

## Part B: Section 3

### Hearing Stream 3 - Climate Change

#### 1. Executive Summary

1. Proposed Change 1 proposes bold and collective action to address the climate crisis, recognising local government has a critical role as the level of government closest to individual communities.<sup>1</sup>
2. The statutory framework, including national management plans and strategies, as well as technical evidence and research documented in the s 32 Report, present the foundational basis and recognise that managing land use and resources is increasingly important and necessary to help address the climate crisis.
3. Strong direction in the RPS will help to ensure the Wellington Region plays its part in reducing emissions and supporting New Zealand achieve its target of net-zero carbon by 2050.
4. The HS3 provisions were considered primarily by the P1S1 Panel, as only the 'nature-based solutions' provisions and the definition of 'minimise' were categorised as part of the FPI.
5. The P1S1 Panel's recommendations are to be read with the corresponding submission analysis tables attached and Part A (Overview).
6. Having heard submitters and considered evidence, legal submissions and hearing presentations, we recommend Council adopt the recommendations in our Report on the submissions and provisions coded to Hearing Stream 3 in Proposed Change 1. In doing so, the RPS will:
  - a. Implement higher order direction requiring local authorities take action to support reductions in greenhouse gas emissions
  - b. Prioritise where possible the reduction of gross greenhouse gas emissions (GHGe) on an all sectors, all gases basis, to support the 2050 net zero target

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<sup>1</sup> He Pou a Rangi the Climate Change Commission. Ināia tonu nei: a low emissions future for Aotearoa (2021), page 231.

- c. Strengthen the existing partnership approach with mana whenua / tangata whenua
- d. Enable renewable energy generation and its transmission to support electrification and decarbonisation
- e. Recognise the benefits of regionally significant infrastructure that supports climate change mitigation, adaptation and resilience
- f. Include a framework for agricultural emissions which also recognises the important role of the primary production sector in the economy and supports farmers with on-farm sequestration and other activities that are reducing emissions and increasing resilience
- g. Recognise the role of offsetting, including using a ‘right tree, right place’ approach giving preference to indigenous forest
- h. Recognise that urban form and transport infrastructure planning can contribute significantly to climate change adaptation and resilience and reduce GHG emissions, including by encouraging a shift to active and public transport modes which have co-benefits, including improved health outcomes
- i. Provide for travel choice assessments and whole of life carbon assessments, as both have important roles in reducing GHG emissions; and recognising that these have a different function from high trip generating transport assessments, and
- j. Better support adaptation and resilience to climate change and management of natural hazards in the coastal environment.

7. Officers’ recommendations on the Climate Change provisions were modified in the course of the submissions and hearing process. We agree with the majority of the Officers’ recommendations on the merits of submissions. Our views differ from the Reporting Officers on the following provisions:

Provision	Panel’s views
General subtopic	
Objective CC.1	We recommend the defined term for <i>climate resilience</i> is used in the Objective, and clause (c) is amended to include <i>regionally significant infrastructure</i>
Objective CC.8	We recommend the defined term for <i>climate resilience</i> is used in the Objective

Policy CC.8	We recommend a minor amendment to the Explanation to state that the Policy “helps deliver” national policy and “strategies”
Energy, Waste and Industry subtopic	
Policy 7	We recommend amendments to better recognise the benefits of RSI that support reductions in GHGe, give effect to <i>Te Mana o te Wai</i> , mitigate natural hazards, and enable people and communities to be resilient to climate change. We also recommend an amendment in clause (b) to refer to an “efficient, effective and resilient” electricity transmission network
Policy 39	We recommend an amendment to clause (b) recognising the benefits of RSI that provide for <i>climate change mitigation, climate change adaptation and climate-resilience</i>
Transport subtopic	
Policy CC.1	<p>We consider that the ‘avoid, shift, improve’ outcomes the Council’s transport expert described, can be better achieved by not including the concept of optimising transport demand within the Policy as a defined term, and instead including the concepts directly within the Policy itself, recognising that spatial planning is addressed in the HS4 provisions (especially Policies 30, 31, UD.4 and 57 and 58).</p> <p>We therefore recommend amendments to Policy CC.1 to require provisions be included in plans requiring new and altered land transport infrastructure be designed, constructed and operated to contribute to an “efficient transport network, maximise mode shift and reduce GHGe” through the matters listed in the Policy. We recommend these matters are not set out as a hierarchy, but instead have equal importance and consideration.</p>

	We recommend an amendment to the explanation to the Policy noting the health benefits of active transport modes.
Policies CC.2 and CC.2A	We recommend a drafting amendment in clause (c) to better convey the Policy intent. We also recommend an amendment to say that the results of <i>travel choice assessments</i> may form the basis for conditions of consent
Policy CC.3	We recommend an amendment to recognise mode shift to zero and low-carbon active transport will have improved health outcomes
Policy CC.9	<p>We recommend an amendment to align the Policy with our recommendations on Policy CC.1, but deleting the reference to a “hierarchical approach” and strengthening the direction in the Policy by deleting the words “the move towards” and instead referring to “supporting low and zero-carbon modes”.</p> <p>We recommend an amendment in the Explanation for this Policy and others so that the exemption for aircraft applies only to aircraft and not more generally to “activities undertaken at Wellington Airport which support aircraft activities” as we consider the meaning and potential application of this broader exclusion to be unclear and unsupported by the regulatory framework.</p> <p>We also recommend an amendment to the explanation noting the health benefits of active transport modes.</p>
Policy CC.11	We recommend the Policy is amended to apply to NoRs and that the reference to “regional” targets is deleted in line with amendments recommended to Objective CC.3.

Method CC.10	We recommend a drafting amendment to refer to “public transport and active modes” in the title and “public and active transport” in the Method for consistency with the wording in Policies CC.1, CC.2 and CC.9.
Natural Hazards subtopic	
Policy 29	We recommend that a new policy is included for hazard management in the coastal environment to give effect to Policy 25 of the NZCPS. We recommend that “hazards or risks” are referred to consistently in the Policy and the words “in areas” is added into clause (d) to improve readability. We also recommend a specific and limited exemption for telecommunications infrastructure and minor amendments to the Explanation including to refer to updated guidance material
Policy 51	We recommend amendments to require particular regard be given to Te Ao Māori and a partnership approach with mana whenua / tangata whenua. We also recommend a cross reference in the Policy to new Policy 29(e) (coastal hazards)
Policy 52	We recommend various amendments to give effect to the NZCPS including an amendment in clause (b) to refer to natural defences and an amendment in clause (i) regarding avoiding or minimising risks from the use of hard engineering methods in the coastal environment. We also recommend some drafting amendments in clauses (d) and (g) to improve readability
Method 14	We recommend amendments that support a partnership approach with mana whenua / tangata whenua
AER1	We recommend minor amendments to reflect amendments we recommend in Policies 29 and 52.

## 2. Overview

8. Hearing Stream 3 is divided into 6 subtopics. We set out an introduction and provision-by-provision analysis below for each subtopic (other than the definition of *minimise* and those *nature-based solutions* provisions that are assessed as part of the FPI in the Part C report).

### 2.1 General Submissions

9. There were many general submissions on the Climate Change provisions. The majority of these submissions supported the Climate Change provisions in full or in part.<sup>2</sup> The Reporting Officer summarises the key reasons for submitters' support as including:<sup>3</sup>
  - a. Climate change is the most significant issue of our time and climate change mitigation through the RPS is important to respond to this issue.
  - b. It is appropriate to recognise and address climate change in the RPS, including the impacts of climate change on ecosystem health and biodiversity, and the challenge climate change presents to the safety and well-being of communities and natural and physical resources
  - c. Land use management and planning has an important role in mitigating and responding to climate change
  - d. It is in the best interests of current and future generations to act now to limit global warming.
10. The Climate Change provisions seek to work in partnership with mana whenua / tangata whenua to address climate change issues.
11. Various submitters sought amendments to the provisions and others opposed them in full or in part, including on the basis they may conflict with, or unnecessarily duplicate, national policy.<sup>4</sup> Wairarapa Federated Farmers with support from Beef and Lamb NZ, asked for the provisions to

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<sup>2</sup> Section 42A Hearing Report, Climate Change – General, para 61.

<sup>3</sup> Section 42A Hearing Report, Climate Change – General, para 62.

<sup>4</sup> Section 42A Hearing Report, Climate Change – General, para 64.

be deleted and considered as part of the full review of the RPS scheduled for 2024.

12. DairyNZ and other submitters opposed many of the climate change provisions on the basis that the analysis in the s 32 Report to support the policy position was inadequate to determine the appropriateness of the policy settings, costs or benefits of the approach. BLNZ said that the scope of Proposed Change 1 should be restricted to those changes necessary to give effect to the NPS-UD and it was premature and would lead to inefficient implementation and confusion to include matters relating to climate change before key national legislation is implemented.
13. For the reasons the Reporting Officer provides in paragraph 66 of his s 42A Report, we agree that climate change is an important resource management issue that is having significant adverse effects on the environment, people and communities in the region. We accept Mr Roos' technical evidence provided in justification of why greenhouse gas emissions (GHGe) need to be cut strongly and quickly.<sup>5</sup>
14. As set out in Part A, it is the role of the RPS to address resource management issues of significance to the region. In our view there is clear rationale for Proposed Change 1 to address climate change and it is appropriate that it do so.
15. Submitters had a range of views on 'how far' the Proposed Change 1 provisions should go. In assessing submitters' and experts' views, we kept front of mind the RMA's sustainable management purpose which encompasses inter-generational considerations, while also recognising that there are many and complex competing values in play. Mr Roos' evidence is that the climate change provisions in Change 1 will help avoid steeper and more costly GHGe reductions in the future. In response to some submitter concerns that provisions in Proposed Change 1 to reduce emissions will have no impact on the global climate, Mr Roos said that:<sup>6</sup>

... the more actors that take a lax attitude to limiting emissions, the stronger the impetus for others to follow suit, either because they are emboldened, or in response to the unfairness

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<sup>5</sup> Hearing Transcript, HS3 – Climate Change, Day 1, pages 9 – 12, and Statement of Evidence of Gijbertus Jacobus (Jake) Roos on behalf of Wellington Regional Council, Technical Evidence, HS3 – Climate Change, 7 August 2023.

<sup>6</sup> Statement of Evidence of Gijbertus Jacobus (Jake) Roos on behalf of Wellington Regional Council, Technical Evidence, HS3 – Climate Change, 7 August 2023, paras 24 – 25.

of the situation. The endpoint of adopting this rationale is that no-one cuts or regulates their emissions, not even those in a comparatively good position to do so, and climate change continues to worsen as a result.

There is no solution to this ‘collective action problem’ other than for emitters and regulators of emissions to act responsibly and limit the emissions sources they have influence over. The more actors that do this, the more the ‘vicious circle’ of lax or negligent behaviour becomes reversed to become a ‘virtuous circle’ of mutually reinforcing good behaviours that reduce the causes of climate change. Governments are both role models for wider society and have the widest powers of any actors in any given geographic area to act in the public and intergenerational interest. It is critical that they show leadership on this issue.

16. We accept Mr Roos’ evidence and agree there is a role for local government, the planning system and the RMA to reduce emissions to deliver climate change national policy direction and strategies. Reducing GHGe is relatively undeveloped and unprecedented in an RMA context as the Reporting Officer states<sup>7</sup>, however we agree that the management of land use and resources is increasingly important and necessary to help address the climate change emergency. While some territorial authorities were concerned about ‘overreach’ and the provisions in HS3 going beyond the RMA’s jurisdiction (eg KCDC [S16.0103], PCC [ S30.0117] and UHCC [S34.0115], we consider this concern to be generally overstated. TAs are required to control land use to achieve the integrated management of the effects of land use and development (s 31(1), RMA) which can in turn influence outcomes leading to reductions in GHGe, such as influencing travel choice and enabling transport mode shift.
17. The statutory framework discussed below also requires city and district councils to take action to support reductions in GHGe through “planning decisions” that give effect to Objective 8 and Policy 1 of the NPS-UD. TAs are also required to consider the effects of climate change (s 7(i), RMA) and have regard under s 74(2) to any Emissions Reduction Plan or National Adaptation Plan made under the Climate Change Response Act 2022 when making or changing a district plan.

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<sup>7</sup> Section 42A Hearing Report, Climate Change – General, paragraph 265.



18. HCC [S115.085] submitted that Policy 65 and other non-regulatory policies and methods should not apply to territorial authorities. Non-regulatory policies are set out in Chapter 4.4 of the RPS and outline non-regulatory actions required to help achieve the RPS' objectives. Legal submissions for Counsel said there was no legal basis to exclude the non-regulatory policies from applying to territorial authorities. We agree with this analysis.
19. We accept Mr Roos' evidence that the provisions in Proposed Change 1 will be beneficial to global efforts to reduce emissions.<sup>8</sup> We therefore reject all the general submissions seeking that the climate change provisions are deleted. On the basis of the role of the RPS in setting high level regional direction to mitigate and respond to climate change, we agree with Mr Wyeth that there is sufficient cost-benefit analysis in the s 32 Report and sufficient evidentiary support in the Council's technical evidence.
20. We therefore agree with the Reporting Officer's recommendation to retain the general intent of the provisions in this subtopic, as climate change is a regionally significant resource management issue that requires urgent action.<sup>9</sup>

## 2.2 Statutory Framework

21. The statutory framework for our recommendations is discussed at a high level in Part A, including the Regional Council's functions in s 30 and the requirements for RPS'. The paragraphs below discuss particular aspects of the regulatory framework that apply to the Climate Change provisions in HS3.

### 2.2.1 The RMA

22. All local authorities have functions under the RMA relating to the management of natural hazards. The RMA defines natural hazards as "Any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which

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<sup>8</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, paragraph 38.

<sup>9</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 8, lines 347 – 349.

adversely affects or may adversely affect human life, property, or other aspects of the environment”.

23. Section 6(h) states that persons exercising powers and functions under the RMA are to manage significant risks from natural hazards as a matter of national importance.
24. Regional councils are tasked with allocating responsibilities for natural hazards in their RPS. Section 62(1)(i) of the RMA requires a RPS to specify objectives, policies and methods relating to the avoidance and mitigation of natural hazards. Territorial authority functions include controlling “any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards”.
25. Section 7(i) of the RMA states that functionaries under the RMA must have particular regard to the effects of climate change. As stated in Part A, the RMA requires an RPS, regional plan and district plan to give effect to an NPS, and s 61 requires a regional council to have regard to management plans and strategies prepared under other Acts when preparing or changing a RPS. This is discussed further below. In addition, ss 74(2)(b)(i) and 74(2)(d) and (e) of the RMA require territorial authorities to have regard to any Emissions Reduction Plan or National Adaptation Plan made in accordance with the Climate Change Response Act 2002 when preparing or changing a district plan.
26. Amendments to the RMA also repealed ss 70A and 104E which prevented local authorities from having regard to the effects of greenhouse gas emissions on climate change when granting resource consents and making air discharge rules in regional plans.

### 2.2.2 National Policy Statements

27. There are various NPS’ that are relevant to the Climate Change topic. The NZCPS provides direction on the management of coastal hazards and contains specific direction in Policies 25 and 27 in particular that are implemented in the HS3 provisions.
28. The NPS-UD (in particular Objective 8 and Policies 1 and 6), the NPS-FM (Policy 4 and clause 3.14), the National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 and the Resource Management (National Environmental Standards for Greenhouse Gas

Emissions from Industrial Process Heat) Regulations 2023 all contain climate change direction.

29. The NPS-UD is relevant to the Climate Change Transport subtopic as it provides direction for well-functioning urban environments that, among other things, have good accessibility for people between housing, jobs, community services, and natural and open spaces including by way of public or active transport, and also support reductions in greenhouse gas emissions (GHGe). The provisions in the NPS-UD that are relevant to the subtopic include Objective 8 and Policies 1, 5, 6 and 11. Objective 8 requires that New Zealand's urban environments support reductions in GHGe. Policy 1 of the NPS-UD states that:

Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: ...

(e) support reductions in greenhouse gas emissions

30. “Planning decisions” include decisions on district plans and proposed district plans.
31. The NPS-REG and NPS-ET are also relevant as they seek to enable the development, operation, maintenance and upgrading of renewable electricity generation and electricity transmission activities which support the decarbonisation of the energy sector and the economy and contribute to reducing GHGe.
32. We also note the NPS-IB contains direction to manage indigenous biodiversity for the purpose of climate resilience and mitigation. Policy 4 says that “Indigenous biodiversity is managed to promote resilience to the effects of climate change”, and clause 3.6 contains specific implementation direction for local authorities including “allowing and supporting the natural adjustment of habitats and ecosystems to the changing climate” (clause a), and recognising the role of indigenous biodiversity in mitigating the effects of climate change (clause 3.6(2)).
33. There is therefore considerable existing higher order direction within the RMA framework requiring local authorities to take positive action to support reducing GHGe in their regions and cities/districts.

### 2.2.3 Climate Change Response Act

34. The purpose of the Climate Change Response Act 2002 (CCRA) is to:

provide a framework by which New Zealand can develop and implement clear and stable climate change policies that—

- (i) contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels; and
- (ii) allow New Zealand to prepare for, and adapt to, the effects of climate change.

35. The CCRA was amended in 2019 by the Climate Change Response (Zero Carbon) Amendment Act 2019. The Reporting Officer summarises the four key changes to the CCRA in this way:<sup>10</sup>

- a. Legally binding domestic GHG emission reduction targets for New Zealand to:
  - i. Reduce net emissions of all GHG emissions (except biogenic methane) to zero by 2050
  - ii. Reduce emissions of biogenic methane to 24-47 % below 2017 levels by 2050
- b. A system of five-yearly emissions budgets to act as stepping-stones towards the long-term target
- c. A requirement for the Government to develop and implement policies for climate change mitigation and adaptation through an emissions reduction plan and a national adaptation plan; and
- d. Establishing an independent Climate Change Commission to provide expert advice and monitoring to help keep successive governments on track to meeting long-term goals.

36. Sections 61(2)(d) and (e) of the RMA require the Regional Council to have regard to an emissions reduction plan (ERP) and national adaptation plan (NAP) made in accordance with sections 5ZI and 5ZS respectively of the CCRA. These sections of the RMA came into force in November 2022, a few months after Proposed Change 1 was notified. This means that these RMA amendments do not apply, given the transitional provision incorporated into the RMA at the same time.<sup>11</sup>

37. However, we agree with the advice of Counsel for the Regional Council that there is nothing in the RMA precluding us from considering the ERP and NAP as these are “management plans and strategies prepared under other Acts” which the Council is required to “have regard to” when

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<sup>10</sup> Section 42A Hearing Report, Climate Change General – paragraph 38.

<sup>11</sup> Schedule 12, clause 26 of the RMA.

preparing or changing an RPS (s 61(2)(a), RMA).<sup>12</sup> Also, at the time that district plans notify plan changes to give effect to the RPS, they will also be required to have regard to the ERP and NAP (s 74(2) of the RMA).

38. The recommendations in the ERP and NAP that relate to planning and resource management are summarised in the s 32 Report<sup>13</sup>, including reducing reliance on cars, supporting public and active transport, increasing renewable electricity, reducing industrial emissions, supporting afforestation, direction to support and prioritise nature-based solutions, direction to manage the impacts of climate hazards on communities and the environment, and providing information and raising awareness of climate change and natural hazards.
39. Section 5R of the CCRA provides that the Climate Change Commission must, no later than 31 December 2024, advise the Minister on whether the 2050 target should be amended to include emissions from international shipping and aviation.
40. The s 32 Report refers to the findings of He Pou a Rangi – the Climate Change Commission in 2021 that the NZ Emissions Trading Scheme (NZ ETS) alone is not likely to achieve the required levels of emissions reductions needed by 2050 or meet emission budgets.<sup>14</sup>

#### 2.2.4 Emissions Reduction Plan

41. The ERP sets out national direction for how New Zealand will reduce GHGe, as well as a range of actions relating to behaviour changes in society, such as increasing uptake of public transport.
42. The s 42A report notes that Chapter 7 of the ERP recognises that decisions on land use, resources and infrastructure impact climate change mitigation and resilience, and that housing, urban development and the planning and infrastructure system can support emissions reduction, including through access to active and public transport, medium and high-density development and well-functioning urban environments.<sup>15</sup>

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<sup>12</sup> Legal submissions in reply on behalf of Wellington Regional Council, Hearing Stream 2, 28 July 2023, paras 8 – 10.

<sup>13</sup> Paragraphs 177 – 180.

<sup>14</sup> He Pou a Rangi the Climate Change Commission (2021) Ināia tonu nei: a low emissions future for Aotearoa, cited at footnotes 54 and 55, page 37, section 32 Report. See also the more recent advice of the Commission to the Government cited at footnote 56 of page 37 of the s 32 Report.

<sup>15</sup> Section 42A, Hearing Stream 4 – Urban Development, 4 September 2023, paras 54 - 55.

43. Chapter 10 of the ERP says that New Zealand’s planning system and investment in infrastructure can reduce emissions, build resilience and improve wellbeing. The Chapter identifies the need to integrate land-use planning and infrastructure to support emissions reductions by allowing more people to live in existing urban areas where social and economic opportunities are greatest. Chapter 10 also notes the need to reduce reliance on cars, support the use of walking, cycling and public transport, adopt low-emissions vehicles, and decarbonise freight and heavy transport.
44. The following paragraph in the ERP explains the responsibilities and role of local authorities in achieving climate change objectives:<sup>16</sup>

Local government is fundamental to meeting our 2050 targets, mitigating the impacts of climate change and helping communities to adapt to climate change ... Local government makes decisions in many sectors that will need to transition. Councils provide local infrastructure and public services ... They also have planning and decision-making powers in relation to land use and urban form.

45. Action 4.1 and Chapter 7 in the ERP are also relevant to HS 3. Action 4.1 says:

**Prioritise nature-based solutions**

To address the climate and biodiversity crises together, the Government will:

- prioritise the use of nature-based solutions within our planning and regulatory systems, where possible, for both carbon removals and climate change adaptation
- investigate how to best ensure that a biodiversity lens is applied to climate change policy development and planning in order to prioritise nature-based solutions.

The planning system and infrastructure investment can also support the use of nature-based solutions or blue/green infrastructure – such as water-sensitive urban design, rain

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<sup>16</sup> Aotearoa New Zealand’s First Emissions Reduction Plan, Ministry for the Environment, May 2022, page 34.

gardens and urban trees – which may support carbon removals and improve climate resilience.

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46. The following text from Chapter 7 of the ERP is also relevant.

#### **Chapter 7: Planning and infrastructure**

##### How we plan and provide infrastructure can reduce emissions and increase resilience

How we provide infrastructure also affects our emissions. Higher-density, mixed use developments can have lower operational emissions per dwelling and allow infrastructure to be used more efficiently, avoiding or delaying the need for more infrastructure and associated emissions. Non-built solutions to our infrastructure needs – including nature-based solutions – can also reduce the need for built infrastructure made of materials that carry embodied emissions. They can also help to sequester carbon, improve indigenous biodiversity and create more liveable environments that encourage people to walk or cycle, reducing emissions from transport.

47. Chapter 3 of the ERP discusses the need for a just, fair and inclusive transition to a low-emissions economy, and sets out a range of actions including an equitable transition strategy that support regions and communities and help proactively identify and develop initiatives that address the challenges that different groups may face in the transition.

### 2.2.5 National Adaptation Plan

48. The NAP also includes a number of directives relevant to climate-resilience including:

Chapter 6, NE3: Support working with nature to build resilience. Indigenous ecosystems are restored and protected, sites that need buffers against climate risks are identified and communities are supported in understanding nature-based solutions as a choice for adaptation.

- a. Action 5.9: Prioritise nature-based solutions in our planning and regulatory systems to address the climate and biodiversity crises together.
- b. Action 5.16: Identify options to increase the integration of nature-based solutions into urban form, which will increase biodiversity and natural areas in urban spaces.

- c. Action 8.7: Embed nature-based solutions as part of the response to reducing transport emissions and improving climate adaptation and biodiversity outcomes.

- 49. The NAP also sets out actions to, among other things, drive climate-resilient development in the right locations, reduce the vulnerability of assets exposed to climate change, ensure all new infrastructure is fit for a changing climate, and support climate-resilient infrastructure which in turn supports greater community resilience (chapters 4 and 8).
- 50. The NAP recognises that an equitable transition is core to New Zealand’s adaptation plans and that no two communities will experience climate change in the same way. Inequity arises through multiple domains including income, housing, employment and accessibility and that climate change can increase existing inequities as some groups may be disproportionately affected by financial impacts or lack the resources to adapt. National adaptation plans must therefore support New Zealanders in ways that recognise their unique needs, values and circumstances.<sup>17</sup>

#### 2.2.6 The Land Transport Management Act 2003 (LTMA)

- 51. The LTMA provides the legal framework for managing and funding land transport activities. It requires regional transport committees to prepare a regional land transport plan (RLTP) for the approval of the relevant regional council. The RLTP must set out the region’s land transport objectives, policies and measures for at least the following 10 years.
- 52. The RLTP for the Wellington Region sets direction for the Region’s transport network for 10 – 30 years and describes the Council’s long-term vision, regional priorities and transport investment projects.
- 53. In Minute 12 we asked the Reporting Officer for the Transport subtopic to explain how the RLTP interacts with the RPS. The Officer provided Figure 1, Attachment 1 to her Reply Evidence which explains the relationship and the funding framework. The Officer also explained that the RPS can provide direction to an RLTP which must be taken into account in its preparation.<sup>18</sup>

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<sup>17</sup> Ministry for the Environment. 2022. Aotearoa New Zealand’s first national adaptation plan. Wellington. Ministry for the Environment, pages 13 – 14.

<sup>18</sup> Reporting Officer Right of Reply of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 19 October 2023, paras 14 -15.



### 3. Climate Change: Subtopic 1 - General

#### 3.1 Overview

54. This subtopic comprises:
- a. Chapter introduction
  - b. Regionally significant issues 1 - 6
  - c. Objective CC.1
  - d. Objective CC.2
  - e. Objective CC.3
  - f. Objective CC.7
  - g. Objective CC.8
  - h. Policy CC.8
  - i. Method CC.1
  - j. Method CC.2, and
  - k. Definitions.
55. There were approximately 342 original submission points and 246 further submissions on this subtopic.<sup>19</sup>
56. The key issues for submitters included:
- a. Potential for Proposed Change provisions to duplicate and conflict with national climate change policy and initiatives
  - b. The GHGe reduction targets in Objective CC.3 and the extent to which they can be achieved under the RMA and within the functions of local authorities
  - c. The extent to which Policy CC.8 can be achieved by local authorities and concerns about the practicality of creating a regime for offsetting GHGe in regional and district plans
  - d. Ensuring the provisions are workable and achievable in practice.
57. As discussed in Part A, we agree with the Officer that all the provisions in this subtopic be considered under the P1S1 process.

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<sup>19</sup> The number of submissions and further submissions on each of the provisions coded to this subtopic are set out in paragraph 46 of the s42A Report.

# Provision by Provision Analysis

## 3.2 Climate Change Introduction

58. The notified version of the Introductory text inserts a new Climate Change Introduction as follows:

**Chapter introduction**

**3.1A Climate Change**

Long term weather records show that seven of the past nine years have been amongst New Zealand’s warmest on record, with 2021 and 2016 being the two hottest recorded years. In the Wellington region, we have one of the highest rates of sea level rise in New Zealand due to the effects of global sea level rise, compounded by a regional trend of tectonic subsidence.

Predictions for climate change impacts in the Wellington Region<sup>1</sup> significant impacts by 2090 if global emissions are not significantly reduced. The annual regional temperatures, for instance, could increase by up to 3°C. The key highlights from the report include:

- Wellington and Wairarapa will experience a significant increase in hot days
- Frost occurrence, including in the high elevation areas, is projected to significantly decrease
- Spring rainfall will reduce by up to 15 percent in eastern areas
- Up to 15 percent more winter rainfall could be experienced along the west coast
- The risk of drought will increase in the Wairarapa
- More extreme rainfall events

Some changes are occurring faster than previously expected, such as sea level rise and ocean warming, leading to more frequent and energetic storms causing an increase in flooding, coastal erosion and slips in many parts of the region.

While historical emissions mean that we are already locked into continued global warming until at least mid-century, and longer for sea-level rise, there is still opportunity to avoid the worst impacts of climate change if we act urgently across all sectors to make signification reductions in global greenhouse gas emissions.

In 2021 He Pou a Rangi the Climate Change Commission issued a call to all New Zealanders “to take climate action today, not the day after tomorrow”, concluding that New Zealand needs to be proactive and courageous as it tackles the challenges the country will face in the years ahead. All levels of central and local government must come to the table with strong climate plans to get us on the right track, concluding that bold climate action is possible when we work together.<sup>2</sup>

<sup>1</sup> NIWA, 2017: Climate change and variability – Wellington Region

<sup>2</sup> New Zealand Climate Change Commission, 2021: Ināia tonu nei: a low emissions future for Aotearoa

While this will require bold and decisive action, there is a need to act carefully, recognising that the costs of change will not be felt equally across our communities and that provision needs to be made for an equitable transition.

In 2019, Greater Wellington Regional Council declared a climate emergency, pledging to become carbon neutral by 2030 and to take a leadership role to develop a Regional Climate Emergency Response Programme, working collaboratively with iwi, key institutions and agencies to reduce greenhouse gas emissions and prepare for the unavoidable effects of climate change, supporting international and central government targets for emissions reductions and adaptation planning.

The key areas of action required to address climate change are to:

1. Reduce gross greenhouse gas emissions. This includes transitioning as rapidly as possible from fossil fuels to renewable energy and recognising that methane reductions offer a significant opportunity for global cooling in the short-term.
2. Increase greenhouse gas sinks through carbon sequestration, while recognising that this is only a short-term solution, and that the focus must be on reducing gross GHG emissions.
3. Take adaptation action to increase the resilience of our communities, the natural and built environment to prepare for the changes that are already occurring and those that are coming down the line. Critical to this is the need to protect and restore natural ecosystems so they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.

The causes of climate change need to be addressed by internationally coordinated action, but our success depends on responses at national, local and individual levels.

59. The introduction text provides important context for why climate change is a significant issue for the Region, and it also identifies the following three key areas of action needed to address climate change:

- Reduce gross greenhouse gas emissions
- Increase greenhouse gas sinks through carbon sequestration
- Take adaptation action to increase the resilience of communities and the environment.

### 3.2.1 Submissions, Evidence and Analysis

60. The majority of submission points support the Introduction text in full or in part, with minor amendments to address specific sector interests or to provide more clarity. Mr Rachlin for PCC felt that the Introduction was too long and unnecessarily repeated the s 32 Report. Both Mr Rachlin and Ms Hunter for WIAL requested references to the ERP and NAP, and Ms Hunter also sought clarification that the aviation sector was not subject to the climate change provisions in the RPS because emissions from

international aviation and shipping are not currently included in the CCRA's net-zero target.

61. The Reporting Officer recommends various amendments to the Introduction to improve readability and to clarify that the “long term weather records” referred to in paragraph 1 are current to 2022. The Officer, Mr Wyeth, recommends a paragraph in the Introduction is deleted and replaced with a paragraph referring to the level of global emissions reductions needed by 2030 and 2050 to provide an opportunity to limit warming to 1.5°C.<sup>20</sup> He also recommends other technical amendments which he discusses in the s 42A Report, including a consequential change to replace “iwi” with “mana whenua / tangata whenua for consistency with other Proposed Change 1 provisions.
62. In his Rebuttal Evidence, Mr Wyeth recommends the Introduction is amended to better reference the national legislative and policy context for climate change and the role of the RPS and planning system to reduce GHG emissions.<sup>21</sup> Some of these changes are based on relief sought by PCC and WIAL. Mr Wyeth also recommends a new subheading: “The role of the resource management system in the climate change response” and two bullet points clarifying that Objective CC.3 (discussed below) is not a limit or intended as an allocation regime, and that the climate change provisions do not apply to emissions from aircraft.
63. We consider this contextual and clarifying information is helpful, appropriate and supported through the statutory framework we have summarised in Part A, as well as the information in the s 32 Report and Mr Roos’ technical evidence.<sup>22</sup> We agree with these amendments, in particular because they clarify the role of the RPS within a broader national climate change context.
64. At the Hearing, Ms Hunter for WIAL explained that, in her view, the word “key” should be deleted as the RMA has “only recently been amended to enable regional councils to manage .... effects from discharges”.<sup>23</sup> Ms Hunter elaborates on this in her written evidence. She saw a risk with the

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<sup>20</sup> Section 42A Hearing Report, Climate Change – General, paragraph 106.

<sup>21</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, paras 15 - 18.

<sup>22</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, paragraphs 33 -35

<sup>23</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 27, lines 1368 – 1381.

RPS locking in provisions for 10 years which may then become out of step with other mechanisms which may respond more proactively to climate change.

65. In light of the statements in the NAP and ERP which we have summarised above regarding the role of the planning system and functionaries' responsibilities and powers to influence outcomes and make land use planning and other decisions that can reduce GHGe and increase resilience and adaptation, we are comfortable with retaining the word "key" in the Introductory statement. We agree with the Officer that the resource management system has an important role in climate change response and the description is appropriate for introductory text.
66. The second paragraph of the Introduction refers to regional climate modelling undertaken by NIWA predicting significant impacts if emissions are not significantly reduced.<sup>24</sup> We recommend that, in addition to the 2017 NIWA report cited, the more recent 2019 NIWA report which is referred to in the s 32 Report is also cited. This report is a 'companion' to the 2017 report.<sup>25</sup> The 2019 report projects temperature and rainfall in the Wellington Region and considers the implications of changes on different sectors.<sup>26</sup> We recommend that this amendment be made as the correction of a minor error under clause 16 of Schedule 1 of the RMA.

#### 3.2.2.1 Table 1.A

67. Table 1.A is a new table included in the RPS through Change 1. It sets out the policies and methods that give effect to each of the Climate Change objectives. In the Reporting Officer's Reply provided with the Climate-Resilience and Nature-Based Solutions subtopic, the Officer provided an updated table which was reviewed by all the Officers for HS3.<sup>27</sup> The Table is discussed further in the HS6 - Indigenous Ecosystems chapter.

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<sup>24</sup> Climate Change and Variability – Wellington Region, June 2017, <https://www.gw.govt.nz/assets/Documents/2017/06/Climate-Change-and-Variability-report-Wlghtn-Regn-High-Res-with-Appendix.pdf>.

<sup>25</sup> Climate Change and Variability – Wellington Region, June 2017, <https://www.gw.govt.nz/assets/Documents/2017/06/Climate-Change-and-Variability-report-Wlghtn-Regn-High-Res-with-Appendix.pdf>, page 9.

<sup>26</sup> NIWA, Wellington Region Climate Change Extremes and Implications, December 2019, <https://www.gw.govt.nz/assets/Uploads/gwrc-niwa-climate-extremes-final3.pdf>.

<sup>27</sup> Reporting Officer Right of Reply of Pamela Guest on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change – Climate-Resilience and Nature-Based Solutions, 13 November 2023, Appendix 3.

### 3.2.2 Finding

68. We agree with the Reporting Officer’s recommendations on the Climate Change Introduction and recommend it is approved as set out in Appendix 1 of the Officer’s Reply<sup>28</sup> for the reasons above, and as set out in the Officer’s s 42A Report, Rebuttal and Reply Evidence. We recommend the minor amendment to the second paragraph to correct the reference in footnote 1 so it refers to the more recent 2019 NIWA report referred to in the s 32 Report.
69. We also note an error in the amendments proposed by the Officer in the s 42A report in relation to the text that refers to “The key areas of action required to address climate change”. Point 2 states that methane reductions offer a significant opportunity for limiting global cooling. This should refer instead to limiting global *warming* and we recommend an amendment to correct this error.
70. We also recommend that Table 1.A is approved as set out in Appendix 3 to the Reporting Officer’s Reply Evidence for the Climate-Resilience and Nature-Based Solutions subtopic, with any consequential amendments necessary further to the recommendations made in our Report. The Table was coded to the HS6 Topic and we also discuss the table in that chapter and make the same recommendation.

### 3.2.3 Recommendation

#### **43.1A Climate Change**

As of 2022, long term weather records show that seven of the past nine years have been amongst New Zealand’s warmest on record, with 2021 and 2016 being the two hottest recorded years. In the Wellington region we have one of the highest rates of sea level rise in New Zealand, due to the effects of global sea level rise, compounded by a regional trend of tectonic subsidence.

Predictions are for significant climate change impacts in the Wellington Region significant impacts by 2090 if global greenhouse gas emissions are not significantly reduced. The annual regional temperatures, for instance, could increase by up to 3°C. The key highlights from the report include:

- Wellington and Wairarapa will experience a significant increase in hot days
- Frost occurrence, including in the high elevation areas, is projected to significantly decrease
- Spring rainfall will reduce by up to 15 percent in eastern areas
- Up to 15 percent more winter rainfall could be experienced along the west coast
- The risk of drought will increase in the Wairarapa

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<sup>28</sup> [HS3-Right-of-Reply-Climate-Change-Subtopics-General-Agricultural-Emissions-and-Energy-Industry-and-Waste-Jerome-Wyeth-210923.pdf \(gw.govt.nz\)](#).

- More extreme rainfall events

Some changes are occurring faster than previously expected, such as sea level rise and ocean warming, leading to more frequent and energetic storms causing an increase in flooding, coastal erosion and slips in many parts of the region.

While historical emissions mean that we are already locked into continued global warming until at least mid-century, and longer for sea-level rise, there is still opportunity to avoid the worst impacts of climate change if we act urgently across all sectors to make significant reductions in global greenhouse gas emissions.

There is still an opportunity to limit warming to 1.5 °C if global net anthropogenic CO<sub>2</sub> emissions are reduced by 48 percent from 2019 levels by 2030 and a 99 percent reduction in CO<sub>2</sub> emissions is achieved by 2050 (these are median values). When all greenhouse gases are considered, global net emissions expressed as CO<sub>2</sub>e must reduce by between 73 and 98 percent by 2050 to give a 50% chance of limiting warming to 1.5 °C with low or no overshoot.

In 2021 He Pou a Rangi the Climate Change Commission issued a call to all New Zealanders “to take climate action today, not the day after tomorrow”, concluding that New Zealand needs to be proactive and courageous as it tackles the challenges the country will face in the years ahead. All levels of central and local government must come to the table with strong climate plans to get us on the right track, concluding that bold climate action is possible when we work together.<sup>2</sup>

While this will require bold and decisive action, there is a need to act carefully, recognising that the costs and benefits of change will not be felt equally across our communities and that provision needs to be made for an equitable transition.

In 2019, Greater Wellington Regional Council declared a climate emergency, pledging to become carbon neutral by 2030 and to take a leadership role to develop a Regional Climate Emergency Response Programme, working collaboratively with *mana whenua/tangata whenua iwi*, key institutions and agencies to reduce greenhouse gas emissions and prepare for the unavoidable effects of climate change, supporting international and central government targets for greenhouse gas emissions reductions and adaptation planning.

The key areas of action required to address climate change are to:

1. Reduce gross greenhouse gas emissions. This includes transitioning as rapidly as possible from fossil fuels to renewable energy and recognising that methane reductions offer a significant opportunity for limiting global cooling warming in the nearshort-term.
2. Increase greenhouse gas sinks through carbon sequestration, while recognising that, due to the limitations of this approach, this is only a short-term solution, and the focus must be on reducing gross greenhouse gas GHG emissions.
3. Take adaptation action to increase the resilience of our communities, and the natural and built environment to prepare for the changes that are already occurring and those that are coming down the line. Critical to this is the need to protect and restore natural ecosystems so they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.

### **The role of the resource management system in the climate change response**

The causes of climate change need to be addressed by internationally co-ordinated action, but our success depends on responses at national, local and individual levels.

The resource management system plays a key role in helping to reduce greenhouse gas emissions. This section of the Regional Policy Statement sets out issues, objectives, policies and methods to help achieve a significant reduction in greenhouse gas emissions and improve the resilience of the Wellington Region to the effects of climate change. It is intended to complement the Climate Change Response Act 2002 and the range of actions



and initiatives in Aotearoa New Zealand’s Emission Reductions Plan and National Adaptation Plan prepared under that Act. This recognises that the achievement of *greenhouse gas emission* reduction targets, including those in Objective CC.3 of this statement, requires a range of actions, initiatives and financing tools that sit both within and outside of the resource management system.

Note that for the avoidance of doubt:

- Objective CC.3 seeks to ensure that the management, use and protection of natural and physical resources in the Wellington Region contributes to the 2030 and 2050 regional *greenhouse gas emission* targets – it is not a limit nor intended as an allocation regime between different sectors.
- The climate change objectives, policies and methods in this Chapter do not apply to *greenhouse gas emissions* from aircraft.

<sup>1</sup> NIWA, Wellington Region Climate Change Extremes and Implications, December 2019, <https://www.gw.govt.nz/assets/Uploads/gwrc-niwa-climate-extremes-final3.pdf>.




### 3.3 Regionally significant climate change issues


71. Proposed Change 1 notified the following six regionally significant Climate Change issues:

The regionally significant issues, and the issues of significance to the Wellington region's iwi authorities for climate change are:

1. Greenhouse gas emissions must be reduced significantly, immediately and rapidly  
Immediate, rapid, and large-scale reductions in greenhouse gas emissions are required to limit global warming to 1.5°C, the threshold to avoid significant impacts on the natural environment, the health and well-being of our communities, and our economy. Extreme weather events and sea level rise are already impacting our region, including on biodiversity, water quality and availability, and increasing the occurrence and severity of natural hazards. Historical emissions mean that we are already locked into continued warming until at least mid-century, but there is still an opportunity to avoid the worst impacts if global net anthropogenic CO<sub>2</sub> emissions are reduced by at least 50 percent from 2019 levels by 2030, and carbon neutrality is achieved by 2050. In the Wellington Region, the main sources of greenhouse gas emissions are transport (39 percent total load in 2018-19), agriculture (34 percent), and stationary energy (18 percent).

2. Climate change and the decline of ecosystem health and biodiversity   
are inseparably intertwined

Climate change is placing significant additional pressure on species, habitats, ecosystems, and ecosystem processes, especially those that are already threatened or degraded, further reducing their resilience, and threatening their ability to persist. This, in turn, reduces the health of natural ecosystems, affecting their ability to deliver the range of ecosystem services, such as carbon sequestration, natural hazard mitigation, erosion prevention, and the provision of food and amenity, that support our lives and livelihoods and enable mana whenua to exercise their way of being in the Te Ao Tūroa, the natural world.

3. The risks associated with natural hazards are exacerbated by climate   
change

The hazard exposure of our communities, land, infrastructure, food (including mahinga kai), and water security is increasing because of climate change impacts on a range of natural hazards. Traditional approaches to development that have not fully considered the impacts on natural systems, and our over-reliance on hard engineered protection works, which will inevitably become overwhelmed and uneconomic to sustain, will ultimately increase the risk to communities and the environment.

4. The impacts of climate change will exacerbate existing inequities

The impacts and costs of responding to climate change will not be felt equitably, especially for Māori. Some communities have no, or only limited, resources to enable mitigation and adaptation and will therefore bear a greater burden than others, with future generations bearing the full impact.

5. Climate change threatens tangible and spiritual components of Māori well-being



Climate change threatens both the tangible and spiritual components of Māori well-being, including Te Mana o Te Wai and Te Rito o Te Harakeke, mahinga kai, and taonga species, and the well-being of future generations. Significant sites for Māori, such as marae, wāhi tapu and urupā, are particularly vulnerable as they are frequently located alongside the coast and fresh waterbodies.

6. Social inertia and competing interests need to be overcome to successfully address climate change

Many people and businesses lack an understanding of the connection between their actions, greenhouse gas emissions and climate change and the ways that it will impact their lives. In turn, this detracts from our ability to conceive of the changes we can make to help the transition to a low-emissions and climate-resilient future. Social inertia and competing interests are the biggest issues to overcome to address climate change.

### 3.3.1 Submissions, Evidence and Analysis

72. Climate Change Issue 1 identifies that immediate, rapid and large-scale reductions in GHG emissions are required to limit global warming to 1.5°C. The evidential basis is set out in the s 32 Report<sup>29</sup> and also in Mr Roos' evidence.

73. Meridian sought an amendment to Issue 1 to acknowledge that renewable energy resources in the region will need to be developed to assist the transition from fossil fuel dependency and reduce emissions. Ms Foster's planning evidence for Meridian stated that Meridian's relief would better achieve the sustainable management purpose of the Act and will better give effect to the NPS-REG. In his Rebuttal Evidence, the Reporting Officer largely accepts Meridian's relief on the basis that the development of renewable energy generation can often face significant consenting barriers.<sup>30</sup> We agree that Proposed Change 1 should recognise that a significant increase in renewable energy generation is needed to meet

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<sup>29</sup> Section 32 Report, paras 81 – 88 and the citations provided.

<sup>30</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 14.

national and regional climate change targets. We recommend the Council adopt the wording of Issue 1 set out in Mr Wyeth's Rebuttal Evidence.

74. Ms Gibb for Ātiawa sought at the Hearing for the sentence above the Issues to be amended to refer to the "iwi authorities of the Wellington Region" rather than the current wording "the Wellington Region's iwi authorities" which reflects a "kāwanatanga Crown approach" or "possessive' approach.<sup>31</sup> We consider Ms Gibb's phrasing is more appropriate but the phrasing is used in most, if not all Issue statements in the RPS. We consider we have no scope to make this amendment in the Climate Change chapter or throughout the RPS.
75. There were no significant concerns raised by submitters regarding proposed Issues 2, 4, 5 and 6. Most submitters supported the Issues and some requested amendments to improve readability and achieve consistency of wording. These changes were largely agreed to by Mr Wyeth. The Officer considered that some relief requested related more to 'how' the issues were to be achieved and was therefore more appropriately addressed through the relevant objectives, policies and methods or through the nature-based solutions topic.<sup>32</sup> UHCC sought changes to Issue 6 to, among other things, recognise that funding and capacity are barriers to taking action on climate change issues. The Officer recommends accepting this relief in part by including "resources and funding" as additional barriers for people and businesses. We agree with these changes and note the statement in the s 32 Report that social inertia and competing interests are the biggest issues to overcome to address climate change.<sup>33</sup>
76. Various submitters were concerned that Issue 3 was too focused on a perceived 'over-reliance' on hard engineering solutions and that hard engineering could respond effectively to the effects of climate change and the risks presented by natural hazards. The Officer recommended amendments drawing on the relief sought by KCDC and UHCC. Mr Clegg and Dr Kerkin wanted the reference to 'hard engineered protection surfaces' to be deleted from Issue 3 and they give examples in their submissions of places where these works have provided protection from

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<sup>31</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 74 and 77, lines 3780 – 3788; 3934 – 3939.

<sup>32</sup> Assess as part of the FPI, Part C.

<sup>33</sup> Section 32 Report, para 96.

natural hazards. The Reporting Officer recommends in the s 42A Report and further again in his Rebuttal Evidence that the wording regarding hard engineering solutions is amended rather than deleted entirely. In our view, the Officer's amendments to state that hard engineering protection works "are likely to become compromised and uneconomic to sustain" strike an appropriate balance and we agree with his recommendations.

77. Concerns were also raised that the reference to 'traditional approaches to development' in Issue 3 implies an association with Te Ao Māori which is not the intent. Mr Wyeth recommended in his reply evidence that the word 'traditional' is replaced with 'conventional'.<sup>34</sup> At the hearing, Ms Gibb presenting evidence for Ātiawa sought that the wording change to "western traditional approaches". Ms Gibb said:<sup>35</sup>

... if we are talking about wāhi tapu and mahinga kai and then the next sentence talks about traditional approaches, the assumption would be mana whenua traditional approaches. But, I think here we are actually specifically talking about western traditional approaches to development.

78. We understand Ms Gibbs' concern but think there are issues with "western approaches" as this potentially raises questions around 'west vs east'. We prefer the Officer's recommended wording.
79. WIAL had sought that the Issue statements recognise changes and transition are needed over time. We consider this is appropriate in relation to hard engineered protection works in Issue 3.
80. Ms Rushmere for UHCC sought that Issue 3 be amended to say "may become compromised" rather than being stated as a definitive matter (ie. "will become compromised"). The Officer has supported this in part and recommended an amendment to "are likely to become compromised".
81. Mr Clegg and Dr Kerkin queried how the inequalities referred to in Issue 4 would be addressed. They were concerned that, with respect to areas of peatland in the community they lived in, the Council was expecting landowners to bear the costs of maintaining a carbon store for climate change purposes but without compensation. The Reporting Officer

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<sup>34</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 8.

<sup>35</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 74, lines 3760 – 3763.

considered that the points the submitters raised related to ‘how’ Issue 4 was to be implemented and were therefore more appropriately considered through the climate change objectives, policies and methods and through the nature-based solutions subtopic. We agree.

82. In Minute 12 (issued on 8 September 2023), we asked the Reporting Officer to advise whether “Te Rito o Te Harakeke” was appropriate in Issue 5 given submitters’ advice in the Natural Hazard subtopic that the NPS-IB (which came into force after Proposed Change 1 was notified) no longer includes any reference to this term. Mr Wyeth said that this would be best addressed in HS6 – Indigenous Ecosystems.
83. Ms Burns on behalf of Rangitāne said during HS7 that she recommended the term “Te Rito o Te Harakeke” be replaced throughout Change 1 with “the decision-making principles for indigenous biodiversity” (referencing the NPS-IB). We sought further advice on this issue from Officers in Minute 23. In response, Ms Guest recommended that Issue 5 be amended to replace the term with “the relationship of mana whenua / tangata whenua with indigenous biodiversity” as this was more appropriate in the context of the issue statement (rather than referencing decision-making principles), and as the issue is focussed on the threats that climate change poses to the tangible and spiritual components of Māori well-being.<sup>36</sup> We recommend the Officer’s advice is accepted.

### 3.3.2 Finding and section 32AA Evaluation

84. We agree with the Reporting Officer’s recommendations on the Climate Change Issues and recommend they are approved as set out below for the reasons we have discussed above, and otherwise as set out in the Officer’s s 42A Report, Rebuttal and Reply Evidence. We recommend a minor amendment to Issue 3 to refer to hard engineered protection works that may become compromised and uneconomic to sustain “over time”. We do not consider there to be increased costs arising from this amendment but we consider it clarifies the meaning of the Issue.
85. We also recommend an amendment in Issue 5 to refer to the relationship of mana whenua / tangata whenua with indigenous biodiversity given that “Te Rito o Te Harakeke” is not referred to in the NPS-IB. This amendment to Issue 5 was recommended by Officer Ms Guest in HS7 and we agree it is

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<sup>36</sup> Response to Request for Information in Minute 23, Paragraph 6(b) (Use of Te Rito o te Harakeke), Iain Dawe and Pamela Guest, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1, para 14.

appropriate for the reasons Ms Guest provides.<sup>37</sup> We have shown this change in purple track changed and shaded text because it is not shown in the track changed 'Reply version' of the HS3 provisions.

### 3.3.3 Recommendation on Climate Change Issues

The regionally significant issues, and the issues of significance to the Wellington Region's iwi authorities for climate change are:

1. **Greenhouse gas emissions must be reduced significantly, immediately and rapidly**

Immediate, rapid, and large-scale reductions in *greenhouse gas emissions* are required to limit global warming to 1.5°C, the threshold to avoid significant impacts on the natural environment, the health and well-being of our communities, and our economy. Extreme weather events and sea level rise are already impacting our region, including on biodiversity, water quality and availability, and increasing the occurrence and severity of *natural hazards*. Historical emissions mean that we are already locked into continued warming until at least mid-century, but there is still an opportunity to avoid the worst impacts if global net anthropogenic CO2 emissions are reduced by at least 50 percent from 2019 levels by 2030, and carbon neutrality is achieved by 2050. In the Wellington Region, the main sources of *greenhouse gas emissions* are transport (39 percent total load in 2018-19), agriculture (34 percent), and stationary energy (18 percent). Development of the renewable energy resources in the Region will be necessary to assist the transition from fossil fuel dependency and achieve the significant reductions in *greenhouse gas emissions* needed from these sources.

2. **Climate change and the decline of ecosystem health and biodiversity are inseparably intertwined**

Climate change is placing significant additional pressure on species, *habitats*, ecosystems, and *ecosystem processes*, especially those that are already threatened or degraded, further reducing their *resilience*, and threatening their ability to persist. This, in turn, reduces the health of natural ecosystems, affecting their ability to deliver the range of *ecosystem services*, such as carbon sequestration, *natural hazard* mitigation, erosion prevention, and the provision of food and amenity, that support our lives and livelihoods and enable *mana whenua/tangata whenua* to exercise their way of being in ~~the~~ Te Ao Tūroa, the natural world.

