



Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

Submission on Proposed Change 1 to the Regional Policy Statement for the Wellington Region

20 October 2022

To: Greater Wellington Regional Council

regionalplan@gw.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Inc.

(Forest & Bird)

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Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission. If others make a similar submission, Forest & Bird will consider presenting a joint case with them at any hearings.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the sustainable management of New Zealand's indigenous biodiversity, natural landscapes, coastal environment and freshwater resources including wetlands, rivers, and lakes.
2. Forest & Bird has a long history of conservation action in the Wellington region. We have a regional membership of over 3,300 and five branches of Forest & Bird active in conservation and advocacy.
3. Forest & Bird commends Greater Wellington Regional Council (GWRC) for demonstrating considerable forward thinking and leadership in this plan change, particularly on some big environmental issues we face as a region and a globally connected community. We thank GWRC for the opportunity to submit.

4. Forest & Bird was granted a one week extension for the filing of this submission.

SUBMISSION

5. Attachment 1 contains a submission table setting out Forest & Bird's detailed submission points. Forest & Bird also seeks further or alternative relief as may be necessary and appropriate to address concerns identified in this submission.

Jurisdictional issues regarding the freshwater planning process

6. Forest & Bird notes there is no jurisdiction under the RMA for many provisions currently marked with a freshwater symbol to undergo the freshwater planning process.
7. Forest & Bird considers that GWRC has not correctly applied the High Court decision *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777 (*Otago Regional Council v Forest & Bird*) when identifying provisions to include in the freshwater planning process. In *Otago Regional Council v Forest & Bird*, the High Court made the following observations as to what qualifies as a "freshwater planning instrument" (emphasis):

[191] *The words "relates to freshwater" must be interpreted having regard to the purpose for which s 80A was enacted. That purpose was to address the decline in freshwater quality in New Zealand.*

[192] *Section 80A(3) drives the interpretation of s 80A. Because of this, parts of a regional policy statement will qualify to be part of a freshwater planning instrument pursuant to either s 80A if they directly relate to the maintenance or enhancement of the quality or quantity of freshwater.*

8. The High Court found that the jurisdiction of the freshwater planning process is narrower than what is encapsulated under the NPSFM, and is not concerned with coastal water:

...

[200] *The National Freshwater Policy is concerned with the quality of freshwater and the effects on the receiving environment of freshwater on a whole of catchment basis. This does not mean that any part of a regional policy statement concerned with the catchment for or receiving environment from freshwater will relate to freshwater for the purpose of s 80A. It will be only to the extent parts of the proposed regional statement regulate activities in the catchment or receiving environment, because of their effect on the quality or quantity of freshwater, that policies or objectives for the catchment or receiving environment will relate to freshwater for the purposes of s 80A.*

...

[202] *In accordance with s 80A(2)(b), there may potentially be other ways in which provisions in the proposed regional policy statement can qualify to be part of a freshwater planning instrument. For that to be so, the ORC will have to be satisfy itself that those parts relate directly to matters that will impact on the quality and quantity of freshwater, including groundwater, lakes, rivers and wetlands. The ORC will also have to satisfy itself that the parts are not concerned with sea water or are part of a proposed regional coastal plan or a change or variation to that plan.*

9. The decision by GWRC to include certain provisions beyond the scope of what qualifies as

“freshwater planning instrument” appears based on the following:¹

‘Freshwater’ is defined in the RMA as, ‘all water except coastal water and geothermal water’.

‘Freshwater quality and quantity’ is not defined in the Decision but has been considered by Council to encompass freshwater ecosystem health, including habitat, aquatic life and ecological processes. It is a measure of, and intrinsically connected to, freshwater quality. Therefore, in the following analysis and justification any matters directly impacting freshwater ecosystem health are directly impacting the quality and quantity of freshwater. The reasons for this approach include:

- *Te Mana o Te Wai, the fundamental concept for freshwater management in the NPS-FM 2020, prioritises the health and well-being of water bodies and freshwater ecosystems. Freshwater ecosystem health is central in the objective and policies of the NPS-FM.*
- *Water quality and quantity are two of five biophysical components contributing to freshwater ecosystem health, as outlined in Appendix 1A of the NPS-FM. The others are habitat, aquatic life and ecological processes, which each have relevant attributes under the National Objectives Framework. The NPS-FM is therefore clearly about more than just water quality and quantity, and to separate them from other components of freshwater ecosystem health would not be giving effect to the NPS-FM.*
- *Freshwater hearings panels must collectively have knowledge and expertise in relation to ‘freshwater quality, quantity, and ecology’ under Section 59(6)(b) of Schedule 1 of the RMA. This explicitly states that the FPP includes other matters relating to freshwater ecosystem health beyond water quality and quantity.*

10. This does not accord with the following elements of High Court’s decision in *Otago Regional Council*:

[206] Parts of a proposed regional statement cannot be treated as parts of a freshwater planning instrument simply because there is some connection to freshwater through the concepts of Te Mana o te Wai, ki uta ki tai or the integrated management of natural and physical resources. To hold otherwise would be contrary to Parliament’s intention in s 80A and pt 4 of sch 1 to establish a dual planning process where only parts of a regional policy statement directly relating to freshwater would be subject to the freshwater planning process.

11. Examples of chapters and provisions which do not qualify for the freshwater planning process include, but are not limited to:

- a. Climate change provisions e.g. Chapter 3.1A.
- b. Natural hazard provisions e.g. Objective 20.
- c. Urban design provisions e.g. Objective 22, Policy 31.
- d. Provisions concerning wetlands in the coastal marine area (the NPSFM only applies to “natural inland wetlands”).²
- e. General indigenous biodiversity provisions e.g. Policies 23-24.
- f. The methods that give effect to the above provisions.

12. While these provisions have some connection to freshwater or the concept of Te Mana o te Wai, the link is tenuous. They do not fall squarely within the jurisdiction of the freshwater planning process as outlined by the High Court (or supported by the policy intent of the freshwater planning process):

¹ GWRC Section 32 Report, Appendix E – Parts of RPS Change 1 subject to the Freshwater Planning Process at page 387.

² See NPSFM 3.21: “natural inland wetlands” means a natural wetland that is not in the coastal marine area.” Wetlands in the CMA are within the domain of the NZCPS.

- a. They have not been designed to “regulate activities in the catchment or receiving environment, because of their effect on the quality or quantity of freshwater”³. The prime examples are the provisions addressing climate change – a phenomenon with indiscriminate effects;
 - b. Some provisions affect or relate directly to seawater which is clearly outside the jurisdiction of the freshwater planning process.
13. Further, many of these provisions require expertise beyond freshwater quality and quantity such as marine biology, coastal systems, climate science, urban planning, terrestrial ecology, and air quality. They risk frustrating the expedition of the process for developing a National Objectives Framework. The National Objectives Framework is long overdue, and should not be delayed by matters which have some link to freshwater, but are essentially peripheral i.e. urban development. These provisions are also subject to separate policy direction such as the New Zealand Coastal Policy Statement or the National Policy Statement on Urban Development. They are not only required to be dealt with under the standard Schedule 1 process, but are more appropriately dealt with in this separate arena.
14. Forest & Bird accordingly seeks that only those provisions coming within the ambit expressed by the High Court above go through the freshwater planning process.

³ *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777 at [200].

