

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.

To: Chief Executive, Hutt City Council

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

1. This is a submission from **JOHN HOSEGOOD** on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is hosegood@outlook.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 have made some over-arching points in the Context so my submission should be considered in its entirety. 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.

Context

7. Hutt City Council contacted us (- Helen and John Hosegood) by letter (- not dated) stating our property at 9 Cheviot Road, Lowry Bay 5013 is identified as being within a Site of Significance to Maori, and that the proposed District Plan includes new objectives, policies and maps for these sites. They said the changes could affect our property and the associated rules have immediate effect. The chapter entitled **Sites and Areas of Significance to Maori** refers.
8. The letter from Hutt City Council did **not** explain the proposed changes or how they would impact our property. I needed this analysis to understand the proposed impacts and Council's thinking. I believe the Council had an obligation to provide this information. On top of this, the Proposed District Plan was hard to follow. These deficiencies are a barrier to me and other ratepayers providing the feedback requested, and because of this my submission is very limited. It focuses only on category 2 rather than all categories of land the chapter refers to. A submission covering the full scope of the chapter would identify additional issues, but this was not realistic for me in the time available.
9. I looked for the underlying logic for the SASM chapter but did not find it clearly explained. I noted reference to the RMA, the Tangata Whenua chapter, and Section 32 Evaluation Report. I did not find reference to the general rights of property owners and regard this as a fundamental omission; if I missed it, apologies but it should have been more apparent. Because of this I regard the basis of the SASM chapter is unsound. This is a great pity as it denies proper consideration of the matter.
10. I did not find reference to fees involved in satisfying SASM requirements. These should not be an additional burden on property owners.

11. I strongly believe Hutt City Council should be doing all it can to protect the property rights of its ratepayers, and to recognise the need to encourage good development and reduce unproductivity, including red tape. In the proposed SASM chapter that is not the case as the proposed District Plan removes and complicates some property owners' rights. I oppose the proposal to do that.
12. Specific decisions I am requesting are in the table below and relate to Lowry Bay which has been classified as Category 2. We take this from the Section 32 Evaluation – Sites and Areas of Significance to Maori, including Section 10 Attachments which describes the area as:

Whiorau-Lowry Bay (category 2)

Known as a place for harvesting Whio (Blue Duck) the shoreline and bay was also an important fishing [site](#). The area inland also held cultivations associated with Waiwhetū and Hikoikoi Pa.

Decisions Requested

#	Chapter	Provision	Position	Reasons	Relief sought
1	Sites and Areas of Significance to Maori	SASM – Objectives 1, 02,03	Oppose	Objectives should exclude private land and recognise landowner rights.	Private land should be excluded, landowners' rights should be protected, and costs should be clear.
2	Sites and Areas of Significance to Maori	SASM – Policies 02, 03, 04, 06	Oppose	Policies should exclude private land and recognise landowner rights. Policies should be more specific. The reference in P6 to carrying out activities relating to natural resources (Mahinga kai) which might mean accessing private land as of right must be removed.	Private land should be excluded, landowners' rights should be protected, and costs should be understood. Owners must be able to operate within a framework that provides certainty.
3	Sites and Areas of Significance to Maori	SASM – Policy 09	Oppose	Policy is far too broad; it is like a "catch all" and it is hard to understand.	Removal

#	Chapter	Provision	Position	Reasons	Relief sought
4	Sites and Areas of Significance to Maori	SASM – Rule 2.4	Oppose	We have only considered Category 2. Under the proposal, to trigger “Restricted Discretionary” SASM - S1: Accidental discovery must have occurred so works must have already started. At that point stopping works for a resource consent is not realistic. And this should not apply to private land.	Remove or substantially change R2.4, and exclude private land.
5	Sites and Areas of Significance to Maori	SASM – Rule 4.3	Oppose	On private land a building of any size should be determined by general planning rules rather than SASM.	Remove
6	Sites and Areas of Significance to Maori	SASM – Standard 1	Oppose in part	The standard is too broad brush. As written ceasing works could be costly whilst the matter is minor. Requirement to cease works should be removed except if required in general NZ law.	Simplify the standard to an obligation to inform only. Exclude private land from any requirement to cease works, except if required in general NZ law.



John Hosegood

Date:

29 April 2025