

Strategic Planning and Policy Committee Hearing Submission Supplementary Material - 4 & 6 May 2026

04 May 2026 09:00 AM

Agenda Topic

1. Additional Material - Hearings
 - 1.1 [5936 - Les Atkinson - International Waterski and Wakeboard Federation Letter](#)
 - 1.2 [5809 - Murray Osmund Submission and Supplementary Material](#)
 - 1.2.1 [Submission on the Draft Karāprio Lake Domain RMP and plan - January 2026](#)
 - 1.2.2 [Supplementary submission - February 2026](#)
 - 1.2.3 [Supplementary Written Submission for Hearing Record - May 2026](#)



28 April 2026

Waipa District Council
The Strategic Planning and Policy Committee
Ref: Draft Karapiro Lake Domain reserve Management and Masterplan

Re: Karapiro Water Ski Club / Possible Priority for Non-motorised aquatic sport on Lake Karapiro

Dear Councillors and Committee members,

I am offering this written observation in my capacity as **President of Oceania Water Skiing** and as a Board Member of the IWWF

It saddens me that such a progressive organisation as WDC, as I understand, is considering supporting a passive use area in zones 3,4,5 & 6 on Lake Karapiro thereby transferring the majority of water rights over to Karapiro Rowing Incorporated and by default Rowing NZ.

WDC has always led the way on being pro-sport and historically, prided itself on developing a sports economy. However, this appears to be a regressive step which has been driven by a minority group.

On a recreational basis towed water sports boasts that 10% of NZ population (500,000) are active in our sport, be it skiing, wakeboarding, racing or just being towed behind the family fishing boat on a tube. Whilst rowing has less than 4,000 active members nationwide.

Motorised Sport, ie Water Skiing on Lake Karapiro dates back some 70 years and over the decades it has hosted many National and International events, bringing both social and economic benefits to the region

Rowing NZ is an Olympic sport and is important to NZ, however please also consider that **Water Skiing has been shortlisted to participate at the 2032 Brisbane Olympics** and is likely to succeed and do well at those games.

Finally, I ask the committee to seek a workable solution with the Karapiro Water Ski Club that allows the Club:

- To retain its current location within the Domain
- Its ongoing use of Lake Karapiro as its done since its inception
- Allow the club to continue with its crucial work in growing the sport of Water Skiing in NZ

Yours Faithfully

Ed Donald
President Oceania Water Skiing

Karāpiro Lake Domain Reserve Management Plan review and Masterplan

Submission ID:	5809
Name:	Murray Osmond
Organisation:	
Presenting at the Hearings?	Yes

Do you agree with the proposed vision? If you answered 'partially' or 'no' please let us know why	Partially
see written submission	
Do you agree with the proposed outcomes? If you answered 'partially' or 'no' please let us know why	No
Please see written submission	
Do you agree with the proposed objectives and policies? If you answered 'partially' or 'no' please let us know why	No
Please see written submission	
Do you have any further feedback on the draft Reserve Management Plan?	
See written submission	
Do you support the proposed upgrades to the central lake edge area between the public boat ramp and Rowing NZ's facility? If you answered 'partially' or 'no' please let us know why	No
see written submission	
Do you support the proposed accommodation changes? If you answered 'partially' or 'no' please let us know why	No
See written submission	
Do you support the community-led proposed redevelopment of the northern domain area? If you answered 'partially' or 'no' please let us know why	No
See written submission	
Do you have feedback on any of the other proposed key masterplan moves?	
Yes see written submission	
Do you have any further feedback on the draft Masterplan?	
Yes see written submission	
Would you like to stay updated with the progress of the project?	Yes

SUBMISSION ON THE DRAFT KARĀPIRO LAKE DOMAIN RESERVE MANAGEMENT PLAN AND ASSOCIATED DRAFT MASTERPLAN

1. EXECUTIVE SUMMARY

1.1

This submission **opposes the Draft Karāpiro Lake Domain Reserve Management Plan (“Draft RMP”) and associated Draft Masterplan in their entirety** and seeks their **withdrawal**, not amendment.

1.2

The Draft RMP is **unlawful, premature, and fundamentally misconceived**. It misstates Council’s powers under the Reserves Act 1977, subordinates passive public recreation to events and commercialisation, relies on legally irrelevant economic considerations, and fails to properly give effect to the Vision and Strategy for the Waikato River (Te Ture Whaimana).