3. **The risks associated with natural hazards are exacerbated by climate change**

The hazard exposure of our communities, land, *mana whenua/tangata whenua sites*, *wāhi tapu*, infrastructure, food *security* (including mahinga kai), and water security is increasing because of climate change impacts on a range of natural hazards. ~~Traditional~~ *Conventional* approaches to development ~~that tend not to have not~~ fully considered the impacts on natural systems, ~~and our over-reliance on~~ and ~~hard~~ *Hard* engineered protection works ~~that have not been designed to withstand the impacts of climate change, which will~~ are likely to ~~inevitably~~ become ~~compromised~~ *overwhelmed*

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<sup>37</sup> Response to Request for Information in Minute 23, Paragraph 6(b), Use of Te Rito o te Harakeke, Iain Dawe and Pamela Guest on behalf of Wellington Regional Council, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1, 8 April 2024, para 14.

and uneconomic to sustain over time, ~~with which can~~ ultimately increase the risk to communities and the environment.

**4. The impacts of climate change will exacerbate existing inequities**

The impacts and costs of responding to climate change will not be felt equitably, especially for mana whenua/tangata whenua Māori. Some communities have no, or only limited, resources to enable mitigation and adaptation and will therefore bear a greater burden than others, with future generations bearing the full impact.

**5. Climate change threatens tangible and spiritual components of mana whenua/tangata whenua Māori well-being**

Climate change threatens both the tangible and spiritual components of mana whenua/tangata whenua Māori well-being, including Te Mana o Te Wai and Te Rito o Te Harakeke—the relationship of mana whenua/tangata whenua with indigenous biodiversity, *mahinga kai*, and taonga species, and the well-being of future generations. Significant sites for mana whenua/tangata whenua Māori, such as marae, wāhi tapu and urupā, are particularly vulnerable as they are frequently located alongside the coast and fresh waterbodies.

**6. Social inertia and competing interests need to be overcome to successfully address climate change**

Many people and businesses lack the understanding, resources and funding, ability or support to make the changes needed to transition to a low-emissions and climate-resilient future. It can be challenging for people and businesses to make ~~the an understanding of~~ the connection between their actions, *greenhouse gas emissions* and climate change and the ways that climate change it will impact their lives. ~~In turn, this detracts from our ability to conceive of the changes we can make to help the transition to a low-emissions and climate-resilient future~~. Social inertia and competing interests are some of the biggest issues to overcome to address climate change.



## 3.4 Climate Change Objectives

### 3.4.1 Introduction

86. Proposed Change 1 proposes the inclusion of eight new objectives into the Climate Change chapter of the RPS. The s 32 Report says that the objectives establish:<sup>38</sup>

a targeted and integrated objectives framework that will drive the integrated management of the region’s natural and physical resources to support the mitigation of, and adaptation to, climate change.

87. This section of our Report considers the Climate Change Objectives coded to the “Climate Change: General” subtopic - CC.1 – CC.3, CC.7 and CC.8.

88. One recurring comment from a few submitters on these Objectives was that, while they supported their intent, there was limited ability to advance the objectives through the resource management system (HCC [S115.007]), the Objectives were not achievable within the scope of the RPS or the functions of local authorities under the RMA, nor were they measurable as an objective (PCC [S30.005]), and it was not clear what resource management purpose the Objectives were addressing or how they would be achieved in the planning context (PPFL [S118.001]).

89. Having heard submissions and evidence, and considered the information in the Officers’ Reports, we support retaining the Objectives. As discussed below, in our view they serve a clear resource management purpose and set outcomes in response to the Issue statements.

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<sup>38</sup> Section 32 Report, page 68.



### 3.5 Objective CC.1

90. The notified version of the Objective is:

**Objective CC.1**

By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:

- (a) sustainable air, land, freshwater, and coastal management.
- (b) well-functioning urban environments and rural areas, and
- (c) well-planned infrastructure.

91. The Reporting Officer explains that the intent of Objective CC.1 is:<sup>39</sup>

to achieve a low-emissions and resilient region where climate change mitigation and adaptation considerations are central to resource management decision-making.

#### 3.5.1 Submissions, Evidence and Analysis

92. Many submitters supported Objective CC.1 and sought that it be retained. Others sought amendments on the basis that the Objective was too ambitious and not achievable within the scope of the RPS or the RMA framework (PCC [S30.004]), and that further clarification was needed of the term “well-planned infrastructure” (Waka Kotahi [FS3.0010]; Kāinga Ora [S158.004]). Royal Forest and Bird Protection Society [S165.003] sought an amendment to “zero emission” (rather than low-emission) to align with the CCRA which requires all greenhouse gases, other than biogenic methane, to reach net zero by 2050.

93. In his s 42A Report, the Officer recommends various amendments to Objective CC.1. We agree with the changes the Officer has proposed, and in particular that:

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<sup>39</sup> Section 42A Hearing Report, Climate Change – General, para 140.

- a. The reference to 2050 should be deleted as the outcome may be achieved sooner and the objective should not be hemmed in by a timeframe especially in the context of climate change action (ie mitigation and adaptation), Ātiawa [S131.021]
  - b. “Urban areas” replace the term “urban environments” (for consistency with the amendments in the Integrated Management provisions)
  - c. “the planning and delivery of infrastructure” replace the term “well-planned infrastructure”.
94. Ms Foster for Meridian supported the amendment to clause (c) as the planning and delivery of infrastructure will be essential to meet Wellington’s low-emission and climate resilience goals.<sup>40</sup> Ms Foster also said that in her view, “infrastructure” (as defined) excludes renewable electricity generation for supply to the national grid. She therefore sought the insertion of the words “including regionally significant infrastructure” in Objective CC.1(c). At the hearing, Ms Foster reiterated her view that if RSI was not included in Objective CC.1(c), there was a risk that Meridian’s infrastructure would not be covered because of an unintended narrow interpretation of the word “person” in clause (d) of the definition of “Infrastructure”.<sup>41</sup> The definition of RSI on the other hand explicitly includes “feeding the national grid and other distribution entities”.<sup>42</sup>
95. Mr Wyeth did not read the definition of “infrastructure” in the same way as it includes “lines used or intended to be used to convey electricity”. However, he was not opposed to Ms Foster’s amendment for added clarity.
96. We recommend including the words “including regionally significant infrastructure” in clause (c) for clarity, and as sought by Meridian. We consider the amendment increases the effectiveness of the Objective as it clarifies the outcome sought by removing any doubt that the Objective applies to RSI. The risk of not making this change is that the inadvertent interpretation Ms Foster discussed at the Hearing is applied in resource

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<sup>40</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 5.4.

<sup>41</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 5.4; Hearing Transcript, HS3 – Climate Change, Day 2, page 9, lines 396 – 411.

<sup>42</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 9, lines 409 – 411.

management processes, and the Objective is interpreted as not applying to renewable energy generation. The risks of this (even if slight) and consequences mean that the amendment is justified in our view.

97. Ms Hunter for both WIAL and Dairy NZ was concerned that deleting “2050” implies the outcome must be achieved immediately, and this overlooks the need for a transition period.<sup>43</sup> The Officer rejected this relief as objectives generally express outcomes that will take time to achieve.<sup>44</sup> We agree with this analysis and support the wording proposed in the s 42A Report.
98. Mr Rachlin for PCC was concerned that there was a conflict between Objective CC.1 and Objective CC.3. He also said that it was more appropriate for the Objective to say that Wellington is a Region with increased resiliency from the effects of climate change, rather than Wellington is a climate-resilient Region.
99. Mr Wyeth thought that the Objectives CC.1 and CC.2 expressed two complementary, but distinct, outcomes. Objective CC.1 articulated the future state of the Region in relation to climate change, and Objective CC.3 set more specific GHGe reduction targets.
100. The Officer also noted that Objective CC.1 can be measured through the regional emissions inventory which provides a record of GHGe in the Region from different sectors.<sup>45</sup>
101. We consider that using the defined term for “climate-resilient” (as considered in the FPI as part of the Nature-Based solutions provisions), addresses Mr Rachlin’s concerns in part, as does the inclusion of new AERs (discussed further below).

### 3.5.2 Finding and s 32AA Evaluation

102. We agree with the Reporting Officer’s recommendations on Objective CC.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. In addition, we recommend the words “including regionally significant infrastructure” are

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<sup>43</sup> Statement of Evidence by Claire Hunter for WIAL, 14 August 2023, para 30; Statement of Evidence by Claire Hunter for Dairy NZ, 14 August 2023, para 10.

<sup>44</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 26.

<sup>45</sup> Section 42A Hearing Report, Climate Change – General, paragraph 150.

added to clause (c). This change is minor, required for clarity of interpretation and there are no costs associated with it as it simply clarifies the policy intent.

### 3.5.3 Recommendation

#### **Objective CC.1**

~~By 2050, t~~The Wellington Region is a low-emission and *climate-resilient* region, where *climate change mitigation* and *climate change adaptation* are an integral part of:

- (a) sustainable air, *land, freshwater,* and coastal management,
- (b) well-functioning *urban areas environments* and *rural areas,* and
- (c) ~~the well-planning ed~~ and ~~delivery of infrastructure~~ *(including regionally significant infrastructure)*

## 3.6 Objective CC.2

103. The notified Objective said:

Objective CC.2  
The costs and benefits of  
transitioning to a low-  
emission and climate-resilient  
region are shared fairly to  
achieve social, cultural, and  
economic well-being across  
our communities.

104. The s 32 Report says that this Objective responds to the issue that the impacts of climate change will not be felt equitably across communities because some communities have no, or only limited, resources to enable mitigation and adaptation and will therefore bear a greater burden than others, with future generations bearing the full impact.<sup>46</sup>

### 3.6.1 Submissions, Evidence and Analysis

105. While some submitters supported this Objective, others such as UHCC [S34.018] said it was unclear what was meant by the Objective in practice and how it would be achieved. Some territorial authorities said they agreed that the burden of transitioning to a low-emissions region does not proportionately fall on rural communities (MDC [S14.018]). Taranaki Whānui [S167.019] supported the Objective noting that Māori/iwi/hapū traditionally contribute less to greenhouse gas emissions / climate change but bear a greater burden. Ātiawa [S131.022] wanted the Objective amended to say that “activities that contribute the largest amount to greenhouse gas emissions should carry the greatest cost, and activities that emit low or no greenhouse gas emissions should receive the greatest benefit”.

106. Counsel for PCC raised a jurisdictional issue with Objective CC.2 on the basis that the RMA does not direct, or include provision for, cost transfer or sharing as a general concept. Counsel said that the Objective is uncertain about the outcome to be achieved, not capable of being given effect to by PCC in its district plan, and potentially outside the RMA’s jurisdiction.<sup>47</sup> Mr Rachlin, Principal Planner for PCC, sought that the

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<sup>46</sup> Section 32 Report, page 69.

<sup>47</sup> Legal Submissions on behalf of Porirua City Council, HS3, 14 August 2023, para 2.5(a).

Objective be deleted or amended so that the outcomes sought are achievable and within the RPS' scope.<sup>48</sup>

107. We agree with the Reporting Officer that Objective CC.2 serves a resource management purpose, that is, ensuring that the transition to a low-emission and climate-resilient region is done in an equitable and fair manner and in a way that provides for the social, economic and cultural well-being of communities in the Region (including different sectors).<sup>49</sup> We also agree that this is an implicit consideration in s 32 evaluations when assessing benefits and costs of provisions on different communities.<sup>50</sup> Equitable transition is mentioned as a key factor in both the ERP and NAP.
108. The Officer recommends the term “equitable” in the Objective replace the words “shared fairly” to align with concepts in the ERP and NAP. The Officer also recommends an amendment to clarify that the costs and benefits of transitioning to a low-emission and climate-resilient region are equitable “between sectors” (eg energy, agriculture, transport) and “communities”. Finally, the Officer recommends that deleting the words “to achieve social, cultural, and economic well-being” will make the outcome more specific and measurable.
109. In his Reply Evidence, the Officer did not consider that the amendments he supported to Objective CC.2 regarding an equitable transition were inconsistent with the advice he provided in HS2 (Integrated Management) to delete Policy IM.2 (Equity and Inclusiveness).<sup>51</sup>
110. The Officer recommends that some of the relief requested by submitters is addressed elsewhere (eg in Policy CC.8) and in methods.

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<sup>48</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, paras 66 – 68.

<sup>49</sup> Section 42A Report, Climate Change – General, paragraphs 163 and 165.

<sup>50</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 36.

<sup>51</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 11.

### 3.6.2 Finding and s 32AA Evaluation

111. We agree with the Reporting Officer’s recommendations on Objective CC.2 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 3.6.3 Recommendation

#### **Objective CC.2**

The costs and benefits of transitioning to a low-emission and *climate-resilient* region are ~~shared fairly to achieve social, cultural, and economic well-being across our equitable between sectors and~~ communities.

### 3.7 Objective CC.3

112. The notified version of Objective CC.3 stated:

**Objective CC.3**

To support the global goal of limiting warming to 1.5 degrees Celsius, net greenhouse gas emissions from transport, agriculture, stationary energy, waste, and industry in the Wellington Region are reduced:

- (a) By 2030, to contribute to a 50 percent reduction in net greenhouse gas emissions from 2019 levels, including a:
  - (i) 35 percent reduction from 2018 levels in land transport-generated greenhouse gas emissions, and
  - (ii) 40 percent increase in active travel and public transport mode share from 2018 levels, and
  - (iii) 60 percent reduction in public transport emissions, from 2018 levels, and
- (b) By 2050, to achieve net-zero emissions.

113. The general intent of Objective CC.3 is to set clear, ambitious GHGe reduction targets for the Region.<sup>52</sup> The Objective as notified includes a 2030 target to reduce absolute GHGe by 50% from 2019 levels, sector specific targets, and net zero emissions by 2050.

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<sup>52</sup> Section 42A Hearing Report, Climate Change – General, para 198.



114. The Officer says the resource management purpose of the Objective is to reduce GHGe in the Region “to contribute to national and global efforts to mitigate climate change and the adverse effects this is having on the environment, the economy, and the well-being of people and communities”.<sup>53</sup>

### 3.7.1 Submissions, Evidence and Analysis

115. There were approximately 38 original and 20 further submission points on Objective CC.3.
116. The justification for the Objective is set out in the s 32 Report, accompanying technical memo, and Mr Roos’ technical evidence provided on behalf of the Council. The Reporting Officer Mr Wyeth, relying on Mr Roos’ evidence, says that the Council deliberately took an ambitious approach to setting GHGe reduction targets to have the most confidence that this target would help restrict warming to 1.5°C, to avoid catastrophic impacts on the environment, communities, and the economy.<sup>54</sup>
117. The s 32 Report identifies that Objective CC.3 aligns with the goal of the Paris Agreement to limit global warming to well below 2°C, preferably 1.5°C, compared to pre-industrial levels. This is the threshold to avoid catastrophic impacts on the natural environment, the health and well-being of our communities, and our economy. To keep global warming to no more than 1.5°C, emissions need to be reduced to net zero by 2050.
118. The s 32 Report also notes that Objective CC.3 is framed in a way to make it clear that the RPS can only contribute to achieving these emission reduction targets, recognising that local government holds only some of the levers required to drive emissions reductions.<sup>55</sup>
119. The s 32 Report further notes that:<sup>56</sup>
- the proposed target requires a smaller emissions reduction than a fully “fair share” target (one that recognises the higher level of historic emissions and benefits that developed countries, such as New Zealand, have gained by using fossil fuels), but a higher and faster emissions reduction pathway

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<sup>53</sup> Section 42A Hearing Report, Climate Change – General, para 198.

<sup>54</sup> Section 42A Hearing Report, Climate Change – General, para 196.

<sup>55</sup> Section 32 Report, para 143.

<sup>56</sup> Section 32 Report, page 71.

than the national emissions budget. It aligns at a global level with what is required to limit global warming to the bounds set by the Paris Agreement and sets a level of aspiration or a “call to action” relevant to the Wellington Region that the RPS, and consequential regional and district plans, can work towards achieving through to 2050.

120. A number of submitters supported Objective CC.3 and requested that it be retained as notified. Others raised concerns as to the extent to which the Objective is achievable within the scope of an RMA document, the reference to specific sectors and sector targets, the achievement of 2030 and 2050 GHGe targets, whether or not agricultural emissions should be included, whether a specific agriculture emissions target should be set, and how methane as a short lived GHG should be dealt with.
121. In his s 42A Report, the Reporting Officer, Mr Wyeth identifies three key issues:
- Achievability of Objective CC.3 emission reduction targets
  - Rationale for different targets to the Climate Change Response Act (CCRA)
  - Sector specific targets and renewable energy generation.

#### 3.7.1.1 Achievability of the target and the role of the resource management system

122. In relation to the achievability of Objective CC.3 emission reduction targets, Mr Wyeth notes:<sup>57</sup>

the terms in Objective CC.3 to “support” the global goal of limiting warming and reducing emissions to “contribute to” the regional GHG emission targets are deliberate and important... to make it clear that the Change 1 provisions can only contribute to the Objective CC.3 targets, as achieving the targets will require a range of national, regional and local interventions and initiatives..... I consider that Objective CC.3 is achievable, in the sense that the outcome sought is for RMA provisions, developed and implemented by local authorities in the region, to contribute to achieving the 2030 and 2050 GHG emission reduction targets.

123. Mr Wyeth accepts in his Report that the RPS can only “support” and “contribute” to GHGe reductions.

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<sup>57</sup> Section 42A Report, Climate Change – General, paras 200 – 202.

124. WFF was critical of Objective CC.3. Mr Melville said WFF supports the commitment to reduce global emissions and achieve the Paris goals, but that, contrary to the notified version of Objective CC.3, the Paris Agreement does not require ‘net zero by 2050’, the IPCC does not set targets, and a ‘net zero target’ was not science based.<sup>58</sup> Mr Melville said that the RPS provisions cut across the work happening at the national level.<sup>59</sup>
125. Ms Hunter for Dairy NZ raised various concerns with Objective CC.3, including that it was unclear how it could be achieved through regional and district plans, how an individual consenting activity will demonstrate compliance with the Objective through the consenting process, and whether the targets will be applied or assessed at a sector-scale or region-wide scale.<sup>60</sup> Ms Rushmere for UHCC was similarly concerned that the Objective is not clear on the roles and functions that local authorities have in achieving GHGe reduction targets within the boundaries of their statutory functions under the RMA.<sup>61</sup> Mr Matich and Ms McGruddy on behalf of WFF raised significant concerns with Objective CC.3 and said they could not support the proposed approach for methane targets. In their view, the Objective should be deleted, or at a minimum, amended to remove agriculture.<sup>62</sup>
126. The rationale for including targets and setting these at different levels to those in the CCRA is addressed in Mr Wyeth’s s 42A Report<sup>63</sup> and in Mr Roos’s Technical Evidence.<sup>64</sup> Mr Roos provides the technical rationale for the targets of a 50% reduction in GHGe by 2030 and net zero by 2050. Mr Wyeth is of the view that there is sufficient technical rationale for the targets in Objective CC.3 to differ from those in the CCRA, while noting that these were driven by a political decision by Council to take an ambitious approach to addressing climate change.

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<sup>58</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 53, lines 2743 – 2744.

<sup>59</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 60, lines 3096 – 3100.

<sup>60</sup> Statement of Evidence by Claire Hunter for Dairy NZ, 14 August 2023, paras 14 – 16.

<sup>61</sup> Statement of Evidence of Suzanne Rushmere on behalf of Upper Hutt City Council (Planning), 2 August 2023, para 48.

<sup>62</sup> Hearing Statement of Elizabeth McGruddy on behalf of Wairarapa Federated Farmers, HS3, 14 August 2023, para 113.

<sup>63</sup> Section 42A Hearing Report, Climate Change – General, paragraph 203.

<sup>64</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, paragraphs 39 – 59.

127. We do not consider the relevant statutory framework prevents a ‘more ambitious target’ than that set at the national level.<sup>65</sup> The ERP and NAP recognise the importance of land use planning and initiatives at the local government / regional level to contribute to GHGe reduction. There is a broad discretion for the Regional Council to determine what it considers appropriate to support global and national goals. Mr Rachlin for PCC said during the Hearing, that the Objective is ambitious, and the main issue is “how resource management plans contribute to [achieving it].”<sup>66</sup>

128. Mr Melville provided a concise summary of the RPS’ main role in supporting GHGe reductions:<sup>67</sup>

....this means understanding how Council policy can support the National Emissions Reduction Plan through the policies [it] implements. In urban areas this means considering the Emissions Reduction Plan and how towns are shaped and infrastructure is provided. In rural environments this means ensuring the consenting regime supports activities that reduce emissions, provides land use flexibility and allows farms to adapt to climate change to support the national policy.

129. PCC supported the intent of the target but considered that it should be framed in the context of what can be delivered through the resource management system. The RPS was only one mechanism to achieve GHGe reductions and the Objective should recognise how the resource management system contributes to the target. The wording Mr Rachlin supported was:<sup>68</sup>

Management of natural and physical resources contribute to a 50% reduction in net emissions from 2019 levels by 2030 and net-zero greenhouse gases emissions by 2050 in the Wellington region.

130. Mr Cooper from DairyNZ also said that while Mr Wyeth’s recommendations for Objective CC.3 were welcomed, the residual

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<sup>65</sup> We note various submitters agreed with this view, including PCC (planning evidence presented by Mr Rachlin, Hearing Transcript, HS3 – Climate Change, Day 3, page 68, lines 3473 – 3475; 3491 – 3492).

<sup>66</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 69, lines 3483 – 3484.

<sup>67</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 47, lines 2400 - 2407.

<sup>68</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, para 80.

question is the next stage of the planning process and what that is actually going to mean.<sup>69</sup>

131. Mr Matich was concerned at how a regional target could then cascade into lower-level plan-making. He explained some of the difficulties that farmers may experience in this way:<sup>70</sup>

In my view, I am not convinced that there would be any extra incremental environmental benefit from pursuing stricter targets in a regional plan over and above what a national target is, that can be demonstrated for the effort that the individual farm operators would have to go to, to try and reduce agricultural methane emissions by the increased amount in the regional target. Just to illustrate an example of the potential difficulties of that, there are farms that cross the boundary of Horizons Region and Greater Wellington Region, and they're individual farms trying to reconcile which part of their farm stock would have to comply with the Wellington Regional target versus the Horizons target – which at the moment they're not proposing any such emissions reduction.

132. We agree with the Officer that the corresponding policies and methods that cascade from the Objective set out how the resource management system will support and contribute to the GHGe reduction goals. In response to submissions and evidence, Mr Wyeth recommends in his Rebuttal Evidence, that the Introductory text to Chapter 3.1A include a statement saying that Objective CC.3 does not set limits, nor is it intended as an allocation regime. We also support the addition Mr Wyeth recommends to the Introduction text regarding the role of the resource management system.<sup>71</sup>

#### 3.7.1.2 All sectors / all gases target

133. The Objective sets an 'all gases, all sectors' GHGe reduction target. Mr Wyeth said the target in Objective CC.3 is a stronger target than is set by

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<sup>69</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 67, lines 3486 – 3491.

<sup>70</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 56, lines 2875 - 2886.

<sup>71</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, paras 57 – 58.

the government in law.<sup>72</sup> Mr Roos however noted that our domestic targets are actually far short of our Nationally Determined Contribution target.<sup>73</sup>

134. Mr Wyeth explained that there is no requirement to set regional targets, but the Regional Council had decided to do that to address what they perceived to be a significant issue and give them legislative weight through the RPS.<sup>74</sup>
135. Mr Roos explains in his evidence why GWP<sub>100</sub> conversion factors (a “common unit of CO<sub>2</sub>”<sup>75</sup>) are used instead of separate targets for long-lived gases and biogenic methane. As Mr Roos says:<sup>76</sup>

...the Paris Agreement goal is to contribute to preventing global temperatures from rising beyond a threshold, it is a threshold that the world is rapidly approaching, and human activities emit a combination of long-lived and short-lived GHGs. It is widely accepted that cutting emissions of both long-lived and short-lived GHGs is the wisest course of action to stay below the threshold.

136. At the Hearing, when discussing the split-gas issue, Mr Roos said:<sup>77</sup>

Essentially, it doesn't provide any additional insight into what we should be doing. We know we need to cut emissions of short-lived and long-lived gases. The more we cut them the better off we will be. The use of split gas really does not change that picture to any meaningful degree.

137. Mr Lincoln for DairyNZ said at the Hearing that separating long and short-lived gases recognises their distinct differences. In his view, long-lived gases like CO<sub>2</sub> need to get to net zero, but “short lived gases like methane... also need to reduce but not to get to net zero. They are very different”.<sup>78</sup> Mr Lincoln urged that a split gas approach is necessary in light of sound science that greenhouse gases have different warming

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<sup>72</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 22, line 1071.

<sup>73</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 11, line 529; and Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, paras 35 and 41.

<sup>74</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 19, lines 949 - 956.

<sup>75</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 10, lines 450 – 451.

<sup>76</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, para 23.

<sup>77</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 12, lines 550 – 553.

<sup>78</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 64, lines 3320 – 3328, per Mr Lincoln.

characteristics, different impacts and require different approaches.<sup>79</sup> Split gases and the appropriate metrics go to the heart of equity considerations according to Mr Lincoln<sup>80</sup> and bundling all gases together overstates the warming impact of constant methane emissions by a factor of three to four over a 20 year period.

138. These views were also shared by Mr Harrison presenting for BLNZ.<sup>81</sup> Mr Harrison said a different approach was needed for methane as it was a different gas and was involved with food production.<sup>82</sup> As he said later in the Hearing, although “our global goals are to achieve no further warming, [we also need] to be able to feed our population”.<sup>83</sup>
139. How methane as a short-lived GHG should be dealt with, alongside the concept of split targets is considered by Mr Roos in his Rebuttal Evidence.<sup>84</sup> Mr Roos considers that split gas targets are relevant at the global/UNFCCC level but the practical advantages of taking a ‘split gas’ approach at a regional level are minimal. Without inclusion of emissions targets in the climate change provisions, this consideration becomes somewhat academic at the RPS level. Mr Roos considers the evidence presented, including that of Mr Lincoln for DairyNZ, but states that the evidence provided is not sufficient to justify a split gas target.<sup>85</sup>
140. Mr Roos explained that methane has a much higher global warming potential (ie how much warming it causes per tonne) than carbon dioxide.<sup>86</sup> Methane also leaves the atmosphere more quickly than CO<sub>2</sub> which accumulates. He explained that the argument for some is that we don’t have to reduce short-lived gases like methane as much, but instead we have to keep them steady or reduce them a little bit to neutralise additional warming.<sup>87</sup> Mr Roos explained that in his view, reducing short-

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<sup>79</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 64, lines 3338 – 3345.

<sup>80</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 65, line 3370.

<sup>81</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 71, lines 3663 – 3684.

<sup>82</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 71, lines 3668 – 3703.

<sup>83</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 74, lines 3853 – 3854.

<sup>84</sup> Statement of Supplementary Technical Evidence of Gijsbertus Jacobus (Jake) Roos – Hearing Stream 3 – Climate Change, 22 August 2023, para 13 – 18.

<sup>85</sup> Statement of Supplementary Technical Evidence of Gijsbertus Jacobus (Jake) Roos – Hearing Stream 3 – Climate Change, 22 August 2023, para 18.

<sup>86</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 13, lines 618 – 631.

<sup>87</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 13, lines 633 – 641.

lived gases such as methane will cause cooling and help to meet the Paris Agreement goals.<sup>88</sup>

141. We accept on the basis of the evidence presented that an ‘all gases, all sectors’ target is appropriate and justified, and as Mr Roos said, provides “a strong directive to all actors in the Region to cut their emissions deeply”.<sup>89</sup> We also note Mr Roos’ comment that the target in the Objective is not as ambitious as Wellington City Council’s proposed target of 57% reduction by 2030 compared to 2020 for the city but is consistent with Auckland City Council which adopted a region-wide target of a 50% reduction by 2030 in their climate plan. Both adopted net-zero all-gas targets for 2050.<sup>90</sup>

### 3.7.1.3 Sector specific targets

142. Sector specific targets are addressed in Mr Wyeth’s s 42A Report<sup>91</sup> and in his Rebuttal Evidence.<sup>92</sup> WFF and DairyNZ did not support regional targets and said these should be set at the national level.<sup>93</sup> It was entirely inappropriate, in their view, for Objective CC.3 to require a 50 percent reduction in methane in just over 6 years’ time.<sup>94</sup> Mr Harrison for BLNZ also said that it was an unfair and difficult burden for the Regional Council to try to regionalise a national issue and the local impacts that would have in terms of jobs, tree planting and the viability of certain communities.<sup>95</sup>
143. Mr Wyeth explained that transport targets in the notified Objective are from the 2021 Wellington Regional Land Transport Plan. He says in his Rebuttal Evidence that the transport targets will be regularly reviewed and updated under the Land Transport Management Act 2003.

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<sup>88</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 14, lines 650 – 654.

<sup>89</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, para 59.

<sup>90</sup> Statement of Evidence of Gijsbertus Jacobus (Jake) Roos – Technical Evidence, Hearing Stream 3 – Climate Change, 7 August 2023, paragraph 58.

<sup>91</sup> Section 42A Hearing Report, Climate Change – General, paras 205 – 211.

<sup>92</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, paras 52 – 59.

<sup>93</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 52, lines 2705 and 2769; 2774 – 2775; and Hearing Transcript, HS3 – Climate Change, Day 2, page 66, lines 3447 – 3448 per Mr Lincoln for Dairy NZ.

<sup>94</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 61, lines 3153 – 3154.

<sup>95</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 72, lines 3760 – 3766.



144. Mr Rachlin did not consider that sector-based emission targets were necessary or appropriate in a resource management document as their achievement relies on a range of tools outside the RMA.<sup>96</sup>
145. Mr Rachlin’s evidence was accepted in part with the Officer recommending in his Rebuttal Evidence that the Objective be simplified to focus on two outcomes, namely reducing emissions in the Region to contribute to:
- A 50% reduction in greenhouse gas emissions in the region by 2030; and
  - The achievement of a net-zero greenhouse gas emissions by 2050.
146. We agree with Mr Wyeth’s analysis that Objective CC.3 is an appropriate provision in the RPS to support and contribute to achieving the GHGe targets set by the Regional Council.<sup>97</sup>
147. In his Rebuttal Evidence Mr Wyeth recommends removing reference to the transport, agriculture, stationary energy, waste, and industry sector-specific targets. These amendments address many of the concerns raised about the expectations placed on specific sectors, including agriculture. However, WFF still opposed the inclusion of a region-wide target in Objective CC.3 because this was going “harder and faster than what is in the central government policy”.<sup>98</sup> In essence, they said that because the national level target is a 24 to 47 percent reduction for methane, requiring net zero for all gases (including methane) was inconsistent with the national approach.<sup>99</sup>
148. We consider the revised Objective CC.3 as supported by Mr Wyeth provides a clear statement of the expectations for the region as a whole, and provides better flexibility for local government and the various sectors to address the GHGe reductions identified by the Regional Council, within the context of the RMA. We consider that the implementation of the Objective, through other provisions including Policy CC.8 and Method CC.8, focus on actions that are relevant and appropriate in the context,

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<sup>96</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, para 78.

<sup>97</sup> As summarised in the Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 56.

<sup>98</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 56, lines 2913 – 2914, per Mr Melville.

<sup>99</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 56, lines 2907 – 2910.

and support working with communities, including catchment groups and water user groups (Method CC.8(f)).

#### 3.7.1.4 Other issues

149. Mr Wyeth considers in the s 42A Report including a clause supporting the development of renewable energy.<sup>100</sup> However, although he recognised the importance of significantly increasing renewable energy generation capacity to meet regional and national GHGe targets, he considered that Objective CC.3 should retain its focus on GHGe reduction targets. He also notes there are recommendations to better recognise and provide for renewable energy generation in the Climate Change – Energy, Waste and Industry Section 42A Report.
150. Both DairyNZ and WFF were very supportive of catchment action plans and catchment scale solutions.<sup>101</sup> We do not see the approach in Proposed Change 1 as being incompatible with that, and Method CC.8 tasks the Regional Council with working with stakeholders and mana whenua / tangata whenua and identifying on-farm nature-based solutions and identifying and assisting catchment groups and water user groups in the development of adaptation plans.

#### 3.7.2 Finding

151. We agree with the Reporting Officer’s recommendations on Objective CC.3 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

#### 3.7.3 Recommendation

##### **Objective CC.3**

To support the global goal of limiting warming to 1.5 degrees Celsius [and New Zealand’s greenhouse gas emissions reduction targets](#), [net greenhouse gas emissions from transport, agriculture, stationary energy, waste, and industry](#) in the Wellington Region are reduced:

- (a) [By 2030](#), to contribute to a 50 percent reduction in [net greenhouse gas emissions](#) from 2019 levels by 2030, [including a:](#)

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<sup>100</sup>Section 42A Report, Climate Change – General, paragraph 212.

<sup>101</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 67, lines 3451 – 3462; –

~~(i) 35 percent reduction from 2018 levels in land transport-generated *greenhouse gas emissions*;~~

~~(ii) 40 percent increase in active travel and public transport mode share from 2018 levels, and~~

~~(iii) 60 percent reduction in public transport emissions, from 2018 levels, and~~

~~(b) *By 2050, to contribute to achieving net-zero *greenhouse gas emissions* by 2050.*~~

### 3.8 Objective CC.7

152. The notified Objective stated:

Objective CC.7  
People and businesses  
understand what climate  
change means for their future  
and are actively involved in  
planning and implementing  
appropriate mitigation and  
adaptation responses.

153. Objective CC.7 aims to recognise the importance of knowledge and information to support people and businesses to better understand and prepare for the effects of climate change, understand how they may be impacted, and the work needed to reduce the impact of their lifestyles on greenhouse gas emissions.<sup>102</sup> Mr Wyeth described the purpose of the Objective in these terms during the hearing:<sup>103</sup>

[The focus] is really around the issue that people don't really understand what climate change means and the significant actions that need to be taken to respond to it. That's really the focus of that objective. It's more around that community and business understand; and to build that understanding, to then get appropriate mitigation and adaptation responses.

#### 3.8.1 Submissions, Evidence and Analysis

154. Various submitters raised concerns about implementation and how the Objective would be achieved in practice and how implementation would be funded (for example CDC [S25.008]). Meridian [S100.007] sought that the Objective be expanded so that people and businesses also understand “the changes that need to be made to respond to the challenges of climate change”. WIAL [148.023] sought a qualifier be included to limit the Objective being implemented “where it is practicable and appropriate to do so”.

155. PCC's view was that Objective CC.7 was not appropriate for inclusion in an RPS, did not fit within the RMA's framework, and could not be given

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<sup>102</sup> Section 32 Report, page 73.

<sup>103</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 22, lines 1094 – 1099.

effect to in lower order documents.<sup>104</sup> Mr Rachlin for PCC thought that actions or initiatives to provide people and businesses with knowledge on the effects of climate change, and how they can make changes as a response, are best addressed outside of RMA plans.<sup>105</sup>

156. We agree with the Officer that Objective CC.7 serves a clear resource management purpose – supporting people and communities to understand the climate change issues they are facing and to support their active involvement in appropriate mitigation and adaption response.<sup>106</sup> The Objective acknowledges that addressing and responding to climate change is reliant on the behaviour change of people and communities and cannot be achieved by regulatory responses and emission pricing alone.<sup>107</sup>
157. Ms Foster for Meridian preferred the wording in Meridian’s submission as it states that people need to understand what they individually need to do to respond to climate change, and that changes need to be made at a community and regional scale.<sup>108</sup> The Reporting Officer supported this wording in his Rebuttal Evidence.
158. The Officer’s view is that the non-regulatory policies and methods aimed at implementing the Objective (including Policy CC.15, Policy CC.16 and Method CC.1) are sufficient to achieve the Objective if they are implemented as intended.<sup>109</sup> We asked the Officer to provide information on how the Objective would be measured. In his Evidence in Reply, Mr Wyeth said that he understands that surveys of public awareness of climate change and environmental issues are not uncommon, and that the Council has undertaken research on public perceptions of climate change and can monitor community involvement in climate education and behaviour programmes, strategic adaptation plans and rural resilience climate change.<sup>110</sup> The Council could also review uptake of other climate

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<sup>104</sup> Legal Submissions on behalf of Porirua City Council, HS3, 14 August 2023, para 2.5(c);

<sup>105</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, para 86.

<sup>106</sup> Section 42A Hearing Report, Climate Change – General, paragraph 223.

<sup>107</sup> Section 42A Hearing Report, Climate Change – General, paragraph 223.

<sup>108</sup> Summary of Key Points in the Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3 – Climate Change, 29 August 2023, para 4.1.

<sup>109</sup> Section 42A Hearing Report, Climate Change – General, paragraph 225.

<sup>110</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council – Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), paras 20 – 22.

change initiatives in the Region, such as the uptake of Wellington City Council’s climate and sustainability fund.<sup>111</sup>

159. In our view the achievement of the Objective can be measured and we agree that the wording proposed by Ms Foster and agreed to by the Officer more clearly articulates the intent of the Objective, aligns with s 7(i) of the RMA and is less subjective than the notified wording.
160. We note that the objective should more correctly refer to climate change mitigation and climate change adaptation as these are defined terms and recommend minor amendments to correct this.

### 3.8.2 Finding

161. We agree with the Reporting Officer’s recommendations on Objective CC.7 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence Recommendation.

### 3.8.3 Recommendation

#### **Objective CC.7**

People and businesses understand ~~what the current and predicted future effects of climate change, and how these may impact them, means for their future~~ how to respond to the challenges of climate change, and are actively involved in ~~planning and implementing~~ appropriate climate change mitigation and climate change adaptation responses.

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<sup>111</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council – Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), para 22.

### 3.9 Objective CC.8

162. The notified Objective stated:

Objective CC.8

Iwi and hapū are empowered to make decisions to achieve climate-resilience in their communities.

163. This Objective responds to the particular vulnerability of Māori to the impacts of climate change and the importance of mana whenua / tangata whenua being empowered to make decisions that will help to develop climate-resilience in their communities.<sup>112</sup>

#### 3.9.1 Submissions, Evidence and Analysis

164. Some submitters supported the Objective as notified (for example Taranaki Whānui [S167.025]), some wanted it strengthened to refer to increasing the resilience of taonga, wāhi tapu and significant cultural sites to climate change (Rangitāne [S168.0114] and KCDC [S16.013], and WCC [S140.014] asked that the word “hapū” is amended in the provision as that could complicate existing participation arrangements and agreements with iwi. Ngāti Toa said that the Objective is expressed as an outcome that iwi and hapū will do anyway (that is, make decisions to achieve climate resilience in their communities). Other changes were sought by various submitters to recognise the lack of resources, funding and capability, and to clarify how the Objective would be achieved in practice.

165. We agree with the Reporting Officer that the Objective has an RMA purpose – to empower mana whenua / tangata whenua to achieve climate-resilience in their communities. We support the amendments recommended by the Officer to replace “iwi and hapū” with “mana whenua / tangata whenua” for consistency with other Change 1 provisions and to not unintentionally conflict with existing arrangements and agreements with iwi authorities. We support Mr Wyeth’s assessment of submissions and the reasons he provides in the s42A Report for accepting and rejecting the relief sought. We agree that achieving climate-resilience

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<sup>112</sup> Section 32 Report, page 73.

in Māori communities is broader than decision-making and we support the Officer's recommendation to delete these words from the Objective.

166. After the hearing, we asked Mr Wyeth to consider whether Objective CC.8 could be appropriately amended to incorporate the concept of partnering with mana whenua / tangata whenua.<sup>113</sup> Mr Wyeth notes in his Reply Evidence that this is consistent with his recommendations to Method CC.1 but could create confusion between the outcomes sought through the Objective and the actions to achieve this which includes the Council working in partnership with mana whenua / tangata whenua to implement climate-resilience planning and adaptation measures.<sup>114</sup> He thought that changing the Objective to emphasise a partnership approach may not always be preferred by mana whenua / tangata whenua, for instance when they want to make their own decisions about how best to achieve climate resilience in their communities. We acknowledge Mr Wyeth's response to our question and agree that the wording he supports is appropriate, best achieves the RMA's purpose and should be adopted by Council.

167. We recommend a minor amendment to italicise "climate-resilience" as it is a defined term in Proposed Change 1 considered as part of the FPI (nature-based solutions provisions). The meaning of the term is:

the capacity and ability of natural and physical resources, including people, communities, businesses, infrastructure, and ecosystems, to withstand the impacts and recover from the effects of climate change, including natural hazard events.

### 3.9.2 Finding and s 32AA Evaluation

168. We agree with the Reporting Officer's recommendations on Objective CC.8 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

#### **Objective CC.8**

~~twi and hapu Mana whenua/tangata whenua~~ are empowered to ~~make decisions to~~ achieve *climate-resilience* in their communities.

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<sup>113</sup> Minute 12, paragraph 6, question (i).

<sup>114</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council – Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), paragraphs 23 – 24.



### 3.10 Policy CC.8: Prioritising greenhouse gas emissions reduction over offsetting – district and regional plans

169. The notified Policy stated:

Policy CC.8: Prioritising greenhouse gas emissions reduction over offsetting – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas *emissions* in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply.

**Explanation**

This policy recognises the importance of reducing gross greenhouse gas *emissions* as the first priority, and only using carbon removals to offset *emissions* from hard-to-abate sectors. Relying heavily on offsetting will delay people taking actions that reduce gross *emissions*, lead to higher cumulative *emissions* and push the burden of addressing gross *emissions* onto future generations.

170. This is a regulatory policy directing district and regional plans to include provisions prioritising reducing gross emissions in the first instance, before considering measures to offset emissions. The rationale for this is set out in the s 32 Report and also Mr Roos’ evidence.<sup>115</sup>

#### 3.10.1 Submissions, Evidence and Analysis

171. Some submitters supported the notified policy (eg CDC [S25.020]), and others wanted it strengthened to apply to all activities regardless of type or scale (Forest and Bird [S165.041]). There was broad support for the intent of the policy from iwi submitters including Taranaki Whānui [S167.068], although Ātiawa [S131.054] thought it was unclear which activities would be included or exempt from the offsetting requirements. Ātiawa requested the deletion of the reference in the explanation to offsetting from hard to abate sectors, so these activities were not exempted from the requirement to prioritise emissions reduction over offsetting.

172. Some territorial authorities raised concerns about the application of the Policy to territorial authorities, as the control of the discharge of emissions is a regional council function (eg PCC [S30.032]). WFF opposed Policy

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<sup>115</sup> See the references in Section 42A Hearing Report, Climate Change – General, paragraphs 262 – 263.

CC.8 and said that many farmers sequester carbon and the policy fails to make appropriate acknowledgement that farms as biological systems are both sources and sinks.<sup>116</sup>

173. Ms Hunter for WIAL said it was unclear how the Policy will impact the aviation sector and she did not think it properly recognises the broader policy imperatives that apply to that sector.<sup>117</sup> Ms Hunter sought that the Policy be deleted unless there was an exclusion for the aviation sector, noting that for the aviation industry carbon offsetting is expected to lead to a net reduction in emissions (and this was not supported or acknowledged by the Policy).
174. We agree with submitters who raised concerns about the complexity and difficulty in implementing Policy CC.8 as notified. We prefer the approach proposed by the Officer in the s 42A Report, to apply a hierarchy to emissions reductions. This provides some flexibility as to how the hierarchy is implemented and allows cost-considerations and other factors to be taken into account.
175. Some submitters raised concerns about the lack of a s 32 assessment for these changes. Mr Wyeth said that because of the grouping of the policies into topics, there was not a specific s 32 assessment for Policy CC.8 but that he did address the Policy in some detail in his 42A Report, including preparing a s 32AA evaluation and he was satisfied the Policy was appropriate.<sup>118</sup>
176. Ms Woodbridge for Kāinga Ora thought the Policy was unclear as to how district plans would implement outcomes sought through the Policy. In terms of clause (a) as recommended in the s 42A Report, Ms Woodbridge said:<sup>119</sup>

A district plan can control the establishment of significant emitters through a non-complying or prohibited activity status, however, managing existing emitters and requiring a reduction

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<sup>116</sup> Hearing Transcript, HS3 – Climate Change, Day 2, pages 57 - 58, lines 2971 – 2986, per Ms McGruddy.

<sup>117</sup> Statement of Evidence by Claire Hunter, HS3, 14 August 2023, paras 45 – 50.

<sup>118</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, HS3 – Climate Change General, para 101, including references there to the s 42A Report; also Hearing Transcript, HS3 – Climate Change, Day 2, page 40, lines 2074 – 2080.

<sup>119</sup> Statement of Primary Evidence of Victoria Woodbridge on behalf of Kāinga Ora – Homes and Communities, Hearing Stream 3, Climate Change (Planning), 14 August 2023, para 4.15.

in emissions is, in my opinion likely to be outside the legitimate control of the district plan.

177. Mr Lewandowski for PPFL said that Policy CC.8 could be read as an effective prohibition on greenfield development that caused an increase in gross GHGe. He thought the words “where practicable” in clauses (a) and (b) would set up:<sup>120</sup>

a situation whereby the practicability of avoiding emissions will be fiercely debated on a case-by-case basis. Considering greenfield development again, it will always be argued that greenhouse gas emissions can be avoided by not providing for greenfield development in the first instance. Such a position is inconsistent with the requirements of the NPS-UD, other provisions of PC1 that do provide for urban expansion.

178. In Mr Lewandowski’s view, the Policy created uncertainty and oversteps the role of an RMA planning document.<sup>121</sup> We consider that PPFL’s relief is satisfied in part at least because the Officer’s amendments (which we recommend are adopted by Council) state that the hierarchical approach to reducing GHGe in Policy CC.8 applies when giving effect to the climate change objectives and policies in the RPS. With these amendments, we do not think the Policy would operate to inhibit greenfield development and the competitive operation of land and development markets as Mr Lewandowski feared.

179. In response to Mr Rachlin’s comments on behalf of PCC, that the Policy should be restricted to transport related consents, the Officer said the Policy provides useful direction on the general approach to avoid or reduce emissions from all sectors as relevant.<sup>122</sup> Mr Rachlin also expressed his concern that the implementation of the Policy relied on guidance (developed under Method CC.2) that had not yet been developed and it was unclear what the Policy was trying to achieve. Mr Rachlin said:<sup>123</sup>

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<sup>120</sup> Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited, Hearing Stream 3 – Climate Change, 14 August 2023, para 5.41.

<sup>121</sup> Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited, Hearing Stream 3 – Climate Change, 14 August 2023, para 5.42.

<sup>122</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, HS3 – Climate Change General, para 101.

<sup>123</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 59, lines 2965 – 2971.

Mr Wyeth places much emphasis on Method CC.2 to spell out how the policy is to be implemented. Relying on a future method to provide the clarity missing from a policy is not in my opinion sound policy making. That to me is one of the key issues with Policy CC.8 – is that we don't seem to know what it actually is trying to achieve, and while having to rely on something happening later to tell us.

180. In his Reply Evidence, and in response to hearing submitters, Mr Wyeth accepted that it remained unclear how and when Policy CC.8 should be implemented in plans and what was required over and above specific climate change provisions relating to transport, urban development and so on. Mr Wyeth's recommended amendments that regional and district plans give effect to the Policy where relevant and when implementing the other climate change provisions in the RPS address Mr Rachlin's concerns, as well as Ms Rushmere's on behalf of UHCC who was concerned that the Policy required a separate plan change.<sup>124</sup>
181. We understand WFF's concerns that on-farm sequestration is effectively under-valued (that is our assessment of their evidence) by prioritising the avoidance or reduction of GHGe in clause (a) of the Policy. At the hearing, Ms McGruddy, in response to a question we asked, said that the issue was about how farmers can demonstrate what is reasonable, practical, feasible or achievable in the way of reducing gross emissions.<sup>125</sup>
182. In our view, the amendments the Officer supports in his Reply Evidence, go some way to acknowledging these concerns by including the words "where relevant" in the Policy, linking the achievement of the Policy to the application of other climate change objectives and policies in the RPS, and noting in the Explanation, that the hierarchy applies "where relevant and appropriate".
183. Requiring offsetting to be as close to the source of emissions as possible responds to concerns that the notified wording could lead to a reliance on forestry to offset emissions, with disproportionate effects on rural communities where this forestry is likely to occur.
184. Ms Burns for Rangitāne sought that the words "where practicable" in the Policy are replaced with "to the greatest extent practicable". Mr Wyeth did

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<sup>124</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 37, lines 1892 – 1898, and Ms Rushmere's evidence statement.

<sup>125</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 59, lines 3036 – 3040.

not support this as it would result in plan provisions that are overly onerous on some sectors and communities, and make the requirements in the hierarchy harder to meet when GHGe from many activities were unavoidable.<sup>126</sup> Ms Burns remained of the view that requiring a more ambitious outcome was justified in the context, and more aligned with the focus the Council has accepted is needed on the issue.<sup>127</sup>

185. We also heard concerns from DairyNZ, WFF and BLNZ about trying to regionalise a national issue (as discussed above under Objective CC.3). We asked Mr Harrison (BLNZ's expert) about how initiatives to reduce emissions would apply at the local level if they were not directed through the RPS.<sup>128</sup>

Mr Harrison said:<sup>129</sup>

I agree it's got to start at your front door, in terms of the changes you make and the things that you do, but I think that direction needs to be from a higher [i.e. national] level.

186. We agree with the Officer that:<sup>130</sup>

- activities in the region are contributing to climate change which is having adverse effects on the environment
- territorial authorities have clear functions under the RMA to manage the adverse effects of land-use activities and activities in the region, and
- as recognised in the ERP and NAP, district plans play an important and complementary role to regional plan provisions to manage the discharges of GHGe into air by managing the GHG emissions from land-use activities.

187. Some Territorial authorities stated that district plans have a limited role in reducing emissions from existing activities. At the Hearing, we asked Mr Wyeth if Policy CC.8 provides adequate direction as to what people can do in existing spaces and developments. Mr Wyeth clarified that the intent is to recognise the limited opportunity for activities with existing use rights,

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<sup>126</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 103.

<sup>127</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 35, lines 1741 – 1748.

<sup>128</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 73, lines 3772 – 3774.

<sup>129</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 73, lines 3778 - 3793.

<sup>130</sup> Section 42A Hearing Report, Climate Change – General, parass 267 – 268.

but that he thought that “at the time of redevelopment in existing urban areas... there is a significant opportunity to move towards an urban form that supports [reductions in] greenhouse gas emissions”.<sup>131</sup>

188. In his Reply Evidence, the Officer recommended an amendment to the explanatory text to the Policy to note that district plans have a limited role in reducing GHGe from existing activities “except at the time of redevelopment”.<sup>132</sup> We agree with this recommendation and do not agree with submissions seeking to limit Policy CC.8 to regional plans.
189. The amendments proposed to Method CC.2 (guidance on avoiding, reducing and offsetting GHGe)<sup>133</sup> and the amendments to the Explanation to Policy CC.8 address the relief sought by various submitters, including Kāinga Ora, asking for more direction for district plans and clarity regarding new activities vs existing activities.<sup>134</sup> In response to WIAL’s submission, the Officer recommends the Chapter 4.1A Introduction text is amended to say that the provisions in the Chapter do not apply to GHGe from aircraft.
190. We recommend a minor amendment in the Explanation to clarify that provisions in district and regional plans directed by Policy CC.8 help to deliver national policy and strategies (that is, the ERP and NAP). This amendment clarifies the policy intent in our view.

### 3.10.2 Finding and s 32AA Evaluation

191. We agree with the Reporting Officer’s recommendations on Policy CC.8 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend the Explanation is amended to clarify the link between the Policy and national strategies on climate change which regional and district plans will help to deliver. This is an appropriate reflection of statutory requirements

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<sup>131</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 24, lines 1185 – 1194; see also Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 34.

<sup>132</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 8.

<sup>133</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, paras 27 – 31.

<sup>134</sup> Statement of Primary Evidence of Victoria Woodbridge on behalf of Kāinga Ora – Homes and Communities, Hearing Stream 3, Climate Change (Planning), 14 August 2023, para 4.20.

including s 61(2)(a)(i) of the RMA which requires a regional council to have regard to management plans and strategies prepared under other Acts (such as the CCRA) when changing an RPS. We also recommend a minor amendment to improve readability.

