

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

**Under** Schedule 1 of the Resource Management Act 1991

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

**Hearing Stream** 3 (Climate Change)

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**Statement of evidence of Michael David Rachlin on behalf of Porirua City Council (S30)**

**Planning**

**Topic:** Climate change - General

**Date:** 14 August 2023

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## **INTRODUCTION:**

- 1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner by Porirua City Council (**PCC**).
- 2 I have prepared this statement of evidence on behalf of PCC to provide planning evidence in support of its submission to Greater Wellington Regional Council's (the **Council**) Proposed Change 1 (**Change 1**) to the Regional Policy Statement for the Wellington Region (**RPS**).
- 3 Specifically, this statement of evidence relates to the matters in Hearing Stream 3 Climate Change - General. I have previously presented evidence on behalf of PCC in relation to Hearing Stream 1 – General Submissions. In Hearing Stream 3 I have also prepared evidence in relation to the “Climate Change Resilience and Nature Based Solutions” topic.
- 4 I am authorised to provide this evidence on behalf of PCC.

## **QUALIFICATIONS AND EXPERIENCE**

- 5 My qualifications and experience are as stated in paragraphs 5 – 10 and Appendix A of my statement of evidence dated 13 June 2023, filed in advance of hearing stream 1.

## **Code of conduct**

- 6 Although I am employed by PCC, I am giving this evidence in my capacity as a planning expert. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my

area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

## **SUMMARY**

7 My statement of evidence addresses the following matters:

- The need for an integrated management approach
- The role of urban development in climate change response
- The s32 evaluation for Change 1

I then follow the S42A report topic order:

- Introduction to Chapter 3.1A
- Climate change chapter objectives
- Policy CC.8
- Anticipated Environmental Results for climate change
- Definitions
- Remaining general submissions

## **SCOPE OF EVIDENCE**

8 My statement of evidence addresses the matters set out in paragraph 7 above.

9 In preparing my evidence, I have reviewed the s42A report<sup>1</sup>, s32 evaluation, statements of evidence<sup>2</sup> and associated technical reports for Change 1.

10 The s42A Report responds to 16 of PCC's submission points (which have been allocated to this hearing stream).<sup>3</sup>

11 PCC's submission raised a number of concerns with the provisions in Change 1 being considered through Hearing Stream 3, including in summary:

11.1 The need for an integrated approach to climate change including recognition of, and integration with, non-RMA responses;

11.2 The failure to recognise the role of urban development as part of the response to climate change;

11.3 The adequacy of the s32 evaluation for Change 1;

11.4 The need to amend the objectives so that the outcomes sought were achievable within the scope of an RPS;

11.5 Opposition to all 'consideration' policies because of duplication, regulatory overreach, and unnecessary regulatory costs;

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<sup>1</sup> Section 42A Hearing Report Hearing Stream 3 – Climate Change – General.

<sup>2</sup> HS3 Climate Change GWRC Statement of Evidence - Technical Evidence Jake Roos Climate Change General, HS3 Climate Change GWRC Statement of Evidence - Technical Evidence Stuart Farrant Climate Resilience and Nature Based Solutions.

<sup>3</sup> The identified submission points are S30.003, S30.004, S30.005, S30.006, S30.010, S30.011, S30.032, S30.098, S30.099, S30.0100, S30.0101, S30.0102, S30.0116, S30.0117, S30.120, and S30.0123.

11.6 The Anticipated Environmental Results generally should be amended to be specific, measurable and timebound; and

11.7 New definitions are needed for terms that are unclear or would assist in interpretation and implementation, including for climate-resilience.

12 I agree with the issues raised in PCC's submission relating to the above matters.

### **STATUTORY CONSIDERATION**

13 The s42A report sets out statutory considerations for this topic at Part 2 and I agree with the s42A author's assessment. Additionally, while they are not statutory documents, I draw the Hearing Panel's attention to the following work which is being undertaken by the Wellington Regional Leadership Committee Wellington Regional Leadership Committee (WRLC)<sup>4</sup>:

- Regional Emissions Reduction Plan
- Regional Climate Change Impacts Assessment and Adaptation Plan.

14 The WRLC consists of an independent chair, the Mayors of the local authorities in the Wellington region plus Horowhenua District Council, Ministers of the Crown, and Mana Whenua members. It is a non-statutory Committee intended to provide a forum where the region's local government, central government and iwi leaders work in a collaborative way on cross-boundary, growth-related issues. A number of projects are being advanced and led by the WRLC. These include the

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<sup>4</sup> The Wellington Regional Leadership Committee is made up of councils, iwi and central government in the Wellington-Wairarapa-Horowhenua region, formed to work together to shape the future of the region. The partnership is overseeing a number of project including the Future Development Strategy for the region.

Future Development Strategy for the Wellington region and Horowhenua district, as required under Subpart 4 to the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Housing and Business Development Capacity (**HBA**) for the region as required by Part 4 to the NPS-UD.

15 According to the WRLC website the Regional Emissions Reduction Plan<sup>5</sup> is due in February 2024 and:

*.....will develop a strategic approach to transition to a zero-carbon region that meet community needs and aspirations. It will identify the key shifts and priority actions that need to happen at a regional level to reduce carbon emissions.*

16 The WRLC website also identifies that the Regional Climate Change Impacts Assessment and Adaptation Plan is due in August 2024. As set out on the WRLC website<sup>6</sup> there are two phases to the project:

- Phase 1 – Regional Climate Change Impact Assessment

17 This will bring together a consistent regional evidence base of the climate change risks and impacts over the next century. The assessment will provide findings regarding impacts to communities, infrastructure, natural ecosystems, economy, and governance systems. The information will support the region to apply an evidence-based approach to climate-resilient development.

