

Appendix 1 - Recommendations on All Submissions and Further Submissions

The reasons and recommendations for each submission should be read in conjunction with the evaluation and discussion for each submission set out in the Section 42A report:

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
Submitter 1 – Victor Hewson					
S1.1	All of Plan Change 3	Withdraw/reject PC3	Reject	PC3 effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā. The affected properties are capable of reasonable use and consenting pathways exist for activities such as earthworks, additions and alterations to buildings and the erection of new buildings that exceed the permitted standards.	No
S1.2	All of Plan Change 3	Alternatively, if submission S1.1 is not accepted, provide an ongoing management plan that ensures that the owners are compensated and that the land is managed in a manner that is respectful to the Urupā status.	Reject	There is no general right to compensation under the RMA for planning controls, including heritage or cultural overlays. The undeveloped part of the urupā is privately owned and the maintenance of this land is the responsibility of the landowner.	No
SUPPORTED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT: Support submissions S1.1 and S1.2: Victor Hewson in their entirety	Reject	For the same reasons stated in S1.1 and S1.2, above.	No

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		See further submission for specific comments.			
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submission S1.1 and S1.2: Victor Hewson in their entirety. See further submission for specific comments.	Reject		No
SUPPORTED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR SUPPORT: Support submission S1.1: Victor Hewson to the extent that it seeks rejection/withdrawal of all or part of PC3. See further submission for specific comments.	Reject		No
Submitter 2 – Richard Birkinshaw					
S2.1	All of Plan Change 3	Withdraw/reject PC3, and instead replace with appropriate residential zoning provisions reflecting the present land use and for Te Ātiawa to erect a monument on a portion of the undeveloped land.	Reject	The proposed provisions are considered to be the most effective and efficient method of protecting the cultural and heritage values associated with Kārewarewa urupā from further inappropriate land disturbance and urban development that is otherwise enabled by the provisions of the underlying General	No

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				Residential Zone.	
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submission S2.1: Richard Birkinshaw in its entirety. See further submission for specific comments.	Reject		No
SUPPORTED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR SUPPORT: Support submission S2.1: Richard Birkinshaw to the extent that it seeks rejection/withdrawal of all or part of PC3. See further submission for specific comments.	Reject		No
Submitter 3 – Ātiawa ki Whakarongotai					
S3.1	All of Plan Change 3	Retain PC3 as notified	Accept	PC3 acknowledges the land as an urupā and proposes to protect it by incorporating Kārewarewa urupā into Schedule 9 of the District Plan as a site of significance to Māori. As required by the RMA, PC3 acknowledges that Kārewarewa urupā is a place of cultural and spiritual importance to tangata whenua,	No

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				and protects it from inappropriate subdivision, use, and development as a matter of national importance.	
<p>OPPOSED BY:</p> <p>FS1 – Richard Birkinshaw</p>		<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S3.1 in its entirety.</p> <p>See further submission for specific comments.</p>	Reject	<p>The Kārewarewa Urupā Waitangi Tribunal Report confirmed the site is an urupā and is a site and area of significance to Māori. The further submissions do not include any evidence in support of the opinions put forward that the site is not a urupā or the location of a past battle.</p>	No
<p>OPPOSED BY:</p> <p>FS2 – Laurence Petherick on behalf of a collective</p>		<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S3.1 in its entirety.</p> <p>See further submission for specific comments.</p>	Reject		No
<p>OPPOSED BY:</p> <p>FS3 – Waikanae Land Company</p>		<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S3.1 on the basis that it seeks to retain PC3.</p> <p>See further submission for specific comments.</p>	Reject		No

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SUPPORTED BY: FS4 – Dr. Mahina-a-rangi Baker, WAI 1945		SUMMARISED REASONS FOR SUPPORT: Support submission S3.1: Ātiawa ki Whakarongotai in its entirety. See further submission for specific comments.	Accept		No
Submitter 4 – Te Rūnanga o Toa Rangatira					
S4.1	All of Plan Change 3	Retain PC3 as notified	Accept	PC3 acknowledges the land as an urupā and proposes to protect it by incorporating Kārewarewa urupā into Schedule 9 of the District Plan as a site of significance to Māori. As required by the RMA, PC3 acknowledges that Kārewarewa urupā is a place of cultural and spiritual importance to tangata whenua, and protects it from inappropriate subdivision, use, and development as a matter of national importance.	No
OPPOSED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S4.1 in its entirety.	Reject	The Kārewarewa Urupā Waitangi Tribunal Report confirmed the site is an urupā and is a site and area of significance to Māori. The further submissions do not include any evidence in support of the opinions put forward that the site is not a urupā or the location of a past battle.	No

