

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER Schedule 1 of the Resource Management
Act 1991 (the Act)

IN THE MATTER OF Hearing Submissions and Further
Submissions on Proposed Change 1 to the
Regional Policy Statement for the
Wellington Region

**STATEMENT OF REBUTTAL EVIDENCE OF
DR IAIN NICHOLAS DAWE
AND
JAMES GARY BEBAN
ON BEHALF OF WELLINGTON REGIONAL COUNCIL
HEARING STREAM [3] - [NATURAL HAZARDS]
22 AUGUST 2023**

TABLE OF CONTENTS

INTRODUCTION.....	3
QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT	4
RESPONSES TO EXPERT EVIDENCE – JAMES BEBAN	4
Telecommunications Companies – Tom Anderson and Graeme McCarrison	4
Department of Conservation - Murray Brass on behalf of Director-General of Conservation.....	5
Horticulture New Zealand – Jordyn Landers.....	10
Kāinga Ora – Victoria Woodbridge	11
Porirua City Council – Torrey McDonnell.....	13
Rangitāne o Wairarapa Inc – Maggie Burns (Dr Dawe)	16
Upper Hutt City Council - Suzanne Rushmere	18
Waka Kotahi – Catherine Heppelthwaite	19
Wellington International Airport Limited – Claire Hunter	20
RESPONSES TO EXPERT EVIDENCE – IAIN DAWE	26
Natural Hazard Introduction and Issues	26
Objective CC.6.....	27
Policy CC.16.....	28
Policy CC.17.....	29
Method 22	30
New Policy CC.X	30
Appendix 1 - Section 32AA Assessment.....	33
Table 1: Amendments to Objective 21 (reference to natural hazard events) (James Beban)	33
Table 2: Amendments to Objective 21 (reference to infrastructure) (James Beban)	34
Table 3: Amendments to Policy 52 (James Beban).....	35
Table 4: Amendments to Method 22 & Policy 29 Explanation (James Beban)	36
Table 5: Amendments to Policy CC.16 Explanation (Iain Dawe).....	38
Table 6: Amendments to Policy CC.15 and Method CC.8 (Iain Dawe).....	39

INTRODUCTION

- 1 Two authors, Dr Iain Dawe and James Beban contributed to the analysis of submissions in the s42A hearing report for natural hazards. The same two authors also contribute to this Statement of Rebuttal Evidence. In this evidence Dr Iain Dawe was primarily responsible for the Introduction, Issues, Objective CC.6, Policies CC.16 and CC.17, Method 22 and other matters. James Beban was primarily responsible for Objectives 19, 20 and 21, Policies 29, 51 and 52.
- 2 The two authors have read the respective planning evidence and legal submissions of 11 submitters who produced evidence that addressed provisions in the natural hazards topic. These are summarised in Table 1.

Table One: List of submitters and their representative expert witnesses who addressed natural hazards and to which this evidence refers.

Submitter	Expert Witnesses	Submitter Number	Abbreviation used in this evidence
Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand [now: One New Zealand Group Limited]	Tom Anderson Graeme Mccarrison	S49	Telecommunications Companies
Department of Conservation	Murray Brass	S32	DoC
Horticulture New Zealand	Michelle Sands Jordyn Landers	S128	HortNZ
Kāinga Ora – Homes and Communities	Brendon Liggett Victoria Woodbridge	S158	Kāinga Ora
Porirua City Council	Torrey McDonnell	S30	PCC
Rangitāne o Wairarapa Inc	Maggie Burns	S168	Rangitāne
Upper Hutt City Council	Suzanne Rushmere	S34	UHCC
Wairarapa Federated Farmers	Elizabeth McGruddy	S163	WFF
Waka Kotahi New Zealand Transport Agency	Catherine Heppelthwaite	S129	Waka Kotahi

Wellington International Airport Limited	Claire Hunter	S148	WIAL
Wellington Water Limited	Caroline Horrox	S113	WWL

3 Recommended amendments to provisions in this evidence are shown in blue underline and ~~strikeout~~. Red underlined and ~~strikeout~~ text shows amendments brought through from the S42A report recommendations. Black underlined and ~~strikeout~~ text shows the proposed RPS Change 1 amendments to the operative version.

4 Section 32AA assessments of the recommended changes arising from this rebuttal evidence can be found in Appendix 1 attached to this evidence, where all the accumulated recommended changes to the natural hazard provisions can also be viewed.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 The qualifications and experience of Dr Iain Nicholas Dawe and James Gary Beban are set out in paragraphs 16-32 of our section 42A report dated 14 August 2023. We repeat the confirmation given in those reports that we have read and agree to comply with the Code of Conduct for Expert Witnesses.

RESPONSES TO EXPERT EVIDENCE – JAMES BEBAN

Telecommunications Companies – Tom Anderson and Graeme McCarrison

6 Mr Anderson and Mr McCarrison request that the RPS Change 1 assist the industry to build and maintain networks that have a functional or operational need to be in or pass through areas subject to natural hazards. Mr Anderson has a level of comfort with the proposed changes to Policies 29 and 51, as discussed in the S42A report, to allow for infrastructure in high hazard areas where there is a functional or operational need for it to be so located and acknowledges that the amendment is workable. However, Mr Anderson expresses a preference for telecommunications infrastructure to be excluded from Policy 29.

7 I acknowledge the explanation that both Mr Anderson and Mr McCarrison provide around the requirements telecommunication companies have under the Civil Defence and Emergency Management Act 2002 as a lifeline utility. However, infrastructure is wider than just telecommunications companies. As such, there are instances where it may not

be appropriate for some infrastructure to be located within an area impacted by natural hazards. I therefore remain of the view that it would be inappropriate remove infrastructure from Policy 29 .

8 Mr Anderson correctly identifies that Regulation 57 of the Resource Management (Natural Environmental Standards for Telecommunications Facilities) Regulations prevents District Plans from imposing rules on regulated activities. However, through his evidence Mr Anderson is of the position that telecommunication activities that are not regulated should also be exempted from Policy 29 of the RPS, thereby giving direction to territorial authorities to not regulate this activity in its entirety within their respective District Plans.

9 I am not aware of the reasons to why the National Environmental Standard sought to regulate some activities and not others. I understand the rationale that Mr Anderson puts forward in respect to the difference between not being a regulated activity and being a regulated activity is sometimes a property boundary. However, there can be differences in natural risk profiles between road reserve and private property boundaries (particularly in relation to flood hazards) and there is the potential for there to be off site effects.

10 I recognise Mr Anderson's position that the changes to Policy 29 in relation to the addition of the operational and functional need to this policy is workable. However, I do not accept that a special exclusion for telecommunications infrastructure be included in Policy 29 and therefore **I recommend no changes** as a result of this evidence.

Department of Conservation - Murray Brass on behalf of Director-General of Conservation

11 Mr Brass seeks the following amendments:

- Inclusion of new clauses to Policies 29 and 51 to ensure there is no increase in risk from coastal hazards within the coastal environment in line with wording from the NZCPS policy 25;
- A limit on the operational and functional need clause contained within Policies 29(d) and 51(g) to only *infrastructure*, and;
- Add the NZCPS natural hazards guidance note to the list in the explanation of Policy 29.