### 3.10.3 Recommendation

**Policy CC.8: Prioritising ~~the reduction of greenhouse gas emissions~~ **reduction over offsetting** – district and regional plans**

~~When giving effect to the climate change objectives and policies in the RPS, ~~district and regional plans~~ shall, where relevant, include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas emissions in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply: prioritise reducing greenhouse gas emissions by applying the following hierarchy in order:~~

- a. ~~in the first instance, gross greenhouse gas emissions are avoided or reduced where practicable; and~~
- b. ~~where gross greenhouse gas emissions cannot be avoided or reduced, a net reduction in greenhouse gas emissions is achieved where practicable, with any offsetting undertaken as close to the source of the greenhouse gas emissions as possible; and~~
- c. ~~increases in net greenhouse gas emissions are avoided to the extent practicable.~~

#### **Explanation**

~~This policy recognises the importance of reducing gross greenhouse gas emissions as the first priority, then reducing net greenhouse gas emissions, then avoiding increases in net greenhouse gas emissions to the extent practicable. and only using carbon removals to offset emissions from hard-to-abate sectors. Relying heavily on net-emissions through offsetting will delay people taking actions that reduce gross emissions, lead to higher cumulative emissions and push the burden of addressing gross emissions onto future generations.~~

~~The intent is that Wellington Regional Council will work with city and district councils to provide co-ordination and guidance as to how to implement this policy direction. The intent is; to ensure regional and district plan provisions to reduce greenhouse gas emissions from key emitting sectors in the region support this hierarchy approach to reducing emissions where relevant and appropriate, are co-ordinated, and also help deliver complement national policy and strategies initiatives. This work will recognise the respective RMA functions of the Wellington Regional Council and city and district councils in relation to controlling greenhouse gas emissions from air discharges and land-use activities and the limited role of district plans in reducing greenhouse gas emissions from existing activities except at the time of redevelopment. This work will consider issues such as scale, equity, and the type of activities to which offsetting should apply.~~

### 3.11 Method CC.1: Climate change education and behaviour change programme

192. The notified Method said:

#### Method CC.1: Climate change education and behaviour change programme

Support and enable climate education and behaviour change programmes, that include Te Ao Māori and Mātauranga Māori perspectives, to support a fair transition to low-emission and climate resilient region.

Implementation: Wellington Regional Council

193. The Method will help to achieve a number of climate change objectives, including Objectives CC.2, CC.3 and CC.7. As the s 42A Report says, the inclusion of the Method in Change 1 recognises that education and behaviour change are key to support the transition to a low-emissions and climate-resilient region, alongside other regulatory and non-regulatory methods.<sup>135</sup>

#### 3.11.1 Submissions, Evidence and Analysis

194. There were approximately seven original and three further submission points on Method CC.1. The majority of submitters supported the Method and three iwi submitters requested that it be strengthened.

195. Rangitāne [S168.0149] requested that the word “enable” is replaced with “implement” to ensure that the programmes are achieved. Taranaki Whānui [S167.0142] requested amendments to Method CC.1 to include clear statements on the resourcing, funding and capability building of mana whenua partners.

196. Ātiawa [S131.0118] requested amendments to provide for mana whenua partnership with Council in the development and implementation of any climate change programmes that use Ātiawa values and mātauranga. The relief requested is: “The Regional Council will work in partnership with mana whenua to develop and implement climate change education and behaviour change programmes that include te ao Māori and mātauranga

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<sup>135</sup> Section 42A Hearing Report, Climate Change – General, para 283.



Māori. Mana whenua are enabled to partner with the Regional Council through adequate funding and resourcing.”

197. During the hearing Dr Spinks for Ngā Hapū o Ōtaki said:<sup>136</sup>

We would like to mention that we are really pleased to see that the Regional Policy Statement Change 1 and Climate Change workstream includes recognition of te ao Māori and mātauranga, but we want to extend that intention to ensure that we are included in the planning and implementation that must follow.

198. We agree with the Officer’s recommendation to amend the Method to refer to “partnership with mana whenua / tangata whenua”. In terms of resourcing, funding and capability building of mana whenua partners, the Officer said that funding for work programmes is in place through Kaupapa Funding Agreements which provide mana whenua / tangata whenua resourcing to support engagement with Council. Therefore, in the Officer’s view, it was not necessary for Method CC.1 to include a specific commitment to funding and resourcing.<sup>137</sup>

### 3.11.2 Finding

199. We agree with the Reporting Officer’s recommendations on Method CC.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 3.11.3 Recommendation

**Method CC.1: Climate change education and behaviour change programme**

Support, ~~and enable and implement~~ climate education and behaviour change programmes, that include Te Ao Māori and Mātauranga Māori perspectives ~~in partnership with mana whenua/tangata whenua~~, to support an ~~equitable~~ fair transition to a low-emission and ~~climate-resilient~~ region.

*Implementation: Wellington Regional Council.*

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<sup>136</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 26, lines 1291 - 1298.

<sup>137</sup> Section 42A Report, Climate Change – General, para 284.

### 3.12 Method CC.2: Develop carbon emissions offsetting guidance

200. The notified Method read:

**Method CC.2: Develop carbon emissions offsetting guidance**

Develop offset guidelines to assist with achieving the regional target for greenhouse emissions where reduction cannot be achieved at the source.

Implementation: Wellington Regional Council\*

201. The Method was redrafted in the s 42A Report and focuses on implementing Policy CC.8. As Mr Wyeth said at the hearing, Method CC.2 is about working out how Policy CC.8 works in practice, including how to avoid emissions from new activities and how to reduce emissions at the time of redevelopment.<sup>138</sup>

#### 3.12.1 Submissions, Evidence and Analysis

202. In the s 42A Report, the Officer recommended consequential amendments to Method CC.2 to ensure the effective implementation of Policy CC.8.

203. Forest and Bird [S165.099] sought that the Method is strengthened through an additional requirement for offsets to be achieved by the planting of indigenous vegetation over plantation forestry. Ātiawa [S131.0119] also requested that Method CC.2 is amended to be more directive and specific, by making it clear in the Method that emission reductions at source should always be prioritised over offsets. Taranaki Whānui sought a reference to mana whenua partnerships in the development of guidance, and Rangitāne wanted a timeframe attached to implementation. Some submitters sought the Method be deleted on the basis it is considered as part of a full review of the RPS (eg WFF [S163.090]).

204. Ms Heppelthwaite for Waka Kotahi sought that the Method refer to “prioritising avoiding or reducing gross greenhouse gas emissions” (rather than “and”) to reflect the wording in Policy CC.8. The heading to Policy CC.8 is “Prioritising the reduction of GHGe” and we agree with Ms

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<sup>138</sup> Hearing Transcript, HS3 – Climate Change, Day 1, lines 1249 – 1252.

Heppelthwaite that Policy CC.8 does require, as the first step in the hierarchy, the avoidance or reduction of emissions where practicable. However, we consider that it is appropriate for the Method to require guidance to be developed on opportunities to both ‘avoid’ and ‘reduce’ emissions, and if the Method framed these as alternatives, then there is a chance that guidance would only focus on the latter and not assist with implementation of the Policy.

205. The Officer also recommended amendments to include working with mana whenua / tangata whenua to implement the hierarchy approach to reducing GHGe in Policy CC.8, and to include a timeframe of “by the end of 2024”. The Officer considered that the best type of planting for offsetting should be addressed in the guidelines so did not recommend amendments in light of Forest and Bird’s relief.
206. In our view, Method CC.2 is appropriate and necessary to implement the direction in Policy CC.8.

### 3.12.2 Finding

207. We agree with the Reporting Officer’s recommendations on Method CC.2 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence Recommendation.

**Method CC.2: Develop ~~carbon emissions offsetting~~ guidance on avoiding, reducing and offsetting greenhouse gas emissions**

Wellington Regional Council will work with city and district councils and mana whenua/tangata whenua to develop guidelines to implement the hierarchy approach to reducing greenhouse gas emissions in Policy CC.8 by the end of 2024, including how to prioritise avoiding and reducing gross greenhouse gas emissions and when and how to allow for greenhouse gas emissions to be offset. Develop offset guidelines to assist with achieving the regional target for greenhouse

### 3.13 Definitions: General subtopic

#### 3.13.1 Carbon emission assessment

208. The notified definition stated:


<b>Carbon emissions assessment</b>
<u>An evaluation of the carbon footprint which measures the total volume of greenhouse gases emitted at different stages of a project lifecycle.</u>


209. This term is used in Policy CC.11 and was sought to be retained by Forest and Bird while other submitters sought it was deleted. The Officer said the definition provided useful guidance on the interpretation of the Policy. Mr Smeaton’s evidence for PCC proposed that the definition be replaced with a clearer, more scientifically accurate definition for “whole-of-life carbon emissions assessment” which referred to carbon dioxide equivalents to capture all GHGe (as referred to in Mr Roos’ technical evidence).

210. The Officer sought advice from Mr Roos and recommended that Mr Smeaton’s definition of “whole-of-life carbon emissions assessment” be largely accepted but with some refinements. In the Officer’s Rebuttal Evidence, he recommends the definition is amended to refer to “whole-of-life greenhouse gas emissions assessment”.<sup>139</sup> We recommend the Officer’s revised wording is adopted.

#### 3.13.2 Emissions and greenhouse gases

211. The notified definitions stated:

<b>Emissions</b>	
<u>Greenhouse gases released into the atmosphere, where they trap heat or radiation.</u>	

<b>Greenhouse gases</b>	
<u>Atmospheric gases that trap or absorb heat and contribute to climate change. The gases covered by the Climate Change Response Act 2002 are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF<sub>6</sub>).</u>	

212. The Regional Council [S137.63] requested that these two definitions be combined into a single “greenhouse gas emissions” definition. The Officer agreed with this relief. In Reply Evidence, the Officer recommended that

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<sup>139</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change General, 22 August 2023, para 118.

the definition be amended to note that a reference to greenhouse gas emissions means “gross” emissions unless otherwise expressed.<sup>140</sup>

### 3.13.3 Finding

213. We agree with the Reporting Officer’s recommendations on the definitions coded to the Climate Change – General subtopic for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 3.13.4 Recommendation

#### **Emissions:**

~~Greenhouse gases released into the atmosphere, where they trap heat or radiation:-~~

#### **Greenhouse gases emissions**

Atmospheric gases ~~released into the atmosphere that trap or absorb heat and~~ contribute to climate change. These gases ~~covered by the Climate Change Response Act 2002~~ are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF<sub>6</sub>) ~~which are all covered by the Climate Change Response Act 2002. A reference to greenhouse gas emissions means “gross” greenhouse gas emissions unless otherwise expressed as “net greenhouse gas emissions” or “net-zero”.~~

#### **Whole-of-life greenhouse gas carbon emissions assessment**

~~An evaluation of the total greenhouse gas emissions of a proposal carbon footprint which measured in tonnes of carbon dioxide equivalent units, derived from assessing the emissions associated with all elements of the proposed project over its entire life. the total volume of greenhouse gases emitted at different stages of a project lifecycle~~

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<sup>140</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 14.

## 4. Climate Change: Subtopic 2 – Energy, Waste and Industry

### 4.1 Overview

214. The provisions in this subtopic are:
- a. Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter and reducing greenhouse gas emissions – regional plans
  - b. Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans
  - c. Policy 11: Promoting and enabling energy efficient design and small and community scale renewable energy generation – district plans
  - d. Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration
  - e. Policy 65: Supporting and encouraging efficient use and conservation of resources – non-regulatory
  - f. Method 17: Reducing waste and greenhouse gases emissions from waste streams.
215. There were approximately 136 original submissions and 126 further submissions on this subtopic.
216. The key issues raised were:
- a. Whether the provisions are sufficient to enable an increase in renewable energy capacity to support GHGe reduction targets
  - b. Whether the provisions give appropriate effect to relevant national direction (NPS-ET and NPS-REG)
  - c. Whether new terms such as low and zero-carbon regionally significant infrastructure are unclear and potentially create a third tier of infrastructure
  - d. Whether Policies 7 and 39 should be amended to remove references to these new and uncertain terms

- e. General concerns that the provisions are not sufficiently directive in relation to regionally significant infrastructure (RSI)
- f. Requests to reference mineral and aggregate extraction in the provisions.
- g. Deleting/withdrawing the amendments to Policy 2 on the basis these have been largely superseded by national direction on emissions from industrial process heat
- h. Strengthening and refining the policy direction in Policies 7, 11 and 39 to better give effect to relevant national direction and the climate change objectives in Change 1.

## Provision by Provision Analysis

### 4.2 Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, and reducing greenhouse gas emissions – regional plans

217. The notified Policy read:

**Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, and reducing greenhouse gas emissions – regional plans**

Regional plans shall include policies, ~~and/or~~ rules and/or methods that:

- (a) protect or enhance the *amenity values* of neighbouring areas from discharges of odour, smoke and dust; and
- (b) protect people’s health from discharges of dust, smoke and fine particulate matter; and
- (c) support industry to reduce greenhouse gas emissions from industrial processes, and
- (d) phase-out coal as a fuel source for domestic fires and large-scale generators by 2030.

**Explanation**

Policy 2 seeks to protect neighbouring areas and people’s health from discharges of contaminants into the air. In addition, it seeks to support industry to reduce discharges of greenhouse gas emissions from industrial processes, and to phase out coal as a fuel source for domestic fires and large-scale industrial boilers by 2030.

**Explanation**

~~The amenity value of air reflects how clean and fresh it is. High amenity is associated with good visibility, low levels of deposited dust and with people’s ability to enjoy their outdoor environment. Amenity is reduced by contaminants in the air affecting people’s wellbeing – such as when dust or smoke reduces visibility or soils surfaces, or when odour is objectionable.~~

~~Amenity values need to be considered in the context of different environments and they may change temporarily or seasonally. In effect, what constitutes an objectionable odour, or level of smoke or dust is, in part, dependant on the normal conditions experienced in a locality or at a time of year.~~

~~Protecting people’s health from discharges to air includes considering the effects of fine particulate matter discharged from human activities. The Wairarapa (specifically Masterton), Wainuiomata and Upper Hutt are the airsheds known to be at risk of exceeding the National Environmental Standards for Air Quality, in relation to fine particulate matter (PM10), during cold calm winter nights. Domestic fires are the main source of fine particulate emissions in these airsheds during winter.~~



218. There were approximately 14 original submission points and 10 further submission points on the proposed amendments to the Policy, many seeking it be retained as notified or that its intent be clarified through drafting amendments.
219. The intent of the proposed amendments to Policy 2 is to reduce GHGe from industrial processes.<sup>141</sup>

#### 4.2.1 Submissions, Evidence and Analysis

220. After Change 1 was notified, national direction was gazetted and came into force on 27 July 2023 (the NPS-Industrial Process Heat and NES-Industrial Process Heat (IPH)). The NPS requires certain provisions to be directly inserted into regional plans, and the NES contains comprehensive rules to regulate GHGe from industrial process heat.
221. In the s 42A Report, the Officer said it is important that Proposed Change 1 does not require rules that duplicate or conflict with the NES, as the NES does not expressly enable more stringent or lenient rules, and any such rules would therefore be contrary to s 44A of the RMA.<sup>142</sup> We agree with this analysis.
222. The Officer recommended that the amendments to Policy 2 are withdrawn / deleted as these have largely been superseded by more comprehensive national direction, the remaining GHGe from industrial processes are small in terms of regional emissions and difficult to regulate through regional plan controls, and it is unclear how regional plans can ‘support’ industry to reduce GHGe from industrial processes.
223. We are comfortable the notified amendments to Policy 2 relating to industrial processes are not needed as they are now addressed by the NPS and NES on IPH. Mr Wyeth explained the scope of the new national direction in his Reply Evidence.<sup>143</sup> In essence, the instruments apply to the discharge of GHGe from the burning of fossil fuels to generate heat for industrial processes with some specific exceptions. Mr Wyeth explained that Policy 2(c) should be deleted from Proposed Change 1 because the NPS-IPH requires certain provisions to be inserted directly into regional

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<sup>141</sup> Section 42A Hearing Report, Climate Change – Energy, Waste and Industry, para 76.

<sup>142</sup> Section 42A Hearing Report, Climate Change – Energy, Waste and Industry, para 77.

<sup>143</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, paras 41 – 43.

plans without a Schedule 1 process, and the NES-IPH provides rules and standards to regulate discharges of GHGe from IPH.

224. Mr Wyeth also explained that the regulatory plan changes directed by Policy 2(d) were not needed as:<sup>144</sup>

- a. Only 0.3% of households in the Region use coal and this is a fraction of GHGe in the Region (as stated in the s 32 Report),
- b. Coal is being phased out due to cost and availability of more efficient forms of domestic heating, and
- c. a requirement to include provisions in a plan to “phase out coal as a fuel source for ...large scale generators by 2030” would conflict with the prohibited activity rule in Regulation 7 of the NES-IPH (as it would be more stringent than the rule, which is not authorised under s 44A of the RMA).

225. We agree with Mr Wyeth’s analysis and agree that Policy 2(c) and (d) should be deleted.

#### 4.2.2 Finding

226. We agree with the Reporting Officer’s recommendations on Policy 2 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence Recommendation.

#### 4.2.3 Recommendation

**Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, ~~and reducing greenhouse gas emissions~~ – regional plans**

*Regional plans* shall include policies, ~~and/or~~ rules ~~and/or~~ methods that:

- (a) protect or enhance the *amenity values* of neighbouring areas from discharges of odour, smoke and dust; and
- (b) protect people’s health from discharges of dust, smoke and *fine particulate matter*.; ~~and~~
- ~~(c) support industry to reduce greenhouse gas emissions from industrial processes; and~~
- ~~(d) phase-out coal as a fuel source for domestic fires and large-scale generators by 2030.~~

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<sup>144</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, paras 42 – 46.

**Explanation:**

Policy 2 seeks to protect neighbouring areas and people's health from discharges of *contaminants* into the air. ~~In addition, it seeks to support industry to reduce discharges of greenhouse gas emissions from industrial processes, and to phase out coal as a fuel source for domestic fires and large-scale industrial boilers by 2030<sup>4</sup>.~~

### 4.3 Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans

227. The notified amendments to the Policy read:

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans	
District and regional plans shall include policies and/or methods that recognise:	
(a)	the social, economic, cultural and environmental benefits of <i>regionally significant infrastructure</i> , and in particular <u>low and zero carbon regionally significant infrastructure</u> including:
(i)	people and goods can travel to, from and around the region efficiently and safely <u>and in ways that support transitioning to low or zero carbon multi modal travel modes</u> ;
(ii)	public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;
(iii)	people have access to energy, <u>and preferably low or zero carbon energy</u> , so as to meet their needs; and
(iv)	people have access to telecommunication services.
(b)	the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:
(i)	security of supply and diversification of our energy sources;
(ii)	reducing dependency on imported energy resources; and
(iii)	reducing greenhouse gas <i>emissions</i> .
<b>Explanation</b>	
<u>Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that these activities can provide benefits both within and outside the region, in particular if regionally significant infrastructure is a low or zero carbon development.</u>	
<del>Energy generated from renewable energy resources and regionally significant infrastructure can provide benefits both within and outside the region. Renewable energy benefits are not only generated by large scale renewable energy projects but also smaller scale projects.</del>	
<del>Renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal wave and ocean current sources.</del>	

~~Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.~~

~~Imported and non-renewable energy sources include oil, gas, natural gas and coal.~~

~~When considering the benefits from renewable energy generation the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.~~

~~Regionally significant infrastructure is defined in Appendix 3.~~

228. Policy 7 is in the Operative RPS. Proposed Change 1 proposed amendments to recognise and provide for the benefits of energy generated from renewable energy resources.
229. There were approximately 29 original and 32 further submission points on the proposed amendments to Policy 7.

#### 4.3.1 Submissions, Evidence and Analysis

230. A number of submitters supported Policy 7 and requested that it be retained as notified; others sought that it be strengthened so it did not just allow the status quo to continue.
231. Genesis [S99.001] sought amendments to make the Policy more directive so it could better help deliver the climate change objectives sought by Change 1.
232. Ms Foster for Meridian provided evidence about the importance of renewable energy generation and the need to provide for it to address climate change. Ms Foster said the quantum of new development required to meet New Zealand's target of zero emissions by 2050 will be needed at an unprecedented pace.<sup>145</sup> Referring to research commissioned by the Electricity Authority, Ms Foster said that a much larger contribution to new supply for the Wellington Region, is expected to be from wind energy and solar energy generation, and electricity is expected to largely replace petrol and diesel in vehicles, and for industrial

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<sup>145</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 3.4.

and domestic use.<sup>146</sup> Strong policy direction in the RPS, including for RSI that supports reductions in GHG emissions, will help support electrification and therefore decarbonisation of the energy sector. Ms Foster discusses in her evidence the inadequate “muted approach” of the current RPS policies in respect of providing for renewable energy development and sought stronger direction to address the urgency of the system change required.<sup>147</sup>

233. Ms Foster’s evidence on the need to increase renewable generation to support decarbonisation was not contested by any submitter. We asked Mr Feierabend, Statutory Advocacy Strategy Manager for Meridian who also presented at the Hearing, about how the government’s targets for renewable energy could be achieved. He said that Meridian was exploring opportunities across New Zealand and Wellington for increased development, and achieving the target will depend, to some degree, on having the “regulatory framework that’s available to foster, enable, encourage development.”<sup>148</sup> We agree with this statement and support the strengthened ‘enabling’ direction the Officer recommends in both Policies 7 and 39.
234. At the Hearing, Ms Foster said she accepted that the amendments she had sought to Policy 7 ‘try to get ahead’ of new national direction for renewable generation which may even require insertion of enabling provisions without a Schedule 1 process.<sup>149</sup> We understand that, on this basis, Ms Foster supported the Officer’s amendments to Policy 7, including to the explanation.<sup>150</sup>
235. We agree with the amendments to Policy 7 proposed by the Officer in his s 42A Report, and as further amended in Rebuttal and Reply Evidence, including amendments to include “objectives”, “rules” and “other methods” in the chapeau. These amendments largely support the relief requested by Transpower and Meridian. Meridian sought an additional clause to protect the benefits of renewable energy generation and RSI. Policy 8 in the Operative RPS is a regulatory policy protecting RSI.

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<sup>146</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 3.6.

<sup>147</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, paras 9.7 – 9.8.

<sup>148</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 10, lines 466 – 472.

<sup>149</sup> Hearing Transcript, HS3 – Climate Change, Day 2, pages 5 - 6, lines 231 – 245.

<sup>150</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 6, lines 247 – 249; 263 – 264.

236. We agree with the Officer that the words “low and zero carbon RSI” and “low or zero carbon” renewable energy should be deleted from Policy 7 as they could be interpreted as creating a third tier of infrastructure. The intent can be achieved by stronger recognition of the benefits of RSI and renewable energy.
237. Mr Wyeth supported amendments to Policy 7 (and also Policy 39) to ensure the Electricity Transmission Network (the National Grid) was “on the same par as renewable energy generation” as it was nationally significant.<sup>151</sup>
238. WFF wanted increased recognition of water storage infrastructure in Policy 7. The definition of RSI includes “the local authority water supply network (including intake structures) and water treatment plants” and “the local authority wastewater and stormwater networks and systems, including treatment plants and storage and discharge facilities”. Policy 7(a) recognises the benefits of all RSI, including water storage infrastructure within the definition of RSI.
239. Wellington Water [S113.015] sought that Policy 7 be more enabling of RSI in general, and not just renewable energy. Ms Horrox for Wellington Water said this was supported by Policy 39 which requires “particular regard” be given to benefits of RSI. Ms Horrox said in her written evidence that clause (a) of Policy 7 should say “recognise and support” the benefits of RSI<sup>152</sup>, although during the Hearing Ms Horrox advocated for “recognise and provide for”, saying that this would not undermine the need for RSI to still mitigate effects (which was inherent to the RPS in general and through a raft of provisions).<sup>153</sup>
240. Mr Slyfield said in his legal submissions for Wellington Water, that Wellington Water is “focussed on the ways in which climate change may impact on water security, namely the increasing potential and severity of drought, and the increased risk of saline intrusion into aquifers associated with sea level rise.”<sup>154</sup> He also said that infrastructure providers have a huge amount of work ahead of them to respond to climate change issues,

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<sup>151</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 52, lines 2636 – 2638; page 55, lines 2806 – 2808.

<sup>152</sup> Statement of Evidence of Caroline Horrox on behalf of Wellington Water (Planning), 11 August 2023, para 53.

<sup>153</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 77, lines 3995 – 3999.

<sup>154</sup> Hearing Stream 3, Legal Submissions for Wellington Water Ltd, 14 August 2023, para 6.

manage the increased risk of natural hazards, and implement Te Mana o te Wai for the Wellington Region across all aspects of water services, supply, wastewater and stormwater management.<sup>155</sup>

241. Ms Horrox providing planning evidence for Wellington Water, urged the Panels to keep in mind that the purpose of Proposed Change 1 is:<sup>156</sup>

wider than just responding to climate change and supporting reductions in greenhouse gas emissions .... urban development, freshwater and the NPS-Freshwater, climate change, indigenous biodiversity and natural character. I think you've got to have that in mind and not just a couple of things. ...integrated management ... requires consideration of the extent to which the RPS provisions impact on delivery of all objectives of the plan change, not just one objective, for example climate change or delivering on the NPS for Renewable Energy.

Otherwise, essentially what you do is you might potentially make a change to address one issue in a provision and you risk some undermining of the ability for the changes you've made delivering on other objectives.

242. Transpower also supported the use of more directive language within Policy 7 and 39, and in particular supported the Officer's recommendation in the s 42A Report to include new clause (iv) in Policy 7: "the provision of an efficient, effective and resilient electricity transmission network" as this would give effect to Policy 1, NPSET.<sup>157</sup>

243. In Ms Eng's hearing statement provided on Transpower's behalf, she said Transpower considers there is merit in providing more directive wording in clause (a) as "recognised and provide for" would give effect to Policy 1 of the NPSET which requires decision-makers to recognise and provide for the benefits of sustainable, secure and efficient electricity transmission.

244. In his Reply Evidence, the Reporting Officer recommends deleting the amendment he proposed to clause (a)(iv), and amending clause (b) to "recognise and provide for the benefits of energy generated from

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<sup>155</sup> Hearing Stream 3, Legal Submissions for Wellington Water Ltd, 14 August 2023, paras 8 – 11, and 13.

<sup>156</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 76, lines 3963 – 3978.

<sup>157</sup> Hearing Stream 3, Statement by Transpower NZ Ltd, prepared by Ms Eng, 10 August 2023, pages 2 – 3.



renewable energy resources, and its transmission through the electricity transmission network ...”.

245. We agree with these amendments and consider that they appropriately enable renewable energy and its transmission through the National Grid, give effect to national direction, and are the most appropriate way to achieve the Change 1 objectives, including Objective CC.1. However, we recommend that the relief Transpower sought in clause (a), and which the Officer had accepted in his s 42A Report and then recommended deleting in his Reply on the basis that it was included within clause (b), be specifically incorporated into clause (b) in order to give effect to Policy 1 of the NPSET.
246. We consider that further amendments are appropriate in Policy 7 to incorporate Wellington Water’s relief and achieve the Change 1 objectives of the Region being climate-resilience and infrastructure being better able to mitigate, and adapt to, climate change (Objectives CC.1 and CC.6).
247. To give effect to Wellington Water’s relief, we recommend an amendment to Policy 7(c) to recognise and support the benefits of RSI that contributes to reductions in GHGe, gives effect to *Te Mana o te Wai* as the concept is articulated in the NPS-FM, mitigates natural hazards, and enables people and communities to be resilient to climate change. We consider there is scope for this relief in Wellington Water’s submission [S113.015] which says, among other things, that “it will be very difficult for infrastructure providers to achieve *Te Mana o te Wai*, support growth, manage biodiversity, provide resilience for climate change and manage natural hazard risks if appropriate planning pathways are not provided in District and Regional Plans.” We also consider there is scope through WIAL’s submission [S148.031] which says “it is critically important that the RPS protects existing regionally significant infrastructure from the adverse effects of climate change and should include sufficient flexibility to adapt and respond to the challenges .... climate change will present”.
248. We consider the restrictions imposed by the NZCPS are set out appropriately in Policies 29, 51 and 52 which must be read together with Policy 7.
249. We also recommend amendments to the Explanation to reflect the additional changes we recommend.

### 4.3.2 Finding and s 32AA Evaluation

250. We largely agree with the Reporting Officer’s recommendations on Policy 7 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We also recommend the following amendments to Policy 7:
- a. In clause (b), the words “an efficient, effective and resilient” are included before “electricity transmission network”, and
  - b. Clause (c) is expanded to recognise and support the benefits of RSI that gives effect to Te Mana o te Wai, mitigates natural hazards, and enables people and communities to be resilient to climate change.
251. We consider the amendment described in a. above is required to give proper effect to Policy 1 of the NPSET as sought by Transpower. We consider the amendments described in b. above are more appropriate to give effect to national direction, in particular the NPS-FM, and align with Objectives CC.1, CC.3 and CC.6 as they will support decarbonisation of the energy system, reduce GHGe and support climate-resilience. The amendments will increase the effectiveness of these Objectives by strengthening the direction and outcomes sought. We do not consider there to be substantive costs associated with the amendments which seek to strengthen the relevant Objectives.

### 4.3.3 Recommendation

**Policy 7: Recognising the benefits from renewable energy and *regionally significant infrastructure – district and regional plans***

*District and regional plans* shall include objectives, policies, rules and/or other methods that ~~recognize:~~

- (a) recognise the social, economic, cultural and environmental benefits of *regionally significant infrastructure*, ~~and in particular low and zero carbon regionally significant infrastructure~~ including:
- (i) people and goods can travel to, from and around the region efficiently and safely and in ways that support the transitioning to low or zero carbon multi modal transport travel modes;
  - (ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;
  - (iii) people have access to energy, and preferably low or zero carbon renewable energy, so as to meet their needs;
  - (iv) the provision of an efficient, effective and resilient electricity transmission network; and
  - ~~(iv)~~ people have access to telecommunication services.
- (b) recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and its

transmission through an efficient, effective and resilient the electricity transmission network, including:

- i. avoiding, reducing and displacing greenhouse gas emissions;
  - ii. contributing to the security of supply, resilience, independence and diversification of our energy sources and the transmission of this energy to communities, homes and businesses;
  - iii. reducing dependency on imported energy resources; and
  - iv. using renewable resources rather than finite resources reducing greenhouse gas emissions; and
  - v. the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;
  - vi. the provision of an efficient, effective and resilient electricity transmission network; and
  - vii. providing for the economic, social and cultural well-being of people and communities.
- (c) recognise and support the benefits of regionally significant infrastructure to that support contribute to reductions in greenhouse gas emissions, give effect to Te Mana o te Wai, mitigate natural hazards, and enable people and communities to be resilient to climate change.

#### **Explanation**

Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community, Policy 7 recognises that renewable energy generation and regionally significant infrastructure these activities can provide a range of local, regional and national benefits both within and outside the region, including helping to reduce greenhouse gas emissions, and provide essential services for the well-being of people and communities particular if regionally significant infrastructure is a low or zero carbon development. The Policy also recognises the benefits of regionally significant infrastructure that supports lower greenhouse gas emissions, the health and wellbeing of freshwater and receiving environments, climate change resilience and natural hazard mitigation, and must be read with other policies that restrict the location of infrastructure in certain places, such as Policy 52.

#### 4.4 Policy 11: Promoting and enabling energy efficient design and small scale renewable energy generation – district plans

252. As notified, the amendments to the Policy stated:

Policy 11: Promoting and enabling energy efficient design and small scale renewable energy generation – district plans
District plans shall include policies and/or rules and other methods that:
(a) promote energy efficient design and <u>the energy efficient alterations to existing buildings;</u>
(b) <u>enable the installation and use of domestic scale (up to 20 kW) and small scale distributed renewable energy generation (up to 100 kW); and provide for energy efficient alterations to existing buildings;</u>
<b>Explanation</b>
<u>Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables installation of domestic scale and renewable energy generation (up to 100kW).</u>
<u>Energy efficient design and alteration to existing buildings, can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.</u>
<u>Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011).</u>
<del>Orientation, layout and design can have a significant influence on the energy efficiency of developments.</del>
<del>Improved energy efficiency can be achieved by:</del>
<del>1. Enabling everyday services – such as shops, schools, businesses and community facilities to be accessed by walking and cycling</del>
<del>2. Enabling easy access to public transport services</del>
<del>3. Locating and designing infrastructure and services to support walking, cycling or the use public transport</del>
<del>4. Enabling the efficient use of the sun as a source of power and heating</del>
<del>5. Incorporating renewable energy generation facilities – such as solar panels and domestic scale wind turbines</del>
<del>Small scale distributed renewable energy generation facilities (up to 20 kW for domestic use and up to 100 kW for small community use) include solar generation particularly for water heating and wind turbines used for on-site or domestic purposes.</del>
<del>Energy efficient alteration may include alterations of buildings for the installation of solar water heating systems or domestic scale wind turbines.</del>

253. There were approximately 22 original submissions and 7 further submissions on the proposed amendments to this Policy. Proposed Change 1 amends the operative Policy to enable small and community scale renewable electricity generation where appropriate to give better effect to the NPS-REG. The main changes are to update the explanation to better align with the NPS-REG 2011 definition of small and community scale and a supporting definition.<sup>158</sup>
254. The s 32 Report also notes that the development of small and community scale renewable electricity has been limited since 2013, but this has the potential to increase in coming years.<sup>159</sup>

#### 4.4.1 Submissions, Evidence and Analysis

255. The majority of submissions requested the Policy be retained as notified (or with minor amendments) on the basis that all forms of renewable energy generation must be enabled to achieve the proposed climate change objectives in Change 1.
256. The s 42A Report proposed various amendments in response to submissions, including expanding the Policy to community scale renewable generation. Ms Foster for Meridian supported the addition of “community scale” into the Policy, and the deletion of the 100kW threshold.<sup>160</sup> However, Ms Foster did not support Mr Wyeth’s proposed amendments to the definition of “small scale and community scale renewable energy generation” as she considered these were unnecessary and misaligned with the NPS-REG,<sup>161</sup> although at the hearing, Ms Foster accepted this was not a significant concern to Meridian.<sup>162</sup> SWDC [S79.027] sought that the definition align with the definition of “small and community scale” in the NPS-REG.
257. Mr Wyeth’s view was that the intent of the amendments to the definition were the same as those in the NPS-REG definition.<sup>163</sup>

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<sup>158</sup> Section 42A Hearing Report, Climate Change – Energy, Waste and Industry, para 119.

<sup>159</sup> Section 42A Hearing Report, Climate Change – Energy, Waste and Industry, para 120.

<sup>160</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 11.2.

<sup>161</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3, Climate Change, 14 August 2023, para 11.3.

<sup>162</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 6, lines 251 – 255.

<sup>163</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 53, lines 2665 – 2668.

258. We recommend amending the definition to align with the NPS-REG definition (see section on ‘Definitions’ below).

#### 4.4.2 Finding

259. We agree with the Reporting Officer’s recommendations on Policy 11 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal or Reply Evidence.

#### 4.4.3 Recommendation

**Policy 11: Promoting and enabling energy efficient design and *small scale and community scale* renewable energy generation – district plans**

*District plans* shall include policies and/or rules and other methods that:

- (a) promote and enable energy efficient design and ~~the energy efficient alterations to existing buildings;~~
- (b) enable the ~~development, operation, maintenance and upgrading of installation and use of domestic scale (up to 20 kW) and small scale and community scale distributed~~ renewable energy generation ~~-(up to 100 kW);~~ and provide for energy efficient alterations to existing buildings.

**Explanation**

Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables the ~~development installation of domestic small and community scale and renewable energy generation (up to 100kW).~~

Energy efficient design and alteration to existing buildings can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.

~~Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011).~~

~~Small scale and community-scale renewable energy generation provides a range of benefits, including increasing local security of supply, energy and community resilience, and providing for the well-being of people and communities. Small scale and community-scale renewable energy generation also plays an important role in reducing greenhouse gas emissions and meeting national and regional emission reduction targets.~~

~~Orientation, layout and design can have a significant influence on the energy efficiency of developments.~~

~~Improved energy efficiency can be achieved by:~~

- ~~1. Enabling everyday services – such as shops, schools, businesses and community facilities to be accessed by walking and cycling~~
- ~~2. Enabling easy access to public transport services~~
- ~~3. Locating and designing infrastructure and services to support walking, cycling or the use public transport~~
- ~~4. Enabling the efficient use of the sun as a source of power and heating~~
- ~~5. Incorporating renewable energy generation facilities – such as solar panels and domestic scale wind turbines~~

Small scale distributed renewable energy generation facilities (up to 20 kW for domestic use and up to 100 kW for small community use) include solar generation particularly for water heating and wind turbines used for on-site or domestic purposes.

Energy efficient alteration may include alterations of buildings for the installation of solar water heating systems or domestic scale wind turbines.



## 4.5 Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

260. As notified, the proposed amendments to the Policy read:

### Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration

When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or *regionally significant infrastructure*, in particular where it contributes to reducing greenhouse gas emissions; and
- (b) protecting *regionally significant infrastructure* from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- (c) the need for renewable electricity generation facilities to locate where the renewable energy resources exist; and
- (d) significant wind, solar and marine renewable energy resources within the region.

#### Explanation

Notwithstanding that renewable energy generation and *regionally significant infrastructure* can have adverse effects on the surrounding environment and community, Policy 39 recognises that these activities can provide benefits both within and outside the region, particularly to contribute to reducing greenhouse gas emissions.

The benefits of energy generated from renewable energy resources include:

- Security of and the diversification of our energy sources
- Reducing our dependency on imported energy resources – such as oil, natural gas and coal
- Reducing greenhouse gas emissions
- Contribution to the national renewable energy target

The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.

The benefits of regionally significant infrastructure include:

- People and goods can efficiently and safely move around the region, and to and from
- Public health and safety is maintained through the provision of essential services – such as potable water and the collection and transfer of sewage or stormwater
- People have access to energy to meet their needs
- People have access to telecommunication services

Energy generation from renewable energy and regionally significant infrastructure (as defined in Appendix 3) can provide benefits both within and outside the region.



~~Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.~~

~~When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.~~

~~Potential significant sites for development of Wellington region's marine and wind resources have been identified in reports 'Marine Energy – Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008' and 'Wind Energy – Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008'.~~

~~Policy 39(a) shall cease to have effect once policy 9 is given effect in a relevant district or regional plan.~~

~~Policy 39(b) shall cease to have effect once policy 8 is given effect in a relevant district or regional plan.~~

261. Policy 39 aims to give effect to national direction which recognises the benefits of renewable energy generation and electricity transmission. The Policy also provides direction to protect regionally significant infrastructure and to recognise the need for REG activities to be located where the renewable energy resource exists.
262. There were approximately 24 original and 37 further submission points on Policy 39.

#### 4.5.1 Submissions, Evidence and Analysis

263. Many submissions sought the amendments be retained as notified. Wellington Water [S113.029] and WIAL [S148.035] oppose the amendments to clause (a) on the basis they create a 'third tier' of infrastructure which is inappropriate in their view. Other submitters such as Genesis [S99.003] and Meridian [S100.018] requested that the amendments to Policy 39 are strengthened and are more directive, particularly as this relates to REG. Transpower [S10.004] sought explicit recognition of the electricity transmission network in clause (d). WFF [S163.068] opposed amendments to Policy 39 on the basis that they do not provide for the social, economic, cultural, and environmental benefits of water storage infrastructure, in particular where it contributes to security of supply for municipal, industrial and primary production uses. Fulton Hogan [S114.003] and Winstone Aggregates [S162.010] sought specific recognition of quarrying activities and mineral resources.

264. In response to submissions and evidence, the Officer recommends strengthening the direction for renewable generation and the transmission network and recognising the benefits of other RSI (clause (b)).
265. We consider the Officer’s amendments as provided in his s 42A Report, Rebuttal and Reply evidence are appropriate and within the scope of relief sought by submitters including Transpower [S10.004], Chorus, Spark and Vodafone [S49.004], PCC [S30.063] and Meridian [S100.018]. We agree with the Officer that Policy 39 should retain its focus on renewable generation and RSI and should not provide specific recognition of quarrying activities and mineral resources as requested by Winstone Aggregates [S162.010] and Fulton Hogan [S114.003].
266. Ms Hunter for WIAL supported an amendment to clause (b) to include the words “enable activities which support their ability to respond to the changing needs of the climate and/or contribute to reducing greenhouse gas emissions”.
267. The Reporting Officer considered that Ms Hunter’s relief was potentially very broad and enabling, and he did not support including it.<sup>164</sup> We agree that WIAL’s relief is broad, but we heard in different hearing streams from WIAL and its experts that the seawall, which is WIAL’s major climate adaptation project is “significantly underdone, compared to how it would be built if built today” and yet it protects the entire airfield, runway, road and other infrastructure around the airport.<sup>165</sup>
268. We agree with Ms Hunter’s relief in part. Although Policies 29, 51 and 52 support hard engineering methods and RSI for hazard management/mitigation, we support Policy 39(b) recognising the benefits of RSI that provide for climate change mitigation, climate change adaptation and climate-resilience (as defined terms). We consider this aligns with the direction in Policies CC.14 and 14A (considered as part of the FPI).

#### 4.5.2 Finding and s 32AA Evaluation

269. We largely agree with the Reporting Officer’s recommendations on Policy 39 for the reasons above, and otherwise as set out in the Officer’s s 42A

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<sup>164</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, HS3 – Climate Change – Energy, Waste and Industry, 22 August 2023, para 59.

<sup>165</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 26, lines 1301 – 1317, per Ms Raeburn, although these issues were discussed by others presenting for WIAL in different hearing streams.

Report, or the Officer’s Rebuttal or Reply Evidence. We recommend clause (b) of Policy 39 is amended to recognise (in addition to the matters already stated in the clause) the benefits of RSI that provide for *climate change mitigation, climate change adaptation and climate-resilience*. We consider this amendment satisfies WIAL’s relief in part, is appropriate, and more effective and efficient in achieving Objective CC.6 than the version of the clause as supported by the Officer, as it will support infrastructure to be climate-resilient and in turn increase community resilience as set out in the strategies and action plans in the EAP and NAP.

### 4.5.3 Recommendation

#### **Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration**

When considering an application for a resource consent, notice of requirement or a change, variation or review of a *district or regional plan*: ~~particular regard shall be given to:~~

- (a) ~~recognise and provide for~~ the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources ~~and its transmission through the electricity transmission network; and~~
- (b) ~~recognise the social, economic, cultural, and environmental benefits of other and/or~~ regionally significant infrastructure, ~~including in particular~~ where it contributes to reducing greenhouse gas emissions and ~~provides for climate change mitigation, climate change adaptation and climate-resilience~~; and
- (c) ~~have particular regard to~~ protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the *infrastructure*; and
- (d) ~~recognise and provide for the operational need and functional the need for of for~~ renewable electricity generation ~~activities to be in particular locations, including the need facilities~~ to locate where the renewable energy resources exist; and
- (e) ~~recognise the benefits of utilising the~~ significant wind, solar and marine renewable energy resources within the region ~~and the development of the electricity transmission network to connect the renewable energy resource to distribution networks and end-users.~~

#### **Explanation**

~~Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community,~~ Policy 39 recognises that ~~renewable energy generation and regionally significant infrastructure these activities~~ can provide a range of environmental, economic, social and cultural benefits locally, regionally and nationally, ~~particularly to including where it contributes to reducing greenhouse gas emissions as sought by Objective CC.3. These benefits are outlined in Policy 7.~~

The benefits of energy generated from renewable energy resources include:

- ~~Security of and the diversification of our energy sources~~
- ~~Reducing our dependency on imported energy resources – such as oil, natural gas and coal~~
- ~~Reducing greenhouse gas emissions~~
- ~~Contribution to the national renewable energy target~~

The benefits are not only generated by large scale renewable energy projects but also smaller scale, distributed generation projects.

The benefits of regionally significant infrastructure include:

- People and goods can efficiently and safely move around the region, and to and from
- Public health and safety is maintained through the provision of essential services—such as potable water and the collection and transfer of sewage or stormwater
- People have access to energy to meet their needs
- People have access to telecommunication services

Energy generation from renewable energy and regionally significant infrastructure (as defined in Appendix 3) can provide benefits both within and outside the region.

Renewable energy generation and regionally significant infrastructure can also have adverse effects on the surrounding environment and community. These competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.

When considering the benefits from renewable energy generation, the contribution towards national goals in the New Zealand Energy Strategy (2007) and the National Energy Efficiency and Conservation Strategy (2007) will also need to be given regard.


Potential significant sites for development of Wellington region's marine and wind resources have been identified in reports 'Marine Energy – Development of Marine Energy in New Zealand with particular reference to the Greater Wellington Region Case Study by Power Projects Ltd, June 2008' and 'Wind Energy – Estimation of Wind Speed in the Greater Wellington Region, NIWA, January 2008'.

Policy 39(a) shall cease to have effect once policy 9 is given effect in a relevant district or regional plan.

Policy 39(b) shall cease to have effect once policy 8 is given effect in a relevant district or regional plan.

## 4.6 Policy 65: Supporting and encouraging efficient use and conservation of resources – non regulatory

270. As notified, the proposed amendments to the Policy read :

Policy 65: <u>Supporting and encouraging efficient use and conservation of resources – non-regulatory</u>	
<p>To <del>promote</del> <u>support and encourage</u> conservation and efficient use of resources by:</p> <p>(a) <u>applying the 5 Rs (Reduceing, Reusing, Recycling, Recover, recycling and Residual waste management);</u></p> <p>(b) <u>reducing <i>organic waste</i> at source from households and commercial premises;</u></p> <p>(c) <u>increasing the diversion of wastewater sludge from wastewater treatment plants before deposition to municipal landfills;</u></p> <p>(d) <u>requiring efficient municipal landfill gas systems;</u></p>	
<p>(be) using water and energy efficiently; and</p> <p>(ef) conserving water and energy.</p>	
<p><b>Explanation</b></p> <p><u>Policy 65 promotes the efficient use of resources to reduce <i>emissions</i>. The policy endorses the waste hierarchy and also promotes similar principles for efficient water and energy use.</u></p> <p><del>For waste, using resources efficiently means following the waste hierarchy: reducing unnecessary use of resources, including reducing packaging; reusing unwanted goods that are still ‘fit for purpose’; recycling new products from waste materials; and recovering resources (such as energy) from waste before disposing of the remaining waste safely. If resources are used efficiently, the amount of unwanted materials disposed of at landfills and at sewage treatment plants will be reduced.</del></p> <p><del>Similar principles apply for reducing energy demand and conserving energy. This includes minimising the use of energy, reducing the need to use or being more efficient in use.</del></p> <p><del>Some of the ways to efficiently use or conserve water include reducing water demand and wastage by:</del></p> <ul style="list-style-type: none"> <li><del>• Setting targets for reducing leakage from reticulated water supplies within each district</del></li> <li><del>• Providing information to water suppliers and water users on how to conserve water and use it as efficiently as possible</del></li> <li><del>• Providing information about long-term rainfall and drought predictions</del></li> <li><del>• Investigating the use of transferable water permits</del></li> </ul> <p><del>Leaks from water reticulation systems can waste over 15 per cent of treated water. Water supply authorities already have programmes for repair and maintenance, and it is vital that targets are set so that development of such programmes continues and water wastage is reduced.</del></p>	

~~Water efficient household appliances and garden watering tied to garden needs, along with fixing dripping taps and planting locally appropriate plants, are some of the ways that people could make the water delivered to their house go further. Greywater irrigation and recycling, and the use of rainwater tanks, are ways that households can make more efficient use of water.~~

~~Weather predictions can help people prepare for possible weather extremes, for example by buying in stock feed or ensuring water reserves are at full capacity. Transferring water permits, or parts of water permits, allows allocated water to be used by as many people as the resource can sustain.~~

271. The proposed amendments to non-regulatory Policy 65 in the Operative RPS aim to support and encourage efficient use of resources and reduce waste and associate GHGe from waste streams in the Region.<sup>166</sup>

#### 4.6.1 Submissions, Evidence and Analysis

272. There were 16 original and 12 further submissions on the Policy 65. Some submitters supported the amendments on the basis that they are necessary to give effect to the NPS-FM and are consistent with Climate Action Plans prepared by territorial authorities.
273. Meridian [S100.022] and Genesis [S99.004] requested recognition of renewable energy generation in Policy 65 and some amendments were recommended in the s 42A Report in recognition of the importance of transitioning to renewable energy sources to reduce GHGe. In her planning evidence, Ms Foster for Meridian sought an amendment to clause (e) regarding increasing the proportion of energy generated and used from renewable sources. The Officer recommended this amendment be made. The Officer did not support PCC's relief to list who was responsible for the initiatives in the Policy [S30.083] because there would be overlapping responsibilities, and this information was too specific for the Policy.
274. Forest and Bird [S165.086] sought a better link between the Policy and the Explanation. Some submitters requested stronger language such as "incentivise" rather than "promote" or "support". Ātiawa requested that the Policy be a regulatory Policy.
275. Although the Officer recommended some amendments in response to Forest and Bird, at the Hearing, we questioned whether the Explanation to

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<sup>166</sup> Section 42A Hearing Report, Climate Change – Energy, Waste and Industry, para 162.



Policy 65 needed further changes to better reflect the amendments in the Policy. The Officer agreed in his Reply Evidence to amend the Explanation to note that the Policy also seeks to increase the proportion of energy generated and used from renewable sources.<sup>167</sup>

276. Policy 65 supports the implementation of Objectives CC.1 and CC.3 and the amendments the Officer supports clarify the intent of the Policy regarding **increased** generation and use of renewable energy.

#### 4.6.2 Finding

277. We agree with the Reporting Officer's recommendations on Policy 65 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal or Reply Evidence.

#### 4.6.3 Recommendation

##### **Policy 65: Supporting and encouraging Promoting efficient use and conservation of resources – non-regulatory**

- To promote sSupport and encourage the conservation and efficient use of resources by:
- (a) ~~applying the 5 Rs (3Reducing, Reusing, Recycling, Recover, recycling and Residual waste management);~~
  - (b) ~~reducing organic waste at source from households and commercial premises;~~
  - (c) ~~increasing the diversion of wastewater sludge from wastewater treatment plants before deposition to municipal landfills;~~
  - (d) ~~requiring encouraging efficient municipal landfill gas systems;~~
  - (e) ~~increasing the proportion of energy generated and used from renewable sources;~~
  - (ef) using water and energy efficiently; and
  - (fg) conserving water and energy.

##### **Explanation**

Policy 65 ~~supports and encourages-promotes~~ the efficient use of resources to reduce emissions. The policy endorses the waste hierarchy, **supports increasing generation and use of renewable energy** and also promotes similar principles for efficient water and energy use.

For waste, using resources efficiently means following the waste hierarchy: reducing unnecessary use of resources, including reducing packaging; reusing unwanted goods that are still 'fit for purpose'; recycling new products from waste materials; and recovering resources (such as energy) from waste before disposing of the remaining waste safely. If resources are used efficiently, the amount of unwanted materials disposed of at landfills and at sewage treatment plants will be reduced.

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<sup>167</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 54.3.

Similar principles apply for reducing energy demand and conserving energy. This includes minimising the use of energy, reducing the need to use or being more efficient in use.

Some of the ways to efficiently use or conserve water include reducing water demand and wastage by:

- Setting targets for reducing leakage from reticulated water supplies within each district
- Providing information to water suppliers and water users on how to conserve water and use it as efficiently as possible
- Providing information about long-term rainfall and drought predictions
- Investigating the use of transferable water permits

Leaks from water reticulation systems can waste over 15 per cent of treated water. Water supply authorities already have programmes for repair and maintenance, and it is vital that targets are set so that development of such programmes continues and water wastage is reduced.

Water efficient household appliances and garden watering tied to garden needs, along with fixing dripping taps and planting locally appropriate plants, are some of the ways that people could make the water delivered to their house go further. Greywater irrigation and recycling, and the use of rainwater tanks, are ways that households can make more efficient use of water.

Weather predictions can help people prepare for possible weather extremes, for example by buying in stock feed or ensuring water reserves are at full capacity. Transferring water permits, or parts of water permits, allows allocated water to be used by as many people as the resource can sustain.



## 4.7 Method 17: Reducing waste and greenhouse gases emissions from waste streams

278. As notified, the proposed amendments to the Policy read:

<b>Method 17: <u>Reducing waste and greenhouse gases emissions from waste streams</u> Information about waste management</b>
<u>Work in partnership with mana whenua / tangata whenua and with city and district councils, the waste management sector, industry groups and the community to:</u>
(a) <u>reduce organic matter at source, and</u>
(b) <u>work towards implementing kerbside recovery of organic waste from households and commercial premises, and</u>
(c) <u>encourage development opportunities for increasing the recovery of biogas from municipal landfills, and</u>
(d) <u>increase the diversion of organic waste (sludge) from the waste stream before deposition to municipal landfills.</u>
<u>Implementation: Wellington Regional Council, iwi authorities, city and district councils.</u>
<u>Prepare and disseminate information about how to reduce, reuse, or recycle, residual waste</u>
<u>Implementation: Wellington Regional Council and city and district councils*</u>

### 4.7.1 Submissions, Evidence and Analysis

279. Some submitters, in particular iwi submitters, sought that the Method be more direct and specific regarding responsibilities for implementation (for example Ngāti Toa [S170.067]). Taranaki Whānui [S167.0153] and Ātiawa [S131.0166] supported the requirement to partner with mana whenua / tangata whenua but sought reference to resourcing, funding and capability building. Rangitāne sought an amendment to provide for Kaupapa Māori approaches to reducing waste and monitoring and the use of mātauranga Māori to design, manage and monitor waste reduction and management solutions.

280. The Officer did not recommend any amendments to the notified Method on the basis that it was drafted to provide some flexibility in implementation while also recognising that all local authorities, industry, mana whenua / tangata whenua and community have a role to play. The Officer said the partnership approach will provide opportunities to use mātauranga Māori and that funding for work programmes has been

provided through Kaupapa Funding Agreements to support mana whenua / tangata whenua to work with Council.

