

S32AA evaluation and reasons for Council decisions made to reject or accept (with changes) Panel recommendations

Hydrological control definition – Decision Number 3 in Record of Decisions	
Recommended change	Reasons
<p>Retain the reference to “natural processes”.</p> <p>Replace “replicate” with “mimic” but change the placement of “in a way that mimics natural processes” within the definition of <i>hydrological control</i></p>	<p>The Panel recommended deleting the reference to ‘replicates natural processes’ from the definition to eliminate a potential cause of interpretation issues given that a river in flood could be regarded as a natural process albeit exacerbated by higher intensity rainfall and storm events caused by climate change. The purpose of this definition is to set a standard for stormwater flows and volume of a site or an area to replicate natural processes on the site or that area. The phrase “in a way that replicates natural processes” is not intended to apply to the water body itself.</p> <p>Mr Stu Farrant’s technical evidence for Hearing Stream 5 para 51 states, “hydrological controls are measures which aim to match the predevelopment flowrates across the full spectrum or rainfall events. This requires measures to match the predevelopment amount or volume of runoff from a site which represents the natural ‘loss’ of water from evaporation and transpiration. This is typically called retention...”. Mr. Farrant’s evidence elaborates on how retention replicates natural interceptions and natural hydrology in urban areas, which ultimately produces quantified benefits for freshwater ecosystems’ health and community health and wellbeing. Given that Mr. Farrant’s evidence stresses on hydrological controls replicating natural processes on sites and its benefits to freshwater ecosystem health, officers believe that the reference to ‘replicates natural processes’ is a fundamental attribute of the hydrological control definition. Removing the reference to ‘replicates natural processes’ loses the fundamental attribute that determines the application of this definition.</p> <p>Therefore, officers recommend rejecting the recommendation to delete ‘replicates natural processes’ is retained within the definition and propose an alternative solution of replacing the word “replicate” with “mimic” to address Panel’s concerns with interpretation. The reference to “mimic” is also consistent with the language used in the nature-based solutions provisions of the RPS Change 1. Officers also recommend that the placement of the reference of “in way that mimics natural processes” is moved to earlier within the definition (directly next to</p>

	<p>“flows and volumes”). This is to clarify that hydrological control means to manage stormwater flow and volume on a site or area in a way that mimics natural processes on that site/sites/area, as opposed to replicating natural processes in a nearby river or waterbody. The change in the placement of the reference to “in a way that mimics natural processes” will maintain the intent and purpose of the definition while resolving any potential interpretation issues.</p>
<p>Delete last sentence in panel recommended wording of the <i>hydrological control</i> definition on “Hydrological control may also include methods or techniques to limit bank erosion, slumping or scour”</p>	<p>The Panel recommended retaining the reference to “bank erosion, slumping or scour” in a new sentence at the end of the “hydrological control” definition, in light of the potential for hydrological control to limit bank erosion, slumping or scour. Officers believe that including the reference to ‘bank erosion, slumping or scour’ in this definition is problematic because it deviates from the main purpose of hydrological control, which is to manage stormwater flows and volumes on site/sites/area.</p> <p>The inclusion of the reference to “bank erosion, slumping or scour” in the Reporting Officer’s recommended wording of the definition has caused some unintended interpretation issues regarding the application and implementation of hydrological controls. Members of the public have enquired Greater Wellington if bank stabilization could be considered as hydrological control. Reduced bank erosion, slumping or scour are secondary benefits of hydrological control but is not the prime purpose as discussed above. This clearly is an unintended consequence from including these matters in the Reporting Officer’s recommended wording.</p> <p>Considering Stu Farrant’s evidence on how hydrological control on a site benefit freshwater ecosystem in the catchment, officers believe that managing stormwater flows on site/sites will ultimately result in offsite benefits for nearby waterbodies e.g., reduced bank erosion, slumping or scour. Therefore, it is not essential to specify secondary benefits like bank erosion, slumping or scour within the definition, especially if their inclusion is causing significant interpretation issues.</p>

	For the above reason, officers recommend rejecting the recommendation to include the last sentence in Panel recommended wording of “hydrological control” definition on techniques to limit bank erosion, slumping or scour. The alternative solution is that definition without that last sentence.
S32AA evaluation	
Effectiveness and efficiency	The above alternative solutions are more efficient and effective as they provide better clarity and remove any potential interpretation issues from the ‘hydrological control’ definition.
Costs/Benefits	There are no additional costs to the alternative solutions, and the benefits are that the definition and relevant policies will be easier to interpret.
Risk of acting or not acting	The risk of not acting will be the potential for significant interpretation issues and perverse outcomes – RPS users could undertake bank stabilisation and bank erosion mitigation works under the perception that those activities are enabled by the RPS hydrological control definition and relevant policies. This is neither the intent nor the purpose of the definition and policies. This could ultimately result in ineffective and inefficient implementation of the RPS policies. In other words, the RPS policies would not work well in practice. Not acting would also have significant consequences on NRP PC1 changes.
Conclusion	The alternative solutions better ensure that the outcomes sought by the RPS will be achieved across the region in a clear and consistent manner and result in the improved management of stormwater flows and volumes in urban areas, which will progressively help protect freshwater ecosystem health and wellbeing. The alternative solution is the most appropriate response.

