

**BEFORE THE HEARING PANEL**

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

**AND**

**IN THE MATTER** of Proposed Plan Change 9 to the Operative Hamilton  
City District Plan

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**SECOND SUPPLEMENTARY STATEMENT OF EVIDENCE OF PAUL STANLEY RYAN**

**(PLANNING – ARCHAEOLOGICAL SITES)**

**Dated 7 November 2023**

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## INTRODUCTION

1. My full name is Paul Stanley Ryan.
2. My qualifications, professional memberships, and experience are set out in my statement of evidence dated 1 September 2023<sup>1</sup>.
3. I confirm that this Supplementary Evidence has been prepared in accordance with the Code of Conduct for expert witnesses contained in the Environment Court's Practice Note 2023.
4. This Supplementary Evidence, provided on behalf of Hamilton City Council as Plan Change 9 proponent, addresses the planning matters listed in the following table, which relate to the archaeological and cultural site topic within PC9.

Item	Matters addressed in this evidence	Relevant Paragraphs in this evidence
	<b>Responses to selected recommendations in the s42A Report regarding:</b>	
a)	<ul style="list-style-type: none"><li>• Policy 19.2.6f</li></ul>	32 to 49
b)	<ul style="list-style-type: none"><li>• The Activity Status of earthworks on Archaeological or Cultural Sites</li></ul>	50 to 67
	<b>Problems associated with the use of "and" instead of "or" in the following provisions:</b>	
c)	<ul style="list-style-type: none"><li>• The definitions of Group 1, 2, and 3 Archaeological or Cultural Sites</li></ul>	68 to 70
d)	<ul style="list-style-type: none"><li>• Rule 19.3.3 e</li></ul>	71
	<b>Other matters</b>	
e)	Concerns HNZPT raised about part of Mr Nicholas Cable's Rebuttal Evidence	72 to 74
f)	A submission point regarding Appendix 1.3.2 E b i that was not addressed in the s42A Report or my earlier evidence	75 to 79
g)	Correction of an omission from Schedule 8B regarding Site A11	80 to 81

## PRE-HEARING MEETINGS

5. On 17<sup>th</sup> and 26<sup>th</sup> October 2023, I had Teams meetings with Carolyn McAlley and Eleanor Sturrock (Heritage New Zealand Pouhere Taonga (HNZPT)) to discuss their concerns about Paragraph 7 of Mr Cable's Rebuttal Evidence,

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<sup>1</sup> Paragraphs 2 to 6.

which respond to Paragraphs 14 to 16 of Ms McAlley's Primary Evidence.

6. During the preparation of this evidence, I had several discussions with the s42A Report author, Mr Andrew McFarlane, about the matters it covers. Mr McFarlane reviewed an earlier draft of this evidence and confirmed that he supports all the amendments this present draft recommends. I understand that in 2 instances his support is conditional, and this evidence identifies where this applies<sup>2</sup>.

#### **ABBREVIATIONS AND ACRONYMS**

7. Abbreviations and acronyms used in the evidence are listed in **Appendix A**.

#### **SCOPE OF EVIDENCE**

8. My evidence addresses the planning matters set out in Paragraph 4 above and is structured as follows:
  - a) Summary of Evidence.
  - b) Detailed Planning Analysis.
  - c) Conclusions.

#### **SUMMARY OF EVIDENCE**

9. My evidence recommends some additional amendments to PC9.
10. I have discussed these with the s42A Report author, and I understand that he supports them.

#### **Responses to the s42A Report**

11. I have reviewed the s42A Report author's recommendations regarding:

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<sup>2</sup> Paragraphs 43 and 65.b).

- a) Policy 19.2.6f, and
- b) The activity status of earthworks on archaeological or cultural sites.

12. My recommendations with respect to these matters are discussed below.

**Policy 19.2.6f**

13. I consider that the amendments to Policy 19.2.6f recommended in the s42A Report weaken the notified requirement for on-site marking of lost features of significant archaeological or cultural sites.

14. I recommend, instead, the following alternative amendment:

**Policy 19.2.6f**

Where features of significant archaeological ~~and~~ or cultural sites are lost, these features must be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

15. Also, to give more guidance to Plan users and achieve consistency between Policy 19.2.6f and the explanation of that policy, I recommend that the latter be amended as follows:

Where development has already taken place and the site's features have been destroyed or damaged, recognition of the site's existence is ~~desirable~~ necessary. This recognition could be given through one or more of the following, or other, methods: erecting signs, carved pou, public art, interpretation panels, or story boards, building design and decoration, landscape design, planting, and naming. Even where these ~~sites-heritage features~~ no longer exist physically, they ~~site~~ still hold s cultural significance, particularly to Waikato iwi and local hapu with respect to sites and areas of significance to Maaori.

**The activity status of earthworks on archaeological or cultural sites.<sup>3</sup>**

16. The s42A Report recommends rejection of a Waikato-Tainui submission point that seeks for earthworks on Schedule 8C sites to be made a Restricted Discretionary Activity, rather than a Controlled Activity.

17. The s42A Report argues that a Restricted Discretionary Activity status for

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<sup>3</sup> Paragraphs 50 to 67 in this evidence.

earthworks on Schedule 8C sites would impose an unnecessary level of control on Group 2 sites, which lack high or outstanding archaeological values.