281. No written or oral evidence was presented by submitters on Method 17.

#### 4.7.2 Finding

282. We agree with the Reporting Officer's recommendations on Method 17 for the reasons above, and otherwise as set out in the Officer's s 42A Report.

#### 4.7.3 Recommendation

**Method 17: Reducing waste and greenhouse gases emissions from waste streams**  
**Information about waste management**

Work in partnership with mana whenua / tangata whenua and with city and district councils, the waste management sector, industry groups and the community to:

- (a) reduce organic matter at source, and
- (b) work towards implementing kerbside recovery of organic waste from households and commercial premises, and
- (c) encourage development opportunities for increasing the recovery of biogas from municipal landfills, and
- (d) increase the diversion of organic waste (sludge) from the waste stream before deposition to municipal landfills.

Implementation: Wellington Regional Council, iwi authorities, city and district councils.

## 4.8 Definitions: Energy, Waste and Industry subtopic

### 4.8.1 *Small scale (in relation to electricity generation)*

283. The notified definition stated:

**Small scale (in relation to electricity generation)**

Has the same meaning as in the National Policy Statement for Renewable Energy Generation 2011: small and community-scale distributed electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

284. This definition is in Policy 11.

285. In the s 42A Report the Officer recommended the definition be amended to remove the reference to the NPS-REG 2011. This would ‘future-proof’ the definition if the NPS was updated. The wording the Officer recommended stated:

**Small scale and community scale renewable energy (in relation to electricity generation)**

~~Has the same meaning as in the National Policy Statement for Renewable Energy Generation 2011: small and community-scale distributed electricity generation~~ means renewable energy electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

286. Ms Foster for Meridian did not support these amendments and said in her evidence that they create unnecessary misalignment with the NPS-REG.<sup>168</sup> At the Hearing, Ms Foster further explained that although this was not a substantial issue:<sup>169</sup>

There are several differences in the way that people refer to the use or harvesting and development of renewable energy to generate renewable electricity; so, the thing they’re using, the resources, the energy and what they’re creating is electricity, which is why it's renewable electricity generation NPS for example.

287. As we noted earlier in relation to Policy 11, we recommend amending the definition to align with the NPS-REG definition: “**Small and community-scale distributed electricity generation** means renewable electricity

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<sup>168</sup> Statement of Evidence of Christine Foster called by Meridian Energy Limited, Hearing Stream 3 – Climate Change, 14 August 2023, para 11.3


<sup>169</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 7, lines 339 – 343.

generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.”

288. We do not consider that this changes the policy intent in any way but more closely aligns with the NPS-REG definition. We do not consider there to be any cost implications from the amendment.

#### 4.8.2 *Organic waste*

289. The notified definition stated:

<b>Organic waste</b>	
<p><u>Wastes containing carbon compounds that are capable of being readily biologically degraded, including by natural processes, such as paper, food residuals, wood wastes, garden and plant wastes, but not inorganic materials such as metals and glass or plastic. Organic wastes can be decomposed by microorganisms into methane, carbon dioxide, nitrous oxide, and simple organic molecules (plastic contains carbon compounds and is theoretically organic in nature, but generally is not readily biodegradable).</u></p>	

290. The definition relates to Policy 65 and Method 17. There was one general submission on the definition. Winstone Aggregates [S162.029] was concerned that this definition, and others, took an overly restrictive approach for quarrying activities. The Officer did not consider this to be a risk and recommended that the definition be retained as notified.

#### 4.8.3 *Large scale generators*

291. The notified definition stated:

<b>Large scale generators</b>
<p><u>Any boiler, furnace, engine or other device designed to burn for the primary purpose of energy production having a net heat or energy output of more than 40kW, but excluding motor vehicles, trucks, boats and aircraft. This definition excludes domestic fires.</u></p>

292. Meridian [S100.025] requested that the definition applies to devices burning fossil fuels so that it doesn't unintentionally apply to devices fuelled by renewable electricity.
293. The definition is relevant to Policy 2(d) which the Officer recommends is deleted. We support that recommendation and therefore agree with the Officer that this definition can be deleted.

#### 4.8.4 Recommendations

##### **Organic waste**

Wastes containing carbon compounds that are capable of being readily biologically degraded, including by natural processes, such as paper, food residuals, wood wastes, garden and plant wastes, but not inorganic materials such as metals and glass or plastic. *Organic wastes* can be decomposed by microorganisms into methane, carbon dioxide, nitrous oxide, and simple organic molecules (plastic contains carbon compounds and is theoretically organic in nature, but generally is not readily biodegradable).

##### **Large scale generators**

Any boiler, furnace, engine or other device designed to burn for the primary purpose of energy production having a net heat or energy output of more than 40Kw, but excluding motor vehicles, trucks, boats and aircraft. This definition excludes domestic fires.

##### **Small scale and community scale distributed electricity renewable energy (in relation to electricity generation)**

Has the same meaning as in the National Policy Statement for Renewable Energy Generation 2011: small and community-scale distributed electricity generation mMeans renewable energy electricity electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

## 5. Climate Change: Subtopic 3 – Agricultural Emissions

### 5.1 Overview

294. The provisions in this subtopic are:
- a. Policy CC.5: Reducing agricultural emissions – regional plans
  - b. Policy CC.13: Managing agricultural emissions – consideration
  - c. Policy CC.15: Improve rural resilience to climate change – non-regulatory
  - d. Method CC.5: Confirm regional response to reducing agricultural GHG emissions
  - e. Method CC.8: Programme to support low-emissions and climate-resilient agriculture – non-regulatory methods.
295. There were approximately 80 original submissions and 78 further submissions on this subtopic.
296. The key issues raised were:
- a. Whether Change 1 should address agricultural emissions and the potential to duplicate or conflict with national policy and initiatives
  - b. Strong opposition from the primary sector
  - c. Divergent views on agricultural emissions target in Policy CC.5:
    - i. that it be strengthened (i.e. to reduce emissions)
    - ii. that it be deleted as it unfairly targets the agriculture sector in the region
    - iii. unclear how it will be implemented and potential impacts on the sector
  - d. Policy CC.13 – unclear how it will be implemented, will have significant impact on the sector and rural communities, policy should not apply to territorial authorities

- e. General support for non-regulatory Policy CC.15 and Method CC.8 but questions from TAs about responsibilities.

## Provision by Provision Analysis

### 5.2 Policy CC.5 – Avoid increases in agricultural greenhouse gas emissions – regional plans

297. As notified, the proposed amendments to the Policy read:

<u>Policy CC.5: Avoid increases in agricultural greenhouse gas emissions – regional plan</u>
<u>Regional plans shall include objectives, policies, rules and/or methods to avoid changes to land use activities and/or management practices that result in an increase, in gross greenhouse gas emissions from agriculture.</u>
<b><u>Explanation</u></b> <u>As agriculture is the second largest emitter of greenhouse gases in the Wellington Region, contributing 34 percent of the region’s greenhouse gas emissions, reducing emissions from the agricultural sector is critical to contribute to achieving Objective CC.3. While central government is taking the lead on the policy approach to reduce agricultural greenhouse gas emissions through the use of a pricing mechanism (the Emissions Trading Scheme), this policy sets a minimum expectation that there should be no increase in agricultural greenhouse gas emissions in the Wellington Region.</u>
<u>As of 30 November 2022, regional councils are able to make rules to control the discharge of greenhouse gases having regard to the effects on climate change. A plan change process will determine the way in which Policy CC.5 is given effect to and will need to consider issues such as equity and the relationship with the national pricing approach for agricultural emissions.</u>

298. Policy CC.5 is a regulatory policy that directs regional plans to include provisions to support reductions in gross agricultural emissions<sup>170</sup>.

299. The s32 Report sets out the rationale for Policy CC.5 as part of the proposed policy approach to agricultural GHGe in Change 1, noting that the intent of Policy CC.5 is to set a clear expectation that there should be no increase in gross agricultural GHG emissions in the Region.<sup>171</sup> This direction is to be implemented through a future regional plan change process with flexibility as to how best achieve this.

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<sup>170</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 59, lines 3009 – 3012.

<sup>171</sup> Section 32 Report, page 134.



300. The explanation to Policy CC.5 notes that:

As agriculture is the second largest emitter of greenhouse gases in the Wellington Region, contributing 34 percent of the region's greenhouse gas emissions, reducing emissions from the agricultural sector is critical to contribute to achieving Objective CC.3.

301. The s 42A Report on Agricultural Emissions notes that Policy CC.5 provides new, and potentially unprecedented, direction to manage agricultural GHGe under the RMA and has understandably attracted significant interest in submissions, both in support and opposition.<sup>172</sup>

### 5.2.1 Submissions, Evidence and Analysis

302. There were 19 original and 24 further submission points on Policy CC.5.

303. The key issues raised in submissions are:

- a. Whether the RPS should address agricultural GHGe
- b. Whether agricultural GHGe should be reduced or whether there should be no increase in gross GHGe
- c. The extent to which Policy CC.5 duplicates or conflicts with central government policy, and
- d. Implementation of Policy CC.5.

304. Concerns from some primary sector submitters included that the sector is being unfairly targeted, that the policy will result in perverse outcomes in relation to land use change, emissions leakage outside the Region, and that a regional approach will lead to misalignment with national policies and instruments. At the Hearing, Mr Roos clarified that the concept of leakage is where an activity that is regulated in one area, then moves to another area that doesn't have regulations and there is therefore no benefit to the climate.<sup>173</sup> MDC [S166.045] requested clarification as to the impact of the Policy on farming and land use intensification. HortNZ [S128.022] requested the Policy be refocused or a new policy added, to recognise the benefits of enabling rural land use change that contributes

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<sup>172</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, para 63.

<sup>173</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 60, lines 3062 – 3064.

to reducing GHGe from agriculture. Other submitters sought that Policy CC.5 be strengthened.

305. In response to concerns that the agricultural sector is being unfairly targeted, the s 42A Report notes that Objective CC.3 seeks a reduction in GHGe across all sectors to contribute to a 2050 net-zero target.<sup>174</sup> While the revisions recommended to Objective CC.3 in the Rebuttal Evidence remove reference to specific sectors, it still requires a contribution across the region for a 50% reduction in net GHGe from 2019 levels and to achieving net zero GHGe by 2050. If there is no reduction in GHGe from the agricultural sector this will require higher emissions reductions from other sectors. The Reporting Officer Mr Wyeth said that the key question is what level of reduction of agricultural emissions is needed, when, and how this is best achieved.
306. The Officer considered that it is more equitable and effective for Policy CC.5 to provide high-level direction that agricultural GHGe in the Region are to be reduced to contribute to Objective CC.3 without specifying a specific reduction target for agricultural emissions at this point of time.<sup>175</sup> This amendment also shifts the focus from regulating land-use change and management practices. The Officer said that the Policy as amended would not undermine central government policy but would support its work with the sector. The Officer recommended the words “land use activities and/or management practices” are deleted from the Policy as a future regional plan would be the opportunity to determine the most effective and efficient management approach (that is whether rules and/or controls or other methods, or a non-regulatory response<sup>176</sup> are most appropriate) and at what scale.<sup>177</sup>
307. Subsequent to the amendments recommended in the s 42A Report, some submitters were still of the view that Policy CC.5 is not necessary and should be deleted as it will not result in any additional benefits that will not otherwise be achieved through the national policy approach. The Officer responded that it is still beneficial to set clear direction that

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<sup>174</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, para 66.

<sup>175</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, paras 70 – 71.

<sup>176</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3, Climate Change – Agricultural Emissions, 22 August 2023, para 24.

<sup>177</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, para 79.

agricultural emissions need to be reduced in the Region while providing flexibility on how this is achieved through a future regional plan process. The Officer said that withdrawing or deferring the Policy would result in further inaction and loss of the opportunity to include a provision in a future RPS change or review.

308. Similarly at the Hearing, Mr Wyeth said that:<sup>178</sup>

the risk of not acting is greater. I still support the general direction of travel in terms of reducing agricultural emissions and allowing the time for that to figure out the most efficient and effective approach to do that through Method CC.5.

309. We agree with the Officer that it is appropriate for Proposed Change 1 to include a policy requiring regional plans to include provisions to support reductions in agricultural emissions to contribute to the 2050 net-zero target. This is justified by the s 32 Report and Mr Roos' technical evidence on the importance of reducing agricultural GHGe to meet New Zealand's climate mitigation objectives. We do not consider that the Policy unfairly targets the agricultural sector as it aligns with Objective CC.3 and Policy CC.8 (which apply to all sectors).<sup>179</sup> The Policy is clear that further work needs to occur through the regional plan on how the Policy is best achieved and this will be supported by non-regulatory Policy CC.15 and Method CC.8 that seek to support management practices at a farm level to reduce GHGe. These provisions collectively provide flexibility for engagement by the primary sector in how regional planning can support agricultural GHGe reductions to contribute to New Zealand's GHGe reduction targets.

### 5.2.2 Finding

310. We agree with the Reporting Officer's recommendations on Policy CC.5 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 5.2.3 Recommendation

**Policy CC.5: Avoid increases in Reducing agricultural greenhouse gas emissions – regional plans**

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<sup>178</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 65, lines 3288 – 3291.

<sup>179</sup> See for instance Hearing Transcript, HS3 – Climate Change, Day 1, page 64, lines 3237 – 3248; Statement of Supplementary Technical Evidence of Jame Roos, HS3- Climate Change, 22 August 2023, in particular paragraphs 17 – 18.

*Regional plans* shall include objectives, policies, ~~rules and/or~~ methods to support reductions in agricultural *greenhouse gas emissions* from 2019 levels to contribute to the Objective CC.3 2050 net-zero emissions target. ~~avoid changes to land use activities and/or management practices that result in an increase, in gross greenhouse gas emissions from agriculture.~~

**Explanation:**

As agriculture is the second largest emitter of greenhouse gases in the Wellington Region, contributing 34 percent of the region's *greenhouse gas emissions*, reducing emissions from the agricultural sector is critical to contribute to achieving Objective CC.3. While central government is taking the lead on the policy approach to reduce agricultural *greenhouse gas emissions* ~~through the use of a pricing mechanism (the Emissions Trading Scheme)~~. Policy CC.5 seeks to complement this by directing regional plans to include provisions to support reductions in agricultural emissions. This will be supported by non-regulatory Policy CC.15 and Method CC.8 that seek to support change and improved management practices at a farm level to reduce *greenhouse gas emissions*. ~~this policy sets a minimum expectation that there should be no increase in agricultural greenhouse gas emissions in the Wellington Region.~~

As of 30 November 2022, regional councils are able ~~to make rules~~ to control the discharge of *greenhouse gases* having regard to the effects on climate change. ~~This policy is intended to provide flexibility as to how agricultural greenhouse gas emissions are reduced through a future regional plan change process which A plan change process will determine the way in which Policy CC.5 is given effect to and will need to consider issues such as equity and the relationship with the national pricing approach for agricultural greenhouse gas emissions to ensure that these are complementary.~~

### 5.3 Policy CC.13: Managing agricultural gross greenhouse gas emissions – consideration

311. The Policy as notified stated:

<u>Policy CC.13: Managing agricultural gross greenhouse gas emissions – consideration</u>
<p><u>When considering an application for a resource consent, associated with a change in intensity or type of agricultural land use, particular regard shall be given to:</u></p> <ul style="list-style-type: none"><li>(a) <u>reducing gross greenhouse gas emissions as a priority where practicable, and</u></li><li>(b) <u>where it is not practicable to reduce gross greenhouse gas emissions, achieving a net reduction in greenhouse gas emissions, and</u></li><li>(c) <u>avoiding any increase in gross greenhouse gas emissions.</u></li></ul> <p><b><u>Explanation</u></b></p> <p><u>As agriculture is the second largest emitter of GHG in the region, contributing 34 percent of the region’s GHG emissions, reducing emissions from this sector is critical to contribute to achieving Objective CC.3. As of 30 November 2022, consent authorities may have regard to the effects of discharges into air of greenhouse gases on climate change in considering an application for a discharge permit or coastal permit. Where resource consent is required in association with a change in land use intensity or type of agricultural land use, the policy requires a hierarchy of effort, seeking to reduce gross greenhouse gas emissions in the first instance, followed by achieving a net reduction, with a minimum expectation that any increase in gross emissions is avoided.</u></p>

312. The s 32 Report says that the intent of Policy CC.13 is to provide an interim consideration policy until Policy CC.5 is implemented to ensure that agricultural GHGe are assessed when considering a resource consent application required for a “change in intensity or type of agricultural land use”.<sup>180</sup>

#### 5.3.1 Submissions, Evidence and Analysis

313. Some submitters supported the Policy but others raised concerns about its application to land use decisions and sought that it only apply to regional discharge permits. The Policy was opposed by SWDC [S79.041], Dairy NZ [S136.016] and WFF [S163.067] including that it lacked adequate detail on how it would be implemented through the resource consent, including what information would be accepted by Council, and that it

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<sup>180</sup> Section 32 Report, page 136.

would result in inequitable allocation on rural environments and communities of the costs of climate change response.

314. In the s 42A Report the Officer considers that the Policy raises a number of practical challenges and implementation issues that are likely to outweigh any emissions reductions benefits.<sup>181</sup> The Officer recommends deleting the Policy and this is supported by planners representing Dairy NZ, Kāinga Ora, WFF and UHCC.

### 5.3.2 Finding

315. We agree with the Reporting Officer's recommendation to delete Policy CC.13 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 5.3.3 Recommendation

~~**Policy CC.13: Managing agricultural gross greenhouse gas emissions – consideration**~~

~~When considering an application for a resource consent, associated with a change in intensity or type of agricultural land use, particular regard shall be given to:~~

- ~~(a) reducing gross greenhouse gas emissions as a priority where practicable, and  
(b) where it is not practicable to reduce gross greenhouse gas emissions, achieving a net reduction in greenhouse gas emissions, and  
(c) avoiding any increase in gross greenhouse gas emissions.~~


~~**Explanation:** As agriculture is the second largest emitter of GHG in the region, contributing 34 percent of the region's GHG emissions, reducing emissions from this sector is critical to contribute to achieving Objective CC.3. As of 30 November 2022, consent authorities may have regard to the effects of discharges into air of greenhouse gases on climate change in considering an application for a discharge permit or coastal permit. Where resource consent is required in association with a change in land use intensity or type of agricultural land use, the policy requires a hierarchy of effort, seeking to reduce gross greenhouse gas emissions in the first instance, followed by achieving a net reduction, with a minimum expectation that any increase in gross emissions is avoided.~~

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<sup>181</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, paras 99 - 103.

## 5.4 Policy CC.15: Improve rural resilience to climate change – non regulatory

316. The notified Policy stated:

<b><u>Policy CC.15: Improve rural resilience to climate change – non-regulatory</u></b>	
<u>Support rural communities in their <i>climate change adaptation</i> and mitigation efforts, including by:</u>	
(a) <u>providing practical and easily accessible information on climate change projections at a local level,</u>	
(b) <u>promoting and supporting land management practices and/or land uses that improve resilience to climate change, including <i>nature-based solutions</i>,</u>	
(c) <u>promoting and supporting land management practices and/or land uses that will reduce gross greenhouse gas <i>emissions</i>,</u>	
(d) <u>giving preference to climate change efforts that also deliver benefits for indigenous biodiversity, land, fresh and coastal water.</u>	
 <u>Explanation</u>	
<u>This policy promotes and supports low emission agriculture and increased rural resilience to climate change.</u>	

317. The Policy is a non-regulatory policy that seeks to improve climate change mitigation and adaptation efforts in rural areas through sustainable land-uses and management practices. The Reporting Officer said that the Policy is likely to include some transition in land-use to less intensive, lower emission land uses.<sup>182</sup>

### 5.4.1 Submissions, Evidence and Analysis

318. There were 13 original and 12 further submission points on the Policy.

319. Some submitters supported the Policy and its reference to nature-based solutions and supporting land management practices that improve resilience and reduce gross GHGe. Some TAs requested that the Policy only apply to regional council functions.

320. The Officer said that the Policy should not be limited to regional council functions as TAs have a role in working with the primary sector and their

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<sup>182</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, para 39.

communities to improve resilience to climate change. Ms Rushmere on behalf of UHCC said many TAs do not possess the resources to implement the measures in the Policy.

321. The Officer responded in his Rebuttal Evidence to say that the actions in the Policy are worded in an enabling and flexible manner and are therefore unlikely to result in any onerous requirements for TAs.<sup>183</sup>
322. The Officer recommends some amendments in Rebuttal Evidence in response to relief sought by WFF and HortNZ to include water resilience and food security into the natural hazards provisions. The Officer discussed this relief with the Reporting Officers for the Natural Hazards subtopic and recommended amendments to Policy CC.15 to address this relief.<sup>184</sup> We agree with these amendments.

#### 5.4.2 Finding

323. We agree with the Reporting Officer's recommendations on Policy CC.15 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

#### 5.4.3 Recommendation

##### **Policy CC.15: Improve rural resilience to climate change – non-regulatory**

Support rural communities in their *climate change adaptation* and *climate change mitigation* efforts, including by:

- (a) providing practical and easily accessible information on climate change projections at a local level,
- (b) promoting and supporting land management practices and/or land uses, including *nature-based solutions*, that improve *resilience* to climate change, including rural water resilience and food security including *nature-based solutions*,
- (c) promoting and supporting land management practices and/or land uses that will reduce gross *greenhouse gas emissions*,
- (d) giving preference to climate change efforts that also deliver benefits for *indigenous biodiversity*, land, fresh and coastal water.

##### **Explanation**

This policy promotes and supports low emission agriculture and increased rural resilience to climate change.

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<sup>183</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3, Climate Change – Agricultural Emissions, 22 August 2023, para 29.

<sup>184</sup> Reply Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream Three – Climate Change Subtopics (General, Agricultural Emissions, and Energy, Industry and Waste), 21 September 2023, paras 41 – 42.



## 5.5 Method CC.5: Review regional response to reducing agricultural greenhouse gas emissions

324. The notified Method stated:

**Method CC.5: Review regional response to reducing agricultural greenhouse gas emissions**

Monitor changes in agricultural land use and land management practices and review the regional policy approach by 31 December 2024, responding to any predicted changes in greenhouse gas emissions from the agricultural section in the Wellington Region and any new national policy direction.

Implementation: Wellington Regional Council

325. The Method is intended to work with Policy CC.5. It is a non-regulatory Method to review the regional response to reducing agricultural GHGe.

### 5.5.1 Submissions, Evidence and Analysis

326. Some submitters requested the Method be strengthened, others requested clarification on how it would be implemented, and others sought that it be deleted.

327. The Officer recommended that in light of the amendments he recommended to Policy CC.5 (to refer to regional plan provisions being developed to support reductions in agricultural GHGe), it would be premature for Method CC.5 to require the regional response to be reviewed when the regional plan would probably still be in development or recently notified by December 2024.

328. The Officer recommended that Method CC.5 be amended to focus on undertaking the necessary engagement and other work to confirm the preferred approach to implement Policy CC.5 by December 2024.

329. Ms Hunter for DairyNZ supported the removal of the ‘drop-dead-date’ of December 2024 if the Method is to remain.<sup>185</sup> She noted in her evidence statement that a range of key actions were underway in the farming sector but they had an initiation timeframe of 2025, therefore, in Ms Hunter’s view, the date of 31 December 2024 appeared premature against that

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<sup>185</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 66, lines 3417 – 3420.

existing framework<sup>186</sup> and the Method should monitor progress and initiative a review by a certain date.

330. The Officer said that the intent of the Method was not to require a plan change to be initiated or notified by 31 December 2024 and that this may not be desirable for a range of factors. To provide more flexibility, the Officer recommended in his Rebuttal Evidence that the Method require the Regional Council confirm the preferred “policy approach and timeframe to implement Policy CC.5” by 31 December 2024.<sup>187</sup>
331. This would first require, as the Officer signals in the s 42A Report, the Council undertaking the necessary technical and policy work and stakeholder engagement, as well as a review of GHGe from rural land-use in the Region, an evaluation of regulatory and non-regulatory methods and identifying national policy and initiatives.<sup>188</sup> This seems an appropriate approach to developing the regional plan provisions required by Policy CC.5. We agree with the Officer’s recommendations.

### 5.5.2 Finding

332. We agree with the Reporting Officer’s recommendations on Method CC.5 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 5.5.3 Recommendation

**Method CC.5: Confirm Review regional response to reducing agricultural greenhouse gas emissions**

Monitor changes in agricultural land use and land management practices and review the regional policy approach by By 31 December 2024, Wellington Regional Council will confirm the preferred policy approach and timeframe option to implement Policy CC.5, taking into account changes in agricultural land use and land management practices, responding to any predicted changes in greenhouse gas emissions from the agricultureat sectorion in the Wellington Region, regulatory and non-regulatory responses, and relevant any new national policy direction and initiatives.  
Implementation: Wellington Regional Council.

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<sup>186</sup> Statement of Evidence by Claire Hunter for WIAL, 14 August 2023, para 30; Statement of Evidence by Claire Hunter for Dairy NZ, 14 August 2023, paras 40 – 41.

<sup>187</sup> Statement of Rebuttal Evidence of Jerome Wyeth on behalf of Wellington Regional Council, Hearing Stream 3, Climate Change – Agricultural Emissions, 22 August 2023, para 33.

<sup>188</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change, Agricultural Emissions, para 125.

## 5.6 Method CC.8: Programme to support low-emissions and climate-resilient agriculture – non-regulatory methods

333. The notified Method stated:

<u>Method CC.8: Programme to support low-emissions and climate-resilient agriculture-non-regulatory methods</u>	
<p><u>By June 2024, develop a targeted climate change extension programme to actively promote and support changes to reduce agricultural greenhouse gas emissions and increase rural land use resilience to climate change, including by:</u></p> <ul style="list-style-type: none"><li>(a) <u>providing practical and easily accessible information on projected climate change impacts at a local level,</u></li><li>(b) <u>providing base data held by the regional council to support the development of farm greenhouse gas emission profiles,</u></li><li>(c) <u>promoting and supporting actions to reduce agricultural gross greenhouse gas emissions and/or increase climate resilience,</u></li><li>(d) <u>identifying appropriate areas and species for tree planting/natural regeneration in farm plans as part of implementing the regional spatial forest plan (see Method CC.4),</u></li><li>(e) <u>identifying other on-farm nature-based solutions that will increase the resilience of a farm system and/or catchment to the effects of climate change,</u></li><li>(f) <u>supporting central government and industry climate change programmes/initiatives.</u></li></ul> <p><u>Implementation: Wellington Regional Council</u></p>	

334. The Method directs the Regional Council to establish a programme to support low-emission and climate-resilient agriculture through non-regulatory measures.

### 5.6.1 Submissions, Evidence and Analysis

335. Some submitters requested reference to partnership with appropriate stakeholders in the chapeau of the Method and the Regional Council requested that the Method refer to develop ‘and implement’ the extension programme. The Reporting Officer agreed with this amendment.

336. Ms Sands for HortNZ requested that the Method refer expressly to low emissions land use change and that it enable land use change to horticulture. The Officer said that a transition to horticulture with less GHGe may be a likely outcome from Method CC.8(c), but he did not think this level of specificity was needed in the Method.

337. Ms McGruddy on behalf of WFF asked that the Climate Change provisions recognise water security as an important issue. The Reporting Officer for the Natural Hazards subtopic recommended amendments to Method CC.8 in response to Ms McGruddy’s request to include a method to assist catchment groups and water user groups in the development of

adaptation plans. The Reporting Officer for the Agricultural Emissions subtopic agreed with these amendments.

### 5.6.2 Finding

338. We agree with the Reporting Officer's recommendations on Method CC.8 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 5.6.3 Recommendation

#### **Method CC.8: Programme to support low-emissions and climate-resilient agriculture-non-regulatory methods**

By June 2024, develop **and start implementing** a targeted climate change extension programme, **with mana whenua/tangata whenua and relevant stakeholders**, to actively promote and support changes to reduce agricultural *greenhouse gas emissions* and increase rural land use *resilience* to climate change, including by:

- (a) providing practical and easily accessible information on projected climate change impacts at a local level.
- (b) providing base data held by the regional council to support the development of farm *greenhouse gas emission* profiles.
- (c) promoting and supporting actions to reduce agricultural ~~gross~~ *greenhouse gas emissions* and/or increase *climate resilience*.
- (d) identifying appropriate areas and species for tree planting/natural regeneration in farm plans as part of implementing the regional spatial forest plan (see Method CC.4).
- (e) identifying other on-farm *nature-based solutions* that will increase the *resilience* of a farm system and/or catchment to the effects of climate change.
- (f) identify and assist catchment groups and water user groups in the development of *adaptation plans*, and
- (fg) supporting central government and industry climate change programmes/initiatives.

*Implementation: Wellington Regional Council*

## 6. Climate Change: Subtopic 4 – Transport

### 6.1 Overview

339. The provisions in this subtopic are:
- a. Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans
  - b. Policy CC.2: Travel demand management plans – district plans
  - c. Policy CC.3: Enabling a shift to low and zero-carbon emission transport - district plans
  - d. Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration
  - e. Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration
  - f. Policy CC.11: Encouraging whole of life carbon emissions assessment – consideration
  - g. Policy 9: Promoting greenhouse gas emission reduction and uptake of low emission fuels – Regional Land Transport Plan Strategy
  - h. Policy 10: Promoting travel demand management plans and the Regional Land Transport Strategy
  - i. Policy EIW1: Promoting affordable high quality active mode and public transport services – Regional Land Transport Plan
  - j. Method CC.3: Travel demand management plans
  - k. Method CC.3A: Whole of life carbon emissions assessments
  - l. Method CC.7: Advocating for the use of transport pricing tools – non regulatory method
  - m. Method CC.10: Establish incentives to shift to active and public transport
  - n. Method 25: Information about the provision of walking, cycling and public transport for development.
  - o. Definitions
340. There were approximately 245 original submissions and 135 further submissions on this subtopic.
341. The key issues raised were:
- a. The strength of provisions (that is, whether they were too directive or not directive enough to contribute to emissions reduction and mode shift)

- b. Requests for more tools other than Travel Demand Management Plans
- c. Lack of legislative support for provisions in relation to GHGe
- d. Concerns about duplication with national direction
- e. The potential for exacerbation of social inequalities as a result of the provisions
- f. Concerns about implementation, including timeframes referenced in Policy CC.2 and Policy CC.3
- g. The scale at which policies could be applied, practical implementation in rural areas, and information requirements
- h. The types of activities that district plans and district councils have jurisdiction over, and concern about the transfer of regional functions to territorial authorities e.g. greenhouse gas emissions and the operation of public transport
- i. Exemptions from some policies for Wellington International Airport
- j. Requests for definitions to assist with policy application (e.g. transport infrastructure, low and zero carbon modes, optimising overall transport demand, maximising mode shift)
- k. The use of verbs within policies and tensions created by using two directions within a single policy e.g. 'consideration' and 'regard'.

342. All of the provisions in this subtopic were notified under Schedule 1, Part 1.

343. In Minute 12 issued on 8 September 2023, we directed expert caucusing on the Transport subtopic (among other subtopics). Planning experts who had filed and/or presented evidence on the Transport provisions were invited to attend a caucusing session facilitated by Jason Jones, Principal Consultant at Resource Management Group Limited who was appointed as the independent facilitator of the session. The Transport caucusing session took place on 21 September 2023 and a Joint Witness Statement (Transport- JWS) was uploaded to the Hearings webpage on 28 September 2023. Submitters were able to comment on the Transport JWS by 5 October 2023 and the Council Reporting Officers were to file their Reply by 19 October 2023.

344. The Transport JWS records that the planning experts agreed that the following provisions were not in contention:

- a. Method CC.10
- b. Method CC.7

- c. Policy 9
- d. Policy 10 (proposed to be deleted)
- e. Method 25 (proposed to be deleted).

345. There was no consensus among the planners who attended caucusing on the other provisions coded to this subtopic.

## Provision by Provision Analysis

### 6.2 Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans

346. The notified Policy said:

<p><b><u>Policy CC.1: Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans</u></b></p>
<p><u>District and regional plans shall include objectives, policies, rules and/or methods to require that all new and altered transport infrastructure is designed, constructed, and operated in a way that contribute to reducing greenhouse gas emissions by:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Optimising overall transport demand;</u></li> <li>(b) <u>Maximising mode shift from private vehicles to public transport or active modes; and</u></li> <li>(c) <u>Supporting the move towards low and zero-carbon modes.</u></li> </ul>
<p><b><u>Explanation</u></b></p> <p><u>This policy requires transport infrastructure planning (including design, construction and operation) to consider and choose solutions that will contribute to reducing greenhouse gas emissions.</u></p>

347. The Policy requires district and regional plans to include provisions in plans requiring new and altered transport infrastructure be designed, constructed and operated in a way that contributes to reducing GHGe.

#### 6.2.1 Submissions, Evidence and Analysis

348. There were 21 original submissions and 14 further submissions on Policy CC.1.

349. Various submitters including NZSCS [S151.004] and KiwiRail [S124.003] sought the Policy be retained as notified. Numerous submitters sought

amendments or opposed the Policy including KCDC [S16.014] and UHCC [S34.025].

350. The s 32 Report describes the role TAs and district plans have in reducing GHGe from the integration of land use planning and transport.<sup>189</sup>
351. The Policy recognises the relationship between spatial planning, transport and GHGe. We understand the Policy aims to help achieve mode shift by requiring new and altered land transport infrastructure to be designed, constructed and operated in ways that will shift demand across the transport network to lower carbon emission-options. One of the questions that arose with the Policy is whether it is directive enough to support mode shift goals.
352. Various experts supported the intention of the Policy, including Ms Heppelthwaite, planner for Waka Kotahi.<sup>190</sup> At the Hearing, Mr Keating for Waka Kotahi said that the provisions were the most ambitious he had seen.<sup>191</sup> We asked Ms Heppelthwaite whether the provisions would achieve emission reductions targets. She said that:<sup>192</sup>

the provisions are based on some fairly well-known and accepted premises, ensuring that land use is located conjointly with frequent transport services. That's a key one. Reducing the need for people to hop in their cars is another key point....it is definitely a supportive step in the right direction.

353. Various submitters had concerns with the words “Providing for, and concentrating development” in clauses (a) and (b) as recommended in the s 42A Report. The Officer agreed that these words were ‘leaning too much’ into directing the spatial location of development and recommended in her Rebuttal Evidence that they are replaced with “supporting development”.<sup>193</sup>
354. We agree with the recommended amendments to replace “providing for and concentrating development” with “supporting development” because the strategic or spatial location of development to support mode shift (for

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<sup>189</sup> See for instance the discussion in the s 32 Report in response to KCDC’s comments on pages 295 and 296.

<sup>190</sup> Statement of Evidence of Ms Heppelthwaite, para 7.

<sup>191</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 65, lines 3325 – 3327.

<sup>192</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 66, lines 3352 – 3359.

<sup>193</sup> Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3, Climate Change – Transport, 15 August 2023, para 24.



example enabling more development within walkable catchments), is provided for through Policies coded to the Hearing Stream 4 topic (discussed further below).

355. The Officer’s amendments more clearly convey that Policy CC.1 is about how “new and altered land transport infrastructure” can be designed, constructed and operated to reduce GHGe rather than directing the location of developments (for instance compact regional form which is addressed through Policies 30, UD.4 and others). In our view this amendment satisfies the relief sought by various submitters, including PPFL, as it removes duplication with (HS4) provisions directing greater density through the NPS-UD.<sup>194</sup>

356. Counsel for PCC provided helpful submissions on the relationship between urban development and lower emissions. Ms Viskovic said:<sup>195</sup>

there is a clear relationship (recognised in national policy) between the development of urban environments, and the mitigation of climate change and reduction of greenhouse gas emissions. PCC submits that this should be better recognised in the Change 1 provisions. ...

Given the potential for intensified, or well-located, urban development to reduce reliance on high-emitting transport modes, it is submitted that it would be appropriate for the climate change provisions of the RPS to acknowledge the important role of urban development. For example, increasing density around public transport stations both enables mode shift to active and public transport modes, as well as creating a more compact urban form. Where this intensification is located in climate resilient areas this also assists communities in responding to climate change effects.

357. While the Policy alone cannot achieve the region’s mode shift goals, it can limit or minimise barriers to mode shift by improving connectivity and accessibility to new developments, requiring integrated transport infrastructure planning and providing alternative options of travel to the private car. Policy CC.1 does not direct where developments should be

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<sup>194</sup> As discussed in Mr Lewandowski’s evidence for PPFL, Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited, Hearing Stream 3 – Climate Change, 14 August 2023, para 5.25.

<sup>195</sup> Legal Submissions on behalf of Porirua City Council, HS3, 14 August 2023, paras 5.5 – 5.6 (footnotes omitted).

located spatially (as that is addressed elsewhere in the RPS), however, Policy CC.1 directs land transport infrastructure be designed, constructed and operated to reduce trip length or travel distance and support the uptake of public transport and active modes. We consider this to be appropriate direction that has a clear resource management purpose.

358. We discuss further below how Policy CC.1 aims to support mode shift in the Region, but first we make some general comments about the concept of mode shift and the technical evidence we heard on the issue.

### 6.2.2 Mode shift

359. Various provisions in Proposed Change 1 both direct and enable mode shift including Policies CC.1, CC.2, EIW.1, CC.3 and CC.9. One of the key questions that arose through the submissions and Hearings is whether collectively these policies are directive enough to support mode shift goals and whether it should contain a hierarchical approach or not.
360. Chapter 7 of the ERP discusses the potential for New Zealand’s planning system and investment in infrastructure to reduce emissions. Chapter 10 of the ERP notes that transport is one of New Zealand’s largest sources of emissions and mode shift is an outcome sought through the ERP.
361. There is clearly opportunity within the planning system to reduce transport emissions, including by locating development in places that reduce reliance on cars and support people to walk, cycle and use public transport, and support the decarbonisation of heavy transport and freight as envisaged in the ERP.
362. We agree with the statement from Doctors for Active Safe Transport (DAST) that the RPS must “drive dramatic and rapid change in the way we do transport”.<sup>196</sup> Dr David Tripp, presenting on behalf of DAST, sought amendments to the Change 1 provisions so that the improved health outcomes from mode shift and active transport are considered as part of transport planning.
363. The Wellington Regional Mode Shift Plan (WMSP) was developed by Waka Kotahi NZ Transport Agency with the Regional Council, KiwiRail and the

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<sup>196</sup> Further Comments from Doctors for Active Safe Transport (made pursuant to Minute 12), 30 September 2023, para 4.

eight territorial local authorities in the region.<sup>197</sup> While it is a non-statutory document, it was developed to inform the RLTP and regional projects.

364. The WMSP states that mode shift has a key role to play in reducing regional emissions with land transport making up 28% of the region's GHGe.<sup>198</sup> The WMSP sets out how the Region will increase the share of travel by public transport, walking and cycling over the short-medium term. The WMSP says Wellington Region "has the highest combined active mode and public transport mode share across New Zealand with 31% of all regional journey to work trips made using these modes and half of the 82,000 people that travel into central Wellington every morning using public transport, walking or cycling".<sup>199</sup>

365. The WMSP identifies three levers and a range of focus areas for achieving mode shift:<sup>200</sup>

a. Shaping urban form by (among other things):

- Increasing development density near rail stations and major bus hubs and improving multi-modal connections to these stations/hubs
- Ensuring the location, layout, and design of greenfield growth areas encourages people to travel by shared and active modes
- Intensification and place-making in Wellington City, particularly near future mass rapid transit and public transport corridors.

b. Making shared and active modes more attractive by (among other things):

- Improving multi-modal access, including bike parking and park and ride management
- Revitalising town centres in the region with a focus on walking and biking for shorter trips, through permanent changes or

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<sup>197</sup> Regional Mode Shift Plan Wellington, Waka Kotahi NZ Transport Agency, September 2020, page 7.

<sup>198</sup> Regional Mode Shift Plan Wellington, Waka Kotahi NZ Transport Agency, September 2020, page 9.

<sup>199</sup> Regional Mode Shift Plan Wellington, Waka Kotahi NZ Transport Agency, September 2020, page 4.

<sup>200</sup> The focus areas that relate specifically to roles/functions of the planning system and the RPS are identified. Further focus areas are set out in the WMSP, page 6.

temporary/trial interventions through Innovating Streets for People projects across the Region.

- Making walking and cycling more attractive for getting to school by stepping-up implementation of the Bikes in Schools and other programmes
- Establishing a connected regional cycling network by eliminating pinch points on the network and delivering transformational projects to improve access.
- Promoting e-bike uptake.

c. Influencing travel demand and transport choice.

366. The WMSP notes that mode shift is central to the Let's Get Wellington Moving programme, a 30-year programme of investment aimed at mass transit and giving greater priority for public transport, walking, cycling and placemaking.<sup>201</sup> Even though the programme is no longer progressing, the mode shift targets in the RLTP 2021 remain:

- a. 30% reduction in transport generated carbon emissions in the region by 2030
- b. 40% increase in active travel and public transport mode share by 2030 (equivalent to a 45% mode share).

367. Mr Tindall provided technical transport evidence on behalf of the Regional Council. He explained how the RPS could support a reduction in transport related GHGe by providing for a hierarchical “avoid, shift, improve framework” as referred to in Waka Kotahi’s Sustainability Action Plan, Toitū te Taiao.<sup>202</sup> It was his opinion that a hierarchical approach is needed to achieve the ‘Avoid-Shift-Improve’ framework. Mr Tindall explains the framework in the following way:

- a. Avoid: considering the spatial pattern of development in the provision of new or altered transport infrastructure in order to support the reduction of transport related GHGe. Spatial planning removes the distances needed to travel so that if journeys are shorter, emissions will be lower.

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<sup>201</sup> Regional Mode Shift Plan Wellington, Waka Kotahi NZ Transport Agency, September 2020, page 8.

<sup>202</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 31, lines 1560 – 1563.

- b. Shift: reducing barriers and reallocating space in the existing network to low-carbon transport modes (walking, cycling and public transport)
- c. Improve: providing and designing transport infrastructure to facilitate public transport, active or shared modes.

368. Mr Tindall explained that the most effective tool for reducing transport related emissions is spatial planning, which he described as:<sup>203</sup>

The process for considering the location of land use relative to other land uses, to reduce the distances that need to be travelled.

369. Mr Tindall went on to note that:<sup>204</sup>

good application of spatial planning provides communities with good accessibility to the goods and services they need... [and this] relates to the proximity of schools, healthcare, education, employment and essential retail, such as food, to residential areas. In the urban context this could mean that all of these are within a twenty minute walk.

370. Mr Tindall accepted that in a rural context, the goods and services people need will be further away from where they live and it may not be practical to walk or cycle, and there may not be public transport options. But he noted that a shorter journey, for instance a ten-kilometre trip rather than a 20km trip, is likely to reduce emissions by half, so spatial planning is still very effective as a mechanism to reduce GHGe from transport.<sup>205</sup>

371. Mr Tindall explained that the second layer, which is ‘shift’, is about increasing a person’s ability to choose a sustainable mode that generates less emissions, as the distance they need to travel decreases.<sup>206</sup>

372. The third layer is about providing transport infrastructure that supports a reduction of GHGe, including through more efficient public transport.

373. Various experts at the planners’ caucusing considered that a hierarchy was not needed, as did DAST who provided comments on the JWS.

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<sup>203</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 31, lines 1565 - 1568.

<sup>204</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 31, lines 1570 – 1577.

<sup>205</sup> Hearing Transcript, HS3 – Climate Change, Day 1, pages 31 -32, lines 1577 – 1583.

<sup>206</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 32, lines 1585 – 1587.

374. We are persuaded by Mr Tindall’s evidence that:<sup>207</sup>

Where the avoid and shift layers are applied the intent is that some increases in capacity (Improve) may no longer be needed, as such the first two layers should be considered ahead of any increases in capacity to the transport network, particularly if they are to facilitate private vehicle movements.

In applying (a) Optimising overall transport demand of the policy, the intent is for the ASI framework to be applied, by virtue ‘all new and altered transport infrastructure is designed, constructed, and operated... to ‘optimise’ transport demand, maximising mode shift (b) and supporting the move towards low and zero-carbon modes (c).

### 6.2.3 Relationship of Policy CC.1 with other provisions in Change 1

375. In the hearing, Mr Tindall said that Policy CC.9 focuses on spatial planning, and not Policy CC.1 as he had initially supported in his primary evidence statement.<sup>208</sup> He said that Policy CC.1 is “very much in the space of the infrastructure side, so the physical part of the equation”,<sup>209</sup> whereas Policy CC.9 is about spatial planning. Policy CC.1 is about the “shift and improve” part of the hierarchy, to ensure, “as far as it’s practicable, that there [are] no barriers to [active and public transport] modes”.<sup>210</sup> Mr Tindall said that providing for walking and cycling connections and for public transport to pass through the site, is “very much ... physical infrastructure [but it is also] that shift that ... allows somebody the choice through the provision of that infrastructure”.<sup>211</sup>

376. Ms Allwood helpfully explained the relationship between Policies CC.1, CC.2 and CC.9 in this way at the hearing:<sup>212</sup>

... Policy CC.1 [is] directing the improved shift framework, which is focused around Land Transport infrastructure. Then Policy CC.2 is focused on the land development aspect which

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<sup>207</sup> Statement of Evidence of Duncan Tindall on behalf of Wellington Regional Council, Technical Transport Planning Evidence, Hearing Stream 3 – Climate Change, Transport, 28 August 2023, paras 27 – 28.

<sup>208</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 32, lines 1608 - 1610.

<sup>209</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 38, lines 1897 – 1901.

<sup>210</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 38, lines 1922 – 1928.

<sup>211</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 38, lines 1929 – 1933.

<sup>212</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 39, lines 1940 – 1944.

support[s] Policy CC.1. Then you have Policy CC.9 which is acting as a stop-gap ... until the plans are updated.

377. Ms Allwood also explained that Policy CC.2 is a direction for district plans requiring provisions directing how subdivision, use and development has “thought about the design to optimise for a mode shift or provide for mode shift”.<sup>213</sup> As Ms Allwood said:<sup>214</sup>

... it’s around designing early and thinking early in terms of how people are going to want to get around for example cycling, walking, public transport connections and things. That assessment would be provided as part of a resource consent application.

378. Ms Allwood explained that as the “first principal”, the spatial location of development must attempt to reduce trip length and enable mode shift (which was the aim of the HS4 Policies). Then Policies CC.1, CC.2 and CC.9 require a person to look at the options within the scope of the development to provide for mode shift, making a “considered, tiered approach as you step down [the] hierarchy and what you can do – what’s practical for that development to do”.<sup>215</sup>

379. Ms Allwood also said that if you optimise transport demand, you maximise mode shift.<sup>216</sup>

380. Ms Allwood went on to explain that Policy CC.2 requires a technical assessment (the travel choice assessment) as part of the resource consent application. A developer would have to show the “points in the design [where] they have made amendments or improvements [showing] how they’re achieving the mode shift and reducing reliance on cars. It’s about providing options of how people want to travel around; so they’re not having to rely on the car...”.<sup>217</sup>

381. In our view the Transport subtopic provisions will support and enable mode shift by directing regional and district plans to require transport infrastructure to be designed, constructed and operated in a way that contributes to reducing GHGe.

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<sup>213</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 41, lines 2056 – 2058.

<sup>214</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 39, lines 1952 – 1957.

<sup>215</sup> Hearing Transcript, HS3 – Climate Change, Day 1, pages 41 - 42, lines 2093 – 2098.

<sup>216</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 45, lines 2271 – 2272.

<sup>217</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 41, lines 2055 – 2071.

382. The ‘avoid’ component is best achieved through Policies 30, 31, UD.4 and 57. Therefore, we think that the Avoid-Shift-Improve framework can and should be achieved through the RPS, but across a range of policies, not just those in the Transport subtopic.
383. We accept Mr Tindall’s evidence that the starting point is to achieve emission-reductions through spatial planning and complement that with measures to support mode choice to public transport and active modes, and make those modes operate as efficiently and effectively as possible. Spatial planning outcomes are delivered through Policies 30, 31 and UD.4 and others in HS4, therefore we agree with Ms Allwood that the words “Providing for, and concentrating development” should be deleted from Policy CC.1(a) and (b) as these words “lean too much into directing the spatial location of development”.<sup>218</sup> As Ms Allwood says in her Reply Evidence, the focus in Policy CC.1 is not on the management and use of land, but rather “new and altered transport infrastructure”.<sup>219</sup>
384. We do not think the Policy should apply to ‘upgraded’ infrastructure instead of ‘altered’ (as requested by Mr Smeaton for PCC). The Policy provides direction for local authorities so they have flexibility in interpreting the word ‘altered’ and smaller maintenance activities are unlikely, in Ms Allwood’s view, to trigger a consenting requirement.<sup>220</sup>
385. We agree with Dr Tripp, that the matters in Policy CC.1 must all occur “simultaneously”.<sup>221</sup> The priority is supporting compact growth and infrastructure choice and delivery that helps to maximise mode shift and public and active transport, must occur together. We do not agree with the hierarchy the Officer supports for these matters. We acknowledge Dr Tripp’s presentation on behalf of DAST. The point was expressed clearly and with impact. Mode shift has improved health outcomes and no evidence was presented disputing this. We see the corresponding health benefits of mode shift as something that is appropriate to recognise and articulate in the Proposed Change 1 provisions as part of the RMA’s sustainable management purpose. As Dr Tripp stated, s 5 promotes the

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<sup>218</sup> Statement of Supplementary Evidence of Louise Ruth Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 15 August 2023, para 24.

<sup>219</sup> Statement of Supplementary Evidence of Louise Ruth Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 15 August 2023, para 21.

<sup>220</sup> Statement of Supplementary Evidence of Louise Ruth Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 15 August 2023, para 18

<sup>221</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 46, line 2304 and lines 2320 – 2323.



management of resources in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. However, we do not think that providing for health assessments is within the scope of a planning or consenting assessment. We recommend that the health benefits of active transport modes are included in the explanation to Policy CC.1 and also CC.9 (discussed further below).

386. We also agree with Dr Tripp that to address the climate change crisis (and to help what Dr Tripp described as the country’s health crisis), we “need change that drives mode shift in existing suburbs, down my street”.<sup>222</sup>
387. While we agree there is a need for a hierarchy, this is achieved through Policies 30, 31 and UD.4. We share submitters’ concerns that the proposed definition of ‘Optimise transport demand’ perhaps unnecessarily complicates or duplicates the concepts in Policy CC.1.
388. We agree with Mr Rachlin for PCC, that Table 1A: Climate change Objectives and titles of policies and methods to achieve the Objectives, should be amended to include Policies 30 and 31.<sup>223</sup> This is consistent with Chapter 7, ERP as Mr Rachlin notes.<sup>224</sup>
389. We recommend amendments to Policy CC.1 which we consider will achieve better integration with the ‘spatial management’ provisions in HS4 and also better enable mode shift. The amendments we recommend require district and regional plans to include objectives, policies, rules and/or other methods that require new and altered land transport infrastructure to be designed, constructed and operated in a way that contributes to an efficient transport network and maximise mode shift.
390. We recommend the hierarchy between what is now limbs (a) to (d) is removed because they are achieving different things in our view. For instance (c) is about ensuring transport projects support developments within walkable catchments and remove barriers to public transport and active mode-uptake from existing spaces; (d) is about prioritising public transport and active mode-uptake when designing and constructing new

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<sup>222</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 46, line 2334 – 2335.

<sup>223</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, para 41.

<sup>224</sup> Statement of evidence of Michael Rachlin on behalf of Porirua City Council, Planning, Climate Change – General, 14 August 2023, paras 31 – 32.

infrastructure or capacity upgrades. On the other hand, we see (a) and (b) as elements that apply to both (c) and (d) by supporting development in locations that minimise travel distances and also better enabling multi-modal transport networks. In other words, as some submitters noted, all of the elements should be considered “simultaneously” rather than being applied as a hierarchy of considerations which could mean some elements are not provided for appropriately.

391. We agree with Mr Smeaton (planner for PCC) that the definition of optimise transport demand and the three clauses essentially say the same thing.<sup>225</sup> We also agree with Mr Smeaton that the Policy is focused on transport infrastructure and policy for spatial direction is better articulated through the urban development provisions. However, although Mr Smeaton says the clauses in the Policy can be deleted and it is more appropriate to rely on the concept and definition of ‘optimise transport demand’, our view is that capturing the ‘Avoid-Shift-Improve’ framework in the Policy itself provides clearer direction to policy statement users rather than via the definition. However, we consider the ‘Avoid’ component (the spatial aspect) is best provided for through Policies 30, 31 and UD.4, and the ‘Shift and Improve’ components should be captured in the Policy but not as a hierarchy as they should all be provided for wherever possible. Our recommended drafting is below.
392. We agree with the Officer’s recommendation to exclude aircraft from the Policy, but we consider it appropriate to limit the exclusion to “aircraft” as activities undertaken at Wellington Airport which support aircraft activities seems too broad and could capture activities such as car rental facilities which we understand is not the policy intent. Aircraft have an exemption from the CCRA and it is appropriate that exemptions from climate change policies are limited to aircraft, rather than in relation to the general operation of the Airport. We note this approach is supported by the Reporting Officer on the General subtopic through his recommended amendments to the Chapter 4.1A Introduction i.e by stating that the provisions in the Chapter “do not apply to GHGe from aircraft”.
393. We consider that “aircraft parking stands” which are currently mentioned in the Explanation, would be captured by the exclusion for “aircraft”. We note that in the s 42A Report (although in the context of Policy CC.9), the

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<sup>225</sup> Statement of Evidence of Rory Smeaton on behalf of Porirua City Council, Planning, Energy, Waste and Industry and Transport, 14 august 2023, para 35.

