

**Before the Hearings Panel
At Greater Wellington Regional Council**

Under Schedule 1 of the Resource Management Act

In the matter of Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Hearing Topic Hearing Stream 3 – Climate Change

**Statement of evidence of Suzanne Rushmere on behalf of Upper Hutt City Council
(Planning)
Date: 2 August 2023**

INTRODUCTION

1. My full name is Suzanne Rushmere, and I am employed as Senior Planner (Policy) by Upper Hutt City Council (UHCC).
2. I have prepared this statement of evidence on behalf of UHCC in support of the UHCC submission to Greater Wellington Regional Council's (GWRC) Regional Policy Statement (RPS) Plan Change 1 (PC1).
3. This statement of evidence relates to Hearing Stream Three – Climate Change.
4. I am authorised to provide this evidence on behalf of UHCC.

QUALIFICATIONS AND EXPERIENCE

5. I hold the qualifications of Bachelor of Arts (Honours) in Planning from Oxford Brookes University (UK), Post Graduate Diploma in Planning from Oxford Brookes University, and a Master of Science in Planning from Oxford Brookes University.
6. I have worked for Upper Hutt City Council as Senior Planner since August 2022. I have supported the development of Plan Changes, including the Intensification Planning Instrument and Rural Review, as well working on the UHCC Integrated Transport Strategy.
7. I am involved in regional projects as a lead for UHCC on the core group developing the Housing and Business Assessment and the Future Development Strategy.
8. Prior to working at UHCC, I was employed by Kapiti Coast District Council in the District Plan and Rooding teams. My roles included preparing section 42A reports for the Proposed District Plan hearings and working on the resource consent processes.
9. I am a chartered member of the Royal Town Planning Institute (UK).

CODE OF CONDUCT

10. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

SCOPE OF EVIDENCE

11. My statement of evidence considers the following matters in relation to the UHCC submission on the Regional Policy Statement Plan Change 1 (RPS PC1).
 - Climate Change General
 - Climate Change - Agricultural Emissions
 - Climate Resilience and Nature Based Solutions

- Energy, Waste and Industry
- Natural Hazards
- Transport

12. In preparing my evidence I have relied on the following:

- The RPS PC1 for the Wellington Region
- The submission on RPS PC1 made by Upper Hutt City Council
- The Section 42A reports for Hearing Stream Three relating to the matters identified in paragraph 11 of this Statement of Evidence
- The RPS PC1 Section 32 Assessment
- Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi Adapt and thrive: Building a climate-resilient New Zealand. New Zealand’s First National Adaptation Plan (NAP)
- The Resource Management Act (RMA)
- Wellington Regional Land Transport Plan (RLTP)
- Wellington Natural Resources Plan

13. The scope of this statement of evidence does not extend to identifying consequential amendments needed in response to the concerns raised.

14. For ease of administration, this statement of evidence focusses only on areas of remaining concerns. Where I do not specifically address issues raised in the UHCC submission I either agree with or have a neutral stance on the recommendations in the Hearing Stream Three – Climate Change S42A reports. These include the provisions identified in table one below.

Table One

Provision	Section 42A Report
Objective CC.8	Climate Change - General
Method CC.1	Climate Change - General
Policy CC.13	Climate Change – Agricultural Emissions
Policy CC.7	Climate Resilience and Nature Based Solutions
Issue 8	Climate Resilience and Nature Based Solutions
Issue 10: (Policy FW.8)	Climate Resilience and Nature Based Solutions
Chapter Introduction	Energy, Waste and Industry
Objective 19	Natural Hazards
Policy 51	Natural Hazards
Policy CC.17	Natural Hazards
Method 14	Natural Hazards
Method CC.10	Transport
Policy 9	Transport

15. I agree with the proposed deletion of Policy CC.12. However, I have concerns over Policies CC.4 and CC.14 as notified, and as recommended for amendment in the Climate Resilience and Nature Based Solutions Section 42A report.

16. I note the Section 42A author has used Policies CC.4 and CC.14 as justification for the deletion of policy CC.12 and I raise concerns about Policies CC.4 and CC.14 in paragraphs 101 to 119 of this statement of evidence.

17. My statement of evidence addresses the following matters arising from the UHCC submission on RPS PC1:

- General comments
- Climate Change General
 - Regionally significant climate change issue 1 – Significantly reducing greenhouse gas emissions
 - Regionally significant climate change issue 1 – Climate change and natural hazards
 - Regionally significant climate change issue 6 – Overcoming social inertia and competing interests to address climate change
 - Objective CC.2
 - Objective CC.3
 - Objective CC.7
 - Policy CC.8
 - General comments from UHCC submission

- Climate Change – Agricultural emissions
 - Policy CC.5
 - Policy CC.15
 - General comments from UHCC submission

- Climate Change Resilience and Nature Based Solutions
 - Objective CC.4
 - Policies CC.4 and CC.14
 - Method CC.6
 - Objective CC.5

- Energy, Waste and Industry
 - General Chapter 3.3 Introduction
 - Policy 2
 - Policy 7
 - Policy 11

- Natural Hazards
 - Objective 21
 - Policy 28
 - Policy 52
 - Policy CC.16
 - Method 22

- Transport
 - Policy EiW
 - Policy CC.1
 - Policy CC.2
 - Policy CC.3
 - Policy CC.9
 - Policy CC.10
 - Policy CC.11

18. The order identified above relates to the order in which they are addressed in the Section 42A reports.

GENERAL COMMENTS

19. UHCC made several general submission points on RPS PC1, which are relevant to all topics in Hearing Stream 3. Rather than repeating them in each of the topics discussed in this statement of evidence, these are identified below. For ease of reference, the submission point numbers allocated to the points raised by UHCC in the summary of submissions are also shown. UHCC's general submission points are:

- (S34.0111) UHCC has not:
 - undertaken a complete check of whether detailed relief sought in this submission, could be/are partly or fully addressed by other provisions in RPS PC1.
 - undertaken a full review of background documents and higher order documents supporting or relating to these provisions.
 - identified all consequential amendments needed in response to relief sought on specific provisions or that might address our concerns.

- (S34.0113) Council is concerned the issues are worded in strong negative language in the absence of any evidence, that Council is aware of, to support this negatively framed position, and these set a negative presumption and tone for the proposed cascading provisions. UHCC seeks the issues are amended to be written in neutral language with a balanced approach to the issue.

- (S34.0115) Requirements for district plans to include provisions for regional council functions or that extend beyond the ability of regional council to direct: Council has significant concerns that many of the proposed provisions attempt to require city and district councils to carry out some of the functions of regional councils or require Council to address resource management issues in its district plan that are beyond its statutory functions, powers and duties under the RMA. GWRC is not able to legitimately direct these outcomes. Council considers these provisions ultra vires. UHCC seeks the RPS is reviewed and amended to more appropriately and accurately reflect the powers, functions and duties of the regional, district and city councils.

