

Hearing Stream 5

Questions from the Hearing Panel

Having read the Section 42A Reports, the Hearing Panel has questions that they would appreciate being answered by the Section 42A Report author(s) at the hearing, both verbally and written.

This is in the interests of running an efficient hearing.

Please note this list of questions is not exhaustive. The Panel members may well ask additional hearings during the course of the hearing.

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EW – Ketuketu whenua - Earthworks

Paragraph or Plan reference	Question
Para 49	<p>Firstly, is there a typo in the recommended amended wording (the word ‘to’ needs to be deleted)?</p> <p>Secondly, please provide advice on whether it may be more efficient to include a policy in the UFD chapter regarding quarries not locating in urban environments rather than replicating identical policies in the urban zoning chapters.</p>
Para 76	<p>If you are correct that the ordinary meaning of ‘rehabilitation’ is to restore something <u>to its former condition</u>, then would you not consider that is different to restoring it to “<u>as near to pre-disturbance conditions as possible</u>”, and that the difference may be significant and outside of scope to delete the definition and rely on the dictionary definition?</p>
Para 91 - 95	<p>Please evaluate the requests (NZ Pork, HortNZ, and Fed Farmers) for the objective to be more enabling (as is EW-P1) rather than focused on minimising adverse effects.</p> <p>If you support that, would a new objective, specifically enabling earthworks, be preferable to adding the enabling component to EW-O1?</p>
Para 110 & 185	<p>Please, as a refresher, take us through what you understand the recommended changes are to show the interrelationship between the EW and EI chapters at a policy level (also for the benefit of submitters).</p>
Para 111	<p>Would you not consider your changes to clause 6 might need to state the purpose, i.e. to state why it is a policy to “minimise the modification or disturbance of land” which in the vast majority of cases may not have the potential to destabilise support structures etc as Mainpower suggests?</p>
Paras 125 and 126	<p>Please consider the recommendation in respect to earthworks alongside ECan’s requested relief in respect to NH-R4 – NH-R6 and their requested new aboveground earthworks rule in the NH chapter and any response from Mr Willis in respect to the management of earthworks within the Urban Flood Assessment Overlay and non-urban Flood Assessment Overlay.</p>
Para 164	<p>Please explain how EW-P6 relates to the matters of discretion for EW-S3. In answering this question, please explain your opinion through your s42A report that managing discharges of contaminants into water bodies is a territorial authority function under s31 of the RMA. Please also explain which rules implement EW-P6.</p> <p>Please explain what “manage” means in a policy sense in the context of your recommended amendment to EW-P6. Manage to do what?</p> <p>To which submission would you attribute the amendment to include ‘Mahinga Kai’ in EW-P1(2) and to delete it from EW-P6?</p>

Paragraph or Plan reference	Question
Para 186	<p>In previous sections you have recommended against parroting provisions of other statutory documents, so what value does the reference to needing to meet NESTF, as well as the EW-R1 matters, add?</p> <p>Please explain your understanding between NESETA and NESTF and plan rules, and whether there is a need to specifically mention them within a rule or whether an advice note is sufficient. Please set out what the situation is under the NES-TF when NES-TF standards are not met.</p> <p>In respect of your recommended amendment to clause 2, what is the formed area of a transmission line? How would this be applied in practice?</p>
Para 187	<p>Are earthworks associated with community scale irrigation and stockwater networks already addressed by rules under the EI chapter?</p>
Para 215	<p>Given there are no conditions or standards that relate to NH-R8, please set out how it can be “met” in respect to your recommended amendments to EW-R4? In respect of NH-R10 not being met? Does that mean if the conditions for NH-R10 aren't met, it defaults to discretionary under this rule? If so, what would be the purpose of the default of NH-R10 being RDIS be?</p> <p>Please consider the relationship between EW-R4 and NH-R8 to 10, taking into account ECan’s evidence presented during the NH chapter hearing.</p> <p>In considering this, please set out how do you intend for EW-R4 to work? Why do you need an EW rule if there are already NH rules that cover the same activity, and you recommend deleting the standards? What benefit does EW-R4 have in addition to the NH rules?</p>
Para 231	<p>Your recommended changes to EW-R1 do not appear to add irrigation and stock water races into the permitted activity rule?</p>
Para 232	<p>How does EW-R5 relate to NH-R4 – 6 which relate to infrastructure. (See paras 125 to 126 as well)</p>
Para 254	<p>Is this paragraph in the correct place (it assesses EI-MD3)?</p>
Para 262	<p>As per para 164, please explain how the discharge of soil as a contaminant is a territorial authority function under s31 of the RMA, and how this relates to the matters of discretion for EW-R9?</p>
Para 267	<p>How does your evaluation here relate to the advisory notes contained in the zone chapters? "additional activity standards applying to this activity are located within the earthworks chapter (see EW-R11)"? Noting that the reference should be to R10. Please also consider what the outcome would be of deleting EW-R10, whereby EW-R10 includes a maximum volume for earthworks and compliance with EW-R1 to 7, while for example GRUZ-R12 does not.</p>
Para 274	<p>You have addressed a Mainpower submission point, but the relief sought by them is not addressed under 7.12.1. Please set this out.</p>