Officer says GHGe from “aeroplanes flying, landing and taking off” should not be considered, and further, in her Rebuttal Evidence she says that “it is important that car rental facilities and other freight depots demonstrate how they are contributing to and providing for a travel choice to and from the airport”.<sup>226</sup> We consider that an exemption for “aircraft” in Policy CC.1 is consistent with these statements.

#### 6.2.4 Finding and s 32AA Evaluation

394. We agree with some of the Reporting Officer’s recommendations on Policy CC.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence. However, we recommend amendments to the Policy to remove the term *optimise transport demand*, remove the hierarchy, and focus the Policy on the ‘Shift and Improve’ aspects of the framework Mr Tindall discussed in his evidence. We consider the amendments we recommend are more directive as to mode shift and align with the direction in the ERP and better support the implementation of Objectives CC.1 and CC.3. Enabling mode shift will also help people become more actively involved in climate change mitigation as envisaged in Objective CC.7.
395. We recommend that the exemption for aircraft is tightened so that it applies to aircraft only and not to other activities associated with the airport.
396. We recommend a consequential amendment to delete the definition of *optimise transport demand*.

#### 6.2.5 Recommendation

**Policy CC.1: Reducing greenhouse gas emissions associated with transport demand and infrastructure – district and regional plans**

District and regional plans shall include objectives, policies, rules and/or methods ~~that optimise transport demand by requiring that~~ require all new and altered ~~land~~ transport infrastructure ~~to be is~~ designed, constructed, and operated in a way that contributes to an efficient transport network, maximises mode shift from private vehicles to public transport and active modes and ~~reduces in~~ ~~es~~ greenhouse gas emissions by ~~giving effect to a hierarchical approach (in order of priority), by:~~

- ~~(a) Optimising overall transport demand;~~
- ~~(b) Maximising mode shift from private vehicles to public transport or active modes;~~
- ~~and~~
- ~~(c) Supporting the move towards low and zero-carbon modes.~~

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<sup>226</sup> Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change – Transport, 15 August 2023, para 45.

- ~~(a) Supporting Providing for, and concentrating, development in locations to minimise travel distances between residential, employment and the location of other essential services, in combination with the delivery of multi-modal transport networks and infrastructure to serve developments; then~~
- (b) Enabling multi-modal transport networks and infrastructure to serve development
- ~~(c)(b) Supporting Providing for and concentrating development within walkable catchments of public transport routes where practicable, and utilising existing space to remove barriers for access to walking, cycling and public transport; then~~
- ~~(d)(c) Where Pproviding new infrastructure or capacity upgrades on the transport network, to prioritise walking, cycling and public transport, such as improved or new bus and cycle lanes and measures, to prioritise the need of pedestrians, cyclists and public transport above the car.~~

**Explanation**

This policy requires transport infrastructure planning (including design, construction and operation) to consider and choose solutions that will contribute to reducing *greenhouse gas emissions*: ~~by applying a hierarchy to requiring all new or altered transport infrastructure that to supports an efficient transport network~~, influences travel demand through ensuring that supports development in locations that can be best served by and public transport and other low and zero-carbon transport modes to support development. ~~This will supports behaviour change through mode shift from private vehicles to public transport or active modes,~~ which also improves health outcomes as a co-benefit. ~~This policy does not apply to aircraft, or activities undertaken at Wellington Airport which support aircraft activities, e.g. aircraft parking stands at the Airport.~~

Consequential amendment:

**Optimise transport demand**

Optimise transport demand means:

- (a) Influencing demand spatially and reducing trip length; then
- (b) Creating choices to travel via sustainable modes and reduce emissions; then
- (c) Designing and delivering development in a way that supports sustainable modes and an efficient transport network.

### 6.3 Policy CC.2: Demand management plans - district plans

397. The notified Policy said:

<b>Policy CC.2: Travel demand management plans – district plans</b>
<p><u>By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development consent applicants to provide <i>travel demand management plans</i> to minimise reliance on private vehicles and maximise use of public transport and active modes for all new subdivision, use and development over a specified development threshold where there is a potential for a more than minor increase in private vehicles and/or freight travel movements and associated increase in greenhouse gas emissions.</u></p>
<p><b><u>Explanation</u></b></p> <p><u>Location suitable development thresholds triggering a consent requirement for a <i>travel demand management plan</i> are to be developed by territorial authorities and should apply to residential, education, office, industrial, community, entertainment and other land use activities that could generate private vehicle trips and freight travel. Development thresholds should specify the trigger level (for example, number of dwellings, number of people accommodated or gross floor area) where the <i>travel demand management plan</i> requirement applies.</u></p>

398. The purpose of this proposed new Policy is to require territorial authorities to develop thresholds that trigger the requirement for a travel choice assessment to be provided as part of a resource consent application. The travel choice assessment will support mode shift as it will make developers and applicants think about how their development responds to assisting in reducing the reliance on private vehicles by, for example, including walking and cycling connections to public transport.<sup>227</sup> The Reporting Officer explained that the Policy is one of the tools necessary to support the change directed by higher order documents.<sup>228</sup>

399. There were 28 original submission points and 19 further submission points on Policy CC.2 seeking a range of relief.

400. The Policy does not present completely new concepts in that it would replace Operative Policy 10 which requires district plans and the

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<sup>227</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change – Transport, 31 July 2023, para 227.

<sup>228</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change – Transport, 31 July 2023, para 207.

Wellington Regional Land Transport Strategy to include policies to promote travel demand management mechanisms that reduce:

- (a) the use and consumption of non-renewable transport fuels; and
- (b) carbon dioxide emissions from transportation.

### 6.3.1 Submissions, Evidence and Analysis

401. Various submitters including Generation Zero [S141.005], Waka Kotahi [S129.007] and Ātiawa [S131.048] supported the Policy and sought that it be retained as notified. Others including KCDC [S16.015] and PPFL [S118.005] sought it be deleted or amended. WIAL [S148.022] sought amendments to clarify the Policy does not apply to development within the Wellington International Airport.
402. KCDC [S16.015] said a non-regulatory method would be more appropriate than the Policy and city and district councils should not be required to develop threshold targets as they have no legal authority under the RMA to manage discharges to air. MDC [S166.050] questioned how the Policy would apply to NPS-UD 'Tier 3' councils.
403. The Officer said that non-regulatory methods alone would not be sufficient to create a shift in transport mode or give effect to the actions and targets in the ERP.<sup>229</sup> The Officer agreed that TAs were not responsible for managing discharges to air, however they were responsible for managing the integrated management of the use of land, and that includes the integrated management of land and transport under s 31(1)(a) of the RMA. The Officer explained the point concisely in these terms:<sup>230</sup>
- I acknowledge a district plan cannot control people's decisions on how they wish to travel, but it can support providing people with a choice of how they'd like to travel around the district.
404. Counsel presented legal submissions setting out the statutory framework that requires TAs to take action to support reductions in GHGe.<sup>231</sup> We agree with this analysis.

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<sup>229</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change – Transport, 31 July 2023, para 210.

<sup>230</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change – Transport, 31 July 2023, para 209.

<sup>231</sup>

405. The Officer agreed with PCC that Policy CC.2 needed reframing to focus on the provision of transport options and that part of the transport mode shift outcomes which are sought work in conjunction with the location of activities relative to existing urban areas (and this is addressed in the HS4 provisions).<sup>232</sup> The Officer recommended various amendments in the s 42A Report including changing the heading of the Policy to “Travel Choice Assessments” and including regional thresholds which would apply as a minimum for territorial authorities to use as guidance for developing their district level thresholds. The Officer also recommended amendments to require the subdivision, use or development to demonstrate how mode shift is being achieved within their resource consent application by providing a travel choice assessment. The Officer said that the extent to which the Policy applies in a rural context will be determined by the development of individual thresholds for each district.
406. Ms Woodbridge providing planning evidence for Kāinga Ora considered that Policy CC.2 should be redrafted to provide greater clarity and direction for councils. She considered there was duplication between the definition of travel choice assessment and clauses (a)-(c) of the Policy and there are two different directions within the Policy, and that these requirements could be more appropriately expressed as two separate policies.<sup>233</sup>
407. Mr Smeaton, providing planning evidence for PCC, was concerned about the additional resource consent requirements and the ‘regional thresholds’ proposed. He said the Policy directs applicants to provide travel choice assessments in resource consent applications before the Policy is given effect to in the respective district plan. Mr Smeaton considered Policy CC.2 essentially replicates the existing district plan methods in relation to ‘high trip generating’ activities.
408. Mr Lewandowski for PPFL was concerned with the enforceability of the words “will be maximised / minimised” in Policy CC.2(a) and (b). He said that while a travel choice assessment can address the matters in (a) and (b), it would be much more difficult to enforce the take up of those options

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<sup>232</sup> Section 42A Hearing Report, Hearing Stream 3 – Climate Change – Transport, 31 July 2023, para 214.

<sup>233</sup> Statement of Primary Evidence of Victoria Woodbridge on behalf of Kāinga Ora – Homes and Communities, Hearing Stream 3, Climate Change (Planning), 14 August 2023, para 6.14.

as that depends largely on personal choice.<sup>234</sup> Mr Lewandowski recommended that the clauses be amended to say “can be maximised / minimised”.

409. The Reporting Officer recommended some amendments in her Rebuttal Evidence to incorporate Ms Woodbridge’s concerns, but she did not agree that there was an enforceability concern as the travel choice assessment required measures within the design of the subdivision, use and development that demonstrated how (a) and (b) would be achieved. The Officer said:<sup>235</sup>

The subdivision, use and development should be constructed in accordance with the approved resource consent plans and its associated conditions of consent. In my view, clauses (a) to (c) would have the same level of enforceability as any other typical resource consent application.

410. The Officer said that the direction from Council is that the Policy should be applied to Tier 3 Councils to the extent practicable within rural and urban environments, and that she understood the Regional Council will work with Tier 3 TAs to provide support with implementation.<sup>236</sup>
411. The Officer recommended including the regional thresholds in a new Policy CC.2A for Territorial Authorities to use as a starting point when developing their own local thresholds. The Officer therefore recommended separating the notified Policy into 2 Policies. First, requiring provisions in district plans to require a travel choice assessment as part of a resource consenting assessment; and second, requiring territorial authorities to develop their own local thresholds for when travel choice assessments are required.
412. Ms Allwood clarified at the Hearing that the thresholds in Table 1 of Policy CC.2A are not in effect and are simply guidance for territorial authorities to develop their own thresholds. There would therefore be no thresholds until district plans were amended to include local thresholds.<sup>237</sup> Mr Tindall identified two districts in Wellington Region that have district plan

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<sup>234</sup> Statement of Evidence of Maciej Lewandowski on behalf of Peka Peka Farm Limited, Hearing Stream 3 – Climate Change, 14 August 2023, para 5.30.

<sup>235</sup> Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3, Climate Change – Transport, 15 August 2023, para 51.

<sup>236</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 338.

<sup>237</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 47, lines 2369 – 2372.



provisions requiring transport assessments. Mr Smeaton for PCC says in his evidence that three other districts (the Proposed Porirua District Plan, City of Lower Hutt District Plan and Operative Kāpiti Coast District Plan) also include provisions relating to high trip generating activities and require transport assessments when consent requirements are triggered.<sup>238</sup> Mr Smeaton was of the view that Policy CC.2 duplicated existing district plan methods, and was inefficient in that it would require PCC to review and probably prepare plan changes to include separate requirements for ‘travel choice assessments’. At the Hearing, Mr Smeaton confirmed that integrated transport assessments required under the Porirua Proposed District Plan, did not specifically require any information about GHGe, although they did list relevant matters such as active modes.<sup>239</sup>

413. Mr Tindall was of the view that the ‘high trip generating’ transport assessments required by district plans serve a different purpose and do not deliver:<sup>240</sup>

the step change in how transport choices are considered and incorporated as a part of subdivision and development to achieve mode shift and ... greenhouse gas emission reductions.

414. He did not think that the Policy precludes the use of thresholds that already apply as a part of high trip generating activities and a Travel Choice Assessment could be incorporated alongside established processes in place.<sup>241</sup>

415. As Mr Tindall said:<sup>242</sup>

In my view the intent and outcome sought by the Travel Choices Assessment is to embed the provision for a range of modes (including associated infrastructure), this includes consideration of connectivity and accessibility to the wider

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<sup>238</sup> Statement of evidence of Rory Smeaton on behalf of Porirua City Council, Planning, Energy, Waste and Industry, and Transport, 14 August 2023, para 44.

<sup>239</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 55 -56 , lines 2802 – 2814.

<sup>240</sup> Statement of Rebuttal Evidence of Duncan Tindall on behalf of Wellington Regional Council, HS 3, Climate Change – Transport, 22 August 2023, paras 23 and 28.

<sup>241</sup> Statement of Rebuttal Evidence of Duncan Tindall on behalf of Wellington Regional Council, HS 3, Climate Change – Transport, 22 August 2023, paras 23 – 31.

<sup>242</sup> Statement of Rebuttal Evidence of Duncan Tindall on behalf of Wellington Regional Council, HS 3, Climate Change – Transport, 22 August 2023, paras 26 and 28.

area, as a part of the feasibility stage of a subdivision or development. Where design for all modes and infrastructure are embedded as a part of feasibility this will establish travel patterns from the outset, contributing to how long and by what mode a journey is made...

The intent is not about considering the capacity of a network and the ability for the network to accommodate the growth. It's about changing the way people move from and through the subdivision, land use, development and how the design and infrastructure provision influences this movement and mode choice.

416. The Officer agreed with Mr Tindall that it is appropriate for territorial authorities to use the existing trip generation activity thresholds. The Officer thought that adopting Mr Smeaton's preferred wording of Policy CC.2 would result in the loss of outcomes the Policy seeks, that is, updates to district plans to require a travel choice assessment over a specified threshold in consent applications, and a requirement for territorial authorities to develop their own local thresholds.
417. At the Hearing, we asked Ms Allwood to clarify why the exemption for emissions from aircraft (relief sought by WIAL) had been accepted in other provisions but not specifically in Policy CC.2. Ms Allwood clarified that Policy CC.2 was directed at district councils and because the Airport is designated, the Policy would have limited impact in terms of a consenting assessment.<sup>243</sup> Ms Hunter agreed with this in relation to activities that WIAL was a requiring authority for, but the Policy could apply to activities like rental car facilities.<sup>244</sup> Ms Dewar also noted that the Airport's designation boundaries would cover immediate onsite terminal activities but some ancillary operations, such as the retail part in Lyall Bay, occurred outside those boundaries.<sup>245</sup>
418. We consider it appropriate, based on Mr Tindall's evidence, that Policy CC.2 apply to the Airport's activities. Mr Tindall comments that airports can be a significant generator of trips and in his view, a blanket exclusion was not appropriate and would foreclose opportunities to reduce transport emissions.

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<sup>243</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 31, lines 1580 – 1582.

<sup>244</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 31, lines 1600 – 1604.

<sup>245</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 32, lines 1639 – 1652.

419. Ms Rushmere for UHCC was concerned about the implementation timeframes in Policies CC.2 and CC.3 and sought they be deleted. She said the 6 months anticipated to notify the plan change would not be possible with existing resources and capacity.<sup>246</sup> PCC also raised concerns about the timeframe. The Reporting Officer addresses this in the s 42A and her Rebuttal Evidence. She admits the timeframe of 30 June 2025 (which is for notification of the plan change<sup>247</sup>) is not driven by legislative direction, but that a timeframe was needed to ensure implementation.<sup>248</sup>
420. We are satisfied that the emissions reduction and mode shift goals of travel choice assessments serve a resource management purpose, are aligned with the action plans and strategies in the ERP, and appropriate direction to include in the RPS. One of the outcomes of successful implementation of Policies CC.2 and CC.2A will be a reduction in GHGe from private vehicle use. In this way, the Policies give effect to Objective 8 and Policy 1 of the NPS-UD which require urban environments to support the reduction in GHGe.
421. Travel choice assessments have a different function from high trip generating transport assessments and there is enough flexibility in the Policy for TAs to develop thresholds that are locally specific. The provisions in district plans required by the Policy must set a clear expectation for the design measures in a. and b. of the Policy, and these may form the basis for conditions of consent, but the Policy itself cannot require the measures be undertaken. Therefore, we consider that the word “achieves” in clause c. should be replaced with “addresses” as we consider that better reflects the Policy intent. We also recommend an addition to the Policy and Explanation to say that the results of *travel choice assessments* may form the basis for consent conditions.

### 6.3.1 Finding and s 32AA Evaluation

422. We largely agree with the Reporting Officer’s recommendations on Policy CC.2 and CC.2A for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence. We recommend an

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<sup>246</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 39, lines 1992 – 1998.

<sup>247</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 40, lines 2047 – 2048.

<sup>248</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, paras 211 and 263; Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, HS3 – Climate Change – Transport, para 73.

amendment to replace the word “achieves” in clause c. with “addresses” as we consider that this better captures the Policy intent. The Policy itself cannot require design measures in subdivision, use and development which achieve mode shift and minimise private vehicle use, but can require provisions in district plans that set this clear expectation with corresponding conditions then included as part of a resource consent. We consider this is a drafting amendment that clarifies the interpretation and application of the Policy and does not change its intent.

### 6.3.2 Recommendation

#### **Policy CC.2: ~~Travel choice assessment demand management plans~~ – district plans**

By 30 June 2025, *district plans* shall include objectives, policies and rules that require subdivision, use and development ~~to contribute to the reduction of greenhouse gas emissions by requiring~~ consent applicants to provide a ~~travel demand management plans to minimise reliance on private vehicles and maximise use of public transport and active modes for choice assessment that:~~

- a. ~~demonstrates how the use of public transport and active modes will be maximised;~~
- b. ~~demonstrates how the use of private vehicles will be minimised; and~~
- c. ~~includes measures within the design of subdivision, use and development which achieves~~ addresses parts (a) and (b) above.

~~The requirement for a travel choice assessment must apply to all new subdivision, use and development over a specified travel choice development threshold as required by Policy CC.2A where there is a potential for a more than minor increase in private vehicles and/or freight travel movements and associated increase in greenhouse gas emissions.~~

The results of travel choice assessments may form the basis for conditions of consent.

#### **Policy CC.2A: Travel choice assessment local thresholds – district plans**

By 30 June 2025, *district plans* shall include local thresholds for *travel choice assessments* as required by Policy CC.2. ~~As a minimum, city and district councils must use the regional thresholds set out in Table 1 as the basis for developing their own local thresholds. The regional thresholds in Table 1 will cease to apply when Policy CC.2A is given effect through a district plan. To contribute to reducing greenhouse gas emissions city and district councils must develop their own travel choice thresholds that are locally specific.~~

Table 1: Regional Thresholds

<u>Activity and Threshold per application</u>
<u>100 residential units located within a walkable catchment.</u>
<u>Commercial development of 2,500m<sup>2</sup> gross floor area</u>

## Greenfield subdivision over 100 residential units

### Explanation

The regional travel choice thresholds have been developed as a minimum and as guidance to assist city and district councils in developing their local travel choice thresholds. Local travel choice thresholds are important to reflect the differences in connectivity and accessibility between rural and *urban areas*. In addition, local travel choice thresholds should reflect local issues, challenges and opportunities. Local travel choice thresholds ~~Location suitable development thresholds triggering a consent requirement for a travel demand management plan are to be developed by territorial authorities and~~ should apply to residential, education, office, industrial, community, entertainment and other land use activities that could generate private vehicle trips and freight travel. Development thresholds should specify the trigger level (for example, number of dwellings, number of people accommodated or gross floor area) where the ~~requirement for a travel choice assessment demand management plan requirement~~ applies.

The results of travel choice assessments may form the basis for conditions of consent

### **Policy 10: Promoting travel demand management – district plans and the Regional Land Transport Strategy**

District plans and the Wellington Regional Land Transport Strategy shall include policies to promote travel demand management mechanisms that reduce:

- a. ~~the use and consumption of non-renewable transport fuels; and~~
- b. ~~carbon dioxide emissions from transportation.~~

### Explanation

Travel demand management includes a range of mechanisms – such as travel behavioural change programmes, road pricing tools and improvements to the efficiency of the existing network.

Land use planning is important in managing demand for travel. Land use patterns – such as higher density or mixed use development in areas close to good public transport links and community facilities, or community facilities and employment close to where people live – can reduce dependence on the private car, the need to travel and journey lengths. It is also important to ensure good connectivity within and between settlements to optimise walking, cycling and public transport

## 6.4 Policy CC.3 – Enabling a shift to low and zero-carbon emission transport – district plans

423. The notified Policy said:

<u>Policy CC.3: Enabling a shift to low and zero-carbon emission transport – district plans</u>
<u>By 30 June 2025, district plans shall include objectives, policies, rules and methods that enable infrastructure that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing greenhouse gas emissions.</u>
<u><b>Explanation</b></u> <u>District plans must provide a supportive planning framework (for example, permitted activity status) for zero and low-carbon multi modal transport infrastructure, such as public transport infrastructure, cycleways and public EV charging network.</u>

424. Ms Allwood explained that the Policy is about land use and transport infrastructure integration<sup>249</sup> and “enabling ... infrastructure that supports low emissions modes of transport [such as] EV charging network[s].”<sup>250</sup> The Officer explained the importance of the Policy in the RPS in this way:<sup>251</sup>

For example, if EV charging points require a resource consent every time one needs to be established this causes time delays and also additional cost making it harder rather than easier.

425. The Officer also said that the purpose of the Policy is to reduce the requirement for resource consents associated with infrastructure that enables low and zero-carbon modes, therefore making them easier to establish.<sup>252</sup>

### 6.4.1 Submissions, Evidence and Analysis

426. Some submitters supported the Policy and others requested that it be deleted, be non-regulatory only, or at least amended to clarify how exactly district plans are to enable to desired shift to low and zero-carbon emission transport. UHCC was concerned about potential environmental effects of significant public infrastructure. The Officer recommended an

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<sup>249</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023 para 265.

<sup>250</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 45, lines 2260 – 2263.

<sup>251</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 260.

<sup>252</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 269.

amendment in the Policy to clarify that the focus is on enabling ancillary transport infrastructure which supports public transport such as EV charging point for E-bikes, scooters, buses etc. The Officer explained that ancillary environmental effects would be addressed where relevant through other provisions such as earthworks and vegetation clearance rules.<sup>253</sup>

427. In evidence, Mr Smeaton for PCC considered that the term “enabling” should be replaced with “provided for” to recognise that it may not be appropriate to enable all infrastructure that supports zero and low carbon transport in all locations. The Officer said this did not require a change to the Policy because if enabling infrastructure was not appropriate in a location, this would be managed by other provisions eg heritage rules. Ms Rushmere for UHCC was concerned about the timeframe in the Policy given the extent of resources required for implementation. She also did not think the direction in the Policy could be achieved within the RMA’s framework. The Officer continued to maintain that a timeframe was appropriate to ensure implementation, noting that Policy 10 in the Operative RPS which did not have a timeframe, was not implemented fully by TAs and so a change of approach was needed.<sup>254</sup>
428. The Officer also said that while the outcomes sought by the Policy cannot be achieved within the RMA framework, the Policy can provide enabling direction for EV charging etc through the planning framework, including as permitted activity rules. The Officer said this was one of the mechanisms to support the reduction in GHGe which the ERP directs and territorial authorities are required to have regard to pursuant to s74(2)(b) of the RMA.
429. We are satisfied that the Policy is appropriate and for a valid and justified resource management purpose. The Policy gives effect to Objective 8 and Policy 1 of the NPS-UD which require urban environments to support the reduction in GHGe.

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<sup>253</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, paras 211 and 263.

<sup>254</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, paras 211 and 263; and Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, HS3 – Climate Change – Transport, para 73.

## 6.4.2 Finding

430. We agree with the Reporting Officer's recommendations on Policy CC.3 for the reasons above, and otherwise as set out in the Officer's s 42A Report or Rebuttal or Reply Evidence.

## 6.4.3 Recommendation

### **Policy CC.3: Enabling a shift to low and zero-carbon emission transport – district plans**

By 30 June 2025, district plans shall include objectives, policies, rules and methods for ~~enabling infrastructure that enable infrastructure~~ that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing *greenhouse gas emissions*.

### **Explanation**

*District plans* must provide a supportive planning framework (for example, permitted activity status) for zero and low-carbon multi modal transport *infrastructure*, such as public transport *infrastructure*, cycleways, ~~footpaths, walkways~~ and public EV charging network ~~for EV modes of transport~~.



## 6.5 Policy CC.9

431. As notified, the proposed Policy stated:

**Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use and development have been planned to optimise overall transport demand, maximising mode shift from private vehicles to public transport or active modes, in a way that contributes to reducing greenhouse gas emissions.

**Explanation**

This policy requires regional and district councils to consider whether subdivision, use and development proposals have fully considered all options to reduce greenhouse gas emissions as far as practicable.

### 6.5.1 Submissions, Evidence and Analysis

432. Many submitters supported the Policy but some raised concerns including saying that TAs cannot control the way people travel, nor can they control the provision of public transport (UHCC [S34.032]). The Officer did not support restricting the application of the Policy. She said that through a plan change or consenting process, a TA could consider how developments are designed to contribute to providing travel choice such as the extent to which walking and cycling connections are provided to public transport, or by requiring EV charging stations where on-site parking is proposed.<sup>255</sup> Similarly, even in large projects, a requiring authority should be considering opportunities to maximise mode shift and reduce GHGe.

433. Ms Hunter for WIAL sought an exclusion for aircraft and activities undertaken at Wellington Airport that support aircraft activities. Mr Smeaton for PCC thought the Policy should be restricted to resource consents and NoRs rather than plan changes/reviews, the cross-reference to Policy CC.1 could be deleted, and he also supported a reference to ‘well-functioning urban environments’.

434. We consider the Policy has a resource management purpose and is aligned with the NPS-UD (Objective 8, Policies 1 and 6). We agree with the

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<sup>255</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 304.

Officer that it is appropriate for the Policy to apply to consenting, NoRs plan changes/reviews as these processes may present opportunities to maximise mode shift and reduce GHGe. We consider that the hierarchy can be deleted from the Policy in line with our recommendations on Policy CC.1. We also consider the words “the move towards” are superfluous and can be deleted without losing the intent, and instead stating the desired outcome in a clearer way.

435. We consider that the exclusion sought by WIAL apply only to aircraft in line with the present exemption from the CCRA. We consider that the words recommended by the Officer “activities undertaken at Wellington Airport which support aircraft activities. e.g. aircraft parking stands at the airport” are too broad and have uncertain application and contrary to the recommendation in the General subtopic on the appropriate exclusion in the Chapter 4.1A Introduction text. We consider the policy intent is achieved by limiting the exclusion to “aircraft”.

### 6.5.2 Finding

436. We largely agree with the Reporting Officer’s recommendations on Policy CC.9 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence. We recommend that the hierarchical approach is deleted in line with our recommendations in Policy CC.1 and that the Policy is amended to delete the words “the move towards”. We also recommend that the exclusion in the Explanation apply only to aircraft, in line with the ‘exemption’ currently in the CCRA and because the balance of the words in the Explanation (as recommended by the Officer) are broad and not clear as to their application and interpretation and inconsistent with recommendation in the General subtopic on the Chapter 4.1A Introduction text.

### 6.5.3 Recommendation

#### **Policy CC.9: Reducing greenhouse gas emissions associated with transport infrastructure subdivision, use or development – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether the subdivision, use ~~and-or~~ development ~~have~~ ~~has~~ been planned in a way that contributes to reducing greenhouse gas emissions by ~~to-optimise~~ ~~optimising~~ overall transport demand ~~by giving effect to its the hierarchical approach in order of priority within Policy CC.1 (a)-(c), by~~ maximising mode shift from private vehicles to public transport or active modes, ~~and supporting the move towards low and zero-carbon modes in a way that contributes to reducing greenhouse gas emissions.~~

### Explanation

This policy requires regional and district councils to consider whether subdivision, use and development proposals have fully considered all options to reduce *greenhouse gas emissions* as far as practicable. **For example, EV charging infrastructure, car share infrastructure, provision for bus stops and a transport network designed to support public transport or active modes** which has co-benefits including improved health outcomes. **This policy does not apply to aircraft, or activities undertaken at Wellington Airport which support aircraft activities. e.g. aircraft parking stands at the airport.**

## 6.6 Policy 9: Promoting greenhouse gas emission reduction and uptake of low emission fuels – Regional Land Transport Plan

437. The notified amendments to the Policy stated:

**Policy 9: Promoting greenhouse gas emission reduction and uptake of low emission fuels – Regional Land Transport Plan Strategy Reducing the use and consumption of non-renewable transport fuels, and carbon dioxide emissions from transportation**

The Wellington Regional Land Transport Plan Strategy shall include objectives and policies that promote a reduction in:

- (a) a reduction of the consumption of non-renewable transport fuels; and
- (b) the emission of carbon dioxide from transportation
- (b) a reduction of the emission of *greenhouse gases*, and other transport-generated harmful *emissions* such as nitrogen dioxide; and
- (c) the uptake of low emission or zero carbon fuels, biofuels and new technologies.

including through prioritising public and active transport investment to serve future urban areas, to enable development in a sequential manner which minimises the risk of increasing car journeys in the region

### Explanation

This policy provides direction to the Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan, in promoting a reduction in *greenhouse gas emissions* to decarbonise the transport system, promotes the uptake of low emission or zero carbon fuels and new technologies. Regionally, in 2019, transport was the biggest source of *greenhouse gas emissions*. Transport *emissions* accounted for 39 percent of total *gross emissions*.

Transportation is a significant and growing contributor to the consumption of non-renewable fuels and the emission of carbon dioxide. In 2004, 86 per cent of the oil consumed in New Zealand was used by the transport sector. The transport sector also accounts for around 45 per cent of the country's carbon dioxide emissions. Carbon dioxide is a greenhouse gas that contributes to climate change.

The Wellington Regional Land Transport Strategy is a statutory document, prepared under the Land Transport Act 2003, which Wellington Regional Council must produce. It is a strategy for the development of the region's land transport system over the next 30 years and provides policies to guide regional transport decisions and action programmes. The operative Wellington Regional Land Transport Strategy 2007-2016 was prepared under the Land Transport Act 1998 for the required timeframe of 10 years.

The Wellington Regional Land Transport Strategy will play an important role in ensuring that the demand for non-renewable energy and the emissions of carbon dioxide are reduced through improving the passenger transport network, promoting an increased uptake in walking and cycling, managing the demand for travel and increasing travel efficiency. It is, however, only one of the mechanisms to achieve national targets for reducing carbon dioxide-equivalent emissions from transportation and complements other central government and industry mechanisms.

438. Section 14 of the Land Transport Management Act 2003 (LTMA) requires that preparation of a regional land transport plan (RLTP) must take into account the RPS. The amendments to Policy 9 provide the direction to the RLTP to meet this requirement<sup>256</sup> and are directed at future content of the RLTP.<sup>257</sup>

### 6.6.1 Submissions, Evidence and Analysis

439. There were sixteen original submission points and 10 further submission points on Policy 9.

440. Waka Kotahi [S129.018] supports the shift to low emission fuels and seeks clarification about how the Policy will direct the shift to greenhouse gas reduction and low emission fuels. They suggested that the current wording placed the onus on infrastructure providers. Ngāti Toa [S170.022] sought more directive language ('reduce' rather than 'promote'). The

441. The Officer did not think amendments were needed in response to Waka Kotahi's submission as the Policy is directed at future content of the RLTP. The detail of where the onus falls will be worked through in the RLTP by the Regional Transport Committee and general direction from Central Government, particularly in relation to the ERP. The Officer agreed in part with Forest and Bird's submission that amendments were required to address reducing emissions from the public transport vehicle fleet. The Officer also accepted the submission from WIAL [S148.032] that Policy 9 is focussed on the RLTP which relates to land-based transport and therefore excludes aviation. The Officer said she agreed the aviation industry will take some time to transition to sustainable aviation fuel.<sup>258</sup> The Officer considered that the direction in the Policy was appropriate given the LTMA requires a regional land transport plan take the RPS into account. We recommend the same amendments here as we did in Policies CC.1 and CC.9 on the exemption for aircraft and for the reasons in that analysis.

### 6.6.2 Finding

442. We largely agree with the Reporting Officer's recommendations on Policy 9 for the reasons above, and otherwise as set out in the Officer's s 42A Report or Rebuttal or Reply Evidence. We recommend that the exclusion

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<sup>256</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 283.

<sup>257</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 288.

<sup>258</sup> Section 42A Hearing Report, HS3 – Climate Change – Transport, 31 July 2023, para 290.

in the Explanation apply only to aircraft, in line with the ‘exemption’ currently in the CCRA and because the balance of the words in the Explanation (as recommended by the Officer) are broad and not clear as to their application and interpretation and inconsistent with the recommendation in the General subtopic on the Chapter 4.1A Introduction text.

### 6.6.3 Recommendation

**Policy 9: Promoting greenhouse gas emission reduction and uptake of low emission fuels – Regional Land Transport Plan Strategy Reducing the use and consumption of non-renewable transport fuels, and carbon dioxide emissions from transportation**

The Wellington Regional Land Transport Plan Strategy shall include objectives and policies that promote a reduction in:

- (a) a reduction of the consumption of non-renewable transport fuels; and
- (b) ~~the emission of carbon dioxide from transportation~~
- (b) a reduction of the emission of *greenhouse gases*, and other transport-generated harmful *emissions*, such as nitrogen dioxide; and
- (c) an increase in the uptake of low emission or zero carbon fuels, biofuels and new technologies.; and
- (d) the decarbonisation of the public transport vehicle fleet.

~~Including through prioritising public and active transport investment to serve future urban areas, to enable development in a sequential manner which minimises the risk of increasing car journeys in the region~~

**Explanation**

This policy provides direction to the Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan, in promoting a reduction in *greenhouse gas emissions* to decarbonise the transport system, promotes the uptake of low emission or zero carbon fuels and new technologies. Regionally, in 2019, transport was the biggest source of *greenhouse gas emissions*. Transport emissions accounted for 39 percent of total gross emissions. This policy does not apply to aircraft.; or activities undertaken at Wellington Airport which support aircraft activities. e.g. aircraft parking stands at the airport.

Transportation is a significant and growing contributor to the consumption of nonrenewable fuels and the emission of carbon dioxide. In 2004, 86 per cent of the oil consumed in New Zealand was used by the transport sector. The transport sector also accounts for around 45 per cent of the country's carbon dioxide emissions. Carbon dioxide is a greenhouse gas that contributes to climate change.

## 6.7 Policy 10

443. Proposed Change 1 proposed to delete Policy 10:

### Policy 10: Promoting travel demand management – district plans and the Regional Land Transport Strategy

District plans and the Wellington Regional Land Transport Strategy shall include policies to promote travel demand management mechanisms that reduce:

- (a) the use and consumption of non-renewable transport fuels; and
- (b) carbon dioxide emissions from transportation.

#### Explanation

Travel demand management includes a range of mechanisms – such as travel behavioural change programmes, road pricing tools and improvements to the efficiency of the existing network.

Land use planning is important in managing demand for travel. Land use patterns – such as higher density or mixed use development in areas close to good public transport links and community facilities, or community facilities and employment close to where people live – can reduce dependence on the private car, the need to travel and journey lengths. It is also important to ensure good connectivity within and between settlements to optimise walking, cycling and public transport.

444. Policy CC.2 is the proposed replacement Policy for Policy 10 and provides similar direction regarding travel demand management plans. There were some submissions on Policy 10. The planners who attended caucusing agreed that the deletion of Policy 10 was not in contention.

### 6.7.1 Finding

445. We agree with the Reporting Officer’s recommendation to delete Policy 10 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence.



## 6.7.2 Recommendation

### Policy 10: Promoting travel demand management – district plans and the Regional Land Transport Strategy

District plans and the Wellington Regional Land Transport Strategy shall include policies to promote travel demand management mechanisms that reduce:

- (a) the use and consumption of non-renewable transport fuels; and
- (b) carbon dioxide emissions from transportation.

#### **Explanation**

Travel demand management includes a range of mechanisms – such as travel behavioural change programmes, road pricing tools and improvements to the efficiency of the existing network.

Land use planning is important in managing demand for travel. Land use patterns – such as higher density or mixed use development in areas close to good public transport links and community facilities, or community facilities and employment close to where people live – can reduce dependence on the private car, the need to travel and journey lengths. It is also important to ensure good connectivity within and between settlements to optimise walking, cycling and public transport.

## 6.8 Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration

446. The notified Policy said:

**Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan for freight distribution centres and new industrial areas or similar activities with significant freight servicing requirements, particular regard shall be given to the proximity of efficient transport networks and locations that will contribute to efficient freight movements and minimising associated greenhouse gas emissions.

**Explanation**

This policy requires decisions for freight land use or servicing to consider transport efficiency to contribute to minimising greenhouse gas emissions.

447. There were 15 original submission points and eight further submission points.

448. Policy CC.10 encourages new freight distribution centres to locate near existing and transport connections for ease of freight movement around the region and to reduce GHGe.<sup>259</sup>

### 6.8.1 Submissions, Evidence and Analysis

449. PCC [S30.0124] sought that the Policy be more prescriptive and include definitions for clarity. Mr Smeaton providing evidence for PCC thought that the Policy should address efficient and effective connections to transport networks rather than proximity of transport networks to freight distribution centres.<sup>260</sup> He also thought the matters in the Policy were covered by Policy CC.2, as did Ms Rushmere for UHCC. WCC sought the Policy be deleted [S140.060].

450. The Officer did not support this relief. She acknowledged the spatial location of land use and transport infrastructure are intrinsically linked but did not think Policy CC.10 duplicated Policy CC.2 which focuses on travel

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<sup>259</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 335.

<sup>260</sup> Statement of evidence of Rory Smeaton on behalf of Porirua City Council, Planning, Energy, Waste and Industry, and Transport, 14 August 2023, para 69.

choice assessments and how people travel. Policy CC.10 on the other hand is about the efficient movement of freight at a regional level.<sup>261</sup>

451. WIAL [S148.026] sought clarification about how Policy CC.10 would apply to the airport. The Officer supported Ms Hunter’s requested relief. In Minute we asked the Officer for more information about the freight strategy referred to in the ERP and whether there was scope under the RMA to support the move to low emissions freight infrastructure. The Officer said that while she was not aware of a freight strategy prepared as part of the ERP, the Ministry of Transport has developed a freight and supply chain strategy and also a ‘Green Freight’ paper. The Officer said that while there is scope within the RMA to move to low emissions freight infrastructure, the transition will take time and Change 1 did not provide scope for supporting objectives and policies.<sup>262</sup>

### 6.8.2 Finding

452. We largely agree with the Reporting Officer’s recommendations on Policy CC.10 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence. We recommend that the exclusion in the Explanation apply only to aircraft, in line with the ‘exemption’ currently in the CCRA and because the balance of the words in the Explanation (as recommended by the Officer) are broad and not clear as to their application and interpretation and inconsistent with the recommendation in the General subtopic on the Chapter 4.1A Introduction text.

### 6.8.3 Recommendation

#### **Policy CC.10: Freight movement efficiency and minimising greenhouse gas emissions – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or *district plan* for freight distribution centres and new industrial areas or similar activities with significant freight servicing requirements, particular regard shall be given to the proximity of efficient transport networks and locations that will contribute to efficient freight movements and minimising associated greenhouse gas emissions.

#### Explanation

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<sup>261</sup> Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, HS3 – Climate Change – Transport, para 80.

<sup>262</sup> Reporting Officer Right of Reply of Louise Allwood on behalf of Wellington Regional Council, Hearing Stream 3 – Climate Change, Transport, 19 October 2023, paras 31 – 32.

This policy requires decisions for freight land use or servicing to consider transport efficiency to contribute to minimising greenhouse gas emissions. [This policy does not apply to aircraft, or activities undertaken at Wellington Airport which support aircraft activities. e.g. aircraft parking stands at the airport.](#)

## 6.9 Policy CC.11 – Encouraging whole of life greenhouse gas carbon emissions assessment

453. As notified, the Policy read:

### Policy CC.11: Encouraging whole of life carbon emissions assessment – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, a whole of life *carbon emissions assessment* is encouraged for all new or altered transport infrastructure as part of the information submitted with the application. This information will assist with evaluating the potential *greenhouse gas emissions*, options for reducing direct and indirect *greenhouse gas emissions* and whether the infrastructure has been designed and will operate in a manner that contributes to the regional target for a reduction to transport-related *greenhouse gas emissions*.

#### Explanation

This policy encourages a whole of life *carbon emissions assessment* for new or altered transport infrastructure. This assessment will provide information and evidence on predicted *emissions* to enable assessment of impacts and options in the context of regional targets to reduce *greenhouse gas emissions*. Waka Kotahi has a tool providing accepted assessment methodology.

454. This Policy encourages whole of life carbon assessments to be provided with consent applications for all new or altered land transport infrastructure.

### 6.9.1 Submissions, Evidence and Analysis

455. In the s 42A Report, the Officer states that whole of life carbon assessments are becoming more common as climate change and New Zealand’s response to it becomes more urgent and legislated.<sup>263</sup> We note, as stated in our discussion on the statutory framework, that November 2022 amendments to the RMA repealed sections 70A, 70B, 104E and 104F of the RMA which placed a bar on regional councils considering the effects of the discharge of greenhouse gases in consenting and plan making. Those provisions operated to prevent regional councils from considering the effects on climate change when making rules, or when assessing applications for discharge of greenhouse gases.

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<sup>263</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 356.

456. Mr Smeaton for PCC thought carbon assessment could help consent authorities understand the effects on the environment of large transport projects and how these have been avoided, remedied or mitigated, but he thought the Policy should be a non-regulatory policy as it only “encourages” whole of life carbon assessments.<sup>264</sup> He also did not think the Policy should be applied to plan changes, variations or reviews as to was not clear how an assessment would relate to those processes. He also sought that “altered” be amended to “upgraded” as altered would capture a broad range of activities that would be inappropriate for the Policy to be applied to.<sup>265</sup> Counsel for PCC, Ms Viskovic explained in her legal submissions and at the hearing, that the repeal on the bar in November 2022 on considering the potential effects of discharges on climate change, raised a question about ‘remoteness’ as TAs do not have a function under the RMA relating to the discharge of contaminants to air, and land use management which was within their functions, was too remote from the actual emissions they’re being asked to consider in these assessments.<sup>266</sup>
457. The Officer was comfortable with the Policy being a consideration policy as it directed particular action for resource consents. Ms Allwood supported the Policy only applying to consenting, but thought it should apply to consents processed by territorial authorities as well as regional consents because territorial authorities have the ability to influence land use and development.<sup>267</sup> Also TAs are required to have regard to the ERP (under s 74(2) of the RMA), and whole of life carbon assessments are supported by the ERP. The Officer did not think the Policy would place an unfair burden on road controlling authorities as embodied carbon would soon be included within the Building Act (ie relate to buildings) and Policy CC.11 would cover other components ie roads).<sup>268</sup> Amending the wording from “altered” to “upgraded” as recommended by Mr Smeaton would

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<sup>264</sup> Statement of evidence of Rory Smeaton on behalf of Porirua City Council, Planning, Energy, Waste and Industry, and Transport, 14 August 2023, paras 76 - 79.

<sup>265</sup> Statement of evidence of Rory Smeaton on behalf of Porirua City Council, Planning, Energy, Waste and Industry, and Transport, 14 August 2023, paras 82 and 34.

<sup>266</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 54 - 55, lines 2754 – 2783.

<sup>267</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, paras 360 – 361; Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, HS3 – Climate Change – Transport, para 94.

<sup>268</sup> Statement of Supplementary Evidence of Louise Allwood on behalf of Wellington Regional Council, HS3 – Climate Change – Transport, para 93.

place the focus on larger works rather than maintenance and repair, which was appropriate in the Officer's view.

458. The Officer also supported an amendment to exclude aircraft and activities undertaken at Wellington Airport which support aircraft activities.
459. During the Hearing we asked Ms Allwood if the Policy should be expanded to refer to all infrastructure. In her Reply Evidence, the Officer said that change would be problematic as some infrastructure such as facilities associated with a port had been excluded at this stage from the ERP, and that change could have unintended consequences for infrastructure that generates electricity.<sup>269</sup> There was also no scope to expand the Policy. We accept this assessment. The Rebuttal Evidence of the Officer for the Climate Change General subtopic recommended the definition of "carbon emissions assessment" be replaced with "whole of life greenhouse gas emissions assessment". We recommend this revised term is used in Policy CC.11. We also recommend a more limited exemption for "aircraft" as recommended above with other Policies and we consider that the reference to "aircraft parking stands" in the Officer's Rebuttal would be captured by the term "aircraft".
460. We recommend deletion of the word "regional" before "target" in light of the changes we recommend to Objective CC.3 to delete references to regional sector targets. We note that in the Officer's s 32AA Evaluation, she recommends the Policy apply to resource consent and notice of requirement processes.<sup>270</sup> It seems that NoRs have been inadvertently deleted from the Policy. In our view it is important they are retained given the focus of the Policy on new or upgraded land transport infrastructure. We recommend additions below but note the Council may have alternative wording that better incorporates reference to NoRs.

### 6.9.2 Finding and s 32AA Evaluation

461. We largely agree with the Reporting Officer's recommendations on Policy CC.11 for the reasons above, and otherwise as set out in the Officer's s 42A Report or Rebuttal or Reply Evidence. We recommend that the

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<sup>269</sup> Reporting Officer Right of Reply of Louise Allwood on behalf of Wellington Regional Council, HS 3, Climate Change, Transport, paras 29 -30.

<sup>270</sup> Reporting Officer Right of Reply of Louise Allwood on behalf of Wellington Regional Council, HS 3, Climate Change, Transport, para 99.

exclusion in the Explanation apply only to aircraft, in line with the ‘exemption’ currently in the CCRA and because the balance of the words in the Explanation (as recommended by the Officer) are broad and not clear as to their application and interpretation and inconsistent with the recommendation in the General subtopic on the Chapter 4.1A Introduction text. We recommend “regional” is deleted before “targets” and similar changes are made to the Explanation as a consequential change to amendments we recommend to Objective CC.3. We also recommend the Policy apply to NoRs which we consider is a drafting amendment to capture the Policy intent as outlined in the Officer’s Rebuttal Evidence.

### 6.9.3 Recommendation

#### **Policy CC.11: Encouraging whole of life *greenhouse gas carbon emissions assessment for transport infrastructure* – consideration**

~~Encourage When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, a whole of life carbon greenhouse gas emissions assessments is to be provided with resource consent applications to Wellington Regional Council and resource consent applications and notices of requirement to city and district councils for all new or upgraded altered land transport infrastructure, as part of the information submitted with the application. This information will assist with evaluating the potential greenhouse gas emissions, options for reducing direct and indirect greenhouse gas emissions and whether the infrastructure has been designed and will operate in a manner that contributes to reducing the regional target for a reduction to transport-related greenhouse gas emissions in the Wellington Region.~~

#### **Explanation**

This policy encourages a *whole of life carbon greenhouse gas emissions assessment for new or upgraded altered land transport infrastructure*. This assessment will provide information and evidence on predicted emissions to enable assessment of impacts and options ~~for reducing in the context of regional targets to reduce greenhouse gas emissions~~. Waka Kotahi has a tool providing accepted assessment methodology. ~~This policy does not apply to aircraft, or activities undertaken at Wellington Airport which support aircraft activities, e.g. aircraft parking stands at the airport.~~



## 6.10 Policy EIW.1: Promoting affordable high quality active mode and public transport services – Regional Land Transport Plan

462. The notified Policy stated:

### Policy EIW.1: Promoting affordable high quality active mode and public transport services – Regional Land Transport Plan

The Wellington Regional Land Transport Plan shall include objectives, policies and methods that promote equitable and accessible high quality active mode infrastructure, and affordable public transport services with sufficient frequency and connectedness, including between modes, for people to live in urban areas without the need to have access to a private vehicle, by contributing to reducing greenhouse emissions.

#### **Explanation**

This policy provides direction to the Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan, to promote mode shift from private vehicles to public transport and active modes by providing connected, accessible, affordable and extensive multi modal infrastructure and services.

### 6.10.1 Submissions, Evidence and Analysis

463. The Officer states that the purpose of the Policy which is specific to the RLTP, is to promote alternative modes of transport so people do not have to rely on private vehicles, but the Policy does not require that they give up their private vehicles.<sup>271</sup>

464. Ngāti Toa [S170.023] was concerned that high quality active mode and car share infrastructure and public transport services are not currently always available. In response, the Officer said that the purpose of Policy EIW.1 is to promote equitable and accessible transport options, which should include in areas where they don't currently exist. The Officer said that concerns about equitable and accessible transport options would be more appropriately achieved with a broader partnership approach which is provided for through other provisions in Change 1. The Officer acknowledged that different territorial authorities would approach the Policy in different ways but that it is intended to promote choice and options for transport and is not therefore restricted to Tier 1 and 2 councils

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<sup>271</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 129.

but would apply to Tier 3 councils “as is practicable to do so in the context of their environments”.<sup>272</sup>

465. In planning evidence, Ms Hunter for WIAL said that while promoting alternative transport modes could lead to reductions in private vehicle use, other factors will also influence whether people will seek access to a private vehicle. Ms Hunter said the Policy should be deleted or amended to say “encourage a reduction in the dependency and use of private vehicles for everyday living”. The Officer agreed with these proposed amendments.

466. In caucusing, the planners attending agreed that the Policy should be amended as proposed by the Officer in her Rebuttal Evidence.<sup>273</sup>

### 6.10.2 Finding

467. We agree with the Reporting Officer’s recommendations on Policy EIW.1 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence.

### 6.10.3 Recommendation

#### **Policy EIW.1: Promoting affordable high quality active mode and public transport services – Regional Land Transport Plan**

The Wellington Regional Land Transport Plan shall include objectives, policies and methods that promote equitable and accessible high quality active mode *infrastructure*, and affordable public transport services with sufficient frequency and connectedness, including between modes, to encourage a reduction in the dependency and use of private vehicles for everyday living. for people to live in urban areas without the need to have access to a private vehicle. for people to live in urban areas without the need to have access to a private vehicle. by contributing to reducing greenhouse emissions.

#### **Explanation**

This policy provides direction to the Regional Land Transport Plan, acknowledging the role of the objectives and policies in that plan, to promote mode shift from private vehicles to public transport and active modes by providing connected, accessible, affordable and extensive multi modal *infrastructure* and services.

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<sup>272</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 135.

<sup>273</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 59.

## 6.11 Method CC.3: Travel demand management plans

468. The notified Method stated:

### Method CC.3: Travel demand management plans

Where requested, the Wellington Regional Council will assist city and district councils with determining land use thresholds for triggering a *Travel Demand Management Plan* requirement, as well as guidelines for a *Travel Demand Management Plan* that city and district councils can provide to developers to assist them with mitigating the travel movements and associated greenhouse gas emissions arising from new subdivision, use and development.

Implementation: Wellington Regional Council\*

469. The Method supports the implementation of Policy CC.2 and replaces operative Method 9. Method CC.3 requires the Regional Council to provide guidance and assistance to territorial authorities to develop their individual land use thresholds for *Travel demand management plans*.<sup>274</sup>

### 6.11.1 Submissions, Evidence and Analysis

470. There were 9 original submissions and 4 further submissions on the Method.

471. The amendments the Officer recommended to Policy CC.2 (and which we recommend are adopted, including changing the term to *Travel choice assessments*) have consequential effects on Method CC.3. WCC [S140.095] sought amendments to the Method to ensure guidance is provided in collaboration with TAs prior to implementation and to remove the onus on TAs to develop land use thresholds.

472. The Officer agreed that the Regional Council should provide guidance and assistance to a TA without them needing to request it. The Officer recommended an amendment to this effect.

473. Forest and Bird [S165.0100] did not support land use thresholds being used, but this relief was addressed (and rejected) by the Reporting Officer, and also in our recommendations, on Policy CC.2. Other submitters had also requested relief in relation to Method CC.10 but it was addressed through Policy CC.2.

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<sup>274</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 249.

### 6.11.2 Finding

We agree with the Reporting Officer's recommendations on Method CC.3 for the reasons above, and otherwise as set out in the Officer's s 42A Report or Rebuttal or Reply Evidence.

### 6.11.3 Recommendation

#### **Method CC.3: Travel ~~choice assessment demand management plans~~**

~~Where requested, t~~The Wellington Regional Council will assist city and district councils with determining land use thresholds for triggering a ~~requirement for a travel choice assessment Travel Demand Management Plan requirement~~, as well as guidelines for a ~~Travel choice assessment Demand Management Plan~~ that city and district councils can provide to developers to assist them with mitigating the travel movements and associated greenhouse gas emissions arising from new subdivision, use and development.

