

BEFORE THE FRESHWATER HEARING PANEL OF GREATER  
WELLINGTON REGIONAL COUNCIL

**IN THE MATTER OF**            the Resource Management Act 1991

**AND**

**IN THE MATTER OF**            Proposed Plan Change 1 to the Regional Policy  
Statement for the Wellington Region (Hearing Stream 6)

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**STATEMENT OF EVIDENCE BY CLAIRE HUNTER**

30 JANUARY 2024

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## **INTRODUCTION**

### **QUALIFICATIONS AND EXPERIENCE**

- 1 My full name is Claire Elizabeth Hunter. I have on previous occasions prepared evidence in front of this Panel. I therefore refer to my qualifications and experience which is outlined in my evidence prepared for Hearing Stream 2 on Proposed Plan Change 1 to the Regional Policy Statement for the Wellington Region.

### **CODE OF CONDUCT STATEMENT**

- 2 While this is not an Environment Court hearing, I nonetheless confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence.

### **SCOPE OF EVIDENCE**

- 3 This statement of evidence relates to Hearing Stream 6 (Indigenous Ecosystems) for proposed Plan Change 1 (**PC1**) to the Regional Policy Statement for the Wellington Region (**RPS**).
- 4 In this statement of evidence, I will:
  - a. Provide an overview as to why WIAL is interested in the indigenous ecosystems provisions of the RPS;
  - b. Provide my recommendations on the position expressed in the section 42A report on the provisions WIAL submitted on with respect to this Hearing Stream; and
  - c. Explain my procedural concern about the allocation of these provisions to the Freshwater Planning Process (**FPP**).

## WIAL INTERESTS IN THE INDIGENOUS ECOSYSTEMS PROVISIONS

- 5 Although the Wellington Airport landholdings are largely all highly modified urban areas, there are sites within the Airport boundary and adjacent to it, which hold some ecological values.
- 6 A recent example is a small hillock within the Airport site. The removal of this hill was required to provide for additional operational space within the Airport and also to provide for the upgraded Wellington City Council's wastewater treatment site activities. The removal was anticipated under the Airport's designation. Although the hillock was dominated by exotic vegetation and not identified as a Significant Natural Area (**SNA**), an assessment of the ecological values of this area was still undertaken. This assessment found that there were some patches of indigenous vegetation and lizard species present on the site, all of which potentially triggered at least one of the criteria set out in the RPS as qualifying for an SNA. As part of the Outline Plan approval process for the removal of the hillock, WIAL proposed a number of mitigation measures to provide for the effects on these identified values which was considered appropriate as part of the Outline Plan approval process.
- 7 Being in close proximity of the coastal environment, there are also ecological values at sites which are adjacent to the Airport. I understand that the Proposed Wellington District Plan has identified two areas in close proximity to the Airport as potential terrestrial SNAs. They are WC175 - Moa Point gravel dunes and WC176 - Lyall Bay dunes. The Wellington Regional Natural Resources Plan (**NRRP**) also identifies part of Lyall Bay (except for the seawall area at the southern end of the Airport) as significant to four threatened or at-risk coastal bird species. The Natural Resources Plan also identifies kelp beds and giant kelp as being species of significance within the coastal marine area. These species are likely to be present within the Lyall Bay area and broader coastal marine area surrounding the Airport.
- 8 It is against this background that WIAL has an interest in the provisions of the RPS which relate to indigenous ecosystems and habitats.