Paragraph or Plan reference	Question
Para 296	What is the source of your amended rule threshold?
Paras 297 and 358	<p>You recommend the following AN:</p> <p style="padding-left: 40px;">These standards do not apply during a state of emergency or transition period declared under the Civil Defence Emergency Management Act 2002 or where direction to undertake specific earthworks has been issued by the controller or recovery manager.</p> <p>In respect to the second part of the AN, please explain what directions you are referring to and who a controller or recovery manager is, if this part of the AN does not relate to either a state of emergency or transition period declared under the CDEMA?</p>
Paras 328 - 330	Is the purpose of setbacks (being to minimise discharge and associated contamination of freshwater bodies from earthworks) explained somewhere in the Plan? Please see earlier questions about the functions of territorial authorities. Please set out why these rules are required in addition to the CLRWP rules and what effects exactly EW-S3 are intended to manage, taking into account the matters of discretion set out in EW-MD7 and the rules in the ASW and NATC chapters.
Para 339	Please set out the relationship between EW-S4 and TREE-S2, which does permit earthworks within any root protection area. Why have TREE-S2 as a permitted activity for earthworks if EW-S4 would automatically override it?
Para 350	<p>If the submitter did not request the change to 1m depth where is the scope to do this?</p> <p>Please also explain what effects this standard is intended to manage, taking into account the matters of discretion in EW-S5. In doing so, please consider whether your argument that the CLRWP rule 5.175 is valid in respect of what effects the standard is intended to manage.</p>
Para 389	Please explain why transmission lines is needed to be added to clause 12 in light of your recommended new clause 14.
Para 418	Is this amendment necessary, if we are talking about re-vegetation then what value does referring to both 'indigenous' and 'non-indigenous' plant varieties add?
Para 421	Please consider whether it is appropriate to have EW-MD5 clause 2, if quarries are not to be covered by the EW provisions.
Para 431	Would you agree that your recommended amendment seems to go outside the usual ambit for a Matter of Discretion, i.e. it requires the removal of vegetation " <u>shall be</u> in accordance with ...".

EI - Pūngao me te hanganga hapori - Energy and Infrastructure

General questions

1. A number of submitters (including MainPower and CIAL) requested amendments to the Strategic Directive Objectives to better recognise the fundamental importance of infrastructure to the community. MainPower sought the following amendment to SD-O3:

2. the infrastructure needs of the community are fulfilled recognising the social, economic, environmental and cultural benefits that infrastructure provides.

CIAL sought the following amendment to the same objective:

2. the social, economic and environmental and cultural benefits of infrastructure, including strategic infrastructure, critical infrastructure, and regionally significant infrastructure:

a. is recognised and provided for, and its safe, efficient and effective development, upgrading, maintenance and operation is enabled ~~is able to operate efficiently and effectively;~~ and

Taking into account the recommendations made by Mr Buckley on the SD Chapter, please provide your response to this.

2. What is meant by the word ‘energy’ in the context of these provisions? You cannot generate ‘energy’ but you can generate ‘electricity’ from certain forms of energy such as solar, wind, water and fossil fuels.
3. There are several recommendations where you recommend to accept a submission but in reality, you have only recommended that they be accepted in part, or in some cases, rejected them. This is particularly so with MainPower submissions. Furthermore, there are also a number of submissions that seek to retain a provision as notified which you have recommended to be accepted despite recommended changes in response to other submissions. Please check your recommendations and update these in an updated s42A report and Appendix B, as part of your reply report.

Paragraph or Plan reference	Question
Para 63	In respect of your position, please advise why this cannot be done in the E&I Chapter, particularly where there are more directive and restrictive provisions in other chapters.
Para 64	<p>You state:</p> <p><i>“it is likely that the relevant matters of discretion within the protective chapters will be cross referenced within the EI chapter”.</i></p> <p>When exactly do you intend to undertake this exercise and how does it fit within the Hearing Stream timetable? How will interested submitters be able to respond to any further recommended amendments?</p>

Paragraph or Plan reference	Question
<p>Para 70 Other Potentially relevant DP provisions</p>	<p>There are two typos in the chapeau.</p> <p>The sub-heading 'Rules' on page 9 needs changing as it refers to 'objectives, policies ...' etc in subclause 2. Therefore, does sub clause 2 need its own sub-heading?</p> <p>Please explain how the following rules are relevant to Infrastructure, and how these wouldn't be considered as rules in their own right requiring consent?</p> <p><u>Relocation of any historic heritage listed in HH-SCHED2 must comply with HH-R4, HH-R6 and HH-R8;</u></p> <p><u>Demolition of historic heritage items listed in HH-SCHED2 must comply with HH-R7 and HH-R9;</u></p> <p><u>Removal of any Notable Tree listed in TREE-SCHED1 must comply with TREE-R6 and TREE-R7</u></p> <p>For the same rules, please explain what you mean that these rules must be complied with? The Panel can understand the reference to compliance with a standard. However, HH-R4 is a RDIS activity. How is compliance achieved with that Rule, apart from needing a consent under it?</p> <p>Please explain how you intend that the following "rule" will work? Will there be a cross-reference from the rules to these standards?</p> <p><u>New buildings and structures within a SAL, ONF and ONF must comply with NFL-S1 and NFL-S2;</u></p> <p>In respect to clause 5, please explain how clause e is relevant to this Chapter.</p>
<p>Para 71</p>	<p>In minute 6 we asked the NFL s42A report writer the following questions:</p> <ol style="list-style-type: none"> <i>1. Would it be appropriate to relocate NFL-R8 and R9 to the EI chapter if they are deemed to be infrastructure? (noting that NFL-R9 relates to roads and therefore the Transport Chapter is the relevant chapter)</i> <i>2. What is the intent of NFL-R8? What effects does it seek to manage?</i> <p>Please provide your view this along with the possibility of bringing other rules and standards, such as NFL-S1 and S2, into the EI chapter. The Panel note that NFL-R8 and NFL-R9 are both a DIS activity and specific to infrastructure and transport.</p>
<p>Para 86 and 88</p>	<p>The change recommended in response to Mainpower submission does not appear to make sense in the context of this part of the objective. Should functional and operational need be provided for in a separate part of the objective?</p>
<p>Parsa 92 and 95</p>	<p>What does the word 'manage' achieve and what is meant by it? The Act requires sustainable management. Should the objective not tell us what</p>