18. However, other than the Waikato-Tainui submission point, cultural advice has yet to be received regarding the appropriate activity status for earthworks on cultural sites.
19. I expect that this matter will be addressed as part of the future work on sites and areas of significance to Maaori.
20. However, based on Ngaati Wairere's recent opposition to disturbance of Site A123, Hua o Te Atua Urupa, in relation to the Waikato Regional Theatre development, I recommend, in the interim, that earthworks on urupaa be a Restricted Discretionary Activity rather than a Controlled Activity.
21. To achieve this, I recommend PC9 be amended as follows:

**Rule 19.3.3 Archaeological and Cultural Sites**

- b. Any earthworks on a site in Schedule 8B [or that is asterisked in Schedule 8C](#): Subject to Rule 19.4.2b (see note 1): RD
- d. Any earthworks on a site [that is not asterisked](#) in Schedule 8C:~~Group 2~~ (see note 1): C

**Rule 19.5 Controlled Activities: Matters of Control**

- a. iii. Any earthworks on a site [that is not asterisked](#) in Schedule 8C:~~Group 2~~: E-Heritage Values and Special Character

**Rule 19.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria**

- a. xvi. Any earthworks on a site in Schedule 8B:~~Group 1~~ or [that is asterisked in](#) Schedule 8C:~~Group 2~~: E-Heritage Values and Special Character

**Schedule 8C**

Site Number (NZAA Number <sup>2</sup> ) <a href="#">See Notes</a>	Name
<b>A104</b> (S14/102)	Ridler's Flour Mill
<b>A1</b> (S14/165)	Te Awa o Katapaki — Borrow Pits
<b>A114 *</b>	Te Wehenga — Urupa

<b>A117</b>	Mangakookoea <u>Paa</u>
<b>A120</b>	Matakanohi <u>Paa</u>
<b>A121 *</b>	Urupa (unnamed)
<b>A122 *</b>	Te Toka O Arurei Urupa
<b>A123 *</b>	Hua O Te Atua Urupa
<b>A142</b> (S14/113)	<u>Pits</u>
<b>A153</b> (S14/52)	<u>Paa</u>
<b>A165</b> (S14/334)	<u>St Mary's Monastery and School (former)</u>
<b>A171</b> (S14/254)	<u>Landing Place</u>
<b>A172</b> (S14/258)	<u>Maaori horticulture</u>
<b>A175</b> (S14/470)	<u>Maaori horticulture</u>
<b>A178</b> (S14/333)	<u>Maaori horticulture</u>
<b>A179</b> (S14/491)	<u>Railway Hotel (former)</u>
<b>A180</b> (S14/492)	<u>Royal Hotel (former)</u>

**Note**

1. The NZAA number refers to the New Zealand Archaeological Association reference number for the site.
2. [An asterisk \(\\*\) indicates that earthworks on the site is a Restricted Discretionary Activity under Rule 19.6 a. xvi.](#)

**Issues associated with using the word “and” instead of “or” in provisions**

22. Some sites listed in Schedules 8B or 8C may be a cultural site only and not an archaeological site, or vice versa.
23. To recognise this and avoid an applicant arguing that the site relevant to their resource consent application is not subject to relevant objectives, policies, or rules because it is not both an archaeological **and** a cultural site, it is recommended that the relevant provisions be amended as follows:

**Appendix 1.1.2 Definitions Used in the District Plan**

**Group 1 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8B in Appendix 8. It has either visible surface archaeological remains, or generally high

heritage values, or outstanding or high values when assessed against one or more of the assessment criteria.

**Group 2 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8C in Appendix 8. It has no visible surface archaeological features but is highly likely to contain subsurface archaeological remains or has some, but not high or outstanding, value when assessed against one or more of the assessment criteria.

**Group 3 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8CA in Appendix 8. It has low archaeological significance because all previously recorded archaeological features have been destroyed by development or investigation, or it is a site with no or unclear archaeological context, such as an artefact findspot or a site recorded from hearsay.

**Rule 19.3.3 Archaeological and Cultural Sites**

Activity	Class
e. Subdivision of a site containing a scheduled archaeological <del>and</del> or cultural site identified in Volume 2 Appendix 8, Schedule 8B <del>and</del> or 8C (see note 2).	Refer to Chapter 23 Subdivision

**Information Requirement Appendix 1.2.2.7 and Assessment Criterion Appendix 1.3.3 E1 m**

24. During pre-hearing meetings with Heritage New Zealand Pouhere Taonga (HNZPT) staff to discuss their concerns about Mr Cable's rebuttal response to Ms McAlley's Primary Evidence<sup>4</sup>, the following amendments were agreed with them on a without-prejudice basis:

**1.2.2.7 Historic Heritage – Built Heritage and Archaeological and Cultural Sites**

Any activity requiring a resource consent relating to Schedule 8A, ~~or~~ 8B, ~~or~~ 8C sites (refer Volume 2, Appendix 8) shall include as part of the resource consent application:

- a. ~~Where relevant, written advice from a suitably qualified and experienced archaeologist recommending that a full archaeological assessment is not required in relation to the proposed activity and setting out the reasons for the recommendation. See Note 1.~~
- b. ~~Advice from an~~ Where relevant, an assessment by an appropriately qualified ~~and experienced~~ person ~~or body~~

<sup>4</sup> See Paragraph 72 of this evidence.

~~concerning of~~ the effects of the proposed activity on the cultural and heritage values identified for the heritage resource and outlining ~~possible mitigation~~ measures to be incorporated into the proposal to avoid, remedy, or mitigate any such adverse effects.

- c. ~~In the case of~~ Where the site ~~having~~ has identified tangata whenua cultural or spiritual values:
- i. ~~a~~ Advice received from relevant iwi and ~~representatives of~~ Mana Whenua representatives of the effects of the activity on those values and Mana Whenua's relationships with the site,
  - ii. Any measures to be incorporated into the proposal to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships, and
  - iii. The responses of relevant iwi and Mana Whenua representatives to the measures described in ii above.
- d. ~~Where the site history indicates that there may be historical artefacts or other physical remains, advice from a suitably qualified and experienced archaeologist.~~ Where relevant, advice that the necessary authority to modify or damage an archaeological site has been obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Note**

1. *An archaeological assessment, advice from Heritage New Zealand Pouhere Taonga, or engagement with iwi and representatives of Mana Whenua will not be required where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.*

**1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria**

<b>E</b>	<b>Heritage Values and Special Character</b>	
	<b>General</b>	
E1	The extent to which the proposal, <u>or</u> development, excavation, modification, <del>and</del> disturbance, <u>earthworks,</u> and/or subdivision of, <u>or earthworks on,</u> a historic heritage site, historic heritage area or places identified in Schedules 8A, <del>or</del> 8B, <del>or</del> 8C, or 8D of Appendix 8:	
	m.	<u>Has an assessment of the site undertaken by a person qualified in archaeology, which identifies the location of the archaeological sites and the proposal i</u> s in accordance with the recommendations <u>for managing effects on archaeological</u>



