

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

## **Section 42A Hearing Report Hearing Stream 3 - Climate Change: Climate- Resilience and Nature-Based Solutions**

**Topic: Climate Change: Climate-Resilience and Nature-Based  
Solutions**

**Process: Freshwater Planning Process**

**Prepared by: Pam Guest**

**Report Date: 31 July 2023  
Hearing Date: 28 August – 6 September 2023**

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## Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to the topic Climate Change: Climate-resilience and nature-based solutions.
2. The provisions in this topic all follow the Freshwater Planning Process (FPP) of the Resource Management Act 1991. There are no provisions which are going through the standard First Schedule process. The provisions covered by this topic are definitions of nature-based solutions, highly erodible land, permanent forest and plantation forest, Objectives CC.4 and CC.5, Policies CC.4, CC.6, CC.7, CC.12, CC.14, CC.18, FW.8 and Methods CC.4, CC.6 and CC.9.
3. A total of 324 submission points and 212 further submission points were received on this topic. The submissions on this topic were wide ranging and request a range of different amendments and outcomes, from strengthening the provisions as notified to withdrawing the climate change provisions from Change 1. The following key themes were raised in submissions and are covered by this report:
  - (a) Whether the provisions directing the use of 'nature-based solutions' as part of resource management planning, including the definition, Objective CC.4, Policies CC.4, CC.7, CC.12, and CC.14 are sufficiently clear to direct decision making under the RMA;
  - (b) Concerns over jurisdiction and clarity of requirements to provide for climate-resilient urban areas (Policies CC.4 and CC.14);
  - (c) Strength of the requirement to manage ecosystems and habitats that provide nature-based solutions (Policies CC.7 and CC.12);
  - (d) Concerns at the risk that provisions promoting an increase in forest cover could result in unfettered afforestation in the region, with this being focused in the Wairarapa (Objective CC.5, Policies CC.6 and 18, Method CC.4).
4. The full range of issues raised by submitters in relation to this topic are covered in this report, along with a range of consequential amendments that I recommend in response to those submissions.
5. As a result of analysing the submissions, I have recommended a number of amendments to the Change 1 provisions on climate-resilience and nature-based solutions. For the most part, these amendments are to improve the clarity of the drafting and do not alter the underlying intent of the proposed provisions. I consider that the intent of the provisions is sound and should be retained as climate change presents a formidable challenge to the safety and well-being of our communities and natural and physical resources and requires immediate action, to both reduce the region's contribution to greenhouse gas emissions and increase the region's resilience to its impacts. The main amendments recommended are:

- Minor amendments to the objectives and definitions to provide additional clarity as to the outcome being sought.
  - Amendments to Policy CC.4 and Policy CC.14, including two new policies, and new definitions for 'climate-resilience/climate-resilient' and 'water-sensitive urban design'. These amendments retain the intent of the provisions but improve the clarity for plan users to support their implementation, including:
    - (i) being more explicit about what activities are addressed by these policies, referring to development and infrastructure, rather than actions and initiatives to provide for climate resilient urban areas,
    - (ii) clarifying the attributes of climate-resilience that are to be provided for by development and infrastructure,
    - (iii) clarifying the different responsibilities of territorial authorities and the regional council,
    - (iv) clarifying climate-resilience clauses as regulatory or non-regulatory,
    - (v) integrating the matters addressed by Policies CC.7 and CC.12 and deleting the as-notified policies.
  - Redrafting Policy CC.7 as a non-regulatory policy to support the management of ecosystems that provide nature-based solutions to climate change.
  - Minor amendments to provisions seeking an increase in forest extent in the region to also provide for forest health, highlighting the importance of browsing pest animal control, and providing guidance on the contents of the Forest Spatial Plan in Method CC.4.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the climate-resilience and nature-based solutions provisions in Change 1 be amended as set out in **Appendix 1** of this report.
7. I have also undertaken a Section 32AA evaluation for the amendments I have recommended which is contained in the analysis of submissions in this report.
8. For the reasons outlined in the Section 32AA evaluation and outlined in this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the RMA (in respect of the proposed objectives) and give effect to higher order planning documents, and
  - achieve the relevant objectives of the RPS, in respect to the proposed provisions.

## Interpretation

9. This report utilises a number of abbreviations as set out in the table below.

**Table 1: Abbreviations of terms**

<b>Abbreviation</b>	<b>Means</b>
ANZBS	Aotearoa New Zealand Biodiversity Strategy
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
the Council	Greater Wellington Regional Council
CCRA	Climate Change Response Act 2002
EC	European Commission
ERP	Aotearoa New Zealand's first Emissions Reduction Plan
FPP	Freshwater Planning Process
GHG emissions	Greenhouse gas emissions
IPCC	Intergovernmental Panel on Climate Change
NAP	Aotearoa New Zealand's first National Adaptation Plan
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Natural Resources Plan (operative as of 28 July 2023)
NZ ETS	New Zealand Emission Trading Scheme
P1S1	Part 1, Schedule 1 process
RMA	The Resource Management Act 1991
RPS	Operative Regional Policy Statement for the Wellington Region 2013

Section 32 Report	Section 32 Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region
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**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef + Lamb New Zealand Ltd
CDC	Carterton District Council
DCG	Director General of Conservation
Fish and Game	Wellington Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Fuel Companies	BP Oil NZ Ltd Mobil Oil NZ Ltd and Z Energy Ltd
GBI	Guardians of the Bays Incorporated
HCC	Hutt City Council
HortNZ	Horticulture New Zealand
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
MDC	Masterton District Council
Muaūpoko	Muaūpoko Tribal Authority
Meridian	Meridian Energy Limited
Ngā Hapū	Ngā Hapu o Otaki
Ngāti Toa	Te Rūnanga o Toa Rangatira
PCC	Porirua City Council
Rangitāne	Rangitāne o Wairarapa Inc
SWDC	South Wairarapa District Council
Te Tumu Paeroa	Te Tumu Paeroa – Office of the Māori Trustee

**Proposed Change 1 to the Regional Policy Statement for the Wellington Region**  
**Hearing Stream: 1**  
**Officer's Report: General Submissions**

<b>Abbreviation</b>	<b>Means</b>
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta Upper Hutt City Council
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
Wellington Water	Wellington Water Limited
WIAL	Wellington International Airport Limited
WFF	Wairarapa Federated Farmers

## 1.0 Introduction

### 1.1 Purpose

10. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the original and further submissions received on provisions listed under the topic climate-resilience and nature-based solutions and make recommendations as to whether or not those submissions should be accepted, accepted in part, or rejected and concludes with a recommendation for changes to the Change 1 provisions. This report is prepared under s42A of the RMA.
11. The recommendations are informed by the technical evidence provided by Mr Stuart Farrant, Principal Ecological Engineer and Water Sensitive Design practice lead at Morphem Environmental Ltd, and the analysis and evaluation that I have undertaken. I have also considered the Section 42A reports for Hearing Stream One 'Overview Report' and 'General Submissions Report' which provide background to Change 1 and administrative matters relating to Change 1, and the Section 42A report for Hearing Stream Three 'Climate Change – General' which addresses submissions on related climate change objectives, policies, methods and definitions. These reports should be read in conjunction with this report.

### 1.2 Scope of this report

12. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
  - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon.
  - The standard plan-making process in Part 1.
13. The provisions addressed in this report are set out below, along with the relevant page number in Change 1. The submission points and provisions addressed in this report will all be considered by the FPP. There are no provisions categorised to the RMA First Schedule process in this topic.
  - Definition: Nature-based solutions (p221)
  - Definition: Highly erodible land (p219)
  - Definition: Permanent Forest (p222)
  - Definition: Plantation Forest (p222)
  - Objective CC.4: Nature-based solutions (p19)
  - Objective CC.5: Regional forest cover (p21)
  - Policy CC.4: Climate resilient urban areas – district and regional plans (p101)

- Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plan (p102)
  - Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change – district and regional plans (p103)
  - Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration (p136)
  - Policy CC.14 Climate resilient urban areas – consideration (p136)
  - Policy CC.18: Increasing regional forest cover to support climate change mitigation: “right tree-right place” – non-regulatory (p164)
  - Policy FW.8: Land use adaptation – non regulatory (p166)
  - Method CC.4: Prepare a regional forest spatial plan (p188)
  - Method CC.6: Identifying nature-based solutions for climate change (p189)
  - Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions (p191)
14. The scope of my evidence relates to submissions on the Change 1 topic Climate Change: Climate-resilience and nature-based solutions.
15. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
16. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
17. I have provided as **Appendix 2**, a table setting out the submission points relevant to this Proposal. In that table I have identified whether I recommend accepting, accepting in part, or rejecting the submission point sought by the submitters, or make no recommendation. I have explained my reasons for accepting or rejecting the relief sought in submissions, or making no recommendation, in the body of this report.

### 1.3 Author

18. My name is Pamela Anne Guest. I am a senior policy advisor in the Environmental Policy team at Greater Wellington Regional Council (the Council).
19. I hold a Bachelor of Science with 1st class Honours in geography and environmental sciences from the University of Otago, with post-graduate papers in environmental planning and law, and planning theory from the University of Waikato, and papers in landscape architecture from Lincoln University.

20. I have over 25 years of experience in resource management planning, working for both central and local government and as an independent consultant, with a focus on water and soil management, indigenous biodiversity, and climate change.
21. I have worked at the Council for 7 years, initially as topic lead for the Proposed Natural Resources Plan hearings for wetlands and biodiversity, beds of lakes and rivers, and sites with significant values. I led the development of provisions in Change 1 for Climate Change and Indigenous Ecosystems.
22. I am a member of the Climate Group of Te Uru Kahika – Regional and Unitary Councils Aotearoa, which provides strategic co-ordination and support to increase the effectiveness and efficiency of the regional sector's response to climate change.
23. I confirm that I have read the Code of Conduct for Expert Witnesses included in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I confirm that the issues addressed in this statement of evidence are within my area of expertise.

#### 1.4 Supporting Evidence

24. The key documents I have used, or referred to, in forming my view while preparing this report are the Section 32 Report for Change 1 and the technical evidence of Mr Stuart Farrant.

#### 1.5 Key Themes

25. A total of 323 submission points and 212 further submission points were received on the provisions relating to this topic.
26. I consider the following to be key themes in submissions; these are addressed across the Issue Sections 1-11 relating to specific provisions:
  - (a) Whether the provisions directing the use of 'nature-based solutions' as part of resource management planning, including the definition, Objective CC.4, Policies CC.4, CC.7, CC.12, and CC.14 are sufficiently clear to direct decision making under the RMA;
  - (b) Concerns over jurisdiction and clarity of requirements to provide for climate-resilient urban areas (Policies CC.4 and CC.14);
  - (c) Strength of the requirement to manage ecosystems and habitats that provide nature-based solutions (Policies CC.7 and CC.12);
  - (d) Concerns at the risk that provisions promoting an increase in forest cover could result in unfettered afforestation in the region, with this being focused in the Wairarapa (Objective CC.5, Policies CC.6 and 18, Method CC.4).

#### 1.6 Pre-hearing Meetings

27. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

## 2.0 Statutory Considerations

### 2.1 Resource Management Act 1991

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

- Section 30 - Functions of regional councils under this Act
- Section 31 – Functions of territorial authorities under this Act
- Section 61 - Matters to be considered by regional council (policy statements)
- Section 62 - Contents of regional policy statements
- Section 80A – Freshwater planning process
- Schedule 1 – Preparation, change and review of policy statements and plans.

29. Provisions in the RMA that are particularly relevant to this Topic include:

- Section 5 - Purpose
- Section 6 - Matters of national importance

(h) the management of significant risks from natural hazards

- Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(i) The effects of climate change

- Section 30(1) - Functions of regional councils under this Act

(b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:

(c) the control of the use of land for the purpose of—

(i) soil conservation:

(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:

(iii) the maintenance of the quantity of water in water bodies and coastal water:

(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:

(iv) the avoidance or mitigation of natural hazards:

(ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.

30. Section 31(1) - Functions of territorial authorities under this Act

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) the maintenance of indigenous biological diversity:

## 2.2 Climate Change Response Act 2002 (CCRA)

31. Under section 3(1) the purpose of the CCRA is to—

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

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

32. Section 5ZG “Requirement for emissions reduction plan” requires:

(1) For each emissions budget period, the Minister—

(a) must prepare and make publicly available a plan setting out the policies and strategies for meeting the relevant emissions budget; and

(b) may include in the plan policies and strategies for meeting any emissions budgets that have been notified under [section 5ZD](#) for the 2 emissions budget periods after that.

(3) The plan must include—

(a) sector-specific policies to reduce emissions and increase removals; and

(b) a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change; and

(c) a strategy to mitigate the impacts that reducing emissions and increasing removals will have on employees and employers, regions, iwi

and Māori, and wider communities, including the funding for any mitigation action; and

(d) any other policies or strategies that the Minister considers necessary.

33. Section 5ZS “National adaptation plan” requires:

(1) In response to each national climate change risk assessment, the Minister must prepare a national adaptation plan.

(2) A national adaptation plan must set out—

(a) the Government’s objectives for adapting to the effects of climate change; and

(b) the Government’s strategies, policies, and proposals for meeting those objectives; and

(c) the time frames for implementing the strategies, policies, and proposals; and

(d) how the matters in paragraphs (a) to (c) address the most significant risks identified in the most recent national climate change risk assessment; and

(e) the measures and indicators that will enable regular monitoring of and reporting on the implementation of the strategies, policies, and proposals.

## 2.3 National Direction

34. The following paragraphs summarise national direction particularly relevant to the Climate Change: Climate-Resilience and Nature-Based Solutions topic. A more detailed description of relevant national direction is provided in Section 5 and Appendices B and C of the Section 32 report.

### National Policy Statement for Urban Development 2020 (NPS-UD)

35. The NPS-UD seeks to ensure that New Zealand has well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being (Objective 1).

Objective 8 is that New Zealand’s urban environments:

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change.

36. These objectives are given effect through a range of policies, including:

**Policy 1:** Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: ...

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

**Policy 6:** When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: ...

(e) the likely current and future effects of climate change

### **Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020 (ANZBS)**

37. As a national strategy, Te Mana o te Taiao provides the overall strategic direction for managing biodiversity in Aotearoa New Zealand for the next 30 years. It is closely connected to and guides local and regional biodiversity action. Of particular relevance to Change 1 are:

- Objective 13: Biodiversity provides nature-based solutions to climate change and is resilient to its effects.
- Outcome 5 includes: Thriving biodiversity plays a central role in our approach to mitigating climate change.
- 2025 Goals include: 13.2.1 The potential for indigenous nature-based solutions is understood and being incorporated into planning.

### **National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)**

38. The NPS-IB was a draft NPS at the time Change 1 was drafted and notified and has now been released in final form and comes into force on 4 August 2023.

39. The NPS-IB provides clarity and direction to councils on their roles and responsibilities for identifying, protecting, and maintaining biodiversity under the RMA, requiring at least no further reduction in indigenous biodiversity. It includes the following provisions that provide direction to manage indigenous biodiversity for the purpose of climate resilience and mitigation.

40. Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.

41. Section 3.6: Resilience to climate change

(1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by:

(a) allowing and supporting the natural adjustment of habitats and ecosystems to the changing climate; and

(b) considering the effects of climate change when making decisions on:

(i) restoration proposals; and

(ii) managing and reducing new and existing biosecurity risks; and

(c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes.

(2) Local authorities must recognise the role of indigenous biodiversity in mitigating the effects of climate change.

## National Policy Statement for Freshwater Management 2020 (NPS-FM)

42. The NPS-FM sets the direction for freshwater management in New Zealand through the framework of Te Mana o te Wai, which is described as the fundamental concept for the NPS-FM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. Provisions of particular relevance to topics addressed in this report include:

**Policy 4:** Freshwater is managed as part of New Zealand's integrated response to climate change

### 3.5 Integrated Management

(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

(a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and

(b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and

(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and

(d) encourage the co-ordination and sequencing of regional or urban growth....

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

## Aotearoa New Zealand's first Emissions Reduction Plan (ERP)

43. The ERP is a required plan under section 5ZI of the CCRA and it includes a wide range of policies and actions to reduce GHG emissions across economy, including specific actions in relation to planning and infrastructure, transport, energy and industry, agriculture, forestry and waste.

### Chapter 4: Working with Nature

#### **Action 4.1:** Prioritise nature-based solutions

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

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

The planning system and infrastructure investment can also support the use of nature-based solutions or blue/green infrastructure – such as water-sensitive urban design, rain gardens and urban trees – which may support carbon removals and improve climate resilience.

Examples of nature-based solutions that remove carbon and support biodiversity include:

- ▶ restoring wetlands and coastal ecosystems (eg, peatlands, saltmarshes and mangrove swamps) to sequester carbon and provide natural defences against flooding, drought and sea-level rise, while supporting abundant biodiversity
- ▶ restoring and planting native forests in upper catchments to sequester carbon, reduce flooding and sediment flow into downstream rivers and estuaries and improve habitats.

Some nature-based solutions can also reduce emissions indirectly, for example:

- ▶ using water-sensitive urban design, which mimics natural processes and uses soil and vegetation to manage stormwater and reduce the need for carbon intensive concrete pipes
- ▶ integrating green spaces and natural features into urban areas to help with temperature and flood control, improve air quality and create wildlife corridors. This can also make active transport more appealing, provide recreational opportunities and improve health and wellbeing.

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

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

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

Decisions about investment in infrastructure need to take account of the whole-of-life costs and benefits of that investment, including the cost of emissions

associated with that infrastructure. The planning and infrastructure systems can also help to prevent development in areas vulnerable to the impacts of climate change, such as flooding. Avoiding development in these areas will help us reduce the need for additional infrastructure to protect vulnerable land and assets – saving on emissions from building new infrastructure – and avoid the need to replace or relocate existing infrastructure and buildings.

#### **Aotearoa New Zealand's first National Adaptation Plan (NAP)**

44. The NAP is a required plan under section 5ZS of the CCRA and it brings together the Government's efforts to help build climate resilience and sets out the proposed future priorities and work programme. The NAP includes a number of directives that are being implemented through Change 1, including the following that are relevant to the topic of climate-resilience and nature-based solutions:

- Chapter 4: Driving climate-resilient development in the right locations. homes and buildings are climate-resilient and meet social and cultural needs. The actions in this chapter will ensure our decision-making frameworks for planning and infrastructure investment guide climate-resilient development in the right locations and account for changing risks – such as exposure to sea-level rise, flooding, heat stress, coastal inundation and wildfire. Objectives relevant to Change 1 include:
- NE1: Ecosystems that are healthy and connected, and where biodiversity is thriving.
- HBP1: Homes and buildings are climate resilient and meet social and cultural needs.
- HBP2: New and existing places are planned and managed to minimise risks to communities from climate change.
- INF2: Ensure all new infrastructure is fit for a changing climate
- new and existing places are planned and managed to minimise risks to communities from climate change
- ensure that all new infrastructure is fit for a changing climate

Commentary includes: "Local government should act now to drive climate-resilient development in the right locations. The effects of climate change are being felt now. During the transition to the new system, councils need to avoid locking in inappropriate land use or closing off adaptation pathways before the new resource management system takes full effect."

- Chapter 6: Natural Environment. Why we need to take action - A resilient natural environment can buffer the impacts of climate change for human and natural systems. Objectives relevant to Change 1 include:

- NE1: Ecosystems that are healthy and connected, and where biodiversity is thriving.
- NE3: Support working with nature to build resilience. Indigenous ecosystems are restored and protected, sites that need buffers against climate risks are identified and communities are supported in understanding nature-based solutions as a choice for adaptation.
- Specific actions include:

#### **Action 5.9**

- Prioritise nature-based solutions in our planning and regulatory systems to address the climate and biodiversity crises together.

#### **Action 5.16**

- Identify options to increase the integration of nature-based solutions into urban form, which will increase biodiversity and natural areas in urban spaces.

#### **Action 8.7**

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

### **MFE Guidance to local government to give effect to the National Adaptation Plan and the National Emissions Reduction Plan<sup>1</sup>**

#### How local government can support the five principles in RMA plan development

This section includes the following:

- When developing RMA-related plans, local government should consider climate change issues and the role that RMA plans have in reducing greenhouse-gas emissions.
- Prioritise and encourage nature-based solutions that reduce emissions and have multiple co-benefits. Examples include where a coastal environment affected by rising sea levels and severe weather events, restoring coastal wetlands or dunes rather than using a hard engineering solution, such as a seawall; and in an urban environment blue green infrastructure such as urban trees or water sensitive design.
- RMA-related plans should complement other initiatives in the emissions reduction plan, such as emissions pricing; funding and

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<sup>1</sup> <https://environment.govt.nz/assets/publications/national-adaptation-plan-and-emissions-reduction-plan-guidance-note.pdf>

financing; planning and investment; research, science, innovation and technology; and circular economy and bio economy.

## 2.4 Section 32AA

45. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

### **32AA Requirements for undertaking and publishing further evaluations**

*(1) A further evaluation required under this Act—*

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

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

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

*(d) must—*

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

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

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

46. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is included within this report.

## 2.5 Trade Competition

47. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

## 3.0 Consideration of Submissions and Further Submissions

### 3.1 Overview

48. The provisions addressed in this topic Climate-Resilience and Nature-Based Solutions and the submissions and further submissions received are set out in Table 3 below:

**Table 3: Provisions addressed in this report and submissions received**

<b>Provision</b>	<b>Number of Submissions and Further Submission</b>
Definition: Nature-based solutions	62 original, 15 further
Definition: Highly erodible land	3 original, 5 further
Definition: Permanent Forest	3 original, 5 further
Definition: Plantation Forest	3 original, 5 further
Objective CC.4: Nature-based solutions	22 original and 18 further
Objective CC.5: Regional forest cover	23 original and 16 further
Policy CC.4: Climate resilient urban areas – district and regional plans	26 original and 11 further
Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plan	22 original and 18 further
Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change – district and regional plans	20 original and 16 further
Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration	22 original and 16 further
Policy CC.14 Climate resilient urban areas – consideration	24 original and 13 further
Policy CC.18: Increasing regional forest cover to support climate change mitigation: “right tree-right place” – non-regulatory	16 original and 13 further
Policy FW.8: Land use adaptation – non regulatory	13 original and 12 further
Method CC.4: Prepare a regional forest spatial plan	13 original and 13 further
Method CC.6: Identifying nature-based solutions for climate change	11 original and 12 further
Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions	10 original and 10 further

## 3.2 Report Structure

49. The issues raised in submissions are addressed by the following sub-topics within this report:

Issue 1: Categorisation of provisions into the Freshwater Planning Instrument

Issue 2: Definition for Nature-based solutions

Issue 3: Objective CC4: Nature-based solutions

Issue 4: Climate-resilient urban areas (Policies CC.4 and CC.14)

Issue 5: Ecosystems and habitats that provide nature-based solutions (Policies CC.7 and CC.12)

Issue 6: Identifying and supporting nature-based solutions (Methods CC.6 and CC.9)

Issue 7: Objective CC.5: Increasing regional forest cover

Issue 8: Supporting increased forest cover (Policy CC.6, Policy CC.18 and Method CC.4)

Issue 9: Definitions: Highly erodible land, Permanent Forest, Plantation Forest

Issue 10: Water resilience and climate-change adaptation (Policy FW.8)

Issue 11: General Comments

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

51. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept, accept in part, or reject individual submission points based on the analysis contained within the body of the report.

52. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report, with a further evaluation provided in accordance with Section 32AA of the RMA for each provision. I have also provided a marked-up version of the provisions with recommended amendments in response to submissions in **Appendix 1**.

## 3.3 Format for Consideration of Submissions

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

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- Matters raised by submitters
- Analysis
- Section 32AA evaluation (where applicable)
- Recommendations.

## Issue 1: Categorisation of provisions into the Freshwater Planning Instrument

54. Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the FPI:

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

*(2) A freshwater planning instrument means—*

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

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

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

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

*(ii) otherwise relates to freshwater.*

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

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

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

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

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

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

57. These tests were applied to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level, without splitting

provisions. Therefore, if part of a provision met either test, the whole provision was included in the FPI, even if it also related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for including or not including it in the FPI.

58. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which Section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted. However, these concepts alone were not used to justify the categorisation of each provision to the FPI.
59. Submitters have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, WIAL and WFF attended Hearing Stream 1 to speak to their concerns regarding categorisation. The primary concerns raised were that too many provisions were notified as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the Otago Regional Council Decision. This report section has been included in response to these concerns, and to assist the Hearing Panels in considering the categorisation of provisions.

### 3.3.2 Analysis

60. I have assessed each provision addressed by this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification.
61. The result of my assessment is shown in Table 4. In summary, I generally agree with the assessment of the provisions included in this report to inform the scope of the FPI at the time of notification.
62. Note that I am recommending amendments to some provisions in the FPI throughout this report. In my view, the recommended amendments do not result in a change to my assessment in Table 2, except for Policy CC.7 which I consider should proceed using the Schedule 1 process if my recommended amendments are accepted, for reasons set out in paragraph 203.

