

APPENDIX A: TABLE OF RECOMMENDATIONS – CLAIRE HUNTER EVIDENCE HEARING STREAM 6

Text highlighted with underlining (*example*) represents recommended insertions. Text highlighted with strikethrough (*example*) represents recommended deletions. Text in red (*example*) reflects s42A amendments.

Provision	WIAL's position	WIAL's reasons	Relief sought by WIAL	S.42A position and recommended text	C Hunter recommendation and reasons ¹
<p>Objective 16</p> <p>Indigenous ecosystems and habitats with significant <u>ecosystem functions and services</u> and/or biodiversity values are <u>maintained protected, enhanced,</u> and restored to a healthy functioning state.</p>	Oppose in Part	WIAL acknowledges that this objective is generally consistent with section 6 requirements in the RMA relating to indigenous biodiversity outcomes. However when coupled with the ensuing policies and offsetting and compensation limitations, WIAL is concerned that this suite of provisions could significantly impact on infrastructure projects, including those which may be necessary to protect existing infrastructure assets such as maintenance of the seawall surrounding the airport. It may not always be able to enhance and restore existing ecosystems which may be affected by a development or project, however with appropriate offsetting or compensation overall ecosystem health could be improved and protected.	<p>Amend the objective as follows:</p> <p>Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are <u>protected, enhanced, and restored where appropriate and in accordance with an effects management hierarchy in order to achieve an overall</u> healthy functioning state.</p>	<p>Reject.</p> <p>Indigenous ecosystems and habitats with significant ecosystem functions and services and/or indigenous biodiversity values, other significant habitats of indigenous fauna, and the ecosystem functions that support these ecosystems and habitats, are maintained <u>protected, enhanced,</u> and restored to a healthy functioning state.</p>	<p>Prefer WIAL's drafting of this objective. Amend as per submission.</p> <p>Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values <u>are protected, enhanced, and restored where appropriate and in accordance with an effects management hierarchy in order to achieve an overall</u> healthy functioning state.</p>
<p>Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p><u>By 30 June 2025,</u> Ddistrict and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:</p> <p>(a) ... (b) ... (c) ...</p>	Oppose in Part	<p>WIAL is concerned that the broad framing of this significance criteria will likely mean significant areas of the region are identified as being a significant natural area. This criteria could potentially capture highly modified areas which cannot sensibly be identified as significant natural areas.</p> <p>WIAL also notes that the National Policy Statement for Indigenous Biodiversity is pending. It is likely that this will contain criteria that will be different to the RPS. It may</p>	Ensure this provision is consistent with national guidance, or alternatively ensure the criteria is appropriately targeted so that it does not inadvertently capture areas which do not sensibly comprise significant natural areas or delete the policy	<p>Accept in part.</p> <p>Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p>By June 2025, <u>As soon as reasonably practicable and by no later than 4 August 2028,</u> Ddistrict and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values.; e<u>E</u>cosystems and habitats will be considered significant if:</p> <p>1. <u>In the terrestrial environment, they meet the criteria in Appendix 1, and are identified in accordance with the</u></p>	<p>Amend as follows:</p> <ol style="list-style-type: none"> <u>In the coastal marine area they meet one or more of the following criteria, and are within an area to which Policy 11(a)(iii) – (vi) of the New Zealand Coastal Policy Statement 2010 applies;</u> <u>In the beds of lakes and rivers, and wetlands, they meet one or more of the following criteria</u> <p>[noting that I have not considered whether the criteria has been appropriately considered in</p>