- (S34.0116) Lack of higher order document or evidentiary support for provisions, and policies which duplicate national direction: Many of the proposed provisions do not appear to be adequately supported within the Section 32 Assessment by robust evidence, including any existing legislation or higher-level strategic planning document such as a national policy statement. This is particularly evident for the proposed climate change and indigenous biodiversity provisions. UHCC submits that a full legal and planning review is undertaken to address these inconsistencies and relief sought to specific provisions.

- (S34.0117) Lack of consideration of scale of provisions: The requirements and evidence base to develop the thresholds require significant effort and resourcing, which Council is not in a position to undertake, and in some cases, thresholds may not be an appropriate mechanism to address effects. UHCC contends that GWRC should further consider the practicalities associated with threshold-based provisions, to determine if this is the most appropriate method to achieve an objective or policy or develop guidance jointly with territorial authorities to support the development of provisions and decision-making process. Council seeks relief to specific provisions to address concerns.

- (S34.0118) Inadequacy of Section 32 Assessment: Council is concerned that the Section 32 assessment is not sufficiently evidenced and does not fully evaluate whether many of the

regulatory provisions are practical / can be achieved and are the best method of achieving the outcomes sought. UHCC seeks that these provisions should be deleted and considered in a later plan change.

- (S34.0120) Council considers that there are fundamental issues with the proposed provisions that require significant revision or deletion to ensure the RPSPC1 is legally robust and practical to implement. Thus, Council seeks that GWRC undertake a full legal and planning review of the proposed provisions and amend the RPSPC1 to address these concerns, including detailed submission points on individual provisions. Council also seeks any other consequential amendments to remedy errors and address relief sought.
20. Some Section 42A authors have specifically addressed the general comments in the UHCC submission, whereas in some Section 42A reports consideration of these submission points has not been obvious. However, for the reasons identified in this statement of evidence, I do not consider that the general comments made in the UHCC submission have been fully addressed, and some concerns still remain. In particular, I am of the opinion that some provisions as recommended for amendment by the Section 42A authors still:
- lack higher order document or evidentiary support or are beyond what can be achieved within the statutory functions provided for in the RMA;
 - cannot practically be implemented;
 - lack recognition of scale and significance; and
 - are not the most appropriate method of achieving an outcome.
21. Given the limited time submitters have available to review the section 42A reports and provide evidence, I have not had the opportunity to recommend amendments in respect of these general submission points. Therefore, the issues identified above would need further consideration, including whether consequential amendments would be required as a result of any further amendments proposed to address the concerns raised in this statement of evidence.

Regionally significant climate change issue 1 – Significantly reducing greenhouse gas emissions

22. (S34.005) UHCC seeks amendments to the issue 1 to recognise that there are tools to help address climate change, but the provisions as notified did not support this, particularly without significant funding, which will be an important factor in achieving this outcome.
23. The Section 42A report identifies that there is agreement that utilising all available tools to address greenhouse gas (GHG) emissions will be essential, and *“there are legislative limitations and funding issues that limit the ability of Change 1 to fully address climate change”*. However, the Section 42A author does not agree that Issue 1 is the appropriate place to articulate these matters. This was on the basis that *“the issue is focused on the effects of climate change and the significant reductions in GHG emissions needed to respond to climate change, not how that issue should be addressed”*.
24. I agree that issue 1 itself focusses on the effects of climate change but, in my opinion, one of the significant issues to addressing climate change in the Wellington Region is the availability of

funding. I note that the author acknowledges this but does not propose amendments to issue 1, identifying that *“this is the role of the objectives, policies and methods that seek to address this significant resource management issue”*.

25. Whilst I acknowledge that some policies and methods identify funding support these are limited, and I consider that the provisions identified in the RPS PC1 require significant funding to provide the infrastructure and tools to achieve this.
26. Related to the above, the Section 32 assessment does not provide sufficient evidence to support the assumption that the costs of the amended and new objectives will impose on communities are reasonable.
27. I note the section 42A writer’s comments that issue 1 is not the best place to do this. I agree with this but consider that the chapter introduction is an appropriate place to identify funding constraints. A new issue 7 would appropriately address the submission point and recognise the funding challenge.
28. This would support the authors position that there are legislative limitations and funding issues that limit the ability of Change 1 to fully address climate change, as well as supporting the advocacy role the RPS can play in attracting funding and reducing the financial burden on communities. I recommend including a new issue 7, or other such amendments that address the relief sought, and my proposed amendments are identified in Appendix A to this statement of evidence.

Regionally significant climate change issue 3 - Climate change and natural hazards

29. (S34.006) The UHCC submission considers that the Section 32 Assessment did not support the contention that hard engineering solutions for natural hazards would inevitably become overwhelmed, and the provisions failed to recognise there may be other solutions to achieve the outcome sought.
30. UHCC seeks amendments to read: *“...and our over-reliance on hard engineered protection works, which ~~will inevitably~~ may become overwhelmed and uneconomic to sustain, will ultimately may increase the risk....”*.
31. I note that the section 42A author agrees that *“by using absolute terms such as ‘over-reliance’, Issue 3 gives the impression that there is no role for well-designed hard engineering solutions to improve resilience to natural hazards and climate change”*. The section 42A report proposes alternative wording that *“recognises that hard engineering solutions have a role in improving resilience to natural hazards and climate change where these are designed appropriately alongside natural solutions”*.
32. In my opinion, the proposed amendments are not sufficient to address the concerns raised in the UHCC submission. Whilst the proposed amendments identify that hard engineering may form part of a suite of tools to address the effects of climate change, there is no evidence in the Section 32 assessment that traditional approaches tend not to fully consider the impacts on natural systems or that they will inevitably become compromised. I recommend amending issue 3 in addition to the amendments proposed in the S42A report.

33. Proposed amendments are identified in Appendix A to this statement of evidence, and these would also address some of the concerns raised by UHCC around the use of negative language in submission point (S34.0113).

