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## **Kapiti Coast District Council**

### **Proposed Plan Change 3 (Kārewarewa Urupā) to the Kapiti Coast District Plan 2021 – Incorporating Kārewarewa Urupā into Schedule 9 (Sites and Areas of Significance to Māori)**

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## **Section 42A Report – Recommendations on Decisions Requested by Submitters**

**Prepared by:** Sandhira Naidoo, Principal Planner  
**Date:** 30 April 2026

## Table of Contents

Executive Summary .....	5
Introduction .....	5
Purpose of PC3.....	6
Key issues in contention.....	8
Author .....	9
Statutory Considerations .....	9
Section 32 RMA.....	9
New Zealand Coastal Policy Statement .....	10
Section 32AA RMA .....	10
Scope.....	11
Legal Effect.....	11
Trade Competition.....	11
Background to Plan Change 3 .....	11
Identification of Kārewarewa urupā .....	11
Background - Plan Change 2 .....	12
Judicial review of Plan Change 2 .....	12
Public Notification .....	13
Notification of Summary of Decisions Requested by Submissions .....	13
RMA Plan Stop requirement and exemption .....	14
Procedural matters.....	14
Late primary submission .....	14
Submissions.....	15
Consideration of Submissions .....	15
Format for Consideration of Submissions .....	15
Consideration of submissions and further submissions .....	15
Submitter 1 – Victor Hewson .....	15
Matters Raised by Submitters .....	15
Analysis .....	16
Recommendations .....	17
Submitter 2 – Richard Birkinshaw .....	17
Matters Raised by Submitters .....	17
Analysis .....	18

Recommendations .....	18
Submitter 3 – Ātiawa ki Whakarongotai .....	19
Matters Raised by Submitters .....	19
Analysis .....	20
Recommendations .....	20
Submitter 4 – Te Rūnanga o Toa Rangatira .....	20
Matters Raised by Submitters .....	20
Analysis .....	21
Recommendations .....	22
Submitter 5 – Laurence Petherick on behalf of collective .....	22
Matters Raised by Submitters .....	22
Analysis .....	23
Recommendations .....	23
Submitter 6 – Waikanae Land Company .....	24
Matters Raised by Submitters .....	24
Analysis .....	24
Recommendations .....	26
Submitter 7 – Kāpiti Coast District Council – Parks, Open Space and Environment Team... ..	27
Matters Raised by Submitters .....	27
Analysis .....	27
Recommendations .....	27
Submitter 8 – Che Ray and Vanessa Blackmore .....	28
Matters Raised by Submitters .....	28
Analysis .....	29
Recommendations .....	29
Submitter 9 – Brett Osborne.....	30
Matters Raised by Submitters .....	30
Analysis .....	32
Recommendations .....	33
Submitter 10 – Ngā Hapū o Ōtaki .....	34
Matters Raised by Submitters .....	34
Analysis .....	34
Recommendations .....	35

Submitter 11 – Simon Leeming .....	36
Matters Raised by Submitters .....	36
Analysis .....	36
Recommendations .....	36
Conclusion and Recommendation .....	37
Appendices .....	38
Appendix 1 - Recommendations on All Submissions and Further Submissions.....	39
Appendix 2 – Section 32 Evaluation Report.....	57
Appendix 3 – Kārewarewa Urupā Report (Waitangi Tribunal, 2020) .....	58
Appendix 4 – High Court Decision.....	59
Appendix 5 - Submissions.....	60
Appendix 6 – Further Submissions.....	62

## Executive Summary

1. This report is prepared pursuant to section 42A of the Resource Management Act 1991 (RMA) to consider and make recommendations on the decisions requested by submitters on Proposed Plan Change 3 – Kārewarewa Urupā (PC3) to the Kapiti Coast District Plan 2021 (the District Plan or the Plan).
2. The purpose of PC3 is to recognise and provide for Kārewarewa urupā as a site of significance to Māori. The plan change protects the urupā from inappropriate subdivision, use, and development as required by section 6(f) of the Resource Management Act 1991 (RMA).
3. PC3 proposes to incorporate Kārewarewa urupā into Schedule 9 of the District Plan (Sites and Areas of Significance to Māori). This requires amendments to Schedule 9 of the District Plan (Sites and Areas of Significance to Māori), as well as amendments to the District Plan maps and means that land use activities and subdivision within the urupā would be subject to the objectives, policies, and rules set out in the District Plan’s Sites and Areas of Significance to Māori (SASM) chapter.
4. PC3 was notified on 18 September 2024 following pre-consultation engagement with tangata whenua, and prior consultation with directly affected landowners under the Council’s Intensification Planning Instrument<sup>1</sup> (Plan Change 2).
5. A total of 11 submissions were received on the proposed plan change, and 6 further submissions were received. The submissions are included as **Appendix 5** and **Appendix 6** to this report.
6. Having considered all the submissions, and all relevant statutory and non-statutory planning documents, I recommend that Proposed Plan Change 3 be accepted in full, as notified.
7. I recommend that all submissions be accepted, accepted in part, or rejected for the reasons set out in this report and within **Appendix 1**.

## Introduction

8. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - assist the Independent Hearings Panel (the ‘Panel’) in making their recommendations on the decisions requested by submissions and further submissions, and on the plan change provisions; and
  - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by Council’s Section 42A reporting planner, prior to the hearing.
9. The analysis and discussion of matters raised in the submissions is informed by:
  - (a) The section 32 evaluation report that supported the notification of PC3 (**Appendix 2**).
  - (b) Research and evaluation of planning matters carried out by the s 42A report author.
  - (c) The relevant higher-level statutory planning documents and legal context including:

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<sup>1</sup> See section 3.3.3 of the section 32 evaluation, at page 31:

[https://www.kapiticoast.govt.nz/media/x0narhql/pc3\\_k%C4%81rewarewaurup%C4%81\\_s32report.pdf](https://www.kapiticoast.govt.nz/media/x0narhql/pc3_k%C4%81rewarewaurup%C4%81_s32report.pdf)

- (i) The RMA;
  - (ii) The Regional Policy Statement for the Wellington Region 2013 (RPS);
  - (iii) Proposed Regional Policy Statement Change 1 to the Wellington Region (Proposed RPS Change 1);
  - (iv) The New Zealand Coastal Policy Statement 2010 (NZCPS), 2025 amendment.
10. The evaluation and recommendations contained in this report are the author's professional opinion based on their experience as a professional planner.
11. The qualifications and experience of the report author is set out below.

## Purpose of PC3

12. The purpose<sup>2</sup> of PC3 is to:
- (a) Incorporate Kārewarewa urupā into Schedule 9 of the District Plan (Sites and Areas of Significance to Māori), as shown below;
  - (b) Add Kārewarewa urupā to the District Plan maps, as shown below;
  - (c) Apply the objectives, policies, and rules set out in the District Plan's Sites and Areas of Significance to Māori (SASM) chapter to land use activities and subdivision within the area identified as the urupā. For the avoidance of doubt, the relevant operative rules are shown below for information purposes only. They were not notified as part of PC3 and are therefore not within the scope of PC3.
- (a) Add Kārewarewa urupā to Schedule 9, as follows (underline identifies additions)

### Schedule 9 – Sites and Areas of Significance to Māori

District Plan ID	Name	Type	Iwi	Key access and view points	Wāhanga
WTSx1	<u>Kārewarewa</u> <u>Urupā</u>	Urupā	Āti Awa		Tahi
WTSx2	<u>Kārewarewa</u> <u>Urupā</u>	Urupā	Āti Awa		Rua

<sup>2</sup> Section 32 Evaluation report – refer to Appendix 2

(b) Add Kārewarewa urupā to the District Plan Maps, as shown below:



As shown in the image above, the Urupā area has been divided into two classifications comprising Wāhanga Tahī and Wāhanga Rua. This divides the Urupā into the parts that have been subdivided and developed for residential purposes, and those that remain generally undeveloped. Wāhanga Tahī puts in place a more restrictive rule framework compared to Wāhanga Rua. This is to recognise that the Wāhanga Rua area has been developed and is used for residential purposes, while the Wāhanga Tahī area remains generally undeveloped and is known to contain human remains.

(c) The following summary of operative District Plan rules apply to uses, development and subdivision proposed within the area identified as Kārewarewa urupā<sup>3</sup>. These operative provisions are shown for information purposes only. PC3 does not propose any amendments to these operative provisions, which can be viewed in their entirety, alongside the relevant objectives and policies within the SASM chapter<sup>4</sup>:

Activity	Wāhanga tahi overlay	Wāhanga rua overlay
Land disturbance/earthworks	Rule SASM-R2 (permitted): Permitted land disturbance is limited to fencing of the perimeter of the site, subject to an accidental discovery protocol.	Rule SASM-R3 (permitted): Up to 10m <sup>3</sup> of land disturbance or earthworks is permitted per year, subject to an accidental discovery protocol.

<sup>3</sup> As PC3 protects historic heritage, PC3 had immediate legal effect from the date of public notification in accordance with section 86B(3)(d) of the RMA.