Policy 29

- 12 The Director-General's original submission sought an addition to this Policy 29 to ensure that regional and district plans are required to give effect to the NZCPS with a new clause; "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". The point of this proposed addition is to avoid increasing risk, as required by Policy 25(a) and (b) of the NZCPS. Mr Brass contends that the S42A report does not sufficiently provide relief to address this request.
- 13 Mr Brass also requests that clause (d) in Policy 29 to be amended such that only infrastructure can be assessed through the functional or operational need test.
- 14 I have considered the position of Mr Brass and do not support including the proposed relief for the same reasons outlined in the S42A report. The Policy already contains an 'avoid' approach and is structured in such a way to implement a risk-based approach that manages development in low to medium hazard areas and avoids development in high hazard areas, unless there is a functional or operational need for it to be located in that area.
- 15 Mr Brass seeks that policy 29 is amended so that only *infrastructure* with an operational or functional need is able to be located in high hazard areas. Mr Brass supports this position through referencing the submitters who have sought this change, and in part based on personal experience where the operational and functional needs test has been used to advance residential and industrial activity. In my experience, the 'operational and functional need' tests have been used in respect to infrastructure and other activities that have no choice but to locate in high hazard areas (such as boat clubs, jetties, marinas, sports fields). Personally, I am yet to see it used as justification for residential or industrial development. Of course, this does not mean applicants haven't tried to use it in this way, but I consider the issue to be more one of a correct implementation response, rather than a deficiency within the provision. However, I am open to Mr Brass providing further evidence of where this term has been used to justify residential, industrial or commercial activities, to see if a further tightening of the operational and functional needs test is required.
- 16 The Change 1 amendments to Policy 29 give effect to the direction contained with Policy 25 of the NZCPS to; (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards and; (b) avoid redevelopment, or change in land use, that would

increase the risk of adverse effects from coastal hazards. Whilst at the same time also giving effect to; (d) encourage the location of infrastructure away from areas of hazard risk where practicable. Policy 29 of Change 1 strikes the balance between allowing development where it is appropriate and avoiding it where it is not considered viable and in my opinion, this balance achieves the purpose of the NZCPS. In this way, the Policy considers what the NZCPS is trying to achieve as a whole.

- 17 The wording proposed by Mr Brass would also apply to the entire coastal environment. In my experience, the extent of the coastal environment is often greater than the extent of coastal hazard overlays, to which Policy 29 is intended to apply. This is because the coastal environment can include the influence of other coastal processes, landscape and character values. As such, the amended proposed by Mr Brass would inadvertently apply to objectives, policies and rules over a much wider extent than that which would be captured by coastal hazards.
- 18 The relief sought by Mr Brass is essentially a replication of the wording in NZCPS and it is my view this wording does not need to be repeated in the RPS. District and regional plans need to give effect to the NZCPS and in my opinion, duplicating the requirements of the NZCPS does not provide any further planning benefit when councils undertake district plan or regional plan reviews.
- 19 The proposed Change 1 amendments to Policy 29 provide a more nuanced interpretation of the NZCPS requirements and are a reflection of the requirements from higher order direction for a risk-based approach to natural hazards management. Policy 29 ensures new subdivision, use and development in high hazard areas is avoided, whilst in low and medium hazard areas, it is managed. When translated to district and regional plans, this can include the requirement for hazard mitigation measures to be implemented into developments to address the risk to people, buildings and infrastructure. This is the approach that has been undertaken by Hutt City Council, Porirua City Council and Wellington City Council in respect to coastal hazards. In this regard, I do not believe the proposed wording is contrary to the NZCPS, but rather provides a more nuanced approach on how to treat different hazard areas within district and regional plans.
- 20 Further to this, I note that the Natural Resources Plan (NRP) for the Wellington Region, in giving effect to the operative RPS direction to avoid inappropriate development in high hazard areas, defines the Coastal Marine Area (CMA) as high hazard. For consents issued by Greater Wellington, any development in the CMA requires an assessment for its

appropriateness and to ensure that any risks to the development are low. The direction provided by Policy 29 will ensure areas landward of the CMA are required to undergo a robust hazard assessment and mapping process for the district plans and resource consents.

21 Therefore, I **recommend no changes** to the main body of Policy 29 as a result of Mr Brass's evidence.

22 I support the inclusion of the NZCPS natural hazards guidance document to the explanation of Policy 29. This is an important document and it is appropriate that it is referenced in the list to the explanation. I **recommend amending the explanation to Policy 29 as follows:**

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);

- [NZCPS guidance note: Coastal Hazards, Department of Conservation \(2017\); and;](#)
- [Other regional documents and strategies relating to the management of natural hazards.](#)

Policy 51

- 23 Mr Brass is of the view that Policy 51 is the primary policy for implementing Objectives 19 and 21 of the RPS, as it sets out the approach to be taken to all decisions relating to natural hazards. Whilst Policy 29 provides more detail about how this applies to the preparation of plans. Mr Brass’s preference is that Policy 51 is amended to take account of the Director-Generals wording rather than Policy 29, as he considers this to be the more effective and efficient way to give effect to the NZCPS.
- 24 I agree that Policy 51 applies more broadly than regulatory district and regional plan focus of Policy 29, but in my opinion, amending Policy 51 with the clause “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”, leads to the same undesirable planning outcomes described under my assessment of Policy 29, whereby it applies to the entire coastal environment, many parts of which may have a low risk from natural hazards.
- 25 Policy 51 contains the same risk-based structure of Policy 29 to manage development in areas where the hazards are assessed as low to medium and avoid development in areas where the hazards are assessed as high, unless it has a functional need to be so located. Thus, the aim of Policy 51 and Policy 29 is to identify and map hazard areas, including in the coastal environment, and to apply a management approach that manages the risks from natural hazards, whilst allowing appropriate levels of development. In this way, it gives effect to Policy 25 of the NZCPS by aiming to; (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards and; (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards.
- 26 Mr Brass also seeks that clause (g) in Policy 51 is amended such that only infrastructure can be assessed through the functional or operational need test. I do not accept that this exemption is desirable or needed, for the same reasons discussed under my assessment of Policy 29.

27 Therefore, **I recommend no changes** to Policy 51 as a result of Mr Brass’s evidence.

Policy 52

28 The Director General’s submission on Policy 52 was similar to that raised for Policy 29 and 51, *ie*, avoiding an increase in risk in the coastal environment. The wording sought to address this was: “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”.

29 As a result of submissions on the Policy, I recommended the addition of “so that they minimise and do not increase the risks from natural hazard” at the end of the policy. Mr Brass accepts that this generally addresses the concern raised in the original submission, and supports the change.

30 I propose a small amendment as a result of other submissions (discussed in paragraphs 78-79) for clarity to Policy 52 to; “so that they minimise ~~and~~ or do not increase the risks from natural hazard”. In my opinion this does not change the intent of the policy and still satisfies the concern raised in the original submission.

Horticulture New Zealand – Jordyn Landers

31 Ms Landers seeks that food security is added as a matter of consideration to Objective 19, and 20, and Policies 29, 51 and 52.

32 After considering Ms Landers evidence, I can confirm my position on including food security in these objectives and policies has not changed from my recommendations in the S42A report. I see a substantial risk of a perverse outcome if food security is added to Objective 19, Policy 29 and Policy 51 where resource management decisions could prevent or try to limit land that is used for food production within high hazard or high-risk areas.

33 Currently, district plans and regional plans have not sought to control food production activities in respect to natural hazards, as they have not been included in the operative wording of Objective 19 and Policy 29 (this is because this objective and policy normally sets the framework for the activities to consider a planning response in district plan and regional plan reviews). I consider it would be an inappropriate planning response if this was to begin to occur as the nature of food production and associated food security often relies on hazard prone land.