1.3

While Waipā District Council is the registered owner of the Domain, the land is **gazetted as a recreation reserve** and is therefore held on a **permanent statutory trust**. That trust **fixes the purpose of the land in law**, severely constrains permitted uses, and **removes any discretion to pursue development, intensification, or revenue optimisation**.

1.4

The Draft RMP is driven by a poorly articulated “Domain Vision” that **inverts statutory priorities**, treating passive public recreation as secondary to events, commercial activity, accommodation concepts, and destination branding. That inversion is **incompatible with the statutory purpose of a recreation reserve** and cannot lawfully guide a Reserve Management Plan.

1.5

Reliance on market demand, economic “viability”, or financial performance to justify intensification is **legally irrelevant**. Such considerations **do not expand statutory powers** and cannot be used to reframe land held on statutory trust as an economic asset.

1.6

The Draft RMP is also **premature and fiscally irresponsible**, given imminent planning reform, uncertainty around future spatial planning frameworks, and unresolved governance failures relating to land valuation and rating accuracy.

1.7

Adoption of the Draft RMP would expose Council to a **serious and foreseeable risk of judicial review**, including on grounds of excess of statutory power, reliance on irrelevant considerations, failure to consider mandatory relevant matters, procedural unfairness, and predetermination.

1.8

The responsible and lawful course is to **withdraw the Draft RMP**, cease further expenditure, correct known governance defects, and reset once statutory and institutional frameworks are settled.

2. LEGAL STATUS OF THE LAND — STATUTORY TRUST, NOT DISCRETIONARY OWNERSHIP

2.1

Waipā District Council is the registered proprietor of the Karāpiro Lake Domain.

2.2

However, the land is **gazetted as a recreation reserve under section 16 of the Reserves Act 1977**. From the date of gazettal, the land became subject to a **permanent statutory trust**.

2.3

That status fundamentally alters Council’s role. While Council holds legal title, it does so **as trustee**, not as discretionary landowner, asset manager, or developer.

2.4

The statutory trust:

- fixes the purpose of the land in law;
- prohibits use inconsistent with that purpose; and
- materially restricts development, leasing, commercialisation, and exclusive use.

2.5

Council **cannot lawfully rebalance** recreation purposes against financial return, economic opportunity, or destination strategy. Any attempt to do so exceeds statutory authority.

3. CONSEQUENCES OF RECREATION RESERVE STATUS

3.1

Once land is gazetted as a recreation reserve:

- the purpose is fixed unless formally reclassified by statutory process; and
- permitted uses must be ancillary and subordinate to public recreation; and
- **ongoing subsidy is a lawful and foreseeable consequence**, not evidence of failure.

3.2

The Reserves Act **does not permit** councils to seek financial self-sufficiency of recreation reserves through intensification or commercial exploitation.

3.3

Attempts to justify new buildings, accommodation, or commercial activity on the basis of “economic sustainability” are therefore **unlawful in principle**.

4. PASSIVE PUBLIC RECREATION — THE PRIMARY AND PREVAILING PURPOSE

4.1

Passive public recreation is the **primary statutory purpose** of the Domain.

4.2

The Draft RMP unlawfully reframes passive recreation as one interest among many, subordinated to programmed events, commercial activity, and destination outcomes.

4.3

Where any conflict arises, **passive public recreation must prevail**. That principle must govern all policies, actions, and implementation measures.

5. MARKET DEMAND, FEASIBILITY, AND “VIABILITY” — LEGALLY IRRELEVANT

5.1

The Draft RMP relies heavily on market demand studies, feasibility analysis, and asserted economic opportunity (including the Horwath HTL material).

5.2

Such material is **legally irrelevant** to the management of a recreation reserve.

5.3

Market demand does not confer statutory power. Economic viability does not legitimise otherwise unlawful uses. Financial performance **cannot expand or reshape** the statutory trust.

5.4

Reliance on such material to justify intensification constitutes taking into account **irrelevant considerations**.

6. THE WAIKATO RIVER VISION AND STRATEGY — FAILURE TO GIVE EFFECT

6.1

The Draft RMP fails to properly give effect to the Vision and Strategy for the Waikato River (Te Ture Whaimana).

6.2

That framework requires restoration, protection, precaution, and avoidance of cumulative adverse effects.

6.3

The Draft RMP instead promotes incremental intensification, built form expansion, and increased activity pressure, without meaningful cumulative-effects assessment. The Draft RMP is also not precautionary.

