

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of Plan Change 47 – Māori Purpose Zone.

**MINUTE**

**INDEPENDENT HEARING PANEL**

**PURPOSE**

1. The purpose of this Minute is to respond to matters raised by submitter Johnnie Mushet in his 29 May 2026 *“Formal Submission Regarding Fatal Procedural Non-Compliance and Structural Conflicts of Interest”*.

**BACKGROUND**

2. Mr Mushet seeks that the Hearing Panel:
  - (a) *“... disallow and strike out the further submissions driving the rezoning of Site MPS-1 (Waipapa 1D1B Block)”* on the grounds that those further submissions failed to provide copies to the original submitters in the 5 working days stipulated by Cl.8A of Schedule 1 to the RMA – specifically referring to the further submissions of Jade Wikaia and Maia Wikaia;
  - (b) require a “Full Procedural Audit” into the further submissions as Mr Mushet considers there to be a clear risk that procedural non-compliance is widespread among the commercial proponents pushing for the upzoning of site MPS-1; and
  - (c) strike out the proposal for site MPS-1 on the grounds of what Mr Mushet considers to be a structural conflict of interest regarding the tightly interwoven networks of public authority and private advancement in the pre-consultation and drafting phases of PC47.

**STRIKE OUT**

3. The ability to strike out a submission is provided by s.41D RMA with a right of objection to such a decision provided under s.357 RMA.
4. The grounds for strike out are prescribed under s.41D(1) and require the decision maker to be satisfied that at least one of the following applies:
  - (a) *it is frivolous or vexatious:*
  - (b) *it discloses no reasonable or relevant case:*
  - (c) *it would be an abuse of the hearing process to allow the submission or the part to be taken further:*

- (d) *it is supported only by evidence that, though purporting to be independent expert evidence, has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:*
  - (e) *it contains offensive language.*
5. Mr Mushet is not specific as to which ground he considers applies but a reasonable inference is that it could only be s.41D(1)(c).

#### **FURTHER SUBMISSIONS OF JADE WIKAIRA AND MAIA WIKAIRA**

6. Mr Mushet correctly notes that cl.8A of Schedule 1 RMA requires a copy of further submissions to be served on referred persons within 5 working days of its filing with Council.
7. However, cl. 8A(1)(b) only requires service on “*the person who made the submission under clause 6 or 6A to which the further submission relates*”. It does not require a further submission to be served on all original submitters.
8. Mr Mushet cites original submitters John and Beverly Campbell as not having been served with a copy of those further submissions.
9. In that regard we note that Jade Wikaira’s further submission does not address the Campbell submission so was not required to serve them with a copy. A strike out under s.41D RMA is therefore not engaged.
10. Maia Wikaira’s further submission does address the Campbell submission and should have been served on the Campbells. As noted below [14], that did not happen and no explanation has been provided to the Hearing Panel.
11. In determining whether the failure to serve meets the threshold of an abuse of the hearing process, we must bear in mind the fact that a further submission cannot raise new issues. It is limited to a matter in support of or in opposition to the relevant original submission. In other words, the matter to which a further submission attaches is already engaged and on the hearing panel’s table, and the s.42A report had those further submissions in hand at the time of writing and addressed them – see, for example, pages 32-35.
12. At the very least then, a submitter reading the s.42A report will become aware of any relevant further submission and have the opportunity to address the matter either in evidence or at the hearing. In this instance the s.42A report was made available on Council’s website on 22 May 2026, one month prior to the scheduled hearing. On the reasonable assumption that interested parties would access that report, that, in our view, is ample time to correct any procedural mischief created by non-service. Furthermore we note with respect to Mr Mushet’s specific reference, that the Campbells indicated in their submission that they did not wish to be heard and have not sought to change that position.

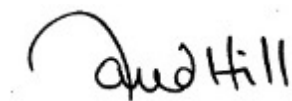
13. For the above reasons we are not persuaded that the exercise of the s.41D strike out discretion (which it is, it is not mandatory) is merited at this point.

#### **PROCEDURAL AUDIT**

14. Council has requested further information from those further submitters regarding the serving of copies. We were advised on 3 June 2026 as follows:
- Contact Energy (21), Te Tari Whakatau (23), John Mushet (24) and Rangatira E (26) all served notice of their further submissions.
  - Courtney Lambert (19) not contacted as she only submitted against herself.
  - Tredegar Hall (20) served copies to some original submitters but not all.
  - Maia Wikaira (25) did not serve notice at all.
  - awaiting response from Jade Wikaira (22).
15. As such the imputation of a systemic procedural lapse is not supported.

#### **STRIKE OUT OF PROPOSED SITE SITE MPS-1**

16. Mr Mushet seeks that proposed site MPS-1 be struck out because of the relationship between certain parties and Council in the development of that option – which, he contends, is a structural conflict of interest.
17. The Hearing Panel has yet to hear the matter and therefore must remain of open mind regarding its merits. However, we note that the s.42A Report takes great care in outlining the purpose of the MPZ and its site-specific characteristics. It is evident from that report that the zone is not intended as a typical blanket zone but, rather, as a spot zone in which only sites which meet the criteria and for which inclusion was actively sought are to be included – which obviously required close consultation with those immediately and intimately connected. That cannot, therefore be a ground for strike out – even if that were possible (which it is not under s.41D as that provision only applies to submissions). The merits will be the subject of hearing and determination – and submissions both in support and in opposition are, of course, before us.
18. Any enquiries regarding this Minute or related matters should be directed to the Council at [districtplan@taupo.govt.nz](mailto:districtplan@taupo.govt.nz).



David Hill (Chair)  
Independent Hearing Panel

Date: 4 June 2026