		<a href="#">sites of that assessment for the management of the archaeological site set out in any relevant archaeological assessment of the site undertaken by a suitably qualified and experienced archaeologist.</a>
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25. A clean version of these amended provisions is provided within this evidence.<sup>5</sup>
26. I recommend the amendments set out in Paragraph 24 above be incorporated into PC9 because they:
- a) Improve the Plan's clarity and certainty.
  - b) Are consequential to, and achieve consistency with, notified PC9 provisions.<sup>6</sup>
  - c) Avoid forcing applicants to carry out a full archaeological assessment when this is unnecessary.<sup>7</sup>
  - d) Clarify who is responsible for any assessment of effects of a proposed activity on cultural and heritage values<sup>8</sup> and the content of the assessment<sup>9</sup>.
  - e) Are consequential to amendments I have recommended in earlier evidence.<sup>10</sup>
  - f) Delete a duplicated requirement.<sup>11</sup>

### **Appendix 1.3.2 E b i<sup>12</sup>**

27. Mr Ben Inger, on behalf of The Adare Company, advised the s42A Report author that the report had not responded to Kaainga Ora's Submission

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<sup>5</sup> Paragraph 73 of this evidence.

<sup>6</sup> Paragraph 74.b) of this evidence.

<sup>7</sup> Paragraph 74.c) of this evidence.

<sup>8</sup> Paragraph 74.d) of this evidence.

<sup>9</sup> Paragraph 74.e) of this evidence.

<sup>10</sup> Paragraph 74.e) of this evidence.

<sup>11</sup> Paragraph 74.f) of this evidence.

<sup>12</sup> Paragraphs 75 to 79 of this evidence.

Point 428.130, which The Adare Company had supported through its further submission.

28. To improve clarity and reflect the wording of Assessment Criterion Appendix 1.3.3 E1 (o), I recommend that the Matters of Control, Appendix 1.3.2 E b i be amended as follows:

b	Management of effects on, and risks to, the values of <del>the any</del> archaeological <del>and or</del> cultural site identified in Schedule 8C, Volume 2, Appendix 8, including:
i.	Provision for Mana Whenua representation on site for monitoring of earthworks and land disturbance <del>where attendance has been mana whenua have requested as part of this during any engagement by the applicant with Mana Whenua, including through any cultural impact assessment prepared for the proposal.</del>

**Appendix 8 – Schedule 8B – Site A11**

29. I recommend that the New Zealand Archaeological Association (NZAA) site number for Site A11, “S14/282”) be added to Schedule 8B. This was omitted, in error, from the schedule included in Appendix D to my Primary Evidence.<sup>13</sup>

**Explanation below Objective 19.2.6 and its Associated Policies**

30. To correct an omission from my Supplementary and Rebuttal Evidence (6 October 2023), I recommend that, in the second paragraph of the Explanation below Objective 19.2.6, the second instance of “24 September 2021” be changed to “1 September 2023” as follows (emphasis added by grey highlighting):<sup>14</sup>

Archaeological sites recorded on the New Zealand Archaeological Association’s (NZAA’s) Digital Archaeological Site File database (ArchSite) as of ~~24 September 2021~~ 1 September 2023 are included in either Schedule 8B, 8C, or 8CA of Appendix 8, and the location and extent of each site is shown on the District Plan Planning Map. Details of any archaeological or cultural sites added to ArchSite after ~~24 September 2021~~ 1 September 2023, including their location and extent, would need to be obtained from ArchSite. Refer to <https://nzaa-archsite.hub.arcgis.com/>

<sup>13</sup> Paragraphs 80 to 81 of this evidence.

<sup>14</sup> Paragraphs 44 to 46 of this evidence.

### Cultural matters requiring input from Waikato-Tainui and Mana Whenua

31. While preparing this evidence, I identified that consideration of the following matters could benefit from expert conferencing or being addressed in the parties' evidence.

Item	Issue	Parties	Relevant paragraphs in this evidence
a)	Recommended amendments to Policy 19.2.6f and the associated explanation below Objective 19.2.6.	<ul style="list-style-type: none"> <li>• Te Haa o Te Whenua o Kirikiriroa</li> <li>• Te Whakakitenga o Waikato</li> <li>• Wiremu Puke</li> <li>• Other submitters</li> </ul>	32 to 49
b)	The Activity Status of earthworks on Archaeological or Cultural Sites	<ul style="list-style-type: none"> <li>• Te Haa o Te Whenua o Kirikiriroa</li> <li>• Te Whakakitenga o Waikato</li> <li>• Wiremu Puke</li> <li>• Other submitters</li> </ul>	50 to 67
c)	Information Requirement Appendix 1.2.2.7 (c)	<ul style="list-style-type: none"> <li>• Te Haa o Te Whenua o Kirikiriroa</li> <li>• Te Whakakitenga o Waikato</li> <li>• Wiremu Puke</li> <li>• Other submitters</li> </ul>	73
d)	Appendix 1.3.2 b i (Controlled Activities – Matters of Control)	<ul style="list-style-type: none"> <li>• Te Haa o Te Whenua o Kirikiriroa</li> <li>• Te Whakakitenga o Waikato</li> <li>• Wiremu Puke</li> <li>• Kaainga Ora</li> <li>• The Adare Company</li> <li>• Other submitters</li> </ul>	78

### DETAILED PLANNING ANALYSIS

#### Policy 19.2.6f

32. The s42A Report recommends the following amendments to Policy 19.2.6f<sup>15</sup>:

<sup>15</sup> Pages 23 and 49 of *Plan Change 9 – Historic Heritage and Natural Environment: Planning Report and Recommendations: Hearing Session 2: Archaeological Sites and Built Heritage* (27 October 2023).

**Policy 19.2.6f**

Where features of significant archaeological and cultural sites are lost, **and where practicable**, these features ~~must~~ **should** be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

33. The s42A Report explains<sup>16</sup> the reasons for these amendments as follows:

The PC9 explanation for this policy refers to recognition of destroyed sites as being 'desirable' only, which conflicts with the notified change. This report recommends amendment of Policy [1]9.2.6f to the effect that lost features '*should*' be recorded and recognised *where practicable*. This is because Policy 19.2.6f is aimed at recognising and marking *significant* archaeological and cultural sites, and it is therefore implicit that less significant sites need not be recognised or marked; the recommended change reflects that.