Regionally significant climate change issue 6 – Overcoming social inertia and competing interests to address climate change

34. (S34.007) UHCC supported the issue in part, but the submission raised issues around the assumption that social inertia and a lack of understanding are reasons for a lack of action on climate change. UHCC are concerned that this statement assumes that people and businesses do not understand or want to do anything about Climate Change, when funding and the ability to support action are more likely factors. UHCC therefore, seeks amendments to address these concerns.
35. The Section 42A author agrees *“that the notified wording of Issue 6 assumes a lack of understanding of climate change issues as a core reason for social inertia, when there are other equally challenging barriers (including funding and capacity) to people and businesses taking action on climate change issues”* but considers that the proposed amendments by UHCC downplayed the issue of social inertia.
36. In my opinion the proposed amendments do not address the concerns raised in the UHCC submission, continuing to assume that social inertia is a key barrier but without providing further evidence to demonstrate that this is the case. I note, for example, that the National Adaptation Plan (NAP) does not appear to identify social inertia as a barrier to adaptation but does identify funding and information as a key action needed to manage the potential impacts of adaptation related to regulatory change. Therefore, I recommend amending issue 6 in addition to the amendments proposed in the S42A report.
37. Proposed amendments are identified in Appendix A to this statement of evidence. The amendments recommended to issue 3 in Appendix A to this statement of evidence also align well with the new issue 7 I have recommended and represents a more positive framing of the current issues.

Objective CC.2

38. (S34.018) Upper Hutt submits that: Whilst Council supports the intent to share costs and benefits equally, it is unclear what is meant by this in practice, and how this can be achieved. There is a lack of clarity on expectations from territorial authorities and it is noted that there are third party costs and benefits that are not within the remit of Local Government functions including resource consents.
39. The UHCC submission seeks that Objective CC.2 is amended to identify how this can be measured and enforced in an RMA / RPS context.
40. Whilst the Section 42A report states that it is considered that the intent of the Objective is sound, there is agreement with submitters that Objective CC.2 would benefit from further clarification.
41. I share the concerns raised in the Upper Hutt submission and in my opinion, the proposed amendments are not sufficient to address these concerns. The amendment from “shared fairly”

to “equitable between sectors and communities” does not clarify what this means in practice, nor how the objective could be measured or enforced in an RMA context.

42. In this respect, it is unclear how Objective CC.2 would serve an RMA purpose, and I consider that sufficient direction on equity is addressed in other documents such as the NAP, noting that this is a document that Councils must have regard to.
43. For the reasons identified above, I recommend Objective CC.2 is deleted and proposed amendments are identified in Appendix A to this statement of evidence.

Objective CC.3

44. (S34.024) UHCC submits that the methods that implemented this Objective proposed for deletion should also have reference to them deleted from relevant objectives and policies. As an example, Table 1A refers to Method 31 to achieve Objective CC.3, but this is proposed for deletion. I agree with this submission point and note that it does not appear to have been addressed in the Section 42A report.
45. UHCC also submits that Objective CC.3 should be amended to clarify roles and functions relating to the implementation required to achieve this objective. These particularly relate to methods regarding behaviour change and information provision, and where Council seeks amendments to policies and methods that implement this objective.
46. I agree with the issues raised by UHCC and also note that there are other policy and financial levers that will support the achievement of this objective. I also note that the targets identified in Objective CC.3 are from the Regional Land Transport Plan, which represent a point in time and may be reviewed.
47. Implementation of objective CC.3 also appears to be identified as a regional council responsibility, but some policies related to Objective CC.3 require action by the TA's.
48. The Section 42A report identifies that: *“One of the key issues raised in submissions is the extent to which Objective CC.3 is achievable under the RMA and the statutory functions of regional and district councils. Several submitters raise concerns that local authorities have limited levers to achieve GHG emission reduction targets and that climate change is best addressed at a national level through the range of national policy initiatives. In this respect, I consider that some submitters have misinterpreted the intent of Objective CC.3 and how the targets are intended to be achieved. More specifically, the terms in Objective CC.3 to ‘support’ the global goal of limiting warming and reducing emissions to ‘contribute to’ the regional GHG emission targets are deliberate and important.”*

In my opinion, the submission by UHCC did not misinterpret the intent, but seeks clarity on what roles and functions relating to implementation in relation to the statutory functions under the RMA. In this respect, the proposed amendments do not address the concerns raised in the UHCC submission. Therefore, I recommend that Objective CC.3 is amended to reflect what is achievable within an RMA context.

49. Proposed amendments are identified in Appendix A to this statement of evidence. In my opinion, the proposed amendments are a more appropriate way to achieve the purpose of the act by recognising the role that resource management processes can contribute to achieving the outcome within a wider context of other financial and regulatory levers.

Objective CC.7

50. (S34.0121) UHCC submits that the non-regulatory methods are supported but implementation relies heavily on the ability of the community to engage, and the language did not reflect people's understanding of the issues being addressed as well as funding requirements.
51. UHCC seeks that wording of policy be reviewed and amended to reflect an understanding of the barriers to implementation for our communities, and support provided to allow them to be more involved.
52. Additionally, the submission seeks a review of policies to determine ability to engage and whether they will achieve the objective. There is a need to assist by distributing clear messaging for the region on what climate change means for the region to contribute to 'understanding'.
53. I agree with UHCC and, I am not opposed to the amendments recommended in the Section 42A report. However, the reframing of the objective does not, in my opinion, address the UHCC submission point, and I consider that further amendments are required.
54. Therefore, I recommend in addition to the amendments in the S42A report that Objective CC.7 be amended, and the proposed amendments are identified in Appendix A to this statement of evidence.
55. In my opinion the amendments proposed in Appendix A are more appropriate to achieve the purpose of the act and provide flexibility to support actions identified in the NAP.

Policy CC.8

56. (S34.035) UHCC submits that Policy CC.8 be deleted in its entirety or, if not deleted, then amended to provide options in guidance for a suite of non-regulatory methods that could achieve an outcome rather than a regulatory approach. At a minimum, District Plans should be deleted from the policy since district and city councils will still be required to give effect to the RPS, and assessment and appropriate measures can be considered on a site-by-site basis.
57. Of particular concern is:
 - a) that it is unclear whether this applied to rural or urban areas,
 - b) the legislative basis for the policy,
 - c) The pressure placed on developers and TAs to assess, enforce and monitor,
 - d) that a suite of tools should be available rather than one option, and
 - e) that it would be inappropriate for guidance that sits outside of the RPS to set a direction for provisions to be included in district plans as a method of implementation.
58. In my opinion, the proposed amendments in the Section 42A report represent an improvement to Policy CC.8 as notified. This provides a clear hierarchy and provides flexibility to assess and require action on a case-by-case basis.
59. However, I note that the Section 42A author acknowledges *"the significant complexities and challenges of successfully implementing Policy CC.8 through regional and district plans, as highlighted by submitters"*. The Section 42A report further states that, *"while reducing GHG emissions is relatively undeveloped and unprecedented in an RMA context, it is now recognised as being increasingly important and, indeed necessary, to address the climate change*

emergency. I also share the concerns of some submitters that notified Policy CC.8 is overly focused on regional and district plans creating an offsetting regime for certain activities, with a lack of clear guidance on how this will be achieved in practice”.

