

Before the Hearing Panel
Appointed by the Timaru District Council

Under The Resource Management Act 1991 (RMA)

In the matter of The Proposed Timaru District Plan

Evidence of Alanna Hollier in response to Minute 7 (17 May 2024)

14 June 2024

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Introduction

- 1 This evidence responds to Minute 7, which was issued by the Hearing Panel on 17 May 2024 (**Minute 7**).
- 2 In Minute 7, the Hearing Panel requested that I:
 - (a) Revisit paragraphs 8 – 10 of my section 42A summary statement and re-classify these in accordance with paragraph 7(b) of Minute 7;
 - (b) Revisit paragraph 11 of my section 42A summary statement and identify which matters can now be classified in accordance with paragraph 7(b) of Minute 7 and those that remain 'unresolved', and cross-reference the evidential basis for those recommendations;
 - (c) In relation to paragraph 9(b) and 12 of my section 42A summary statement, clarify my recommendation regarding the use of the terms 'Māori' and 'Māori people' in the Mana Whenua Chapter; and
 - (d) Reconsider how the terms 'Mātauraka Māori' and 'Tikaka' in paragraph 340 of my section 42A report are used and explained.

Status of submission points post Hearing A

- 3 In response to the Hearing Panel's requests listed under 2(a) and (b) above, I have attached a table titled "Status of issues raised in evidence - post Hearing A – Introduction and General Definitions" at **Appendix A**.
- 4 The table represents a 'stock take' of the issues identified in paragraphs 8 – 11 of the summary of my section 42A report (6 May 2024) (**May summary**). The May summary identified matters that appeared to be resolved, and those that remained outstanding, following the exchange of evidence for Hearing A. The table at Appendix A updates paragraphs 8 – 11 of the May summary in accordance with paragraph 7(b) of Minute 7.
- 5 The table has been prepared on the following basis:
 - (a) It addresses only those matters referred to in paragraphs 8 – 11 of the May summary,¹ which identified resolved and outstanding issues

¹ Paragraph 9(g) of the May summary records that all National Planning Standards definitions except 'height' appeared to be resolved. The definition of 'land disturbance' was also raised in evidence. The definitions of 'height' and 'land disturbance' are therefore addressed in the table. Paragraph 10 recorded the definitions that were not addressed in evidence. This paragraph contains an error, as 'aircraft', 'domestic garden' and 'sensitive environment' were addressed in evidence. These definitions are addressed in the table.

based on evidence that was circulated prior to Hearing A.² It does not therefore address the status of all submission points;

- (b) It takes account of the evidence filed prior to Hearing A, any evidence tabled at Hearing A and further evidence filed by submitters in response to the questions identified in Minute 7;
- (c) It addresses whether each of those matters is resolved between submitters who provided evidence for Hearing A. It does not seek to identify whether the matter is resolved with submitters who did not present evidence at the hearing, as the position of those submitters is unknown;
- (d) Where it is not clear whether an issue is resolved with all relevant submitters,³ some relevant submitters, or unresolved, I have made an assumption based on my own judgement as to whether I think the matter is resolved or not. For example, where I have made some amendments to address the issue but it is not clear to me whether that fully resolves the matter, I have marked that 'unresolved*' as I have assumed that submitter's concern has only been partly addressed.

6 Against that background, the table identifies:

- (a) The issues identified in my summary statement;
- (b) The relevant provisions of the PDP to which the issue relates;
- (c) The status of the issue, classified in accordance with the Panel's request at para [7] of Minute 7, as follows: 'resolved between all', 'resolved with some', 'unresolved'. As noted above, this reflects my understanding as to the status of matters as between submitters who presented evidence on those matters only (and not all submitters);
- (d) The relevant submitters who presented evidence for each issue, including cross-references to relevant sections of their evidence;
- (e) The reasons for my agreement or disagreement with the submitter; and

² The table also addresses the definition of 'helicopter landing area', which was raised in evidence tabled at Hearing A, but I recommend that consideration of that definition is deferred to Hearing B (see reasons in the table).

³ By 'relevant submitters', I am referring to those who presented evidence at Hearing A.