- Phase 2 – Develop a Regional Adaptation Plan in response to the findings in the Impact Assessment with a focus on climate-

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<sup>5</sup> <https://wrlc.org.nz/project/regional-emissions-reduction-plan>

<sup>6</sup> <https://wrlc.org.nz/project/regional-approach-to-climate-change-impacts-assessment>

resilient development in the region. The Regional Adaptation Plan will identify key priorities and opportunities for strengthening climate resilient development.

- 18 I have referenced the above pieces of work because they represent a Wellington region centric response to the effects of climate change, and in time will inform actions to be undertaken by a range of stakeholders. I anticipate this will include tools such as regional and district plans, alongside a range of other actions. While the above climate change projects are non-statutory, in time they will provide a regional context for the development of statutory resource management plans in response to this topic.

## GENERAL COMMENTS

### Need for Integrated Management Approach

- 19 In my statement of evidence for Hearing Stream 1 I raised the issue of the appropriate role of regional and district plans in achieving the climate change outcomes that are sought by Change 1, as well as the role of other statutes and regulations, such as the Building Act. I also referenced s18A of the RMA which requires:

*Every person exercising powers and performing functions under this Act must take all practicable steps to—*

*(a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised; and*

*(b) ensure that policy statements and plans—*

*i. include only those matters relevant to the purpose of this Act; and*

*ii. are worded in a way that is clear and concise; and*

*(c) promote collaboration between or among local authorities on their common resource management issues.*

- 20 Additionally, I referenced other possible mechanisms such as any three water policies under the new Three Water entities; and management of public spaces<sup>7</sup> such as transport corridors, and parks and reserves.
- 21 In Hearing Stream 2, the need for the integrated management of natural and physical resources was traversed and was the subject of a statement of planning evidence from my colleague, Mr Smeaton. To my mind achieving climate change outcomes, namely a reduction in greenhouse gases and increasing resilience to the effects of climate change, also requires an approach that is integrated. In other words, I consider that the approach requires consideration not just of planning documents required under the RMA, but a range of other policy documents, levers, statutes, and regulations. This means that policy makers should recognise the appropriate role of the RPS, as well as regional and district plans, and consider whether other tools are more appropriate to achieve the climate change outcomes sought. In light of the section 18A principles referenced above and given the purpose of an RPS is to achieve the purpose of the RMA,<sup>8</sup> an RPS should only include climate change provisions if they are relevant to the purpose of the RMA, and also the most efficient and effective way to achieve the purpose of the RMA.
- 22 The s42A report Hearing Stream 3 – Climate Change – General<sup>9</sup> sets out the purpose of the Climate Change Response Act 2002 and the 2019 amendments to that Act, including the setting of legally binding emissions reduction targets for New Zealand. The Emission Reduction Plan (**ERP**) and National Adaptation Plan (**NAP**) are required plans under sections 5Z1 and 5Z5 of the legislation. The ERP includes a wide range of policies and actions to reduce greenhouse gas emissions across the economy, including specific actions in relation to planning and infrastructure, transport, energy and industry, agriculture, forestry and

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<sup>7</sup> For example, in relation to tree planting or stormwater management.

<sup>8</sup> RMA, s 59.

<sup>9</sup> Paragraphs 37 and 38.



waste. The NAP brings together the Government's efforts to help build climate resilience and it sets out the Government's future priorities and work programme.

23 The above climate change legislation needs to be considered alongside the RMA with amendments to the RMA requiring decision makers to have regard to the NAP and Emission Reduction Plan in relation to the preparation and changing of Regional Policy Statements<sup>10</sup>, district plans<sup>11</sup> and regional plans<sup>12</sup>. On this point I would note Council's legal right of reply for Hearing Stream 2 regarding the status of the NAP and ERP in the Change 1 process, and their role in s32 evaluations. I agree with their assessment.

24 As I note above, the NAP includes a range of actions across a number of policy areas, regulations, and funding processes. For example, under Chapter 4 (Driving climate-resilient development in the right locations) it identifies the following critical actions:

- Action 4.1: Reform the resource management system
- Action 4.2: Set national direction on natural hazard risk management and climate adaptation through the National Planning Framework
- Action 4.3: Establish an initiative for resilient public housing
- Action 4.4: Embed adaptation in funding models for housing and urban development, including Māori housing
- Action 4.5: Reform institutional arrangements for water services
- Action 4.6: Integrate adaptation into Treasury decisions on infrastructure

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<sup>10</sup> Section 61(2)(d) and (e).

<sup>11</sup> Section 74(2)(d) and (e).

<sup>12</sup> Section 66(2)(f) and (g).

- Action 4.7: Integrate adaptation into Waka Kotahi decision-making

25 Further, Action 7.4 states “update regulatory requirements to ensure buildings are designed and constructed to withstand more extreme climate hazards”. The lead agency is the Ministry of Business, Innovation and Employment (**MBIE**) and the NAP expects that the action point will be implemented in part by identifying aspects of the Building Code that require updating<sup>13</sup>.

26 Other examples of regulations and statutes that also impact on increased resilience include:

- The responsibilities of lifeline utilities under s60 of the Civil Defence Emergency Act 2002. Under this, they must ensure that they are able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency and;
- The preparation of Fire Plans under the Fire and Emergency Act 2017. The requirements for a Fire Plan are set out in the Fire and Emergency New Zealand (Fire Plans) Regulations 2018. This includes describing the particular fire risk conditions that exist or are likely to exist in the local area and to set out the policy for fire control in the local area. The Fire Plan for Wellington was published 30<sup>th</sup> July 2021.

27 The purpose of referring to the actions under the NAP and ERP, and the above statutes, is to illustrate that regional and district plans, while important, are only one part of the response to climate change effects. In my opinion it is important that the provisions of Change 1 do not result in unnecessary regulatory duplication or costs. This means having

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<sup>13</sup> I will reference this again in my statement of evidence for the Climate Resilience and Nature-Based solutions topic.

appropriate regard to the NAP and ERP which identify the role of resource management plans within the context of a suite of regulatory, policy and investment actions to address climate change.