- 34 Clause 3.12 of the National Policy Statement of Highly Productive Land (NPS-HPL) seeks that District Plans must include rules that prioritise the use of highly productive land for land based primary production. It is my view that including food security within Objective 19, Policy 29 and 51 could be seen to be in conflict with the NPS-HPL, as it would provide directions to district councils to consider whether the use of hazard prone land for this purpose is appropriate.
- 35 The NPS-HPL has carve-outs to allow for the limited alternative use of highly productive land. This includes allowing for use in response to a Section 6 matter – being Management of Significant Natural Hazard Risk. There may be instances where hazard mitigation structures are required to protect significant areas of investment and infrastructure, which could have some localised impacts on productive land (particularly in the Wairarapa). If food security was included within Objective 20 and Policy 52 it could create a significant barrier to the implementation of the hazard mitigation structures. As such, in my view this could create conflict between the RPS and the NPS-HPL, whereby the NPS-HPL allows for Section 6 activities to occur on highly productive land and the RPS would provide direction that could prevent this from occurring.
- 36 Therefore, **I recommend no changes** to Objective 19, Policy 29 and Policy 51 as a result of Ms Landers evidence.
- 37 I note however, that food security is included in the list of matters in Climate Change Issue 3 which connects through to Policies CC.15 and CC.16 that address rural resilience to climate change and adaptation to climate change and natural hazards respectively. I believe this sufficiently relieves the concerns raised by Ms Landers and that adaptation planning is the appropriate place to manage the ongoing effects that natural hazards and climate change will have on food production and highly productive land.

Kāinga Ora – Victoria Woodbridge

- 38 Ms Woodbridge within her evidence raises two matters:
- The requirement to include natural hazard maps within District Plans as directed in Policy 29; and
 - Changes to Method 22 as it pertains to Policy 29

Policy 29

- 39 Ms Woodbridge objects to the amendments to Policy 29(c), for the requirement to include hazard overlays in district plans. In my opinion, this amendment is entirely appropriate and reflects good practice hazard risk management planning.
- 40 Within the Wellington Region, there is a generally a position for the hazard maps to be included within the District Plans. The reasons for this include:
- The hazard provisions in the District Plan, are directly related to natural hazard overlays that are included in the District Plan and which are extensively tested through the Schedule 1 process of the RMA;
 - It prevents natural justice issues, where new overlays could be introduced outside of a statutory process that could impact people’s property rights, that they have not had the opportunity to submit on;
 - It ensures certainty to what maps the hazard provisions apply in the instance that there are several non-statutory maps pertaining to natural hazards (this is not uncommon for sea level rise, or flood hazard maps, where different maps may exist to see the implications of different sea level rise, or rainfall predictions); and
 - Kāinga Ora has had the position within recent hearings (eg, the Porirua District Plan hearing) that flood hazard maps should be removed from district plans to allow for updates. If flood hazard maps were to be removed, then it creates a situation where some of the natural hazard maps (e.g. fault rupture, tsunamis, sea level rise, etc.) sit within a district plan and some sit outside of it (e.g. flood hazard maps). This can create confusion amongst plan users and can create unnecessary complications in the interpretation and application of the plans.
- 41 The changes to Policy 29 to include the requirement for the hazard maps to be contained within district plans reflects current practice that is being undertaken by Local Authorities of the Wellington region. I accept there are costs associated with this approach, particularly in relation to the need to undertake a Plan Change process subject to Schedule 1 of the RMA. However, it remains my view that the benefits of including hazard mapping within district plans, outweighs the cost. On this basis, I do not support removing this requirement from Policy 29.

Method 22

- 42 Within Ms Woodbridge's evidence, she has suggested adding a new clause to Method 22 to help provide consistency and improve understanding on how to classify hazard risks as low, medium or high, as per the approach in Policy 29. I believe this is a helpful suggestion to the Method, as this will assist with improved regional consistency and also help with the interpretation of Policy 29. On this basis, **I recommend amending Method 22 as follows:**

“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 ~~whenua~~/tangata whenua in the development of iwi climate change adaptation plans.
- d) Prepare and disseminate information about classifying risks from natural hazards as low, medium and high to ensure regional consistency.”

~~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.~~

Porirua City Council – Torrey McDonnell

- 43 Mr McDonnell raises five points that I would like to provide a response to:

- The rewording of Objective 20;
- The rewording of Objective 21;
- The removal of Policy 51;
- Transitioning Policy 52; and

- Correction of errors in submission point referencing

Objective 20

44 Mr McDonnell argues for the removal of ‘minimise’ from Objective 20 and to replace it with ‘do not exacerbate’ as being more in line with the intent of the objective. With respect to this, I remain of the view that the proposed amended wording is clear that it applies to natural hazard mitigation measures and climate change adaptation strategies. While I accept there was some confusion in the submissions on how this objective applied, I believe this has been addressed through the amendments to the Objective as outlined in the S42A assessment and with the inclusion of the clear definition for the word ‘minimise’.

Objective 21

45 Within Mr McDonnell’s evidence, he states a preference for the wording of Objective 21 in the operative RPS, as opposed to the Change 1 amended wording, as he believes it provides clearer direction. I do not share this same view as Mr McDonnell. However, I do agree that the amended wording of the Objective has shifted the focus from all hazards to climate change and sea level rise focussed hazards. This was not the intent of this change and I am of the view this can be easily addressed. **I recommend amending Objective 21 as follows:**

“The resilience of our communities, are more resilient to natural hazards, including the impacts and the natural environment to natural hazard events is strengthened improved including to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazards events.”

46 I believe this amended wording achieves the following:

- Makes it clearer that this objective applies to all natural hazards, not just climate change and sea level rise hazards; and
- It removes the word strengthen and replaces it with the word improved, which is more commonly used within objective and policy wording, and therefore has a greater understanding of the outcome sought.

Policy 51

47 I do not believe it is appropriate to remove or have transitioning provisions relating to either Policy 51 or Policy 52. Policy 51 provides appropriate direction when considering a

Resource Management Act application, which may be impacted by a natural hazard, but there are no corresponding provisions within a District Plan or Regional Plan.

48 The councils within the Wellington Region are at various stages of undertaking their plan reviews, with some councils just starting the process and some nearing completion. However, even amongst those that are completing their plan reviews, not all natural hazards that impact their respective region have been included within the respective district plan reviews. The reasons for this are varied, but can include:

- Budget constraints for the research
- Political decisions on what is included in the District Plan
- Data that is not of a sufficient quality to be included in a District Plan review; and
- The understanding of natural hazards may have improved or changed since the review was undertaken.

49 I therefore remain of the position that it is important that Policy 51 remains as it provides the framework for the consideration of natural hazards, especially in those instances where there may be an information gap in the District or Regional Plan pertaining to natural hazards.

Policy 52

50 In respect to Policy 52, and for many of the similar reasons as outlined in respect to Policy 51, I remain of the view that it is not appropriate to have this policy as transitional, which would cease to exist once a council has completed their relevant District Plan review.

Other matters

51 Mr McDonnell has identified several administrative errors in the S42A assessment in terms of whether submission points have been accepted or rejected, or the referencing of appendices. Table 2 below addresses these matters and provides the required corrections.

Table 2: Administrative errors relating to the S42A report and the respective corrections.

Paragraph	Error	Correction
150	Recommends rejection of submission point 30.017	Accepted in part submission point 30.017
150	Appendix 2 is referenced	Appendix 1

178	Recommends rejection of S30.017	Recommends rejection of S30.019
196	References S30.017	Should reference S30.019
197	Recommends rejection of submission point 30.017	Accepted in part submission point 30.019
198	Appendix 2 is referenced	Appendix 1
Appendix 1	Recommends rejection of submission point 30.017	Accepted in part submission point 30.019
Appendix 1	Recommends rejection of submission point 30.019	Partial acceptance of submission point 30.019

Rangitāne o Wairarapa Inc – Maggie Burns (Dr Dawe)

52 Ms Burns seeks two amendments to Policy 52 in clause (e) to delete reference to ‘Te Rito o te Harakeke’ and replace it with ‘taonga species’ and, in clause (f) to recognise sites of significance to mana whenua that may not be identified in published planning documents.