**Table 4: Section 42A author assessment of each provision notified as part of the FPI**

Provision in FPI	S32 report justification	S42A assessment on notified provision
Objective CC.4: Nature-based solutions	Nature-based solutions by definition must include co-benefits for indigenous biodiversity. Many nature-based solutions directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels.	I agree that many nature-based solutions directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels. Water-sensitive urban design is an excellent example, as it is a nature-based solution that protects the freshwater environment, while also providing resilience to people. For example, rain

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	<p>For example, requiring water-sensitive urban design in built environments will improve freshwater quality and attenuate flood flows.</p>	<p>gardens or green rooves are used to manage stormwater flows to improve water quality and freshwater ecosystems, while also reducing the risk of flooding. Managing water (too much and not enough) is a critical part of providing climate-resilience for people and the freshwater ecosystems. For this reason, I agree with the assessment that Objective CC.4 as notified should be in the FPI.</p>
<p>Objective CC.5: Regional forest cover</p>	<p>Benefits to water quality directly relates to protecting and enhancing freshwater quality and quantity.</p>	<p>The outcome sought by Objective CC.5 is to increase regional forest extent in the region to maximise benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social and economic well-being. The objective works to achieve the concept of “right tree-right place”. Maximising gains from afforestation includes prioritising increased forest in areas where it can reduce erosion and sediment runoff and therefore maintain or improve the water quality of local waterbodies, as well as improve indigenous biodiversity. I consider that this provision clearly relates to freshwater and gives effect to the NPS-FM clause 3.5(2) that directs regional councils to provide for the integrated management of the effects of the use and development of land on freshwater, and of land and freshwater on receiving environments. For this reason, I agree with the assessment that Objective CC.5 as notified should be in the FPI.</p>
<p>Policy CC.4: Climate resilient urban areas – district and regional plans</p>	<p>The qualities and characteristics of well-functioning urban environments, as articulated in Objective 22, include protecting and enhancing freshwater quality and quantity</p>	<p>As set out in the Explanation to Policy CC.4, climate-resilient urban areas are those that are able to withstand stresses resulting from climate change, which includes those associated with increased rainfall intensity. Therefore Policy CC.4, referring to Policy CC.14, includes requirements to implement measures such as water-sensitive urban design to manage stormwater flows to reduce flooding and retain natural streamflows, as far as possible, to both protect communities and protect urban freshwater ecosystems. The connection between urban design, and the protection of people, the natural and built environment was made very clear by the recent Auckland floods, where areas designed using water-sensitive urban design principles fared well, compared to areas</p>

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		<p>that weren't. In my opinion Policy CC.4 and its companion policy Policy CC.14 both give effect to NPS-FM clause 3.5(2) which directs regional councils to provide for the integrated management of the effects of the use and development of land on freshwater, and of land and freshwater on receiving environments and NPS-FM clause 3.5(4) directs territorial authorities to include district plan provisions that promote positive effects, and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. These provisions also give effect to NPS-FM Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.</p> <p>This policy also directly responds to overarching resource management Issue 1 which has also been recommended remain as a FPI provision.</p> <p>For these reasons, I agree with the assessment that Policies CC4 and CC.14 as notified should be in the FPI.</p>
<p>Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plan</p>	<p>Targeting areas where sediment water quality targets are not reached relates directly to protecting and enhancing freshwater quality</p>	<p>Evaluation as for Objective CC.5.</p> <p>I agree with the assessment that Policy CC.6 as notified should be in the FPI.</p>
<p>Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change – district and regional plans</p>	<p>Nature-based solutions often directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels. In built environments, water quality and water attenuation are particularly relevant issues managed by this policy.</p>	<p>Evaluation as for Objective CC.4.</p> <p>I agree with the assessment that Policy CC.7 as notified should be in the FPI, but if amended as per my recommendations I consider it should be a P1S1 provision for the reasons set out at paragraph 203.</p>
<p>Policy CC.12: Protect, enhance and restore</p>	<p>Nature-based solutions by definition must include cobenefits for indigenous biodiversity. Many nature-</p>	<p>Evaluation as for Objective CC.4.</p> <p>I agree with the assessment that Policy CC.12 as notified should be in the FPI.</p>

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ecosystems that provide nature-based solutions to climate change – consideration	based solutions directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels. For example, requiring water-sensitive urban design in built environments will improve freshwater quality and attenuate flood flows	
Policy CC.14 Climate resilient urban areas – consideration	Policy relates directly to freshwater quality and quantity, including the application of water sensitive urban design and water capture to benefit freshwater.	Evaluation as for Policy CC.4. I agree with the assessment that Policy CC.14 as notified should be in the FPI.
Policy CC.18: Increasing regional forest cover to support climate change mitigation: “right tree-right place” – non-regulatory	Targeting areas where sediment water quality targets are not reached relates directly to protecting and enhancing freshwater quality	Evaluation as for Objective CC.5. I agree with the assessment that Policy CC.18 as notified should be in the FPI.
Policy FW.8: Land use adaptation – non regulatory	Directly related to protecting and enhancing freshwater quantity through water resilience in land use practices and land use change.	I agree with the evaluation that this policy is directly related to protecting and enhancing freshwater quantity by providing for water resilience in land use practices and land use change. In my opinion, it gives effect to NPS-FM Policy 4, and clauses 3.5(2) and 3.5(4).
Method CC.4: Prepare a regional forest spatial plan	Addressing sediment water quality targets relates directly to protecting and enhancing freshwater quality.	Evaluation as for Objective CC.5. I agree with the assessment that Method CC.4 as notified should be in the FPI.
Method CC.6: Identifying nature-based solutions for climate change	Addressing sediment water quality targets relates directly to protecting and enhancing freshwater quality.	Evaluation as for Objective CC.4. I agree with the assessment that Method CC.6 as notified should be in the FPI.
Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and	Addressing sediment water quality targets relates directly to protecting and enhancing freshwater quality.	Evaluation as for Objective CC.4. I agree with the assessment that Method CC.9 as notified should be in the FPI.

nature-based solutions		
Definition: Highly erodible land	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning and therefore agree with the assessment that the definition of highly erodible land as notified should be in the FPI.
Definition: Nature-based solutions	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning	I agree with this reasoning and therefore agree with the assessment that the definition of nature-based solutions as notified should be in the FPI.
Definition: Permanent Forest	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning and therefore agree with the assessment that the definition of permanent forest as notified should be in the FPI.
Definition: Plantation Forest	Definition used in freshwater provisions, so it must also go through FPP for the provisions to have the correct meaning.	I agree with this reasoning and therefore agree with the assessment that the definition of plantation forest as notified should be in the FPI.

### 3.3.3 Recommendations

63. As a result of the assessment undertaken in Table 4, I recommend that all the provisions addressed in this report remain, as notified, in the FPI. However, if my recommended redrafting of Policy CC.7 (as set out in Issue 5) is accepted I consider that this policy should then be addressed through a standard Schedule 1 process for the reasons set out in paragraph 203 below.

64. I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 1.

### Issue 2: Definition for Nature-based solutions

65. The definition for **Nature-based solutions** as notified in Change 1 is:

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

Examples include:

Reducing greenhouse gas emissions (climate change mitigation):

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

Increasing resilience (climate change adaptation):

*(a) providing resilience for people*

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

*(b) providing resilience for ecosystems and species*

- restoring indigenous forest to a healthy state to increase its resilience to increased climate extremes
- leaving space for estuarine ecosystem, such as salt marshes, to retreat inland in response to sea level rise.

### **3.3.4 Matters raised by submitters**

66. There were 62 submission points and 15 further submission points on the definition for nature-based solutions. The majority of these submission points (52) are from a group of submitters whose submissions focus on provisions that could impact landowners associated with the Mangaroa peatland - some of these have submitted under the umbrella Mangaroa Peatland Focus Group. Regarding the definition for nature-based solutions, these submitters are concerned at the inclusion of “protecting peatland to retain carbon stores” as an example of a nature-based solution. Most other submissions are at least partially supportive of the definition, but a number of territorial authorities request amendments to provide better clarity, sufficient to support implementation as part of a regulatory framework. A number of submitters request inclusion of additional examples, and one requests that all examples are deleted.
67. Rangitāne [S168.090], supported by Sustainable Wairarapa [FS31.200] supports the definition for nature-based solutions as drafted. Forest and Bird [S165.0136], supported by Ātiawa [FS20.095] and opposed by BLNZ [FS30.319], supports the definition for nature-based solutions as drafted and seeks further examples for ecosystems and species beyond forests and estuaries or seeks amendment to make clear that the examples given are not exhaustive. Sustainable Wairarapa [S144.036] and Ian Gunn [S139.010] both support the definition in part, and both request an additional example “to include nature-based solutions for water resilience, such as farm-scale structures for slowing water down (swales, bunds, leaky dams), managing flooding to increase ground water recharge and improving the water holding capacity of soils (e.g., reducing compaction).”
68. MDC [S166.0006] supports the definition in part, but requests additional guidance as to what the nature-based solutions will be and why they would be chosen over other types of solutions to assist implementation by territorial authorities, or the inclusion of additional examples. PCC [S30.0108] opposes the definition as they consider it lacks sufficient specificity for a regulatory framework and requests that

it is either deleted or amended to provide clear and appropriate direction to plan users. HCC [S115.0124] also requests amendments to provide clear direction for plan users. UHCC [S34.0105] supports the intent of the definition but comments on the need for balance between increased trees and the need for development, and also requests deletion of the example of protecting peatland. The UHCC [S34.040] submission on Objective CC.4 makes additional comment on the definition for nature-based solutions, requesting greater clarity, including how it relates to the term “green infrastructure”.

69. WCC [S140.0125], supported by MDC [FS14.049], supports the definition in part and requests addition of the verb “mimic”, as actions such as planting street trees and water sensitive urban design are not enhancing natural ecosystems as they are often isolated from other areas of biodiversity and serve a different function than the 'natural ecosystem' would perform. WCC also considers that the definition should not include examples, as that should be incorporated into the implementation (method) of the policy.
70. Winstone Aggregates [S162.028], opposed by Ātiawa [FS20.296], is generally opposed or neutral to a number of the new definitions proposed in Change 1 and requests amendments so that these are in line with the NPS-FM and RMA caselaw and ensure that there is a viable and workable pathway to continue to undertake /consent quarrying activities.
71. The Mangaroa group of submitters requests that the example of “protecting peatland to retain carbon stores” be deleted, pending thorough and extensive consultation with community and Upper Hutt City Council. This group of submitters questions the intent of referring to peat restoration as a nature-based solution and requests that the Council clearly states what is meant by “protecting” peatland and exactly what form that protection would take. They also request that the Council “formulate simple, clear rules regarding the peatland and the implications around and compensation for any loss of use by landowners.” A number of these submitters request that the peatland example be deleted until the peatlands in question are mapped and understood, landowners engaged with/advised and further explanation about what is meant by “protection”.
72. Dr Sarah Kerkin [S96.022] supported by Brendan Herder [FS5.7] opposes the inclusion of the reference to peatland within the definition of 'nature-based solutions' as this is contrary to the Environment Court's finding in *GWRC v Adams & Ors*. A number of the other Mangaroa submitters also refer to this court case, stating that “In this context the inclusion of a specific peatland example in this otherwise very broad definition is unnecessarily contentious.”
73. Genesis Energy Ltd [S99.005], supported by Meridian Energy [FS26.069], considers that the development of electricity from renewable sources is a nature-based solution that reduces greenhouse gas emissions whilst providing resilience for people and requests the addition of examples to recognise this: “maximising electricity generation from renewable energy sources is a nature-based solution, recognising that renewable electricity generation can often be incorporated within

the natural and built environments (e.g. wind farm and carbon forestry solar panels on rooftops).”

74. Wellington Water [S113.052] considers that the definition does not give effect to the NPS-FM and requests the addition of a clause to recognise Te Mana o te Wai as a benefit, with an additional example being “application of wastewater sludge to land rather than landfills.”
75. WFF [S163.0109], supported by HortNZ [FS29.095] and BLNZ [FS30.078] and opposed by Forest and Bird [FS7.049], Ātiawa [FS20.171] and Ngā Hapū [FS29.922], and PCC [S30.0108] supported by Peka Peka Farm Ltd [FS25.024], request that the definition is deleted or amended to provide additional clarity. If the definition is not deleted, WFF supports an alternative definition as set out in the Aotearoa New Zealand Biodiversity Strategy (ANZBS).

### 3.3.5 Analysis

#### Clarity

76. Nature-based solutions is an umbrella term for interventions that are designed with nature to restore ecosystems, reverse biodiversity loss, manage water and tackle the negative effects of climate change on infrastructure and society. The term first emerged in the late 2000s, introduced by the World Bank and championed by the International Union for Conservation of Nature (IUCN) amongst others, to embed biodiversity considerations in climate change adaptation and mitigation. The nature-based solutions concept is grounded in the knowledge that biodiversity loss and climate change have several shared drivers and hence also shared solutions.
77. The ANZBS, the ERP, and the NAP all promote the use of nature-based solutions to address climate change, with the ERP and NAP calling for the use of nature-based solutions to be prioritised within our planning and regulatory systems to address the climate and biodiversity crises together providing, where possible, for both carbon removals and climate change adaptation.
78. These three documents all include similar definitions for nature-based solutions:

- (1) The definition for nature-based solutions in the ANZBS is:

*Solutions that are inspired and supported by nature and are cost effective, and at the same time provide environmental, social and economic benefits and help build resilience.*

This definition uses the base sentence from a definition for nature-based solutions from the European Commission (EC)<sup>2</sup>.

- (2) The definition in the ERP adds to this, including the second sentence of the EC definition, plus a third sentence that provides further examples:

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<sup>2</sup> [https://research-and-innovation.ec.europa.eu/research-area/environment/nature-based-solutions\\_en](https://research-and-innovation.ec.europa.eu/research-area/environment/nature-based-solutions_en)

*Such solutions bring more, and more diverse, nature and natural features (e.g., vegetation and water features) and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions. For example, using vegetation (e.g., street trees or green roofs) or water elements (eg, rivers or water-treatment facilities) can help reduce heat in urban areas or support stormwater and flood management.*

- (3) The definition for nature-based solutions in the NAP aligns with that used by the United Nations Environment Assembly and the International Union for the Conservation of Nature. This definition appears to be more widely used in nature-based solutions literature:

*Actions to protect, conserve, restore, sustainably use and manage natural or modified terrestrial, freshwater, coastal and marine ecosystems, which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services and resilience and biodiversity benefits.*

79. While these definitions were all considered for inclusion in Change 1, there were elements of each that I consider to be unhelpful for a RMA definition, and none are clear that the concept encompasses both the 'use of' existing natural systems and the creation of new features that mimic natural processes. The definition proposed for Change 1 uses the NAP/IUCN definition as a base, with some clauses deleted as being unnecessary, specific climate change outcomes added, along with the clause "incorporation of natural elements into built environments" added to provide for the concept of constructed natural elements. A list of examples relevant to the Wellington Region was included to illustrate different types and scales of nature-based solutions, recognising that this is a relatively new concept for New Zealand's resource management sector.
80. While I appreciate the desire of territorial authorities for as much clarity as possible, I do note that nature-based solutions is, in essence, a broad-ranging concept, with appropriate "solutions" being site and issue specific. I also note that there is a considerable amount of guidance available on nature-based solutions appropriate for both rural and urban situations and at a range of scales (for example, "A catalogue of nature-based solutions for urban resilience" published by The World Bank<sup>3</sup> provides examples of nature-based solutions at neighbourhood, city and catchment scales). Further the Council has offered to work with territorial authorities to help interpret this concept as it relates to their functions. For example, the Council provided sample drafting to illustrate the type of nature-based solutions appropriate at the scale of brownfield development as

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<sup>3</sup> [A Catalogue of Nature-Based Solutions for Urban Resilience \(worldbank.org\)](https://www.worldbank.org/)

part of evidence requesting that nature-based solutions be included in the territorial authority Intensification Planning Instrument plan changes.

81. I have reviewed the different clauses of this definition and recommend the following amendments to simplify and clarify the definition:

(b) replace the clause "incorporation of natural elements into built environments". The aim of this clause is to make it clear that nature-based solutions can include constructed, man-made elements that "mimic" natural processes, for example constructed wetlands and rain gardens. I considered use of the term "green infrastructure" as this is a term that is becoming more widely understood in the planning and development sectors. However, this term is defined in the National Planning Standards and in my opinion that definition does not provide useful addition or clarification to the Change 1 definition for nature-based solutions. Further, there are other terms such as "blue-infrastructure", "blue-green infrastructure" and "natural infrastructure" in use that incorporate blue (water) elements along with green elements. For these reasons, I consider that it would be clearer to replace this clause in the definition with a simple description "use of engineered systems that mimic natural processes", drawing on the submission of WCC which requests reference to "mimic".

(c) make several minor amendments to simplify language and include reference to "the natural and physical resources" for clarity and consistency with section 5 of the RMA:

"strengthen the resilience of ~~humans people~~, indigenous biodiversity, and ~~the natural and physical resources environment~~ to the effects of climate change.

(d) make several minor amendments for clarification of several of the examples:

- "planting street trees to ~~provide relief from high temperatures~~ reduce urban heat"
- "restoring coastal dunelands to provide increased resilience to the damaging effects of storms ~~surges~~ linked to sea level rise"
- the use of water sensitive urban design ~~principles and methods~~, such as rain gardens to ~~manage contaminants and reduce~~ stormwater runoff in urban areas

#### *Inclusion of examples*

82. Several submitters have requested additional examples, while two submitters (WCC and WFF) have requested the deletion of all examples. I agree that a good definition should be able to stand alone, however, because the use of nature-based solutions is a relatively new concept, I consider that the provision of examples in this case is helpful. While I recommend that the examples be retained, I consider that this could be in the form of a "Note" to the definition, rather than forming part of the definition itself.

83. I have considered the request by the group of submitters associated with the Mangaroa peatland to delete the example of 'protecting peatland to retain carbon stores' as a nature-based solution. The submitters have not questioned, nor provided any evidence that refutes, the value of peat for carbon sequestration and storage. The submissions make it clear that this request relates more to a lack of trust of the Council's intentions than to a question of whether peatland provides a nature-based solution. Peatlands are widely recognised to be a nature-based solution for climate change as their carbon-rich soils provide significant stores of CO<sub>2</sub><sup>4</sup>. When an area of peat is drained or otherwise modified it changes from being a carbon sink to a carbon source, releasing CO<sub>2</sub> into the atmosphere and leading to the loss of carbon that has accumulated over centuries or millennia. The example of protecting peatland was included in the definition of nature-based solutions as it is an example of a local nature-based solution currently being implemented by the Council, using its Low Carbon Acceleration Fund to support the restoration of the 100ha peat bog in Queen Elizabeth Park to prevent continuing peat decomposition and achieve wider environmental, social, and cultural benefits. This project is estimated to avoid carbon emissions of more than 1,251 tCO<sub>2</sub>e/yr.
84. I appreciate that the term "protect" could be interpreted as having a regulatory meaning, or inferring an active requirement, and consider that an amendment to refer instead to "*maintaining* peatland to retain its carbon stores" may be more appropriate. I understand that the Mangaroa group of submitters has submitted on a range of policy settings which will be addressed through other Hearing Streams. I also refer these submitters to my recommendation under Issue 5 in this Section 42A report to amend Policy CC.7: Protecting, restoring and enhancing ecosystems that provide nature-based solutions to climate change to become a non-regulatory policy, being to "Work with and support landowners and other key stakeholders to protect, restore, or enhance ecosystems that provide nature-based solutions for climate change." This provides clarification of the Council's intended approach to support the implementation of nature-based solutions outside of development scenarios and may contribute to the relief sought by these submitters.
85. With respect to Dr Sarah Kerkin's contention that reference to protecting peatland as a nature-based solution is contrary to the Environment Court's finding in *Greater Wellington Regional Council v Adams* [2022] NZEnvC 025, I note that the focus of that case was a dispute over the delineation of the boundary of a natural wetland (a 300ha peatland in Mangaroa Valley) and did not include any judgment regarding the values of that wetland and whether or not peatland provides a nature-based solution for climate change.

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<sup>4</sup> For example, <https://www.iucn.org/resources/issues-brief/peatlands-and-climate-change>; <https://globalpeatlands.org/peatlands-as-a-nature-based-solution-highlighted-at-the-un-climate-action-summit>; <https://onlinelibrary.wiley.com/doi/10.1002/adsu.202000146>; Ramsar Convention Secretariat, 2018. Ramsar Briefing Note 10. [https://www.ramsar.org/sites/default/files/documents/library/bn10\\_restoration\\_climate\\_change\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/bn10_restoration_climate_change_e.pdf)

86. With respect to Forest and Bird's request for examples that refer to ecosystems and species beyond forests and estuaries, I consider that the examples provided already refer to other ecosystems (e.g., coastal dunelands and rivers). I also note that the examples are not intended to be exhaustive. However, I agree with Sustainable Wairarapa [S144.036] and Ian Gunn [S139.010] that additional examples at a farm-scale would be useful and recommend an amendment to provide for this as requested:
- retaining wetlands and planting swales on farmland to slow runoff, reduce flood peaks, retain base flows, and protect water quality.
87. Regarding Genesis Energy's assertion that the development of electricity from renewable sources is a nature-based solution, while this is something that is promoted and supported by Change 1, I do not consider this to meet the definition of a nature-based solution.
88. With respect to Wellington Water's concern that the definition does not give effect to the NPS-FM; while the definition does not specifically mention freshwater, this is clearly a part of "the natural environment" that is referenced. I do not consider that every provision that gives effect to Te Mana o te Wai needs to make specific reference to this. While "application of wastewater sludge to land rather than landfills" will often be a preferable management approach for its environmental benefits, I do not consider that this meets the definition of a nature-based solution.
89. In response to UHCC's concern about the need for balance between 'protect' and 'development', MDC's request to provide guidance about why nature-based solutions would be chosen over other types of solution, and Winstone Aggregates request to provide a viable and workable pathway to continue to undertake/consent quarrying activities, I consider that addressing these matters is the role of the objectives, policies and methods, not the definition.

### **3.3.6 Section 32AA evaluation**

90. In accordance with section 32AA, I consider that my recommended amendments to the definition for nature-based solutions are the most appropriate way to achieve the purpose of the RMA as they are minor amendments that seek to add clarity to the definition, including replacing an unclear clause, and will therefore assist the way in which this definition is interpreted and applied. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

### **3.3.7 Recommendations**

91. I recommend the following amendments to the definition for "Nature-based solutions":

#### **Definition – Nature-based solutions**

Actions to protect, enhance, or restore natural ecosystems, and the incorporation of natural elements into built environments use of

engineered systems that mimic natural processes, to reduce greenhouse gas emissions and/or strengthen the resilience of humans people, indigenous biodiversity, and the natural and physical resources environment to the effects of climate change.

Note, ~~E~~examples include:

Reducing greenhouse gas emissions (climate change mitigation):

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

Increasing resilience (climate change adaptation):

a. providing resilience for people

- planting street trees to ~~provide relief from high temperatures reduce urban heat~~
- restoring coastal dunelands to provide increased resilience to the damaging effects of storms ~~surges~~ linked to sea level rise
- leaving space for rivers to undertake their natural movement and accommodate increased floodwaters
- the use of water-sensitive urban design ~~principles and methods~~, such as rain gardens to ~~manage contaminants and reduce stormwater runoff~~ in urban areas
- retaining wetlands and planting swales on farmland to slow runoff, reduce flood peaks, retain base flows, and protect water quality.

b. providing resilience for ecosystems and species

- restoring indigenous forest to a healthy state to increase its resilience to increased climate extremes
- leaving space for estuarine ecosystem, such as salt marshes, to retreat inland in response to sea level rise.

92. Accordingly, I recommend that submissions in relation to 'the definition for nature-based solutions' are accepted, accepted in part, or rejected as detailed in **Appendix 2**.

### **Issue 3: Objective CC.4: Nature-based solutions**

93. Objective CC.4 as notified is:

Nature-based solutions are an integral part of climate change mitigation and adaptation, improving the health and resilience of people, biodiversity, and the natural environment

### 3.3.8 *Matters raised by submitters*

94. There were approximately 26 original and 18 further submission points on Objective CC.4. A number of submitters support Objective CC.4 and request that it is retained as notified or with minor amendments.
95. Peter Thompson [S123.003], Te Tumu Paeroa [S102.007], Muaūpoko [S133.030] opposed by Ātiawa [FS20.377], WCC [S140.010], HCC [S115.009], Sustainable Wairarapa [S144.006], Forest and Bird [S165.006] opposed by BLNZ [FS30.319], Taranaki Whānui [S167.021], and Rangitāne [S168.0108] and [S168.0112] supported by Sustainable Wairarapa [FS31.033] and [FS31.038] all support Objective CC.4 and seek that it is retained as notified.
96. HortNZ [S128.006] also supports Objective CC.4 as drafted, noting that the National Adaptation Plan seeks to prioritise nature-based solutions where possible and to increase their integration into urban form, and supports working with nature to build resilience. In particular, HortNZ supports use of the term 'integral' as this acknowledges that nature-based solutions will not necessarily be the only part of a response to climate-change.
97. Ātiawa [S131.024], supported by Ngā Hapu [FS29.295], supports the use of nature-based solutions to provide solutions for climate change mitigation and adaptation and, given that nature-based solutions align with mātauranga Māori approaches, seeks an amendment to Objective CC.4 to refer to "Nature-based solutions and mātauranga Māori..."
98. Wellington Water [S113.004], supported by WCC [FS13.008] and HortNZ [FS28.018], and WIAL [S148.018], opposed by Forest and Bird [FS7.007], are concerned that nature-based responses are not always practicable within urban environments, and in some instances may present a direct conflict with the operation and safety of an infrastructure asset and therefore request addition of the qualifier "Where practicable".
99. Kāinga Ora [S158.006] seeks amendments to Objective CC.4 to:
  - (a) focus on the health and well-being of people as they consider it is unclear how nature-based solutions will improve the resilience of people.
  - (b) include a policy to link the health and wellbeing of people within the related policies. Otherwise, the objective should remove the reference to people and the focus should be on ecosystems and the natural environment – which in turn will support, enhance and improve people's health and well-being.
  - (c) add a definition or examples of nature-based solutions for clarity.
100. SWDC [S79.004] is concerned that the definition for 'nature-based solutions' has a wide scope and will include afforestation and therefore requests either amendment of Objective CC.2, or an amendment to Objective CC.4 to add "The equitable use of" to the beginning. In particular, SWDC is concerned that carbon farming will be used disproportionately in the Wairarapa sub-region. MDC [S166.055] requests clearer guidance on what the nature-based solutions will be,

why they would be chosen over other solutions and clarity on the meaning of 'integral' in this context.