Objective 22 – Decision Number 6 in Record of Decisions	
Recommended change	Reasons

<p>Re-phrase new clause on enabling intensification as an outcome to better suit an objective.</p> <p>Remove 'to and'.</p>	<p>The Panel recommended inserting a new clause (d) on enabling intensification. The intent of this new clause is supported so this recommendation is accepted. However, a minor wording tweak has been made to re-phrase the clause as an outcome rather than using policy language of 'enabling'. Enabling intensification is already provided for in Policy 31 so it is more appropriate for Objective 22 to state the outcome sought from this process, as the other subparagraphs in this objective do to in order to flow from the chapeau.</p> <p>The Panel also recommended inserting '...including active transport <u>to and</u> between housing, jobs, community services, centres, green space, and open space' into clause (f) of Objective 22. While the intent is accepted, it is considered that the addition of 'to and' adds unnecessary duplication. NPS-UD Policy 1(c) only refers to good access 'between' these locations, so for consistency with this wording this addition has been removed.</p>
<p>S32AA evaluation</p>	
<p>Effectiveness and efficiency</p>	<p>The revised wording retains the intent of amendments but makes minor changes to improve clarity and remove duplication.</p>
<p>Costs/Benefits</p>	<p>Improved clarity supports more effective implementation of the RPS. There are no foreseeable costs to these amendments.</p>
<p>Conclusion</p>	<p>The revised wording is the most appropriate response because the amendments improve the focus and clarity of Objective 22.</p>

<p>Policy CC.1 – Decision Number 7 in Record of Decisions</p>	
<p>Recommended change</p>	<p>Reasons</p>
<p>Combine clause (a) with Panel's new clause (b).</p>	<p>Policy CC.1 directs that district plans include provisions to require that land transport infrastructure is designed, constructed and operated to contribute to an efficient transport network, maximise mode shift and reduce</p>

Remove first part of clause (c) on development within walkable catchments.

greenhouse gas emissions. The Panel has recommended that Policy CC.1 is inserted into the Regional Policy Statement as recommended during the hearings, with some amendments. They recommend amendments to make the policy more directive on mode shift, better achieve Objectives CC.1 and CC.3, and to better integrate with the urban development provisions in Hearing Stream 4. In their findings, they summarise their recommended amendments to Policy CC.1 as:

- Removing the term optimise transport demand (and the associated definition),
- Removing the hierarchy from the Avoid-Shift-Improve framework, so that all clauses are to be applied simultaneously, and
- Focussing the policy on 'Shift' and 'Improve' aspects.

The Avoid-Shift-Improve framework means first, **avoiding** the need for travel or reducing travel distances (i.e. people living near their daily needs), then seeking to **shift** the modes by which people travel (i.e. more people walking, cycling and using public transport when they need to travel), and finally **improving** (constructing, upgrading or increasing capacity of) infrastructure to facilitate this travel (i.e. building new bike lanes).

The Panel discusses in their analysis that Policy CC.1 does not need to address the location of development (i.e. the 'avoid' component), and that it is clearer if it focusses on 'shift' and 'improve' aspects as they relate to land transport infrastructure. The Panel states, "... the strategic or spatial location of development to support mode shift (for example, enabling more development within walkable catchments), is provided for through Policies coded to the Hearing Stream 4 topic [on urban development]...", and that, "Policy CC.1 is about how "new and altered land transport infrastructure" can be designed, constructed and operated to reduce GHGs rather than directing the location of developments (for instance compact regional form which is addressed through Policies 30, UD.4 and others)". The Panel therefore supports the wording, "supporting development..." in clauses (a) and (c) instead of "providing for and concentrating development..." as was previously recommended by the reporting officer. They observe that this wording amendment removes duplication with the urban development provisions, and accordingly recommend that clauses (a) and (c) are retained in Policy CC.1 without amendment.

The Panel describes the intent of Policy CC.1 as, “Policy CC.1 does not direct where developments should be located spatially (as that is addressed elsewhere in the RPS), however, Policy CC.1 directs land transport infrastructure be designed, constructed and operated to reduce trip length or travel distance and support the uptake of public transport and active modes.” They state, “we consider the ‘Avoid’ component (the spatial aspect) is best provided for through Policies 30, 31 and UD.4, and the ‘Shift and Improve’ components should be captured in the Policy but not as a hierarchy as they should all be provided for wherever possible.”

The Panel’s reasoning for their recommended amendments to Policy CC.1, and their articulation of the intent of Policy CC.1, is supported. The Panel recommended inserting a new clause on enabling multi-modal transport networks, which is supported. Their recommendations in relation to Policy CC.1 are therefore accepted.