28 I address this matter further where I discuss specific Change 1 provisions.

### **Urban development**

29 In my statement of planning evidence for Hearing Stream 1 I addressed the NPS-UD and how I considered that, overall, Change 1 is negatively framed in relation to urban development and fails to recognise the social, economic, and cultural wellbeing benefits of urban development. I also considered that Change 1 has failed to recognise the opportunities created by new urban development to address matters such as reducing greenhouse gas emissions. I provided the following examples of how new urban development can provide such opportunities:

- Replacing older, poorly insulated and energy inefficient buildings with new ones built to higher insulation and energy efficiency standards; and
- Increasing the number of people who live in, and more businesses and community services to be located in, centres such as the city centre, and other areas of the urban environment well served by active and public transport<sup>14</sup>, thereby creating increased transport mode choices and opportunities to reduce private car use.

30 In my opinion this negative framing continues into the climate change topic. This is illustrated by Table 1A: *Climate change objectives and titles of policies and methods to achieve the objectives*. This table is

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<sup>14</sup> As required by Objective 3 to NPS-UD.

proposed to be inserted by Change 1 and is intended to show the policies and methods that will achieve the Change 1 climate change objectives. This table does not include Objective 22 (well-functioning urban environment), Policy 30 (viability and vibrancy of centres) or Policy 31 (urban intensification) which have been amended by Change 1 to implement the NPS-UD.

31 By contrast Chapter 7 to the ERP states the following:

***Well-functioning urban environments can reduce emissions and improve wellbeing***

*Urban environments with a variety of mixed-use, medium- and high-density development that is connected to urban centres, as well as active and public transport routes, will help reduce greenhouse gas emissions. That is partly because they provide more options for people to travel between where we work, live, play and learn.*

***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.*

32 Policy 1 to the NPS-UD, which Change 1 needs to give effect to, also identifies that a well-functioning urban environment is one which supports a reduction in greenhouse gas emissions<sup>15</sup>. Clearly the NPS-UD and ERP recognise the important positive role of urban development in reducing greenhouse gas emissions.

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<sup>15</sup> Policy 1(e).

- 33 In my opinion Change 1 should be amended to reflect this by including Policies 30 and 31 in Table 1A: *Climate change objectives and titles of policies and methods to achieve the objectives*. I consider that submission S30.0114 provides scope for this change. It sought, *Council considers that the provisions need a major overhaul and redrafting*.
- 34 I would also note that a key theme of the NAP is to “*drive climate-resilient development in the right locations*”<sup>16</sup>. This includes avoiding risk sensitive development such as housing in high risk coastal and natural hazard areas.
- 35 I consider that policies implemented as a result of the NAP, combined with implementing the section 6 matters of national importance in district plans can and will reduce the “developable” footprint of urban areas. For example, by avoiding development in identified coastal hazard areas, Significant Natural Areas, sites and areas of significance to Māori, and historic heritage sites.
- 36 In other words, more housing and business activity needs to be provided for in a smaller urban footprint (i.e., the right location). For example, modelling<sup>17</sup> undertaken for the Porirua Proposed District Plan showed that the effects of overlays<sup>18</sup> was to reduce housing development capacity by 1,699.
- 37 There is also likely to be a reduction in urban (or developable greenfield and brownfield) areas due to the effects of climate change (including sea level rise). As a consequence, it is important to avoid introducing regulatory and policy barriers to the more efficient use of land in the right locations. In my view, it is important that resource management

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<sup>16</sup> See Chapter 4.

<sup>17</sup> Variation 1 and Plan Change 19 Qualifying Matters Assessment, July 2022, Property Economics.

<sup>18</sup> Spatial method used to identify areas where stricter development controls apply such as overlays for natural hazards, significant natural areas, cultural and historic heritage, and noise corridors from rail lines and state highways.

regulatory frameworks support the provision of required housing and business activities in the right locations. This enablement will also ensure that older, poorly insulated buildings can be replaced with new ones built to higher insulation and energy efficiency standards to further support the reduction in greenhouse gas emissions and provide opportunities to renew onsite private water supply laterals to replace older ones which are prone to collapse and leakage.

38 As an example of how the above can be achieved I would refer to Variation 1 (Intensification Planning Instrument) to the Porirua Proposed District Plan. This enabled urban intensification in walkable catchments to train stations, the city centre, and to local centres. Overlays, identified on the planning maps, restrict urban development in areas of high coastal and natural hazard risks (including coastal erosion, coastal inundation, tsunami, and stream corridors), and manage urban development in areas of lower risk. In other words, urban development has been enabled in climate-resilient locations in a way which:

- increases opportunities for people to travel to where they work, live, play and learn by low or zero-carbon transport options, and so reduce greenhouse gas emissions associated with transport:  
and
- replaces older legacy buildings with new ones built to higher insulation and ventilation standards.

39 Variation 1 also includes building height restrictions on steep south facing slopes to manage downhill shading. This is to safeguard access to sunlight for affected sites and the positive benefits from passive solar gain as well for people's health and wellbeing.

40 I would observe that part 4 to the s32 evaluation (Partnership, Engagement and Outcomes) does not appear to identify any engagement with the land development and construction sectors in the promulgation of Change 1. The non-governmental stakeholders

identified<sup>19</sup> are the Greater Wellington’s Farming Reference Group, telecommunications providers and radiocommunications providers.

41 Recommendation: That Table 1A: *Climate change objectives and titles of policies and methods to achieve the objectives* be amended to include Policies 30 and 31.

### **Section 32 evaluation for Change 1**

42 PCC submission S30.0122 raises concerns with the s32 evaluation for Change 1<sup>20</sup>. This concern continues into the Climate Change topic.