- (f) My updated recommendation in track changes format, following consideration of all of the evidence. Recommendations post Hearing A are shown in blue font, to distinguish them from recommendations made in my section 42A report.

Panel questions relating to the use of terms

Use of 'Mātauraka Māori' and 'Tikaka' in paragraph 340 of my s42A Report

- 7 Regarding the reference to 'Mātauraka Māori' and 'Tikaka' within paragraph 340 of my s42A Report, I have reconsidered the following explanations of these terms, and want to correct their explanations as described in the following paragraphs. In doing so, I have consulted with Kylie Hall (planner, Aoraki Environmental Consultants Limited (**AECL**)) and Rachael Pull (planner, Te Rūnunga o Ngāi Tahu).
- 8 For 'Mātauraka Māori', the Climate Change Response Act 2002 defines Mātauranga [Mātauraka] Māori as 'traditional Māori knowledge'. This definition is reflected within the PDP and is defined within the Glossary Chapter. I view this as an accurate meaning of the term and wish to amend paragraph 340 of my S42A report for Hearing A, dated 5 April 2024 to reflect this definition.
- 9 For 'Tikaka Māori', the Resource Management Act 1991 (**RMA**) defines 'Tikanga [Tikaka] Māori' as, '*Māori customary values and practices*'. This definition has been adopted within the PDP and is defined within the Glossary Chapter. I view this as an accurate meaning of the term and wish to amend paragraph 340 of my S42A report for Hearing A, dated 5 April 2024 to reflect this definition.
- 10 I am also advised by Ms Hall, and Ms Pull that while the PDP is legally correct in using the terminology 'Tikanga [Tikaka] Māori', common usage is to just say 'tikanga [tikaka]'. Therefore, for Plan readability, and to be consistent with the PDP Glossary term, I recommend that 'tikaka' is used.

Use of the terms Māori' and 'Māori people' in the Mana Whenua Chapter

- 11 I have reviewed the 13 occurrences of the terms Māori' and 'Māori people' within the Mana Whenua chapter since Hearing A in consultation with Ms Hall and Ms Pull.

12 The following table presents my revised recommendation on each of the 13 occurrences of the terms 'Māori' and 'Māori people' within the Mana Whenua chapter⁴.

Specific use of term	Location within MW chapter	Recommended Amendment	Reasons
'Māori people'	MW1, Paragraph 6.	It was the natural resources that attracted Māori people <u>Kāi Tahu</u> to Te Wai Pounamu, and the enjoyment of these is what kept them there.	The chapter, and MW1 in particular, specifically considers the settlement and identity of Kāi Tahu and Kāti Huirapa and this amendment more accurately reflects the purpose of this chapter and provision.
'Arowhenua Māori Reserve 881'	MW1, Paragraph 9.	No amendment recommended.	The use of the word 'Māori' in this instance refers specifically to a legal allotment and as such should be retained.
'Tikaka Māori'	MW2.1.2, Paragraph 1	Tikaka— Māori encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving.	Tikaka is a commonly used term within resource management planning and is defined within the PDP. As above, for plan readability the

⁴ This table relates to submission point 185.24 by Te Rūnanga o Ngāi Tahu.

			recommendation is to refer specifically to 'tikaka' rather than 'tikaka Māori'
'mātauraka Māori'	MW2.1.2, Paragraph 1	No amendment recommended.	Mātauraka Māori is an established term within resource management planning and is defined within the PDP. As such, this term should be retained.
'Māori knowledge'	MW2.1.2, Paragraph 1	No amendment recommended.	The use of 'Māori knowledge' in this occurrence is an explanation of Mātauraka Māori. This explanation repeats the PDP glossary definition for Mātauraka Māori and as such for the purposes of plan consistency, I recommend it is retained.
'tikaka (Māori protocol)'	MW2.1.4, Paragraph 4	These rules form part of kawa and tikaka (Māori protocol <u>means Māori customary values and practices</u>) and have been passed on	The use of 'Māori protocol' in this occurrence is an explanation of Tikaka Māori. I recommend this sentence is amended to repeat the PDP