<sup>4</sup> <https://eplan.kapiticoast.govt.nz/eplan/rules/0/188/0/0/0/248>

Activity	Wāhanga tahi overlay	Wāhanga rua overlay
	Rule SASM-R10 (restricted discretionary): Other land disturbance and earthworks require resource consent as a 'restricted discretionary activity', subject to an accidental discovery protocol.	Rule SASM-R11 (restricted discretionary): Other land disturbance and earthworks require resource consent as a 'restricted discretionary activity', subject to an accidental discovery protocol.
<b>Additions/ alterations of existing lawfully established buildings</b>	Rule SASM-R10 (restricted discretionary): Additions and alterations require resource consent as a 'restricted-discretionary activity', subject to an accidental discovery protocol.	Rule SASM-R3 (permitted): Additions and alterations are permitted, subject to not including a basement or in-ground swimming pool.
		Rule SASM-R11 (restricted discretionary): Other additions and alterations require resource consent as a 'restricted-discretionary activity', subject to an accidental discovery protocol.
<b>Construction of new buildings</b>	SASM-R18 (non-complying): New buildings require resource consent as a 'non-complying activity'.	Rule SASM-R3 (permitted): New ancillary buildings are permitted, subject to not including a basement or in-ground swimming pool.
		Rule SASM-R11 (restricted discretionary): Other new buildings require resource consent as a 'restricted-discretionary activity', subject to an accidental discovery protocol.
<b>Subdivision</b>	SUB-DW-R10 (restricted discretionary): Subdivision of land that does not increase the number of allotments within which the site of significance is located requires resource consent as a 'restricted discretionary' activity.	
	SUB-DW-R15 (discretionary): Subdivision of land that increases the number of allotments within which the site of significance is located requires resource consent as a 'discretionary' activity.	

## Key issues in contention

13. The matters of contention addressed in this report are:
- The urupā status of Kārewarewa urupā.
  - Whether Schedule 9 of the District Plan, which lists wāhi tapu sites, and other places and areas significant to Māori should be amended to include Kārewarewa urupā.

## Author

14. My name is Sandhira Naidoo, and I am a Principal Policy Planner at Kāpiti Coast District Council ('the Council' or 'KCDC'). I hold a Bachelor of Science in Town & Regional Planning (Hons) from the University of the Witwatersrand in Johannesburg, South Africa. I am a member of the New Zealand Planning Institute.
15. I have over 25 years' experience working as a policy planner and consents planner at various levels of government and the private sector both in New Zealand and South Africa.
16. My experience in New Zealand over the last 20 years has been primarily as a policy planner and resource consents planner within city and district councils. I have been employed as the Council's Principal Policy Planner since January 2023. My primary tasks in this role include but are not limited to providing policy planning and RMA advice to customers, Council's senior leadership, and elected members. My role also involves preparing technical amendments to the District Plan as required, assessing and providing advice on the proposed changes to the RMA and national direction, drafting submissions on behalf of Council, and offering technical guidance on plan implementation, amongst other responsibilities.
17. My planning roles have included but are not limited to the following:
  - (a) Principal Policy Planner, Kapiti Coast District Council.
  - (b) Principal Planning Consultant, Stantec, New Zealand
  - (c) Senior Environmental Planning Consultant, AR & Associates, Auckland.
  - (d) Resource Consents Planner, Auckland Council.
  - (e) Resource Consents Planner, North Shore City Council, Auckland.
18. My role in preparing this report is that of an expert policy planner.
19. Although this is a hearing of an Independent Hearings Panel, I confirm that I have read the Code of Conduct for Expert Witnesses (Section 9 of the Environment Court of New Zealand Practice Note 2023), and I agree to comply with it.
20. The scope of my evidence relates to the assessment of submissions and further submissions from landowners in relation to their support for or opposition to PC3, and the relevant statutory planning context under the RMA. I confirm that the issues addressed in this statement of evidence are within my area of expertise and experience as an expert policy planner.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this report.

## Statutory Considerations

### Section 32 RMA

22. The section 32 evaluation prepared to support the plan change includes the identification of all relevant statutory considerations that applied at the time of public notification of PC3.
23. Since public notification of PC3 on 18 September 2024, although there have been numerous

amendments and additions to the RMA and national direction, there has been only one potentially relevant change to the statutory considerations for the plan change, which is the New Zealand Coastal Policy Statement (NZCPS). This is potentially relevant because Kārewarewa urupā is located within the landward extent of the coastal environment as shown on the District Plan maps. This is discussed in the section below.

24. Section 74(1)(ea) of the RMA requires that the Council must change the District Plan in accordance with a national policy statement. Section 75(3)(a) of the RMA requires the District Plan to *give effect to any national policy statement*.

## New Zealand Coastal Policy Statement

25. The key amendments to the New Zealand Coastal Policy Statement<sup>5</sup> that came into force on 15 January 2026, enable more efficient consenting for infrastructure, aquaculture, and mineral extraction.
26. The 2025 updates to the 2010 NZCPS focus on loosening the strict “avoid” policies by strengthening, and acknowledging the functional / operational need for development in the coastal marine area.
27. I have reviewed the amendments and have not identified any provisions relevant to PC3.

## Section 32AA RMA

28. All recommended amendments to provisions since the initial section 32 evaluation was undertaken must be documented in a subsequent section 32AA evaluation. Section 32AA states:

### **32AA Requirements for undertaking and publishing further evaluations**

- 1) *A further evaluation required under this Act—*
  - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
  - (b) *must be undertaken in accordance with section 32(1) to (4); and*
  - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
  - (d) *must—*
    - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
    - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- 2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

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<sup>5</sup> <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010-amended-track-changes-2025.pdf>

29. There are no recommended amendments in response to matters raised in the submissions therefore a section 32AA evaluation has not been prepared.

## Scope

30. Scope to make amendments to PC3 is limited to matters raised in submissions in accordance with clause 10 of Schedule 1 of the RMA, or to make amendments that are of minor effect or to correct any minor errors in accordance with clause 16(2) of Schedule 1 of the RMA.
31. The relevant operative objectives, policies, rules and standards of the Sites and Areas of Significance to Māori chapter of the District Plan are not within the scope of PC3. Where identified or referred to in this report, this is for explanatory purposes only.

## Legal Effect

32. In accordance with section 86B(3)(d), and (5) of the RMA, the proposed changes have had immediate legal effect from the date of public notification on 18 September 2024.

## Trade Competition

33. Section 74(3) of the RMA prohibits the Council from having regard to trade competition or the effects of trade competition when preparing or changing the District Plan.
34. Since the proposed plan change aims to recognise and provide for Kārewarewa urupā as a site of significance to Māori, trade competition is not a relevant matter.

## Background to Plan Change 3

### Identification of Kārewarewa urupā

35. While preparing PC2, which was the Council's now operative mandatory Intensification Planning Instrument, the Council identified Kārewarewa Urupā as a wāhi tapu site that was afforded no specific protection in the Operative District Plan (ODP). As PC2 required the application of the Medium Density Residential Standards to the General Residential zoned sites that are located within the identified extent of Kārewarewa Urupā, this presented a significant risk to the historic heritage values present. Council therefore sought to identify and protect the urupā from inappropriate subdivision, use and development as a matter of national importance as required by section 6(f) of the RMA. Reference should be made to the PC3 section 32 evaluation<sup>6</sup> for the full background, consultation, justification and relevant legal processes and decisions that arose from Council's attempt to identify and protect Kārewarewa Urupā through the PC2 process.

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<sup>6</sup> PC3 section 32 evaluation report:

[https://www.kapiticoast.govt.nz/media/x0narhql/pc3\\_k%C4%81rewarewurup%C4%81\\_s32report.pdf](https://www.kapiticoast.govt.nz/media/x0narhql/pc3_k%C4%81rewarewurup%C4%81_s32report.pdf)

## Background - Plan Change 2

36. The Council's identification of the site as a wāhi tapu, and its conclusion that the site required recognition and protection, was reached following consideration of the Waitangi Tribunal's 2020 Kārewarewa Urupā Report, and following engagement on draft Plan Change 2 (PC2).
37. The 2020 Kārewarewa Urupā Report<sup>7</sup> was released under urgency by the Waitangi Tribunal in response to a claim lodged by Te Ātiawa / Ngā Ātiawa ki Kāpiti, due to the vulnerability of the urupā to development. Council also had concerns that Waikanae Land Company (WLC) intended to lodge the relevant resource consent applications to undertake a further stage of residential subdivision and development on land that is part of Kārewarewa urupā.
38. On 18 August 2022, the Council publicly notified proposed plan change 2 (PC2) to the District Plan. PC2 was the Council's 'intensification planning instrument' (IPI), prepared in accordance with requirements introduced into the Resource Management Act 1991 (RMA) by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act). Those requirements included the incorporation of the Medium Density Residential Standards (MDRS) and related intensification policies and objectives. As an intensification-focused plan change, PC2 was subject to specific statutory constraints as to the scope of provisions that could lawfully be included.
39. PC2 proposed to add an area of land known as Kārewarewa urupā to Schedule 9 (wāhi tapu listing) of the District Plan as a 'qualifying matter'. The effect of doing this would be to introduce restrictions on further development at the urupā by making the Medium Density Residential Standards less enabling, including by introducing a requirement to obtain a resource consent prior to undertaking any of a range of activities at the urupā (including land disturbance, additions and alterations to existing buildings, new buildings, and subdivision).
40. In March and April 2023, an Independent Hearings Panel (the Panel) conducted a hearing of submissions on PC2. This included hearing submissions on Kārewarewa urupā. On 20 June 2023, the Panel provided a report to the Council setting out its recommendations on PC2.
41. The Panel recommended that the Council incorporate Kārewarewa urupā into Schedule 9 of the District Plan, with adjustments to the south-western boundary in response to submissions made by Te Ātiawa ki Whakarongotai. At its meeting on 10 August 2023, the Council accepted the Panel's recommendations on Kārewarewa urupā, and on 1 September 2023, the incorporation of Kārewarewa urupā into the District Plan became operative.

## Judicial review of Plan Change 2

42. In 2024, the Council's decision to incorporate Kārewarewa urupā into the District Plan as part of PC2 was judicially reviewed by the High Court. The judicial review was brought against the Council by the Waikanae Land Company, a landowner within the urupā area.
43. The judicial review was not about the merits of incorporating Kārewarewa urupā into Schedule 9 of the District Plan. Rather, the Court was asked to determine whether the Council had the legal power to do so as part of PC2. This is because PC2 was a unique 'one-off' plan change required by the government as part of its direction to councils across New Zealand to incorporate the

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<sup>7</sup> <https://www.kapiticoast.govt.nz/media/mf2i5nzf/section-32-evaluation-report-appendix-a-k%C4%81rewarewa-urup%C4%81-report-waitangi-tribunal-2020.pdf>

Medium Density Residential Standards into their district plans. As an Intensification Planning Instrument, PC2 was subject to limitations on its scope set out in the Resource Management Act 1991 (RMA). The Court was asked to determine whether incorporating Kārewarewa urupā into Schedule 9 breached these limits.