*Implementation: Wellington Regional Council.*

## 6.12 Method CC.3A: Whole of life carbon emissions assessments

474. The Regional Council [S137.057] requested in its submission a new non-regulatory method on whole of life carbon emissions assessments to support the implementation of Policy CC.11.
475. In the s 42A Report, the Officer said that guidance on implementation of Policy CC.11 would be beneficial and a method to that effect would ensure appropriate guidance is developed.
476. As noted in the definitions section of this chapter, we recommend the definition of 'carbon emission assessment' is amended to 'Whole-of-life greenhouse gas emissions assessment'. We recommend that this revised term is also used in Method CC.3A for consistency.

### 6.12.1 Finding and s 32AA Evaluation

We largely agree with the Reporting Officer's recommendation to include new Method CC.3A for the reasons above, and otherwise as set out in the Officer's s 42A Report or Rebuttal or Reply Evidence. We recommend a minor drafting and consequential change in light of our recommendation on the defined term 'carbon emission assessment' which we recommend is amended to 'Whole-of-life greenhouse gas emissions assessment'. This does not alter the policy intent but is important for clarity, interpretation and implementation of the Method, which implements Policy CC.11 which is now also recommended to refer to 'Whole-of-life greenhouse gas emissions assessment'.

## 6.12.2 Recommendation

### **Method CC.3A: Whole of life carbon greenhouse gas emissions assessment**

Develop guidance to support the development of whole of life carbon greenhouse gas emission assessments, in accordance with Policy CC.11.

Implementation: Wellington Regional Council

## 6.13 Method CC.7 Advocating for the use of transport pricing tools

477. The notified Method stated:

### **Method CC.7: Advocating for the use of transport pricing tools**

Actively advocate to the Government to introduce new regulatory functions or tools for councils to manage congestion and greenhouse gas emissions within major urban areas through use of pricing tools and/or taxes.

Implementation: Wellington Regional Council

478. The Officer says that, while the Method is not imposing transport taxes, it sends a clear signal about transport pricing tools as a potential means of supporting management of congestion and GHGe. Implementation would occur within a wider national context.<sup>275</sup>

### 6.13.1 Submissions, Evidence and Analysis

479. Waka Kotahi [S129.043] agreed in principle with the purpose of the method but considered that further direction is required from central government before it is able to fully support the Method. Ms Heppelthwaite did not recommend any amendments to the Method in her planning evidence.

480. The Officer acknowledged submitters' concerns about the pricing tools but said that the ERP does refer to the need for transport pricing tools to be developed so there is national guidance on the issue. The Officer said that she agreed with Waka Kotahi that further direction is required from central government on the use and content of transport pricing tools and how these might apply to various councils and their communities, but she

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<sup>275</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 193.

did not think that detail needed to sit in Change 1. The details of those matters would take time to work through with the relevant stakeholders.

481. The planners who attended caucusing agreed that Method CC.7 was not in contention.

### 6.13.2 Finding

We agree with the Reporting Officer’s recommendations on Method CC.7 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence.

### 6.13.3 Recommendation

#### **Method CC.7: Advocating for the use of transport pricing tools**

Actively advocate to the Government to introduce new regulatory functions or tools for councils to manage congestion and greenhouse gas emissions within major urban areas through use of pricing tools and/or taxes.

*Implementation: Wellington Regional Council*

## 6.14 Method CC.10:

482. The notified Method stated:

<p><b>Method CC.10: Establish incentives to shift to active and public transport</b></p> <p><u>Establish, support and promote a range of incentives for uptake of zero and low-carbon multi modal transport to reduce greenhouse gas emissions, and to support an equitable and inclusive transition.</u></p> <p><i>Implementation: Wellington Regional Council</i></p>
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483. The Method supports various policies in Proposed Change 1 including Polices EIW.1, CC.1, CC.3 and CC.9.

### 6.14.1 Submissions, Evidence and Analysis

484. Various submitters supported the Method and asked that it be retained as notified, including Meridian [S100.023], Waka Kotahi [S129.045], Ātiawa [S131.0146] and Forest and Bird [S165.0120]. Some submitters sought alignments with central government direction. UHCC [S34.021] sought clarification on what is meant by “equitable and inclusive transition”. The Officer said that the concept of equitable transition was addressed in Chapter 3 of the ERP and it was too complex to define and a definition was not in fact required. The Regional Council [S137.016] sought consistent use of the words ‘low’ and ‘zero-carbon’ throughout Change 1 and also

that the wording align with Policy 9 in relation to decarbonising the public transport fleet.

485. The Officer supported amending the Method by deleting “active” from the title and referring to “low and zero-carbon multi modal transport, including public transport”.
486. The planners attending caucusing agreed that Method CC.10 was not in contention.<sup>276</sup>
487. We note that Policies CC.1, CC.2 and CC.9 (as we recommend they are amended) all refer to “public transport and active modes” or “public transport or active modes”. We recommend that Method CC.10 also retains reference to “active modes” in the title, and the phrase “public transport and active modes” is used. We also recommend that “active modes” is used in the Method for consistency with the wording in Policies CC.1, CC.2 and CC.9. We agree with the Officer’s recommendation to use the words “low and zero-carbon” and note these words are also used in Policies CC.3, CC.9 and the Explanation to Policy CC.1.

#### 6.14.2 Finding and s 32AA Evaluation

488. We largely agree with the Reporting Officer’s recommendations on Method CC.10 for the reasons above, and otherwise as set out in the Officer’s s 42A Report or Rebuttal or Reply Evidence. We recommend that the title of the method is “Establish incentives to shift to public transport and active modes”, and that the Method itself refer to “low-and zero carbon multi modal transport, including public and active transport”. This is not a change in policy intent but is a drafting amendment that will support clarity and consistency with the wording in Change 1, including Policies CC.1, CC.2 and CC.9.

#### 6.14.3 Recommendation

**Method CC.10:** Establish incentives to shift to ~~active~~ low and zero-carbon multi modal transport ~~and including~~ public transport ~~and active modes~~

Establish, support and promote a range of incentives for uptake of low and zero-carbon ~~zero and low-carbon~~ multi modal transport, including public transport

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<sup>276</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 15.

and active modes, to reduce greenhouse gas *emissions*, and to support an equitable and inclusive transition.

Implementation: Wellington Regional Council

## 6.15 Method 25

489. Proposed Change proposed the deletion of Method 25:

Method 25: Information about the provision of walking, cycling and public transport for development

Prepare and disseminate information about how to provide for walking, cycling and public transport.

*Implementation: Wellington Regional Council*

490. Various submissions were received supporting the deletion of the Method. The Officer said deletion was appropriate as other provisions in Change 1 now replace the Method. The planners who attended caucusing agreed that the deletion of Method 25 was not in contention.

### 6.15.1 Finding

491. We agree with the Reporting Officer's recommendation to delete Method 25 for the reasons above.

### 6.15.2 Recommendation

Method 25: Information about the provision of walking, cycling and public transport for development

Prepare and disseminate information about how to provide for walking, cycling and public transport.

*Implementation: Wellington Regional Council*



## 6.16 Definitions: Transport subtopic

492. Submitters sought the inclusion of various Transport related definitions in their submissions. The Officer discusses this relief in the s 42A Report but does not recommend additional definitions are included. The following paragraphs discuss the definitions coded to the subtopic that are discussed in the Officer's Evidence.

### 6.16.1 *Hazard risk management strategy*

493. This definition was proposed in the Officer's Reply Evidence. The definition was discussed in planners' caucusing as a result of amendments to Policy 52 and agreement was reached. We recommend the definition is included in Proposed Change 1.

### 6.16.2 *Optimise transport demand*

494. We discuss under Policy CC.1 why we do not consider a definition of *optimise transport demand* (proposed to be included through the s 42A Report) is required.

### 6.16.3 *Walkable catchment*

495. This definition was recommended to be included in the s 42A Report. It appears in Policies CC.1 and CC.2A. The Officer notes the definition is consistent with MfE guidance on the NPS-UD.<sup>277</sup>

496. In planning evidence, Mr Smeaton for PCC said that the definition may be problematic where a district plan has already been varied by the Intensification Planning Instrument and does not already define the term. The Officer agreed with this and recommended an amendment in the definition to include a walkable catchment identified by TAs. We agree with this amendment. We note that the definition is proposed to be amended through the HS4 – Urban Development topic. The definition is discussed in that section of our report and so is not included below.

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<sup>277</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change, Transport, 31 July 2023, para 163.

## 6.16.4 Recommendations

### **Optimise transport demand**

Optimise transport demand means:

(a) Influencing demand spatially and reducing trip length; then

(b) Creating choices to travel via sustainable modes and reduce emissions; then

(c) Designing and delivering development in a way that supports sustainable modes and an efficient transport network;

### **Hazard risk management strategy**

A strategic approach for the management of the risks from natural hazards to minimise or reduce the overall risk of social, environmental and economic harm and adverse effects from natural hazards. It includes some or all of the following elements; hazard and hazard risk identification, impact assessment, potential mitigation works (costs/impacts/maintenance), assessment of environmental effects, assessment of alternate options, cost-benefit analysis, budget allocation; community engagement and implementation plan. The scale of a hazard risk management strategy should be commensurate to the size of the proposed development or activity.

## 7. Climate Change: Subtopic 5– Climate Resilience and Nature-Based Solutions

### 7.1 Overview

497. The provisions in this subtopic are:
- a. Objective CC.4: Nature-based solutions are an integral part of climate change mitigation and adaptation
  - b. Objective CC.5: Increase in permanent forest; right tree-right place
  - c. Policy CC.4: Climate-resilient development – plans
  - d. Policy CC. 14: Climate-resilient development – consideration
  - e. Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – plans
  - f. Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature based solutions to climate change – plans
  - g. Policy CC.12: Protecting, restoring and enhancing ecosystems that provide nature based solutions to climate change – consideration
  - h. Policy CC.18: Increasing regional forest cover to support climate change mitigation -non regulatory
  - i. Policy FW.8: Land use adaptation – non regulatory
  - j. Method CC.4: Prepare a regional forest spatial plan
  - k. Method CC.6: Identifying nature-based solutions for climate change
  - l. Method CC.9: Support and funding for protecting, enhancing and restoring indigenous ecosystems and nature-based solutions
  - m. Definitions.
498. There were approximately 323 original submissions and 212 further submissions on this subtopic.
499. The Reporting Officer recommended that all provisions be categorised as Freshwater provisions other than Policy CC.7. The Panels have differing views on the categorisation of the *nature-based solutions* provisions, as discussed in the FPI Part C Report, and have recommended that only some of the nature-based solutions provisions progress as part of the FPI, with other provisions assessed under the P1S1 process as they address matters that are broader than freshwater quantity or quality or NPS-FM implementation.

500. This section of the Report therefore considers Objective CC.5, Policies CC.6, Policy CC.7, CC.18, Method CC.4, Method CC.9 and related definitions.
501. The key issues in the subtopic were:
- a. Whether policy preference should be given to indigenous forest, and
  - b. Concerns at the risk that provisions promoting an increase in forest cover could result in unfettered afforestation in the region, particularly in the Wairarapa.
502. The provisions in this subtopic were the subject of expert planners' caucusing as directed in Minute 12.
503. Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change – plans, was agreed during caucusing to not be a matter of contention among the planners attending.
504. We support Ms Guest's amendments to Policy CC.7 to add in the sustainable management of ecosystems that provide nature-based solutions and consider that amendment to be for a resource management purpose supported by Part 2 of the Act and the ERP.

## Provision by Provision Analysis

### 7.2 Objective CC.5

505. The Objective as notified stated:

Objective CC.5  
By 2030, there is an increase in the area of permanent forest in the Wellington Region, maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social and economic well-being.

506. The outcome expressed by this Objective is an increase in the area of permanent forest in the Wellington Region, in accordance with the principles of ‘right tree right place’.

507. Ms Guest described the outcome sought in this way at the Hearing:<sup>278</sup>

...we need more trees, but let’s make sure those trees go on our erodible hill country and catchments where you might have a sediment issue, so you’re actually putting them in places where they have multiple benefits and not necessarily on productive farm land.

#### 7.2.1 Submissions, Analysis and Evidence

508. Some submitters sought that the Objective focus on indigenous forest (for instance Rangitāne [S168.0113]). Ngāti Toa [S170.011] noted that the Objective could be powerful, but it was implemented by Policy CC.18 which is non-regulatory. Ms Guest noted in the s 42A Report, that Policy CC.6 (which is regulatory), also implements the Objective.<sup>279</sup> CDC [S25.006] and SDC [S79.005] were concerned that the Wairarapa will be disproportionately affected by carbon farming. Some TAs said it was appropriate for the Objective and associated methods to only apply to

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<sup>278</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 83, lines 4271 – 4275.

<sup>279</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 261.

regional councils (eg KCDC [S16.010], HCC [S155.010] and UHCC [S34.046]).

509. The Reporting Officer, referencing advice from the Climate Change Commission, considered it appropriate that the Objective refer to both indigenous forests and exotic forests, as both are required to meet New Zealand’s climate change targets.<sup>280</sup> As Ms Guest says:<sup>281</sup>

Indigenous forest on its own will not be sufficient to achieve greenhouse gas targets due to their slower growth rate, lower carbon sequestration rate per hectare, and current higher costs for planting and pest control compared to exotics.

510. However, Ms Guest considered it appropriate to amend the Objective so it gives preference to indigenous forest. We support this amendment because of the indigenous biodiversity and carbon sequestration values stated in the Objective. As Ms Guest says, “indigenous forests can continue to sequester carbon for hundreds of years and ... they provide significant indigenous biodiversity, cultural and social values”.<sup>282</sup> Ms Guest also considered it appropriate to include the 2030 timeframe because of the urgent need to increase greenhouse gas sinks in the short-term.<sup>283</sup> Other provisions in the climate change suite recognise that the focus is on reducing gross GHGe. Ms Guest recommends including reference to “cultural” well-being in the Objective, as requested by Rangitāne, and “health” in response to Forest and Bird’s relief relating to the importance of animal pest or browser control to ensure forests and regenerating native vegetation can thrive. The effect of this is that the Objective seeks an increase in the area and health of permanent forest to achieve the concept of ‘right tree-right place’.

511. Two expert planners participated in caucusing on Objective CC.5 together with the Reporting Officer. They did not reach agreement on drafting. Mr Rachlin for PCC considered that the Objective does not describe an

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<sup>280</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 255.

<sup>281</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 255.

<sup>282</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 256.

<sup>283</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 257.

outcome and instead states action (policy) that helps achieve outcomes. Mr Rachlin's preference was for the Objective to be deleted.

512. The ERP describes the role of the forestry sector in offsetting emissions, saying that local government has a role to play both as regulators and land users in implementing national direction to make sure the right trees are planted in the right place, for the right purpose.<sup>284</sup> The NAP also contains actions on forestry planning and a Hill Country Erosion Programme to contribute to afforestation and reduce the impacts of erosion and sediment deposition and contribute to a resilient natural environment.<sup>285</sup>
513. We agree with the Officer's recommendations on amendments to Objective CC.5. We agree the Objective has a resource management purpose and states an outcome – an increase in permanent forest which provides a range of benefits.

### 7.2.2 Finding

514. We agree with the Reporting Officer's recommendations on Objective CC.5 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 7.2.3 Recommendation

**Objective CC.5:**

By 2030, there is an increase in the area and health of permanent forest, preferably indigenous forest, in the Wellington Region, maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, cultural and economic well-being.


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<sup>284</sup> Aotearoa New Zealand's First Emissions Reduction Plan, Ministry for the Environment, May 2022, page 290.

<sup>285</sup> Actions 3.13 and 6.12, Aotearoa New Zealand's First National Adaptation Plan, Ministry for the Environment, August 2022, page 111.

### 7.3 Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans

515. The notified proposed Policy stated:

<u>Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans</u>	
<p><u>Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area of permanent forest in the region to contribute to achieving net-zero greenhouse gas emissions by 2050, while:</u></p> <p>(a) <u>promoting and incentivising the planting or regeneration of permanent indigenous forest over exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached, and</u></p> <p>(b) <u>avoiding plantation forestry on highly erodible land, particularly in catchments where water quality targets for sediment are not reached.</u></p> <p><b><u>Explanation</u></b></p> <p><u>This policy recognises that, while there is a need for increased forest extent across the Wellington Region to help achieve net zero emissions by 2050, offsetting through carbon sequestration is only a short-term solution and that there are significant risks associated with unfettered afforestation across the region. The policy directs regional plans to develop provisions that will support “right tree-right place”, seeking to ensure that an increase in forest extent for its sequestration</u></p>	
<p><u>benefits will be implemented in a way that maximises the co-benefits for indigenous biodiversity and aquatic ecosystem health, and provide for social and economic well-being as directed by Objective CC.5.</u></p> <p><u>Clause (b) responds to the high risk of harvesting forest in areas that are highly erodible and in catchments where waterways already have high sediment loads. The National Environmental Standards for Plantation Forestry enables regional plans to regulate plantation forestry for the purpose of protecting freshwater quality.</u></p>	

516. The Policy directs regional plans to include provisions that support increasing forest cover to reduce GHGe.

#### 7.3.1 Submissions, Evidence and Analysis

517. Ms McGruddy on behalf of WFF requested that clause (b) be deleted as it essentially amounted to a blanket prohibition on plantation forestry by directing that this forestry be avoided on highly erodible land, particularly in catchments where water quality targets for sediment are not reached.

518. The Reporting Officer did not agree with this view and said that even a coarse scale map of highly erodible land shows there are many parts of



the Region that are not highly erodible and also waterbodies where sediment is not an issue.<sup>286</sup> The Natural Resources Plan (NRP) will identify waterbodies that require management and also any provisions to control plantation forestry and other land uses that contribute sediment.

519. PCC supported the intent of the Policy but requested that it provide clear direction and that the reference to contributing to achieving net zero emissions be deleted. We agree with the Officer that Policy CC.6 provides direction on increasing the area of forest in the Region to implement Objective CC.5. We agree with the Officer’s recommendation to amend the Policy to reflect that it can be achieved through non-regulatory methods as well as through objectives, policies and rules in regional plans.

### 7.3.2 Finding

520. We agree with the Reporting Officer’s recommendations on Policy CC.6 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.3.3 Recommendation

**Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans**

Regional plans shall include objectives, policies, rules and/or non-regulatory methods that support an increase in the area and health of permanent forest in the region, maximising the benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, cultural and economic well-being, to contribute to achieving net-zero greenhouse gas emissions by 2050, while:

- a. promoting and incentivising the planting or regeneration of permanent indigenous forest representative of the natural type expected in the area over exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached, and-
- b. avoiding plantation forestry on highly erodible land, particularly in catchments where water quality targets for sediment are not reached-, and
- c. promoting and supporting the control of browsing pest animals in priority areas.

#### Explanation

This policy recognises that, while there is a need for increased forest extent across the Wellington Region to help achieve net zero emissions by 2050, offsetting through carbon sequestration is only a short-term solution and that there are significant risks associated with unfettered afforestation across the region. The policy directs regional plans to develop provisions that will support “right tree-right place”, seeking to ensure that an

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<sup>286</sup> Statement of Supplementary Evidence of Pamela Guest on behalf of Wellington Regional Council, Hearing Stream 3 – Climate-Resilience and Nature-Based Solutions, 21 August 2023, para 83.


increase in forest extent for its sequestration benefits will be implemented in a way that maximises the co-benefits for *indigenous biodiversity* and aquatic ecosystem health, and provide for social and economic wellbeing as directed by Objective CC.5.

Clause (a) recognises the significant values of *indigenous forest*, along with the need for incentives to support their planting and natural regeneration.

Clause (b) responds to the high risk of harvesting forest in areas that are *highly erodible* and in catchments where waterways already have high sediment loads. The National Environmental Standards for Plantation Forestry enables *regional plans* to regulate *plantation forestry* for the purpose of protecting *freshwater* quality. Clause (c) recognises the importance of controlling browsing pest animals to ensure that forests are healthy and can therefore provide maximum benefits.

## 7.4 Policy CC.7: Protecting, restoring and enhancing ecosystems and habitats that provide nature-based solutions to climate change- district and regional plans

521. The notified proposed Policy stated:

<p><u>Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans</u></p>	
<p><u>District and regional plans shall include objectives, policies, rules and/or methods that provide for <i>nature-based solutions</i> to climate change to be part of development and infrastructure planning and design.</u></p>	
<p><b>Explanation</b></p> <p><u>Development and infrastructure planning and design should include <i>nature-based solutions</i> as standard practice, including green infrastructure, green spaces, and environmentally friendly design elements, to manage issues such as improving water quality and natural hazard protection. <i>Nature-based solutions</i> can perform the roles of traditional infrastructure, while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.</u></p>	

522. In the s 42A Report, the Officer explains that the intent of the Policy is for nature-based solutions to become an integral part of development and infrastructure planning and design, recognising that they can often perform the roles of traditional infrastructure while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.<sup>287</sup>

### 7.4.1 Submissions, Evidence and Analysis

523. There were approximately 21 original and 16 further submissions on the notified Policy. Some submitters requested the Policy be non-regulatory only and others said it was outside the scope of TA functions.

524. The Officer recommended quite substantial amendments to the Policy and these are supported in the evidence of WIAL, WFF and PCC. Among other things, the Officer recommends the Policy be amended to be a non-regulatory Policy that is integrated with the Policy CC.4 suite (part of the FPI) and it include reference to sustainable management. The Officer also recommends the focus in the Policy shift to working with and supporting landowners, mana whenua / tangata whenua, and other key stakeholders

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<sup>287</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 199.

to protect, restore, or enhance ecosystems that provide nature-based solutions to climate change. Given this shift to a broader focus, the Officer recommend the Policy be assessed as part of the P1S1 process.

525. The Officer considered that the direction in the Policy was justified on the basis of local authority functions in the RMA and also the NAP which provides direction to prioritise the use of nature-based solutions to provide climate-resilience. We agree with the Officer's recommendations, and also note that the expert planners attending caucusing agreed that, in light of the amendments recommended in the Officer's Rebuttal Evidence, there were no matters in contention for them regarding the Policy.<sup>288</sup>

#### 7.4.2 Finding

526. We agree with the Reporting Officer's recommendations on Policy CC.7 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

#### 7.4.3 Recommendation

**~~Policy CC.7: Protecting, restoring, and enhancing and sustainably managing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans non-regulatory~~**

~~District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.~~

~~Work with and support landowners, mana whenua/tangata whenua, and other key stakeholders to protect, restore, or enhance or sustainably manage ecosystems that provide nature-based solutions to climate change.~~

#### **Explanation**

~~Development and infrastructure planning and design should include nature-based solutions as standard practice, including green infrastructure, green spaces, and environmentally friendly design elements, to manage issues such as improving water quality and natural hazard protection. Nature-based solutions can perform the roles of traditional infrastructure, while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.~~


~~Policy CC.7 recognises the value that natural ecosystems can provide as nature-based solutions for climate change. This policy recognises the critical importance of working with and supporting landowners and other key stakeholders to improve the health and functioning of ecosystems that provide benefits for nature and the wider community. Methods CC.6 and CC.9 will support the implementation of this policy.~~

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<sup>288</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 15.

## 7.5 Policy CC.18: Increasing regional forest cover to support climate change mitigation -non regulatory

527. As notified, the proposed Policy read:

<u>Policy CC.18: Increasing regional forest cover to support climate change mitigation: “right tree-right place” – non-regulatory</u>	
<p><u>Promote and support the planting and natural regeneration of forest to maximise the benefits for carbon sequestration, indigenous biodiversity, erosion control, freshwater and coastal ecosystems, and the social and economic well-being of local communities. Priority should be given to promoting and incentivising the planting and regeneration of permanent indigenous forest in preference to exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached.</u></p>	
<p><u><b>Explanation</b></u></p> <p><u>Policy CC.18 promotes the planting of trees to contribute to achieving net zero emissions by 2050 while seeking an increase in forest extent that maximises the co-benefits for indigenous biodiversity, land stability, aquatic ecosystem health, and social and economic well-being, as directed by Objective CC.5.</u></p>	

### 7.5.1 Submissions, Evidence and Analysis

422. Policy CC.18 is a non-regulatory Policy that applies to regional and territorial authorities. There was broad iwi support for the Policy and requests for the Council to take a partnership approach with mana whenua to develop regional forest plans. Rangitāne [S168.0134] sought that indigenous forest be prioritised and cultural well-being be included as a benefit. This relief is supported by the Officer. CDC [S25.045] and MDC [S166.055] support the ‘right tree-right place’ concept but raise concerns about the Wairarapa becoming an incidental carbon sink for the Region. CDC seeks that Policy CC.18 be amended to reflect that forestry should be permanent, not plantation. The Officer recommends amendments to clarify that the Policy is directed at permanent forests.
423. Mr Rachlin for PCC was concerned that Policy CC.18 was too prescriptive and overreached its direction to territorial authorities. He sought that clauses (a) and (b) are deleted and that the Policy only require the planting of permanent forest to be “supported” rather than “promoted and supported”. The Officer does not agree with Mr Rachlin’s request on the basis of TAs responsibilities to achieve integrated management, and also

because the Policy is mainly implemented through Method CC.4 which provides discretion for TAs to be involved or not.<sup>289</sup>

## 7.5.2 Finding

528. We agree with the Reporting Officer’s recommendations on Policy CC.18 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

## 7.5.3 Recommendation

### **Policy CC.18: Increasing regional forest cover to support *climate change mitigation*: “right tree-right place” – non-regulatory**

Promote and support the planting and natural regeneration of *permanent forest* to maximise the benefits for carbon sequestration, *indigenous biodiversity*, erosion control, freshwater and coastal ecosystems, and the social, *cultural*, and economic well-being of local communities, *including by:*

- (a) ~~Priority should be given identifying where to promoteing and incentiviseing the planting and regeneration of permanent *indigenous* forest representative of the natural type expected in the area in preference to exotic species, and~~
- (b) ~~prioritising planting and regeneration of permanent *indigenous* forest and associated browsing pest animal control particularly on highly erodible land and in catchments where water quality targets for sediment are not reached and in areas where it will support significant *indigenous biodiversity* values.~~

### **Explanation**


Policy CC.18 promotes the planting of trees to contribute to achieving net zero emissions by 2050, while seeking an increase in forest extent that maximises the co-benefits for *indigenous biodiversity*, land stability, *aquatic ecosystem health*, and social and economic well-being, as directed by Objective CC.5

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<sup>289</sup> Statement of Supplementary Evidence of Pamela Guest on behalf of Wellington Regional Council, Hearing Stream 3 – Climate-Resilience and Nature-Based Solutions, 21 August 2023, para 86.

## 7.6 Method CC.4: Prepare a regional forest spatial plan

529. As notified, the proposed Method read:

<u>Method CC.4: Prepare a regional forest spatial plan</u>	
<u>Using a partnership approach, identify where to promote and support planting and natural regeneration of forest, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.</u>	
<u>Implementation: Wellington Regional Council* and city and district councils</u>	

### 7.6.1 Submissions, Evidence and Analysis

530. The notified Method refers to a partnership approach for the identification of areas to promote and support planting. Forest and Bird [S165.0111] recommended the Method refer to indigenous vegetation as well and also require the actual preparation of a regional forest plan (as signalled in the heading). Several iwi submitters sought specific reference to mana whenua partnership and some urban-based TAs did not want the Method applying to their districts.

531. The s 42A Reporting Officer recommended the implementation of the Method is discretionary for territorial authorities. As Ms Guest explained at the Hearing:<sup>290</sup>

We have given discretion to District Councils to be involved or not. The Wairarapa Council very certainly wanted to be front and centre in that method, but I acknowledge that may not be of interest to the Councils such as Wellington City or Porirua – they may not find it of interest.

532. Ms McGruddy for WFF requested a clause be added to the Method to achieve higher resolution mapping to support the forest spatial plan. We agree with the Officer's recommendations to the Method, including the express partnership approach with mana whenua / tangata whenua and also other stakeholders as appropriate.

533. Ms Craig for Rangitāne expressed the problems that can occur from her perspective if a right-tree-right-place approach is not taken:<sup>291</sup>

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<sup>290</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 80, lines 4093 – 4098.

<sup>291</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 39, lines 1974 – 1997.

We have large corporations, I would say, green washing by paying corporations to come and buy land over in the Wairarapa and plant it out in pine. .... It's a massive issue, especially in the South Wairarapa. Although that was Masterton, we're seeing it in Carterton up the Mangatarere Valley. There is a lot of forestry heading up to the Tararua Ranges. South Wairarapa is seeing it around the Aorangi Ranges. We are also seeing though, and this is partly why we wanted to say that forests plans should be in collaboration with mana whenua, because we are not seeing any of those plans; and then who is holding them to account? Because it's our whānau who drive past these places every day and see the destruction of our awa and ephemeral streams where people think that because it's dried up they don't have to look after the river beds. With the felling of them too, the destruction of our waterways with more sediment going into our awa and coming especially down the ... Valley, because that's up the top near the source of where our awa comes from. It then puts all the sediment down further into the stream. It's massively concerning. It's on the list of stuff that keeps us up at night.

534. The planners that participated in caucusing on this Method confirmed they supported the amendments proposed in Ms Guest's Rebuttal Evidence and no matters remained in contention for them.<sup>292</sup>

### 7.6.2 Finding

535. We agree with the Reporting Officer's recommendations on Method CC.4 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 7.6.3 Recommendation

#### **Method CC.4 Prepare a regional forest spatial plan**

**By December 2024, prepare a regional forest spatial plan, using a partnership approach with mana whenua/tangata whenua and other key stakeholders, as appropriate, to identify where to promote and support planting and natural regeneration of permanent forest and associated browsing pest animal control; including how to give effect to Objective CC.5 and address contribute to achieving water quality targets for sediment, to inform the requirements of Policy CC.6.**

**This plan to include:**

- a. **a target for an increase in permanent forest extent in the Wellington Region to support achieving Objective CC.5,**

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<sup>292</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 47.




- b. evaluation of the potential impacts of increased afforestation on rural production and social well-being, and development of an approach that will maximise the environmental, social, and economic benefits,
  - c. ways to implement and support capability for increasing the area of indigenous forest, including the provision of incentives.
  - d. identification of the types of indigenous forest to prioritise for re-forestation, including links to the strategic indigenous biodiversity targets and priorities identified through Policy IE.3 and Method IE.3, and
  - e. use of high-resolution spatial data to support identification of areas appropriate for permanent forest or plantation forestry, site-appropriate indigenous forests and other planting types.
- ~~(e)~~(f) a process to monitor and report on changes in the extent and health of permanent forest.

*Implementation: Wellington Regional Council\*, city and district councils at their discretion*

## 7.7 Method CC.9: Support and funding for protecting, enhancing and restoring indigenous ecosystems and nature-based solutions

536. As notified, the proposed Method stated:

<b>Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions</b>	
<u>Provide support, and seek new sources of funding, for programmes that protect, enhance or restore the priority ecosystems identified by Methods IE.2 and CC.7 for their biodiversity values and/or their contribution as nature-based solutions to climate change.</u>	
<i>Implementation: Wellington Regional Council</i>	

### 7.7.1 Submissions, Evidence and Analysis

537. Iwi submitters supported the Method generally but sought amendments to correct the cross-reference to Method CC.6, reference “indigenous biodiversity” and for programmes to be “implemented” including mana whenua / tangata whenua led programmes. The Officer agreed with the majority of these recommendations.

538. We agree with the Officer’s recommendations, and also note that the expert planners attending caucusing agreed there were no matters in contention for them regarding the Method.<sup>293</sup>

### 7.7.2 Finding

539. We agree with the Reporting Officer’s recommendations on Method CC.9 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.7.3 Recommendation

#### **Method CC.9: Support and funding for protecting, *enhancing*, and restoring indigenous ecosystems and nature-based solutions**

Provide support, and seek new sources of funding, ~~for to incentivise or implement~~ programmes, ~~including mana whenua/tangata whenua-led programmes~~, that protect, *enhance or restore* the priority ecosystems identified by Methods IE.~~23~~ and CC.~~76~~ for their *indigenous biodiversity* values and/or their contribution as *nature-based solutions* to climate change.

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<sup>293</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 15.


*Implementation: Wellington Regional Council*

## 7.8 Definitions: Climate-Resilience and Nature Based Solutions subtopic

540. The definitions associated with the Climate Change: Climate Resilience and Nature-Based Solutions topic that are addressed in this report are for highly erodible land, permanent forest, and plantation forestry. The planning experts who attended caucusing agreed that these definitions were not in contention.<sup>294</sup>
541. The other definitions associated with this topic are addressed in the FPI Part C report, being for nature-based solutions, climate-resilience, water sensitive urban design, climate change adaptation, and climate change mitigation.

### 7.8.1 *Highly erodible land*

542. The notified definition stated:


<b>Highly erodible land</b>	
<u>Means land at risk of severe erosion (landslide, earthflow, and gully) if it does not have a protective cover of deep-rooted woody vegetation. Land classified as very high (red) according to the erosion susceptibility classification in the National Environmental Standards for Plantation Forestry 2017.</u>	

543. Some submitters said “deep-rooted woody vegetation” was not clear and raised concerns about the “red zone” which they said relied on crude and low-resolution mapping. In response the Regional Council [S137.013] recommended the second sentence be deleted.
544. The Officer recommended the reference to red zone land be deleted and reference added to mass-movement.

### 7.8.2 *Permanent Forest*

545. The notified definition stated:

**Insert a new definition of permanent forest as follows:**

<b>Permanent forest</b>	
<u>For the purpose of the RPS permanent forest is a forest established for long term forest cover and is not intended to be harvested.</u>	

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<sup>294</sup> Joint Witness Statement of Planning Experts Climate Resilience, Nature-Based Solutions and Natural Hazards, 16 October 2023, para 15.

546. Some submitters opposed the definition but the Officer considered it important to retain it to support the interpretation of Objective CC.5. The Officer agreed with WFF’s concern that the notified definition has potential to restrict beneficial forest management that could contribute to achieving Objective CC.5.<sup>295</sup> The Officer recommended the definition focus on continuous canopy cover forest that is actively managed, for example to create light wells for growth.

### 7.8.3 Plantation Forestry

547. The notified definition stated:

<b>Plantation forestry</b>	
A forest deliberately established for commercial harvest purposes.	

548. Some submitters sought that the definition align with the definition in the National Environmental Standards for Plantation Forestry 2017 (NES-PF). The Officer agreed that this would be useful to provide consistency and avoid confusion.

549. In Reply Evidence, the Officer noted that new National Environmental Standards for Commercial Forestry which amend the NES-PF, came into force on 3 November 2023. These include a minor amendment to the chapeau of the definition for plantation forestry, which the Officer also recommended be included in Change 1 for consistency. We agree with this recommendation.

### 7.8.4 Finding

550. We agree with the Reporting Officer’s recommendations on the definitions coded to the Climate-Resilience and Nature-based solutions subtopic (the P1S1 definitions) for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.8.5 Recommendations

#### **Highly erodible land**

**Means** ~~l~~Land at risk of severe **mass-movement** erosion (landslide, earthflow, and gully) if it does not have a protective cover of deep-rooted woody vegetation. **Land classified as very high (red) according to the erosion susceptibility classification in the National Environmental Standards for Plantation Forestry 2017.**

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<sup>295</sup> Section 42A Hearing Report – Hearing Stream 3 – Climate Change: Climate Resilience and Nature-based Solutions, 31 July 2023, para 299.

### **Permanent forest**

~~For the purpose of the RPS permanent forest is a forest established for long term forest cover and is not intended to be harvested.— Forest actively managed to maintain continuous canopy cover.~~

### **Plantation forestry**

A forest deliberately established for commercial **harvest** purposes, being:

- ~~(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and~~
- ~~(b) includes all associated forestry infrastructure; but~~
- ~~(c) does not include—~~
  - ~~(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or~~
  - ~~(ii) forest species in urban areas; or~~
  - ~~(iii) nurseries and seed orchards; or~~
  - ~~(iv) trees grown for fruit or nuts; or~~
  - ~~(v) long-term ecological *restoration* planting of forest species; or~~
  - ~~(vi) willows and poplars space planted for soil conservation purposes.~~

## Climate Change: Subtopic 6 – Natural Hazards

### 7.9 Overview

551. The provisions in this subtopic are:
- a. Introduction;
  - b. Issues 1 – 3;
  - c. Objective 19;
  - d. Objective 20;
  - e. Objective 21;
  - f. Objective CC.6;
  - g. Policy 29: Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans;
  - h. Policy 51: Minimising the risks and consequences of natural hazards – consideration;
  - i. Policy 52: Minimising adverse effects of hazard mitigation measures – consideration;
  - j. Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non regulatory;
  - k. Policy CC.17: Iwi climate change adaptation plans – non regulatory;
  - l. Method 14: Information about natural hazard and climate change effects;
  - m. Method 22: Integrated hazard risk management and climate change adaptation planning;
  - n. Method 23;
  - o. AERs; and
  - p. Definitions.
552. There were approximately 224 original submissions and 185 further submissions on this subtopic.
553. All of the provisions were notified under P1S1 other than Issue 3, Objective 20, Policy 52 and the definition of “minimise” which were notified as part of the FPI. As we discussed in Part A, in the Panels’ view, all of the provisions other than the definition of “minimise” are more appropriately assessed as part of the P1S1 planning process.
554. The key issues raised were:
- a. Clarity of wording and terminology in Policy 29;
  - b. Application of the risk-based approach to hazard planning;
  - c. Hazard mapping;

- d. Functional use in high hazard areas;
- e. The role of resource management and planning in increasing resilience to the effects of climate change;
- f. Increased recognition of areas of significance to mana whenua / tangata whenua; and
- g. Implementation of the NZCPS.

555. Facilitated caucusing of planning experts was held on this subtopic on 16 October 2023. The aim of the session was to set out the matters that are not in contention, matters that are agreed during conferencing and matters that remain in contention.

556. The Joint Witness Statement recorded that the experts attending agreed that the following provisions were not in contention:

- a. Policy CC.17; and
- b. Methods 14 and 23.




# Provision by Provision Analysis

## 7.10 Chapter 3.8 - Natural Hazards Introduction text and Issues

1 - 3

557. The notified amendments to the Introduction read:

Chapter introduction	
<p>A natural hazard is defined in the Resource Management Act as any atmospheric, earth or water related occurrence (including earthquake, tsunami, erosion, volcanic, and</p>	
<p>geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) which may adversely affect human life, property, or other aspects of the environment. On their own, natural processes do not constitute a hazard. Natural events become hazardous when they may adversely affect human lives.</p>	
<p>The Wellington region has one of the most physically diverse environments in New Zealand. It is also one of the most populous regions and, consequently, our communities are affected by a wide range of natural hazards. With the exception of geothermal activity, the region is subject to all types of natural hazard events. Commonly, there are two or more hazards associated with a given event. For example, a rainstorm may cause flooding and landslips.</p>	
<p>The three most potentially damaging and costly natural hazards events that can occur in the region are:</p>	
<ul style="list-style-type: none"><li>• Earthquake: High magnitude earthquake (7.0+) from the rupture of a local fault (especially the Wellington Fault) affecting Wellington city, Hutt valley, Porirua, Kāpiti Coast and towns in the Wairarapa District</li><li>• Flooding: Major river flooding in the Hutt valley, Kāpiti Coast and the central Wairarapa plains. Flooding is the most frequently occurring hazard event in the region</li><li>• Tsunami: Large tsunami (particularly one that is locally generated) affecting low-lying areas around Wellington Harbour and the southern bays, settlements along the southern and eastern Wairarapa coast, Porirua Harbour and the Kāpiti Coast</li></ul>	
<p>Other natural hazards have more localised impacts but occur more frequently. These include:</p>	
<ul style="list-style-type: none"><li>• Localised flooding and inundation from streams and stormwater overflow. This can occur throughout the region in low-lying areas – such as Porirua – around tributary streams of the larger rivers – such as the Hutt River – and in areas that have short steep catchments – such as Paekākāriki.</li><li>• Coastal erosion and inundation, often associated with storm surge, affects some seafront and low lying coastal developments in the region. Some sections of the coastline are in long term retreat – such as Paekākāriki and Te Kopi. Other areas have episodes of erosion that form part of a cycle of erosion and deposition – such as Paraparaumu or Riversdale. <u>Due to climate change induced sea level rise, it is expected that the areas impacted by coastal erosion and inundation will increase with time, and that this hazard will occur on a more frequent basis.</u></li><li>• Landslips in the hill suburbs of Wellington city, the Hutt valley, Eastbourne, Wainuiomata, Porirua, Paekākāriki and in the Wairarapa hill country.</li><li>• Drought, especially in central Wairarapa and the coastal hills between Flat Point and Castlepoint.</li><li>• Wildfire, particularly in hill suburbs on urban fringes near heavily vegetated slopes, including western and southern Wellington suburbs, Eastbourne, Wainuiomata, Hutt valley and Porirua, and farmland in the eastern Wairarapa hill country.</li></ul>	

- High winds that can occur throughout the region and cause widespread damage to buildings, infrastructure and forestry.
- Sedimentation and erosion of rivers and streams, river mouths and tidal inlets, that can exacerbate the flood risk by raising *bed* levels and undermining banks.

People's actions, including mitigation measures and ongoing development in areas at high risk from **natural hazards**, can cause or increase the risk from **natural hazards**. Examples include seawalls or groynes that can cause localised erosion of the adjacent shoreline, and building on landslip prone slopes. Stopbanks and seawalls can also create a sense of security and encourage further development, increasing the extent and value of the assets at risk.

In the medium to long term, climate change effects ~~have the potential to~~ will increase both the frequency and magnitude of natural hazard events that already occur in the region.

A major consequence of climate change is sea level rise. ~~The sea level is expected to rise over half a meter by 2100.~~ <sup>‡</sup> Based on the Intergovernmental Panel on Climate Change 6<sup>th</sup> assessment report, and measurements of vertical land movement, NZ SeaRise - Te Tai Pari O Aotearoa projects relative sea level in the Wellington region to rise between 0.8 – 1.3 m by 2100 but, 2.0 m of sea level rise by the end of the century cannot be ruled out.<sup>[1]</sup>

Climate change will increase the frequency and magnitude **natural hazards** that already occur in the region and exacerbate the impacts and consequences from these events. For example, 30 cm of sea level rise on top of what has already occurred over the past 120 years, will mean that a 1 percent AEP (1:100 yr) coastal flooding event has the potential to occur every one to two years.

The main **natural hazards** associated with a rise in sea levels are coastal erosion and inundation. Sea level rise will also put increasing pressure on the coastal margin. As the shoreline adjusts, sediment will be redistributed around the coast and may cause shorelines to form new orientations. Beaches that are currently stable may begin to erode as the shoreline adjusts to a higher water level, while those that are currently eroding may experience an increased rate of retreat.

Climate change ~~is expected to~~ will increase the intensity and duration of westerly weather systems and reduce easterly conditions. This will exacerbate differences in the regional climate, by bringing higher rainfall to the west and reducing coastal rains in the east. It will also bring longer periods of northerly gales to the entire region, particularly in the spring months. Western and southern areas of the region may also have higher rainfall in the winter, increasing the landslide risk during wet winters, particularly in extreme rainfall events. This will put pressure on stormwater systems and flood protection works. Higher rainfall may also result in higher rates of sedimentation at river mouths and in estuaries, increasing the flood risk in those areas by raising the base level of the river *bed*.

It is also expected that central and eastern Wairarapa will become drier over the next 100 years. Droughts will occur more frequently and persist for longer periods. Research suggests that winter rainfall will decline in the long term, which may lead to a reduction in

groundwater recharge rates and pressure on water resources. Dry conditions also result in a heightened risk of wildfire.

The regionally significant issues and the issues of significance to the Wellington region's iwi authorities for **natural hazards** are:

1. ~~Effects of Risks from~~ **natural hazards**

Natural hazard events in the Wellington region have an adverse impact on people and communities, businesses, property and infrastructure.

2. Human actions can increase risk and consequences from **natural hazards**

People's actions including mitigation measures and ongoing development in areas at risk from **natural hazards** can cause, or increase, the risk and consequences from **natural hazards**.

3. Climate change will increase ~~both the likelihood and consequences~~ **likelihood and consequences** ~~magnitude and frequency of~~ **from** natural hazard events



Climate change will increase the **likelihood and consequences** risks from natural hazard events that already occur within the region, particularly:

- (a) sea level rise, exacerbating the effects of coastal erosion and inundation, and river, pluvial and stormwater flooding in low lying areas, especially during storm surge tide events
- (b) increased frequency and intensity of storm events, adding to the risk from floods, landslides, severe wind, storm surge, coastal erosion and inundation
- (c) increased frequency of drought, placing pressure on water resources and increasing the wildfire risk

<sup>1</sup> Intergovernmental Panel on Climate Change (IPCC) (2007), *Climate Change 2007: The Physical Science Basis. Summary for Policymakers. Contribution of working group I to the fourth assessment report of the IPCC*, 18pp.  
[1] IPCC, 2021: *Summary for Policymakers. In: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, 31pp.

558. Change 1 proposed amendments to the Operative Introduction to include updated information on predicted sea level and coastal flooding risk for the Region due to climate change.

### 7.10.1 Submissions, Evidence and Analysis

559. KCDC [S16.068] supported the amendments in part but sought additional text regarding local authority roles and responsibilities for hazard management. Others sought the Introduction be retained as notified (eg HCC [S115.020 and Forest and Bird [S165.026]), and others sought amendments (eg Taranaki Whānui [S167.043]) describing the impacts of natural hazards on mana whenua and their areas of significance.

560. The s 42A Reporting Officer, Dr Dawe, has proposed amendments including relating to local authorities' responsibilities regarding natural hazard management, and acknowledgment that the impacts from natural hazards and climate change will not be felt equitably.<sup>296</sup> We agree with these amendments for the reasons Dr Dawe provides in the s 42A Report.
561. Ātiawa [S131.034] supported Issue 1 but sought that “natural environment” was included in the list of places/matters affected. The Officer agreed with this change because “human activities and actions have the ability to exacerbate natural hazards and impacts on the natural environment, most notably through anthropogenic global warming and climate change, that is exacerbating natural hazard events that occur in the region”.<sup>297</sup>
562. HortNZ [S128.009] requested that “food production and food security” be included in the list of activities affected by natural hazards. The Officer agreed with this relief in part by adding in “the local economy” into Issue 1. We agree with the Officer that this amendment places this matter at a level that is appropriate for an issue statement and would cover the agri-economy sector and others.<sup>298</sup>
563. We agree with the Officer’s reasoning for rejecting the submission by Robert Anker [S31.015] seeking to amend Issue 2 to add that human actions can “decrease” as well as increase risk and consequences from natural hazards. We agree this is not a resource management issue that needs to be addressed by the Change 1 provisions.<sup>299</sup>
564. Taranaki Whānui [S167.045] submitted in support of Issue 3 and asked for it to be retained as notified. SWDC [S79.012] supported the Issue in part and sought that it be amended to reflect that not all natural hazard events are impacted by the effects of climate change. The Officer agreed with this amendment, noting that fault rupture and amplified ground shaking in an earthquake are two hazards that occur in the Region that climate

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<sup>296</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, paras 101 – 108.

<sup>297</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 114.

<sup>298</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 115.

<sup>299</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, paras 119 – 120.

change is unlikely to affect.<sup>300</sup> The Officer recommends adding the word “most” before “natural hazard events”. We have no issues with this suggestion. We also agree with the Officer’s reasons for not separating out natural hazards caused or exacerbated by climate change as sought by Dom Harris [S4.003]. As the Reporting Officer states:<sup>301</sup>

Despite the fact they may have different annual recurrence intervals and present different levels of risk, these events affect our communities every year and planning for them must occur in an integrated manner over the short, medium and long term. This doesn’t preclude prioritising how different hazards are managed in response to the level of risk they present to the community.

### 7.10.2 Finding

565. We agree with the Reporting Officer’s recommendations on the Natural Hazard Introduction and Issues for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.10.3 Recommendation

#### **3.8 Natural Hazards**

A natural hazard is defined in the Resource Management Act as any atmospheric, earth or water related occurrence (including earthquake, tsunami, erosion, volcanic, and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) which may adversely affect human life, property, or other aspects of the environment. On their own, natural processes do not constitute a hazard. Natural events become hazardous when they may adversely affect human lives.

Regional, city and district councils all have responsibilities under the Resource Management Act to manage the significant risks from these natural hazards as a matter of national importance. Additionally, particular regard must be given to the effects of climate change when achieving the sustainable management purpose of the Act.

The Wellington Region has one of the most physically diverse environments in New Zealand. It is also one of the most populous regions and, consequently, our communities and the areas that we value are affected by a wide range of natural hazards. The hazard exposure of people and communities, the natural environment, businesses and the

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<sup>300</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 132.

<sup>301</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 127.

economy, food production (including mahinga kai), water security, property and infrastructure is increasing because of climate change. The impacts and costs of responding to natural hazards and climate change is not felt equitably. Some communities have no, or only limited, resources to enable mitigation and adaptation and will bear a greater burden than others.

With the exception of geothermal activity, the region is subject to all types of natural hazard events. Commonly, there are two or more hazards associated with a given event. For example, a rainstorm may cause flooding and landslips.

The three most potentially damaging and costly natural hazards events that can occur in the region are:

- Earthquake: High magnitude earthquake (7.0+) from the rupture of a local fault (especially the Wellington Fault) affecting [Te Whanganui-a-Tara](#)/Wellington city, [Te Awa Kairangi](#)/Hutt valley, Porirua, Kāpiti Coast and towns in the Wairarapa District.
- Flooding: Major river flooding in the Hutt valley, Kāpiti Coast and the central Wairarapa plains. Flooding is the most frequently occurring hazard event in the region.
- Tsunami: Large tsunami (particularly one that is locally generated) affecting low-lying areas around [Te Whanganui-a-Tara](#)/Wellington Harbour and the southern bays, settlements along the southern and eastern Wairarapa coast, [Te Awarua-o-Porirua](#) Harbour and the Kāpiti Coast.

Other natural hazards have more localised impacts but occur more frequently. These include:

- Localised flooding and inundation from streams and stormwater overflow. This can occur throughout the region in low-lying areas – such as Porirua – around tributary streams of the larger rivers – such as [the Te Awa Kairangi](#)/Hutt River – and in areas that have short steep catchments – such as Paekākāriki.
- Coastal erosion and inundation, often associated with storm surge, affects some seafront and low-lying coastal developments in the region. Some sections of the coastline are in long term retreat – such as Paekākāriki and Te Kopi. Other areas have episodes of erosion that form part of a cycle of erosion and deposition – such as Paraparaumu or Riversdale. Due to climate change induced sea level rise, it is expected that the areas impacted by coastal erosion and inundation will increase with time, and that this hazard will occur on a more frequent basis.
- Landslips in the hill suburbs of [Te Whanganui-a-Tara](#)/Wellington city, [the Te Awa Kairangi](#)/Hutt valley, Eastbourne, Wainuiomata, [Porirua](#), Paekākāriki and in the Wairarapa hill country.
- Drought, especially in central Wairarapa and the coastal hills between Flat Point and Castlepoint.
- Wildfire, particularly in hill suburbs on urban fringes near heavily vegetated slopes, including western and southern [Te Whanganui-a-Tara](#)/Wellington suburbs, Eastbourne, Wainuiomata, [Te Awa Kairangi](#)/Hutt valley and Porirua, and farmland in the eastern Wairarapa hill country.
- High winds that can occur throughout the region and cause widespread damage to buildings, infrastructure and forestry.



- Sedimentation and erosion of rivers and streams, river mouths and tidal inlets, that can exacerbate the flood risk by raising *bed* levels and undermining banks.

People's actions, including mitigation measures and ongoing development in areas at high risk from natural hazards, can cause or increase the risk from natural hazards. Examples include seawalls or groynes that can cause localised erosion of the adjacent shoreline and building on landslip prone slopes. Stopbanks and seawalls can also create a sense of security and encourage further development, increasing the extent and value of the assets at risk.

In the medium to long term, climate change effects ~~have the potential to~~ will increase both the frequency and magnitude of natural hazard events that already occur in the region.

A major consequence of climate change is sea level rise. ~~The sea level is expected to rise over half a meter by 2100.~~<sup>†</sup> Based on the Intergovernmental Panel on Climate Change 6<sup>th</sup> assessment report, and measurements of vertical land movement, NZ SeaRise - Te Tai Pari O Aotearoa projects relative sea level in the Wellington region to rise between 0.8 – 1.3 m by 2100 but, 2.0 m of sea level rise by the end of the century cannot be ruled out.<sup>[1]</sup>

Climate change will increase the frequency and magnitude natural hazards that already occur in the region and exacerbate the impacts and consequences from these events. For example, 30 cm of sea level rise on top of what has already occurred over the past 120 years, will mean that a 1 percent AEP (1:100 yr) coastal flooding event has the potential to occur every one to two years.

