

Hearing Stream 3: CL – Contaminated Land, HS – Hazardous Substances and NH – Natural Hazards

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 authors 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.

HS – Hazardous Substances

Paragraph or Plan reference	Question
Para 65	Should the reference to 'people' also be deleted (via cl 16) given they are also part of the environment?
Para 69	Please explain/describe the 'threshold' referred to in the regulations
Para 70	Please explain/describe the 'residual risk' referred to.
Section 3.3	Please reconsider whether the amendment recommended to HS-P3 is consistent with the recommendations in the Natural Hazards s42A report.

CL – Contaminated Land

Paragraph or Plan reference	Question
Section 3.7.3	Please set out your recommendation on the ECan submission point 316.48
Para 139	Please explain how the inclusion of "including ecological values" after natural values clarifies what "natural values" means.
Para 145	Would you not consider that because CL-P4 relates specifically to disposal of contaminated soil it is not really covered by CL-P2 (which relates to management of contaminated <u>land</u> and not <u>soils</u> as such)? Whilst landfills might be covered by the zone provisions how is the transportation and indiscriminate dumping of soils (not in landfills) addressed in terms of CL-P2. Would a specific reference to disposal of contaminated soil added to CL-P2 be warranted if CL-P4 is to be deleted?

NH – Natural Hazards

Paragraph or Plan reference	Question
Overarching	Please provide an updated version of Appendix A which footnotes each recommended amendment to the Chapter to a specific submission point(s).
Para 74	Would another way of phrasing this be “there is no more than a minor increase in the risk from flooding on surrounding properties and the net...”?
Para 100	Would there be any consequence of renaming the recommended “high hazard area” to “high flood hazard area”?
Para 104	How will this recommendation (i.e. to remove mapped high hazard flood areas) assist readers of the Plan to understand whether/and to what extent their properties are affected (noting that many Councils have quite sweeping overlays that appear to be quite generic)?
Paras 147, 152	Did you consider whether any consequential amendments were required to the relevant policies as a result of changing “low” to “unacceptable”. If not, can you please set out whether you think amendments should occur, and why. If you did, please explain why you did not think amendments should occur. If you consider amendments should occur, is there available scope to do so?
Para 160	Would another way of phrasing new clause 2 be “avoids or mitigates natural hazard risk in the existing urban environment where any increased risk to life and property is unacceptable?”
Para 163	You state: <i>“policy NG-O2(10 is intended to apply to critical infrastructure, which is included in the broader definition of ‘infrastructure’”</i> . Please explain how critical infrastructure is included in the broader definition of infrastructure, given infrastructure is defined in the RMA.
Para 167	Taking into account your answer to the above question, do you recommend any amendments to the title and chapeau of NH-O2? If so, is there scope to do so?
Para 184	Can you please explain what it is that the effects of climate change are to be recognised and provided for in?
Para 246	Should NH-P9.d be amended to replace “significant” in line with your recommended amendments in response to ECan [316.49]. If so, is there scope to do so? In addition, do you consider the recommended changes will remove the specificity from the policy to the point where it provides little in the way of actual guidance, i.e. <i>the mitigation works do not involve the construction of private flood mitigation measures such as stopbanks, or floodwalls to protect new</i>

Paragraph or Plan reference	Question
	<i>hazard sensitive activities as these works could result in significant residual risk to life or property if they fail.</i>
Para 315	<p>You state: “using the term ‘redevelopment’ could imply that it is acceptable to reinstate a damaged building”.</p> <p>Please explain this statement in terms of your understanding of how s10 and s30(1)(c) of the RMA are applied to existing buildings.</p>
Para 319 and amended chapter NH-P16	In light of your recommended amendment to removed “redevelopment” from the policy, does the heading of NH-P16 also need to be amended?
Para 331	In relation to Federated Farmers submission, is carbon forestry addressed by being included in the definition of woodlot?
Para 345	Please explain how this policy would be applied in practice.
Paras 404, 405 and 409	<p>You have stated that you consider the Kaikoura rule could be ultra vires and the Selwyn rule is uncertain. We have reviewed your s32AA evaluation in Table C8. Please provide a further evaluation of why the proposed new wording in para 409 is the most appropriate means of achieving the objective. Please also explain how this rule would be applied in practice to determine compliance.</p> <p>Also, is there scope to add reference to the 0.5% AEP event?</p>
Para 453	What is the rationale behind shelterbelts having to be set back 30m from a boundary, but woodlots (which includes carbon forestry) only need to be 10m? Would larger areas of trees not have a greater impact than shelterbelts in this regard? The s32 Report does not appear to address the approach proposed. What are potential impacts on the efficiency of a farm property requiring shelterbelts to be 30m off boundaries when they are traditionally located on boundaries?
Para 478	Is the addition of (c) in scope?
Para 490	Would another option be to amend the definition of “soft engineering natural hazard mitigation” to explicitly exclude “earth engineered bunds”?
Para 637	By deleting the reference to cultural matters, do you consider there is sufficient transparency and cross referencing for readers of the Plan to be aware that the cultural aspects will be picked up in the SASM Chapter?
Amended Chapter NH-P14	Is the amendment to clause 1 correctly recorded?
Amended Chapter NH-MD1	Please consider whether the use of “redevelopment” in 2.e. is consistent with your recommended amendment to NH-P16.