

Hearing 2 – Introduction and General Provisions

Questions from the Hearing Panel

As foreshadowed by paragraph 12 of Minute 1, having read the Section 42A Report for the Introduction and General Provisions hearing, the Hearing Panel members have a number of questions that they would appreciate being answered by the Section 42A Report author(s) in writing prior to the hearing commencing.

Paragraph or Plan reference	Question
Clause 16(2) amendments	<p>Throughout the Section 42A Report numerous recommendations are made to accept submissions with the author stating they will be made under clause 16(2) of Schedule 1 of the RMA. At the time of writing there are three “Reports to Council” (dated 16 December 2020, 03 February 2021 and 07 May 2021) on the SDC webpage containing clause 16(2) amendments.</p> <ul style="list-style-type: none"> ▪ Can you please confirm that the authority to make clause 16(2) amendments has been retained by the Council and has not been delegated to the Hearings Panel? ▪ Have all of the clause 16(2) amendments in the three “Reports to Council” on the SDC webpage be made in the ePlan that is currently available online? ▪ Will all of the Hearing 2 recommended clause 16(2) amendments be incorporated into a further ‘Report to Council’? <ul style="list-style-type: none"> ○ If ‘yes’, what is the timing for that Report and will those clause 16(2) amendments then be made in the ePlan that is currently available online? ○ If ‘no’, why not and when would the clause 16(2) recommendations be reflected in the ePlan that is currently available online?
7.26	Does the District Plan have provisions relating to ‘highly productive land’ which will provide sufficient protection until such time as the National Policy Statement for Highly Productive Land is released? (i.e. other than with respect to the cross boundary issue addressed in paragraph 9.29)
8.10(a)	Is the word “our” in the recommended amendment to the last line of the first paragraph of INTRO2 necessary?
9.11(b)	Should the last three lines of the Description of the Marine and Coastal Area (Takutai Moana) Act 2011 in HPW3 be underlined?
9.22	<p>Submitters request additional information about how to consult with manawhenua. The author recommends rejecting this request because amongst other things, HPW10 is not considered to be the most appropriate place for this information to be located and these processes and respective contact details are continually evolving. However, we understand that the contact details of runanga TRONT offices have remained unchanged for some time. While, as with any organisation, personnel may change the office contact details have not.</p> <ul style="list-style-type: none"> ▪ Consequently, can the author please explain their view that these processes and respective contact details are continually evolving?

Paragraph or Plan reference	Question
9.35(a)	In the recommended additional row in HPW13 (managing soils and their productive use) are there words missing from the text in the second column?
9.35(b)	<p>Would it be clearer if the recommended amendment to HPW14 was to read:</p> <p>The safe and efficient functioning of the District's telecommunication <u>networks</u>, and <u>its</u> electricity transmission <u>and distribution</u> networks, including protecting important infrastructure from reverse sensitivity effects.</p>
10.7	<ul style="list-style-type: none"> ▪ Was it the intention that all definitions that originate from the RMA, the National Planning Standards or a National Environmental Policy or Standard be shaded grey in the Definitions section of the ePlan? <ul style="list-style-type: none"> ○ If “yes”, have all such definitions (for example access strip, airport, antenna, etc) been shaded grey in the ePlan that is currently available online? ○ If “no”, can you please explain why?
10.9(a)	<p>Would it be clearer if the recommended “Definitions Overview” text was to read:</p> <p>This part of the District Plan explains the extended meaning of words and phrases developed specifically for <u>the Plan, having regard to and as used in the context in which they are used of, it</u>. The definitions herein replace the ordinary dictionary meaning of the subject word or phrase.</p> <p>Definitions only apply where identified in the ePlan with a green dotted underline. In all other instances, words and phrases used in the District Plan are best defined using <u>have</u> their ordinary dictionary meaning.</p>
14.25	<p>Rule requirements such LLRZ-REQ5 require ancillary structures to be setback from any road boundary.</p> <ul style="list-style-type: none"> ▪ Does the use of rule requirements avoid the need to include the setback requirement in the definition?
14.39(b)	<ul style="list-style-type: none"> ▪ How do “community correction facilities” differ from the defined term “Community Corrections Activity”? ▪ Can you please explain why the recommended definition of “Corrections Activity” includes “community correction facilities” given that the discussion at paragraph 14.37 indicates that these are different to prisons and jails, etc?
17.4	<p>MANA3 third paragraph – The author recommends accepting submitters amendments to the “tone and terminology” of the paragraph by replacing the words ‘harm’ and ‘limit’ with ‘impact’ and ‘may affect’ respectively. We understand that Manawhenua chapter was written cooperatively by Council and Mahaanui Kura Taiao staff, so one would presume that it is factually correct. We also understand that there are a number of Iwi and runanga documents that describe how the relationship between manawhenua and their traditional Kaitiakitanga mahinga kai practises has been harmed and has been limited, as a result of past land management practises.</p>

Paragraph or Plan reference	Question
	<ul style="list-style-type: none"> ▪ Does the author consider that by changing the words ‘harm’ and ‘limit’ to ‘impact’ and ‘may affect’ downplays the issue? ▪ If the notified words are replaced as sought by the submitters, will this result in a factually correct statement, given the dictionary definition of the respective words are completely different? <p>We understand that restoration efforts undertaken by land managers today add value to the contemporary relationship between manawhenua and Kaitiakitanga practices.</p> <ul style="list-style-type: none"> ▪ In response to the submissions, could that contemporary situation be acknowledged instead of changing the words as sought by the submitters? ▪ If “yes”, could the author please recommend wording for the Panel’s consideration?
17.8(a)	<p>The word “impact” is neutral with regard to positive or negative effects.</p> <ul style="list-style-type: none"> ▪ Would it be clearer if the recommended amendment to the second sentence of paragraph three of MANA3 was to read instead: <p style="text-align: center;">“These effects <u>may</u> harm impact the relationship ...”</p>
General Approach	<p>Rules – should the words ‘to the activity(s)’ be included between ‘prior’ and ‘being undertaken’?</p>
Definitions	<p>Public Floor Area.</p> <ul style="list-style-type: none"> ▪ Can the author please explain the purpose of this definition as the Plan does not appear to use that term?