

**Proposed Change 1 to the Regional Policy
Statement for the Wellington Region**

**Section 42A Hearing Report
Hearing Stream 3: Climate Change**

Topic: Natural Hazards

Process: Freshwater Planning and Schedule 1, Part 1 Process

Prepared by: Iain Dawe and James Beban

Report Date: 14 August 2023

Hearing Date: 28 August 2023

Contents

Executive Summary.....	1
Interpretation	1
1.0 Introduction	1
2.0 Statutory Considerations	5
2.1 National Direction	5
2.2 RMA evaluations	11
2.3 Trade Competition	14
3.0 Consideration of Submissions and Further Submissions	14
3.1 Overview	14
3.2 Report Structure	15
3.3 General comments (Iain Dawe)	16
3.4 Chapter 3.8: Natural Hazards Introduction (Iain Dawe)	19
3.5 Issue 1: Risks from natural hazards (Iain Dawe)	22
3.6 Issue 2: Human actions can increase risk and consequences from natural hazards (Iain Dawe)	23
3.7 Issue 3: Climate change will increase the likelihood and consequences from natural hazard events (Iain Dawe).....	24
3.8 Section 32AA evaluation for the Introduction and Issues (Iain Dawe)	26
3.9 Objective 19 (James Beban).....	27
3.10 Objective 20 (James Beban).....	34
3.11 Objective 21 (James Beban).....	39
3.12 Objective CC.6 (Iain Dawe).....	43
3.13 Policy 29: Managing subdivision, use and development in areas at risk from natural hazards (James Beban).....	48
3.14 Policy 51: Minimising the risks and consequences of natural hazards (James Beban)	58
3.15 Policy 52: Minimising adverse effects of hazard mitigation measures (James Beban)	68
3.16 Policy CC.16: Climate change adaptation strategies, plans and implementation programmes - non-regulatory (Iain Dawe)	79
3.17 Policy CC.17: Iwi climate change adaptation plans - non-regulatory (Iain Dawe).....	85
3.18 Method 14: Information on natural hazards and climate change (Iain Dawe)	87
3.19 Method 22: Integrated hazard risk management and climate change adaptation planning (Iain Dawe)	91
3.20 Method 23: Information about natural features to protect property from natural hazards (Iain Dawe).....	95
3.21 Anticipated Environmental Results (Iain Dawe)	96
3.22 Definitions (Iain Dawe).....	98

4.0 Conclusion..... 100

Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to Natural Hazards.
2. This topic is following both the Freshwater Planning Process (Issue 3, Objective 20 and Policy 52) and the Schedule 1, Part 1 Process of the Resource Management Act 1991 (Introduction, Issues 1 and 2; Objectives 19, 21 and CC.6; Policies 29, 51, CC.16 and CC.17; Methods 14, 22 and 23 and; Anticipated Environmental Results 19, 20 and 21).
3. A total of 40 submissions and 23 further submissions were received on the topic of natural hazards. In general, the submissions were supportive of the approach proposed in the Change 1 amendments. The submissions sought a range of outcomes but were focussed around providing clarity in how to interpret and implement the regulatory policies, providing recognition of Te Ao Māori values and partnership opportunities for mana whenua and questions on the scope of Change 1 amendments. The following key issues were raised in submissions and are covered by this report:
 - Providing clarity for the wording and terminology in Policy 29;
 - Use and definitions of the word minimise and avoid;
 - Application of the risk-based approach to hazard planning;
 - Recognition of importance of infrastructural resilience;
 - Allowing for functional use in high hazard areas;
 - Increased recognition of areas of significance to mana whenua/tangata whenua;
 - Providing clarity on definitions for nature-based solutions and hazard sensitive activities;
 - Providing for partnership approaches with mana whenua;
 - Clarity of statutory applications of regulatory and non-regulatory policies, and;
 - Scope of Change 1 beyond giving effect to the NPS-UD and NPS-FM.
4. Other issues raised by submitters in relation to this topic are also covered in the report along with a range of consequential amendments that have arisen in responding to submissions.
5. As a result of analysing the submissions and key issues, We have recommended a number of amendments to the Change 1 provisions to address these concerns. These amendments can be summarised as follows:

- Introduction – inclusion of wording to specify GWRC responsibilities; additional discussion on the social and environmental impacts from climate change;
- Issue 1 – inclusion of additional values and sectors of community affected by natural hazards;
- Issue 3 – recognition that climate change will exacerbate most but not all natural hazard events in the Wellington region;
- Objective 19 – a refinement of the terminology to specify risks are minimised;
- Objective 20 – clarification of mitigation and adaptation activities and recognition of areas of significance to mana whenua; providing consistent Te Ao Māori terminology;
- Objective 21 – minor amendments for wording clarity;
- Objective CC.6 – inclusion of infrastructure in the last of matters for adaptation planning;
- Policy 29 – Additional direction in the chapeau; clarity that it applies to new and existing subdivision and development; standardising the terms low, medium and high hazard; including hazard overlays in plans; allowing some activities in high hazard areas that have a functional use or operational requirement to be so located;
- Policy 51 – including clarity to avoid or minimise risks; allowing some activities in high hazard areas that have a functional use or operational requirement to be so located;
- Policy 52 – including nature-based solutions terminology so that it links to the definition and removing related words to provide clarity; providing consistent Te Ao Māori terminology; providing further clarity for the word minimise;
- Policy CC.16 – removing reference to LGA; providing consistent Te Ao Māori terminology; including nature-based solutions terminology so that it links to the definition and removing related words to provide clarity; removing a typo referencing city plans;
- Method 14 – including climate change as a matter for research and education;
- Method 22 – providing clarity in the reference to mana whenua; removing a typo referencing city plans;
- AERs – bringing through consequential changes from policy 29 for the risk-based approach and matters to be included in regional and district plans; including nature-based solutions terminology so that it links to the definition and removing related words to provide clarity, and;

- Definitions – removing hazardous facilities from the list of hazard sensitive activities; including a new definition of major hazard facility and including that in the list of hazard sensitive activities; adding 'room for the river' to the definition of nature-based solutions; including the definition for minimise from the NRP.
6. Following a consideration of all the submissions and a review of the relevant statutory and non-statutory documents, it is recommended that Change 1 natural hazard provisions be amended as set out in Appendix 2 of this report.
 7. RMA Section 32AA and 80A evaluations have also been undertaken for recommended amendments to provisions and appropriateness to be considered under the FPP instrument.
 8. For the reasons outlined in the Section 32AA evaluations of this report, it is considered that the proposed issues, objectives, policies and methods with the recommended amendments, will be the most appropriate means to:
 - Achieve the purpose of the Resource Management Act 1991 (RMA) and otherwise give effect to higher order planning documents to the extent possible, in respect to the proposed objectives, and;
 - Achieve the purpose of Change 1 and the relevant objectives of the RPS, in respect to the proposed provisions.

Interpretation

9. This report utilises a number of abbreviations as set out in Tables 1 and 2 below.

Table 1: Abbreviations of terms used in this report

Abbreviation	Means
AERs	Anticipated Environmental Results
CDEM Act	Civil Defence Emergency Management Act 2002
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
CCRA	Climate Change Response Act 2002
FPI	Freshwater Planning Instrument
FPP	Freshwater Planning Process
GWRC or 'the Council'	Greater Wellington Regional Council Te Pane Matua Taiao
LAs	Local Authorities (as defined in the RMA being; regional, city and district councils)
LGA	Local Government Act 2002
NAP	National Adaptation Plan
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-IB	National Policy Statement on Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Natural Resources Plan for the Wellington Region [Operative 28 July 2023]
NZCPS	New Zealand Coastal Policy Statement 2010
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region 2013 [Operative]
TAs	Territorial Authorities (as defined in the RMA being; city and district councils)

Table 2: Abbreviations of submitters' names used in this report

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef + Lamb New Zealand Ltd
CDC	Carterton District Council Te Kaunihera-ā-Rohe o Taratahi
EQC	Toka Tu Ake EQC
Fish & Game	Wellington Fish and Game Council
Forest & Bird	Royal Forest and Bird Protection Society (Forest & Bird)
Fuel Companies	BP Oil NZ Ltd, Mobil Oil Ltd and Z Energy Ltd
HCC	Hutt City Council Te Awa Kairangi
HortNZ	Horticulture New Zealand
Kahungunu	Kahungunu Ki Wairarapa
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council Me Huri Whakamuri, Ka Titiro Whakamua
KiwiRail	KiwiRail Holdings Limited
Meridian	Meridian Energy Limited
MDC	Masterton District Council Te Kaunihera ā-rohe o Whakaoriori
Muaūpoko	Muaūpoko Tribal Authority
Ngā Hapu	Ngā Hapu o Otaki
Ngāti Toa	Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira
Outdoor Bliss	Outdoor Bliss Heather Blissett
PCC	Porirua City Council
Rangitāne	Rangitāne o Wairarapa Inc
SWDC	South Wairarapa District Council Kia Reretahi Tātau
Telecommunication Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand (One New Zealand Group Limited)
Te Tumu Paeroa	Te Tumu Paeroa Office of the Māori Trustee

Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Hearing Steam: 3 Climate Change
Officer's Report: Natural Hazards

UHCC	Upper Hutt City Council Te Kaunihera o Te Awa Kairangi ki Uta
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council Me Heke Ki Pōneke
WFF	Wairarapa Federated Farmers
WIAL	Wellington International Airport Ltd

1.0 Introduction

1.1 Report purpose and structure

10. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the submissions received on the topic and to recommend possible amendments to Change 1 in response to those submissions.
11. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the natural hazard provisions in Change 1. It provides analysis of the original and further submissions received following notification of Change 1 and makes recommendations as to whether or not those submissions should be accepted or rejected. A summary of these submissions and the recommendations can be viewed in Appendix 1.
12. Following a consideration of all the submissions and a review of the relevant statutory and non-statutory documents, recommended amendments to the notified Change 1 hazard provisions are summarised at the end of each section. RMA Section 32AA evaluations conclude each section following the recommended amendments. A full strikeout and underline version of the natural hazards chapter and its provisions with the recommended amendments can be viewed in Appendix 2 of this report.
13. The authors have also had regard to other Section 42A reports including the 'Overview Report' by Kate Pascall and the 'General Submissions' report by Sarah Jenkin, both of which provide important background information to Change 1, including the statutory context and administrative matters.

1.2 Report scope

14. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1.
15. This report addresses submission points and provisions under both the FPP and the Part 1, Schedule 1 processes. Where appropriate, a Section 80A evaluation is provided for the provisions being considered under the FPP instrument. Table 3 below sets out the provisions relating to this topic and the process to which they relate.

Table 3: List identifying the natural hazard and related climate change provisions being heard under Part 1, Schedule 1 of the RMA and those being heard under Part 4, Schedule 1 of the FPP as part of this topic report. Initials after each provision refer to the author responsible for that section (ID = Iain Dawe; JB = James Beban)

Natural hazard provisions being heard under Part 1, Schedule 1 of the RMA	Natural hazard provisions being heard under Part 4, Schedule 1 of the FPP
<ul style="list-style-type: none"> • General comments (ID) (pages 16-19) • Introduction (ID) (pages 19-22) • Issue 1 (ID) (pages 22-23) • Issue 2 (ID) (pages 23-24) • Objective 19 (JB) (pages 26-33) • Objective 21 (JB) (pages 39-42) • Objective CC.6 (ID) (pages 42-47) • Policy 29 (JB) (pages 48-58) • Policy 51 (JB) (pages 58-68) • Policy CC.16 (ID) (pages 79-85) • Policy CC.17 (ID) (pages 85-87) • Method 14 (ID) (pages 87-91) • Method 22 (ID) (pages 91-95) • Method 23 (ID) (pages 95-96) • AERs (ID) (pages 96-98) • Definitions (ID) (pages 98-100) 	<ul style="list-style-type: none"> • Issue 3 (ID) (pages 24-26) • Objective 20 (JB) (pages 33-39) • Policy 52 (JB) (pages 68-79) • Definitions - 'minimise' (ID) (pages 98-100)

1.3 Report Authors

16. Two authors have contributed to this report and have been responsible for different sections. The sections for which the two authors have been responsible is shown in Table 1 above. Dr Iain Dawe was responsible for the Introduction, Issues, Objective CC.6, Policies CC.16 and CC.17, Methods, AERs and definitions. James Beban was responsible for Objectives 19, 20 and 21 and Polices 29, 51 and 52.

Author 1 – Dr Iain Dawe

17. My full name is Iain Nicholas Dawe. I am a senior regional natural hazards analyst and policy advisor for the GWRC. I have been employed at the Council since 2006.

18. I hold an MSc with 1st class Honours in environmental sciences and a PhD specialising in coastal processes from the University of Canterbury and over 20 years hazard management and resource planning experience.
19. As the natural hazards analyst for the Council I provide scientific analysis, commentary and research into natural hazards that affect the Greater Wellington region and to write and/or provide expert advice and evidence for hearings, the Environment Court and policy that deals with managing the risks from natural hazards. I provide advice to policy analysts, resource managers, consents officers, engineers and elected councillors in the region, and to businesses and the wider public.
20. I was team leader involved in writing the natural hazards section of the operative RPS and was a team coordinator for the review of the natural hazards sections of the NRP.
21. Currently I am the chair of the national Hazard Risk Management Special Interest Group that represents regional councils across New Zealand. The group advocates for integrated hazards management across the local and central government sectors in areas of hazards planning and research.
22. I have been involved in the development of the provisions for Change 1 and also contributed to the Section 32 Evaluation report.
23. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence. My experience and qualifications are set out above.
24. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
25. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions. In addition to being the lead author on this report, my evidence relates to the consideration of the submissions on; the introductory text; Issues 1, 2 and 3; Polices CC.16 and CC.17; Methods 14, 22 and 23; AERs.

Author 2 – James Beban

26. My name is James Gary Beban. I am a Director at Urban Edge Planning Limited. I have over 19 years' experience as a Resource Management Planner including over 13 years' experience specialising in providing advice and assisting local government in managing their land use activities in relation to the RMA and in undertaking research in the field of natural hazard management and land use planning.
27. My experience includes:

- Preparing a number of natural hazard focussed District Plan chapters and changes for local government, including the Porirua City Council Natural Hazards and Coastal Hazards provisions, the Wellington City Council natural hazards provisions, the Waimakariri Natural Hazards and Coastal Hazards provisions, the Pinehaven Stream and Mangaroa River Flood Hazards Plan Change, and the Natural Hazards Plan Change (Plan Change 47) for Upper Hutt City Council. I am currently drafting the Hutt City Council Natural Hazards and Coastal Hazards provisions for their draft District Plan;
 - Co-drafting non-statutory national guidance on tsunami hazards;
 - Undertaking several research projects over a number of years under the 'Its Our Fault' Research Program, investigating the role of land use planning and how to reduce the risk under the RMA and other legislation;
 - Undertake research as a co-author into incorporating vulnerability into land use planning as part of a National Science Challenge funding project with Centre for Public Health at Massey University;
 - Being a co-author in the development of the risk-based framework for land use planning for natural hazards, and;
 - Co-authoring a number of published papers on addressing natural hazard risk under the New Zealand legislative framework.
28. I hold a Bachelor of Science Degree (Hons) from Victoria University, Wellington, which I completed in 2002.
29. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence. My experience and qualifications are set out above.
30. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
31. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
32. My evidence relates to the consideration of the submissions on Objectives 19, 20, 21 and policies 29, 51 and 52.

1.4 Key considerations raised by submitters

33. A number of submitters raised issues with the range of provisions relating to natural hazards and climate change adaptation. A total of 224 submission points

and 185 further submission points were received on the provisions relating to this topic.

34. The following are considered to be the key issues in contention:

- Providing clarity for the wording and terminology in Policy 29;
- Use and definitions of the word minimise and avoid;
- Application of the risk-based approach to hazard planning;
- Allowing for functional use in high hazard areas;
- Increased recognition of areas of significance to mana whenua/tangata whenua;
- Providing clarity on definitions for nature-based solutions and hazard sensitive activities;
- Providing for partnership approaches with mana whenua;
- Clarity of statutory applications of regulatory and non-regulatory polices, and;
- Validity of Change 1 beyond giving effect to the NPS-UD and NPS-FM.

35. This report addresses each of these key issues, as well as any other issues raised by submissions.

1.5 Pre-hearing Meetings

36. At the time of writing this report there has not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic. Discussions have been held with submitters where necessary to better understand their submission points.

2.0 Statutory Considerations

37. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 30 - the functions of regional councils;
- Section 61 Matters to be considered by regional council (policy statements), and;
- Section 62 Contents of regional policy statements.

2.1 National Direction

38. There are a number of statutes and policy statements, both national and regional, which have relevance to managing natural hazards and to which the RPS has to give effect. There is also a range of natural hazard guidance documents produced or commissioned by central government that provide direction for hazard risk management in a resource management and planning context.

Resource Management Act 1991

39. The RMA provides a mandate for Regional Councils to manage natural hazards, climate change impacts and the effects of hazard mitigation measures on the environment. It is the primary statute driving the development of a regional plan and hazards provisions within the proposed Plan. There are two main Parts in the RMA that address natural hazards and the resource management related impacts associated with hazards management. Part 2 – Purpose and principles, addresses the adverse impacts that the management of natural hazards can have on the environment and; Part 4 – Functions, powers, and duties of central and local government that deals more directly with natural hazards.
40. Part 2 matters of the RMA relevant to natural hazards can be found in sections 5 – Purpose and 7 – Other matters, that address the effects that natural hazards can have on a community and the impacts that human activities can have on the natural environment whilst attempting to mitigate natural hazards.
41. Section 5(2) states that “...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while; (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment”.
42. Section 6(h) makes the management of significant risks from natural hazards [emphasis added] a matter of national importance. The inclusion of significant risks from natural hazards was an amendment made to the RMA in 2017, since the RPS become operative in 2013 and is a recognition of the serious impacts that natural hazards have on our communities.
43. Section 7 states that “...all persons exercising functions and powers... in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to; (b) the efficient use and development of natural and physical resources; (g) any finite characteristics of natural and physical resources and; (i) the effects of climate change.”
44. In addition to the direct risks that natural hazards pose, there are many activities related to mitigating and managing the impacts from natural hazards that may be considered under section 5, 6 and 7 matters. For example, building a seawall can have adverse effects on a beach, thus, there is a requirement to avoid, remedy or mitigate these effects. Similarly, development that occurs in the back dunes of a beach may not be considered an efficient use of those resources if it involves destroying a natural buffer to coastal erosion that subsequently requires expensive mitigation structures to control. Natural features such as dunes and wetlands are finite resources that have been heavily utilised and degraded in many places. The future use and impacts that development has on these areas requires special consideration.

45. Part 4 of the RMA has a number of sections and subsections that directly requires local authorities to manage the effects of *natural hazards*. Section 30(1) states “Every regional council shall have the following functions for the purpose of giving effect to this Act in its region; (c) the control of the use of land for the purpose of (iv) the avoidance or mitigation of *natural hazards*; (d) in respect of any coastal marine area in the region (v) any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of *natural hazards* and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances and; (g) in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of (iv) the avoidance or mitigation of *natural hazards*. Similarly, Section 31(1)(b)(i) directs the functions of TAs for: “the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of; (i) the avoidance or mitigation of natural hazards.

New Zealand Coastal Policy Statement 2010

46. The NZCPS is a policy document mandated under the RMA that provides direction on how local authorities and decision makers should approach the management and protection of coastal resources in regional policy statements and regional plans and district plans.

47. A key issue identified in the NZCPS (Preamble) in relation to coastal hazards is; “the continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property”. Addressing this is Objective 5 of the NZCPS, “to ensure that coastal hazard risks taking account of climate change are managed by”:

- Locating new development away from areas prone to such risks;
- Considering responses, including managed retreat, for existing development in this situation, and;
- Protecting or restoring natural defences to coastal hazards.

48. There are four main policies in the NZCPS that address the management of coastal hazards in the NZCPS. Policy 24 requires councils to; “identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected”. Hazard risks, over at least 100 years, are to be assessed by having regard to a range of factors including physical processes, short and long term erosion cycles, climate change impacts and sea level rise.

49. Policy 25 addresses subdivision, use and development in areas of coastal hazard risk and requires that; “in areas potentially affected by coastal hazards over at least the next 100 years (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards”. The policy includes managed retreat as a possible management strategy. The policy also discourages the use of hard protection structures by recognising that hazard protection works can have an

- adverse impact on the coastal environment and that the capital outlay and maintenance cost of these works is expensive for the community. Hard engineered structures encourage ongoing development behind the works, thereby increasing the residual risk and heightening the cost of damages if the protection works fail.
50. Policy 26 encourages the use of natural defences against coastal hazards by; “providing where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards and to; (2) recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.” These features can provide natural protection from coastal hazards and should be preserved, maintained and protected from development that acts to diminish this capacity. This is supported by policies 11, 14 and 15 that address indigenous biodiversity, restoration of natural character and the protection of natural features and landscapes.
 51. Policy 27 outlines strategies for protecting existing development from coastal hazard risk by; “promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk.” It also recognises that hard protection structures may be the only practical means to protect existing infrastructure but that approaches should focus on risk management that reduce the need for hard protection structures and similar engineering interventions.
 52. There are also other policies in the NZCPS that support coastal hazard management. Policy 1 considers the extent and characteristics of the coastal environment and recognises that this also includes (d) “areas at risk from natural hazards”. Natural hazards are seen as a natural part of the functioning coastal environment. This is an important concept because in the past it has been common to view natural hazards and the processes that drive them as unnatural and something to be prevented. In order to manage the effects of coastal hazards, we need to understand the natural processes of the coastal system and work with these rather than trying to fight against them.
 53. This approach is akin to the Te Ao Māori worldview of natural resources management. Policy 2, that addresses Treaty issues and Māori heritage, states that when taking account of the principles of Te Tiriti o Waitangi/Treaty of Waitangi and kaitiakitanga in relation to the coastal environment we must (f) “provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as, (i) bringing cultural understanding to monitoring of natural resources”. There will be instances when this applies to natural hazards management, particularly in situations where the need for hazard mitigation measures are being considered and the options involve either hard engineered structures or nature based solutions. In this instance one worldview is to fight against nature, and the other is to work with the natural environment and allow coastal processes room to operate, even if this involves natural fluctuations of the shoreline.

Civil Defence Emergency Management Act 2002

54. The CDEM Act sets out its Purpose in Part 1 to improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property. To achieve this, it outlines 4 principles to require local authorities to co-ordinate and encourage co-operation and joint action through regional groups, planning and related programmes across the areas of reduction, readiness, response, and recovery.
55. These are known as the 4Rs of hazard risk management and the Reduction R is focussed on policy and planning and land use decision making. It is one of the main levers that regional and local authorities have in helping manage the risks from natural hazards in order to build more resilient communities that are better prepared for natural hazards, including climate change impacts. Whilst the RPS does not have to give effect to the CDEM Act, it must not be inconsistent with it. The principles outlined in Part 1 of the CDEM Act have been embodied within the operative RPS natural hazard provisions and this continues through to the natural hazard Change 1 amendments.

National Adaptation Plan

56. The NAP is a required plan under section 5ZS of the CCRA and it brings together the Government's efforts to help build climate resilience and sets out the proposed future priorities and work programme. It was produced in response to the first National Climate Change Risk Assessment for Aotearoa-New Zealand (2020). The national climate change risk assessment provides an overall picture of the risks New Zealand faces from climate change and identifies 43 priority risks over five main areas (domains) covering the natural environment, communities, the economy, infrastructure and our governance systems. This laid the foundation for the NAP, which outlines the Government's response to these risks. The NAP includes actions that relate to integrated, system-wide issues that align with the five domains identified in the national risk assessment.
57. Section 61 of the RMA addresses matters to be considered in an RPS. It states in 61(2)(e) that when preparing or changing an RPS, the regional council shall have regard to: "any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002." A number of the critical actions identified in the NAP are being incorporated into RPS Change 1 including:
- Supporting Māori to adapt to the impacts of climate change;
 - Direction to manage the impacts of climate hazards on communities and the natural and built;
 - The natural environment;
 - Providing information and raising awareness of climate change and natural hazards;

- Supporting the development and implementation of climate adaptation plans including actions that support managed retreat; Direction to support and prioritise nature-based solutions;
- Direction to restore and enhance indigenous ecosystems and biodiversity, and;
- Policy support to implement national direction on NPS-FM, proposed NPS-IB and the NZCPS.

Hazard risk management guidance documents

58. There are a number of guidance documents that have been produced to assist in hazard management and applying RMA and NZCPS hazard provisions to planning documents. Guidance documents that have been used to assist in incorporating a risk-based approach to hazard risk management and planning in the RPS and Change 1 amendments include:

- Planning for natural hazards in the Wellington region under the National Policy Statement on Urban Development, GNS Science Misc. Series 140 (2020);
- 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), and;
- Planning for development of land on or close to active faults, Ministry for the Environment (2003).