7. VALUATION — GOVERNANCE FAILURE REQUIRING FORMAL OBJECTION

7.1

Council documentation assigns a valuation of approximately \$29 million to the Domain.

7.2

That valuation coincides with a district-wide revaluation that remains open to objection.

7.3

Given the **permanent statutory trust constraints**, prohibition on development, inability to commercialise, and structural operating deficit, the valuation appears to **materially overstate economic utility**.

7.4

Land held on permanent statutory trust, incapable of subdivision or sale, and requiring ongoing subsidy would attract a substantial discount on orthodox valuation principles.

7.5

Council has a duty to **formally object** to an inflated valuation.

7.6

Allowing an overstated valuation to stand while relying on it to rationalise commercialisation is **misleading, irrational, and a governance failure**.

8. RATING DATABASE AND UAG MISAPPLICATION — MATERIAL ERROR

8.1

The rating database misrepresents the number and nature of discrete uses operating within the Domain.

8.2

A clear example is the Podium Café, which operates as a separate commercial activity under a ground lease for a tenant-owned building and constitutes a distinct rateable use.

8.3

Despite this, the rating database fails to accurately reflect multiple uses, resulting in incorrect application and under-collection of the Universal Annual Charge (UAG).

8.4

This is entirely within Council's control. Council is responsible for notifying valuation providers and ensuring rating units reflect actual use.

8.5

Failure to correct known errors results in:

- avoidable revenue loss; and
- distorted decision-making, including flawed claims of under-performance.

8.6

Proceeding with a Reserve Management Plan based on known inaccurate rating data constitutes a **material governance failure** and contributes directly to illegality and judicial review risk.

9. LEASES, CLUBS, AND EXISTING USES — ORTHODOX AND NON-COMMERCIAL

9.1

Existing leases and licences to sports clubs and sporting organisations are orthodox under the Reserves Act.

9.2

They are ancillary to recreation, non-commercial by design, and frequently support regional or national participation.

9.3

Their existence does **not** justify further commercial development or intensification.

10. UNLAWFUL DIRECTIONS IN THE DRAFT RMP

10.1

The Draft RMP contains multiple objectives, policies, and actions that promote:

- additional buildings and “enabling infrastructure”;
- accommodation and visitor stays;
- commercial partnerships and revenue optimisation;
- frequent or extended exclusive use; and
- reliance on the Draft Masterplan to pre-authorise outcomes.

10.2

These directions exceed what is lawful on a recreation reserve and must be deleted or replaced.

10.3

The required deletions and replacements are set out precisely in **Schedule 1**.

11. CUMULATIVE EFFECTS AND INTENSIFICATION “CREEP”

11.1

The Draft RMP assesses impacts in isolation and fails to address cumulative effects.

11.2

Incremental intensification through buildings, events, leases, and exclusive use is expressly contrary to statutory purpose.

11.3

“Creep” must be prohibited as a governing principle. It is noted this was referred to in the 2011 RMP deliberations.

12. PROCEDURAL FAIRNESS, PREDETERMINATION, AND RESPONSE OBLIGATION

12.1

The matters raised in Schedule 1 go to **lawfulness**, not preference.

12.2

Council is required to expressly state whether each item is accepted or rejected, with reasons grounded in statute and authority.

12.3

Generic or silent responses would support an inference of predetermination and procedural unfairness.

13. SERIOUS AND FORESEEABLE JUDICIAL REVIEW RISK

13.1

Adoption of the Draft RMP would expose Council to a **serious and foreseeable risk of judicial review**, including for:

- excess of statutory power;
- failure to give effect to Te Ture Whaimana;
- reliance on irrelevant considerations;
- failure to consider mandatory relevant matters;
- procedural unfairness; and
- unreasonableness.

14. RELIEF SOUGHT

14.1

Council should:

- a. Withdraw the Draft Reserve Management Plan and Draft Masterplan;
- b. Cease further expenditure on this process;
- c. Lodge a formal objection to the current valuation;
- d. Correct the rating database and UAG application;
- e. Defer reconsideration until statutory planning reforms are settled; and
- f. Reaffirm its role as trustee, not developer, of the Domain.

15. CONCLUSION

15.1

The Draft RMP is unlawful, premature, and unnecessary.

15.2

It misstates Council's powers, relies on flawed financial inputs, marginalises passive public recreation, and exposes Council to avoidable litigation.

15.3

The responsible course is **withdrawal**, not amendment.