The Panel’s recommendation (as expressed in their findings and analysis) to remove the emphasis on ‘avoid’, and focus Policy CC.1 on ‘shift’ and ‘improve’, is also accepted. However, further refinements to Policy CC.1 are necessary to achieve the intent expressed by the Panel and set out above. As a consequence of removing the hierarchy from the Avoid-Shift-Improve framework (as recommended by the Panel), the scope of Policy CC.1 becomes potentially confusing for plan users, because it still contains two clauses (a) and (c) which could be interpreted to relate to directing spatial patterns of development (ie, the 'avoid' component). While the presence of ‘avoid’ direction in Policy CC.1 is not an inherent issue, the purpose of the duplication with urban development policies was clearer when it was intended to articulate a structured hierarchy. Without the hierarchy, the ‘avoid’ direction in this policy is unclear as currently worded and may lead to implementation issues.

Based on the Panel's findings and analysis, Policy CC.1 should clearly relate to the location and nature of land transport infrastructure rather than the location of development. To better achieve the Panel’s intent and consequentially to removing the hierarchy, it is clearer to remove reference to the **location** of development entirely, which is more fulsomely addressed by other urban development policies (e.g. Policy 57 addresses land use/transport integration, Policy 31 addresses enabling intensification near centres and transport links, Policy UD.4 addresses a strategic hierarchy for development).

	<p>This means removing clause (a) and the first part of clause (c), and combining them into the new clause (b) which the Panel recommended inserting. All other wording has been retained as recommended by the Panel. It is considered that the revised wording of clause (b) retains the intent of clauses (a) and (c) without potentially suggesting that Policy CC.1 can influence the location of development; the change is to shift the focus from the location of development to the location of the infrastructure. The new clause (b) would state, “Enabling multi-modal transport networks and infrastructure to serve and support development in locations which minimise travel distances between residential, employment and other essential services, and within <i>walkable catchments</i> of public transport routes where practicable”.</p>
S32AA evaluation	
Effectiveness and efficiency	<p>The revised wording retains the intent of the policy and the Panel’s amendments, but has been simplified and refined to focus on the scope of the policy (being land transport infrastructure) to remove potential confusion regarding the location of urban development now that the Avoid-Shift-Improve hierarchy is removed. This improved clarity will support more effective and efficient implementation of Policy CC.1 into district plans.</p>
Costs/Benefits	<p>The policy intent has been retained, so there are no foreseeable costs associated with these recommended changes. The benefits include removing potential confusion for plan users about the scope and application of the policy now that the reference to a hierarchal approach has been removed (as recommended by the Panel).</p>
Risk of acting or not acting	<p>The risk of not acting is that the policy as recommended by the Panel still has a potentially confusing scope, particularly with the removal of a hierarchal approach. If not amended, this lack of clarity may affect how effectively the policy can be implemented in district plans. Given the significance of the policy’s intent as a part of contributing to Objective CC.3 within RPS Change 1, it is important for the policy to be implemented effectively.</p>
Conclusion	<p>The revised wording is the most appropriate response because the amendments improve the focus and clarity of Policy CC.1, thereby better contributing to the outcomes sought by the RPS.</p>

Policy 7 – Decision Numbers 9 and 10 in Record of Decisions

Recommended change	Reasons
<p>In clause (c):</p> <p>(i) delete reference to <u>and support</u> the benefits of regionally significant infrastructure;</p> <p>(ii) replace “and” with “or” in contributing to the list of benefits.</p>	<p>The Panel recommended several additional amendments to Policy 7 to better recognise the benefits of regionally significant infrastructure (RSI) that support reductions in GHGe, give effect to <i>Te Mana o te Wai</i>, mitigate natural hazards, and enable people and communities to be resilient to climate change. These include:</p> <ul style="list-style-type: none"> (i) amendment to clause (b) to refer to an “efficient, effective and resilient” electricity transmission network (ii) amendment to clause (c) to broaden the range of benefits to be recognised (iii) amendment of clause (c) to “recognise <u>and support</u> the benefits of” RSI that contribute to any of the benefits listed. <p>The changes recommended in (i) and (ii) above are supported, although it is recommended in clause (c) that “and” should be replaced by “or” to be clear that the contribution doesn't need to be to all the outcomes at once. However, addition of “and support” to clause (c) is not supported. Policy 7 provides the regulatory framework to recognise a range of benefits provided by RSI as part of the context for decision-making. It is unclear what “and support the benefits” means in this context. Support is a verb and suggests that regional or district plans will need to provide for active assistance for RSI that provides for any of the benefits listed. While the Panel did not consider there to be substantive costs associated with these amendments, officers are concerned that inclusion of support in clause (c), alongside the additional benefits inserted by the Panel, could result in increased costs for councils. Further, it may not always be appropriate to offer support for RSI that provides one of the listed benefits. For example, while a particular type of infrastructure may provide benefits for natural hazard mitigation it may not be the most efficient and effective response, and it may also have unacceptable environmental costs. Other approaches, such as “providing room for the river to move” or</p>