59. There are four main planning principles that can be boiled down from these national guidance documents. These principles have influenced the development of the natural hazards objectives and policies in the RPS:

1. *Risk-based approach*: A precautionary, risk-based approach is adopted when making planning decisions relating to new development, and to changes to existing development. Decision making takes account of the level of risk, utilises existing scientific knowledge and accounts for scientific uncertainties.
2. *Progressive risk reduction*: New development is not exposed to, and does not increase the levels of, natural hazard risks over their intended lifetime.

For existing development, the levels of risk development are progressively reduced over time.

3. *Nature-based solutions*: The dual role of the natural environment as the fundamental form of defence and as an environmental, social and cultural resource is recognised in the decision making processes and, consequently, the margins of coasts, rivers and lakes are protected and/or restored to provide a buffer from natural hazards.
4. *Integrated, sustainable approach*: An integrated and sustainable approach to the management of development and natural hazard risk is adopted, which contributes to the cultural, social and economic well-being of people and communities.

2.2 RMA evaluations

Section 32AA evaluations

60. An evaluation of the recommended amendments to provisions since the initial Section 32 evaluation has been undertaken in accordance with s32AA, which states:

32AA Requirements for undertaking and publishing further evaluations (1) A further evaluation required under this Act —

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must —

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

61. The Section 32AA(1)(d)(ii) evaluation as required by the RMA for changes proposed as a result of submissions on the natural hazard topic are included following the provision assessments in section 5.0 below.

Section 80A evaluations

62. The FPP is now required to be followed when changing a regional policy statement for those parts of the change that either; give effect to the NPS-FM, or; otherwise relate to freshwater. Consequently, the Council must determine which parts of Change 1 are part of an FPI as directed under section 80A of the RMA:

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means —

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation —

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and [Part 4](#) of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and [Part 4](#) of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with [Part 1](#) of Schedule 1 or, if applicable, [subpart 5](#) of this Part

63. GWRC undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the decision on the Proposed Regional Policy Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777 (the Decision) which represented relevant precedent.

64. The scope of the FPP as notified is shown in the Change 1 document through the use of the \approx FW symbol. Justification for each provision is provided in Appendix E of the S32 report. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the Decision as:

- give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or;
- relate directly to matters that will impact on the quality or quantity of freshwater.

65. These tests were applied to determine whether a provision was in the FPP or not. The categorisation process was undertaken at a provision level, without splitting provisions. Therefore, if part of a provision met either test above, the whole

- provision was included in the FPP even if it also related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for including or not including it in the FPP.
66. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which Section 80A was enacted; *ie*, to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. However, these concepts alone were not used to justify the categorisation of each provision to the FPP.
 67. Submitters have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, WIAL and WFF attended Hearing Stream 1 to speak to their concerns regarding categorisation. The primary concerns raised were that too many provisions were notified as part as an FPI and that the justification for inclusion in the FPP was not clear enough in light of the Decision. This report section has been included in response to these concerns, and to assist the Hearing Panels in considering the categorisation of provisions. In summary, most submitters on this topic provided no comment on the allocation of the provisions to the FPP. There were no submissions in opposition to Issue 3 being notified under the FPP and two opposing submissions from WFF [S163.037; S163.076] requesting that the FW icon be deleted from Objective 20 and Policy 52. WFF request that the amendments to Objective 20 and Policy 52 be deleted and that they be referred to a full review in 2024. Further submissions from BLNZ [FS30.110; FS30.148] support these submissions from WFF and argue that the scope of Change 1 should be restricted to those changes necessary to give effect to the NPS-UD and that any other matters should be subject to a full review in 2024. This report recommends that these submission points be rejected.
 68. I (Dr Dawe) assessed each provision in Change 1 to either the FPP or to standard Part 1, Schedule 1 process at the time of notification, as laid out in the Section 32A report. I stand by that assessment, and recommend that the provisions notified as part of the FPP, remain within that process. These assessments can be viewed in Table 4.

Table 4: Section 80A assessments of each natural hazard provision notified in Change 1 as part of the FPP; 32A justifications at the time of notification and; 42A author justifications

Natural hazard provisions being heard under Part 4, Schedule 1 of the FPP	Section 32A report justification	Section 42A assessment on the notified provision
Issue 3	Issue discusses pressure on water resources. It therefore directly relates to matters impacting freshwater quality and quantity.	Issue 3 is appropriately heard under the FPP as it identifies pressure on freshwater resources from drought and the cascading impacts on

		water quality from sedimentation from landslips and flooding. Therefore, it directly relates to matters impacting freshwater quality and quantity.
Objective 20	Objective seeks for impacts on Te Mana o Te Wai, natural processes and indigenous ecosystems to be minimised, which include freshwater processes and ecosystems. It therefore directly relates to activities which impact freshwater quality and quantity.	Objective 20 is appropriately heard under the FPP as it seeks for impacts on Te Mana o Te Wai, to be minimised, which include freshwater processes and ecosystems. Therefore, it directly relates to activities that impact freshwater quality and quantity.
Policy 52	Policy seeks to protect and enhance Te Mana o Te Wai, mahinga kai, Te Rito o te Harakeke, natural processes, or the local indigenous ecosystem and biodiversity, which directly relate to protecting freshwater quality and quantity. Mahinga kai is also a compulsory value in NPS-FM Appendix 1A.	Policy 52 is appropriately heard under the FPP as it seeks for impacts on Te Mana o Te Wai, to be minimised, which include freshwater processes and ecosystems. Therefore, it directly relates to activities that impact freshwater quality and quantity.

Recommendations

69. As a result of the assessment undertaken in Table 2, I (Dr Dawe) recommend that the provisions addressed in this report as freshwater provisions remain, as notified, in the FPP.
70. I recommend that submissions and further submissions are rejected as detailed in Appendix 1.

2.3 Trade Competition

71. There are no known trade competition issues raised within the submissions on natural hazards and consequently trade competition is not considered relevant to this topic within Change 1.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

72. The Natural Hazards topic area consists of a number of issues, objectives, policies, methods, and anticipated environmental results (AERs).

73. The total number of submissions and further submissions on the topic are summarised as follows:

- There are 11 original submissions and 10 further submissions providing general comments across the natural hazards topic;
- There are 8 original submissions and 4 further submissions on the introductory text to the natural hazards chapter;
- There are 7 original submissions and 3 further submissions on the three natural hazard Issues;
- There are 54 original submission points and 53 further submission points received on the natural hazard Objectives (O19, 20 & 21);
- There are 25 original submission points and 19 further submission points received on the climate change related natural hazard Objective CC.6;
- There are 85 original submission points and 83 further submission points received on the natural hazard Policies (P29, 51 & 52);
- There are 24 original submission points and 17 further submission points received on the climate change related natural hazard Policies (CC.16 & CC.17);
- There are 29 original submission points and 9 further submission points received on the natural hazard Methods (M14, 22 & 23);
- 4 original submission points and 3 further submission points on the AERs, and;
- 2 original submission points and 3 further submission points on the (new) definition of Hazard Sensitive Activities.

3.2 Report Structure

74. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.

75. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions (for the purpose of providing reasons for accepting or rejecting submissions) by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA specifies that the Council is not required to address each submission individually. On this basis, we have undertaken the analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

76. For each sub-topic, the analysis of submissions is set out in this report as follows:

- i. Matters raised by submitters;
- ii. Assessment and analysis of submissions, and;

- iii. Recommendations.
77. This report should be read in conjunction with the submissions and the summary of those submissions. Based on the submissions analysis in this assessment report, a summary table of the recommendations on whether to accept or reject individual submission points can be seen in Appendix 1.
78. RMA Section 32AA evaluation Recommended amendments to provisions as a result of relief sought by submitters are summarised in the main body of this report. A full strikeout and underlined version of the Change 1 natural hazard provisions as a result of these recommendations is set out in Appendix 2.

3.3 General comments (Iain Dawe)

Matters raised by submitters

79. The Director-General of Conservation [S32.006] and Guardians of the Bays Incorporated [S94.024] submit in support of the general approach to the natural hazards topic and would like it to be retained as notified.
80. WIAL [S148.002; S148.007; S148.008] supports in part or is neutral to the general approach of the natural hazards topic and seeks to have recognition of its status as a lifeline utilities operator and for Change 1 to provide for its ongoing operation and development. In particular, WIAL sought relief that the provisions allow for the functional and operational requirement for infrastructure providers, such as itself, to undertake activities in high hazard areas and to recognise that, in some instances, hard engineered structures are a necessary requirement for the protection of infrastructure and assets.
81. WFF [S163.033; S163.034] submits in opposition to the changes incorporated into the natural hazards chapter and requests that they be deleted in their entirety and considered in a full review of the RPS in 2024. BLNZ [FS30.284; FS30.106; FS30.107] and HortNZ [FS28.034] further submitted in support of this, and consequently against submitters who support the changes, on the grounds that, aside from the changes necessary to give effect to the NPS-UD, all other matters should be subject to a full RPS review in 2024. BLNZ argues that the changes impact on communities, including rural communities, and they do not consider that the necessary engagement has been undertaken to adequately inform these provisions or to meet the requirements of Part 3.2 of the NPS-FM. Furthermore, there is a risk that including matters relating to climate change and indigenous biodiversity before key national legislation is gazetted or implemented is premature and will lead to the inefficient implementation and confusion amongst those who it impacts materially.
82. However, a number of further submissions by Forest & Bird [FS7.077; FS7.078], Ātiawa [FS20.199; FS20.200], Ngā Hapu [FS29.050; FS29.051], oppose submissions and further submissions to this effect on the grounds that it is appropriate to include climate change, biodiversity and freshwater provisions in Change 1 and that this creates efficiency by considering multiple policy directives from central government. Ātiawa argues that delaying a response to national

direction is not an appropriate course of action and will further compound environmental and resource management issues. Similarly, Taranaki Whānui [S167.0197] requests that the topic area gives effect to higher order direction in the NPS-FM.

83. Taranaki Whānui [S167.042; S167.0198] also requests that the chapter be amended to include Māori place names and reflect the updated scientific knowledge regarding climate change and its effects. In addition, Taranaki Whānui [S167.0199] wants to signal their intention to be involved in partnership and decision-making regarding natural hazards.

Analysis of general submissions

84. The Director-General of Conservation [S32.006] and Guardians of the Bays Incorporated [S94.024] submitted in support of the general approach to the natural hazards topic and would like it to be retained as notified. I recommend accepting these submissions in part, as changes are being proposed to the natural hazard provisions as a result of other submissions.
85. WIAL [S148.002; S148.007; S148.008] sought relief that the provisions allow for activities in high hazard areas when there is a functional and operational requirement to do so and to recognise that in some instances hard engineered structures are a necessary requirement for the protection of infrastructure and assets. I recommend accepting these submission points in part, as I have recommended changes to Policies 29 and 51 to recognise the functional and operational requirement for some activities to operate in high hazard areas following analysis of submissions on these provisions in sections 3.13 and 3.14 of this report. Regarding the relief sought to allow for hard engineered structures. I note that Policy 52 already allows for hard engineered mitigation works where they may be necessary to protect existing development, regionally significant infrastructure or property from unacceptable risk. WIAL is included in the Change 1 definition for Regionally Significant Infrastructure. Additionally, there are existing RPS objectives (O10) and policies (P7 and P39) that recognise the social, economic, cultural and environmental, benefits of regionally significant infrastructure. Therefore, I argue that no further changes need to be made to the natural hazard provisions to allow for hard engineered structures or to recognise the importance of regionally significant infrastructure, as there is already sufficient recognition within the operative RPS.
86. A number of submissions [S163.033; S163.034] and further submissions [FS30.284; FS30.106; FS30.107; FS28.034] in support, requested the complete withdrawal of the proposed changes, except where necessary to give effect to the NPS-UD and delaying any changes for a full review at a later date. I recommend rejecting these requests and accept in part submissions opposing their deletion or delay [FS7.077; FS7.078; FS20.199; FS20.200; FS29.050; FS29.051] or requesting that Change 1 gives effect to the NPS-FM [S167.0197]. I recommend accepting in part, because a number of the further submitters sought that the submission from WFF be completely disallowed, which is not able to be done. Submissions to withdraw Change 1 is a common request to many of the proposed

changes throughout the natural hazards topic and it has attracted further submissions both supporting and opposing the relief in equal measure. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for the RPS proposed Change 1.

87. In summary, there is national legislation, policy direction and guidance that provides good direction for making improvements to the RPS natural hazard provisions including, RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change, the National Adaptation Plan, NPS-UD, the Zero Carbon Act, NPS-IB and the NPS-FM. Whilst the timeframes for implementation of these vary, the Council has taken an integrated approach by considering the relevant provisions holistically and their relationships to one another. In doing so, Change 1 is giving partial effect to this direction in a measured way, without further delaying important action on climate change, natural hazards, biodiversity and freshwater management. Furthermore, because the RPS is a higher order document, which must be given effect to by regional and district plans, it is necessary for changes to be made to the RPS to support subsequent changes to the NRP and district plan reviews. Giving effect to this national direction has resulted in consequential changes to the natural hazard policies.
88. Taranaki Whānui [S167.042] requests that the natural hazards chapter be amended to include Māori place names. I accept this recommendation and propose changes throughout the introductory text where appropriate. Placenames have not been used in the provisions and therefore, no changes were required outside the Introduction. This will bring the names for the Hutt River and Porirua Harbour in line with the official New Zealand Geographic Board/Ngā Pou Taunaha o Aotearoa placenames Gazetteer.
89. In another submission point, Taranaki Whānui [S167.0198] requests that the chapter reflect updated scientific knowledge regarding climate change and its effects. The exact changes sought weren't specified, but I note that changes were made to the introductory text in Change 1 to include the latest regional understanding of climate change and sea level rise effects. I recommend that this request is rejected as changes have been made to the text as part of the Change 1 amendments thus, no further changes are needed to satisfy the relief sought.
90. Taranaki Whānui [S167.0199] also wishes to signal their intention to be involved in partnership and decision-making regarding natural hazards. Whilst no specific relief was sought for this submission point, I acknowledge the intention and provide no recommendation. However, in the management of hazards and risks, it is how you respond to the potential impacts from natural events that has the most important bearing on the environment and the community. In recognition of this, 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. Depending on the situation, this will require involvement

of mana whenua/tangata whenua. A new policy (CC.17) and method (M22) also directs the Council to assist mana whenua/tangata whenua in the development of iwi climate change adaptation plans. Method 32 in particular, was amended in the notified version of Change 1 to include the word 'partnering' with mana whenua/tangata whenua in the identification and protection of significant values.

91. I also note that the operative RPS has a chapter dedicated to resource management with mana whenua, containing six objectives (O23-28), three policies (P48, 49 & 66) and six methods (M4, 13, 19, 32, 37, 38 & 39) directing local authorities, including the Council, to work with iwi authorities under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Recommendations

92. I recommend that the submission from Taranaki Whānui [S167.042] be accepted and that the introduction to the natural hazards chapter is amended to include te reo Māori placenames as follows (red highlight):

- Hutt Valley/River be amended to Te Awa Kairangi/Hutt River and Te Awa Kairangi/Hutt Valley.
- Wellington City/Harbour be amended to Te Whanganui-a-Tara/Wellington City and Te Whanganui-a-Tara/Wellington Harbour.
- Porirua Harbour be amended to Te Awarua-o-Porirua Harbour.

93. I recommend that the submission from WIAL [S148.007] be accepted in part and that Change 1 is amended as follows:

- To include wording changes to Policy 29 and 51 to recognise that activities sometimes have a functional use or operational need to be located in high hazard areas. These changes are elaborated upon in sections 3.13 and 3.14 of this report.

94. I recommend that the submissions from WFF [S163.033; S163.034], BLNZ [FS30.284; FS30.106; FS30.107], HortNZ and [FS28.034] Taranaki Whānui [S167.0198] be rejected.

95. Accordingly, I recommend that the general submissions are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

3.4 Chapter 3.8: Natural Hazards Introduction (Iain Dawe)

Matters raised by submitters

96. Te Tumu Paeroa [S102.067], HCC [S115.020], WCC [S140.022], Fish & Game [S147.044] and Forest & Bird [S165.026] all submit in support of the introduction to the natural hazards topic and would like it to be retained as notified.

97. Wellington Water [FS19.108] and BLNZ [FS30.213; FS30.319] further submit in opposition to Fish & Game and Forest & Bird support for the introduction and seek

relief that their respective submissions be disallowed. Wellington Water argues that it is unnecessary and redundant to recreate NPS-FM policies within the RPS and that most of the amendments do not properly reflect the NPS-FM. BLNZ oppose the submissions on the basis that Change 1 be restricted to those necessary to give effect to the NPS-UD and that all other matters should be subject a scheduled full review in 2024.

98. KCDC [S16.068] supports in part the introductory text and would like it to be amended to be clear that city, district and regional councils are responsible for provisions requiring the avoidance and mitigation of natural hazards via provisions in their respective plans. KCDC also seeks relief that Change 1 will direct the NRP to include rules to achieve the avoidance and mitigation of natural hazards.
99. Taranaki Whānui [S167.043] supports in part the introductory text, but would like it to be amended to include a description of the impacts of natural hazards on mana whenua and their areas of significance. Ngāti Toa [FS6.026] further submitted in support of Taranaki Whānui's request.
100. Robert Anker [S31.014] opposes reference to the region's iwi authorities in the introductory text and seeks relief that this be deleted on the basis that its inclusion is unnecessary and implies that iwi are deserving of special mention and effects on them differ from other sectors of the community.

Analysis of submissions on the Introduction

101. Te Tumu Paeroa [S102.067], HCC [S115.020], WCC [S140.022], Fish & Game [S147.044] and Forest & Bird [S165.026] all submitted in support of the introductory text to the natural hazards topic and would like it to be retained as notified. I recommend accepting these submissions in part, as some changes are being proposed to the introduction as a result of other submissions that provide clarity to the contextual information, but do not significantly alter its intent.
102. Further submissions from Wellington Water [FS19.108] and BLNZ [FS30.213; FS30.319] opposed Fish & Game and Forest & Bird support for the introductory text. I recommend these further submissions are rejected. The Change 1 amendments are responding to national direction beyond the NPS-UD and NPS-FM and also include RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change and the National Adaptation Plan. It is entirely appropriate and timely to include these changes at this point in time, rather than delaying them for any longer than is necessary. The section 42A Hearing Stream 1 General Submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for Change 1.
103. KCDC [S16.068] requested relief to include additional wording in the introduction to make it clear that local authorities are responsible for developing provisions for the avoidance or mitigation of natural hazards. I recommend supporting this in part and have added a paragraph to the introduction stating that local authorities have responsibilities for managing the significant risks from

natural hazards under the RMA. I do not believe that any further clarification for the development of provisions is required. The specific responsibilities of councils and their respective plans for the implementation of the RPS policies and methods and development of provisions are made clear in the RPS natural hazard and climate change policies (P29, 51, 52, 62 and; CC.16, CC.17) and methods (M14 & 22). In particular, and in accordance with section 62 of the RMA, Policy 62 of the operative RPS allocates responsibilities to local authorities for specifying the objectives policies, methods and rules for the control of the use of land to avoid or mitigate natural hazards.

104. Taranaki Whānui [S167.043] and Ngāti Toa [FS6.026] seek relief that the introduction includes a description of the impacts of natural hazards on mana whenua and their areas of significance. I recommend supporting this in part by expanding the description of impacts that natural hazards and climate change have on our region and communities and acknowledging that these impacts will be felt inequitably. I do not consider that a specific description of the impacts of natural hazards on mana whenua/tangata whenua and their sites of significance is needed, as this would require a more detailed assessment that is beyond the scope of what the RPS is providing. The RPS Introduction provides an outline of natural hazards that will affect the whole region, including iwi land and sites of significance to mana whenua. This is beyond the intent and purpose of the introduction, which is to simply outline the hazards we face in the region and point to the fact that natural hazard events impact our communities and areas we value. The effects that natural hazards and climate change have on the community, including Māori was discussed in more detail in section 3.0 of the S32A evaluation report for the RPS proposed Change 1 and this has been used to support the changes made to the natural hazards provisions.
105. Robert Anker [S31.014] opposes reference to the region's iwi authorities in the introductory text and seeks relief that this be deleted. I recommend that this request be rejected. Whilst I acknowledge that natural hazards impact on every sector of society, the Council is a partner to the mana whenua/tangata whenua of the Wellington Region and has obligations under section 8 of the RMA to take the principles Te Tiriti/Treaty of Waitangi into account. In this respect, mana whenua/tangata whenua are not simply 'other sectors' but represent the signatories to Te Tiriti/Treaty of Waitangi.

Recommendations

106. I recommend that the submissions from KCDC [S16.068], Taranaki Whānui [S167.043] and Ngāti Toa [FS6.026] be accepted in part and that the introduction to the natural hazards chapter in Change 1 is amended to include the following (red highlight):
- After the first paragraph of the notified version add - 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.

- In the second paragraph of the notified version amend - 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.
- At the end of the first sentence of the second paragraph in the notified version add - The hazard exposure of people and communities, the natural environment, businesses and the 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.

107. I recommend that the submissions from Wellington Water [FS19.108], BLNZ [FS30.213; FS30.319] and Robert Anker [S31.014] be rejected.

108. Accordingly, I recommend that submissions in relation to the introduction to the natural hazards chapter are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

3.5 Issue 1: Risks from natural hazards (Iain Dawe)

109. Issue 1 as notified in Change 1 is: ~~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.”

Matters raised by submitters

110. Taranaki Whānui [S167.044] submits in support of natural hazards Issue 1 and would like it to be retained as notified.

111. HortNZ [S128.009] supports the issue in part but would like to see ‘food production and food security’ included in the list of activities affected by natural hazards. This was supported by a further submission from Rangitāne [FS2.7].

112. Ātiawa [S131.034] supports the issue in part but would like to see ‘the natural environment’ included in the list affected by natural hazards. This was supported by further submissions from Rangitāne [FS2.58] and Ngā Hapu [FS29.305].

Analysis of submissions on Issue 1

113. Taranaki Whānui [S167.044] submits in support of natural hazards Issue 1 and would like it to be retained as notified. I recommend accepting this submission in part, as some changes are being proposed to the issue as a result of other submissions that clarify its scope, but do not significantly alter its intent.

114. Ātiawa [S131.034] supports the issue in part but would like to see 'the natural environment' included in the list affected by natural hazards. This was supported by further submissions from Rangitāne [FS2.58] and Ngā Hapu [FS29.305]. I accept this in part and recommend including it in Issue 1. In this way, it also covers water security, the inclusion of which was requested by HortNZ as discussed in the following paragraph. It is appropriate to include the natural environment in this issue 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.
115. HortNZ [S128.009] supports the issue in part but would like to see 'food production and food security' included in the list of activities affected by natural hazards. This was supported by a further submission from Rangitāne [FS2.7]. I recommend accepting this in part by adding "the local economy" into the list of activities affected by natural hazards rather than "food production". This is because this list represents the high level activities and values affected by natural hazards in the region. I consider food production a subset of business activity. However, for clarity, I consider including the economy also covers the agri-economy sector and removes any doubt about its importance. For the same reasons, I consider water security to be a subset of the natural environment that also affects people, communities and businesses and do not believe it needs to be added to the matters already included. However, recognising the importance of food production and water security, it has now been included in the introduction. This was partly to satisfy the relief sought by Taranaki Whānui [S167.043] in their submission (discussed above).

Recommendations

116. I recommend that the submissions from HortNZ [S128.009], Ātiawa [S131.034] Rangitāne [FS2.58] and Ngā Hapu [FS29.305] be accepted in part and that Issue 1 is amended as follows (red highlight):

"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."

117. Accordingly, I recommend that submissions in relation to Issue 1 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

3.6 Issue 2: Human actions can increase risk and consequences from natural hazards (Iain Dawe)

118. Issue 2 as notified in Change 1 is: **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.”

Matters raised by submitters

119. Robert Anker [S31.015] had a neutral submission to Issue 2 and requested that it be amended to read that human actions can increase or decrease risk and consequences from natural hazards.

Analysis of submissions on Issue 2

120. I recommend rejecting this submission on the basis that the issue is that our activities and development can increase the risks from natural hazards. While I agree that human actions can decrease the risk of natural hazards, this is not a resource management “issue” per se, that needs to be addressed by the hazard provisions.

Recommendations

121. I recommend that the submission from Robert Anker [S31.015] be rejected and that the provision be retained as notified.

3.7 Issue 3: Climate change will increase the likelihood and consequences from natural hazard events (Iain Dawe)

122. Issue 3 as notified in Change 1 is: **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 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.”

Matters raised by submitters

123. Taranaki Whānui [S167.045] submits in support of natural hazards Issue 3 and would like it to be retained as notified.
124. Dom Harris [S4.003] supports in part natural hazards Issue 3 but makes the point that sea level rise is a longer-term problem and that it may be necessary or

beneficial to separate genuine natural hazards from hazards caused or exacerbated by climate change, as these may need to be considered differently in the near future.

125. SWDC [S79.012] supports in part natural hazards Issue 3 and seeks relief that it be amended to reflect that not all natural hazard events are impacted by the effects of climate change.