Policy 52

53 With regards to the reference to ‘Te Rito o te Harakeke’; in the drafting of RPS Change 1 there were discussions with mana whenua between the use of this term or ‘Te Mana o te Taiao’. The terms were also being used in early exposure drafts of the National Policy Statement on Indigenous Biodiversity (NPS-IB), and there was some preference to have a national planning document on which to draw upon to provide guidance for its application. As the NPS-IB had not been ratified at the time of notification of Change 1, no decision had been made either way on which term to use. The NPS-IB has now received royal ascent, and it appears that neither term has been used in the document.

54 The idea behind using the Te Ao Māori concept of Te Rito o te Harakeke derives in part from the whakatuakī that is referenced in Section 2 of the operative RPS that addresses integrating management of natural and physical resources:

Hutia te rito o te harakeke. Kei hea te korimako e ko? Ki mai nei ki ahau. He aha te mea nui o te ao?

Maku e ki atu: He tangata, he tangata, he tangata.

If you were to pluck out the centre shoot of the flax bush, where would the bellbird sing?

If you were to ask me “What is the most important thing in the world?” I would reply, “it is people, people, people.”

- 55 This whakataukī, is a metaphor for nurturing and sustainably managing the environment for the benefit of all. It can be used to symbolise the role of the environment, whanau and community in nurturing the individual and environment. When harvesting harakeke, only the outer leaves are harvested to ensure regeneration of the plant. If the harakeke is not nurtured and protected, the korimako, which relies in part on harakeke for its survival, is threatened. Likewise, people are endangered if our natural and physical resources are not properly cared for. People and our institutions are central in this dynamic, underpinning the role we have as guardians of resources for current and future generations.
- 56 Te Mana o te Taiao is the name for the Aotearoa New Zealand Biodiversity Strategy 2020, and this may be a more appropriate term to replace Te Rito o te Harakeke as it is defined more fully in that strategy and could provide guidance for its application in the RPS. It is my understanding that the section 2 integrating chapter of the RPS and Chapter 3.10: Resource management with tangata whenua, will be subject to further review and that the use of Te Ao Māori concepts throughout the RPS will be part of that review.
- 57 In terms of replacing ‘Te Rito o te Harakeke’ with ‘taonga species’; I consider that the use of the terms ‘Te Rito o te Harakeke’ and ‘indigenous ecosystems’ and ‘biodiversity’, sufficiently captures taonga species, as outlined in the definition for the term in the Change 1 amendments. Therefore, I recommend that no further changes are needed at this point and that Te Rito o te Harakeke remains in the provision, subject to a more comprehensive review of its use as discussed above.
- 58 Ms Burns also seeks an amendment to Policy 52 in relation to sites of significance for mana whenua / tangata whenua. In particular, relief is sought to amend clause (f) as follows: “sites of significance to mana whenua/tangata whenua **including those** identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a city, district or regional plan”.
- 59 Ms Burns contends that whilst there has been effort to include many sites of significance in the Natural Resources Plan for the Wellington Region, there are still many sites that are not documented or identified. It is argued that the NRP primarily focusses on freshwater and sites in the coastal marine area, not land based sites. Many of these sites may not be identified until a resource consent or designation process occurs through engagement

with mana whenua/tangata whenua. Furthermore, there may be significant sites mana whenua/tangata whenua have not have been prepared to disclose or record publicly, fearing that sites could be compromised, exploited or desecrated if they are widely known. If a site is identified by mana whenua/tangata through a resource consent or designation process, Policy 52 should provide the same level of consideration to that site as to sites that have been previously identified.

60 I accept this argument and I **recommend amending Policy 52 (f) as follows:**

“sites of significance to mana **whenua**/tangata whenua **including those** identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a **city**, district or regional plan;”

Upper Hutt City Council - Suzanne Rushmere

61 Ms Rushmere has identified three key areas in respect to natural hazards where UHCC would like further changes. These include:

- Amend Policy 29(c) to replace the term ‘manage’ with ‘avoid inappropriate’
- Amend the title of Policy 52 to include the term ‘avoiding’; and
- Amend Method 22 so that it does not require a regulatory response.

Policy 29

62 With respect to amending clause (c) of Policy 29, I do not support the proposed change. The Policy has been structured specifically using a risk-based approach to manage development in low to medium hazard areas and avoid development in high hazard areas. I am of the view that the existing wording provides more flexibility in the context of a risk-based approach to hazards management, particularly as the term ‘manage’ applies to low and medium hazard areas. If the term manage was to be replaced with avoid inappropriate, then I am of the view that there would be a narrower range of options available to address natural hazard risk in the low and medium hazard areas and the focus changes to only avoiding inappropriate subdivision, use and development, as opposed to managing subdivision, use and development (which in my view has a wider applicability and could include the avoidance of some forms of subdivision, use or development, where deemed inappropriate).

Policy 52

63 In relation to Policy 52, I agree with Ms Rushmere that the chapeau should have the term ‘avoiding or’. This is outlined in paragraph 331 of my evidence and it is an administrative error that this was not amended in the policy. **I recommend amending Policy 52 as follows:**

“Policy 52 – [Avoiding or](#) Minimising Adverse effects of hazard mitigation measures”

Method 22

64 Ms Rushmere is concerned that Method 22 includes a regulatory response, particularly in relation to developing consistency in natural hazard provisions in district and regional plans. I do not share this concern. Whilst this method does relate to the regulatory process (being plan changes), it does not require councils to undertake a plan change or a regulatory response to ensure consistency across the region. Rather it seeks to encourage consistency across the region. The method provides the opportunity for cross-council discussions on how to achieve regional consistency, an example being the development of the Wellington Region Natural Hazards Management Strategy, that promotes exactly this outcome. It also supports submissions on plan changes to enable regional consistency.

65 Therefore, **I recommend no changes** to Method 22 as a result of Ms Rushmere’s evidence.

Waka Kotahi – Catherine Heppelthwaite

66 Ms Heppelthwaite notes that Waka Kotahi is generally supportive of the amendments to Policies 29 and 52 to include an allowance for infrastructure in high hazards areas if it has a functional need to be there, but Ms Heppelthwaite seeks further changes to Policy 29 to make it more permissive of building infrastructure in coastal areas.

Policy 29

67 In particular, Ms Heppelthwaite requests that the phrase “unless there is a functional or operational need to be located in these areas” is deleted from Policy 29 and replaced with, “unless providing for infrastructure, and hazard risks are appropriately managed or responded to.” This is sought on the basis of policy 25(d) of the NZCPS to “encourage the location of infrastructure away from areas of hazard risk where practicable”. Ms Heppelthwaite argues that the NZCPS does not promote an avoid approach for

infrastructure in hazard areas, rather it's an 'encourage development away from' approach and therefore the RPS is not properly reflecting to the intent of the NZCPS.

68 I am not supportive of this change. In my opinion, Policy 25 of the NZCPS does allow for an 'avoid' approach. This is set up in the first clause 25(a) to the Policy that states; "avoid increasing the risk of social, environmental and economic harm from coastal hazards".

69 Policy 29 has been amended in Change 1 to recognise that not all activities can avoid high hazard areas and that it is appropriate for a pathway to be provided for these activities if they have an operational or functional need to be located in these areas. It is my experience that infrastructure generally meets this test and in my opinion, I do not believe Policy 29 will prevent infrastructure from being located within high hazard areas. The Policy as it is currently worded does not require infrastructure to avoid high hazard areas, rather that it is well designed to meet the demands of being located in a high hazard environment.