The main natural hazards associated with a rise in sea levels are coastal erosion and inundation. Sea level rise will also put increasing pressure on the coastal margin. As the shoreline adjusts, sediment will be redistributed around the coast and may cause shorelines to form new orientations. Beaches that are currently stable may begin to erode as the shoreline adjusts to a higher water level, while those that are currently eroding may experience an increased rate of retreat.

Climate change ~~is expected to~~ will increase the intensity and duration of westerly weather systems and reduce easterly conditions. This will exacerbate differences in the regional climate, by bringing higher rainfall to the west and reducing coastal rains in the east. It will also bring longer periods of northerly gales to the entire region, particularly in the spring months. Western and southern areas of the region may also have higher rainfall in the winter, increasing the landslide risk during wet winters, particularly in extreme rainfall events. This will put pressure on stormwater systems and flood protection works. Higher rainfall may also result in higher rates of sedimentation at river mouths and in estuaries, increasing the flood risk in those areas by raising the base level of the river *bed*.

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It is also expected that central and eastern Wairarapa will become drier over the next 100 years. Droughts will occur more frequently and persist for longer periods. Research suggests that winter rainfall will decline in the long term, which may lead to a reduction in groundwater recharge rates and pressure on water resources. Dry conditions also result in a heightened risk of wildfire.

The regionally significant issues and the issues of significance to the Wellington region's iwi authorities for natural hazards are:

1. ~~Effects of~~ Risks from natural hazards

Natural hazard events in the Wellington region have an adverse impact on people and communities, the natural environment, businesses and the local economy, property and infrastructure.

2. Human actions can increase risk and consequences from natural hazards

People's actions, including mitigation measures and ongoing development in areas at risk from natural hazards, can cause, or increase, the risk and consequences from natural hazards.

3. Climate change will increase ~~both the likelihood and consequences magnitude and frequency of~~ from natural hazard events

Climate change will increase the likelihood and consequences risks from most natural hazard events that already occur within the region, particularly:

- (a) sea level rise, exacerbating the effects of coastal erosion and inundation, ~~and~~ river, pluvial and stormwater flooding in low lying areas, especially during storm surge tide events
- (b) increased frequency and intensity of storm events, adding to the risk from floods, landslides, severe wind, storm surge, coastal erosion and inundation
- (c) increased frequency of drought, placing pressure on water resources and increasing the wildfire risk.

~~1 Intergovernmental Panel on Climate Change (IPCC) (2007), *Climate Change 2007: The Physical Science Basis*. Summary for Policymakers. Contribution of working group I to the fourth assessment report of the IPCC, 18pp.~~

[1] IPCC, 2021: Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, 31pp.



## 7.11 Objective 19

566. As notified, the proposed amendments to Objective 19 stated:

### **Objective 19**

**The risks and consequences to people, communities, ~~their businesses, property, and infrastructure~~ and the environment from natural hazards and the effects of climate change ~~effects~~ are minimised.**

### 7.11.1 Submissions, Evidence and Analysis

567. Submitters requested, among other things, a definition of “minimise” (WIAL [S148.044]), removal of duplication with Objective 20 (PCC [S30.017]), inclusion of food security (Hort NZ [S128.010] and natural environment (Rangitāne [FS2.8]), and deletion of Objective 19 (WFF [S163.036]).
568. We agree with the Officer that deleting the Objective would leave an important gap in RPS direction in terms of s 6(h) of the RMA and the NZCPS, and this could have significant consequences for natural hazard management in the Region.
569. In the s 42A Report, the Officer recommends removing the words “consequences” and “the environment” from Objective 19 to remove duplication with Objective 20 which is about mitigation measures and adaptation activities. The Officer also recommends using the Natural Resources Plan definition of “minimise” so the word can be used in the RPS natural hazard provisions without confusion. The NRP defines minimise as: “Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.” This definition is recommended in the FPI (through the *Nature-Based Solutions* provisions).
570. We agree with these amendments and note that Powerco [S134.005] had proposed the NRP definition of “minimise” be included as part of its

alternative relief on Objective 20,<sup>302</sup> and Wellington Water also supported this definition in relation to Objective 20 [S113.007].

571. The Officer recommended the addition of the word “avoided” in Objective 19, so that it reads “The risks ... from natural hazards and the effects of climate change are avoided or minimised”. Relying in part on relief sought by PCC [S30.017] and the further submission of PPFL [FS25.050], the Officer Mr Beban also explained in the Hearing that the words “minimise and avoid” are terms that are “generally considered to be more consistent with natural hazard risk management, or risk management as a whole ...”.<sup>303</sup> In our view, the addition of “avoid” gives appropriate effect to the NZCPS, including Policy 25(a) and (b) which require that the risk of social, environmental and economic harm from coastal hazards in certain areas, and redevelopment or changes in land use that would increase the risk of adverse effects from coastal hazards, is avoided.
572. Caucusing was held on Objective 19.<sup>304</sup> Ms Landers for HortNZ sought that “food security” be included in the Objective. In her written evidence, Ms Landers said that:<sup>305</sup>
- The most fertile soils are often located in areas subject to natural hazard risk, and in land use planning, primary production activities are generally provided for (as compared to activities such as residential development) in areas with an increased risk profile.
573. Ms Landers said primary production activities need not be subject to more stringent controls due to the inherently lower risk to human life in a natural hazard event.
574. The Officer did not support including “food security” in Objective 19 largely on the basis that food is produced in the Region in high-hazard or high-risk (flood prone) areas and the amendment HortNZ seeks to the Objective could have a perverse planning response and could also create a conflict

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<sup>302</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 166.

<sup>303</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 88, lines 4469 – 4471.

<sup>304</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-Based Solution & Natural Hazards, 16 October 2023, paras 48 – 50.

<sup>305</sup> Statement of Evidence by Jordyn Landers for Horticulture New Zealand (Planning), 14 August 2023, para 14.

with direction in the NPS-HPL.<sup>306</sup> Ms Landers sets out reasons in her written evidence as to why recognising food security in the Objective would not imply the situation noted by the Reporting Officer.<sup>307</sup> The Officer supports other amendments recognising food security in the climate change provisions, namely Climate Change Issue 3, Policies CC.15 and CC.16 (Explanation text). We also note that the provision of food is referenced in the notified version of Climate Change Issue 2.

575. We agree with the Officer’s reasoning and do not think a reference to “food production” or “food security” is appropriate in Objective 19 given the strong direction to “avoid or minimise” and the planning response this might create in lower order planning instruments for food produced on flood-risk land. We consider the issue is one that is best addressed through a comprehensive change that implements the NPS-HPL.

### 7.11.2 Finding

576. We agree with the Reporting Officer’s recommendations on Objective 19 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.11.3 Recommendation

#### **Objective 19**

The risks ~~and consequences~~ to people, communities, ~~their~~ businesses, property, ~~and~~ infrastructure ~~and the environment~~ from natural hazards and ~~the effects of~~ climate change ~~effects~~ are ~~reduced~~ avoided or minimised.

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<sup>306</sup> Statement of Rebuttal Evidence of Dr Iain Dawe and James Beban on behalf of Wellington Regional Council, HS3 – Natural Hazards, 22 August 2023, paras 32 – 36; s 42A Hearing Report, Climate Change – Natural Hazards, para 146.

<sup>307</sup> Statement of Evidence by Jordyn Landers for Horticulture New Zealand (Planning), 14 August 2023, para 22.

## 7.12 Objective 20

577. The proposed amendments to Objective 20 stated:

### Objective 20

Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.

~~Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.~~

578. Mr Beban, the s 42A Officer assessing this provision, states that the focus of the Objective is to ensure that where mitigation measures, climate change and adaptation measures are considered necessary to avoid or minimise risk as directed by Objective 19, that the effects of these measures and activities themselves are minimised.<sup>308</sup>

### 7.12.1 Submissions, Evidence and Analysis

579. Various submitters sought a ‘weakening’ of the direction in the Objective to read, for instance, “do not increase” risks, rather than “minimise” them (Kāinga Ora [S158.010], or “do not compromise” or “do not have an adverse effects on” Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity (PCC [S30.017]). Other submitters sought differing approaches to levels of risk and for the risks from significant natural hazards to “be avoided”, and the risks from other natural hazards to be “mitigated” (KCDC [S16.070]). The Officer did not support this relief as the focus in the Objective is for the effects of mitigation measures and adaptation activities themselves to be minimised.<sup>309</sup> The Officer did not agree with PCC’s relief as the Change 1 direction to “minimise” was stronger.

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<sup>308</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 168.

<sup>309</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, paras 168 – 169.

580. Ātiawa sought that “areas associated with mana whenua values” be included in the Objective [S131.036]. The Officer has recommended including “sites of significance to mana whenua / tangata whenua” in the Objective to support amendments recommended to Policy 52(f).<sup>310</sup> The Officer also recommended some drafting amendments to clarify that minimise applies to both mitigation measures and adaptation activities.
581. Caucusing was held on Objective 20 (Topic 7 in the JWS).<sup>311</sup> The planning experts who attended reached general agreement on the drafting of the Objective which is reflected in the Officer’s Reply Evidence. The experts agreed that “taonga species” should replace “*Te Rito o te Harakeke*” in the Objective and also in Policies 52 and CC.16.

### 7.12.2 Finding

582. We agree with the Reporting Officer’s recommendations on Objective 20 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.12.3 Recommendation

#### **Objective 20**

Natural hazard mitigation measures and climate change mitigation and adaptation activities minimise the risks from natural hazards, and impacts on, *Te Mana o te Wai*, *Te Rito o te Harakeke* taonga species, sites of significance to mana whenua/tangata whenua, natural processes, indigenous ecosystems and biodiversity.

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<sup>310</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 173.

<sup>311</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-based Solutions and Natural Hazards, 16 October 2023, paras 51 – 52.

## 7.13 Objective 21

583. As notified, the proposed amendments to the Objective read:

### Objective 21

The resilience of our communities are more resilient to natural hazards, including the impacts and the natural environment to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazard events.

584. The notified amendments to this Objective seek to ensure that the short-, medium- and long-term impacts of climate change, including sea level rise, are more directly considered.

### 7.13.1 Submissions, Evidence and Analysis

585. There was general support for the Objective as notified but requests for clarification of how it would work in practice. HortNZ [S128.012] sought reference to food production and food security, and WIAL [S148.046] to regionally significant infrastructure. The Reporting Officer recommended amendments in his Rebuttal Evidence to first, replace “strengthen” with “improve” which he said is more commonly used within objective and policy wording, second, to ensure the Objective applies to all hazards and not only climate change and sea level rise,<sup>312</sup> and third to acknowledge infrastructure within the Objective. We agree with the Officer’s recommendations. We note that including reference to “infrastructure” is consistent with Objective CC.6 and recognises that resilient infrastructure can support people to be better prepared for the consequences of natural hazard events. WIAL [S148.046] sought that the term “regionally significant infrastructure” is used in Objective 21. In our view, at this objective level, it is appropriate to refer more generally to “infrastructure” which aligns with Objective CC.6.

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<sup>312</sup> Statement of Rebuttal Evidence of Dr Iain Dawe and James Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, paras 45 – 46.

586. In caucusing, the planning experts expressed general support for the amendments in the Officer’s Rebuttal Evidence.<sup>313</sup> There was some discussion about the meaning of the phrase “short, medium and long-term effects of climate change”. Dr Dawe for the Regional Council said that for the purposes of resource management planning, the meaning is generally recognised as (+/-5 years).<sup>314</sup>

- a. a) short-term: <25 years;
- b. b) medium-term: 25-75 years; and
- c. c) long-term: 75-100+ years.

587. Dr Dawe proposed clarifying this intention through a new clause (d) to Method 22. The experts participating on this matter agreed that this would be an appropriate way to ensure interpretation is clear and consistent across the Region. On this basis, they supported the changes to Objective 21 as set out in the Council’s rebuttal evidence.

### 7.13.2 Finding

588. We agree with the Reporting Officer’s recommendations on Objective 21 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence.

### 7.13.3 Recommendation

#### **Objective 21**

The resilience of our ~~€~~ communities, ~~infrastructure~~ are more resilient to natural hazards, including the impacts and the natural environment ~~to natural hazards~~ is ~~strengthened~~ improved, including to the short, medium, and long-term effects of climate change; and ~~sea level rise is strengthened~~, and people are better prepared for the consequences of natural hazard events.

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<sup>313</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-based Solutions and Natural Hazards, 16 October 2023, para 53.

<sup>314</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-based Solutions and Natural Hazards, 16 October 2023, para 55.

## 7.14 Objective CC.6

589. The notified Objective stated:

**Objective CC.6**

Resource management and adaptation planning increase the resilience of communities and the natural environment to the short, medium, and long-term effects of climate change.

590. The s 32 Report says that Objective CC.6:<sup>315</sup>

addresses the need for strategic adaptation planning with respect to the way in which we use and manage our natural and physical resources, to plan and implement actions that will help people and natural systems to adjust to the current and predicted effects of climate change.

### 7.14.1 Submissions, Evidence and Analysis

591. Various submitters supported the new Objective but some requested stronger wording such as “recognise and provide for” land use planning (Ngāti Toa [S170.010]. The Fuel Companies [S157.006], WIAL [S148.019], Meridian [S100.006] and others requested the Objective recognise infrastructure, including regionally significant infrastructure in resilience planning. SWDC [S79.006] asked for the Objective to include reference to natural hazards and Kāinga Ora [S158.008] said the Objective was too broad and should include measurable outcomes to define what an increase of the community’s resilience is over the short, medium and long term. PCC [S30.009] opposed the Objective on the basis that it included methods to achieve resilience (ie resource management and adaptation planning) and this was not needed in an objective. DairyNZ [S136.013] and BLNZ [FS30.319] opposed the Objective including on the basis of insufficient engagement and inadequate analysis.

592. The Officer said the Objective responds to national direction and also Part 2 of the RMA and the NAP, and it is consistent with the latest

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<sup>315</sup> Section 32 Report, page 73.



understanding and experiences of climate change, sea level rise and how this will exacerbate natural hazards that occur in the Region.<sup>316</sup>

593. The Officer accepted the submissions of infrastructure organisations and recommended that infrastructure be included in the Objective given its importance in adaptation planning. The Officer considered that RSI was a sub-component of infrastructure and did not need to be specifically referenced. The Officer considered that because the Objective links to Policy CC.16 which highlights the importance of plan provisions to address land use management in areas impacted by climate change and sea level rise, it was not necessary to refer in the Objective to land use planning being able to respond with appropriate tools and practices to manage climate change effects. The Officer also considered that other relief requested by some submitters was already provided for Objectives 19 and 21 where specific connections are made between climate change and natural hazards.
594. In response to Kāinga Ora’s relief the Officer said that the framework including the associated policies, methods and AERs set the expectation of the measurable outcomes that are to be delivered, therefore the Officer did not consider any amendments were needed to make the Objective more measurable. As the Officers state in their Rebuttal Evidence, Policy CC.16 that follows from Objective CC.6, “encourages and outlines approaches for climate change adaptation strategies, plans and implementation programmes and is designed specifically for long-term strategic planning.”<sup>317</sup>
595. We agree with the Officer’s analysis and consider there to be strong recognition in the relevant regulatory framework, including the ERP and NAP of the importance of adaptation planning and resource management in increasing resilience to the effects of climate change. Adapting to climate change requires, as the Officer states, a holistic approach that involves a number of different mechanisms and instruments, including

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<sup>316</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 209.

<sup>317</sup> Statement of Rebuttal Evidence of Dr Dawe and James Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 93.

resource management planning undertaken by councils in conjunction with the community.<sup>318</sup>

596. Objective CC.6 was not discussed at planners' caucusing.

#### 7.14.2 Finding

597. We agree with the Reporting Officer's recommendations on Objective CC.6 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

#### 7.14.3 Recommendation

##### **Objective CC.6**

Resource management and adaptation planning increases the resilience of communities, **infrastructure** and the natural environment to the short, medium, and long-term effects of climate change.

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<sup>318</sup> Statement of Rebuttal Evidence of Dr Dawe and James Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 105.

## 7.15 Policy 29: Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans

598. As notified, the proposed amendments to the Operative Policy stated:

### Policy 29: ~~Avoiding inappropriate~~ Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans

Regional and district plans shall:

- (a) identify areas affected by natural hazards; and
- (b) use a risk-based approach to assess the consequences to subdivision, use and development from natural hazard and climate change impacts over a 100 year planning horizon;
- (c) include objectives, polices and rules to manage subdivision, use and development in those areas where the hazards and risks are assessed as low to moderate; and
- (d) include objectives, polices and rules to avoid subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.

#### Explanation

Policy 29 establishes a framework to:

1. identify natural hazards that may affect the region or district; and then
2. apply a risk-based approach for assessing the potential consequences to new or existing subdivision, use and development in those areas; and then
3. develop provisions to manage subdivision, use and development in those areas.

The factors listed in Policies 51 and 52 should be considered when implementing Policy 29 and when writing policies and rules to manage subdivision, use and development in areas identified as being affected by natural hazards.

#### Explanation

~~The process of identifying 'areas at high risk' from natural hazards must consider the potential natural hazard events that may affect an area and the vulnerability of existing and/ or foreseeable subdivision or development. An area should be considered high risk if there is the potential for moderate to high levels of damage to the subdivision or development, including the buildings, infrastructure, or land on which it is situated. The assessment of areas at high risk should factor in the potential for climate change and sea level rise and any consequential effect that this may have on the frequency or magnitude of related hazard events.~~

~~Examples of the types of natural hazards or hazard events that may cause an area or subdivision or development to be considered high risk include – but are not limited to – fault rupture zones, beaches that experience cyclical or long term erosion, failure prone hill slopes, or areas that are subject to serious flooding.~~

~~The factors listed in policies 51 and 52 should be considered when implementing policy 29 and writing policies and rules to avoid inappropriate subdivision and development in areas at high risk.~~

Most forms of residential, industrial or commercial development would not be considered appropriate and should be avoided in areas at high risk from natural hazards, unless it is shown that the effects, including residual risk, will be managed appropriately.

Hazard mitigation works can reduce the risk from natural hazards in high hazard areas.

To give effect to this policy, district and regional plans should require assessments of the risks and consequential effects associated with any extensive structural or hard engineering mitigation works that are proposed. For a subdivision or development to be considered appropriate in areas at high risk of natural hazards, any hazard mitigation works should not:

- Adversely modify natural processes to a more than minor extent,
- Cause or exacerbate hazards in adjacent areas to a more than minor extent,
- Generally result in significant alteration of the natural character of the landscape,
- Have unaffordable establishment and maintenance costs to the community,
- Leave a more than minor residual risk, and/or
- Result in more than minor permanent or irreversible adverse effects.

Examples of how this may be applied to identified high hazard areas include: fault rupture avoidance zones 20 metres either side of a fault trace; setback distances from an eroding coastline; design standards for floodplains; or, requirements for a geotechnical investigation before development proceeds on a hill slope identified as prone to failure.

This policy promotes a precautionary, risk based approach, taking into consideration the characteristics of the natural hazard, its magnitude and frequency, potential impacts and the vulnerability of development.

Guidance documents that could be used to assist in the process include:

- Risk Management Standard AS/NZS 4360:2004
- Guidelines for assessing planning policy and consent requirements for landslide prone land, GNS Science (2008)
- Planning for development of land on or close to active faults, Ministry for the Environment (2003)
- Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment (2008)
- Other regional documents relating to the management of natural hazards.

This policy also recognises and supports the Civil Defence Emergency Management principles – risk reduction, readiness, response and recovery – in order to encourage more resilient communities that are better prepared for natural hazards, including climate change impacts.

Policy 29 will act to reduce risk associated with natural hazards. The risks are to people and communities, including businesses, utilities and civic infrastructure.

This policy and the Civil Defence Emergency Management framework recognise the need to involve communities in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced.

599. The notified amendments to this Policy provide more specific direction on how to undertake a risk-based approach to natural hazards in regional and district planning. The amendments broaden the Policy to all natural hazards – not just those considered to be high risk, and take a risk-based planning approach of ‘management’ of subdivision, use and development in low to medium risk areas, and ‘avoidance’ in high risk areas (including of hazard sensitive activities). The impacts of climate change are required to be considered over at least a 100-year planning horizon.

600. Mr Beban explained the Policy in these terms at the hearing:<sup>319</sup>

...the general approach that’s been applied is that in your high hazard areas, essentially any new development is avoided. Porirua City, Hutt City, Upper Hutt City and Lower Hutt City has taken that approach. You have an avoidance of whether it's subdivision or additional residential unit. Basically, the test drops to a functional and operational need only. Then in your moderate to low areas ... you can undertake development providing you’re mitigating or addressing the risks that are associated with that development, and you’re basically minimising the risks as far as possible. Again, that’s a consistent approach that has flowed through at Territorial Authority [level].

601. Mr Beban also explained that “high hazard areas” are, for instance, stream corridors, places impacted by coastal inundation currently, the Wellington Faultline, fault rupture zones, and tsunami hazards with a return period of 1 percent recurrence intervals.<sup>320</sup>

### 7.15.1 Submissions, Evidence and Analysis

602. KCDC [S16.071] opposed the Policy as “managing subdivision, use and development” was not consistent with the avoidance and mitigation requirements of ss 30 and 31 of the RMA. UHCC [S34.049] also sought more consistency with higher level direction and Forest and Bird [S165.058] opposed the deletion of “avoid”. GWRC [S137.026] sought reference to hazard overlays in the Policy on the basis that the mapping of hazards as district plan overlays is considered to be best practice and provides certainty and clarity for the process and approach to hazard

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<sup>319</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 92, lines 4680 – 4689.

<sup>320</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 92, lines 4693 – 4700.

management. SWDC [S79.036] generally supported the Policy but requested additional measures to support consistent implementation of risk assessment and provision/communication of natural hazards and associated risks.

603. PCC [S30.050] supported the risk-based approach to hazard management but suggested that the qualifier “at least” be added to the 100-year planning timeframe as well as the low, medium or high categorisation of hazard risk. EQC [S132.007] supported an avoid directive in high-risk areas and management in areas of lower risk. This relief was opposed by Kāinga Ora who said only “inappropriate” subdivision, use and development needed to be managed. WIAL [S148.047] said the Policy did not appropriately provide for RSI or its functional operational need to locate in high hazard areas. Further amendments to recognise infrastructure were also sought by the Telecommunication Companies [S49.003], Wellington Water [S113.027], Powerco [S134.012] and the Fuel Companies [S157.015].
604. The DGC [S32.020] said the amendments to Policy 29 failed to give effect to Policy 25 of the NZCPS which require avoiding increasing risk. The DGC sought amendments to ensure subdivision, use or development within the coastal environment that would increase the risk of adverse effects from coastal hazards be avoided.
605. In the s 42A Report, the Officer agreed with much of this relief including incorporating low, medium and high hazard levels, mandatory hazard overlays, reference to “new or existing” subdivision, use and development, and reference to a planning horizon of “at least 100-years” to recognise that some natural hazards have a longer return period than 100 years. The Officer also recommended amending clause (d) to recognise functional or operational need to locate in high hazard areas and including additional guidance in the Explanation.
606. The Officer did not consider there to be any issue with ‘managing’ natural hazard risk and said that the process to achieve this based on a risk framework was set out clearly in the Policy in a way that is consistent with the RMA. The Officer said that the approach in the Policy recognises that the scale of development is commensurate with the risk, and provided that hazards are properly assessed and identified, it is acceptable to allow certain types of development in areas subject to natural hazards as this

balanced the need for development with pragmatic hazard management.<sup>321</sup>

- 607. The Officer did not support the DGC's relief on the basis that the Policy has an 'all hazards' focus and the concept of avoiding increasing risk (including from coastal hazards) was already provided for in the Policy.
- 608. Policy 29 was discussed in expert planners' caucusing but no consensus was reached.
- 609. The following sections summarise four key themes in evidence relating to hazard overlays, 'new vs existing' activities, the NZCPS, and telecommunications infrastructure.

#### 7.15.1.1 Hazard overlays and dynamic hazard mapping

- 610. In her planning evidence, Ms Woodbridge for Kāinga Ora did not support including hazard overlays in district plans (Policy 29(c)). Ms Woodbridge said that because flood maps are updated regularly, they should sit outside the plan to allow a more flexible, adaptive approach as to how information about hazards is provided.<sup>322</sup>
- 611. Kāinga Ora provided further information during the Hearing on 'out of plan' hazard identification and mapping, which Mr Liggett said would more appropriately and responsively manage the risk of natural hazards.<sup>323</sup> Kāinga Ora's Counsel Mr Whittington, described the approach as more "efficient and effective" than the Schedule 1 approach as in his experience, Councils were reluctant to undertake plan changes if they can possibly avoid it<sup>324</sup> and this meant flood hazard mapping became out of date quickly, especially given the length of time needed to complete a Schedule 1 process.<sup>325</sup> Mr Whittington explained that under Kāinga Ora's approach, the District Plan rule framework (settled through a Schedule 1 process) would continue to apply, but the information as to whether an area had low, medium, or high hazard risks would change through a GIS

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<sup>321</sup> Section 42A Hearing Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 262.

<sup>322</sup> Ms Woodbridge's evidence statement; Also Hearing Transcript, HS3 – Climate Change, Day 1, page 91, lines 4628 - 4632.

<sup>323</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 9 and 14, lines 425 - 431; 667 - 669.

<sup>324</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 3, lines 131 – 150.

<sup>325</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 9, lines 391 – 401.

layer within the Council’s E-Plan that still allowed for some public engagement but could adapt more quickly to changes in the catchment.<sup>326</sup>

612. In his Rebuttal Evidence, Dr Dawe said that the general position in the Region was for natural hazard overlays to be included in the district plan, and he set out his reasons for why this was appropriate, noting, among other things, that if flood hazard maps were removed from district plans, this would mean some hazard mapping (such as fault rupture, sea level risk and tsunami) would sit in the plan and others (ie flood hazard maps) would sit outside and this could create confusion for plan users and unnecessary complications in the interpretation and application of the plans.<sup>327</sup>
613. In caucusing, Ms Woodbridge said that Policy 29(a) provides sufficient ability to identify areas affected by hazards and it was not necessary for the Policy to require regulatory mapping.
614. After hearing submitters on this issue, the Officers preferred to retain the direction for overlays so this can be tested through the Schedule 1 process, provide certainty and prevent natural justice issues arising (given the potential impact on property rights without the ability to comment/submit).<sup>328</sup> The Officers described at a high level during the Hearing, the modelling and science that sits behind many of the hazard overlays being incorporated into district plans in the region.<sup>329</sup> Dr Dawe said that “[a]fter they have gone through that Schedule 1 process they’re a robust indication of where the hazards are and how we should be managing them in those areas.”<sup>330</sup>
615. We agree with the Reporting Officer that the benefits of requiring hazard overlays in plans outweighs the costs, and the direction should be retained in Policy 29. Although not at all determinative of the matter, we note Counsel for PCC, Ms Viskovic also commented during the Hearing that including hazard mapping within the plan has some advantages, such as ensuring a consistent approach is taken to the application of hazard

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<sup>326</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 5, lines 216 – 253 per Mr Whittington.

<sup>327</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 40.

<sup>328</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, paras 39 – 40; Hearing Transcript, HS3 – Climate Change, Day 1, page 91, lines 4634 – 4643.

<sup>329</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 91, lines 4659 – 4661.

<sup>330</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 91, lines 4661 – 4663.



provisions at the consenting stage, and avoiding creating issues relating to natural justice that could arise with dynamic hazard mapping that sits outside the plan.<sup>331</sup>

#### 7.15.1.2 Managing subdivision, use and development and new vs existing activities

616. Ms Rushmere for UHCC sought that Policy 29 refer to “avoid inappropriate subdivision, use and development” rather than “manage subdivision, use and development” as the latter phrase was ambiguous in this context. During caucusing Ms Rushmere acknowledged that district plans could implement a framework that gave effect to the Policy and this flexibility could mitigate some of the concerns she raised about ambiguity.<sup>332</sup> We consider there is sufficient scope and flexibility for district and regional plans through the implementation of the Policy and we agree with the wording proposed by the Council officer.
617. At the Hearing, we questioned the Officer on how “existing” subdivision and development would be impacted through the Policy (clause (b)). Mr Beban explained that there are vacant properties in the Region that have been created by subdivision and where they are in hazard areas, this provision would bring in the ability to consider what mitigation or consideration of hazards should be factored in.<sup>333</sup> Mr Beban confirmed that in terms of a development, part of the response could be nature-based solutions or setback distances.
618. We support the amendments in Mr Beban’s Reply evidence to clarify the application of the Policy to new and existing subdivision, use and development, with an ‘avoid’ direction in high-risk areas applying only to new activities.
619. As noted above, SWDC sought consistent and standardised terminology to support consistent implementation of risk assessment and (as stated by SWDC) consistent “provision/communication of natural hazards and associated risks”. Transpower [S10.003] had also sought clarification of the wording in the Policy relating to hazards and risks.
620. We consider that the risk-based approach to hazard management described in the Policy requires an assessment of risks and

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<sup>331</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 954, lines 2711 – 2716.

<sup>332</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-Based Solution & Natural Hazards, 16 October 2023, para 70.

<sup>333</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 90, lines 4582 - 4595.

consequences, and then classification on a risk-based assessment (ie as low, medium or high risk). We consider it would aid clarity of interpretation and policy intent for Policy 29 to refer to “hazards or risks” consistently rather than the different references currently in the Officer’s Reply version (ie “hazards and risks”, “hazards or risks” and (only) “hazards”. SWDC sought consistent application of terms in the Policy and we consider this provides scope for this amendment which we recommend below.

#### 7.15.1.3NZCPS

621. All planners participating in caucusing supported the pathway in clause (d) for activities with a functional or operational need to locate in high hazard areas, except Mr Brass and Ms Heppelthwaite who both considered that the clause did not give appropriate effect to Policy 25 of the NZCPS although for different reasons.
622. Ms Heppelthwaite’s view was that the clause as Mr Beban sought to amend it, would require *all developments* to be avoided or to comply with a functional and operational need test, when Policy 25 of the NZCPS only required activities to be avoided where they increased the risk of harm or adverse effects.<sup>334</sup> As Ms Heppelthwaite explained, “if an activity located in a high risk hazard area in a way which does not increase risk of harm/adverse effects, then it should be able to locate there and meet NZCPS Policy 25”.<sup>335</sup> Ms Heppelthwaite thought that the approach the Reporting Officer supported was too restrictive in terms of the direction in Policy 25 of the NZCPS.<sup>336</sup> She said there is an avoid framework in Policy 25 but it relates to avoiding increasing the risk of harm from coastal hazards (Policy 25(a)), and avoiding increasing the risk of adverse effects (Policy 25(b)) but “Mr Beban’s Policy 29 precludes development outright”.<sup>337</sup>
623. Mr Brass for the DGC was concerned that Policy 29, as Mr Beban supported it, would let district and regional plans allow risk from hazards

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<sup>334</sup> Summary statement of evidence of Catherine Heppelthwaite for Waka Kotahi regarding Plan Change 1 on the Wellington Regional Policy Statement, 31 August 2023, para 4.7.

<sup>335</sup> Summary statement of evidence of Catherine Heppelthwaite for Waka Kotahi regarding Plan Change 1 on the Wellington Regional Policy Statement, 31 August 2023, para 4.4.

<sup>336</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 62, lines 3141 – 3144.

<sup>337</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 62, lines 3157 – 3160.

to increase in a manner inconsistent with the NZCPS<sup>338</sup> as Policy 25 of that national instrument requires increasing risk in the coastal environment to be avoided and the CMA foreshore is defined as ‘high risk’, and ‘low and moderate risk’ on land (the terrestrial coastal environment, although some parts of the terrestrial coast may also be assessed as high risk).<sup>339</sup> Mr Brass said that a requirement to ‘manage subdivision, use and development’ in low and moderate risk areas is inconsistent with the NZCPS which requires the risk of increasing harm and adverse effects be avoided in even low to medium hazard risk areas in the coastal environment.<sup>340</sup>

624. Mr Brass suggested that either the amendment to Policy 29 in the Director-General’s submission would resolve the concern, or, the amendment could occur in Policy 51 (which was Mr Brass’ preference).<sup>341</sup> He considered this would be appropriate because it would have a similar effect to the DGC’s submission points on Policies 29 and 52 and was therefore in scope, it would give effect to the NZCPS, achieve Objectives 19 and 21 of Proposed Change 1, give useful direction for Policy 52, and apply directly to all decisions rather than addressing the issue indirectly through a requirement for inclusion in future plans (ie if it occurred through Policy 29).<sup>342</sup> Mr Brass also sought that only infrastructure with an operational or functional need be able to be located in high hazard areas as this was supported by the NZCPS and also because, in his experience, the operational and functional needs test has been used to advance residential and industrial activity.
625. The Reporting Officer did not support these amendments as the Policy “already contains an ‘avoid’ approach and is structured in such a way to implement a risk-based approach that manages development in low to medium hazard areas and avoids development in high hazard areas,

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<sup>338</sup> Evidence of Murray Brass on behalf of the Director-General of Conservation, HS3 – Climate Change, 14 August 2023, para 17.

<sup>339</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 68 - 69, lines 3537 – 3541; page 70, lines 3583 – 3584; page 71, lines 3615 – 3617.

<sup>340</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 70, lines 3584 – 3586.

<sup>341</sup> Evidence of Murray Brass on behalf of the Director-General of Conservation, HS3 – Climate Change, 14 August 2023, paras 19 – 20.

<sup>342</sup> Evidence of Murray Brass on behalf of the Director-General of Conservation, HS3 – Climate Change, 14 August 2023, para 20.

unless there is a functional or operational need for it to be located in that area”.<sup>343</sup> The Officer said that in his view, Policy 29 of Change 1:<sup>344</sup>

strikes the balance between allowing development where it is appropriate and avoiding it where it is not considered viable and ... this balance achieves the purpose of the NZCPS. In this way, the Policy considers what the NZCPS is trying to achieve as a whole.

626. The Officer was also concerned about whether the amendments Mr Brass and Ms Heppelthwaite supported would prevent boat clubs, jetties, marinas and sports fields from locating in the coastal environment. The Officer also said that when councils undertake plan changes or reviews, they would need to give effect to the NZCPS in any event.<sup>345</sup>
627. We agree with the views of both Mr Brass and Ms Heppelthwaite, and consider that the most appropriate option is to grant the DGC’s relief and include a specific clause for coastal hazards to give effect to Policy 25 of the NZCPS. It is appropriate in our view that this provision apply to areas of the coastal environment potentially affected by coastal hazards. We accept Ms Heppelthwaite’s and Mr Brass’ position that although Policy 29 of proposed Change 1 requires (among other things) that some activities be avoided in the coastal environment, the intent of the NZCPS is to avoid increasing risk and adverse effects which is an important difference. Mr Brass’ view was that if policies 29 and 51 were amended as he proposed, a sports field for instance, could locate in the coast, even within a high hazard area, if it could establish it would not increase the risk of social, environmental and economic harm or other adverse effects from coastal hazards.<sup>346</sup> Mr Brass gave other examples of activities that could potentially satisfy the policy where they did not increase the risk.<sup>347</sup>
628. We recommend a ‘coast-specific’ provision be included in both Policies 29 and 51, and the functional or operational need pathway applies only to infrastructure, to give effect to Policy 25(d) of the NZCPS. This ‘bespoke’

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<sup>343</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 14.

<sup>344</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 16.

<sup>345</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, paras 15 and 18.

<sup>346</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 72 - 73, lines 3688 – 3697.

<sup>347</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 73, lines 3707 – 3715.

provision for the coast would also, in our view, address the Officer's concern that Mr Brass' amendment would apply to a much wider extent than that which would be captured by Policy 25 of the NZCPS and coastal hazard management.<sup>348</sup> We note the Officer's comment that duplicating the requirements of Policy 25 of the NZCPS does not provide any further planning benefit when councils undertake plan reviews. However, we do not agree that Policy 29(c) and (d) as supported by the Officer, is a nuanced approach to the NZCPS that is still consistent with it.<sup>349</sup>

629. We agree with Ms Heppelthwaite and Mr Brass that a pathway for infrastructure is appropriate and justified by the NZCPS. Mr Brass explained the issue in this way:<sup>350</sup>

NZCPS [Policy] 25(d) still encourages the location of infrastructure away from areas of hazard risk. So, if you like, if it doesn't have a need to be there then you should be encouraging it to be elsewhere; but if it does have a need to be there, then I'm comfortable that [Policy] 25(d) does allow for infrastructure to occur within areas of hazard risk.

630. We recommend a new clause be included in Policy 29 as set out below.

#### 7.15.1.4 Telecommunications infrastructure

631. The central issue here is whether Policy 29 should explicitly recognise that telecommunications infrastructure, being critical, lifeline utility infrastructure, may need to locate in areas subject to natural hazards.
632. Mr Anderson presented planning evidence for the telecommunication service providers and network utility operators Chorus NZ Limited, Spark NZ Trading Limited and Vodafone NZ Limited (collectively, the Telcos). Their submission was that there was no need for regional or district plans to regulate the resilience of Telcos infrastructure where it is located in natural hazard areas. Telcos have obligations to provide resilient infrastructure under the Civil Defence Emergency Management Act 2002

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<sup>348</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 17.

<sup>349</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, paras 18 – 19.

<sup>350</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 75, lines 3836 – 3840.

and adding another layer of regulation of resilience through regional and district plans was not necessary.<sup>351</sup>

633. The Telcos' submission, and Mr Anderson's evidence, stated that Regulation 57 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NES-TF) provides that a territorial authority cannot make a natural hazard rule that applies to activities regulated under the NES-TF (such as telecommunication cabinets, new antennas and poles in legal road (and outside of legal road in rural zones), small cell units and new telecommunication lines.<sup>352</sup> A "natural hazard rule" means a district rule that prescribes measures to mitigate the effect of natural hazards in an area identified in the district plan as being subject to 1 or more natural hazards".<sup>353</sup>
634. Mr Anderson explained that the reason for this (as set out in MfE's NES User Guide) is that resilience is already factored into industry practice, and Telcos will either avoid hazard areas or engineer structures to be resilient to the natural hazard. Mr McCarrison for the Telcos also explained that Spark's engineers structurally design sites taking into account local hazards and in order to fulfil requirements under the Civil Defence Emergency Management Act 2002.<sup>354</sup> He explained that this approach to structural design and integrity is taken regardless of whether or not a resource consent is required.<sup>355</sup>
635. Mr Anderson said in his written evidence statement that the wording recommended by the Officer to Policy 29 in the s 42A Report is workable, but was a 'doubling up' of regulation<sup>356</sup>, could lead to inefficiencies in process,<sup>357</sup> and he would prefer the exclusion of telecommunications

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<sup>351</sup> Submission of Telcos on Proposed Change 1, 14 October 2023, Policy 29.

<sup>352</sup> A "regulated activity" means an activity that is declared by regulations 19, 26, 28, 30, 32, 34, 36, 38, 39, 41, or 43 of the NES-TF to be a regulated activity (Regulation 4, NES-TF). See also the Statement of Evidence of Tom Anderson on behalf of Chorus NZ Limited, Spark NZ Trading Limited and One New Zealand Group Limited, 14 August 2023, para 20.

<sup>353</sup> Regulation 57(3), NES-TF.

<sup>354</sup> Statement of Evidence of Graeme McCarrison for Spark Trading NZ Ltd, 14 August, para 1.8.

<sup>355</sup> Statement of Evidence of Graeme McCarrison for Spark Trading NZ Ltd, 14 August, para 1.8.

<sup>356</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 84, lines 4357 – 4358.

<sup>357</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 84, lines 4382 – 4383.

infrastructure from the Policy.<sup>358</sup> He also said he would support including the MfE User Guide in the list of guidance documents in the Explanation text.<sup>359</sup>

636. We agree that:

- a. Telco infrastructure, being linear and spread throughout the region, may not be able to avoid locating in natural hazard areas;
- b. “Regulated activities” of telco companies are exempted from having to comply with District Plan rules about natural hazards;
- c. Section 43B of the RMA says that a rule in a plan cannot be more stringent than a NES regulation unless expressly allowed by the NES;
- d. Regulations 56 and 57 of the NES-TF do not preclude regional rules relating to natural hazard management being more stringent than the NES;
- e. It is appropriate for planning documents to be consistent with national direction; and
- f. It may not be appropriate for all other infrastructure to locate in areas impacted by natural hazards (a concern expressed by the Council officers<sup>360</sup>).

637. We are persuaded by Mr Anderson’s statement<sup>361</sup> that if it is not appropriate to regulate the resilience of Telco infrastructure in natural hazard areas at a national level, then it is not appropriate at ‘subordinate planning level’ (our words). However, the exemption applies only to district plan rules for “regulated activities”. In our view, this should be the extent of the exemption, and there should not be a blanket exemption from Policy 29 for all Telco infrastructure. If infrastructure needs to locate in the CMA, the bed of a lake or river, or other areas regulated by the NRP, it is important that any such development in those areas is assessed against

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<sup>358</sup> Statement of Evidence of Tom Anderson on behalf of Chorus NZ Limited, Spark NZ Trading Limited and One New Zealand Group Limited, 14 August 2023, paras 12 and 17; and Hearing Transcript, HS3 – Climate Change, Day 2, page 84, line 4389.

<sup>359</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 90, lines 4665 – 4666.

<sup>360</sup> See for instance, Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 7.

<sup>361</sup> Tom Anderson Speaking Notes, 29 August 2023, para 10.

the provisions in the regional plan. We recommend wording to reflect this below. Given the limited exemption merely restates the position in Regulation 57 of the NES-TF, it is appropriate in our view for it to be expressed in the explanatory text to Policy 29. We also support including the MfE User Guide in the list of guidance documents in the Explanation.

638. We also acknowledged Mr Anderson’s evidence that it is appropriate for potential effects on third parties from infrastructure locating in hazard areas, to be managed under Policy 51.<sup>362</sup> We agree even though, at least in the context of a discussion in the Hearing about flooding impacts from cyclones, Mr McCarrison said that telco infrastructure has not been known to cause flooding or other issues for third party properties.<sup>363</sup>
639. We consider an exclusion from Policy 29 for regulated activities in the NES-TF is appropriate given the national direction preventing district plan regulation of these activities in natural hazard areas identified in district plans. It is because of this national direction that we consider the exclusion is justified for telecommunications infrastructure, and not other infrastructure, other than the exemptions in clause (d) where there is functional or operational need.

### 7.15.2 Finding and s 32AA Evaluation

640. We largely agree with the Reporting Officer’s recommendations on Policy 29 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend amendments to:
- (a) Refer consistently to “hazards or risks” in the Policy;
  - (b) Add the words “in areas” into clause (d) to improve readability;
  - (c) Include a new clause relating to coastal hazards to give effect to Policy 25 of the NZCPS and recognising the functional or operational needs of infrastructure;
  - (d) Include a specific exemption for telecommunications infrastructure that is a regulated activity under the NES-TF; and
  - (e) Minor amendments to the Explanation to note relevant direction in the NZCPS and to update the Landslide Guidelines to the more

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<sup>362</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 83, lines 4299 – 4308.

<sup>363</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 83, lines 4399 – 4343.



recent version also produced by GNS Science, and also refer to the MfE NES-TF Guidelines which were referenced in Mr Anderson's evidence.

641. These amendments use consistent wording in the Policy which will aid interpretation and application of the Policy, align with higher order national direction (the NZCPS and NES-TF) and update the Explanation which will also assist with consistent and efficient interpretation of the Policy. The amendments are considered to be the more appropriate way of achieving Objectives 19 and 21 and the sustainable management purpose of the RMA.

### 7.15.3 Recommendation

#### **Policy 29: ~~Avoiding inappropriate~~ Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans**

Regional and district plans shall manage subdivision, use and development in areas at risk from natural hazards as follows:

- (a) identify areas potentially affected by natural hazards; and
- (b) use a risk-based approach to assess the consequences to new or existing subdivision, use and development from natural hazard and climate change impacts over at least a 100 year planning horizon which identifies the hazards or risks as being low, medium or high;
- (c) include hazard overlays, objectives, polices and rules to manage new and existing subdivision, use and development in those areas where the hazards ~~and or~~ risks are assessed as low to medium ~~moderate~~ in order to minimise or not increase the risks from natural hazards; and
- (d) include hazard overlays, objectives, polices and rules to avoid new and manage minimise or not increase the risks to existing subdivision, use ~~and or~~ development and hazard sensitive activities in areas where the hazards ~~and or~~ risks are assessed as high ~~to extreme~~, unless there is a functional or operational need to be located in these areas.
- (e) In the coastal environment, objectives, policies and rules shall ensure that any increased risk shall be avoided in areas likely to be potentially affected by coastal hazards, except where there is a functional or operational need for infrastructure to locate there.

The Policy does not apply to telecommunications infrastructure that is a “regulated activity” under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

#### **Explanation**

Policy 29 establishes a framework to:

1. [identify and assess the likelihood of natural hazards that may affect the region or district over at least a 100 year period; and then](#)
2. [apply a risk-based approach for assessing the potential consequences to new or existing subdivision, use and development in those areas; and then](#)
3. [develop provisions to manage new and existing subdivision, use and development in those areas in order to avoid, minimise or not increase the risks from natural hazards.](#)

The factors listed in Policies 51 and 52 should be considered when implementing Policy 29 and when writing policies and rules to manage subdivision, use and development in areas identified as being affected by natural hazards.

[In the coastal environment, the requirements of the NZCPS must be applied.](#)

[Other than in relation to relevant regional rules, the Policy does not apply to regulated activities under the Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2016.](#)

[Guidance documents that can be used to assist in incorporating a risk-based approach to hazard risk management and planning include:](#)

- [Risk Tolerance Methodology: A risk tolerance methodology for central, regional, and local government agencies who manage natural hazard risks. Toka Tū Ake | EQC \(2023\);](#)
- [Planning for natural hazards in the Wellington region under the National Policy Statement on Urban Development, GNS Science Misc. Series 140 \(2020\);](#)
- [NZCPS guidance note: Coastal Hazards, Department of Conservation \(2017\);](#)
- [Coastal Hazards and Climate Change: Guidance for Local Government, Ministry for the Environment \(2017\);](#)
- [Risk Based Approach to Natural Hazards under the RMA, Prepared for MfE by Tonkin & Taylor \(2016\);](#)
- [Planning for Risk: Incorporating risk-based land use planning into a district plan, GNS Science \(2013\);](#)
- [Preparing for future flooding: a guide for local government in New Zealand, MfE \(2010\);](#)
- ~~[Guidelines for assessing planning policy and consent requirements for landslide prone land, GNS Science \(2008\);](#)~~
- [Landslide Planning Guidance: Reducing Landslide Risk through Land-Use Planning, GNS Science, \(2024\);](#)

- [Planning for development of land on or close to active faults, Ministry for the Environment \(2003\) and;](#)
- [Resource Management \(National Environmental Standards for Telecommunication Facilities\) Regulations 2016, User's Guide, Ministry for the Environment, 2018.](#)
- [Other regional documents and strategies relating to the management of natural hazards.](#)

The process of identifying 'areas at high risk' from natural hazards must consider the potential natural hazard events that may affect an area and the vulnerability of existing and/or foreseeable subdivision or development. An area should be considered high risk if there is the potential for moderate to high levels of damage to the subdivision or development, including the buildings, infrastructure, or land on which it is situated. The assessment of areas at high risk should factor in the potential for climate change and sea level rise and any consequential effect that this may have on the frequency or magnitude of related hazard events:

Examples of the types of natural hazards or hazard events that may cause an area or subdivision or development to be considered high risk include – but are not limited to – fault rupture zones, beaches that experience cyclical or long-term erosion, failure prone hill slopes, or areas that are subject to serious flooding:

The factors listed in policies 51 and 52 should be considered when implementing policy 29 and writing policies and rules to avoid inappropriate subdivision and development in areas at high risk:

Most forms of residential, industrial or commercial development would not be considered appropriate and should be avoided in areas at high risk from natural hazards, unless it is shown that the effects, including residual risk, will be managed appropriately:

Hazard mitigation works can reduce the risk from natural hazards in high hazard areas:

To give effect to this policy, district and regional plans should require assessments of the risks and consequential effects associated with any extensive structural or hard engineering mitigation works that are proposed. For a subdivision or development to be considered appropriate in areas at high risk of natural hazards, any hazard mitigation works should not:

- Adversely modify natural processes to a more than minor extent;
- Cause or exacerbate hazards in adjacent areas to a more than minor extent;
- Generally result in significant alteration of the natural character of the landscape;
- Have unaffordable establishment and maintenance costs to the community;
- Leave a more than minor residual risk, and/or
- Result in more than minor permanent or irreversible adverse effects:

Examples of how this may be applied to identified high hazard areas include: fault rupture avoidance zones 20 metres either side of a fault trace; setback distances from an eroding coastline; design standards for floodplains; or,

requirements for a geotechnical investigation before development proceeds on a hill slope identified as prone to failure:

This policy promotes a precautionary, risk-based approach, taking into consideration the characteristics of the natural hazard, its magnitude and frequency, potential impacts and the vulnerability of development:

Guidance documents that could be used to assist in the process include:

- Risk Management Standard AS/NZS 4360:2004
- Guidelines for assessing planning policy and consent requirements for landslide prone land, GNS Science (2008)
- Planning for development of land on or close to active faults, Ministry for the Environment (2003)
- Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment (2008)
- Other regional documents relating to the management of natural hazards.

This policy also recognises and supports the Civil Defence Emergency Management principles – risk reduction, readiness, response and recovery – in order to encourage more resilient communities that are better prepared for natural hazards, including climate change impacts:

Policy 29 will act to reduce risk associated with natural hazards. The risks are to people and communities, including businesses, utilities and civic infrastructure:

This policy and the Civil Defence Emergency Management framework recognise the need to involve communities in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced:

## 7.16 Policy 51 – *Minimising* the risks and consequences of natural hazards – consideration

642. As notified, the proposed amendments to the Policy read:

Policy 51: <i>Minimising</i> the risks and consequences of natural hazards – consideration	
	<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</p> <ul style="list-style-type: none"><li>(a) <u>the frequency and magnitude likelihood and consequences of the range of natural hazards that may adversely affect the proposal or development subdivision, use or development, including residual risk those that may be exacerbated by climate change and sea level rise;</u></li><li><del>(b) <u>the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;</u></del></li><li>(c) whether the location of the <u>subdivision, use or development</u> will foreseeably require hazard mitigation works in the future;</li><li>(d) the potential for injury or loss of life, social <u>and economic</u> disruption and civil defence emergency management implications – such as access routes to and from the site;</li><li>(e) <u>whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas</u> beyond the application site;</li><li>(f) <u>minimising effects on the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to or reduce the impacts of a from natural hazards event; and where development should not interfere with their ability to reduce the risks of natural hazards;</u></li><li>(g) avoiding <del>inappropriate</del> <u>subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme; in areas at high risk from natural hazards;</u></li><li>(h) <u>appropriate hazard risk management and/or adaptation and/or mitigation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate hazard areas, including an assessment of residual risk; and</u></li><li>(i) <u>the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and</u></li><li>(j) the need to locate <del>habitable</del> <u>floor areas levels of habitable buildings and buildings used as places of employment</u> above the <u>1% AEP (1:100 year)</u> flood level, in identified flood hazard areas.</li></ul> <p><b>Explanation</b> Policy 51 aims to minimise the risk and consequences of natural hazards events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, risk-based approach, taking into consideration the likelihood of the hazard and the vulnerability of the development.</p>

### 7.16.1 Submissions, Evidence and Analysis

643. Submitters sought a range of relief on Policy 51 including KCDC [S16.072] who requested stronger language in the Policy (ie avoiding or mitigating) as well as reference to “consideration” rather than “particular regard” given the Policy is a consideration policy. HCC [S115.073] sought that the Policy does not apply to resource consents once the relevant plan has given effect to Policy 51; the Telcos [S49.005] said that avoiding a natural hazard area may not be possible for technical or operational reasons. Wellington Water [S113.042] and Powerco [S134.017] among others also sought recognition of RSI. HortNZ [S128.046] sought that the Policy avoid “inappropriate” subdivision, use and development and Ātiawa [S131.097] sought recognition of mana whenua values and relationship with traditions, ancestral lands, water, sites, wāhi tapu and other taonga, as well as a new policy regarding partnering with mana whenua in decision-making and management processes for natural hazards.
644. In the s 42A Report, the Officer supports using “avoid” or minimise which he says is more consistent with natural hazard risk management terminology.<sup>364</sup> The Officer thought the words “particular regard shall be given” were appropriate and simply emphasised the importance of the matters and did not change the regulatory status of the Policy. The Officer did not support the Policy being a transitional policy that falls away once Policy 29 is given effect to on the basis that it applies to a range of circumstances, is an important backstop and provides guidance and policy intent for hearings. The Officer agreed with infrastructure providers that the Policy should recognise the need that RSI may have to locate in high hazard areas. The Officer did not support the Policy referring to “inappropriate” subdivision, use and development and instead preferred that an assessment be made of risk and where risks are high, then subdivision, use or development and *hazard sensitive activities* would need to be avoided.
645. The Policy was discussed in caucusing. A consensus view was not reached.
646. Ātiawa [S131.097] sought the addition of a clause regarding consideration of mana whenua values including the relationship of mana whenua with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga,

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<sup>364</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 89, lines 4525 – 4527.

and a new Policy regarding partnering with mana whenua in decision-making and management processes for natural hazards.