Analysis of submissions on Issue 3

126. Taranaki Whānui [S167.045] submits in support of natural hazards Issue 3 and would like it to be retained as notified. I recommend accepting this submission in part, as minor changes are being proposed to the issue as a result of other submissions that do not alter its intent.

127. Dom Harris [S4.003] supports in part natural hazards Issue 3 but makes the point that sea level rise is a longer term problem and that it may be necessary or beneficial to separate genuine natural hazards from hazards caused or exacerbated by climate change, as these may need to be considered differently in the near future. It wasn't clear exactly what relief was sought and consequently I recommend rejecting this submission point on the basis that sea level rise is an ongoing issue that is documented to have been occurring in the region for over 120 years. Many coastal communities in the region are being affected by coastal erosion and inundation exacerbated by eustatic sea level rise and regional tectonic subsidence. The same is true of other natural hazards exacerbated by climate change. 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.

128. SWDC [S79.012] supports in part natural hazards Issue 3 and seeks relief that it be amended to reflect that not all natural hazard events are impacted by the effects of climate change. I recommend accepting this submission point and including a word change to this effect.

Recommendations

129. I recommend that the submission from SWDC [S79.012] is accepted and that Issue 3 is amended as follows (red highlight):

“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”

130. I recommend that the submissions from Dom Harris [S4.003] be rejected.

131. Accordingly, I recommend that submissions in relation to Issue 3 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

3.8 Section 32AA evaluation for the Introduction and Issues (Iain Dawe)

132. In accordance with section 32AA of the RMA, I consider that my recommended amendments to the natural hazards chapter introduction and Issues 1 and 3 are the most appropriate for the following reasons:

- The recommended amendments to the Introduction reinforce the linkages between hazard risk management and the RMA and the responsibilities LAs have in the planning and management for natural hazards. The changes also emphasize the broad areas that are affected by impacts from natural hazards.
- The recommended amendments to Issue 1 recognise that natural hazards affect a broad range of societal values, physical systems and our well being. The changes bring the issue in line with the NAP by recognising the five domains across which natural hazards impact on society. These changes are consistent with amendments made to the natural hazard provisions.
- The recommended amendment to Issue 3 recognises that climate change will exacerbate most but not all natural hazards that occur in the region. The two hazards that occur in the region that climate change is unlikely to affect is fault rupture and amplified ground shaking in an earthquake. Aside from these, all other hazards will either be directly exacerbated by climate change or indirectly affected by compounding impacts. For example; pluvial flooding and liquefaction being exacerbated by sea level rise interactions with groundwater; tsunamis due to a rising mean high water springs; slope failure risks being increased by mass loading from more intense rainfall events or; wildfire risks increasing from heightened evapotranspiration from increased temperatures.
- It is important to highlight the wide ranging social, economic and environmental costs that natural hazards have on society because the costs for their effective management are often perceived to outweigh the costs of recovery from an event. This misconception comes about because the full costs are often not taken into account and therefore are discounted from the cost-benefit analysis, leading to an underinvestment in hazard mitigation and overinvestment in areas prone to natural hazards. The changes to the

Introduction and Issues look to help remedy this common misconception and is especially important because of the effects that climate change will have in exacerbating natural hazards that already occur in the region.

3.9 Objective 19 (James Beban)

133. Objective 19 as notified in Change 1 is:

“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~~ minimised.”

Matters raised by submitters

134. KCDC [S16.069], Te Tumu Paeroa [S102.064], HCC [S115.021], Ātiawa [S131.035], EQC [S132.002], WCC [S140.023], Sustainable Wairarapa Inc [S144.053], Forest & Bird [S165.027], and Taranaki Whānui [S167.046] support Objective 19 and seek that it is retained as notified. This is supported by further submissions from Ātiawa [FS20.066], Rangitāne [FS2.59], and Ngā Hapu [FS29.306]. A further submission from BLNZ [FS30.319] opposes the submission in support by Forest & Bird [S165.027] and seeks that it is disallowed.

135. While PCC [S30.017] supports the need to consider the effects of natural hazards on environmental values, they oppose Objective 19 in general on the basis that it duplicates Objective 20 and seeks changes to remove this duplication. Further submissions from Peka Peka Farm Limited [FS25.050; FS25.176] support this submission point

136. SWDC [S79.013] submits in support of Objective 19, but seeks that consideration be given to including additional objectives and policies that give direction on when mitigation and adaptation activities should be undertaken and the outcomes sought by such work.

137. UHCC [S34.086] submits in support in part, supporting the need to recognise and address risks associated with natural hazards, and seeking that the objective is retained as notified, but with the relief sought in relation to policies 29 and 51.

138. HortNZ [S128.010] submits in support with amendments to Objective 19 as follows: “*The risks and consequences to people, communities, **food production and food security**, ~~their businesses, property, and~~ infrastructure and the environment from natural hazards and the effects of climate change ~~effects~~ are ~~reduced~~ **minimised.**”*

139. This is supported in part by Rangitāne [FS2.8] who agree with the intent of Objective 19 and agree with HortNZ that Objective 19 should include references to food security, as well as the natural environment.

140. WIAL [S148.044] supports the intent of Objective 19, but requests that “minimise” is defined as per the NRP, otherwise delete the amendment.

141. WFF [S163.036] opposes Objective 19 and seeks that it is deleted, with changes deferred to a future review of the RPS. This is supported by a further

submission from BLNZ [FS30.109] and is opposed by further submissions from Forest & Bird [FS7.080], and Ātiawa [FS20.202], who seek that the entire submission by WFF is disallowed, as well as from Ngā Hapu [FS29.053] who do not seek specific relief.

142. MDC [S166.016] supports Objective 19 in part, however comments that it is very high-level and seeks further clarity on what it means for the district in practice.

Analysis of submissions on Objective 19

143. WIAL [S148.044] supports the intent of Objective 19, but requests that “minimise” is defined as per the NRP as there is a wide of interpretations that can be imported to this word. I accept this, as it is important that the term is correctly understood. It is used extensively throughout the hazard provisions and is an important concept to be applied without confusion. A definition for ‘minimise’ has been developed for the NRP that suits its application to hazard risk management. Thus, I recommend that the definition of minimise from the NRP is included in the RPS Change 1 amendments.

144. In considering the submission from PCC [S30.017] and the further submission from Peka Peka Farm Limited [FS25.050; FS25.176], seeking amendments to Objective 19 to remove duplication with Objective 20, I recommend accepting this submission point in part. Objective 19 pertains to minimising the risks to people and development from natural hazards and climate change. Objective 20 pertains to the use of natural hazard and climate change mitigation and adaptative activities and seeks to ensure that they minimise the risks from natural hazards, whilst ensuring that the impacts from these activities on natural values and processes are also minimised. As such, the two objectives pertain to different activities and I consider that there is no significant overlap. But for avoidance of any doubt, I recommend removing the word ‘consequences’ and ‘the environment’ from Objective 19 and retain the word risk. A risk assessment includes a consideration of the hazards, the vulnerability of the development and the consequences from an event including any hazard mitigation and adaptation measures (referenced in Objective 20). Thus, including the word consequences is a duplication of meaning in this context. With regard to deleting reference to the environment, the definition of a natural hazard is a natural process that has the potential to impact on human systems and values. Thus it is not possible to reduce the risks from the very system that is generating them. However, it is possible to build resilience into natural systems that are being affected by human actions causing changes in the climate. This point is picked up in Objectives 20 and 21 that both reference the natural environment.

145. The submission from SWDC [S79.013] seeks further objectives and policies to give direction to when mitigation and adaptive strategies are required. Change 1 is being undertaken to ensure that the RPS responds to the directives of the NPS-UD and the NPS-FM. Given the limited scope of the proposed changes to Objective 19, I recommend rejecting this submission point, as I consider that the need for further objectives and policies to address this submitter’s concerns

requires more in-depth assessment and is best considered as part of future RPS review work.

146. In response to the submission from HortNZ [S128.010], and the further submission from Rangitāne [FS2.8], food security is not an issue that is intended to be captured by Objective 19. Many of the key food growing areas in the region are located on flood plains, as this is where the most fertile soil is located. As such, these areas will flood on occasions. However, compared to most land use activities, the use of flood prone land for primary production is considered to be an appropriate use. The reason for this is that primary production has a very low building density and people occupancy. While I acknowledge there can be profound impacts to people, communities and the country if key primary production areas are damaged in a flood event, I also consider that the suggested changes to Objective 19 could result in councils making land use zoning decisions that would prevent these activities from occurring on land subject to natural hazards. I consider that the consequence of this would be much more significant in terms of food security, than having primary production land impacted by flood hazards. I note that the broader concept of community resilience is addressed by Objective 21.
147. In response to the WFF [S163.036] submission to have Objective 19 removed from Change 1 and the further submissions supporting this from BLNZ [FS30.109], and the further submissions opposing this from Forest & Bird [FS7.080], Ātiawa [FS20.202], and Ngā Hapu [FS29.053], I note that Objective 19 already exists in the operative RPS and consider that the removal of this objective would result in the loss of a key directive, at an RPS level, to local councils to address natural hazard risk. This would result in a significant gap within the RPS framework, which could have significant consequences in planning for natural hazards in the region. I also consider the removal of this objective would result in a situation where the RPS would not be consistent with Section 6(h) of the RMA and the NZCPS. As such, I recommend that the submission points seeking its deletion be rejected. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 129-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for Change 1.
148. I acknowledge the submissions that seek to have Objective 19 retained as notified from KCDC [S16.069], Te Tumu Paeroa [S102.064], HCC [S115.021], Ātiawa [S131.035], EQC [S132.002], WCC [S140.023], Sustainable Wairarapa Inc. [S144.053], Forest & Bird [S165.027], and Taranaki Whānui [S167.046] as well as the further submissions in support from Ātiawa [FS20.066], Rangitāne [FS2.59], Ngā Hapu [FS29.306]. I also acknowledge the submission from BLNZ [FS30.319] that opposes the submission in support by Forest & Bird [S165.027]. This position from BLNZ is consistent with their position supporting the removal of the objective, which is discussed in the preceding paragraph.

Recommendations

149. I recommend that the submission from WIAL [S148.044] be accepted and that a new definition for 'minimise' as follows (*nb*: this results in the italicization of the words 'minimise', 'minimised', 'minimising' and 'minimisation' throughout the hazard provisions):

"Minimise - "Reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning."

149. I recommend that the submissions from PCC [S30.017] and Peka Peka Farm Limited [FS25.050; FS25.176], are accepted in part and that Objective 19 is amended as follows (red highlight):

"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.~~"

150. I recommend that the submissions from SWDC [S79.013], HortNZ [S128.0101], Rangitāne [FS2.8], WFF [S163.036], BLNZ [FS30.109; FS30.319], PCC [S30.017] Peka Peka Farm Limited [FS25.050; FS25.176] are rejected.

151. Accordingly, I recommend that submissions in relation to Objective 19 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

Section 32AA evaluation for Objective 19

152. In accordance with section 32AA of the RMA, I consider that the recommended amendments to Objective 19 are the most appropriate way to achieve the purpose of the RMA and higher order instruments for the following reasons:

- The recommended amendment to include a definition for minimise provides clarity in the terminology for the use of this word, that is used extensively throughout the natural hazard provisions. Minimise is an important concept in hazard risk management. This amendment recognises that there can be a range of interpretations of the word and using this definition will bring consistency across regional planning documents. A definition for 'minimise' has been developed for the NRP that suits its application to hazard risk management. Applying this definition to the hazard provisions is cost effective as it will not require further staff time to develop a new definition and the clarity of meaning will help reduce implementation costs.
- There are other provisions in the RPS that use the word minimise, both in the operative document and the Change 1 amendments. On balance I consider that its application to these provisions is appropriate and in keeping with their meaning and intent. A considerable amount of time was spent developing this definition with stakeholders for the NRP across the full breadth of policies and rules that deal with matters pertaining to stormwater management, the coastal marine environment,

freshwater management and discharges to land and air. A broad consensus was agreed upon by all stakeholders in those discussions that this definition was suitable for the interpretation and implementation of provisions in the NRP that use the word ‘minimise’. I consider that this definition is also appropriate for use in the RPS and that it applies appropriately to the provisions that use the term. A summary of the RPS provisions that contain the word minimise are presented in Table 5. Across these provisions, the application of minimise being “to reduce to the smallest amount practicable” does not unduly or significantly alter their intent and implementation.

- Deleting the word 'consequence' provides a clearer separation between Objectives 19 and 20. A risk assessment also includes the consequences and any hazard mitigation and adaptation measures (referenced in Objective 20). Thus, including the word consequences is a double consideration or duplication of meaning in this context and the Objective has better clarity by removing the term.
- The removal of ‘the environment’ from the Objective improves the effectiveness of the Objective as it prevents the consideration of the situations where natural process (such as uplift from an earthquake drains a wetland). There is no land use planning intervention that could prevent this from occurring and including this requirement in the Objective results in an outcome that in many instances could not be prevented from occurring. As discussed above the definition of a natural hazard is a natural process that has the potential to impact on human systems and values. Thus, it is not possible to reduce the risks from the processes that are generating them.

Table 5: Provisions in the RPS and Change 1 amendments that contain the word ‘minimise’.

Provision	Text where term ‘minimise’ appears	RPS provision or Change 1 amendment	RMA S80A process - FPP or Part 1, Section 1
Policy CC.2 - travel demand management plans (district plans)	By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development consent applicants to provide travel demand management plans to <i>minimise</i> 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	Change 1 amendment	P1S1

Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Hearing Steam: 3 Climate Change
Officer's Report: Natural Hazards

	movements and associated increase in greenhouse gas emissions.		
Policy FW.3 - Urban development effects on freshwater and the coastal marine area (district plans) [FW]	(j) Require that urban development is located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours; (o) Manage land use and development in a way that will minimise the generation of contaminants, including building materials, and the extent of impervious surfaces	Change 1 amendment	FPP
Policy 14 - Urban development effects on freshwater (regional plans) [FW]	(g) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours; (k) Require stormwater quality management that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater	Change 1 amendment	FPP
Policy 15 - Managing the effects of earthworks and vegetation disturbance (district and regional plans)	Appears in the Explanation to the policy (deleted from chapeau of the operative RPS in Change 1)	Change 1 amendment	P1S1
Policy 41 - Controlling Minimising the effects of earthworks and vegetation disturbance – consideration	Appears in the Explanation to the policy (deleted from chapeau of the operative RPS in Change 1)	Change 1 amendment	P1S1
Policy 42: Effects on freshwater and the coastal marine area from urban development –	(i) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the	Change 1 amendment	FPP

Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Hearing Steam: 3 Climate Change
Officer's Report: Natural Hazards

consideration [FW]	extent practicable, existing land contours (l) Require stormwater quality management that will <i>minimise</i> the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater		
Policy 56: Managing development in rural areas – consideration	(c) the proposals location, design or density will <i>minimise</i> demand for non-renewable energy resources	Unchanged from operative RPS	Operative RPS (not subject to Change 1 amendment)
Policy 57: Integrating land use and transportation – consideration	(c) <i>minimises</i> private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes	Change 1 amendment	P1S1
Policy 68: Minimising soil erosion – non-regulatory	To <i>minimise</i> soil erosion by encouraging sustainable land management practices and take a whole of catchment approach.	Unchanged from operative RPS	Operative RPS (not subject to Change 1 amendment)
Method 33: Identify sustainable energy programmes	Identify sustainable energy programmes, to improve energy efficiency and conservation, reduce emissions of carbon dioxide and <i>minimise</i> the region's vulnerability to energy supply disruptions or shortages.	Unchanged from operative RPS	Operative RPS (not subject to Change 1 amendment)
Policy 5: Maintaining and enhancing coastal water quality for aquatic ecosystem health – regional plans	Use of minimise appears in the explanation to the policy	Unchanged from operative RPS	Operative RPS (not subject to Change 1 amendment)

Section 80A evaluation for new definition – minimise

153. Amending Change 1 to include a new definition requires an assessment under Section 80A of the RMA to determine whether it is a matter to be heard under the FPP or Part 1, Schedule 1. I consider that the definition for minimise is allocated to the FPP. The term minimise appears in Policy 14(k): “require stormwater quality management that will *minimise* the generation of contaminants, and maximise, to

the extent practicable, the removal of contaminants from stormwater”, Thus it is associated with the interpretation and implementation of an FPI.

3.10 Objective 20 (James Beban)

154. Objective 20 as notified in Change 1 is:

“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.~~

Matters raised by submitters

155. UHCC [S34.087], Te Tumu Paeroa [S102.065], HCC [S115.022], WCC [S140.024], Kahungunu Ki Wairarapa [S169.006] and Forest & Bird [S165.029] submit in support of this objective and seek that it be retained as notified. A further submission from BLNZ [FS30.319] opposes the submission in support by Forest & Bird [S165.029] and seeks that it be disallowed. The further submission of Sustainable Wairarapa Inc [FS31.007] supports the submission of Kahungunu Ki Wairarapa [S169.006].
156. SWDC [S79.014] submits in support of Objective 20, seeking that it is retained as notified but that additional objectives and policies are included that give direction as to when mitigation and adaptation should be considered or required, along with any consequential amendments.
157. MDC [S166.017] is neutral in their position on Objective 20, but submits that there needs to be a balance between impacts on the natural environment where the need for essential services or infrastructure is high, and requests that Change 1 include a hierarchy for mitigation and protection measures. Wellington Water [FS19.024] supports this submission and the need to provide for regionally significant infrastructure.
158. WIAL [S148.045] submits in support of Objective 20 but seeks that “minimise” is defined as per the NRP, otherwise delete the amendment. HortNZ [S128.011] submits in support with amendment to Objective 20 to clarify if “minimise” applies to both parts of the sentence. Rangitāne [FS2.9] supports this.
159. Wellington Water [S113.007] supports Objective 20 in part, supporting the general intention of the objective but submitting that the use of the word “minimise” is too strong unless it is defined as per the NRP, and seeks this amendment. Rangitāne [FS2.21] supports this in part, supporting the intention of Objective 20, but does not agree that “minimise” is too strong in this context.
160. Fish & Game [S147.045] supports Objective 20 in part, and requests amendments to include consideration of introduced ecosystems and biodiversity, with the following wording proposed: *“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, and indigenous and valued introduced ecosystems and biodiversity.”* This is opposed by further submissions from Ātiawa [FS20.140], Wellington Water [FS19.109], and BLNZ [FS30.214] who seek that the submission by Fish & Game [S147.045] be disallowed.
161. Kāinga Ora [S158.010] supports Objective 20 in part, seeking amendments as follows: *“Natural hazard and climate change mitigation and adaptation activities **do not increase** ~~minimise~~ the risks from natural hazards and **do not have an adverse effect on** ~~impacts on~~ Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.”* Further submissions from Stride Investment Management Limited [FS16.002] and Investore Property Limited [FS1.002] support the submission by Kāinga Ora [S158.010] and seek that it be allowed. The further submission by Ātiawa [FS20.033] opposes the submission as they believe it is inappropriate, given the risk the region faces due to the impacts of climate change and seeks that it be disallowed.
162. Taranaki Whānui [167.047] supports Objective 20, but requests the following amendment: *“.....and impacts on Te Mana o te Wai, Te Rito o te Harakeke, **areas of significance to mana whenua**, natural processes, indigenous ecosystems and biodiversity.”*
163. KCDC [S16.070] submits in opposition to the amendment to Objective 20, stating that the proposed wording does not differentiate between the significance of different levels of risk arising from natural hazards. In addition, the objective does not reflect the wording of sections 30 and 31 of the RMA with respect to regional council and territorial local authority functions for the avoidance and mitigation of natural hazards. They request that Objective 20 be amended as follows: *“Natural hazard and climate change mitigation and adaptation activities ~~minimise~~ **avoid** the risks from **significant** natural hazards and **mitigate the risks from all other natural hazards and impacts** on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.”* This is opposed by further submission by WIAL [FS17.023] who seeks that the submission by KCDC is disallowed.
164. PCC [S30.017] also opposes Objective 20 and seeks that it be amended to make it clearer what it is trying to achieve, suggesting the following wording: *“Natural hazard and climate change mitigation and adaptation activities ~~minimise~~ the risks from natural hazards **do not compromise/are consistent with and** ~~impacts on~~ Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.”* This is supported by the further submission from Peka Peka Farm Limited [FS25.177].
165. Ātiawa [S131.036] opposes in part with an amendment sought as follows: *“Natural hazard and climate change mitigation and adaptation activities **do not cause or increase the risk from natural hazards or adversely impacts** on Te Mana o te Wai, Te Mana o te Taiao, **areas associated with mana whenua values**, natural processes, ecosystems and biodiversity. Further submissions by Rangitāne [FS2.60] and Ngā Hapu [FS29.307] support this submission.”*

166. Powerco Limited [S134.005] and the Fuel Companies [S157.00] oppose Objective 20 and request amendments. The submissions state that there is significant uncertainty in the definitions of “climate change mitigation” and “climate change adaptation” and submit that the use of “minimise” is too strong, unless it is defined as per the NRP. The following amendments, or those to the same effect, are sought: ~~“Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards~~ **Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events and seek to minimise impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.**” WIAL [FS17.024] provides a further submission in support of the Fuel Companies [S157.00], and Rangitāne [FS2.1] further submits in partial support of this by requesting that the objective could benefit from further clarification as to the scope and intent.
167. WFF [S163.037] opposes Objective 20 and seeks that it is deleted, with changes deferred to a future review of the RPS. This is supported by a further submission from BLNZ [FS30.110] and opposed by further submissions from Forest & Bird [FS7.081], and Ātiawa [FS20.203], who seek that the entire submission by WFF is disallowed, as well as Ngā Hapu [FS29.053] who do not seek specific relief.

Analysis of submissions on Objective 20

168. In relation to the submission by KCDC [S16.070], the focus of this objective is to ensure that where mitigation measures and adaptation activities are considered necessary to avoid or minimise risk as directed by Objective 19, that the effects of these measures and activities themselves are minimised. As such it is considered unnecessary to state levels of risk within the objective and I recommend that the submission point be rejected.
169. In relation to the proposed wording changes by PCC [S30.017] and Kāinga Ora [S158.010] and further submissions from Peka Peka Farm Limited [FS25.177] and Investore Property Limited [FS1.002], such that mitigation and adaptation activities “do not compromise/are consistent with” or “do not have an adverse effect on” Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity, I consider that the Change 1 wording, which seeks that the impacts on these systems and values are minimised, is stronger than that proposed by submitters. As such, I consider that the requested changes to the wording are not necessary, and recommend that these submission points be rejected.
170. SWDC [S79.014] and MDC [S166.017] submitted in support of Objective 20, but seek additional guidance on when mitigation and adaptation should be considered. I am of the opinion that Policies 29 and in particular Policy 52 provide adequate guidance to local councils on these matters, and recommend that the submission point be rejected.

171. Wellington Water [S113.007] and WIAL [S148.045] support the proposed changes to Objective 20, but request that the term “minimised” is defined as per the NRP. This position is supported by Rangitāne [FS2.21]. The NRP defines minimise as: “Reduce to the smallest amount reasonably practicable. *Minimised, minimising and minimisation have the corresponding meaning.*” This definition is consistent with the ‘As Low As Reasonably Practicable’ (ALARP) definition for risk management and therefore, I consider that it is an appropriate definition to incorporate into Change 1 to support Objective 20. I consider that providing a definition for the term “minimise” will assist with the understanding of the outcome that the objective is seeking to achieve, and accordingly recommend the addition of this definition and that these submission points are accepted.
172. I recommend accepting the submission from HortNZ [S128.011] and Rangitāne [FS2.9] to clarify if “minimise” applies to both parts of the sentence and I have proposed changes to the sentence structure of Objective 20 in response.
173. Ātiawa [S131.036] and Taranaki Whānui [S167.047], both seek amendments to include reference to areas of significance or value to mana whenua. I recommend accepting these submissions in order to support Change 1 amendments to Policy 52(f) to consider sites of significance to mana whenua/tangata whenua.
174. In relation to the submission by Fish & Game [S147.045], the focus on introduced ecosystems and biodiversity does not align with the overall direction in the RPS and NRP, and I recommend that the submission point be rejected. However, I note that looking after water quality and indigenous biodiversity will also benefit introduced freshwater species, and associated ecosystems and biodiversity.
175. In response to the WFF [S163.037] submission to delete Objective 20 from Change 1 and the further submissions supporting this BLNZ [FS30.110], and the further submissions opposing this from Forest & Bird [FS7.081], Ātiawa [FS20.203], and Ngā Hapu [FS29.053], I note that Objective 20 already exists in the operative RPS. I consider that the removal of this objective would result in a loss of the key directive, at a RPS level, to local councils regarding the impacts that climate change and natural hazard mitigations can have on the surrounding environment and natural hazard risk. This would result in a significant gap within the RPS framework, which could have significant consequences in planning for climate change and natural hazard mitigation works. For this reason, I recommend these submission points be rejected. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para’s 129-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for the RPS proposed Change 1.