## OBJECTIVE 16

- 9 PC1 proposes amendments to Objective 16 to require that indigenous ecosystems and habitats with significant ecosystem functions, services, and/or biodiversity values are protected, enhanced, and restored to a healthy functioning state.
- 10 WIAL submitted that this objective is generally consistent with Section 6 requirements relating to significant indigenous biodiversity. However, was concerned that when this objective was coupled with the proposed ensuing policies and offsetting and compensation limitations, this suite of provisions could significantly impact on infrastructure projects, including those which may be necessary to protect existing infrastructure assets. One such example is the ongoing maintenance of the southern seawall area surrounding the Airport and a current Airport project which is investigating the replacement of the seawall as it is reaching the end of its lifespan. WIAL noted in its submission that while it may not always be possible to enhance and restore existing ecosystems that may be affected by a development or project, overall ecosystem health could be improved and protected with appropriate offsetting or compensation. WIAL sought the following amendments to this objective:

*Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are protected, enhanced, and restored where appropriate and in accordance with an effects management hierarchy in order to achieve an overall healthy functioning state.*

- 11 The section 42A report writer does not agree with submissions seeking qualifiers (such as “where appropriate”) within this objective. Their view is that it is the role of an objective within the RPS to provide a clear outcome or endpoint that policies seek to achieve at a regional scale<sup>1</sup>.
- 12 In response to concerns about the impact of Objective 16 on infrastructure projects, the report writer states that this is determined by the policies and notes that opportunities for offsetting and compensation are addressed in Policy 24 and that exceptions for infrastructure (amongst other activities) are

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<sup>1</sup> Paragraph 181

already provided for by national direction which Policy 24 seeks to align with.

- 13 The report recommends, however that the objective is further amended, so that it now reads as follows:

*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 protected, enhanced, and restored to a healthy functioning state.*

- 14 In my view this wording would create a situation where there is little or no ability to impact sites with significant indigenous value. For example, removal of the hillock in the example set out above resulted in the loss of some patches of indigenous vegetation and habitat for lizards. Lizards were able to be translocated and the small loss of vegetation was able to be mitigated for as part of this process. In my view, this objective would very likely not allow for this type of situation in the future, as the way it is drafted is in very absolute terms. Under strict interpretation of this directive objective there would be no ability to remove this small area of vegetation and provide for offsetting or compensatory measures.

- 15 The qualifiers that are being sought by WIAL, and other submitters are not seeking to weaken the outcome of the objective, rather they are seeking to ensure that other measures, such as offsetting or compensation may also provide for the same or better biodiversity outcomes are not prematurely foreclosed. The drafting proposed by WIAL is also, in my view, aligns better with the National Policy Statement for Indigenous Biodiversity (**NPSIB**), which as part of the overriding objective, seeks to (among other matters [**emphasis added**]):

- a. Maintain indigenous biodiversity so that there is at least a no overall loss in indigenous biodiversity;
- b. Protecting and restoring indigenous biodiversity is necessary to achieve the overall maintenance of indigenous biodiversity.

16 In my view, the abovementioned outcomes are more practicably achievable and also consider an ability to provide for offsetting and compensation outcomes. I do not think this some outcome would be achieved via implementation of Objective 16 as proposed to be drafted by the section 42A report. I therefore support the proposed drafting as shown in paragraph [10] above.

### **POLICY 23**

17 WIAL's submission on Policy 23 requested amendments so that the policy is consistent with national guidance or alternatively ensure the criteria are appropriately targeted so that it does not inadvertently capture areas which do not sensibly comprise significant natural areas (such as the hillock example within the Airport's land).

18 The section 42A report recommends accepting this submission in part, amending Clause 1 of the Policy to require that in the terrestrial environment, such areas meet the criteria in Appendix 1, and are identified in accordance with the principles in Clause 3.8 of the NPSIB.

19 I support alignment with the NPSIB so support this amendment.

20 Clause 2 has been amended to make it clear that coastal marine areas, rivers and lakes are still subject to the criteria set out in the Policy. I have a number of concerns about this approach. For example, the rarity criteria in clause (b) appears quite broad, particularly compared to the rarity criteria set out in the NPSIB. The two approaches are shown below:

*PC1:*

*Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.*

NPSIB:

## C Rarity and distinctiveness criterion

- (1) Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

### *Key assessment principles*

- (2) **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation, or ecosystems. Rarity includes elements that are uncommon or threatened.
- (3) **The list of Threatened and At Risk species** is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally

listed Threatened and At Risk species should not be downgraded just because they are common within a region or ecological district.

