

Appendix 17: Policy Assessment

Assessment of relevant policies

1 National policy statements

1.1 The National Policy Statement for Infrastructure

The National Policy Statement for Infrastructure (NPSI) provides national direction for the planning, development, operation, and resilience of infrastructure, including flood protection and natural hazard mitigation works. It has the objective of enabling well-functioning infrastructure that supports communities, now and in the future, which is delivered efficiently while managing adverse effects from or on infrastructure. Specific provisions apply to 'additional infrastructure' which includes flood control and protection works carried out by, or on behalf, of a local authority and includes 'supporting activities' which are the ancillary activities needed to directly support infrastructure.

The drainage system realignment has a clear functional and operational need to occur at the proposed location, and is intended to extend the life of drainage assets, improve resilience to flood events, and provide an additional buffer against the impacts of climate change.

The works will be planned and delivered through established Council processes, and where specific sensitivities exist subject matter experts will be involved. The project will be implemented in a manner that avoids, remedies, or mitigates adverse environmental effects.

An assessment of the proposal against the applicable policies is shown in Table 1. Overall, the proposal appropriately balances the need to enable essential flood infrastructure with the management of environmental and cultural values.



Table 1: NPSI policy assessment

NPSI policy	Comment
<i>Policy 1: Providing for the benefits of infrastructure</i> <i>(1) Decision-makers must ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.</i> <i>(2) Decision-makers must recognise that the benefits of infrastructure include:</i> <i>(a) providing for the social, cultural and economic wellbeing of present and future generations;</i> <i>(b) creating, supporting and enhancing well-functioning urban and rural environments;</i> <i>(c) supporting sufficient development capacity to meet demand for housing and business land;</i> <i>(d) providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy;</i> <i>(e) helping to protect and restore the natural environment;</i> <i>(f) supporting New Zealand's emissions reduction targets and mitigating the effects of climate change; and</i> <i>(g) reducing the risks from, and improving resilience to, natural hazards and climate change.</i> <i>(3) Decision-makers must recognise:</i> <i>(a) the significant risks to, and impacts on, public safety, the wellbeing of people and communities, and the environment that may occur when infrastructure services are compromised; and</i> <i>(b) that infrastructure networks can be both independent and interconnected.</i>	Granting the consent applications would enable consistency with this policy.
<i>Policy 2: Operational need or functional need of infrastructure to be in particular locations and environments</i> <i>(1) Decision-makers must recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.</i> <i>(2) Decision-makers must recognise that the operational need or functional need of infrastructure includes, but is not limited to, the need to:</i> <i>(a) provide services to people and communities in a timely, effective and efficient manner;</i> <i>(b) operate effectively and efficiently as linear and/or interconnected infrastructure networks within and across district and regional boundaries;</i> <i>(c) access or connect to particular natural or physical resources, including other infrastructure;</i> <i>(d) be accessible so infrastructure activities can be undertaken effectively and efficiently;</i> <i>(e) locate where the services are required, including in areas at risk to natural hazards, whether the infrastructure has been spatially identified in advance; and</i> <i>(f) manage risks from natural hazards.</i>	The infrastructure has a functional and operational need to be located at the site.



NPSI policy	Comment
<i>Policy 3: Considering spatial planning</i> <i>(1) Decision-makers must:</i> <i>(a) have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance; and</i> <i>(b) consider relevant spatial plans and master plans prepared by the infrastructure provider and provided to the decision-maker.</i>	
<i>Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities</i> <i>(1) Decision-makers must:</i> <i>(a) enable the efficient and timely delivery of infrastructure activities;</i> <i>(b) enable cross-boundary infrastructure networks;</i> <i>(c) provide flexibility for infrastructure providers to use new or innovative technologies and methods to improve the delivery of infrastructure services and/or improve environmental outcomes;</i> <i>(d) enable opportunities to make more effective use of existing infrastructure;</i> <i>(e) consider opportunities for continuous improvement in service delivery and environmental outcomes when renewing or replacing resource consents; and</i> <i>(f) enable the upgrading of infrastructure where this will:</i> <i>(i) improve the resilience of infrastructure to the risks from natural hazards and effects of climate change;</i> <i>(ii) maintain or improve its level of infrastructure service, including to meet increasing demand; or</i> <i>(iii) improve environmental outcomes.</i> <i>(2) Decision-makers must:</i> <i>(a) recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity; and</i> <i>(b) have regard to existing information and assessments undertaken by the infrastructure provider, including, but not limited to, information prepared using the Better Business Cases methodology developed by The Treasury New Zealand, infrastructure strategies prepared under the Local Government Act 2002, or the Infrastructure Priorities Programme developed by New Zealand Infrastructure Commission Te Waihanga.</i>	Granting the consent applications would enable consistency with this policy.
<i>Policy 5: Recognising and providing for infrastructure supporting activities</i> <i>(1) Decision-makers must recognise and provide for the role of infrastructure supporting activities, including by:</i> <i>(a) recognising the importance of infrastructure supporting activities to enable the benefits of infrastructure activities to be realised;</i> <i>(b) recognising the operational need or functional need of some infrastructure supporting activities, including supporting quarrying activities to operate in, be located in, or traverse particular environments and locations; and</i>	Granting the consent applications would enable consistency with this policy.



