

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

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

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

RESPONSE TO REQUEST FOR INFORMATION IN

MINUTE 28(1a-f)

IAIN DAWE, PAMELA GUEST, KATE PASCALL

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

6 June 2024

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INTRODUCTION

1 On May 29 2024, the Independent Hearings Panels ('the Panels') for Proposed Change 1 to the Regional Policy Statement (Change 1) issued Minute 28¹ seeking information from Greater Wellington Regional Council (the Council) in relation to matters arising from Hearing Stream 3 - Climate Change, including the Natural Hazards, Nature-Based Solutions and Energy, Waste and Industry subtopics, and Hearing Stream 5 - Freshwater and Te Mana o te Wai.

2 This evidence is a response to the questions in Minute 28, paragraph 1(a) to 1(f). It has been prepared jointly by Dr Iain Dawe, Ms Pam Guest, (Senior Policy Advisors, GWRC) and Kate Pascall (Technical Planning Lead, GHD). The various questions are responded to by the following officers:

- Question 1(a), HS3 - Natural Hazards is responded to by Dr Dawe;
- Questions 1(b)(e)(f), HS5 - Freshwater and Te Mana o te Wai is responded to by Ms Pascall;
- Questions 1(c)(d), HS3 - Climate Change: Nature-Based Solutions and Energy, Waste and Industry is responded to by Ms Guest.

3 The qualifications and experience of Dr Dawe are set out in paragraphs 17-25 of the Section 42A report Climate Change: Natural Hazards, dated 14 August 2023; the qualifications and experience of Ms Guest are set out in paragraphs 18-20 of the Section 42A report Indigenous Ecosystems, dated 11 December 2023 and; the qualifications and experience of Ms Pascall are set out in paragraphs 16-22 of the Section 42A report Hearing Stream 5: Freshwater and Te Mana o te Wai, dated 20 October 2023.

4 We repeat the confirmation given in these reports that we have read and agree to comply with the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

RESPONSE TO QUESTION 1(a) (Dr Dawe)

5 In Minute 28, paragraph 1(a) The Panels enquire about the deletion and replacement of Te Rito o te Harakeke in Policies 52 and CC.16 as a result of consequential amendments

¹ <https://www.gw.govt.nz/assets/Documents/2024/05/Minute-28-Questions-for-Reporting-Officers-and-Appointment-of-Special-Advisor-290524.pdf>

arising from a change to Objective 20 in the Joint Witness Statement (JWS) for the Climate Resilience and Nature-Based Solutions and Natural Hazards topic:²

- 52(e): adverse effects on Te Mana o te Wai, mahinga kai, ~~Te Rito o te Harakeke~~, taonga species, natural processes, or ~~the local~~ indigenous-ecosystems and biodiversity;
- CC.16(e): A consideration of Te Mana o te Wai ~~and Te Rito o te Harakeke~~;

6 The Panels note that the amendment proposed to Policy CC.16(e) in the JWS recommends deleting “Te Rito o te Harakeke” and not replacing it with an alternative and seek advice as to whether this is an error or if it was an intentional decision not to replace the text with an alternative.

7 Initially, this was intentional, but as a result of planning evidence from Ms Maggie Burns on behalf of Rangitāne o Wairarapa (Rangitāne) for Hearing Stream 7, in relation to the use of Te Rito o te Harekeke, council officers were asked to reconsider how the term was replaced throughout the Change 1 amendments. This was requested in Minute 23, issued on 18 March 2024.³ In paragraph 6(b) of Minute 23, the Panels posed the following question: “Should Te Rito o te Harakeke be replaced in places or throughout Change 1 with the words “decision-making principles for indigenous biodiversity” or any alternative wording?”

8 The officer response to this was published on 8 April 2024 in the report: “Response To Request For Information In Minute 23 Paragraph 6(b) [Use Of Te Rito O Te Harakeke]” by Iain Dawe and Pamela Guest.⁴ Paragraph 17 of that report is as follows:

“Policy CC.16 promotes climate change adaptation strategies, plans and implementation programmes. Te Rito o te Harakeke was included originally so to encourage a consideration of effects on indigenous biodiversity and ecosystems in climate adaptation strategies. As it stands, the policy references a consideration of Te Ao Māori, Mātauranga Māori and Te Mana o te Wai. To cover a consideration of effects on indigenous

² <https://www.gw.govt.nz/assets/Documents/2023/10/HS3-Climate-Change-Climate-Resilience-Nature-Based-Solutions-and-Natural-Hazards-Joint-Witness-Statement.pdf>

³ <https://www.gw.govt.nz/assets/Documents/2024/03/Minute-23-HS6-Caucusing-HS7-Integration-Questions-and-Legal-Advice-2.pdf>