70 I am also of the view that the amended wording provided by Ms Heppelthwaite is too permissive for infrastructure and leaves it open to a wide degree of interpretation.

71 Therefore, **I recommend no changes** to Policy 29 as a result of Ms Heppelthwaite's evidence.

Wellington International Airport Limited – Claire Hunter

72 There are three matters within Ms Hunter's Evidence that I and Dr Dawe provide a response to:

- Changes to Objective 21 to include infrastructure within the objective; and
- Changes to Policy 52 relating to hazard mitigation works;
- Other matters related to a group of new provisions proposed to address climate resilience (addressed by Dr Dawe).

Objective 21

73 Within the evidence of Ms Hunter, she makes the following statement: "*I am of the view that enabling infrastructure to operate effectively and efficiently, even within a changing climate, is necessary to provide for the community well-being.*" I also acknowledge her comments regarding Objective C.C.6 which is similar to Objective 21. On this basis I am of the view that it is appropriate to recommend a further change to Objective 21 so that

infrastructure is specifically acknowledged within this Objective. I recommend further amending Objective 21 as follows:

“The resilience of our € communities, infrastructure ~~are more resilient to natural hazards,~~ including the impacts and the natural environment to natural hazard events is ~~strengthened~~ improved including to the short, medium, and long-term effects of climate change, and sea level rise ~~is strengthened,~~ and people are better prepared for the consequences of natural hazards. events.”

Policy 52

74 Ms Hunter proposes a number of suggested changes to the wording of Policy 52. These changes can be summarised as:

- Change to address a consenting issue related to the need to have an agreed hazard management strategy in clause (c);
- Deleting clause (d), and;
- Improving the understanding of the Policy (clause g).

75 Ms Hunter objects to clause (c) of Policy 52 and the need to have long-term hazard management strategies approved by the 'relevant authorities'. While Ms Hunter's concerns are wider and believes that the hazard management strategy of this policy limb removes certainty to consent applicants, I am of the view that this issue has arisen due to the addition of 'agreed to by relevant authorities' in the Change 1 amendments. I accept Ms Hunter's position that this creates uncertainty and ambiguity within the policy limb. This addition through the submission process was in the context of flood hazards, where a series of private, *ad hoc* private flood defence structures would be undesirable. However, upon consideration of Ms Hunter's evidence, I believe the suggested addition to this policy creates unnecessary uncertainty that is unwarranted and needs to be removed.

76 However, I believe that the requirement for the works to be part of a long-term hazard management is appropriate to remain within the policy as per the wording in the Operative RPS. This aspect of the policy assists with preventing *ad hoc* mitigation structures that can create legacy issues for public entities in the future. Furthermore, this aspect of the policy has been within the RPS since it became operative and I am not aware of it creating any consenting challenges for large scale natural hazard mitigation works.

- 77 Ms Hunter objects to clause (d) of Policy 52 on the basis that it is unclear whether this would relate to the costs of ongoing maintenance or whether it requires an assessment that the structural design is able to withstand, and because of this ambiguity it should be deleted. This clause is a recognition that in some instances it may no longer be viable to protect areas with structural protection works due to on-going damage, economic viability, or engineering limitations. It provides a matter to consider when assessing hazard mitigation works in terms of their viability over time, with particular respect to climate change, that is changing the nature of natural hazard impacts. I do not see this limb of the policy being problematic or creating significant uncertainty.
- 78 Ms Hunter correctly identifies a grammatical issue with Clause (g) of the policy and suggests the removal of “a no more than minor increase in risk”. I support this change as it improves the readability of the policy, when considering the last paragraph of the policy. To assist the understanding of the policy, I have suggested that the terms ‘The change in natural hazard’ to provide clarity in respect to how the risk aspect of the policy limb is to be considered.
- 79 I understand Ms Hunters position regarding the wording of the final paragraph and she has suggested that this paragraph could be improved through the removal of the words “do not increase”. I agree that the wording of the last paragraph could be improved, but I am not in agreement with Ms Hunter around how this could be achieved. Rather, I believe the word ‘and’ which is before ‘do not increase’ should be replaced with the term ‘or’. This change improves the understanding of the last paragraph and prevents the inherent conflict between the wording that currently exists.
- 80 As a result of the above reasoning, **I recommend amending Policy 52 as follows:**

“Policy 52 Minimising adverse effects of hazard mitigation measures

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~~ the change in natural hazard risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;
- (h) the cumulative effects of isolated structural protection works;
- (i) any residual risk remaining after mitigation works are in place, so that they minimise ~~reduce~~ and or do not increase the risks from ~~of~~ natural hazards.”

Other Matters (Iain Dawe)

- 81 In her evidence relating to the nature-based solutions provisions (Objective CC.4 and associated policies) Ms Hunter has requested the addition of a new objective and two new policies to recognise the importance of protecting infrastructure and ensuring it is resilient to the effects of climate change. She considers that this is consistent with the National Adaptation Plan, which recognises nature-based solutions but also seeks to ensure infrastructure is resilient from the adverse effects of climate change and is necessary to continue to operate effectively and efficiently in order to support the wellbeing of the community within the region. She states that this would address WIAL’s broader submission points and resolve a number of the concerns relating to the ‘nature-based provisions’.
- 82 In responding to this Ms Guest (the section 42A author for the Climate Change: Climate-Resilience and Nature-Based Solutions topic) noted that she considers that the relief sought by Ms Hunter is already provided for by the Change 1 natural hazard provisions,

including through amendments recommended in the Natural Hazards S42A report and this rebuttal evidence in response to submissions from WIAL.

83 I agree that it is most appropriate for me to address the substance of the relief sought by Ms Hunter in conjunction with other responses to the natural hazard suite of provisions.

84 Ms Hunter proposes a new Objective:

“Resilient infrastructure protects and enhances the well-being of the communities within the Wellington region.”

85 In my opinion, Objective 19 and Objective CC.6 (as amended by the Section 42A report for Natural Hazards in response to submissions from WIAL [S148.019] and others) both specifically provide for the resilience of infrastructure in their list of matters. Objective 19 seeks to avoid and/or minimise risks to a number of matters, including infrastructure, from natural hazards and the effects of climate change. Objective CC.6 seeks that resource management and adaptation planning increase the resilience of communities and infrastructure to the effects of climate change. Additionally, it is recommended in this rebuttal evidence (paragraph 73) in response to Ms Hunter, that Objective 21 be amended to include *infrastructure* in its list of matters, acknowledging the important role it plays in the resilience of our communities to the effects from natural hazards and climate change.

86 Ms Hunter proposes a new Policy:

“Reduce the vulnerability of assets exposed to climate change by understanding where infrastructure assets in the region are exposed and vulnerable to climate impacts, and prioritise the protection of assets, particularly those which provide for regionally significant infrastructure, so that services can continue to operate effectively and efficiently.”

87 There are a number of aspects of the natural hazard provisions that already provide for much of what is requested in this policy.

88 Policy 29 explicitly sets out a process to identify areas affected by natural hazards and to 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. This hazard mapping is already underway in the region, including in Wellington City, and the results of it are relevant for infrastructure providers in the management of their assets.

89 Policy 51(g), as amended by the Section 42A report for Natural Hazards in response to WIAL’s submission [S148.048], allows for development in high hazard areas where there is a functional or operational need. This recognises that in some instances it is unavoidable to undertake development in these areas.