		through the generations.	glossary definition for Tikaka.
'toi Māori (crafts and creative arts)'	MW2.1.6, Paragraph 3	This would include enabling development of papakāika and practices related to māra kai (food gardens), rokoa (medicinal plants) and toi Māori (crafts and creative arts).	'Toi' is defined in the Māori dictionary as 'art, knowledge'. The defined term stands on its own without the inclusion of the word 'Māori', and as such I recommend amendment. I note a minor correction is required to mara kai to insert a macron as 'māra kai'.
'Tikaka Māori'	MW2.1.9, Paragraph 3	Tikaka—Māori provides the framework to ensure appropriate respect for, and treatment, of wāhi tapu.	Tikaka is a commonly used term within resource management planning and is defined within the PDP. As above, for plan readability the recommendation is to refer specifically to 'tikaka' rather than 'tikaka Māori'
'te reo Māori'	MW2.2.3, Paragraph 4	Use of incorrect te reo Māori—place names that do not	Te Reo is defined as 'the language' within the PDP

		properly reflect and respect the tīpuna associations with the place.	Glossary chapter. As the defined term does not include the word Māori, and it is common to not include the word Māori, I recommend its removal.
'Māori Reserve land'	MW2.2.4, Paragraph 1	In addition to these areas, there are some further areas of Māori Reserve <u>l</u> and in the district which, while not suitable for settlement, have wāhi tapu and mahika kai values.	Māori Land is a defined term within the PDP and as such amendments are recommended to this provision to align with this definition.
'Māori Reserve land'	MW2.2.4, Paragraph 3	Protection of wāhi tapu and mahika kai values on other Māori Reserve <u>l</u> and.	Māori Land is a defined term within the PDP and as such amendments are recommended to this provision to align with this definition.
'Māori'	MW2.2.5, Paragraph 1	The Council is required by the RMA to take into consideration the principles of the Treaty and carry out its other statutory	The chapter, and specifically section MW2, considers resources of significance to mana whenua and as such I view replacing the term 'Māori' with 'mana whenua' more

		functions relating to Māori.	accurately reflects the purpose of this chapter, and MW2.
'Sites and Areas of Significance to Māori'	MW3.2, Paragraph 4	No recommended amendment.	The chapter relating to Sites and Areas of Significance to Māori (SASM) is directed by the NP Standards, with standards detailing the sites and areas that can be considered in this chapter. The types of sites and areas identified in the standard relate to information that only mana whenua hold. Therefore, although the SASM refers to Māori values generally, only mana whenua hold could this information.

Appendix A – Status of issues raised in evidence - post Hearing A – Introduction and General Definitions