34. In my opinion, the Explanation should be amended to align with the policy, not the other way around.
35. The above changes<sup>17</sup> weaken the policy and, in my opinion, would reduce the number of cultural sites that would be recognised and marked.
36. "Marking" Maaori cultural sites in Hamilton has been a particular focus of Mana Whenua over the last 30 years and much colour, vibrancy, and layers of history and meaning have been added to life in Hamilton through this effort.
37. Methods for marking and recognising sites have included, amongst others:
- a) Erection of carved pou, public art, and interpretation panels or story boards.
  - b) Building design and decoration.
  - c) Landscape design.
  - d) Indigenous planting.

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<sup>16</sup> Page 23.

<sup>17</sup> Paragraph 32.

- e) Using Te Reo including for naming sites, areas, buildings, activities, and events.
38. Marking and recognising archaeological or cultural sites in this way is a very practicable and visible means of complying with s6(e) of the RMA, i.e., recognising and providing for the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
39. It is difficult to envisage a situation where it would not be practicable to recognise and mark a cultural site using one of the above methods<sup>18</sup> either on, or near, the site.
40. Without recording and recognising lost sites, mana whenua's relationships with those sites risk being weakened or obliterated, particularly for future generations.
41. Furthermore, the recognition of cultural sites applies to sites of significance to Tangata Tiriti as well as to sites of significance to Mana Whenua.
42. To improve clarity, I recommend that the notified Policy 19.2.6f be amended as follows:

**Policy 19.2.6f**

Where features of significant archaeological ~~and~~ or cultural sites are lost, these features must be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

43. Following further discussion with Mr McFarlane, I understand that he is prepared to support the amendment set out in Paragraph 42 above, providing the explanation beneath the policy leaves no room for ambiguity as to the need for marking and recognition.

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<sup>18</sup> Paragraph 37.

### The Explanation below Objective 19.2.6 and its Associated Policies

44. At Paragraph 30 of my Supplementary and Rebuttal Evidence (6 October 2023), I recommended that the date in the second paragraph of the explanation below Objective 19.2.6 be updated from “24 September 2021” to “1 September 2023”.
45. However, the date 24 September 2023 appears twice in that paragraph, and I should have recommended that both instances be updated.
46. I now correct this omission and recommend that the paragraph be amended as follows:

Archaeological sites recorded on the New Zealand Archaeological Association’s (NZAA’s) Digital Archaeological Site File database (ArchSite) as of ~~24 September 2021~~ 1 September 2023 are included in either Schedule 8B, 8C, or 8CA of Appendix 8, and the location and extent of each site is shown on the District Plan Planning Map. Details of any archaeological or cultural sites added to ArchSite after ~~24 September 2021~~ 1 September 2023, including their location and extent, would need to be obtained from ArchSite. Refer to: <https://nzaa-archsite.hub.arcgis.com/>

47. Furthermore, I agree with Mr McFarlane that the explanation of Policy 19.2.6f needs to be amended to make it clearer that marking and recognition of lost sites is a requirement, rather than merely desirable.
48. Therefore, to give more guidance to Plan users and achieve consistency between Policy 19.2.6f and the relevant explanation of that policy, I recommend that the latter be amended as follows:

Where development has already taken place and the site’s features have been destroyed or damaged, recognition of the site’s existence is ~~desirable~~ necessary. This recognition could be given through one or more of the following, or other, methods: erecting signs, carved pou, public art, interpretation panels, or story boards, building design and decoration, landscape design, planting, and naming. Even where these ~~sites-heritage features~~ no longer exist physically, they ~~site~~ still hold cultural significance, particularly to Waikato iwi and local hapu with respect to sites and areas of significance to Maaori.

49. It would be helpful if Waikato-Tainui or Mana Whenua were to confirm whether they support these amendments.

### **The Activity Status of Earthworks on Archaeological or Cultural Sites**

50. The notified version of PC9 identifies earthworks as a Restricted Discretionary Activity on Schedule 8B sites<sup>19</sup> and a Controlled Activity on Schedule 8C sites<sup>20</sup>.
51. Rule 19.6(a)(xvi) identifies matters of discretion and assessment criteria for Restricted Discretionary Activities and identifies that this applies to any earthworks on a Schedule 8C site.
52. The Adare Company notes<sup>21</sup> that Rule 19.6(a)(xvi) is inconsistent with Rule 19.3.3 d: the former identifies earthworks on Schedule 8C sites as a Controlled Activity, and the latter implies that they are a Restricted Discretionary Activity.
53. To remedy this inconsistency, The Adare Company seeks<sup>22</sup> for Rule 19.6(a)(xvi) to be amended as follows:
- Any earthworks on a site in Schedule 8B: Group 1 ~~or Schedule 8C: Group 2:~~ E-Heritage Values and Special Character
54. Waikato-Tainui<sup>23</sup> seeks for earthworks on Schedule 8C sites to be a Restricted Discretionary Activity. It considers that a Controlled Activity status would provide inadequate protection from the damage earthworks could inflict on an archaeological or cultural site because the resource consent must be granted.
55. This is one of the matters that my Primary Evidence identified could benefit from expert conferencing or for the parties to address in evidence.<sup>24</sup>
56. The s42A Report recommends<sup>25</sup> that Waikato-Tainui's Submission Point

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<sup>19</sup> Rule 19.3.3 b

<sup>20</sup> Rule 19.3.3 d

<sup>21</sup> Submission Point 432.2

<sup>22</sup> Submission Point 432.2

<sup>23</sup> Submission Point 349.15

<sup>24</sup> Paragraph 22 (c) in my Primary Evidence dated 1 September 2023.

<sup>25</sup> Pages 25 and 54 of the s42A Report.

349.15 be rejected and the earthworks on all Schedule 8C sites continue to be identified in the Plan as a Controlled Activity for the following reasons:

This is not supported because PC9 makes distinction between the quality of Group 1 and Group 2 sites, with the not unreasonable expectation that activities associated with the latter will be more permissive. Classifying all earthworks for Group 1 and 2 sites as a Restricted Discretionary Activity would impose higher RMA thresholds than is necessary for Group 2 sites which lacks high or outstanding archaeological values, accepting of course that all archaeological sites are still subject to the requirements of the HNZ Act, irrespective of activity classification.