Recommendations

176. I recommend that the submissions from Wellington Water [S113.007] and WIAL [S148.045], be accepted and that a new definition for 'minimise' is included in the definitions as presented in the recommendations for Objective 19.
177. I recommend that the submissions from HortNZ [S128.011], Rangitāne [FS2.9], Ātiawa [S131.036] and Taranaki Whānui [S167.047], be accepted and that Objective 20 is amended as follows (red highlight):
- “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*, sites of significance to mana whenua/tangata whenua, natural processes, indigenous ecosystems and biodiversity.”
178. I recommend that the submissions from WFF [S163.037], PCC [S30.017], SWDC [S79.014], MDC [S166.017], Kāinga Ora [S158.010] and further submissions by Peka Peka Farm Limited [FS25.177], and Investore Property Limited [FS1.002] be rejected.
179. Accordingly, I recommend that submissions in relation to Objective 20 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

Section 32AA evaluation for Objective 20

180. In accordance with section 32AA of the RMA, I consider that the recommended amendments to Objective 20 are the most appropriate for the following reasons:
- The inclusion of a new definition for minimise provides clarity for its interpretation. Minimise is an important concept in hazard risk management and it is used extensively throughout the natural hazard provisions. This amendment recognises that there may be range of interpretations of the word and using this definition will bring clarity for its application and consistency across regional planning documents. This definition is consistent with the definition in the NRP.
 - The wording order change in the objective provides clarity that minimise applies to both mitigation measures and adaptation activities. This improves the effectiveness and efficiency of the objective as it removes some ambiguity that existed in the previous wording.
 - The inclusion of sites of significance to mana whenua/tangata whenua provides a line of sight to the Change 1 amendments in Policy 52(h) to, 'consider sites or areas of significance to mana whenua/tangata whenua.' A considerable amount of work has already been undertaken identifying and scheduling sites of significance for mana whenua in the region. This work has been incorporated into the NRP and will be able to be drawn upon to assist in the implementation of this Objective and related policies. This also ensures that natural hazard mitigation

measures and climate change adaptive activities minimise the impacts on sites of significant to mana whenua/tangata whenua. The previous objective wording was silent on this matter and as a result there was no directive to ensure that sites of significance to mana whenua/tangata whenua were considered when designing natural hazard mitigation measures and climate change adaptive activities

- The proposed changes do not present any significant additional costs as the changes largely relate to improving the understanding of the objective.

3.11 Objective 21 (James Beban)

181. Objective 21 as notified in Change 1 is:

"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."

Matters raised by submitters

182. PCC [S30.017] submits in opposition to Objective 21 on the basis that it is unclear what the objective is trying to achieve and how to measure outcomes. Of particular concern are the words "strengthened" and "better prepared", and the need to separate out short, medium and long term and how this flows into policy. PCC seeks that the objective is amended to address the above, and also notes that the natural environment does not need to be mentioned in all objectives. Peka Peka Farm Limited [FS25.052] submits in support and seeks that the submission by PCC [S30.017] is allowed.
183. SWDC [S79.015] supports Objective 21 and seeks that the objective is retained with amendments to include additional objectives and policies that give direction as to when mitigation and adaptation should be considered or required, along with any consequential amendments.
184. MDC [S166.018] submits in support of the objective, but requests more guidance around how this would work in practice.
185. HortNZ [S128.012] submits in support of the objective with amendments to specifically reference food production and food security as follows: *"The resilience of our communities, including food production and food security, 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."* Rangitāne [FS2.10] submits in opposition to this, and does not agree that it is necessary to elevate or specify one component of community resilience, while not specifying any other components. Rangitāne notes that this matter could be addressed by supporting text in the explanation as to what community resilience comprises. They seek that the submission is disallowed.

186. WIAL [S148.046] supports Objective 21, seeking an amendment to include regionally significant infrastructure as follows: *“The resilience of our communities, **regionally significant infrastructure**, and...”* Wellington Water [FS19.063] submits in support, and seeks that the submission by WIAL [S148.046] is allowed.
187. Kāinga Ora [S158.011] supports Objective 21 in part and seeks an amendment to provide clarity and to provide measurable outcomes, noting that the words “strengthened” and “better prepared” are ambiguous. The following amendments are proposed: *“The resilience of our communities and the natural environment is **strengthened to avoid loss of life and damage to property due to the 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.**”* WIAL [FS17.025] opposes the relief sought and seeks that the submission by Kāinga Ora [S158.011] be disallowed.
188. WFF [S163.038] opposes Objective 21 and seeks that it is deleted, with changes deferred to a future review of the RPS. This is supported by a further submission from BLNZ [FS30.111] and is opposed by further submissions from Forest & Bird [FS7.082], and Ātiawa [FS20.204], who seek that the entire submission by WFF is disallowed, as well as Ngā Hapu [FS29.055], who do not seek specific relief.
189. UHCC [S34.088], Te Tumu Paeroa [S102.066], HCC [S115.023], EQC [S132.003], Taranaki Whānui [S167.048], WCC [S148.046], Forest & Bird [S165.030] and Ātiawa [S131.037] support Objective 21 and seek that it be retained as notified. A further submission from BLNZ [FS30.319] opposes the submission by Forest & Bird [S165.030] and seeks that it be disallowed. Rangitāne [FS2.61] and Ngā Hapu [FS29.308] submit in support of the submission by Ātiawa [S131.037].

Analysis of submissions on Objective 21

190. PCC [S30.017] and Kāinga Ora [S158.011] made submission points in relation to the ambiguity of the terms “strengthened” and “better prepared” and seek that the objective is reworded to be more certain and measurable. I have considered the need for alternative wording, but it is my opinion that the intent of the wording is clear, and that it is an improvement upon that in the operative Objective 21. Questions about how to assess whether the objective has been achieved can be addressed by a range of indicators, including; whether climate adaptation plans have been developed; whether provisions are in place to manage development in hazard prone areas; the effectiveness of hazard mitigation measures; conditions placed on consents, and; community surveys looking at people’s emergency preparedness. However, I accept that that the word strengthened may be slightly ambiguous within the sentence structure and recommend a slight change to reorder the wording to make it clear that it refers to strengthening the resilience of the community and the natural environment to the short, medium and long term effects of climate change. Thus, I recommend that these submissions be accepted in part.

191. SWDC [S79.015] and MDC [S166.018] support the objective, but seek that additional objectives and policies are included that give direction as to when mitigation and adaptation should be considered or required, and guidance on how it will operate in practice. Change 1 is being undertaken to ensure that the RPS responds to the directives under the NPS-UD, and the NPS-FM. Given the limited scope of the proposed changes to Objective 21, I recommend rejecting this submission point, as I consider that the need for further guidance or objectives and policies to address this submitters concerns requires further evaluation and is best addressed as part of a future RPS change or variation.
192. In relation to the submission point by Kāinga Ora [S158.011] seeking amended wording “strengthened to avoid loss of life and damage to property...”, I note that the proposed changes to Objective 19 to include “avoid” partially address this request. In addition, methods to achieve this objective include developing adaptation programmes to manage the effects of climate change and natural hazards which will, by proxy, also help avoid loss of life and damage to property. This focus on providing for adaptation is also the reason for the reference to short, medium and long term effects, as queried by PCC [S30.017]. For these reasons, I recommend that the submission points by Kāinga Ora and PCC are rejected.
193. I recommend rejecting the submission from HortNZ [S128.012], seeking that food production and food security be included in Objective 21 as a component of resilience. While food security is undeniably a matter that contributes to the resilience of our communities and supports people in being better prepared for the consequences of natural hazards, I agree with the further submission by Rangitāne [FS2.10], that it is not necessary to elevate or specify one component of community resilience, while not specifying any other components. I do note that amendments to the Introductory text are recommended (section 3.4) to include mention of the increasing exposure of food production to natural hazards in recognition of its importance.
194. The submission from WIAL [S148.046] and further submission from Wellington Water [FS19.063] seek that the resilience of regionally significant infrastructure also be a consideration in Objective 21. However, in my opinion resilience is a matter for infrastructure providers to address. I consider that the inclusion of infrastructure in Objectives 19 and CC.6 (discussed in section 3.12), and additional recognition in Policies 29 and 51 that regionally significant infrastructure cannot always be located outside of high hazard areas, sufficiently accommodates the issues of concern for infrastructure providers. As such, I recommend that these submission points be rejected.
195. In response to the WFF [S163.038] submission to delete the amendments to Objective 21 from the RPS and the further submission supporting this from BLNZ [FS30.111], and the further submissions opposing this from Forest & Bird [FS7.082], and Ātiawa [FS20.204], and Ngā Hapu [FS29.055]. I consider that the removal of these amendments will result in the loss of some key directives within the RPS regarding the need to improve resilience and readiness to the impacts of natural hazards, climate change and sea level rise. This will result in a gap within the RPS framework that will have consequences in planning for the ongoing

effects of climate change and natural hazards. I consider the removal of this objective would result in a situation where the RPS would not be consistent with Section 6(h) of the RMA and the NZCPS. As such, I recommend these submission points be rejected. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 129-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for the RPS proposed Change 1.

Recommendations

196. I recommend that the submissions from PCC [S30.017] and Kāinga Ora [S158.011] are accepted in part and that Objective 21 is amended as follows (red highlight):

- ~~The resilience of our communities are more resilient to natural hazards, including the impacts and the natural environment~~ **is strengthened** 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.

197. I recommend that the submissions from PCC [S30.017], Kāinga Ora [S158.011], SWDC [S79.015], MDC [S166.018], HortNZ [S128.012], WIAL [S148.046], WFF [S163.038] and further submissions from Wellington Water [FS19.063] Peka Peka Farm Limited [FS25.052] be rejected.

198. Accordingly, I recommend that submissions in relation to Objective 21 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 2.

Section 32AA evaluation for Objective 21

199. In accordance with section 32AA and section 30(1)(a) of the RMA, I consider that the recommended amendment to Objective 21 is the most appropriate for the following reasons:

- This Objective links to direction from the coastal hazards and climate change guidance to undertake community based adaptation programmes that seek to embed collaborative decision making to the challenges faced by climate change and natural hazards into effective long term planning. Currently, a lot of planning and decision making is reactive to natural hazard events. This leads to ad hoc and inconsistent decision making and it is widely recognised that this is an ineffective and inefficient way to manage risk. The aim of this Objective is to support the development of climate change adaptation plans with communities and mana whenua. It also links to civil defence and emergency management planning and the CDEM Act for need for people to be prepared for natural disasters.

- The proposed changes do not result in any significant benefits or costs as the change of wording is to improve the understanding of the objective and does not introduce any new requirements for parties to adhere to.

3.12 Objective CC.6 (Iain Dawe)

200. Objective CC.6 as notified in Change 1 is:

“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.”

Matters raised by submitters

201. WCC [S140.012], CDC [S25.007], HCC [S115.011], UHCC [S34.047], KCDC [S16.011], MDC [S166.008], HortNZ [S128.007], Ātiawa [S131.026], Rangitāne [S168.0110], Taranaki Whānui [S167.023], Te Tumu Paeroa [S102.009], EQC [S132.001], Forest & Bird [S165.008] and Sustainable Wairarapa [S144.027] all submit in support of the Objective and request that it be retained as notified, with further submissions in support from Sustainable Wairarapa [FS31.036] and Ngā Hapu [FS29.297]. BLNZ [FS30.319] further submitted in opposition to Forest & Bird's support of the Objective and requested that any amendments be limited to those required to give effect to the NPS-UD, with all further matters left to be considered in a full review of RPS and review of the NRP. It was argued that there was insufficient engagement to inform the changes and that there is a risk that including matters relating to climate change and indigenous biodiversity before key national legislation is gazetted or implemented is premature and will lead to inefficiencies and confusion.
202. The Fuel Companies [S157.006], WIAL [S148.019], Powerco Limited [S134.002] and Meridian [S100.006] support the Objective in part and request that it also recognise infrastructure, including regionally significant infrastructure, as an important matter to be acknowledged in resilience planning. This is supported by further submissions from MDC [FS14.012], Wellington Water [FS19.028], Waka Kotahi [FS3.012] and Meridian [FS26.007; FS26.008; FS26.009].
203. Ngāti Toa [S170.010] support the Objective in part but would like to see stronger wording that 'recognises and provides for' matters such as land use planning that can respond with appropriate tools and practices to manage the effects from climate change. This was supported in a further submission from Ngā Hapu [FS29.124; FS29.196]. Ngā Hapu argue that co-design under a treaty house model is about shaping plans and resource management avenues alongside mana whenua that appropriately recognise the intergenerational prosperity of the uri of Ngā Hapu o Ōtaki and the wider community.
204. SWDC [S79.006] support the intent of the Objective and believe that a long-term view is required to build in resilience to natural hazards generally as well as those exacerbated by climate change. SWDC supports the development of a multitude of regulatory and non- regulatory methods to achieve this and would like

- the Objective to be amended to include reference to natural hazards. This submission point was supported in a further submission from MDC [FS14.019] who agreed with the relief sought to include reference to natural hazards alongside climate change.
205. Kāinga Ora [S158.008], support the Objective in part but argue that it is too broad and not measurable and would like it to be amended to include measurable outcomes to define what an increase of the community's resilience is over the short, medium and long term. Kāinga Ora offer the following wording: **"The resilience of communities and the natural environment is increased to avoid loss of life and damage to property due to the effects of climate change."**
206. PCC [S30.009] oppose the Objective and argue that resource management and adaptation planning is the method to achieve resilience and is not required to be included in the objective itself. PCC also requested that thought needs to be given as to what degree of increase is being sought by the Objective so that is measurable and certain and would like it amended to be clear what outcome is sought and offer the following wording: **"The resilience of communities and the natural environment to the short, medium, and long-term effects of climate change is increased"**. This was supported in further submissions from Peka Peka Farm Limited [FS25.014; FS25.140].
207. DairyNZ [S136.013], oppose the Objective and believe that the reasoning to support this provision is inadequate and that further analysis needed to ensure it is consistent with the latest science and will achieve community objectives. DairyNZ argue that Objective CC.6 should be deleted along with any related provisions and methods and that the issue be addressed in a full review of the RPS. WFF [S163.017] agree with the intent of the Objective but oppose it on the grounds that other objectives provide more concrete pathways to achieve a similar result and thus that it should be deleted. BLNZ [FS30.019; FS30.090], further submitted in support of both DairyNZ's and WFF's position. Ngā Hapu [FS29.034] and Ātiawa [FS20.183] further submitted in opposition to BLNZ's support of the WFF position and argued that the WFF submission was disappointing and displayed a lack of awareness to the value of mana whenua engagement. It was argued that WFF's 'aspirations of delivering environmental improvements alongside a thriving bioeconomy' aren't feasible without considering the intergenerational insight and technical direction that only Mātauranga Māori can offer. It was argued that, for this reason the entire WFF submission should be disallowed.
208. Muaūpoko [S133.032] support the Objective and ask that it be retained as notified but noted that relief may be necessary or appropriate to ensure their connection to Te Whanganui-a-Tara is recognised. This was strongly opposed by Ātiawa [FS20.379] and Ngāti Toa [FS6.061] who argued that the Muaūpoko submission be disallowed on the basis that their claims are inappropriate and cause confusion on which iwi hold mana whenua in Te Whanganui-a-Tara rohe and consequently which iwi are required to be engaged with by LAs.

Analysis of submissions on Objective CC.6

209. DairyNZ [S136.013], oppose the Objective and believe that the rationale supporting the provision is inadequate and that further analysis needed to ensure it is consistent with the latest science and consequently that it be deleted. Similar arguments to oppose the Objective were offered by WFF [S163.017] and supported by BLNZ [FS30.319; FS30.090] who further submitted in opposition to the Objective, requesting that any amendments be limited to those required to give effect to the NPS-UD, with all further matters left to be considered in a full review of RPS and review of the NRP. I recommend these submissions are rejected and that further submissions from Ngā Hapu [FS29.034] and Ātiawa [FS20.183] that were opposed to the relief sought by WFF and BLNZ are accepted in part. The Objective is consistent with the latest understanding and experiences of climate change, sea level rise and how this will exacerbate natural hazards that occur in the region. The Change 1 amendments respond to national direction beyond the NPS-UD and also include RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change and the National Adaptation Plan. It is entirely appropriate and timely to include these changes at this point in time, rather than delaying them for any longer than is necessary. The section 42A Hearing Stream 1 General Submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the amendments was also fully traversed in section 5.0 of the Change 1 S32A evaluation report.
210. The Fuel Companies [S157.006], WIAL [S148.019], Powerco Limited [S134.002] and Meridian [S100.006] support the Objective in part and request that it also recognise infrastructure, including regionally significant infrastructure, as an important matter to be acknowledged in resilience planning. This is supported by further submissions from MDC [FS14.012], Wellington Water [FS19.028], Waka Kotahi [FS3.012] and Meridian [FS26.007; FS26.008; FS26.009]. I accept these submissions and recommend that 'infrastructure' be included in the list of matters highlighted in the Objective. This is appropriate because increasing the resilience of infrastructure is an important component of adaptation planning. I consider that regionally significant infrastructure is a sub-component of infrastructure and therefore, that it is not necessary to also name that within the Objective.
211. Ngāti Toa [S170.010] support the Objective in part but would like to see stronger wording that 'recognises and provides for' matters such as land use planning that can respond with appropriate tools and practices to manage the effects from climate change. This was supported in a further submission from Ngā Hapu [FS29.124; FS29.196]. I recommend rejecting these submissions on the basis that the relief sought is already contained within the Objective through reference to resource management planning. This implies that there is expected to be a connection between adaptation planning and the way it gets implemented through regional and district plans, that address land use decision making. The Objective links to Policy CC.16 and clause (c) in that Policy that highlights the importance of district and regional plan objectives, policies and rules to address

subdivision, use and development for areas impacted by climate change and sea level rise.

212. SWDC [S79.006] and MDC [FS14.019] support the intent of the Objective but would like it to include reference to natural hazards alongside climate change. I do not it is necessary to include these words as, by default climate change adaptation planning includes planning for the impacts from natural hazards. Moreover, the relief sought is contained with Objectives 19 and 21, where the specific connections are made between climate change and natural hazards. Therefore, I recommend rejecting these submissions.
213. Kāinga Ora [S158.008], support the Objective in part but argue that it is too broad and not measurable and would like it to be amended to include measurable outcomes. Kāinga Ora requested wording to the effect that 'the resilience of communities and the natural environment is increased to avoid loss of life and damage to property due to the effects of climate change'. In my opinion the Objective sets up the expectation of what is expected to be delivered through the policies and methods with the measurable outcomes being addressed in the AERs. I believe the policies and methods to achieve this Objective, including Policy 29 to avoid inappropriate development in high hazard area, Policy CC.16 to develop adaptation programmes and manage the effects of climate change will all act in helping avoid loss of life and damage to property. This is reflected in the AERs, one of which states that; "there is no increase in the risk from natural hazards as a result of subdivision, use or development". I consider that there is sufficient relief within the provisions to satisfy Kāinga Ora's request and therefore that the submission be rejected.
214. PCC [S30.009] oppose the Objective and argue that resource management and adaptation planning is the method to achieve resilience and is not required to be included in the objective itself. However, adaptation planning is strongly encouraged by the NAP and the Coastal Hazards and Climate Change Guidance for Local Government. This Objective has been developed specifically to link to the climate change and natural hazard adaptation Policies CC.16 and CC.17. It has been developed to set up the expectation that adaptation plans will be developed by LAs as a response to the challenges we face from changes in the climate. An important instrument to help deliver on these plans will be regional and district plans and thus it is appropriate that this pathway is specifically mentioned in the Objective. PCC also requested that thought needs to be given as to what degree of increase is being sought by the Objective so that is measurable and certain and would like it amended to be clear what outcome is sought and offer the following wording: "The resilience of communities and the natural environment to the short, medium, and long-term effects of climate change is increased". This was supported in further submissions from Peka Peka Farm Limited [FS25.014; FS25.140]. However, aside from deleting reference to resource management and adaptation planning, it is not clear that this rewording is substantially different to that within the Change 1 amendment. Similar to my response to Kāinga Ora above, I believe the provisions to achieve this Objective, all act in helping avoid loss of life and damage to property and that it is clear that this is the expectation

of the Objective as outlined in the AERs. Therefore, I recommend rejecting the submissions from PCC and Peka Peka Farm Limited.

215. WCC [S140.012], CDC [S25.007], HCC [S115.011], UHCC [S34.047], KCDC [S16.011], MDC [S166.008], HortNZ [S128.007], Ātiawa [S131.026], Rangitāne [S168.0110], Taranaki Whānui [S167.023], Te Tumu Paeroa [S102.009], EQC [S132.001], Forest & Bird [S165.008], Sustainable Wairarapa [S144.027; FS31.036] and Ngā Hapu [FS29.297] all submit in support of the Objective and request that it be retained as notified. I accept these submissions in part as a minor amendment is being recommended in response to other submissions on the Objective.
216. With regard to the submission from Muaūpoko [S133.032] and further submissions in opposition to this from Ātiawa [FS20.379] and Ngāti Toa [FS6.061], I offer no recommendation to these submissions, as they are outside the scope of the natural hazard provisions. Further discussion about Muaūpoko's claims are discussed in the section 42A Hearing Stream 1 General Submissions report.

Recommendations

217. I recommend that the submissions from the Fuel Companies [S157.006], WIAL [S148.019], Powerco Limited [S134.002] and Meridian [S100.006], and further submissions from MDC [FS14.012], Wellington Water [FS19.028], Waka Kotahi [FS3.012] and Meridian [FS26.007; FS26.008; FS26.009] are accepted in part and that Objective CC.6 is amended as follows (red highlight):
- 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.
218. I recommend that the submissions from DairyNZ [S136.013], WFF [S163.017], Ngāti Toa [S170.010], SWDC [S79.006], Kāinga Ora [S158.008], PCC [S30.009] and further submissions from BLNZ [FS30.319; FS30.090], MDC [FS14.019] and Ngā Hapu [FS29.124; FS29.196] be rejected.
219. Accordingly, I recommend that submissions in relation to Objective CC.6 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Objective CC.6

220. In accordance with section 32AA and section 30(1)(a) of the RMA, I consider that the recommended amendment to Objective CC.6 is the most appropriate for the following reasons:
- This Objective sets up a pathway for the development of climate change adaptation plans and links to direction from the NAP and coastal hazards and climate change guidance to undertake community based adaptation programmes that seek to embed collaborative decision making to the challenges faced by climate change into effective long term planning. Currently, a lot of planning and decision making is reactive to natural

hazard events. This leads to ad hoc and inconsistent decision making and it is widely recognised that this is an ineffective and inefficient way to manage risk.

- The aim of this Objective is to support the development of climate change adaptation plans with communities and mana whenua through Policies CC.16 and 17. The cost burden on society from natural disasters runs into 10s to 100s of millions of dollars annually and will only worsen as natural hazards are exacerbated by climate change. Thus, clear future planning to reduce the impacts from hazard events represents a clear benefit to society.

3.13 Policy 29: Managing subdivision, use and development in areas at risk from natural hazards (James Beban)

221. Policy 29 as notified in Change 1 is:

~~“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.”

Matters raised by submitters

222. KCDC [S16.071] opposes Policy 29 as the proposed wording change to “manage” is not consistent with the avoidance and mitigation requirements of sections 30 and 31 of the RMA, and it gives little direction to decision makers on what is required. The reference to “high” risk is also opposed, as it is less consistent with section 6(h) of the RMA which refers to the management of “significant” risks from natural hazards. KCDC also submits that for parts of the proposed policy to be able to be implemented they rely on parts of the explanation, yet explanatory text has no legal status in a plan under the RMA. An example of this is policy clause (d) relying on all clauses in the explanation. The submitter requests that the policy is amended to reflect wording in higher-level statutory planning documents, and requests that the explanatory text is included within the policy. The following wording is also proposed: ***“Policy 29: Avoiding inappropriate Managing subdivision, use and development in areas at high subject to significant risk from natural hazards - district and regional plans.”***
223. PCC [S30.050] supports in part Policy 29 and seeks amendments. They support the inclusion of reference to a risk-based approach, as it is national best practice, and in alignment with this suggest the inclusion of requiring hazards to be identified as low, medium or high. It is also suggested that the qualifier “at least” is added to the 100 year planning timeframe in recognition that some hazards can have a return period of greater than 1:100 years but still be considered high, medium or low hazard risk, such as fault lines. Further direction in terms of the use of the term “manage” is also sought, as well as the how an “extreme” risk should be managed differently from a “high” risk. The following amendments to the policy are proposed within this submission: ***“Regional and district plans shall include objectives, policies, rules and / or other methods that: (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 at least a 100 year planning horizon, which identifies the hazards as being low, medium or high; (c) ~~include objectives, policies 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, policies and rules to avoid~~ subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.”***
224. Peka Peka Farm Limited [FS25.083] supports the submission of PCC [S30.050], and Kāinga Ora [FS12.013] supports the submission in part, agreeing that low, medium, and high categorisation of risk is consistent with best practice. Kāinga Ora further considers that definitions should be provided for consistent use throughout the region.
225. HCC [S115.050] and WCC [S140.051] also submitted that the qualifier “at least” be included with regard to a 100 year planning horizon.
226. UHCC [S34.049] submits in support in part, seeking more consistency with higher level direction in terms of avoidance and mitigation of natural hazards, noting that the term “managing” is ambiguous and that stronger policy wording

should be used. Definitions of extreme, high, medium and low risk are requested, along with amending the policy to read: "**Policy 29: Avoiding inappropriate Managing subdivision, use and development in areas at risk from natural hazards - district and regional plans.**" Kāinga Ora [FS12.025] supports this submission point in part and agrees that definitions should be provided for each hazard profile, for consistent use throughout the region. The submission further notes that any reference to "avoiding" and/or "avoid" should be followed with "inappropriate" in the context of Policy 29.