NPSI policy	Comment
(c) enabling the timely delivery of infrastructure supporting activities.	
<i>Policy 6: Recognising and providing for Māori interests</i> <i>(1) Decision-makers must recognise and provide for Māori interests in relation to infrastructure activities and infrastructure supporting activities, including by:</i> <i>(a) taking into account the outcome of any engagement with tangata whenua on any relevant resource consent, notice of requirement, or request for a private plan change;</i> <i>(b) recognising the opportunities tangata whenua may have in developing and operating their own infrastructure at any scale or in partnership; and</i> <i>(c) local authorities:</i> <i>(i) providing opportunities for tangata whenua involvement where infrastructure and infrastructure supporting activities may affect a site of significance or issue of cultural significance to Māori; and</i> <i>(ii) operating in a way that is consistent with any relevant iwi participation legislation or Mana Whakahono ā Rohe.</i>	The close involvement of Te Rūnanga o Arowhenua and Aoraki Environmental Consultancy ensures that granting consent would be consistent with this policy
<i>Policy 7: Assessing and managing the effects of proposed infrastructure activities</i> <i>(1) When assessing and managing the effects of infrastructure activities, decision-makers must:</i> <i>(a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;</i> <i>(b) consider the technical and operational requirements and constraints of infrastructure activities;</i> <i>(c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;</i> <i>(d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and</i> <i>(e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.</i>	The conclusions made in the consent application are considered to give decision makers certainty regarding this policy.
<i>Policy 8: Operation, maintenance and minor upgrade of existing infrastructure</i> <i>(1) Decision-makers must enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects are avoided, remedied or mitigated.</i>	Granting the consent applications would enable consistency with this policy.
<i>Policy 9: Managing the effects of new infrastructure and major upgrades</i> <i>(1) Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.</i>	Granting the consent applications would enable consistency with this policy.



NPSI policy	Comment
<i>(2) Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.</i> <i>Where (2) does not apply, the adverse effects of new infrastructure and major upgrades must be, where practicable, avoided, remedied or mitigated.</i>	



1.2 The New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 (NZCPS) contains issues, objectives and policies related to the coastal environment, which is not restricted to the CMA. It requires:

“a consent authority, when considering an application for a resource consent and any submissions received, must, subject to Part 2 of the Act, have regard to, amongst other things, any relevant provisions of this NZCPS (section 104(1)(b)(iv) refers);”¹

The policies of the NZCPS are generally broad in scope, and extensive. Many apply to the proposal in a general way but the key policies are presented below, and text that is clearly not applicable to the proposal has been omitted for conciseness.

Table 2: NZCPS policy assessment

NZCPS policy	Comment
<i>Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage</i> <i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i> <i>(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</i> <i>(c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</i> <i>(d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;</i>	The close involvement of Te Rūnanga o Arowhenua and Aoraki Environmental Consultancy ensures that granting consent would be consistent with this policy
<i>Policy 6 Activities in the coastal environment</i> <i>(1) In relation to the coastal environment:</i> <i>(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i> <i>(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</i>	Granting the consent applications would enable consistency with this policy.
<i>Policy 11 Indigenous biological diversity (biodiversity)</i> <i>To protect indigenous biological diversity in the coastal environment:</i> <i>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i> <i>(i) areas of predominantly indigenous vegetation in the coastal environment;</i>	Significant impacts will be avoided. While some short term wetland damage will occur, the subsequent restoration activities mean that the effect is less than minor.

¹ NZCPS p 7 bullet 3

NZCPS policy	Comment
<i>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</i> <i>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</i> <i>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</i> <i>(v) habitats, including areas and routes, important to migratory species; and</i> <i>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</i>	
<i>Policy 13 Preservation of natural character</i> <i>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</i> <i>(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</i> <i>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;</i> <i>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</i> <i>(a) natural elements, processes and patterns;</i> <i>(b) biophysical, ecological, geological and geomorphological aspects;</i> <i>(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</i> <i>(d) the natural movement of water and sediment;</i> <i>(e) the natural darkness of the night sky;</i> <i>(f) places or areas that are wild or scenic;</i> <i>(g) a range of natural character from pristine to modified; and</i> <i>(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.</i>	Given the nature of the area and the conclusions made in the application, it is considered that the proposal is consistent with this policy
<i>Policy 14 Restoration of natural character</i> <i>Promote restoration or rehabilitation of the natural character of the coastal environment, including by :</i> <i>(a) identifying areas and opportunities for restoration or rehabilitation;</i> <i>(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:</i> <i>(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or</i> <i>(ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or</i> <i>(iii) creating or enhancing habitat for indigenous species; or</i> <i>(iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or</i>	Restoration will occur following the works, and suitable consent conditions are proposed