- (4) **Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.
- (5) **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions, and special ecological or scientific features.

### *Attributes of rarity and distinctiveness*

- (6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:
  - (a) provides habitat for an indigenous species that is listed as Threatened or At Risk (declining) in the New Zealand Threat Classification System lists:
  - (b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:
  - (c) an indigenous species or plant community at or near its natural distributional limit:
  - (d) indigenous vegetation that has been reduced to less than 20 per cent of its pre-human extent in the ecological district, region, or land environment:
  - (e) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:
  - (f) the type locality of an indigenous species:
  - (g) the presence of a distinctive assemblage or community of indigenous species:
  - (h) the presence of a special ecological or scientific feature.

- 21 Clauses 2 and 3 of Appendix 1 of the NPSIB also set out that if an area would qualify as an SNA solely on the grounds that it provides habitat for a single indigenous fauna species that is At Risk (declining), or one or more indigenous flora species that are Threatened or At Risk (declining), and that those species are widespread in at least three other regions, the **area does not qualify as an SNA**, unless certain other features are also triggered.
- 22 This same type of pragmatic exemption does not appear to be proposed to be included as part of the PC1 provisions for other non-terrestrial habitat types.
- 23 It would appear to me that the approach being taken in PC1 is therefore not as refined as the NPSIB, and it is not clear to me what impact that may have on the extent of the identification of SNAs in these other ecosystem types. It is also not clear to me how the criteria in PC1, for identifying SNAs, were intended to apply to the coastal marine area, as they appear to have been originally drafted on the premise that they would apply to the terrestrial environment predominately.
- 24 In my view the policies in PC1 relating to the coastal marine area and coastal environment should also seek to align with the New Zealand Coastal Policy Statement 2010 where this is appropriate (**NZCPS**).
- 25 Policy 11 of the NZCPS includes a directive two-tiered policy on how effects on indigenous biodiversity in that environment are to be managed. It states [**emphasis added**]:

***Policy 11: Indigenous biological diversity (biodiversity)***

*To protect indigenous biological diversity in the coastal environment:*

- a. ***avoid adverse effects of activities on:***
- i. *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
  - ii. *taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
  - iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*



- iv. *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
  - v. *areas containing nationally significant examples of indigenous community types; and*
  - vi. *areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- b. **avoid significant adverse effects and avoid, remedy or mitigate other adverse effects** of activities on:
- i. *areas of predominantly indigenous vegetation in the coastal environment;*
  - ii. *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
  - iii. *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable*
  - iv. *to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
  - vi. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
  - vi. *habitats, including areas and routes, important to migratory species; and*
  - vii. *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

26 The section 32 assessment which underpins NZCPS Policy 11, states that each of the values it lists in clause (a) or (b) for specific management, were carefully considered, and it justified their inclusion as follows [**emphasis added**]:

*The complete protection of all indigenous biological diversity from subdivision, use, and development would restrict use and development in the coastal environment to an extent incompatible with the purpose of the Resource Management Act.*

*Indigenous biological diversity is under continued decline and the degree of threat to indigenous ecosystems, habitats and species varies considerably in the coastal environment.*

***In response to these matters, it is considered appropriate to define a two-tier approach to protecting indigenous biological diversity from the adverse effects of subdivision, use, and development in the coastal environment.***

*The first tier provides the highest level of protection for indigenous biological diversity. This is applied to indigenous biological diversity that is most at risk of irreversible loss. The appropriate management response is the avoidance of adverse effects. This approach aligns with the recently released Statement of National Priorities on Rare and Threatened Indigenous Biodiversity and the findings from the five year Review of the New Zealand Biodiversity Strategy. The review raised concern over the continued decline of rare and threatened indigenous biological diversity on private land particularly in lowland and coastal environments [Green and Clarkson 2005]. It suggested the future challenge is to focus on strengthening protection towards our most rare and threatened indigenous biological diversity [Green and Clarkson 2005]. This first tier captures the rare, threatened and significant elements of indigenous biological diversity found in the coastal environment.*