227. EQC [S132.007] submits in support with amendments as follows: "~~Managing~~ **Avoid subdivision, use and development in areas at high risk from natural hazards and manage in areas of lower risk - district and regional plans.**" They also seek guidance on what constitutes low, medium and high natural hazard risk. Kāinga Ora [FS12.018] submits in opposition in part, stating that *only* the inclusion of the qualifier "inappropriate" for subdivision, use and development is required, as opposed to 'avoid' but agrees that guidance on what constitutes low, medium, and high natural hazard risk, would be useful within the RPS. WIAL [FS17.027] submits in opposition as it does not appropriately provide for regionally significant infrastructure. They seek that the proposed amendment be disallowed or clarified that it does not apply to regionally significant infrastructure.

228. The Director-General of Conservation [S32.020] submits in support in part to Policy 29 as, while the proposed changes are generally appropriate in most locations, they fail to give effect to Policy 25 of the NZCPS, especially clauses (a) and (b) of that Policy which require avoiding increasing risk. They seek that the policy be amended to give effect to the NZCPS, including by adding a new subclause as follows or words to like effect: "**include objectives, polices and rules to avoid subdivision, use or development within the coastal environment that would increase the risk of adverse effects from coastal hazards.**" Kāinga Ora [FS12.001] opposes the submission and seeks that it be disallowed. They submit that it would apply to any coastal hazard but Policy 25 of the NZCPS is relevant only to areas potentially affected by coastal hazards over at least the next 100 years. Further, district plans are required to give effect to the NZCPS therefore any duplication of such requirement through the RPS, in the absence of additional guidance, is unnecessary and superfluous.

229. WIAL [FS17.026], the Fuel Companies [FS10.003] and Powerco Limited [FS24.002] oppose the submission by Director-General of Conservation [S32.020] as it does not appropriately provide for regionally significant infrastructure, or recognise that some activities have a functional need to be located in the coastal environment. All further submissions seek that the submission be disallowed. BLNZ [FS30.298] also opposes the submission and seeks that it be disallowed on the grounds that changes to the RPS be restricted to those necessary to give effect to the NPS-UD and that any other matters should be subject to proper review in the full review.

230. Ātiawa [FS20.015] supports the submission by the Director-General of Conservation [S32.020] in part, and requests that the Council agree to partner with

mana whenua to identify risks and the appropriateness of activities in the coastal environment.

231. The Telecommunication Companies [S49.003] submits in support in part, but note that in some instances avoiding a natural hazard area is not possible for technical and operational reasons, and requests that the ability for regional and district plans to regulate the resilience of infrastructure to identified natural hazards is removed.
232. Wellington Water [S113.027] submits in support with amendments, noting that not all activities can avoid high risk areas, and requested the following amendment to clause (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 **or to appropriately manage the risk for regionally significant infrastructure.**”* This submission is supported by further submission by Transpower New Zealand Limited [FS23.006], the Fuel Companies [FS10.023], Powerco Limited [FS24.019], and Waka Kotahi [FS3.029].
233. Similarly, WIAL [S148.047] submits in opposition with amendment to Policy 29 as many infrastructure providers have a functional or operational requirement to locate in a certain area, even if that area is subject to natural hazard risk. It is requested that the policy be deleted, or the following amendments to clause (d) made: *“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, **unless there is a functional or operational need locate in such areas.**”*
234. Likewise, the Fuel Companies [S157.015] submit in opposition on the basis that it will not be possible or necessary to avoid all subdivision, use or development in areas where hazards and risks are assessed as high to extreme. They seek that clause (d) is amended as follows: *“include objectives, polices and rules to avoid **inappropriate** subdivision, ~~use or~~ development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.”*
235. Powerco Limited [S134.012] submits in opposition with amendment to Policy 29, and seeks changes to subclause (d) to provide for regionally significant infrastructure in high to extreme risk areas as follows: *“include objectives, polices and rules to avoid **new** subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, **and to appropriately manage risk to new and existing regionally significant infrastructure and to existing subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.**”*
236. SWDC [S79.036] generally supports Policy 29 and requests that it is retained as notified, with additional measures to support consistent implementation of risk assessment and provision/communication of natural hazards and associated risks.
237. HortNZ [S128.036] submits in support in part, but notes that the direction of avoiding all subdivision, use or development in areas where hazards and risks are

- assessed as high to extreme may be too onerous in all circumstances. They seek the following amendments to subclause (d): *“include objectives, policies and rules to avoid subdivision, **or inappropriate** use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.”*
238. Fulton Hogan Limited [FS110.12] submits in support, while Ātiawa [FS20.023] opposes the submission point and seeks that it be disallowed.
239. Ātiawa [S131.074] submits in support of Policy 29 but seeks amendments as follows: *“Regional and district plans shall: **partner with mana whenua** to identify areas affected by natural hazards; and...”* Ngā Hapu [FS29.344] supports this submission.
240. Rangitāne [S168.0143] also submits in support of Policy 29, but seeks amendments to the policy to co-decide and engage with Tangata Whenua for these plans and support and incorporate Mātauranga into the analysis. This submission point is supported by Sustainable Wairarapa Inc [FS31.072].
241. GWRC [S137.025] submits in support in part requesting amendments to clause (d)¹ to improve consistency and clarity as follows: *“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 a 100 year planning horizon;”* MDC [FS14.009] supports this submission, while Kāinga Ora [FS12.003] opposes it, in particular the proposed inclusion of "existing" into Policy 29, particularly insofar as it relates to managing effects of natural hazards on existing uses and activities through district plans. It is noted that district plans can only address future use, development and subdivision and cannot require change to existing use or development. Kāinga Ora seeks that the submission be disallowed.
242. GWRC [S137.026] submits in support, but seeking that clause (e) and (f)² of Policy 29 are amended to improve clarity and consistency, and to provide certainty that for the hazard provisions to be successful in district plans they need to be linked to hazard overlays. The amendments proposed are: *“(e) include **hazard overlays**, objectives, policies and rules to manage subdivision, use and development in those areas where the hazards and risks are assessed as low to moderate; and (f) include **hazard overlays**, objectives, policies and rules to avoid subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.”* Kāinga Ora [FS12.004] opposes the mandatory use of hazard overlays and seeks that the submission point be disallowed. WCC [FS13.023] does not state their position but notes that it is consistent with WCC's position on the matter and seeks that the submission point be allowed.
243. WFF [S163.061] submits in opposition to Policy 29 and seeks that it be deleted and deferred to a full review of the RPS. Forest & Bird [FS7.104], Ātiawa [FS20.226] opposes the submission point and seek that it be disallowed, while Ngā Hapu [FS29.077] opposes the submission point but no relief is sought. BLNZ [FS30.133] supports the submission point and seeks that it be allowed.
244. Forest & Bird [S165.058] submits in opposition to Policy 29, opposing the deletion of “avoid”, as this is inconsistent with the NZCPS. They seek that the

original wording of “avoid inappropriate” is retained, as the term “manage” is not appropriate and fails to achieve NZCPS Objective 19. WIAL [FS17.028] opposes this submission point as it does not appropriately provide for regionally significant infrastructure. They seek that the submission point be disallowed or amendments made to clarify that it does not apply to regionally significant infrastructure. BLNZ [FS30.319] opposes the submission and seeks that it be disallowed on the grounds that changes to the RPS be restricted to those necessary to give effect to the NPS-UD and that any other matters should be subject to proper review in the full review.

245. Te Tumu Paeroa [S102.068], Muaūpoko Tribal Authority [S133.059], Kāinga Ora [S158.025], Sustainable Wairarapa Inc. [S144.028], Taranaki Whānui [S167.090], submit in support of Policy 29 and seek that it is retained as notified. MDC [S166.031] and Ngāti Toa [S170.039] submit in support in part, seeking that Policy 29 be retained as notified, but requesting further direction and clarity from the Council on how it will be implemented. Ngā Hapu [FS29.153] supports the submission of Ngāti Toa [S170.039].

^[1] Note that the subclause is incorrectly referenced in the submission point, with the correct reference being to subclauses (a).

^[2] Note that the subclauses are incorrectly referenced in the submission, with the correct reference being to subclauses (c) and (d).

Analysis of submissions on Policy 29

246. PCC [S30.050] requested clarity on the levels of hazard and risk. In particular, that the terminology referring to level of hazard or risk be standardised to be low, medium and high. In response to this relief sought, I recommend amendments to the hazard level qualifiers to refer to low, medium and high and deleting extreme, which are more consistent with risk-based planning frameworks in district plans across the region, and to provide some additional guidance in the explanatory text of Policy 29. PCC also requested that the words ‘objectives, policies, rules and methods be included at the start of the policy to indicate that it applies to the development of all provisions in regional and district plans. I accept this in part and recommend wording changes to Policy 29 to include these words within the relevant clauses (c) and (d) indicating the stage in the process of when to incorporate them into planning documents. As such, I recommend accepting this submission in part.
247. Submissions from UHCC [S34.049], EQC [S132.007] and further submissions from Peka Peka Farm Limited [FS25.083] and Kāinga Ora [FS12.013] similarly requested that further guidance or definitions of the levels of risk be provided for. I consider that the relief provided for the PCC [S30.050] submission also satisfies these submissions and that they be accepted in part.
248. KCDC [S16.071] seeks changes to include ‘avoiding inappropriate’ subdivision, use and development in areas subject to ‘significant risk’ on the basis that the existing wording is not consistent with the avoidance and mitigation requirements of sections 30 and 31 of the RMA. KCDC argues that this makes the policy less consistent with section 6(h) of the RMA, which refers to the management of

significant risks from natural hazards. KCDC also notes that using the word 'manage' in the policy gives little direction to decision makers on what is required and wanted relevant explanatory text to the policy moved to within the main body of the policy. In my opinion, much of the relief sought from KCDC is contained within the policy and is consistent with the RMA. The focus of the policy is managing all levels of risk, low, medium and high, which includes significant risk. The wording is consistent with a risk-based approach to 'managing' natural hazard risk and sets a clear process by which to achieve this. I do not consider that it is necessary to include all the explanatory notes within the policy, as these simply summarise the steps in subclauses (a)-(d) of Policy 29, and will not add to the proposed wording in a meaningful way. However, I accept that some more guidance can be provided and propose some additional explanatory text listing relevant risk-based guidance documents that can be used to assist in hazard risk management planning in an RMA context. To provide more clarity for the process of managing the risks from natural hazards I also propose some wording changes to clauses (b) and (c) of the policy to include hazard overlays, and to identify hazards as being low, medium or high. For these reasons I recommend that this submission be accepted in part.

249. PCC [S30.050], HCC [S115.050] and WCC [S140.051] all submit that the qualifier "at least" should be included prior to "a 100 year planning horizon" in clause (d), to recognise that some natural hazards have a longer return period than 100 years, for example fault rupture and tsunami inundation. I agree with the assessment by these submitters and note that such a change is consistent with the NZCPS, and therefore recommend that these submission points be accepted.
250. Wellington Water [S113.027], WIAL [S148.047], the Fuel Companies [S157.015] and Powerco Limited [S134.012] submit that clause (d) of Policy 29 does not adequately recognise that regionally important infrastructure may sometimes have a functional and operational need to be located within high risk areas. I agree with these submitters and recommend that these submission points be accepted, and that clause (d) be amended to include the qualifier "**unless there is a functional or operational need to be located in these areas.**" This will also satisfy the submission from HortNZ [S128.036] and further submission of Fulton Hogan Limited [FS110.12], and the submission from the Telecommunication Companies [S49.003].
251. SWDC [S79.036] generally supports Policy 29 but requests additional measures to support consistent implementation of risk assessment and provision/communication of natural hazards and associated risks. Change 1 is being undertaken to ensure that the RPS responds to the directives under the NPS-UD, and the NPS-FM. Given the limited scope of the proposed changes to Policy 29, I consider that the need for further guidance to address this submitter's concerns is best addressed as part of a future RPS change or variation. However, I acknowledge the desire for further guidance and in my opinion, amendments to the wording of Policy 29 and the explanatory text described above in response to other submissions, will provide some relief for these concerns and I accept this submission in part.

252. UHCC [S34.049], EQC [S132.007], and Forest & Bird [S165.058] also seek that the word 'manage' in the chapeau be replaced with 'avoid' or similarly 'avoid inappropriate', on the basis that 'manage' does not provide strong enough direction and is not consistent with the avoid and mitigate directions of s30 and s31 of the RMA, or with Objective 19 of the NZCPS. However, as discussed above in reference to the same objection from KCDC [S16.071], I consider that the use of "manage" is appropriate in the chapeau as proposed, as the policy steps through a risk-based framework to avoid inappropriate development in high hazard areas and manage it in lower hazard areas. As such, I recommend that these submission points be rejected.
253. In relation to the submission from the Director-General of Conservation [S32.020] that seeks specific mention of coastal hazards, the policy has been drafted to have an 'all hazards' focus and, as such, includes coastal hazards. The structure of the provisions is focused on avoiding increasing the risk and already has wording to this effect. Thus, some relief is provided for implicitly within the policy intent and as such I recommend that the submission point be rejected.
254. Ātiawa [S131.074] and Rangitāne [S168.0143] seek amendments to Policy 29 to partner with mana whenua and incorporate mātauranga Māori when identifying areas subject to natural hazards and developing plans in response. I note 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 Rito o te Harakeke and to recognise the importance of protecting sites and values of significance to mana whenua/tangata whenua. Depending on the situation, this will require involvement of mana whenua/tangata whenua. A new policy (CC.17) and method (22) also directs the Council to assist mana whenua/tangata whenua in the development of iwi climate change adaptation plans. I also note that the operative RPS has a chapter dedicated to resource management with mana whenua containing six objectives (O23-28), three policies (P48, 49 & 66) and six methods (M4, 13, 19, 32, 37, 38 & 39) directing local authorities, including the Council, to work with iwi authorities under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future. Method 32 in particular in Change 1, has been amended to include the word 'partnering' with mana whenua/tangata whenua in the identification and protection of significant values. I consider that no further relief is required and recommend that these submission points be rejected.
255. I recommend that the submission of GWRC [S137.025] to reference both "new or existing" subdivision, use and development is accepted, and the further submission of Kāinga Ora [FS12.003] rejected, as it is consistent with the risk-based approach of assessing the level of risk in already developed areas, such that there can be an understanding of where further development is to be avoided or managed.
256. I recommend the submission by GWRC [S137.026] to include "hazard overlays" in clauses (e) and (f) is accepted, and the further submission of Kāinga Ora [FS12.004] rejected. 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 managing hazards in regional and district plans.

257. In response to the submission by WFF [S163.061] that amendments to Policy 29 be deleted and deferred to a full review of the RPS and the further submission supporting this from BLNZ [FS30.133], and the further submissions opposing this from Forest & Bird [FS7.104], Ātiawa [FS20.226], and Ngā Hapu [FS29.077], I note that Policy 29 already exists in the operative RPS. I consider that the deletion of the amendments to this policy would result in the loss of the key directive for local authorities regarding the management of subdivision, use and development in areas at risk from natural hazards. I consider that this would result in a gap in the RPS to incorporate hazard guidance released since it was made operative in 2013. This could have significant consequences in planning for the effects of natural hazards and climate change. I consider that the deletion of these amendments would result in a situation where the RPS would be inconsistent with Section 6(h) of the RMA and the NZCPS. For these reasons, I recommend that the submission points seeking deletion of the Policy 29 amendments be rejected, and those opposing this be accepted. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 129-137, pp 24-26). The regulatory and policy context for the change was also traversed fully in section 5.0 of the S32A evaluation report for Change 1.

Recommendations

258. I recommend that the submission from GWRC [S137.025; S137.026], be accepted.

259. I recommend that the submissions from PCC [S30.050], HCC [S115.050], KCDC [S16.071], SWDC [S79.036], WCC [S140.051], UHCC [S34.049], EQC [S132.007], WIAL [S148.047], the Fuel Companies [S157.015], Wellington Water [S113.027], Powerco Limited [S134.012], HortNZ [S128.036], Fulton Hogan Limited, [FS110.12], the Telecommunication Companies [S49.003], Peka Peka Farm Limited [FS25.083] and Kāinga Ora [FS12.013] be accepted in part and that Policy 29 is amended as follows (red highlight):

~~"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:

~~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 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 as being low, medium or high;

- c) include hazard overlays, objectives, polices and rules to manage subdivision, use and development in those areas where the hazards ~~and or~~ risks are assessed as low to ~~medium moderate~~; and
- d) include hazard overlays, objectives, polices and rules to avoid subdivision, use ~~or and~~ development and *hazard sensitive activities* where the hazards and risks are assessed as high ~~to extreme~~, unless there is a functional or operational need to be located in these areas.

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.

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);
- 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);
- Planning for development of land on or close to active faults, Ministry for the Environment (2003) and;
- Other regional documents and strategies relating to the management of natural hazards.”

260. I recommend that the submissions from the Director-General of Conservation [S32.020], Forest & Bird [S165.058], Ātiawa [S131.074], Rangitāne [S168.0143], WFF [S163.061] and Kāinga Ora [FS12.003; FS12.004] be rejected.
261. Accordingly, I recommend that submissions in relation to Policy 29 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Policy 29

262. In accordance with section 32AA and section 30(1)(a) of the RMA, I consider that the recommended amendments to Policy 29 are the most appropriate for the following reasons:
- This policy sets out the main regulatory approach for regional, city and district councils to identify and manage the risks from natural hazards and climate change. The risk-based approach is based on best practice hazard risk management guidance and gives effect to Section 6(h) of the RMA to account for the significant risks from natural hazards and has particular regard to Section 7(i) to account for the effects of climate change. It provides a clear process to identify the hazards and risks, apply a rating from low to high and to develop appropriate provisions for planning instruments to manage the risks, including an avoid approach, whilst recognising that in some circumstances there is a functional use or need for infrastructure to locate in high hazard areas.
 - It is not an 'avoid all hazards' approach, rather it recognises that the scale of development is commensurate with the risk, and providing that the hazards are properly assessed and identified, it is acceptable to allow certain types of development in areas subject to natural hazards. This approach balances the need for development with pragmatic hazard management. It is supported by the inclusion of a definition of 'sensitive hazard activities'. In this way it fulfils the primary sustainable management purpose of the RMA to managing use and development and the protection of natural and physical 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.
 - Including hazard overlays into district plans is a cost effective approach that provides certainty for plan users and developers and in most circumstances removes the need for individuals to undertake hazard assessments at their cost. It is a cost effective method for spatial hazards planning.

3.14 Policy 51: Minimising the risks and consequences of natural hazards (James Beban)

263. Policy 51 as notified in Change 1 is:
- "Policy 51: 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 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;
- (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;
- (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; and
- (i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and
- (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.

Explanation

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.”

Matters raised by submitters

264. KCDC [S16.072] supports Policy 51, but requests that the policy be amended to reflect the responsibilities of regional and city and district councils under the RMA with respect to natural hazards. The submitter requests that the verbs used in the policy are consistent, and notes that, as a consideration policy, the wording of the rest of the policy should require consideration of the listed matters. The following amendments are sought: ***“Policy 51: ~~Minimising-Avoiding or mitigating~~ 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 minimised, and/or in determining whether an activity is inappropriate particular regard consideration shall be given to:”***
265. PCC [S30.070] seeks that the policy is amended to only apply to resource consents so that it does not conflict and/or duplicate earlier regulatory policies. It is also sought that this policy be articulated as a transitional policy that falls away once Policy 29 is given effect to, with the following amendment requested: ***“This policy shall cease to have effect once Policy 29 is in place in an operative district or regional plan.”*** Peka Peka Farm Limited [FS25.103 and FS25.229] supports this submission point and seeks that it be allowed.
266. HCC [S115.073] supports Policy 51 in part, however notes that district plans will adequately provide for situations where natural hazards should be considered and considers that this does not need to be revisited in individual resource consents where the district plan has already assessed the level of risk. The decision sought is that Policy 51 is modified so that it does not apply to resource consents once the relevant district or regional plan has given effect to Policy 51.
267. CDC [S25.040] supports Policy 51 and seeks that it be retained, noting that the draft Wairarapa Combined District Plan has been developed in a way that will give effect to this policy.
268. Director-General of Conservation [S32.028] submits in support, but seeks that subclause (b) of the operative version be retained, being: ***“The potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event.”***
269. WIAL [FS17.029], and Ātiawa [FS20.019] support this submission point and seek that it be allowed. BLNZ [FS30.306] opposes the submission and seeks that it be disallowed on the grounds that Change 1 be restricted to those amendments necessary to give effect to the NPS-UD, and that any other matters should be subject to proper review in the full RPS review.
270. The Telecommunication Companies [S49.005] support Policy 51 in part, but note that, in some instances, avoiding a natural hazard area is not possible for technical and operational reasons, and requests that the ability for regional and district plans to regulate the resilience of infrastructure to identified natural hazards is removed.

271. SWDC [S79.045] supports Policy 51 with amendment to remove the inclusion of “may” in clause (f), as it adds unnecessary uncertainty. They also seek that a method is included that develops suitable guidance and methodology for persons assessing residual risk from hazard, particularly those affected by mitigation structures.
272. MDC [S166.036] submits in support and seeks that Policy 51 be retained as notified, however seeks greater clarity on impacts to consenting pathways for stop banks.
273. Wellington Water [S113.042; S113.043] supports Policy 51 but seeks amendment, seeking that “minimising” only be retained in clause (f) if it is defined in accordance with the NRP, and to include a new clause to recognise that some regionally significant infrastructure must locate in high hazard locations. The proposed wording is: “**(k) recognising that it may not always be practicable for regionally significant infrastructure to avoid high to extreme hazard areas and providing appropriate management regimes.**” A further submission from WIAL [FS17.031] supports this submission point and seeks that it be allowed.
274. Powerco Limited [S134.017] opposes Policy 51 and seeks changes to subclause (g) to provide for regionally significant infrastructure in high to extreme risk areas as follows: “**(g) avoiding new subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme, and appropriately managing risk to new and existing regionally significant infrastructure and to existing subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme.**” Fulton Hogan Limited [FS11.021] submits in support and seeks that the submission point be allowed.
275. UHCC [S34.050] submits in support with the following amendments: “**Policy 51: Minimising Addressing 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 minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to: ... Policy 51 aims to address minimise-the risk and consequences...**”
276. WCC [S140.074] submits in support, subject to amendment because as written, the policy would stop use and development that could actually reduce hazards and risk, for example relocation, protection structures, lot adjustments. The submission notes concern that it is not just “inappropriate” development affected by this policy. The submission also states that hazard sensitive activities are part of “use and development”. Amendments as follows or similar is sought: “**(g) avoiding subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme; ensuring that subdivision, use or development in areas with high to extreme natural hazard risk can avoid, or mitigate to a moderate or low level, the natural hazard risk;**” Further submissions from the Fuel Companies [FS10.040], Wellington Water [FS19.059],

- and Powerco Limited [FS24.036] support this submission point and seek that it is allowed.
277. HortNZ [S128.046] submits in support with amendment as follows: “(g) *avoiding subdivision, inappropriate use or development, and hazard sensitive activities where the hazards and risks are assessed as high to extreme.*”
278. Ātiawa [S131.097] supports in part with suggested amendments to include new subclauses: “(f) *mana whenua values, including mana whenua relationship with their traditions, ancestral lands, water, sites, wāhi tapu and other taonga.*”
279. Ātiawa [S131.097] also requested a new policy be inserted as follows: “**Policy xx: Partner with mana whenua in decision-making and management processes for natural hazards, to recognise and provide for their relationship with water, land, sites, wāhi tapu and other taonga that is susceptible to such events.**” This is supported by a further submission from Ngā Hapu [FS29.367].
280. Ngāti Toa [S170.059] supports in part with a suggested amendment to recognise in the provision water quality and overflow issues with the three-water network and flooding exacerbates hazard issues. In addition, it is sought that clause (i) should only allow subdivision, use and development with mitigation when the hazard risk is low. Clause (ia) and the interaction with district plans should be clarified. Ngā Hapu [FS29.173] supports this submission point.
281. Ian Gunn submits in support of Policy 51, but seeks that low to moderate hazards are defined [S139.005] and amendments are made to recognise that nature-based solutions are likely to be utilised [S139.006] and to clarify that 1% AEP calculations must factor in climate change [S139.007].
282. WIAL [S148.048] submits in opposition in part and seeks that this policy is deleted or amended to acknowledge that regionally significant infrastructure is not inappropriate development in certain high hazard locations. Guardians of the Bays Inc [FS8.022] oppose this submission point and seek that it be disallowed, while Waka Kotahi supports it and seeks that it be allowed.
283. The Fuel Companies [S157.045] submit in opposition, seeking amendment to Policy 51 to recognise that it will not be possible or necessary to entirely avoid all subdivision, use or development in areas where hazards and risks are assessed as high to extreme, and to ensure appropriate provision is made for regionally significant infrastructure to be maintained and to traverse such locations. The amendment proposed is as follows: “(g) *avoiding inappropriate subdivision, use, ~~or~~ development and hazard sensitive activities where the hazards and risks are assessed as high to extreme;*”
284. WFF [S163.075] submits in opposition and seeks that Policy 51 be deleted. BLNZ [FS30.147] submits in support of the submission point. Forest & Bird [FS7.118] and Ātiawa [FS20.240] oppose the submission point and seek that it be disallowed, while Ngā Hapu [FS29.091] opposes the submission point with no specific relief stated.

