

Appendix B- Outstanding Minute 9 Questions from Commissioner Bartlett

The following table provides responses to Commissioner Bartlett's questions from the relevant section author.

Outstanding Minute 9 Questions from Commissioner Bartlett			
Section	Provision	Question	Response
Deferred to Hearing Stream 6 – Noise			
Interpretation	P50, Definitions, Helicopter Landing Area	The definition includes capitalisation, which appears inconsistent with other definitions, amend?	The definition for 'Helicopter Landing area' was addressed in HS-6 Noise but no recommendations were made on the capitalisation. It is considered that this change could be made to lower case for consistency as a minor amendment.
Interpretation	P79, Abbreviations, LAE	Is this a definition?	The LAE abbreviation is as follows: is the A-weighted Sound Exposure Level (previously known as SEL). This means the sound level of one second duration which has the same amount of energy as the actual noise event measured.

			In my opinion “LAE” as included in the ‘abbreviation’ table is a definition rather than an abbreviation. If included in the PDP it should, therefore, be located in the list of definitions. Although I don’t recommend any amendments to the definition. However, the term LAE is not used in the PDP, instead the commonly referred term is LAeq which is defined as per the National Planning Standards as: Has the same meaning as ‘time-average A-weighted sound pressure level’ in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound. Although there have been no submissions on this term, I recommend that LAE is deleted as a minor correction under clause 16 of schedule 1. This will avoid any future confusion.
Deferred to Hearing Stream 7 – Infrastructure			
Interpretation	P43, Definitions, Critical Infrastructure	Do the definitions give effect to the Southland Regional Policy Statement appropriately? Are all terms defined (e.g “strategic land transport network”)? Is renewable electricity generation “of any scale” critical? (e.g. rooftop solar at household level)	The definition for critical infrastructure, the differentiation between different types of infrastructure, and whether the Infrastructure provisions give effect to higher order documents was considered within the response to Minute 27 and the Infrastructure and Energy 42A report. Subsequent amendments to the definition have been recommended resulting in the following definition: Means those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to: • strategic <i>transport network</i> including the State Highway network; • rail network activities within the rail corridor; • telecommunication (as defined within the Telecommunications Act 2001) facilities; • national, regional and local <i>renewable electricity generation activities</i> of any scale; • the electricity transmission network (the <i>National Grid</i>); • <i>sewage</i> collection, treatment and disposal networks; • community <i>land drainage infrastructure</i>; • community potable water systems; • established community-scale irrigation and stock water <i>infrastructure</i>; transport hubs and bulk fuel supply <i>infrastructure</i> including terminals and pipelines.

		Is the critical electricity transmission network just the National Grid? What about distribution? What does “community” mean in relation to land drainage and potable water systems and is that dependent upon the ownership of those systems? Is community-scale irrigation and stock water infrastructure defined? Are transport hubs and bulk fuel supply infrastructure defined? Are radiocommunications missing from the list?	The RPS does provide for a definition of critical infrastructure, specifically: <i>“Infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities and would require reinstatement, and includes all strategic facilities.”</i> I consider that the proposed definition within the PDP as amended through the 42a and supplementary evidence process, is consistent with the RPS definition whilst providing for more directive guidance than provided within the RPS. The definition includes ‘national, regional and local renewable electricity generation activities of any scale’. It is considered that national, regional, and local at the start of the definition would preclude household solar from being included and provide users with a sense of scale required to meet the definition. The terms contained within the definition of critical infrastructure are positioned to aid plan users in understanding what may be included under the umbrella term. Providing a definition of the terms incorporated within the definition could unduly narrow the scope of potential activities that may be considered. In some instances, terms included are defined within the RPS and other national legislation (such as the telecommunications Act 2001), however further definition could rule out activities that should otherwise be included and is therefore not recommended.
Interpretation	P60, Definitions, Network utilities	Electricity distribution is included here but not in “critical infrastructure”, is there a reason for	This was raised by PowerNet (s95.001) and addressed within the s42A- Energy and Infrastructure Report at paragraph 74 where it was recommended the relief be rejected unless further detail was provided to understand what would not already be captured under ‘electricity transmission network’ within the definition.