⁴ <https://www.gw.govt.nz/assets/Documents/2024/04/GWRC-Statement-in-response-to-Minute-23-Para-6b-Use-of-Te-Rito-o-te-Harakeke-080424.pdf>

biodiversity, I recommend that in matter CC.16 (e) Te Rito o te Harakeke is replaced with: “The relationship of mana whenua/tangata whenua with indigenous biodiversity”. I consider that this provides a useful adjunct to the concept of Te Mana o te Wai for the terrestrial environment. Policy CC.16 is not targeted at biodiversity management per se, thus I consider that adding reference to “the decision-making principles for indigenous biodiversity” adds unnecessary complexity and that the proposed amendment adequately covers consideration of indigenous biodiversity.”

9 Thus, Policy CC.16(e), as recommended, currently reads:

“A consideration of Te Mana o te Wai ~~and Te Rito o te Harakeke~~ the relationship of mana whenua/tangata whenua with indigenous biodiversity.”

RESPONSE TO QUESTION 1(b) (Ms Pascall)

10 In paragraph 1(b) the Panels ask for clarification of an amendment to Policies CC.4, CC.4A and CC.14A that includes a cross-reference in the explanation to a new policy:

“These amendments include a cross reference to “Policy FW.XX”. In our review of this provision, it seems to us that the cross-reference should in fact be to “Policy FW.X – Hydrological control for urban development”.

11 I have reviewed the amendments to the explanations for Policies CC.4, CC.4A and CC.14A which I recommended in collaboration with Ms Guest through my Right of Reply⁵. I agree with the Panel that the reference to ‘Policy FW.XX’ should be ‘Policy FW.X Hydrological control for urban development’. I have included the recommended further amendments to correct this error in Appendix 1.

12 I also note that there are some inconsistencies in the italicisation of defined terms in Policy CC.4A and Policy CC.14A. In these two provisions the words ‘water sensitive urban design principles’ have been italicised in my HS5 Reply version. However, the defined term is ‘water sensitive urban design’ and it is only these words that should be italicised. Consequently, I recommend that the word ‘principle’ be un-italicised in these provisions. This change is shown in Appendix 1.

⁵ [HS5-Freshwater-Te-Mana-o-te-Wai-Right-of-Reply-Appendix-3-Recommended-Amendments-to-Nature-based-solutions-provisions-201223.pdf \(gw.govt.nz\)](#)

RESPONSE TO QUESTION 1(c) (Ms Guest)

- 13 In paragraph 1(c) the Panels request advice as to whether Policies CC.4A(a) and CC.14(c) (of the version included in the HS5 Right of Reply) should have the words “climate change mitigation”, “climate change adaptation” and “climate-resilience” italicised as defined terms, or whether these same terms not be in italics in Policy CC.4(c).
- 14 I have reviewed Policies CC.4A(a) and CC.14(c) from the HS5 Right of Reply and agree that the words “climate change mitigation”, “climate change adaptation” and “climate-resilience” should all be italicised as these are defined terms.
- 15 I also note that in several instances in these policies the defined term “nature-based solutions” is not italicised and recommend that this too be corrected. I have recommended amendments to correct these errors and these are shown in Appendix 1.

RESPONSE TO QUESTION 1(d) (Ms Guest)

- 16 In paragraph 1(d) the Panels request advice about whether “small and community scale renewable energy generation” in Policy 11(b) and the explanation should be italicised as a defined term.
- 17 I have reviewed Policy 11(b) and the explanation and confirm that this term should be italicised and also note that it should correctly refer to “small scale and community scale” rather than “small and community scale” to align with the defined term. I have recommended corrections for these errors in Appendix 1.

RESPONSE TO QUESTION 1(e & f) (Ms Pascall)

- 18 In paragraph 1(e), The Panels note that there are errors in the cross references in Policies 18A and 40A as proposed to be amended in Ms Pascall’s Reply evidence. The Panels go on to note that there may also be errors in the ‘transposition’ of the NPS-FM pathways into these provisions and request that these be reviewed and corrected if necessary. For instance:
- i. Policy 18A(b)(v)(c) – the cross reference to Policy 14(m) is incorrect and may be “Policy 18A(b)(ii)”
 - ii. Policy 18A(b)(vi) – the cross reference to “clause (b)(i) to (b)(iii)” may be incorrect and should potentially read “clause (b)(i) and (b)(iii)” because ‘functional need’ is not part of the criteria for urban development in natural inland wetlands

- iii. Policy 40A(c) applies Region-wide and therefore the 'exemption' in clause 3.22(1)(c)(iv) in the NPS-FM regarding activities occurring on land that is zoned as general rural, rural production, or rural lifestyle, may be inadvertently missing from Policy 40A(c)
- iv. Policy 40A(c)(v)(d) and (e) – the cross references to clause (b)(ii) and (b)(iii) may be incorrect; they may need to refer to "subclause (c)(iii)" and "(c)(iv)" respectively
- v. Policy 40A(c)(vi) – the cross references to clauses (c)(i) to (b)(iii) may be incorrect; they may need to read "subclauses (c)(i), (c)(iii) and (c)(iv)".