NZCPS policy	Comment
(v) restoring and protecting riparian and intertidal margins; or (vi) reducing or eliminating discharges of contaminants; or (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or (viii) restoring cultural landscape features; or (ix) redesign of structures that interfere with ecosystem processes; or (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.	
<i>Policy 15 Natural features and natural landscapes</i> <i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</i> <i>(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment;</i>	Given the nature of the area and the conclusions made in the application, it is considered that the proposal is consistent with this policy
<i>Policy 18 Public open space</i> <i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i> <i>(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i> <i>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i> <i>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i> <i>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i> <i>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i>	The realignment will maintain and enhance public open space in the area
<i>Policy 19 Walking access</i>	Policy 19 is a long one Walking access to the beach will not be restricted by this project, other than during construction works.
<i>Policy 20 Vehicle access</i> <i>(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:</i> <i>(a) damage to dune or other geological systems and processes; or</i> <i>(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or</i> <i>(c) danger to other beach users; or</i> <i>(d) disturbance of the peaceful enjoyment of the beach environment; or</i> <i>(e) damage to historic heritage; or</i>	Unrestricted vehicle access to the beach will no longer be available from Aorangi Road. No specific values have been identified that require this, but neither do any particular aspects of the beach

NZCPS policy	Comment
<i>(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or</i> <i>(g) damage to sites of significance to tangata whenua; might result.</i> <i>(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.</i> <i>(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.</i>	make vehicle access from that road a priority.
<i>Policy 25 Subdivision, use, and development in areas of coastal hazard risk. In areas potentially affected by coastal hazards over at least the next 100 years:</i> <i>(a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;</i> <i>(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;</i> <i>(c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;</i> <i>(d) encourage the location of infrastructure away from areas of hazard risk where practicable;</i> <i>(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and</i> <i>(f) consider the potential effects of tsunami and how to avoid or mitigate them.</i>	The aim of the project is to move the drain system away from coastal hazard and to decrease the potential adverse effects of those hazards.
<i>Policy 27 Strategies for protecting significant existing development from coastal hazard risk.</i> <i>(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:</i> <i>(a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;</i> <i>(b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';</i> <i>(c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;</i> <i>(d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and</i> <i>(e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.</i> <i>(2) In evaluating options under (1):</i> <i>(a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;</i>	The existing drainage infrastructure is under threat and requires relocation to reduce coastal hazard risk. Few options are available and the proposal is considered to be the best one. A stopbank is necessary and no substitutes are available, and stopbanks have been present in this location for many decades.

NZCPS policy	Comment
<i>(b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and</i> <i>(c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.</i> <i>(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.</i> <i>(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.</i>	

1.3 The National Policy Statement for Freshwater Management

The fundamental concept of the (NPSF) is Te Mana o te Wai which “refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.” (NPSF clause 1.3 (1)).

The objective of the NPSF is to:

...ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The objective mirrors the hierarchy of obligations set out in clause 1.3(5).

Section 104(2F) of the RMA requires that

When considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020).

Therefore, the objective and hierarchy of obligations are not considered further. However, Te Mana o te Wai can still be considered in its wider sense, particularly via policy 1 of the NPSF.

Table 3: NPSF policy assessment

NPSF policy	Comment
<i>Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i>	The proposal is for the ongoing operation in a slightly different location of an existing drainage system. Construction effects will be small and short lived and effects on water bodies will be less than minor.
<i>Policy 2: Tangata whenua are actively involved in freshwater management (including decision- making processes), and Māori freshwater values are identified and provided for.</i>	Te Rūnanga o Arowhenua and AEC are engaged in the realignment project. That includes writing some content for this application.
<i>Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.</i>	The realignment is occurring, in part, as a response to climate change.
<i>Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i>	There will be some loss of natural inland wetlands, however this has been assessed by a wetland ecologist and restoration will occur.
<i>Policy 9: The habitats of indigenous freshwater species are protected.</i>	In the long run there will be no change to habitats, and the slow retirement of the existing drain is likely to increase overall freshwater habitat after the realignment is complete.

2 National environmental standards

The NESF is the only NES that applies to the proposal, and the only matter in it that requires evaluation is Regulation 45(6). The requirements of that regulation are assessed in the main application.

3 The Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) was made operative in 2013.

The applicable objectives and policies of the CRPS are implemented through the CLWRP and those provisions of the CRPS are therefore not considered further. However, the RCEP and the OTDP were made operative in 2005 and do not reflect the CRPS.

Table 4: CRPS coastal chapter policy assessment

CRPS policy	Comment
<i>5.3.9 Regionally significant infrastructure (wider region)</i> <i>In relation to regionally significant infrastructure (including transport hubs):</i> 1. N/A 2. provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and 3. provide for the expansion of existing infrastructure and development of new infrastructure, while: a. recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists; b. avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and c. when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.	The proposal, and granting consents for it, are consistent with this policy.
<i>5.3.11 Community-scale irrigation, stockwater and rural drainage infrastructure (Wider Region)</i> <i>In relation to established and consented community-scale irrigation, stockwater and rural drainage infrastructure:</i> 1. N/A 2. Enable this infrastructure to be operated, maintained and upgraded in Canterbury to more effectively and efficiently transport consented water provided that as a result of its location and design: a. The adverse effects on significant natural and physical resources and cultural values are avoided, or where this is not practicable, mitigated; and b. other adverse effects on the environment are appropriately managed.	The proposal, and granting consents for it, are consistent with this policy.