60. Additionally, the author notes that: *“There is also limited national policy and guidance on how to best reduce and offset GHG emissions in a resource management context, making this task very complex for local authorities in the region”*. Therefore, I question how this hierarchy should be applied in a District Plan context.
61. I understand that the proposed amendments to the explanatory texts include: *“The intent is that Wellington Regional Council will work with city and district councils to provide coordination and guidance as to how to implement this policy, to ensure regional and district plan provisions to reduce greenhouse gas emissions from key emitting sectors in the region are co-ordinated and also complement national policy and initiatives. This work will consider issues such as scale, equity, and the type of activities to which offsetting should apply.”*
62. UHCC’s submission point S34.0118 raises some concern regarding the Section 32 Assessment, and I have been unable to determine where Policy CC.8 has been assessed. I am concerned that the policy cannot be determined to be the most appropriate method to achieve an outcome when the policy has not been assessed, and further guidance is required to determine how to implement this policy.
63. I would like to seek clarity on where this policy has been assessed in the Section 32A report since submission point S34.0118 was rejected by the Section 42A author.
64. In my opinion, Policy CC.8 should also be deleted and deferred until there is clearer national policy guidance and the work referred to in the proposed amendments in paragraph 62 of this statement of evidence is undertaken.

CLIMATE CHANGE – AGRICULTURAL EMISSIONS

65. The section 42A report responds to ten specific points made by UHCC that were allocated to this topic of Hearing Stream 3. A summary of the issues raised, and decisions sought, by UHCC are identified below.

Policy CC.5

66. (S34.036) UHCC:
 - submits that Policy CC.5 be deleted or clarify that the policy and methods to achieve it are a Regional Council function only.
 - is concerned that the policy would place undue burden of obligations on landowners.
 - is concerned that there is no clear evidence that agricultural greenhouse gas emissions are a particular issue in the Wellington Region compared to other regions and that Method CC.8 (d) (non-regulatory) appears to imply the requirement of farm plans through a resource consent process.

- Considers that the scale and threshold relating to these plans is unclear and it would be inappropriate for some minor developments, or developments that have a positive effect to require an assessment. The policy also did not include the type of activities to which the policy applies the Emissions Trading Scheme which does not yet cover agriculture.
67. I note that the Section 42A author agrees that that *“there are a number of practical challenges and questions about how Policy CC.5 can be best implemented through a future regional plan change”*. The Section 42A author also states that the Section 32 Report does not provide a detailed assessment of options to implement Policy CC.5, on the basis that this will occur through the future regional plan change process (including to meet RMA section 32 requirements). Policy CC.5 is also deliberately worded in a way that provides flexibility for that future regional plan change to *“determine the most cost-effective approach ... and ensure alignment with the national policy response once this is confirmed by central government”*.
68. Notwithstanding that I still have concerns over the implementation of Objective CC.3, I note that the Section 42A author states that: *“As noted above and by submitters, a reduction in agricultural GHG emissions is necessary to achieve Objective CC.3 – the key questions are what level of reduction is needed, when, and how this is best achieved. These are complex questions which will require detailed policy work and ongoing conversations with all relevant stakeholders to develop fair, equitable and cost-effective regional policy that complements national policy”*.
69. In my opinion it is premature to include Policy CC.5 in RPS PC1 until the work identified in paragraph 69 of this statement of evidence is undertaken.
70. I also consider that it is inappropriate to include a policy that has not been considered in detail in a Section 32 assessment because *“this will occur through the future regional plan change process”*. I am unclear how it can be evidenced as the most appropriate method to achieve an outcome unless this assessment has been undertaken.
71. In my opinion the recommended amendments to Policy CC.5 in the Section 42A report will also place a more onerous burden on landowners than Policy CC.5 as notified (moving from ‘avoid increases’ to ‘reducing’), without financial support.
72. I am concerned that a more onerous policy has been recommended in the Section 42A report when the evidence supporting Policy CC.5 as notified was already lacking and, therefore, recommend that this policy is deleted and deferred to a later plan change.
73. Proposed amendments are shown in Appendix A to this statement of evidence.

Policy CC.15

74. (S34.041) UHCC:

- submits that Policy CC.15 be amended to clarify that it only applies to regional council functions.
- it is considered that the policy extends beyond the RMA functions and powers of territorial authorities.

- UHCC seeks further changes to clarify what ‘nature-based solutions’ mean in a rural context and how nature-based solutions will be achieved through a non-regulatory policy.
 - UHCC submits concerns that Policy CC.15 does not consider how benefits will be apportioned when something is generated or demanded in an urban or rural area and requested that Policy CC.15 is amended to only apply to regional councils and ensure it can be achieved.
75. I agree with the Section 42A author that this is a non-regulatory policy to support a reduction in agricultural greenhouse gas emissions, however, it is unclear how this can be achieved unless it is identified as a regional council function.
76. I agree with the Section 42A author that TAs can play a role in supporting climate change resilience and mitigation, but in my opinion many Councils do not possess the resources to implement some of the climate change adaptation and mitigation efforts proposed in Policy CC.15.
77. Council also submits on many of the nature- based solutions provisions as identified in paragraphs 80 to 127 of this statement of evidence.
78. In my opinion Policy CC.15 should be identified as a regional function. Therefore, I recommend that Policy CC.15 is amended as shown in Appendix A to this statement of evidence, and the methods of implementation relating to it are identified as regional functions only, for example Method CC.4.

CLIMATE RESILIENCE AND NATURE BASED SOLUTIONS

Definition of Nature Based Solutions

79. (S34.0105) The UHCC submission supports the intent of the definition but comments on the need for balance between increased trees and the need for development, and also requested deletion of ‘protecting peatland to retain carbon stores’.
80. (S34.040) UHCC submission on Objective CC.4 requests greater clarity on nature-based solutions, including how it relates to the term “green infrastructure”.
81. I note that the issue of balance between increased trees and the increased need for development has not been specifically addressed in relation to the definition of nature-based solutions, but this can be considered in my comments on Policy CC.4 as it is more of an implementation issue.
82. The Section 42A author contends that no evidence has been provided by UHCC to demonstrate that peatlands do not retain carbon., However, the author did agree that the verb ‘protects’ could be interpreted as having a regulatory meaning.
83. Consequently, an amendment is proposed in the Section 42A report so that the definition reads “maintaining” rather than “protecting peatlands.