- 27 In my view the approach being proposed via Policy 23 Clause (2), is likely to identify areas which could be potentially attributed SNA status which goes beyond those areas which would be intended to be covered by Policy 11(a) of the NZCPS. It is not clear to me if this is the intent of PC1 in terms of its application to the coastal marine area and identification of significant habitats.
- 28 I therefore consider that the policy should be amended to set out that habitats within the coastal marine area, should considered to be a SNA, if they meet any one or more of the criteria listed **and** are within an area to which Policy 11(a)(iii) – (vi) of the NZCPS applies.

#### **POLICY 24, 24A, TABLE 17 AND APPENDIX 1A**

- 29 Policy 24 requires that where policies and/rules in district and regional plans enable the use of biodiversity offsetting or biodiversity compensation, they shall be subject to certain limits and/or outcomes to such proposals.
- 30 WIAL opposed the limits and constraints that were imposed via this policy to such biodiversity offsetting and compensation proposals.

- 31 The section 42A report at paragraphs [309] and [301] notes that a number of infrastructure submitters have raised concerns that the amendments to Policy 24 are overly restrictive, with a number of these submitters seeking to ensure there is a pathway provided for specified infrastructure, consistent with the NPSIB. In this regard, WIAL supported the submission of Transpower seeking to exempt regionally significant infrastructure from having to apply Policy 24 due to the operational and/or functional needs of such activities to locate in certain environments.
- 32 As notified, Policy 24 states that biodiversity offsetting and compensation should not be provided for when this affects a threatened species or ecosystem or where the ecosystem is naturally uncommon; species and ecosystems that meet these definitions are listed in Appendix 1A. WIAL also submitted in opposition to this Appendix, on the basis of it being too broad and sought its deletion.
- 33 As a result of the submissions and analysis in the section 42A report, amendments to Policy 24 are proposed, and a new Policy 24A is introduced. The recommended amendments to Policy 24 are shown below:
- As soon as reasonably practicable and by no later than 4 August 2028 By 30 June 2025, District 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:*
- (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;*
- (b) Policy 11 of the New Zealand Coastal Policy Statement 2010 to manage adverse effects on indigenous biodiversity values in the coastal environment; and*
- (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.*
- 34 On the basis that this policy direction is seeking to align with higher order instruments such as the NPSIB, I do not have a significant issue with this policy redrafting.

35 I also note that in terms of the coastal environment, the NPSIB sets out that both the NPSIB and the NZCPS apply to the terrestrial part of this area<sup>2</sup>. Given that the NPSIB is clear in setting out its approach for managing the effects of specified infrastructure in areas of biodiversity value it is my view that this should be the preferred pathway for managing effects of such activities in the terrestrial coastal environment. It is appropriate in my view to recognise that such activities are often constrained by their functional, technical or operational requirements and it can be difficult to avoid such activities in locations which may conflict with biodiversity values. Such activities, should therefore be able to have full access to the effects management hierarchy, including offsetting and compensation measures in any receiving environment. This is also consistent with section 104(1)(ab) of the RMA. This should be clarified in the drafting of this policy, by adding the following to Policy 24:

*(d) An effects management hierarchy for Regionally Significant Infrastructure.*

#### **Policy 24A**

36 Policy 24A is a new policy recommended in the section 42A report. It sets out the principles for biodiversity offsetting and compensation. For the most part this amended policy seeks to align with the NPSIB and/or NPSFM, which is generally appropriate. However, perhaps an unintended consequence of the drafting of this new policy is that it does not appear to provide for any offsetting or compensation to occur for activities which take place in the coastal environment or coastal marine area where they may affect significant indigenous biodiversity values.