57. Schedule 8C includes four urupa:

- a) A114 Te Wehenga Urupa,
- b) A121 An unnamed urupa,
- c) A122 Te Toka o Arurei Urupa,
- d) A123 Hua o Te Atua Urupa.

58. It also includes the following additional cultural sites:

- a) A1 Te Awa o Katapaki Borrow Pits,
- b) A117 Mangakookoea Paa,
- c) A120 Matakanohi Paa,
- d) A142 Pits,
- e) A153 Paa,
- f) A171 Waka Landing Place, and



- g) Maaori Horticulture sites A172, A175, and A178.
59. A consequence of retaining earthworks on Schedule 8C sites as a Controlled Activity would be to require earthworks on the listed urupaa to be consented.
60. The assessment and classification of cultural sites as either Group 1, Group 2, or Group 3 Archaeological or Cultural sites was not undertaken as part of preparation of PC9.
61. The appropriate activity status for earthworks on cultural sites is likely to be determined as part of the future work on sites and areas of significance to Maaori.
62. As the assessment and classification of cultural sites have yet to be undertaken, it is not clear to me whether earthworks on all the different types of cultural sites listed in Paragraph 58 above warrant the same activity status.
63. I am aware that Ngaati Wairere recently opposed the disturbance of Site A123 Hua o Te Atua Urupa, and this led to the redesign of part of the Waikato Regional Theatre development to avoid the area.
64. Therefore, in the interim, until the assessment described in Paragraph 61 above has been completed, I recommend that earthworks on urupaa be identified in PC9 as a Restricted Discretionary Activity rather than a Controlled Activity.
65. I understand that Mr McFarlane has agreed that:
- a) There are sensitivities associated with urupaa and potential risks associated with a Controlled Activity status for earthworks on them, and
  - b) Earthworks on Group 2 urupaa sites would benefit from having a

Restricted Discretionary Activity status, providing that earthworks on the other Group 2 sites remain Controlled Activities.

66. To make earthworks on Group 2 urupaa sites Restricted Discretionary Activities, I recommend PC9 be amended as follows:

**Rule 19.3.3 Archaeological and Cultural Sites**

- b. Any earthworks on a site in Schedule 8B [or that is asterisked in Schedule 8C](#): Subject to Rule 19.4.2b (see note 1): RD
- d. Any earthworks on a site [that is not asterisked](#) in Schedule 8C: ~~Group 2~~ (see note 1): C

**Rule 19.5 Controlled Activities: Matters of Control**

- a. iii. Any earthworks on a site [that is not asterisked](#) in Schedule 8C: ~~Group 2~~: E-Heritage Values and Special Character

**Rule 19.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria**

- a. xvi. Any earthworks on a site in Schedule 8B: ~~Group 1~~ or [that is asterisked in Schedule 8C](#): ~~Group 2~~: E-Heritage Values and Special Character

**Schedule 8C**

Site Number (NZAA Number*) <a href="#">See Notes</a>	Name
<b>A104</b> (S14/102)	<u>Ridler's Flour Mill</u>
<b>A1</b> (S14/165)	Te Awa o Katapaki — Borrow Pits
<b>A114 *</b>	Te Wehenga — Urupa
<b>A117</b>	Mangakookoea Paa
<b>A120</b>	Matakanohi Paa
<b>A121 *</b>	Urupa (unnamed)
<b>A122 *</b>	Te Toka O Arurei Urupa
<b>A123 *</b>	Hua O Te Atua Urupa
<b>A142</b> (S14/113)	<u>Pits</u>
<b>A153</b> (S14/52)	<u>Paa</u>
<b>A165</b> (S14/334)	<u>St Mary's Monastery and School (former)</u>
<b>A171</b> (S14/254)	<u>Landing Place</u>
<b>A172</b> (S14/258)	<u>Maaori horticulture</u>

<b><u>A175</u></b> <b><u>(S14/470)</u></b>	<u>Maaori horticulture</u>
<b><u>A178</u></b> <b><u>(S14/333)</u></b>	<u>Maaori horticulture</u>
<b><u>A179</u></b> <b><u>(S14/491)</u></b>	<u>Railway Hotel (former)</u>
<b><u>A180</u></b> <b><u>(S14/492)</u></b>	<u>Royal Hotel (former)</u>

**Note**

1. *The NZAA number refers to the New Zealand Archaeological Association reference number for the site.*
2. *[An asterisk \(\\*\) indicates that earthworks on the site is a Restricted Discretionary Activity under Rule 19.6 a. xvi.](#)*

67. The amendments to Rule 19.6(a)(xvi) recommended in Paragraph 66 above will remove the inconsistency identified in The Adare Company submission that is discussed above in Paragraph 52.

**Appendix 1.1.2 Definitions Used in the District Plan**

68. Since completing my Primary Evidence in which I recommended definitions of “Group 1”, “Group 2”, and “Group 3” “Archaeological and Cultural Sites”<sup>26</sup>, I have realised there is a potential unintended consequence arising from those definitions that I now recommend be remedied by the following amendments in blue:

**Group 1 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8B in Appendix 8. It has either visible surface archaeological remains, or generally high heritage values, or outstanding or high values when assessed against one or more of the assessment criteria.

**Group 2 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8C in Appendix 8. It has no visible surface archaeological features but is highly likely to contain subsurface archaeological remains or has some, but not high or outstanding, value when assessed against one or more of the assessment criteria.

**Group 3 Archaeological ~~and~~ or Cultural Site:**

Means an archaeological ~~and~~ or cultural site that is listed in Schedule 8CA in Appendix 8. It has low archaeological significance because all previously recorded archaeological features have been destroyed by development or investigation, or it is a site with no or unclear archaeological context, such as an artefact findspot or a site recorded from hearsay.

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<sup>26</sup> Paragraph 69 in my Primary Evidence dated 1 September 2023.