19 I have reviewed Policies 18A and 40A and agree there are several cross-referencing errors contained within the Reply version of these recommended new policies⁶.

20 The following clauses of Policy 18A require amendment:

- Clause (b)(v)c. – I agree with the Panel that Policy 14(m) is incorrect because I have recommended the deletion of that clause. The correct reference is Policy 18A(b)(ii).
- Clause (b)(v)d. – relates to the extraction of aggregates, however as currently drafted the reference to clause (b)(ii) is in relation to urban development. The correct reference is clause (b)(iii).
- Clause (b)(v)e. – relates to the extraction of minerals, however as currently drafted the reference is to clause (b)(iii) which relates to quarrying and the extraction of aggregate providing significant national or regional benefit. The correct reference is clause (b)(iv).
- Policy 18A(b)(vi) –the cross reference to 'clause (b)(i) to (b)(iii) should read 'clause (b)(i), (b)(iii), and (b)(iv)' because 'functional need' does not apply to urban development in the context of the NPS-FM but it does apply to specified infrastructure, quarrying activities and the extraction of aggregates, and the extraction of minerals.

⁶ [Appendix 2 - Freshwater and Te Mana o te Wai Right of Reply - Recommended Amendments - SJ review.docx \(gw.govt.nz\)](#)

- Policy 18A(b)(viii)d. – as drafted this clause incorrectly refers to clause (b)(vii)c. Clause (b)(vii) relates to the application of the effects management hierarchy to an activity. There is no sub-clause ‘c’. The correct reference should be clause (b)(viii)c which relates to the maintenance and management of any offsetting or compensation that is applied.

21 Additionally, I note that the term the term ‘restoration’ in relation to a natural inland wetland is a defined term (recommended in the Section 42A Report: Indigenous Ecosystems) and I therefore recommend that it should be italicised in Policy 18A. This change is shown in Appendix 1.

22 In relation to Policy 40A, the following amendments are required:

- Clause (c) – I agree with the Panel, the ‘exemption’ in clause 3.22(1)(c)(iv) is missing and I recommend including a new sub-clause ‘c’ that relates to land zoned general rural, rural production, or rural lifestyle.
- Clause (c)d. – I note a minor typographical error in this sub-clause where the word ‘are’ is used instead of ‘area’. I recommend an amendment to fix this minor error.
- Clause (c)(v)d. – I agree with the Panel that the cross-reference to clause b(ii) is incorrect, and I recommend amending this reference to clause (iii).
- Clause (c)(v)e. – I agree with the Panel that the cross-reference to clause (c)(iv) is incorrect and I recommend amending this reference to clause c(iv).
- Clause (c)(vi) – I agree with the Panel that the cross references to clause (b)(ii) and (b)(iii) are incorrect. I recommend amending these references to (c)(iii)” and (c)(iv) respectively.
- Clause (d)(ii) – I note a minor typographical error where it states, ‘National Policy Statement of Freshwater Management’, should be corrected to ‘National Policy Statement for Freshwater Management’.

RECOMMENDATIONS

23 That amendments to the explanations of Policies CC.4, CC.4A and CC.14A are made as outlined in Appendix 1 (Ms Pascall).

- 24 That amendments be made to Policies 18A and 40A, for the reasons set out in paragraphs 20-22 of this report (Ms Pascall).
- 25 That amendments to italicise defined terms in policy clauses CC.4A(a) and CC.14(c) are made as outlined in Appendix 1 (Ms Guest).
- 26 That amendments to italicise defined terms in Policy 11(b) and its explanation are made as outlined in Appendix 1 (Ms Guest).
- 27 As these are minor amendments we do not consider that a s32AA evaluation is required.

DATE:

6 JUNE 2024

IAIN DAWE and PAMELA GUEST

GREATER WELLINGTON REGIONAL COUNCIL

AND

KATE PASCALL

GHD LTD

APPENDIX 1: RECOMMENDED AMENDMENTS TO POLICIES 11, CC.4, CC.4A, CC.14A, 18A AND 40A IN RESPONSE TO MINUTE 28

Provisions as notified are shown in black text.