Attachment 1: Submission Table on Proposed Change 1 to the Regional Policy Statement

Provision (i.e. issue, objective, policy, method, definition)	Support/Oppose	Reasons Please provide reasons for your view	Decision Sought What changes you would like to see?
Proposed amendments to Chapter 3: Resource management issues, objectives and summary of policies and methods to achieve the objectives in the Regional Policy Statement			
Chapter introduction	Support.		Retain
Objective A	Support with amendment	<p>Objective A is not clear enough that as part of integrated management, the natural environment will need to be protected. A directive statement to that effect is required.</p> <p>While paragraph (c) provides: <i>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and</i> there needs to be a broader requirement to protect the natural environment, not necessarily linked to mana whenua/tangata whenua values.</p> <p>The coastal environment needs to be referred to in this objective.</p> <p>Freshwater needs to be referred to in this objective.</p> <p>We are also unsure what the effect of the pōtai will be with respect to the listed considerations. We seek clarity on the relationship between ‘guided by Te Ao Māori’ and the listed considerations. The s32</p>	<p>Include the following (or similar):</p> <ul style="list-style-type: none"> (x) maintains and protects indigenous biodiversity, natural landscapes, and the life-supporting capacity of ecosystems (y) protects the coastal environment (z) protects freshwater <p>Consider amending the pōtai to clarify how Te Ao Māori will interact the listed items. Ensure that protection and maintenance of indigenous biodiversity is paramount.</p>

		report states that this objective is intended to provide greater clarity, however the overarching consideration of Te Ao Māori introduces a potentially significant shift from current resource management thinking. While this may be desirable, further clarity is needed on what this would mean, and how this would flow down into interpretation of later RPS provisions and lower order plans.	
Proposed insertion of Chapter 3.1A: Climate Change			
Chapter introduction	Support.		Retain but see consequential submission point in definitions below. Also, Te Rito o te Harakeke needs italicising to indicate it has a definition.
Objective CC.1	Support in part.	Seek alignment with the Climate Change Response Act 2002 which requires all greenhouse gases, other than biogenic methane, to reach net zero by 2050.	Seek amendment: By 2050, the Wellington Region is a low-zero -emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of: (a) sustainable air, land, freshwater, and coastal management, (b) well-functioning urban environments and rural areas, and (c) well-planned infrastructure.
Objective CC.2	Support.		Retain.
Objective CC.3	Support.	These targets are consistent with the policy direction from the Climate Change Response (Zero Carbon) Amendment Act 2019, the latest science from the IPCC, the National Emissions Reduction Plan and the National Adaptation Plan	Retain.
Objective CC.4	Support.	Nature-based solutions are critical to our	Retain.

		response to climate change and a core principle of the Emissions Reduction Plan.	
Objective CC.5	Support.	Controlling deer, goats and other browsers on regenerating native vegetation could have significant carbon benefits. ⁴ Permanent forests become emitters of carbon if browsing herbivores are not managed. ⁵	Retain with amendment: By 2030, there is an increase in the area of <i>permanent forest</i> in the Wellington Region, <u>and an equivalent increase in browser control</u> , maximising benefits for carbon sequestration, indigenous biodiversity, land stability, water quality, and social and economic well-being
Objective CC.6	Support.	This objective aligns with, and helps to give effect to, the National Adaptation Plan.	Retain.
Objective CC.7	Support.	This objective aligns with, and helps to give effect to, the National Adaptation Plan.	Retain.
Objective CC.8	Support.	This objective aligns with, and helps to give effect to, the National Adaptation Plan.	Retain.
Proposed amendment to Chapter 3.3: Energy, infrastructure and waste			
Introduction	Support.	Removal of references to out-of-date national policy direction is appropriate.	Retain.
Table 3	Support.	This is appropriate.	Retain consequential changes to the table to account for policy changes.
Proposed amendment to Chapter 3.4: Fresh water (including public access)			
Chapter introduction	Support in part	This provides a fairly accurate general overview. However, Forest & Bird is concerned that the margins of rivers, lakes and wetlands often fall through the cracks. These areas must also be recognised per section 6(a) of the RMA.	Amend the first paragraph as follows: Fresh water is integral to our health, wellbeing, livelihood and culture. Freshwater is essential for our economy and defines our landscape and sustains ecosystems. People value clean fresh water for many reasons – economic, recreational,

⁴ <https://www.doc.govt.nz/globalassets/documents/conservation/threats-and-impacts/animal-pests/wild-animal-control-emissions-management.pdf>

⁵ <https://www.forestandbird.org.nz/resources/climate-change-and-introduced-browsers>

			aesthetic, ecological and cultural. It is a matter of national importance to protect wetlands, lakes, rivers, streams <u>and their margins</u> from inappropriate use and development.
Table 4	Support	This provides a fairly accurate table setting out policy titles and lead authorities.	Retain.
Objective 12	Support	Captures the concepts set out in the NPSFM.	Retain.
Te Mana o te Wai expressions	Support	Forest & Bird supports the inclusion of Te Mana o te Wai expressions.	Retain.
New provision (s)	Support	NPSFM clause 3.3(1) requires every regional council develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement. Forest & Bird notes the GWRC has not included long-term visions, but that appropriate visions could be taken and adapted from Te Mahere Wai o Te Kāhui Taiao: Greater Wellington Regional Council – Te Mahere Wai recommendations.	Include long-term visions for freshwater at the FMU level from Te Mahere Wai o Te Kāhui Taiao, insofar as these give effect to the objective and policies of the NPSFM.
New provision(s)	Support	NPSFM clause 3.3 requires visions to be ambitious and clear on what the outcomes to be achieved are – noting that they are to be difficult to achieve but not impossible. There is currently no overarching vision for which the specific FMU visions are set to achieve. Forest & Bird notes the requirement to work with mana whenua and communities on developing FMU visions.	Add a new overarching vision to apply to all FMUs in Greater Wellington as follows: <u>“All of Greater Wellington catchment vision”</u> <u>By no later than 2040, in all Greater Wellington catchments:</u> (1) <u>Water bodies are protected, or restored to a state of good health, well-being and resilience,</u> (2) <u>Activities relating to water support the health, well-being and resilience of affected water</u>

		<p>The relevant goals within any vision objectives should all be achieved by, at most, 2040. Forest & Bird supports retaining shorter timeframes at the FMU level where these are proposed.</p> <p>Forest & Bird proposes an overarching vision for all FMUs in Greater Wellington to:</p> <ol style="list-style-type: none"> a. address any gaps left by visions at the FMU/part of an FMU scale; b. give effect to Objective 12. 	<p><u>bodies,</u></p> <ol style="list-style-type: none"> (3) <u>The natural form and function of water bodies, including with respect to water quality, sedimentation and flows, mimics that of their natural behaviour,</u> (4) <u>Ecosystem connections between freshwater, wetlands and the coastal environment are protected and restored,</u> (5) <u>Wetland, estuary and lagoon extent has been restored a much as practical where it has been lost, and their quality is protected and restored,</u> (6) <u>The habitat of indigenous freshwater species is protected and restored, and indigenous species are able to migrate easily within and between catchments, except where it is desirable to prevent the passage of some fish species in order to protect indigenous species, their life stages, or their habitats,</u> (7) <u>Food is available to be harvested from water bodies and is safe to consume,</u> (8) <u>People have abundant, quality opportunities to connect with and safely undertake recreational activities within or close to a wide range of water bodies,</u> (9) <u>There are no direct discharges of wastewater to water bodies.</u> <p>Make the required consequential amendments to specific FMU visions to ensure the overarching vision above applies to all of them while retaining FMU specific provisions and timeframes where these contain more stringent protection of the health and well-being of water bodies and</p>
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			freshwater ecosystems than provided for in the overarching vision.
Proposed amendment to Chapter 3.6: Indigenous ecosystems			
Chapter introduction	Support with amendment.	Needs explanation to ensure it's clear how the plan is giving effect to the NPS-IB and therefore the RMA.	The chapter introduction needs to include an explanation of Te Rito o te Harakeke to explain the link to the NPS-IB.
Objective 16	Support with amendment.	As written this objective does not give effect to s6(c) of the RMA and needs to include protection of significant habitats of indigenous fauna which could be exotic.	Support protection and enhancement. However, this objective needs to be broader than just indigenous ecosystems and habitats to ensure protection of significant habitats of indigenous fauna. For example, macrocarpa shelter belts can be important roosts for long-tailed bats as can exotic pine forests for <i>Powelliphanta</i> snails.
Policies & Methods to achieve Objective 16	Support with amendment.	Policies and methods need to align to give effect to s6(c) of the RMA.	Seek consequential changes to policies and methods to ensure significant habitats of indigenous fauna are also protected as per comment above.
Objective 16.A	Support.	This is consistent with the RMA.	Retain.
Policies & Methods to achieve Objective 16.A	Oppose in part.	The policies and methods need to give better effect to the RMA.	We question how non-regulatory policies, particularly Policy IE.3, and methods are going to achieve the objective. Suggest additional regulatory policy required to ensure maintenance of biodiversity as per council functions under s31 of the RMA.
Objective 16.B	Support.	This objective is appropriate.	Retain.
Objective 16.C	Support.	This objective is appropriate.	Retain.
Proposed amendment to Chapter 3.8: Natural hazards			
Chapter introduction	Support.	This is consistent with the RMA and higher order planning instruments.	Retain.
Objective 19	Support.	This is consistent with the RMA.	Retain as written.
Policies & Methods to achieve Objective 19	Support.	Consequential changes are appropriate.	Support consequential changes to policies and methods, aside from Policy 29 as per comment below.

