

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, A SUBMISSION ON NPDC'S NOTIFIED PROPOSED DISTRICT PLAN

Clause 8 of Schedule 1 Resource Management Act 1991

To: New Plymouth District Council
Address: Private Bag 2025, New Plymouth 4342
Email: districtplan@npdc.govt.nz

Further Submitter Details

Name of further submitter: Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve

Contact person (if different from above): Jeremy Brophy – Agent on behalf of submitter

Postal address: PO Box 551, New Plymouth

Email address for service: jeremy.brophy@btw.nz

Phone number: 027 3622562

The Council will serve all formal documents by email. Where there is no email address provided, the documents will be posted to the postal address stated above.

I am: (please tick relevant box)

- a) A person representing a relevant aspect of the public interest.
(In this case, also specify the grounds for saying that you come within this category); or
- b) A person who has an interest in the proposal that is greater than the interest of the general public.
(In this case, also explain the grounds for saying that you come within this category); or
- c) The local authority for the relevant area.

Please state the grounds as to why you come within the category selected above:

- Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve own land that is affected by the Proposed District Plan provisions. An original submission was also made by the submitter.

Council Hearing (please tick relevant box)

Do you wish to be heard in support of your further submission? Yes No

If others make a similar submission would you consider presenting a joint case with them at a hearing? Yes No

Submission

The submission points, support or opposition, reasons and decisions sought are set out in the attached document.

Note: Any attachments to your submission should only be supporting information, not the submission.



Signature of the person making further submission
or the person authorised to sign on behalf of the
person making further submission

Date 24/8/2020

Name of Further Submitter Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve

My specific further submission(s) are as follows:

(Please only insert one further submission point per line. Add further sheets as required)

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>		The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
551 The Oil Companies (Z Energy, Mobil Oil New Zealand, BP Oil New Zealand) - Matthew Thode (4Sight Consulting) 201 Victoria Street West PO Box 911 310 Attention: Matthew Thode/ Georgina McPherson matthewt@4sight.co.nz	551.206	Oppose	PORTZ / Policies / PORTZ-P3 It is an RMA Section 6(e) matter of national importance that "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" is recognised and provided for. It is not considered appropriate that customary activities are deemed 'potentially compatible', they need to be recognised and provided for as 'compatible'. There are other mechanisms in place with regard to appropriate sub-precinct areas to undertake customary activities e.g. private / public property ownership. Submission summary states: "Supports in part the intent of Policy PORTZ-P3 (compatible activities) allowing port activities, particularly in the Port Operational Areas and Port Industry Area, as assets associated with the storage and transfer of petroleum to and from the port are located in these two sub areas. However, some activities should be removed as compatible activities in Policy 3 and listed as potentially compatible under Policy 4:	Part of the submission be disallowed, to ensure that the Policy includes that phrase: "...Compatible activities include: 1. customary activities in all sub-precinct areas:..."

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				<ul style="list-style-type: none"> • Some customary activities may be inappropriate in particular sub- precinct areas, i.e. port operational areas. • Some port activities may not be compatible with the Mixed Use Port Area or Ngā Motu Beach Area. " 	
551 The Oil Companies (Z Energy, Mobil Oil New Zealand, BP Oil New Zealand) - Matthew Thode (4Sight Consulting) 201 Victoria Street West PO Box 911 310 Attention: Matthew Thode/ Georgina McPherson matthewt@4sight.co.nz	551.205	Oppose	PORTZ / Policies / PORTZ-P4	It is an RMA Section 6(e) matter of national importance that "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" is recognised and provided for. It is not considered appropriate that customary activities are deemed 'potentially compatible', they need to be recognised and provided for as 'compatible'.	Disallow the submission in part so that customary activities are not listed as a potentially compatible activity.

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
525 Port Taranaki Limited - Guy Roper 2-8 Bayly Road, PO Box 348, New Plymouth 4340 guyr@porttaranaki.co. nz	Sub No. / Point No. 525.9	Support / Oppose Oppose	Provision PORTZ / Policies / PORTZ-P10	<p>It is considered that adverse visual effects on the specified viewshafts and viewpoints, including the viewshafts proposed in the original submission of Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve, be retained, rather than solely mitigated.</p> <p>Submission summary states: Opposes Policy PORTZ-P10 (Visual effects on viewshafts and important public/cultural viewpoints). Considers it is too onerous and is very close to an avoid policy in terms of interpretation. It also does not correspond with the restricted discretionary rule for exceeding maximum heights in the Port Zone.</p>	<p>Disallow.</p> <p>Submitter seeks that views towards significant cultural features are retained, not just 'minimised'. Policy needs to be reworded accordingly.</p>
Ngāti Te Whiti - Philippa Fairclough PO Box 304 New Plymouth Email address: ngatitewhitisocietyinc @gmail.com	507.7	Support	PORTZ / Policies / PORTZ-P10	<p>Support is provided to this submission. Visual effects on viewshafts are important public/cultural viewpoints should be addressed the policy appears to restricts the consideration of adverse visual effects.</p> <p>Agree that the policy must recognise all of the elements and features that contribute to the natural character, landscape, historic heritage, visual qualities or amenity values.</p>	<p>Allow.</p>