Section 42A recommended amendments are shown in red text.

Rebuttal recommended amendments are shown in blue text.

Right of reply recommended amendments are shown in green text.

Amendments recommended in response to this minute (Minute 28) are shown in purple text.

Amendments to Policy 11(b) (para. 1(d) of Minute 28)

Policy 11: Promoting and enabling energy efficient design and small scale and community scale renewable energy generation – district plans

District plans shall include policies and/or rules and other methods that:

- (a) promote and enable energy efficient design and the energy efficient alterations to existing buildings;
- (b) enable the development, operation, maintenance and upgrading of installation and use of domestic scale (up to 20 kW) and small scale and community scale distributed renewable energy generation (up to 100 kW); and ~~provide for energy efficient alterations to existing buildings.~~;

Explanation

Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables the development installation of domestic-small scale and community scale and renewable energy generation (up to 100kW).

Energy efficient design and alteration to existing buildings can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.

~~Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011).~~

~~Small scale and community scale renewable energy generation provides a range of benefits, including increasing local security of supply, energy and community resilience, and providing for the well-being of people and communities. Small and community-scale renewable energy generation also plays an important role in reducing greenhouse gas emissions and meeting national and regional emission reduction targets.~~

Amendments to Policy CC.4 (para. 1(c & b) of Minute 28)

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

District and regional plans shall include objectives, policies, rules and non-regulatory 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 change mitigation, climate change adaptation and climate-resilience*, prioritising the use of *nature-based solutions* and informed by mātauranga Māori. This includes by, as appropriate to the scale and context of 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 contributing towards achieving a wider 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 flows,*~~

~~(be) 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 reuse tanks, and setting targets for urban roof area rainwater collection),~~

~~(cd) 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,~~

~~(de) promoting efficient use of water and energy in buildings and infrastructure, and~~

~~(ef) 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 to respond to the predicted effects of climate change. 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* infrastructure and development urban areas, including Policy FW.3. This includes requirements to apply *water sensitive urban design principles* and *hydrological control in urban development* in Policy 14, Policy FW.3, and Policy FW.XX (Hydrological control in urban development).~~

Amendments to Policy CC.4A (para. 1(c & b) of Minute 28)

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

Regional plans shall include objectives, policies, rules and non-regulatory methods to require development and infrastructure to be located, designed, and constructed in ways that provide for climate change mitigation, climate change adaptation and climate-resilience, prioritising the use of nature-based solutions and informed by mātauranga Māori. This includes by, as appropriate to the scale and context of the activity:

(a) requiring the 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,

(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

(ae) 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 requirements to apply water sensitive urban design principles and hydrological control in Policy 14, Policy FW.3 and Policy FW.XX (Hydrological control in urban development).

Amendments to Policy CC.14 (para. 1(c) of Minute 28)

Policy CC.14: Climate-responsive 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, require seek that development and infrastructure is located, designed and constructed in ways that provide for climate change mitigation, climate change adaptation and climate-resilience, provide for actions and initiatives, particularly prioritising the use of nature-based solutions and informed by mātauranga Māori. This includes by, as appropriate to the scale and context of 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 flowrates:

i. prioritising the use of appropriate indigenous species, and

ii. contributing working towards achieving a wider 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 flows,~~

~~(be) 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),~~

~~(cd) 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 and values,~~

~~(de) providing for promoting efficient use of water and energy in buildings and infrastructure, and~~

~~(ef) 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 provide 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. Managing stormwater runoff following intense rainfall events and contaminants from urban development also contributes to the achievement of Policy CC.14 and these matters are addressed through the requirements of Policies 40 and 42.

Amendments to Policy CC.14A (para. 1(b) of Minute 28)

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

When considering an application for a resource consent, or a change, variation, or review of a regional plan, require seek that development and infrastructure is located, designed, and constructed in ways that provide for climate change mitigation, climate change adaptation and climate-resilience, prioritising the use of nature-based solutions and informed by mātauranga Māori. This includes by, as appropriate to the scale and context of 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, and~~

(a) 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 and values.