101. PCC [S30.007], supported by Peka Peka Farm Ltd [FS25.012] and Waka Kotahi [FS3.011] considers that this objective is not clear enough as to what is to be achieved, or more so, to what extent improvements are to be achieved. A small minor improvement in one part of the region would achieve this objective. More thought needs to be given as to how this objective is going to be measured. It is not clear whether the focus of the objective is achieving social and environmental outcomes, or the use of nature-based solutions (which is a method to achieve outcomes).
102. DairyNZ [S136.012], supported by BLNZ [FS30.018], requests that Objective CC.4 is deleted as the Section 32 analysis is inadequate, more analysis is required to ensure it is consistent with the latest science and will achieve community outcomes. WFF [163.015], supported by BLNZ [FS30.088] and opposed by Forest and Bird [FS7.059], Ātiawa [FS20.181], and Ngā Hapū [FS29.032], also requests deletion of this objective as they consider that a wider portfolio of tools is required, including constructed or engineered solutions and that the new overarching Objective B as proposed by WFF will provide a practical pathway towards a similar result.
103. While KCDC [S16.009], opposed by Ātiawa [FS20.037], and UHCC [S34.040] support the intent of Objective CC.4, they request that any associated regulatory methods are not the responsibility of city or district councils.
104. KCDC [S16.067/100], PCC [S30.0116] and UHCC [S34.005] have made general submission points on Change 1 raising general concerns with the objectives and provisions in terms of how these are drafted, the lack of support in the RMA and higher order documents to support the proposed provisions, and jurisdiction issues for implementation between regional councils and territorial authorities based on their respective RMA functions. For example, KCDC requests that all objectives are reviewed to ensure these are specific as to the outcome sought, clearly relate to an issue, can be monitored and are achievable within the scope of an RPS. While these submission points are not specific to Objective CC.4, they are being considered through each section 42A report as relevant for each topic.

### **3.3.9 Analysis**

#### *Support from the RMA and higher order documents*

105. Objective CC.4 recognises that climate change and the decline of ecosystem health and biodiversity are intertwined. Nature-based solutions provide a critical opportunity to both mitigate and adapt to climate change, with co-benefits for the health of people and the natural world. Protecting and restoring the health of natural ecosystems is critical to ensure that they are resilient, can persist into the future and continue to provide the range of ecosystem services that support our lives and livelihoods. These ecosystem services include carbon sequestration and storage, natural hazard mitigation, and the provision of food and amenity, while

also working to reverse the national decline in indigenous biodiversity. For these reasons I consider that the intent of Objective CC.4 is sound and it serves a clear resource management purpose.

106. With regard to general submissions seeking deletion of Objective CC.4, including those that question the lack of support in the RMA and higher order documents, and whether the objectives are achievable within the scope of RPS, I consider that nature-based solutions clearly align with RMA section 5 and can contribute to achieving all of the clauses defining sustainable management e.g., the concepts of enabling people and communities to provide for their social, economic and cultural well-being while safeguarding the life-supporting capacity of air, water, soil and ecosystems. I note that the ANZBS, 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.
107. With respect to responsibilities, 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.
108. With respect to the request by WWF and DairyNZ (supported by BLNZ) to delete Objective CC.4 due to a lack of analysis and that it will not achieve community outcomes, in my opinion there is clear evidence that supports the importance of using nature-based solutions to provide climate change mitigation and adaptation and that these measures must be implemented as soon as possible to avoid more costly greenhouse gas emission reductions in the future and to increase the resilience of our communities to the climate changes to come. Climate change is impacting our communities now, these impacts will increase, and the rate of increase is happening faster than anticipated. Objective CC.4 aligns with the strong national direction in the ERP and NAP to prioritise nature-based solutions in our planning and regulatory systems to address the climate and biodiversity crises together.
109. While requesting that Objective CC.4 be deleted, WWF notes that their proposed over-arching Objective B is a practical pathway towards a similar result, including the following clause "Catchment communities are enabled and empowered to develop and prototype weaving together nature-based and built solutions for respecting and sharing water" and WWF's proposed portfolio of supporting provisions includes reference to "accepting the value of nature-based solutions". In my opinion the outcomes sought by Objective CC.4 and WWF's Objective B are well aligned.
110. I note that WWF's proposed objective is addressed in Hearing Stream 2 – Integrated Management where the s42A author, while supporting some of the

intent, has recommended that the relevant submission point is rejected because it is much narrower in scope than the objective it seeks to replace.

#### *Implementation of nature-based solutions*

111. Several concerns that have been raised in relation to Objective CC.4, including those from SWDC and MDC, relate to the way in which this objective will be given effect to, rather than raising concerns with the wording of the objective, or the outcome sought. I consider that these submission points are best addressed in relation to the framing of the relevant policies and methods.
112. Concerns raised by KCDC and UHCC about who will be responsible for any regulatory methods will be addressed when considering similar submission points from these submitters on regulatory policies that refer to nature-based solutions, including policies CC.4, CC.7, CC.12 and CC.14. Similarly concerns raised by MDC about what nature-based solutions are and when they would be required will be addressed in relation to the relevant policies and methods. However, I do consider that Objective CC.4 should be amended to clarify that the objective relates specifically to *indigenous* biodiversity, as this is one of the key principles underpinning the concept of nature-based solutions, and that resilience is also sought for the built, as well as natural, environment. Concerns raised by SWDC about the impact of increased forestry will similarly be addressed in relation to Objective CC.5 and policies CC.6 and CC.18.

#### *Use of the terms "integral" and "Where practicable"*

113. In relation to concerns raised by Wellington Water and WIAL, I acknowledge that nature-based solutions may not be practicable in all situations. However, the role of an objective at the level of a RPS is to provide a clear outcome or end point that policies seek to achieve at a regional scale. The way in which the objectives will be achieved is guided by the policies and methods. I do not support the use of general qualifiers in objectives as they act to weaken the objective, leaving it open to conjecture and dispute and making it difficult to monitor its effectiveness. In my opinion, the framing of Objective CC.4, that nature-based solutions are an integral part of climate change mitigation and climate change adaptation, does not require every single development project to include a nature-based solution, rather it encourages the consideration of the deployment of nature-based solutions alongside more traditional approaches to development.

#### *Mātauranga Māori*

114. In response to the submission of Ātiawa, Objective A in Change 1 is that "Integrated management of the region's natural and built environments is guided by Te Ao Māori and: (a) incorporates Mātauranga Māori...". Objective A, supported by Policy IM.1 and Method IM.1, provides broad direction on what integrated management of natural and built environments in the region should involve and therefore should be provided for in implementing all Change 1 provisions. While I agree that Mātauranga Māori can inform many of the provisions in Change 1, including the implementation of nature-based solutions, I do not

consider that its use needs to be specifically referenced in all relevant provisions, including Objective CC.4.

#### *Well-being and resilience*

115. I agree with Kāinga Ora that nature-based solutions will contribute to the well-being of people, but consider that they can also clearly provide resilience for people and communities, for example, the retention of sand dunes can protect communities from the impacts of sea level rise, likewise leaving room for the river to move will provide resilience to more frequent and larger flood events. Resilience and adaptation are core principles of nature-based solutions and for this reason I do not support replacing 'resilience' with 'well-being'. While 'well-being' could be added, I consider that it is a part of "health" and specifying this does not add value to the objective. Regarding the addition of examples, I refer Kāinga Ora to the definition for nature-based solutions already included in Change 1 which already includes examples.

#### *Tests for a good objective*

116. In terms of the general submissions requesting that all Change 1 objectives are reviewed to ensure that these are specific as to the outcome sought, clearly relate to an issue, are within the scope of an RPS and are measurable:

- In my opinion, Objective CC.4 is very clear as to the outcome being sought at a regional level, which is that nature-based solutions are a core part of strategies to provide climate change mitigation and adaptation.
- The objective very clearly relates to the regionally significant issues listed in Chapter 3.1A: Climate Change, in particular Issue 1: Greenhouse gas emissions must be reduced significantly, immediately and rapidly, Issue 2: Climate change and the decline of ecosystem health and biodiversity are inseparably intertwined, and Issue 3: The risks associated with natural hazards are exacerbated by climate change.
- I consider that the achievement of Objective CC.4 is readily measured, using a range of metrics including, in the first instance the type of actions undertaken as part of a range of regulatory and non-regulatory methods. For example, development consents could be interrogated to identify the use of nature-based solutions, such as the use of constructed wetlands to manage stormwater runoff, and the inclusion of green space in a subdivision. Similarly, floodplain management plans could be reviewed for their provision of "room for the river to move" as part of their suite of hazard mitigation measures. Additional monitoring could drill down into effects on well-being for example, there are many studies that have correlated people's well-being with the amount of accessible green space.

### 3.3.10 Section 32AA evaluation

117. In accordance with section 32AA, I consider that the amendments recommended to Objective CC.4 are the most appropriate way to achieve the purpose of the RMA as they are minor amendments that retain the intent of the objective while seeking to provide additional clarity as to the outcome sought.

### 3.3.11 Recommendations

118. I recommend that **Objective CC.4** be amended as followed:

Nature-based solutions are an integral part of climate change mitigation and climate change adaptation<sup>5</sup>, improving the health and resilience of people, indigenous biodiversity, and the natural and physical resources environment.<sup>6</sup>

119. Accordingly, I recommend that submissions in relation to Objective CC.4 are accepted, accepted in part, or rejected as detailed in **Appendix 2**.

### Issue 4: Climate-resilient urban areas (Policies CC.4 and CC.14)

120. The submissions on Policies CC.4 and CC.14 are considered together as these policies are intimately connected – with the clauses of Policy CC.14 (a consideration policy in chapter 4.2) setting out the climate-resilient attributes that are to be provided for by Policy CC.4 (a regulatory policy directing district plans in Chapter 4.1).

### 3.3.12 Matters raised by submitters

121. Policy CC.4 as notified in Change 1 is as follows:

#### **Policy CC.4: Climate resilient urban areas – district and regional plans**

District and regional plans shall include policies, rules and/or methods to provide for climate-resilient urban areas by providing for actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well-functioning urban environments.

#### **Explanation**

Policy CC.4 directs regional and district plans include relevant provisions to provide for climate resilient urban areas. For the purposes of this policy, climate-resilient urban areas mean urban environments that have the ability to withstand:

- Increased temperatures and urban heat island

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<sup>5</sup> Note that the terms climate change mitigation and climate change adaptation have been set out in full and italicised as these are defined terms in Change 1

<sup>6</sup> Amendment for consistency with RMA s5 and as recommended for the definition of “Nature-based solutions”.

- Increased intensity of rainfall and urban flooding
  - Droughts and urban water scarcity and security
  - Increased intensity of wind, cold spells, landslides, fire, and air pollution.
122. GWRC received approximately 26 original and 11 further submission points on Policy CC.4 seeking a range of amendments and clarifications. A number of submitters support Policy CC.4 and request that it is retained as notified. This includes Te Tumu Paeroa | Office of the Māori Trustee [S102.015], Sustainable Wairarapa Inc. [S144.029], Fish and Game [S147.049] opposed by Wellington Water [FS19.113] and BLNZ [FS30.218], Forest and Bird [S165.037] opposed by BLNZ [FS30.319], and Taranaki Whānui [S167.064].
123. Reasons for support include that Policy CC.4 generally supports the regulatory policies in the 'Climate Change' topic, and that Policy CC.4 is necessary to give effect to the NPS-FM and NPS-UD. Sustainable Wairarapa Inc [S144.029] draws attention to Policy 57 and Method UD.1 (*"incorporate climate resilience into development manuals and urban design guides"*). BLNZ [S78.007], opposed by Ātiawa [FS20.315], states that Policy CC.4 should be retained as notified as it is necessary to give effect to the NPS-UD.
124. Submissions received from iwi submitters broadly support Policy CC.4 and request that it be retained as notified, including Taranaki Whānui [S167.064] and Muaūpoko Tribal Authority [S133.037] opposed by Ngāti Toa [FS6.065] and Ātiawa [FS20.384]. Ātiawa [S131.050], supported by Ngā Hapū o Ōtaki [FS29.320], expresses support for a proactive approach to address threats from climate change, particularly with regards to urban development and retaining the ability for tangata whenua to live in their own rohe. In addition, Taranaki Whānui suggests that Policy CC.4 include a specific cross reference to Policy CC.17 to ensure alignment with mana whenua values.
125. Several submitters request amendments to clarify Policy CC.4, particularly with regard to its links with Policy CC.14. Peka Peka Farm Ltd [S118.006] supports Policy CC.4 in part but seeks an amendment to Policy CC.4 to delete the following: *"...which support delivering the characteristics and qualities of well-functioning urban environments"* on the basis that this links too strongly to Policy 1 of the NPS-UD. For the same reason, Summerset Group [S119.002] and The Retirement Villages Association [S120.002] request deletion of the same part of Policy CC.4.
126. Mary Beth Taylor [S63.014] and Tony Chad [S95.014] request amendments to Policy CC.4 to require stormwater collection in in-ground storage facilities and under car parks to be used to fill municipal swimming pools or as emergency water supplies.
127. Wellington Water [S113.013] supports Policy CC.4 but suggests amendments for better clarity: "District and regional plans should include policies, rules and/or methods to **achieve** climate-resilient urban areas by **enabling and promoting / encouraging** the actions and initiatives described in Policy CC.14".
128. Several territorial authorities are concerned that the purpose of Policy CC.4 is unclear and request amendments to clarify and refine it, including MDC

- [S166.044], WCC [S140.032] supported by MDC [FS14.038], and SWDC [S79.021] supported by MDC [FS14.023]. SWDC notes that, although the policy refers to matters included in a Freshwater Planning Process, it is not of itself considered part of this process, which could complicate the hearing process. Therefore, SWDC requests that Policy CC.4 be amended to reference matters (a) and (d) in CC.14 to keep them within the scope of a Schedule 1 hearing process.
129. WCC [S140.032] supports the intent of Policy CC.4, but requests further detail to provide clarity to plan users of what is required. WCC suggests moving part of the explanation into the policy to provide detail of what a climate-resilient urban area is.
130. Toka Tu Ake EQC [S132.005] supports Policy CC.4 but recommends that the policy be strengthened, particularly with regard to areas marked for intensification under the NPS-UD. EQC also recommends more explicit wording of "climate resilient urban areas".
131. CDC [S25.017] expresses their support for the intent of the policy but notes that referring to both urban areas and urban environments would make application of the policy ambiguous, and request that amendments refer to 'urban areas' only.
132. MDC [S166.044] notes that Policy CC.4 would be difficult for them to implement as a Tier 3 authority and request clarification between Tier 1 and Tier 3 obligations to achieve equity across the region.
133. HCC [S115.030] opposes Policy CC.4 as being insufficiently clear for users to understand what is required and recommend its deletion. This is supported by Kāinga Ora [FS12.007].
134. PCC [S30.028] supported by Peka Peka Farm Ltd [FS25.061], opposes Policy CC.4 due to a lack of clarity, including the need to define terms such as "resilient", "climate-resilient", and "withstand", and its reliance on another policy. Its submission also notes that achieving the outcomes of Policy CC.4 would seem to involve tools which lie outside Territorial Authority functions and RMA plans, such as the Building Code and forthcoming Three Waters entities. Similarly, SWDC [S79.021] supported by MDC [FS14.023] opposes the policy in part based on crossover with three waters authorities and the Building Act. PCC requests that the policy is either deleted or amended to provide clear and appropriate direction to plan users and to recognise that RMA plans can only contribute to achieving climate-resilient urban areas. Best Farm Ltd [S135.005] also submits that the policy should be deleted as the objectives are outside the scope of territorial authorities to implement and achieve. PCC is also concerned regarding the lack of a threshold and as drafted would apply to all resource consents, change, variation or review of RMA plans regardless of scale and type of activity.
135. While UHCC [S34.009] supports the intent of Policy CC.4, it "opposes in part" as it considers it to be inappropriate to direct many of the measures identified in Policy CC.14. In particular, concern is raised over a perceived lack of clarity as to the meaning of "the ability to withstand", what level of hazard intensity should be addressed, lack of recognition that hard infrastructure will be needed to support nature-based solutions, and the limits of district plans. UHCC seeks either deletion

or amendment of Policy CC.4, to read “*District and regional plans shall include policies, rules and/or methods to provide for climate-resilient urban areas*” to enable territorial authorities flexibility to address specific issues in their areas.

136. KCDC [S16.017], opposed by Ātiawa [FS20.044], opposes Policy CC.4, seeking its deletion due to a lack of legislative mandate, as well as linkages with Policy CC.14, which they also oppose and seek deletion of. KCDC states that Policy CC.4 is unnecessary, as it merely summarises other policies proposed by RPS Change 1, and requests that it be replaced by non-regulatory methods that would encourage and incentivise the desired outcomes. KCDC raises the following specific concerns:

- Tree coverage targets for suburban areas to provide urban cooling conflicts with development enabled by the MDRS. It is also unclear how a district plan could require contributions of tree planting in urban areas to achieve the stated targets, which Council notes has no statutory basis or convincing evidence base to support them.
- District plans do not prevent water and energy efficient design of buildings. Therefore, it is unclear why district plans would need to be changed to provide for them.
- The enhancement and restoration of natural ecosystems are not activities that can be required under a district plan. District and city council functions under the RMA require the maintenance of indigenous biodiversity. Therefore, restoration and enhancement of the natural ecosystems is best achieved via non-regulatory incentives and support.
- The resilience of buildings is a matter addressed by the Building Act and its associated regulations.
- The use of non-regulatory methods should be the option pursued by GWRC, working in partnership with city and district councils rather attempting regulatory methods that are not supported by legislation.

137. GWRC [S137.030] recommends the addition of the following to the “Explanation” section: “Well-functioning urban environments, as referred to in this policy and articulated in Objective 22, apply to all urban areas in the Wellington Region”; this submission is supported by WCC [FS13.013].

138. Policy CC. 14 as notified in Plan Change 1 is as follows:

**Policy CC.14: Climate-resilient urban areas – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, provide for actions and initiatives, particularly the use of nature-based solutions, that contribute to climate-resilient urban areas, including:

- a. Maintaining, enhancing, restoring, and/or creating urban greening at a range of spatial scales to provide urban cooling, including working towards a target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050,
- b. The application of water sensitive urban design principles to integrate natural water systems into built form and landscapes to reduce flooding, improve water quality and overall environmental quality,
- c. Capturing, storing, and recycling water at a community scale (for example, by requiring rain tanks and setting targets for urban roof area rainwater collection).
- d. Protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change,
- e. Providing for efficient use of water and energy in buildings and infrastructure, and
- f. Buildings and infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind.

### **Explanation**

Climate change, combined with population growth and housing intensification, is increasingly challenging the resilience and well-being of urban communities and natural ecosystems, with increasing exposure to natural hazards, and increasing pressure on water supply, wastewater and stormwater infrastructure, and the health of natural ecosystems.

This policy identifies the key attributes required to develop climate-resilience in urban areas and requires district and regional councils to take all opportunities to provide for actions and initiatives, particularly nature-based solutions, that will prepare our urban communities for the changes to come.

139. GWRC received approximately 24 original and 13 further submission points on Policy CC.14 seeking a range of different amendments and clarifications. A number of submitters support Policy CC.14 and request that it is retained as notified. These include Mary Beth Taylor [S63.010], Tony Chad [S95.009], Te Tumu Paeroa | Office of the Māori Trustee [S102.025], Peter Thompson [S123.017], Sustainable Wairarapa Inc [S144.022], and Fish and Game [S147.066] opposed by Wellington Water [FS19.130] and BLNZ [FS30.235].
140. Ātiawa [S131.087] supported by Ngā Hapū o Ōtaki [FS20.357], Muaūpoko Tribal Authority [S133.048] opposed by Ātiawa [FS20.395], and Rangitāne [S168.0130] supported by Sustainable Wairarapa Inc [FS31.058], broadly support Policy CC.14, seeking it be retained as notified.
141. Taranaki Whānui [S167.0103], supported by Ngāti Toa [FS6.037], requests a new clause to expand the scope of Policy CC.14, to read "(x) *enabling mana*

*whenua / tangata whenua to provide for their relationship with their culture, land, water, wāhi tapu and other taonga*". Rangitāne [S168.0171] requests an amendment to reflect that the use of nature-based solutions be informed by mātauranga Māori.

142. Some submitters support Policy CC.14 in part but request that Policy CC.14 be strengthened. Toka Tu Ake EQC [S132.006] seeks strengthening of the application of Policy CC.14 to areas marked for intensification under the NPS-UD.
143. GWRC [S137.010] suggests amendments as follows: to delete "including working" from (a) and replace with "*and work towards achieving a target...*"; and to add "promoting" to (f) as in "*promoting buildings and infrastructure...*".
144. WCC [S140.065] expresses support in part for Policy CC.14 and generally for increasing tree canopy cover in the city but notes that the stated tree canopy cover target of 30% is not reasonable for every suburb in the city (e.g., Rongotai, currently at 1% tree cover due to the Airport and bulk retail/industrial) and should be left for district councils to set. WCC [S140.064] also notes a lack of clarity surrounding the "provide for" policy, particularly over interaction with resource consents, notices of requirement, and plan changes (given that many of these may not be relevant to climate resilience). MDC [S166.053] also requests clarity around the tree canopy cover target, questioning how councils would implement, monitor, enforce, and maintain the target.
145. Forest and Bird [S165.0145] supports Policy CC.14 in part, seeking to increase the targets for tree canopy cover by amending (a) to the following: "*...a target of: (i) at least 15 percent tree canopy cover at a suburb-scale by 2030; (ii) at least 30 percent cover by 2030 at the suburb scale where 15 percent cover is already in place, and (iii) 50 percent cover in all cases by 2050*". They also request inclusion of the following clause: "*(x) providing for green infrastructure and making room for rivers*". The submission is opposed by BLNZ [FS30.319] as being irrelevant to implement the NPS-UD.
146. A number of submitters oppose Policy CC.14, expressing that the stated outcomes are better achieved through non-regulatory methods. Some territorial authorities, including UHCC [S34.010], HCC [S115.063] and KCDC [S16.027], consider that the policy does not recognise the regulatory limits of district plans and should be deleted, particularly with regard to freshwater and tree canopy cover. Ātiawa ki Whakarongotai Charitable Trust [FS20.049] opposes KCDC's submission and suggestions as being insufficient to give effect to Te Mana o te Wai and the NPS-FM.
147. If Policy CC.14 is not deleted, HCC [S115.063] requests that clauses (b) and (c) be deleted because these clauses duplicate existing freshwater policies and clarify that the policy only applies to regional plans. Wellington Water [S113.028] seeks clarity in clause (c) regarding the term "community scale" and notes that any water in urban areas not provided by Wellington Water should only be used for non-potable uses to ensure good public health outcomes. They request either deletion of or an amendment to clause (c) as follows: "***harvesting water at a***

*community scale for non-potable uses (for example by requiring rain tanks, and setting targets for urban roof are rainwater collection)."*

148. PCC [S30.062], supported by Peka Peka Farm Ltd [FS25.095] and Transpower NZ Ltd [FS23.008], seeks that Policy CC.14 be deleted or amended to provide clear direction, on the basis that CC.14 lacks definitions for several important terms, including "climate-resilient urban area", "urban greening", "urban cooling", "water sensitive urban design", "resilience", duplicates regulations in the Building Code, and requires councils to undertake new assessments (for example, of tree cover canopy) which would be onerous. PCC also asks for clarification of what "provide for actions and initiatives" means in a consent process.
149. WIAL [S148.029] raises concerns that the drafting of this policy would require all of the listed matters to be achieved when considering development within urban areas by the use of the "and" between "e" and "f". In some urban environments achieving all of these outcomes would be impractical, for example buildings within the airport could be used more efficiently to conserve water and energy usage, however it would be inappropriate for the airport to create green spaces, as these would present an aviation hazard and safety issue. WIAL requests that Policy CC.14 either be deleted or amended to include an exclusion for the Airport area; this stance is opposed by both Forest and Bird [FS7.016] and GBI [FS8.019], both of whom note that green spaces can be created around airports without hazard to aircraft; as an example, GBI note that Auckland Airport has stormwater ponds which are used to lead birds away from the runway.

### **3.3.13 Analysis**

*Delete or amend policies due to a lack of scope or functional jurisdiction for territorial authorities*

150. In response to submitters, particularly territorial authorities, requesting deletion of Policies CC.4 and CC.14 due to a lack of legislative mandate, including a failure to recognise the regulatory limits of district plans, I consider that the RMA provides a very clear and broad remit for regional and district councils to address climate resilience in giving effect to their responsibilities under the RMA. In particular:
1. RMA section 7(i) provides a broad requirement for all person's exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to have particular regard to the effects of climate change.
  2. Under section 31(1), the functions of territorial authorities include:
    - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
    - (i) the avoidance or mitigation of natural hazards
- 3. Territorial authorities also have a clear statutory role in managing and protecting freshwater as set out in the NPS-FM. In particular, NPS-FM Section 3.5(4) requires that:

“Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.”

