

## **Supplementary Response to Panel - consistency matters**

### **Introduction**

During the course of the hearings the Hearing Panel requested that Council officers assess several matters pertaining to consistency across the proposed Plan. This document serves as explanation of the queries that were raised and the conclusions reached as a result of the consistency assessments.

This document and accompanying information do not address all questions which have arisen. This does address the following:

1. Are headings, rule names, and rule lead-ins consistent?
2. Are all definitions used in the proposed Plan?
3. Do schedule and map numbers all align?
4. Are all geographic place names correct and up to date?
5. Are all defined terms bolded?
6. Have any dates in methods passed?
7. Have notes been used consistently throughout the proposed Plan?
8. Are there any orphan provisions? (A separate table showing linkages between policies and rules in the pRNP as notified is also attached).

I have summarized the responses to these questions below: full detail is provided in the accompanying spreadsheet.

The final response to the objectives review and the merging of the discharge chapters will be lodged at the same time as the final RoR for HS6. The policy approach for RSI has already been provided to the Panel by Mr Denton, as has the matter of rule cascades (through the conferencing with Mr le Marquand).

### **Are headings, rule names, and rule lead-ins consistent?**

The review indicated that headings and rule names were accurate and appropriate in the vast majority of cases. There were a relatively small number that were not inaccurate but could have been more accurate. The included spreadsheet identifies these headings that officers recommend are amended for greater accuracy, and the proposed new heading or title.

Similarly, in the vast majority of cases the rule lead-ins used language that aligns with that used in sections 12-15 of the RMA, with some amendments having been recommended by officers to align those rules that currently do not.

### **Are all definitions used in the proposed Plan?**

A review of the definitions in the proposed Plan has shown that all but two of the notified definitions are still used after the officer's recommendations have been submitted to the Panel. These two definitions are "qualifying development" and "special housing area" – their redundancy is noted in the included spreadsheet.

Additionally, the definition of "disposal" has been revealed to be problematic following this review. The definition itself applies only to the coastal marine area, yet it is used in several other contexts,

especially regarding discharges to land. Our recommendation is that this definition is deleted, with scope for this being provided by Alan Jeffries (S97/003), who has requested unnecessary definitions be deleted. A similar recommendation is made for the definition of “sub-catchment”.

### **Do schedule and map numbers all align?**

The review has shown that all schedule and map numbers still align. No action is required.

### **Are all geographic place names correct and up to date?**

In the time period between the proposed Plan being notified and the hearings being concluded, a Treaty of Waitangi settlement has resulted in several geographic names in the Wellington region being officially changed.

According to the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017, the following locations in the Wellington Region have received official name changes:

- Mount Bruce National Wildlife Centre Reserve is changed to Pukaha / Mount Bruce National Wildlife Centre Reserve
- Mount Bruce Scenic Reserve is changed to Pukaha / Mount Bruce Scenic Reserve
- Rimutaka Forest Park is changed to Remutaka Forest Park

Consequently, all references to “Rimutaka” or “Rimutaka Forest Park” should be amended to refer to “Remutaka” or “Remutaka Forest Park”, which is the new official name following the passage of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. The proposed Plan does not refer to either of the locations at Mount Bruce, and thus there is no need for these names to be included.

There are uses of the old and incorrect name “Rimutaka” in Chapter 1: Introduction and Chapter 12: Schedules that require amendment, which could be done as a clause 16 change as this would not alter the meaning or intent of the proposed Plan. The existing references to Rimutaka in Chapter 13: Maps also mention Remutaka and thus would seem to be accurate.

The specific instances are noted in the included spreadsheet.

### **Are all defined terms bolded?**

The review has shown that an enormous number of defined terms were not bolded in both the notified provisions and in the officers recommendations. In some instances this is attributable to an oversight, in others the officer did not consider that the definition should apply even though the word was being used in a provision.

It is our understanding that this approach of using a defined word without intending the definition to have effect is legally problematic. Consequently, officers have either recommended a defined but un-bolded term is either bolded (if the definition applies) or replaced with a different term (if the definition is not intended to apply).

There are a significant number of defined terms that require bolding, and the full list is shown in the included spreadsheet.

### **Have any dates in methods passed?**

The review identified four methods that include a date which has either passed or will pass by the end of 2018. These are Method M2, Method M10, Method M13, and Method M24.

Regarding Method M2, Ms Greenberg does not discuss the date for the method to be completed by in her s42A report. There does not appear to be scope for amendments to this method, as the only submissions support Method M2.

Ms Pawson states that the investigations required by Method M10 are underway and that the dates for completion were designed to align with the whitua process and in general are likely to be met.

The submissions on Method M10 are limited in scope to amending the Method to include reference to the whitua process, community groups, and mana whenua. The one exception is S175/079 by Joan Allin and Rob Crozier, who suggest that the dates should be brought forward from 2018 with earlier deadlines.

Mr Loe states that Method 13 was developed in consultation with the Wairarapa district councils, but that Council staff have advised that the implementation of Method 13 has not progressed as quickly as was anticipated when the proposed Plan was developed and notified. He states that at the time of writing there had been no formal initiation of the processes outlined in Method 13. The submissions on Method M13 either support the method or request reference to water race committees, mana whenua, and the economic values of the water races, which are all reflected in Mr Loe's amendments.

Ms Legarth states that the implementation of Method M24 is already underway. She states that she was advised that the regional council had undertaken a project along with HCC and WCC to identify areas of high natural character in the areas of jurisdiction. This project mapped natural character in the coastal environment, including the CMA. The identification work will lead into plan changes for WCC and HCC and is part of their work programmes. She understands that both councils want to release this information as a plan change at the same time as they undertake processes for identifying significant areas of indigenous biodiversity. At the time of writing, KCDC had mapped areas as part of their district plan review, and PCC were about to undertake their full district plan review and had said that they are interested in doing their natural character identification work. The regional council is working to the district plan review timeframes.

There does not appear to be scope to change the date in the Method, as the submissions provide scope only for deleting the clause referring to the coastal environment and amending the last clause to include reference to property owners. Indeed, Ms Legarth concluded in paragraph 93 of her Right of Reply report on natural form and function that "amending the date in Method M24 is not considered to be a minor change, and there are no submissions seeking that the date in Method M24 be amended, therefore there is no scope to make changes".

### **Have notes been used consistently throughout the proposed Plan?**

The amendments recommended by officers include a large number of new notes. The review suggested that notes were not being used as consistently as they could be in the proposed Plan. The officers have recommended that several notes be deleted as a result of this review, with the

intention being that notes are generally used to direct Plan users to external documents or other relevant provisions of the proposed Plan. In doing this, the intention was to remove notes from definitions as well as those that could be incorporated into the main body of the relevant provision. Recommendations regarding notes resulting from the review are shown in the included spreadsheet.

**Structure of the spreadsheet**

Column A of the spreadsheet contains the provision, whether than be a definition, objective, policy, rule, heading, method, or schedule. Columns B and rightward contain each amendment that the Council recommends to that provision, which can include bolding a term, replacing a phrase, deleting a note, and other amendments.

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