

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under clause 14 of
the First Schedule to the Act

BETWEEN

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF
NEW ZEALAND INC**
(ENV-2012-AKL-00179)

Appellant

AND

**BAY OF PLENTY REGIONAL
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith, sitting alone under section 279 of the Act

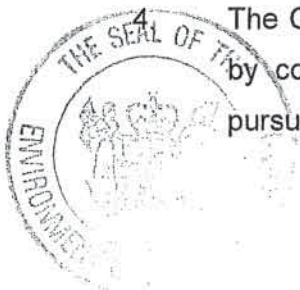
IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. This appeal relates to the Bay of Plenty Proposed Regional Policy Statement. The parties have agreed that the part of the appeal that relates to Natural Hazards (Climate Change) can be resolved by consent.
2. In making this order the Court has read and considered the appeal and the memorandum of the parties dated 12 July 2013.
3. Federated Farmers of New Zealand gave notice of an intention to become a party to this appeal and has an interest in the matters to be resolved by this consent order. It has signed the memorandum of the parties setting out the relief sought.

The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for the present purposes that:



- (a) All parties to the proceedings with an interest in this Topic have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and confirm to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement is amended as shown in underline (for additions) and ~~strike through~~ (for deletions):

Policy IR 2B: Having regard to the likely effects of climate change

Recognise and provide for the predicted effects of climate change having particular regard to:

- (a) Predicted increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in the annual mean temperature of 2°C by 2090 (relative to 1990 levels); and
- (b) Predicted increase in sea level, taking into account the most recent national guidance and ~~assuming a the minimum increase in sea level of 0.8 m by 2090 (relative to 1990 levels)~~ sea-level rise projections in Policy NH 6B.

Explanation

This policy ensures known risks associated with climate change are considered in association with the planning of subdivision, use and development. Climate change effects should be considered in association with resource consents and plan change processes. Adaptation and forward planning is necessary to mitigate or avoid risks associated with climate change.

National guidance figures in Policy IR 2B are from the Ministry for the Environment guidance manual on climate change, 'Preparing for Climate Change - a guide for local government in New Zealand (2008)', from available data at the time. The 2°C increase in annual mean temperature is a mid-level projection of future temperature changes and may be refined in future.

Table reference: Objective 11, 2, 4, 8 and 9, Method 3

(a) Policy NH 6B: Providing for climate change

Incorporate the effects of climate change in natural hazard risk assessment. Authoritative up-to-date projections of changes in sea level, rainfall, temperature, and storm frequency and severity will be used as updated scientific data become available.

Use the following projections as minimum values when undertaking coastal hazard assessments:

- (a) A 100-year time frame;



- (b) A projection of a base sea-level rise of at least 0.6 m (above the 1980–1999 average) for activities/developments which are relocatable;
- (c) A projection of a base sea-level rise of 0.9 m (above 1980–1999 average) for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated; and
- (d) An additional sea-level rise of 10 mm/annum for activities with life spans beyond 2112.

Explanation

Climate change has implications for many natural hazards including coastal hazards, landslip, sedimentation, wind, drought, fire and flooding. ~~Authoritative up-to-date projections of changes in sea-level, rainfall, temperature, and storm frequency and severity should be incorporated in natural hazard risk assessments.~~

Policy NH 6B seeks to ensure a consistent approach to identifying and assessing coastal hazards, which aligns with the most recent and internationally accepted scientific knowledge on climate change risk. This policy and Policy IR 2B sets out minimum values for climate change projections to be taken into account when assessing natural hazards and identifying the types of natural hazards likely to be exacerbated by climate change. Current Sea-level rise projections have been derived from: Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment, May 2008.

The first paragraph of the policy is generic. The remainder of the policy applies more particularly to the coastal environment and should be read together with the first paragraph. ~~Policy NH 6B provides flexibility to use higher values as updated scientific data and clear government direction become available.~~

Table reference: **Objective 23, Method 3**

- 5. This consent order disposes of the relief sought in paragraph 8.9 of the appeal.
- 6. The relief sought at paragraphs 8.3, 8.6 and 8.12 remains extant.
- 7. There is no order as to costs in relation to this order.

DATED at Auckland this 13th day of August 2013

J A Smith
Environment Judge