Objective 20	Support.	This objective is appropriate.	Retain.
Objective 21	Support.	This objective is appropriate.	Retain.
Proposed amendment to Chapter 3.9: Regional form, design and function			
All proposed amendments to Chapter 3.9.	Support in part, oppose in part.	We acknowledge that the policy direction in the NPSUD is to provide for urban development; however, this is not to be provided at any cost. The adverse effects of development must be considered in undertaking all council functions and responsibilities, and in achieving the purpose of the Act.	Seek deletion of the directive language in the amended provisions that provide for urban development and expansion. Policies need to be subject to meeting other requirements such as s6 of the RMA.
Proposed amendment to Chapter 4.1: Regulatory policies – direction to district and regional plans and the Regional Land Transport Plan			
Chapter introduction and table of contents	Support		Retain
Policy 2	Support		Retain
Policy CC.1	Support in part	The terms “contribute to reducing” are redundant. The key focus must be to reduce greenhouse gas emissions.	District and regional plans shall include objectives, policies, rules and/or methods to require that all new and altered transport infrastructure is designed, constructed, and operated in a way that contribute to reducing <u>reduces</u> greenhouse gas emissions by: (a) Optimising overall transport demand; (b) Maximising mode shift from private vehicles to public transport or active modes; and (c) Supporting the move towards low and zero-carbon modes.
Policy CC.2	Support in part.	The requirement for travel demand management plans is supported. However, Forest & Bird does not support the use of a threshold to trigger the requirement for such plans.	Delete the inclusion of a specified development threshold as follows: By 30 June 2025, district plans shall include objectives, policies and rules that require subdivision, use and development consent

		It is unclear how “more than minor” will be determined in the context of greenhouse gas emissions whereby an individual’s or group of individuals’ emissions may be minor but nonetheless contribute cumulatively.	applicants to provide travel demand management plans to minimise reliance on private vehicles and maximise use of public transport and active modes for all new subdivision, use and development. over a specified development threshold where there is a potential for a more than minor increase in private vehicles and/or freight travel movements and associated increase in greenhouse gas emissions.
Policy CC.3	Support in part.	Seek amendment to clarify to focus is on reducing greenhouse gas emissions. Also seek amendment to ensure that the enabling of infrastructure does not cause adverse effects for indigenous biodiversity.	Amend as follows: By 30 June 2025, district plans shall include objectives, policies, rules and methods that enables infrastructure that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing-reduce greenhouse gas emissions, <u>while protecting indigenous biodiversity.</u>
Policy CC.4	Support.	This initiative is appropriate.	Retain.
Policy CC.5	Support in part.	Amendments are needed to direct that emissions are not contributed to. Amendments are also needed to capture a wider range of sectors, such as the waste management sector (methane from landfills) and the expansion of ports (emissions from cruise ships).	Amend as follows: Regional plans shall include objectives, policies, rules and/or methods to avoid changes to land use activities and/or management practices that <u>contribute to greenhouse gas emissions</u> or result in an increase in gross greenhouse gas emissions from agriculture.
Policy CC.6	Support in part	It is ecologically responsible to prioritise the planting or restoration of indigenous vegetation over exotic. However, a wording change is required to ensure the policy is	Amend as follows: Regional plans shall include objectives, policies, rules and/or methods that support <u>require</u> an

		strengthened, and that there is policy support for other indigenous vegetation to be captured.	increase in the area of permanent forest <u>and wetlands</u> in the region to contribute to achieving net-zero greenhouse gas emissions by 2050, while: <ul style="list-style-type: none"> (a) promoting and incentivising the planting or regeneration of permanent indigenous <u>forest vegetation</u> over exotic species, particularly on highly erodible land and in catchments where water quality targets for sediment are not reached, and <p>Also amend the title to this policy to reflect the change sought.</p>
Policy CC.7	Support	This accords with Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020	Retain.
Policy CC.8	Support in part	It is not appropriate for certain activities to be exempt from the requirement to prioritise reducing emissions over offsetting.	Amend as follows: <p>District and regional plans shall include objectives, policies, rules and/or methods to prioritise reducing greenhouse gas emissions in the first instance rather than applying offsetting, and to identify the type and scale of the activities to which this policy should apply.</p> <p>Include additional policy direction to require that, where there is no possible alternative to reducing greenhouse gas emissions, offsets must be achieved by the planting of indigenous vegetation over plantation forestry.</p>
Policy 3	Support in part	This policy only provides protection for areas of high natural character in the coastal environment. NZCPS policy 13 requires the	Amend this policy, or include a new policy, to ensure that all areas of natural character in the coastal environment are adequately protected in

		protection of all areas of natural character. While the mapping requirement only extends to areas of high natural character, the obligation to avoid significant adverse effects applies more broadly (see NZCPS policy 13(1)(b) and (d)).	accordance with policy 13 NZCPS.
Policy 7	Support with amendment	This policy is poorly drafted. It refers “to low and zero carbon regionally significant infrastructure”, which is unclear.	Replace “low and zero carbon regionally significant infrastructure” with “regionally significant infrastructure that contributes to the achievement of the greenhouse gas emission targets in Objective CC.1” Make consequential amendments to explanation.
Policy 9	Support in part	The policy provides for a reduction but is not linked to the specific reductions sought in Objective CC.3	Amend so that reductions provided for in the policy are linked to the reductions identified in Objective CC.3.
Policy 11	Support		Retain
Policy EIW.1	Support in part	The intent of the policy is supported but the drafting is poor, in particular the concluding words “by contributing to reducing greenhouse emissions” do not make sense	The Wellington Regional Land Transport Plan shall include objectives, policies and methods that <u>achieve the greenhouse emission targets in Objective CC.3</u> , give effect to the promote equitable and accessible high quality active mode infrastructure, and affordable public transport services with sufficient frequency and connectedness, including between modes, for people to live in urban areas without the need to have access to a private vehicle, by contributing to reducing greenhouse emissions.
Policy 12	Support in part	While the intent of this policy is supported, there is a risk that paraphrasing the	Amend the policy:

