 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-R42 for any new building with a floor area exceeding 200m<sup>2</sup>.

**In summary**, the principal points of this opposing submission are:

- The lack of specific, verifiable evidence connecting the property at 30 Waione St 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 30 Waione Street in accordance with the provisions for the General Industrial Zone.
- The imposition of significant costs, private property loss of value and utility on the owners.
- The onus of proof should fall on the Council 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



**Andrew Cromie**  
**Director - Maxam Corporation**  
 Owner of 1 Hautonga Street, Petone

Dated: **31 March 2025**