43 The s32 evaluation report identifies the methodology by which the assessment of efficiency and effectiveness of provisions was considered under s32(2)(a) of the RMA. In paragraph 248 of the evaluation report it states:

*In this assessment, the following approach has been adopted in distinguishing the four effects domains, noting that an overview of all domains is also evaluated to provide a focus on the outcomes anticipated from Change 1 or alternative options assessed:*

- *Environmental: effects to natural resources, natural sites or areas, natural conditions*
- *Economic: effects to a community, land-owner, business or authority including economic growth, administrative costs, employment, development potential, compliance costs, production costs*
- *Cultural: cultural effects on Māori which incorporates aspects of economic well-being of iwi/Māori and opportunities for business development, spiritual values towards the environment, places*

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<sup>19</sup> Paragraph 130 to s32 evaluation.

<sup>20</sup> “Council considers that there is a lack of an evidence base to support the approach taken to most topics in Proposed Change 1. The Section 32 evaluation report does not adequately assess the approach, nor assess costs and benefits”.

and areas of significance to Māori, natural resources of value to Māori, changes to Māori communities

- *Social: effects on communities and society including places or sites valued by a community, social cohesion.*

[my emphasis added]

- 44 Given the definition of environment in the RMA, I am unclear why effects on physical resources have been excluded from the assessment. I acknowledge that some effects are considered under the economic domain but consider this an overly narrow approach. I am also unclear why cultural effects have been limited to Māori. To this end I note that the NAP defines cultural heritage as, *“Those aspects of the environment that contribute to an understanding and appreciation of Aotearoa New Zealand’s history and cultures. It includes historic sites, structures, places, areas, archaeological sites, sites of significance to Māori (including wāhi tapu) and cultural landscapes”*. This range of cultural effects is, in my experience, more usually assessed in s32 evaluations.
- 45 In my experience, environmental effects are usually assessed against a range of physical and natural resources. This is particularly relevant for a topic like climate change where the costs and benefits of increasing resilience and emissions reduction will impact on a wide range of resources.
- 46 The s32 evaluation does not consider that the urban development provisions of Change 1, such as Policies 30 and 31, will achieve increased climate-resilience and support a reduction in greenhouse gas emissions. However, as I describe earlier, the NPS-UD and NAP provide direction on the positive climate change role of urban development. I also identified the benefit of “renewal” of the older building stock with new buildings, built to modern insulation and ventilation requirements.



47 I consider that the above arises, in part, from the efficiency and effectiveness methodology applied in the s32 evaluation and from a generally negative framing of urban development.

48 I have already identified earlier in my statement issues relating to avoiding unnecessary duplication with regulations or tools under other statutes, and to adopt an integrated approach. Additionally, I identified earlier, the importance within the context of the climate change topic, to have regard to the NAP and ERP which helps identify the role of resource management plans alongside a suite of regulatory, policy and investment actions proposed to address climate change.

49 Overall, I consider that the s32 evaluation for Change 1 to be problematic for the following reasons:

- there is limited acknowledgement and assessment of effects on physical resources;
- it does not identify and examine the appropriateness of the provisions including objectives against the broader suite of regulatory, legislative and investment changes anticipated by the NAP and ERP; and
- it does not recognise the role of other regulations and statutes in managing the effects of climate change, results in an unbalanced suite of changes in the climate change topic. For me, this is clearly illustrated by the failure to identify regional form objective 22 and associated urban intensification policies 30 and 31 as being part of the response to achieving the climate change objectives, namely part of the solution.

## INTRODUCTION TO CHAPTER 3.1A AND CLIMATE CHANGE RESOURCE MANAGEMENT ISSUES

### Introduction text

- 50 PCC submission S30.003 opposes this introductory text, due to it being unduly long and repeating matters that were in the s32 evaluation report.
- 51 I agree with PCC's submission that the introductory text needs to be shortened to avoid unnecessary repetition with the s32 report. I also disagree with the S42A report author that it is not necessary to refer to the NAP and ERP. In my opinion, what is being undertaken in the Wellington region to reduce emissions and increase climate-resilience very much depends on wider legislative and regulatory changes, such as the possible changes to the Building Code performance standards identified in Action 7.4 of the NAP. As stated above, an integrated approach to responding to climate change effects requires consideration of other policy responses.
- 52 In addition, I do not consider it necessary to refer to the Council's declaration of a climate emergency. A number of territorial authorities, including PCC, have also declared climate emergencies, and I equally do not see the need to list these.
- 53 I would recommend that the introductory text should be deleted and replaced with the following:

### **3.1A Climate Change**

The resource management system in Wellington has a key role to play in ensuring that the region significantly reduces its greenhouse gas emissions and adapts to become more *climate-resilient*. This will occur in a way that is integrated with:

- Other legislation and regulations that contribute to these outcomes, such as the Building Act; and
- Alongside the actions identified in the National Adaptation and Emissions Reduction Plans

to achieve the necessary integrated response to climate change.

This chapter sets out the climate change objectives for the region and how these will be achieved, taking an integrated management approach. This recognises that the outcomes will be achieved by a range of actions across the natural and built environments, managed by other chapters in the Regional Policy Statement.

54 PCC did not submit on the Regionally significant climate change issues and as such I do not comment on these.

## **OBJECTIVES**

### **Objective CC.1**

55 PCC submission S30.004 seeks that this objective be amended so that the outcomes sought are achievable within the scope of an RPS. It also seeks that definitions for “low-emission” and “climate-resilient” are provided, as used in the objective.

56 As stated in its submission, PCC supports the intent of the objective, but is concerned that it is very broad and not achievable within the scope of an RPS or the RMA, particularly as district plans cannot require existing uses or development to change. The submission is also concerned that without the requested definitions, it is unclear what is being sought.

57 I agree with these concerns. Additionally, I consider that the objective's wording includes the actions to achieve the objective, rather than just the outcomes that are sought. In my opinion:

- The outcome is a low-emission and climate-resilient region.
- Climate Change Adaptation and Climate Change Mitigation are the actions or method by which a low-emission and climate-resilient region is to be achieved.
- Likewise (a) to (c) are part of the actions or methods by which the expressed outcomes will be achieved.

