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

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| *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~~ing 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 to~~wards~~ 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,~~

(b~~c~~) requiring methods to increase water resilience, including harvesting of water at a domestic and/or community-scale for non-potable uses (for example by requiring rain tanks, rainwater reuse tanks, and setting targets for urban roof area rainwater collection),

(c~~d~~) requiring that significant adverse effects on the *climate change mitigation*, *climate change adaptation* and *climate-resilience* functions and values of an ecosystem shall be avoided, and other adverse effects on these functions and values shall be avoided, minimised, or remedied,

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

(e~~f~~) promoting appropriate design of buildings and infrastructure so they are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.

**Explanation**

Policy CC.4 directs ~~regional and~~ district plans to include ~~relevant~~ provisions to provide for ~~climate-resilient~~ development and infrastructure 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.X~~X~~ (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~~ing 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~~

(a~~c~~) requiring significant adverse effects on the *climate change mitigation*, *climate change adaptation* and *climate-resilience* functions and values of an ecosystem be avoided, and other adverse effects on these functions and values be avoided, minimised, or remedied.

**Explanation**

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

It is noted that other policies of this RPS also provide for actions and initiatives to deliver *climate-resilient* infrastructure and development, including ~~Policy FW.14~~ requirements to apply *water sensitive urban design* principlesand *hydrological control* in Policy 14, Policy FW.3 and Policy FW.X~~X~~ (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~~ing 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~~ to~~wards~~ 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,~~

(b~~c~~) methods to increase water resilience, including by requiring harvesting of water at a domestic and/or ~~capturing, storing, and recycling water at a~~ community-scale for non-potable uses (for example by requiring rain tanks, rainwater re-use tanks, and setting targets for urban roof area rainwater collection),

(c~~d~~) ~~protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change,~~ avoiding significant adverse effects on the *climate change mitigation,* *climate change adaptation* and *climate-resilience* functions and values of an ecosystem, and avoiding, minimising, or remedying other adverse effects on these functions and values,

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

(e~~f~~) promoting appropriate design of buildings and infrastructure ~~that~~ so they are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.

**Explanation**

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

This policy identifies the key attributes required to ensure that development and infrastructure 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~~ing~~ ~~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~~c~~) avoiding significant adverse effects on the *climate change mitigation*, *climate change adaptation* and *climate-resilience* functions and values of an ecosystem and avoiding, minimising, 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~~ies~~ 14, Policy FW.3, Policy FW.X~~X~~ (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:

1. the loss of extent or values arises from any of the following:
   1. the customary harvest of food or resources undertaken in accordance with tikanga Māori
   2. wetland maintenance, *restoration*, or biosecurity (as defined in the National Policy Statement for Freshwater Management)
   3. scientific research
   4. the sustainable harvest of sphagnum moss
   5. the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
   6. the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
   7. natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
2. the loss of extent or values is a result of use and development within natural inland wetlands that:
   * 1. is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
     2. 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:
        1. the *urban development* will provide significant national, regional or district benefits; and
        2. the activity occurs on land that is identified for *urban development* in operative provisions of a regional or district plan; and
        3. 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
     3. is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or
     4. 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
     5. the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
        1. The landfill or cleanfill area:
        2. will provide significant national or regional benefits; or
        3. is required to support urban development as referred to in ~~Policy 14(m)~~ Policy 18A(b)(ii); or
        4. is required to support the extraction of aggregates as referred to in clause (b)~~(ii),~~(iii),
        5. is required to support the extraction of minerals as referred to in clause (b)~~(iii)~~ (iv); and
        6. 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
     6. in relation to clauses (b)(i), ~~to~~ (b)(iii), and (b)(iv) there is a *functional need* for the activity to be done in that location; and
     7. in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
     8. where the activity will result (directly or indirectly) in the loss of extent or values of a natural inland wetland:
        1. 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
        2. 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
        3. ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and
        4. 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:

1. there will be no loss of extent of natural inland wetlands and their values will be protected; or
2. 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

1. any loss of extent or values is a result of use and development within natural inland wetlands that:
   * 1. is necessary for the purpose of the construction or upgrade of *specified infrastructure* that will provide significant national or regional benefits; or
     2. 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:
        1. the urban development will provide significant national, regional or district benefits; and
        2. the activity occurs on land that is identified for urban development in operative provisions of a regional or district plan; and
        3. the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and
        4. 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
     3. is necessary for the purpose of quarrying activities and the extraction of the aggregate will provide significant national or regional benefits; or
     4. 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
     5. is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area and:
2. The landfill or cleanfill area:
3. will provide significant national or regional benefits; or
4. is required to support *urban development*; or
5. is required to support the extraction of aggregates as referred to in clause ~~(b)(ii)~~, (c)(iii)
6. is required to support the extraction of minerals as referred to in clause ~~(b)(iii)~~ (c)(iv); and
7. 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
   * 1. 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
     2. in all cases, the effects of the activity will be managed through applying the *effects management hierarchy*; and
8. For any activity listed in clauses (b)-(c), other than sub-clause (b)(i), the council is satisfied that:
   * + 1. 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
       2. 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
       3. 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
       4. 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.