15.4.

The submitter wishes to be heard and to produce evidence at any hearing and will need appropriate hearing time to do so.

SCHEDULE 1

REQUIRED DELETIONS AND REPLACEMENTS

Purpose

This Schedule identifies provisions in the Draft Karāpiro Lake Domain Reserve Management Plan (“Draft RMP”) that must be **deleted or replaced** in order to achieve compliance with:

- the **Reserves Act 1977**;
- the **Vision and Strategy for the Waikato River (Te Ture Whaimana)**; and
- established recreation-reserve principles.

The matters raised are **questions of law**, not matters of drafting style or policy preference, and require a **direct and reasoned response**.

1. PROVISIONS PROMOTING ADDITIONAL BUILDINGS AND “ENABLING INFRASTRUCTURE”

1.1 Required Deletion

Delete all references in the Draft RMP to:

- “supporting infrastructure”;
- “enabling facilities”;
- “future built form”;
- “development opportunities”;
- “facility expansion”;

where those terms are not **expressly and narrowly limited** to the maintenance, renewal, or replacement of **existing lawful structures**.

1.2 Basis for Deletion

Such provisions unlawfully signal further development and intensification on land held as a recreation reserve and exceed the statutory purpose fixed by gazettal.

1.3 Required Replacement

Insert the following governing principle:

“Any building or structure on the Domain must be strictly limited to the maintenance, renewal, or replacement of existing lawful facilities, and must be demonstrably ancillary and subordinate to passive public recreation. No net increase in building footprint, intensity, or spatial spread is permitted.”

2. ECONOMIC SUSTAINABILITY, COMMERCIAL PARTNERSHIPS, AND FINANCIAL PERFORMANCE

2.1 Required Deletion

Delete all objectives, policies, actions, or narrative references that rely on or promote:

- “economic sustainability”;
- “financial performance of the Domain”;
- “commercial partnerships”;
- “revenue optimisation”;
- “commercial opportunities”;

as drivers of land use, development, or management outcomes.

2.2 Basis for Deletion

These concepts are **legally irrelevant** to the management of a recreation reserve and unlawfully reframe land held on statutory trust as an economic or commercial asset.

2.3 Required Replacement

Insert the following clarification:

“Financial considerations do not constitute a lawful driver for land use decisions on a recreation reserve. Ongoing subsidy is a foreseeable and acceptable consequence of land held on statutory trust for public recreation.”

3. ACCOMMODATION AND VISITOR STAY CONCEPTS

3.1 Required Deletion

Delete all provisions that:

- contemplate accommodation, visitor stays, or overnight facilities;
- reference “small-scale”, “modular”, or “low-impact” accommodation; or
- rely on feasibility or demand studies to justify accommodation or overnight use.

3.2 Basis for Deletion

Accommodation and overnight commercial use are **not ancillary to recreation** and cannot be lawfully authorised under sections 16, 17, 53, or 54 of the Reserves Act 1977.

3.3 Required Replacement

Insert the following express prohibition:

“Accommodation, visitor stays, and overnight commercial use are not permitted on the Domain. Such uses must be directed to non-reserve land.”

4. EVENTS AND EXCLUSIVE USE OF RESERVE LAND

4.1 Required Deletion

Delete all provisions that:

- normalise frequent or extended exclusive use of reserve land;
- treat exclusion of the general public as routine or desirable; or
- fail to impose enforceable limits on event frequency, duration, and spatial extent.

4.2 Basis for Deletion

Routine or cumulative exclusion of the public undermines the primary statutory purpose of a recreation reserve.

4.3 Required Replacement

Insert enforceable limits as follows:

“Events and exclusive use must be exceptional, time-limited, and demonstrably subordinate to general public access. Cumulative exclusion effects must be avoided. Passive public recreation has priority at all times.”

5. MASTERPLAN INTEGRATION AND ILLUSTRATIVE DEVELOPMENT

5.1 Required Deletion

Delete all references that:

- rely on the Draft Masterplan to guide or signal future development outcomes; or
- treat illustrative drawings as indicative of acceptable building locations, clusters, envelopes, or intensification.

5.2 Basis for Deletion

Illustrative masterplans cannot be used to pre-authorise outcomes that are not lawful under the Reserves Act.

5.3 Required Replacement

Insert the following statement:

“Illustrative material has no determinative weight and cannot be relied upon to justify new buildings, commercial activity, or land use change.”