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who provide d evidence at Hearing A. It does not attempt to reflect whether the issue is agreed with or by submitters who did not present evidence to Hearing A.*
- 2 *Status: An asterisk (*) against the status ('resolved with all', 'resolved with some', 'unresolved') denotes where I have made an assumption based on my own judgement as to whether I think the matter is resolved or not, based on the amendments I have recommended. However, I am not confident as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who presented evidence at Hearing A. Other submitters who did not present evidence to Hearing A may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
Whether the Foreword/Mihi is amended regarding the management of effects of activities on the environment	Foreword/Mihi, paragraph 1	Resolved with all.	Fonterra [165.9], Tait evidence (23 April 2024), para 7.1 – 7.3.	Recommended amendment (as per Tait evidence) better articulates the PDP's role in managing effects on the environment.	<i>The District Plan is a statutory document that manages land use and subdivision activities in the district. It plays an important role in guiding the sustainable development of the district, indicating what type of development is anticipated in particular locations. It provides a framework that enables expected activities and manages other activities so they do not affect the environment.</i>
Defer amendments to Description of the District chapter - Rural Areas to align with the NPS-HPL , to the hearing on Versatile Soils chapter	Description of the District, Rural Areas, para 3	Resolved with all.	Hort NZ [245.3], Cameron evidence (12 April 2024), para 38 – 40.	Submissions to give effect to NPS HPL are being considered within the Versatile Soils chapter. Submissions relating to the Description of the District chapter should be considered alongside these.	Defer to Versatile Soils chapter.
			Fonterra [part of 165.12], Tait evidence (23 April 2024), para 8.2.		
			Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter, (Anderson 10 April 2024).		
Whether strategic rural industry is recognised within the Description of the District chapter.	Description of the District, Rural Areas section, paragraph 2	Resolved with some.	Fonterra [part of 165.12], Tait evidence (23 April 2024), paragraphs 8.3 – 8.6.	It is inappropriate to recognise strategic rural industry in the Description of the District chapter when they are not referred to in Part 2 and 3 chapters of the PDP. I retain my S42A position.	<i>In recent years, rural lifestyle blocks have gained popularity, and subdivisions to supply this property market has resulted in the fragmentation of rural land, and the loss of productive land to rural residential use. This increase in rural residential activities, and urban creep into areas that have traditionally been farmed can, in some locations, cause conflict between landowners. New residential land uses may be impacted by existing farming activities and rural industry occurring in the working rural environment. A balance is needed between these activities to maintain the ability of farming activities and rural industry to continue in a rural environment.</i>
			Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter, (Anderson 10 April 2024).	Telco Group support my S42A recommendation. I retain my S42A position.	
Whether the Description of the District chapter is amended to reflect that rural residential development is restricted versus a balance approach is needed.			Fonterra [part of 165.12], Tait evidence (23 April 2024), paragraphs 8.3 – 8.6.	It is inappropriate to reflect that rural residential development should be restricted in the Description of the District chapter when this is not reflected in the rural areas chapter provisions as written as notified. Use of phrase 'incompatible with' is inappropriate as the dictionary definition of this term relates to two things which cannot co-exist and that does not	

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
				reflect the relationship between residential activities and farming activities or rural industry in rural areas of Timaru. I retain my S42A position.	
			Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter, (Anderson 10 April 2024).	Telco Group support my S42A recommendation. I retain my S42A position.	
Recognition of Mana Whenua in Description of the District, Statutory context, and Glossary chapters	Description of the District - Takata Whenua	Resolved with all.	TRoNT [185.9], Pull evidence (19 April 2024), Appendix One.	TRoNT support my S42A recommendation. I retain my S42A position.	Move Takata Whenua section to beginning of the Description of the District chapter.
	Statutory Context - Treaty of Waitangi, para 7 – 9.	Resolved with all.	TRoNT [185.10], Pull evidence (19 April 2024), Appendix One.	TRoNT support my S42A recommendation. I retain my S42A position.	<i>Section MW3 also describes resource management-related requirements of the Ngāi Tahu Claims Settlement Act 1998. Section MW3.2 specifically identifies the Statutory Acknowledgement Areas present in the District and Section MW4 identifies relevant iwi planning documents to be taken into account in resource management decision-making in Timaru District;</i> [...] <i>The Iwi Management Plans that apply to the Timaru District at the time of notification are the:</i> • <i>Iwi Management Plan of Kāti Huirapa</i> • <i>Te Rūnanga o Ngāi Tahu Freshwater Policy</i> • <i>Hazardous Substances New Organisms Policy</i> • <i>Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region</i> <i>The Council is committed to a process of ongoing liaison and consultation with the Mana Whenua, the registered iwi authority, to discuss issues of relevance to them.</i>
	Glossary - Kāti Huirapa	Resolved with all.	TRoNT [185.13], Pull evidence (19 April 2024), para 45, Appendix One	Clarifies the relationship between TRoNT and Kāti Huirapa as described within legislation	<i>The hapū that holds rights of Mana Whenua for the lands, waters, coastal and marine environments between the Rakaia River in the north, Waitaki River in the south and between the East Coast and the Southern Alps. Note: For the purposes of implementing this plan, Kāti Huirapa includes Te Rūnanga o Ngāi Tahu.</i>
	Glossary - Kāi Tahu	Resolved with all.	TRoNT [185.14], Pull evidence (19 April 2024), para 45, Appendix One	Achieves consistency with section 9, Ngāi Tahu Claims Settlement Act 1998	<i>The collective of the individuals who descend from one or more of the of the five primary hapū of Kāi Ngai Tahu, Kāti Ngāti Māmoe and Waitaha, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki.</i>
How to refer to the 'National Grid Lines' overlay within Figure 1 of the General Approach chapter	General Approach, Figure 1	Unresolved*	Transpower [159.3], McLeod evidence (22 April 2024), para 32 – 36.	I do not agree that 'features' needs to be added to Figure 1. In my view 'overlays' can be a sub-set of 'features' as per the NP standards. The PDP uses an overlay to depict the National Grid Line layer. However, this is a minor matter and I can accept	<i>Locate relevant District-wide matters chapters (e.g. Infrastructure and Energy) features and overlays (e.g. National Grid Line grids).</i>