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
Ngāti Te Whiti - Philippa Fairclough PO Box 304 New Plymouth Email address: ngatitewhitisocietyinc@gmail.com	507.8	Support	PORTZ / Policies / PORTZ-P10	Support is provided to the submission to strengthen to the incorporation of mātauranga in the management of the Port to provide for the relationship that Ngāti te Whiti hold with this area. The policy is critical in implementing the strategic objectives of the plan that relate to Tangata whenua rights, interests and responsibilities.	Allow.
525 Port Taranaki Limited - Guy Roper 2-8 Bayly Road, PO Box 348, New Plymouth 4340 guyr@porttaranaki.co.nz	525.56	Oppose	PORTZ / Rules / PREC10-S1	The Proposed District Plan heights for Port Operational Areas A and C are considered appropriate with regard to the culturally significant proposed viewshafts in the original submission of Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve. With regard to the submitter's proposed unlimited heights, there is not considered to be enough information/analysis to determine what the visual effect may be on the Trust and their property. Further visual assessment technical information is required to determine what the effect of this change would be. Stacks of containers and light towers should also be subject to height limits.	Disallow in part.

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
559 Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve - Jeremy Brophy (BTW Company Limited) PO Box 551, New Plymouth	559.4	Oppose / Seek amendment	TRAN / Rules / TRAN-R8	<p>NPDC summary of submission incorrectly states that tangi are clearly listed. While the original submission did not identify the following, the inclusion of tangi as high trip generator activities is opposed and they should be specifically excluded from these activities.</p> <p>The inclusion of tangi activities as high trip generator activities and subsequent amendment to Table 1 has been inferred by the New Plymouth District Council whereby the original submission sought to clarify whether they would be included in clause 20 or not.</p>	<p>Disallow in part.</p> <p>Remove tangi activities from "TRAN - Table 1 - High Trip Generator Thresholds" both by direct reference as "tangi activities" and indirectly as "Any activity, including activities 1-19 listed above. This includes vehicle movements associated with construction."</p> <p>It seems unreasonable for a Tangi to require an Integrated Transport Assessments or any other assessment.</p>
522 Heritage New Zealand Pouhere Taonga - Caroline Rachlin PO Box 2629 Wellington 6140 crachlin@heritage.org.nz	522.70	Oppose	SASM / Rules / New rule	<p>The Pouhere Taonga Act already provides an appropriate legal mechanism through which to recognise and protect historic heritage and cultural values, without the need for a resource consent process as an addition.</p> <p>Iwi / hapū may deem an archaeological site with Māori values on property they own as appropriate to demolish or destroy for the purposes of development, and spend time, money and resources on an Archaeological Authority process, then would be required to spend the same on a resource consent with the highest threshold of activity status. This is considered to be too onerous and</p>	<p>Disallow in full.</p>

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
				too high use of resources without proportional benefits.	
162 Brian Dombroski 9/93 St Aubyn Street New Plymouth 4310 brianandlyndombroski@xtra.co.nz	162.1	Oppose	CCZ / Rules / CCZ-R17	The land referred to in submission 162 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.
199 James Heckler 107/102 Pakuranga Road Pakuranga Auckland 2010 j.ma.heckler@outlook.com	199.1	Oppose	CCZ / Rules / CCZ-R17	The land referred to in submission 199 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
161 Kerry Coulton 10/93 St Aubyn Street New Plymouth New Plymouth 4310 teamcoulton@gmail.com	161.1	Oppose	CCZ / Rules / CCZ-R17	The land referred to in submission 161 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.
265 Anthony Williams 93 St Aubyn Street CBD New Plymouth 4310 williams.5@xtra.co.nz	265.1	Oppose	CCZ / Zoning	The land referred to in submission 265 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.
367 BA & JM Cleaver Family Trust - Jennifer Marie Cleaver 8/93 St Aubyn Street New Plymouth jen.brian@xtra.co.nz	367.1	Oppose	CCZ / Zoning	The land referred to in submission 367 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
365 George William and Dorothy Richardson 5/93 St Aubyn Street New Plymouth 4310 george@townscape.co.nz	365.1	Oppose	CCZ / Zoning	The land referred to in submission 365 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.
587 Olwyn Thomas 3/49 Sackville Street, New Plymouth	587.1	Oppose	CCZ / Zoning	The land referred to in submission 587 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	Disallow in full.
530 Raewyn Butler 93 St Aubyn Street New Plymouth raewyn@metrofires.co.nz	530.1	Oppose	CCZ / Zoning	The land referred to in submission 530 is owned by Ngāti Te Whiti Whenua Topu Trust. A portion of the property is leased to NPDC for car parking. The Trust seek to retain the proposed City Centre Zoning and the potential development opportunities associated with it, which may provide for hapū development aspirations and needs in the future. It is not appropriate to prohibit buildings on this site, nor to rezone it solely for open space use.	The submitter did not state what decision they sought from NPDC but to clarify, the Trust seek for any change to the proposed Zoning and Overlays for the subject site to be disallowed in full.