6. PASSIVE PUBLIC RECREATION PRIORITY

6.1 Required Deletion

Delete all language that:

- treats passive public recreation as one interest among many; or
- positions events, commercial activity, or destination outcomes as equal or superior drivers.

6.2 Required Replacement

Insert the following governing principle:

“Passive public recreation is the primary purpose of the Domain and must prevail where any conflict arises with events, commercial activity, or development proposals.”

7. CUMULATIVE EFFECTS AND INTENSIFICATION “CREEP”

7.1 Required Deletion

Delete all provisions that assess impacts in isolation or fail to address cumulative effects across time, space, and activity type.

7.2 Required Replacement

Insert the following principle:

“All decisions must assess the cumulative effects of buildings, events, leases, licences, and exclusive use. Incremental intensification (‘creep’) is prohibited.”

SECTION 6E

PROCEDURAL FAIRNESS, PREDETERMINATION, AND RESPONSE OBLIGATION

6E.1

The specific objections and required deletions set out in this Schedule go to the **lawfulness** of the Draft RMP, not matters of preference or drafting style.

6E.2

Council officers and decision-makers are required to expressly engage with each item in this Schedule and to state whether it is:

- (a) accepted and amended; or
- (b) rejected, with reasons grounded in statute and authority.

6E.3

Failure to substantively respond to these matters would support an inference that:

- the outcome of the review process has been pre-determined; and
- consultation has been treated as a formality rather than a genuine statutory exercise.

6E.4

In such circumstances, adoption of the Draft RMP would be vulnerable to judicial review on grounds including:

- failure to consider mandatory relevant considerations;
- taking into account irrelevant considerations;
- procedural unfairness; and
- unreasonableness.

6E.5

This submission therefore places Council on notice that silence, generic response, or avoidance of the matters raised in this Schedule will itself constitute **reviewable error**.

Supplementary Submission

Karāpiro Lake Domain Reserve Management Plan Review Te Manawa o Matariki Lease – Statutory Process and Compliance

1. Purpose of this Supplementary Submission

This supplementary submission is made to assist Council and its consultant in discharging their statutory obligations under the Reserves Act 1977.

At the time of our original submission, critical information was not available to us. That information has now been disclosed pursuant to a Local Government Official Information and Meetings Act 1987 (LGOIMA) request, the response to which was received after the submission deadline.

The matters raised below go directly to:

- statutory compliance; and
- process integrity; and
- the risk of the Reserve Management Plan (RMP) review proceeding on assumptions that may be legally unsound and
- further risk of Judicial review grounds.

This is not a late attempt to re-argue policy. It is a necessary response to newly disclosed information.

2. Background and Timeline

- 2011 – Karāpiro Lake Domain Reserve Management Plan adopted.
- 2016 – Waipā District Council resolves to grant a long-term lease for *Te Manawa o Matariki* on land classified as a recreation reserve.
- December 2025 – LGOIMA request lodged seeking the lease and all material addressing its statutory basis under the Reserves Act.
- 3 February 2026 – Council provides:
 - the executed lease; and
 - selected historic reports; and
 - refuses to disclose any legal advice, asserting privilege.Council further advises that additional searches would only be undertaken on a user-pays basis.
- 3 February 2026 – Complaint lodged with the Office of the Ombudsman concerning the adequacy of disclosure, reliance on cost, and the impact on public participation.
- 3 February 2026 – Minister of Conservation notified of concerns regarding statutory process and absence of documented analysis.

As identified above this information was not available during the original submission period.

3. What the Newly Disclosed Material Shows

The disclosed documents confirm that:

- a) The lease grants exclusive possession for a term of 33 years.
- b) Rent is nil.
- c) Ownership of improvements vests permanently in the lessee.
- d) The primary purpose of the facility is cultural, not recreational.

More significantly, no disclosed document squarely addresses:

- a) how the lease complies with section 17 of the Reserves Act (recreation reserve purpose);
- b) how exclusive possession for a primarily non-recreational use was assessed as “ancillary” under section 54;
- c) whether alternatives (licence, non-exclusive use, reclassification) were considered;
- d) whether Ministerial consent was required or considered.

If such analysis exists, it has not been disclosed.

If it does not exist, that is a material process failure.

4. Circular Reliance on the 2011 Reserve Management Plan

Council documentation appears to rely heavily on the fact that the 2011 RMP “contemplated” the facility.

This is circular and legally insufficient.