58 I consider the objective should be drafted in a manner that acknowledges that the outcomes described, namely a low-emission region and a climate-resilient region, cannot be achieved by resource management plans alone. I am also unclear on whether a low-emissions region as required here, is the same as a zero-emissions region required by Objective CC.3. If not, then two different emissions outcomes are being sought.

59 The objective also requires that the region is climate-resilient, rather than that resilience is increased. Neither Change 1 nor any of the supporting documents referenced in the s32 evaluation describe what a climate-resilient region is or looks like. As such it is difficult to know what is required for this objective to be achieved. The anticipated environmental result for this objective is silent on this matter. It is my understanding that climate change is a dynamic process and as such I would question whether the region can ever be entirely climate-

resilient, as opposed to having increased resilience to the effects of climate change<sup>21</sup>.

60 Earlier I discussed how an integrated approach is required to emissions reduction and increasing climate-resilience, recognising that resource management plans will contribute to these outcomes alongside a range of non-RMA actions.

61 In my opinion the notified objective and the s42A amended version of the objective are not the most appropriate way to achieve the purpose of the RMA. They are not achievable within the scope of the RMA and have not had proper regard to the range of relevant regulatory, legislative, and other measures that will assist achieve these outcomes. The notified and s42A amended objective also conflict with objective CC.3 which requires a zero-emissions region.

62 In my opinion, the most appropriate way to achieve the purpose of the Act is to amend the objective in a way that:

- Better recognises the dynamic nature of climate change and its effects;
- Better recognises that resource management plans can contribute to the outcomes, alongside other regulatory and legislative tools;
- Removes the potential conflict with objective CC.3; and
- Removes the actions to achieve the outcomes from the objective.

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<sup>21</sup> For example, the 2022 interim guidance from Ministry for the Environment recommended, in summary, use of predicted sea level rise of 1.7m for greenfield areas and 1.2m for areas undergoing changes in land use and redevelopment. This compares to their 2017 guidance, in summary, of using 1.36m and 1m respectively.

63 I therefore, recommend that objective CC.1 is amended to:

The management of natural and physical resources contribute to increased climate-resilience in the Wellington region.

64 I have also recommended that Change 1 include a definition of climate-resilience. My detailed reasoning for this definition is set out in my evidence for the Climate Resilience and Nature Based Solutions topic. However, for ease of reference for the Hearing Panels, I include it below as well:

Climate-resilient/climate-resilience: means the region is able to respond, at any one time, to predicted changes to climate and associated effects on the severity/frequency of natural hazards<sup>22</sup> in a way that maintains the function and structure of the region.

For the purposes of this definition, responds includes the ability to prepare for, recover from and adapt to climate change impacts.

65 The commentary and assessment undertaken above represents my s32AA evaluation for this objective.

## **Objective CC.2**

66 PCC seeks that this objective be deleted, or otherwise amended so that the outcomes sought are achievable within the scope of an RPS and so that the RPS provides policy direction on the concept of sharing costs and benefits fairly. The submission states that as drafted it is unclear what this objective means. The submission highlights that it is unclear how costs and benefits should be shared fairly, and who they should be shared fairly between. It also notes that there is no lower level policy guidance to meaningfully support the objective. While PCC supports the

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<sup>22</sup> As defined by the RMA.

general intent of the objective, it submits that the outcome sought is not achievable within the scope of a RMA document, and sits outside the scope of the functions of the regional council and territorial authorities under the RMA

67 I note that the s42A report author has recommended that the objective be amended to:

The costs and benefits of transitioning to a low-emission and climate-resilient region are ~~shared fairly to achieve social, cultural, and economic well-being across our~~ equitable between sectors and communities.

68 I agree with PCC's submission that the objective be deleted. The amendments being recommended by the reporting officer do not overcome my concerns. I do not consider that introducing or directing equity, in terms of the costs and benefits of resource management outcomes or objectives, aligns with the purpose of the RMA. I am also not sure how this objective is to be given effect to in regional and district plans or achieved more broadly through decisions/recommendations on resource consents or notices of requirements (with the latter often related to specific proposals which may have no wider bearing on the community).

69 I would suggest that other RPS chapters raise similar issues of cost and benefits equity, yet these are not required to be shared equitably. Examples include:

- Management of natural hazard risks
- Where and how urban intensification is enabled or "disenabled"
- Protecting land with significant natural biodiversity values such as Significant Natural Areas,

- Protecting regionally significant infrastructure from reverse sensitivity effects

70 Using the last example, the Porirua Proposed District Plan has noise corridors identified on its planning maps for the rail corridor and State Highway network where noise sensitive activities are subject to additional controls. This is to protect these networks from reverse sensitivity effects as required by Policy 8 of the RPS. This represents a cost to those people and communities in terms of lost development opportunities<sup>23</sup> while the benefits accrue to the public good. I am unclear whether this distribution of the costs and benefits would be equitable under proposed Objective CC.2. If not, then this type of “equity” objective could distort outcomes sought by other RPS chapters which are intended to achieve the purpose of the Act.

71 In my opinion achieving the purpose of the RMA, as described in section 5, does not require this to be done in an equitable manner in relation to costs and benefits, and as demonstrated above could hinder achieving the purpose of the Act.

72 I recommend that objective CC.2 is deleted. My analysis above represents my s32AA evaluation for this recommended deletion.

### **Objective CC.3**

73 PCC submission S30.006 seeks the objective be amended so that the outcomes are achievable within the scope of an RPS and the functions of regional council and territorial authorities. PCC’s submission states that while it supports the general intent of the objective, it is not achievable within the scope of a RMA document, nor the functions of the regional council or territorial authorities. The submission states that there are

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<sup>23</sup> Modelling undertaken by Property Economics identified a lost housing development capacity of 2,156 houses as a result of the noise corridor provisions (Variation 1 and Plan Change 19 Qualifying Matters Assessment, July 2022, Property Economics).



insufficient levers at a regional/local level to reduce emissions from the existing vehicle fleet to this extent, and that many potential measures required national regulation such as subsidies for electric vehicles and increased fuel taxes. It further notes that district plans can only address future use, development and subdivision and cannot address legacy issues.