CRPS policy	Comment
<i>8.3.4 Preservation of the natural character of the coastal environment.</i> <i>To preserve and restore the natural character of the coastal environment by:</i> <i>1. protecting outstanding natural features and landscapes including seascapes from inappropriate occupation, subdivision, use and development;</i> <i>2. protecting and enhancing indigenous ecosystems and associated ecological processes;</i> <i>3. promoting integrated management of activities that affect natural character in the coastal environment and the coastal marine area, in particular coastal landforms and landscapes that are significant, representative or unique to the region;</i> <i>4. avoiding new development adjacent to the coastal marine area that will compromise areas of high natural character; and</i> <i>5. in appropriate situations, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations.</i>	Given the nature of the area and the conclusions made in the application, it is considered that the proposal is consistent with this policy
<i>8.3.5 Maintenance and enhancement of public and Ngāi Tahu access</i> <i>To maintain and enhance public and Ngāi Tahu access to and along the coastal marine area, subject to:</i> <i>1. protecting public health and safety.</i> <i>2. avoiding significant adverse effects on natural, physical, amenity, recreational, cultural and historic heritage values of the coastal environment.</i> <i>3. avoiding damage to natural buffers to coastal erosion.</i> <i>4. protecting Ngāi Tahu sites of special value.</i> <i>5. protecting the stability, performance, maintenance and operation of regionally significant infrastructure in the coastal environment or other commercial maritime facilities.</i> <i>6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of land in the coastal environment.</i> <i>7. ensuring compliance with legislative maritime security requirements for ships and port facilities.</i>	The proposal, and granting consents for it, are consistent with this policy.
<i>8.3.6 Regionally significant infrastructure</i> <i>In relation to regionally significant infrastructure in the coastal environment:</i> <i>1. provide for its efficient and effective development, operation, maintenance and upgrade;</i> <u>2-5 are not applicable in this case</u> <i>Such provisions should avoid, remedy or mitigate the adverse effects on that environment and take into account:</i> <u>a-c, and f are specific to the ports of Lyttelton and Timaru</u> <i>d. that regionally significant infrastructure may need to be further developed in response to commercial opportunities and community needs.</i> <i>e. that the operators of regionally significant infrastructure need to have their own controls over access to operational areas, and that public access to such areas is not always appropriate.</i> <i>g. the effects of coastal erosion, climate change and sea level rise.</i>	The proposal, and granting consents for it, are consistent with this policy.

CRPS policy	Comment
<i>11.3.2 Avoid development in areas subject to inundation</i> <i>In areas not subject to Policy 11.3.1 that are subject to inundation by a 0.5% AEP flood event; any new subdivision, use and development (excluding critical infrastructure) shall be avoided unless there is no increased risk to life, and the subdivision, use or development:</i> <i>1. is of a type that is not likely to suffer material damage in an inundation event; or</i> <i>2. is ancillary or incidental to the main development; or</i> <i>3. meets all of the following criteria:</i> <i>a. new buildings have an appropriate floor level above the 0.5% AEP design flood level; and</i> <i>b. hazardous substances will not be inundated during a 0.5% AEP flood event;</i> <i>provided that a higher standard of management of inundation hazard events may be adopted where local catchment conditions warrant (as determined by a cost/benefit assessment).</i> <i>When determining areas subject to inundation, climate change projections including sea level rise are to be taken into account.</i>	The existing drainage system and realignment are both subject to inundation. The realignment lessens its vulnerability to coastal inundation, but not river events. However, the system needs to be in this location and the need for repair following inundation events is an aspect of its management
<i>11.3.4 Critical infrastructure</i> <i>New critical infrastructure will be located outside high hazard areas unless there is no reasonable alternative. In relation to all areas, critical infrastructure must be designed to maintain, as far as practicable, its integrity and function during natural hazard events.</i>	The above comment also applies. The realignment will be resilient as far as practicable, but its exposure to the hazards is also largely the reason it exists.

4 Iwi management plan

The applicable document is the Iwi Management Plan of Kāti Huirapa (IMPKH) for the Area Rakaia to Waitaki – July 1992.

Table 5: IMPKH policy assessment

IMPKH policy	Comment
<i>No more drainage of wetlands</i>	Some wetlands will be drained during construction, but will be restored or offset.
<i>All water to be returned to the rivers</i>	No water is being removed from rivers
<i>No spraying of pesticides, any toxic chemicals in or near rivers, lakes, sea and all natural waters;</i>	Maintenance of the drainage system will require very limited spot spraying by hand of and around individual weeds and plants. None will occur during the realignment works.
<i>Water levels of all natural waters to be maintained at levels sufficiently high to sustain the life of these waters and natural rises and falls of flows in rivers is maintained;</i>	This will be achieved. In particular, the realignment is designed to maintain water levels in the source of the drain at the Phillips Lagoon, and in the Washdyke Lagoon.
<i>No drains in mahinga kai areas to be cleaned without consulting the Takata Whenua first</i>	This is current practice and will continue.
<i>Breeding areas for fish, birds, all species in waterways remain undisturbed</i>	This will not be possible during construction, but consideration will be paid to timing of works, management will be carried out during the project, and afterward these environments will be enhanced.
<i>Use of indigenous plants for riparian planning and maintaining this along all rivers.</i>	This is part of the proposal.
<i>The planting of flax and other native species encouraged.</i>	This is part of the proposal.
<i>Access to mahinga kai means access to water of sufficient water quality and quantity</i>	The water in the drain supports substantial aquatic life and this will continue.
<i>Passage for migrating fish be maintained in all rivers, coastal lagoons, all natural waterways</i>	Fish passage will be maintained through the system.