- 4. Further, the NAP recognises the role of the RMA, the planning system and local government to provide for climate resilience to complement national policy direction and initiatives. *“We need to make sure our decision-making frameworks for planning and infrastructure investment are updated now so that they drive climate-resilient development in the right locations. The way we design and grow our places today will affect our ability to withstand the impacts of climate change over the coming decades – and influence patterns of exposure and vulnerability. New development provides opportunities to transform our built environment and ensure our communities and infrastructure are resilient, well located and use best-practice adaptive design. This will substantially reduce the costs of retrofitting in the future and increase our adaptive capacity to live, and thrive, despite the challenges of a changing climate. Development includes both new homes and infrastructure...”*<sup>7</sup>
- 151. For these reasons I consider that Policies CC.4 and CC.14 perform a clear RMA function, that both the regional council and territorial authorities have appropriate legislative mandate, and that these policies should therefore be retained, albeit with amendments as discussed below.
- 152. KCDC has challenged the ability of territorial authorities to regulate for specific climate-resilience features as set out in the clauses of Policy CC.14. I consider that district plans can and should include provisions supporting the built environment to withstand climate change impacts, including those set out in the Explanation to Policy CC.4 being:

- increased temperatures and urban heat island
- increased intensity of rainfall and urban flooding
- droughts and urban water scarcity and security

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<sup>7</sup> [Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi | Adapt and thrive: Building a climate-resilient New Zealand \(environment.govt.nz\)](https://www.environment.govt.nz/uratau)

- increased intensity of wind, cold spells, landslides, fire, and air pollution.

153. While I agree that councils do not have the ability to regulate responses to all of the matters addressed by Policy CC.14; specifically, clause (e) efficient use of water or energy and clause (f) building materials, I consider that these are matters that territorial authorities should promote as part of carrying out their functions under s31, as they will contribute significantly to the climate-resilience of our communities. I also note, as an example, that a number of these matters are addressed in the Wellington City Council Proposed District Plan. For example, HRZ-P13 City Outcomes Contribution, includes:

“3. Incorporating construction materials that increase the lifespan and resilience of the development and reduce ongoing maintenance costs.”

154. For these reasons, I recommend that the direction or verbs for Policy CC.14 as notified clauses (e) and (f) be amended so that efficient use of water and energy and that resilient design of buildings and infrastructure are to be “promoted”, with minor amendments to as notified (f) for additional clarity as generally requested by submitters on these provisions:

- (e) promoting providing for efficient use of water and energy in buildings and infrastructure, and
- (f) promoting appropriate design of buildings and infrastructure that so they are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind over their anticipated life span.

155. Concerns raised by territorial authorities regarding the other clauses are addressed below.

#### *Reliance of Policy CC.4 on Policy CC.14, definitions*

156. I agree with those submitters that consider that Policy CC.4 lacks clarity due to its reliance on Policy CC.14. I therefore recommend that Policy CC.4 is amended to incorporate clauses (a) to (f) from Policy CC.14 and that any amendments recommended to these clauses in response to submissions apply consistently to both of these policies.

#### *Chapeau*

157. A number of submitters, particularly a number of territorial authorities, have raised concerns regarding a lack of clarity with the application of Policies CC.4 and CC.14 (over and above clarity around the appropriateness of the different clauses) and have requested amendments to provide clear and appropriate direction to plan users, sufficient to support implementation as part of a regulatory framework, including:

- clarification of what “provide for actions and initiatives” means in a consent process
- lack of a threshold or clarity as to when Policy CC.14 would apply

- ambiguity by referencing well-functioning urban environments and both urban areas and urban environments
- clarification between Tier 1 and Tier 3 obligations
- clarification that all the listed climate-resilience features are not necessarily relevant to all types of development.

158. To address the concerns raised by these submitters as to the application of Policies CC.4 and CC.14, I have reviewed the chapeau of both policies and recommend the following amendments to clarify the different responsibilities of district and city councils and regional councils and to improve the clarity about what is required of plan users. This is explained further in relation to each amendment:

1. Split both Policies CC.4 and CC.14 into two new policies (CC.4A and CC.14A) (four policies in total) to provide separate regulatory and consideration policies for territorial authorities and for the regional council. This provides better clarity about the different regulatory roles of district and regional plans and the “consideration” required by territorial authorities and the regional council when considering a resource consent, a notice of requirement (only relevant to territorial authorities), or a change, variation or review of a district or regional plan.
2. In the chapeau for each of these four policies, replace reference to “provide for actions and initiatives that contribute to climate-resilient urban areas” with “require” (for district and regional plans in Policies CC.4 and CC.4A) or “seek” (in consideration policies Policies CC.14 and CC.14A) “that development and infrastructure is located, designed and constructed in ways that provide for climate-resilience”. This clarifies the type of activities that the policies apply to and removes inconsistent and unnecessary references to well-functioning urban environments in Policy CC.4 and urban areas in Policy CC.14. As well as providing clarity as to the application of these policies, as requested by a number of submitters, scope to introduce the terms “development and infrastructure” is provided by my recommendations to integrate Policies CC.7 and CC.12 with this suite of climate-resilience policies (refer to my evaluation under Issue 5).
3. Integration of Policies CC.7 and CC.12 with Policies CC.4 and CC.14 (as recommended under Issue 5) also provides scope to add “objectives” to the clause “include objectives, policies, rules and methods”.
4. Add a clause such that the climate-resilience requirements set out in the policy clauses apply “as appropriate to the activity”. This recognises that the different climate-resilience features listed will not necessarily be relevant to all types of development and infrastructure.
5. Referring to “prioritising the use of nature-based solutions” rather than “particularly”, provides additional clarity of intent, recognising that nature-based solutions may not always be a useful option, but that they should be a priority consideration.

### Definitions

159. I have considered whether the following additional definitions requested by PCC are necessary and/or helpful: “climate-resilient urban area”, “resilience”, “water sensitive urban design”, “urban greening”, “urban cooling”.
160. I consider that a definition for *climate-resilience/resilient (in relation to climate change or natural hazards)* would be useful as this is the critical outcome being sought by the climate change provisions introduced by Change 1 and is a relatively new concept for local government to deliver. These terms are used in a number of provisions in Change 1. WCC and EQC have suggested moving part of the explanation for Policy CC.4 that defines a climate-resilient urban area into the policy to clarify what this term means. I consider that this would more usefully and efficiently form part of a new definition and that a new definition should refer more generally to climate-resilience/resilient. This is because the term climate-resilience is used more broadly than in referring to urban areas, particularly considering the amendments recommended to Policies CC.4 and CC.14. I also note that the term ‘urban areas’ is defined in Change 1 as areas zoned residential, commercial, mixed use, or industrial. A definition for ‘climate resilience’ can therefore be used alongside the definition of ‘urban areas’ to assist interpretation of ‘climate-resilient urban area’.
161. Change 1 includes a definition for “**Resilience** (in relation to ecosystems): The ability of an ecosystem to absorb and recover from disturbances.” I consider that while an ecosystem may be able to absorb an impact this does not translate well to structures and the built environment.
162. Climate resilience is defined in both the NAP and the ERP:
- The NAP definition is “*The ability to anticipate, prepare for and respond to the impacts of a changing climate, including the impacts that we can anticipate and the impacts of extreme events. It involves planning now for sea-level rise and more frequent flooding. It is also about being ready to respond to extreme events such as forest fires or extreme floods, and to trends in precipitation and temperature that emerge over time such as droughts*”.
- The ERP definition is “*The capacity of social, economic and environmental systems to cope with a hazardous event, effect, trend or disturbance caused by climate change, including by responding or reorganising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation*”.
163. I consider that the definitions in the NAP and ERP are overly wordy and do not provide a useful definition to use in RMA plans to describe development that is resilient to the impacts of climate change.
164. I note that the Oxford Dictionary defines resilience as the capacity to withstand or to recover quickly from difficulties. The Proposed Otago Regional Policy Statement includes a similar definition for resilient or resilience: “means the

capacity and ability to withstand or recover quickly from adverse conditions.” I recommend adding a similar definition to Change 1 focusing on climate change.

Climate-resilience/ Climate-resilient/ Resilience and Resilient (in relation to climate change or natural hazards) –

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

165. I note that the term “water-sensitive urban design” is defined in the NRP and I recommend that definition is repeated in Change 1.

**Water-sensitive urban design - The integration of planning, engineering design and water management to mimic or restore natural hydrological processes in order to address the quantitative and qualitative impacts of land use and development on land, water and biodiversity, and the community's aesthetic and recreational enjoyment of waterways and the coast. Water-sensitive urban design manages stormwater at its source as one of the tools to control runoff and water quality. The terms low impact design, low impact urban design and water-sensitive design are often used synonymously with water-sensitive urban design.**

166. I address the requested definitions for ‘urban greening’ and ‘urban cooling’ in the evaluation on clause (a) below.

Clause(a)

167. I disagree with the contention of KCDC that tree coverage targets for suburban areas conflict with development enabled by the MDRS and that it is unclear that district plans could require contributions of tree planting in urban areas to achieve the stated targets. I have addressed the lack of statutory basis in paragraph 150.

168. There is a strong evidence base that supports the importance of increased green space in urban areas for both climate resilience and mitigation, as well as improving the health and well-being of people and indigenous biodiversity. The ERP specifically refers to urban green space as an important nature-based solution that helps to reduce emissions indirectly:

*“integrating green spaces and natural features into urban areas to help with temperature and flood control, improve air quality and create wildlife corridors. This can also make active transport more appealing, provide recreational opportunities and improve health and wellbeing.”*

169. The recent report from the Parliamentary Commissioner for the Environment “Are we building harder, hotter cities?”<sup>8</sup> highlights the vital importance of retaining existing, and promoting new, urban green space. The report highlights the limited direction provided by the MDRS landscaped area standards to improve the quality

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<sup>8</sup> [are-we-building-harder-hotter-cities-the-vital-importance-of-urban-green-spaces.pdf](#)

of private green space and recommends the inclusion of more explicit provisions for urban green space in statutory planning documents, recognising that these provide 'a core service'. The report suggests that landscaped area standards should seek good outcomes, such as minimum tree provision. I also note that there are a number of RMA plans that include metrics for tree canopy cover, including the Auckland Unitary Plan PC78<sup>9</sup> and the Hamilton City Council PC12.

170. In response to submissions requesting different tree canopy targets, I note that there is a strong evidence base<sup>10</sup> supporting the value of 30% green space in urban areas and consider that this is appropriate as a 2050 target; with a 10% target setting a realistic target in the near-term. I also note that the framing of this target as notified is clear that it is a target and that it is to be "worked towards".

171. I also note that the NPS-IB s3.22(4) requires local authorities to promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies and methods in policy statements and plans, having regard to targets set under subclause (3), which must be at least 10% indigenous vegetation cover for any urban or non-urban environment.

172. I have recommended some minor redrafting to clause (a) for clarity as generally requested, and to refer to prioritising appropriate indigenous species – refer to paragraph 183, recommendation 3.

173. PCC has requested a definition for "urban greening", and "urban cooling". I have recommended changes to replace the use of these two terms and to add reference instead to "green space"- refer to para 183, recommendation 3. I consider that this term is commonly defined and well understood and does not require a definition specific to Change 1. However, if the Panels are of the mind to include a definition, then I suggest the following:

**Green space** Includes areas of trees, shrubs, grass or other vegetation.

Note: Examples include canopy trees, urban parks, green rooves, green walls, community farms or gardens, and roof top gardens.

#### Clauses (b) and (c)

174. While concern has been expressed at duplication of these clauses with other freshwater policies, I consider that it is helpful to include all the key considerations for climate-resilient development in one policy. Of critical importance is that the policy direction is consistent across provisions, and I consider that this is the case.

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<sup>9</sup> For example, AUP PC78 includes **H5.6.19 Deep soil area and canopy tree**

Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater.

It includes minimum canopy tree requirements for new development sites (e.g., 1 tree for a site 200m<sup>2</sup>-500m<sup>2</sup>)

<sup>10</sup> For example, <https://iucnurbanalliance.org/promoting-health-and-wellbeing-through-urban-forests-introducing-the-3-30-300-rule/>; <https://www.tdag.org.uk/casestudies/category/policy-canopy-cover-targets>

I note that the explanation for Policy CC.4 highlights that other policies of this RPS also provide for actions and initiatives to deliver climate resilient urban areas, including Policy FW.3 (which applies to district plans). By separating these policies into regional and district provisions, I have sought to clarify the different roles of territorial authorities and the Council with respect to applying water-sensitive urban design. The recommended explanation to Policy CC.4A refers to an aligned Policy FW.14 and the explanation for Policy CC.14A refers to aligned Policy 42 that both apply to requirements of the regional council.

175. I acknowledge Wellington Water's concerns regarding the term "community scale" and the importance of restricting water harvesting to non-potable uses and have accepted the amendments they propose.

#### Clause (d)

176. KCDC raises concerns with clause (d) claiming that "the enhancement and restoration of natural ecosystems are not activities that can be required under a district plan. District and city council functions under the RMA require the maintenance of indigenous biodiversity. Therefore, restoration and enhancement of the natural ecosystems is best achieved via non-regulatory incentives and support."

177. The intent of clause (d) is to ensure that development provides for the management (protection, enhancement, or restoration) of natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and other climate change impacts. This is different to maintaining or protecting ecosystems for their indigenous biodiversity values, although this is likely to be a co-benefit of this provision. An example is protecting sand dunes to provide protection to communities from the effects of increased storm surges associated with sea level rise. While I do consider that district (and regional plans) can require that development avoids having adverse effects on ecosystems that provide these benefits, I agree that it is more appropriate for enhancement and restoration of ecosystems be pursued through a non-regulatory approach. For this reason, I recommend that clause (d) be redrafted to be clear about its intent. In my opinion, development should avoid causing significant adverse effects on the *climate change mitigation, climate change adaptation and climate-resilience* functions and values of an ecosystem, and that other adverse effects on these functions and values are avoided, minimised or remedied. I consider that a new policy to seek protection, restoration, or enhancement of ecosystems that provide nature-based solution benefits is appropriate and I refer to my recommendation in relation to Policy CC.7: Protecting, restoring and enhancing ecosystems and habitats that provide nature-based solutions to climate change (under Issue 6).

#### Additional clauses

178. Several iwi submitters have requested inclusion of clauses to ensure that the use of nature-based solutions be informed by mātauranga Māori, or to reference enabling mana whenua / tangata whenua to provide for their relationship with their culture, land, water, wāhi tapu and other taonga, or a cross-reference to Policy CC.17 Iwi climate change adaptation plans. As noted in relation to similar

submissions on Objective CC.4, Objective A in Change 1 is that “Integrated management of the region’s natural and built environments is guided by Te Ao Māori and: (a) incorporates Mātauranga Māori;...”. Objective A, supported by Policy IM.1 and Method IM.1, provides broad direction on what integrated management of natural and built environments in the region should involve and therefore should be provided for in implementing all Change 1 provisions. While I consider that Mātauranga Māori will often helpfully inform the identification and implementation of nature-based solutions and the provision of climate-resilience features, I do not consider that the use of Mātauranga Māori nor other cross-references to mana whenua/tangata whenua provisions, needs to be repeated in all relevant provisions.

179. I consider that amendments at the level of detail as “requiring stormwater collection in in-ground storage facilities and under car parks to be used to fill municipal swimming pools or as emergency water supplies” (requested by Mary Beth Taylor [S63.014] and Tony Chad [S95.014]) and “providing for green infrastructure and making room for rivers” (requested by Forest and Bird [S165.0145]) are examples of climate-resilience measures and are too specific for this policy. (I note that both green infrastructure and room for the river to move are examples of nature-based solutions that are included in the note to the definition for nature-based solution.) The appropriateness of such actions will be addressed when having consideration to a resource consent, notice of requirement, or a change, variation or review of a district or regional plan.

#### *FPP categorisation*

180. I note that, while the recommended amendments to Policies CC.4 and CC.14 and the introduction of Policy CC.4A and CC.14A appear to be significant in terms of the amount of redrafting, the intent of the provisions remains essentially as notified, requiring climate-resilience features to be embedded in new development and infrastructure, with nature-based solutions to be given priority.

181. For this reason, I consider that my evaluation of Policies CC.4 and CC.14 in Table 4 in Issue 1 does not change (i.e., these provisions remain freshwater provisions and part of the FPI), recognising that features such as water-sensitive urban design, provide protection and resilience to both communities and freshwater ecosystems.

#### **3.3.14 Section 32AA evaluation**

182. In accordance with section 32AA, I consider that the recommended amendments to Policy CC.4 and Policy CC.14, including the addition of two new policies (Policy CC.4A and CC.14A), and the addition of new definitions for climate-resilience/climate-resilient and water-sensitive urban design, are the most appropriate provisions as they will provide better clarity for plan users of the intent and implementation of these provisions by:

- (i) being more explicit about what activities are addressed by the policies,

- (ii) clarifying the attributes of climate-resilience/climate-resilient that are to be provided for by development and infrastructure, as appropriate to the location, type and scale of the activity,
- (iii) clarifying those matters that are to be addressed by city and district councils and those that are to be addressed by the regional council,
- (iv) clarifying which provisions are regulatory requirements and which are matters to be promoted,
- (v) providing definitions of the terms climate-resilience/climate-resilient/resilient (in relation to climate change and natural hazards) and water-sensitive urban design to assist implementation.

183. I consider that these amendments will increase the likelihood that Policies CC.4, CC.14 and recommended new policies CC.4A and CC.14A are effectively implemented to achieve the desired outcomes. The proposals are considered efficient and effective ways to clarify the policy intent and mitigate risks associated with uncertainty under the as-notified drafting.

### **3.3.15 Recommendations**

184. I recommend the following amendments:

1. Add a new definition for climate-resilience:

**Climate-resilience/Climate-resilient/ Resilience and Resilient (in relation to climate change or natural hazards) –**

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

2. Add a new definition for water-sensitive urban design:

**Water-sensitive urban design -**

**The integration of planning, engineering design and water management to mimic or restore natural hydrological processes in order to address the quantitative and qualitative impacts of land use and development on land, water and biodiversity, and the community's aesthetic and recreational enjoyment of waterways and the coast. Water-sensitive urban design manages stormwater at its source as one of the tools to control runoff and water quality. The terms low impact design, low impact urban design and water-sensitive design are often used synonymously with water-sensitive urban design.**

3. Amend Policy CC.14 as follows:

**Policy CC.14: Climate-resilient development urban areas – district and city council consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district ~~or regional~~ plan, ~~seek that development and infrastructure is located, designed and constructed in ways that provide for *climate-resilience*, provide for actions and initiatives, particularly prioritising the use of *nature-based solutions*, that contribute to climate-resilient urban areas~~, including by, as appropriate to the activity:

- (a) maintaining, enhancing, restoring, and/or creating urban green space at a range of spatial scales to provide urban cooling, including, providing urban green space, particularly canopy trees, to reduce urban heat and reduce stormwater runoff:
  - i. prioritising the use of appropriate indigenous species, and
  - ii. working towards achieving a target of 10 percent *tree canopy cover* at a suburb-scale by 2030, and 30 percent cover by 2050,
- (b) the application of *water-sensitive urban design* principles, hydrological controls, and other methods to integrate natural water systems into built form and landscapes, to reduce flooding, improve water quality and overall environmental quality, minimise flooding and maintain, to the extent practicable, natural stream flow rates and volumes,
- (c) methods to increase water resilience, including by requiring harvesting of water at a domestic and/or ~~capturing, storing, and recycling water at~~ a community-scale for non-potable uses (for example by requiring rain tanks, rainwater re-use tanks, and setting targets for urban roof area rainwater collection),
- (d) protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change, avoiding significant adverse effects on the *climate change mitigation, climate change adaptation* and *climate-resilience* functions and values of an ecosystem, and avoiding, minimising, or remedying other adverse effects on these functions or values,
- (e) promoting providing for efficient use of water and energy in buildings and infrastructure, and
- (f) promoting appropriate design of buildings and infrastructure ~~that so they~~ are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.

Explanation

Climate change, combined with population growth and housing intensification, is increasingly challenging the resilience and well-being of urban communities and natural ecosystems, with increasing exposure to natural hazards, and increasing pressure on water supply, wastewater and stormwater infrastructure, and the health of natural ecosystems.

This policy identifies the key attributes required to ensure that development and infrastructure provides for develop climate-resilience in urban areas and requires district and regional councils to take all opportunities to provide for actions and initiatives, particularly nature-based solutions, that will prepare our urban-communities for the changes to come.

**Policy CC.14A: Climate-resilient development – regional council consideration**

When considering an application for a resource consent, or a change, variation, or review of a regional plan, seek that development and infrastructure is located, designed, and constructed in ways that are climate-resilient, prioritising the use of nature-based solutions, including by, as appropriate to the activity:

- (a) the application of *water-sensitive urban design* principles and methods to improve water quality and overall environmental quality, including by avoiding or minimising stormwater contaminants in discharges to the stormwater network or to water,
- (b) managing stormwater flowrates and volumes to minimise flooding and to maintain, to the extent practicable, natural stream flows (in alignment with Policy 14), and
- (c) avoiding significant adverse effects on the *climate change mitigation, climate change adaptation* and *climate-resilience* functions and values of an ecosystem and avoiding, minimising ore remedying other adverse effects on these functions and values.

**Explanation**

This policy identifies the key attributes required to ensure that development and infrastructure provides for climate-resilience and requires the regional council to take all opportunities to provide for actions and initiatives, particularly nature-based solutions, that will prepare our communities for the changes to come.

It is noted that other policies of this RPS also provide regulatory requirements to deliver climate-resilient infrastructure and development, including Policies 14 and 42.

4. Amend Policy CC.4, to align with Policy CC.14 as follows:

**Policy CC.4: Climate-resilient development urban areas – district and regional plans**

District and regional plans shall include objectives, policies, rules and methods to provide for climate-resilient urban areas by providing for actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well-functioning urban environments. require development and infrastructure to be located, designed, and constructed in ways that provide for

climate-resilience, prioritising the use of nature-based solutions, including by, as appropriate to the activity:

- (a) requiring provision of urban green space, particularly canopy trees, to reduce urban heat and reduce stormwater flowrates:
  - i. prioritising the use of appropriate indigenous species, and
  - ii. working towards achieving a target of 10 percent *tree canopy cover* at a suburb-scale by 2030, and 30 percent cover by 2050,
- (b) requiring application of *water-sensitive urban design* principles, hydrological controls, and other methods to improve water quality, overall environmental quality, minimise flooding and maintain, to the extent practicable, natural stream flow rates and volumes,
- (c) requiring methods to increase water resilience, including harvesting of water at a domestic and/or community-scale for non-potable uses (for example by requiring rain tanks, rainwater re-use tanks, and setting targets for urban roof area rainwater collection),
- (d) requiring that significant adverse effects on the *climate change mitigation, climate change adaptation* and *climate-resilience* functions and values of an ecosystem shall be avoided, and other adverse effects on these functions and values shall be avoided, minimised, or remedied,
- (e) promoting efficient use of water and energy in buildings and infrastructure, and
- (f) promoting appropriate design of buildings and infrastructure so they are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.

#### Explanation

Policy CC.4 directs regional and district plans to include relevant provisions to provide for climate-resilient development and infrastructure urban areas. The policy seeks that priority be given to the use of nature-based solutions, recognising the multiple-benefits they can provide for people and nature. It also seeks to manage any adverse effects of activities on the climate change functions and values of ecosystems.

For the purposes of this policy, climate-resilient urban areas mean urban environments that have the ability to withstand:

- Increased temperatures and urban heat island
- Increased intensity of rainfall and urban flooding and increased discharge of urban contaminants
- Droughts and urban water scarcity and security
- Increased intensity of wind, cold spells, landslides, fire, and air pollution

The policy is directly associated with Policy CC.14 which provides further direction on actions and initiatives to provide for climate resilient urban areas.

It is noted that other policies of this RPS also provide for actions and initiatives to deliver climate-resilient development and infrastructure urban areas, including Policy FW.3.

#### Policy CC.4A: Climate-resilient development – regional plans

Regional plans shall include objectives, policies, rules and methods to require development and infrastructure to be located, designed, and constructed in ways that provide for climate-resilience, prioritising the use of nature-based solutions, including by, as appropriate to the activity:

- (a) requiring application of *water-sensitive urban design* principles and methods to improve water quality and overall environmental quality, including by requiring stormwater contaminants to be avoided or minimised in discharges to the stormwater network or to water, and
- (b) requiring stormwater flowrates and volumes to be managed to minimise flooding and to maintain, to the extent practicable, natural stream flow rates and volumes, and
- (c) requiring significant adverse effects on the *climate change mitigation*, *climate change adaptation* and *climate-resilience* functions and values of an ecosystem be avoided, and other adverse effects on these functions and values be avoided, minimised, or remedied.

#### Explanation

Policy CC.4A directs regional plans to include provisions to provide for climate-resilient development and infrastructure. The policy seeks that priority be given to the use of nature-based solutions, recognising the multiple-benefits they can provide for people and nature. It also seeks to manage any adverse effects of activities on the climate change functions and values of ecosystems.