	managed retreat, may be a more appropriate response that should be supported, especially given the strong policy direction in Change 1 to encourage the use of nature-based solutions.
S32AA evaluation	
Effectiveness and efficiency	Retaining reference to just recognising the benefits of RSI is a more appropriate policy position for Policy 7, as RSI may not always be the most effective and efficient way to achieve the listed benefits. Replacing “and” with “or” means that an activity does not need to contribute to all the benefits for the policy to apply and therefore more efficiently and effectively achieves the policy intent.
Costs/Benefits	Supporting RSI through policies and methods in regional and district plans could increase costs if the infrastructure was not the most appropriate response to achieve the desired outcomes.
Risk of acting or not acting	The risk of acting with the recommended amendment to Policy 7 is mixed, as supporting RSI may be appropriate in some situations but not others.
Conclusion	Deleting reference to “and support”, and replacing “and” with “or” are the most appropriate actions as they are the most efficient and efficient response.

Explanation of Policies CC.1, CC.9, CC.10, CC.11 and 9 – Decision Number 8 in Record of Decisions	
Recommended change	Reasons
Reinstate exemption for aircraft activities as well as aircraft into explanation for, however address Panel’s concern by re-phrasing it to, “or	The original submission of Wellington International Airport [S148.025-S148.027] sought the following relief to policies CC.9, CC.10, and CC.11; “Amend this policy so that it is clear that it does not apply to the airport and aviation industry, or delete.” Their submission on Policy CC.1 [S148.021] sought; “Amend the policy to ensure it relates to land transportation infrastructure, rather than inadvertently capturing all modes of transportation.”

<p>activities undertaken at Wellington Airport which are necessary for the operation of the aircraft.”</p>	<p>Wellington International Airport also submitted on Policy 9 seeking, “Ensure that this policy retains its focus on land transportation.”</p> <p>Initially, in response to these submissions the reporting officer for Hearing Stream 3 agreed that aviation should be excluded, and had recommended that, “This policy does not apply to aircraft” was added to policy explanations. Wellington International Airport presented evidence at Hearing Stream 3 supporting this addition but stating that, “I do not agree that it would be appropriate for this Policy to apply to activities undertaken at the Airport which support aviation use... the explanatory text should be amended to note that this Policy does not apply to aircraft operations or activities which support aviation.”¹ In response to this evidence, the reporting officer recommended the further inclusion of ancillary activities and adopted the wording recommended by Wellington International Airport.</p> <p>The Panel has recommended that the exclusion for aircraft is retained in the explanations of Policies CC.1, CC.9, CC.10, CC.11 and 9 (all within the scope of Wellington International Airport’s submission). However, they have recommended that the addition of ancillary activities is removed because it is too broad and could include land-based activities not intended to be excluded from the policies (such as car-rental facilities or freight depots). The Panel therefore recommends returning to the original wording recommended by the reporting officer for just ‘aircraft’ to be excluded. The Panel states that, “...“aircraft parking stands” which are currently mentioned in the Explanation, would be captured by the exclusion for “aircraft”.</p> <p>The Panel’s intent is therefore to capture some ancillary activities directly necessary to support aircraft flying, landing and taking off, e.g. parking stands, but avoid capturing general operation of the Airport (which might relate to land transport) and travel to and from the airport. This intent is supported and their recommendation is therefore accepted. ‘Aircraft activities’ is too broad and could potentially suggest some land transport activities at Wellington Airport, which are intended to be excluded from these policies.</p>
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¹ Paragraphs 66-68 of the Statement of Evidence by Claire Hunter for Hearing Stream 3 of Proposed RPS Change 1, dated 14 August 2023, <https://www.gw.govt.nz/assets/Documents/2023/08/HS3-S148-Wellington-International-Airport-Ltd-Statement-Evidence-Claire-Hunter-140823.PDF>

	Based on the Panel's findings and analysis, ancillary activities necessary for the operation of aircraft should be clearly excluded, and clearly distinct from other activities occurring at Wellington Airport (e.g. car rental facilities) which should not be excluded. The Panel's recommended wording of just stating 'aircraft' does not clearly include ancillary activities to support the operation of aircraft, which might be land-based, such as parking stands. It is considered that more specific wording is necessary to clarify the intended application of these five policies. To address the Panel's concerns, a more specific reference to activities necessary for the 'operation' of aircraft has been included, rather than removed altogether as the Panel have recommended. The 'operation' of aircraft was the wording used by Wellington International Airport in their evidence provided during the hearings on this matter, so this wording is better aligned to the intent of the exemption.
S32AA evaluation	
Effectiveness and efficiency	The revised wording retains the intent of amendments made through hearings while also addressing the Panel's concerns about clarity issues, which will support more effective and efficient implementation of the policies.
Costs/Benefits	The revised wording supports clearly exempts aircraft operation activities from the policies, without unintentionally excluding land-based transport activities which should be subject to the policy direction. There are no foreseeable costs.
Risk of acting or not acting	The risk of not acting is that there are still land-based activities which might be necessary to support the operation of aircraft which are not clearly captured by a reference to aircraft only, for example storage or re-fuelling of aircraft. If not amended, this lack of clarity may unintentionally include some activities necessary for aircraft to fly, land and take off, which are intended to be excluded from the policy direction.
Conclusion	The revised wording is the most appropriate response because it improves clarity.

