



# Climate Change Adaptation and Second Generation RMA Plans

This information sheet is designed to assist local government planners to include adapting to the physical impacts of climate change in Resource Management Act (RMA) plans.

## BACKGROUND

Global climate is changing. Changes in a number of key climate parameters – such as temperature, rainfall and sea levels – will occur to differing extents in different parts of New Zealand throughout the 21st century and probably beyond.

New Zealand needs to adapt to these changes. Adapting to long-term climate change will contribute to our resilience to extreme events as well as to natural fluctuations in climate, such as the El Niño / Southern Oscillation (ENSO) phenomenon.

Local government is responsible for a range of functions that may be affected by climate change under the Local Government Act 2002, the Resource Management Act 1991 and other legislation. Local authorities have both social and legal obligations to take climate change effects into account in their community planning. Long-term planning functions need to embrace expected long-term shifts and changes in climate extremes and patterns to ensure future generations are adequately prepared for future climate conditions.

## KEY PRINCIPLES

Several key principles for responding to climate change apply to the approaches local government take. These are explained in more detail in the second edition of *Preparing for climate change – A guide for local government in New Zealand*, available from the Ministry for the Environment's website at [www.mfe.govt.nz/publications/climate/preparing-for-climate-change-guide-for-local-govt/](http://www.mfe.govt.nz/publications/climate/preparing-for-climate-change-guide-for-local-govt/)

## Avoidance, remedy or mitigation of adverse effects

Under the RMA, climate change impacts can and should be taken into account when contemplating new activities and developments (see section 7i, RMA). Climate change can affect the ability of ecosystems and communities to cope with non-climatic pressures.

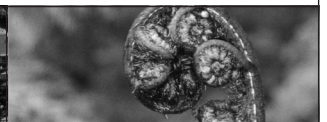
## Adoption of a precautionary / cautious approach

The concept of a precautionary / cautious approach is implied in the RMA and in the New Zealand Coastal Policy Statement which is prepared under that Act. It requires an informed but cautious approach to decisions where full information on effects is not available at the time of decision-making, particularly when there is a high level of uncertainty and where decisions are effectively irreversible.

A precautionary approach is particularly relevant where there are effects of low probability but high potential impact, for example the effects of infrequent but high flood levels in developed flood plain areas. Section 32 of the RMA requires the evaluation of a plan provision to consider the risks of acting or not acting if there is uncertain or inadequate information. This is directly relevant to addressing climate change effects in plans, as well as other situations where a cautious approach may be appropriate.

## Consideration of the foreseeable needs of future generations

Considering the needs of future generations is a fundamental basis of international, national, regional and local responses to climate change. It involves



taking into account the interests of future generations, and the direct and indirect costs they may bear as a result of decisions made today.

### **The ethic of stewardship / kaitiakitanga**

The RMA (with other legislation) contains the concepts of stewardship / kaitiakitanga.

In the RMA, particular regard is to be given to the ethic of stewardship and kaitiakitanga. The principle underpins sound planning decision-making in the interests of the community to avoid or minimise loss of value or quality over time. Its relevance to climate change relates particularly to asset management, land and water care, biosecurity, and biodiversity.

### **Liability**

Local government can be financially liable for decisions that are shown to have been made in the face of information that should have led to a different decision. This is a complex area of law, and councils use a range of techniques to reduce the risk of liability. For example, where single property-based decisions are involved, instruments such as covenants or consent notices attached to titles may be used to identify risks.

Larger climate-related issues, such as frequency of flooding of a developed area, are less likely to result in direct liability unless areas become uninhabitable as a result. However, community costs in enhancing or retrofitting infrastructure can become considerable. Questions of equity in relation to wider community interests also arise.

## **CLIMATE CHANGE IN STRATEGIC PLANNING DOCUMENTS**

The review and revision of RMA plans and policy statements offers an opportunity to consider the significance of the physical impacts of climate change on the outcomes that are sought. The checklists below are designed to assist local authorities to take the principles outlined above into account in their plan development and review.

### **Name of plan: Regional policy statement**

**Duration:** Ten years, but can be reviewed or changed at any time.

#### **Purposes:**

- Achieves the sustainable and integrated management of natural and physical resources, by providing an overview of a region's resource management issues, policies and methods.
- Also the strategic integration of land use and infrastructure – eg, coordinating and influencing urban form across multiple districts.

