

Submission on publicly notified proposed district plan

Clause 6 of Schedule 1, Resource Management Act 1991

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To: Chief Executive, Hutt City Council

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

1. This is a submission from Robert Thomas Barton on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is info@clorogene.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. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Introduction

6. I, Robert Thomas Barton, the owner of the property located at 58 Waione Street, Petone (refer **Figure 1**), being legally described as Lots 128, 129 DP 384.

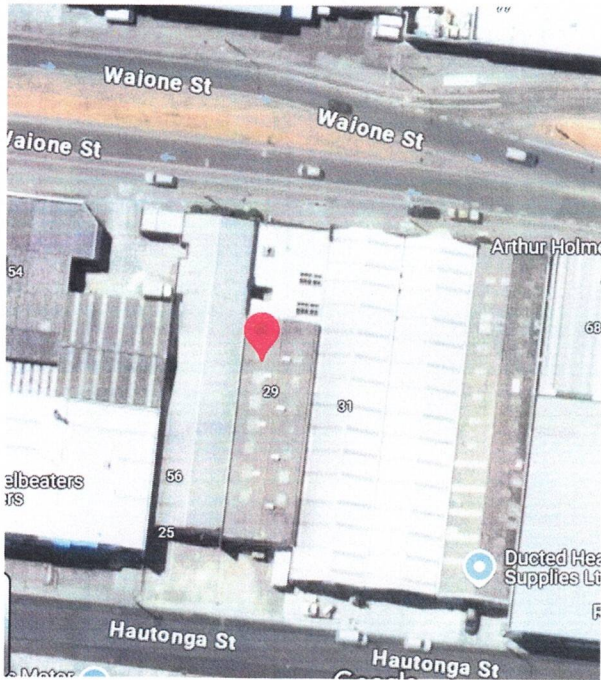


Figure 1: location of 58 Waione Street, Petone (Source: Googlemaps)

7. 58 Waione Street Petone is presently occupied by Clorogene Supplies Ltd - refer **Photo 1**.



PHOTO 1: 58 Waione Street Petone

8. 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 58 Waione Street Petone as a permitted activity under Rule GIZ-R3, subject to compliance with identified standards.
9. However, 58 Waione Street Petone 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 58 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)

10. As detailed in the following table, Robert Thomas Barton requests that 58 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 58 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 58 Waione Street Petone and the other properties on Waione Street and on the northern side of 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 and preferable 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 ROBERT THOMAS BARTON

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 Robert Thomas Barton 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. 58 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 58 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 58 Waione Street Petone in accordance with the provisions for the General Industrial Zone. The onus of proof should fall on the iwi and hapu 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.

Signed



Robert Thomas Barton
 Managing Director
 Randah Properties Ltd
 Owner of 58 Waione Street, Petone

Dated: 2nd April 2025