74 The submission also considered that CC.3 was not written as an objective and needed to be redrafted to make sense:

- *The first part of the sentence is not needed.*
- *It is unclear why there is reference to 2019 in the chapeau, and then 2018 in the three sub-clauses. It is also unclear if the Regional Council has the baseline data to be monitoring this and determining whether it is achieved.*
- *The objective should reference phasing out of coal by 2030 to support policy 2, otherwise there is no objective support for policy 2.*

75 I agree with the PCC submission. I have already discussed in relation to objective CC.1, the need for the Change 1 climate change objectives to be framed in a way that recognises the role of the RMA alongside other regulatory and legislative tools to achieve climate change outcomes and this includes greenhouse gas emissions. That analysis is equally applicable to objective CC.3. As the PCC submission notes, reducing emissions, for example, from the legacy vehicle fleet is not within the scope of the RPS.

76 Further, the objective does not include reference to the built environment. As I have noted earlier in my statement, the NRP in Chapter 7 identifies the way that the built environment can support a reduction in greenhouse gas emissions by enabling higher density

urban development in the right locations, which provide more options for people to travel between where they work, live, play and learn. The NPS-UD is also broadly aimed at directing this outcome.

77 I also consider that objective CC.3 would benefit from being simplified. The outcomes are:

- By 2030, to contribute to a 50 percent reduction in greenhouse gas emissions from 2019 levels; and
- Zero net-emissions by 2050.

78 The sector based emission targets included in the notified and s42A versions of the objective are not, in my opinion, necessary or appropriate in a resource management document. Their achievement will rely on a range of tools outside of the RMA. I also consider that they represent a form of actions, needed to achieve the above outcomes. They are more appropriately located in the regional emissions reduction plan being prepared by the WRLC. This plan can identify the range of actions across a suite of regulatory, legislative and investment tools necessary to achieve them.

79 In my opinion the most appropriate way to achieve the purpose of the RMA, in a manner that gives appropriate regard to the NAP and ERP, is to amend the objective in a way that:

- More clearly identifies the outcomes being sought;
- Better recognises that resource management plans contribute to the outcomes, alongside other regulatory and legislative tools;
- Removes sector-based outcomes which require significant action outside of the resource management system to be achieved and which represent forms of action needed to

achieve the objective of 50% reduction by 2030 and net-zero emissions by 2050.

80 I would recommend that objective CC.3 is amended as follows:

Objective CC.2<sup>24</sup> – Greenhouse gas emissions

Management of natural and physical resources contribute to a 50% reduction in net emissions from 2019 levels by 2030 and net-zero emissions by 2050 in the Wellington region.

81 The commentary and assessment undertaken above represents my s32AA evaluation for this objective.

**Objective CC.7**

82 PCC submission S30.010 sought that the objective be amended so that it is clear what the outcomes sought were, and that these were achievable within the scope of an RPS. The submission states it is unclear what outcome was being sought, as people understanding and acting on climate change is a means to an end, not the end itself.

83 The s42A report has recommended the objective be amended as follows:

People and businesses understand ~~what the current and future effects~~ of climate change and how this may impact them ~~means for their future~~ and are actively involved in ~~planning and implementing~~ appropriate climate change mitigation and climate change adaptation responses.

84 I agree with the concerns raised by the PCC submission and do not consider that the amendments recommended in the s42A report resolve these concerns. Increasing understanding of climate change effects is

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<sup>24</sup> Re-numbered following recommended deletion of objective CC.2

not an outcome. Even if it is, it is not clear how this will be implemented or measured or given effect to in regional and district plans. To my mind, it raises the question of how these plans will ensure people understand the effects of climate change or require them to be actively involved in actions to address the effects of climate change

85 Table 1a identifies that this objective is to be implemented by two non-regulatory policies<sup>25</sup> which are addressed by Torrey McDonnell in his statement of evidence for the HS3 Climate Change – Natural Hazards topic. He agrees with the recommendations of the reporting officer for that topic in relation to them. These policies address the development of adaptation strategies and plans, as well as partnering with mana whenua/tangata whenua. Associated Methods CC.1 and CC.8 assigned to this objective apply only to the Council. In my opinion, these policies and methods implement Objective CC.1, Objective CC.3, and Objective CC.8. Objective CC.7 is not necessary.

86 While I understand and support the intent of this objective, I do not consider the objective is appropriate for inclusion in an RPS. I consider that actions or initiatives to provide people and businesses with knowledge on the effects of climate change, and how they can make changes as a response, are best addressed outside of RMA plans. For example, educating people and businesses could appropriately be included as an action point in the regional emissions reduction and adaptation plans.

87 In view of the above I recommend that this objective be deleted. The above analysis represents my s32AA evaluation for its deletion from Change 1.

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<sup>25</sup> Policy CC.16, Policy CC.17.

## Objective CC.8

88 PCC submission S30.011 sought that the objective be amended so that it was clear what the outcomes sought were, and that they were achievable within the scope of an RPS. The submission noted, that while PCC supported the intent and ambition of this objective, it was unclear what it was seeking to achieve, particularly, as there no definition was provided for climate-resilient.

89 The s42A report recommends that the objective be amended as follows:

~~Iwi and hapu~~ Mana whenua/tangata whenua are empowered ~~to make decisions~~ to achieve climate-resilience in their communities.

90 I agree with the S42A report author's assessment and recommended changes, except that I consider a definition for climate-resilience is necessary to provide greater certainty. Earlier I have provided a definition which I address in my statement of planning evidence on the Climate Resilience and Nature Based Solutions topic.