Under the Reserves Act:

- i) A Reserve Management Plan cannot authorise activities beyond those permitted by the Act itself.
- ii) The question of whether a lease is lawful under sections 17 and 54 must be answered before reference to an RMP, not by reference to it.
- iii) To the extent the 2011 RMP purported to contemplate exclusive, non-recreational use, that does not cure any inconsistency with the Act.

Reliance on the RMP as the primary justification substitutes plan wording for statutory analysis.

5. Relevance to the Current RMP Review

This issue is directly relevant to the current review because:

- A. The draft RMP appears to proceed on the assumption that the lease is lawful.
- B. The review risks re-endorsing or embedding an arrangement whose statutory basis has never been transparently established.
- C. A management plan cannot lawfully validate or perpetuate an ultra vires arrangement.

Proceeding without resolving this issue exposes:

- the Council; and
- the consultant; and
- the RMP itself

to legal risk.

6. Role of the Consultant

We acknowledge that the consultant engaged by Council did not draft the 2011 RMP and may not have been involved in the 2016 lease process.

However, that makes it more, not less, important that the consultant:

- a. is provided with all relevant documentation, including legal advice relied upon at the time; and
- b. is not asked to rely on Council assurances or assumptions about legality.

A consultant cannot properly assess consistency with the Reserves Act without reviewing:

- A. the full statutory reasoning relied upon; or
- B. acknowledging the absence of such reasoning.

7. Ombudsman Review

An Ombudsman investigation is now underway concerning:

- a. the adequacy of Council's LGOIMA response;
- b. the reliance on cost as a barrier to disclosure; and
- c. the impact of non-disclosure on public participation and reserve governance.

While that process is ongoing, it would be prudent for the RMP review not to proceed on assumed legality.

8. Relief Sought

We respectfully request that Council:

1. Accept this supplementary submission as properly made, given the timing of disclosure.
2. Ensure the consultant is provided with all relevant material, including any legal advice relied upon in relation to the lease.
3. Require the consultant to explicitly address whether the RMP can lawfully assume the validity of the lease under the Reserves Act.
4. Avoid embedding or endorsing the lease in the RMP pending resolution of statutory compliance issues.

9. Closing

This supplemental submission is made in good faith to assist Council in ensuring that the Karāpiro Lake Domain Reserve Management Plan is:

- lawful; and
- robust; and
- not exposed to future challenge.

We reserve and endorse all matters in our original submission AND the right to make further submissions should additional information become available.

Consultus Limited

M Osmond Consultant

Supplementary Written Submission for Hearing Record

Draft Karāpiro Lake Domain Reserve Management Plan

Strategic Planning and Policy Committee – 4 May 2026

Submitter:

Murray Osmond
Consultus Limited

Relief sought:

Withdrawal of the Draft Karāpiro Lake Domain Reserve Management Plan pending proper statutory evaluation of matters raised in submissions.

Executive Summary

This written submission is provided for inclusion in the hearing record because the speaking time allocated to the submitter (five minutes) was insufficient to address the statutory matters raised in the original submission and subsequent supplementary submission, particularly in circumstances where key consultation material was released only shortly before hearings. Also the speaking slot was changed at the last minute and the submitter has professional obligations

The submission respectfully records that the consultant's Summary of Submissions report does not engage with the legal issues raised by the submitter and that those matters therefore remain unresolved before the Committee.

Key conclusions

Council is respectfully advised that:

- the submissions overview report expressly provides only a high-level thematic summary and does not analyse statutory compliance issues raised in submissions
- the report does not address the legality of embedding the Te Manawa o Matariki lease within the Reserve Management Plan framework under the Reserves Act 1977
- reserve classification constraints affecting leasing powers and exclusive occupation rights have not yet been evaluated in officer reporting
- Te Ture Whaimana o Te Awa o Waikato considerations identified in submissions remain unresolved
- the supplementary submission lodged by the submitter following receipt of additional information has not been addressed in committee reporting
- submissions registers and submissions analysis material were released only shortly before hearings despite earlier requests under the Local Government Official Information and Meetings Act 1987
- the submitter has therefore not had a reasonable opportunity to review the full submissions record prior to hearing
- adoption of the Draft Reserve Management Plan without resolving these matters would create material judicial review risk

For these reasons, the submitter respectfully requests that the Draft Plan not proceed to adoption until statutory compliance issues raised in submissions have been expressly addressed.

