

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

**AND**

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

**AND**

**IN THE MATTER** of a request from Waikato-  
Tainui regarding the  
presentation of evidence

## **MINUTE FROM HEARING COMMISSIONERS**

**9 September 2019**

1. On 5 September 2019 we received a letter from Ms Marae Tukere, the Acting Chief Executive of Waikato-Tainui, dated 3 September 2019, that stated the following:

At the most recent Joint Management Agreement meeting of Waikato-Tainui and Waikato District Council, the district plan review process was discussed from a submitter's perspective. We were able to communicate with councillors and His Worship the Mayor, how the process has disadvantaged iwi and hapuu through the elongated time it has taken to develop the proposed plan and the significant costs associated with the process. It was also discussed that the process of hearing submissions by topic rather than submitter would increase costs significantly, through the need to prepare multiple pieces of evidence and having to attend multiple hearings.

As a JMA partner it is our position that we should have been specifically engaged on the hearings process. We note the first direction sent by the hearing panel however, neither Waikato-Tainui nor any other submitter could have anticipated the significant number of hearings that are proposed to be held pre-Christmas 2019. Furthermore, the additional demand created by the submission of Ambury Limited evidence in this period only increases resource demand.

Waikato-Tainui would appreciate if you and your panel colleagues would consider hearing our evidence at one time. We are committed to this process but also need to ensure our limited resources are best used on behalf of our tribal members. In considering this request and possible impact on other submitters, we remind the panel that we are unique to other submitters as treaty partners with the Crown and as co-governance partners with Waikato District Council through our Joint Management Agreement.

Thank you in advance for considering this request and I look forward to hearing from you.

2. This matter has been carefully considered by the hearings panel and we respectfully respond as follows.
3. In reading Ms Tukere's letter we were unclear if her request related solely to the hearings that will occur prior to Christmas 2019, or to the entire hearings process. In order to provide certainty, this Minute assumes the latter, and therefore relates to the entire hearings process.
4. The first point we wish to make is that there is nothing novel, nor unusual, in undertaking whole-of-district proposed plan hearings on a topic by topic basis. In fact, it is widely practiced, and we are satisfied that it remains appropriate.
5. That said, in recognition of Waikato-Tainui's Joint Management Agreement with the Council, and our wish to be respectful of that important relationship and the mana of Waikato-Tainui, we are happy for them to present one suite of evidence for the following "big picture" hearing topics:<sup>1</sup>
  - a. Hearing 1 Chapter 1 Introduction
  - b. Hearing 2 All of plan matters and plan structure
  - c. Hearing 3 Strategic objectives
  - d. Hearing 4 Tangata whenua, Whaanga coast and Maaori freehold land
  - e. Hearing 5 Definitions
6. Evidence on those 5 topics (which we observe will have been informed by the tribe's Opening Submissions that will be presented prior to any individual topic hearings) should form part of Hearing 2, given that is the hearing where "whole of plan" / "big picture" matters will be addressed.
7. We are not convinced that evidence for Hearing 6 "Village zone" (the only other hearing scheduled this year), should be presented in advance of the hearing on that topic, given that it is a focussed, location specific matter. As such, that hearing will proceed, as previously directed.
8. In respect of the other topic-specific hearings that will follow next year, our preliminary view is that evidence on them should not be presented in advance of the hearings on those topics, given that they well-defined, narrowly focussed topics.
9. We are also of the preliminary view that hearing evidence on those topics as one package, would undermine the efficient organisation of the hearings, as contemplated by section 18A of the Resource Management Act 1991. In that regard, we make the observations that:
  - a. Waikato-Tainui's "big picture" whole of plan evidence and opening submissions would have already been presented and considered by the hearings panel;
  - b. That any evidence presented in advance of the individual hearings on specific topics raises issues of procedural fairness, as doing so would pre-date release of the Council's response to the various submission and further submission points;

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<sup>1</sup> As posted by Council staff on the Council's website on 16 August 2019

- c. Waikato-Tainui should be present at specific topic hearings to be able to address or clarify any specific issues that may arise during a hearing touching on their interests; and
  - d. The consideration of evidence on a specific topic would tend to become disjointed and outside of context if presented at a different time.
10. Notwithstanding paragraphs 8 and 9 above, if Waikato-Tainui considers that there are compelling reasons why their evidence for hearings that are scheduled for 2020 should be presented in one block, they are invited to provide further particulars of:
- a. What evidence they consider is amenable to being presented in one block;
  - b. What witnesses would present that evidence, and, in general terms, what subject matter would each witness address;
  - c. Where in the hearings schedule they suggest that evidence should be presented; and
  - d. Why doing so would be logistically and procedurally appropriate.
11. Any material Waikato-Tainui wishes to present in accordance with paragraph 10 above is to be provided to the Hearings Administrator **no later than 5pm on Friday 18 October 2019**, following which the panel will consider it and advise its final decision on this matter.
12. Any questions regarding the above should be addressed to the Hearings Administrator in the prescribed manner.

Nga mihi



**P H Mitchell (Chair)**

**9 September 2019**