		implementation requirements of the NPSFM will change their meaning. The policy needs to be clear that the NPSFM requirements remain paramount, despite the paraphrasing in this policy.	<p>Regional plans shall give effect to Te Mana o te Wai and the implementation requirements of the <u>NPSFM, and</u> include objectives, policies, rules and/or methods that:</p> <p>Add a note at the bottom of the policy: <u>Where there is a difference between the listed requirements above and those of the NPSFM, the NPSFM will prevail.</u></p> <p>Make any further amendments to ensure Part 3 of the NPSFM is given effect to.</p>
Policy 13	Support	Support deletion of outdated policy.	Support deletion.
Policy 14	Oppose in part	<p>This policy appears to be restricted to the effects of urban development on freshwater. If that is the case, then the chapeau should be amended and policy (l) removed so that mapping of rivers and wetlands is required generally and not just in relation to urban development.</p> <p>Further policies are required to ensure there is no further loss of extent of natural inland wetlands.</p>	<p>Amend the chapeau as follows:</p> <p><u>In managing the effects of urban development, Regional plan objectives, policies, and methods including rules, must give effect to Te Mana o te Wai and in doing so must:</u></p> <p>...</p> <p>Include a new policy:</p> <p><u>(x) require that urban development avoids the loss of extent or values of natural inland wetlands.</u></p> <p>Remove clause (l) and insert a separate standalone provision to direct the identification and mapping of rivers and wetlands.</p>
Policy 15	Oppose	Further components are required to ensure this policy is:	Amend as follows:

		<p>a. in accordance with s6(a) and (c) of the RMA,</p> <p>b. gives effect to NPSFM Policies 6 and 7, and</p> <p>c. gives effect to NZCPS Objective 1 and Policies 11, 13, and 14.</p> <p>Amendments required for clarity and to ensure no further wetland loss, the protection of rivers and their margins.</p> <p>Sedimentation generated on land affects estuaries and harbours and these environments are not provided the same protection under the NPSFM as inland water bodies. A bespoke policy directing a reduction in sedimentation affecting estuaries and harbours is required.</p>	<p>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise the extent necessary <u>in order to achieve the target attribute states for water bodies and freshwater ecosystems, including the effects of these</u> <u>avoid adverse effects generated by these</u> activities on the life-supporting capacity of soils, <u>wetlands, rivers and their margins</u>, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.</p> <p>Include additional policy:</p> <p><u>(x) reduce sedimentation rates in the region’s estuaries and harbours;</u></p>
Policy 17	Support in part	Reference to “community supplies” is vague and must be qualified. Otherwise, it could suggest water for third order priorities (i.e. social, economic and cultural wellbeing) is captured.	<p>Amend (c) as follows:</p> <p>(c) the taking of water for community <u>drinking water</u> supplies; and</p>
Policy 18	Support in part, and seek new policy	<p>Various amendments are required in order to ensure the direction and ecological bottom-lines from the RMA, NZCPS and NPSFM are carried through.</p> <p>The NPSFM applies to natural inland wetlands and not coastal wetlands.</p>	<p>Amend the chapeau as follows:</p> <p>Regional plans shall include policies, rules and/or methods that protect and restore the ecological health of water bodies including, <u>which ensure the following:</u></p>

		<p>Complementary policies in the NZCPS apply to coastal wetlands (NZCPS Policies 10, 11, 13, and 14). Accordingly, separate policy direction on coastal wetlands is appropriate.</p>	<p>Remove coastal wetlands from clause (c) and include a new policy specifically for coastal wetlands that gives effect to the NZCPS:</p> <p><u>(x)(i) avoid adverse effects of activities on NZCPS policy 11(a) values of coastal wetlands;</u> <u>(ii) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on any NZCPS policy 11(b) values of coastal wetlands;</u> <u>(iii) preserve the natural character of coastal wetlands in accordance with policy 13 NZCPS;</u> <u>(iv) promote restoration of coastal wetlands in accordance with policy 14 NZCPS; and</u> <u>(v) avoid reclamation in coastal wetlands in accordance with policy 10 NZCPS.</u></p> <p>Amend clauses (i),(j) and (k) as follows:</p> <p>(i) promoting the retention of <u>retaining</u> in-stream habitat diversity by retaining natural features – such as pools, runs, riffles, and the river’s natural form; (j) promoting the retention of <u>retaining</u> natural flow regimes – such as flushing flows; (k) promoting the protection and reinstatement protect and reinstate <u>of</u> riparian habitat;</p> <p>Amend clauses (n)-(q) as follows:</p> <p>(n) discourage restricting <u>avoiding</u> the reclamation, piping, straightening or concrete lining of rivers; (o) discourage restricting <u>avoiding</u> stock access to</p>
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			<p>estuaries, rivers, lakes and wetland;</p> <p>(p) discourage restricting <u>avoiding</u> the diversion of water into or from wetlands – unless the diversion is necessary to restore the hydrological variation to the wetland;</p> <p>(q) discourage restricting the removal or destruction of indigenous plants in wetlands and lakes; and</p> <p>Amend clause (r) as follows:</p> <p>(r) restoring and maintaining <u>indigenous</u> fish passage, <u>except where it is desirable to prevent the passage of some fish species in order to protect indigenous species, their life stages, or their habitats.</u></p>
Policy FW.1	Support		Retain
Policy FW.2	Support		Retain
Policy FW.3	Support in part	<p>Various amendments are required in order to ensure the direction and ecological bottom-lines from the RMA, NZCPS and NPSFM are carried through.</p>	<p>Amend (g) and (h) as follows:</p> <p>(g) Consider the <u>avoid the adverse effects on</u> freshwater and the coastal marine area of subdivision, use and development of land;</p> <p>(h) Consider <u>control</u> the use and development of land in relation <u>order to achieve</u> target attribute states and <u>comply with</u> any limits set in a regional plan;</p> <p>Amend clause (p) as follows:</p> <p>(p) Consider <u>promote</u> daylighting of streams,</p>

			where practicable; and
Policy 23	Support in part	<p>We are concerned that some councils have still not identified SNAs in their plans e.g. the recently notified Wellington DP does not include residential SNAs. Other councils have not identified SNAs at all yet. We strongly support the inclusion of a June 2025 deadline, as delaying any further is contrary to s6(c).</p> <p>However, we see a risk for councils such as Wellington CC, that have done the work to identify SNAs but have not included them in the plan. We submitted on the Wgtn DP that the residential SNAs should be immediately reincluded. Allowing a further 3 years in those circumstances is unacceptable. We therefore seek amendment to how the deadline is expressed.</p>	<p>Amend as follows (or words to the same effect):</p> <p><u>“As soon as possible, and in any event no later than by 30 June 2025”</u></p> <p>Amend explanation accordingly.</p>
Policy 24	Support in part, oppose in part	<p>In terms of the date, the submission points made in relation to Policy 23 are repeated here. Any delay to protecting SNAs should be the shortest possible.</p> <p>The requirement in policy 24(a)(i) should apply equally to compensation. Where compensation is proposed by an applicant, there must be sufficient certainty that the techniques, methods, site etc are appropriate to achieve the claimed biodiversity outcomes, even where those aren't quite an offset.</p>	<p>Amend as follows (or words to the same effect):</p> <p><u>“As soon as possible, and in any event no later than by 30 June 2025”</u></p> <p>Amend to apply the requirement in pol. 24(a)(i) to compensation.</p> <p>Include a full set of offsetting and compensation principles either in policy 24 or elsewhere in the RPS.</p> <p>Amend Policy to make it clear that the list is not exhaustive and if species or ecosystems meeting</p>

		<p>This policy only deals with the limits to offsetting and compensation. However, district plans may not include full sets of principles. Including a full set in the RPS would aid consistency across the district plans. Additionally, Policy 47 directs considerations of the limits to offsetting in policy 24, but not any of the other generally accepted parameters for offsetting and compensation.</p> <p>Policy 24(c) could be misinterpreted as indicating only those areas and species identified in Appendix 1A are covered.</p> <p>Oppose Policy 24(d) as drafted. The reference to a net biodiversity benefit adds a new concept that is unnecessary and adds complexity. The reference to a 10% gain or benefit is inappropriate. It is arbitrary and meaningless, especially in the context of compensation.</p> <p>The 10% requires some form of calculation of losses and gains and presupposes there is adequate information about the ecosystem that allows for such a calculation. There are situations where there may not be adequate information upon which to make such a calculation with the necessary level of accuracy.</p>	<p>the criteria are identified elsewhere, they are covered by the policy.</p> <p>Delete Policy 24(d).</p> <p>Amend explanation accordingly.</p>
Policy 29	Oppose.	Oppose deletion of avoid as this is inconsistent with the NZCPS.	Retain "Avoid inappropriate" in the original policy to give effect to the NZCPS.