647. The Reporting Officer did not support this relief in the s 42A Report on the basis that Change 1 includes a number of changes to the natural hazard provisions to incorporate Te Ao Māori, Te Mana o te Wai and Te Mana o te Taiao and to recognise the importance of protecting sites and values of significance to mana whenua/tangata whenua, and depending on the situation, this will require involvement of mana whenua/tangata whenua.
648. The Officer said the relief was also incorporated into other policies and methods in the Operative RPS including Method 32.<sup>365</sup>
649. At the Hearing, Ms Gibb for Ātiawa gave examples of instances when Ātiawa have not been involved as partners in regional planning processes, and where time pressures did not allow for adequate engagement with mana whakahaere.<sup>366</sup> Ms Gibb stated:<sup>367</sup>

None of these approaches benefit the people involved and most importantly they do not benefit te taiao, te awa and mahinga kai. Resource management decisions that have been made to date have a big impact on Ātiawa and their way of life. As mana whakahaere within their rohe, Ātiawa seek to partner in decision-making and seek that this is clearly articulated within the Regional Policy Statement.

650. Later, Ms Gibb said:<sup>368</sup>

Complexities mount the longer the Council wait to bring us into the process, which is why partnership is so important, because it signals that it needs to happen from the beginning.

651. We also note that at the hearing, Dr Aroha Spinks, shared views received at a community wānanga from beach residents, who said, among other things, that they wanted to see “climate mitigation and future planning that includes our cultural identity and heritage”.<sup>369</sup> At the same wānanga, retreat was discussed, and it was mentioned that ancestors moved for practical reasons and following traditional practices, and that “retreat is

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<sup>365</sup> Section 42A Report, Climate Change – Natural Hazards, para 297.

<sup>366</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 73, lines 3730 – 3737.

<sup>367</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 73 - 74, lines 3739 – 3744.

<sup>368</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 79, lines 4024 – 4026.

<sup>369</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 25, lines 1222 – 1223.

mana enhancing ... deciding to work and move together, and .. what forms ... we take and what we do as adaptation strategies, is mana enhancing...  
“<sup>370</sup>

652. Ms Hapeta from Ngā Hapū also talked about coastal inundation impacts on mana whenua and said, in response to a question from the Panel, that it would be desirable to be involved with hazard identification because it is their whakapapa telling them about inundation and seawater in the urupā.<sup>371</sup>

653. Ms Craig of Rangitāne also said:<sup>372</sup>

Our way of dealing with risk is also utilising tikanga and kawa. I would suggest as well that our knowledge of risk management far exceeds what you write down in a register. We have intergenerational knowledge that is passed down to us, through mōteatea, toi, manuscripts and waiata, telling us of the thousand year floods, of the thousand year earthquakes of what to do.

654. Ms Craig also said:<sup>373</sup>

I would welcome anyone to spend a week in our shoes. A snapshot into the life of our kaumātua who are still fighting to be treated as equals at the table that was not built for them; that I my lifetime ... my Uncle ...has never had a resource consent or project come to him and asked to include mātauranga Māori from the beginning. We are not even talking about tino rangatiratanga at this stage. This is the bare minimum that Greater Wellington Regional Council should be doing. Who is the best people to know or experience this? We are.

655. Ms Burns providing planning evidence for Rangitāne said she disagreed with Dr Dawe’s statement in his Rebuttal Evidence that use of mātauranga is implicitly used in planning processes and she considered that explicit reference is still necessary.<sup>374</sup>

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<sup>370</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 25, lines 1227 – 1229.

<sup>371</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 31, lines 1559 – 1568.

<sup>372</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 33, lines 1667 – 1671.

<sup>373</sup> Hearing Transcript, HS3 – Climate Change, Day 4, pages 33 - 34, lines 1680 – 1687.

<sup>374</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 34, lines 1730 – 1733.



656. Having heard evidence from mana whenua / tangata whenua, we consider it appropriate to amend Policy 51 to include reference to Te Ao Māori and mātauranga Māori, in partnership with mana whenua / tangata whenua.
657. In our view, this amendment is appropriate in terms of s 6(e) of the RMA as it recognises the special relationship and whakapapa mana whenua / tangata whenua have with their whenua. We also understand from what we heard from the Council Officers across various hearing streams, that a partnership approach is acknowledged, supported and is being resourced.<sup>375</sup> Ms Gibb raised concerns with inconsistencies in implementing this approach in her evidence, and therefore we consider the amendment we recommend to Policy 51 is appropriate to achieve Objective CC.8. As Ms Gibb said during the Hearing, the intent with that Objective should be to empower mana whenua and mana whakahaere as part of the decision-making for their rohe. We share Ms Gibb's view that to achieve this requires improve the ability of mana whenua / tangata whenua to engage<sup>376</sup> which requires partnership and the sharing of information. In addition to the amendment to the Policy, we also recommend corresponding amendments to the Explanation text.
658. Mr Brass for the Director-General of Conservation maintained that additional changes were required to give effect to Policy 25 of the NZCPS. Mr Brass supported a limited exception in the coastal environment for infrastructure which has a functional or operational need to locate in this area.
659. As noted in the discussion above under Policy 29, we agree that a new clause for coastal hazard management is appropriate and mandated by Policy 25 of the NZCPS. Our recommended amendments are below, and our reasons are as set out above for Policy 29.
660. We found Mr Beban's explanation of why Policy 51 should not have only transitional effect helpful. He said at the hearing:<sup>377</sup>

Policy 51 applies ... to those situations where there may not be hazard provisions in play yet, because you might be going through a plan change process, or Council is giving effect to the RPS. Or, conversely, not every council when they have done

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<sup>375</sup> Section 42A Report, Climate Change – Natural Hazards, para 401.

<sup>376</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 75, lines 3813 – 3815.

<sup>377</sup> Hearing Transcript, HS3 – Climate Change, Day 1, pages 95 - 96, lines 4875 – 4887; 4950 – 4956.

their plan reviews have covered off all hazards. There's a range of factors for that. There's been budget constraints, political decisions or hazards that weren't seen to be important that now are in a classic example of a hazard that's been elevated and it's stated recently as "slope failure". So, following what happened up in Auckland and around the country recently, two to three years ago it was considered with it just through earthwork provisions, and now there's been a movement in the hazard community to actually it's a specific hazard that you map, deal and address in different ways. But a lot of the earlier plan reviews have not picked that hazard up. So, Policy 51 would then come in play....

Hazard mapping is very, very expensive. You're spending hundreds of thousands of dollars each time you create a hazard map. There's a natural limitation to what hazards you are mapping. Often Councils are kind of picking the worst. That doesn't mean they're not getting them all, but they're getting the most significant ones. But, there are still residual hazards or hazards that still need a response and that Policy 51 allows for that capture still to occur through the consenting process.

661. Dr Dawe also provided useful comments on this issue:<sup>378</sup>

I think it's important to maintain these [ie consideration directions for district plans], because as we grow in our understanding of the impacts from natural hazards and the sort of hazards that can impact on us, it may be that an overlay in a plan has not accounted for some new understanding. For example, the big Hikurangi subduction zone just off the coast there. There might be some new understanding about the tsunami risk or some impact from earthquake hazards which isn't captured within the overlays, because as we know the research is ongoing. It just captures situations where there might be gaps in a District Plan.

662. At the Hearing, Mr Beban noted the importance of clauses (i) and (j) which recognise that overland flow paths and stream corridors need the ability to convey floodwaters for flood hazard management.<sup>379</sup> We agree that these are important clauses in the Policy.

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<sup>378</sup> Hearing Transcript, HS3 – Climate Change, Day 1, pages 97, lines 4935 – 4942.

<sup>379</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 89, lines 4529 – 4533.

## 7.16.2 Finding and s 32AA Evaluation

663. We largely agree with the Reporting Officer's recommendations on Policy 51 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence. We recommend amendments to include reference to Te Ao Māori and mātauranga Māori in partnership with mana whenua/tangata whenua. These amendments are supported by Part 2 of the Act, the s 32 Report,<sup>380</sup> and operative and proposed provisions in the RPS including Policy CC.16 and to implement Objective CC.8 and ensure mana whenua / tangata whenua are empowered to achieve climate resilience in their communities. If the Council agrees with this recommendation, we note we have no specific views on the appropriate location within the Policy of the clause.
664. We also recommend a reference to the proposed Policy 29(e) we recommend, to give effect to the NZCPS by ensuring increased risks are avoided in areas affected by coastal hazards except where there is a functional or operational need for infrastructure. This amendment is consistent with the direction in Policy 29 and gives appropriate effect to Policy 25 of the NZCPS.

## 7.16.3 Recommendation

### **Policy 51: ~~Avoiding or Minimising~~ the risks and consequences of natural hazards – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be ~~avoided or minimised~~, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) ~~the frequency and magnitude likelihood and consequences of the range of natural hazards that may adversely affect the proposal or development subdivision, use or development, including residual risk those that may be exacerbated by climate change and sea level rise;~~
- (b) ~~the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;~~
- (c) whether the location of the ~~subdivision, use or development~~ will foreseeably require hazard mitigation works in the future;

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<sup>380</sup> Section 32A Report, Proposed Change 1, including paras 264 – 265; para 73 regarding Objective CC.8.

- (d) the potential for injury or loss of life, social and economic disruption and civil defence emergency management implications – such as access routes to and from the site;
- (e) whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas beyond the application site;
- (f) minimising effects on the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to or reduce the impacts of a from natural hazards event; and where development should not interfere with their ability to reduce the risks of natural hazards;
- (g) avoiding inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme in areas at high risk from natural hazards, unless there is a functional or operational need to be located in these areas;
- (h) appropriate hazard risk management and/or adaptation and/or mitigation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate hazard areas, including an assessment of residual risk;
- (i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors;
- (j) the need to locate habitable floor areas levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazard areas; and
- (k) whether Te Ao Māori or mātauranga Māori provides a broader understanding of the hazards and risk management options.

Specific consideration will be needed for any development in the coastal environment to ensure that the requirements of Policy 29(e) are achieved.

### **Explanation**

Policy 51 aims to minimise the risk and consequences of natural hazard events through sound preparation, investigation and planning prior to development and in partnership with mana whenua / tangata whenua. This policy reflects a need to employ a precautionary, risk-based approach, taking into consideration the likelihood of the hazards and the vulnerability of the development and Te Ao Māori and mātauranga Māori perspectives.

- ~~Typical natural hazards in the region include, but are not limited to:~~
- ~~Flooding and inundation (river, stormwater, coastal)~~
- ~~Earthquake (groundshaking, amplification, liquefaction, ground displacement)~~
- ~~Coastal hazards (erosion, storm surge, tsunami)~~
- ~~Mass movement (landslip, rockfall)~~

Other site specific hazards may become apparent during the course of an assessment for a proposal or development; however, those above are the most serious hazards to consider.

Policy 51 refers to residual risk, which is the risk that remains after protection works are put in place. Stopbanks, seawalls and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

Policy 51(g) will cease to have effect once policy 29 has been given effect to in the relevant district plan.

The term areas at high risk refers to those areas potentially affected by natural hazard events that are likely to cause moderate to high levels of damage to the subdivision or development, including the land on which it is situated. It applies to areas that face a credible probability of experiencing significant adverse impacts in a hazard event — such as such as fault rupture zones, beaches that experience cyclical or long term erosion, failure prone hill slopes, or areas that are subject to repeated flooding.

Policy 51(i) requires that particular regard to be given, in identified flood hazard areas, to the need to locate floor levels above the expected level of a 1 in 100 year flood or 1% annual exceedance probability (AEP), to minimise damages. It also recognises that access routes should be located above this level, to allow evacuation or emergency services access to and from a site. The clause uses the 1% annual exceedance probability as a minimum standard, allowing for the possibility that it may need to be higher in certain areas, depending on the level of risk.


To promote more resilient communities that are better prepared for natural hazards, including climate change impacts, there is a need to support the Civil Defence Emergency Management principles of hazards and/or risk reduction, readiness, response and recovery.

Reduction is concerned with minimising the adverse impacts from natural hazards through sound planning and management. Readiness is about preparing for hazard events before they occur and involves local authorities, civil defence emergency management and the community. An important way to achieve this is through public education and by providing information and advice in order to raise awareness of natural hazard issues. Response and recovery are the important functions carried out by local authorities and civil defence emergency management during and after a civil defence emergency.

The policy recognises the need to involve the community in preparing for natural hazards. If people are prepared and able to cope, the impacts from a natural hazard event are effectively reduced.

## 7.17 Policy 52 – Minimising adverse effects of hazard mitigation measures – consideration

665. As notified, the proposed amendments to the Policy read:

Policy 52: Minimising adverse effects of hazard mitigation measures – consideration	
<p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</p> <ul style="list-style-type: none"> <li>(a) <del>the need for structural protection works or hard engineering methods;</del></li> <li>(b) <u>whether non-structural, soft engineering, <i>green infrastructure</i>, room for the river or Mātauranga Māori options provide a more appropriate or suitably innovative solution;</u></li> <li>(c) <u>avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, <i>regionally significant infrastructure</i> or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;</u></li> <li>(d) <u>the long-term viability of maintaining the structural protection works with particular regard to how climate change may increase the risk over time;</u></li> <li>(e) <u>adverse effects on <i>Te Mana o te Wai</i>, mahinga kai, <i>Te Rito o te Harakeke</i>, natural processes, or the local indigenous ecosystem and biodiversity;</u></li> <li>(f) <u>sites of significance to mana/tangata whenua identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a city, district or regional plan;</u></li> <li>(g) <u>a no more than minor increase in risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;</u></li> <li>(h) the cumulative effects of isolated structural protection works;</li> <li>(i) <u>any residual risk remaining after mitigation works are in place,</u></li> </ul> <p>so that they <del>minimise</del> <u>reduce and do not increase the risks from</u> of natural hazards.</p> <p><b>Explanation</b>  <u>Policy 52 recognises that the effects of hard protection structures can have adverse effects on the environment, increase the risks from natural hazards over time and transfer the risks to nearby areas. It provides direction to consider lower impact methods of hazard mitigation such as non-structural, soft engineering, <i>green infrastructure</i>, room for the river or Mātauranga Māori options, that may be more appropriate providing they can suitably mitigate the hazard.</u></p> <p><del>Objective 19 seeks to reduce the risks and consequences from natural hazards, while Objective 20 aims to ensure activities, including hazard mitigation measures, do not</del></p>	

increase the risk and consequences from natural hazards. Policy 52 promotes these objectives.

Having established there is a need for protection works, non-structural and soft engineering methods should be the first option for hazard mitigation. Soft engineering methods may include, for example; hazard avoidance or controlled activity zones; setback or buffer distances; managed retreat or land retirement; a 'do nothing' policy; restoration projects for wetlands, dunes or hillslopes prone to flooding, slipping or erosion.

Activities such as river bed gravel extraction which may assist in the avoidance or mitigation of natural hazards are also a consideration under this policy.

Structural measures or hard engineering methods can have significant environmental effects and should be considered as the least desirable option for natural hazard control. Where there is an unacceptable risk to development or property, there may be a place for structural measures or hard engineering methods, if they are part of a long term hazard management strategy that includes other measures. Policy 51 will need to be considered alongside policy 52(c) when deciding whether a development faces an unacceptable risk or not.

The risk that remains after protection works are put in place is known as the residual risk. Stopbanks, seawalls, and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.

666. The proposed amendments to the Policy provide direction on the effects that need to be considered and minimised when assessing hazard mitigation measures.<sup>381</sup>

### 7.17.1 Submissions, Evidence and Analysis

667. UHCC [S34.051] sought consistency of terms and said it was not clear what 'room for the river' meant or what an acceptable level of minimisation meant in this context. The DGC [S32.029] sought an amendment to give effect to the NZCPS, Ātiawa [S131.098] sought additional clauses relating to adverse effects on Māori freshwater values and mana whenua relationships, and other submitters sought references to stopbanks and flood retention structures. Fish and Game [S147.071] supported amendments recognising the habitats of indigenous freshwater species, trout and salmon and protection of natural inland wetlands or

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<sup>381</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 89, lines 4537 – 4539.

river extent, and Rangitāne [S168.0127] asked that soft engineering solutions be given priority over hard engineering solutions.

668. The Officer recommended replacing some terms in the Policy with “nature-based solutions” but that the Policy should not prioritise soft engineering solutions as there would be situations where hard structures are the only viable option and cannot be avoided.
669. The Policy was discussed in planners’ caucusing but no consensus was reached. Ms Landers for HortNZ sought that Policy 52(c) be amended to include “highly productive land with food security values”. The Reporting Officer did not support this relief because if food security was included in the Policy, that could create a significant barrier to the implementation of hazard mitigation structures on hazard-prone land which could be required to protect significant areas of investment and infrastructure.<sup>382</sup> In the s 42A Report, the Officer also noted that this relief and other proposed amendments regarding food security and highly productive land would be better addressed in a future RPS change or variation.<sup>383</sup> At the hearing, when explaining the intent of the change sought to Policy 52, Ms Landers said HortNZ’s relief was about enabling a pathway for considering highly productive land with food security values and that that was “speaking to the NPS-HPL and what that seeks”.<sup>384</sup>
670. Later, Ms Landers said that the amendment sought to Policy 52 would be complementary and consistent with the NPS-HPL but at a more specific regional level.<sup>385</sup> In our view, it seems that while there may not be an issue of scope, there may be risks with part – or -piecemeal implementation of the NPS-HPL, without the full suite of national direction. The Change 1 amendments we do recommend the Council adopts, do make some provision for recognising and providing for food security, and while we appreciate the changes do not go as far as HortNZ would like, the interim protection in the NPS-HPL is available to some extent and the Council is required to introduce a change in due course to implement the NPS.

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<sup>382</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 35.

<sup>383</sup> Section 42A Report, Hearing Stream 3: Climate Change – Natural Hazards, 14 August 2023, para 336.

<sup>384</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 49, lines 2460 – 2461.

<sup>385</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 49, lines 2460 – 2488 – 2490.



671. Mr Brass for the DGC did not support clause (i) on the basis that having the option to ‘not increase’ the risks from natural hazards rather than ‘minimising them’, was inconsistent with Policy 25 of the NZCPS. Mr Beban for the Council said that the concepts of minimisation and not increasing risk “cannot be conjunctively achieved”<sup>386</sup> and he preferred the word “or” rather than “and” which was a different approach from that the Officer supported in the s 42A Report. Mr Brass said that the Officer’s new recommended wording would essentially allow a consent applicant to choose whether it was going to “avoid increasing risk or just minimise it” and this was inconsistent with the NZCPS. Mr Brass described his concern in this way:<sup>387</sup>

Again, going back to early mention of sea-walls ... the example of a private sea-wall to protect private property which is going to have end effects on a neighbouring property, my reading of the NZCPS is that increasing the effects on your neighbour is not something that would be approved under the NZCPS. That change from ‘and’ to an ‘or’, would allow an applicant to say, “I am not going to avoid increasing risk to my neighbour, but I am going to fettle the design of the sea-wall ... and put a rebate and some planting and minimise how much worse I’m going to make it for my neighbour,” and I can’t see that as being consistent with the NZCPS.

672. In caucusing, Ms O’Sullivan for WIAL agreed with Ms Hunter’s written evidence that clause (d) should be deleted as it was unnecessary and unclear. Other planners supported Dr Dawe’s amendments to clause (d). At the Hearing, Ms Hunter said it was uncertain whether “long-term viability” referred to an assessment of the structural design or the cost of maintenance (in which case, that was something that the infrastructure owner would have to manage).<sup>388</sup>

673. In his Rebuttal Evidence, Dr Dawe said he did not see clause (d) being problematic or causing uncertainty. He said it recognised “that in some instances it may no longer be viable to protect areas with structural protection works due to on-going damage, economic viability, or engineering limitations. It provides a matter to consider when assessing

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<sup>386</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-based Solutions and Natural Hazards, 16 October 2023, para 83.

<sup>387</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 76, lines 3882 – 3892.

<sup>388</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 34, lines 1735 – 1739; and Statement of Evidence by Claire Hunter, HS3, 14 August 2023, para 99.

hazard mitigation works in terms of their viability over time, with particular respect to climate change, that is changing the nature of natural hazard impacts.”<sup>389</sup>

674. In his Reply Evidence, Dr Dawe clarified the meaning of “long-term viability” in the clause:<sup>390</sup>

...the term ... refers to the way in which climate change may increase the intensity and frequency of hazard events and disasters, that in turn impact on the built environment. Thus, it refers to the viability of maintaining hard engineering approaches in the face of these changes.

675. We share some of Ms Hunter’s and Ms O’Sullivan’s concerns regarding the scope of the assessment envisaged under clause (d) and whether the intent is accurately reflected in the drafting.<sup>391</sup> We recommend some drafting amendments below.

676. Ātiawa [S131.098] sought the inclusion of additional clauses in Policy 52 to require particular regard be given to adverse effects on Māori freshwater values, including mahinga kai, and adverse effects on the relationship of mana whenua with their culture, land, water, sites, wāhi tapu and other taonga. The Officer considered that this relief was largely reflected in Policy 52(e).<sup>392</sup>

677. At the hearing Ms Gibb talked about how hard structures were a “western approach” that could have a significant impact on Ātiawa values. Ms Gibb said:<sup>393</sup>

... mahinga kai ... That’s a whole economic system for Ātiawa, so are we actually taking into account the impact of that hard structure on that whole economic system when we are making the decision? Or, do the parameters that are set by the decision-makers simply focus on ensuring that that property on the other side of that hard structure is maintained and protected. There’s a lot to contribute. Mātauranga wouldn’t

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<sup>389</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 77.

<sup>390</sup> Right of Reply Evidence of Dr Iain Dawe and James Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 13 November 2023, para 25.

<sup>391</sup> Hearing Transcript, HS3 – Climate Change, Day 2, page 34, line 1759.

<sup>392</sup> Section 42A Hearing Report, Climate Change – Natural Hazards, para 337.

<sup>393</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 80, lines 4054 – 4064.

necessarily say it's not a hazard. If a hazard has been identified by western science, mātauranga may not say it's not a hazard, but it's more how do we engage with that hazard that really comes into question?

678. Dr Spinks for Ngā Hapū o Ōtāki also said (reflecting views from a community wānanga):<sup>394</sup>

In doing our adaptation strategies: do no more damage to our taiao. Build resilience and work with taiao, work with the atua, work with nature.

679. These statements were a compelling explanation of the tensions and issues that can arise. We have recommended amendments to Policies 29 and 51 where we saw a gap in terms of partnership and consideration of Te Ao Māori and mātauranga Māori. However, we consider that Policy 52 as sought to be amended by the Officer, appropriately incorporates these values and considerations and we recommend no further changes in light of Ms Gibb's evidence. The Officer recommended in Reply Evidence that "structural protection works" is replaced with "hard engineering" to standardise terminology. We agree with these amendments and also the amendments agreed in caucusing to replace "Te Rito o te Harakeke" with "taonga species".
680. Policy 27(3) of the NZCPS says that where hard protection structures are considered necessary, the form and location of the structures must be designed to minimise adverse effects on the coastal environment. Policy 25 says hard protection structures are to be discouraged and the use of alternatives promoted. We consider that to give full effect to these provisions in the NZCPS, an amendment is required to Policy 52(i) to require hard protection structures to minimise adverse effects in the coastal environment. We also note that Policies 25(e) and 26 of the NZCPS recognise natural defences against coastal hazards and promote them as alternatives to hard protection structures. While nature-based solutions are referenced in Policy 52, we consider that further amendments are appropriate to implement Policies 25(e) and 26. We consider there is scope to do so from the Forest and Bird's submission [S165.076] which sought amendments to Policy 52 to ensure consistency with (among other things), Policies 25, 26 and 27 of the NZCPS.

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<sup>394</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 24, lines 1214 – 1215.

### 7.17.2 Finding and s 32AA Evaluation

681. We largely agree with the Reporting Officer's recommendations on Policy 52 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence. We recommend drafting amendments in clause (d) to improve readability and clarity of policy intent. We also recommend a minor change in clause (g) to amend the words "the change in natural hazard risks" to "any change" as we consider this more clearly conveys the policy intent without changing the meaning. Finally, we recommend amendments to give effect to Policies 25, 26 and 27 of the NZCPS, and corresponding changes in the Explanation, in line with our recommendation in Policy 29.

### 7.17.3 Recommendation

#### **Policy 52: Avoiding or Minimising adverse effects of hazard mitigation measures – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:

- (a) ~~the need for structural protection works or hard engineering methods;~~
- (b) whether ~~non-structural nature-based solutions, green infrastructure, room for the river or~~ Mātauranga Māori, ~~or~~ soft engineering options, ~~or, in the coastal environment, natural defences provide~~ a more appropriate ~~or suitably innovative~~ solution;
- (c) avoiding ~~structural protection works or~~ hard engineering methods unless it is necessary to protect existing development, *regionally significant infrastructure* or property from unacceptable risk and the works form part of a ~~long-term~~ hazard management strategy ~~agreed to by relevant authorities~~ that represents the best practicable option for the future;
- (d) the long-term viability of maintaining ~~the structural protection works a hard engineering approach~~ with particular regard to ~~changing risks from natural hazards over time due to climate change;~~
- (e) adverse effects on *Te Mana o te Wai*, mahinga kai, ~~Te Rito o te Harakeke~~, taonga species, natural processes, and the ~~local~~ indigenous ecosystems and biodiversity;
- (f) sites of significance to mana ~~whenua~~/tangata whenua, ~~including those identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a city,~~ district or regional plan;
- (g) ~~a no more than minor increase in the~~ any change in natural hazard risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;
- (h) the cumulative effects of isolated ~~hard engineering structural protection~~ works;
- (i) any residual risk remaining after mitigation works are in place, so that they ~~minimise~~ ~~reduce~~ ~~and/or~~ ~~do not increase~~ the risks ~~from~~ of natural hazards, ~~and, in the coastal environment, any risks from the use of hard engineering methods are avoided or minimised.~~

In the coastal environment, objectives, policies and rules shall ensure that any increased risk shall be avoided in areas likely to be potentially affected by coastal hazards, except where there is a functional or operational need for infrastructure to locate there.

### Explanation

Policy 52 recognises that *hard engineering* protection structures can have adverse effects on the environment, increase the risks from natural hazards over time and transfer the risks to nearby areas. It provides direction to consider lower impact methods of hazard mitigation such as *non-structural, soft engineering, nature-based solutions green infrastructure, room for the river* or Mātauranga Māori options, that may be more appropriate, providing they can suitably mitigate the hazard.

In the coastal environment, the requirements of the NZCPS must be applied.

Objective 19 seeks to reduce the risks and consequences from natural hazards, while Objective 20 aims to ensure activities, including hazard mitigation measures, do not increase the risk and consequences from natural hazards. Policy 52 promotes these objectives:

~~Having established there is a need for protection works, non-structural and soft engineering methods should be the first option for hazard mitigation. Soft engineering methods may include, for example, hazard avoidance or controlled activity zones, setback or buffer distances, managed retreat or land retirement, a 'do nothing' policy, restoration projects for wetlands, dunes or hillslopes prone to flooding, slipping or erosion.~~

~~Activities such as river bed gravel extraction which may assist in the avoidance or mitigation of natural hazards are also a consideration under this policy. ....~~

~~Structural measures or hard engineering methods can have significant environmental effects and should be considered as the least desirable option for natural hazard control. Where there is an unacceptable risk to development or property, there may be a place for structural measures or hard engineering methods, if they are part of a long-term hazard management strategy that includes other measures. Policy 51 will need to be considered alongside policy 52(c) when deciding whether a development faces an unacceptable risk or not.~~

~~The risk that remains after protection works are put in place is known as the residual risk. Stopbanks, seawalls, and revetments and other engineered protection works can create a sense of security and encourage further development. In turn, this increases the extent and value of assets that could be damaged if the protection works fail or an extreme event exceeds the structural design parameters.~~

## 7.18 Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non regulatory

682. As notified, the proposed new Policy stated:

<u>Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non-regulatory</u>	
<u>Regional, city and district councils should, under the Local Government Act 2002, partner with mana whenua / tangata whenua and engage local communities in a decision-making process to develop and implement strategic climate change adaptation plans that map out management options over short, medium and long term timeframes, using a range of tools and methods including, but not limited to:</u>	
(a)	<u>Te Ao Māori and Mātauranga Māori approaches;</u>
(b)	<u>Dynamic adaptive planning pathways or similar adaptive planning approaches;</u>
(c)	<u>City, district or regional plan objectives, policies and rules that address subdivision, use and development for areas impacted by climate change and sea level rise;</u>
(d)	<u>Options for managed retreat or relocation;</u>
(e)	<u>A consideration of Te Mana o te Wai and Te Rito o te Harakeke;</u>
(f)	<u>Hazard mitigation options including soft engineering, green infrastructure or room for the river, and methods to reduce the risks from natural hazards exacerbated by climate change and sea level rise; and</u>
(g)	<u>Equitable funding options required to implement the programme.</u>
<u>Explanation</u>	
<u>Policy CC.16 provides a range of options for development and implementation of adaptation strategies or plans to suit a particular programme or local circumstances. In some instances, the outcomes may require implementation as objectives, policies, and rules in regional or district plans, but this is not expected to be a requirement.</u>	

### 7.18.1 Submissions, Evidence and Analysis

683. Various submitters supported the Policy and others sought clarity regarding its intent and regulatory status.

684. The planning experts who discussed this Policy at caucusing agreed that it was appropriate to amend the chapeau to refer to a range of tools and methods “that may include” but are not limited to the matters listed in the clauses.<sup>395</sup> In his Reply Evidence, Dr Dawe proposed deleting the

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<sup>395</sup> Recommended amendments provided by Ms Rushmere, UHCC, provided at the hearing, Policy CC.8.

reference to “Te Rito o te Harakeke”.<sup>396</sup> In the Reply for HS7 in response to a question posed in Minute 23, the Reporting Officer recommends including the phrase “the relationship of mana whenua/tangata whenua with indigenous biodiversity” as a replacement to “Te Rito o te Harakeke” and to cover consideration of effects on indigenous biodiversity.<sup>397</sup> Dr Dawe said that this amendment “provides a useful adjunct to the concept of Te Mana o te Wai for the terrestrial environment.” We agree, and have included this amendment in the recommended amendments below.

685. Dr Dawe also proposed in his Rebuttal Evidence that the Explanation be amended to draw connections with other relevant policies in the RPS focused on rural climates and water security. We agree with these amendments.
686. We note that some submitters sought the deletion of clause (c) as it appears to require a regulatory response even though the Policy is non-regulatory.
687. Dr Dawe explained the rationale for clause (c) in this way:<sup>398</sup>

... there will be in some instances a requirement if you're doing adaptation planning to use instruments within District or Regional Plans to implement such policies that may be required through your adaptation planning. For example, it might be managed retreat which you're not going to implement through voluntary processes. Therefore, it's important that remains within the policy, highlighting that as a particular tool that can be used. But it's not requiring that that be done; it's just highlighting that as one possible instrument that can be used.

### 7.18.2 Finding and s 32AA Evaluation

688. We agree with the Reporting Officer's recommendations on Policy CC.16 for the reasons above, and otherwise as set out in the Officer's s Report, or the Officer's Rebuttal and Reply Evidence. We recommend including the Officer's recommended replacement phrase for “Te Rito o te Harakeke” in

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<sup>396</sup> Right of Reply Evidence of Dr Iain Dawe and James Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 13 November 2023, para 22.

<sup>397</sup> Response to Request for Information in Minute 23, Paragraph 6(b) (Use of Te Rito o te Harakeke), Iain Dawe and Pamela Guest, Hearing Stream 7 – Small Topics, Wrap Up and Variation 1, para 17.

<sup>398</sup> Hearing Transcript, HS3 – Climate Change, Day 1, page 86, lines 4376 - 4383.

clause (e). This amendment was recommended by the Officer through Hearing Stream 7.

### 7.18.3 Recommendation

#### **Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non-regulatory**

Regional, city and district councils should ~~under the Local Government Act 2002~~, partner with mana whenua / tangata whenua and engage local communities in a decision-making process to develop and implement strategic *climate change adaptation* plans that map out management options over short, medium and long term timeframes, using a range of tools and methods ~~that may include including~~, but are not limited to:

- (a) Te Ao Māori and Mātauranga Māori approaches;
- (b) Dynamic adaptive planning pathways or similar adaptive planning approaches;
- (c) ~~City, d~~District or regional plan objectives, policies and rules that address subdivision, use and development for areas impacted by climate change and sea level rise;
- (d) Options for managed retreat or relocation;
- (e) A consideration of *Te Mana o te Wai* and the relationship of mana whenua/tangata whenua with indigenous biodiversity ~~and Te Rito o te Harakeke~~;
- (f) Hazard mitigation options including soft engineering, ~~green infrastructure or room for the river~~ *nature-based solutions* and methods to reduce the risks from natural hazards exacerbated by climate change and sea level rise; and
- (g) Equitable funding options required to implement the programme.

#### **Explanation**


Policy CC.16 provides a range of options for development and implementation of adaptation strategies or plans to suit a particular programme or local circumstances. In some instances, the outcomes may require implementation as objectives, policies, and rules in regional or district plans, but this is not expected to be a requirement.

[This policy should be read in conjunction with Policy CC.15 and Method CC.8 that address rural resilience to climate change, food and water security.](#)



## 7.19 Policy CC.17: Iwi climate change adaptation plans – non regulatory

689. The notified Policy stated:

<u>Policy CC.17: Iwi climate change adaptation plans – non-regulatory</u>	
<u>Regional council will assist mana whenua / tangata whenua in the development of iwi climate change adaptation plans to manage impacts that may affect Māori relationships with their whenua, tikanga and kaupapa Māori, sites of significance, wai Māori and wai tai values, mahinga kai, wāhi tapu and other taonga.</u>	
<b>Explanation</b> <u>Policy CC.17 recognises that climate change will disproportionately affect Māori, especially as a lot of Māori land is located in hazard prone areas near rivers and the coast. This policy directs the regional council to assist mana whenua / tangata whenua, where appropriate, with the development of iwi-led climate change adaptation plans.</u>	

### 7.19.1 Submissions, Evidence and Analysis

690. Most submitters supported the Policy and recommended it be retained. Te Tumu Paeroa [S102.029] requested that the Policy be a consideration policy rather than non-regulatory. The Officer did not agree with this as the Policy could be applied flexibly in the development of iwi adaptation plans and this was appropriate, rather than having its implementation tied up Part 1, Schedule 1 RMA processes.

691. The planners who attending caucusing agreed that Policy CC.17 was not in contention for them.<sup>399</sup>

### 7.19.2 Finding

692. We agree with the Reporting Officer's recommendations on Policy CC.17 for the reasons above, and otherwise as set out in the Officer's s Report, or the Officer's Rebuttal and Reply Evidence.

### 7.19.3 Recommendation

#### **Policy CC.17: Iwi climate change adaptation plans – non- regulatory**

Regional council will assist mana whenua/tangata whenua in the development of iwi climate change adaptation plans to manage impacts that may affect Māori relationships with their whenua, tikanga and kaupapa Māori, sites of significance, wai Māori and wai tai values, mahinga kai, wāhi tapu and other taonga.

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<sup>399</sup> Joint Witness Statement of Planning Experts, Climate Resilience, Nature-based Solutions and Natural Hazards, 16 October 2023, para 15.

**Explanation**

Policy CC.17 recognises that climate change will disproportionately affect Māori, especially as a lot of Māori land is located in hazard prone areas near rivers and the coast. This policy directs the regional council to assist mana whenua/tangata whenua, where appropriate, with the development of iwi-led *climate change adaptation* plans.

## 7.20 Method 14 – Information ~~about~~ on natural hazards and climate change ~~effects~~

693. As notified, the proposed amendments to the Policy stated:

Method 14: Information <del>about</del> <u>on</u> natural hazards and climate change <del>effects</del>
<p><u>Undertake research</u>, prepare and disseminate information about natural hazards and climate change effects in order to:</p> <ul style="list-style-type: none"><li>(a) guide local authority <u>planning and</u> decision-making; and</li><li>(b) raise awareness and understanding of natural hazards</li></ul> <p><i>Implementation: Wellington Regional Council*, city and district councils and Civil Defence Emergency Management Group</i></p>

694. The notified amendments state that research will be undertaken and information prepared and disseminated about natural hazards and climate change to guide planning and decision making and raise awareness.

### 7.20.1 Submissions, Evidence and Analysis

695. UHCC [S34.017] opposed the Method to the extent it applies to territorial authorities undertaking research (which presented resourcing issues). Ātiawa [S131.0121] said mana whenua are particularly vulnerable to climate change and natural hazard impacts and should be actively involved in the Method in partnership with Council, and should be adequately funded and resourced to do. Rangitāne sought changes to include mātauranga Māori research methods and monitoring.

696. The Officer noted that the Method is in the Operative RPS and has always required implementation by both TAs and the Regional Council. The Method is now clarifying that the preparation and dissemination of natural hazards information needs to be robust and may require research. The Officer considered this to be appropriate, as research into natural hazards is required for implementation of hazard provisions in regional and district plans as directed by Policy 29, and Council has co-funded and supported territorial authorities in the production of hazards research and information and has been involved in disseminating and educating people

about natural hazards, often in support or cooperation with territorial authorities.<sup>400</sup>

697. The Officer also notes that while he appreciates that funding research into natural hazards presents resourcing issues, hazards research was recently undertaken by UHCC for its review of the natural hazards chapter of its district plan, and a regional climate change impact assessment is currently being undertaken in cooperation with, and co-funded by, all local authorities in the Region, including UHCC and the Regional Council.<sup>401</sup>

698. In response to concerns by Ātiawa and Rangitāne, the Officer acknowledged the intent of the submissions but said the relief has been partially accepted through Policies CC.16, CC.17 and Method 22 which direct a partnership approach to research and adaptation plans which would include Te Ao Māori and mātauranga Māori approaches as part of the process.<sup>402</sup> Dr Dawe said that Method 14 links to Policies 29, 51 and 52 and the word “research” in the Method is not limited to a western science model.

699. Dr Dawe states:<sup>403</sup>

The Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington region. Since the notification of Change 1, funding for work programmes where the Council and mana whenua/tangata whenua are working as partners is supplied through kaupapa funding agreements. These agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with the Council.

700. Ms Gibb, presenting planning evidence for Ātiawa expressed a strong preference for partnership with mana whenua / tangata whenua to be included in the Method. Ms Gibb gave examples of instances when Ātiawa have not been involved as partners in regional planning processes, and

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<sup>400</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change – Natural Hazards, 14 August 2023, para 400.

<sup>401</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change – Natural Hazards, 14 August 2023, para 400.

<sup>402</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change – Natural Hazards, 14 August 2023, paras 401 – 402.

<sup>403</sup> Section 42A Hearing Report, Hearing Stream 3, Climate Change – Natural Hazards, 14 August 2023, para 401.

where time pressures did not allow for adequate engagement with mana whakahaere.<sup>404</sup> Ms Gibb stated:<sup>405</sup>

None of these approaches benefit the people involved and most importantly they do not benefit te taiao, te awa and mahinga kai. Resource management decisions that have been made to date have a big impact on Ātiawa and their way of life. As mana whakahaere within their rohe, Ātiawa seek to partner in decision- making and seek that this is clearly articulated within the Regional Policy Statement.

701. Dr Aroha Spinks provided us with feedback received from a community wānanga where mana whenua said they valued and encouraged being informed, being educated and growing awareness “so that whānau could make decisions themselves and the wider community as well”.<sup>406</sup>
702. Ms Hapeta from Ngā Hapū acknowledged that the Regional Council team work hard to keep them informed and abreast of new developments that are coming up and to ensure they are involved.<sup>407</sup> She also said that dialogue with the Council in the last two years had been substantially higher and more frequent.<sup>408</sup>
703. The planners who attend caucusing agreed that Method 14 was not in contention.
704. We recommend Method 14 is amended to incorporate Ātiawa’s relief in part for a partnership approach for research, preparation and sharing of information about natural hazards and climate change. We understand from the evidence we read and heard that the Council is committed to a partnership approach and has entered into kaupapa funding arrangements to support this. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with Council as requested by these submitters.<sup>409</sup> Council will have various funding arrangements in place and so we do not consider that specific reference needs to be made in the Method to funding and resourcing for mana whenua / tangata whenua.

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<sup>404</sup> Hearing Transcript, HS3 – Climate Change, Day 3, page 73, lines 3730 – 3737.

<sup>405</sup> Hearing Transcript, HS3 – Climate Change, Day 3, pages 73 - 74, lines 3739 – 3744.

<sup>406</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 25, lines 1242 – 1244.

<sup>407</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 31, lines 1552 – 1554.

<sup>408</sup> Hearing Transcript, HS3 – Climate Change, Day 4, page 31, lines 1566 – 1568.

<sup>409</sup> Section 42A Hearing Report, Climate Change – General, para 284.

705. The Panel’s view is that the relief sought by Ātiawa is appropriate to adopt in part given the evidence Ms Gibb presented on lack of upfront engagement in some instances, and Dr Spinks presented on the value places on education and information for mana whenua / tangata whenua.

### 7.20.2 Finding and s 32AA Evaluation

706. We largely agree with the Reporting Officer’s recommendations on Method 14 for the reasons above, and otherwise as set out in the Officer’s s 42A Report, or the Officer’s Rebuttal and Reply Evidence. We recommend the Method is amendment to refer to the research and sharing of information being undertaken in partnership with mana whenua / tangata whenua. We consider this amendment is the most appropriate way to implement Policies 29, 51 and 52, it aligns with the partnership approach in Policies CC.16 and CC.17, and also Method 22, and also will help to achieve Objective CC.8. We recommend a consequential amendment is made to Table 1A to include “Method 14” as a Method that implements (in part) Policy 29. We note that Table 1A has been coded to HS6 and we discuss it further in that chapter.

### 7.20.3 Recommendation

#### **Method 14: Information ~~about~~ on natural hazards and climate change effects**

1. Undertake research, prepare and disseminate information about natural hazards and climate change effects in order to:

- a. guide local authority planning and decision-making; and
- b. raise awareness and understanding of natural hazards and climate change

2. In partnership with mana whenua/tangata whenua, research Te Ao Māori and Mātauranga Māori understanding of natural hazards and risk management approaches in order to broaden hazard risk management awareness, planning and decision making.

*Implementation: Wellington Regional Council\*; city and district councils and Civil Defence Emergency Management Group*

**Consequential amendment to Table 1A** – We recommend Council include Method 14 in the column “Method titles”, in the row for Objective CC.6 and Policy 29.

## 7.21 Method 22: Integrated hazard risk management and climate change adaptation planning

707. As notified, the proposed amendments to the Method read:

<u>Method 22: Integrated hazard risk management and climate change adaptation planning</u> <u>Information about areas at high risk from natural hazards</u>	
<u>Integrate hazard risk management and climate change adaptation planning in the Wellington region by:</u>	
(a)	<u>developing non-statutory strategies, where appropriate, for integrating hazard risk management and climate change adaptation approaches between local authorities in the region;</u>
(b)	<u>developing consistency in natural hazard provisions in city, district and regional plans;</u>
(c)	<u>assisting mana/tangata whenua in the development of iwi climate change adaptation plans.</u>
<del>Prepare and disseminate information about how to identify areas at high risk from natural hazards, as relevant to the development of hazard management strategies to guide decision making.</del>	
<i>Implementation: Wellington Regional Council* and city and district councils</i>	

### 7.21.1 Submissions, Evidence and Analysis

708. UHCC [S34.080] supported the Method in part but raised some concern that it seemed to require a regulatory response. UHCC sought that either the operative Method is retained or that clause (b) is deleted. HCC [S115.0101] did not support the inclusion of non-regulatory policies and methods applying to TAs and WCC [S140.0104] raised a similar concern. EQC [S132.012] asked that the operative wording be reinstated regarding the preparation and dissemination of information about how to identify areas at high risk from natural hazards as relevant to the development of hazard management strategies. Taranaki Whānui [S167.0154] requested that clause (c) refer to a partnership approach where practicable, rather than only “assistance”.

709. The Officer did not agree with UHCC’s relief on the basis that the Method does not require councils to undertake a plan change or a regulatory response to ensure consistency across the region.<sup>410</sup> Instead, clause (b)

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<sup>410</sup> Statement of Rebuttal Evidence of Dr Dawe and Mr Beban on behalf of Wellington Regional Council, Hearing Stream 3 – Natural Hazards, 22 August 2023, para 64.

aims to encourage consistency in hazard provisions across the Region. The Officer also said the Method implements non-regulatory Policies CC.16 and CC.17 and appropriately guides integrated hazard risk management in the Region. The Officer did not agree with EQC's relief at first on the basis that it was provided for in other provisions, as were the amendments proposed by Taranaki Whānui.

710. In planning evidence, Ms Woodbridge for Kāinga Ora suggested including a new clause in the Method to help provide consistency and improve understanding on how to classify hazard risks as low, medium or high, as per the approach in Policy 29. The Officer agreed with this suggestion.
711. Ms McGruddy for WFF sought an amendment to provide for assistance to catchment groups and water user groups in the development of adaptation plans. The Officer recommended that this amendment was better placed in Method CC.8.
712. Method 22 was discussed at expert planners' caucusing. It was agreed to retain the reference to district and regional plans in clause (b) but with some drafting amendments to reflect that these were options rather than mandatory requirements. The planners also agreed with some minor drafting amendments to new clause (d).
713. We agree with the drafting agreed at caucusing and with the Officer's final recommendations on Method 22.

### 7.21.2 Finding

714. We agree with the Reporting Officer's recommendations on Method 22 for the reasons above, and otherwise as set out in the Officer's s 42A Report, or the Officer's Rebuttal and Reply Evidence.

### 7.21.3 Recommendation

#### **Method 22: Integrated hazard risk management and climate change adaptation planning information about areas at high risk from natural hazards**

Integrate hazard risk management and *climate change adaptation* planning in the Wellington region by:

- (a) developing non-statutory strategies, where appropriate, for integrating hazard risk management and *climate change adaptation* approaches between local authorities in the region;
- (b) supporting the development of ~~developing~~ consistency in natural hazard provisions in ~~city~~-district and regional plans;
- (c) assisting mana ~~whenua~~/tangata whenua in the development of iwi *climate change adaptation* plans; and



- (d) ~~Prepare and disseminate~~ Preparing and disseminating information about classifying risks from natural hazards as low, medium and high to ensure regional consistency.

*Implementation: Wellington Regional Council\* and city and district councils*

## 7.22 Method 23

715. Proposed Change 1 proposed to delete Method 23:

**Method 23: Information about natural features to protect property from natural hazards**

Prepare and disseminate information about how to identify features in the natural environment that can offer natural protection to property from the effects of erosion and inundation.

*Implementation: Wellington Regional Council \* and city and district councils*

716. Everyone submitting on the Method agreed with its proposed deletion. The Officer recommended that the Method be deleted as notified.

### 7.22.1 Finding

717. We agree with the Reporting Officer's recommendations on Method 23 for the reasons above, and otherwise as set out in the Officer's s 42A Report.

### 7.22.2 Recommendation

**Method 23: Information about natural features to protect property from natural hazards**

Prepare and disseminate information about how to identify features in the natural environment that can offer natural protection to property from the effects of erosion and inundation.

*Implementation: Wellington Regional Council \* and city and district councils*

## 7.23 Anticipated Environmental Results

718. The notified AERs stated:

Topic	Objectives	Anticipated environmental results (AER)
Natural hazards	<p><b>Objective 19</b> The risks and consequences to people, communities, <del>their</del> businesses, property, <del>and</del> infrastructure <u>and the environment</u> from natural hazards and <u>the effects of climate change effects</u> are <u>minimised</u>.</p>	<p>1. Regional and district plans: (a) identify areas at high risk from natural hazards; and (b) contain policies and rules to avoid subdivision and inappropriate development in those areas.</p> <p>2. There is no new subdivision and inappropriate development in areas at high risk from natural hazards</p>
	<p><b>Objective 20</b> <u>Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.</u> <del>Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</del></p>	<p>1. There is no increase in the risk from natural hazards as a result of subdivision, use or development (including mitigation works).</p> <p>2. Where hazard mitigation <u>and climate change</u> measures are employed, there is a greater number and range of soft engineered measures used, <u>that achieve integrated management and broad environmental outcomes.</u></p>
	<p><b>Objective 21</b> <u>The resilience of our</u> <del>Communities are more resilient to natural hazards, including the impacts and the natural environment to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazard events.</del></p>	<p>1. Over 75 per cent of the community surveyed has an understanding of the consequences from local natural hazards.</p> <p>2. Over 75 per cent of the community surveyed is prepared for natural hazard events.</p>

### 7.23.1 Submissions, Evidence and Analysis

719. Some iwi submitters supported the AERs in part but requested amendments to recognise the partnership approach with mana whenua to management of natural hazards. The Officer stated that the provisions in the subtopic direct councils partner with mana whenua / tangata whenua and the relief sought was not an environmental outcome.

720. The Officer did recommend consequential changes to the AERs as a result of submissions made on Policies 29 and 52, including incorporating a risk-based approach to assessing hazards and risks and hazard overlays. We

agree with these amendments but request some minor drafting changes to reflect the amendments we recommended in Policies 29 and 52.

### 7.23.2 Finding and s 32AA Evaluation

721. We largely agree with the Reporting Officer’s recommendations on the AERs for the reasons above, and otherwise as set out in the Officer’s s 42A Report or the Officer’s Rebuttal and Reply Evidence. We recommend some minor drafting amendments to better reflect the amendments we recommend in Polices 29 and 52.

### 7.23.3 Recommendation

<p>1. Regional and district plans <b>have:</b></p> <p>(a) <del>identify areas at high risk from natural hazards;</del> <b>used a risk-based approach to assess hazards and risks to new or existing subdivision, use and development from natural hazard and climate change impacts over at least a 100 year planning horizon;</b> and</p> <p>(b) <del>contain policies and rules to avoid subdivision and inappropriate development in those areas.</del> <b>included hazard overlays, objectives, policies and rules to manage or avoid, minimise, or not increase the risk from natural hazards to new or manage existing subdivision, use and development in those areas.</b></p>
<p>2. There is no new subdivision and inappropriate development in areas at high risk from natural hazards</p>
<p>1. There is no increase in the risk from natural hazards as a result of subdivision, use or development (including mitigation works).</p>
<p>2. Where hazard <b>mitigation</b> and climate change <b>mitigation</b> measures are employed, there is a greater number and range of <del>soft engineered measures</del> <b>nature-based solutions</b> used, <del>that achieve integrated management and broad environmental outcomes.</del></p>
<p>1. Over 75 per cent of the community surveyed has an understanding of the consequences from local natural hazards.</p> <p>2. Over 75 per cent of the community surveyed is prepared for natural hazard events.</p>

## 7.24 Definitions: Natural Hazards subtopic

### 7.24.1 Hazard risk management strategy

722. This definition was proposed in the Officer's Reply Evidence. The definition was discussed in planners' caucusing as a result of amendments to Policy 52 and agreement was reached. We recommend the definition is included in Proposed Change 1.

### 7.24.2 Hazard sensitive activity

723. HortNZ [S128.065] supported the definition of *hazard sensitive activity* in Proposed Change 1 but sought that "hazardous facilities" is deleted from the definition as they said it was not clear what scale of activity might be inadvertently captured by the term. HortNZ did say that "major hazardous facilities" is defined in regulations. The Fuel Companies [S157.046] sought that "hazardous facilities and major hazardous facilities" is deleted as it was not certain what would be captured by the term.

724. The Officer recommended deleting "hazardous facilities" from the definition of *hazard sensitive activity* but retaining "major hazard facility" and including a definition to align with the definition in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

### 7.24.3 Major hazard facility

725. This definition is proposed in the s 42A Report as a consequential change to the amendment above to the definition of *hazard sensitive activity*. We recommend the definition is retained.

### 7.24.4 Recommendations

#### **Hazard risk management strategy**

A strategic approach for the management of the risks from natural hazards to minimise or reduce the overall risk of social, environmental and economic harm and adverse effects from natural hazards. It includes some or all of the following elements; hazard and hazard risk identification, impact assessment, potential mitigation works (costs/impacts/maintenance), assessment of environmental effects, assessment of alternate options, cost-benefit analysis, budget allocation; community engagement and implementation plan. The scale of a hazard risk management strategy should be commensurate to the size of the proposed development or activity.

#### **Hazard sensitive activity**

Means any building that contains one or more of the following activities:

- community facility

- early childhood centre
- educational facility
- emergency service facilities
- ~~hazardous facilities and~~ *major hazardous facilityies*
- healthcare activity
- kōhanga reo
- marae
- residential activity
- retirement village
- research activities
- visitor accommodation

### **Major hazard facility**

Has the same meaning as the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 - means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20.