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
				<p>the inclusion of the word 'features' if the Panel considers that appropriate.</p> <p>The purpose of Figure 1 is to provide guidance to plan users when navigating the plan. It would not be helpful to refer to an overlay by an incorrect name, as such I recommend Figure 1 is amended to refer correctly to the overlay name. This retains my S42A position on reference to the layer name.</p> <p>I have included an asterisk as I only recommend to accept part of the amendments sought in evidence.</p>	
The extent to which further guidance is provided to plan users on the approach taken to the definition of terms within the PDP	General Approach chapter	Unresolved*	OWL [181.8, 181.12], Crossman evidence (22 April 2024), para 4.13 – 4.16.	<p>I broadly agree with the proposed new text. I do not agree that clauses 3. and 4 as per the Christchurch District Plan example, are appropriate for the PDP as they go beyond the approach taken to the definition of terms and into how plan provisions are to be interpreted. Additionally, they are not suitable to the PDP as:</p> <p>Clause 3;</p> <ul style="list-style-type: none"> Exclusions are not limited to the activity status tables, see LFRZ-P5, MUZ-P2, APP8; Retail activity is defined differently in the PDP. <p>Clause 4;</p> <ul style="list-style-type: none"> Use of the word 'includes' within the PDP is not commonly followed by a list incorporating more than one activity or requirement. Word 'includes' is used to include one other activity, see RLZ-R17 Word 'include' is used to define exclusions, see GRUZ-R1, RLZ-R1 and RLZ-R3. <p>I have included an asterisk as I only recommend to accept part of the amendments sought in evidence.</p>	Amend the General Approach chapter as per Appendix B to this report.
Delete definition	Department of Conservation Activity	Resolved with all.	Dir. General Conservation [166.6], Williams evidence (22 April 2024), paragraph 16 and Appendix 2.	Definition not required to implement provisions of the PDP.	Department of Conservation Activity is an activity listed in APP1 – Work or activities of the Department of Conservation. The list includes activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016 which it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents
New definitions	Activities sensitive to transmission lines	Resolved with all.	Hort NZ [245.35], Cameron evidence (12 April 2024), para 48.	Not required because definition of 'sensitive activity' aligns with NPSET.	No amendment recommended.
	Aircraft	Resolved with all.	NZHA [265.41FS, 265.4FS], Milner supplementary evidence (8 May 2024), Table 2.	A definition assists interpretation of the PDP.	No amendment recommended.
	Coastal Environment	Resolved with all.	Dir. General Conservation [166.13], Williams evidence (22 April 2024), paragraphs 18 – 20/ Appendix 2.	A definition does not assist the use of the PDP.	No amendment recommended.
	Greenhouses	Resolved with all.	Hort NZ [245.33], Cameron evidence (12 April 2024), para 49 - 50.	The only reference to 'greenhouses' in the PDP is 'greenhouse gases'. The PDP is not assisted by this definition.	No amendment recommended.