1. Status of original submission

The submitter's original submission sought withdrawal of the Draft Reserve Management Plan on the basis that the Plan:

- exceeds the scope of a reserve management plan prepared under the Reserves Act 1977
- embeds decisions concerning long-term occupation arrangements without statutory evaluation of reserve classification constraints
- relies on assumptions concerning environmental management responsibilities that fall outside the territorial authority's reserve management functions
- introduces governance and leasing structures not supported by the statutory framework applying to recreation reserves

The submission expressly reserved the right to be heard and to present supporting material at hearing.

Following receipt of additional information through statutory information requests, a supplementary submission was lodged addressing further matters relating to leasing arrangements and statutory compliance issues affecting the Domain.

2. Reason this written submission replaces oral presentation

This written submission is provided because the speaking time allocated to the submitter was insufficient to address the statutory matters raised in the original submission and supplementary submission. Also the speaking slot was altered.

In particular:

- submissions registers were released only shortly before hearings
- submissions summary material was released shortly before hearings
- the consultant's submissions overview report was released shortly before hearings
- additional information relevant to the Draft Plan was obtained from Waikato Regional Council after the close of submissions
- supplementary submissions were accepted by Council following receipt of that material

In those circumstances the submitter has not had a reasonable opportunity to review the full consultation record prior to the scheduled hearing slot.

3. Absence of statutory analysis in the submissions overview report

The consultant's Summary of Submissions report expressly states that it provides only a high-level overview of submissions received.

The report does not evaluate:

- reserve classification constraints
- leasing powers under the Reserves Act
- statutory trust obligations applying to recreation reserves
- consistency with Te Ture Whaimana o Te Awa o Waikato
- valuation and rating database issues identified in submissions
- matters raised in the supplementary submission

As a result, the Committee does not yet appear to have received officer advice addressing the statutory compliance issues raised in submissions.

4. Reserve classification constraints remain unresolved

Karāpiro Domain is classified primarily as recreation reserve.

That classification carries statutory consequences affecting:

- exclusive occupation arrangements
- commercial use structures
- long-term leasing powers
- compatibility of activities with reserve purposes

The submissions overview report does not address those matters.

Where submissions identify potential inconsistencies between proposed management structures and reserve classification obligations, those matters require express evaluation prior to adoption of a reserve management plan.

5. Te Manawa o Matariki lease issues remain outstanding

The supplementary submission raised questions concerning the statutory basis on which the Te Manawa o Matariki lease arrangements are proposed to be incorporated within the Reserve Management Plan framework.

The submissions overview report does not analyse:

- lease duration
- exclusivity provisions
- rental structure
- compatibility with recreation reserve purposes
- statutory authority for embedding the arrangement within a management plan review process

Those matters therefore remain unresolved before the Committee.

6. Effect of late disclosure of submissions material

Information requested under the Local Government Official Information and Meetings Act 1987 confirmed that submissions registers and submissions summary material were not released until shortly before hearings.

As a result:

submitters did not have a reasonable opportunity to review the full submissions record prior to hearing.

That circumstance is relevant to procedural fairness and to the Committee's consideration of whether further officer evaluation is required before adoption of the Draft Plan.

7. Regional Council freshwater management evidence

Information obtained from Waikato Regional Council confirms that no monitoring programmes, discharge investigations, or enforcement activity currently apply to inflow streams within the Domain catchment.

That information is relevant to the Draft Plan's treatment of freshwater management responsibilities and reinforces the distinction between regional council regulatory functions and territorial authority reserve management functions.

Those matters have not yet been addressed in committee reporting.

8. Judicial review risk

Where submissions raise statutory compliance issues affecting reserve classification constraints, leasing powers, and consistency with governing statutory instruments, those matters require explicit consideration before adoption of a reserve management plan.

Adoption of a reserve management plan without addressing such matters may expose the decision to challenge on orthodox administrative law grounds including:

- failure to take into account mandatory relevant considerations
- reliance on irrelevant considerations
- misinterpretation of statutory powers
- procedural unfairness arising from late disclosure of submissions material

This submission is provided so that those matters are clearly recorded before the Committee prior to deliberations.

9. Requested procedural outcome

The submitter respectfully requests that:

- this written submission be read into the hearing record
- the Committee obtain legal advice on reserve classification constraints before deliberations proceed

- supplementary submissions be expressly addressed in officer reporting
- adoption of the Draft Reserve Management Plan be deferred pending completion of that analysis

Consultus Limited

M. Osmond