Policy 29 – Decision Number 16 & 17 in Record of Decisions

Recommended change	Reasons
Delete new clause 29(e)	<p>This addition is an attempt to give further effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), but it is not adding any further clarity to the Policy with regards to coastal hazards than what the Policy already achieves. It potentially creates a lack of clarity and adds unnecessary complication that makes the policy open to a range of unhelpful interpretations.</p> <p>The wording of the proposed new clause is as follows:</p> <p style="text-align: center;"><i>“In the coastal environment, objectives, policies and rules shall ensure that any increased risk shall be avoided in areas likely to be potentially affected by coastal hazards, except where there is a functional or operational need for infrastructure to locate there.”</i></p> <p>Firstly, the policy is <i>all hazards</i> and does not require a specific clause to include coastal hazards, as the term ‘natural hazards’ is defined in the RPS (referencing the RMA definition) and includes coastal hazards.</p> <p>Secondly, the wording directs that any increased risk from coastal hazards shall be avoided. Clause (c) already states this by requiring that there is ‘no increase in the risks from natural hazards’ in low to medium hazard areas and adds a further expectation that they should be <i>minimised</i> where possible. <i>Minimise</i> is defined in the RPS to mean ‘reduce to the lowest extent practicable’. Clause (d) goes even further by requiring that that in <i>high</i> hazard areas, subdivision, use and development shall be avoided unless it has a functional or operational requirement to be so located. The added clause simply repeats this requirement, as per the NZCPS, but Policy 29 as worded already states this.</p> <p>Therefore, I recommend deleting this addition as it simply repeats what the Policy already delivers.</p>
Delete reference to the NES-TF in the policy body	<p>A version of this clause is repeated twice, once in the policy and again in the explanation. But there is a difference between them, with the version in the explanation being the correct statement, and the version in the policy containing an inaccuracy. The purpose of the clause is to highlight the fact that section 57(1) of the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF), excludes district plans from setting</p>

	<p>rules for natural hazards that would regulate telecommunications infrastructure. This is captured in the clause in the explanation, but the version the Panel has added in to the policy states that all plans must carry this exemption and this is incorrect because it the NES-TF does not exempt a Regional Authority or the regional plan in this manner. Section 8(1) of the NES-TF states: “These regulations do not apply to anything done in the coastal marine area or in, on, under, or over the bed of a river or lake.”</p> <p>It is important that adverse effects of this type of infrastructure are tested against rules in the Natural Resources Plan, which must give effect to Policy 29, in order to capture potential effects in the coastal marine area or in the beds of lakes and rivers. The statement in the explanation reflects this.</p> <p>Therefore, I recommend deleting the clause in the policy to avoid duplication and confusion. Furthermore, a statement such as this referencing the regulatory requirements of a plan to give effect to high order direction, is a simple statement of fact. The NES-TF does not require a policy to trigger the requirement for district plans to give effect to it. Including it in the body of the policy is redundant and it is better placed in the explanation to draw attention to plan users who may not be aware of these requirements.</p>
Delete reference to giving effect to the NZCPS in the explanation	The RMA requires the regional policy statement to give effect to a range of higher order instruments, including the NZCPS. Adding this into the explanation is redundant. I recommend deleting the statement as the aim of the explanations is to add clarity to the interpretation and implementation of the policy. This statement is not providing any further understanding to what is already widely understood and provided for in the RMA. All the district plan reviews in the past few years in the region all include provisions for coastal hazards and have not required the RPS to explain this requirement.
S32AA evaluation	
Effectiveness and efficiency	The recommended amendments are more efficient and effective as they provide better clarity and remove duplication from the policy itself, duplication of what the RMA requires and duplication and confusion in relation to what the NES-TF requires.

Costs/Benefits	<p>There is no additional cost to making this amendment, which seeks only to achieve internal consistency with the application of the risk-based approach and consistency with the RMA and NES-TF.</p> <p>The benefit is that the policy will be easier to interpret and for territorial authorities to implement in their district plans.</p>
Risk of acting or not acting	<p>The risk of not acting is that the policy as proposed has some internal conflict between the risk-based vs the avoid all risk approaches which has the potential to cause perverse outcomes and would not be consistent with the NZCPS.</p> <p>The changes regarding the reference to the NZCPS and NES-TF are for clarity.</p>
Conclusion	<p>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.</p> <p>The recommended amendments better ensure that the outcomes sought by the RPS will be achieved across the region in a consistent manner and result in the improved management of natural hazard risk to better achieve the purpose of the RMA, NZCPS and NES-TF.</p> <p>The proposed amendments are the most appropriate action as they are the most efficient and effective response.</p>

Policy 51 – Decision number 18 & 19 in Record of Decisions	
Recommended change	Reasons

