



20 May 2025

J G & C E Sinclair

s7(2)(a)

Dear J G & C E Sinclair

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information request dated 21 April 2025 for information on Proposed Lower Hutt District Plan – new conditions/restraints to be applied to 24 Cheviot Road, Lowry Bay in relation to Sites and Areas of Significance to Maori.

Answer:

Under which section(s) of which Act is the Council required to impose these new property rights restraints on private land owners?

Requirements for district plans are set by the Resource Management Act 1991 (RMA).

It does not include any specific requirements in relation to regulating land use, subdivision and development in relation to Sites and Areas of Significance to Māori.

However, it does include the following more general requirements.

- Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the RMA shall recognise and provide for. This includes *“the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”* (section 6e).
- Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall have particular regard to in achieving the purpose of the RMA. This includes *“Kaitiakitanga”* (section 7a).
- Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the RMA.

- Section 75(3)(c) of the RMA requires the District Plan to give effect to the Regional Policy Statement for the Wellington region. Of particular relevance for Sites and Areas of Significance to Māori, Policy 49 of the Regional Policy Statement requires the District Plan to recognise and provide for:
 - The exercise of kaitiakitanga;
 - Mauri, particularly in relation to fresh and coastal waters;
 - Mahinga kai and areas of natural resources used for customary purposes; and
 - Places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

Please provide copies of the legal/other advice which led the Council to conclude that this new policy must be introduced?

Advice to Council on the Proposed District Plan is included in the agendas for the Council's District Plan Review Committee meetings. These agendas are available on the Council's website [here](#). The relevant committee meetings where Sites and Areas of Significance to Māori were discussed were:

- 6 December 2021 (Meeting on Mana Whenua/Tangata Whenua. Minutes available through the link above)
- 10 August 2023 (Meeting on historical and cultural values. Minutes available through the link above)
- 18 October 2023 and 29 February 2024 (Meeting regarding the Draft District Plan and summary of engagement on the Draft District Plan. Minutes available through the link above)
- 2 May 2024 (An update on Te Ao Māori zones and chapters was given at the meeting. Minutes available through the link above)
- 4 December 2024 (the District Plan Review Committee meeting and Council meeting. Minutes available through the link above)

Please provide copies of all reports/studies/opinions/advice which enabled the Hutt City Council to construct precise delineations of those properties within Lowry Bay which are "of significance to Maori" – given that your Proposed District Plan suggests that many properties within Lowry Bay are not ("of significance to Maori")

The main report for the Sites and Areas of Significance to Māori for the Proposed District Plan is the *Section 32 Evaluation – Sites and Areas of Significance to Māori*, found [here](#).

In addition, as part of the engagement with iwi authorities we have been provided with documents on the locations and narratives of some of these Sites and Areas of Significance to Māori, attached (Documents are as provided to us).

You also asked the following

- 1. Whether our property was confiscated during the “Land Wars”, sold by Maori to others or, once used but abandoned by Maori before a fee simple title was issued?**

The Council does not hold this information.

- 2. What - precisely - are the specific “historical and territorial rights” over our land, that we were not made aware of by the Hutt City Council when we purchased our property in 1984? Who has determined these rights?**
- 3. When - precisely - were these “rights” first discovered?**

The identification of a location in a Site/Area of Significance to Māori in the Proposed District Plan does not necessarily relate to specific historical or territorial rights.

For the Site/Area of Significance to Māori that has been identified for Lowry Bay, Mana Whenua have provided the following statement during the development of the Proposed District Plan on the significance of this area:

Whiorau-Lowry Bay

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 Pā.

- 4. In the event that we may wish to subdivide our property, is the HCC now stipulating that this could not occur without our first obtaining the approval of local Maori?**

Approval from local Māori would not necessarily be required for subdivision of a property in a Site/Area of Significance to Māori.

As part of processing an application for a resource consent to subdivide a property, the Council makes a decision on who it considers is an “affected party” for the subdivision. This decision is based on the specific details of the proposed subdivision, including the location of the proposed allotments and the potential impacts of future land use enabled by the subdivision.

Even if a party is considered an affected party for the subdivision, an applicant does not necessarily need to obtain that parties approval. However, if you don’t obtain their approval the application would be notified, and that party has the opportunity to make a formal submission on the proposed subdivision.

- 5. If so, would we be required to pay Maori for any such consultation (regarding the previously assumed right to subdivide our property?). Has the Council imposed any limits on what these extra costs could be?**

There is no requirement from Council for people to pay Māori for consultation.

6. Will the Council compensate property owners for the additional costs they may now face as a direct result of these new “rights” that they have now imposed (without prior consultation with ratepayers?)

The Council does not compensate property owners for costs associated with complying with the Proposed District Plan.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council’s website: [Proactive releases | Hutt City Council](#)

Yours sincerely

Anne O’Shaughnessy

Interim Senior Advisor

Information Requests and Privacy