84. In my opinion, the verb “maintaining” provides more flexibility in interpretation within the context of “maintaining peatlands” being identified in the definition as an example of nature-based solutions and, therefore, does not direct a course of regulatory action.
85. However, there is still a lack of clarity on the relationship that this definition has with the definition of green infrastructure.
86. Therefore, I recommend that the definition of nature-based solutions is amended and reviewed alongside the definition of green infrastructure in the National Planning Standards.
87. In my opinion the proposed amendments in Appendix A are more effective as they are clearer and more closely aligned with the purpose of the RMA and the National Planning Standards.

Objective CC.4

88. (34.040) UHCC whilst supporting the intent of Objective CC.4 seeks that it be amended to exclude District and City Councils from regulatory methods to achieve this policy and that the policy be amended as follows: “nature-based solutions are recognised as an integral part of climate change mitigation....”
89. UHCC considers that District and City Councils should be able to develop their own guidance and seeks clarity on the difference between nature-based solutions and green infrastructure and seeks that these terms should be applied consistently in the RPS.
90. The S42A report states that the relief sought was only accepted in part on the grounds that the regulatory functions would be addressed under the part of the Section 42A report that discussed the policies that achieve the objective.
91. The Section 42A report also states: *“I consider that nature-based solutions clearly align with RMA Section 5 and can contribute to achieving all of the clauses defining sustainable management.....I note that the ANZBS, [Te Mana O Te Taiao Aotearoa New Zealand Biodiversity Strategy 2020] the NAP and the ERP all provide clear direction to prioritise the use of nature-based solutions within our planning and regulatory systems to address the climate and biodiversity crises together providing, where possible, for both carbon removals, climate change adaptation and the restoration of indigenous biodiversity. The NPS-IB further recognises the importance of managing indigenous biodiversity to promote resilience to the effects of climate change and also mitigate the effects of climate change....., I note that territorial authorities have broad functions under RMA section 31 to control any actual or potential effects of the use, development, or protection of land. In my opinion, nature-based solutions are part of this remit.”*
92. I agree that nature based solutions are a method to control actual and potential effects, but I disagree that the term “integral” does not mean that nature-based solutions need to be considered in all projects and that general qualifiers can be ambiguous.
93. In my opinion, continuing to identify nature-based solutions as an “integral” part of climate change mitigation and adaptation can only be interpreted as all solutions must include an element of nature-based solutions, particularly when this carries the weight of an objective. This is consistent with recent case law related to verbs in objectives and policies.

94. The view of the Section 42A author, that nature-based solutions are also a means of implementation that “*encourages the consideration of nature-based solutions alongside more traditional approaches*”, means that this may sit better in a policy or method, rather than an objective that sets a strategic direction.
95. Whilst I understand the reference to the National Adaptation Plan and Emissions Reductions Plan in paragraph 106 of the section 42A report, I am unclear how this provides a legislative justification for the objective.
96. Whilst I acknowledge that indigenous biodiversity can positively impact climate change, I consider that it is premature to provide a justification for the wording of Objective CC.4 on the basis of the National Policy Statement on Indigenous Biodiversity (NPS-IB). The timing of the gazetting of the NPS-IB has meant that the implications of this higher order document are unable to be effectively and appropriately considered in a broader context in RPS PC1.
97. Whilst I agree with the Section 42A author that the purpose of section 5 of the RMA is to address adverse effects on the environment, I am not clear on what basis it is considered that nature-based solutions are identified as clearly aligning with this purpose. Particularly when this seems to be part of a range of solutions that implement the objective.
98. For the reasons outlined above some of the concerns raised in general comments in the UHCC submission have not, in my opinion, been addressed.
99. In my opinion the term ‘important’ recognises the value of nature-based solutions and would provide sufficient encouragement to consider nature-based solutions alongside more traditional approaches, and would be consistent with the definition of nature-based solutions. This would also allow district councils to define and provide guidance on what tools best work under this policy, and the objective as proposed in Appendix A would be appropriate for achieving the purpose of the RMA.

Policies CC.4 and CC14

100. (S34.0009) UHCC supports the intent of Policy CC.4 but considers that it is inappropriate for the RPS to direct the matters contained within it with concerns around the legislative support for the policy. The UHCC submission also questions the terminology including “ability to withstand” on the grounds that it is not consistent with terminology in the RMA and nor is it within the ability of District Plans to achieve this policy alone.
101. UHCC is concerned that there is no evidence to support what level of intensity of hazards should be provided for in District Plans. Nor does it consider the ability of other legislative arrangements, such as those associated with the three waters reform to achieve the same outcome. The policy needs to consider hard engineering solutions alongside nature-based solutions and the explanation as notified contained direction / factors that better sit in a policy.
102. The UCC submission considers that it is also problematic to cross reference both specifically and generally to another provision that is relevant in interpreting another policy.
103. The relief sought by Council is more consistent with the issues identified in the RPS PC1, it provides territorial authorities with flexibility to address specific issues in their districts. The relief sought by Council also allows recognition that there are limits to the practicality of

measures to address drought and urban water scarcity, such as off grid water sources in urban areas.

104. Consequently, UHCC seeks amendments to Policy CC.4 to address its concerns.

105. (S34.010) UHCC seeks that Policy CC.14 as notified is deleted as it does not recognise the regulatory limits of district plans, particularly with regard to freshwater and tree canopy cover.

106. UHCC considers that:

- there is no clear legislative or policy statement support for requiring the implementation of the specific measures proposed within this policy, e.g. targets for urban roof area rainwater collection in district plans;
- the policy contains several terms that are not clearly defined or clarified, e.g., ‘urban greening’ and appears to apply to all scales of development, with no direction on thresholds;
- there appears to be insufficient examination on “*whether the provisions in the proposal are the most appropriate way to achieve the objectives*” e.g. clauses e) and f) may be more appropriately dealt with under the Building Act;
- it is unclear how some measures can be achieved, measured and monitored e.g. those in clause a), and
- focussing on ‘tree canopy cover’ discounts other vegetation types, canopy cover cannot work with townhouses or apartments, and it is impractical to rely solely on street trees to achieve this measure;
- natural water systems, capturing rainwater at a community level and rainwater tanks require space, which may not be available in an urban context; and
- It may impose a resource burden that Council is not appropriately funded or resourced to maintain.

107. I agree with the Section 42A writer that section 7(i) of the RMA identifies a broad requirement for District Plans to address climate change but, in my opinion, there is no legislative basis for the RPS to direct the precise measures to achieve these objectives, such as setting urban roof area rainwater collection targets or promoting building design.

108. I also note that the Section 42A author agrees that there are some specific measures in Policy CC.14 that are outside of the council’s control to regulate and that some amendments have been proposed to address this.