Delete reference to new clause Policy 29(e)	For the reasons explained above in relation to Policy 29, this clause is not adding any further clarity to the Policy, than what it already achieves, both in regard to Policy 51 and Policy 29. Deleting this clause would be a consequential amendment to deleting new Policy 29(e).
Move reference to partnership with mana whenua in explanation to clause pairing partnership with Te Ao Māori and mātauranga Māori perspectives	<p>The explanation, as it is currently worded does not reflect the policy intent. As worded, it indicates that councils should partner with mana whenua to undertake a consent or make a plan change or notice of requirement. The intention more correctly, is for this partnership to occur in conjunction with an evaluation of how Te Ao Māori and mātauranga Māori could provide different perspectives on hazards and risks, as it may not be appropriate for a resource or policy advisor to undertake this assessment.</p> <p>Therefore, I recommend making this amendment to the explanation to clarify the intent of clause (k) of the Policy.</p>
S32AA evaluation	
Effectiveness and efficiency	This recommended amendment is more efficient and effective as it provides better clarity of the intent of the policy.
Costs/Benefits	<p>There is no additional cost to making this amendment.</p> <p>The benefit is that the policy will be easier to interpret.</p>
Risk of acting or not acting	The risk of not acting will be the potential to create confusion in the interpretation and application of the Policy and that mana whenua will not be adequately engaged to provide Te Ao Māori and mātauranga Māori perspectives.

Conclusion	<p>The recommended amendments better ensure that the outcomes sought by the RPS will be achieved across the region in a consistent manner and result in the improved management of natural hazard risk to better achieve the purpose of the RMA and the NZCPS.</p> <p>The proposed amendments are the most appropriate action as they are the most efficient and effective response.</p>
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Policy 52 – Decision number 20 in Record of Decisions	
Recommended change	Reasons
Delete reference in clause (b) to using natural defences in the coastal environment	<p>Policy 52(b) makes explicit reference to employing ‘nature-based solutions’. The term nature-based solutions is defined in Change 1, and it includes natural defences, so this is simply repeating what is already being directed in the policy. The policy applies everywhere, including the in coastal environment, so singling this out is also unnecessary.</p> <p>A considerable number of submission points were made in relation to the terminology used in this clause. There was a strong desire to pare down the number of terms and keep them limited to well defined and understood approaches. Adding in another term, that replicates what is already contained in the policy runs counter to the relief sought by a number of submitters.</p>
Delete new clause inserted into (i) referencing avoiding or minimising risks from hard engineering methods in the coastal environment	<p>This clause is not adding anything more to the Policy than what is already being achieved in other elements of the Policy. It is saying the same thing in another way, but out of context with clause (i) and introduces confusion into the Policy. Policy 52 applies to all environments, and it doesn’t need to single out the coastal environment for the Policy to be applied there.</p> <p>Furthermore, it is out of step with the Policy 27(3) of the NZCPS which states that where hard protection structures are considered to be necessary, ensure that they are designed to minimise adverse effects on the coastal environment. Nowhere does it state that any risks from the use of hard engineering methods shall be</p>

	<p>avoided. Submissions on the topic and discussions in the hearing revolved around Policy 27 of the NZCPS to minimise the effects of hard engineering structures on the environment, in line with the intent and wording of Policy 52 and Objective 20. This is also made clear in the explanation.</p>
<p>Delete new policy element referencing objectives, policies and rules avoiding any increase in risk</p>	<p>This clause is a repetition of the one (e) added into Policy 29, as discussed above. For the same reasons explained above in relation to Policy 29, this clause is not adding any further clarity to the Policy, other than what it already achieves. It is simply saying the same thing in another way in relation to the coastal environment. Like hazard Policies 29 and 51, Policy 52 applies to all environments and doesn't require a sperate policy element directing it to avoid increasing risks in the coastal environment.</p> <p>Clause (i) already makes it clear that any risks are to be minimised or not increased.</p>
<p>Delete reference to NZCPS in the explanation</p>	<p>The RMA requires the regional policy statement to give effect to a range of higher order instruments, including the NZCPS. Adding this into the explanation is redundant. I recommend deleting the statement as the aim of the explanations is to add clarity to the interpretation and implementation of the policy. This statement is not providing any further understanding to what is already widely understood and provided for in the RMA.</p>
<p>S32AA evaluation</p>	
<p>Effectiveness and efficiency</p>	<p>This recommended amendment is more efficient and effective as it provides better clarity and removes duplication of intent from the policy.</p>
<p>Costs/Benefits</p>	<p>There is no additional cost to making this amendment, and the benefit is that the policy will be easier to interpret.</p>
<p>Risk of acting or not acting</p>	<p>The risk of not acting will be the potential to create confusion in the interpretation and application of the Policy. Adding in a new policy element to avoid any increase in the risk has the potential for perverse outcomes – not intensifying development in existing areas, urban sprawl into greenfield sites and a stronger push to construct</p>

	more hard engineered structures in an effort to try and avoid risks, which would have an adverse effect on the natural environment.
Conclusion	<p>The recommended amendments remove duplication and unnecessary additions and improve the clarity of the Policy.</p> <p>The proposed amendments are the most appropriate action as they are the most efficient and effective response.</p>