69. The potential unintended consequence arises from the use of the word “and” in the definition. To comply with each definition, a site must be both an archaeological ***and*** a cultural site. This will not always be the case. Some sites may be a cultural site only and not an archaeological site, or vice versa.
70. This could result in an applicant arguing that the site relevant to their resource consent application is not subject to relevant objectives, policies, or rules because it is not both an archaeological ***and*** a cultural site.

**Rule 19.3.3 e**

71. The unintended consequence discussed in Paragraphs 69 and 70 above could also arise with respect to Rule 19.3.3 (e). To avoid this, I recommend that the rule be amended as follows:

**19.3.3 Archaeological and Cultural Sites**

Activity	Class
e. Subdivision of a site containing a scheduled archaeological <del>and</del> or cultural site identified in Volume 2 Appendix 8, Schedule 8B <del>and</del> or 8C (see note 2).	Refer to Chapter 23 Subdivision

**Information Requirement Appendix 1.2.2.7 and Assessment Criterion Appendix 1.3.3 E1 m**

72. Arising from Mr Cable’s response<sup>27</sup> to Paragraphs 14 to 16 of Ms McAlley’s Primary Evidence, HNZPT staff were concerned about the following:
- a) PC9 could require some resource consent applicants to carry out a full archaeological assessment for proposals when this was unnecessary.
  - b) It was not clear what archaeological assessment is required.

<sup>27</sup> Paragraph 7 of his Rebuttal Evidence dated 6 October 2023.

73. To resolve these concerns, the following amendments were agreed with HNZPT staff on a without-prejudice basis, and I recommend that the amendments be incorporated into PC9 for the reasons set out in Paragraph 74:

### Tracked Change Version

#### 1.2.2.7 Historic Heritage – Built Heritage and Archaeological and Cultural Sites

Any activity requiring a resource consent relating to Schedule 8A, ~~or 8B, or 8C~~ sites (refer Volume 2, Appendix 8) shall include as part of the resource consent application:

- a. Where relevant, written advice from a suitably qualified and experienced archaeologist recommending that a full archaeological assessment is not required in relation to the proposed activity and setting out the reasons for the recommendation. See Note 1.
- b. ~~Advice from an~~ Where relevant, an assessment by an appropriately qualified and experienced person ~~or body concerning of~~ the effects of the proposed activity on the cultural and heritage values identified for the heritage resource and outlining ~~possible mitigation~~ measures to be incorporated into the proposal to avoid, remedy, or mitigate any such adverse effects.
- c. ~~In the case of~~ Where the site ~~having has~~ identified tangata whenua cultural or spiritual values:
  - i. ~~a~~ Advice received from relevant iwi and ~~representatives of~~ Mana Whenua representatives of the effects of the activity on those values and Mana Whenua's relationships with the site,
  - ii. Any measures to be incorporated into the proposal to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships, and
  - iii. The responses of relevant iwi and Mana Whenua representatives to the measures described in ii above.
- d. ~~Where the site history indicates that there may be historical artefacts or other physical remains, advice from a suitably qualified and experienced archaeologist. Where relevant,~~ Advice that the necessary authority to modify or damage an archaeological site has been obtained from Heritage

New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Note**

1. *An archaeological assessment, advice from Heritage New Zealand Pouhere Taonga, or engagement with iwi and representatives of Mana Whenua will not be required where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.*

**1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria**

<b>E</b>	<b>Heritage Values and Special Character</b>	
	<b>General</b>	
E1	The extent to which the proposal, <u>or</u> development, excavation, modification, <del>and</del> disturbance, <del>earthworks</del> , and/or subdivision of, <u>or earthworks on</u> , a historic heritage site, historic heritage area or places identified in Schedules 8A, <del>or</del> 8B, <del>or</del> 8C, or 8D of Appendix 8:	
	m.	<del>Has an assessment of the site undertaken by a person qualified in archaeology, which identifies the location of the archaeological sites and the proposal</del> is in accordance with the recommendations <u>for managing effects on archaeological sites of that assessment for the management of the archaeological site set out in any relevant archaeological assessment of the site undertaken by a suitably qualified and experienced archaeologist.</u>

**Clean Version**

**1.2.2.7 Historic Heritage – Built Heritage and Archaeological and Cultural Sites**

Any activity requiring a resource consent relating to Schedule 8A, 8B, or 8C sites (refer Volume 2, Appendix 8) shall include as part of the resource consent application:

- a. Where relevant, written advice from a suitably qualified and experienced archaeologist recommending that a full archaeological assessment is not required in relation to the proposed activity and setting out the reasons for the recommendation. See Note 1.
- b. Where relevant, an assessment by an appropriately qualified and experienced person of the effects of the proposed activity on the cultural and heritage values identified for the heritage resource and outlining measures

to be incorporated into the proposal to avoid, remedy, or mitigate any such adverse effects.

- c. Where the site has identified tangata whenua cultural or spiritual values:
- i. Advice received from relevant iwi and Mana Whenua representatives of the effects of the activity on those values and Mana Whenua's relationships with the site,
  - ii. Any measures to be incorporated into the proposal to avoid, remedy, or mitigate any adverse effects of the proposal on those values and relationships. Such measures must correspond with the scale and significance of the effects the proposal may have on those values and relationships, and
  - iii. The responses of relevant iwi and Mana Whenua representatives to the measures described in ii above.
- d. Where relevant, advice that the necessary authority to modify or damage an archaeological site has been obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

**Note**

1. *An archaeological assessment, advice from Heritage New Zealand Pouhere Taonga, or engagement with iwi and representatives of Mana Whenua will not be required where there is documentary evidence held by Council that this has previously been carried out for the site, and that the proposed new work is covered by that documentary evidence.*

**1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria**

<b>E</b>	<b>Heritage Values and Special Character</b>	
	<b>General</b>	
E1	The extent to which the proposal, or development, excavation, modification, disturbance, and/or subdivision of, or earthworks on, a historic heritage site, historic heritage area or places identified in Schedules 8A, 8B, 8C, or 8D of Appendix 8:	
	m.	Is in accordance with the recommendations for managing effects on archaeological sites set out in any relevant archaeological assessment of the site undertaken by a suitably qualified and experienced archaeologist.

74. I recommend these amendments to Appendix 1.2.2.7, Appendix 1.3.3 E1, and Appendix 1.3.3 E1 m for the following reasons:

- a) They improve the Plan's clarity and certainty.