109. I welcome the acknowledgement in the section 42A report that the reliance of Policy CC.4 on Policy CC.14 means that it lacks clarity, but I do not consider that duplicating provisions in both Policies is an efficient and effective way to achieve the outcomes sought.

110. I have been unable to find in the analysis what methods the Section 42A author considers could be used to monitor or measure some of the methods to implement in policies CC.4 and CC.14.

111. I do not agree with the Section 42A author that tree coverage targets do not conflict with the MDRS. The author provides no evidence to support that this could be achieved, instead identifying the need for both to occur. In my opinion, the replacement of 1 dwelling with 3 would often provide little space for tree planting, depending on lot size, shape and orientation.
112. Reliance on street trees to balance MDRS enablement with tree cover also has potential impacts on the safe and efficient operation of the transport network.
113. I also note that Section 76 (4) (a) of the RMA only enables district plans to include provision for the trimming and modification of vegetation on urban allotments only where they are identified in a schedule.
114. Some of the UHCC submission points regarding clauses b) and c) of Policy CC.14 have not been addressed in the Section 42A report, particularly points around funding and the lack of space in urban sites to implement some of the measures in Policy CC.14 within the context of the MDRS.
115. With regards to proposed amendments in the Section 42A report to clauses e) and f) of Policy CC.14 I note the change of verb from “providing for” to “promoting”, however, it is still unclear how TAs can promote this policy within the context of the consenting process.
116. I am also unclear how climate resilient urban areas can be achieved within the context of existing developments, particularly when many activities can be undertaken without the need for consent.
117. Similar comments to those identified in paragraphs 108 to 117 of this statement of evidence also apply to the Section 42A authors proposed amendments to policy CC.4. In my opinion Policies CC.14 as notified should be deleted and Policy CC.4 should be amended so that it that does not create duplication, addresses the matters above, and does not rely on other legislation, such as the Building Act, to support implementation. Proposed policies CC.4A and CC.14A as recommended by the Section 42A author should also not be implemented.
118. I have recommended amendments in Appendix A and consider that they are the most appropriate and efficient way to achieve the objectives and purpose of the RMA.

Method CC.6

119. (S34.044) UHCC seeks clarity of the roles of TAs on the basis that it is unclear whether the TA’s would be involved, and there is a need for a regulatory response.
120. The Section 42A report identifies that this will be a regional council function and information shared with TA’s to assist in the implementation of nature-based solutions. It does not, however, recognise that some of the proposed methods of implementation require a territorial authority response e.g. planting of street trees.
121. In my opinion, the proposed amendments to Method CC.6 identified in the Section 42A report do not address the issues raised in the UHCC submission. However, I do not consider that clarifying the role of TAs in method would be appropriate, since the Section 42A author has recommended amendments to Policy CC.7 to become a non-regulatory policy and I agree with this recommendation.

122. Therefore, I recommend further amendments to Method CC.6 in Appendix A. In my opinion the amendments in Appendix A align the wording more closely with its intent, and with achieving the purpose of Policy CC.7 as recommended for amendment by the Section 42A author.

Objective CC.5

123. (34.046) UHCC submission seeks amendments to reflect a regional function only and that the arbitrary timeframe be removed from Objective CC.5. UHCC is concerned that this needs to be balanced against the projections of growth and subsequent development over the next 10 years and considers that willingness and ability to implement will be a key factor in achieving this objective.

124. The Section 42A report did not agree with the amendments sought in the submission, with the author identifying an urgent need for action.

125. Whilst I agree that there is a need for action, it is not clear how the author has considered the ability of TAs to comply with method CC.4 in this timeframe within the context of limited resources.

126. In my opinion, further discussion should be held with TAs on their ability to support the implementation of this objective. Therefore, I recommend that the Policy is amended as identified in Appendix A to this statement of evidence. In my opinion these are more appropriate to achieving the purpose of the act and the regulatory functions of TA's.

ENERGY, WASTE AND INDUSTRY

Policy 7

127. (S34.030) UHCC's submission noted that there is no legislative support for 'having particular regard for' low and zero carbon regionally significant infrastructure or definition of what this means. It is unclear if this includes embodied carbon and if so, how this would be addressed.

128. UHCC contends that some regionally significant infrastructure, particularly roads may not in themselves be low or zero carbon but can accommodate low or zero carbon multi modal travel.

129. Some of these matters in Policy 7 as notified are also not within the control of district plans to achieve, or it is unclear how the district plans can support regionally significant infrastructure transitioning to low or zero carbon multi modal travel modes. As an example, district plans cannot influence travel choice, public transport, fuel choice or funding to support and public transport.

130. I have considered the proposed amendments recommended by the Section 42A author and support the proposed amendments to clause (a) to remove the words "*and in particular low and zero carbon regionally significant infrastructure*" for the reasons identified in the UHCC submission and the Section 42A report.

131. I also support the inclusion of clause (c); however, I still do not consider that the proposed amendments in the Section 42A report recognise the inability of District Plans to influence some of the measures proposed in clauses (a)(i) to (a)(v).

132. It is also unclear what is meant by “displacing greenhouse gas emissions” in proposed clause (b)(i). Therefore, I recommend amending Policy 7, so it is limited to matters over which TAs have a regulatory function under the RMA.

133. In my opinion, the amendments I have proposed in Appendix A are more appropriate to achieve the outcome sought and the purpose of the RMA.

Policy 11

134. (S34.029) UHCC submits that some of the matters on Policy 11 as notified can extend beyond what can be achieved by District Plans and could be more appropriately dealt with under other acts.

135. UHCC also submits that there is a scale and significance issue in respect of Policy 11’s applicability.

136. I note that the Section 42A author does not agree that the Policy extends beyond what can be achieved by District Plans.

137. In my opinion, the proposed amendments in the S42A report do not address the issue raised by UHCC in seeking thresholds for alterations to existing buildings. This is on the basis that some alterations will only require a consent for a minor breach of the permitted activity standards.

138. Without an evidence-based threshold this would place additional and unnecessary burden on landowners and would not, in some cases, be consistent with Section 10 (1)(a)(11) and 10 (1)(b)(ii) of the RMA.

139. For the reasons outlined in paragraphs 135 to 139 of this statement of evidence some of the concerns raised in general comments in the UHCC submission have not, in my opinion, been addressed. Therefore, I recommend that Policy 11 is amended as identified in Appendix A and that a threshold for existing buildings should be identified, but that this should be deferred until such time that there is sufficient evidence to support their applicability and an assurance that this does not place undue burden on landowners.