44. The Court delivered its decision<sup>8</sup> on 21 June 2024. The Court found that the Council did not have the power to incorporate Kārewarewa urupā into the District Plan as part of PC2 in the manner that it did, because it was outside the scope of what could be included in an Intensification Planning Instrument under the RMA. As a result, the Court quashed (or cancelled) the scheduling of the urupā. However, the Court also recognised that the Council could incorporate Kārewarewa urupā into the District Plan through an ‘ordinary’ plan change under Part 1 of Schedule 1 to the RMA. PC3 achieves that purpose.

## Public Notification

45. Proposed Plan Change 3 was publicly notified for submissions on 18 September 2024. Submissions closed on 1 November 2024, with a total of 8 submissions received.
46. Three late submissions were received by the Council. Two late submissions (Submission 9 - Brett Osborne and Submission 10 - Ngā Hapū o Ōtaki) were received within three days of the closing date and were accepted and notified for further submissions on 4 December 2024.
47. Another late submission was received on 17 December 2024, Submission 11 (Simon Leeming). Pursuant to sections 37 and 37A of the RMA, this late submission was accepted. The late submission was notified for further submissions on 28 February 2025.
48. A total of six further submissions were received. Four further submissions were received in response to the first public notice on 4 December 2024 inviting further submissions and an additional two further submissions were received in response to the second public notice on 28 February 2025 inviting further submissions on the late submission.

## Notification of Summary of Decisions Requested by Submissions

49. A summary of decisions requested by submitters (Submissions 1 – 10) was prepared and publicly notified for further submissions on 4 December 2024.
50. The further submissions period closed on 18 December 2024. Four further submissions were received.
51. A second summary of decisions requested by submitters (Submission 11) was prepared and publicly notified on 28 February 2025 inviting further submissions on the late submission.
52. The further submissions period closed on 14 March 2025. Two further submissions on the late submission were received.

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<sup>8</sup> High Court decision – see Appendix 4

## RMA Plan Stop requirement and exemption

53. The Plan Stop requirement is a legislative pause on most Resource Management Act (RMA) plan changes and reviews, effective from August 21, 2025, until at least December 31, 2027.
54. Section 80Q of the RMA, as amended by the Resource Management (Consenting and Other System Changes) Amendment Act 2025, required councils to withdraw proposed plan changes (and other planning instruments) that had not yet reached a hearing, unless they were covered by an automatic exemption under s 80U or had been granted an exemption by the Minister for the Environment under s 80V. As PC3 had not reached hearing, it became subject to these provisions.
55. Pursuant to s 80V, on 23 October 2025 the Council applied to the Minister for an exemption to allow PC3 to continue through the plan change process (exemption application). The exemption application pursued s 80W(2)(h) as the primary criterion for exemption, being that it would enable work to be progressed that, for any other reason, the Minister considers appropriate.
56. In a decision dated 28 January 2026, the Minister approved Council's exemption request in full<sup>9</sup>, allowing Proposed Plan Change 3 to proceed through the plan change process.

## Procedural matters

### Late primary submission

57. PC3 was publicly notified on Wednesday 18 September 2024. The submission period was notified to close at 5pm on Friday 1 November 2024. Three late submissions were received by the Council.
58. Submission 9 (Brett Osborne) was received on 3 November 2024, and Submission 10 (Ngā Hapū o Ōtaki) was received on 4 November 2024. These late submissions were considered to have been received reasonably close to the due date and were accepted and notified for further submissions.
59. Another late submission was received on 17 December 2024, Submission 11 (Simon Leeming). Following receipt of the late submission, Council by decision of the District Planning Manager under delegated authority, waived compliance with the submission timeframe in accordance with sections 37 and 37A of the RMA. The late submission was accepted and notified for further submissions on 28 February 2025.

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<sup>9</sup> <https://www.kapiticoast.govt.nz/media/3hspwqr1/letter-of-decision-exemption-application-for-k%C4%81piti-coast-district-council-plan-change-3.pdf>

## Submissions

### Consideration of Submissions

60. The consideration of further submissions are included in the consideration of the primary submission.
61. There are 11 submissions and 6 further submissions on Plan Change 3.
62. Reference to submissions includes further submissions, unless otherwise stated.
63. Due to the relatively small number of submissions the consideration of each submission has been undertaken separately. Submission-specific recommended decisions and reasons for each submission point are included in **Appendix 1**.
64. A summary of decisions requested by the primary submissions and further submissions are contained in **Appendix 1** to this report. This summary includes my recommendation on whether the decisions requested by submissions should be accepted, accepted in part, or rejected.
65. My recommendations in relation to further submissions are reflected in the recommendations on the relevant primary submissions.

### Format for Consideration of Submissions

66. The consideration of submissions has been undertaken in the following format:
  - (i) Matters raised by submitters;
  - (ii) Assessment;
  - (iii) Recommendations.

## Consideration of submissions and further submissions

### Submitter 1 – Victor Hewson

#### Matters Raised by Submitters

67. Submission S1.1 – Victor Hewson requests that PC3 be withdrawn / rejected.
68. The submission considers that the proposed change interferes with existing property rights, preventing the owners from any development involving land works and essentially makes the property of limited value without any compensation from Council.
69. Submission S1.2 – Victor Hewson requests an alternative decision if S1.1 is not accepted and that is to 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.
70. The submission expresses concern regarding the past and ongoing management of the undeveloped part of the land, noting that the land is an “eyesore” and in summer is a fire hazard. The submission notes that efforts by owners of neighbouring properties to have this managed have been unsuccessful.

71. A further submission was received from Richard Birkinshaw (FS1) in support of S1.1 and S1.2 in its entirety.
72. A further submission was received from Laurence Petherick on behalf of a collective<sup>10</sup> (FS2) in support of S1.1 and S1.2 in their entirety.
73. A further submission was received from Waikanae Land Company (FS3) in support of S1.1 to the extent that the submission seeks rejection/withdrawal of all or part of PC3.

## Analysis

74. As concluded in the section 32 evaluation report, the incorporation of the Kārewarewa urupā listing into Schedule 9 of the District Plan and applying the proposed provisions are the most effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā from inappropriate land disturbance and urban development permitted or enabled by the underlying General Residential Zone provisions.
75. PC3 does not prohibit all use of the land; it regulates the manner and intensity of development to recognise and protect a site of significance to Māori, consistent with sections 6(e) and 6(f) of the RMA. The availability of permitted activities and consent pathways indicates that the land remains capable of reasonable use.
76. There is no general right to compensation under the RMA for planning controls, including heritage or cultural overlays. Notwithstanding this, I have carefully considered the concerns raised within submission S1.1 regarding the alleged interference with existing property rights and the prevention of landowners from any development involving land works, essentially making affected properties of limited value. I note that for sites located within the Wāhanga Rua area, there are operative permitted activity rules and standards for earthworks, additions and alterations to buildings, and the erection of new buildings. A restricted discretionary rule pathway exists for these activities where they exceed the permitted standards. I consider this retains the reasonable use of all developed residential sites as a permitted activity within this part of the Urupā for the majority of typical residential uses and development, while providing a clear consent pathway for activities that exceed specified limits.
77. Regarding the alternative suggestion put forward by submission S1.2, I note that as the affected undeveloped part of the Urupā is privately owned, the responsibility for its management and upkeep lies with the landowner. Regarding the concerns raised about potential fire risk, it is my understanding that Fire and Emergency New Zealand (FENZ) has powers under The Fire and Emergency New Zealand Act 2017 to enable FENZ to intervene to ensure vegetation or other things which are causing a fire hazard are removed or destroyed.<sup>11</sup>
78. In summary, I do not recommend any amendments to PC3 provisions in response to these submissions.

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<sup>10</sup> The collective comprises Laurence Petherick, Rachel Salive, Gary Collis, Steve Hollett, Elspeth Preddey, Clive Cameron, Michael Peryer, Craig Hardie, Vic Hewson, and Brian Kouvelis.

<sup>11</sup> <https://www.fireandemergency.nz/outdoor-and-rural-fire-safety/councils-and-community/fire-hazards-in-your-community/>

## Recommendations

79. I recommend that:
- A. Submissions S1.1 and S1.2 from Victor Hewson be **rejected**.
  - B. Further submission FS1 from Richard Birkinshaw in relation to S1.1 and S1.2 be **rejected**.
  - C. Further submission FS2 from Laurence Petherick on behalf of a collective in relation to S1.1 and S1.2 be **rejected**.
  - D. Further submission FS3 from WLC be **rejected**.

## Submitter 2 – Richard Birkinshaw

### Matters Raised by Submitters

80. Submission S2.1 – Richard Birkinshaw requests that PC3 be withdrawn / rejected and instead be replaced with appropriate zoning and provisions reflecting the present land use, and for Te Ātiawa to erect a monument on a portion of the undeveloped land.
81. The submission states that significant spiritual and cultural value of the urupā has been tainted by the following events:
- (a) Te Ātiawa selling the land to the Waikanae Land Company in 1968;
  - (b) Horowhenua County Council removing the Māori cemetery designation in 1970; and
  - (c) Subsequently, half of the land being developed for residential housing.
82. The submission also notes that Council has imposed intensification provisions on other areas with “severe impacts”, including areas with important intrinsic values such as the Waikanae Garden Precinct.
83. The submission expresses a number of other concerns including:
- (a) the proposed imposition of “broad brush” restrictions on homeowners who will need to apply for resource consents for any projects that are “subterranean”;
  - (b) lack of any study on the long-term effects on property sales or property values; and
  - (c) that being a site of “battles and burials” is not sufficient reason to restrict land use, citing other examples where burial sites have been disturbed for developments including London and Los Angeles, and the construction of Wellington’s Terrace Tunnel in 1974. The submission states that there should not be a greater value placed on burial sites from one culture to another.
84. The submission states that a monument would give effect to section 6(e) of the RMA, and that the plan change does not give the same degree of importance as a monument would.
85. A further submission was received from Laurence Petherick on behalf of a collective (FS2) in support of S2.1 in its entirety. The further submission considers that there is no proof that the site was a battlefield or burial ground, and that any bones found could be reinterred outside of the

proposed subdivision area and a memorial could be provided by the Waikanae Land Company recording what history is known.

