

**BEFORE THE WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the submission points made by Ara Poutama Aotearoa (the Department of Corrections) on the Designations provisions of the Proposed Waikato District Plan (Submitter No. 496 and Further Submitter No. 1210) – **Hearing 15**

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**STATEMENT OF EVIDENCE “HIGHLIGHTS PACKAGE” OF MATTHEW CRAIG ALLOTT**

**PLANNER**

**ON BEHALF OF ARA POUTAMA AOTEAROA (THE DEPARTMENT OF CORRECTIONS)**

7 April 2020

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- 1.1 A Notice of Requirement (“NOR”) was prepared by the requiring authority (Minister of Corrections C/- The Department of Corrections) for the designation of the Spring Hill Corrections Facility (“SHCF”, Designation P1) to be included in the PWDP with minor modifications to the designation conditions. Additionally, two further submission points (1210.1 and 1210.2) were made by the Department in relation to primary submissions made on Designation P1.
- 1.2 Designation P1 is included in the Operative Waikato District Plan – Waikato Section (“the Operative Plan”) and provides for the construction, operation, maintenance and upgrading of the SHCF. The SHCF designation was confirmed by the Environment Court in a decision made on 30 June 2004. The designation is subject to a “Description of Works” and a set of 50 conditions. Following confirmation of the designation in 2004 the facility was constructed between 2005 – 2007 and officially opened on 25 September 2007.
- 1.3 A number of the designation conditions set out requirements that solely relate to the initial works that were undertaken to construct and establish the SHCF. As such, these conditions have been satisfied given that the facility has been operational for over 12 years. In summary, these conditions relate to compliance with plans, formation of a Community Liaison Group, pre-works consultation, implementation of landscaping, construction traffic management, earthworks management, upgrading of the Te Kauwhata Wastewater Treatment Plant and installation of directional signage.
- 1.4 The NOR seeks to amend or remove these conditions that have been given effect to and have been complied with, and are therefore now redundant as currently worded. The retention of the redundant conditions will result in inefficiencies; that is, each time there is a proposal at the SHCF a suite of redundant conditions will need to be reviewed to check for compliance through an Outline Plan process.
- 1.5 In my view the proposed removal and/or amendments to redundant conditions as set out in the NOR will result in a more efficient planning framework for the SHCF.
- 1.6 Two primary submissions were made on Designation P1; one by David Saxton (412.1) and one by Heritage New Zealand (“HNZ”, 559.242). The Department’s further submission points 1210.1 and 1210.2 were made in relation to these two points, respectively opposing and supporting the primary relief sought.
- 1.7 Mr Saxton seeks that the Department be required to maintain all mitigation plantings associated with SHCF, and that the Proposed District Plan be amended to apply a

"Significant Natural Area" map annotation to the native plantings at SHCF. The Council Officer has recommended that Mr Saxton's submission be rejected, which the Department supports – in line with its further submission. The requirement to maintain and protect planting is already confirmed through the designation conditions applicable to SHCF, including conditions 6.1 and 6.2. These conditions act in the same way as resource consent conditions and are therefore able to be monitored and enforced by WDC where compliance is not achieved. In my view, any additional level of protection is unnecessary.

- 1.8 HNZ seeks amendments to designation condition 5.1 (Archaeology). The proposed amendments (a) correctly refer to the updated naming of the heritage authority, as required by the Heritage New Zealand Pouhere Taonga Act 2014; and (b) provide clarity that HNZ, rather than the Council, is responsible for the process of recording and recovering discovered archaeological features. The Council Officer has recommended that HNZ's submission be accepted, which the Department supports – in line with its further submission. The amendments are minor and of an administrative nature only.
- 1.9 The Council Officer has raised an issue in relation to the proposed amendment to designation condition 4.2 (Cultural and Spiritual – protection of the puna). I confirm that the NOR submitted by the Department did not seek an amendment to this condition. However, I can advise that the Department has discussed condition 4.2 with WDC monitoring staff during a SHCF compliance monitoring visit in February 2020. Subsequent to this compliance monitoring visit the Department followed up with an email query to WDC monitoring staff; and in turn it seems WDC monitoring staff have discussed with the Council Officer responsible for the preparation of the Section 42A report for Hearing 15.
- 1.10 By way of background; the Department is in the process of drawing up a Memorandum of Encumbrance (MoE) in accordance with the requirements of designation condition 4.3. For the purpose for clarity and completeness, the Department has asked WDC for some guidance as designation condition 4.2 names three iwi parties which need to be listed within the MoE, and the Department is aware that there have been changes to the registered names of these parties.
- 1.11 In terms of where this has got to, the WDC iwi advisor has responded to the Department stating that the *Waikato Raupatu Lands Trust* is now *Waikato Tainui Inc.*; however, with regard to the queries on Horahora Marae Trust and Ngati Naho Co-operative Society, WDC has provided iwi contact details.

- 1.12 Given the legal / registered names of the iwi parties listed within Designation P1 have and may continue to change over time, the Department would like to make a minor amendment to condition 4.2 to accommodate any changes as follows:

*“The puna (springs) shown on Figure 4 dated December 2003 shall be fenced off and protected from construction works, including earthworks. There shall be no future building development or earthworks within 5m of any puna unless agreed between the Minister and the Waikato Raupatu Lands Trust, Ngati Naho Co-operative Society and Horahora Marae Trust or successors”.*

- 1.13 As a final point, a further submission point (1210.6) was made by the Department in relation to the introduction of the ‘Corrections Zone’ to replace the existing Rural Zone over the SHCF site. I note that the Department has corresponded with WDC as to where this issue ‘sits’ in terms of the PWDP hearings schedule and an indication has been given that this matter will be dealt with through the “Zone Extents” or “Other Matters” hearings. In relation to the imposition of the ‘Corrections Zone’ to replace the Rural Zone over the SHCF site; this aligns with the National Planning Standards directive; and needs to be addressed as part of future PWDP hearings processes accordingly.