140. In my opinion the amendments I have recommended are a more appropriate method of achieving the outcome.

NATURAL HAZARDS

Policy 29

141. (S34.049) UHCC submits in support in part but seeks 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. The submission also seeks that further guidance or definitions of the levels of risk be provided for.

142. This was rejected on the grounds that that the Section 42A writer considered *“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”*.

143. I note that the Section 42A writer has proposed some amendments to Policy 29 and, in my opinion, these address the concerns raised in the UHCC submission.
144. In particular the proposed amendments provide for a risk-based approach that provide some degree of flexibility whilst applying different and appropriate approaches to different levels of risk.
145. I agree with the section 42A author in many respects but consider that avoiding inappropriate development is still more consistent with achieving the purpose of the RMA.
146. I have proposed amendments in Appendix A to maintain a risk-based framework for managing development but provides a stronger policy direction for low to medium hazard risk areas. In my opinion, these amendments reduce some of the ambiguity that is identified in the UHCC submission.

Policy 52

147. (S34.051) UHCC submits in support of Policy 52 with amendment to replace the term “minimising” with “addressing”.
148. This UHCC submission queried the use of nature-based solutions versus green infrastructure throughout Change 1 and asks that there be consistency in the use of terms.
149. UHCC recognised 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.
150. I note that the Section 42A Report author has recommended deleting the term “room for the river” and at paragraph 331 recommends including the term “avoid”. However, I cannot see where, in the proposed amendments in paragraph 347 of the Section 42A report, the term “avoid” has been included.
151. In my opinion, this would go some way to addressing the concerns raised in the UHCC submission. Therefore, I recommend that policy 52 be amended to include the word “avoid”, to be consistent with the Section 42A author’s recommendations.
152. I also recommend that the policy is reviewed, and any necessary consequential amendments are made to address the relief sought in UHCC submission point S34.040 relating to the apparent interchangeability of the terms green infrastructure and nature-based solutions. For ease of reference this is identified in paragraphs 81 to 90 and 149 to 150 of this statement of evidence.
153. For ease of reference, I have included this amendment in Appendix A.

Policy CC.16

154. (S34.022) UHCC supported in part the intent of the policy but seeks clarity regarding its regulatory status and reference to the LGA.
155. I note that the Section 42A report author deletes reference to the Local Government Act, which addresses some of the concerns raised in the UHCC submission.
156. However, in my opinion the proposed amendments do not address the issue of regulatory status. Whilst Policy CC.16 is identified as a non-regulatory policy, it appears in clause (c) to require a regulatory response. Therefore, I recommend that Policy CC.16 is amended to amend clause (c).
157. My proposed amendments are identified in Appendix A, and in my opinion are a more appropriate method to achieve a non-regulatory outcome.

Method 22

158. (S34.080) UHCC submits in support of consistency across the region but is concerned that this proposed non-regulatory method appears to require a regulatory response.
159. UHCC seeks that it be retained as in the operative RPS and be reviewed once the NPS-IB has been gazetted. However, if the method is retained as notified, UHCC requests the deletion of clause (b) to ensure that the method can be fully achieved using non-regulatory methods.
160. I note that the Section 42A author recommends *“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”*.
161. In my opinion, clause b) does not provide sufficient clarity and should be amended. I recommend that clause b) is amended, and my proposed amendments are shown in Appendix A.
162. I consider that the amendments proposed in Appendix A provide flexibility to employ a range of tools or measures to support consistency in approach across the region and are a more efficient and effective method of achieving the non-regulatory Policy FW.8.

TRANSPORT

Policy EIW

163. (S34.019) UHCC seeks amendment of Policy EIW 1 to replace “promote” with “prioritise” as this would support funding advocacy.
164. I note that the Section 42A author identifies that prioritising is not always possible and agree this is the case.

165. However, in my opinion, the term “promote” seems to imply a marketing process, when the role of the RLTP extends far beyond this to both set a strategic direction and support the implementation of capital and operational projects required to implement this policy. Promotion of travel choice is only one method in a suite of tools available.

166. I note that in the explanation the intention of the policy is to provide “connected, accessible, affordable and extensive multi modal infrastructure and services”. In this case the word promote is also not consistent with the intent of the policy or the overall purpose of the RLTP.

167. I recommend amendments to Policy EIW in Appendix A. In my opinion these are more consistent with the broader role the RLTP plays in supporting mode shift and is more appropriate to achieve the outcomes sought.

Policy CC.1

168. (S34.025) UHCC submits that:

- There is no legislative support for this policy, and it is not clear how district plans are expected to give effect to this policy. The road controlling authorities are responsible for the design, construction and operation of the transport network and regional council is responsible for public transport provision.
- There is also a scale and significance issue with this policy, particularly when it is applied to altered transport infrastructure and no threshold has been proposed. For example, many of the existing projects in Upper Hutt in the RLTP do not align with this and would be very difficult to achieve under this policy. The policy seems to be a catch all policy that is at odds with the projects named within the RLTP.
- The ability to implement this policy is also wholly reliant on the provision of funding and this could have unintended consequences on the ability of the road controlling authorities to perform maintenance and renewal functions. The consequences of this will be to create additional resource burdens on territorial authorities. In addition, the term ‘optimising transport demand’ used in clause (a) is also ambiguous.

169. In my opinion, the proposed changes to Policy CC.1 do not address the concerns raised in the UHCC submission. In particular:

- The proposed amendments “associated with *travel demand and infrastructure*” implies that all travel demand increases greenhouse gas emissions when this is not the case. I am not aware of any evidence to suggest that demand for walking and cycling, for example, would increase greenhouse gas emissions;
- it is inappropriate to include a hierarchical approach when many of these measures are complimentary rather than hierarchical;
- amendments to clauses (a) to (c) to include measures that are beyond the ability of District Plans to implement;
- I am unclear what the proposed new definition of “optimising travel demand” adds to the clauses in Policy CC.1 that are recommended by the section 42A author.

- it is unclear how existing space could be utilised to remove the barriers to walking and cycling; and
- the drafting shows a lack of understanding of TA funding processes and availability.

170. In my opinion, the recommended amendments in the Section 42A report will result in significantly worse outcomes than Policy CC.1 as notified.

171. The proposed amendments contained in the Section 42A report also fail to properly address the issue of scale and significance of altered transport infrastructure.

172. The Section 42A assumes that many minor alterations would not require a consent, when in fact this is not the case. The Natural Resources Plan for example, includes a very low threshold for consenting requirements in some cases and already places TAs under undue resource burden.

173. Therefore, I recommend that Policy CC.1 should be amended, and the recommended amendments are shown in Appendix A.

174. In my opinion, these recommended amendments provide a clearer direction and is more closely aligned with the regulatory functions of TA's.