86. A further submission was received from Waikanae Land Company (FS3) in support of S2.1 to the extent that the submission seeks the rejection/withdrawal of all or part of PC3.

## Analysis

87. As a preliminary matter for the discussion that follows, I note that as set out in **Appendix 3**, the Waitangi Tribunal report on Kārewarewa urupā concluded, after hearing evidence presented during the hearing, that there was no question about the validity of the urupā status or the presence of human remains.
88. PC3 is limited to identifying and mapping of Kārewarewa urupā within Schedule 9 and does not propose changes to zoning. It also does not address matters such as the application of intensification provisions in other areas, as these fall outside the scope of the plan change. As the site is zoned General Residential Zone, the mandatory intensification provisions put in place via the Council's Intensification Planning Instrument (PC2) apply to subdivision and development of the affected allotments. This has resulted in increased risk to damage and destruction of the wāhi tapu site, which PC3 seeks to address to ensure any proposed subdivision, use and development is appropriate with respect to the historic and cultural values associated with the urupā area.
89. The affected properties are capable of reasonable use, with existing residential use able to continue. While land use activities and subdivision at the urupā would be subject to the objectives, policies, and rules in the District Plan's Sites and Areas of Significance to Māori (SASM) chapter, there are pathways for permitted, restricted discretionary, discretionary, and non-complying activities. I consider that the need for resource consent does not make the land incapable of reasonable use, but rather strikes an appropriate balance between enabling reasonable use while protecting historic heritage and cultural values from inappropriate subdivision, use, and development.
90. I note that the suggestion of a monument is not a matter that falls under the plan change or the powers of Council under the RMA. A monument would also fail to protect the site from inappropriate subdivision, use and development as required by section 6(f) of the RMA.
91. In my opinion, the proposed listing of the site as a site or area of significance to Māori within the District Plan strikes an appropriate balance between protecting a site of high cultural significance and allowing ongoing reasonable use of the land.

## Recommendations

92. I recommend that:
  - A. Submission S2.1 from Richard Birkinshaw be **rejected**.
  - B. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.
  - C. Further submission FS3 from Waikanae Land Company be **rejected**.

## Submitter 3 – Ātiawa ki Whakarongotai

### Matters Raised by Submitters

93. Submission S3.1 – Ātiawa ki Whakarongotai supports the proposed plan change and requests PC3 be retained as notified.
94. The submission provides the following reasons for supporting the inclusion of Kārewarewa Urupā in the District Plan:
  - (a) it formally recognises the critical events on the site which is vital for honouring the submitter’s tupuna (ancestors);
  - (b) it affirms its status as a site of significance to Māori, protecting it from inappropriate development and ensuring respect for its cultural integrity; and
  - (c) it fosters greater awareness and respect for Māori heritage within the wider community, encouraging collaboration and understanding between Te Ātiawa and local residents.
95. A further submission was received from Richard Birkinshaw (FS1) opposing S3.1 in its entirety, citing numerous reasons, which in summary include but are not limited to the following. Please refer to the further submission for more context and detail.
  - (a) The status of the land under the Te Ture Whenua Māori Act 1993.
  - (b) The sale of the land in 1969 to the Waikanae Land Company for housing.
  - (c) Te Ātiawa have neglected the land ever since 1969 which further distances its status of a sacred urupā.
  - (d) The use of monuments as a method of commemoration of conflicts and burials.
  - (e) Heritage New Zealand has not identified the land to have any significant historical value.
96. A further submission was received from Laurence Petherick on behalf of a collective (FS2) opposing S3.1 in its entirety on the basis that the submission does not relate to the present day and that there is no evidence of any further burials or Māori history being present or visible.
97. A further submission was received from Waikanae Land Company (FS3) opposing S3.1 on the basis that the submission seeks the retention of PC3.
98. A further submission was received from Dr. Mahina-a-rangi Baker, WAI 1945<sup>12</sup> supporting submission S3.1. The further submission provides a considerable amount of background information and context on the significance of Kārewarewa urupā from the perspective of mana whenua.

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<sup>12</sup> <https://www.kapiticoast.govt.nz/media/uk5jq5ql/fs4-wai-1945-pc3-further-submission-18122024.pdf>

## Analysis

99. 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.
100. PC3 recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, which is a matter of national importance under section 6(e) of the RMA. It also recognises and provides for the protection of historic heritage from inappropriate subdivision, use, and development, which is a matter of national importance under section 6(f) of the RMA.
101. 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. The District Plan maps will be amended to reflect the wāhi tapu status and relevant operative provisions in the SASM chapter will apply, and do apply on the basis that PC3 has had immediate legal effect from the date of public notification.
102. Regarding the points raised by the further submissions FS1, FS2, and FS3 that oppose submission S3.1, I note that as set out within the wider submission of Ātiawa ki Whakarongotai, and as confirmed within the Kārewarewa Urupā Waitangi Tribunal Report 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. On this basis I do not agree with the opinions expressed within the further submissions.
103. The submitter's support for this proposed amendment is acknowledged, and accordingly I recommend the submission be **accepted**.

## Recommendations

104. I recommend that:
  - A. Submission S3.1 – Ātiawa ki Whakarongotai be **accepted**.
  - B. Further submission FS.1 from Richard Birkinshaw be **rejected**.
  - C. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.
  - D. Further submission FS3 from WLC be **rejected**.

## Submitter 4 – Te Rūnanga o Toa Rangatira

### Matters Raised by Submitters

105. Submission S4.1 – Te Rūnanga o Toa Rangatira supports the proposed plan change in its entirety and requests that PC3 be retained as notified.
106. The submitter provides the following reasons for supporting the inclusion of Kārewarewa Urupā in the District Plan:

- (a) Kārewarewa Urupā is the burial place of tūpuna of Te Ātiawa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira
  - (b) Multiple injustices have occurred on the site causing grievances for Te Ātiawa ki Whakarongotai, including through alienation, removal of the cemetery designation, desecration, dumping of dredged materials, inappropriate development of streets and houses, disturbance of the whenua, exposure of kōiwi, lack of protection, lack of appropriate consultation and the continued efforts being made by the landowner to further develop on the urupā
  - (c) Kārewarewa needs urgent protection from further damage to the whenua and tapu as a result of development
107. A further submission was received from Richard Birkinshaw (FS1) opposing S4.1 in its entirety, for the same reasons set out for the further submission's opposition to submission S3.1 above.
108. A further submission was received from Laurence Petherick on behalf of a collective (FS2) opposing S4.1 in its entirety, generally for the same reasons as those given for opposing submission S3.1 Ātiawa ki Whakarongotai, as discussed above.
109. A further submission was received from Waikanae Land Company (FS3) opposing S4.1 on the basis that the submission seeks the retention of PC3.

## Analysis

110. PC3 acknowledges that Kārewarewa urupā is a place of cultural and spiritual importance to tangata whenua.
111. PC3 recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, which is a matter of national importance under section 6(e) of the RMA. It also recognises and provides for the protection of historic heritage from inappropriate subdivision, use, and development, which is a matter of national importance under section 6(f) of the RMA.
112. PC3 recognises and provides for Kārewarewa urupā as a wāhi tapu.
113. The incorporation of Kārewarewa urupā into Schedule 9 and amendments to the District Plan maps will restore the urupā status and protect the urupā from inappropriate development.
114. The submitter's support for PC3 is acknowledged. The decision requested by the submitter to support the plan change as notified, is noted.
115. Regarding the points raised by the further submissions FS1, FS2, and FS3 that oppose submission S3.1, I note that as set out within the wider submission of Ātiawa ki Whakarongotai, and as confirmed within the Kārewarewa Urupā Waitangi Tribunal Report 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. On this basis I do not agree with the opinions expressed within the further submissions.

## Recommendations

116. I recommend that:

- A. Submission S4.1 – Te Rūnanga o Toa Rangatira be **accepted**.
- B. Further submission FS.1 from Richard Birkinshaw be **rejected**.
- C. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.
- D. Further submission FS3 from Waikanae Land Company be **rejected**.

## Submitter 5 – Laurence Petherick on behalf of collective

### Matters Raised by Submitters

117. Submission S5.1 – Laurence Petherick on behalf of a collective<sup>13</sup> opposes the proposed plan change in its entirety and requests that the residentially developed portion of the area described in the submission as the ‘20-acre block’ to remain as General Residential and the unsubdivided area to also be General Residential in accordance with the original scheme plan of subdivision. The submission states that good town planning principles would support this decision.
118. Reasons cited by the submitter for opposing PC3 include that:
- (a) the submitter has not witnessed any formal use or maintenance of the area as a burial ground despite having been a residential property owner/occupier in Waikanae Beach for over 70 years;
  - (b) having read a number of reports (cited in the submission), the submitter considers that apart from two relocated tombstones and reinterred remains, only minor evidence of buried remains have been found despite significant development works occurring across the area;
  - (c) the undeveloped area is an overgrown eyesore of undesirable weeds, a dumping ground for rubbish, and a home to rats and stoats. The submitter is concerned about who would be responsible for maintaining the area; it is assumed Council, or adjacent property owners would be responsible;
  - (d) PC3 is “draconian and a gross violation of human rights” to affected landowners; and
  - (e) there would be a loss of rates associated with the Wāhanga Tahi area of land.
119. The submitter also provides commentary and suggestions in relation to:
- (a) the management and use of the undeveloped land, including using the land for a new primary school;
  - (b) the treatment of any human remains found (that they be reinterred in a grassed corner of the adjacent Waimanu Lagoons reserve); and
  - (c) a monument to record the history of the area.