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		See further submission for specific comments.			
OPPOSED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S4.1 in its entirety. See further submission for specific comments.	Reject		No
OPPOSED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S4.1 on the basis that it seeks to retain PC3. See further submission for specific comments.	Reject		No
Submitter 5 – Laurence Petherick on behalf of a Collective					
S5.1	All of Plan Change 3	Withdraw/reject PC3, and instead retain as General Residential Zone and erect a monument.	Reject	The spatial extent of Kārewarewa Urupā proposed by PC3 is consistent with that set out in the Waitangi Tribunal's Kārewarewa Urupā report, and as shown on the District Scheme maps before its removal by Horowhenua Council in 1970.	No
SUPPORTED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT:	Reject	The Tribunal found that the traditional, historical, and archaeological evidence is clear	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
		Support submissions S5.1: Laurence Petherick on behalf of a Collective in its entirety See further submission for specific comments.		that the block of land is an urupā, and that the urupā has “great significance in cultural and spiritual terms” for Ātiawa ki Whakarongotai. The submission appears to incorrectly consider that PC3 proposes to change the zoning of the affected properties from General Residential Zone to another zone, which it does not. The identification of Kārewarewa urupā over the affected properties is an overlay and trigger for specific provisions of the District Plan to apply to subdivision and development. The underlying General Residential Zone that applies to the affected properties will not change. Establishing a monument would be insufficient to prevent inappropriate land disturbance from occurring, and would fail to achieve the relevant objectives. The establishment of a primary school would be a matter for the Ministry of Education, and is not a relevant matter for consideration of PC3.	
SUPPORTED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR SUPPORT: Support submission S5.1: Laurence Petherick on behalf of a Collective on the basis that it seeks rejection/withdrawal of all or part of PC3. See further submission for specific comments.	Reject		No
Submitter 6 – Waikanae Land Company					
S6.1	All of Plan Change 3	Withdraw/reject PC3	Reject	PC3 proposes to incorporate Kārewarewa urupā into the District Plan, as recommended by the Independent Hearings Panel for PC2,	No

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SUPPORTED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT: Support submissions S6.1: Waikanae Land Company in its entirety See further submission for specific comments.	Reject	and as confirmed by the High Court as the necessary separate Schedule 1 RMA process to enable it to be identified and protected from inappropriate subdivision, use, and development. The Waitangi Tribunal report which initiated the inclusion of Kārewarewa urupā in PC2, states that the traditional, historical, and archaeological evidence is clear that the block of land is an urupā, and that the urupā has “great significance in cultural and spiritual terms” for Ātiawa ki Whakarongotai. The Waitangi Tribunal has recommended that the Crown’s historic breach be remedied. As an urupā, the site holds significant cultural and spiritual value for mana whenua and is therefore recognised as a matter of national importance under section 6 of the RMA. It must be protected from inappropriate subdivision, use, and development. PC3 is the most effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā from inappropriate land disturbance and urban development permitted by the underlying General Residential Zone.	No
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submission S6.1: Waikanae Land Company in its entirety. See further submission for specific comments.	Reject	and as confirmed by the High Court as the necessary separate Schedule 1 RMA process to enable it to be identified and protected from inappropriate subdivision, use, and development. The Waitangi Tribunal report which initiated the inclusion of Kārewarewa urupā in PC2, states that the traditional, historical, and archaeological evidence is clear that the block of land is an urupā, and that the urupā has “great significance in cultural and spiritual terms” for Ātiawa ki Whakarongotai. The Waitangi Tribunal has recommended that the Crown’s historic breach be remedied. As an urupā, the site holds significant cultural and spiritual value for mana whenua and is therefore recognised as a matter of national importance under section 6 of the RMA. It must be protected from inappropriate subdivision, use, and development. PC3 is the most effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā from inappropriate land disturbance and urban development permitted by the underlying General Residential Zone.	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
			<p>PC3 has undertaken consultation consistent with the requirements of the RMA, including engagement with relevant stakeholders and mana whenua.</p> <p>The availability of permitted activities and consent pathways indicates that the land remains capable of reasonable use.</p> <p>There is no general right to compensation under the RMA for planning controls, including heritage or cultural overlays.</p>		
Submitter 7 – KCDC Parks, Open Space and Environment					
S7.1	All of Plan Change 3	Retain PC3 as notified (to the extent it relates to the submitter's land)	Accept	<p>Parts of the adjoining Council reserve known as Waimanu Lagoons are included in the urupā site.</p> <p>Waimanu Lagoons Management Plans prepared in July 2000 acknowledges the cultural and historical significance of this area to Māori.</p>	No
<p>OPPOSED BY:</p> <p>FS1 – Richard Birkinshaw</p>	<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S7.1 in its entirety.</p> <p>See further submission for specific</p>	Reject	<p>Reasons for FS1 opposing S7.1 does not raise any new matters that I have not already considered. FS1 cites the same reasons for opposing S7.1 as it does for other submissions that support PC3.</p>	No	