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
	Household	Resolved with all.	Kainga Ora [229.69FS], Neville evidence (2 May 2024), para 6.1 – 7.3.	Most instances of this term apply a different definition than that which is sought by Dept. Corrections. The PDP is not assisted by this definition.	No amendment recommended.
	Risk	Resolved with some submitters.	Dir. General Conservation [166.17], Williams evidence (22 April 2024), para 17, Appendix 2. PrimePort [175.36FS] Seaton evidence (22 April 2024), paragraphs 26 – 29.	'Risk' is used in various ways in the PDP. One definition may be inappropriate and confusing for plan users.	No amendment recommended.
	Water Infrastructure	Resolved with all.	OWL [181.16], Crossman evidence, (22 April 2024), para 4.4(c).	Recommended new definition of infrastructure includes water infrastructure. Definition not required.	No amendment recommended.
	Domestic Garden	Unresolved.	Forest and Bird [156.14], Snoyink supplementary evidence (9 April 2024), para 2.	Domestic garden has a common interpretation. I do not anticipate that a shelterbelt would normally be considered part of a domestic garden.	No amendment recommended.
	Helicopter Landing Area	Unresolved.	NZHA [265.41FS, 265.4FS], Milner supplementary evidence (8 May 2024), Table 2.	I have been in contact with the Rural Zone S42 officer, who has been in consultation with submitters regarding new definitions sought in the context of helicopter landings in the Rural Zones. Rather than reject the submissions seeking a new definition for Helicopter Landing Area, I recommend deferring consideration of these submission points to Hearing B.	Defer to Rural Zones hearing (Hearing B).
	Conservation Activity	Resolved with some.	Dir. General Conservation [166.6], Williams evidence (22 April 2024), para 16; Williams supplementary evidence (9 May 2024), para 4. NZHA [265.41FS, 265.4FS], Milner supplementary evidence (8 May 2024), Table 2.	The rules of the PDP provide for conservation activities (including a broader range of activities than sought by the submission). A new definition is not required to implement those provisions. It is not appropriate to include a definition for conservation activities that include the intermittent use of aircraft. The plan rules do not preclude the use of aircraft for conservation activities but they do manage the frequency of their use in the General Rural Zone.	No amendment recommended.
Amend definition	Shelter Belt	Resolved with all.	Hort NZ [245.26, 245.27 and 245.65FS], Cameron evidence (12 April 2024), paragraph 47.	Amendment inappropriate because managing spray drifts is not the primary reason for planting shelterbelts.	No amendment required. Note recommendation to correct minor error under clause 16.
	Sensitive Environment	Resolved with all.	Dir. General Conservation [166.11], Williams evidence (22 April 2024), para 15, Appendix 2. Transpower [159.21], McLeod evidence (22 April 2024), Table 1.	The omission of the Bat Protection Overlay within the Sensitive Environment definition was an error.	Sensitive environment means 1. areas within the following overlays identified on the Planning map: a. Coastal Environment; and [...] o. Within 250m from Major Hazard Facilities; and <u>p. Bat Protection overlay; and</u> 2. the below areas: [...]
	Replacement	Resolved with all.	Transpower [159.18], McLeod evidence (22 April 2024), Table 1.	Appropriate to exclude repair from definition. Not appropriate to exclude upgrading - definition of upgrading includes replacement.	Means replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
			Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter (Anderson, 10 April 2024).		<i>and for the same or similar purpose. It does not include repair.</i>
	Reverse Sensitivity	Resolved with some.	<p>PrimePort [175.70FS] Seaton evidence (22 April 2024), para 26 – 29.</p> <p>Silver Fern Farms [172.10], Tuck evidence (11 April 2024), Table 1</p> <p>TRoNT [185.65AFS], Pull supplementary evidence (19 April 2024), paragraphs 2.12 – 2.26.</p>	Further recommendations on this definition are pending following more substantive hearing of reverse sensitivity issues/ policy framework in later hearings	<p>Reverse sensitivity means the potential for the operation of an existing lawfully established, permitted or consented activity, or activities otherwise anticipated by the Plan, to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing that activity</p>
			<p>Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter, (Anderson 10 April 2024).</p> <p>Transpower [159.19], McLeod evidence (22 April 2024), para 26 and Table 1.</p> <p>Fonterra [165.18 and 165.38FS], Tait evidence (23 April 2024), para 9.3.</p>	Telco Group, Transpower and Fonterra support my S42A recommendation.	
	Sensitive Activity	Resolved with some.	<p>Hort NZ [245.25 and 245.35FS], Cameron evidence (12 April 2024), para 41 – 46.</p> <p>Fonterra [165.21, 165.13FS, 165.39FS and 165.52FS], Tait evidence (23 April 2024), paragraphs 9.4 – 9.11.</p> <p>TRoNT [185.65AFS], Pull evidence (19 April 2024), paragraphs 47 – 51; Pull supplementary evidence (19 April 2024), paragraphs 2.12 – 2.26.</p> <p>Transpower [159.20, 159.29FS, 159.30FS, 159.78FS and 159.82FS], McLeod evidence (22 April 2024), para 26 and Table 1.</p>	<p>It is appropriate to amend clause 2 and 3 as these amendments improve alignment with the definitions of the PDP.</p> <p>I retain the position as per my S42A report that it is not appropriate to add 'community facility' to the definition of 'sensitive activity'. The definition of 'community facility' is very broad and they are recognised as noise generating activities in the introduction of the Noise chapter.</p> <p>It is not appropriate to insert multiple, lengthy and complex definitions of 'sensitive activity' into the PDP, nor is it appropriate for only infrastructure captured under the NPSET to be considered a 'sensitive activity' as:</p> <ul style="list-style-type: none"> the existing definition broadly captures amendments sought the definitions extend to managing matters that should be left to the policies and rules of the PDP. The amendments reduces alignment with the definition of 'noise sensitive activity' <p>Transpower and Silver Fern Farms support my S42A recommendation.</p>	<p>Sensitive activity means:</p> <ol style="list-style-type: none"> Residential activities; Educational facilities and preschools; Guest & visitor accommodation; [...] [...] Place of assembly. <p>except that:</p> <ol style="list-style-type: none"> subclause 6 above is not applicable in relation to electronic electricity transmission. subclause 7 above is not applicable in relation to noise or electronic electricity transmission.