It is noted that other policies of this RPS also provide for actions and initiatives to deliver *climate-resilient* infrastructure and development, including Policy FW.14

185. Accordingly, I recommend that submissions in relation to Policy CC.4 and Policy CC.14 are accepted, accepted in part, or rejected as detailed in **Appendix 2**.

#### **Issue 5: Ecosystems and habitats that provide nature-based solutions (Policies CC.7 and CC.12)**

186. Policy CC.7 as notified in Plan Change 1 is:

Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans

District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.

Explanation: Development and infrastructure planning and design should include nature-based solutions as standard practice, including green infrastructure, green spaces, and environmentally friendly design elements, to manage issues such as improving water quality and natural hazard protection. Nature-based solutions can perform the roles of traditional infrastructure, while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.

### **3.3.16 Matters raised by submitters**

187. There were approximately 21 submissions and 16 further submissions on Policy CC.7. Several submitters request that Policy CC.7 be retained as notified, including Te Tumu Paeroa | Office of the Māori Trustee [S102.018], Peter Thompson [S123.005], Sustainable Wairarapa [S144.008], Fish and Game [S147.051] opposed by Wellington Water [FS19.115] and BLNZ [FS30.220], and Muaūpoko [S133.016] opposed by Ātiawa [FS20.387].
188. Both SWDC [S79.024] and MDC [S166.047] recommend that Policy CC.7 be retained as notified but request a non-regulatory method to develop guidance to support application of Policy CC.7.
189. Ātiawa [S131.053], supported by Ngā Hapū [FS20.323], want nature-based solutions; and want to ensure that the ecosystems and habitats that support those nature-based solutions are protected/enhanced/restored. Ātiawa requests that Policy CC.7 be replaced by the following policy:

*“Providing for nature-based solutions to climate change in development and infrastructure planning and design.*

*District and regional plans shall include objectives, policies, rules and methods to protect, restore and enhance ecosystems and habitats that provide nature-based solutions and mātauranga Māori approaches to climate change, including development and infrastructure and design.*

*Priority shall be given to actions that provide the greatest co-benefit for climate change mitigation and adaptation, indigenous biodiversity, fresh and coastal water”.*

~~District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.~~

190. Waka Kotahi [S129.016] opposed by Ātiawa [FS20.101] considers that the direction to “protect” in Policy CC.7 is too strong and suggest an amendment to delete “*protecting, restoring and enhancing*” and replace with “*managing*”.
191. HortNZ [S128.023] requests an amendment to the Explanation as follows: “This policy does not preclude the use of other solutions where necessary or appropriate”.
192. HCC, KCDC, and UHCC oppose or oppose in part Policy CC.7. HCC [S115.031], supported by the Fuel Companies [FS10.017] and Powerco [FS24.013], considers that the definition of nature-based solutions is not sufficiently clear for policy statement users to understand what is required and requests that Policy CC.7 be deleted. Both KCDC [S16.020], opposed by Ātiawa [FS20.045], and UHCC [S34.043] call for the deletion or amendment of Policy CC.7, considering it to be outside the scope of district plans and city and district councils and unjustified by either the RMA or any high-level statutory planning documents; therefore, any amendment should reflect that Policy CC.7 is the function of the regional council only. UHCC also requests that district councils are allowed to define nature-based solutions for themselves and apply those as they see fit.
193. PCC [S30.031], supported by Peka Peka Farm Ltd [FS25.064], opposes the policy but also states that they support its intent and request that it be amended to provide clear and appropriate direction to plan users in line with the objectives. As for policies CC.4 and CC.14, PCC requests clarification of what is meant by “*actions*”, “*natural ecosystem*”, “*natural elements*” and “*resilience*” and requests amendments to provide clear and appropriate direction to plan users.
194. WCC [S140 – no submission number allocated; refer to pg11 of the original submission] requests an amendment to Policy CC.7 as they consider that the policy is not sufficiently clear for policy statement users to understand what is required. Both WCC and HCC consider that it is also unlikely that a district or regional plan would fail to provide for nature-based solutions to be part of development and infrastructure planning and design in the absence of this direction.
195. Several submitters oppose Policy CC.7, noting that the application of nature-based solutions is not always practicable nor desirable in all situations, especially considering the unique and difficult topography and spatial constraints of the Wellington Region. These include WIAL [S148.023] (incorrectly coded to Objective CC.7), Powerco [S134.008] and the Fuel Companies [S157.009], who request amendments to add “*where practicable*” to Policy CC.7. Wellington Water [S113.014] supported by Waka Kotahi [FS3.017] and WCC [FS13.015] supports Policy CC.7 in part but requests the same amendment to reflect that nature-based solutions should be applied “*where practicable*”.
196. Neo Leaf Global [S127.008] supports Policy CC.7 in part and suggests several amendments to the Explanation to address their concern that nature-based solutions are not necessarily fit-for-purpose in all circumstances and may not offer pragmatic durable, safe or cost-effective solutions, and can not necessarily

perform the roles and standards that infrastructure is required to meet. This includes that development and infrastructure planning and design should include **consideration** of nature-based **components**

197. WWF [S163.048], opposed by Forest and Bird [FS7.092], Ātiawa [FS20.214] and Ngā Hapū [FS29.065] and supported by BLNZ [FS30.121], requests deletion of Policy CC.7 on the basis that it should be deferred to the 2024 RPS review. WWF comments that the Section 32 report (pg 281) clarifies that “nature-based solutions” will not be “significant natural areas” (SNAs) but that this statement is not explicitly made in the RPS Change One. “We further note references in the Section 32 report to enabling nature-based solutions: we concur with this concern, including with reference to regulatory roadblocks (e.g., definitions of ‘wetlands’ and ‘RMA rivers’ which have the effect of presenting roadblocks to beneficial activities such as nature-based solutions).”

### **3.3.17 Analysis**

#### **Delete Policy CC.7**

198. I do not agree with the request by several of the territorial authorities to delete Policy CC.7 due to concerns regarding scope and jurisdiction. As set out earlier, territorial authorities have broad functions under RMA section 7 (in managing the use, development, and protection of natural and physical resources, to have particular regard to the effects of climate change) and under section 31 to control any actual or potential effects of the use, development, or protection of land. Further, the NAP includes clear direction to prioritise the use of nature-based solutions to provide climate-resilience, recognising the importance of protecting and restoring indigenous ecosystems for both climate change adaptation and mitigation, as well as providing benefits for indigenous biodiversity.

#### **Amend Policy CC.7**

199. A number of submitters support Policy CC.7 but request amendments to clarify its intent. The intent of Policy CC.7 is for nature-based solutions to become an integral part of development and infrastructure planning and design, recognising that they can often perform the roles of traditional infrastructure while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being. WCC has also requested amendments to improve clarity, while noting that “it is unlikely that a district or regional plan would fail to provide for nature-based solutions to be part of development and infrastructure planning and design in the absence of this (Change 1) direction.”

200. I do not agree with WCC and HCC that territorial authorities will necessarily provide for nature-based solutions without the direction of Change 1, noting the level of opposition from a number of territorial authorities to these provisions in Change 1 on the basis of their being no statutory requirement, the request that they be a regional council concern only, as well as resistance to provide for nature-based solutions as part of plan changes to give effect to the NPS-UD Intensification Planning Instrument requirements.

201. I do agree with those submitters who have raised concerns that nature-based solutions are not always available nor necessarily the most appropriate response for all development scenarios. In response to submissions concerned with a lack of clarity with all the regulatory policies that seek climate-resilience and nature-based solutions to be provided for as part of development, I have reviewed the suite of policies CC.4 and CC.14 to ensure that they provide clarity about the activities they apply to, and the outcomes sought. Consequential to the amendments I have recommended to Policies CC.4 and CC.14, I consider that the regulatory outcomes sought by Policy CC.7 are more efficiently provided for as part of that suite of policies, as their focus is to manage development and infrastructure to provide for climate resilience, along with direction to prioritise nature-based solutions, and qualification by the phrase "as appropriate to the type, scale and location of the activity". I consider that this would more efficiently and effectively provide for the outcomes sought, while addressing the concerns raised by submitters requesting better clarity and recognition that nature-based solutions be a strong consideration, but not always a requirement.
202. Responding to concerns raised by a number of submitters that restoration and enhancement of natural ecosystems is best achieved via non-regulatory incentives and support, including WFF's concern that it is not clear that "nature-based solutions" will not be treated as "significant natural areas" (SNAs), and their request for more enabling approaches, the request by SWDC and MDC for a non-regulatory method to develop guidance to support application of Policy CC.7, the submission point of KCDC on Policy CC.4 that restoration and enhancement of the natural ecosystems is best achieved via non-regulatory incentives and support, and concerns raised by the Mangaroa group of submitters regarding the use of regulatory measures to protect natural ecosystems: I recommend that Policy CC.7 be redrafted as a non-regulatory policy. Such an amendment would give effect to the policy title which is Protecting, restoring and enhancing ecosystems and habitats that provide nature-based solutions to climate change. Although I also recommend that this title should more correctly refer to just ecosystems, as habitats are a sub-set of an ecosystem.

### ***Freshwater Planning Instrument or Schedule 1 provision***

203. I have assessed amended Policy CC.7 using the two tests set out in RMA s80A. The intent of amended Policy CC.7 is to work with landowners and other stakeholders to protect, restore, or enhance natural ecosystems provide nature-based solutions to climate change. An example is to protect and restore coastal ecosystems, such as saltmarshes, to support their ability to sequester carbon and provide a natural defence against sea-level rise, while also providing benefits for indigenous biodiversity. While in some situations this policy could provide benefits for freshwater quality and quantity, this is not the policy focus and more of an incidental co-benefit, and I therefore consider that the relationship to freshwater in this provision is not such that it 'directly' relates to freshwater and therefore it is better assessed using the standard RMA Schedule 1 process.

### 3.3.18 Section 32AA evaluation

204. In accordance with section 32AA, I consider that my recommended amendments to incorporate the intent of as notified Policy CC.7 into Policies CC.4, CC.4A, CC.14, and CC.14A and the introduction of a new non-regulatory policy are the most appropriate for the following reason(s):

- The recommended amendments seek to provide clearer and more effective and efficient provisions to achieve the desired outcome of climate-resilient development by integrating the requirement for nature-based solutions to be part of development and infrastructure planning and design with the climate-resilience provisions of Policies CC.4 and CC.14. I consider that, by providing better clarity to plan users of what is required, this amendment increases the likelihood that the policy intent will be successfully implemented to achieve the desired outcomes, in particular those set out in Objectives CC.1 and CC.4.
- Redrafting Policy CC.7 as a non-regulatory policy provides clarification of the Council's intended approach to support the protection, restoration or enhancement of ecosystems that provide nature-based solutions, outside of development scenarios. This policy recognises the importance of working with and supporting landholders and other key stakeholders when seeking actions to improve the health and functioning of ecosystems that provide benefits for nature and the wider community.
- The proposed amendments are considered efficient and effective ways to clarify policy intent and mitigate risks associated with uncertainty associated with the as-notified drafting.

### 3.3.19 Recommendations

205. I recommend that the as-notified intent of Policy CC.7 be integrated with recommended amendments to Policies CC.4, CC.4A, CC.14 and CC.14A, as set out in para 183(3) and (4), and that Policy CC.7 be redrafted as a non-regulatory policy:

**Policy CC.7: Protecting, restoring and enhancing ecosystems and habitats that provide nature-based solutions to climate change – ~~district and regional plans non-regulatory~~**

~~District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.~~

Work with and support landowners, mana whenua/tangata whenua, and other key stakeholders to protect, restore or enhance ecosystems that provide nature-based solutions to climate change.

### Explanation

~~Development and infrastructure planning and design should include nature-based solutions as standard practice, including green infrastructure, green spaces, and environmentally friendly design elements, to manage issues such as improving water quality and natural hazard protection. Nature-based solutions can perform the roles of traditional infrastructure, while also building resilience to the impacts of climate change and providing benefits for indigenous biodiversity and community well-being.~~

Policy CC.7 recognises the value that natural ecosystems can provide as *nature-based solutions* for climate change. This policy recognises the critical importance of working with and supporting landowners and other key stakeholders to improve the health and functioning of ecosystems that provide benefits for nature and the wider community. Methods CC.6 and CC.9 will support the implementation of this policy.

206. Accordingly, I recommend that submissions in relation to Policy CC.7 are accepted, accepted in part, or rejected as detailed in **Appendix 2**.
207. As a result of the amendments I recommend to Policy CC.7, I recommend that Policy CC.7 be assessed using the standard RMA Schedule 1 process.

### **Policy CC.12**

208. Policy CC.12 as notified in Change 1 is:

#### **Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration**

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution to climate change and particular regard shall be given to avoiding adverse effects on the climate change mitigation or adaptation functions.

Explanation: Nature-based solutions are critical components of the region's climate change response. This policy seeks to protect the functions that they provide to support climate change mitigation and/or mitigation.

### **3.3.20 Matters raised by submitters**

209. GWRC received approximately 22 submissions and 16 further submissions on Policy CC.12. A number of submitters request that Policy CC.12 be retained as notified, including Te Tumu Paeroa | Office of the Māori Trustee [S102.023], Peter Thompson [S123.006] and [S123.016], Muaūpoko [S133.046] opposed by Ātiawa [FS20.393], Sustainable Wairarapa [S144.009] and re-submission [S144.021], Fish and Game [S147.065] opposed by Wellington Water [FS19.219] and BLNZ [FS30.234], and Taranaki Whānui [S167.0101]. Ngāti Toa [S170.091] in a neutral

submission requests clarification of nature-based solutions and how regional councils can direct district plans.

210. Forest and Bird [S165.066], supported by GBI [FS8.018] and opposed by WIAL [FS17.0010] and BLNZ [FS30.319], requests that Policy CC.12 be strengthened, as a direction to have “particular regard” is not strong enough, as it provides latitude for decision-makers to give little or no weight at all to such critical matters at the plan making or consenting stage. They request replacement of “*particular regard shall be given to avoiding*” with “any adverse effects must be avoided”.
211. Iwi submitters also seek that Policy CC.12 be strengthened, including Rangitāne [S168.0125] who seeks stronger protection for nature-based solutions, and Ātiawa [S131.085] supported by Ngā Hapū [FS29.355] who considers that the current wording is not strong enough to protect, enhance, and restore ecosystems and recommend an amendment as follows: “...*particular regard shall be given to a) protecting ecosystems from adverse effects of an activity on climate change mitigation or adaptation functions; and b) enhancing or restoring ecosystems where the ecosystem health is in a degraded state in order for nature-based solutions to provide climate change mitigation or adaptation functions. Priority shall be given to actions that provide the greatest co-benefits for climate change mitigation and adaptation, indigenous biodiversity, fresh and coastal water.*” In a second submission, Rangitāne [S168.0126] supported by Sustainable Wairarapa [FS31.053] also requests that a cross-reference to Policy 52 be included in Policy CC.12 to reflect that soft engineering will be given priority over hard engineering in order to provide for and protect nature-based solutions.
212. Several territorial authorities also request clarification on aspects of Policy CC.12, including WCC [S140.062] who supports in part but requests refinement to provide certainty of implementation. UHCC [S34.045] recommends that Policy CC.12 be deleted as its application is unclear, questioning whether this is for existing or future planned nature-based solutions. Similarly, SWDC [S79.040] questions if Policy CC.12 applies to existing plantation forestry, indigenous forest, and/or artificial wetlands as nature-based solutions. SWDC recommends the following amendment: “*When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution **established to mitigate the effects of climate change and particular regard shall be given to avoiding adverse effects on the climate change mitigation or adaptation functions of that solution.***”
213. Other territorial authorities oppose Policy CC.12, with both PCC [S30.060] supported by Peka Peka Farm Ltd [FS25.093] and HCC [S115.061] recommending deletion and noting that Policy CC.12 is not clear enough to implement and should only apply to resource consents, not to regional or district plans. KCDC [S16.025] opposed by Ātiawa [FS20.049] notes that nature-based solutions are not supported by the RMA or any high-level statutory planning document and recommend deletion or amendment to reflect that Policy CC.12 should only apply to regional councils.

214. Both WIAL [S148.028] supported by CentrePort [FS4.3] and opposed by Forest and Bird [FS7.015] and GBI [FS8.017], and WFF [S163.066] opposed by Forest and Bird [FS7.109], Ātiawa [FS20.231] and Ngā Hapū [FS29.082] recommend that Policy CC.12 be deleted, citing that the application of nature-based solutions is unclear; WFF also notes that nature-based solutions are actions (such as planting trees) not natural features, and that their protection is covered by existing regulatory and RMA instruments.

### **3.3.21 Analysis**

215. As set out in my analysis of submissions on Policies CC.4, CC.7 and CC.14, I consider that this suite of policies seeking climate-resilience and the use of nature-based solutions in development serve an appropriate and clear resource management purpose. I do not repeat that reasoning here. However, as shown by my recommended amendments to Policies CC.4, CC.7 and CC.14, I consider that this suite of policies could be simplified and clarified to provide more effective and efficient implementation. I consider that the outcomes sought by Policy CC.12 align directly with those being sought by Policies CC.4 and CC.14. Moreover, I consider that the amendments recommended to Policy CC.14 clause (d) (and repeated in policies CC.4 (d), CC.4A (b) and CC.14A(b)) address the specific focus of Policy CC.12 to ensure that the impact of development on the climate change mitigation or adaptation functions of natural ecosystems are appropriately addressed. I consider that the drafting of these clauses provides much better clarity as to the desired outcome (as requested by a number of submitters to Policy CC.12) and strengthens the requirement to address adverse effects (also requested by several submitters to Policy CC.12, including Ātiawa and Forest and Bird).

216. I consider that clause (d) of Policies CC.4 and CC.14 as redrafted and clause (c) of new Policies CC.4A and CC.14A fully provide for the intent of Policy CC.12 as notified, and strengthens and clarifies the intent as requested by a number of submitters,

217. I consider that the issues raised by submitters regarding a lack of clarity about what nature-based solutions are and matters of scope and jurisdiction, particularly for territorial authorities are appropriately addressed by recommended amendments to delete this policy and integrate it with Policies CC.4, CC.4A, CC.14 and CC.14A. I consider that those submitters that support Policy CC.12 as drafted or support with amendments, are provided for by the recommended amendments to these provisions.

### **3.3.22 Section 32AA evaluation**

218. In accordance with section 32AA, I consider that my recommended amendment to delete Policy CC.12, and to rely instead on amendments to Policies CC.4 (d), CC.4A(c), CC.14(d), and CC.14A(c) to ensure that development does not adversely impact nature-based solution functions or values of ecosystems or habitats, are the most appropriate for the following reason(s):

- The recommended amendments seek to provide clearer, and therefore more effective, provisions to achieve the desired outcome by integrating consideration of the effects of development on nature-based solutions as part of the climate-resilience requirements for development and infrastructure planning.
- The amendments will be more efficient to achieve the relevant RPS objectives as they provide better clarity as to the application of the provisions and also clarify the responsibilities of the regional council and city and district councils.

### 3.3.23 Recommendations

219. I recommend that Policy CC.12 be deleted, relying on Policies CC.4, CC.4A, CC.14, and CC.14A to deliver the desired outcomes in a more efficient and effective way.

~~Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change – consideration~~

~~When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution to climate change and, in determining whether the proposed activity is appropriate, particular regard shall be given to the impact on those climate change characteristics and functions.~~

~~Explanation~~

~~Nature-based solutions are critical components of the region's climate change response. This policy seeks to protect the functions that they provide to support climate change mitigation and/or mitigation.~~

220. I recommend that the submissions and further submissions on Policy CC.12 are accepted and rejected as detailed in Appendix 2.

### Issue 6: Identifying and supporting nature-based solutions (Methods CC.6 and CC.9)

221. Method CC.6 as notified in Plan Change 1 is:

#### **Method CC.6: Identifying nature-based solutions for climate change**

By 30 June 2024, the Wellington Regional Council will, in partnership with mana whenua / tangata whenua, identify ecosystems in the Wellington Region that should be prioritised for *protection, enhancement, and restoration* for their contribution as a *nature-based solution* to climate change, including those that:

- a. Sequester and/or store carbon (e.g., forest, peatland)

- b. Provide resilience to people and the built environment from the impacts of climate change (e.g., coastal dunelands, street trees, and wetlands),
- c. Provide *resilience* for indigenous biodiversity from the impacts of climate change, enabling ecosystems and species to persist or adapt (e.g., improving the health of a forest to allow it to better tolerate climate extremes).

Implementation: Wellington Regional Council

### 3.3.24 Matters raised by submitters

222. GWRC received approximately 11 submissions and 12 further submissions on Method CC.6, including five submissions requesting that Method CC.6 be retained as notified: Forest and Bird [S165.0113] opposed by BLNZ [FS30.319], Te Tumu Paeroa | Office of the Māori Trustee [S102.035], Taranaki Whānui (who submitted twice to retain as notified) [S167.067] and [167.0170], and Rangitāne [S168.0156] supported by Sustainable Wairarapa [FS31.085].
223. Rangitāne [S168.0152] supported by Sustainable Wairarapa [FS31.081] also requested an amendment to Method CC.6 to include “a sub-clause identifying ecosystems that provide nature-based solutions to natural hazard mitigation”. Ātiawa [S131.0137] supported by Ngā Hapū [FS29.255] also submit in support of Method CC.6 and request the following addition: “The Regional Council shall enable this partnership with MW through adequate funding and resourcing”.
224. In a neutral submission, Ngāti Toa [S170.044] supported by Ngā Hapū [FS29.158] seek clarity around the meaning of ‘nature-based solutions’, and on how a regional council can direct district plans to identify potential forest cover and ecosystems to be protected, citing that this is a regional council mandate under the RMA.
225. Fish and Game [S147.098] notes concern regarding loss of protection to non-indigenous-dominant ecosystems and request the following amendment: “...provide resilience for indigenous **and valued introduced** biodiversity...”. Fish and Game’s submission is opposed by Ātiawa [FS20.142], Wellington Water [FS19.162] and BLNZ [FS30.267].
226. UHCC [S23.044] submits in opposition to Method CC.6, requesting an amendment to clarify the role for territorial authorities.
227. While WFF [S163.097] has recommended deletion of Method CC.6, they state that they support its intent but consider that the overarching Objectives A and B proposed by WFF will provide a pathway to similar results. WFF states their general support for prioritisation, with the expectation that any tools for prioritising investments will be informed by “best bang for buck’ principles and supported by NZ and local evidence on sequestration values. WFF’s submission is opposed by Forest and Bird [FS7.140], Ātiawa [FS20.262], and Ngā Hapū [FS29.113], and supported by BLNZ [FS30.169].

### **3.3.25 Analysis**

228. The higher order support and justification for nature-based solutions has been traversed under Issue 2: Definition for nature-based solutions. Both district and regional councils have roles to promote and support the identification and promotion of nature-based solutions, with both the NAP and ERP directing that the use of nature-based solutions be prioritised within our planning and regulatory systems to address the climate and biodiversity crises together providing, where possible, for both carbon removals and climate change adaptation. However, in Method CC.6 the Council has chosen to take a leading role to identify priority nature-based solutions at an ecosystem-scale. This work will be shared with district councils and will assist the implementation of the nature-based solutions provisions in Change 1.

229. Method CC.6(b) provides for nature-based solutions that will provide resilience to people and the built environment from the effects of climate change. While I consider that this implicitly includes natural hazards, I am comfortable with an amendment to make this more explicit.

230. The Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington Region. Since the notification of Change 1, funding for work programmes where Council and mana whenua/tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with the Council.

231. In response to the request by Fish and Game to add reference to valued introduced biodiversity, this is not consistent with the core principles of nature-based solutions which is that the solutions should provide benefits for both climate change and indigenous biodiversity. While nature-based solutions are likely to provide benefits for wider biodiversity, this is not the focus of these provisions.

### **3.3.26 Section 32AA evaluation**

232. In accordance with section 32AA, I consider that my recommended amendment to Method CC.6 is appropriate as it is a minor amendment to improve clarity.

### **3.3.27 Recommendations**

233. I recommend that Method CC.6 is amended as follows:

Method CC.6: Identifying nature-based solutions for climate change

By 30 June 2024, the Wellington Regional Council will, in partnership with mana whenua/tangata whenua, identify ecosystems in the Wellington Region that should be prioritised for protection, enhancement, and restoration for their contribution as a *nature-based solution* to climate change, including those that:

(a) sequester and/or store carbon (e.g., forest, peatland).

- (b) provide *resilience* to people from the impacts of climate change, including from natural hazards (e.g., coastal dunelands, street trees, and wetlands),
- (c) provide *resilience* for indigenous biodiversity from the impacts of climate change, enabling ecosystems and species to persist or adapt (e.g., improving the health of a forest to allow it to better tolerate climate extremes).

Implementation: Wellington Regional Council

234. I recommend that the submissions and further submissions on Method CC.6 are accepted, accepted in part, and rejected as detailed in **Appendix 2**.

235. Method CC.9 as notified in Plan Change 1 is:

**Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions**

Provide support, and seek new sources of funding, for programmes that protect, enhance or restore the priority ecosystems identified by Methods IE.2 and CC.7 for their biodiversity values and/or their contribution as *nature-based solutions* to climate change.

Implementation: Wellington Regional Council.