¹ Without limiting the scope of the WIAL submission and further submissions

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		therefore be appropriate to await the outcome of this policy document to ensure consistency.		<p>principles in Clause 3.8, of the National Policy Statement for Indigenous Biodiversity 2023; and</p> <p>2. In the coastal marine area, the beds of lakes and rivers, and wetlands, they meet one or more of the following criteria:</p>	the context of beds of rivers and lakes, and wetlands].
<p>Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p><u>By 30 June 2025, D</u>istrict and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.</p> <p><u>Where the policies and/or rules in district and regional plans enable the use of biodiversity offsetting or biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values, they shall:</u></p> <p>(a) <u>not provide for biodiversity offsetting:</u></p> <p>(i) <u>where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or</u></p> <p>(ii) <u>when an activity is anticipated to causes residual adverse effects on an area after an offset has been implemented if the ecosystem or species is threatened or the ecosystem is naturally uncommon;</u></p> <p>(b) <u>not provide for biodiversity compensation where an activity is anticipated to cause residual adverse effects on an area if the ecosystem or species is threatened or the ecosystem is naturally uncommon;</u></p> <p>(c) <u>ecosystems and species known to meet any of the criteria in (a) or (b) are listed in</u></p>	Oppose	<p>This policy is inappropriate in that it sets out limits and constraints as to when offsetting and compensation are available. These criteria are limiting and are written as a bottom line or hard limit. If they are not met the option of offsetting and/or compensation is no longer available to be used as part of any effects management response. These limits will likely foreclose offsetting and/or compensation even where it is likely to result in beneficial ecological or biodiversity outcomes in the region.</p> <p>The restrictions also depart from RMA section 104(1)(ab) which states that a consent authority “must” have regard to:</p> <p><i>“any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity”.</i></p> <p>Furthermore, RMA section 104(1)(b)(iii) requires that a consent authority “must” have regard to any relevant provisions of a National Policy Statement.</p>	Delete the proposed amendments to the policy including the limits associated with offsetting and compensation within this policy (a) – (d).	<p>Reject.</p> <p>Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</p> <p>As soon as reasonably practicable and by no later than 4 August 2028 By 30 June 2025, <u>D</u>istrict and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development, including by applying:</p> <p>(a) Clause 3.10 and Clause 3.11 of the National Policy Statement for Indigenous Biodiversity 2023 to manage adverse effects on significant indigenous biodiversity values in the terrestrial environment;</p> <p>(b) Policy 11 of the New Zealand Coastal Policy Statement 2010 to manage adverse effects on indigenous biodiversity values in the coastal environment; and</p> <p>(c) Policies 18A and 18B in this Regional Policy Statement to manage adverse effects on the values and extent of natural inland wetlands and rivers.</p>	<p>Add a specific clause to Policy 24 recognising that specified infrastructure (or regionally significant infrastructure) should be able to access the full effects management hierarchy.</p> <p>(d) <i>An effects management hierarchy for Regionally Significant Infrastructure.</i></p>

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<p><u>Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation):</u></p> <p>require that the outcome sought from the use of biodiversity offsetting is at least a 10 percent net biodiversity gain, or from biodiversity compensation is at least a 10 percent net biodiversity benefit.</p>		<p>While not yet operative, the draft NPSIB provides some direction about when consideration of biodiversity offsetting should be precluded from consideration – being circumstances when:</p> <ul style="list-style-type: none"> (i) Residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected. (ii) There are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes. (iii) Effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse. <p>This is far more balanced and likely to give rise to good environmental outcomes through offsetting, while avoiding the loss of very important or irreplaceable biodiversity.</p>			

Policy 24A

Policy 24A: Principles for biodiversity offsetting and biodiversity compensation
 (a) Where district and regional plans provide for biodiversity offsetting or aquatic offsetting or biodiversity compensation as part of an effects management hierarchy for indigenous biodiversity and/or for aquatic values and extent, they shall include policies and methods to:
 (i) ensure this meets the requirements of the full suite of principles for biodiversity offsetting and/or biodiversity

Delete clauses that may create arbitrary or unnecessary limits on offsetting or compensation proposals.

Policy 24A: Principles for biodiversity offsetting and biodiversity compensation
 (a) Where district and regional plans provide for biodiversity offsetting or aquatic offsetting or biodiversity compensation or aquatic compensation as part of an effects management hierarchy for indigenous biodiversity and/or