5 Regional plans

5.1 The Canterbury Land and Water Regional Plan

The applicable policies of the CLWRP are assessed in Table 6.

Table 6: CLWRP policy assessment

CLWRP Policy	Comment
4.13 For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that: (a) first, avoid the production of the contaminant; (b) secondly, reuse, recovers or recycles the contaminant; (c) thirdly, minimise the volume or amount of the discharge; or (d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and (e) in the case of surface water, results in a discharge that after reasonable mixing meets the receiving water standards in Schedule 5 or does not result in any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.	Given the conclusions made in the consent application, It is considered that the proposal gives effect to this policy.
4.14 Any discharge of a contaminant into or onto land where it may enter groundwater (excluding those passive discharges to which Policy 4.26 applies): (a) will not exceed the natural capacity of the soil to treat or remove the contaminant; and (b) will not exceed available water storage capacity of the soil; and (c) where meeting (a) and (b) is not practicable, the discharge will: (i) meet any nutrient limits in Schedule 8 or Sections 6 to 15 of this Plan; and (ii) utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable; and (iia) ensure there is sufficient distance between the point of discharge, any other discharge and drinking-water supplies to allow for the natural decay or attenuation of pathogenic micro-organisms in the contaminant plume; and (iii) not result in the accumulation of pathogens, or a persistent or toxic contaminant that would render the land unsuitable for agriculture, commercial, domestic, cultural or recreational use or water unsuitable as a source of potable water or for agriculture; and (iv) not raise groundwater levels so that land drainage is impeded.	Given the conclusions made in the consent application, It is considered that the proposal gives effect to this policy.
4.14 B Have regard to Ngāi Tahu values, and in particular those expressed within an iwi management plan, when considering applications for discharges which may adversely affect statutory acknowledgement areas, nohoanga sites, surface waterbodies, silent file areas, culturally significant sites, Heritage New Zealand sites, any listed archaeological sites, and cultural landscapes, identified in this Plan, any relevant district plan, or in any iwi management plan.	This application has regard to Ngāi Tahu values, and been written in consultation with Aoraki Environmental Consultancy

CLWRP Policy	Comment
4.18 <i>The loss or discharge of sediment or sediment-laden water and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the loss or discharge to water.</i>	These discharges cannot be avoided, but will be minimised as far as practicable.
4.19 <i>The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated land is avoided or minimised by ensuring that:</i> <i>(a) activities are sited, designed and managed to avoid the contamination of groundwater;</i> <i>(b) existing or closed landfills and contaminated land are managed and monitored where appropriate to minimise any contamination of groundwater; and</i> <i>(c) there is sufficient thickness of undisturbed sediment in the confining layer over the Coastal Confined Aquifer System to prevent the entry of contaminants into the aquifer or an upward hydraulic gradient is present which would prevent aquifer contamination.</i>	Given the conclusions made in the consent application, It is considered that the proposal gives effect to this policy. Contaminated soil will be managed under an NESCS consent and CLMP, and aquifers will not be impacted by the works.
4.26 <i>Any discharges of hazardous substances from contaminated land, including existing and closed landfills, are managed to ensure that adverse effects beyond the site boundary on people's health or safety, on human or stock water supplies, or on surface water are avoided.</i>	Contaminated soil will be managed under an NESCS consent and CLMP, and the effects of discharges will be minimal or non-existent.
4.42 <i>Wetlands in the beds and margins of lakes and rivers are managed as an integral part of lakes and rivers.</i>	The consent application adopts this approach.
4.43 <i>In hāpua, coastal lakes, lagoons and wetlands, the damming, diversion or taking of water is limited to the temporary diversion of water as part of maintaining infrastructure, pest management, or habitat restoration or enhancement work, or the artificial opening of hāpua to assist in fish migration, achieving other conservation outcomes, customary uses, or to avoid land inundation.</i>	Compliance with this policy cannot occur as some water levels in some wetlands will be lowered. However, the effect of this is assessed as less than minor, and policy 4.82 enables that in this case.
4.81 <i>Any take, use, damming or diversion of water, any discharge of contaminants onto land or into water, or any earthworks, structures, planting, vegetation removal or other land uses within a wetland boundary, do not adversely affect the significant values of wetlands, hāpua, coastal lakes and lagoons, except for:</i> <i>(a) a temporary and or minor adverse effect where that activity is part of installing, maintaining, operating or upgrading infrastructure, pest management, or habitat restoration or enhancement work; or</i> <i>(b) the artificial opening of hāpua, coastal lakes or lagoons to assist in fish migration or achieving other conservation outcomes, customary uses, or to avoid land inundation.</i>	In the short term this policy cannot be complied with. However, after construction the overall drain system will return to a state that is better than it was previously. However, policy 4.82 is enabling for this activity.
4.82 <i>Modification of wetlands, hāpua, coastal lakes and lagoons may occur if the modification is necessary, and necessarily has to be in that location to provide for the installation, upgrading or maintenance of infrastructure and any significant effects are offset by other improvements to or expansion of the same or another wetland, hāpua, coastal lake or lagoon.</i>	The route of the realignment means that there is no choice but to pass through the affected wetlands.