- b) The addition of “8C” to the chapeau of Appendix 1.2.2.7 is consequential to the notified version of PC9’s amendment to Rules 19.3.3 d and e.
- c) The new information requirement “1.2.2.7 a” recognises that some sites listed in Schedules 8B or 8C are cultural sites only and not archaeological sites, so a full archaeological assessment may not be required in relation to the proposed activity. It also recognises the situation described in Note 1 below Appendix 1.2.2.7. This amendment responds to HNZPT's concern that the notified information requirements would unnecessarily force applicants to carry out a full archaeological assessment. It addresses the matters raised in Paragraphs 14 to 16 of Carolyn McAlley's Primary Evidence.
- d) The words “or body” are deleted from Appendix 1.2.2.7 b because an individual must take responsibility for the assessment and, if necessary, justify to the Environment Court his or her decisions and recommendations.
- e) Information requirement 1.2.2.7 b should be to identify the measures that are proposed to be implemented, not merely list measures that could possibly be undertaken.
- f) The recommended amendments to 1.2.2.7 c are consequential amendments to align with recommended amendments to Rule 19.4.2 b - see para 204 in my Primary Evidence.
- g) Information requirement 1.2.2.7 c in the notified version of PC9 can be deleted because it is already covered by the new requirement 1.2.2.7 b.

### **Appendix 1.3.2 Controlled Activities – Matters of Control**

75. Following notification of the s42A Report, Mr Ben Inger, on behalf of The



Adare Company, advised the s42A Report author that the report had not responded to Kaainga Ora’s Submission Point 428.130.

76. This submission point seeks to amend 1.3.2 b i as follows to clarify that provision for Mana Whenua representation on site for monitoring earthworks and land disturbance is only required when Mana Whenua have requested it:

b	<b>Management of effects on, and risks to, the values of the archaeological and cultural site identified in Schedule 8C, Volume 2, Appendix 8, including:</b>
i.	Provision for Mana Whenua representation on site for monitoring of earthworks and land disturbance <u>where attendance has been requested as part of any engagement with Mana Whenua.</u>

77. The Adare Company’s Further Submission supports Kaainga Ora’s submission point for the following reasons:

1. It would be unnecessary, inefficient, ultra vires and potentially culturally inappropriate to require mana whenua representation for monitoring of earthworks if this has not been sought through engagement with mana whenua.
2. The suggested change is consistent with the assessment criteria for Restricted Discretionary Activities (1.3.3 E1(o)).

78. In response to this submission point, I recommend that Appendix 1.3.2 E b i be amended as follows:

b	<b>Management of effects on, and risks to, the values of <del>the any</del> archaeological <del>and or</del> cultural site identified in Schedule 8C, Volume 2, Appendix 8, including:</b>
i.	Provision for Mana Whenua representation on site for monitoring of earthworks and land disturbance <u>where attendance has been Mana Whenua have requested as part of this during any engagement by the applicant with Mana Whenua them, including through any cultural impact assessment prepared for the proposal.</u>

79. This alternative wording improves clarity and better reflects the similar assessment criterion for Restricted Discretionary Activities, Appendix 1.3.3 E1 (o).

**Appendix 8 – Schedule 8B - Site A11**

80. I omitted the NZAA site number for Site A11 from the amended Schedule

8B that is included in Appendix D to my Primary Evidence (1 September 2023).

81. To correct this omission, I recommend that “S14/282” be added to the left-hand column in the row in Schedule 8B for Site A11.

## CONCLUSION

82. I recommend that the provisions of PC9 be amended as set out in my Primary Evidence<sup>28</sup>, Supplementary and Rebuttal Evidence dated 6 October 2023, and this Supplementary Evidence dated 7 November 2023, except that recommendations in my later evidence shall prevail over those in my earlier evidence where the recommendations differ.
83. The provisions this Supplementary Evidence recommends be amended are listed in the following table.

<b>Provision of PC9 this evidence recommends be amended</b>	<b>The paragraph of this evidence that sets out the amendments</b>
Policy 19.2.6f	42
The Explanation below Objective 19.2.6 and its Associated Policies	46 47
Rule 19.3.3 b	66
Rule 19.3.3 d	66
Rule 19.3.3 e	71
Rule 19.5 a iii	66
Rule 19.6 a xvi	66
Appendix 1.1.2 Definitions Used in the District Plan: “Group 1 Archaeological or Cultural Site” “Group 2 Archaeological or Cultural Site” “Group 3 Archaeological or Cultural Site”	68
Appendix 1.2.2.7	73
Appendix 1.3.2 E b (the chapeau)	78
Appendix 1.3.2 E b i	78
Appendix 1.3.3 E1 (chapeau)	73
Appendix 1.3.3 E1 m	73

<sup>28</sup> Paragraph 246 in my Primary Evidence (1 September 2023).

<b>Provision of PC9 this evidence recommends be amended</b>	<b>The paragraph of this evidence that sets out the amendments</b>
Appendix 8 – Schedule 8B - Site A11	81
Appendix 8 – Schedule 8B	66
Appendix 8 – Notes below Schedule 8C	66

84. For convenience, I have set out in Appendix B an updated table that lists all the provisions I have recommended be amended and identifies where in my various statements of evidence the recommended amendments are set out.
85. While preparing this evidence, I identified that consideration of the cultural matters listed in Paragraph 31 above could benefit from expert conferencing or the parties addressing in evidence.

