

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of hearing submissions and further
submissions on the Proposed
Waikato District Plan

AND

IN THE MATTER of matters arising during Hearing 20
– Maori Sites and Areas of
Significance

FURTHER DIRECTIONS FROM HEARING COMMISSIONERS

28 August 2020

INTRODUCTION

1. At the conclusion of Hearing 20 “Maori Sites and Areas of Significance”, we issued the following Directions on 4 August 2020:
 - a. Counsel for the Waikato District Council, Ms Parham, is to reduce to writing the submissions she presented orally to the Panel at the commencement of the hearing.
 - b. Council staff are to provide written details of how the owners of land that the Proposed Waikato District Plan (“**proposed plan**”) identified as containing either a “Maori Site of Significance” or a “Maori Area of Significance” were informed of that at the time the proposed plan was publicly notified. This information may be incorporated into Ms Parham’s submissions, as per a above.
 - c. Council staff are to provide a table setting out the following details regarding all privately owned land that was not identified as either a “Maori Site of Significance” or a “Maori Area of Significance” in the proposed plan, but which submissions on the proposed plan requested be identified as such:
 - i. The address of the land in question;
 - ii. The owner(s) of the land in question;
 - iii. The name of the submitter and a summary of what the submission sought;
 - iv. Whether the owner(s) of the land lodged a further submission on the matter, and if so, a summary of the further submission; and
 - v. A summary of the recommendation contained in the section 42A report, or the rebuttal section 42A report, including whether any further on-site investigations were recommended.

- d. Council staff are to liaise with representatives of Ngati Tamainupō and Perjuli Developments Limited and provide a written chronology of the various statutory approvals that were sought and obtained under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014 for development of land in the vicinity of 5851 Great South Road, Ngaruawahia that was previously rurally zoned, and which is now zoned for residential development. For the avoidance of doubt, we are only seeking the following information in respect of this paragraph d:
- i. The dates on which any proposed rezonings were publicly notified and the decisions issued;
 - ii. The dates on which any resource consent applications were made for the various development stages and the decisions issued; and
 - iii. The dates on which any applications for permissions under the Heritage New Zealand Pouhere Taonga Act 2014 were made and the decisions issued.
- e. The Hearings Administrator is to provide these Directions to all parties that attended Hearing 20.

2. As per those Directions, the information required by paragraphs 1 a – d above (“**the information provided by Council staff**”) was received on **Wednesday 19 August 2020**. It is available on the Waikato District Council website.

3. Because it is relevant to these Further Directions, we reproduce paragraph 3 of the information provided by Council staff, as follows:

3. The table below sets out the details of all privately owned land that was not identified as either a Maaori Site or Area of Significance in the notified version of the Proposed District Plan, but which submissions on the proposed plan requested be identified as such in accordance with clause c.

Address	Owner(s) of the land	Name of the submitter	Summary of what the submission sought	Any further submissions	A summary of the recommendation contained in the section 42A report	Did Dr Kahotea ¹ recommend any further site investigations ?
Riria Kereopa Memorial Drive, Raglan	Te Kopua No 3 & 4 Blocks	Rolande Paekau [152.8]	Add the waahi tapu located at the end of Riria Kereopa Memorial Drive to Schedule 30.3 MSOS.	FS1323.158 HNZPT – Oppose 152.8.	Re Para 79 & 80. Ms Paekau recommend that this submission be accepted and that the Burial Ground be noted on Te Kopua 3 as shown in 6.8 page 45. The hapuu dealt with the	No Dr Kahotea was not asked to comment or undertake site visits.

¹ The Council’s technical advisor on these matters

					process according to their tikanga.	
Kernott Road, Horotiu (Opposite No 24 Kernott Road)	Horotiu Farms Limited	Warren & Heather Parker [187.1]	Add the property opposite 24 Kernott Road, Horotiu to Schedule 30.4 as Maaori Area of Significance (The submitter states that the site has just as many 'borrow pits' as the neighbouring property and should be saved too)	FS1323.146 HNZPT - Support	Re Para 82-84. The site was viewed and acknowledged that it is a significant example of the horticultural landscape. Although it needs discussion with the owner, engagement with Tangata Whenua and an Authority from HNZPT, Ms Paekau agreed with Dr Kahotea's recommendation that it be scheduled.	Dr Kahotea has provided a cultural review associated with Maaori horticulture and recommends that the remaining horticultural sites be recognised as an area of significance as identified by the submitter. Dr Kahotea comments that Tangata Whenua has a significant heritage landscape and hapuu are facing it being rapidly depleted.
Riverbank Road, Mercer	Department of Conservation for Schedule Item MAOS SS73 Te Paina and S12/273 Cultivation and Papakaainga Area on Mercer Domain. (note that Lot 90 has been divided into Lot 90 A & B and Lot A is retained under Maaori ownership)	Liam McGrath on behalf of Mercer residents and Ratepayers Committee [367.52] Site visit was undertaken.	Add Te Paina Pa, Mercer Recreation Reserve, Riverbank Road, Mercer to Schedule 30.4 Maaori Areas of Significance.	FS1323.147 HNZPT - Support	The references identified to the two locations were notified on the proposed planning map. Upon consideration after the site visit and Dr Kahotea's research, Ms Paekau recommended that the submission be accepted however no changes to the maps are necessary	Dr Kahotea recommends further research to define a boundary for the kaainga separate from the gardening area. (as suggested in Figure 39 of Dr Kahotea's report). This part of Lot 90 (now Lot 90A) is identified where the Te Paina kaainga were re-established.