## Policy CC.8

91 PCC submission S30.032 sought that the policy be amended so that it provided clear and appropriate direction to plan users in line with objectives, and/or to reword as follows:

*District and regional plans shall include objectives, policies, rules and/or methods to that prioritise reducing greenhouse gas emissions in the first instance and only provide for offsetting in circumstances where:*

*[...] ~~rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply.~~*

92 It also sought that the RPS include a method requiring the regional council to publish guidance on how this policy is to be implemented and, on the type, and scale of activities to which the policy will apply.

93 The PCC submission noted the following concerns:

*District plans do not currently require the offsetting of greenhouse gas emissions, so it is unclear why policy direction is needed to discourage it.*

*Emissions offsetting is addressed through the ETS. Territorial authorities do not have capability and capacity to implement GHG offsetting regimes. Nor do they have the function under s31 to address discharges of greenhouse gases. This is a regional council function.*

*If district plans should be contemplating offsetting, the RPS needs to provide direction as to when it may be appropriate and how it should be undertaken, including how this relates to the ETS. That will reduce the extent of different approaches taken between councils and the amount of potential litigation. The explanation refers to 'hard-to-abate' sectors - what these are should be set out in the policy itself.*

94 The s42A report recommends significant amendments to this policy and associated Method, as follows:

Policy CC.8: Prioritising the reduction of greenhouse gas emissions ~~reduction over offsetting~~ – district and regional plans

District and regional plans shall ~~include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas emissions in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply. prioritise reducing greenhouse gas emissions by applying the following hierarchy in order:~~

a) in the first instance, gross greenhouse gas emissions are avoided or reduced where practicable; and

b) where gross greenhouse gas emissions cannot be avoided or reduced, a net reduction in greenhouse gas emissions is achieved where practicable, with any offsetting undertaken as close to the source of the greenhouse gas emissions as possible; and

c) increases in net greenhouse gas emissions are avoided to the extent practicable.

Explanation:

This policy recognises the importance of reducing gross greenhouse gas emissions as the first priority, ~~then reducing net greenhouse gas emissions, then avoiding increases in net greenhouse gas emissions to the extent practicable. and only using carbon removals to offset emissions from hard-to-abate sectors.~~ Relying heavily on net-emissions through offsetting will delay people taking actions that reduce gross emissions, higher cumulative emissions and push the burden of addressing gross emissions onto future generations.

The intent is that Wellington Regional Council will work with city and district councils to provide coordination and guidance as to how to implement this policy, to ensure regional and district plan provisions to reduce greenhouse gas emissions from key emitting sectors in the region are co-ordinated and also complement national policy and initiatives. This work will consider issues such as scale, equity, and the type of activities to which offsetting should apply.

95 It is not clear whether the effectiveness and efficiency of Policy CC.8 (as worded in Change 1 and the s42A report) has been assessed. I can find no reference to Policy CC.8 in the s32 evaluation but note that it would appear to have been included in the preferred policy package for reducing greenhouse gas emissions from transport on pages 122 to 133.

While there is no reference to policy CC.8, the preferred package includes a consideration policy for applications that seeks to consider:

the importance of reducing gross greenhouse gas emissions as the first priority, rather than applying offsetting

96 I would request that Council and/or the reporting officer clarify to the Hearing Panels where the efficiency and effectiveness of policy CC.8 has been assessed in the s32 evaluation report. If I am correct, that it has been assessed as part of a preferred option relating to reducing transport emissions under objective CC.3, then it raises the question of why the policy is not restricted to transport related consents. It is unclear why this additional policy is required over other methods to reduce greenhouse emissions such as those I have described earlier and the other transport and infrastructure related policies introduced or amended by Change 1.

97 I would also note that the discharge of greenhouse gases is not a function of territorial authorities under s31 of the RMA. As such I am unclear of how district plans are to give effect to this policy.

98 In my opinion, the policy should be deleted or amended to apply to regional plans only. Scope for deletion of the policy comes from KCDC submission S16.021 which sought that the policy be deleted. If not deleted, then I would recommend that the requirement to implement it is deferred until the guidance recommended by the reporting officer is available.

#### **Anticipated Environmental Results for climate change**

99 PCC submission S30.098 sought that the Anticipated Environmental Results so that they are specific, measurable and timebound.



100 The S42A report recommends that the Anticipated Environmental Results for climate change is amended:

Net greenhouse gas ~~Carbon~~ emissions are reduced by 50 percent from 2019 levels by 2030 across the Wellington Region and to achieve net-zero greenhouse gas emissions by 2050.

101 I agree with the changes being recommended by the reporting officer, however, as I identified earlier no Anticipated Environmental Result has been identified for a climate-resilient region, as required by notified objective CC.1. As I identified, Change 1 and the supporting documents are silent on what is a climate-resilient region and how will we know when it has been achieved. I would recommend that in the interim, the Anticipated Environmental Results for climate change should cross-reference those for the Natural Hazards chapter.

## **Definitions**

### ***Carbon emission assessment***

102 This term is only used in relation to Policy CC.11, which is addressed in the S42A Report - HS3 Climate Change – Transport. Mr Smeaton has addressed Policy CC.11 and associated definition for carbon emission assessment in his statement of evidence. As such I do not comment further on this matter.

### ***Climate change adaptation***

103 PCC submission S30.0101 sought that the definition be deleted, or amended so that it provides clear and appropriate direction to plan users.

104 The S42A report recommends that the definition be amended as follows:

In human systems, the process of adjusting to actual or expected climate and its effects, in order to ~~moderate~~ reduce harm or take

advantage of beneficial opportunities. In natural systems, the process of adjusting to actual climate and its effects. Human intervention may help these systems to adjust to expected climate and its effects.

105 As noted by the S42A report, the definition is the same as that used by the IPCC. I found that it is used in the IPCC Climate Change 2023 Synthesis Report. In my opinion, it is not always appropriate to rely on or to incorporate terms from international reports into the New Zealand resource management system without adapting them to be fit for purpose. This is an example of this, and it currently reads as an explanation of a concept rather than an actual definition appropriate capable of use in a regulatory framework. It contains phrases such as, “human systems”, “beneficial opportunities” that are not commonly used in resource management and/or which themselves require a level of interpretation.