### **3.3.28 Matters raised by submitters**

236. GWRC received approximately 10 submissions and 10 further submissions on Method CC.9. Submitters including Te Tumu Paeroa | Office of the Māori Trustee [S102.038], Peter Thompson [S123.020], Sustainable Wairarapa [S144.025] supported by MDC [FS14.046], MDC [S166.078] and Taranaki Whānui [S167.0177] seek that Method CC.9 be retained as notified. Fish and Game [S147.033] notes minor typing errors on pages 173 and 191 and seek amendments to ensure consistency of wording on those pages with page 64; otherwise, Fish and Game seeks that Method CC.9 be retained as notified.

237. Ātiawa [S131.0145] supported by Ngā Hapū [FS20.264] and Rangitāne [S168.055] supported by Sustainable Wairarapa [FS31.084] seek amendments to Method CC.9. Both submitters note that the reference in Method CC.9 to “Method CC.7” is in error; Ātiawa seek an amendment to reference “Policy CC.7” instead, while Rangitāne seek an amendment to reference “Method CC.6”. Rangitāne also seeks amendments to Method CC.9 to refer to *indigenous* biodiversity and to direct programmes to be “implemented”, as well as inclusion of a specific provision for mana whenua-led programmes to be developed where priority indigenous ecosystems have been identified.

238. Forest and Bird [S165.0119] also notes that the reference to “Method CC.7” is in error and additionally seeks that Method CC.9 be re-drafted and broadened. Forest and Bird notes concern that if identification processes of priority ecosystems under Methods IE.2 and CC.7 are not broad enough, they “may not capture all areas that would benefit from restoration”. They seek amendments to

include additional provisions to support the transitional period until the identification process is complete, and advise that Method IE.2 and reference to Method IE.2 in Method CC.9 be deleted as Method IE.2 covers offsetting and compensation options for consent seekers and should not be considered alongside supporting ecosystems for their biodiversity values or as nature-based solutions to climate change, noting that linking Method CC.9 to the regional biodiversity strategy is more appropriate. Forest and Bird therefore seek that Method CC.9 be amended as follows: *“Provide support and seek new sources of funding for programmes that protect, enhance or restore ecosystems, particularly the priority ecosystems identified by the regional biodiversity strategy and CC.7 for their biodiversity values...”*. This submission is opposed by Ātiawa [FS20.081] and BLNZ [FS30.319].

239. WFF [S163.0103] opposed Method CC.9 and seeks its deletion, stating that this issue should be deferred to the 2024 RPS review. WFF's submission is opposed by Forest and Bird [FS7.043], Ātiawa [FS20.165], and Ngā Hapū [FS20.016].

### **3.3.29 Analysis**

240. As noted by several submitters, the cross references in Method CC.9 are errors, referring to previous numbering from the draft version of Change 1. Method CC.9 should instead reference Method CC.6, which is to Identify nature-based solutions for climate change, and Method IE.3, the regional biodiversity strategy. These corrections should address the concerns raised by Forest and Bird.

241. I agree with Rangitāne that Method CC.9 should also refer to 'implementing' the programmes. I note that Method 32 makes specific provision for mana whenua-led programmes to be developed where priority indigenous ecosystems have been identified but consider this could also be added to Method CC.9 for clarity. I agree with the request to specify that this method applies to indigenous biodiversity.

242. With respect to the minor errors noted by Fish and Game – the correct title for Method CC.9 is as drafted on the Method itself on pg 191. The error is on Table 6A on pg 64 which should be corrected to read Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions.

### **3.3.30 Section 32AA evaluation**

243. In accordance with section 32AA, I consider that my recommended amendments to Method CC.9 are the most appropriate as they are minor amendments, including to correct referencing errors.

### **3.3.31 Recommendations**

244. I recommend the following amendments:

- (1) Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions

Provide support, and seek new sources of funding, ~~for to incentivise or implement~~ programmes, ~~including mana whenua/tangata whenua led programmes~~ that protect, enhance or restore the priority ecosystems identified by Methods IE.23 and CC.76 for their ~~indigenous~~ biodiversity values and/or their contribution as *nature-based solutions* to climate change.

*Implementation: Wellington Regional Council*

- (2) Table 6A, (on pg 64): “Method CC.9: Support and funding for ~~p~~Protecting, enhancing, and restoring, ~~and enhancing~~ indigenous ecosystems ~~and habitats that provide~~ nature-based solutions ~~to climate change.~~”

245. I recommend that the submissions and further submissions on Method CC.9 are accepted, accepted in part and rejected as detailed in **Appendix 2**.

### **Issue 7: Objective CC.5: Increasing regional forest cover**

246. Objective CC.5 as notified in Change 1 is as follows:

**Objective CC.5: By 2030, there is an increase in the area of permanent forest in the Wellington Region, maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social and economic wellbeing.**

#### **3.3.32 Matters raised by submitters**

247. There are approximately 23 original and 16 further submission points on Objective CC.5. A number of submitters support Objective CC.5 and request that it is retained as notified or retained with minor alterations. These include Te Tumu Paeroa | Office of the Māori Trustee [S102.008], Jonathan Markwick [S82.002], Peter Thompson [S123.007], Sustainable Wairarapa [S144.011], and WCC [S140.011]. Associated requests include two submitters who request an amendment to incentivise native forest. Forest and Bird [S165.007] opposed by BLNZ [FS30.153] [FS30.319] supports retaining Objective CC.5 with an amendment to refer to “an equivalent increase in browser control” to protect regenerating native vegetation.

248. Iwi submitters generally support Objective CC.5, with Taranaki Whānui [S167.022] and Ātiawa [S131.025] supported by Ngā Hapū [FS29.296] requesting that it is retained as notified. Muaūpoko Tribal Authority [S133.013] also support Objective CC.5, opposed by Ngāti Toa [FS6.060] and Ātiawa [FS20.378]. Rangitāne [S168.0113], supported by Sustainable Wairarapa [FS31.039], requests an amendment to Objective CC.5 so that it is targeted at indigenous forest, as well as insertion of a reference to cultural wellbeing. Ngāti Toa [S170.011], supported by Ngā Hapū [FS29.125] submit a neutral statement noting that this objective could be powerful, yet is to be implemented by Policy CC.18,

which is non-regulatory. Ngāti Toa questions whether Objective CC.5 can be used in land use planning practices and asks for clarification. Ngāti Toa [S170.082] also raise concerns with the potential for forest spatial plans to draw us away from the implementation path.

249. CDC [S25.006] supports Objective CC.5 in part, requesting that Objective CC.5 is retained as long as there is early engagement with GWRC to develop forestry spatial plans. CDC expresses concern that the Wairarapa will be disproportionately affected by carbon farming, a concern which SWDC [S79.005] also shares. SWDC references their submission to Objective CC.2 [S79.002] which seeks amendment to introduce a hierarchy seeking reduction of emissions over mitigation, followed by a requirement for any mitigation to be as close to the source as possible. If this is not accepted, CDC requests the following addition to Objective CC.5: “...and social and economic wellbeing where: a) emissions are not able to be first reduced; and b) afforestation is proportionate in extent to the remaining greenhouse emissions required after reduction; and c) all environments contribute to natural sequestration of carbon.”
250. Some submitters support the intent of Objective CC.5 but seek further clarity. PCC [S30.008] supported by Peka Peka Farm Ltd [FS25.013], requests clarity around what type of increase is sought and what extent of permanent forest would meet the objective. Similarly, Kāinga Ora [S158.007]. recommends amending Objective CC.5 to specify a 10% increase in the area of permanent forest in the Wellington Region. Kāinga Ora also requests addition of a definition for carbon sequestration to Change 1.
251. GWRC [S137.058], supported by WCC [FS13.009] and supported in part by MDC [FS14.007] and BLNZ [FS30.031], requests review and amendment of Objective CC.5 to ensure the intent is clear, which is to “support an increase in forest extent in the Wellington Region that meets the principles of ‘right tree right place’, providing optimal outcomes for water quality, indigenous biodiversity, and carbon sequestration”. BLNZ’s further submission, while supporting the intent of GWRC’s submission, seeks that these provisions are withdrawn and redrafted when national legislation is completed.
252. Objections to implementing Objective CC.5 were raised by several territorial authorities, including KCDC [S16.010], who opposes responsibility for implementation of the regional forest plan falling on city and district councils, noting that “GWRC has the ability to impose methods under s30 of the RMA to achieve the objective via regional plan rules.” KCDC also seeks deletion of the attribution of responsibility for district and city councils. HCC [S155.010] also notes the connection to section 30 of the RMA and seeks that Objective CC.5 and associated methods be amended to make clear that they only apply to regional councils. UHCC [S34.046] also seeks amendments to reflect a regional function only and seeks that the timeframe be removed from Objective CC.5. UHCC is concerned about the interaction of the timeframe with forecasted projections of growth and development over the next ten years. Further UHCC is concerned that the policies and methods associated with Objective CC.5 do not make clear how it will be achieved, measured, and monitored.

253. KCDC [S16.067/100], PCC [S30.0116] and UHCC [S34.005] have made general submission points on Change 1, raising general concerns with the objectives and provisions in terms of how these are drafted, the lack of support in the RMA and higher order documents to support the proposed provisions, and jurisdiction issues for implementation between regional councils and territorial authorities based on their respective RMA functions. For example, KCDC requests that all objectives are reviewed to ensure these are specific, clearly relate to an issue, can be monitored and are achievable within the scope of a RPS. While these submission points are not specific to Objective CC.4, they are being considered through each section 42A report as relevant for each topic.
254. WFF [S163.016] opposed by Forest and Bird [FS7.060], Ātiawa [FS20.182], Ngā Hapū [FS29.033] and supported by BLNZ [FS30.089] seeks that Objective CC.5 be deleted, stating that the intent should be to “optimise an increase in forests/trees across diverse values and uses (e.g., permanent or plantation forests, continuous canopy forests, agro-forestry), rather than maximise any one element”.

### 3.3.33 Analysis

#### *Should Objective CC.5 focus on indigenous species?*

255. While expanding the area of permanent indigenous forest in the region will provide significant benefits for a wide range of values and contribute to other RPS objectives, it is my understanding that to achieve the necessary drawdown of carbon to limit warming to 1.5°C will require an increase in exotic species, as well as indigenous species, in the short-medium term. I note the Climate Change Commission's advice to the NZ Government that significant afforestation, using both indigenous forests and exotic forests, is required to meet New Zealand's climate change targets<sup>11</sup>. Indigenous forest on its own will not be sufficient to achieve greenhouse gas targets due to their slower growth rate, lower carbon sequestration rate per hectare, and current higher costs for planting and pest control compared to exotics.
256. I therefore consider that it is appropriate that Objective CC.5 continue to apply to both exotic and indigenous forest, however, recognising that indigenous forests can continue to sequester carbon for hundreds of years and that they provide significant indigenous biodiversity, cultural and social values, I consider that it is appropriate to amend Objective CC.5 so that it gives preference to indigenous forest.
257. I consider that inclusion of the 2030 timeframe is appropriate to acknowledge the urgent need for an increase in greenhouse gas sinks in the short-term, while the Change 1 policy package clearly recognises that, due to the limitations and risks associated with carbon offsetting, the main focus must be on reducing gross greenhouse gas emissions.

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<sup>11</sup> <https://ccc-production-media.s3.ap-southeast-2.amazonaws.com/public/Inaia-tonu-nei-a-low-emissions-future-for-Aotearoa/Inaia-tonu-nei-a-low-emissions-future-for-Aotearoa.pdf>

258. I agree with the request from Rangitāne that Objective CC.5 should also refer to cultural well-being and recommend an amendment accordingly.
259. I have reviewed Objective CC.5 in response to the submission of GWRC and consider that the framing of the objective, referring to maximising benefits for a range of values, and not just contributing to reducing greenhouse gas, does reflect the intent of “right tree-right place”.
260. I note that the submission of WFF who, although requesting deletion of Objective CC.5, comments that the intent of the objective should be to optimise an increase in forests/trees across diverse values, rather than maximise any one element. In response, I note that Objective CC.5 refers to maximising a range of diverse values and does not refer to maximising any one value over another.
261. In response to Ngāti Toa’s question; Objective CC.5 will direct land use planning, through policies CC.6 (regulatory), as well as CC.18 (non-regulatory) and Method CC.4: Prepare a regional forest spatial plan. The regional spatial plan is just one of many opportunities to implement nature-based solutions and I refer the submitter to Policies CC.4, CC.14 and CC.7 as recommended to be redrafted.
262. I agree with Forest and Bird that animal pest or browser control is critical to ensure that forests and regenerating native vegetation are able to thrive. Pests are recognised as a significant issue as they can destroy newly established seedlings and compromise the long-term health of existing forests and consequently their capacity to sequester carbon and provide other benefits. I consider that pest control is a policy direction, but that the outcome sought is for forests to be healthy; I therefore recommend amendments to add “health” to Objective CC.5, and consequentially to Policy CC.6, and to add recognition of the importance of controlling browser pest animals to Policies CC.6 and CC.18 and Method CC.4.
263. In response to the request by CDC and SWDC to make amendments to avoid the Wairarapa becoming an unfettered carbon sink, I consider the provisions requested to be a policy direction, rather than matters to be included in an objective. I note that the Climate Change – General s42A report acknowledges the concerns of SWDC regarding rural communities facing an inequitable allocation of the costs of climate change mitigation and adaptation and recommends an amendment to Policy CC.8 to provide a clear emissions reduction hierarchy. I consider that these amendments, as well as my recommended amendment to Objective CC.5 to give preference to indigenous forest, may satisfy the outcomes sought by these submitters. I also consider that amendments could be made to Method CC.4 to ensure that part of preparing the Regional Spatial Forest Plan includes an assessment of the potential impacts of increased afforestation on rural production and social well-being, and the development of an approach to maximise the environmental, social and economic benefits.
264. With regards to including a target in Objective CC.5 specifying the increase in forest area sought by 2030; while I consider that this would make for a more effective objective, the necessary technical evaluation has not been carried out. Adding an arbitrary target, without a robust evaluation, risks perverse outcomes.

Instead of adding a target to the objective, I consider that this would form a useful part of the Regional Forest Spatial Plan and recommend an amendment to specify this in Method CC.4. I also recommend amendments to this method to address the concerns raised by UHCC about how Objective CC.5 will be achieved, measured, and monitored.

265. Several territorial authorities have requested amendments that relate to jurisdictional responsibilities. I consider that the matters raised are relevant to the policies and methods and not the objective, the role of which is to define the outcome being sought. However, I do note that Policy CC.6 directs regional plans, not district plans, and that some district councils have expressed a desire to be involved in the regional forest spatial plan in Method CC.4. I note that I have recommended an amendment to give territorial authorities discretion to partner in this method.

266. I do not consider that it is necessary to add a definition for 'carbon sequestration' to Change 1 as requested by Kāinga Ora, as the meaning of this term is as defined in any standard dictionary and does not have a meaning specific to Change 1.

267. In terms of the general submissions requesting that all Change 1 objectives are reviewed to ensure these are specific about the outcome sought, clearly relate to an issue within scope of an RPS, and are measurable:

- In my opinion, the outcome sought by Objective CC.5 is clear which is that regional forest extent and health is increased to maximise outcomes for the range of values described.
- The objective very clearly relates to the regionally significant issues set out in Chapter 3.1A: Climate Change, in particular Issue 1: Greenhouse gas emissions must be reduced significantly, immediately and rapidly, and Issue 2: Climate change and the decline of ecosystem health and indigenous biodiversity are inseparably intertwined. These issues are within scope of a RPS.
- I consider that the achievement of Objective CC.5 is readily measured and refer to recommended amendments to Method CC.4 specifying monitoring of the outcomes of the Forest Spatial Plan.

### **3.3.34 Section 32AA evaluation**

268. In accordance with section 32AA, I consider that my recommended amendments to Objective CC.5 and the consequential amendments to Policies CC.6 and CC.18 and Method CC.4, are the most appropriate, as they provide added clarity about the outcomes sought, including:

- (1) in Objective CC.5 -

- recognising the importance of ensuring that any increase in forest extent is healthy so that it can be sustained into the future,
- establishing the preference for indigenous forest (as already provided for by Policies CC.6 and CC.18), and
- acknowledging the cultural benefits, alongside social and economic.

(2) in Policies CC.6 and CC.18 and Method CC.4 -

- recognising the importance of browser pest control to support achieving the outcome sought

(3) providing more direction as to the role of Method CC.4 to clarify its intent and the way in which it will contribute to achieving Objective CC.5.

269. I consider that this clarification will provide more effective guidance to those interpreting and implementing these provisions and will therefore remove any costs arising from a lack of clarity. The proposals are considered efficient and effective ways to clarify existing policy intent and mitigate risks associated with uncertainty under the status quo.

### 3.3.35 Recommendations

270. I recommend the following amendments to Objective CC.5:

Objective CC.5: By 2030, there is an increase in the area **and health** of *permanent forest*, **preferably indigenous forest**, in the Wellington Region, maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, **cultural**, and economic well-being.

271. I recommend amendments to Policy CC.6:

Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans

Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area **and health** of *permanent forest* in the region to contribute to achieving net-zero greenhouse gas emissions by 2050, while:

- (a) promoting and incentivising the planting or regeneration of permanent indigenous forest over exotic species, particularly on *highly erodible land* and in catchments where water quality targets for sediment are not reached, and
- (b) avoiding *plantation forestry* on *highly erodible land*, particularly in catchments where water quality targets for sediment are not reached, **and**
- (c) **promoting and supporting the control of browsing pest animals in priority areas.**

Explanation . . . .

Clause (b) responds to the high risk of harvesting forest in areas that are highly erodible and in catchments where waterways already have high sediment loads. The National Environmental Standards for Plantation Forestry enables regional plans to regulate plantation forestry for the purpose of protecting freshwater quality. **Clause (c) recognises the importance of controlling browsing pest animals to ensure that forests are healthy and can therefore provide maximum benefits.**

272. I recommend the following amendments to Policy CC.18:

Policy CC.18: Increasing regional forest cover to support climate change mitigation: "right tree-right place" – non-regulatory

Promote and support the planting and natural regeneration of forest to maximise the benefits for carbon sequestration, indigenous biodiversity, erosion control, freshwater and coastal ecosystems, and the social and economic well-being of local communities. Priority should be given to promoting and incentivising the planting and regeneration of permanent indigenous forest in preference to exotic species **and associated browsing pest animal control**, particularly on *highly erodible land* and in catchments where water quality targets for sediment are not reached.

273. I recommend the following amendment to Method CC.4:

Method CC.4: Prepare a regional forest spatial plan

Using a partnership approach, identify where to promote and support planting and natural regeneration of forest **and associated browsing pest animal control**, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.

**This plan to include:**

- (a) a target for an increase in permanent forest extent in the Wellington Region to support achieving Objective CC.5,
- (b) evaluation of the potential impacts of increased afforestation on rural production and social well-being, and development of an approach that will maximise the environmental, social, and economic benefits.

274. I recommend that the submissions and further submissions on Objective CC.5 are accepted and rejected as detailed in **Appendix 2**.

**Issue 8: Supporting increased forest cover (Policy CC.6, Policy CC.18 and Method CC.4)**

275. Policy CC.6 is notified in Change 1 as follows:

**Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans**

Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area of *permanent forest* in the region to contribute to achieving net-zero greenhouse gas *emissions* by 2050, while:

- (d) Promoting and incentivising the planting or regeneration of permanent indigenous forest over exotic species, particularly on *highly erodible land* and in catchments where water quality targets for sediment are not reached, and
- (e) Avoiding *plantation forestry* on *highly erodible land*, particularly in catchments where water quality targets for sediment are not reached.

Explanation:

This policy recognises that, while there is a need for increased forest extent across the Wellington Region to help achieve net zero emissions by 2050, offsetting through carbon sequestration is only a short-term solution and that there are significant risks associated with unfettered afforestation across the region. The policy directs regional plans to develop provisions that will support “right tree-right place”, seeking to ensure that an increase in forest extent for its sequestration benefits will be implemented in a way that maximises the co-benefits for indigenous biodiversity and aquatic *ecosystem health*, and provide for social and economic well-being as directed by Objective CC.5.

Clause (b) responds to the high risk of harvesting forest in areas that are highly erodible and in catchments where waterways already have high sediment loads. The National Environmental Standards for Plantation Forestry enables regional plans to regulate **plantation forestry** for the purpose of protecting freshwater quality.

### **3.3.36 Matters raised by submitters**

276. GWRC received approximately 22 submissions and 18 further submissions on Policy CC.6. Five of those submissions seek that Policy CC.6 be retained as notified: Te Tumu Paeroa | Office of the Māori Trustee [S102.017], Peter Thompson [S123.004], Sustainable Wairarapa [S144.007], Fish and Game [S133.039] opposed by Wellington Water [FS10.114] and BLNZ [FS30.219], and Muaūpoko [S133.039] opposed by Ngāti Toa [FS6.067] and Ātiawa [FS20.386].

277. Most iwi submitters supported the intent of Policy CC.6 but emphasise the importance of engagement and partnership with mana whenua as plans for increasing forest cover in the region are developed; Taranaki Whānui [S167.066] seeks the addition of a new clause as follows: “(c) *resource and partner with mana whenua in the development of regional forest plans*”. Taranaki Whānui also notes the need for the protection of mana whenua, citing historical land confiscations and barriers for Māori looking to develop their land. Ātiawa [S131.052] supported by Ngā Hapū [FS29.322] also notes their concern that Policy CC.6 could affect Māori with plantation forestry interests. Rangitāne [S158.0121], supported by Sustainable Wairarapa [FS31.048], suggests including a reference to financial

- incentives in the explanation to Policy CC.6 as a tool that will assist to achieve the “right tree-right place” Objective CC.5. UHCC [S34.042] also recommends that GWRC adequately resource incentives for landowners.
278. In a neutral submission, Ngāti Toa [S170.043] supported by Ngā Hapū [FS29.157] seeks clarification regarding the objective of Policy CC.6. Ngāti Toa questions whether related nature-based solutions is just about identifying potential planting and forest areas in the region?
279. GWRC [S137.059], supported by WCC [FS13.014] and in part by BLNZ [FS30.032], also seeks review of this policy to ensure that the intent of Policy CC.6 “right tree-right place” is clear. Outdoor Bliss [S11.014] seeks an amendment on pg 102 to pluralise tree: “*right trees-right place*”.
280. Forest and Bird [S165.039], opposed by BLNZ in two further submissions [FS30.056] [FS30.319] and supported by Ātiawa [FS20.071], seeks that Policy CC.6 is strengthened to “require” rather than “support” and also provide policy support for increasing other indigenous species. They seek the following amendment: “*Regional plans shall include objectives, policies, rules and/or methods that ~~support~~ require an increase in the area of permanent forest and wetlands in the region to contribute to achieving net-zero greenhouse gas emissions by 2050, while: (a) promoting and incentivising the planting or regeneration of permanent indigenous vegetation over exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached.*”
281. Submitters Robert Anker [S31.017] and Philip Clegg [S62.017] support Policy CC.6 in part but question the evidence that indigenous forest is better than exotic forest for the purposes of carbon sequestering and request that GWRC review its science and calculations to make sure permanent forest is the best outcome and produce scientific evidence for scrutiny and peer review. Sarah Kerkin [S96.013] opposes Policy CC.6, but requests that GWRC’s scientific evidence be made available for scrutiny and peer review as per the submissions above.
282. Several of the territorial authorities’ submissions consider that implementing Policy CC.6 is a regional function, including KCDC [S16.019] and UHCC [S34.042]. KCDC also recommends a review of Policy CC.6 to avoid unnecessary duplication of the NPS-PF.
283. UHCC [S34.042] notes a lack of clarity around balancing forestry with housing need, and a lack of support from the Emissions Trading Scheme (ETS) which may impact on adoption of the practice; they recommend that GWRC advocate for central government to support indigenous forest cover in the ETS as the primary incentive for implementation.
284. PCC [S30.030], supported by Peka Peka Farm Ltd [FS25.063], opposes Policy CC.6, although they state that they support its intent. PCC considers that it is unclear what ‘support’ means and suggest that ‘enable’ or ‘require’ may be more appropriate. They also request deletion of the following: “*...to contribute to achieving net zero greenhouse gas emissions by 2050*” as it is not needed. They

also note that Policy CC.6 could potentially impact carbon farming of permanent exotic forest, which has a greater store of carbon.

285. Wairarapa territorial authorities raise concerns regarding the risk of unequal afforestation occurring in the region; CDC [S25.019] supported by MDC [FS14.004] requests an amendment to Policy CC.6 so that permanent forest is not encouraged on highly productive land. CDC also seeks that the policy reflect that offsets should occur in the area where emissions are generated. SWDC [S79.023] requests deletion of Policy CC.6 or amendment to add the following: *“(c) not enabling afforestation of permanent forest for the purpose of offsetting emissions from outside of the environment they are located; and (d) ensuring that any offsets are proportionate and only considered after avoidance or reductions at source have been maximised.”*
286. MDC [S166.046] also seeks clarity to ensure that the Wairarapa “is not the carbon sink for the greater Wellington region”, and requests that they are involved in the development of Forest Spatial Plan described in Method CC.4.
287. WFF [S147.050] opposes Policy CC.6 and recommends its deletion due to Policy CC.6 pre-empting policy development which is in progress at the national level. This submission is opposed by Forest and Bird [FS7.091], Ātiawa [FS20.213] and Ngā Hapū [FS29.064] and supported by BLNZ [FS30.120]. WFF makes further comment on this policy: In respect of clause (a) they suggest a method to support and extend Council advocacy for increased central government partnership funding to incentivise the planting of natives. In respect of clause (b): WFF considers that the NES-PF already sets a very high consenting bar for “highly erodible land” (red zone): and requests Council data showing how many consents have been approved for plantation forestry in the red zone in this region since promulgation of the NES-PF. “Otherwise, we see no reason to ramp up the NES-PF with an “avoid’ directive. We note that where councils propose more stringent rules, s32(4) of the RMA requires councils to examine whether this is justified in the circumstances of the region. On our reading the s32 report does not address this obligation. Accepting that the NES-PF sets a high bar, nevertheless it does not prohibit activities, not least because the “red zone” relies only on very crude and low-resolution mapping of LUC land classes (1:50,000); and there is scope for applicants to provide higher resolution local mapping of erosion risks.”
288. WFF also “caution that binary definitions of ‘permanent’ and “plantation” forest are at odds with international practice and emerging New Zealand practice, specifically “continuous canopy forestry” which provides for selective harvest while allowing a forest to be continually productive and carbon positive.”