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<sup>13</sup> The collective comprises Laurence Petherick, Rachel Salive, Gary Collis, Steve Hollett, Elspeth Preddey, Clive Cameron, Michael Peryer, Craig Hardie, Vic Hewson, and Brian Kouvelis.

120. A further submission was received from Richard Birkinshaw (FS1) in support of S5.1 in its entirety, for the same reasons provided for supporting submissions S3.1 and S4.1 above.
121. A further submission was received from Waikanae Land Company (FS3) in support of S5.1 on the basis that the submission seeks the rejection/withdrawal of all or part of PC3.

## Analysis

122. 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.
123. The Tribunal found 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.
124. PC3 proposes to recognise and provide for Kārewarewa urupā as a site of significance to Māori by incorporating it into Schedule 9 of the District Plan and amending the District Plan maps accordingly.
125. The submission appears to incorrectly consider that PC3 proposes to change the zoning of the affected properties from General Residential Zone to another zone. This is not the case. 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.
126. I consider that establishing a monument would be insufficient to prevent inappropriate land disturbance from occurring, and would fail to achieve the relevant objectives.
127. Regarding the unkempt status of the land referred to within the submission, as the land is in private ownership, responsibility for its maintenance lies with the landowner.
128. I also note that the establishment of a primary school would be a matter for the Ministry of Education, and this is not a relevant matter for consideration of PC3.
129. Regarding any potential loss of rates associated with the Wāhanga Tahī area of land, I do not consider this to be a relevant resource management matter. The setting and taking of rates is carried out under the Local Government (Rating) Act 2002.
130. As set out in the section 32 evaluation, the identification and protection of Kārewarewa urupā is required to achieve the purpose of the RMA, as it gives effect to a matter of national importance and is the most effective and efficient method to achieve the relevant objectives.
131. In summary, I do not consider submission S5.1 to raise any legitimate resource management reasons that would justify providing the relief sought, and does not request any changes that would be more efficient or effective at achieving the purpose of the RMA or the relevant objectives.

## Recommendations

132. I recommend that:
  - A. Submission S5.1 – Laurence Petherick on behalf of a collective be **rejected**.
  - B. Further submission FS1 from Richard Birkinshaw be **rejected**.

- C. Further submission FS3 from WLC be **rejected**.

## Submitter 6 – Waikanae Land Company

### Matters Raised by Submitters

133. Submission S6.1 – Waikanae Land Company opposes the proposed plan change in its entirety and requests that PC3 be withdrawn in its entirety.
134. In summary, the submitter’s reasons for opposing PC3 include:
- (a) inadequate consultation by Council with the Waikanae Land Company that lacked objectivity and openness, and breaches the principles of best practice consultation;
  - (b) Council failure to make an attempt to work with the submitter to find an acceptable solution for the use of the land;
  - (c) an inadequate section 32 report and failure by Council to consider all relevant facts objectively which is considered to have led to a wrong conclusion that the land is Kārewarewa Urupā;
  - (d) the “devastating impact” on the submitter’s ability to use the land reasonably as intended by the residential zoning which has been in place for more than 54 years;
  - (e) even if the land is Kārewarewa Urupā, the inappropriateness of PC3 given Council’s historical lack of action to “preserve or protect the land” until very recently;
  - (f) that PC3 amounts to a *de facto* ‘taking’ of the submitter’s land without compensation, and at worst to breach of natural justice and an abuse of process;
  - (g) that PC3 is premature because upcoming Environment Court proceedings will examine all the relevant evidence concerning the extent to which the subject land may be identifiable as the Kārewarewa Urupā; and
  - (h) that the question of whether the land is Kārewarewa Urupā was addressed in the 1969/70 hearing to remove the Māori cemetery designation from the District Scheme of the day.
135. A further submission was received from Richard Birkinshaw (FS1) in support of S6.1 in its entirety.
136. A further submission was received from Laurence Petherick on behalf of a collective (FS2) supporting S6.1 in its entirety.

### Analysis

137. PC3 proposes to incorporate Kārewarewa urupā into the District Plan by amending Schedule 9 of the District Plan (Sites and Areas of Significance to Māori), as well as make amendments to the District Plan maps. Sites within Schedule 9 are subject to the provisions of the Sites and Areas of Significance to Māori (SASM) chapter. This means that, where a site is identified in Schedule 9, the provisions of the SASM chapter apply to it in addition to the provisions of the underlying zone and any other relevant overlays applying to the site.

138. PC3 responds to a high court decision (**Appendix 4**) that the identification of Kārewarewa urupā in PC2 required a standalone plan change under Schedule 1 of the RMA and proposes to recognise and provide for Kārewarewa urupā as a site of significance to Māori. This was the result of a legal challenge by the Waikanae Land Company against Council's decision on its Intensification Planning Instrument (PC2) to include the urupā as a qualifying matter<sup>14</sup> that would make the Medium Density Residential Standards less enabling of development, in the exact same way as the operative historic heritage listings, including sites and areas of significance to Māori do.
139. PC3 proposes to incorporate Kārewarewa urupā into the District Plan, as recommended by the Independent Hearings Panel for PC2, 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. This requires amendments to Schedule 9 of the District Plan (Sites and Areas of Significance to Māori), as well as amendments to the District Plan maps.
140. The Independent Hearings Panel considered all evidence submitted with respect to the inclusion of Kārewarewa urupā within PC2, and found that:
- The Kārewarewa Urupā Block values are historical, spiritual and cultural associated with the occupation of Te Ātiawa and events associated with that land. These are not solely burial values as an urupā but importantly include those values. That includes the remains of esteemed ancestors that engage the highest obligations for protection and care following Te Ātiawa's tikanga.*<sup>15</sup>
141. 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.<sup>16</sup>
142. The Waitangi Tribunal has recommended that the Crown's historic breach be remedied.
143. Based on the information and evidence available to me I am confident the site is indeed an urupā, and is of significant cultural and spiritual significance to mana whenua that is required to be protected from inappropriate subdivision, use, and development under section 6 of the RMA. I, therefore, consider that the question of whether the land is Kārewarewa Urupā was not adequately addressed in the 1969/70 hearing to remove the Māori cemetery designation from the District Scheme of the day.
144. Council prepared a section 32 evaluation addressing the objectives of PC3, alternative options, and their efficiency and effectiveness. PC3 was publicly notified, and submissions were called for and received. Under the RMA there is no obligation on a territorial authority to reach consensus with landowners before notifying a proposed plan change, and there is no requirement to consult with landowners on draft provisions.
145. As concluded in the section 32 evaluation report, the incorporation of the Kārewarewa urupā listing into Schedule 9 of the District Plan and applying the proposed provisions are the most effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā

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<sup>14</sup> See RMA section 771(a):

<https://www.legislation.govt.nz/act/public/1991/69/en/latest/highlights/?highlight=#LMS633683>

<sup>15</sup> PC2 IHP's Recommendations Report, Sect 6 – Kārewarewa Urupā, p. 62, para. 159

<https://www.kapiticoast.govt.nz/media/jrmofuz1/ihp-report-to-kapiti-coast-district-council-on-pc2.pdf>

<sup>16</sup> Kārewarewa Urupā Report (Waitangi Tribunal, 2020, p. 7):

<https://www.kapiticoast.govt.nz/media/mf2i5nzf/section-32-evaluation-report-appendix-a-k%C4%81rewarewa-urup%C4%81-report-waitangi-tribunal-2020.pdf>

from inappropriate land disturbance and urban development permitted by the underlying General Residential Zone.

146. PC3 does not prohibit all use of the land; it regulates the manner and intensity of development to recognise and protect a site of significance to Māori, consistent with sections 6(e) and 6(f) of the RMA. The availability of permitted activities and consent pathways indicates that the land remains capable of reasonable use.
147. It is my understanding that there is no general right to compensation under the RMA for planning controls, including heritage or cultural overlays.
148. The restoration of the land's status as an urupā is necessary to remedy the Crown-acknowledged breach of the Treaty of Waitangi that caused its desecration.
149. Regarding the other reasons specified within submission S6.1, I consider that:
  - (a) The impact of PC3 on the submitter's ability to use the land reasonably as intended by the residential zoning which has been in place for more than 54 years is proportionate to the significant historic and cultural values present on the site.
  - (b) The ability of the landowner to develop the site is also managed and restricted by the Heritage New Zealand Pouhere Taonga Act 2014 which requires the landowner to obtain an archaeological authority before development could occur.
  - (c) The PC3 process closely followed the High Court challenge by the submitter and the resulting High Court decision that the protection of Kārewarewa Urupā would need to be carried out via a separate Schedule 1 RMA plan change process. The PC3 process has followed the statutory plan change process as set out within the RMA. As such, I have not identified any breaches of natural justice nor any abuses of power as part of the plan change process.
  - (d) With respect to the Environment Court proceedings referred to by the submitter, I consider that an Environment Court process on a resource consent application is not a material consideration on a plan change process under Schedule 1 of the RMA.
150. In summary, I do not recommend any changes to PC3 in response to the matters raised by submission S6.1.

## Recommendations

151. I recommend that:
  - A. Submission S6.1 – Waikanae Land Company be **rejected**.
  - B. Further submission FS.1 from Richard Birkinshaw be **rejected**.
  - C. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.