Paragraph or Plan reference	Question
	<p>outcome is sought? Please consider this in line with the responses from other reporting officers.</p> <p>Also, how does 'manage' give effect to the 'avoid' directions in NZCPS for example, and how does it relate to NC activity status which may apply in certain situations?</p>
Para 94	Please explain why you have recommended ECan [316.17] were they are seeking a hierarchy of effects and your proposed amendment would remove any hierarchy of effects beyond "manage"?
Para 100	Is the word 'incompatible' required? Whether an activity is incompatible will be determined by the 'constrained or compromised' test in the objective.
Para 103	Does this address ECan's submission point? They appear to be seeking the objective be amended to apply to regionally and critically significant infrastructure only.
Para 126	Is there scope for the change to 'encourage'?
Para 127	Clause 8 is very specific and reads like a standard, does this standard translate to rules in the Plan, and if not how will it be implemented?
Paras 63 and 64, and discussion in section 7.4.2	<p>In these paragraphs you discuss the issue of potential for conflict between enabling provisions and protective provisions. Having read your discussion, the Panel is still unclear on how there is a pathway for EI activities when they must locate within sensitive environments that are managed with avoid policies given your comment at paragraph 150 that the protective policies will likely be given greater weight when there is a conflict. For example, NFL-P3 and P4 require avoidance whereas EI-P5(4) recognises circumstances where this can't occur and requires mitigation etc.</p> <p>As a part of that discussion, you highlight that the 'specific' overrides the 'general'. In the context of the NZCPS and the NPS-ET, which is considered the 'specific' and which is considered the 'general'?</p> <p>At paragraph 146 you state <i>"in my view, in order to give effect to the NZCPS, when energy and infrastructure activities are proposed in the coastal environment, the protective policies of the Plan that give effect to the NZCPS (policies ECO-P7, CE-P2, NFL-P1 and NFL-P3) should apply"</i></p> <p>In this context, please provide your understanding of how Policy 6 of the NZCPS relates to this policy framework. Furthermore, please provide your understanding of Policy 8 of the NPS-ET. Does the 'Rural environments' include land adjoining MHWS? Do 'areas of high natural character' include areas within a coastal environment?</p> <p>At para 141 you also refer to the need to consider 'immediately closer higher order documents' first. We assume this means the RPS?</p>

Paragraph or Plan reference	Question
	<p>At para 142, can you please confirm that you also considered Policy 6, activities in the coastal environment, of the NZCPS, which specifically refers to infrastructure.</p> <p>Para 146 – You have recommended deleting reference to the coastal environment from EI-P5 clauses 3 and 4. How do you reconcile your recommendation with Policy 6 of the NZCPS?</p> <p>How does your recommended amendments to EI-P5 relate to the rule framework in EI which retain restrictions relating to the coastal environment (areas of ONC, VHNC and HNC which are retained in clause 3 of EI-P5)? And, where rules do have restrictions related to the coastal environment (and the sensitive environments in it), and are a RDIS with specific MoD, how is this reflective of your proposed policy approach?</p> <p>Para 148 – You state “The provisions of the RPS provide an alternative pathway for managing the effects of these activities ...”. Please explain how this relates to any pathways you are recommending in the EI Chapter of the Plan.</p> <p>Para 149 – while RPS provides a pathway for ‘regionally significant infrastructure’, should this be read as not allowing a similar pathway for other infrastructure in sensitive environments via District Plan rules? What is the justification for not providing a pathway for all infrastructure when they are often networks that comprise regionally significant components and local components (for example, the electricity network is linear system that starts with the generator, the transmission and then the distribution and associated local connection. There is no point in building the regionally significant part of that network if it can’t then reach the end user through the non-regionally significant part of the network).</p>
Para 161	<p>The Panel notes the following:</p> <ul style="list-style-type: none"> • Typo in first line of EI-P5(1) - ‘for’ to be deleted • Typo in clause 3 - ‘and’ to be deleted <p>In respect to your recommended amendments to EI-P5:</p> <ol style="list-style-type: none"> a. Comparing clauses 2 to 3, please explain what the difference is between a more than minor upgrade and a major upgrade. How will those administering the Plan determine this distinction? b. Please discuss your recommended use of “where appropriate to do so” in clause 3A – how would this be assessed? c. Please explain how your deletion of “places adjoining the coastal marine area” is consistent with rules in the EI chapter which retain conditions relating to the infrastructure not being located in places adjoining the coastal marine area, particularly where these default to a RDIS activity?