Policy 24B, 24CC, 24D – Decision numbers 11-15 in Record of Decisions	
Recommended change	Reasons
<p>Policy 24B(3)(e):</p> <ol style="list-style-type: none"> 1. Clarify that this clause applies to existing infrastructure 2. Replace “when the Plan’s provisions under this Policy came into effect” with “at 4 August 2023.” 	<p>Through the hearings, Officers recommended adding a suite of new provisions, including Policy 24B, in response to submissions that requested amendments to Change 1 to give effect to the NPS-IB if gazetted (which it was). The Panel supported these amendments and has recommended an additional new clause Policy 24B(3)(e) to provide for the maintenance, operation and minor upgrade of infrastructure to give effect to NPS-IB clause 3.15. The addition of this new clause is accepted, but two amendments are recommended to reflect the NPS-IB drafting (and ensure the NPS-IB is given effect to):</p> <ol style="list-style-type: none"> i. clarify that Policy 24B(3)(e) applies to “existing” infrastructure because NPS-IB clause 3.15 applies only to activities that are already “established”; and ii. amend the time at which the clause has effect, for consistency with NPS-IB clause 3.15(2)(a) which refers to the effects of the activity on a SNA being: “...no greater in intensity, scale or character over time <u>than at the commencement date</u> (of the NPS-IB)” (emphasis added). <p>The Panel’s drafting refers to “effects...are no greater in intensity, scale or character <u>than they were when the Plan’s provisions under this Policy came into effect</u>” (emphasis added). Tying this measure to when the policy is given effect in a district plan means that the adverse effects of an established activity could</p>

	<p>potentially have increased since the commencement date of the NPS-IB. The Panel has provided no rationale or s32AA evaluation to justify this deviation from the wording of the NPS-IB and the wording does not give effect to the NPS-IB, which is a requirement under section 62(3) of the RMA. For these reasons, it is recommended that new clause (e) is amended to refer to 4 August 2023 (the NPS-IB commencement date). Referring to the actual date, rather than referring in text to at the commencement date, is consistent with the drafting approach taken in the chapeau to Policy 24B and Policy 23 (of Change 1).</p>
<p>Policy 24CC: Minor amendments for clarity:</p> <ul style="list-style-type: none"> • add “existing” to REG activities in the title, chapeau and explanation • add “in the coastal environment” to the chapeau <p>Delete new (unnumbered) clause</p>	<p>Policy 24CC was recommended through the Officers’ Right of Reply report to reconcile the management of indigenous biodiversity as required by RMA s6(c) and NZCPS Policy 11 with higher order direction relevant to managing regionally significant infrastructure in the coastal environment, including NZCPS Policy 6(a), the NPS-Electricity Transmission (NPS-ET) and NPS-Renewable Electricity Generation (NPS-REG).</p> <p>The Panel has recommended amendments so that Policy 24CC applies to existing ET activities (ET activities were explicitly excluded from this Policy through a note in the policy explanation, as drafted in the Right of Reply). The Panel has also recommended an amendment to the explanation to clarify that Policy 24CC applies to <u>existing</u> REG activities. These amendments are supported and, in order to ensure the Panel’s intent is consistently reflected in Policy 24CC, two further consequential amendments are recommended to add reference to ‘existing’ REG activities in the title and chapeau of this policy. The title of this provision also states that it relates to the coastal environment, but the chapeau is silent on this. An amendment is therefore recommended to clarify that the provision applies “in the coastal environment”, consistent with the title and focus of the policy.</p> <p>These additional amendments do not change the application of Policy 24CC but ensure consistency across the policy and therefore clarity for users of Change 1.</p> <p>The Panel has recommended adding a new clause to Policy 24CC to better enable the operation, maintenance, and minor upgrade of the ET network in accordance with Policy 5 of the NPS-ET. However, while Policy 5 is that these activities are to be enabled, the NPS-ET does not over-ride RMA s6(c) and must be read alongside other higher order direction, including the NZCPS.</p>