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
			Silver Fern Farms [172.11], Tuck evidence (11 April 2024), Table 1		
	Height	Unresolved.	Fonterra [165.14], Tait evidence (23 April 2024), para 9.1; Legal submissions (30 April 2024), para 24 – 29.	The definition of 'height' is prescribed by the NP Standards and cannot be amended. The proposed amendment creates conflicts with existing PDP provisions. Issues raised by Fonterra are more appropriately addressed by specific rules.	No amendment recommended.
	Land Disturbance	Resolved with some.	Transpower [159.7], McLeod evidence (22 April 2024), para 37 – 39.	It is appropriate to correct the functionality error with this definition. This functionality error will be corrected once a new version of the PDP is published on the e-plan viewer.	Shade the definition of 'Land disturbance' with grey background in the Definitions chapter.
			Telco Group (Connexa [176.1], Spark [208.1], Chorus [209.1], Vodafone [210.1]) – Letter, (Anderson 10 April 2024).	Telco Group support my S42A recommendation.	
Amend Mana Whenua sections	MW2.1.5	Resolved with all.	TRoNT [185.27], Pull evidence (19 April 2024), para 45, Appendix One	Better describes relationship of mana whenua with taonga; Aligns with guidance provided in the NP Standards for the Mana Whenua chapter	<i>[...] who signalled the relative health and vitality of their respective environments to the local tohuka- and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. [...] To give effect to kaitiakitaka (in accordance with section 7(a) of the RMA) it is important for resource users [...]</i>
	MW2.1.6	Resolved with all.	TRoNT [185.28], Pull evidence (19 April 2024), Appendix One	Appropriate to expressly recognise TRoNT's role in resource management decision making	<i>[...] including the appointment of commissioners on hearing panels and having a voice in resource management decision making. [...] maintain customary practices and to use their ancestral-land in a way that supports [...]</i>
	MW2.2.3	Resolved with all.	TRoNT [185.30], Pull evidence (19 April 2024), Appendix One	Better describes concern re recognition of hapu and iwi and their relationship with their rohe; Aligns with guidance provided in the NP Standards for the Mana Whenua chapter	<i>Matters of concern include:</i> <ul style="list-style-type: none"> • Loss of significant sites through exacerbation of coastal erosion, or change in coastal processes, as a result of land use and development; • [...] • <u>Recognition of Kāi Tahu cultural identity within the District.</u>
	MW2.2.4	Resolved with all.	TRoNT [185.31], Pull evidence (19 April 2024), Appendix One	Recognises that mana whenua's concerns not limited to historical zoning restrictions.	<i>Matters of concern include:</i> <ul style="list-style-type: none"> • The effects of past-zoning restrictions on the ability to establish residential settlements at Arowhenua and Waipopo;
	MW2.2.5	Resolved with all.	TRoNT [185.32], Pull evidence (19 April 2024), Appendix One	Appropriate to reflect that the Council works with Arowhenua and TRoNT; recognises te reo version of the Treaty; provides accurate hyperlink to text of Treaty.	<i>The Treaty of Waitangi / Te Tiriti o Waitangi, in return for [...] the principles of the Treaty / Te Tiriti and carry out [...]</i> <i>In relation to the District Plan, the relevant principles of the Treaty of Waitangi / Te Tiriti o Waitangi include:</i> <ul style="list-style-type: none"> • <u>Recognition of Treaty / Te Tiriti guarantees [...]</u> • <u>Consultation-Working with Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu on all matters related to [...]</u>