Paragraph or Plan reference	Question
Paras 166, 170 and 179	Hort NZ sought the use of the phrase 'to the extent reasonably possibly' in relation to sensitive activities, which is also used in this context in Policy 10 of the NPS ET. Please consider whether this should be included in the redrafted policy2A(a).
Para 174	You have recommended replacing 'intensive farming activities' with 'intensive <u>indoor</u> primary production'. Is 'indoor' too limiting, i.e. are you confident that will not be any other (outdoor) forms of intensive primary production that may generate effects on energy and infrastructure?
Para 176	In line with our earlier question, does replacing 'avoid' with 'manage' affect any NC activity status rules?
Para 182	Can you please confirm that Fulton Hogan has submission points that seek this as a policy in the RURZ chapter?
Para 216	Please set out the scope for your recommended amendment to include an additional subclause to EI-R6 relating to trimming Notable Trees. Do you think that it is clear that EI-R6 is intended to also cover Notable Trees given this is not mentioned in the rule title itself?
Paras 232 and 233	This section does not appear to be completed.
Para 243	Should the advice note to EI R10 also be deleted?
Para 245	Please explain how this rule would work if the infrastructure is to be relocated within a "sensitive environment"/overlay? Please explain why this exemption is included in this rule, based on your earlier explanation about the distinction between the E&I and Transport Chapters?
Para 250	You have not assessed the request to insert a reference to the date of notification of the District Plan.
Para 256	Does EI R12 allow replacement of a complete line of poles or towers? If so, what are the implications of allowing the width of the poles to be increased 3x under EI-R12(4)?
Para 259	Isn't the definition of height in relation to infrastructure merely establishing how the height of infrastructure is measured? That establishes the 'height of the existing pole. If so, is MainPowers amendment then clearer?
Para 268	Please explain why you agree that internal setbacks etc should not apply in these circumstances when the footprint and height can be increased by 30%?
Para 270	Can you please explain why you have recommended deletion of EI-MD14 here, but you haven't recommended the same for other submissions points that seek it be deleted?

Paragraph or Plan reference	Question
Para 289	Perhaps the amendment 1(a) should be to ensure the attachment does not cause flood impediment?
Para 357	Can you please clarify why this rule, and in particular the new clauses for installation of (presumably) domestic scale solar hot water systems (i.e. needs to be for the use on the site etc) are an RMA matter significant enough to require regulation in the District Plan?
para 386	What purpose does EI-R49 serve? Should s10 of the Act not apply here?
Para 399 and 407	<p>Is it necessary to draw the line somewhere, that is does 'better giving effect to the NPSET', in every case require including the NPSET provisions directly into a District Plan (noting this has been recommended in several parts of the EI Chapter)?</p> <p>In respect of your recommended changes to this rule, can you please explain your rationale for including the requirement for compliance with NZECP, given this is a regulation that applies irrespective of the District Plan? In the same vein, please explain the rationale of your inclusion of clause 3.a, and in particular why this is a matter relevant to the District Plan. In doing so, please consider whether this activity is already managed through other legislation and regulations and whether there is a reason under the RMA to duplicate this. Please also advise as to how this clause would be administered as a permitted activity condition.</p> <p>Please also explain the relationship between the default NC activity status where the Permitted activity conditions are not met, and the standalone NC part of this rule.</p>
Para 412	Please address the Federated Farmers submission point.
Para 416	Please explain how this new rule works with EI-R52? And in particular, where there is non-compliance with the permitted activity conditions of EI-R52.
Para 427	<p>Please clarify that this particular cross referencing still accords with your recommendations for the 'Other Potentially Relevant Plan provisions' section to be inserted at the start of the EI Chapter.</p> <p>In doing so, please consider whether this cross-referencing consistent with the treatment for the Noise requirements for residential units under NOISE-R16? If not, please explain what the rationale for a different treatment is.</p>
Para 428	Please consider whether there needs to be a definition provided for 'major electricity distribution lines'.
Para 429	Kainga Ora and Federated Farmers make the point that there is a distinction between the National Grid and electricity distribution lines. The NZECP 34:2001 would also seem to differentiate between poles and towers. Please confirm what standards apply to the various types of electricity