		that? Are there clear reasons for the inclusion or exclusion of infrastructure from the “critical infrastructure” and “network utilities” definitions?	PowerNet provided further evidence which was responded to by Ms. Banhidi at paragraphs 81-90 of Planning Supplementary Evidence for the Energy & Infrastructure Chapters dated 5 November 2024. It was recommended that it may be appropriate to provide for management of electricity distribution more directly, however, the further relief proposed by Ms Justice was very broad and could benefit from further structure. If the additional provisions were limited to critical infrastructure rather than the definition requested within Ms Justices evidence, it may be more appropriate to include this relief in part. Should the panel seek to provide clarity, the following could be included within the critical infrastructure definition, however noting that the listed activities in the critical infrastructure definition is not intended to be exhaustive. Means those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to: - the electricity transmission network (the <i>National Grid</i>) and <u>electricity distribution networks</u>; (...)
Deferred to Hearing Stream 7 – Earthworks			
Interpretation	P44, Definitions, Earthworks	What is the relationship of between this definition and its associated chapter and mining activities, with reference to the National Planning Standards?	The definition of earthworks comes from the National Planning Standards and means: the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Although mining involves the alteration and disturbance of land, it is a separate activity which is primarily in relation to extraction rather than earthmoving.

			Mining is defined in the PDP as per the Crown Minerals Act 1991, and is included under the definition of primary production, which comes from the National Planning Standards. The provisions for quarrying and mining are located in the General Rural Zone chapter together with other primary production activities, rather than the earthworks chapter.
Deferred to Hearing Stream 8 – Historic Heritage			
Interpretation	P44, Definitions, Demolition	Is it only buildings or structures that may be demolished? What about archaeological sites, including Māori archaeological sites?	Demolition is defined as follows: In relation to <i>historic heritage</i> means the complete destruction of the <i>building</i> or <i>structure</i>. The definition for demolition specifically relates to rule HH-R8 and policy HH-P12, which manage demolition of heritage items. Activities on or around archaeological sites (including Māori archaeological sites) are managed by rule HH-R5 and policy HH-P7. The term demolition is not used in relation to archaeological sites.
	P57, Definitions, Modify	Is this a step before demolition or destruction of a site?	The terminology used by Heritage New Zealand Pouhere Taonga in relation to archaeological authorities is to destroy, damage or modify any archaeological site. Destroy and damage are commonly understood terms and are not defined, modify is defined as: In relation to an archaeological site, includes to damage the site Activities that may damage or modify archaeological sites are managed by HH-R5.
	P62, Definitions, partial demolition	How does this relate to modification?	The terminology and provisions in relation to heritage items is in relation to alterations, which is separately defined, rather than modification which relates to archaeological sites. In relation to heritage items:

			Alterations means any changes to the fabric or characteristics of a building involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, and foundations, and includes the addition of any signs to a building. It does not include repair or maintenance. Partial demolition means to demolish a part of any building or structure. Partial demolition includes façade retention which involves the demolition of the rear or a substantial part of a building behind the facade. The general difference between alterations and partial demolition is that alterations are changes to the building that go beyond repair or maintenance and can include replacement of some parts of the building/structure, but where the parts are not permanently lost.
Deferred to Hearing Stream 3 and/or 9 – Mana Whenua/ Sites and Areas of Significance to Māori			
Interpretation	Definitions	There is no definition of Māori land although the term is used in the plan and in the NPSIB, is this a gap that needs addressing?	The term Māori land is used in mana whenua chapter as follows: “We also expect to see many of the systemic barriers to using Māori land reduced and removed, so that this land can be utilised to support whānau aspirations. (page 92)” The extent of “Māori Land” is limited in Gore and is largely covered by the Māori Purpose Zones which seek to provide for whānau aspirations hence this matter is largely addressed over the life of the PDP. However, the term is also used in the ecosystems and indigenous biodiversity chapter as follows: ECO-P6 “Promote the restoration of indigenous biodiversity by prioritising:... (5) areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners... (page 219)” In terms of ECO-P6 this refers to “specified Māori land” as this policy comes from the NPSIB.

			Specified Māori land is defined in the NPSIB as follows: “means land that is any of the following: (a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993): (b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953: (c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land: (d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act: (e) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014): (f) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014: (g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself): (i) as part of redress for the settlement of Treaty of Waitangi claims; or (ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.” As noted above, the extent of Māori land is limited in the Gore District. The above definition may be applicable to the Tuturau Māori Reserve, however the extent of indigenous biodiversity on the site, which is primarily farmland, is limited. It is recommended that the above definition is either included in the Interpretation section of the plan, or if ECO-P6.5 is deemed to be not relevant that the policy is amended to delete the reference to specified Māori land.
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