37 While I accept that this is not strictly provided for in the NZCPS, as noted above there is an overarching obligation in section 104(1)(ab) which requires decision makers for any resource consent application to have regard to any positive effects arising from offsetting or compensation measures that will or may result from allowing the activity.

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<sup>2</sup> Clause 1.4 (f)

- 38 It is also well established in my view, that infrastructure activities, particularly those which are regionally significant, often have technical, functional or operational requirements and constraints that mean they may have to co-locate in areas which have biodiversity values. This is reflected in much more recent national policy documents such as the NPSIB and NPSFM where access to the full effects management hierarchy is specifically available to these activities where such conflicts may arise and they have a functional need to locate in such environments.
- 39 The approach being proposed in PC1 also appears to be inconsistent with the provisions that have been recently settled in the NRRP for managing the effects of activities on indigenous biodiversity in the coastal environment.
- 40 Policy P31 of the NRRP seeks to manage adverse effects on biodiversity, aquatic ecosystem health and mahinga kai through the adoption of an effects management hierarchy. Policy P38 seeks that for any non-significant adverse effects on indigenous biodiversity, that they are managed in accordance with the application of an effects management hierarchy. Of note, clause (c)(v) of Policy P38 only enables biodiversity compensation to be available if the activity is for *Regionally Significant Infrastructure*.
- 41 I also note that in light of the Supreme Court's decision in the *Port Otago Limited v Environment Defence Society* it may not be appropriate to apply a strict avoidance requirement (as set out in Policy 11(a)), and that particularly with respect to regionally significant infrastructure a more balanced approach should be adopted. In this respect, it is my view that great care should be taken in drafting provisions which may have an impact on infrastructure in the RPS.

#### **Policy 24A and Appendix 1A**

- 42 Clauses (b) and (c) of Policy 24A appear to apply limitations as to when biodiversity offsetting, and compensation measures can be applied. There is inference in these clauses that it is inappropriate to use offsetting or compensation where residual adverse effects affect an ecosystem or species that is listed in Appendix 1A as threatened or naturally uncommon.

- 43 I am concerned with this due to the broad nature of the ecosystems and species listed in Appendix 1A. It is also apparent from Appendix 1A that for those habitats and species which are in the coastal marine area, all adverse effects must be avoided as per Policy 11(a), and consideration of biodiversity offsetting, or compensation is therefore not provided for. As I noted above, I do not consider this approach to be consistent with the broader section 104(1)(ab) requirements or more recent national direction for infrastructure activities in particular which appears to have been given effect via the NRRP provisions relating to the management of biodiversity and regionally significant infrastructure.
- 44 It is also important to note that the NZCPS was enacted prior to the insertion of section 104(1)(ab). Other subordinate national instruments addressing indigenous ecosystems and biodiversity that have been developed since that amendment in the form of the NPSFM and NPSIB are alive to requirement of section 104(1)(ab) and include access to biodiversity offsetting and compensation for certain activities. That is, they set out principles as to what it is that biodiversity offsets and compensation proposals should achieve (or should avoid). In so doing they provide more detailed guidance to decision makers to assist them as they discharge their duty under section 104(1)(ab) to evaluate whatever proposals an applicant might advance or agree to.
- 45 By contrast, the provisions in the NZCPS were not alive to section 104(1)(ab) and are therefore not consistent with that requirement. This gives rise to a clear tension, however the functional and operational needs of infrastructure are recognised in the provisions of the NZCPS<sup>3</sup>. I do not think that this matter has been addressed in the section 42A reporting, and it would be appropriate in my view for the RPS to provide further direction on how this tension could be resolved, particularly in the lower order plans. As I have noted above, I also consider that more recent national policy direction is very clear that for regionally significant infrastructure, such activities should have full access to the effects management hierarchy in all other terrestrial and freshwater receiving environments.

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<sup>3</sup> Refer to Objective 6, Policy 6 and Policy 22 as some examples.