285. Forest & Bird [S165.075] submits in opposition, seeking the following amendment to Policy 51: *"Policy 51: ~~Minimising~~**Avoiding** 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 ~~minimised~~**avoided**, and/or in determining whether an activity is inappropriate particular regard shall be given to:..."*
286. Guardians of the Bays Inc [FS8.023] support the submission point and seek that it be allowed. Further submissions in opposition that seek the submission point be disallowed are from CentrePort Limited [FS4.1] as avoidance of natural hazard risk is not possible, WIAL [FS17.032] as it does not provide for regionally significant infrastructure, and BLNZ [FS30.319] as plan changes should be restricted to those to give effect to the NPS-UD.
287. EQC [S132.008], Muaūpoko Tribal Authority [S133.060], Sustainable Wairarapa Inc [S144.056], and Taranaki Whānui [S167.0115] submit in support of Policy 51 and seek that it be retained as notified.

Analysis of submissions on Policy 51

288. I support in part the submissions from KCDC [S16.072] and Forest & Bird [S165.075], and the further submission from Guardians of the Bays Inc [FS8.023]. I agree that the chapeau should also include the word "avoiding" to be consistent with proposed amendments to Objective 19 as discussed above, that will clarify that development in high hazard areas is generally to be avoided, but that development in medium or low hazard areas can be managed so that the risk is minimised.
289. However, I do not agree that the term 'minimise' should be replaced by 'mitigated' as suggested by the submission of KCDC [S16.072], or 'addressing' as suggested by the submission of UHCC [S34.050], as when defined as per the NRP, (which is recommended in relation to the submission from Wellington Water [S113.042]), it is more directive than 'mitigate' and is consistent with proposed changes throughout Change 1. As discussed in relation to Objective 20, the NRP definition for 'minimise' is recommended to be included in Change 1. As such, I recommend that this submission point be rejected.
290. KCDC [S16.072] submits that it is more appropriate that 'particular regard' be changed to 'consideration', given that Policy 51 is a consideration policy. I am of the opinion that 'particular regard shall be given' gives greater emphasise to the importance of these matters than the phrase 'consideration shall be given'. While it is a consideration policy, this does not change its regulatory status. I recommend that this submission point be rejected.
291. Both PCC [S30.070] and HCC [S115.073] and further submissions in support from Peka Peka Farm Limited [FS25.103 and FS25.229] seek that amendments are made to Policy 51 so that it is a transitional policy that falls away once Policy 29 has been given effect to in regional and district plans. However, I recommend

- that this submission point be rejected, as Policy 51 applies to a range of different circumstances, including resource consent applications, notices of requirement and changes, variations or reviews to district and regional plans, and needs to be retained as a backstop, in addition to providing guidance and policy intent for hearings and the Environment Court.
292. Wellington Water [S113.043], WIAL [S148.048], and the Fuel Companies [S157.045] seek amendments to recognise that some regionally significant infrastructure needs to be located in high hazard locations. I agree that it is necessary to acknowledge this within the policy framework, and recommend these submission points be accepted, with amendments proposed to clause (g) to address the changes sought. I consider that this change will also address the submission points by the Telecommunication Companies [S49.005], Powerco Limited [S134.017] and further submissions by WIAL [FS17.031] and Fulton Hogan Limited [FS11.021].
293. SWDC [S79.045] and MDC [S166.036] both submitted requesting that guidance is provided around consenting pathways for stopbanks and the assessment of residual risk. I consider that the proposed change to clause (g) (discussed in the preceding point) addresses these submission points to a degree, by clarifying that there are some activities that have a functional use or operational need to be located within high risk areas, such as stopbanks. In terms of further guidance in relation to the management of residual risks, I note that Change 1 is being undertaken to ensure that the RPS responds to the directives under the NPS-UD, and the NPS-FM. Given the limited scope of the proposed changes to Policy 51, I recommend rejecting this submission point, as I consider that the need for further guidance to address these submissions is best addressed as part of a future RPS change or variation.
294. SWDC [S79.045] also requested an amendment to remove the inclusion of “may” in clause (f), as it adds unnecessary uncertainty. I recommend that this submission point be rejected, as I note that this term was specifically included to allow for the restoration of environments that could act as buffers, as opposed to allowing further development that could degrade these environments further.
295. The Director-General of Conservation [S32.028] sought that clause (b) of the operative provision be retained. However, I consider that the matters in this clause are now covered by the proposed changes to clause (a) in terms of the potential for climate change and sea level rise to exacerbate the risks from natural hazards, and I recommend that this submission point be rejected.
296. WCC [S140.074] submits in relation to clause (g) that the proposed wording and removal of the qualifier “inappropriate” before subdivision use or development means that the policy as worded would stop use and development that could actually reduce hazards and risk, for example relocation, protection structures, and lot adjustments. HortNZ [S128.046] similarly submits against the removal of “inappropriate”. However, I note that the proposed wording of clause (g) seeks to avoid subdivision, use or development where the risks are *assessed* as high [my emphasis added]. As such, if relocation of buildings from a high hazard area is

proposed, a risk assessment of the outcome of this activity would likely find the risk to be low. I consider that the proposed amendments to clause (g) discussed in the response to the submission by Wellington Water [S113.043], as well as recommended wording changes to Policy 29(d) (para. 259) to allow for protection structures in high hazard areas, will address concerns raised in the submission by WCC [S140.074], including those in relation to the inclusion of hazard sensitive activities.

297. In relation to the submission point by Ātiawa [S131.097] seeking additional clauses to partner with mana whenua in decision-making processes for natural hazard risk, and to include consideration of mana whenua values, I note that this is a consideration policy that deals only with the impacts from natural hazards on subdivision, use and development. I recommend that this submission point be rejected, 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. Depending on the situation, this will require involvement of mana whenua/tangata whenua. A new policy and method also directs the Council to assist mana whenua/tangata whenua in the development of iwi climate change adaptation plans. I also note that the operative RPS has a chapter dedicated to resource management with mana whenua containing six objectives (O23-28), three policies (P48, 49 & 66) and six methods (M4, 13, 19, 32, 37, 38 & 39) directing local authorities, including the Council, to work with iwi authorities under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future. Method 32 in particular, has been amended to include the word 'partnering' with mana whenua/tangata whenua in the identification and protection of significant values.

298. Ngāti Toa [S170.059] requests that Policy 51 recognise the water quality and overflow issues with the three-water network, and that flooding exacerbates hazard issues. I am of the opinion that this is not the place to deal with water quality issues, and that there are many other objectives, policies and methods in the operative RPS and Change 1 that address this. However, I note that good practice hazard management will have benefits for the environment, including our waterways. This submission also seeks that clause (i) should only allow subdivision, use and development with mitigation when the hazard risk is low. I disagree, as there is a clear risk management hierarchy in these provisions that allows development where appropriate in hazard prone areas. I therefore recommend rejecting this submission point.

299. Ian Gunn [S139.005; S139.006] seeks that low to moderate hazards are defined and to recognise that nature-based solutions need to be utilised. I note that I have recommended amendments to the explanation of Policy 29 that includes a range of guidance documents that can be drawn upon to help understand these terms. This amendment was made to in relation responses to submissions from PCC [S30.017], UHCC [S34.049], and EQC [S132.007], and further submissions from Peka Peka Farm Limited [FS25.083] and Kāinga Ora

- [FS12.013]. With regard to nature-based solutions, I consider that relief for this submission point is provided through Policy 52 and the inclusion of a definition for nature-based solutions. Therefore, I recommend accepting this submission in part.
300. Ian Gunn [S139.007] also requests that amendments are made to Policy 51 to clarify that 1% AEP calculations must factor in climate change. I consider this to be an unnecessary level of detail and note that it is best practice that climate change over a 100 year planning horizon is factored into all calculations and modelling for natural hazards as appropriate. I note that I have recommended adding further direction to the explanation for Policy 29 to include reference to relevant guidance documents to consider how to factor in climate change projections. As such I recommend that this submission point be accepted in part.
301. In relation to the submission from WFF [S163.075] that Policy 51 amendments be deleted, and deferred to a full review of the RPS and the further submission supporting this from BLNZ [FS30.147], and the further submissions opposing this from Forest & Bird [FS7.118], and Ātiawa [FS20.240], and Ngā Hapu [FS29.091], I consider that the removal of the proposed amendments to this policy would result in the loss of some key direction within the RPS for LAs regarding what matters need to be considered in determining whether an activity is appropriate or not in terms of the natural hazards present and the manner in which they are to manage subdivision, use and development in areas at risk from natural hazards. This would result in a gap within the RPS risk-based approach framework, which would have consequences in planning for the effects of natural hazards and climate change. I consider that the removal of the Policy 51 amendments would result in a situation where the RPS would not be consistent with Section 6(h) of the RMA and the NZCPS. As such, I recommend that the submission points seeking deletion of Policy 51 be rejected, and those opposing this be accepted. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 129-137, pp 24-26). The regulatory and policy rationale for Change 1 was also traversed in section 5.0 of the supporting S32A Change 1 evaluation report.

Recommendations

302. I recommend that the submissions from Wellington Water [S113.043], WIAL [S148.048], the Fuel Companies [S157.045], KCDC [S16.072], Forest & Bird [S165.075] and Guardians of the Bays Inc [FS8.023] be accepted in part and that Policy 51 is amended as follows (red highlight):

“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;
- (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; and
- (i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and
- (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.

Explanation

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.”

303. I recommend that the submissions from the Director-General of Conservation [S32.028], UHCC [S34.050], WCC [S140.074], HortNZ [S128.046], Ātiawa [S131.097], Ngāti Toa [S170.059], WFF [S163.075], PCC [S30.070] and HCC [S115.073] and further submissions from Peka Peka Farm Limited [FS25.103 and FS25.229] be rejected.

304. Accordingly, I recommend that submissions in relation to Policy 51 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Policy 51

305. In accordance with section 32AA and section 30(1)(a) of the RMA, I consider that the recommended amendments to Policy 51 are the most appropriate for the following reasons:

- This policy sets out an important series of considerations for minimising the risks from natural hazards. The proposed amendments clarify that this also includes an avoid approach where appropriate and allows that there will be some circumstances in which there is a functional or operational need for development to occur in high hazard areas. If there isn't a functional need for development to occur in an identified high hazard area, avoid is an appropriate and cost effective approach. Natural disasters inflict a huge cost on communities and to society more broadly in terms of life safety, damages to development, infrastructure, property, business disruption and social and personal wellbeing. The direct impacts from natural hazards and costs of recovery mean that avoiding developing in high hazard areas is a more cost effective approach than allowing development in these areas. This is an appropriate risk-based approach to hazard management and planning in a resource management context.
- As discussed in the Policy 29 assessment, the amendments are not an 'avoid all hazards' approach. They recognise that the scale of development is commensurate with the risk, and providing that the hazards are properly assessed and identified, it is acceptable to allow certain types of development in areas subject to natural hazards. This approach balances the need for development with pragmatic hazard management. It is supported by the inclusion of a definition of 'sensitive hazard activities'. In this way it fulfils the primary sustainable management purpose of the RMA to managing use and development and the protection of natural and physical 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.

3.15 Policy 52: Minimising adverse effects of hazard mitigation measures (James Beban)

306. Policy 52 as notified in Change 1 is:

"Policy 52: 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, *soft engineering*, green infrastructure, room for the river or Mātauranga Māori options 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 that represents the best practicable option for the future;
- (d) the long-term viability of maintaining the structural protection works with particular regard to how climate change may increase the risk over time;
- (e) adverse effects on *Te Mana o te Wai*, mahinga kai, *Te Rito o te Harakeke*, natural processes, or the local indigenous ecosystem and biodiversity;
- (f) 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;
- (g) a no more than minor increase in risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;
- (h) the cumulative effects of isolated structural protection works;
- (i) any residual risk remaining after mitigation works are in place,
so that they ~~minimise reduce and do not increase the risks from~~ of natural hazards.

Explanation

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*, green infrastructure, room for the river or Mātauranga Māori options, that may be more appropriate providing they can suitably mitigate the hazard.

Matters raised by submitters

307. KCDC [S16.039] submits in support with amendment to Policy 52, to remove uncertainty and inconsistency, with the proposed wording as follows: "*Policy 52: Minimising adverse effects of hazard mitigation measures – consideration (b) whether non-structural, soft engineering, **green infrastructure, room for the river or Mātauranga Māori options would provide a more appropriate or suitably innovative solution the same or a greater degree of hazard mitigation;** Explanation - 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, green infrastructure, room for the river or Mātauranga Māori options, that may be as effective at hazard mitigation as structural protection works or hard engineering methods ~~more appropriate providing they can suitably mitigate the hazard.~~"

308. PCC [S30.017] submits in opposition with amendments to Policy 52, to make the policy worder clearer and align with the objectives. Issues of concern include the terms "room for the river", "non-structural" "soft engineering" and "green infrastructure". The submission states that the term 'sites and areas of significance to Māori' is more consistent with the National Planning Standards, and that there is no such thing as a 'city plan' under the RMA. Amendments to the policy are sought so that it provides clear and appropriate direction to plan users in line with objectives, it only apply to resource consents, and includes this statement, deeming provision, or advice note: ***This policy shall cease to have effect once Policy [XX] is in place in an operative district or regional plan.*** Peka Peka Farm Limited [FS25.104] and [FS25.230] submit in support of this submission point and seek that it be allowed.
309. UHCC [S34.051] submits in support with amendment. This submission queries the use of nature-based solutions vs. green infrastructure throughout Change 1, as noted in submissions on other provisions, and asks that there be consistency in the use of terms. UHCC recognises that green infrastructure is an appropriate method, but notes that it can bring long-term maintenance and associated costs, which should be recognised. The submission notes that it is unclear what the land requirements associated with 'room for the river' means, as well as what an acceptable level of minimisation means in this context. They propose amendments to the policy to delete minimise and reference to suitably innovative nature-based solutions: "***Policy 52: Addressing Minimising adverse effects of hazard mitigation measures – consideration (b) ...Mātauranga Māori options provide a more appropriate or suitably innovative solution; ...***"
310. The Director-General of Conservation [S32.029] supports in part with an amendment to the policy to include: "***Avoiding hazard mitigation measures within the coastal environment that would increase the risk of social, environmental and economic harm or other adverse effects from coastal hazards.***" Further submissions from WIAL [FS17.033] and BLNZ [FS30.307] oppose this submission point and seek that it be disallowed.
311. SWDC [S79.046] submits in support with amendment to Policy 52, seeking changes to the footer of the policy to remove the changes to include the word 'minimise' and retain the existing words 'reduce'.
312. Te Tumu Paeroa [S102.095] submits in support with amendment, and seeks that Policy 52 is amended to be a regulatory policy, rather than a consideration policy.
313. HortNZ [S128.047] submits in support with an amendment to clause (c): "***avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, highly productive land with food security values, regionally significant infrastructure 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;*" Ātiawa [FS20.026] submits in opposition to this submission point on the basis that it would allow for increased structural protection works and hard engineering in areas such as along the awa (i.e. stop-banks and works in the awa) and seeks that it be disallowed.
314. Ātiawa [S131.098] supports the policy in part with an amendment to include two further clauses; "**(x) adverse effects on Māori freshwater values, including mahinga kai; (y) adverse effects on mana whenua relationship with their culture, land, water, sites, wāhi tapu and other taonga.** Ngā Hapu [FS29.368] supports this submission point, but does not indicate the decision sought.
315. GWRC [S137.027] supports Policy 52 with amendments to improve clarity as follows: "*(c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, or 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.*"
316. Ian Gunn [S139.008] supports the policy in part with amendment as follows: "*(c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure **(including stopbanks/flood retention structures)** 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.*"
317. Sustainable Wairarapa Inc [S144.057] supports in part with an amendment as follows: "*(c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, regionally significant infrastructure, **stopbanks/flood retention structures** 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.*"
318. WCC [S140.075] supports the policy in part and seeks an amendment to remove reference to "room for the river" as follows: "*(b) whether non-structural, soft engineering, green infrastructure, ~~room for the river~~ or Mātauranga Māori options provide a more appropriate or suitably innovative solution;*"
319. Fish & Game [S147.070] supports in part and proposes an amendment as follows: "*(e) adverse effects on Te Mana o te Wai, mahinga kai, Te Rito o te Harakeke, natural processes, or the local indigenous ecosystem and biodiversity and **habitats of indigenous freshwater species, trout, and salmon.***" Ātiawa [FS20.118], Wellington Water [FS19.134] and BLNZ Ltd [FS30.239] oppose this submission point and seek that it be disallowed.
320. Fish & Game [S147.071] also propose an amendment to include a new subclause: "***ensuring that there is no further loss of natural inland wetlands or river extent and their values are protected.***"

321. Ātiawa [FS20.123] supports the submission point of Fish & Game [S147.071] in part in so far as it relates to the protection of natural inland wetlands. Ātiawa seeks further clarification of what values are sought to be protected by this submission point, until this is clarified Ātiawa does not support reference to other values. Wellington Water [FS19.135] and BLNZ [FS30.240] oppose the submission point and seek that it be disallowed.
322. WIAL [S148.049] submits in support with amendment to Policy 52, seeking that the policy and explanation be deleted, or make it clear that in some situations hard engineering methods can be preferred in order to protect existing regionally significant infrastructure assets and limit reference to Te Mana o te Wai and Te Rito o te Harakeke. Guardians of the Bays Inc [FS8.024] opposes the submission point and seeks that it be disallowed.
323. WFF [S163.076] submits in opposition to Policy 52 and seeks that it be deleted. Forest & Bird [FS7.119] and Ātiawa [FS20.241] oppose this submission point and seek that it be disallowed, while Ngā Hapu [FS29.092] opposes the submission point with no specific decision stated.
324. Forest & Bird [S165.076] supports the policy in part with amendments to wording as follows: "*Policy 52: **Minimising Avoiding** 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 prioritising non-structural, soft engineering, green infrastructure, room for the river or Mātauranga Māori options or nature-based solutions provide~~ **as a more appropriate or suitably innovative solution;**... (e) **avoiding** adverse effects on Te Mana o te Wai, mahinga kai, Te Rito o te Harakeke, natural processes, or the local indigenous ecosystem and biodiversity;... so that they ~~minimise~~ **avoid** the risks from of natural hazards.*" Further submissions from CentrePort Limited [FS4.2], WIAL [FS17.034], Wellington Water [FS19.035] and BLNZ [FS30.319] oppose this submission point and seek that it be disallowed.
325. Ngāti Toa [S170.060] supports the policy in part but seeks amendments, seeking changes to strengthen the wording of this provision, e.g. to use more directive words in place of 'justifiable' and 'minimise'. Ngā Hapu [FS29.174] supports this submission point, with no specific decision sought.
326. Rangitāne [S168.0127; S168.0144; S168.0145] supports in part and requests a cross-reference in the policy to Policy CC.12, to reflect the priority that soft engineering solutions should be given over hard engineering solutions, and that the policy be amended to allow co-decision making and engagement with Tangata Whenua and to incorporate Mātauranga. Rangitāne also seeks that the policy be amended to delete the text 'or suitably innovative solution'; include reference to 'taonga species' in sub-clause (e); to make clause (f) inclusive of other sites of significance which may not be 'identified in a planning document'; use terminology consistent with the NPS-IB, i.e. 'indigenous biodiversity', rather than 'local indigenous ecosystem and biodiversity'.

327. The Telecommunication Companies [S49.006], EQC [S132.009], Muaūpoko Tribal Authority [S133.061], Taranaki Whānui [S167.0116], and KiwiRail [S124.008] support Policy 52 and seek that it be retained as notified, with further submission in support from Waka Kotahi [FS3.042]. Sustainable Wairarapa Inc [FS31.054] submits in support with no specific decision requested. MDC [S166.037] submits in support of Policy 52 and seeks that it be retained as notified, but with further guidance regarding the extent to which effects need to be considered.

Analysis of submissions on Policy 52

328. I agree with minor changes proposed by GWRC [S137.027] to improve clarity in the wording of clause (c) and recommend this submission point be accepted.

329. I acknowledge the submissions in support of the policy by the Telecommunication Companies [S49.006], EQC [S132.009], Muaūpoko Tribal Authority [S133.061], Taranaki Whānui [S167.0116], KiwiRail [S124.008] and MDC [S166.037] and further submissions from Waka Kotahi [FS3.042] and Sustainable Wairarapa Inc [FS31.054].

330. A number of submissions were received regarding the terms used within clause (b) of Policy 52, including 'non-structural' (PCC [S30.017]), 'green infrastructure' (PCC [S30.017]; UHCC [S34.051]), 'room for the river' (PCC [S30.017]; UHCC [S34.051]; WCC [S140.075]), 'soft engineering' (PCC [S30.017]), 'suitably innovative' (KCDC [S16.039]; Rangitāne [S168.0145]) along with a number of other amendments sought to improve clarity and consistency. I accept these submission points in part and recommend deleting reference to 'green-infrastructure', 'room for the river' and 'suitably innovative' and replacing them with 'nature-based solutions'. Nature-based solutions has developed as a practice in recent years and has become broadly accepted as an umbrella term to include a range of options that includes green infrastructure and room for the river. This leads to consequential changes to the explanation to Policy 52 and Policy CC.16(f) that uses the same terminology. This will link the policy to the definition for nature-based solutions. I recommend an amendment to the definition for nature-based solutions to add the words 'room for the river' to clause (c). 'Room for the river' is a commonly used term for the description in clause (c) that states; "leaving or creating space for rivers that allows them to function more naturally."

331. UHCC [S34.051] also sought that "minimising" in the chapeau was replaced with "addressing". However, I recommend that this submission be rejected, as I consider that this alternative wording is too vague. Rather I recommend amending the chapeau to include "avoiding or", to be consistent with previous recommendations to clarify the policy direction of avoiding or minimising risk. I consider that this will in part address the submission by Forest & Bird [S165.076] that seeks inclusion of "avoiding".

332. SWDC [S79.046] seeks changes to the last sentence of the policy to remove the changes to include the word 'minimise' and retain the existing words 'reduce' and Ngāti Toa [S170.060] and further submission from Ngā Hapu [FS29.174] also

seek that more directive words be used. However, I consider that the word 'minimise' is consistent with the terminology within the hazard provisions. I have already recommended inclusion in Change 1 of the definition for minimise from the NRP (refer to para x), which will provide clear direction that the outcome being sought is to reduce risk to the smallest amount reasonably practicable. In this regard, I do consider it appropriate to reinstate the wording 'and do not increase' after minimise, in accordance with previous recommendations to include both an avoidance and minimisation of risk. This provides clarity as to the intent of the policy and makes it more directive. Thus, I recommend accepting these submissions in part.

333. The submission by PCC [S30.017] also seeks amendments to Policy 52 so that it provides clear and appropriate direction to plan users in line with objectives, that it only apply to resource consents, and includes a statement, or an advice note, that it is a transitional policy that ceases to have effect once in place in an operative district or regional plan. I recommend that this submission point is rejected. Policy 52 applies to a range of different circumstances, including resource consent applications, notices of requirement and changes, variations or reviews to district and regional plans, and needs to be retained, in addition to providing guidance and policy intent for hearings and the Environment Court. As such I do not agree that it is necessary to amend it to be a transitional policy. However, I accept that the reference to 'city plans' in clause (f) is a typing error that requires remedying and recommend deleting the word city, so that the clause only refers to regional and district plans. Thus, I recommend accepting the submission in part.
334. Te Tumu Paeroa [S102.095] seeks that Policy 52 is amended to be a regulatory policy, rather than a consideration policy. I noted that a consideration policy is regulatory and that it is supported in part by Policy 29, and for this reason I recommend rejecting this submission point.
335. The Director-General of Conservation [S32.029] seeks that an additional clause is included to specifically reference coastal hazards. As discussed previously in relation to Policy 29, the policy has been drafted to have an 'all hazards' focus and as such includes coastal hazards. Further, the structure of the provisions is focused on avoiding increasing the risk and already has wording to this effect. I therefore recommend rejecting this submission point.
336. In relation to the submission by HortNZ [S128.047] to amend clause (c) to provide for structural engineering solutions to protect highly productive land with food security values, I note that the purpose of Change 1 is to ensure that the RPS responds to the directives under the NPS-UD, and the NPS-FM. Given the limited scope of the proposed changes to Policy 52, I consider that any further objectives and policies to address these submitters' concerns are best addressed in a future RPS change or variation. Therefore, I recommend rejecting this submission point.
337. Ātiawa [S131.098] and the further submission from Ngā Hapu [FS29.368] seek additions to clause (c) to recognise the adverse effects of structural protection works and hard engineering methods on Māori freshwater values, including mahinga kai, and on mana whenua relationship with their culture, land, water,

sites, wāhi tapu and other taonga. I note that many of the matters raised in this submission are covered by clause (e) which references Te Mana o te Wai, Te Rito o te Harakeke, mahinga kai, natural processes, and the local indigenous ecosystem and biodiversity. I consider that relief is provided within the policy for the concerns raised by Ātiawa and Ngā Hapu and consequently reject these submissions.