CLWRP Policy	Comment
<i>4.83 Restoration or enhancement of wetlands is encouraged provided it does not give rise to any adverse effects on other lawfully established activities, including any adverse effects on the reliability of supply of water for existing abstractors, or any inundation or erosion of other people's property.</i>	Wetland restoration will not cause those effects.
<i>4.84 Wetlands and riparian planting are developed as integral parts of land drainage systems, discharges to land and water and stormwater systems in both rural and urban areas, to reduce the effects of those activities on water quality and to enhance indigenous biodiversity and amenity values.</i>	This is proposed.
<i>4.86 Activities that occur in the beds or margins of lakes, rivers, wetlands, hāpua, coastal lakes and, lagoons are managed or undertaken so that: (a) the character and channel characteristics of rivers including the variable channel characteristics of braided rivers are preserved; (b) sites and areas of significant indigenous biodiversity values or of cultural significance (c) to Ngāi Tahu are protected; and (d) existing lawful access to the bed of the lake, river, wetland, hāpua, coastal lake, or lagoon for recreational, customary use, water intakes or supplies or flood control purposes, is not precluded, except where necessary to protect public health and safety.</i>	The proposal is consistent with all of the requirements of this policy. In particular, channel characteristics will be improved.
<i>4.87 Plant species listed in the Biosecurity NZ Unwanted Organisms Register or the Canterbury Regional Pest Management Plan are not introduced or planted in the beds or margins of lakes, rivers, hāpua, coastal lakes and lagoons, or in wetlands.</i>	All planting will be of indigenous species.
<i>4.88 Earthworks, structures, or the planting or removal of vegetation (other than by spraying) in the beds of lakes, rivers, hāpua, coastal lakes and lagoons, or within a wetland boundary do not occur in flowing or standing water unless any effects on water quality, ecosystems, or the amenity, recreational or cultural values will be minor or the effects of diverting water are more significant than the effects of the activity occurring in flowing or standing water.</i>	Some works will occur in flowing water; however, this will be limited as far as possible and the effects managed to ensure that they are less than minor.
<i>4.89 Earthworks, structures (including defences against water), vegetation planting or removal, or other activities in the beds of lakes or rivers, do not materially restrict flood flows in any river, or create or exacerbate erosion of the bed or banks of any river or the bed or margins of any lake.</i>	The realignment project will not cause any of these effects.
<i>4.91 Land uses, and other activities in the beds or margins of lakes and rivers, do not adversely affect the stability or functioning of lawfully established erosion control or flood protection works or infrastructure.</i>	The proposed works will not have this effect, and are being undertaken in order to improve flood protection works in the area.

5.2 The Regional Coastal Environment Plan

The CRC resource consent requirement related to the coastal environment is only triggered by RCEP chapter 9 Coastal Hazards, which includes one policy. Much of it is not directly applicable to this proposal. Other coastal environment matters are assessed elsewhere in this appendix.

Table 7: RCEP policy assessment

RCEP policy	Comment
<i>Policy 9.1</i> <u>a relates to habitable buildings and does not apply</u> <i>b. Any new development in the coastal environment should be designed or located in such a way that the need for coastal protection works, now and in the future, is minimised.</i> <i>c. The continued use and protection of essential infrastructure and services should be provided for, where no reasonable alternative exists, in areas subject to coastal hazards, provided adverse effects on the coastal environment are avoided, remedied or mitigated.</i> <u>d to j do not apply for various reasons</u>	Inapplicable clauses have been removed to save space. To the extent that the realignment is a “development”, b is complied with. The realignment is consistent with c.

6 District plans

6.1 The Operative Timaru District Plan

Table 8: OTDP policy assessment

OTDP policy	Comment
<i>1.1.3 To provide for a range of land use activities in rural areas while avoiding or mitigating the adverse environmental effects of these activities by way of the following zones:...</i> <i>The Rural 3 Zone covers those areas the coastal environment of the District which retain a high degree of natural character, and where inappropriate use and development would threaten those natural character values.</i> <i>This policy recognises the importance placed by the Resource Management Act on preserving the natural character of the coastal environment, and protecting it from inappropriate subdivision, use and development.</i>	The effects of construction and operation of the realigned drain system will be minimal and are not inconsistent with its location in a rural zone.
<i>1.1.7</i> <i>(a) To avoid, remedy or mitigate the adverse effects of some land uses. Where a resource consent is required, consideration shall be give to:</i> ☐ <i>the quality of adjacent water-bodies</i> ☐ <i>indigenous flora or fauna</i> ☐ <i>significant trees</i> ☐ <i>adjacent household units</i> ☐ <i>the roading network at access points</i>	The resource consent application considers the applicable matters and concludes that adverse effects will be avoided, remedied or mitigated.