Cnr Gordonton Road and Piako Road	St Mary's Anglican Church (Waikato Diocesan Trust Board) 974 Gordonton Road Waikato District Council (Designation M490) Gordonton Cemetery AH &LV Smith (farm lane bordering Gordonton Road	Ruruhia Cila Henry [812.1]	Amend the Proposed Waikato District Plan to include the Karamu Paa and Urupa as waahi tapu on the corner of Gordonton Road and Piako Road.	No	Comments refer to Paragraphs 90-92 of the area that belonged to Ngaati Wairere. Ms Paekau recommended that Mrs Henrys submission to identifying the Paa and Urupaa as an MSOS and being scheduled in the district plan be accepted.	No but Dr Kahotea comments it is not known why Karamu Paa was not included in the PWDP and recommended supporting the submission.
5851 Great South Road, Ngaruawahia (Submission also included 2831 River Road but this property was not addressed)	Perjuli Development Limited	Kimai Huirama – Ngaati Tamainupo [962.1]	Add protection on some of the significant burrow pits on the properties at 5851 Great South Road and 2831 River Road Ngaruawahia and any other section the submitter deems to be of high cultural significance (e.g. proximity to Pukelaahua and size).	FS1111.2 Ngaa Uri o Tamainupo Ki Whaingaroa – Support FS1323.165 HNZPT - Support	Comments refer paragraphs 93-99. Ms Paekau recommended that the cluster of borrow pits, or remaining borrow pits be added to the planning map and schedule 30.3 as an MSOS and the supporting further submissions be accepted.	Email contact was made with the River Terraces Subdivision, Perjuli Developments Ltd on 13 March 2020 to request access to the property at 5851 Great South Road, Ngaruawahia for Dr Kahotea and Ms Paekau to assess the borrow pits. The developer declined to meet with them or allow access to the property. Dr Kahotea has said that issues raised by Ngaati Tamainupo are best addressed by Council undertaking a

						review of the state of the remaining Waikato Horticultural Complex borrow pits with tangata whenua, to develop a strategic or management plan with preservation and conservation objectives.
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4. The Panel has been advised that submission [187.1] from Mr and Mrs Parker concerning land owned by Horotiu Farms Limited, has been formally withdrawn. Accordingly, that property is not discussed further here, and these Further Directions do not apply to it.

FURTHER DIRECTIONS

5. Having carefully considered all the information received, the Panel now issues the following Further Directions:
- a. The Hearings Administrator is to provide the information provided by Council staff and these Further Directions to all parties that attended Hearing 20, and is to post these Further Directions on the Council's website.
 - b. As suggested by Ms Parham, Council staff are to write to each of the landowners listed in paragraph 3 of the information provided by Council staff (reproduced in the table in paragraph 3 above), but not Horotiu Farms Limited, to:
 - i. Inform them that a submission on the proposed plan has stated that their land contains a Maori Site or Area of Significance (as the case may be) and have requested that this be identified as such in the Waikato District Plan;
 - ii. Provide sufficient detail about the relevant Maori Site or Area of Significance so that the landowner can understand what has been requested, why it has been requested and what consequences it would have for their use of that land; and
 - iii. Advise the landowner that the Panel wishes to obtain their views before making any decision on whether or not to accept the submission and/or further submission; and
 - iv. Invite the landowner to provide a written statement setting out their views.

- c. The results of the process set out in paragraph 5 b above are to be included in the Council's Right of Reply.
 - d. Where any: submission; further submission; recommendation in the Council's section 42A report; or response from a landowner referred to in paragraph 5 b above, has raised doubts about the veracity and/or location of any suggested Maori Site or Area of Significance, subject to obtaining landowner approval to enter the land, Council staff are ,to "ground truth" the site/area in question and include it in the Council's Right of Reply.
 - e. We would appreciate the Council's Right or Reply being completed by **Friday 30 October 2020**, but staff should advise the Panel if they consider that this date is not able to be achieved.
6. Any questions concerning these Directions should be addressed to the Hearings Administrator, Mr Bell.

7. Mr Bell's contact details are as follows:

Email Districtplan@waidc.govt.nz

Telephone 027 214 8052



P H Mitchell (Chair)

On behalf of the Hearings Panel

28 August 2020