90 Policy 52(c) allows for hazard mitigation structures where they are needed 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. Again, like Policy 51(g), this recognises that in some instances existing development and regionally significant infrastructure is unable to be moved and requires engineered mitigation measures to protect it from natural hazards to enable its continued and safe existence and operation. The importance of this is further emphasised with the requirement to consider this within a strategic long-term plan for the asset.

91 Lastly, Ms Hunter requests a new Policy:

“Ensure that long term climate impacts are considered in the design and investment in infrastructure in the region.”

92 As discussed above, Policy 52(c) allows for hazard mitigation structures where they are needed 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. Policy 52(d) further directs a consideration of the long-term viability of maintaining the structural protection works with particular regard to how climate change may increase the risk over time. Both these clauses highlight the importance of strategic long-term asset planning, particularly in light of climate change.

93 Policy CC.16 that follows from Objective CC.6, encourages and outlines approaches for climate change adaptation strategies, plans and implementation programmes and is designed specifically for long-term strategic planning.

94 I consider that the relief sought by Ms Hunter to include these new provisions is already provided for in the suite of Natural Hazard provisions. **Therefore, I recommend rejecting the request.**

RESPONSES TO EXPERT EVIDENCE – IAIN DAWE

Natural Hazard Introduction and Issues

95 The Introduction to the Natural Hazards chapter and the Issues are addressed in the evidence of HortNZ and WFF.

WFF

96 Ms McGruddy is supportive of the changes to the Introduction and agrees with adding references to the risks to water security and food production and agrees with including risks to the local economy in Issue 1.

HortNZ

97 Ms Sands requests that food security is specifically recognised in Issue 1. Ms Sands does not oppose the inclusion of the 'local economy' as recommended in the s42 report to capture 'food security', considering food production is a subset of business activity and the local economy. However, Ms Sands considers that there are more specific social wellbeing values and human health considerations linked to food production and particularly food security, that are not adequately captured by reference to the 'local economy'.

Analysis and recommendations

98 Issue 1 is worded to capture the broad domains that make up our society that are affected by natural hazards and disasters. There are many elements that are captured within these domains, that are not specifically listed as matters within the Issue statement, including food security. Food security crosses a number of domains within the matters listed in Issue 1, including business and the local economy, property and the natural environment. In my opinion, the concept of food security is captured within the Issue, that in turn informs the objectives and policies. Therefore, I recommend that the Issue is not amended to include reference to food security.

99 Nevertheless, I agree that food and water security is an important issue that we must grapple with as a society, particularly in light of climate change and changes in land use and production. For these reasons, it was specifically highlighted in Climate Change Issue 3 which connects through to Policies FW.8, CC.15 and CC.16 that address rural resilience to climate change and adaptation to climate change and natural hazards respectively. I believe this sufficiently relieves the concerns raised by Ms Rushmore and that adaptation

planning is the appropriate place to manage the ongoing effects that natural hazards and climate change will have on food production and highly productive land.

100 To direct plan users to this connecting series of policies with an adaptation and rural resilience focus, I recommend amending the explanation to Policy CC.16 to highlight these connections and draw plan users attention to relevant policies CC.15 and FW.8 (presented below).

101 Additionally, I recommend and note a wording change to Policy CC.15(b) to specifically include food production and food and water security; (b) promoting and supporting land management practices and/or land uses, including nature-based solutions, that improve resilience to climate change, [including rural water resilience and food security](#). This change is also discussed in the evidence of Jerome Wyeth and is shown in his rebuttal evidence as a recommended change. In my opinion, this sufficiently addresses the concerns raised by HortNZ and Ms Sands to acknowledge the importance of food security.

Objective CC.6

102 Objective CC.6 is addressed in the evidence of PCC and Waka Kotahi.

PCC

103 Mr McDonnell agrees that adaptation planning is an important tool to respond to the impacts of climate change, but disagrees that the means to achieve an objective should be located in the objective, but instead they should be in policies or methods. Mr McDonnell also notes that policies CC.16 and CC.17 have a sufficient policy “line of sight” to Objective 21 as the outcome of this objective is that communities are resilient to the effects of climate change. Mr McDonnell recommends either deleting the Objective or rewording it as per PCC’s original submission [S30]: “~~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 is increased.”

Waka Kotahi

104 Ms Heppelthwaite was supportive of the changes to Objective CC.6 to include reference to infrastructure.

Analysis and recommendations

105 Wording changes to Objective 21 (discussed in paragraph 45 mean that it is now more focused on the natural hazards side of resilience. Objective CC.6 is focussed on the

adaptation that will be required to be undertaken by councils in conjunction with the community in response to changes in the natural environment as a result of climate change and in particular, to the way in which this is exacerbating natural hazards. Adapting to these changes will require a holistic approach that involves a number of different mechanisms and instruments, including resource management planning. It is appropriate that this is mentioned in the Objective as it leads through to the Policy direction. Objective CC.6 has also been worded to link to other policies, some of which also require a regional and district plan response, including; regulatory Policy CC.4 that addresses climate resilient urban areas; consideration policies FW.5 for water supply planning for climate change and urban development, CC.14 for climate resilient urban areas and, Policy 55 for providing for appropriate urban expansion, and; non-regulatory Policy CC.15 to improve rural resilience to climate change.

106 **Thus, I recommend that Objective CC.6 is retained as worded in the S42A report.**

Policy CC.16

107 Policy CC.16 is addressed in the evidence of PCC, UHCC and WFF.

PCC

108 Mr McDonnell agrees with the proposed amendments to Policy CC.16 as outlined in the s42A report, including the deletion of reference to the Local Government Act, and deletion of the terms 'city plans' and 'room for the river'.

UHCC

109 Ms Rushmore is supportive of the wording changes to the Policy proposed in the S42A report to remove reference to the Local Government Act but, is concerned that clause (c) appears to require a regulatory response despite the fact that it is a non-regulatory policy. Ms Rushmore seeks that reference to regional and district provisions that may be used to help implement climate change adaptation is deleted from clause (c) of the Policy.

WFF

110 Ms McGruddy submits that Policy CC.16 should be amended to include an additional clause to provide for climate adaptation options including rural water infrastructure.

Analysis and recommendations

111 Ms Rushmore requests that reference to regional and district provisions is deleted from the Policy. Whilst this Policy does reference regulatory processes it does not *require*

councils to undertake a plan change or initiate a regulatory response in the process of adaptation planning. Rather, it recognises that in some circumstances there may need to be a regulatory response for the successful implementation of a climate change adaptation plan. For example, if managed retreat becomes part of the agreed response in an adaption plan, this will in all likelihood require some form of district plan change. **Therefore, I recommend that clause (c) is retained as worded in the S42A report.**

112 The request by Ms McGruddy to amend the Policy to provide for climate adaptation options, including rural water infrastructure is satisfied, in my opinion, by a recommended change to Policy CC.15(b) to specifically include food production and food and water security. This change is also discussed in the evidence of Jerome Wyeth:

“(b) promoting and supporting land management practices and/or land uses, including nature-based solutions, that improve resilience to climate change, [including rural water resilience and food security.](#)”

113 As a result of evidence presented by Ms McGruddy on behalf of WFF and Ms Sands on behalf of HortNZ (discussed in paragraphs 98-101), **I recommend a consequential change to the explanation of Policy CC.16 directing plan users to related rural resilience to climate change provisions in the RPS as follows:**

“Explanation

Policy CC.16 provides a range of options for development and implementation of adaptation strategies or plans to suit a particular programme or local circumstances. In some instances, the outcomes may require implementation as objectives, policies, and rules in regional or district plans, but this is not expected to be a requirement.