### **3.3.37 Analysis**

289. I agree with submissions requesting partnership with mana whenua in the development of regional forest plans but consider that this is best provided for in Method CC.4 rather than Policy CC.6 and I refer to my recommendation to specify this in response to submissions on Method CC.4 above.

290. In terms of resourcing, the Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington Region. Since the notification of Change 1, funding for work programmes where the Council and mana whenua/tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with the Council. I do not consider that provision of funding should be specified in Policy CC.6.
291. With respect to adding reference to financial incentives to encourage and support indigenous planting, I refer the submitters to Policy CC.6 clause (a) which refers to promoting and incentivising the planting or regeneration of permanent indigenous forest. I support adding comment on the significance of incentives to the Explanation and also consider that the provision of incentives and ways to implement and support capacity for increasing indigenous forest should be specified in Method CC.4, along with other amendments recommended to clarify the intent of this method.
292. With respect to Ngāti Toa's question about whether the intention is to identify "potential planting and forest areas in the region"; the answer is yes, using the Forest Spatial Plan as described by Method CC.4 as a practical and strategic approach to support achieving Objective CC.5. However, Policy CC.6 is broader than this, for example requiring regional plans to include provisions to avoid plantation forestry on highly erodible land.
293. I have reviewed Policy CC.6 in response to the submission of GWRC seeking to ensure that the intent of "right tree-right place" is clear. I consider that the chapeau of the policy should be amended to reflect Objective CC.5; removing the focus on carbon sequestration and including it as just one of the range of outcomes being sought. With regards to the Outdoor Bliss submission seeking that reference should be to "right trees-right place", I note that "right tree, right place" is a widely referenced adage that communicates the need for tree planting to be a considered, ecologically based process, rather than a token gesture. Right tree is the common reference.
294. Forest and Bird requests that the policy be strengthened to require an increase in the area of permanent forest and wetlands in the region. I note that regional plans cannot require landowners or others to plant forest or restore and extend wetlands, but they can promote and incentivise this which is the focus of Policy CC.6(a), supported by Method CC.4: Prepare a Regional Forest Spatial Plan and Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions.
295. Forest and Bird also request that Policy CC.6 be extended to apply to wetlands and indigenous vegetation generally. Policy CC.6 is one of a suite of provisions to achieve "Objective CC.5: Increase regional forest extent" focusing on the value of forests to contribute to achieving the regional greenhouse gas emission targets. Non-forest ecosystems, such as wetlands and marine ecosystems, also provide an opportunity to remove and store carbon, alongside a range of wider benefits. These are addressed through the suite of provisions that focus more generally on

nature-based solutions, including Objectives CC.4 and Policies CC.4 and CC.14 and recommended amendments to Policy CC.7: Protecting, enhancing, or restoring ecosystems that provide nature-based solutions to climate change – non-regulatory (refer to Issue 5), along with Methods CC.6: Identifying nature-based solutions for climate change and Method CC.9: Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions. While I acknowledge the importance of these other ecosystem types, I consider that these are well provided for by these other provisions and that the focus of Policy CC.6 on forests is appropriate, noting that the ERP states that “Looking after these forests is one of the most important contributions Aotearoa can make to combatting global climate change” (pg 85).

296. Robert Anker, Philip Clegg and Sarah Kerkin question the science used by the Council that indicates that indigenous forest is superior in terms of carbon sequestration. This is not a position that is held by the Council. As discussed in para 254, the Council acknowledges that exotic forest has a higher carbon sequestration rate per hectare than indigenous forest, and therefore has an important role to play in supporting greenhouse gas targets in the short-medium term. However, as recommended by the Climate Change Commission<sup>12</sup> and the ERP<sup>13</sup>, greater investment in new and regenerating native forests should be encouraged, recognising their importance in providing a long-term carbon sink, and particular significance for indigenous biodiversity, social and cultural values. Also, indigenous species are generally better suited to provide long-term cover on some of the region's steeper and higher altitude land, especially on highly erodible land.
297. With respect to the request of several territorial authorities that Policy CC.6 should be a regional council function, I note that Policy CC.6 only directs regional plans. However, I do 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.
298. WFF, while requesting deletion of Policy CC.6, also expresses concern that this policy pre-empts policy development in progress at the national level. As WFF refers to debate regarding “pines vis-à-vis natives, permanent vis-à-vis plantation,” I assume they are referring to the current review of the ETS. While the settings in the ETS exert a significant influence on the type of forest being planted, in my opinion, Policy CC.6 is independent of the policy settings in the ETS as it directs the ways in which the Council is to support an increase in regional forest extent. If the review of the ETS settings results in making indigenous afforestation more affordable, this will align with the outcomes being sought by Change 1, rather than result in any conflict.
299. I agree with the concern raised by WFF that the definition for permanent forest has potential to restrict beneficial forest management that could contribute to

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<sup>12</sup> [https://www.climatecommission.govt.nz/public/Advice-to-govt-docs/ERP2/draft-erp2/CCC4940\\_Draft-ERP-Advice-2023-P02-V02-web.pdf](https://www.climatecommission.govt.nz/public/Advice-to-govt-docs/ERP2/draft-erp2/CCC4940_Draft-ERP-Advice-2023-P02-V02-web.pdf)

<sup>13</sup> <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

achieving Objective CC.5, for example, the transition of an exotic forest to indigenous will need active management, for example to create light wells. I consider that a definition that focuses on continuous canopy cover forest, would be more effective and recommend an amendment to the definition for permanent forest for this reason.

300. In response to the request of both WFF and UHCC that the Council advocate for central government support for indigenous forest cover in the ETS and through other mechanisms, I understand that the Council already does this. I also refer the submitters to Method CC.9: "Support and funding for protecting, enhancing, and restoring indigenous ecosystems and nature-based solutions" which includes seeking new sources of funding to protect, enhance or restore priority ecosystems for their biodiversity values and/or as *nature-based solutions* and also refer to the amendments to Method CC.4 recommended above so that the Forest Spatial Plan identifies "ways to implement and support capability, including provision of incentives"

301. KCDC and WFF raise concerns with duplication of the NES-PF. The intent of Policy CC.6 is to support an increase in forest cover in the region, but in doing so to provide for concept of "right tree- right place" and to ensure that increased afforestation does not result in perverse outcomes. Clause (b) aims to ensure that increased plantation forestry does not occur in areas where there is a high risk of erosion and associated sediment runoff, particularly in areas where waterbodies already have high sediment loads. In this way it aims to give effect to the NPS-FM, focusing on areas that do not meet water quality limits under the NPS-FM. This is provided for by the NES-PF regulation 6. With respect to the claim that the NES-PF already provides a high consenting bar, I do not consider that a Restricted Discretionary Activity is a particularly high bar. In this respect I note the findings of the recent report "Outrage to Optimism. Report of the Ministerial Inquiry into land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in Tairāwhiti/Gisborne District and Wairoa District"<sup>14</sup>. This report found that:

*"The regulatory environment and implementation of regulations have miserably failed to prevent predictable off-site effects from forestry activities. The NES-PF is too permissive, the council plan is out of date and inadequate, the consents have been ineffective, and compliance monitoring activities appear to have been under-resourced. These instruments need review.*

*Forestry practices must adapt to better reflect the fragile landscape. In addition to the restrictions on clear-felling, we suggest that plantation forestry needs to transition away from the most extremely erosion-prone land".*

302. In response to the request from WFF for consenting data and comment on issues with respect to harvesting consents on red-zone land under the NES-PF: the Council has issued around 61 consents across the Region, the majority of

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<sup>14</sup> <https://environment.govt.nz/assets/Outrage-to-Optimism-CORRECTED-17.05.pdf>

these being in the Wairarapa. Council consenting staff report variable effectiveness of the NES-PF provisions at protecting highly erodible land, including instances of land being identified as green under the NES-PF that is clearly erodible (e.g., above 25 degrees and with a history of slipping/instability). Staff comment that the onus in this case is on the forest company to do a more site-specific assessment and plan accordingly, however, there is nothing from a regulation perspective that makes this enforceable and require a green zone to be changed to an orange or red zone for example. Overall, their view is that the NES-PF is very permissive and leaves the Council with not many options to be effective in managing potential high-risk sites until the compliance stage.

303. I note that an "Avoid" policy does not mean that an activity is automatically prohibited but does imply a non-complying activity which means that, while the potential for adverse effects may be significant, an activity can proceed so long as the activity is well managed so that any adverse effects are no more than minor. A more detailed section 32 assessment would need to be conducted as part of promulgating new rules in a regional plan, evaluating details such as where and when any new controls to give effect to Policy CC.6 would apply.
304. With respect to UHCC 's concern about a lack of clarity around balancing forestry with housing need, it is not my understanding that there is currently any risk of forestry competing for land suitable for urban development.
305. I agree with the PCC request to delete the text, "to contribute to achieving net-zero greenhouse gas emissions by 2050" due to it being unnecessary. With respect to their request to replace 'support' with 'enable' or 'require', I consider that 'support' is the most appropriate verb as the Council cannot *require* landowners or others to plant or allow the regeneration of forest; and 'support' includes approaches to both promote and enable an increase in forest.
306. With regard to amending Policy CC.6 so that permanent forest is not encouraged on highly productive land, I note that the objective of the NPS for Highly Productive Land is that "Highly productive land is protected for use in land-based primary production, both now and for future generations", with the definition of 'land-based primary production' including production from forestry activities. There is no direction in the NPS-HPL to restrict forestry on highly productive land, and any policy to do so would require proper evaluation of the issue, and the costs and benefits of acting.
307. I consider that amendments to Policy CC.8 recommended in the Climate Change – General Officer's Section 42A report should provide some relief to the concerns of the Wairarapa territorial authorities and their request that Policy CC.6 ensure that any offsets occur in the area where emissions are generated. The amendments recommended to Policy CC.8 establish a hierarchy which seeks, in the first instance, for greenhouse gas emissions to be avoided and reduced, and then directs, if offsetting is undertaken, that this is to be as close to the source of the emissions as possible. I consider that it is not necessary to repeat this policy direction in Policy CC.6.

### 3.3.38 Section 32AA evaluation

308. In accordance with section 32AA, I consider that my recommended amendments to Policy CC.6 are the most appropriate as they seek to provide clarity of intent by referring back to the outcomes sought by Objective CC.5, and provide additional direction to those implementing Method CC.4, highlighting the importance of supporting implementation capability, including through the provision of incentives.

309. I consider that the proposed amendments should increase the likelihood that this suite of provisions are successfully implemented to achieve the desired outcomes and are therefore both effective and efficient.

### 3.3.39 Recommendations

310. I recommend the following amendments to Policy CC.6<sup>15</sup>:

#### **Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans**

Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area and health of permanent forest in the region, maximising the benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, cultural and economic well-being to contribute to achieving net-zero greenhouse gas emissions by 2050, while:

- (a) promoting and incentivising the planting or regeneration of permanent indigenous forest over exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached, and
- (b) avoiding plantation forestry on highly erodible land, particularly in catchments where water quality targets for sediment are not reached, and
- (c) promoting and supporting the control of browsing pest animals in priority areas.

#### Explanation

This policy recognises that, while there is a need for increased forest extent across the Wellington Region to help achieve net zero emissions by 2050, offsetting through carbon sequestration is only a short-term solution and that there are significant risks associated with unfettered afforestation across the region. The policy directs regional plans to develop provisions that will support “right tree-right place”, seeking to ensure that an increase in forest extent for its sequestration benefits will be implemented in a way that maximises the co-benefits for indigenous biodiversity and aquatic ecosystem health, and provide for social and economic well-being as directed by Objective CC.5.

Clause (a) recognises the significant values of indigenous forest, along with the need for incentives to support their planting and natural regeneration.

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<sup>15</sup> amendments already recommended in this report are shown in green text

Clause (b) responds to the high risk of harvesting forest in areas that are highly erodible and in catchments where waterways already have high sediment loads. The National Environmental Standards for Plantation Forestry enables regional plans to regulate plantation forestry for the purpose of protecting freshwater quality. Clause (c) recognises the importance of controlling browsing pest animals to ensure that forests are healthy and can therefore provide maximum benefits.

311. I also recommend addition of a further new clause to **Method CC.4**<sup>16</sup>:

Method CC.4: Prepare a regional forest spatial plan

Using a partnership approach, identify where to promote and support planting and natural regeneration of forest and associated browsing pest animal control, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.

This plan to include:

- (a) a target for an increase in permanent forest extent in the Wellington Region to support achieving Objective CC.5,
  - (b) evaluation of the potential impacts of increased afforestation on rural production and social well-being, and development of an approach that will maximise the environmental, social, and economic benefits,
  - (c) ways to implement and support capability for increasing the area of indigenous forest, including the provision of incentives.
312. I recommend the following amendment to the definition for **Permanent Forest**:
- ~~For the purpose of the RPS permanent forest is a forest established for long term forest cover and is not intended to be harvested. Forest actively managed to maintain continuous canopy cover.~~

### **Policy CC.18**

313. Policy CC.18 is notified in Change 1 as follows:

Policy CC.18: Increasing regional forest cover to support climate change mitigation: "right tree-right place" – non-regulatory

Promote and support the planting and natural regeneration of forest to maximise the benefits for carbon sequestration, indigenous biodiversity, erosion control, freshwater and coastal ecosystems, and the social and economic well-being of local communities. Priority should be given to promoting and incentivising the planting and regeneration of permanent indigenous forest in preference to exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached.

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<sup>16</sup> amendments already recommended in this report are shown in green

Explanation:

Policy CC.18 promotes the planting of trees to contribute to achieving net zero emissions by 2050 while seeking an increase in forest extent that maximises the co-benefits for indigenous biodiversity, land stability, aquatic ecosystem health, and social and economic well-being, as directed by Objective CC.5.

**3.3.40 Matters raised by submitters**

314. GWRC received approximately 16 submissions and 13 further submissions on Policy CC.18. Several submitters request that Policy CC.18 be retained as notified, including Peter Thompson [S123.008], Muaūpoko [S133.051] opposed by Ngāti Toa [FS6.069] and Ātiawa [FS20.398], WCC [S140.085], Sustainable Wairarapa [S144.013], and Fish and Game [S147.078] opposed by Wellington Water [FS19.142] and BLNZ [FS30.247]. Sustainable Wairarapa strongly advocates for using the appropriate species for the forest cover as benefits to regional biodiversity will be maximised if this approach is used.
315. There is broad iwi support for Policy CC.18 through submissions. Ātiawa [S131.0110] supported by Ngā Hapū [FS29.226] seeks that GWRC look for opportunities both to partner with mana whenua and to plant indigenous forest, while Taranaki Whānui [S167.0128] requests that Policy CC.18 be retained as notified, as long as firm protections, resourcing and strong partnership with mana whenua to develop regional forest plans are in place. Rangitāne [S168.0134] supported by MDC [FS14.014] and Sustainable Wairarapa [FS31.062] supports Policy CC.18 in part and seeks that indigenous forest be prioritised and that cultural wellbeing be included as a benefit of implementing Policy CC.18.
316. Outdoor Bliss [S11.021] seeks an amendment to replace “*in preference to exotic species*” with “*instead of*” as this is more definitive.
317. Forest and Bird [S165.085] opposed by BLNZ [FS30.319] seeks amendment to Policy CC.18 to reflect the following request: that where forests are to be used as carbon offsets, it is a regulatory requirement to plant indigenous species rather than exotic forest. Forest and Bird notes that the relevant Method will require amendment to reflect the change to a partially regulatory matter.
318. Similarly to Policy CC.6, some territorial authority submitters note that non-regulatory methods and policies in the RPS should not direct city and district councils. Both PCC [S30.082] and HCC [S115.084] request deletion or amendment of Policy CC.18 to exclude city and district councils.
319. Both CDC [S25.045] and MDC [S166.055] are supportive of ‘right tree-right place’ but raise concerns around the Wairarapa becoming an incidental carbon sink for the Wellington region. CDC seeks that Policy CC.18 be amended to reflect that forestry should be permanent, not plantation. MDC requests greater clarity but does not suggest in what way. GWRC [S137.060] supported in part by BLNZ [FS30.033] also seeks review and any amendments necessary to ensure that the intent of Policy CC.18 as “right tree-right place” is clear.

320. WFF [S163.082] opposes Policy CC.18 and recommends its deletion, noting reasons the same as “as set out for climate change objectives”. This submission is opposed by Forest and Bird [FS7.125], Ātiawa [FS20.247] and Ngā Hapū [FS29.098] and supported by BLNZ [FS30.319].

### **3.3.41 Analysis**

321. As for Policy CC.6, I agree with the request from iwi submitters to add reference to cultural well-being and provide for partnership and recommend amendments to both Policy CC.18 and Method CC.4 respectively. I note that prioritisation of indigenous species is already signalled in clause (a).

322. I do not support the request by Outdoor Bliss to replace “*in preference to exotic species*” with “*instead of*”, as discussed in paras 254-5, exotic forest has an important role to play in achieving the necessary greenhouse gas targets, at least in the short-medium term. For the same reason I do not support the amendment sought by Forest and Bird to require carbon offsets to plant indigenous species rather than exotic forest.

323. In response to those territorial authorities that request deletion or amendment of Policy CC.18 to exclude city and district councils, I note that this policy does not require specific action of territorial authorities, but note an amendment recommended to Method CC.4 that will provide discretion for city and district council involvement in development and implementation of the Regional Forest Spatial Plan.

324. I agree with the request of CDC to amend Policy CC.18 to clarify that the policy is directed at permanent forests; this is consistent with Objective CC.5 and Policy CC.6. I also recommend a similar amendment in Method CC.4 for consistency.

325. Sustainable Wairarapa strongly advocates for using “appropriate species” for forest cover, to maximise benefits to regional biodiversity. I agree and consider that this could be most effectively provided for by adding specific reference to this in Policies CC.6 and CC.18 and in Method CC.4: Regional Forest Spatial Plan, including linking this to the strategic indigenous biodiversity targets and priorities identified through Policy IE.3 and Method IE.3 of Change 1.

### **3.3.42 Section 32AA evaluation**

326. In accordance with section 32AA, I consider that my recommended amendments to Policy CC.18, Policy CC.6 and Method CC.4 are the most appropriate for the following reason:

- The recommended amendments are minor amendments to provide clarity of intent will improve the efficiency of Policy CC.18 and Method CC.4 at achieving the objectives by clarifying the focus of the policy and giving more direction to implementation of method, therefore assisting how they are to be interpreted and applied. This will increase the likelihood that it is successfully implemented to achieve the desired outcomes.

- The proposed amendments are considered efficient and effective ways to clarify policy intent and mitigate risks associated with uncertainty under the as-notified drafting.

### 3.3.43 Recommendations

327. I recommend the following amendments<sup>17</sup>:

(1) Policy CC.18: Increasing regional forest cover to support climate change mitigation: “right tree-right place” – non-regulatory

Promote and support the planting and natural regeneration of *permanent forest* to maximise the benefits for carbon sequestration, indigenous biodiversity, erosion control, freshwater and coastal ecosystems, and the social, *cultural*, and economic well-being of local communities *including by*:

- ~~a) Priority should be given identifying where~~ to promoting and incentivising the planting and regeneration of permanent indigenous forest *representative of the natural type expected in the area* in preference to exotic species, and
- b) prioritising planting and regeneration of permanent indigenous forest ~~particularly~~ *and associated browsing animal pest control* on highly erodible land and in catchments where water quality targets for sediment are not reached, and in areas where it will support significant indigenous biodiversity values.

(2) Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans

Regional plans shall include objectives, policies, rules and/or methods that support an increase in the area *and health of permanent forest* in the region, *maximising the benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social, cultural and economic well-being to contribute to achieving net-zero greenhouse gas emissions by 2050*, while:

- promoting and incentivising the planting or regeneration of permanent indigenous forest *representative of the natural type expected in the area* over exotic species, particularly on *highly erodible land* and in catchments where water quality targets for sediment are not reached, ~~and~~
- avoiding *plantation forestry* on *highly erodible land*, particularly in catchments where water quality targets for sediment are not reached, and
- promoting and supporting the control of browsing pest animals in priority areas.*

(3) Method CC.4: Prepare a regional forest spatial plan<sup>18</sup>

Using a partnership approach, identify where to promote and support planting and natural regeneration of *permanent forest* *and associated browsing pest*

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<sup>17</sup> amendments already recommended in this report are shown in *green text*

animal control, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.

This plan to include:

- (a) a target for an increase in permanent forest extent in the Wellington Region to support achieving Objective CC.5,
- (b) evaluation of the potential impacts of increased afforestation on rural production and social well-being, and development of an approach that will maximise the environmental, social, and economic benefits,
- (c) ways to implement and support capability for increasing the area of indigenous forest, including the provision of incentives
- (d) identification of the types of indigenous forest to prioritise for re-forestation, including links to the strategic indigenous biodiversity targets and priorities identified through Policy IE.3 and Method IE.3

328. Accordingly, I recommend that original and further submissions points relating to Policy CC.18 are accepted, accepted in part, or rejected as set out in **Appendix 2**.

#### **Method CC.4**

329. Method CC.4 is notified in Change 1 as follows:

##### **Method CC.4: Prepare a regional forest spatial plan**

Using a partnership approach, identify where to promote and support planting and natural regeneration of forest, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.

Implementation: Wellington Regional Council\* and city and district councils.

#### **3.3.44 Matters raised by submitters**

330. GWRC received 13 submissions and 13 further submissions on Method CC.4. Some submitters seek that Method CC.4 be retained as notified, including Te Tumu Paeroa | Office of the Māori Trustee [S102.033] and Fish and Game [S147.097] opposed by Wellington Water [FS10.161] and BLNZ [FS30.266]. SWDC [S79.050] also seeks that Method CC.4 be retained as notified, noting that this method is critical to ensure that the Wairarapa does not become a carbon sink for the Wellington region; this submission is supported by MDC [FS14.043].

331. Like SWDC, MDC [S166.074] also seeks involvement with GWRC to ensure avoidance of the Wairarapa becoming a carbon sink and suggests the following amendment to clarify: "Implementation: Wellington Regional Council\* and City and district councils (GWRC will co-lead with each city and district council with regard to their respective geographical areas)".

332. Although supporting Method CC.4 in part, WCC [S140.0112] opposed by BLNZ [FS30.319] seeks clarification of the intent of Method CC.4, noting that "if it is to reduce sediment loading in waterbodies then it should be actioned by the Regional Council", and suggest amending Method CC.4 so that implementation excludes

city and district councils. HCC [S115.0110] opposes Method CC.4 in part, especially noting the inclusion of non-regulatory policies and methods applying to territorial authorities. HCC also recommends an amendment to exclude city and district councils.

333. Iwi submitters broadly support Method CC.4, but request amendments for specificity and clarity. Ātiawa [S131.0136] supported by Ngā Hapū [FS29.254] seeks the following addition to Method CC.4: “*Using a partnership approach, work with mana whenua to identify...*”, and Taranaki Whānui [S167.0168] and Rangitāne [S168.0151], supported by MDC [FS14.015] and Sustainable Wairarapa [FS31.080], also seek specific provisions to outline partnership with mana whenua and to monitor implementation. Taranaki Whānui notes a history of land confiscations from Māori and seeks a specific protection in place to protect mana whenua, alongside future planning in partnership. Rangitāne also seeks the addition of a timeframe of 2024 for the implementation of Method CC.4 to align with the climate extension programme in Method CC.8, along with specific provision to monitor the effectiveness and efficiency of implementing the plans. Sustainable Wairarapa [S144.012] also supports Method CC.4 in part and suggests a similar timeframe of 2025.

334. Some submitters seek amendments for clarity. GWRC [S137.061] supported in part by BLNZ [FS30.034] and WCC [FS13.041] recommend review and amendment (where necessary) to ensure clarity of intent, aligning with any amendments to Objective CC.5 and policies CC.6 and CC.18.

335. Forest and Bird [S165.0111], opposed by BLNZ [FS30.319], supports the intent of Method CC.4 and suggests extending the wording to include other indigenous vegetation. Forest and Bird also note that Method CC.4 does not specifically require preparation of a regional forest plan and recommends the following amendment: “*Using a partnership approach, create a regional forest and vegetation spatial plan, which will identify where to promote and support planting and natural regeneration of forest, wetlands and other indigenous vegetation, including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.*”

336. WFF [S163.095] opposed by Forest and Bird [FS7.138], Ātiawa [FS20.260] and Ngā Hapū [FS29.111] and supported by BLNZ [FS30.167] notes that, while they support the intent of Method CC.4, they consider that the overarching Objectives A & B they have proposed will provide a pathway toward a similar result. They therefore request that Method CC.4 and the freshwater icon be deleted.