Policy CC.2

175. (S34.026) UHCC seeks the deletion of policy CC.2 or amendments to it to be less directive with a focus on known capacity issues. UHCC opposes the inclusion of arbitrary timescales and requirements on territorial authorities. The regional council is not in a position to mandate this, particularly in a residential context. It is not considered that this is sufficiently evidenced, nor an appropriate RMA tool that is supported by legislation or a higher order document.

176. UHCC also contended that a threshold in an area with known capacity issues, would be lower than where sufficient capacity exists. It also does not account for differences in site location and development typology. It would be unrealistic to reflect these differences in a rule and is unnecessary given that district plans contain provisions to address adverse effects, which include effects on the transport network.

177. I disagree with the Section 42A analysis in respect of Policy CC.2 and, as with Policy CC.1, my opinion is that the recommended amendments will result in a significantly worse outcome compared to Policy CC.1 as notified on the basis that:

- there appears to be a basic lack of understanding of the time and resources required to undertake a Schedule 1 process and the need to amend design and engineering standard documents that are incorporated by reference and relied upon as a means of compliance;
- there is no legislative basis for either the Policy CC.1 as recommended by the Section 42 report, or the arbitrary timeframe to implement the policy;

- many of the measures identified in clauses (a) to (c) as recommended in the Section 42A report are beyond the control of district plans, for example, maximising public transport use and reducing private vehicle use; and
- it demonstrates a lack of understanding of TA funding processes and road controlling authority responsibilities.

178. With regards to the thresholds, there appears to be no evidence to support these, and this ignores the fact that many TAs already have thresholds that apply to consenting processes based on their knowledge and understanding of the local transport network and known transport projects.

179. The thresholds as recommended in the Section 42A report also only seem to apply in limited circumstances and the explanation suggests that the regional thresholds must be set as a minimum, which does not address the concerns raised in the UHCC submission.

180. I note that the Section 42A author also identifies consequential amendments to Method CC.3 and the definition of travel demand management plans. Whilst I support the intent of the recommended amendments on the definition in the section 42A report, I recommend further amendments to Policy CC.2.

181. In my opinion, my recommended in Appendix A:

- are a more effective and efficient way of achieving the outcome,
- provides flexibility on the content of travel choice plans that are commensurate to the scale and location of development,
- enables local authorities to determine thresholds using an evidence based approach;
- reflects that many district plans already contain locally specific thresholds; and
- more appropriately reflect the role and function of TA's.

Policy CC.3

182. (S34.027) UHCC submits that Policy CC.3 should be deleted in its entirety or amended to delete timescale and provide clarity on how this can be achieved.

183. I disagree with the Section 42A author that the timescale in this Policy is appropriate for the reasons identified in paragraph 178 of this statement of evidence. In my opinion, this is arbitrary and does not demonstrate any appreciation of the resources required to implement this policy within the context of competing priorities.

184. In my opinion, the recommended amendments showing how the planning framework can provide for EVs, also cannot be achieved within the context of the RMA, particularly when their implementation is reliant on other parties such as private landowners and the road controlling authority. I am of the opinion that supporting EV chargers is one of many tools that can be used to support EV vehicle use and does not need to be identified in the explanation, since the measures shown here are not an exhaustive list.

185. Therefore, I have recommended amendments to Policy CC.3 that I consider are more achievable and consistent with the role of TAs under the RMA. I also recommend a consequential amendment to Policy CC.9 with respect to EVs.

Policy CC.9

186. (S34.032) UHCC's submission seeks deletion of references to resource consents and notice of requirements on the grounds that TAs are unable to control the way people travel and that there is an issue of significance and scale. As an example, it would be inappropriate to apply this policy to resource consents for a minor breach of permitted activity standards.
187. Whilst I acknowledge the reframing of Policy CC.9 to make this more relevant to district plans, I disagree with the view of the Section 42A author that Policy CC.9 should apply to all consents for the reasons identified in the UHCC submission.
188. I also disagree with the proposed amendments to reference the hierarchy in Policy CC.1 on the basis of the reasons in paragraph 170 of this statement and that one policy should not rely on another for its implementation.
189. In my opinion, the recommended changes do not address the concerns raised by UHCC.
190. Therefore, I recommend that Policy CC.9 be amended and, in my opinion, the recommended amendments in Appendix A would allow TAs to include provisions in district plans that address scale and significance issues and would be a more efficient and effective method to achieve the outcome.

Policy CC.10

191. (S34.032) UHCC submits that the reference to resource consents and notice of requirements be deleted from Policy CC.10 as this is more appropriately dealt with at a plan change scale only.
192. I disagree with the recommendation of the Section 42A author's analysis. In my opinion, significant freight activities would be captured under Policy CC.2 and rezoning for industrial land can only be achieved through a plan change process.
193. Therefore, I recommend Policy CC.10 be amended and, in my opinion, the recommended amendments in Appendix A are more efficient and effective way of achieving the outcomes sought.

Policy CC.11

194. (S34.034) UHCC submits that Policy CC.11 should be deleted or amended to become non-regulatory guidance.
195. I disagree with the Section 42A author that all policies are regulatory, indeed the RPS PC1 includes non-regulatory policies. I have not seen anything in the Section 42A assessment that would lead me to change my opinion that this should be a non-regulatory policy.
196. The proposed amendments also impose undue burden on road controlling and consenting authorities.
197. I, therefore, recommend that Policy CC.11 be deleted.

198. My proposed amendments can be seen in Appendix A.

CONCLUSION

Overall, I consider that many of the issues raised by UHCC have not been adequately addressed. I, therefore, propose amendments to the following provisions for the reasons set out in this evidence:

- Climate change – general
 - Regionally significant climate change issue 1 – Significantly reducing greenhouse gas emissions
 - Regionally significant climate change issue 1 – Climate change and natural hazards
 - Regionally significant climate change issue 6 – Overcoming social inertia and competing interests to address climate change
 - Objective CC.2
 - Objective CC.3
 - Objective CC.7
 - Policy CC.8

- Climate change – Agriculture
 - Policy CC.5
 - Policy CC.15

- Climate Resilience and Nature Based Solutions
 - Definition of Nature-Based Solutions
 - Objective CC.4
 - Policies CC.4 and CC.14
 - Method CC.6
 - Objective CC.5

- Energy, Waste and Industry
 - Policy 7
 - Policy 11

- Natural Hazards
 - Policy 29
 - Policy 52
 - Policy CC.16
 - Method 22

- Transport
 - Policy EIW
 - Method CC.10
 - Policy CC.1
 - Policy CC.2
 - Policy CC.3
 - Policy CC.9
 - Policy CC.10
 - Policy CC.11

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