106 In preparing my statement of evidence and undertaking an analysis of the climate change topic, I adapted the term into a working definition as follows:

Means an action or series of actions that moderate adverse effects to people, structures, built environments and natural resources from expected changes in climate arising from climate change.

107 When viewed in this manner, then it becomes clear to me that it is a term generally capturing a group of actions intended to achieve climate-resilience. In my opinion, this group of actions should be articulated as policy direction to achieve the objective of increased climate-resilience in the region. My recommended climate change objectives do not use the term, instead opting to describe the actual intended outcome of increased climate-resilience.

108 I would recommend, for the above reasons, that this definition be deleted. If the Hearing Panels are minded to retain a definition for climate change adaptation, then I would recommend the wording in paragraph 104 above. I consider it more accurately defines the activity

in a way appropriate for use in resource management regulatory frameworks.

### ***Climate change mitigation***

109 PCC submission S30.0102 sought that the definition be deleted or amended so that it provides clear and appropriate direction to plan users.

110 The S42A report recommends that the definition be amended as follows:

Human actions to reduce greenhouse gas emissions by sources or enhance removals by sinks of greenhouse gases. ~~Examples of reducing emissions by sources include walking instead of driving, or replacing a coal boiler with a renewable electric powered one. Examples of enhancing removals by sinks include growing new trees to absorb carbon, promoting and providing for active transport, and increasing public transport services and affordability.~~

111 As with climate change adaptation, discussed above, this definition comes from the IPCC Climate Change 2023 Synthesis Report and in my opinion suffers from the same problems.

112 When preparing my statement of evidence and undertaking an analysis of the climate change topic, I adapted the term into a working definition as follows:

Means an action or series of actions that reduce emissions or provide opportunity to reduce emissions.

113 Again, when viewed in this manner, then it becomes clear to me that it is a term generally capturing a group of actions intended to achieve reductions in greenhouse gas emissions. In my opinion, this group of actions should be articulated as policy direction to achieve the objective of decreasing greenhouse gas emissions in the region. My recommended climate change objectives do not use the term, instead opting to describe the actual intended outcome of reducing greenhouse gas emissions.

114 I would recommend, for the above reasons, that this definition be deleted. If the Hearing Panels are minded to retain a definition for climate change mitigation, then I would recommend the wording in paragraph 110 above. I consider it more accurately defines the activity in a way more appropriate for use in resource management regulatory frameworks.

**Remaining general submissions**

115 In table 1 below I identify the general submissions allocated to this topic and provide brief commentary on them and associated s42A recommendations.

Submission	S42A report recommendation	Comments
<p><b>S30.0116</b>            The real value of regional policy statements is to provide policy direction that either does not exist at a national level or exists at a national level but needs to be articulated at a regional level. Council is concerned about the many provisions in Proposed Change 1 that either duplicate or are inconsistent with matters now comprehensively addressed by national direction. In some instances, they duplicate national direction without giving specific guidance in a Wellington Region context.</p>	<p>Accept in part</p>	<p>I have identified in my statement of evidence how the Change 1 climate change objectives risk duplicating matters more appropriately addressed in other regulations and statutes, for example the Building Act.</p> <p>I have also identified how these objectives have failed to have genuine regard to the NAP and ERP.</p>

Submission	S42A report recommendation	Comments
<p><b>S30.0117</b>  Council has concerns over jurisdictional issues, particularly in relation to the discharge of contaminants to air, land and water; and the management of fresh waterbodies. We consider that various provisions are ultra vires in terms of our respective functions under sections 30 and 31 of the RMA. Further, territorial authorities do not have the capacity or capability to undertake these functions. Many of the provisions as required would require a transfer of powers from regional councils to territorial authorities.</p>	<p>Accept in part</p>	<p>This matter is centred on the freshwater management provisions of the Change 1. These are to be addressed in Hearing Stream 5.</p>
<p><b>S30.0120</b>  In addition to the relief sought as set out in our submission, as outlined above Council considers that the best course of action would be to withdraw much of Proposed Change 1, or otherwise work with councils on a variation to</p>	<p>While this submission point has been included in the “accept/reject” table in Appendix 2 to the s42A report, no recommendation has been stated.</p>	<p>This submission point was addressed in Hearing Stream 1</p>

Submission	S42A report recommendation	Comments
significantly amend most of its contents.		
<p><b>S30.0123</b>  Council opposes all "consideration" policies since they often duplicate or conflict with "regulatory" policies, and represent regulatory overreach without sufficient s32 evaluation or other evidence. We consider that they will create unnecessary regulatory costs due to the way they are drafted. They assume a level of knowledge and expertise on a range of matters generally not available to consent authorities, and in some cases represent a transfer of s31 functions to territorial authorities.</p>	Accept in part	No consideration policies were included in the Climate Change – General topic. As such I have not addressed this matter in this statement of evidence.
<p><b>S30.099</b>  Add any further definitions for any terms that are unclear and where a definition would assist in interpretation and implementation, including any relevant terms proposed to be introduced in response to submissions.</p>	Accept in Part	I have not recommended any further definitions in this statement of evidence.


**Conclusion**

116 PCC raised a number of concerns relating to the provisions proposed through Change 1 to the RPS, including in relation to those being considered in Hearing Stream 3 within the 'Climate Change – General' topic.

117 Having read and considered the Section 42A Reports and associated evidence, I have recommended amendments Change 1 provisions included in this topic. I consider those amendments more appropriately respond to the concerns of PCC than the recommendations contained in the Section 42A Reports.

118 I consider that without these amendments, Change 1 may result in unacceptable costs for the territorial authorities that must give effect to the RPS through their district plans, including Porirua City Council.

**Date:** 14/08/2023

  
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