			Seek retention of original wording as the term 'manage' is not appropriate and fails to achieve NZCPS Objective 19.
Policy 33	Support with amendment	There is a mismatch between what this policy seeks (a reduction of transport emissions) and Objective CC.3, which seeks a reduction of 35% of 2019 transport emissions by 2030)	Amend to ensure that the reduction sought under Policy 33 reflects the requirements of Objective CC.3.
Proposed amendment to Chapter 4.2: Regulatory policies – Matters to be considered			
Chapter introduction and table of contents	Oppose in part	The introduction (above the table) incorrectly states the weight to be given to the chapter's policies when changing or varying regional and district plans. Those plans must give effect to the RPS, not have particular regard to the RPS' provisions.	Amend as follows: This section contains the policies that need to be given particular regard, where relevant, when assessing and deciding on resource consents <u>or</u> notices of requirement. <u>The policies must be given effect to</u> or when changing, or varying district or regional plans. Within this section, policies are presented in numeric order, although the summary table below lists the policy titles by topic headings.
Policy IM.1	Support		Retain
Policy IM.2	Support		Retain
Policy CC.9	Support in part	The intent of this policy is supported in that it directs reduction; however it needs to contain stronger direction and link to achieving the specific reductions sought in Objective CC.3.	Amend as follows: When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to whether <u>ensure</u> the subdivision, use and development have been planned to optimise overall transport demand, maximising mode shift from private vehicles to public transport or active modes, in a way that <u>achieves the greenhouse gas emission targets in Objective CC.3.</u> contributes to reducing greenhouse

			gas emissions
Policy CC.10	Support in part	This policy should contain stronger direction and link to achieving the specific reductions sought in Objective CC.3.	Amend as follows: When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan for freight distribution centres and new industrial areas or similar activities with significant freight servicing requirements, particular regard shall be given to <u>ensure</u> the proximity of efficient transport networks and locations that will contribute to efficient freight movements <u>in a way that achieves the greenhouse gas emission targets in Objective CC.3 and</u> minimising associated greenhouse gas emissions.
Policy CC.11	Support		Retain
Policy CC.12	Support in part	Support recognising and providing for nature-based solutions, however stronger policy direction must be included. A direction to have “particular regard” is not strong enough, as it provides latitude for decision-makers to give little or no weight at all to such critical matters at the plan-making or consenting stage.	Amend as follows: When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution to climate change and particular regard shall be given to <u>avoiding any</u> adverse effects on the climate change mitigation or adaptation functions <u>must be avoided.</u>
Policy CC.13	Support in part	Amendments required to require decision-makers give more weight to the listed	Amend as follows:

		matters, and that the policy links to achieving the specific reductions sought in Objective CC.3.	When considering an application for a resource consent, associated with a change in intensity or type of agricultural land use, particular regard shall be given to ensure: (a) <u>reducing gross greenhouse gas emissions are reduced in accordance with Objective CC.3 as a priority where practicable</u> , and (b) where it is not practicable to reduce gross greenhouse gas emissions, achieving a net reduction in greenhouse gas emissions, and (c) avoiding any increase in gross greenhouse gas emissions <u>is avoided</u> .
Policy CC.14	Support in part	Increase targets for tree canopy cover and include provision for green infrastructure and making “room for rivers” in order to increase flood protection capacity and promote the carbon.	Amend clause (a) as follows: (a) maintaining, enhancing, restoring, and/or creating urban greening at a range of spatial scales to provide urban cooling, including working towards achieving a target of: i. 10 <u>at least 15 percent tree canopy cover at a suburb-scale by 2030,</u> ii. <u>at least 30 percent cover by 2030 at the suburb scale where 15 percent cover is already in place, and 30</u> iii. <u>50 percent cover in all cases by 2050,</u> Include the following clause: <u>(x) providing for green infrastructure and making room for rivers</u>
Policy 39	Support in part	Drafting improvement to link the reductions in greenhouse gas emissions to the targets in	Amend Policy 39(a) as follows:

		Objective CC.3	the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure, in particular where it contributes to <u>reduces ing greenhouse gas emissions in a way that achieves the targets in Objective CC.3;</u> and
Policy 40	Support in part	<p>Policy 40 is poorly drafted and not consistent with Policies 42 and 44 in relation to key matters.</p> <p>Policy 40 requires that, when considering a resource consent, particular regard must be had to giving effect to Te Mana o te Wai. This is poor drafting in that the policy should require that Te Mana o te Wai is given effect to.</p> <p>This can be compared with the Policy 42, which require that Te Mana o te Wai is given effect to and provide a range of matters that particular regard must be had to while giving effect to Te Mana o Te Wai. It is also inconsistent with Policy 44, which sets out outcomes that will be achieved by giving effect to Te Mana o te Wai.</p> <p>A requirement to avoid the loss of extent and values of natural inland wetlands is required.</p> <p>It is not clear how this policy would apply to coastal wetlands.</p>	<p>Replace the introductory words with “When considering an application for a resource consent the regional council must give effect to Te Mana o te Wai by:”</p> <p>Amend Policy 40(a) as follows:</p> <p>(a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed in a way that gives effect to Te Mana o Te Wai and protects and enhances the health and well-being of waterbodies and the health and wellbeing of freshwater ecosystems</p> <p>Add a further item:</p> <p><u>(x) avoiding the loss of extent or values of natural inland wetlands</u></p> <p>Make policy amendments to ensure that the NZCPS is given effect to in respect of coastal wetlands, in line with the submission on Policy 18 above, and any consequential amendments to the methods.</p>

