

## Submission to Hutt City Council on Notified Change to District Plan

To: Chief Executive, Hutt City Council

1. This is a submission from Moira Gough on the Proposed Lower Hutt District Plan 2025.
2. My email address for service is moiragough1@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 table below.
5. I do not 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

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

I am opposed to the HCC pushing through unnecessary changes to the District Plan when the Government has announced it will introduce a new RMA clarifying that property rights are the fundamental principle. They will only be 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	It is important to Māori, and to everyone in the Hutt Valley, to have Māori heritage on the land identified, recorded and honoured.	Keep provision
		SASM-P2	Neutral		
		SASM-P3	Neutral		Could replace with:  Acknowledge <a href="#">sites</a> and areas listed as Category 1 in <a href="#">SCHED6 – SASM</a> .
		SASM-P4	Oppose		Could replace with:  Acknowledge <a href="#">sites</a> and areas listed as Category 2 in <a href="#">SCHED6 – SASM</a> .
		SASM-P5	Support		Keep provision
		SASM-P6	Oppose		Enable <a href="#">tangata whenua</a> to carry out <a href="#">tikanga Māori</a> (including <a href="#">mahinga kai</a> ) within sites and areas of significance to Māori, <b>provided that</b> the activity is consistent with the property rights of the landowner on

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					which the activity takes place.
		SASM-P7	Support with change	If the proposal above on category 2 rules are not accepted, our rights need protection via the process for determining resource consent applications.	<p>Encourage landowners to:</p> <ol style="list-style-type: none"> <li>1. Engage with <a href="#">tangata whenua</a> where <a href="#">subdivision</a>, use, or development has the potential to adversely affect <a href="#">sites or areas of significance to Māori</a>, and</li> <li>2. Work with <a href="#">tangata whenua</a> to manage, maintain, preserve and protect sites and areas of significance to Māori, where doing so is practicable and proportionate in the circumstances.</li> </ol>
		SASM-P9	Oppose	If the proposal above on category 2 rules is not accepted, our rights need protection via the process for determining resource consent applications. One suggestion is an alteration to SASM-9 which clarifies that each clause in the policy is limited by the extent to which it is reasonable and	<p><b>Add to each numbered paragraph one of the following:</b></p> <ol style="list-style-type: none"> <li>a. ... to the extent to which it is reasonable for the proposal to respond to or incorporate the outcomes of that consultation.</li> <li>b. ... the extent to which it is reasonable to</li> </ol>

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				relevant (to development and use of private property)	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 <a href="#">tikanga Māori</a> within a public <a href="#">Site or Area of Significance to Māori</a> , or private land with approval of the owner.
		SASM-R2	Neutral	I support the accidental discovery protocol requirement for category 2 sites.  I am in favour of providing for protection of SASM discovered 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	Separate Category 2 and replace all wording with:

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				<p>land ties landowners up with consultation with tangata whenua, limits their property rights, limits commercial development and housing supply.</p> <p>While these rules may be relevant on areas with category 1 significance, their application to category 2 goes beyond what seems reasonable.</p> <p>There is no demonstrated need to restrict building/development in category 2 areas.</p>	1. Activity Status: Permitted
		SASM-R5	Support		Keep provision
		SASM-S1	Support	In the interests of supporting Maori heritage and cultural values, it is reasonable for archaeological monitoring and collection to start if artefacts are found.	Keep provision