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				<p><u>compensation set out in Appendix 3 and 4 of the National Policy Statement for Indigenous Biodiversity 2023 or for aquatic offsetting and/or aquatic compensation set out in Appendix 6 and 7 of the National Policy Statement for Freshwater Management 2020;</u></p> <p>(ii) <u>provide further direction on where biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation are not appropriate, in accordance with clauses (b) and (c)² below;</u></p> <p>(iii) <u>provide further direction on required outcomes from biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation, in accordance with clauses (d) and (e)¹ below; and</u></p> <p>(b) <u>In evaluating whether biodiversity offsetting or aquatic offsetting is inappropriate because of irreplaceability or vulnerability of the indigenous biodiversity, extent, or values affected, the feasibility to offset residual adverse effects on any threatened or naturally uncommon ecosystem or threatened species listed in Appendix 1A must be considered as a minimum; and</u></p> <p>(c) <u>In evaluating whether biodiversity compensation or aquatic compensation is inappropriate because of the irreplaceability or vulnerability of the indigenous biodiversity, extent, or values affected, recognise that it is inappropriate to use biodiversity compensation or aquatic compensation where residual adverse effects affect an ecosystem or species that is listed in Appendix 1A as threatened or naturally uncommon; and</u></p>	<p>for aquatic values and extent, they shall include policies and methods to:</p> <p>(i) ensure this meets the requirements of the full suite of principles for biodiversity offsetting and/or biodiversity compensation set out in Appendix 3 and 4 of the National Policy Statement for Indigenous Biodiversity 2023 or for aquatic offsetting and/or aquatic compensation set out in Appendix 6 and 7 of the National Policy Statement for Freshwater Management 2020;</p> <p>(ii) provide further direction on where biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation are not appropriate, in accordance with clauses (b) and (c)³ below;</p> <p>(iii) provide further direction on required outcomes from biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation, in accordance with clauses (d) and (e)¹ below; and</p> <p>(b) In evaluating whether biodiversity offsetting or aquatic offsetting is inappropriate because of</p>

² References corrected 18/12/23

³ References corrected 18/12/23

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				<p>(d) <u>District and regional plans shall include policies and methods that require <i>biodiversity offsetting or aquatic offsetting</i> to achieve at least a net gain, and preferably a 10% net gain or greater, in indigenous biodiversity outcomes to address residual adverse effects on indigenous biodiversity, extent, or values. This requires demonstrating, and then achieving, net gains in the type, amount, and condition of the indigenous biodiversity, extent, or values impacted. Calculating net gain requires a like-for-like quantitative loss/ gain calculation of the indigenous biodiversity values (type, amount, and condition) affected by the proposed activity; and</u></p> <p>(e) <u>District and regional plans shall include policies and method to require <i>biodiversity compensation or aquatic compensation</i> to achieve positive effects in indigenous biodiversity, extent, or values that outweigh residual adverse effects on affected indigenous biodiversity, extent, or values.</u></p>	<p>irreplaceability or vulnerability of the indigenous biodiversity, extent, or values affected, the feasibility to offset residual adverse effects on any <i>threatened or naturally uncommon ecosystem or threatened species</i> listed in Appendix 1A must be considered as a minimum; and</p> <p>(c) In evaluating whether <i>biodiversity compensation or aquatic compensation</i> is inappropriate because of the irreplaceability or vulnerability of the indigenous biodiversity, extent, or values affected, recognise that it is inappropriate to use <i>biodiversity compensation or aquatic compensation</i> where residual adverse effects affect an ecosystem or species that is listed in Appendix 1A as <i>threatened or naturally uncommon</i>; and</p> <p>(d) <u>District and regional plans shall include policies and methods that require <i>biodiversity offsetting or aquatic offsetting</i> to achieve at least a net gain, and preferably a 10% net gain or greater, in indigenous biodiversity outcomes to address residual adverse effects on indigenous biodiversity, extent, or values. This requires demonstrating, and then achieving, net gains in the type, amount, and condition of the indigenous biodiversity, extent, or values impacted. Calculating net gain requires a like-for-like quantitative loss/ gain calculation of the indigenous biodiversity values (type, amount, and condition) affected by the proposed activity; and</u></p> <p>(e) <u>District and regional plans shall include policies and method to require <i>biodiversity compensation or aquatic compensation</i> to achieve</u></p>