OTDP policy	Comment
☐ soil cover ☐ noise ☐ soil integrity ☐ rural amenity ☐ riparian and in-stream habitat ☐ archaeological and other heritage issues <i>(b) When evaluating any proposal, Council may choose to impose conditions to address adverse environmental effects.</i>	
<i>1.2.3 To provide for a range of sites and uses, as long as the environmental effects including cumulative effects of development meet performance standards for the zone.</i>	The proposal cannot meet some performance standards, which triggers a resource consent application. The application concludes that adverse effects will be less than minor.
<i>1.3.3 (1)</i> <i>To avoid, remedy or mitigate adverse effects on natural areas containing significant indigenous vegetation and significant habitats of indigenous fauna, the coastal environment, rivers and wetlands.</i> <i>When assessing resource consent applications Council will have regard to the impact of the proposed land use or subdivision on:</i> ☐ indigenous fauna and flora and associated ecosystems and habitat values ☐ the character and coherence of the coastal environment, rivers, wetlands and other natural areas ☐ visual qualities and amenity values of the coastal environment and natural areas ☐ cultural and heritage values including archaeological sites ☐ wilding tree spread ☐ the cumulative effects of the clearance of indigenous vegetation where contiguous and/or adjacent areas of land have been cleared	The resource consent application considers the applicable matters and concludes that adverse effects will be avoided, remedied or mitigated.
<i>1.3.3 (2)</i> <i>To promote the maintenance and enhancement of the riparian margins of water-bodies in association with other government agencies, landowners and other interested groups.</i>	The proposal includes the maintenance and enhancement of wetlands and riparian margins
<i>1.6.3 (1)</i> <i>To encourage all land use to be sympathetic to retaining the rural landscape character and to consider the impact such development will have on views from public places eg state highways and major roads, and from neighbouring activities.</i>	The drainage system has very little visual impact and is part of the existing character of the area.
<i>1.7.3</i> <i>(1) To recognise and provide for the relationship of the Takata Whenua (people of the land) with their culture and traditions.</i> <i>(2) To have regard for the Takata Whenua as kaitiaki (guardians) of the natural resources in their rohe (district).</i> <i>(3) To take account of the principles of the Treaty of Waitangi.</i>	This application has regard to Ngāi Tahu values, and been written in consultation with Aoraki Environmental Consultancy

6.2 The Proposed Timaru District Plan

This policy evaluation is restricted to the chapters of the PTDP under which resource consent applications are made.

Table 9: PTDP policy assessment

PTDP policy	Comment
<i>GRUZ-P2 Character and qualities of the General Rural Zone</i> <i>The character and qualities of the General Rural Zone zone are maintained by:</i> <i>1. requiring a large minimum allotment size that ensures ample open space around buildings; and</i> <i>2. controlling the height and setbacks of buildings and structures; and</i> <i>3. ensuring activities that can generate significant adverse effects and sensitive activities are well separated from each other.</i>	The proposal will have a very low level of amenity impact and will not affect the character of the rural zone.
<i>GRUZ-P7 Industrial activities, rural industries and other activities</i> <i>1. Only allow rural industries and other activities (not listed in the rules) in the General Rural Zone where:</i> <i>a. the activity:</i> <i>i. is a legally established use not permitted in the Zone; or</i> <i>ii. supports primary production; or</i> <i>iii. has a functional need or operational need for the activity to locate within the Zone; and</i> <i>b. the activity is compatible or complementary with the character and qualities of the Zone; and</i> <i>c. there is adequate infrastructure available to service the activity, including on-site servicing where reticulated services are not available; and</i> <i>d. there is adequate water supply provided for firefighting purposes; and</i> <i>e. the scale, location and intensity of the activity will not compromise the efficiency and safety of the roading network; and</i> <i>f. the activity does not constrain existing primary production or the establishment of activities otherwise permitted within the General Rural Zone; and</i> <i>g. any adverse effects on primary production, sensitive activities, zone boundaries or sensitive environments are avoided, and if avoidance is not possible, adverse effects are minimised.;</i> <i>and</i> <i>[Rest N/A]</i>	The proposal is consistent with this policy. In particular, it has a functional and operational need for this location, it is an accepted part of the existing environment, and the adverse effects of the realignment will be less than minor.
<i>GRUZ-P10 Conservation activities</i> <i>Enable a range of conservation activities where the character and qualities of the General Rural Zone are maintained.</i>	Post-construction restoration works will be consistent with the zone.
<i>GIZ-P6 Other activities</i> <i>Avoid the establishment of other activities including residential activities unless:</i> <i>1. there is a functional need or operational need for the activity to occur in the General Industrial Zone; and</i> <i>2. the activity is not provided for in another zone; and</i> <i>3. the activity does not undermine the purpose, viability and function of any of the Commercial and Mixed Use Zones; and</i>	This is a key policy, as it is related to a non-complying activity. 1. The proposed realignment has a functional and operational need to be in this location.