338. I disagree with changes proposed by Ian Gunn [S139.008] and Sustainable Wairarapa Inc [S144.057] to clause (c), as it reads as though stopbanks/flood retention structures are what need to be protected. In addition, the definition of regionally significant infrastructure does not include stopbanks/flood retention structures. As such, I recommend that these submission points be rejected.
339. In relation to the submission by Fish & Game [S147.070], the focus on introduced ecosystems and biodiversity does not align with the overall direction in the RPS and NRP and I recommend rejecting this submission. However, I note that provisions that improve water quality and indigenous biodiversity will also benefit introduced freshwater species, and associated ecosystems and biodiversity.
340. Fish & Game [S147.071] also seeks an additional clause to ensure that there is no further loss of natural inland wetlands or river extent and their values are protected. I consider that relief for this is adequately covered by the wording in clause (e) which references Te Mana o te Wai, Te Rito o te Harakeke, natural processes, and the local indigenous ecosystem and biodiversity. Therefore, I reject this submission point.
341. WIAL [S148.049] sought that the policy make it clear that in some situations hard engineering methods may be required in order to protect existing regionally significant infrastructure and wanted to limit reference to Te Mana o te Wai and Te Rito o te Harakeke. I consider that relief is provided in clause (c) to address the point that hard engineering methods are necessary in some instances to protect regionally significant infrastructure and that further relief is provided in changes to Policy 29 and 51 to allow activities that have a functional use or operational requirement to occur in high hazard areas. I recommend retaining reference to Te Mana o te Wai and Te Rito o te Harakeke. Therefore, I recommend rejecting this submission.
342. In relation to the submission from WFF [S163.076] that Policy 52 amendments be deleted, and deferred to a full review of the RPS and the further submissions opposing this from Forest & Bird [FS7.119], and Ātiawa [FS20.241], and Ngā Hapu [FS29.092], as discussed in my response to this request for Policies 29 and 51, I consider that the removal of these amendments would result in the loss of some key direction within the RPS for LAs regarding what matters need to be considered in determining the appropriateness of hazard mitigation measures. This would result in a gap within the RPS risk-based approach framework, which would have consequences in planning for the effects of natural hazards and climate change. I consider the removal of the amendments to this policy would result in a situation where the RPS would not be consistent with Section 6(h) of the RMA and the

NZCPS. As such, I recommend these submission points be rejected. The section 42A Hearing Stream 1 general submissions report outlines the reasons to reject these requests in more detail (para's 129-137, pp 24-26). The regulatory and policy context for the plan change was also traversed fully in section 5.0 of the S32A evaluation report for the RPS proposed Change 1.

343. Rangitāne [S168.0127] submits in support in part and requests a cross-reference to Policy 52 in Policy CC.12, to reflect the priority that soft engineering solutions should be given over hard engineering solutions, in order to provide for and protect nature-based solutions. I do not consider that the policy needs to direct the prioritising of soft engineering solutions, as there will be situations where hard structures are the only viable option and cannot be avoided. However, I acknowledge the sentiment and note that the proposed amendments to Policy 52 have significantly strengthened a consideration of nature-based solutions and adverse effects on the natural environment. I recommend that this submission point be rejected.
344. Rangitāne [S168.0144; S168.0145] seeks that engagement with tangata whenua and the incorporation of mātauranga and recognition of taonga species is included in Policy 52. In my opinion, clauses (b), (e), and (f) which reference mātauranga Māori, consideration of adverse effects on local indigenous ecosystems and biodiversity and recognising sites or areas of significance to tangata whenua adequately address this submission point and provide the relief sought. Therefore, I reject these submissions. Furthermore, 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. Depending on the situation, this will require involvement of mana whenua/tangata whenua. A new policy (CC.17) and method (M22) also directs the Council to assist mana whenua/tangata whenua in the development of iwi climate change adaptation plans. I also note that the operative RPS has a chapter dedicated to resource management with mana whenua containing six objectives (O23-28), three policies (P48, 49 & 66) and six methods (M4, 13, 19, 32, 37, 38 & 39) directing local authorities, including the Council, to work with iwi authorities under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future. Method 32, in particular, has been amended to include the word 'partnering' with mana whenua/tangata whenua in the identification and protection of significant values.
345. Consideration also has been given to the request by Rangitāne [S168.0145] to make clause (f) inclusive of other sites of significance which may not be 'identified in a planning document' and to use terminology consistent with the NPS IB, *i.e.* 'indigenous biodiversity', rather than 'local indigenous ecosystem and biodiversity'. I consider that including *any* sites of significance is too broad to include in this policy, and reject this submission point. I note that many sites of significance to mana whenua are now scheduled in the NRP. With regard to just referring to 'indigenous biodiversity', I note that biodiversity requires an ecosystem within

which to exist. The ecosystem in this context is the structural, natural environment such as a dune system or wetland that supports biodiversity. It is important to provide for this matter in the policy as ecosystems can be adversely affected by hazard mitigation activities. In this regard it can be seen as consistent with the NPS-IB and NPS-FM.

Recommendations

346. I recommend that the submission(s) from GWRC [S137.027], be accepted.

347. I recommend that the submission(s) from KCDC [S16.039], PCC [S30.017], UHCC [S34.051], WCC [S140.075], SWDC [S79.046], Forest & Bird [S165.076], and Ngā Hapu [FS29.174] be accepted in part and that Policy 52 and the definition for *nature-based solutions* be amended as follows (red highlight):

“Policy 52: 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*, *Mātauranga Māori green infrastructure, room for the river* or *soft engineering* options 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 with particular regard to how climate change may increase the risk over time;
- (e) adverse effects on *Te Mana o te Wai*, mahinga kai, *Te Rito o te Harakeke*, natural processes, or ~~the local~~ indigenous ecosystems and biodiversity;
- (f) sites of significance to mana *whenua*/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;
- (g) a no more than minor increase in risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;
- (h) the cumulative effects of isolated structural protection works;
- (i) any residual risk remaining after mitigation works are in place, so that they minimise ~~reduce~~ and do not increase the risks from of natural hazards.

Explanation

Policy 52 recognises that the effects of *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.”

“Nature-based solutions

Actions to protect, enhance, or restore natural ecosystems, and the incorporation of natural elements into built environments, to reduce greenhouse gas emissions and/or strengthen the resilience of humans, indigenous biodiversity and the natural environment to the effects of climate change.

Examples include:

Reducing greenhouse gas emissions (climate change mitigation):

- planting forests to sequester carbon
- protecting peatland to retain carbon stores

Increasing resilience (climate change adaptation):

(a) providing resilience for people

- planting street trees to provide relief from high temperatures
- restoring coastal dunelands to provide increased resilience to the damaging effects of storms linked to sea level rise
- leaving space for rivers to undertake their natural movement and accommodate increased floodwaters (also known as ‘room for the river’)
- the use of water sensitive urban design, such as rain gardens to reduce stormwater runoff in urban areas

(b) providing resilience for ecosystems and species

- restoring indigenous forest to a healthy state to increase its resilience to increased climate extremes

leaving space for estuarine ecosystems, such as salt marshes, to retreat inland in response to sea level rise.”

348. I recommend that the submissions from the Director-General of Conservation [S32.029], UHCC [S34.051], Te Tumu Paeroa [S102.095], Ian Gunn [S139.008], Sustainable Wairarapa Inc [S144.057], Fish & Game [S147.070; S147.071], WFF [S163.076], WIAL [S148.049], Ngāti Toa [S170.060], Ātiawa [S131.098], Rangitāne [S168.0127; S168.0144; S168.0145] and Ngā Hapu [FS29.368] be rejected.

349. Accordingly, I recommend that submissions in relation to Policy 52 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Policy 52

350. In accordance with section 32AA of the RMA, I consider that the recommended amendments to Policy 52 are the most appropriate for the following reasons:

- This policy sets out an important series of considerations for minimising the adverse effects from natural hazard mitigation measures. The proposed amendments provide clarity to what is meant by the collection of engineering methods and environmental management practises that have looked to mimic or replicate natural processes as a way to mitigate the effects from natural hazards whilst minimising the adverse effects they can have on the natural environment. There is a wide a range of terminology that has been used to describe these practices. This amendment looks to employ what has become the two most widely used and well understood terms; nature-based solutions and soft engineering methods. The term soft engineering is currently defined in the RPS and nature-based solutions has been included as a definition in Change 1. This is a cost effective approach as it provides certainty to plan uses and avoids the need to define the what is meant by these terms in every consent application, plan change or notice of requirement.
- It also clarifies that hazard management strategies for managing long term impacts from natural hazards are required to have some oversight by local authorities. This allows for a robust peer review process in the development of these plans and gives the opportunity for expert advice and input in a cost effective manner.
- The changes also provide clarity for the application of the word minimise by adding that these matters seek to minimise and not increase the risks from natural hazards. This is an appropriate risk-based approach to hazard management and planning in a resource management context.

3.16 Policy CC.16: Climate change adaptation strategies, plans and implementation programmes - non-regulatory (Iain Dawe)

351. Policy CC.16 as notified in Change 1 is:

"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 including, but not limited to:

- (a) Te Ao Māori and Mātauranga Māori approaches;
- (b) Dynamic adaptive planning pathways or similar adaptive planning approaches;
- (c) 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;
- (d) Options for managed retreat or relocation;
- (e) A consideration of Te Mana o te Wai and Te Rito o te Harakeke;
- (f) 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
- (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."

Matters raised by submitters

352. KCDC [S16.028], Sustainable Wairarapa [S144.033], Forest & Bird [S165.083] and Taranaki Whānui [S167.0126] all submit in support of Policy CC.16 and would like it to be retained as notified. A further submission by BLNZ [FS30.319] opposes the submission by Forest & Bird and requests that it be disallowed and that the Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters should be deferred to a full review of the RPS in 2024.
353. Outdoor Bliss [S11.019] supports in part the policy but seeks relief that it be amended to say that; "Regional, city and district councils will under Local Government Act 2002..." rather than should. Outdoor Bliss [S11.020] also requests that the explanation be amended to strike out the wording "... but this is not expected to be a requirement", in relation to the potential requirement for adaptation plans to inform objectives, policies, and rules in regional or district plans.
354. PCC [S30.080] submits in opposition to the policy and seeks relief that it either be deleted or amended to provide clear and appropriate direction to plan users in line with objectives. In particular, PCC seeks removal of reference to the LGA and city plans. This relief was supported by a further submission from Peka Peka Farm Limited [FS25.113; FS25.239].

355. UHCC [S34.022] supports in part the intent of the policy but seeks clarity regarding its regulatory status and reference to the LGA. Similarly, HCC [S115.083] opposes in part the policy and seeks amendments to make it clear that it does not apply to city and district councils. WCC [S140.084] supports Policy CC.16 in part and requests it be made clear that its implementation be led or guided by the Council.
356. Te Tumu Paeroa [S102.028] supports in part the policy but seeks relief within the chapeau that it recognises landowners in order to capture māori landowners.
357. HortNZ [S128.051] supports in part the policy but seeks addition of a subclause to include options for water storage to promote resilience for rural and urban communities.
358. Ātiawa [S168.0132] supports in part the policy and seeks provision for community adaptation planning in a separate policy. This was argued on the basis that care should be taken where policies lump together partnering with mana whenua and engaging with the community. Ātiawa argues that this relationship should be managed under a Tiriti framework to ensure that the principles are upheld as only mana whenua can identify te ao Māori and mātauranga Māori approaches, and Te Mana o te Wai and Te Rito o te Harakeke. A further submission by Ngā Hapu [FS29.223] supports the Ātiawa submission point.
359. Rangitāne [S168.0132] supports in part the policy and seeks amendments to include wording requiring Te Mana o te Wai and Te Rito o te Harakeke to be 'given effect to' in order to be consistent with relevant national policy statements. Rangitāne argues that it is not sufficient to 'consider' these concepts. Sustainable Wairarapa [FS31.060] further submits in support of the Rangitāne submission.
360. WFF [S163.081] opposes the policy and seeks that it be deleted and any further consideration be deferred until a later date. A further submission by BLNZ [FS30.153] supports WFF, whilst further submissions by Forest & Bird [FS7.124], Ātiawa [FS20.246] and Ngā Hapu [FS29.097] oppose the relief sought by WFF and request that the submission be disallowed.

Analysis of submissions on Policy CC.16

361. KCDC [S16.028], Sustainable Wairarapa [S144.033], Forest & Bird [S165.083] and Taranaki Whānui [S167.0126] all submitted in support of Policy CC.16 and would like it to be retained as notified. I recommend accepting these submissions in part as changes are being proposed to the policy as a result of other submissions.
362. WFF [S163.081] opposes the policy and seeks that it be deleted and any further consideration be deferred until a later date. Further submissions by BLNZ [FS30.153; FS30.319] support this and add that Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters be deferred to a full review. I recommend these submissions are rejected and that further submissions [FS7.124; FS20.246; FS29.097] that were opposed to the relief sought by WFF and BLNZ are accepted in part. The Change 1 amendments

respond to national direction beyond the NPS-UD and NPS-FM and also include RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change and the National Adaptation Plan. It is entirely appropriate and timely to include these changes at this point in time, rather than delaying them for any longer than is necessary. The section 42A Hearing Stream 1 General Submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the amendments was also fully traversed in section 5.0 of the Change 1 S32A evaluation report.

363. A number of submissions seek clarity regarding the intent and regulatory status of Policy CC.16. Outdoor Bliss [S11.019; S11.020] supports the policy in part but seeks it be amended to compel local authorities with 'will' rather than 'should' in the chapeau and that the explanation be amended to strike out the wording "... but this is not expected to be a requirement". I recommend rejecting these submission points on the basis that is a non-regulatory policy and it is worded to allow flexibility in its implementation. This is because climate change adaptation is a broad and complex task, deeply interconnected with both regulatory and non-regulatory aspects of local government management.
364. Similarly, I recommend rejecting submissions [S168.0132; FS31.060] that seek to require Te Mana o te Wai and Te Rito o te Harakeke to be 'given effect to'. This is a non-regulatory policy designed to provide flexibility in implementation. It provides a list of tools, options and principles that should be used, but does not limit the policy to this list. While it will be appropriate and necessary in many instances to incorporate Te Mana o te Wai and Te Rito o te Harakeke or Te Mana o te Taiao principles into adaptation plans and strategies, it may not always be the case. This policy allows solutions to be developed at a range of scales from a regional to a local level.
365. PCC [S30.080] opposes the policy and seeks relief that it either be deleted or amended to provide clear and appropriate direction to plan users in line with objectives and that reference to the LGA and city plans is deleted. This relief was supported in further submissions from Peka Peka Farm Limited [FS25.113; FS25.239]. UHCC [S34.022] supports the policy in part but also seeks clarity on its regulatory status and reference to the LGA and deletion of clause (c). I accept these submissions in part and recommend deleting reference to the LGA on the basis that the RPS cannot direct processes to occur under other Acts. I also recommend deleting 'city' from clause (c) as there is no such statutory document as a city plan. This will result in a consequential change to the related Method 22 that contains the same reference. Removing reference to the LGA now places it squarely back in the RMA framework and links it directly to Objective 21. However, I recommend rejecting the request to delete clause (c), as including provisions to support climate adaptation in a regional or district plan may be a necessary and legitimate pathway for councils to consider. The policy is non-regulatory, and does not compel councils to do this, rather it is listed as a possible approach in the process.

366. HCC [S115.083] opposes the policy in part and seeks amendments to clarify that it does not apply to city and district councils and similarly, WCC [S140.084] supports it in part and requests it be made clear that its implementation be led or guided by the Council. I recommend rejecting these submissions on the basis that all local authorities need to be involved in adaptation planning. The RPS is empowered under the RMA with the statutory ability to direct territorial authorities. The policy is written to be flexible in designing adaptation programmes for situations from a small-scale local level to a broader-scale regional level where appropriate.
367. Ātiawa [S168.0132] supports the policy in part and seeks provision for community adaptation planning in a separate policy. Ātiawa is concerned that the policy looks to local authorities to both partner with mana whenua and engage with the community in adaptation plans. Ātiawa argues this relationship should be managed under a Tiriti framework to ensure the principles are upheld as only mana whenua can identify te ao Māori and mātauranga Māori approaches, and Te Mana o te Wai and Te Rito o te Harakeke. A further submission by Ngā Hapu [FS29.223] supports the Ātiawa submission point. I recommend rejecting this submission and further submission point. I consider that adaptation planning requires the entire community to be involved, including mana whenua. The policy recognises that local authorities are a partner to the mana whenua/tangata whenua of the Wellington Region and have obligations under section 8 of the RMA to take the principles of Te Tiriti/Treaty of Waitangi into account. This will enable Te Ao Māori, mātauranga māori, Te Mana o te Wai and Te Rito o te Harakeke or Te Mana o te Taiao principles to be identified and upheld through the process. Furthermore, there is another policy (Policy CC.17) that directs the Council to work with mana whenua/tangata whenua in the development of iwi climate change adaptation plans that, in my view, provides some relief to Ātiawa's submission.
368. In terms of community and mana whenua involvement in adaptation planning processes, Te Tumu Paeroa [S102.028] supports the policy in part but seeks relief that it includes the word 'landowners' in order to capture māori landowners. I recommend rejecting this submission point on the basis that it is unnecessary. Māori landowners are both mana whenua/tangata whenua and part of the community and including this wording is not going to achieve any more than what the policy directs.
369. HortNZ [S128.051] supports in part the policy but seeks relief that a subclause is added to include options for water storage to promote resilience for rural and urban communities. I recommend this submission be rejected because I consider including this wording unnecessary. The policy provides a list of options, tools and approaches that can be used during adaptation planning processes, rather than specifying what particular issues may need to be addressed. If water security is identified as a particular problem during an adaption process, I would expect that the full range of possible solutions would be developed as part of that programme. The policy as it is currently worded does not exclude water storage options from being developed.

370. A number of submissions on Policy 52 were received regarding the terms used within clause (b) of Policy 52, including 'non-structural' (PCC [S30.017]), 'green infrastructure' (PCC [S30.017]; UHCC [S34.051]), 'room for the river' (PCC [S30.017]; UHCC [S34.051]; WCC [S140.075]), 'soft engineering' (PCC [S30.017]), 'suitably innovative' (KCDC [S16.039] and Rangitāne [S168.0145]). I accept these submission points and recommend deleting reference to 'green-infrastructure', 'room for the river' and 'suitably innovative' and replacing them with 'nature-based solutions' and retaining 'soft engineering'. As Policy CC.16(f) uses the same terminology and set of words, I recommend for consistency that consequential amendments are made to this clause to delete these words and replace them with 'nature-based solutions'. This will then link it to the definition for 'nature-based solutions' and the existing definition for 'soft engineering' in the operative RPS that clarifies what this approach means.

Recommendations

371. I recommend that the submissions from PCC [S30.080], Peka Peka Farm Limited [FS25.113; FS25.239] and UHCC [S34.022] be accepted in part and that Policy CC.16 is amended as follows (red highlight):

"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 including, but 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 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.”

372. I recommend that the submissions from WFF [S163.081], BLNZ [FS30.153; FS30.319], Outdoor Bliss [S11.019; S11.020], Rangitāne [S168.0132], Sustainable Wairarapa [FS31.060], HCC [S115.083], WCC [S140.084], Ātiawa [S168.0132], Ngā Hapu [FS29.223], Te Tumu Paeroa [S102.028] and HortNZ [S128.051] be rejected.
373. Accordingly, I recommend that submissions in relation to Policy CC.16 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Policy CC.16

374. In accordance with section 32AA of the RMA, I consider that the recommended amendments to Policy CC.16 are the most appropriate for the following reasons:
- This policy sets out an approach to support the development of climate change adaptation plans. The proposed amendments to the policy, from that notified, seek to provide clarity and consistency with the use of nature-based solutions terminology and recognise that the RPS cannot employ other Acts to direct plan making under.

3.17 Policy CC.17: Iwi climate change adaptation plans - non-regulatory (Iain Dawe)

375. Policy CC.17 as notified in Change 1 is:

“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.

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.”

Matters raised by submitters

376. PCC [S30.081], Peka Peka Farm Limited [FS25.114; FS25.240], UHCC [S34.023], Fish & Game [S147.077], Forest & Bird [S165.084], Ātiawa [S131.0109], Ngā Hapu [FS29.224], Rangitāne [S168.0133] and Sustainable Wairarapa [FS31.061] all submit in support of Policy CC.17 and request that it is

retained as notified. Taranaki Whānui [S167.0127] supports the policy in part, with a comment that the policy reflects opportunities to ensure long-term planning and funding, and they would like to see it retained as notified. Further submissions by Wellington Water [FS19.141] and BLNZ [FS30.246; FS30.319] oppose the submission in support by Forest & Bird and Fish & Game and requested that they be disallowed and that Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters should be deferred to a full review of the RPS in 2024.

377. Te Tumu Paeroa [S102.029] supports the policy in part and requests that it be a consideration policy rather than a non-regulatory policy with consequent rewording to delete 'non-regulatory' in the chapeau and replace it with 'considered'.
378. Muaūpoko [S133.050] supports the policy and would like to see it retained as notified or alternative relief that may be necessary or appropriate to ensure Muaūpoko's connection to Te-Whanganui-a-Tara is recognised. Ātiawa opposes the submission [FS20.397] and claims made by Muaūpoko and request the submission be disallowed.

Analysis of submissions on Policy CC.17

379. PCC [S30.081], Peka Peka Farm Limited [FS25.114; FS25.240], UHCC [S34.023], Fish & Game [S147.077], Forest & Bird [S165.084], Ātiawa [S131.0109], Ngā Hapu [FS29.224], Rangitāne [S168.0133] and Sustainable Wairarapa [FS31.061] all submit in support of Policy CC.17 and would like it to be retained as notified. Taranaki Whānui [S167.0127] supports the policy in part, with a comment that the policy reflects opportunities to ensure long-term planning and funding and they would like to see it retained as notified. I recommend accepting these submissions. With regard to the points made by Taranaki Whānui, I note that this policy is very much about long term planning. Questions about funding would be subject to further processes as these plans are being set up and developed.
380. Further submissions by Wellington Water [FS19.141] and BLNZ [FS30.246; FS30.319] oppose the submission in support by Forest & Bird and Fish & Game and requested that they be disallowed and that Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters should be deferred to a full review of the RPS in 2024. I recommend these submissions are rejected. The Change 1 amendments are responding to national direction beyond the NPS-UD and NPS-FM and also include RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change and the National Adaptation Plan. It is entirely appropriate and timely to include these changes at this point in time, rather than delaying them for any longer than is necessary. The section 42A Hearing Stream 1 General Submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the amendments was also fully traversed in section 5.0 of the Change 1 S32A evaluation report.

381. Te Tumu Paeroa [S102.029] supports the policy in part and requests that it be a consideration policy rather than a non-regulatory policy, with consequent rewording to delete 'non-regulatory' in the chapeau and replace it with 'considered'. I recommend that this submission be rejected. Under the policy framework of the RPS, it appropriate for this to remain a non-regulatory policy. As it allows for it to be applied flexibly in the development of iwi adaptation plans, rather than it being tied up in regulatory processes, such as Part 1 Schedule 1 of the RMA.
382. Muaūpoko [S133.050] supports the policy and would like to see it retained as notified or alternative relief that may be necessary or appropriate to ensure Muaūpoko's connection to Te- Whanganui-a-Tara is recognised. Ātiawa [FS20.397] opposes the submission and claims made by Muaūpoko and requests the submission be disallowed. I provide no recommendation to these submissions, as they are outside the scope of the natural hazard provisions. Further discussion about Muaūpoko's claims is discussed in the section 42A Hearing Stream 1 General Submissions report.

Recommendations

383. I recommend that the submission from Te Tumu Paeroa [S102.029] is rejected.
384. I provide no recommendation to the submissions from Muaūpoko [S133.050] and Ātiawa [FS20.397].
385. I recommend that Policy CC.17 be retained as notified.