Paragraph or Plan reference	Question
	infrastructure. Please set out your justification for a default NC activity status.
Para 440	Should the reference in the 'Notification' clause to 'MainPower' be changed to 'relevant electricity distribution line operator'?
Para 444	<p>In line with our earlier question, why is it appropriate for a permitted activity to include a condition that requires compliance with the NZECP? How is this different to any other activity that requires compliance with a regulation or code set under other legislation? Why is there separate treatment for electricity transmission and distribution lines, to for instance, gas and storage tanks?</p> <p>If the Panel was to include clause b as a condition of the rule, please consider how it follows from the chapeau of the condition. Also, if it was to be included as a condition of the rule, what would the need for the advisory note that references the NZECP?</p>
Para 453	There is quite a difference between the phrases 'building with historic values' and 'historic heritage' building or structure 'listed in HH-SCHED2'. Not all buildings with heritage values are listed. As a consequence, is this an appropriate change under clause 16?
Para 462	In this section, you appear to be discussing adding EI-MD1 to EI-R13 and EI-R15. Given MainPower's relief sought is limited to adding a single clause relating to functional and operational need, please explain the scope for include the entire EI-MD1 to these rules.
Para 472	Is it really necessary to include "existing". What does this add, and if this is to be accepted will it not then be necessary to insert 'existing' throughout the Plan where reverse sensitivity effects may be an issue? What about where land is zoned Residential but has not yet been developed for sensitive activities?
Para 489	<p>Please confirm that the terms used in this MD are consistent with terms used elsewhere in the PDP.</p> <p>Please consider whether proposed new 1A is consistent with EI-P5(2), which refers to "any adverse effects", not just significant ones.</p>
Para 527	Hort NZ and Fed Farmers are concerned that if infrastructure does not comply with the relevant standards, this may lead to greater compliance cost on adjoining landowners. While the standard as written could cover this, is it not better to be specific about this issue, which is a matter that is slightly different than the usual effects assessment?
Para 575	Please confirm whether the National Grid includes any distribution lines?
Para 579 - 580	See section 7.1 of Coastal s42A report. What are the implications of your recommended change?

Paragraph or Plan reference	Question
Para 595	Please consider whether “include” would be a better word than “means”.
Para 599	Please consider whether it would be more appropriate to refer to “an electricity cabinet <u>or</u> kiosk”.
Para 603	<p>Please advise why this definition is already included in the online version of the PDP.</p> <p>Please also advise where this definition is used in the PDP, as the Panel were unable to find any reference to it in the PDP beyond the definition which would justify a definition being included.</p>
Para 612	Please address that part of DoC’s submission which seeks to delete “strategic infrastructure” from the definition.
Para 614	In recommending these amendments, did you consider Mr Buckley’s recommendations in respect to the strategic infrastructure definition in respect to the SDs chapter? Please explain why you have a different view.
Para 616 - 618	In his s42A report on the SDs, Mr Buckley recommends ‘Lyttleton port’ remain in the definition. This is on the basis of both the wording being in the RPS and the potential for an inland port and transport links to the harbour. Please respond to that recommendation and explain why you have a different opinion.

HH – Taonga o onamata - Historic Heritage

Paragraph or Plan reference	Question
Para 76	<p>You state:</p> <p><i>“The implication of adopting the definition in HH-AN2 would mean that any owner of a property associated with human activity pre-1900 who wanted to dig over their vegetable garden or plant a tree would need to obtain an archaeological authority from HNZPT to do so.”</i></p> <p>Please explain how an advice note in a District Plan could require an authorisation to be obtained under the HNZPTA.</p>
Para 85	<p>Can Dr McEwan please advise if she agrees with your recommendation in respect to Heritage NZ’s requested definition for “recording”.</p>
Para 110	<p>You state:</p> <p><i>“The HH rules that are recommended to continue to apply to the EI chapter are HH-R4, HH-R6, HH-R7, HH-R8 and HH-R9 which concern the relocation and demolition of scheduled historic heritage items.”</i></p> <p>Can you please explain how these rules would be triggered by infrastructure?</p>
Para 122/123	<p>You state that:</p> <p><i>“The Strategic Directions chapter (SD chapter) was drafted to provide the District with strategic direction on those matters that relate to the District as a whole or relate to a number of zones or chapters and that are of strategic importance. Consequently, numerous specific matters of national and District importance are not provided for in a strategic direction objective. In the drafting of the Proposed Plan, the s32 for Strategic Directions notes that the intention was for there to be no hierarchy between the SD objectives and the other objectives and policies across the plan. Under this approach, I do not consider a SD objective specifically for historic heritage is necessary as the objectives and policies in the HH chapter and other related chapters have equal status with the SD objectives.”</i></p> <p>Would you not consider that this logic will also apply to any request for a policy from any other chapter to be included in the SD Chapter?</p> <p>From the Panel's review of the SDs, these cover all but clauses (f) and (g) of s6. The Panel could understand why (g) is not addressed in the circumstances of Waimakariri, but given the national and regional direction in respect to historic heritage, we remain unclear as to why historic heritage is not addressed. How is historic heritage</p>

Paragraph or Plan reference	Question
	<p>both nationally and regionally significant, but not so for Waimakariri district? Compared to all the other s6 matters covered in the SDs?</p> <p>Without a hierarchy as such what do you see is the purpose then of having SD objectives?</p>
Paras 136 - 140	<p>In this section you discuss s6(f) of the Act and consider that the addition of 'where practicable' is contrary to this and the RPS provisions. However, s6(f) is qualified. It is not an absolute 'protect'. How does the current objective allow us to understand what is 'inappropriate subdivision, use and development' of historic heritage? Under the current objective, it is unlikely that a heritage building could be demolished if it was unsafe and not economically viable to strengthen (i.e. not practicable) if HH P8 did not provide for it.</p>
Para 137	<p>Please comment specifically on the point made in the submission as to whether the HH rules are consistent with HH-O1.</p>
Para 205	<p>Mr Maclennan advises that the HH policies will still apply to infrastructure so while the change might not implement rules in the HH chapter, may it not assist in implementing the rules in the EI chapter?</p>
Para 207	<p>You state:</p> <p><i>"However, in the event that the Panel do not accept the recommendation of Mr Maclennan, I consider that the policy could provide for the maintenance, repair and upgrade of existing infrastructure provided that heritage values remained protected".</i></p> <p>Can you please explain what you mean. That Mainpower's relief could be accepted?</p>
Para 231	<p>You state:</p> <p><i>"Heritage NZ [178.18] are correct in identifying there is no stand-alone policy to provide for the adaptive re-use of scheduled heritage items. However, HH-P5 Adverse effects seeks to manage effects of subdivision, use and development on scheduled heritage in a way that (1) "provides for ongoing use and re-use that is sensitive to identified heritage values". I therefore consider that the re-use of historic heritage items is already provided for within the HH chapter policy framework".</i></p> <p>From our reading of HH-P5, it is focussed on the effects of subdivision, use and development on historic heritage and heritage settings, and is not about the use of a historic heritage item or heritage setting itself. Are we correct? If so, does this change your assessment?</p>