### **3.3.45 Analysis**

337. I note that a number of amendments to Method CC.4 have been recommended consequential to submissions on other provisions.

338. While several territorial authorities, notably those located in the Wairarapa, strongly support Method CC.4, the more urban-based councils do not wish to participate. I appreciate the reasons for these submissions and recommend an amendment to provide discretion for councils to participate in this method.

339. I note that Method CC.4 already specifies that identifying where to promote and support forest will be achieved by using a partnership approach. I agree with those submitters that request that this specifically refer to mana whenua/tangata whenua, along with other key stakeholders. I also agree that it would be useful to add a date and requirement "to prepare a regional forest spatial plan". I do not agree with Forest and Bird's request to broaden this method to apply to other vegetation as this would lose the focus on supporting Objective CC.5.
340. I agree with Rangitāne request to add a timeframe and require a process to monitor the effectiveness and efficiency of the Forest Spatial Plan and recommend amendments to for this.
341. In response to the submissions requesting clarification of the intent of this plan, I note that the method already refers to Policy CC.5. I consider that it would be clearer to refer instead to giving effect to Objective CC.5 and including reference to "right tree- right place".
342. I consider that Method CC.4 provides a practical approach to support the concept of right tree-right place in the region and that the amendments recommended help to clarify this intent. I consider that this method provides much more detail than the alternative objectives requested by WFF and therefore reject their request that it be deleted.

### **3.3.46 Section 32AA evaluation**

343. In accordance with section 32AA, I consider that my recommended amendments to Method CC.4 are the most appropriate way to achieve the relevant RPS objectives for the following reason(s):

- the recommended amendments provide clarification and additional direction as to how Method CC.4 is to be interpreted and implemented. This is likely to increase the likelihood that it is successfully implemented to achieve the desired outcomes in an effective and efficient way.

### **3.3.47 Recommendations**

344. I recommend the following amendments to Method CC.4 (amendments already recommended to Method CC.4 in the report are shown in [green text](#))

#### **Method CC.4 Prepare a regional forest spatial plan**

By December 2024, prepare a regional forest spatial plan, Using a partnership approach with mana whenua and other key stakeholders, to identify where to promote and support planting and natural regeneration of permanent forest and associated browsing pest animal control, including how to give effect to Objective CC.5 and address-contribute to achieving water quality targets for sediment, to inform the requirements of Policy CC.6.

This plan to include:

- (a) a target for an increase in *permanent forest* extent in the Wellington Region to support achieving Objective CC.5,
- (b) evaluation of the potential impacts of increased afforestation on rural production and social well-being, and development of an approach that will maximise the environmental, social, and economic benefits,
- (c) ways to implement and support capability for increasing the area of indigenous forest, including the provision of incentives.
- (d) identification of the types of indigenous forest to prioritise for re-afforestation, including links to the strategic indigenous biodiversity targets and priorities identified through Policy IE.3 and Method IE.3, and
- (e) a process to monitor and report on changes in the extent and health of permanent forest.

*Implementation: Wellington Regional Council\*, city and district councils at their discretion*

345. Accordingly, I recommend that original and further submissions points relating to Method CC.4 are accepted, accepted in part, or rejected as set out in **Appendix 2**.

## **Issue 9: Definitions: Highly erodible land, Permanent Forest, Plantation Forest**

### **Definition for Highly erodible land**

346. **Highly erodible land** as defined in Change 1 is as follows:

*Highly Erodible Land means land at risk of severe erosion (landslide, earthflow, and gully) if it does not have a protective cover of deep-rooted woody vegetation. Land classified as very high (red) according to the erosion susceptibility classification in the National Environmental Standards for Plantation Forestry 2017.*

### **3.3.48 Matters raised by submitters**

347. GWRC received 3 submissions and 5 further submissions on the definition of highly erodible land. PCC [S30.0105] supported by Peka Peka Farm Ltd [FS25.021] opposes the definition and seeks its deletion or amendment, noting that it is unclear what a protective cover of deep-rooted woody vegetation is, and how this would be determined. WFF [S163.0107], opposed by Forest and Bird [FS7.047], Ātiawa [FS20.169] and Ngā Hapū [FS29.020] and supported by BLNZ [FS30.076], seeks deletion of the definition, noting that it should be deferred to the 2024 RPS review and referring to their submission on Policy CC.6 which raises concerns about the “red zone” relying on very crude and low resolution mapping.

348. GWRC [S137.013] seeks that the definition be amended by deleting the second sentence “Land classified as very high (red) according to the erosion susceptibility classification in the National Environmental Standards for Plantation Forestry 2017.” to remove the confusion caused by referring to two different approaches to identify areas at risk of erosion and therefore align the Change 1 definition for

highly erodible land with that used by the Ministry for the Environment and Statistics NZ.

### **3.3.49 Analysis**

349. In my opinion, a definition for 'highly erodible land' is necessary to support interpretation of the concept of "right tree-right place", identifying areas where plantation forestry is inappropriate due to the high risk of impacts associated with of clearfell harvesting, including on, land stability, soil erosion and associated sedimentation of waterways. The impacts of severe rainfall on highly erodible land, particularly associated with cycles of harvesting and planting plantation forest, as evidenced by the significant erosion and soil loss following from intense rainfall events in the East Coast, emphasises the importance of ensuring that highly erodible land is covered in resilient, long-lived vegetation, rather than plantation forest.

350. I agree with the concerns raised by WFF about the coarse resolution of erosion susceptibility "red zone" classification used in the NES-PF and note that Council science staff advise that red-zoned land comprises only a small sub-set of highly erodible land in the Region. For this reason, along with the fact that this classification system was developed to inform plantation forestry practice as part of implementing the NES-PF, rather than identify priority areas for restoring forest cover, I agree with GWRC's submission that requests removal of reference to this classification in the definition for highly erodible land. I consider that the definition for highly erodible land used by MfE and Statistics NZ<sup>19</sup> is appropriate to be used in Change 1 as it was developed to inform national erosion management policy and state of the environment monitoring and has been used to develop a detailed spatial digital layer of highly erodible land. I do note that the Change 1 definition does not include the term mass-movement, which is part of the MfE/Statistics NZ definition and I recommend that it be added.

351. I have discussed use of the term "deep-rooted woody vegetation" with Council staff with expertise in land management and they advise that this term is commonly used and well-understood by the land management sector, including landowners. As it is part of a nationally accepted definition, I recommend that it be retained and that a definition for this is not needed.

### **3.3.50 Section 32AA evaluation**

352. In accordance with section 32AA, I consider that my recommended amendment to the definition for Highly erodible land is the most appropriate as it removes confusion of referring to two different methodologies and will therefore provide clarity and consistency for those interpreting and implementing it and remove any costs arising from a lack of clarity.

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<sup>19</sup> [Highly erodible land | Stats NZ](#)

### 3.3.51 Recommendations

353. I recommend the following amendments to the definition for **Highly erodible land**:

Land at risk of severe ~~mass-movement~~ erosion (landslide, earthflow, and gully) if it does not have a protective cover of deep-rooted woody vegetation. Land classified as very high (red) according to the erosion susceptibility classification in the National Environmental Standards for Plantation Forestry 2017.

### Definition for Permanent Forest

354. **Permanent forest** as defined in Change 1 is as follows:

For the purpose of the RPS permanent forest is a forest established for long term forest cover and is not intended to be harvested.

### 3.3.52 Matters raised by submitters

355. GWRC received 3 submissions and 5 further submissions on the definition of permanent forest. Several submitters oppose the proposed definition of permanent forest and seek amendments. KCDC [S16.092] notes that it is difficult to enforce provisions that contain qualifiers relying on intention (in this case, of the owner of the forest). They seek to replace “and” with “that”. PCC [S30.0109] supported by Peka Peka Farm Ltd [FS25.025] consider “For the purpose of the RPS” to be redundant and seek its deletion; further, PCC seeks amendment of the definition to be consistent with the terminology in the NES-PF: “For instance, the definition could be reworded to include plantation forestry as a specific exclusion. It could also include an exclusion of any other harvesting that is not within the NES-PF.”

356. WFF [S163.0110] also opposes the definition of permanent forestry and seeks its deletion, citing that it should be deferred to the 2024 RPS review. This submission is opposed by Forest and Bird [FS7.051], Ātiawa [FS20.173] and Ngā Hapū [FS29.024] and supported by BLNZ [FS30.080].

### 3.3.53 Analysis

357. Given that the outcome sought by Objective CC.5 is to increase the area of permanent forest in the Region, I consider that it is important to provide a definition for permanent forest in Change 1 to provide clarity of what this term encompasses. I therefore reject the request from WFF to delete this definition.

358. In response to PCC's request to adopt the definition for permanent forest in the NES-PF, I note that the NES-PF does not include a definition for Permanent Forest. I agree with KCDC's concerns with the inclusion of qualifiers relying on intention and with PCC's request seeking removal of the first clause due to redundancy, however note that amendments that I have already recommended to this definition in para 311 (shown below in green) already address these matters. I therefore recommend no further amendments.

~~For the purpose of the RPS permanent forest is a forest established for long term forest cover and is not intended to be harvested. Forest actively managed to maintain continuous canopy cover.~~

### **3.3.54 Recommendations**

359. I do not recommend any further amendments to the definition for **Permanent Forest**.

### **Definition for Plantation Forestry**

360. **Plantation forestry** as defined in Change 1 is as follows:

A forest deliberately established for commercial harvest purposes.

### **3.3.55 Matters raised by submitters**

361. GWRC received 3 submissions and 5 further submissions on the definition for plantation forest. The submissions were similar to the submissions for the definition of permanent forest, with KCDC [S16.091] and PCC [S30.0126] supported by Peka Peka Farm Ltd [FS25.044] seeking that the definition be amended to reflect, or deleted and replaced with, the NES-PF definition for plantation forestry. WFF [S163.0111] opposed by Forest and Bird [FS7.052], Ātiawa [FS20.174] and Ngā Hapū [FS29.025] and supported by BLNZ [FS30.081] again seek deletion of the definition, noting that it should be deferred to the 2024 RPS review.

### **3.3.56 Analysis**

362. I agree with the submissions seeking alignment with the definition in the NES-PF to provide consistency and avoid confusion and recommend an amendment accordingly.

### **3.3.57 Section 32AA evaluation**

363. In accordance with section 32AA, I consider that my recommended amendments to the definition for plantation forest is the most appropriate as they are amendments to clarify its intent to be consistent with a nationally defined term that has direct relevance to the activities to be managed. This will assist with more consistent, and therefore efficient and effective, implementation of associated Change 1 provisions. I do not consider that there are any costs associated with this change.

### **3.3.58 Recommendations**

364. I recommend the following amendments to the definition for **Plantation Forestry**:

A forest deliberately established for commercial harvest purposes, being:

- (a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
- (b) includes all associated forestry infrastructure; but
- (c) does not include—
  - (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
  - (ii) forest species in urban areas; or
  - (iii) nurseries and seed orchards; or
  - (iv) trees grown for fruit or nuts; or
  - (v) long-term ecological restoration planting of forest species; or
  - (vi) willows and poplars space planted for soil conservation purposes.

365. I recommend that the submissions and further submissions on the definitions for “Highly erodible land”, “Permanent forest” and “Plantation forest” are accepted and rejected as detailed in **Appendix 2**.

### **Issue 10: Water resilience and climate-change adaptation (Policy FW.8)**

366. Policy FW.8 was notified in Plan Change 1 as follows:

#### **Land use adaptation – non regulatory**

Promote and support water resilience and **climate change adaptation** in land use practices and land use change including:

- (a) Preparing and disseminating information about climate resilient practices
- (b) Promoting water resilience in Farm Plans; and
- (c) Supporting primary sector groups and landowners in researching and promoting climate resilient land uses and pathways to move to new land uses.

Explanation:

Policy FW.8 promotes and supports climate change adaption in land use practices and change.

### **3.3.59 Matters raised by submitters**

367. GWRC received approximately 13 submissions and 12 further submissions on Policy FW.8. A range of submitters request Policy FW.8 be retained as notified, including KCDC [S16.074], Fish and Game [S147.081] opposed by Wellington Water [FS9.145] and Beef + Lamb [FS30.250], Forest and Bird [S164.0146] opposed by BLNZ [FS30.319], Ātiawa [S131.0113] supported by Ngā Hapū [FS20.229] and Taranaki Whānui [S167.0131].

368. Among the territorial authority submitters, several submission points request amendments to clarify responsibility between regional and city and district councils. PCC [S30.085] supported by Peka Peka Farm Ltd [FS25.118] requests an amendment to clarify that the regional council is responsible for supporting rural communities. HCC [S115.087] and WCC [S140.088] request that Policy FW.8 be amended to make clear that it does not apply to city and district councils.
369. UHCC [S34.016] opposes Policy FW.8 in part, noting that the promotion and implementation of Policy FW.8 is unclear, that it is unclear at what scale properties are expected to have a farm plan, that farm plans under clause (b) are not defined, and what mechanism will be used to require farm plans, noting particularly that resource consents seem to be implied as the relevant mechanism. UHCC further notes that territorial authorities are unlikely to have the expertise or resources to support this and seek Policy FW.8 be amended to clarify and define farm plans or delete clause (b). WFF [S163.084] seek Policy FW.8 be deleted, citing that the existing overarching objectives provide a “concrete pathway” to a similar result. This submission is opposed by Rangitāne [FS2.36], Forest and Bird [FS7.127], Ātiawa [FS20.249], and Ngā Hapū [FS29.100] and supported by BLNZ [FS30.156].
370. Other submitters request amendments to expand Policy FW.8. HortNZ [S128.053] supported by Rangitāne [FS2.14] notes that land use change is an option for reducing emissions and seek that clause (c) be amended as follows: “*c) supporting primary sector groups and landowners in researching and promoting climate resilient or lower emissions land uses and pathways to move to new land uses.*” Sustainable Wairarapa [S148.048] notes that individual landowners have no incentive to implement water resilience nature-based solutions; they seek Policy FW.8 be amended to include prototyping, researching, and promoting nature-based solutions such as swales, bunds, and leaky dams.

### **3.3.60 Analysis**

#### *Jurisdiction*

371. Territorial authorities have a clear statutory role in managing and protecting freshwater as set out in the NPS-FM. In particular, Section 3.5(3) requires that “local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.” and Section 3.5(4) requires territorial authorities to manage “adverse effects (including cumulative effects), of urban development on the health and well-being” of freshwater. Further RMA section 7(i) provides a broad requirement for “all person's exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, to have particular regard to the effects of climate change.”
372. Therefore, in my opinion territorial authorities have a very clear and broad remit to address the matters set out in Policy FW.8, although I do consider that many of these matters are likely to be led out by the regional council.

373. I agree with UHCC that reference to farm plans should be clarified and consider that this should refer to freshwater farm plans as these will be required by regulations under the RMA for properties over 20 hectares and horticultural properties over 5 hectares and will be administered by the regional council.
374. I agree with the amendments sought by HortNZ, to add "lower emission" land uses to clause (c), and by Sustainable Wairarapa to add a new clause (d) to support the development of practical on-farm nature-based solutions for water resilience and recommend amendments accordingly.
375. I consider that Policy FW.8 provides practical support to landowners to become more resilient to the effects of climate change and therefore reject the submission of WFF.

### 3.3.61 Section 32AA evaluation

376. In accordance with section 32AA, I consider that my recommended amendments to Policy FW.8 are the most appropriate for the following reason(s):
377. The recommended amendments are minor amendments that provide additional clarity and direction to Policy FW.8 and therefore assist how it is to be interpreted and applied. This is likely to increase the likelihood that it is successfully implemented to achieve the desired outcomes.

### 3.3.62 Recommendations

378. I recommend that Policy FW.8 be amended as follows:

#### **Policy FW.8: Land use adaptation – non regulatory**

Promote and support water resilience and *climate change adaptation* in land use practices and land use change including:

- a. Preparing and disseminating information about climate resilient practices,
- b. promoting water resilience in **Freshwater Farm Plans**, ~~;~~ **and**
- c. supporting primary sector groups and landowners in researching and promoting climate resilient **and lower-emission** land uses and pathways to move to new land uses, **and**
- d. **prototyping, researching, and promoting *nature-based solutions* that support water resilience, such as swales and bunds.**

#### Explanation

Policy FW.8 promotes and supports **water resilience and *climate change adaptation*** in land use practices and change.

## Issue 11: General Comments

### General Comments (urban development)

#### **3.3.63 Matters raised by submitters**

379. GWRC received 17 submissions supporting provisions creating climate-resilient urban areas, requesting that provisions either be:

(a) retained as notified, Philippa Yasbek [S28.004], Ellen Legg [S53.006]; or

(b) retained, refined and enhanced: Chelsea Kershaw [S S17.003], Tegan McGowan [S22.003], Helen Payn [S24.003], Oliver Bruce [S35.006], Jennifer Van Beynen [S37.006], Khoi Phan [S51.007], Grant Buchan [S60.007], Patrick Morgan [S61.007], Rachel Bolstad [S64.005], Gene Clendon [S76.007], Bronwyn Bell [S90.007], Ruby Miller-Kopelov [S92.003], Isabella Cawthorn [S93.003], Michelle Ducat [S152.008], Megan Lane [S164.006].

#### **3.3.64 Analysis**

380. There are a range of provisions in Change 1 that will help to create climate-resilient urban areas, in particular Objectives CC.1, CC.4, and 22 and Policies CC.4, CC.14.

381. Amendments have been recommended to all of these provisions, primarily to provide further clarity, which in my opinion will increase their effectiveness and efficiency to achieve climate-resilient urban areas. For this reason, I recommend that the submission of Philippa Yasbek [S28.004], Ellen Legg [S53.006]; be accepted in part and the other submissions accepted.

### General Comments (regulatory policies)

#### **3.3.65 Matters raised by submitters**

382. GWRC received 1 submission and 1 further submission on regulatory policies. The DCG [S32.009] submits with support in part, requesting that regulatory policies be retained as notified as they “appropriately respond to climate change and national direction”. In particular, the DCG highlights the promotion of indigenous species over exotic species in Policy CC.6 and expresses support for nature-based solutions in Policy CC.7, as these provisions provide additional biodiversity values. This submission is opposed by BLNZ [FS30.287].

#### **3.3.66 Analysis**

383. The regulatory policies addressed in this report are Policy CC.6: Increasing regional forest cover and avoiding plantation forestry on highly erodible land – regional plans and Policy CC.7: Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans. While amendments have been recommended to these policies, the intent of these policies to “appropriately respond to climate change and national

direction" has been retained, including retention of the preference for indigenous species and nature-based solutions.

384. For this reason, I recommend that this submission is accepted in part, but no further amendments are recommended to these policies.

### **General Comments (consideration policies)**

#### **3.3.67 Matters raised by submitters**

385. GWRC received 5 submissions and 3 further submissions on consideration policies. Forest and Bird [S165.060] opposed by BLNZ [FS30.319] opposes in part and notes that the introduction "incorrectly states the weight to be given to the chapter's policies when changing or varying regional and district plans. Those plans "must give effect to the RPS, not have particular regard to the RPS' provisions". Forest and Bird seek an amendment as follows: "**The policies must be given effect to** when changing, or varying...."

386. WCC [S140.002] supports the consideration policies in part but notes that calling regulatory policies "consideration" policies (as in Chapter 4.2) is confusing; WCC recommends amending "consider" to "give particular regard" throughout.

387. Other submitters oppose the policies and express concern around consideration and regulatory policies. PCC [S30.0123] supported by Peka Peka Farm Ltd [FS25.041] opposes all "consideration" policies on the grounds that they often duplicate or conflict with regulatory policies and represent overreach without robust Section 32 evaluation or evidence. Kāinga Ora [S158.001] opposed by Ngāti Toa [FS6.013] and Ātiawa [FS20.031] and supported in part by Waka Kotahi [FS3.032] notes that the consideration policies are worded as assessment criteria for resource consents, and notes that the RPS is meant to contain methods but not rules. As such, Kāinga Ora seeks deletion of Chapter 4.2 or rewording of consideration policies. In a second opposing submission, Kāinga Ora [S158.044] opposed by Ngāti Toa [FS6.014] seeks deletion of Chapter 4.2 but recommends retaining Policy UD.3 (with amendments) and relocating Policy UD.3 to Chapter 4.1.

#### **3.3.68 Analysis**

388. Submissions raising concerns on the introductory text for Chapter 4.2 (Regulatory policies – matters to be considered), including WCC, PCC, and Kāinga Ora, have been addressed in the Hearing Stream 2 Section 42A report: Overarching Issues and Objective, Integrated Management. I agree with the evaluation of Mr Wyeth and his recommended amendments set out in para 147 of that report. In relation to the request of Kainga Ora that if Chapter 4.2 is not deleted that the consideration policies are reworded to state the intended outcome, I consider that the amendments I have recommended to the consideration policies addressed by this report (Policies CC.14 and CC.4A) address this concern. I do not consider that any further evaluation or amendments are required. I note that no further amendments are recommended in Mr Wyeth's rebuttal evidence for this topic.

389. There are two consideration policies addressed in this report: Policy CC.12 Policy CC.12: Protect, enhance and restore ecosystems that provide nature-based solutions to climate change and Policy CC.14: Climate-resilient urban areas. In relation to the general submission of PCC that the Change 1 provisions unnecessarily duplicate national direction, in my view Policies CC.12 and CC.14 do not do this. I consider that they align with or give effect to national direction set out in the ERP, NAP and NPS-IB, and provide interpretation of this at a regional level, providing more specific direction to the development of regional and district plans and the evaluation of resource consents and notices of requirement.

390. For these reasons, I recommend that these submissions are accepted, accepted in part or rejected as set out in Appendix 2.

### **General Comments (definitions)**

#### ***3.3.69 Matters raised by submitters***

391. GWRC received 1 submission and 1 further submission generally commenting on definitions. PCC [S30.099] supported by Peka Peka Farm Ltd [FS25.132] submits in opposition to the definitions, stating that “clear and concise definitions are critical to assist in interpretation and implementation of the RPS”. PCC seeks further definitions for any unclear terms.

#### ***3.3.70 Analysis***

392. There are four definitions addressed in this report: nature-based solutions, highly erodible land, permanent forest and plantation forestry. PCC has submitted on each of these, and recommendations have been made for clarification of all four definitions.

393. For this reason, these submissions are accepted in part and no further amendments are recommended.

### **General Comments (overall)**

#### ***3.3.71 Matters raised by submitters***

394. GWRC received 15 submissions and 1 further submission under the topic 'general comments'. Two of the submissions support the Chapter in part; Outdoor Bliss [S11.023] seeks stronger language throughout, including replacements such as “information”, “promote”, “support” and “encourage” with “implement” and “incentivise”, “consideration” with “essential”, and “non-regulatory” with “regulatory”. KCDC [S16.097] notes that many of the Objectives in the Chapter are not drafted clearly enough to make clear what outcome is sought; KCDC further notes that not all objectives may be achievable within the scope of an RPS and seeks a review for clarity and deletion of all Objectives which are not achievable.

395. In two neutral submissions, PCC [S30.0116, 0120] notes their concern that the RPS either duplicates or opposes matters which have been addressed by national direction and seeks greater alignment with national direction. PCC recommends

that the best course of action is “to withdraw much of Plan Change 1, or work with councils on variations to significantly amend most of its contents”.

396. In five submissions KCDC [S16.0100, 0102, 0103, 0104, 0106] raises a range of objections and seeks review and deletion where appropriate. These include the continual use of “and/or”, too many examples in the explanations to Policies and Objectives, and inappropriate verbs in Objectives and Policies not in accordance with the RMA and relevant statutory planning documents. KCDC also seeks deletion of all provisions not supported by the RMA, statutory planning documents, or robust evidence, including plan-wide provisions which fail to recognise that district plans and resource consent decisions are dependent on legislation. In particular, KCDC notes that the provisions do not account for territorial authorities' inability to regulate the free market on issues such as GHG emissions, transport choices, restoration and enhancement of ecosystems, and nature-based solutions.

397. In six opposing submissions, UHCC [S34.0111, 0113, 0116, 0117, 0118, 0120] notes duplication of national direction, a lack of high-level statutory planning documents to support provisions and a lack of consideration of scale and practicality of provisions; UHCC seek a full legal and planning review of these provisions (with specific provisions identified in Table 1). UHCC also note that the Section 32 assessment is not sufficiently robust to determine the practicality of many of the regulatory provisions and advise that these provisions should be deleted and considered in a later plan change. UHCC also object to many of the issues in this Chapter being framed in “negative language” and seek that they are re-written in neutral language with a “balanced approach” to the relevant issue.

### **3.3.72 Analysis**

398. The concerns of all these submitters have been raised or considered against each of the specific provisions addressed in this report. I do not consider that any additional analysis is required and that the recommendations for each submission point registered against those provisions apply.

### **3.3.73 Section 32AA evaluation**

399. No additional amendments have been recommended in response to the General Comments (urban development, regulatory policies, consideration policies, definitions, overall), therefore a Section 32AA evaluation is not required.

### **3.3.74 Recommendations**

400. Accordingly, I recommend that original and further submissions points relating to General Comments (urban development, regulatory policies, consideration policies, definitions, overall) are accepted, accepted in part, or rejected as set out in **Appendix 2**.

## 4.0 Conclusions

401. A range of submissions have been received in support of and in opposition to the provisions relating to Climate Change: Climate-resilience and Nature-based solutions.
402. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend a number of amendments to Change 1 as set out in **Appendix 1**.

### Recommendations:

1. I recommend that The Hearing Panels accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.