Section 32AA evaluation for Policy CC.17

386. As I have not made any amendments to Policy CC.17 a section 32AA assessment is not required.

3.18 Method 14: Information on natural hazards and climate change (Iain Dawe)

387. Method 14 as notified in Change 1 is:

“Undertake research, prepare and disseminate information about natural hazards and climate change effects in order to:

guide local authority planning and decision-making; and

raise awareness and understanding of natural hazards

Implementation: Wellington Regional Council, city and district councils and Civil Defence Emergency Management Group”*

Matters raised by submitters

388. BLNZ [S78.021] neither supports nor opposes the method and would like it to be retained as notified. Ātiawa [FS20.329] further submitted in opposition to BLNZ

and seeks relief that their submission be disallowed if they are requesting deletion of the proposed amendments.

389. Te Tumu Paeroa [S102.071], HCC [S115.094], EQC [S132.011], WCC [S140.096], Sustainable Wairarapa [S144.054], MDC [S166.065], Forest & Bird [S165.0102], Taranaki Whānui [S167.0146] all support Method 14 and would like it to be retained as notified. BLNZ [FS30.319] also further submitted in opposition to Forest & Birds support and requested that it be disallowed.
390. GWRC [S137.028] supports in part the method but seeks that clause (b) be amended to refer to climate change in addition to natural hazards, in order to reflect the intent of the method as worded in the title.
391. Outdoor Bliss [S11.011] supports in part the method and would like the community to be included in the implementation of the method.
392. UHCC [S34.017] opposes the method in part because it is considered to be unclear who is undertaking the research required by the method. UHCC supports the approach on the basis that it is a regional council responsibility but they comment that the method now appears to require territorial authorities to undertake research rather than just prepare and disseminate information, which presents a resourcing issue.
393. Ātiawa [S131.0121] supports in part Method 14 but seeks wording changes to the method for partnership between mana whenua and the Council to undertake research, prepare and disseminate information about natural hazards and climate change. Ātiawa states that mana whenua (including their ancestral land, water, sites, wāhi tapu and other taonga) are particularly vulnerable to the impacts of climate change and natural hazards and therefore mana whenua should be actively involved in this method. Ātiawa seeks that the Council provide for this partnership through adequate funding and resourcing and that this be reflected by wording changes to the Method. Ngā Hapu [FS29.238] submits in further support of this submission.
394. Rangitāne [S168.0187] supports in part Method 14 but seeks wording changes to include mātauranga māori research methods and monitoring. Sustainable Wairarapa [FS31.117] further submits in support of this submission.

Analysis of submissions on Method 14

395. BLNZ [S78.021] neither supports nor opposes the method and would like it to be retained as notified. Ātiawa [FS20.329] further submitted in opposition to BLNZ and sought relief that their submission be disallowed if they were requesting deletion of the proposed amendments. I recommend the submission from BLNZ is accepted in part as changes are being proposed to the method as a result of other submissions, that does not significantly alter its intent. I recommend the further submission from Ātiawa is rejected as BLNZ are not seeking any deletions to this method.
396. Te Tumu Paeroa [S102.071], HCC [S115.094], EQC [S132.011], WCC [S140.096], Sustainable Wairarapa [S144.054], MDC [S166.065], Forest & Bird

[S165.0102], Taranaki Whānui [S167.0146] all submit in support of Method 14 and would like it to be retained as notified. I recommend these submissions are accepted in part as changes are being proposed to the policy as a result of other submissions, but which does not significantly alter its intent..

397. BLNZ [FS30.319] also further submitted in opposition to Forest & Bird's [S165.0102] support of the method and requested that it be disallowed. I recommend this submission is rejected as BLNZ [S78.021] provides an original submission neither in support nor opposition to the method and sought that it be retained as notified.
398. GWRC [S137.028] supports in part the method but seeks relief that Clause (b) be amended to include climate change in addition to natural hazards, in order to reflect the intent of the method as worded in the title. I recommend accepting this submission point.
399. Outdoor Bliss [S11.011] supports in part the method and would like the community to be included in the implementation of the method and comments that community should be part of the 'solution'. I agree with the intent of this submission but point out that the Council does not have jurisdiction to direct the community to undertake and disseminate natural hazards research. However, I note that the community is included as part of 'solution' for Policy CC.16. Therefore, I recommend this submission be rejected.
400. UHCC [S34.017] opposes the method in part because it is considered to be unclear who is undertaking the research required by the method. UHCC supports the approach on the basis that it is a regional council responsibility but comment that the method now appears to require territorial authorities to undertake research, rather than just prepare and disseminate information, which presents a resourcing issue. I note that the responsibilities for implementation as they appear in Change 1 are unchanged from the operative RPS. The method has always required implementation by the regional council and the city and district councils. The method is now clarifying that the preparation and dissemination of natural hazards information needs to be robust and accurate and may require research. This is appropriate, as research into natural hazards is required for implementation of hazard provisions in regional and district plans as directed by Policy 29. To date, this has been the practice by all local authorities in the region. The Council has also 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. I appreciate that funding research into natural hazards always presents resourcing issues, but point out that hazards research has recently been undertaken by UHCC for its review of the natural hazards chapter of the district plan. Further to this, 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 Council. This is producing important information that will be able to be used by all these councils to support decision making on hazard resilience, community education and engagement and climate adaptation

strategies. In effect, this work is already implementing Method 14. Therefore, I recommend rejecting the submission from UHCC.

401. Ātiawa [S131.0121] supports in part Method 14 and seeks wording changes to the method to partner with the Council to undertake research, prepare and disseminate information about natural hazards and climate change. Ātiawa seeks that the Council provide for this partnership through adequate funding and resourcing. Ngā Hapu [FS29.238] submitted in further support of the Ātiawa submission. I acknowledge the intent of these submissions but recommend they be rejected on the basis that partial relief is provided through policies CC.16, CC.17 and Method 22. Policy CC.16 directs that regional, city and district councils should partner with mana whenua/tangata whenua and engage local communities in a decision-making process to develop and implement strategic climate change adaptation plans and include Te Ao Māori and mātauranga Māori approaches in this process and provide equitable funding options required to implement any outcomes. Policy CC.17 directs that the Council 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. This policy 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. Method 22 links to both these policies. 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.
402. Similarly, Rangitāne [S168.0187] supports in part Method 14 but seeks wording changes to include mātauranga Māori research methods and monitoring. Sustainable Wairarapa [FS31.117] further submitted in support of this submission. I acknowledge the intent of these submissions but recommend they be rejected on the basis that partial relief is provided through policies CC.16, CC.17 and Method 22. Policy CC.16 directs that regional, city and district councils should partner with mana whenua/tangata whenua to develop and implement strategic climate change adaptation plans and include Te Ao Māori and mātauranga Māori approaches. Policy CC.17 directs that GWRC 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. It is my expectation that this would strongly involve mātauranga māori research methods and monitoring. This method links most directly to the regulatory natural hazard policies 29, 51 and 52 and directs that councils will undertake research to facilitate their implementation. This does not preclude that mātauranga Māori research methods be used in the generation of this research and understanding and the word 'research' in the method is not limited to a western science model. However, it is best placed with mana whenua/tangata whenua to undertake this work and

the RPS does not have the jurisdiction to direct mana whenua/tangata whenua to do so.

Recommendations

403. I recommend that the submission from GWRC [S137.028] is accepted and that Method 14 is amended as follows (red highlight):

“Undertake research, prepare and disseminate information about natural hazards and climate change effects in order to:

- guide local authority planning and decision-making; and
- raise awareness and understanding of natural hazards and climate change

Implementation: Wellington Regional Council, city and district councils and Civil Defence Emergency Management Group”*

404. I recommend that submissions from Ātiawa [FS20.329], BLNZ [FS30.319], Outdoor Bliss [S11.011], UHCC [S34.017], Ātiawa [S131.0121], Ngā Hapu [FS29.238], Rangitāne [S168.0187] and Sustainable Wairarapa [FS31.117] be rejected.

405. Accordingly, I recommend that submissions in relation to Method 14 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Method 14

406. In accordance with section 32AA of the RMA, I consider that the recommended amendments to Method 14 are the most appropriate for the following reasons:

- This method assists local authorities to give effect to Sections 30(1)(c)(iv) and 31(1)(b)(i) of the RMA for the control of the use of land for the purpose of the avoidance or mitigation of natural hazards. It supports planning and decision making under Policy 29, 51 and 52 of the RPS. It recognises that climate change will exacerbate almost every natural hazard that already occurs in the region. This is important because the linkages between natural hazards and climate are not always intuitively clear (eg, sea level rise interactions with groundwater) and the way in which climate change is manifesting through natural hazards will have wide ranging social, economic and environmental costs our communities and society.

3.19 Method 22: Integrated hazard risk management and climate change adaptation planning (Iain Dawe)

407. Method 22 as notified in Change 1 is:

“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) developing consistency in natural hazard provisions in city, district and regional plans;
- (c) assisting mana/tangata whenua in the development of iwi *climate change adaptation* plans.

~~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.~~

Implementation: Wellington Regional Council and city and district councils"*

Matters raised by submitters

- 408. Te Tumu Paeroa [S102.072], Sustainable Wairarapa [S144.055; FS31.119], MDC [S166.067], Ātiawa [S131.0126], Ngā Hapu [FS29.243], Forest & Bird [S165.0107] and Rangitāne [S168.0189] all support the method and request that it be retained as notified. BLNZ [FS30.319] also further submitted in opposition to Forest & Bird's [S165.0107] support of the method and requested that it be disallowed and that Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters be deferred to a full review.
- 409. UHCC [S34.080] supports in part the Method 22. UHCC commented that it supports consistency across the region, but is concerned that a proposed non-regulatory method appears to require a regulatory response. UHCC sought relief that it be retained as in the operative RPS and review it once the NPS-IB has been gazetted. However, if the method is retained, UHCC request the deletion of clause (b) to ensure that the method can be fully achieved using non-regulatory methods.
- 410. HCC [S115.0101] oppose in part and object to the inclusion of non-regulatory policies and methods that apply to territorial authorities and requests an amendment such that it does not apply to city and district councils. WCC [S140.0104] supports the method in part but also requests that it does not apply to city and district councils.
- 411. EQC [S132.012] supports the method in part but would like to see the reinstatement of the original wording to 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. Kāinga Ora [FS12.019] and MDC [FS14.041] support the EQC submission. Kāinga Ora and MDC support a consistent approach to the identification and management of natural hazards across the region, particularly in relation to high risk natural hazards.

412. Taranaki Whānui [S167.0154] supports the method in part, but would like to see an amendment to clause (c) to include 'partner where practicable' with mana whenua instead of 'assisting'. A further submission from Ngāti Toa [FS6.041] supports this submission. Ngāti Toa states that iwi climate change adaptation plans are a way for iwi to uphold their aspirations and values in the face of this major environmental issue.

Analysis of submissions on Method 22

413. Te Tumu Paeroa [S102.072], Sustainable Wairarapa [S144.055; FS31.119], MDC [S166.067], Ātiawa [S131.0126], Ngā Hapu [FS29.243], Forest & Bird [S165.0107] and Rangitāne [S168.0189] all support the method and would like it to be retained as notified. I recommend these submissions are accepted in part as changes are being proposed to the policy as a result of other submissions, but which do not significantly alter the intent of the Method.

414. BLNZ [FS30.319] further submitted in opposition to Forest & Bird's [S165.0107] support of the method and requested that it be disallowed and that Change 1 be restricted to amendments required to give effect to the NPS-UD and that all other matters be deferred to a full review. I recommend rejecting this submission. The Change 1 amendments are responding to national direction beyond the NPS-UD and also include RMA Part 2 (s6 & s7) amendments to recognise the significant risks from natural hazards and climate change and the National Adaptation Plan. It is entirely appropriate and timely to include these changes at this point in time, rather than delaying them for any longer than is necessary. The section 42A Hearing Stream 1 General Submissions report outlines the reasons to reject these requests in more detail (para's 130-137, pp 24-26). The regulatory and policy context for the amendments was also fully traversed in section 5.0 of the Change 1 S32A evaluation report.

415. UHCC [S34.080] supports the method in part, but is concerned that a proposed non-regulatory method appears to require a regulatory response. UHCC sought relief that the proposed amendments be withdrawn and the method be retained as it appears in the operative RPS. However, if the method is retained as proposed, UHCC requests the deletion of clause (b) to ensure that method can be fully achieved using non-regulatory methods. I recommend rejecting this submission as the method itself is non-regulatory and does not require councils to amend their district plans. The aim of clause (b) of the method is to encourage the development of consistency in hazard provisions across the Region, in line with the Regional Natural Hazards Management Strategy, to which UHCC is a signatory. It provides an implementation pathway for the non-regulatory policy CC.16 clause (c) to which it relates.

416. HCC [S115.0101] opposes in part and objects to the inclusion of non-regulatory policies and methods that apply to territorial authorities and requests an amendment so that it does not apply to city and district councils. WCC [S140.0104] supports the method in part but also requests that it does not apply to city and district councils. I recommend rejecting these submissions. The RPS has the statutory power to develop non-regulatory policies and methods for

implementation by city and district councils. The method provides an implementation pathway for non-regulatory Policies CC.16 and CC.17 and is an appropriate provision to guide integrated hazard risk management and climate change adaptation planning in the region.

417. EQC [S132.012] supports the method in part but would like to see the reinstatement of the original wording to 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. Kāinga Ora [FS12.019] and MDC [FS14.041] support the EQC submission. I recommend rejecting these submissions on the basis that much of the relief sought is already provided for in the Change 1 amendments to the natural hazard provisions. A lot of natural hazards research has occurred in the region since the RPS was made operative and this research is now in the process of being incorporated into city and district plans. Identifying high hazard areas and risks from natural hazards is undertaken by subject matter experts and consequently this wording in the method is longer required. Relief for the request for consistency is provided by Policy 29, which sets out a framework for statutory consistency of hazard planning in the region. This is supported by non-regulatory approaches in Policy CC.16 and Method 14. However, in response to other submissions, a list of hazard risk management guidance documents have been added to the explanation of Policy 29 to help in the assessment of what is considered low, medium or high hazard for planning purposes. This will provide further relief to the request for regional consistency across planning in high hazard areas.
418. Taranaki Whānui [S167.0154] supports the method in part but would like to see an amendment to clause (c) to include 'partner where practicable' with mana whenua instead of 'assisting'. A further submission from Ngāti Toa [FS6.041] supports this submission. I recommend these submissions be rejected on the basis that the relief sought is provided through other policies and methods in the RPS. Policy CC.16 directs that regional, city and district councils should partner with mana whenua/tangata whenua and engage local communities in a decision-making process to develop and implement strategic climate change adaptation plans and include Te Ao Māori and mātauranga Māori approaches in this process and provide equitable funding options required to implement any outcomes. Policy CC.17 directs that the Council 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. This policy 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. Method 22 links to both these policies. It allows for an informal partnership approach but doesn't preclude more formal partnerships as identified through Method 32. 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.

Recommendations

419. I recommend that a consequential change be brought through from a submission by UHCC [S34.022] to Method 14 to delete a typing error in clause (c) referring to 'city' plans as it links to this method that contains the same error, as follows (red highlight):

~~"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:

developing non-statutory strategies, where appropriate, for integrating hazard risk management and *climate change adaptation* approaches between local authorities in the region;

developing consistency in natural hazard provisions in **city**, district and regional plans;

assisting mana whenua/tangata whenua in the development of iwi *climate change adaptation* plans.

~~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.~~

Implementation: Wellington Regional Council and city and district councils*

420. I recommend that submissions from BLNZ [FS30.319], UHCC [S34.080], HCC [S115.0101], WCC [S140.0104], EQC [S132.012], Kāinga Ora [FS12.019], MDC [FS14.041], Taranaki Whānui [S167.0154] and Ngāti Toa [FS6.041] be rejected.

421. Accordingly, I recommend that submissions in relation to Method 22 are accepted, accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Method 22

422. As I have not made any substantive amendments to Method 22 a section 32AA assessment is not required.

3.20 Method 23: Information about natural features to protect property from natural hazards (Iain Dawe)

402. Method 22 as notified in Change 1 is:

"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*

Matters raised by submitters

403. HCC [S115.095], WCC [S140.097], Kāinga Ora [S158.034] and Taranaki Whānui [S167.0147] all submit in support of the proposed deletion of Method 23.

Analysis of submissions on Method 23

404. HCC [S115.095], WCC [S140.097], Kāinga Ora [S158.034] and Taranaki Whānui [S167.0147] all submit in support if the proposed deletion of method 23. I recommend these submissions are accepted.

Recommendations

405. I recommend that Method 23 from the operative RPS is deleted from Change 1 as notified.

Section 32AA evaluation for Method 23

423. As I have no change to the proposed deletion of Method 23, a section 32AA assessment is not required.

3.21 Anticipated Environmental Results (Iain Dawe)

Matters raised by submitters

406. BLNZ [S78.038] neither supports nor opposes the AERs. Ātiawa [FS20.346] further submitted in opposition to BLNZ and sought relief that their submission be disallowed if they were requesting deletion of the proposed amendments.

407. Ātiawa [S131.0156] supports in part the AERs but seeks the inclusion of a further AER to ensure that mana whenua involvement in resource management is assessed: "Mana whenua and Regional Council work in partnership in the management of natural hazards in the Wellington region. This partnership provides for governance and operational input into all aspects of resource management to address natural hazards, including decision-making. Mana whenua values including their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga are protected and provided for. Mātauranga Māori is applied where appropriate, in accordance with tikanga and kawa, as guided by mana whenua". Further submissions from Rangitāne [FS2.70] and Ngā Hapu [FS29.276] support this submission. Similarly, Taranaki Whānui [S167.0191] requested that the AERs be amended to include partnership with mana whenua.

Analysis of submissions on the AERs

408. BLNZ [S78.038] neither supports nor opposes the method and would like it to be retained as notified. Ātiawa [FS20.346] further submitted in opposition to BLNZ and sought relief that their submission be disallowed if they were requesting deletion of the proposed amendments. I recommend the submission from BLNZ is accepted in part as changes are being proposed to the AERs as a result of other submissions. I recommend the further submission from Ātiawa is rejected as BLNZ are not seeking any deletions to this method.
409. Ātiawa [S131.0156] supports in part the AERs but seeks the inclusion of a further AER to ensure that mana whenua involvement in resource management is assessed. Further submissions from Rangitāne [FS2.70] and Ngā Hapu [FS29.276] support this submission. Similarly, Taranaki Whānui [S167.0191] requested that the AERs be amended to include partnership with mana whenua. These requests follow on from submissions on the provisions seeking relief that the Council partners with mana whenua/tangata whenua across the full spectrum of hazard risk management and planning activities undertaken by the council. I acknowledge the intent behind these submissions but recommend these submissions be rejected on the basis that the relief sought is not an environmental outcome. Discussions about the partnership approach to managing the risks from natural hazards and climate change have been traversed at length throughout this report. Policy CC.16 directs that regional, city and district councils partner with mana whenua/tangata whenua in a decision-making process to develop and implement strategic climate change adaptation plans. And while not explicitly stated, Policy CC.17 and Method 22 provide opportunities for partnership approaches.

Recommendations

410. I recommend that consequential changes be made to the AERs as a result of submissions on Policy 29 and 52 to ensure consistency between the AERs and the policy amendments as follows (red highlight):
- “1. Regional and district plans have:
- (a) ~~identify areas at high risk from natural hazards;~~ 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; and
- (b) ~~contain policies and rules to avoid subdivision and inappropriate development in those areas.~~ included hazard overlays, objectives, polices and rules to manage or avoid new or existing subdivision, use and development in those areas.
2. There is no increase in the risk from natural hazards as a result of subdivision, use or development (including mitigation works).

3. Where hazard mitigation and climate change mitigation measures are employed, there is a greater number and range of soft engineered measures or nature-based solutions used, that achieve integrated management and broad environmental outcomes.
 4. Over 75 per cent of the community surveyed has an understanding of the consequences from local natural hazards.
 5. Over 75 per cent of the community surveyed is prepared for natural hazard events.”
411. I recommend that submissions from Ātiawa [FS20.346; S131.0156], Rangitāne [FS2.70], Ngā Hapu [FS29.276] and Taranaki Whānui [S167.0191] be rejected.

Section 32AA evaluation for the AERs

419. In accordance with section 32AA of the RMA, I consider that the recommended amendments to the AERs are the most appropriate for the following reasons:
- The AERs specify measurable outcomes from implementation of the natural hazard provisions. The proposed amendments reflect changes that have been made to Policies 29, 51 and 52 to strengthen the risk-based approach and use of nature-based solutions. This is the most cost effective approach because it clarifies the expectations of policy implementation compared to the wording of the operative AERs. Retaining the operative AERs leaves them open to interpretation. Employing a risk-based approach is a cost-effective way to use land in low and medium hazard areas recognising that there are interventions and planning approaches that can be employed to manage the risks without requiring a blanket ‘avoid’ approach. Using nature-based solutions can be a cost effective option to mitigate the risk from natural hazards that also provides co-benefits for ecosystem restoration and biodiversity enhancement without the high costs usually associated with hard engineering methods.

3.22 Definitions (Iain Dawe)

Matters raised by submitters

412. HortNZ [S128.065] supports in part the definition for ‘hazard sensitive activity’ but seeks that ‘hazardous facilities’ is deleted from the definition. HortNZ argues that it is not clear what scale of activity might be inadvertently captured by ‘hazardous facilities’, whereas major hazardous facilities is a term defined through regulations ((ie, Health and Safety at Work (Major Hazard Facilities) Regulations 2016)).
413. The Fuel Companies [S157.046] opposes the definition and seeks that ‘hazardous facilities and major hazardous facilities’ is deleted from the definition on the basis that they are undefined therefore it is uncertain what type of facilities will be considered ‘hazard sensitive activities’ and subject to the proposed policy framework, which as currently drafted, requires avoidance of such activities in areas identified as having high or extreme risk from natural hazards. This was

supported in further submissions by Wellington Water [FS19.049] and HortNZ [FS28.094] and opposed in part by a further submission by Rangitāne [FS2.3]. Rangitāne sought that the definition could be amended to provide more certainty as to the type of facilities that would be included.

Analysis of submissions on the definitions

414. HortNZ [S128.065] supports in part the definition for 'hazard sensitive activity' and seeks that 'hazardous facilities' is deleted from the definition. I accept this submission and recommend amending the definition by deleting 'hazardous facilities' from the list.

415. The Fuel Companies [S157.046] oppose the definition and seek that 'hazardous facilities and major hazardous facilities' is deleted from the definition. This was supported in further submissions by Wellington Water [FS19.049] and HortNZ [FS28.094] and opposed in part by a further submission by Rangitāne [FS2.3]. I accept these submissions in part and recommend amending the definition by deleting 'hazardous facilities' from the list, but retain and rename 'major hazardous facilities' to 'major hazard facility' and include a definition for this as per the Health and Safety at Work (Major Hazard Facilities) Regulations 2016. It is appropriate that major hazard facilities are included in the definition of hazard sensitive activities as they have the potential to cause significant adverse effects on the environment in the event of a failure during a natural disaster. I acknowledge the concern the Fuel Companies have about avoiding hazard sensitive activities in high hazard areas. Relief for this concern is provided by an amendment to Policy 29 that would allow some development in high hazard areas if there is a functional or operational need to be located in these areas.

Recommendations

416. I recommend that the submission from HortNZ [S128.065] be accepted and that the definition for hazard sensitive activities delete hazardous facilities as follows (red highlight):

"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”

417. I recommend that the submissions from The Fuel Companies [S157.046], Wellington Water [FS19.049], HortNZ [FS28.094] and Rangitāne [FS2.3] be accepted in part and a definition for major hazard facility be included as follows:

“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.”

Section 80A evaluation for new definition – major hazard facility

418. Amending Change 1 to include a new definition – ‘major hazard facility’, requires an assessment under Section 80A of the RMA to determine whether it is a matter to be heard under the FPP or Part 1, Schedule 1. This definition sits within the list of hazard sensitive activities that is specifically referenced by natural hazard Policies 29 and 51. Policy 29 and 51 are being heard under Part 1, Schedule 1 of the RMA. The definition does not relate to freshwater matters and it does not relate to any other policy within the FPP. Thus, I consider that the definition for major hazard facility be heard under Part 1, Schedule 1 of the RMA.

Section 32AA evaluation for definitions

420. In accordance with section 32AA of the RMA, I consider that the recommended amendments to the definitions are the most appropriate for the following reasons:

- This definition supports Policies 29 and 51 that both refer to ‘hazard sensitive activities. Referring to ‘major hazard facilities’ brings it in line with the accepted definition in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016. This is a cost effective approach to implantation of the provisions because it eliminates the need to redefine what is meant by hazardous facilities and keeps it consistent with the application of national statutory instruments.

4.0 Conclusion

419. A wide range of submissions have been received in support, partial support, in opposition or neutral to the provisions relating to natural hazards in Change 1. A summary of these submissions and our responses to accept, accept in part, reject or make no recommendation to these submission can be found in Appendix 1.

420. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, we recommend that Change 1 should be amended as set out in Appendix 2 of this report.

421. We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in this report and the Section 32AA evaluations undertaken.

Recommendations:

We recommend that:

1. The Hearing Panels accept, accept in part, or reject submissions and associated further submissions as outlined in Appendix 1 of this report.
2. Change 1 is amended in accordance with the changes recommended in Appendix 2 of this report.