	<p>The Panel’s s32AA (which applies collectively to recommended amendments to Policies 24A-24D), states that “These recommendations reconcile, in our view, competing higher order direction (including Policy 11 of the NZCPS and Policies 2, 4, 5 and 8 of the NPSET) and s 6(c) and ss 30 and 31 of the RMA, and are the most appropriate way to achieve the purpose of the RMA. The amendments are also consistent with Policies P38 and P39 in the NRP.”</p> <p>This evaluation is not accepted, noting in particular the strength of NZCPS Policy 11 and that policies P38 and P39 of the NRP do not include such an exemption. Officers do not recommend accepting the new clause in Policy 24CC as activities associated with the reasonable operational, maintenance or minor upgrade of the ET network are already enabled so long as their adverse effects on indigenous biodiversity are managed, and it is considered that this is the appropriate policy setting to recognise and provide for the matters in RMA s6(c) and give effect to the NZCPS.</p>
<p>Policy 24D: Apply Policy 24D(f) to ET activities Delete new clause (g) to apply to new or major upgrades of ET activities</p>	<p>The Panel’s recommendation is to apply Policy 24D to activities associated with the ET network, in addition to REG activities already addressed by the policy, for the reasons set out in the Panel’s report. This is accepted.</p> <p>The Panel recommended adding a new clause (g), which makes specific provision for new or major upgrades of ET activities when certain requirements are met. This new clause (g) exempts ET activities from the otherwise applicable avoidance direction for residual effects where the activity is for new or major upgrades, where the route, site or method is the outcome of a best practice evaluation of alternatives, and enables any residual adverse effects remaining after applying Policy 24D clause 2(a) to (e) to be discounted. The reason given by the Panel is to give effect to Policy 4 of the NPS-ET.</p> <p>Policy 4 directs that consideration be given to how adverse effects have been avoided, remedied or mitigated through the route, site and method selection process - it does not direct that these residual adverse effects be discounted altogether. The draft proposed NPS-ET also does not include any direction to disregard residual adverse effects - rather it provides direction on how these are to be weighed against adverse effects and this forms the basis for the drafting of Policy 24D(f).</p>

As the carve out in new clause (g) applies to new or major upgrades there is a reasonable risk that any residual adverse effects could be significant and, on that basis, officers consider that the Panel's recommended new clause (g) does not recognise and provide for the matters in RMA s6(c).

Instead of the Panel's drafting, officers recommend that ET activities be added to clause (f) which directs how residual adverse effects are to be managed, consistent with recent proposed amendments to the NPS-REG and NPS-ET (setting out specific tests to determine how residual adverse effects are to be managed after applying the effects management hierarchy). This would have the same direction applying to ET and REG activities in respect of residual effects, consistent with the balance of the policy.

This recommended wording (including ET activities within clause (f)) is the drafting proposed for Policy 24D in the Hearing Stream 6 Council Rebuttal Evidence. In caucusing for Hearing Stream 6 it is recorded that consensus was reached in relation to several aspects of Policy 24D, with experts for the Council, the Minister of Conservation and Meridian Energy Limited agreeing that Policy 24D should be drafted as recommended in rebuttal evidence by the Council (subject to the decision of the Panel as to whether the Policy applies to ET as well as REG activities). There was however disagreement from the experts as to whether or not the policy should or should not apply to ET activities at all (some supported its exclusion, some opposed and some were neutral). Given the Panel has recommended including ET activities within the Policy, officers consider that the substantive issue as to whether the policy should or should not apply to ET activities has been appropriately resolved.

It is considered that this alternative drafting gives effect to Policy 4 of the NPS-ET, aligns with clause 3.8 of the draft proposed NPS-ET, and gives effect to RMA s6(c). It is also noted that the Natural Resources Plan and a number of district plans in the region already include provisions that enable activities associated with the ET network while also requiring the application of appropriate environmental safeguards and that this has, as far as officers are aware, not hindered these activities from proceeding.

S32AA evaluation

Effectiveness and efficiency	<p>The recommended amendments are more efficient and effective as in:</p> <ul style="list-style-type: none"> • Policy 24B they improve clarity and give better effect to the NPS-IB; and • Policies 24CC and 24D they enable ET activities while ensuring appropriate safeguards for indigenous biodiversity, consistent with national direction recently consulted on and statutory requirements in RMA s5(2) and s6(c).
Costs/Benefits	The proposed amendments continue to enable development while providing appropriate safeguards for significant indigenous biodiversity.
Risk of acting or not acting	The risk of not acting is that areas with significant biodiversity values will not be appropriately protected to recognise and provide for RMA s6.
Conclusion	The amendments provide a specific pathway and effects management framework for managing the effects of ET activities on areas with significant indigenous biodiversity values consistent with proposed national direction recently consulted on. This will help address the policy gap created by Clause 1.3(3) of the NPS-IB (most likely as an interim policy framework) to ensure the RPS meets obligations under section 6(c) of the RMA while also recognising the importance of providing for REG and ET to help respond to climate change and the adverse effects this is having on the environment and the well-being of people and communities.

Policy UD.5 – Decision Number 21 in Record of Decisions	
Recommended change	Reasons
Replace 'in accordance with' with 'including on freshwater consistent with'.	The Panel recommend inserting a specific reference to Policy 42 in clause (e) of Policy UD.5 to better recognise potential impacts on freshwater from urban development. The intent of this addition is supported so this recommendation is accepted. However, a minor wording tweak has been made for consistency with how policies

	are cross-referenced in other provisions, for example in Policy 55. It is also considered necessary to clarify that Policy 42 is about freshwater to assist plan users.
S32AA evaluation	
Effectiveness and efficiency	The revised wording retains the intent of amendments but makes minor changes to improve clarity.
Costs/Benefits	Improved clarity supports more effective and efficient implementation of the RPS. There are no foreseeable costs to these amendments.
Conclusion	The proposed amendments are the most appropriate action as they support clarity and are therefore the most efficient and efficient response.