## Submitter 7 – Kāpiti Coast District Council – Parks, Open Space and Environment Team

### Matters Raised by Submitters

152. Submission S7.1 – Kāpiti Coast District Council – Parks, Open Space and Environment Team supports the proposed plan change to the extent that it relates to the submitters land and requests that PC3 be retained as notified.
153. The submitter explains that parts of the adjoining Council reserve known as Waimanu Lagoons are proposed to be included in the area referred to as Kārewarewa Urupā.
154. The submitter notes that the Waimanu Lagoons Management Plan was prepared in July 2000, and it acknowledges the cultural and historical significance of this area to Māori.
155. The submitter considers that PC3 is appropriate as it relates to the affected reserve lands and the values of that land.
156. A further submission was received from Richard Birkinshaw (FS1) opposing S7.1 in its entirety.
157. A further submission was received from Laurence Petherick on behalf of a collective (FS2) supporting S7.1 as it relates to that part of the urupā located on the Waimanu Lagoons Reserve.
158. A further submission was received from Waikanae Land Company (FS3) opposing S7.1.

### Analysis

159. The support for PC3 to the extent that it relates to Waimanu Lagoons Reserve by the submitter is acknowledged. The decision requested by the submitter to support the plan change as notified, is noted and recommended to be accepted.
160. I have considered the reasons cited within the further submissions for opposing submission S7.1. I have concluded that further submissions FS1 and FS3 do not raise any new matters that I have not already considered. This is because FS1 and FS3 cite the same reasons for opposing S7.1 as they do for other submissions that support PC3.
161. With respect to support for submission S7.1 provided by further submission FS2, 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.

### Recommendations

162. I recommend that:
  - A. Submission S7.1 – Kāpiti Coast District Council – Parks, Open Space and Environment Team be **accepted**.
  - B. Further submission FS.1 received from Richard Birkinshaw be **rejected**.
  - C. Further submission FS2 from Laurence Petherick on behalf of a collective be **accepted in part**.

D. Further submission FS3 from Waikanae Land Company be **rejected**.

## Submitter 8 – Che Ray and Vanessa Blackmore

### Matters Raised by Submitters

163. Submission S8.1 – Che Ray and Vanessa Blackmore oppose the proposed plan change and request that the residentially developed portion of the area described in the submission as the ‘20-acre block’ to remain as General Residential, and the unsubdivided area to also be General Residential in accordance with the original scheme plan of subdivision. The submission states that good town planning principles would support this decision.
164. Submission S8.2 requests the undeveloped land be used for school purposes should the Ministry of Education be interested. The submissions states that this should be seen as a great step forward and a win-win by all Waikanae residents as well as interested Māori groups or organisations.
165. Submission S8.3 requests that any human remains found could be reinterred in a grassed corner of the adjacent Waimanu Lagoons Reserve with an appropriate monument to record the history, not that there are any known persons still understood to be buried in the ‘20-acre block’.
166. Reasons cited by the submitter for opposing PC3 include that:
  - (a) the submitter has not witnessed any formal use or maintenance of the area as a burial ground despite having been a residential property owner/occupier in Waikanae Beach for over 70 years
  - (b) having read a number of reports (cited), the submitter considers that apart from two relocated tombstones and reinterred remains, only minor evidence of buried remains have been found despite significant development works occurring across the area
  - (c) the undeveloped area is an overgrown eyesore of undesirable weeds, a dumping ground for rubbish, and a home to rats and stoats. The submitter is concerned about who would be responsible for maintaining the area; it is assumed Council, or adjacent property owners would be responsible
  - (d) PC3 is “draconian and a gross violation of human rights” to affected landowners
  - (e) there would be a loss of rates associated with the Wāhanga Tahī area of land
167. A further submission was received from Richard Birkinshaw (FS1) in support of S8.1, S8.2 and S8.3 in their entirety.
168. A further submission was received from Laurence Petherick on behalf of a collective (FS2) supporting S8.1, S8.2 and S8.3 in their entirety.
169. A further submission was received from Waikanae Land Company (FS3) in support of S8.1, S8.2 and S8.3 in their entirety.

## Analysis

170. The spatial extent of Kārewarewa Urupā proposed by PC3 is consistent with that set out in the Waitangi Tribunal's Kārewarewa Urupā report, and reflects the spatial extent of the 'Māori Cemetery' prior to its removal from the District Scheme in 1970.
171. The Tribunal found 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.
172. PC3 proposes to recognise and provide for Kārewarewa urupā as a site of significance to Māori by incorporating it into Schedule 9 of the District Plan and amending the District Plan maps accordingly.
173. The submission appears to incorrectly consider that PC3 proposes to change the zoning of the affected properties from General Residential Zone to another zone. This is not the case. 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 specific types of development. The underlying General Residential Zone that applies to the affected properties will not change.
174. I consider that establishing a monument would be insufficient to prevent inappropriate land disturbance from occurring, and would fail to achieve the relevant objectives.
175. Regarding the unkempt status of the land referred to within the submission, as the land is in private ownership, responsibility for its maintenance lies with the landowner.
176. I also note that the establishment of a primary school would be a matter for the Ministry of Education, and this is not a relevant matter for consideration of PC3.
177. Regarding any potential loss of rates associated with the Wāhanga Tahi area of land, I do not consider this to be a relevant resource management matter. The setting and taking of rates is carried out under the Local Government (Rating) Act 2002.
178. As set out in the section 32 evaluation, the identification and protection of Kārewarewa urupā is required to achieve the purpose of the RMA, as it gives effect to a matter of national importance and is the most effective and efficient method to achieve the relevant objectives.
179. In summary, I do not consider submissions S8.1, S8.2 and S8.3 to raise any legitimate resource management reasons that would justify providing the relief sought, and does not request any changes that would be more efficient or effective at achieving the purpose of the RMA or the relevant objectives.

## Recommendations

180. I recommend that:
  - A. Submissions S8.1, S8.2 and S8.3 – Che Ray and Vanessa Blackmore be **rejected**.
  - B. Further submission FS1 received from Richard Birkinshaw be **rejected**.
  - C. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.
  - D. Further submission FS3 from Waikanae Land Company be **rejected**.

## Submitter 9 – Brett Osborne

### Matters Raised by Submitters

181. Submission S9.1 – Brett Osborne supports in principle the proposed plan change in part and requests that the addition of all parts of PC3 which relate to the Wāhanga Tahī listing be retained.
182. The submitter supports in principle the recognition of Kārewarewa Urupā being recognised within the District Plan. The submitter specifically supports the addition of Wāhanga Tahī because the undeveloped area has experienced far less disturbance and would assist council in achieving the objective of PC3.
183. Further submissions were received from Richard Birkinshaw (FS1), Laurence Petherick on behalf of a collective (FS2), and Waikanae Land Company (FS3) opposing S9.1 in its entirety.
184. Submission S9.2 – Brett Osborne opposes the proposed plan change in part and requests that PC3 be amended by:
- (a) removing all parts of PC3 which relate to the Wāhanga Rua listing; and
  - (b) instead, rely on a requirement for the application of the operative accidental discovery protocol (ADP) under HH-Table 1.<sup>17</sup>
185. A further submission was received from Richard Birkinshaw (FS1) supporting S9.2 in its entirety. The submission opposes the proposed Wāhanga Rua overlay for the following reasons:
- (a) it applies to land that has been substantially modified for residential subdivision and development already
  - (b) the effect of PC3 of removing permitted MDRS provisions and restricting permitted standards for development is unduly restrictive and goes beyond the objective of the plan change
186. The submitter considers a requirement for the application of the accidental discovery protocol under HH-Table 1 suitably addresses potential adverse effects within the Wāhanga Rua part of the identified extent of Kārewarewa Urupā.
187. Further submissions were received from Waikanae Land Company (FS3) in support of S9.2, and Laurence Petherick on behalf of a collective (FS2) supporting S9.2 to S9.7 in their entirety.
188. Submission S9.3 – Brett Osborne opposes the proposed plan change in part and requests that in addition to the relief sought in submission point 9.2, operative rule SASM-R3 (in relation to the Wāhanga Rua overlay in PC3) be amended for the reasons as described below.
189. The submitter has made a number of suggestions regarding operative rule SASM-R3, as set out in full below:
- (a) SASM-R3 - Clarity is required on the exclusion of “minor buildings” within this provision as identified at 4., 6. and 7. It reads that “minor buildings” continue to be considered under the underlying zone provisions and are not captured by the SASM provisions. That approach is supported given the identified list of activities/buildings defined within ‘minor buildings’. In the case that it means ‘Minor Buildings’ are expressly excluded as permitted

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<sup>17</sup> HH-Table 1 – Accidental Discovery Protocols:  
<https://eplan.kapiticoast.govt.nz/eplan/rules/0/190/0/0/0/248>

activities under the SASM provisions then that is opposed. If the intent is to exclude underground disturbance such as water tanks, then this should be specifically excluded or reliance on proposed standard 4 which requires application of the ADP.