Policy 41	Support in part	<p>Amendments needed to ensure this policy aligns with the direction in the NSPFM, for example, its Objective and Policies 1, 3 and 9.</p> <p>Additional clause needed to ensure the maintenance and enhancement of coastal water quality is not overlooked and the NZCPS is also given effect to.</p>	<p>Amend as follows:</p> <p>Policy 41: Controlling <u>Minimising the effects of earthworks</u> <u>Earthworks</u> and vegetation disturbance – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling for earthworks and or vegetation disturbance by to <u>minimise, give effect to Te Mana o te Wai by:</u></p> <p>(a) erosion; and <u>(a) considering whether the activity will achieve achieving environmental outcomes and target attribute states; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and</u></p> <p>(b) avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met;</p> <p>Include an additional clause addressing coastal environments:</p> <p><u>(x) when assessing an application for a resource consent for earthworks or vegetation clearance and any associated discharge of contaminant ensure that the activity avoids adverse effects on aquatic ecosystem health, indigenous biodiversity in coastal water and receiving environments</u></p>
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Policy 42	Support in part	As in Policy 40, Policy 42 conflates “giving effect to” and “having particular regard to”. These are separate concepts and the Council should be giving effect to Te Mana o te Wai	Amend the introductory words as follows: When considering an application for a resource consent the regional council must give effect to Te Mana o te Wai by: Make consequential amendments, for example, in (a) adopt would need to be amended to adopting for the provision to make sense.
Policy 44	Support	Gives effect to the NPSFM Objective and Policies	Retain
Policy FW.5	Oppose in part	Further amendments are required to ensure this policy meets the NPSFM objective and policies.	Amend the pōtai to Policy FW.5 as follows: When considering a change, variation or review of a regional or district plan <u>give effect to the hierarchy of obligations in Te Mana o te Wai, as set out in Objective 2.1 of the NPSFM 2020 and have particular regard</u> shall be given to:
Policy 47	Support with amendment	It is not appropriate to include new subclause (i), which refers to limits to offsetting and compensation, as a matter to be had particular regard to. A limit is something that has to be given effect to not had regard to. Require adherence to a full set of mandatory offsetting and compensation principles.	Include (i) as a matter that has to be “given effect to”, not “have regard to.” Also include a requirement to give effect to a full set of mandatory offsetting and compensation principles, that are included in the RPS (as submitted above).
Policy 51	Oppose in part	The direction to “minimise” the risk and consequences of natural hazards on people, communities, their property and infrastructure” is inconsistent with NZCPS	Amend the heading and chapeau to Policy 51 as follows: Policy 51: Minimising <u>Avoiding</u> the risks and

		<p>Policy 25. More broadly, it is an inappropriate management approach, as a risk may be minimised but still be very significant.</p>	<p>consequences of natural hazards – consideration</p> <p>“When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised avoided, and/or in determining whether an activity is inappropriate particular regard shall be given to:”</p>
<p>Policy 52: Minimising adverse effects of hazard mitigation measures – consideration</p>	<p>Support in part</p>	<p>Support the recognition of green infrastructure and “room for the river” options when considering resource consents, a notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures.</p> <p>However, Forest & Bird seeks:</p> <ol style="list-style-type: none"> a. Prioritisation of green infrastructure, room for river over structural protection works or hard engineering methods; b. The inclusion of “nature-based solutions” as a solution in clause (b) – as this is supported by Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020 <p>Prioritisation of these options ensures consistency with:</p> <ol style="list-style-type: none"> a. Section 6(a) of the RMA (“the 	<p>Amend as follows:</p> <p>Policy 52: Minimising Avoiding adverse effects of hazard mitigation measures – consideration</p> <p>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</p> <p>(a) the need for structural protection works or hard engineering methods;</p> <p>(b) whether prioritising non-structural, soft engineering, <u>green infrastructure, room for the river or Mātauranga Māori options or nature-based solutions provide</u> as a more appropriate or <u>suitably innovative solution</u>;</p> <p>...</p> <p>(e) avoiding adverse effects on Te Mana o te Wai, <u>mahinga kai, Te Rito o te Harakeke, natural processes, or the local indigenous ecosystem and biodiversity</u>;</p>

		<p>preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision, use, and development”);</p> <p>b. NPSFM Policy 7 and clause 2.24; c. NZCPS Policies 25, 26, and 27.</p> <p>Forest & Bird considers “minimise” is a low bar unsupported by higher order documents. The direction should be to “avoid the risks from natural hazards” or otherwise reinstate “reduce and do not increase”.</p>	<p>... so that they minimise reduce and do not increase <u>avoid</u> the risks from of natural hazards.</p>
Policy 55	Oppose	<p>The policy is poorly drafted. There is an inconsistency with the requirement to “have particular regard to” a later requirement that the Council “shall apply”. The direction is either to have particular regard to the RPS provisions requiring protection of values or to apply those provisions.</p> <p>The matters under Policy 55(a)(ii) should to be applied not had particular regard to.</p>	<p>Amend Policy 55 to ensure that the requirements in Policy 55(a)(ii) are required to be applied, not matters to which particular regard has to be had.</p> <p>Make consequential amendments to explanation.</p>
Policy 57	Support		Retain
Policy UD.3	Support with amendment	The matters under Policy 55(a)(ii) should to be applied not had particular regard to.	Amend Policy UD.2 to ensure that the requirements in Policy 55(a)(ii) are required to be applied, not matters to which particular regard has to be had.
Proposed amendment to Chapter 4.3: Allocation of responsibilities			

Policy 61	Support		Retain
Policy FW.6	Support in part	<p>The title of the policy suggests that it is aimed only at freshwater. However, (b) applies to 'natural wetlands', which (currently) includes coastal wetlands. Either in this or a separate policy, it should be clarified that the regional council also has responsibility for coastal wetlands.</p> <p>Further, some of the NES regulations (e.g. r52) apply to an area 100m from the natural wetland. It is not clear whether this is clearly captured in the policy.</p>	<p>Either amend this policy, or include in a different policy, the allocation of responsibility for natural wetlands other than freshwater ones.</p> <p>Clarify the policy to accurately reflect the NES regulations, which control works up to 100m from natural wetlands.</p>
Proposed amendment to Chapter 4.4: Non-regulatory policies			
Policy CC.15	Support		Retain
Policy CC.16	Support		Retain
Policy CC.17	Support		Retain
Policy CC.18	Support		<p>Support this, but as above (see pol. CC.8), we submit that where forests are to be used as carbon offsets, it should be a regulatory requirement to plant indigenous species rather than exotic forest.</p> <p>As such, this method will need amendment to reflect that part of its subject matter is a regulatory matter.</p>
Policy 65	Support with amendment	The explanation to this policy states that it is about the efficient use of resources to reduce emissions. However, the policy appears to be broader than emissions reduction, and covers waste reduction.	Amend explanation to reflect actual intent and effect of policy.
Policy FW.7	Support with amendment		'Nature based solutions' should be italicised.
Policy FW.8	Support		Retain

Policy IE.3	Support in part		This policy should be a regulatory policy, and have regulatory method(s) giving effect to it.
Policy IE.4	Support		Retain
Policy 67	Support		Retain
Proposed amendment to Chapter 4.5: Methods to implement policies			
Regulatory methods			
Method 1	Support with amendment	The absence of a date means that the policies may never be implemented, if it is not reasonably practicable to do so.	Include a requirement that, in any event, the policies are implemented by the time the district plan is reviewed.
Method 2	Support with amendment	The absence of a date means that the policies may never be implemented, if it is not reasonably practicable to do so.	Include a requirement that, in any event, the policies are implemented by the time the district plan is reviewed.
Method 3	Support		Retain
Method 4	Support		Retain
Method 5	Support		Retain
Method FW.1	Support		Retain
Non-regulatory methods – information and guidance			
Method CC.1	Support		Retain
Method CC.2	Support with amendment	Support the development of regional guidelines for carbon offsetting. This method should specify that the guidelines must include a requirement that offsets must be achieved by the planting of indigenous vegetation.	Amend method as follows: Develop offset guidelines to assist with achieving the regional target for greenhouse emissions where reduction cannot be achieved at the source, <u>including a requirement that offsets must be achieved by the planting of indigenous vegetation over plantation forestry.</u>
Method CC.3	Support with amendment	As submitted above in respect of policy CC.2, travel demand management plans should not be subject to a threshold.	Amend method as follows: Where requested, the Wellington Regional Council will assist city and district councils with determining <u>land use thresholds for triggering a Travel Demand</u>