#### **Checklist for contents:**

- Is climate change and its effects identified as a regional issue requiring a response? If not, is there a valid explanation for why not?
- Does the regional policy statement explain the national policy context?
- Does the regional policy statement specify the time horizon for different types of decisions on climate change and its effects?
- Does the regional policy statement give pointers for the formulation of regional and district plan contents relating to managing the effects of climate change?
- Does the regional policy statement set out the respective roles and responsibilities of the regional and district councils in managing natural hazards in the region?
- Does the regional policy statement promote consistency of approach towards climate change by local authorities within the region and across boundaries with neighbouring regions?
- Does the regional policy statement promote public education as a method of response to climate change and its effects?
- Does the regional policy statement promote avoidance or limitation of damage and costs from natural hazards, including those exacerbated by climate change, such as:
  - sea-level rise
  - increased rainfall intensity
  - increased incidence of severity or drought
  - wind events?

- Does the regional policy statement include provisions for monitoring the effects of climate change, and any relevant statements of environmental outcomes?

**Name of plan: Regional plans**

**Duration:** Ten years, but can be reviewed or changed at any time.

**Purpose:**

- Achieves the integrated management of natural and physical resources, and helps the regional council carry out its functions under the RMA, including:
  - managing land for soil erosion and natural hazards
  - managing water resources and beds of rivers and lakes
  - managing the coastal marine area.

**Checklist for contents:**

Depending on the plan...

- Is climate change and its implications identified as an issue? If it is not, is there a valid explanation for why not?
- Are the approach and policy for climate change consistent with the regional policy statement?
- Are there one or more objectives relating to climate change, which are adequately explained and integrated with policy and rules?
- If there are rules or methods that relate to or rely on climate change as a partial or complete justification for their existence (eg, water allocation, flood design clearances, prohibiting building areas), is the provision clearly explained?
- Are there any decision-making criteria related to taking the implications of climate change into account? Are these explained?
- Are there provisions for monitoring relevant to climate change effects, and relevant statements of environmental outcomes as a result of the provision(s)?
- Is there a specific commitment that the council will keep up-to-date with changing understanding of climate change and its implications?

**Name of plan: District plans**

**Duration:** Ten years, but can be reviewed at any time.

**Purpose:**

- Achieves the integrated management of the effects of use, development and protection of a district’s natural and physical resources; and control of land in relation to natural hazards. District plans can also allow councils to control subdivision for the purposes of carrying out functions under the RMA.

**Checklist for contents:**

- Is climate change identified as an issue in the district plan with adequate explanations?
- How is the issue expressed in terms of objectives and policies?
- Is the approach and policy for climate change consistent with the regional policy statement?
- Have areas of enhanced risk (eg, hazard zones, building lines) due to climate change been identified, with appropriate policy and rules?
- Do the decision-making criteria relating to natural hazards refer to climate change and its implications?

**FURTHER INFORMATION**

The Ministry for the Environment’s website has several sections devoted to climate change, including information on the likely physical impacts of climate change and guides for local government. For detailed guidance and case studies on adapting to the physical effects of climate change, go to [www.mfe.govt.nz/issues/climate/adaptation/index.html](http://www.mfe.govt.nz/issues/climate/adaptation/index.html)

Information is also available on [www.climatechange.govt.nz](http://www.climatechange.govt.nz)

To assist RMA practitioners and decision-makers, a Quality Planning guidance note on climate change is also available. Go to [www.qp.org.nz/plan-topics/climate-change.php](http://www.qp.org.nz/plan-topics/climate-change.php) Together, these sources of guidance provide:

- an outline of the Resource Management (Energy and Climate Change) Amendment Act 2004
- an overview of how particular regard may be given to the effects of climate change



- information on expected climate change effects in New Zealand
- advice on methods for considering and addressing climate change effects under the RMA
- good practice examples of how local authorities have incorporated consideration of the effects of climate change into existing council decisions, activities and plans
- a summary of current challenges in considering climate change effects.

Information on natural hazards is available from the Quality Planning website. The research report at [www.qualityplanning.org.nz/qp-research/naturalhazards-aug06/html/index.php](http://www.qualityplanning.org.nz/qp-research/naturalhazards-aug06/html/index.php) includes information on flooding and other natural hazards. A guidance note on the management of natural hazards is also being prepared.

## MORE INFORMATION

Contact the **Ministry for the Environment** by phoning (04) 439 7400 or emailing [information@mfe.govt.nz](mailto:information@mfe.govt.nz) or check out our website: [www.mfe.govt.nz](http://www.mfe.govt.nz)