**Paul Stanley Ryan**

**7 November 2023**

**APPENDIX A****ABBREVIATIONS AND ACRONYMS**

<b>HNZPT</b>	Heritage New Zealand Pouhere Taonga
<b>PC9</b>	Proposed Plan Change 9 to the Operative Hamilton City District Plan
<b>RMA</b>	Resource Management Act 1991
<b>The 42A Report</b>	<i>Plan Change 9 – Historic Heritage and Natural Environment - Planning Report and Recommendations - Hearing Session 2: Archaeological Sites and Built Heritage: 27 October 2023 (Andrew McFarlane and Neda Bolouri)</i>
<b>The Plan</b>	The Operative Hamilton City District Plan

## APPENDIX B

### PC 9 Provisions that Mr Ryan recommends be amended

Provisions of PC9 that Mr Ryan recommends be amended	Where Mr Ryan's recommended amendments are documented		Comments
	Mr Ryan's Statement of Evidence	Paragraph or Appendix	
19.1 Purpose Policy Framework of the Chapter	Primary Evidence, 1 September 2023	71	
Policy 19.2.1b	Primary Evidence, 1 September 2023	74	
Policy 19.2.1d	Primary Evidence, 1 September 2023	75	This was omitted from the Table at Paragraph 246 of my Primary Evidence
Policy 19.2.1e	Primary Evidence, 1 September 2023	216	
Policy 19.2.2a	Primary Evidence, 1 September 2023	85	
Policy 19.2.2b	Primary Evidence, 1 September 2023	88	
Policy 19.2.6a	Supplementary and Rebuttal Evidence, 6 October 2023	98	This supersedes amendments recommended at Paragraph 89 of my Primary Evidence.
Policy 19.2.6f	Supplementary Evidence, 7 November 2023	42	
Policy 19.2.6g	Primary Evidence, 1 September 2023	117	
The explanation below Objective 19.2.6 and its associated policies – The second paragraph	Supplementary Evidence, 7 November 2023	46	This replaces the second paragraph recommended at Paragraph 121 a) of my Primary Evidence (1 September 2023) and Paragraph 30 of my Supplementary and Rebuttal Evidence (6 October 2023)
The explanation below Objective 19.2.6 and its associated policies – The last paragraph	Supplementary Evidence, 7 November 2023	47	This supersedes amendments to the last paragraph recommended at Paragraph 121 a) of my Primary Evidence (1 September 2023)

Provisions of PC9 that Mr Ryan recommends be amended	Where Mr Ryan's recommended amendments are documented		Comments
	Mr Ryan's Statement of Evidence	Paragraph or Appendix	
Rule 19.3.3 (except b, d, e, f, and g)	Primary Evidence, 1 September 2023	169	
Rule 19.3.3 b	Supplementary Evidence, 7 November 2023	66	
Rule 19.3.3 d	Supplementary Evidence, 7 November 2023	66	
Rule 19.3.3 e	Supplementary Evidence, 7 November 2023	71	This supersedes amendments recommended at Paragraph 169 of my Primary Evidence.
Rule 19.3.3 f	Supplementary and Rebuttal Evidence, 6 October 2023	109	This supersedes amendments recommended at Paragraph 169 of my Primary Evidence.
Rule 19.3.3 g	Supplementary and Rebuttal Evidence, 6 October 2023	112	This supersedes amendments recommended at Paragraph 169 of my Primary Evidence.
Advice Notes 1 and 2 after Rule 19.3.3	Primary Evidence, 1 September 2023	186	
New Advice Note 3 after Rule 19.3.3	Supplementary and Rebuttal Evidence, 6 October 2023	109	
New Advice Note 4 after Rule 19.3.3	Primary Evidence, 1 September 2023	121 b)	Paragraph 121 b) of my Primary Evidence identifies the new note as Advice Note 3, but it should be renumbered Advice Note 4.
Rule 19.4.2 a	Primary Evidence, 1 September 2023	186	
Rule 19.4.2 b	Primary Evidence, 1 September 2023	204	
New Advice Notes below Rule 19.4.2	Supplementary and Rebuttal Evidence, 6 October 2023	115	This supersedes amendments recommended at Paragraph 186 of my Primary Evidence.
Rule 19.5 a iii	Supplementary Evidence, 7 November 2023	66	
Rule 19.6 a xvi	Supplementary Evidence, 7 November 2023	66	
Policy 25.10.2.1e	Primary Evidence, 1 September 2023	217	
25.10.5.11	Primary Evidence, 1 September 2023	217	

Provisions of PC9 that Mr Ryan recommends be amended	Where Mr Ryan's recommended amendments are documented		Comments
	Mr Ryan's Statement of Evidence	Paragraph or Appendix	
25.10.5.11 b	Primary Evidence, 1 September 2023	217	
Appendix 1.1.2 Definitions Used in the District Plan			
"Archaeological site"	Supplementary and Rebuttal Evidence, 6 October 2023	89	
"Group 1 Archaeological or Cultural Site" "Group 2 Archaeological or Cultural Site" "Group 3 Archaeological or Cultural Site"	Supplementary Evidence, 7 November 2023	68	This supersedes amendments recommended at Paragraph 69 of my Primary Evidence.
"Minor work (in relation to Volume 1, Chapter 19: Historic Heritage)"	Primary Evidence, 1 September 2023	117	
Appendix 1.2.2.7	Supplementary Evidence, 7 November 2023	73	
Appendix 1.3.2 E b (the chapeau)	Supplementary Evidence, 7 November 2023	78	
Appendix 1.3.2 E b i	Supplementary Evidence, 7 November 2023	78	
Appendix 1.3.3 E1 (the chapeau)	Supplementary Evidence, 7 November 2023	73	
Appendix 1.3.3 E1 m	Supplementary Evidence, 7 November 2023	73	
Appendix 8 – Schedule 8B	Primary Evidence, 1 September 2023	Appendix D	
Appendix 8 – Schedule 8B re Site A11	Supplementary Evidence, 7 November 2023	81	
Appendix 8 – Schedule 8C	Primary Evidence, 1 September 2023	Appendix D	
Appendix 8 – Schedule 8C: Add Frankton Railway Station site	Supplementary and Rebuttal Evidence, 6 October 2023	29	
Appendix 8 – Schedule 8C	Supplementary Evidence, 7 November 2023	66	
Appendix 8 – Notes below Schedule 8C	Supplementary Evidence, 7 November 2023	66	

Provisions of PC9 that Mr Ryan recommends be amended	Where Mr Ryan's recommended amendments are documented		Comments
	Mr Ryan's Statement of Evidence	Paragraph or Appendix	
Appendix 8 – Schedule 8CA	Primary Evidence, 1 September 2023	Appendix D	
District Plan Planning Map	Primary Evidence, 1 September 2023	247	
District Plan Planning Map - Add Frankton Railway Station site	Supplementary and Rebuttal Evidence, 6 October 2023	29	