

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 email or postal 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

1. This is a submission from:

Full name OR Company/organisation	Patricia Cleland
Contact person <i>if different</i>	
Email address <i>the Council, hearing panel, and courts will use this to contact you, and will publish this information so other submitters can contact you if necessary</i>	
Postal address <i>Required if you did not provide an email address, otherwise optional</i>	8 Cheviot Road, Lowry Bay
Phone <i>optional</i>	

3. This is a submission on the Proposed Lower Hutt District Plan 2025.

4. I ☐ could ☒ could not gain an advantage in trade competition through this submission.
(Please tick one)

5. If you could gain an advantage in trade competition through this submission:

- I ☐ am ☐ am not directly affected by an effect of the subject matter of that submission that—
- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition:

(you must tick one if you answered "could" to the question in paragraph 3 above)

Note: if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

6. The specific provisions of the proposal that my submission relates to are:

Give details:

Proposed changes to district plan relating to Site or Area of Significance to Māori, high natural hazard areas and slope assessment overlay.

(We recommend using additional pages if your submission is lengthy)

7. My submission is:

Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views:

I oppose the specific provisions. Details follow in attached word document.

(We recommend using additional pages if your submission is lengthy)

8. I seek the following decision from Hutt City Council:

Give precise details:

Answers to questions posed in my attached submission.

(We recommend using additional pages if your submission is lengthy)

9. I ☒ wish ☐ do not wish to be heard in support of my submission.

(please tick one)

10. If others make a similar submission,

I ☒ will ☐ will not consider presenting a joint case with them at the hearing.

(please tick one)

Signature of submitter:

(or person authorised to sign on behalf of submitter)

(a signature is not required if you make your submission by electronic means)

1-May-25

Date

Where to send your submission

- By email (preferred): district.plan@huttcity.govt.nz
- By post: Hutt City Council, Private Bag 31912, Lower Hutt 5040
- In person: At the Hutt City Council Customer Service Centre, 30 Laings Road, Lower Hutt

1 May 2025

Submission on the Proposed District Plan – Sites and Areas of Significance to Māori (SASM) and other related provisions

As a long-time ratepayer and resident of Lower Hutt, I am writing to **oppose key aspects of the Proposed District Plan**, particularly those relating to Sites and Areas of Significance to Māori (SASM), and to raise broader concerns about **property rights, transparency, and due process**.

1. Protection of Property Rights and the Right to Quiet Enjoyment

At the heart of my concern is the **erosion of fundamental property rights**. The right to the **quiet enjoyment of one's property**—a well-recognised legal principle—should not be compromised by a planning regime that imposes vague or subjective restrictions, now or in the future. While the Council states that private property rights are not overridden, the introduction of these provisions—particularly those with **immediate legal effect**—casts a shadow of uncertainty over what owners can and cannot do with their land. This is especially concerning when **no clear or consistent criteria** have been provided.

2. Impact Beyond SASMs – Slopes, Foreshore, and Hazards

It is critical that this submission does **not focus solely on SASMs**. The entire scope of proposed overlays—including **Slopes, Foreshore, and Hazard areas**—must be interrogated for **justification, transparency, and evidence**. Any restriction, regardless of its intent, must be **clearly defined, justified, and fairly applied**, or else it risks setting a dangerous precedent that undermines public trust and confidence.

3. Acknowledging the Importance of Māori Heritage

I want to **acknowledge and respect the importance** of Māori heritage, and I fully support **appropriate protection of taonga** and **significant cultural sites** in partnership with local iwi. However, these protections must be implemented in a way that is **evidence-based, transparent, and respectful of all stakeholders**, including property owners.

4. Key Questions That Must Be Addressed

There is a lack of clarity and transparency in the current proposal, which raises serious concerns. I respectfully request that the following questions be considered and addressed:

- i. **How were the Sites and Areas of Significance to Māori (SASMs) identified?**
What process was used, and what criteria applied?

- ii. **Why are these specific areas being targeted?**
For example, why are areas such as **Waiwhetu** or the **Western Hills** not included, despite their known significance to local iwi?
- iii. **If the purpose is to protect taonga, why are iwi being asked to publicly identify these sites?** Doesn't this contradict the principle of protecting something precious?
- iv. **What documented evidence was used to define SASMs, slopes, sea beds, and other overlays?**
In my own research, I've seen **no documentary evidence** beyond the foreshore. Please provide this publicly.
- v. **How was oral history incorporated and verified?**
What methodology was used to document it, and how can its reliability be assessed?
- vi. **Why is the Resource Management Act (RMA) being used as the vehicle for this?**
The connection seems tenuous and not clearly justified in this context.
- vii. **If a resident wants to build over 200m², what is the process?**
Do we go to iwi first or wait until after Council consent? Please explain the **full approval pathway**.
- viii. **How does this proposal align with the Council's stated goal of freeing up land for development?**
Isn't this an extra layer of bureaucracy that contradicts the government's goal of reducing red tape?
- ix. **What happens if the RMA is reformed or repealed by the current government?**
What would be the **legal and practical implications** for these proposed overlays and restrictions?
- x. **What will it cost residents to consult with iwi as part of this process?**
Has a fee structure or rate card been defined, or is it case-by-case? Will the Council subsidise this?
- xi. **What was the internal decision-making process within Council management?**
If it's true that the CEO did not fully review or understand the implications of this chapter, that raises serious concerns. What checks and balances were in place to ensure **sound governance and accountability**?

Summary

While I support the intent to protect Māori cultural heritage, this must not come at the expense of **clarity, fairness, or fundamental property rights**. The current proposal lacks sufficient detail, transparency, and practical guidance. I urge the Council to

reconsider and **refine these provisions**, and to answer the questions raised above clearly, publicly, and in good faith.

Sincerely,

Patricia Cleland

8 Cheviot Road, Lowry Bay, Lower Hutt