			Management Plan requirement, as well as guidelines for a Travel Demand Management Plan that city and district councils can provide to developers to assist them with mitigating the travel movements and associated greenhouse gas emissions arising from new subdivision, use and development.
Method IE.1	Support		Retain
Method 14	Support		Retain
Method UD.1	Support		Retain
Non-regulatory methods – integrating management			
Method IM.1	Support		Retain
Method FW.2	Support		Retain
Method 17	Support		Retain
Method 22	Support		Retain
Method 32	Support		Retain
Method 34	Support with amendment	The development of the strategy should provide for engagement with stakeholders and the community.	Add the words “and engaging with stakeholders and the community” after the words “tangata whenua”.
Method 46	Support with amendment		Add the words “and engaging with stakeholders and the community” after the words “partner approach”
Non-regulatory methods – identification and investigation			
Method CC.4	Support with amendment	As submitted above in respect of policy CC.6, we support the intent to increase permanent forest, but submit that this should be extended to include other indigenous vegetation (either in this method or in a separate method). Also, while the method is titled ‘Prepare a	Amend as follows: Amend to make it clear that a regional forest spatial plan will be the outcome of this method. Using a partnership approach, <u>create a regional forest and vegetation spatial plan, which will identify where to promote and support planting and natural regeneration of forest, wetlands and other</u>

		regional forest plan', that is not specifically required by the method itself.	<u>indigenous vegetation</u> , including how to address water quality targets for sediment, to inform the requirements of Policy CC.6.
Method CC.5	Support with amendment	As we submitted in respect of policy CC.5, this approach should not be limited to agriculture. This method should therefore be amended.	Amend as follows: Monitor changes in agricultural land use and land management practices and review the regional policy approach by 31 December 2024, responding to any predicted changes in greenhouse gas emissions from the agricultural section in the Wellington Region and any new national policy direction.
Method CC.6	Support		Retain
Method CC.7	Support		Retain
Method IE.2	Oppose	An inventory of offsetting and compensation opportunities is not supported at the current time. Policy documents and institutional arrangements do not support such an inventory at the current time.	Delete Method IE.2 Consider replacing with a method that focusses on ecosystems that are restoration priorities for the Council, but that is not linked to offsetting and compensation, although it appears that this function is already fulfilled by the regional biodiversity strategy.
Method IE.3	Support with amendment	A regional biodiversity strategy should also refer to the requirement to protect indigenous biodiversity.	Add the word "protect" before the word "maintain". Amend to make this a regulatory method.
Method 21	Support with amendment	See submission on Policies 23 and 24 below.	Add the words "as soon as possible, and in any event no later than" before the words "30 June 2025" Amend to make this a regulatory method.

Method 48	Support with amendment	<p>This method should have a realistic date by which it must be achieved.</p> <p>Several of the paragraphs don't make grammatical sense and need amendment.</p>	<p>Add a date by which this method must be achieved.</p> <p>Correct grammar.</p> <p>Amend (k) to ensure that the NPSFM is in fact given effect to:</p> <p>(k) all matters regarding giving effect to the NPS-FM are considered <u>and implemented</u></p>
Non-regulatory methods – providing support			
Method CC.8	Support	<p>As submitted above, the policy basis for this method (i.e. policy CC. 5) should be broader to capture other industries.</p> <p>As such, a similar method of support for other industries may be appropriate.</p>	<p>Retain.</p> <p>Consider including a similar method for supporting other industries to transition to low/zero carbon.</p>
Method CC.9	Support with amendment	<p>We support this method, but caution that if the identification processes under Methods IE.2 and CC.7 are not broad enough, they may not capture all areas that would benefit from restoration. The policy should therefore be broader than currently drafted.</p> <p>There also needs to be provision for support in the period of time up until those identification processes are complete.</p> <p>The reference to Method CC.7 appears to be in error.</p>	<p>Amend method as follows:</p> <p>Provide support, and seek new sources of funding, for programmes that protect, enhance or restore the priority ecosystems, <u>particularly the priority ecosystems</u> identified by Methods IE.2 and the <u>regional biodiversity strategy</u> and CC.7 for their biodiversity values and/or their contribution as nature-based solutions to climate change.</p> <p>Also include provision in the method for support prior to the identification processes having been completed.</p>

		<p>We have also sought deletion of method IE.2 (above) and seek deletion of the reference in this method. IE.2 is about an inventory of offsetting and compensation opportunities for consent applicants. Method CC.9 is aimed at providing funding and support for enhancement or restoration of ecosystems for their biodiversity values and/or as nature-based CC solutions. These are different approaches to offsetting and compensation, and the two concepts should not be mixed.</p> <p>It would be more appropriate to link this to the restoration priorities covered in the regional biodiversity strategy.</p>	Refer to the regional biodiversity strategy, which appears to be intended to identify restoration priorities.
Method CC.10	Support		Retain
Method IE.4	Support		Retain
Method 53	Support with amendment	<p>We support this method, but caution that if the identification processes under Methods IE.2 and CC.6 are not broad enough, or are not carried out appropriately, they may not capture all areas that would benefit from restoration. The policy should therefore be broader than currently drafted.</p> <p>There also needs to be provision for restoration support in the period of time up until those identification processes are complete.</p> <p>The reference to Method CC.7 appears to be</p>	<p>Delete reference to IE.2.</p> <p>Correct reference to CC.7.</p> <p>Refer to the regional biodiversity strategy, which appears to be intended to identify restoration priorities.</p>

		<p>in error.</p> <p>We have also sought deletion of method IE.2 (above), and seek deletion of the reference in this method. IE.2 is about an inventory of offsetting and compensation opportunities for consent applicants. Method 54 is aimed at assisting mana whenua/tangata whenua and communities restoration initiatives – this is different to offsetting and compensation, and the two concepts should not be mixed.</p> <p>It would be more appropriate to link this to the restoration priorities covered in the regional biodiversity strategy.</p>	
Method 54	Support with amendment	<p>We support this method, but caution that if the identification processes under Methods IE.2 and CC.6 are not broad enough, or are not carried out appropriately, they may not capture all areas that would benefit from restoration. The policy should therefore be broader than currently drafted.</p> <p>There also needs to be provision for restoration support in the period of time up until those identification processes are complete.</p> <p>The reference to Method CC.7 appears to be in error.</p>	<p>Amend method to include the words “in particular those” before the words “identified by”.</p> <p>Include provision in the method for restoration support prior to the identification processes having been completed.</p> <p>Correct the reference to Method CC.7 to CC.6.</p> <p>Delete reference to Method IE.2.</p> <p>Refer to the regional biodiversity strategy, which appears to be intended to identify restoration priorities.</p>

		<p>We have also sought deletion of method IE.2 (above), and seek deletion of the reference in this method. IE.2 is about an inventory of offsetting and compensation opportunities for consent applicants. Method 54 is aimed at assisting landowners with maintaining and restoring ecosystems – this is different to offsetting and compensation, and the two concepts should not be mixed.</p> <p>It would be more appropriate to link this to the restoration priorities covered in the regional biodiversity strategy.</p>	
Proposed amendments to Chapter 5: Monitoring the Regional Policy Statement and progress towards anticipated environmental results			
Table 14	Support		Retain
Proposed insertion of Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation			
Appendix 1A	Support with amendment	Threat classification for species and ecosystems change over time.	The appendix is supported but amendment is sought to be clear that Appendix 1A is not fixed in time and recognises that the threat status of species and ecosystems may change over time. If this occurs the most up to date information should be used.
Proposed amendment to Appendix 3: Definitions			
Biodiversity compensation	Support with amendment	<p>The reference to ‘otherwise managed’ is unclear.</p> <p>We also suggest, as per the submission point re policy 24, that this definition should link</p>	<p>Amend definition to:</p> <p>A measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects that cannot be <u>avoided remedied mitigated or</u></p>

		to a set of mandatory compensation principles contained in the RPS.	offset otherwise managed. Include a requirement to meet the principles set out in an appendix.
Biodiversity offsetting	Support with amendment	The reference to minimisation is unclear. We also suggest, as per the submission point re policy 24, that this definition should link to a set of mandatory offsetting principles contained in the RPS.	Amend definition to: A measurable positive environmental outcome resulting from actions designed to redress for the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation and mitigation measures have been applied. The goal of biodiversity offsetting is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. Include a requirement to meet the principles set out in an appendix.
Carbon emissions assessment	Support		Retain
Climate change adaptation	Support with amendment	Drafting improvement	Replace “moderate” with “reduce”
Climate change mitigation	Support with amendment	The examples are confusing	Delete examples
Ecological connectivity	Support with amendment	Drafting improvement	Replace “alleles” with “material”
Ecological integrity	Support in part	The definition could be improved by replacing it with one that includes more appropriate detail.	The current definition is: ‘The full potential of indigenous biotic and abiotic features and natural processes, functioning in sustainable communities, habitats, and landscapes.’ Delete definition and replace with: “the ability of the natural environment to support

