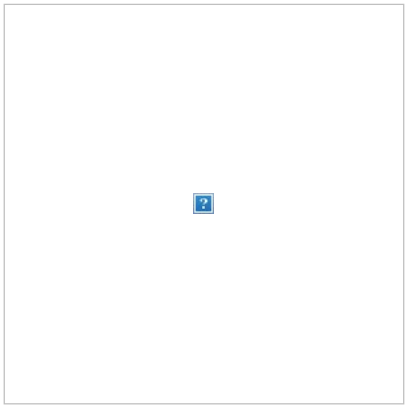
From: David and Joy Butler
To: District Plan Review Team
Subject: [EXTERNAL] District Plan Review
Date: Wednesday, 26 March 2025 6:45:50 pm



To: Chief Executive, Hutt City Council

My husband and I have lived at this property since 1980. We have done extensive additions to improve the property and secured the house to make sure it is well engineered . We have reestablished the bush mainly in natives. The section was weedy and covered in whitey wood when we started. I am dismayed that I may have to navigate more rules and procedures in order to stay where I love to live. I am happy to endorse the submissions below as due respect and protection has been given to Maori who may have concerns in some areas. Tangata whenua may be still be able to participate where historical and cultural findings arise. I support the right to record these areas but private property owners should feel that they can make changes under the resource consent process available to all property owners. These properties have been in private ownership for over 100 years and present owners shouldn't be penalised for happening to be the owners under this proposed change.

1. This is a submission by Joy Butler on the Proposed Lower Hutt District Plan 2025.
2. My email address for service 25ferry@gmail.com
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 do not wish to be heard in support of my submission.
6. If others make a similar submission, I not consider presenting a joint case with them at the hearing.

Introduction

My submission relates to the section on Sites and Areas of Significance to Māori. I am opposed to including private land in the Sites and Areas of Significance to Maori beyond recording that historical or cultural significance, and publicising it. I oppose restrictions on private land because of cultural significance to Maori, and I oppose empowering one group in society to set conditions and withhold approval for private development.

The rules proposed:

- Are not required, nor envisaged, by the Resource Management Act. The Council has gone too far to give effect to the good intentions of the Act toward land of significance to Maori.
- create a dangerous precedent in favour of previous property owners / inhabitants, who gain rights and control over the current owners.
- break a long-standing cultural principle that property rights are only limited by your direct, provable, effect on others.
- relegate property *rights* below *claims* of culture and heritage
- institutionalise and prioritise racism in urban planning

The HCC rules clearly go to far, because the Government has decided to clarify in a new RMA that property rights are the fundamental principle. They will only limited by the effects of changes on owners and users of other land, and on the environment.

Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
Part 2 – District wide matters	Historical and Cultural Values, Sites and Areas of Significance to Maori	SASM-P1	Support	The Hutt landscape is rich with Māori history. It is important to Māori, and to everyone in the Hutt Valley, to have Māori heritage on the land identified, recorded and honoured. It is understandable that Māori may also want to identify, record and honour their cultural connection to this heritage.	Keep provision
		SASM-P2	Neutral	The language of the provision "protect sites and areas listed as Nga Awa o te Takiwa from inappropriate subdivision, use, or development" is a strong statement. This could potentially make it harder to get	

				consents re non-permitted activities in respect of these bodies of water.	
		SASM-P3	Neutral		Could replace with: Acknowledge sites and areas listed as Category 1 in SCHED6 – Sites and Areas of Significance to Māori.
		SASM-P4	Oppose		Could replace with: Acknowledge sites and areas listed as Category 2 in SCHED6 – Sites and Areas of Significance to Māori.
		SASM-P5	Support		Keep provision
		SASM-P6	Oppose	Our understanding is that the current RMA cannot be used to erode property rights – it can restrict a person's use of their land, but it cannot allow a third party access/use rights to that person's land that would not otherwise exist. So enabling tangata whenua to carry out tikanga Māori on land (by making this a permitted activity under SASM-R5) would not entitle Māori to trespass on private land to undertake the activity. I think HCC intends this policy for allowing tikanga to be exercised in these sites as a permitted activity where it would otherwise require resource consent. But recent uncertainty of law in this area suggests it would be wise to have this spelled out clearly. Hence my suggestion:	Enable tangata whenua to carry out tikanga Māori (including mahinga kai) within sites and areas of significance to Māori, provided that the activity is consistent with the property rights of the landowner on which the activity takes place.
		SASM-P7	Support with change	If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications.	Encourage landowners to: 1. Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and 2. Work with tangata whenua to manage, maintain, preserve and protect sites and areas of significance to Māori, where doing so is practicable and proportionate in the circumstances."
		SASM-P9	Oppose	If my proposal on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications, so I suggest an alteration to SASM-9 which clarifies that each clause in the policy is limited by the extent to which it is reasonable and relevant (to development and use of private property)	**Add to each numbered paragraph one of the following:** a. … to the extent to which it is reasonable for the proposal to respond to or incorporate the outcomes of that consultation. b. … the extent to which it is reasonable to expect the proposal to reflect those values in private property. c. … to the extent relevant to private property.
		SASM-R1	Support in part	Needs clarification to indicate no intention to provide rights over land owners to tikanga Māori on private land.	Agree, with following change: Undertaking tikanga Māori within a public Site or Area of Significance to Māori, or private land with approval of the owner.
		SASM-R2	Neutral	I support support the accidental discovery protocol requirement for category 2. I am in favour of providing for protection of SASM in this manner – ensuring recovery - even on private land. But this is all the protection that is needed. Get rid of all the additional rules about restricting new buildings/alterations/additions.	
		SASM-R3	Support		Keep provision
		SASM-R4	Oppose	Adding resource consent requirements for building on private land will tie landowners up with consultation with tangata whenua, limits their property rights, limits commercial development and housing supply. I understand the application of these rules on category 1 significance, but application on category 2 goes beyond what most people think reasonable.	Separate Category 2 and replace all wording with: 1. Activity Status: Permitted

				There is no demonstrated need to restrict building/development in category 2 areas.	
		SASM-R5	Support		Keep provision