- 46 Given the direction that is set out in Appendix 1A, that is, that all adverse effects are to be avoided, and offsetting and compensation is not provided for in the coastal environment or coastal marine area for Section 11(a) species and/or habitats or potentially Section 11(b) species and/or habitats given the very broad nature of the Table 17 list. Table 17 appears to cover a wide range of areas within the coastal environment of the Wellington Region, and I do not think that the potential costs of these provisions have been adequately justified in section 32 terms. I am also concerned that if activities are unable to meet the strict “avoid’ directive which is set out within the explanatory text to Appendix 1A, then this could be determinative of a consent application. Because of these implications it is important that great care is taken when inserting any provisions like this into the RPS and in my view that care has not been properly applied here.
- 47 The habitat areas and/or species identified in Table 17, particularly in the coastal environment context could be substantial (for example all estuaries and all mixed kelp assemblages). It is also not clear if all of the habitats and species that have been identified in Table 17 would be captured by Policy 11(a) of the NZCPS following a more thorough assessment. Similarly, it is not clear to me if this list is meant to be exhaustive and all habitats and species that would trigger Policy 11(a) have been identified on this list.
- 48 Given the uncertainty that is inherent in the application of Appendix 1A and Table 17 particularly in the coastal environment and coastal marine area, I am of the view that this should be deleted in its entirety from the RPS.
- 49 I also consider that Policy 24A should be deleted in its entirety.

#### **POLICY 47**

- 50 WIAL also made primary and further submissions on Policy 47. Policy 47 sets out the framework for determining whether an activity that may affect indigenous ecosystems and habitats with significant indigenous biodiversity values is inappropriate. The section 42A report recommends a number of amendments to this policy, including:
- a. Inclusion of a reference to Policy 24A as well as Policy 24;

- b. 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;
- c. enabling established activities affecting significant biodiversity values in the terrestrial environment to continue, provided that the effects of the activities:
  - i. are no greater in intensity, scale and character; and
  - ii. do not result in loss of extent, or degradation of ecological integrity, of any significant biodiversity values; and
- d. a provision relating to the management of plantation forestry and indigenous biodiversity values.

51 For the reasons set out above in paragraphs [29] to [49] I have concerns with the reference to Policy 24A and associated Appendix 1A. For this reason, it should be considered very carefully in its use in Policy 47, and I am of the view that it should be deleted from PC1.

52 I have also suggested amendments to Policy 24 to better recognise recent national direction that for certain activities, such as specified infrastructure, there is an expectation that these activities will have access to the effects management hierarchy where there are potential conflicts with its activities and the biodiversity values of the receiving environment. These amendments would also largely address my concerns with Policy 47.

53 I note that the majority of the other recommended amendments to Policy 47 largely echo the NPSIB.

## **FRESHWATER PLANNING PROCESS**

54 With the exception of Policy 47, the abovementioned provisions submitted on by WIAL were subject to the Freshwater Planning Process (**FPP**). As set out in earlier evidence and in legal submissions WIAL does not agree with the allocation of these provisions to the FPP. I understand that the section



42A report writer has recommended that these provisions are subject to the Schedule 1 process<sup>4</sup>, and I agree that this is appropriate.

## **CONCLUSION**

- 55 In my view, the section 42A recommended provisions relating to protecting significant indigenous biodiversity, particularly where it is applicable within the coastal environment and the coastal marine areas, require some refinement. Policy 24A, together with Appendix 1A, in my view could impose significant additional restrictions on development in Wellington’s coastal environment and coastal marine areas, and in turn result in significant and likely unforeseen costs.
- 56 Given section 104(1)(ab) and more recent national direction regarding the application of the effects management hierarchy where conflicts with biodiversity values arise, I am of the view that the RPS should be clear in enabling access to this, particularly for specified or regionally significant infrastructure, across all environments – coastal, terrestrial and freshwater.
- 57 I have attached my proposed amendments in response to the submissions and section 42A recommendations as Appendix A.

**Claire Hunter**

**30 January 2024**

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<sup>4</sup> Refer Paragraphs [70] – [75]