- (b) Additions and alterations at 4. should include “minor buildings”. New residential buildings permitted under the MDRS provisions should be included within SASM-R3 and any potential effects through earthworks/disturbance of the ground addressed via the ADP requirements.
190. Submission S9.4 – Brett Osborne opposes the proposed plan change in part and requests that in addition to the relief sought in submission point 9.2, that operative rule SASM-R9 (in relation to the Wāhanga Rua overlay in PC3) be deleted.
191. The submission opposes operative rule SASM-R9 on the basis that it is not necessary given the specific directions within rules SASM-R3 and SASM-R11.
192. Submission S9.5 – Brett Osborne opposes the proposed plan change in part and requests that in addition to the relief sought in submission point 9.2, that operative rule SASM-R11 (in relation to the Wāhanga Rua overlay in PC3) be amended by:
- (a) removing matters of discretion 2, 3 and 4
  - (b) removing the note associated with the rule.
193. The submission considers the matters of discretion 2, 3 and 4 of operative rule SASM-R11 are not relevant and should be deleted.
194. The submission also seeks that the note and activity escalation to operative rule SASM-R16 for land disturbance associated with gardening be deleted. No specific reasons for seeking this amendment are provided.
195. Submission S9.6 – Brett Osborne opposes the proposed plan change in part and requests that in addition to the relief sought in submission point 9.2, amend operative rule SASM-R19 (in relation to the Wāhanga Rua overlay in PC3) by removing the reference to Wāhanga Rua.
196. The submitter considers the reference to Wāhanga Rua in operative rule SASM-R19 is not relevant, because intensive grazing is not possible on the developed residential properties given the lot area, individual ownership, and existing development.
197. Submission S9.7 – Brett Osborne opposes the proposed plan change in part and requests that in addition to the relief sought in submission point 9.2, in relation to the Wāhanga Rua overlay in PC3, ensure that subdivision that creates additional lots be treated as a restricted discretionary activity, with the matters of discretion including:
- location of the building platform
  - requirement for an accidental discovery protocol
  - effects on historic heritage.
198. A further submission was received from Laurence Petherick on behalf of a collective (FS2) supporting S9.2 to S9.7 in its entirety.

## Analysis

199. Regarding S9.1, 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.
200. Regarding S9.2, 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 (ADP) 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 kōiwi and cultural artifacts, which generally reflects the requirements under the Heritage New Zealand Pouhere Taonga Act 2014.
201. 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 Kārewarewa urupā, with the level of restriction varying by location. Within the area identified as wāhanga tahī, stricter controls apply, including limitations on new buildings, earthworks, land disturbance, and subdivision. In contrast, within the area identified as wāhanga rua, the restrictions are less stringent. While earthworks, land disturbance, and subdivision remain restricted in this area, alterations to existing buildings are provided for. PC3 identifies the physical extent of the SASM that is to be managed via district plan provisions. The extent and values present within the two parts of the identified extent of Kārewarewa urupā are within the scope of the plan change, but I consider changes, such as deleting the area identified as Wāhanga Rua, would need to be supported by cultural evidence that presents an alternative view of the cultural and spiritual values present in the area.
202. The operative provisions within the Historic Heritage chapter of the District Plan apply more restrictive SASM provisions which have the effect of making the permissive MDRS provisions less enabling of development. This is an existing mechanism to achieve protection of SASMs that are listed within the District Plan. 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.
203. In response to S9.3 to S9.7, I note these submission points request amendments to a variety of operative district plan rules that are not within the scope of PC3. Although I acknowledge the submitter's focus on the rule implications that would arise from the listing with respect to potential future subdivision and development, the operative rules have been put in place via a separate Schedule 1 RMA process, and were the subject of submissions, hearings, and decisions. As no operative rules have been included in PC3, I consider that the scope of PC3 is limited to the incorporation of Kārewarewa urupā into the District Plan by amending Schedule 9 of the District Plan (Sites and Areas of Significance to Māori), as well as make amendments to the District Plan maps to identify the location and spatial extent of the urupā. Sites within Schedule 9 are subject to the provisions of the Sites and Areas of Significance to Māori (SASM) chapter. This means that, where a site is identified in Schedule 9, the provisions of the SASM chapter apply to it in addition to the provisions of the underlying zone.

In my opinion, any changes to the operative rules would require wider consultation as part of the preparation of the plan change, including consultation with mana whenua on draft provisions.<sup>18</sup> 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.

204. 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.
205. In summary I do not recommend any changes to PC3 in response to the matters raised by these submission points.

## Recommendations

206. I recommend that:

- A. Submission S9.1 – Brett Osborne be **accepted in part**.
- B. Submission S9.2 – Brett Osborne be **rejected**.
- C. Submission S9.3 – Brett Osborne be **rejected**.
- D. Submission S9.4 – Brett Osborne be **rejected**.
- E. Submission S9.5 – Brett Osborne be **rejected**.
- F. Submission S9.6 – Brett Osborne be **rejected**.
- G. Submission S9.7 – Brett Osborne be **rejected**.
- H. Further submission FS1 received from Richard Birkinshaw in relation to S9.1 be **rejected**.
- I. Further submission FS1 received from Richard Birkinshaw in relation to S9.2 be **rejected**.
- J. Further submission FS2 from Laurence Petherick on behalf of a collective in relation to S9.1 be **rejected**.
- K. Further submission FS2 from Laurence Petherick on behalf of a collective in relation to S9.2 to S9.7 be **rejected**.
- L. Further submission FS3 from WLC in relation to S9.1 be **rejected**.
- M. Further submission FS3 from WLC in relation to S9.2 be **rejected**.

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<sup>18</sup> In accordance with Clauses 3(1)(d), and 3B of Schedule 1 of the RMA.

## Submitter 10 – Ngā Hapū o Ōtaki

### Matters Raised by Submitters

207. Submission S10.1 from Ngā Hapū o Ōtaki supports the proposed plan change in its entirety and requests that PC3 be retained as notified.
208. The submitter provides the following reasons for supporting PC3:
- (a) it is critical for the preservation and recognition of Kārewarewa Urupā as a wāhi tapu
  - (b) Kārewarewa Urupā is not only of immense cultural and historical significance to Te Ātiawa ki Whakarongotai but also holds deep value for the wider iwi and hapū of the region, including Ngā Hapū o Ōtaki
  - (c) it is a necessary step in ensuring that its sanctity is upheld and that development activities in the area are appropriately managed to protect this taonga for future generations
  - (d) it will strengthen the partnership between Council and mana whenua
  - (e) it ensures that the cultural landscape is respected and preserved
209. A further submission was received from Richard Birkinshaw (FS1) opposing S10.1 in its entirety. Please refer to the further submission for the specific reasons the further submission provides for opposing S10.1, which are consistent with the further submitter's general opposition to submissions that support PC3.
210. A further submission was received from Laurence Petherick on behalf of a collective (FS2) opposing S10.1 in its entirety for the following reasons:
211. “... we don't believe that the Urupa area is “of immense cultural & historical significance to Te Ātiawa.....” otherwise something would have happened many years ago following the sale of the land to the Waikanae Land Co”.
212. A further submission was received from Waikanae Land Company (FS3) opposing S10.1 to the extent that the submission seeks the retention of PC3.

### Analysis

213. The support for PC3 as notified is acknowledged. 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.
214. In response to further submissions FS1, FS2 and FS3 opposing PC3, I note the following:
- (a) The Independent Hearings Panel for PC2 considered all submissions and evidence submitted with respect to the inclusion of Kārewarewa urupā within PC2, and found that:  
*The Kārewarewa Urupā Block values are historical, spiritual and cultural associated with the occupation of Te Ātiawa and events associated with that land. These are not solely burial values as an urupā but importantly include those values. That includes the remains*

*of esteemed ancestors that engage the highest obligations for protection and care following Te Ātiawa's tikanga.*<sup>19</sup>

- (b) 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.<sup>20</sup>
- (c) The Waitangi Tribunal has recommended that the Crown's historic breach be remedied.
- (d) As concluded in the section 32 evaluation report, the incorporation of the Kārewarewa urupā listing into Schedule 9 of the District Plan and applying the proposed provisions are the most effective and efficient method to protect the cultural and heritage values of Kārewarewa urupā from inappropriate land disturbance and urban development that would otherwise be permitted by the underlying General Residential Zone and District-wide earthworks provisions.
- (e) Based on the information and evidence available to me I am confident the site is indeed an urupā, and is of significant cultural and spiritual significance to mana whenua that is required to be protected from inappropriate subdivision, use, and development under section 6 of the RMA. I also consider that the question of whether the land is Kārewarewa Urupā was not adequately addressed in the 1969/70 hearing to remove the Māori cemetery designation from the District Scheme of the day.
- (f) None of the further submissions in opposition have provided information or evidence that would lead to me conclude that the significant cultural and spiritual values are not present within the identified spatial extent of the urupā, or that the spatial extent of the urupā is incorrect.
- (g) The restoration of the land's status as an urupā is necessary to remedy the Crown-acknowledged breach of the Treaty of Waitangi that caused its desecration, and to achieve the purpose of the RMA.

215. The submitter's support for this proposed amendment is acknowledged, and accordingly I recommend the submission be accepted.

## Recommendations

216. I recommend that:

- A. Submission S10.1 from Ngā Hapū o Ōtāki be **accepted**.
- B. Further submission FS.1 from Richard Birkinshaw be **rejected**.
- C. Further submission FS2 from Laurence Petherick on behalf of a collective be **rejected**.

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<sup>19</sup> PC2 IHP's Recommendations Report, Sect 6 – Kārewarewa Urupā, p. 62, para. 159

<https://www.kapiticoast.govt.nz/media/jrmofuz1/ihp-report-to-kapiti-coast-district-council-on-pc2.pdf>

<sup>20</sup> Kārewarewa Urupā Report (Waitangi Tribunal, 2020, p. 7):

<https://www.kapiticoast.govt.nz/media/mf2i5nzf/section-32-evaluation-report-appendix-a-k%C4%81rewarewa-urup%C4%81-report-waitangi-tribunal-2020.pdf>

D. Further submission FS3 from Waikanae Land Company be **rejected**.

## Submitter 11 – Simon Leeming

### Matters Raised by Submitters

217. Submission S11.1 from Simon Leeming supports the proposed plan change in its entirety and requests that PC3 be retained as notified.
218. The submitter refers to the history of the Urupā site as outlined in the Waitangi Tribunal report entitled “The Kārewarewa Urupā Report” and considers there to be injustices and land errors through the years, including the removal of the cemetery / urupā designation.
219. The submitter explains that there is a need to honour the important cultural heritage of the Urupā and to protect it into future generations.
220. The submitter asserts that the proposed change will appropriately correct and restore the historic status of the site, while affording the necessary protection into the future.
221. A further submission was received on this late submission from Laurence Petherick on behalf of a collective (FS5) opposing S11.1.
222. A further submission was received on this late submission from Waikanae Land Company (FS6) opposing S11.1.