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<p>Policy 47</p> <p>Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – 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, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <p>(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats;</p> <p>(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;</p> <p>(c) managing wetlands for the purpose of aquatic ecosystem health, <u>recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;</u></p> <p>(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;</p> <p>(e) providing seasonal or core habitat for indigenous species;</p> <p>(f) protecting the life supporting capacity of indigenous ecosystems and habitats;</p> <p>(g) remediating or mitigating <u>minimising or remediating</u> adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and</p>	<p>Oppose in Part</p>	<p>WIAL is concerned that there are inappropriate limits on offsetting and compensation in Policy 24 which is cross referred to in this policy. These reasons are set out above.</p>	<p>Delete subparagraph (i) including the reference to Policy 24 and the limits on offsetting and compensation.</p>	<p>Reject.</p> <p>Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – 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, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to:</p> <p>(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;</p> <p>(b) providing adequate <i>buffering</i> around areas of significant indigenous ecosystems and habitats from other land uses;</p> <p>(c) managing wetlands for the purpose of aquatic ecosystem health, <u>recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;</u></p> <p>(d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;</p> <p>(e) providing seasonal or core habitat for indigenous species;</p>	<p><u>positive effects in indigenous biodiversity, extent, or values that outweigh residual adverse effects on affected indigenous biodiversity, extent, or values.</u></p> <p>Changes required to Policy 24 and Policy 24A. These amendments would address concerns with Policy 47.</p>

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<p>(h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats;</p> <p>(i) <u>the limits to, and expected outcomes from biodiversity offsetting and biodiversity compensation set out in Policy 24.</u></p>				<p>(f) protecting the life supporting capacity of indigenous ecosystems and habitats;</p> <p>(g) remediating or mitigating <u>minimising or remediating</u> adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and</p> <p>(h) the need for a precautionary approach <u>to be adopted</u> when assessing <u>and managing</u> the potential for adverse effects on indigenous ecosystems and habitats, <u>where</u>;</p> <p>(i) <u>the effects on indigenous biodiversity are uncertain, unknown, or little understood; and</u></p> <p>(ii) <u>those effects could cause significant or irreversible damage to indigenous biodiversity;</u></p> <p>(i) <u>the limits for biodiversity offsetting and biodiversity compensation set out in Appendix 1A the provisions to protect significant biodiversity values in Policy 24 and the principles for biodiversity offsetting and biodiversity compensation in Policy 24A;</u></p> <p>(j) <u>protecting indigenous biodiversity values of significance to mana whenua/tangata whenua, particularly those associated with a significant site for mana whenua/tangata whenua identified in a regional or district plan;</u></p> <p>(k) <u>enabling established activities affecting significant biodiversity values in the terrestrial environment to continue, provided that the effects of the activities:</u></p> <p>(i) <u>are no greater in intensity, scale and character; and</u></p> <p>(ii) <u>do not result in loss of extent, or degradation of ecological integrity, of any significant biodiversity values; and</u></p>	

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				<p>(l) <u>ensuring that the adverse effects of plantation forestry activities on significant indigenous biodiversity values in the terrestrial environment are managed in a way that:</u></p> <p>(i) <u>maintains significant indigenous biodiversity values as far as practicable, while enabling plantation forestry activities to continue; and</u></p> <p>(ii) <u>where significant biodiversity values are within an existing plantation forest, maintains the long-term populations of any <i>Threatened or At Risk (declining)</i> species present in the area over the course of consecutive rotations of production.</u></p>	
<p>Proposed insertion of Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation</p> <p><u>Table 17: Ecosystems and species that either meet or exceed the limits to the use of biodiversity offsetting and biodiversity compensation in the Wellington Region (there are some duplicates of ecosystems and species as some habitats relate to more than one ecosystem type).</u></p>	Oppose	<p>WIAL is concerned that the list of species in Table 17 is too broad. This coupled with the limits to offsetting and compensation that are set out in Appendix 1A and associated policies will mean that many projects which include beneficial ecological outcomes involving offsetting and/or compensation will not be able to be considered. For example, Table 17 sets out that "lake margins" meets or exceed Policy 24(b). The explanation set out in the Appendix 1A sets out that ecosystems and species that meet the criteria for Policy 24(b) exceed the limits of biodiversity compensation meaning that applications for compensation cannot be considered. This appears to be very broad for any activity which may affect a broadly defined "lake margin". Giant kelp which is present around the airport coastal area also triggers both Policy 24(a)(i) and NZCPS Policy 11(a) which when read against Appendix 1A appears that any activities which may impact on species</p>	Delete both Appendix 1A and Table 17 in their entirety.	Reject. .	Delete Appendix 1A and Table 17.

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would not be able to offer any offsetting or compensation and therefore proposals could not be considered.