Paragraph or Plan reference	Question
Para 233	Given that HH-P5 also applies to heritage settings is your recommended amended title correct?
Para 247	<p>You state:</p> <p><i>“It is at the discretion of Council to determine whether or not resource consent fees ought to be waived...”</i></p> <p>Please explain fuller how the Council has discretion to waive resource consent fees. What is the process for a council to see fees for resource consents including any waivers?</p>
Para 261	Can you please confirm if you liaised with Dr McEwan in coming to the conclusion regarding painting of buildings being exempted from the rule? If you did not, can Dr McEwan please provide her perspective on the proposed exemption.
Para 389	<p>Please clarify whether HHRFs are part of the District Plan or sit outside the Plan?</p> <p>If it is the latter, then is the finalisation of an HHRF for the Bellgrove farmhouse a relatively straight forward matter?</p>

TRAN – Ranga waka - Transport

General

Your approach to including a s32AA evaluation, in a generic way, in Appendix C of the Report differs to how some other s42A report authors such as NOISE have done this (i.e. they have included a short s32AA evaluation after each sub-section).

Therefore we may ask you some questions regarding s32AA justification for some specific changes you are recommending.

Paragraph or Plan reference	Question
Para 59	How is your recommended inclusion of micro-mobility implemented through the policies, rules and standards of this Chapter?
Para 95	Did you consider whether the objective could be re-worded given that it's focus is on the transport system?
Para 109	Please explain how biodiversity offsetting is relevant to greenhouse gas emissions.
Para 110 & 111	Can you expand on the reasons why you consider clauses (6), (7) and (8) specifically relate to Transport, and how will these matters be considered and implemented from a transportation perspective (e.g. is the "planting of carbon sequestering trees" a feasible outcome for transportation providers?). Has the (potentially enormous) costs for roading providers to offset greenhouse gas emissions from vehicles, for example, been examined in the section 32 evaluation?
Para 118	Typo in (1) – reinsert the word 'to'.
Para 120	There does not seem to be a definition of "high traffic generating activities". Will this cause any uncertainties with Plan implementation, or could this be assisted by a cross reference to TRAN-R20 which has a table of thresholds for high traffic generators?
Para 136	Please advise whether runoff from parking areas (the discharge of contaminants) is managed through the CRLWP. If it is, why is this clause necessary under s31 of the RMA.
Para 171	Please provide your assessment of Kainga Ora's submission point 325.81
Para 182	You are attributing your recommended change to be made to the Advisory Notes to a submission by Sports and Education Corporation – this seems to be discussed later, in para 233 & 234, in relation to TRAN-R20. Can you please explain how deleting these words will assist a reader to understand the point you are making here?

Paragraph or Plan reference	Question
Section 7.8 and 7.9	What is the RMA justification for including any mandatory provisions and or design standards for cycle parks and end of trip cycle facilities within the District Plan?
Para 211	Is the Sports and Education Corp submission not a 'reject'?
Para 232	<p>You state:</p> <p>"I also disagree with the request to amend the type of ITA required for an activity that is a restricted discretionary activity under all other applicable rules, from a Full ITA to a Basic ITA"</p> <p>Please explain how and where a basic ITA would ever apply to TRAN-R20, which is a listed RDIS?</p>
Para 244	Are roads and the rail designated? Would someone wanting to install a new stock underpass also require requiring authority approval?
Para 267 & Table TRAN-3, and TRAN-4	<p>Is there really a need for these Tables with its extremely detailed standards for new road design. Is it not the case that road controlling authorities can operate in terms of their designated roads without needing to rely on District Plan standards?</p> <p>Does Council currently utilise NZS 4404:2010 Land development and subdivision infrastructure, the Austroads guideline and the like, in the RC process? If so, are these standards necessary in the plan when the matter is already controlled by these documents?</p>
Para 277	Clarify that these amendments have already been made to the table on the DP online. Can these changes be justified under clause 16? (for example, an increase from 4m to 5m is reasonably significant)
Para 281	Please explain how this amendment would fall under clause 16 of Schedule 1 as a minor error.
Para 290	In respect to Kāinga Ora's concern about the use of "future", have you considered whether there is another term than future that may provide more certainty and address their submission point?
Para 317	<p>It seems a concern that there is a difference of opinion from Waka Kotahi and Council's independent traffic adviser, on important matters such as this.</p> <p>Can you please arrange for the traffic consultant to be available to advise where the information was sourced from; why the standards in Waka Kotahi's Planning Policy Manual are not suitable; and to answer questions the Panel may have.</p>
Appendix A	Please explain where the additional text in the Introduction attributed to CIAL is discussed, as this is the only reference the Panel could find to 254.32.