[This Policy should be read in conjunction with Policy CC.15 and Method CC.8 that address rural resilience to climate change, food and water security.](#)”

Policy CC.17

114 Policy CC.17 is addressed in the evidence of PCC. Mr McDonnell submitted in support of retaining Policy CC.17 as notified and agreed with the reasoning in the s42A report for its retention. Mr McDonnell considers that adaptation plans are an important tool to address the impact of climate change and that it is entirely appropriate that this is iwi-led.

Analysis and recommendations

115 **I recommend Policy CC.17 is retained as worded.**

Method 22

116 Method 22 is addressed in the evidence of WFF. Ms McGruddy requests that Method 22 should be amended by adding a new clause to provide for assisting catchment groups and water user groups in the development of adaptation plans.

Analysis and recommendations

117 I accept Ms McGruddy’s proposal to include a method to assist catchment groups and water user groups in the development of adaptation plans. Policy CC.16 and CC.17 both outline and promote processes to undertake adaptation plans with the community. However, in my opinion, the best place for this amendment is for it to be included in Method CC.8, that addresses programmes to support low emissions and climate-resilient agriculture. Method 22 is more focussed on integrated hazard risk management and climate change adaptation planning for urban communities. There are specific provisions in the RPS to address rural communities. In this instance, Policy CC.15 to improve rural resilience to climate change and Method CC.8. Consequently, I recommend and note that a new clause be added to Method CC.8 as follows This change is also discussed in the evidence of Jerome Wyeth:

“(x) identify and assist catchment groups and water user groups in the development of adaptation plans”.

118 **Thus, I recommend that no further changes be made to Method 22 as a result of Ms McGruddy’s evidence.**

New Policy CC.X

119 A new policy is proposed by Rangitāne. Ms Burns supports Policies CC.16 and CC.17, but considers that a more explicit reference to mātauranga outside of adaptation plans will ensure a more fulsome assessment of the use and benefits of mātauranga in comprehensive natural hazard management. It is argued by Ms Burns that the new policy will support outcomes sought in Objectives CC.1, CC.2, CC.6, 19, 20 and 21 as well as linking to their respective methods. The new policy proposed is:

“Policy CC.X: Integration of Te Ao Māori and mātauranga for Climate Change Mitigation, Adaptation and Natural Hazard Risk and Management

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, ensure that design and implementation of climate change mitigation, climate change adaptation and natural hazard management:

(a) integrates Te Ao Māori and mātauranga Māori, in partnership with mana whenua/tangata whenua; and

(b) protects significant cultural sites and taonga species that contribute to the individual and community wellbeing of mana whenua/tangata whenua.”

Analysis and recommendations

120 I understand the reasoning behind this proposed policy. However, in my opinion it doesn't add anything further to the RPS than what already happens in practice in the implementation of these policies. The provisions are written and designed to be interconnected and used holistically and it is my experience that this is the case in their application. For example, it is standard practice when consent applications are being processed or plan reviews undertaken, that an assessment is made against the suite of relevant provisions that sit within the RPS. More recently, there is a growing recognition of the importance of consulting with and involving mana whenua/tangata whenua in consent decision making, whether that be internally or in the requirement for a consent applicant to consult or hire māori experts to inform the application. The natural hazard provisions recognise this and the importance of Te Ao Māori by weaving it through the provisions. It is the expectation that mātauranga will be assessed by māori representing mana whenua/tangata whenua. A good example of the implementation of this approach is in the Onepoto to Tītahi Bay cycle-walk way project along the Takapuwahia shoreline in Porirua. Working with Ngāti Toa and incorporating elements of Te Ao Māori, a nature-based design has been developed to restore a wetland edge to the Harbour with integrated storm water management. It is my experience that this is becoming standard practice, particularly with the larger projects.

121 I do not consider that including this policy will add anything more to the provisions. **Therefore, I recommend rejecting this request.**

DATE:

22 August 2023

Dr Iain Nicholas Dawe

Greater Wellington Regional Council

AND

James Gary Beban

Urban Edge Planning Limited

Appendix 1 - Section 32AA Assessment

This assessment is for the recommended changes to the natural hazards objectives and policies as outlined in the Rebuttal Evidence of Iain Dawe and James Beban. Specifically, this Section 32AA assessment relates to the following provisions:

- Objective 21 – include reference to natural hazard events
- Objective 21 – include reference to infrastructure
- Policy 52
- Policy CC.16 - explanation
- Method 22 / Policy 29 Explanation

Table 1: Amendments to Objective 21 (reference to natural hazard events) (James Beban)

<p>Objective 21</p> <p>The resilience of our € communities, are more resilient to natural hazards, including the impacts and the natural environment to natural hazard events is strengthened improved including to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazards s-events.</p>	
<p>Effectiveness and efficiency</p>	<ul style="list-style-type: none"> • The proposed inclusion of a reference to natural hazard events to the objective ensures it applies to all natural hazards, as it was originally intended. This will ensure a consistent approach across all hazards when improving the resilience of the communities. This will allow for a more effective objective. • The proposed amended ensures that the objective is more efficient as it refers to natural hazards consistently throughout the objective, as opposed to just at the end. This amendment provides clarity that it applies to all natural hazards.
<p>Costs/Benefits</p>	<ul style="list-style-type: none"> • There are no significant costs associated with this change to the objective as it aligns it with the original wording which applied to all hazards.
<p>Risk of acting or not acting</p>	<ul style="list-style-type: none"> • The risk of not acting is that the objective will have a narrower focus in terms of the natural hazards that it will apply to. As a result, this

	<p>will impact the applicability of this objective in terms of how it could be applied to improving the resilience of our communities and natural environment.</p> <ul style="list-style-type: none"> • There are minimal risks by acting as the amendment to the objective ensures the objective is more consistent with the original wording of Objective 20, which has been in the RPS since it became operative.
Recommendation about more appropriate action	<ul style="list-style-type: none"> • I consider the revised wording is the most appropriate response as it improves the understanding of the objective and ensure it applies to all natural hazards. This allows for a more consistent application of the policy, which will be more appropriate in achieving the purpose of the RMA.

Table 2: Amendments to Objective 21 (reference to infrastructure) (James Beban)

<p>Objective 21</p> <p>The resilience of our communities, infrastructure are more resilient to natural hazards, including the impacts and the natural environment to natural hazard events is strengthened improved including to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazards s-events.</p>	
Effectiveness and efficiency	<ul style="list-style-type: none"> • The proposed inclusion of a reference to infrastructure in this objective recognises that ensuring the resilience of infrastructure to the effects of natural hazards and climate change is a component of ensuring people are better prepared for the consequences of natural hazard events. • The inclusion of infrastructure into this objective ensures there is consistency within the RPS, particularly with the Climate Change Objective 6.
Costs/Benefits	<ul style="list-style-type: none"> • There are no costs associated with the amendment, which seeks only to strengthen the objective.

Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting is that the provision as proposed does not sufficiently recognise the role of infrastructure in the resilience and preparedness of people and communities.
Recommendation about more appropriate action	<ul style="list-style-type: none"> The recommended amendment as discussed in my evidence is considered to be more appropriate in achieving the purpose of the RMA.

Table 3: Amendments to Policy 52 (James Beban)

<p>Policy 52 <u>Avoiding or Minimising</u> adverse effects of hazard mitigation measures</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</p> <p>...</p> <p>(c) avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development, <u>regionally significant infrastructure</u> or property from unacceptable risk and the works form part of a long-term hazard management strategy <u>agreed to by relevant authorities</u> that represents the best practicable option for the future;</p> <p>...</p> <p>(f) sites of significance to mana <u>whenua</u>/tangata whenua <u>including those</u> identified in a planning document recognised by an iwi authority and lodged with a local authority or scheduled in a <u>city, district or regional plan</u>;</p> <p>(g) <u>a no more than minor increase in the change in natural hazard</u> risk to nearby areas as a result of changes to natural processes from the hazard mitigation works;</p> <p>...</p> <p>so that they <u>minimise</u> reduce <u>and or do not increase</u> the risks <u>from</u> of natural hazards.</p>	
Effectiveness and efficiency	<ul style="list-style-type: none"> The proposed amendments will improve consistency, clarity and understanding of the policy and remove the conflict between the wording as currently proposed.