PTDP policy	Comment
<i>4. the activity would not result in reverse sensitivity effects that may constrain industrial activities.</i>	2. Is not applicable as the proposal does not have an alternative location. It is also occurring in other zones. 3. Is not applicable. 4. No reverse sensitivity impacts are anticipated, given the location.
<i>NOSZ-P1 Appropriate activities and facilities</i> <i>Enable activities and facilities that:</i> <i>1. are consistent with the intended purpose, character and qualities of the Natural Open Space Zone; and</i> <i>2. protect, maintain, and where possible, enhance indigenous vegetation including taoka species, natural values and ecological linkages; and</i> <i>3. contribute to the health and wellbeing of the community.</i>	The proposal is not consistent with the intent of the NOSZ but is part of the existing environment already occurring in that zone. It is consistent with 2 and 3.
<i>NOSZ-P2 Planting</i> <i>Enable the planting of indigenous vegetation and only allow the planting of exotic species where this is consistent with the character and qualities of the specific area.</i>	This is proposed.
<i>NOSZ-P4 Buildings and structures</i> <i>Provide for small-scale buildings and structures that:</i> <i>1. are required for park management activities; and</i> <i>2. do not adversely affect the conservation values of the site; and</i> <i>3. are of a scale, form, location and design that is compatible with the purpose, character and qualities of the Zone; and</i> <i>4. do not adversely affect the character and qualities of the surrounding area.</i>	The stopbank and inland bank are structures that are not immediately consistent with the zone. However, they are occurring in a small area where industrial activities are very close, and the drainage system is already established.
<i>NOSZ-P6 Other activities</i> <i>Only allow other activities where they:</i> <i>1. contribute to the overall health and wellbeing of the community; and</i> <i>2. do not adversely affect or, are compatible with, the conservation values of the site; and</i> <i>3. do not adversely affect the character and qualities of the surrounding area; and</i> <i>4. are compatible with the purpose, character and qualities of the Zone.</i>	The drainage system is a community asset and contributes to well-being by controlling drainage and flooding. The above comments also apply re this policy.
<i>CE-P6 Maintain and/or enhance the quality of the coastal environment</i> <i>Outside of urban zoned areas, ensure subdivision, use and development where it maintains and/or enhances the following qualities that contribute to the quality, and the public's enjoyment of the coastal environment:</i> <i>1. expansive views of the CMA and skyline; and</i> <i>2. generally low levels of noise that is dominated by the sound of the sea; and</i> <i>3. the ability to undertake recreational activities such as walking, cycling and fishing; and</i> <i>4. opportunities to connect with the natural environment i.e. bird watching; and</i>	To the extent that then proposal is "development", it will not adversely affect any of the policy matters.

PTDP policy	Comment
5. opportunities to provide access to the CMA; and 6. clean, fresh air that smells of the sea; and 7. areas of indigenous vegetation, particularly around the coastal lagoons; and 8. a dark night sky; and 9. the attributes/ values that are identified in any overlay relating to the site.	
CE-P7 Anticipated activities Provide for activities that are of a scale and type that: 1. will maintain the coastal natural character qualities identified in CE-P6; or 2. if located within urban zoned areas, are consistent with the anticipated qualities of the applicable zone.	The proposal complies with this policy.
NH-P98 Natural hazard mitigation works Natural hazard mitigation works: 1. undertaken by or on behalf of the Crown, CRC or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Natural Landscapes (ONLs), Outstanding Natural Features (ONFs), the Coastal Environment, Visual Amenity Landscapes (VALs), Significant Natural Areas (SNAs), High Naturalness Waterbodies (HNWB), Sites of Significance to Māori (SASM), Historic Heritage, cultural, and archaeological areas sites, riparian margins and notable trees are mitigated; or [Rest N/A]	Given the conclusions made in the consent application, It is considered that the proposal gives effect to this policy.
NH-P11 Regionally Significant Infrastructure in natural hazard areas 1. Outside of coastal hazard areas, Regionally Significant Infrastructure a. can only locate within high hazard areas where it has an operational need or functional need for the location and there are no feasible alternative locations; and b. for all natural hazard areas: i. it is designed to maintain its integrity and function during and after a natural hazard event, or it is able to be readily re-instated after a natural hazard event; and 3.ii. it is designed and located to ensure that it will not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land; and 2. Within coastal hazard areas, only allow Regionally Significant Infrastructure, including the Port of Timaru, in areas subject to coastal hazards where: a. there is a functional need or operational need for it to locate there; and b. it will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.	The proposal is consistent with this policy.
NOISE-P1 Maintenance of zone character and qualities Enable the generation of noise when it is of a type, character and level that is appropriate, having regard to: 1. the purpose, character and qualities of the underlying zone; and	A low level of construction noise will occur during the works. It will be temporary and

PTDP policy	Comment
<i>2. the nature, scale, frequency and duration of the noise- generating activity; and</i> <i>3. methods of mitigation; and</i> <i>4. the sensitivity of the surrounding environment.</i>	the receiving environment has a low sensitivity. Given the conclusions made in the consent application, It is considered that the proposal gives effect to this policy.