NOISE – Te orooro - Noise

Paragraph or Plan reference	Question
Paras 76 & 82	<p>Please explain how the clay target association site is different to the speedway site which is subject to NOPISE-R12? If the Speedway site is subject to a resource consent, how do the conditions in NOISE-R12 relate to that resource consent. Please further explain your rationale that the clay target site is comparable to frost fans, given the Clay Target Association submission relates to an established activity occurring on one site, and frost fans could be located on many different sites, subject to resource consents?</p> <p>You state there is subdivision potential around the clay target association site, and so would an Overlay not be an effective way to alert prospective buyers of land in the adjacent rural zone of the presence of the shooting range?</p> <p>Whilst the shooting range appears able to continue operating under its CoC/resource consent conditions, is that a satisfactory long term solution in the face of increasing residential dwellings on adjacent land which may be expected to result in increasing complaints (which might need to be dealt with under Section 17 RMA)? From a planning/legal viewpoint do you consider the resource consent conditions will override Section 17?</p>
Para 82 & 86	<p>How will this new rule work in practice? Is it a set back from existing frost fans, and if so, are their locations known and mapped.?</p> <p>If the rule relates to any new frost fans, then could that impact on extensions to established dwellings that are then within 1000m of that new frost fan?</p> <p>Para 86 – in terms of economic <i>“costs expected to be low due to minimum subdivision size in the Rural Zones”</i> - the suggested set back of 1 kilometre would seem difficult to meet on most subdivided sites?</p>
Para 94	<p>Noting the recommendations to ASW-R1 to make motorised watercraft a permitted activity and the Marshall Day recommendation in their June 2019 memorandum, that motorised activities be a restricted discretionary activity, are you satisfied that there are sufficient controls in place to manage the noise effects of commercial jet boating activities on adjacent properties? How does your proposed approach compare with other districts that do have jet boating enterprises, such as Queenstown and Taupo?</p>
Para 144	<p>Did you consider an alternative of including a definition for “identified existing activities” that listed the specified activities that have specific noise rules relating to them? Could your recommended amendment of “existing noise generating activities identified through the Noise Chapter rules” be interpreted to apply to any existing activity that is subject to the Noise Chapter rules?</p> <p>With your recommended amendment, did you consider whether there were any consequential amendments required, such as to NOISE-P1(3)?</p>

Paragraph or Plan reference	Question
Para 148	<p>Please explain further why the amendment to NOISE-O2 retains an all-embracing reference to “ (all) activities within Commercial and Mixed Use Zones and Industrial Zones” yet it makes no specific reference to (any) activities in the Rural Zones?</p> <p>Whilst it is understood the intention is to safeguard a small number of larger activities, why is there a distinction with Rural Zones, and a broad brush approach is taken to protect all activities but only in the Commercial, Mixed Use and Industrial zones?</p>
Para 156 & 161	<p>You state that:</p> <p><i>“NOISE-O2 identifies the need to manage reverse sensitivity effects in relation to existing activities and significant infrastructure”.</i></p> <p>However, do you not agree as per the point above (para 156) the objective relates much more widely to <u>all</u> activities in commercial and industrial zones? If that is the case, why would you not consider (for consistency) it should also apply in the Rural Zones, to all rural production activities (as HortNZ has requested in its submission)?</p>
Para 171	<p>The ordinary meaning of minimise is generally held to be “reduce (something, especially something undesirable) to the smallest possible amount or degree”. Under that definition, does it enable a full range of actions?</p>
Para 172	<p>In considering the above (para 144), are buildings in the vicinity of infrastructure not covered by NOISE-P3 to 5? What is the relationship between NOISE-P1 with Noise-P3 to 5, and NOISE-O2?</p>
Paras 172 and 173	<p>In para 172 you state “I consider a limit is more appropriate as there are a range of activity statuses for noise sensitive activities near noise generating activities...” and in para 173 you state “manage can mean many things such as prevent, reduce or avoid”. How do these two statements differ in terms of using limit versus manage?</p>
Para 284 & 281	<p>Your recommendation is to not include in the matters of discretion a reference to vibration, based on their being no standards in the Plan.</p> <p>How do you consider this can be reconciled with your statement in para 281 that the Council “relies on external companies to provide site specific vibration plans/assessments where required for resource consenting purposes”.</p>
Para 289	<p>Can Mr Camp please provide a ball park figure on the typical costs to engage an acoustic engineer to assess compliance with NOISE-R16?</p> <p>Does WDC have a process/arrangement with a consultant to provide this service to applicants on a cost effective basis (as it does for Flood Hazard Assessment certificates)?</p>

Paragraph or Plan reference	Question
Para 291	Can Mr Camp please explain how NOISE-R16 already takes into account a significant increase in traffic volume.
Para 293	<p>In terms of the point made by the submitter Kainga Ora, as to there needing to be a balance between controlling the noise receiver v managing the noise emitter, are there rules in the District Plan that apply to Waka Kotahi, for example, to manage the noise effects from vehicles using State Highways? If not, is the submitter not making a valid point, and do you consider the noise emitter can then make a contribution for the required acoustic insulation etc. to mitigate the effects they are causing?</p> <p>Has a section 32A evaluation been carried out to assess the costs in terms of loss of usable land required for 80 metre setbacks along State Highways, and acoustic insulation of dwellings.</p>