### Analysis

223. PC3 acknowledges that Kārewarewa urupā is a place of cultural and spiritual importance to tangata whenua.
224. PC3 recognises and provides for Kārewarewa urupā as a wāhi tapu.
225. The incorporation of Kārewarewa urupā into Schedule 9 and amendments to the District Plan maps will restore the urupā status and protect the urupā from inappropriate development.
226. The submitter's support for PC3 is acknowledged. The decision requested by the submitter to support the plan change as notified, is noted.
227. 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.

### Recommendations

228. I recommend that submission S11.1 from Simon Leeming be **accepted**.
  - A. Further submission from Laurence Petherick on behalf of a collective (FS5) be **rejected**.
  - B. Further submission from Waikanae Land Company (FS6) be **rejected**.

## Conclusion and Recommendation

229. This report has provided an assessment of submissions received in support of and in opposition to PC3, and the reasons provided by further submissions for supporting or opposing the submissions. These submissions relate to the identification and recognition of Kārewarewa urupā as wāhi tapu site and incorporation of Kārewarewa urupā into Schedule 9 of the District Plan as a site of significance to Māori.
230. I have carefully considered all the decisions requested and reasons provided by the submissions and I do not recommend any amendments to PC3.
231. I consider that PC3 as notified will be the most effective means to:
- achieve the purpose of the Resource Management Act 1991;
  - give effect to higher order planning documents; and
  - achieve the objective of Plan Change 3 – Kārewarewa urupā.
232. To conclude, I recommend that:
- The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as detailed in **Appendix 1** of this report.



Sandhira Naidoo  
KCDC Principal Policy Planner  
28 April 2026

## Appendices

## 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?
<b>Submitter 1 – Victor Hewson</b>					
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  See further submission for specific comments.	Reject	For the same reasons stated in S1.1 and S1.2, above.	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 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
<b>Submitter 2 – Richard Birkinshaw</b>					
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 Residential Zone.	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 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
<b>Submitter 3 – Ātiawa ki Whakarongotai</b>					
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, and protects it from inappropriate subdivision,	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
				use, and development as a matter of national importance.	
OPPOSED BY: FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR OPPOSITION:  Oppose submission S3.1 in its entirety.  See further submission for specific comments.	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
OPPOSED BY: FS2 – Laurence Petherick on behalf of a collective		SUMMARISED REASONS FOR OPPOSITION:  Oppose submission S3.1 in its entirety.  See further submission for specific comments.	Reject		No
OPPOSED BY: FS3 – Waikanae Land Company		SUMMARISED REASONS FOR OPPOSITION:  Oppose submission S3.1 on the basis that it seeks to retain PC3.  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?
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
<b>Submitter 4 – Te Rūnanga o Toa Rangatira</b>					
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.  See further submission for specific comments.	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

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
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
<b>Submitter 5 – Laurence Petherick on behalf of a Collective</b>					
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.  The Tribunal found that the traditional, historical, and archaeological evidence is clear that the block of land is an urupā, and that the	No
SUPPORTED BY:  FS1 – Richard Birkinshaw		SUMMARISED REASONS FOR SUPPORT:  Support submissions S5.1: Laurence Petherick on behalf of a Collective 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.		urupā has “great significance in cultural and spiritual terms” for Ātiawa ki Whakarongotai.	
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	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.	No
<b>Submitter 6 – Waikanae Land Company</b>					
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

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
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.	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	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>	
<b>Submitter 7 – KCDC Parks, Open Space and Environment</b>					
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
OPPOSED BY: FS1 – Richard Birkinshaw		<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S7.1 in its entirety.</p> <p>See further submission for specific</p>	Reject	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.	No

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
		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
<b>Submitter 8 – Che Ray and Vanessa Blackmore</b>					
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

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
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?
<b>Submitter 9 – Brett Osborne</b>					
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"> <li>removing all parts of PC3 which relate to the Wāhanga Rua listing; and</li> <li>instead, rely on a requirement for the application of the accidental discovery protocol under HH-Table 1</li> </ul>	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

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
		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
<b>Submitter 10 – Ngā Hapū o Ōtaki</b>					
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?
<p>OPPOSED BY:</p> <p>FS1 – Richard Birkinshaw</p>	<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S10.1 in its entirety.</p> <p>See further submission for specific comments.</p>	<p>Reject</p>	<p>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.</p>	<p>No</p>	
<p>OPPOSED BY:</p> <p>FS2 – Laurence Petherick on behalf of a collective</p>	<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S10.1 in its entirety.</p> <p>See further submission for specific comments.</p>	<p>Reject</p>		<p>No</p>	
<p>OPPOSED BY:</p> <p>FS3 – Waikanae Land Company</p>	<p>SUMMARISED REASONS FOR OPPOSITION:</p> <p>Oppose submission S10.1 in its entirety.</p> <p>See further submission for specific comments.</p>	<p>Reject</p>		<p>No</p>	

Submission Point	Provision	Decision Requested	Section 42A Author's Recommendation	Section 42A Author's Reasons / Comments	Recommended Amendments to PC3?
<b>Submitter 11 – Simon Leeming</b>					
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

## Appendix 2 – Section 32 Evaluation Report

Please see here:

[https://www.kapiticoast.govt.nz/media/x0narhql/pc3\\_kārewarewaurupā\\_s32report.pdf](https://www.kapiticoast.govt.nz/media/x0narhql/pc3_kārewarewaurupā_s32report.pdf)

## Appendix 3 – Kārewarewa Urupā Report (Waitangi Tribunal, 2020)

Please see here:

<https://www.kapiticoast.govt.nz/media/mf2i5nzf/section-32-evaluation-report-appendix-a-k%C4%81rewarewa-urup%C4%81-report-waitangi-tribunal-2020.pdf>

## Appendix 4 – High Court Decision

## Appendix 5 - Submissions

1. Submission 1: Victor Hewson – Please see here:  
<https://www.kapiticoast.govt.nz/media/4o1f5cf0/s1-victor-hewson-pc3-submission-29102024.pdf>
2. Submission 2: Richard Birkinshaw – Please see here:  
<https://www.kapiticoast.govt.nz/media/4j1fu2gw/s2-richard-birkinshaw-pc3-submission-29102024.pdf>
3. Submission 3: Ātiawa ki Whakarongotai – Please see here:  
<https://www.kapiticoast.govt.nz/media/3wiiyuv/s3-Ātiawa-ki-whakarongotai-pc3-submission-29102024.pdf>
4. Submission 4: Te Rūnanga o Toa Rangatira – Please see here:  
<https://www.kapiticoast.govt.nz/media/stwcuylh/s4-te-rūnanga-o-toa-rangatira-pc3-submission-1112024.pdf>
5. Submission 5: Laurence Petherick on behalf of Collective – Please see here:  
<https://www.kapiticoast.govt.nz/media/lxqcxyed/s5-laurence-petherick-on-behalf-of-collective-pc3-submission-1112024.pdf>
6. Submission 6: Waikanae Land Company – Please see here:  
<https://www.kapiticoast.govt.nz/media/mtzl4rjq/s6-waikanae-land-company-pc3-submission-1112024.pdf>
7. Submission 7: KCDC Parks, Open Space and Environment – Please see here:  
<https://www.kapiticoast.govt.nz/media/on1pf0bf/s7-kcdc-parks-open-space-environment-pc3-submission-1112024.pdf>
8. Submission 8: Che Ray – Please see here:  
<https://www.kapiticoast.govt.nz/media/3eji5usb/s8-che-ray-pc3-submission-1112024.pdf>
9. Submission 9: Brett Osborne – Please see here:  
<https://www.kapiticoast.govt.nz/media/cofd1vfr/s9-brett-osborne-pc3-submission-3112024.pdf>
10. Submission 10: Ngā Hapū o Ōtaki – Please see here:  
<https://www.kapiticoast.govt.nz/media/lp2fbwq/s10-ngā-hapū-o-Ōtaki-pc3-submission-4112024.pdf>

11. Submission 11: Simon Leeming – Please see here:

<https://www.kapiticoast.govt.nz/media/juthasm4/s11-simon-leeming-pc3-late-submission-17122024.pdf>

## Appendix 6 – Further Submissions

1. Further submission 1: Richard Birkinshaw – Please see here:  
<https://www.kapiticoast.govt.nz/media/jmlt0b/fs1-richard-birkinshaw-pc3-further-submission-13122024.pdf>
2. Further submission 2: Laurence Petherick on behalf of Collective – Please see here:  
<https://www.kapiticoast.govt.nz/media/2gljrkj/fs2-laurence-petherick-on-behalf-of-collective-pc3-further-submission-18122024.pdf>
3. Further submission 3: Waikanae Land Company – Please see here:  
<https://www.kapiticoast.govt.nz/media/gzvbsaoh/fs3-waikanae-land-company-pc3-further-submission-18122024.pdf>
4. Further submission 4: WAI 1945 – Please see here:  
<https://www.kapiticoast.govt.nz/media/uk5jq5ql/fs4-wai-1945-pc3-further-submission-18122024.pdf>
5. Further submission 5 on late submission: Laurence Petherick on behalf of Collective – Please see here:  
<https://www.kapiticoast.govt.nz/media/o4bfou5k/fs5-laurence-petherick-on-behalf-of-collective-pc3-further-submission-on-late-submission-14032025.pdf>
6. Further submission 6 on late submission: Waikanae Land Company – Please see here:  
<https://www.kapiticoast.govt.nz/media/jvob2cz4/fs6-waikanae-land-company-pc3-further-submission-on-late-submission-10032025.pdf>