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		comments.			
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submission S7.1 as it relates to that part of the urupā located on the Waimanu Lagoons Reserve. See further submission for specific comments.	Accept in Part	Although the support is noted, the part of the further submission that states that reinterments from the urupā be located within the reserve falls beyond the scope of PC3 and the RMA.	No
OPPOSED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S7.1 on the basis that it seeks to retain PC3 in relation to that part of the urupā located on the Waimanu Lagoons Reserve. See further submission for specific comments.	Reject	Reasons for FS3 opposing S7.1 does not raise any new matters that I have not already considered. FS3 cites the same reasons for opposing S7.1 as it does for other submissions that support PC3.	No
Submitter 8 – Che Ray and Vanessa Blackmore					
S8.1	All of Plan Change 3	Oppose PC3, and requests the '20-acre block' be retained as General Residential Zone	Reject	The incorporation of Kārewarewa urupā into Schedule 9 of the District Plan which means that the provisions of the SASM chapter apply to it in addition to the provisions of the underlying zone, in this case being the General	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
				<p>Residential Zone.</p> <p>The submission appears to incorrectly consider that PC3 proposes to change the zoning of the affected properties from General Residential Zone to another zone, which it does not. The identification of Kārewarewa urupā over the affected properties is an overlay and trigger for specific provisions of the District Plan to apply to subdivision and development. The underlying General Residential Zone that applies to the affected properties will not change.</p>	
S8.2	All of Plan Change 3	Oppose PC3, and requests the undeveloped land be used for school purposes	Reject	The establishment of a primary school would be a matter for the Ministry of Education, and is not a relevant matter for consideration of PC3.	No
S8.3	All of Plan Change 3	Oppose PC3, and requests that any human remains found could be reinterred in a grassed corner of the adjacent Waimanu Lagoons Reserve with an appropriate monument erected to record the history	Reject	Establishing a monument would be insufficient to prevent inappropriate land disturbance from occurring, and would fail to achieve the relevant objectives.	No