Costs/Benefits	<ul style="list-style-type: none"> There are no costs associated with the amendments, which seek only to achieve consistency with other policies, clarify the objective and improve the grammar of the policy.
Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting is that the policy as proposed has some poor grammar, and conflict between requirements, which could impact the interpretation of the policy.
Recommendation about more appropriate action	<ul style="list-style-type: none"> I consider the revised wording is the most appropriate response as it removes the conflict within the policy in terms of outcomes sought and improves the understanding of the policy. This allows for a more consistent application of the policy, which will be more appropriate in achieving the purpose of the RMA.

Table 4: Amendments to Method 22 & Policy 29 Explanation (James Beban)

<p>Method 22: Integrated hazard risk management and climate change adaptation planning</p> <p>Information about areas at high risk from natural hazards.</p> <p><u>Integrate hazard risk management and climate change adaptation planning in the Wellington region by:</u></p> <p>a) <u>developing non-statutory strategies, where appropriate, for integrating hazard risk management and climate change adaptation approaches between local authorities in the region;</u></p> <p>b) <u>developing consistency in natural hazard provisions in city, district and regional plans;</u></p> <p>c) <u>assisting mana whenua/tangata whenua in the development of iwi climate change adaptation plans.</u></p> <p>d) <u>Prepare and disseminate information about classifying risks from natural hazards as low, medium and high to ensure regional consistency.</u></p> <p>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.</p>
--

Policy 29 – Explanation

...

Guidance documents that can be used to assist in incorporating a risk-based approach to hazard risk management and planning include:

...

- [NZCPS guidance note: Coastal Hazards, Department of Conservation \(2017\); and](#)

...

Effectiveness and efficiency

- The proposed amendment to Method 22 will promote regional consistency in relation to how natural hazard risk is determined. This will provide more certainty to territorial authorities, applicants and impacted property owners on how hazard planning will be undertaken in the region, as opposed to each council trying to determine how to make this determination. This will improve efficiency.
- The proposed amendment to Method 22 is effective at implementing the associated objectives and policies as they align with the outcomes sought through the objectives and policies.
- The inclusion of the NZCPS guidance document to the Explanation for Policy 29 will increase awareness for territorial authorities and applicants of the existence of this document. This will assist with a more regionally consistent interpretation of the NZCPS, which has the ability to improve the efficiency of resource management processes that are impacted by this higher order document.

Costs/Benefits

- There will be a financial cost to the regional council in relation to the preparation and dissemination of the information.
- The benefits will be an increase in capability within councils across the region, and greater consistency between plans, which will improve useability and implementation.

	<ul style="list-style-type: none"> • There is also the financial benefit associated with each territorial authority having to work out for themselves how to define low, medium and high hazard/risk areas.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not acting is that councils will continue to interpret and apply natural and coastal hazard information inconsistently, which is a particular concern where natural hazard impacts cross jurisdictional boundaries. • There is also the risk of councils duplicating processes to define low, medium and high hazard areas/risk. • By not including the NZCPS document in the reference documents, there is the risk that this will not be known to council planners or applicants, and therefore this resource is not used to inform the interpretation of the NZCPS. • There is no risk in acting, as much of the information is already publicly available.
Recommendation about more appropriate action	<ul style="list-style-type: none"> • The recommended amendments better ensure that the outcomes sought by the RPS will be achieved across the region in a consistent manner. • The recommended amendments result in the improved management of natural hazard risk and better achieve the purpose of the RMA.

Table 5: Amendments to Policy CC.16 Explanation (Iain Dawe)

<p>Explanation</p> <p><u>Policy CC.16 provides a range of options for development and implementation of adaptation strategies or plans to suit a particular programme or local circumstances. In some instances, the outcomes may require implementation as objectives, policies, and rules in regional or district plans, but this is not expected to be a requirement.</u></p> <p><u>This Policy should be read in conjunction with Policy CC.15 and Method CC.8 that address rural resilience to climate change, food and water security.</u></p>

Effectiveness and efficiency	<ul style="list-style-type: none"> The inclusion of wording to direct plan users to related rural resilience provisions within the RPS will highlight the connections between the provisions and increase clarity for users of the document. This will assist with a more consistent interpretation and implementation of the climate and hazard related adaptation provisions.
Costs/Benefits	<ul style="list-style-type: none"> There are no costs associated with this change but there are benefits for plan users in being able to better interpret the meaning and intent of the climate and hazard related adaptation provisions.
Risk of acting or not acting	<ul style="list-style-type: none"> The risk of not acting (ie, not including this change) is that the provision may end up having a narrower interpretation. As a result, this will impact on the implementation of the suite of natural hazard and climate change provisions. There are no risks to including this change.
Recommendation about more appropriate action	<ul style="list-style-type: none"> I consider the revised wording is the most appropriate response as it improves the understanding of the Policy and allows for a more consistent application of the provisions.

Table 6: Amendments to Policy CC.15 and Method CC.8 (Iain Dawe)

<p><u>Policy CC.15</u></p> <p><u>(b) promoting and supporting land management practices and/or land uses, including nature-based solutions, that improve resilience to climate change, including rural water resilience and food security.</u></p>	
<p><u>Method CC.8</u></p> <p><u>(x) identify and assist catchment groups and water user groups in the development of adaptation plans.</u></p>	
Effectiveness and efficiency	<ul style="list-style-type: none"> The inclusion of rural water resilience and food security to Policy CC.15 and adaptation plans for catchment and water user groups in

	<p>Method CC.8, helps to bring through this aspect of climate resilience planning from Objective CC.6 and Policy CC.16 into the rural focussed provisions of the plan.</p> <ul style="list-style-type: none"> • It connects plan users to related rural resilience provisions within the RPS and highlights the connections between the provisions and methods and increases clarity for users of the document. • This will assist with a more consistent interpretation and implementation of the climate and hazard related adaptation provisions.
Costs/Benefits	<ul style="list-style-type: none"> • Greater Wellington has a number of catchment and water user groups that it works with in the region so there are no costs associated with setting these groups up. • There will some costs associated with the development of water adaptation plans, but these will be assisted by investigative undertaken in the Whaitua process and related water management work undertaken as part of the Natural Resources Plan. • The benefits of promoting water and food security and developing adaptation plans for water resilience is that the process identifies current and future risks to water supply, particularly as a result of climate change and allows for strategic planning on how to manage risks over time. • This is preferable to taking a reactive response each time a climate stressor event occurs, such a drought, as this leads to greater costs from the response due to a lack of preparedness and can lead to <i>ad hoc</i> decision making over time that is uncoordinated and costly.
Risk of acting or not acting	<ul style="list-style-type: none"> • The risk of not including these wording changes is that the importance of food and water security and resilience is not properly recognised and strategic water resilience planning does not happen and we end up taken a reactive approach to managing climate impacts over time, rather than a long-term strategic approach.

Recommendation about more appropriate action	<ul style="list-style-type: none"><li data-bbox="481 203 1388 452">• I consider the revised wording is the most appropriate response as it improves the understanding of the climate change provisions as they related to rural adaption and climate resilience and allows for a more consistent interpretation and implementation across the natural hazards and climate change provisions.
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