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Ngāti Te Whiti - Philippa Fairclough - 507 PO Box 304 New Plymouth Email address: ngatitewhitisocietyinc@gmail.com	507.2	Support	SCHED8 / Paritutu, Ngā Motu/Sugar Loaf Islands and Tapuae	Support is provided to the amendment to list of "Paritutu, Ngā Motu/Sugar Loaf Islands and Tapuae" in SCHED8 - Schedule of Natural Features and Landscapes, to extend the area on the planning maps and in Schedule 8 to include Mikotahi as part of the Ngā Motu group of islands. Nga Motu (including Mikotahi) is of huge cultural, spiritual and historical significance to Te Atiawa and Taranaki Iwi with the islands now considered wāhi tapu or places of reverence and are of Historical importance including refuge and pā sites, and petroglyphs.	Allow.
Ngāti Te Whiti - Philippa Fairclough - 507 PO Box 304 New Plymouth Email address: ngatitewhitisocietyinc@gmail.com	507.3	Support	SCHED10 / Schedule of Outstanding Natural Character Areas	Supports is provided for amendment to Schedule 10 (Outstanding Natural Character areas) to include "Paritutu, Ngā Motu/ Sugar Loaf Islands and Tapuae" because the Ngā Motu group of islands has been incorrectly mapped and excludes Mikotahi. Mikotahi is of huge cultural, spiritual and historical significance to Te Atiawa and Taranaki iwi.	Allow.
525 Port Taranaki Limited - Guy Roper 2-8 Bayly Road, PO Box 348, New Plymouth 4340 guyr@porttaranaki.co.nz	525.11	Oppose	PORTZ / Policies / PORTZ-P12	Due in part to an operating error of the Proposed District Plan map website, the Record of Title TNK2/399 owned by Ngāti Te Whiti is not selectable and the opportunity to submit in opposition to the proposed Public Access Corridor over the title was not realised. The location of the Public Access Corridor (Coastal Walkway) over Ngāti Te Whiti's	Disallow the extension of the Coastal Walkway over Ngāti Te Whiti's land, and amend the Proposed District Plan (including PREC10 – Figure 101) to remove the Public Access Corridor and all of its associated provisions from this title.

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
				<p>title TNK2/399 is opposed. Committing this area of privately owned land to a public access purpose is considered to unduly restrict the development opportunities for hapū in the future, and therefore does not provide for their needs.</p>	
<p>525 Port Taranaki Limited - Guy Roper 2-8 Bayly Road, PO Box 348, New Plymouth 4340 guyr@porttaranaki.co. nz</p>	<p>525.44</p>	<p>Oppose</p>	<p>PORTZ / Rules / PREC10-R2</p>	<p>Due in part to an operating error of the Proposed District Plan map website, the Record of Title TNK2/399 owned by Ngāti Te Whiti is not selectable and the opportunity to submit in opposition to the proposed Public Access Corridor over the title was not realised.</p> <p>The location of the Public Access Corridor (Coastal Walkway) over Ngāti Te Whiti's title TNK2/399 is opposed. Committing this area of privately owned land to a public access purpose is considered to unduly restrict the development opportunities for hapū in the future, and therefore does not provide for their needs.</p>	<p>Disallow the extension of the Coastal Walkway over Ngāti Te Whiti's land, and amend the Proposed District Plan (including PREC10 – Figure 101) to remove the Public Access Corridor and all of its associated provisions from this title.</p>
<p>459 Te Kotahitanga o Te Atiawa Trust - Hemi Sundgren PO Box 1097, Taranaki Mail Centre, New Plymouth 4340 sarah@teatiawa.iwi.n z</p>	<p>459.337</p>	<p>Support</p>	<p>PORTZ</p>	<p>Supports the submissions whereby NPDC have not consulted adequately with mana whenua. The Port Precinct Map requires amending to remove or realign the Public Access Corridor currently on Ngāti Te Whiti's Topu Trust's title TNK2/399.</p> <p>NPDC has not undertaken consultation with the Trust regarding this 'public access corridor', as described in the masterplan concept attached to the primary submission</p>	<p>Support the amendment of PREC10 - Figure 101 - Port Precinct Map - Port Areas and Height Limits to remove or realign the Public Access Corridor from Ngāti Te Whiti's title TNK2/399, after engagement with mana whenua and property owners.</p>