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SUPPORTED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT: Support submissions S8.1, S8.2 and S8.3 in their entirety. See further submission for specific comments.	Reject	For the reasons as stated above.	No
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submissions S8.1, S8.2 and S8.3 in their entirety. See further submission for specific comments.	Reject		No
SUPPORTED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR SUPPORT: Support submissions S8.1, S8.2 and S8.3 in their entirety. See further submission for specific comments.	Reject		No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
Submitter 9 – Brett Osborne					
S9.1	All of Plan Change 3	Supports PC3 in part – Retain the addition of all parts of PC3 which relate to the Wāhanga Tahī listing.	Accept in part	I note and acknowledge the submitter's support in principle for the recognition of Kārewarewa Urupā within the District Plan, and the support for the addition of all parts of PC3 which relate to the Wāhanga Tahī portion of Kārewarewa urupā. I note the submission requests that this part of the Kārewarewa Urupā listing be retained. As I am recommending the entire Kārewarewa urupā area be retained within PC3, I recommend submission S9.1 be accepted in part.	No
OPPOSED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S9.1 in its entirety. See further submission for specific comments.	Reject	For the same reasons FS1, FS2 and FS3 oppose other submissions that support PC3. No new matters have been raised that I have not already considered.	No
OPPOSED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S9.1 in its entirety.	Reject		No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
		See further submission for specific comments.			
OPPOSED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S9.1 in its entirety. See further submission for specific comments.	Reject		No
S9.2	All of Plan Change 3	Opposes PC3 in part – Amend PC3 by: <ul style="list-style-type: none"> removing all parts of PC3 which relate to the Wāhanga Rua listing; and instead, rely on a requirement for the application of the accidental discovery protocol under HH-Table 1 	Reject	The submitter requests removing all parts of PC3 which relate to the Wāhanga Rua listing; and instead, rely on a requirement for the application of the accidental discovery protocol under HH-Table 1. I note the accidental discovery protocol primarily contains the requirements to be followed in the event of the accidental discovery of koiwi and cultural artifacts, which generally reflects the requirements under the Heritage New Zealand Pouhere Taonga Act 2014.	No
SUPPORTED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT: Support submission S9.2 in its entirety. See further submission for specific comments.	Reject	The objective of PC3 is to recognise and provide for Kārewarewa urupā as a site of significance to Māori. To achieve this, PC3 places restrictions on land disturbance and development within the spatial extent of	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
SUPPORTED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR SUPPORT: Support submissions S9.2 – S9.7 in their entirety. See s 42A author's reasons/comments under S9.3 – S9.7. See further submission for specific comments.	Reject	Kārewarewa urupā, with the level of restriction varying by location. Although the wāhanga rua area has been modified by housing development, the purpose of PC3 is to prevent further significant earthworks as a permitted activity, thereby managing any potential adverse effects. In my opinion, relying solely upon an accidental discovery protocol to manage a known archaeological site or wāhi tapu, in the absence of prior Council consent and consultation with mana whenua would not provide adequate protection for the urupā.	No
SUPPORTED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR SUPPORT: Support submission S9.2 in its entirety. See further submission for specific comments.	Reject		No
S9.3	All of Plan Change 3	Opposes PC3 in part – Requests operative rule SASM-R3 (in relation to the Wāhanga Rua overlay in PC3) be amended.	Reject	PC3 does not propose any amendments to the provisions applicable to wāhanga tahi and wāhanga rua areas. As such, in my opinion the submitter's request to amend the SASM provisions in relation to these areas is beyond the scope of this plan change.	No
S9.4	All of Plan Change 3	Opposes PC3 in part – Requests operative rule SASM-R9 (in relation to the Wāhanga Rua	Reject	Any changes to the operative rules would require wider consultation as part of the preparation of the plan change, including	No

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		overlay in PC3) be deleted.		consultation with mana whenua on draft provisions. I also note that the requested changes to the operative rules would apply to all SASMs that share the same classification. This is not an anticipated outcome of the plan change and the actual and potential effects of this have not been assessed, nor whether making changes to operative rules would more effectively and efficiently achieve the relevant objectives.	
S9.5	All of Plan Change 3	Opposes PC3 in part – Requests operative rule SASM-R11 (in relation to the Wāhanga Rua overlay in PC3) be amended.	Reject		No
S9.6	All of Plan Change 3	Opposes PC3 in part – Requests operative rule SASM-R19 (in relation to the Wāhanga Rua overlay in PC3) be amended.	Reject		No
S9.7	All of Plan Change 3	Opposes PC3 in part – Requests in relation to the Wāhanga Rua overlay in PC3, that subdivision that creates additional lots be treated as a restricted discretionary activity.	Reject		No
Submitter 10 – Ngā Hapū o Ōtaki					
S10.1	All of Plan Change 3	Retain PC3 as notified	Accept	The support for PC3 as notified is acknowledged.	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
OPPOSED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S10.1 in its entirety. See further submission for specific comments.	Reject	I have considered the reasons provided by the further submissions that oppose submission S10.1, and I have not identified any reasons that would lead me to the position that PC3 is not the most efficient or effective method to achieve the purpose of the Act or the relevant objectives.	No
OPPOSED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S10.1 in its entirety. See further submission for specific comments.	Reject		No
OPPOSED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S10.1 in its entirety. See further submission for specific comments.	Reject		No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
Submitter 11 – Simon Leeming					
S11.1	All of Plan Change 3	Retain PC3 as notified	Accept	The submitter's support for PC3 is acknowledged. The decision requested by the submitter to support the plan change as notified, is accepted.	No
OPPOSED BY: FS5 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S11.1 in its entirety. See further submission for specific comments.	Reject	I have considered the reasons provided by the further submissions that oppose submission S11.1, and I have not identified any reasons that would lead me to the position that PC3 is not the most efficient or effective method to achieve the purpose of the Act or the relevant objectives.	No
OPPOSED BY: FS6 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION: Oppose submission S11.1 in its entirety. See further submission for specific comments.	Reject		No