			<p>and maintain the full range of indigenous biodiversity and ecosystem functioning, both within and across ecosystems. It requires supporting and maintaining:</p> <ul style="list-style-type: none"> a. ecological representation: the occurrence and extent of ecosystems and indigenous species and their habitats across the full range of environments; b. b. composition: the natural diversity and abundance of indigenous species, habitats, and communities within and across ecosystems; c. structure: the biotic and abiotic physical features and characteristics of ecosystems; d. functions: the ecological and physical functions and processes of an ecosystem; and e. resilience: any other properties that contribute to resilience of the indigenous components of ecosystems to the adverse impacts of natural or human disturbances.”
Ecosystem health	Support in part	<p>Support the definition.</p> <p>However, we seek clarification on how the definition will interact with the NPSFM compulsory value of ‘ecosystem health’, which is described in Appendix 1A NPSFM. Policy 44 for example refers to ecosystem health in terms of freshwater takes. It is not clear how the RPS definition and the NPSFM value would apply.</p>	<p>Retain, but seek clarity on use of the term in freshwater provisions and make amendments as necessary. Two definitions may be needed to differentiate the terms.</p>

Enhancement	Support		Retain
Maintain	Support in part	<p>Defining the maintenance of biodiversity, and what it requires is critical for ensuring management actions are properly focused and are consistent across the region.</p> <p>There are, however, some issues with how the concept is framed in the RPS:</p> <ol style="list-style-type: none"> 1. Para (c): the term “properties” is not defined. This is not clear. 2. Para (c): this para then refers to “the functions of ecosystems”. We query whether a definition of ecosystem function may be needed. If one is included, we seek that it replicates the definition of ‘ecosystem processes’ used in the <i>Critical factors</i> report.⁶ <p>Strongly support the recognition that maintenance may require restoration or enhancement.</p>	<p>This definition appears to be based on the proposed NPSIB clause 1.5 definition. We repeat the relevant parts of our submission made in relation to that term here, and seek the same relief:</p> <p>Amend as follows:</p> <ul style="list-style-type: none"> • Insert definition of “properties of ecosystems and habitats”. It is suggested that Manaaki Whenua is asked for advice on this as it prepared the <i>Critical factors</i> report on which the concept is based. • Consider including a definition of ecosystem function to comprise full definition from <i>Critical factors</i> report:⁷ <p>“abiotic (physical) and biotic (biological) flows that are properties of an ecosystem, including the water cycle, nutrient cycling (including decomposition, plant nutrient uptake, microbial respiration, nitrification, denitrification), energy flow (photosynthesis, respiration, primary production), community dynamics (including population processes such as migration, dispersal, pollination, herbivory, population dynamics, predator–prey dynamics, competition, predation, succession, source–sink dynamics), and natural selection.”</p>

⁶ Walker et al, *Critical factors to maintain biodiversity: what effects must be avoided, remedied, or mitigated to halt biodiversity loss?* LC3116, May 2018.

⁷ At pg. 41.

			<ul style="list-style-type: none"> Amend (c) to read: “ecosystem function and the properties of ecosystems and habitats”.
Naturally uncommon ecosystem	Support		Retain
Nature based solutions	Support		Retain, but include further examples for ecosystems and species that go beyond forests and estuarine ecosystems. Alternatively, make it more clear that the examples are not exhaustive.
Regionally significant infrastructure	Support		Retain
Protect	Oppose	<p>The definition is vague and unhelpful. It starts with the words “looking after”, which provides little guidance. It then refers to maintain, which is a different concept. The reference to extinction is not appropriate, as it implies that all that is sought is to ensure that species are not made extinct.</p>	<p>Either delete or redraft along the following lines:</p> <p>Ensure that biodiversity and the ecosystem processes are kept safe from harm in both the short and long term. This involves managing all threats to species and ensuring that populations are buffered from the impacts of the loss of genetic diversity and longer-term environmental events such as climate change.</p>
Resilience	Support		Retain
Restoration	Support with amendment	Drafting improvement	Add “or improve” after “reinstate”
Te Mana o te Wai	Support		Retain
Te Rito o te Harakeke	Support in part	<p>This definition reflects the proposed National Policy Statement on Indigenous Biodiversity. We repeat here the submission we made on the NPSIB, and make the same submission in terms of the RPS:</p> <p>Te Rito o te Harakeke is supported in principle. It recognises the reciprocity of the</p>	<p>Amend as follows:</p> <ul style="list-style-type: none"> Replace “elements” in para 3 to refer to “principles” consistent with the approach in the NPSFM. Insert a new para underneath the principles as follows, and consistent with the

		<p>human-nature relationship, rather than viewing the natural environment and social or economic outcomes as opposites to be weighed against each other. It also does this is a way that recognises the additional whakapapa aspect of the human-nature relationship for Māori.</p> <p>Te Rito o te Harakeke also recognises the interconnected relationship between terrestrial indigenous biodiversity and the wider environment.</p> <p>However, the way in which Te Rito o te Harakeke has been amended (<i>or in the case of the RPS, included</i>) means that it risks being interpreted to introducing a balancing of human use against maintenance of indigenous biodiversity. This was not the intention of the Biodiversity Collaborative Group. Its version of the concept was carefully drafted to put maintenance of indigenous biodiversity first, on the basis this was essential for human wellbeing of all types.</p> <p>The exposure NPSIB's (<i>and therefore RPS's</i>) balancing approach also conflicts with that of Te Mana o Te Wai in the NPSFM. There is no clear reason for a different approach. Te Mana o Te Wai expressly contains a hierarchy of obligations, with the first being the health and well-being of water bodies</p>	<p>approach in the NPSFM:</p> <p>“There is a hierarchy of obligations in Te Rito o te Harakeke that prioritises:</p> <p>(a) First, te hauora o nga koiora (the health of indigenous biodiversity), recognising the connections between this and:</p> <ul style="list-style-type: none"> (i) Te hauora o te taonga (the health of taonga); and (ii) Te hauora o te Taiao (the health of the wider natural environment): <p>Second, the ability for people and communities to use natural and physical resources to provide for their social, economic, and cultural well-being, now and in the future.</p>
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		and freshwater ecosystems. Te Rito o Te Harakeke should include a similarly clear hierarchy of obligations, consistent with the statutory obligations underpinning the exposure NPSIB.	
Threatened ecosystems or species	Support with amendment	The definition only refers to ecosystems not species. In terms of species the proper reference is the New Zealand Threat Classification System.	Amend to includes reference to species, in particular, the NZTCS with the classification of “threatened” and “at risk” declining
Tree canopy cover	Support		Retain
New definition: Stationary energy			Seek a definition for ‘stationary energy’ in the plan as this is not a commonly used term but a significant source of emissions so requires explanation.