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				<p>it is possible that the public corridor may be better positioned more centrally through the trust property. This would provide enhanced connectivity and an active frontage around the proposed Marae and wider site development.</p>	
<p>317 Hamish Crimp 93 Pendarves Street, New Plymouth 4310 hamishcrimp@gmail.com</p>	<p>317.4</p>	<p>Oppose</p>	<p>SCHED4 / Notable Trees</p>	<p>Due in part to an operating error of the Proposed District Plan map website, the Record of Title TNK2/399 owned by Ngāti Te Whiti is not selectable and the opportunity to submit on the proposed Notable Tree Group 12 was not realised.</p> <p>Land use resource consent LUC15/46436 (to establish and operate a Marae on the Trust's property) condition 10 enables removal of the three most eastern Notable Trees from the stand of 31 Pohutukawa trees, which will be undertaken for the development of the new marae of Ngāti Te Whiti Hapū. The Notable Tree Group should therefore be reduced to the 28 westernmost trees.</p>	<p>Disallow in part by amending Schedule 4 so that Site ID 12 (Common Name: Pohutukawa, Botanical name: <i>Metrosideros Excelsa</i>, Address: 1 Bayly Road New Plymouth, Single/Group: Group, No. of Trees: 31) is reduced to the 28 westernmost trees.</p>
<p>559 Ngāti Te Whiti Whenua Topu Trust and the Ngamotu Marae Reservation Reserve - Jeremy Brophy (BTW Company Limited) PO Box 551, New Plymouth</p>	<p>559 (559.1)</p>	<p>Support</p>	<p>Planning Maps</p>	<p>Submission point 559.1 has not transferred through to a Planning Maps change as per the original submission, and has only come through in the Summary of Submissions as a point relating to Open Space Zoning.</p> <p>Ngāti Te Whiti Topu Trust request that this be corrected so that the requested change to the Planning Maps is actioned.</p>	<p>Allow the submission point by including a change to the Planning Maps to reflect the original submission "Zone records of title include 506160, 764202 and TNK2/399 as "Special Purpose – Maori Purpose Zone".</p>

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Seaport Land Company Limited - Kathryn Hooper (Landpro Limited)	536.2	Support in part	Planning Maps / Noise Control Boundary	<p>The PDP Eplan has had issues loading for the Trust site. It is assumed that the entire Trust property is located within the Outer Noise Control Boundary. Clarification on this is sought from NPDC.</p> <p>Summary of submission states:</p> <p>As to how the Port inner and outer Noise Control Boundaries have been reviewed for the proposed plan:</p> <ul style="list-style-type: none"> • Appears the boundaries are carried over from the operative port areas in the current plan, with the Inner Noise Control Boundary based on the prediction of the 65dBA Ldn associated with Port activities, and the outer based on 55dBA Ldn. • No data has been provided in the PNPDP or associated planning documents that indicates that a reassessment/validation of these boundaries has occurred. 	Allow – The trust seeks confirmation of the relevant noise overlay, with the Eplan not loading the entire site details. With limited information available on the noise provisions, this further submission includes any consequential changes to noise rules that affect the Trust's property adjoining the Port Zone

Note to Further Submitter

This further submission on the Proposed District Plan must be received by the New Plymouth District Council by **5pm on Tuesday 25 August 2020**.

To get your further submission to us, either:

Post to: New Plymouth District Council, Reply Paid DX, DX Box NX10026, New Plymouth.

Attention: District Planning Team

Deliver to: Civic Centre, Liardet Street, New Plymouth
or to library and service centres at Bell Block, Inglewood or Waitara

Email to: districtplan@npdc.govt.nz

Visit our website: newplymouthnz.com/eplan

A copy of your further submission MUST be served on the original submitter within 5 working days after it is served on the local authority. Contact details for all submitters can be found on our Proposed Plan page at newplymouthnz.com/eplan.

Please note all information provided in your submission, including your personal information, will be made publicly available.

Your submission (or part of it) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of it):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.