Issue	Relevant provisions	Status	Relevant submitters	Reasons for S42A officer position	S42A officer recommendation
					Amend MW2.2.5 to insert a hyperlink to the English and Te Reo version of the Treaty of Waitangi / Te Tiriti o Waitangi where the Treaty / Te Tiriti is referred to.
	MW3.2	Resolved with all.	TRoNT [185.33], Pull evidence (19 April 2024), Appendix One	Appropriate to reflect practice of forwarding resource consents affecting statutory acknowledgement areas to TRoNT and AECL and protection of statutory acknowledgement areas by the PDP.	The Council will forward advice of all resource consent applications which may affect a statutory acknowledgement [...] The Council will seek advice and it must have regard to effects [...] in this Plan by the as Sites and Areas of Significance to Māori provisions and the Outstanding Natural Landscape provisions where the Statutory Acknowledgment Area is also recognised as an Outstanding Natural Landscape, and their values are protected through the provisions relating to those sites.
	MW4	Resolved with all.	TRoNT [185.34], Pull evidence (19 April 2024), Appendix One	Appropriate to refer to all iwi management plans and provide hyperlinks.	[...] first iwi management plan in 1992, being the <u>Kāti Huirapa Iwi Management Plan</u> [...] These iwi management plans at the time of notification include: <ul style="list-style-type: none"> • <u>Te Rūnanga o Ngāi Tahu Freshwater Policy</u> • <u>Hazardous Substances New Organisms Policy</u> • <u>Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region</u>

Appendix B – S42A author recommended amendments to the General Approach chapter

Definitions

The plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, it. The definitions replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified via the following means in the Definitions chapter:

1. In some cases, a qualifier in the definition itself (i.e. “X” in relation to “Y” means...); and
2. in the e-plan, [dotted underline] with hyperlinking. In all other instances, words and phrases used in the plan are best defined using their ordinary dictionary meaning.

Advice note:

1. Where a word or phrase is defined in the Definitions chapter, its definition includes any variations of the word or phrase that are plural or vice versa.
2. Where a word or phrase defined is adopted into the plan from another statute (i.e., the RMA), reference to that section of that statute to which the definition originates (e.g., ‘Plantation Forestry’ has the same meaning as in section 3 of the Resource Management ‘National Environmental Standards for Commercial Forestry’) Regulations 2017’ is specified at the beginning of the definition.
3. Where a term or phrase originates from the National Planning Standards, the background is shaded grey when the definition is viewed in the Definitions chapter.
4. Other definitions on which each definition relies are identified in the definition by [dotted underline] with hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions.
5. Please refer to:
 - a. The Abbreviations chapter for abbreviations of terms referred to in this plan; and

- b. *The Glossary chapter for an explanation of Māori terms and concepts relevant to the management of natural resources in the Timaru District.*