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 *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 to apply~~ *water sensitive urban design* principles and *hydrological control* including ~~Policy 14, Policy FW.3, Policy FW.XX~~ (Hydrological control in urban development) and ~~Policy 42.~~

Amendments to Policy 18A (para. 1(e) of Minute 28)

Policy 18A: Protection and restoration of natural inland wetlands – regional plans

Regional plans shall include policies, rules and/or methods to protect the values of natural inland wetlands, promote their *restoration*, and avoid the loss of extent of natural inland wetlands, unless:

- (a) the loss of extent or values arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
 - (ii) wetland maintenance, *restoration*, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
 - (iii) scientific research
 - (iv) the sustainable harvest of sphagnum moss
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the loss of extent or values is a result of use and development within natural inland wetlands that:
 - (i) is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
 - (ii) is necessary for the purpose of *urban development* that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development 2020), and:
 - a. the *urban development* will provide significant national, regional or district benefits; and

- b. the activity occurs on land that is identified for *urban development* in operative provisions of a regional or district plan; and
- c. there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; or
- (iii) is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or
- (iv) the activity is for the purpose of the extraction of minerals (other than coal) and ancillary activities and the extraction of the mineral will provide significant national or regional benefits; or
- (v) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
 - a. The landfill or cleanfill area:
 - b. will provide significant national or regional benefits; or
 - c. is required to support urban development as referred to in [Policy 14\(m\)-Policy 18A\(b\)\(ii\)](#); or
 - d. is required to support the extraction of aggregates as referred to in clause [\(b\)\(ii\),\(iii\)](#),
 - e. is required to support the extraction of minerals as referred to in clause [\(b\)\(iii\)-\(iv\)](#); and
 - f. there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
- (vi) in relation to clauses [\(b\)\(i\)](#), ~~[\(b\)\(iii\)](#)~~, [and \(b\)\(iv\)](#) there is a *functional need* for the activity to be done in that location; and
- (vii) in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
- (viii) where the activity will result (directly or indirectly) in the loss of extent or values of a natural inland wetland:
 - a. require an assessment of the loss of extent or values of the wetland in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and
 - b. if *aquatic offsetting* or *aquatic compensation* is applied, require compliance with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement of Freshwater Management 2020, and have regard to the remaining principles in Appendix 6 and 7, as appropriate; and
 - c. ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and
 - d. ensure that any conditions of consent apply the *effects management hierarchy* including conditions that specify how the requirements in clause [\(b\)\(vii\)\(viii\)c.](#) will be achieved.

Explanation

Policy 18A gives effect to clause 3.22 of the National Policy Statement for Freshwater Management 2020 by setting out the circumstances under which the loss of extent and values of natural inland wetlands may be appropriate.

Amendments to Policy 40A (para. 1(e) of Minute 28)

Policy 40A: Loss of extent and values of natural inland wetlands – consideration

When considering an application for a regional resource consent for use and development within natural inland wetlands the regional council must not grant consent unless:

- (a) there will be no loss of extent of natural inland wetlands and their values will be protected;
or
- (b) any loss of extent or values, arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
 - (ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
 - (iii) scientific research
 - (iv) the sustainable harvest of sphagnum moss
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (c) any loss of extent or values is a result of use and development within natural inland wetlands that:
 - (i) is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
 - (ii) is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development 2020), and:
 - a. the urban development will provide significant national, regional or district benefits; and
 - b. the activity occurs on land that is identified for urban development in operative provisions of a regional or district plan; and
 - c. the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and
 - d. there is no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; or
 - (iii) is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or
 - (iv) is for the purpose of the extraction of minerals (other than coal) and ancillary activities and the extraction of the mineral will provide significant national or regional benefits; or
 - (v) is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
 - a. The landfill or cleanfill area:
 - b. will provide significant national or regional benefits; or

- c. is required to support *urban development*; or
- d. is required to support the extraction of aggregates as referred to in clause ~~(b)(ii), (c)(iii)~~
- e. is required to support the extraction of minerals as referred to in clause ~~(b)(iii) (c)(iv); and~~
- f. there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
- (vi) in relation to clauses (c)(i) ~~to (b)(iii), (c)(iii), and (c)(iv)~~ there is a *functional need* for the activity to be done in that location; and
- (vii) in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
- (d) For any activity listed in clauses (b)-(c), other than sub-clause (b)(i), the council is satisfied that:
 - (i) The applicant has demonstrated how each step of the *effects management hierarchy* will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and
 - (ii) Where *aquatic offsetting or aquatic compensation* is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the National Policy Statement ~~of for~~ Freshwater Management 2020, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and
 - (iii) There are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and
 - (iv) Suitable conditions will be applied to the consent (if granted) that apply the *effects management hierarchy*, require the monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland, and specify how the requirements in clause (d)(iii) will be achieved.

Explanation

Policy 40A sets out the matters that must be considered and applied when assessing a resource consent for activities within natural inland wetlands and when loss of extent and values of natural inland wetlands will be considered. In all other cases the loss of extent and values must be avoided. The policy gives effect to Clause 3.22 of the NPS-FM but will cease to have effect when Policy 18A has been given effect in the regional plan.