TREE – Rākau hirahira - Notable Trees

Paragraph or Plan reference	Question
Para 63	<p>In relation to Manpower approach, you say that “This is contrary to TREE-O1 and the National Planning Standards (NPS) that directs that provisions relevant to energy and infrastructure are to be located in the Energy and Infrastructure chapter and similarly for notable trees.”</p> <p>When such conflicts occur, which provision takes precedence?</p>
Para 109	<p>Please check that the recommendation “rejected in part” for the Ohoka Residents Association is correct.</p>
Para 116	<p>The words “<u>emergency situation</u>” are used in TREE-MD2.1, and so would it be better for consistency to also use those words in TREE-R6.2 as recommended to be amended? (alternatively is there scope to amend TREE-MD2.1 to reflect your recommended wording for TREE-R6.2)</p>
Para 124	<p>Please explain your argument in respect to TREE-R7, given this is a RDIS rule, and TREE-MD1 applies to it.</p>
Para 142	<p>Would it be appropriate for Cabbage Tree P004 to be reassessed, in light of other trees being reassessed?</p>
Para 158	<p>Can you please explain why TREE-R3 (Overhead Lines work or maintenance to any notable tree) is the only rule that does not have a non-notification clause.</p> <p>Why do you support this exception being made for a rule that relates only to maintenance - where the work is required under separate legislation and is conducted by a tree expert?</p>

LIGHT – Tūramarama - Light

Paragraph or Plan reference	Question
Para 49	The ordinary meaning of minimise is generally held to be “reduce (something, especially something undesirable) to the smallest possible amount or degree”. Under that definition, does its use provide for the full range of avoid, remedy, or mitigate”?
Para 67	Given the definition of “transport system”, is it preferable to refer to “transport systems” or “the transport system” in clause 2?
Para 70	Should the recommendation be accept in part, given you are not fully adopting their requested wording?
Para 92	In the third to last sentence you state: <i>“advice received was that no additional requirements for illuminated signs are necessary”.</i> It is assumed that statement relates to digital signs, but please clarify how the rules address billboard type signs that have lighting directed onto them.

SIGN – Ngā tohu - Signs

Paragraph or Plan reference	Question
Para 111	<p>For Mr Nicholson - Is there any evidential/research basis that has informed your view that the information displayed has different associative and perceptual values to an on-site sign which results in landscape and amenity effects - such that a different (and much stricter) rule regime is warranted for off-site signs in Industrial and Commercial zones specifically? (And please clarify what are the 'distinct difference between on-site and off-site signage' you refer to in paragraph 5.7.)</p> <p>For Mr Binder – You have referred to two sources for your evidence that suggest off-site signs are a distraction to drivers (Gitelman et al, and Decker et al,). Are you aware that there may also be a large body of international research (and now New Zealand research) that suggests otherwise. If there is in fact conflicting overseas evidence on this, do you consider we have yet reached the point that warrants a different (and much stricter) rule regime for off-site signs - in Industrial and Commercial zones specifically? (noting also that Waka Kotahi's submission supports RDIS status in Commercial Zones, rather than NC).</p> <p>Also, please comment on the distinction between 'attention' and 'distraction' in this context.</p>
Para 132	<p>Please clarify how a 0.6m² directional sign can cause driver distraction, as it would only have a very small number of words on it, and maybe an arrow.</p> <p>Could it not be the case that some directional signs may possibly assist traffic safety by simply and effectively showing drivers how to quickly locate and access an activity that is not easily located when driving on the main road?</p>
Para 149	<p>In respect to your recommendation to retain "limiting digital signs", is it not the effects of digital signs that is being limited?</p> <p>Also, can it not be the case that billboards with fixed lighting shining onto them cause more glare than a low illuminance (internally lit) digital billboard?</p>
Para 150	<p>Could the digital sign standards proposed by GoMedia be considered as a consequential amendment or alternative relief to their submission point?</p>
Para 154	<p>Do digital billboards signs have an industry standard for illumination that will apply regardless of the lack of standards in the District Plan?</p>
Para 156	<p>How does Waka Kotahi's request relate to or in part address the issue of the lack of control of lighting for digital signs?</p>

Paragraph or Plan reference	Question
Para 215	Please provide some more reasons as to why the amended rule retains a distinction between signs “promoting a temporary activity” and signs “at a temporary activity” – i.e. what is the difference in effects?
Para 216	In respect of the proposed amendments to SIGN-R4 – Temporary sign, clause 4 – is the intent that election signs be removed one week before or after the election date?
Para 235	Is your advice here consistent with other s42A reports, i.e. by including an Advice Note to the effect that there is an NZ Code of Practice that readers need to be aware of (i.e. while the intent may be admirable where should the line be drawn on requests like this - to avoid cluttering District Plans with numerous advice notes on other COP’s, standards and regulations)?
Para 254	<p>Could clause 1 be reworded to be consistent with the wording of clause 3?</p> <p>Further to that, is it necessary for a District Plan to permit official signs which presumably are provided for by separate legislation and where there are no conditions or standards for them to meet?</p>
Appendix A - SIGN-P3	Could a consequential amendment arising from Waka Kotahi be an amendment to the heading of this policy?