

Wellington RPS PC1 - Hearing Stream 6

Speaking Notes –Maggie Cook, Wellington City Council. 22 February 2024

1. My name is Maggie Cook. I am a Senior Planner at Wellington City Council. I have provided planning evidence on behalf of Wellington City.
2. My primary evidence recommends amendments to:
 - a. GWRC's implementation of the National Policy Statement for Indigenous Biodiversity 2024
 - b. Policy 23 and Policy 24
 - c. Policy 24a and Appendix 1A
 - d. Policy 61
3. We have provided a s32aa evaluation for these amendments.
4. The council rebuttal recommends amendments to Policy 23 and 24 that are consistent with my recommendations. We support these amendments and will focus here on the remaining points in contention.
5. The key issue addressed in here is:
 - a. The paraphrasing of NPS-IB provisions
 - b. New Policy 24C and 24D
 - c. The implementation of the National Policy Statement for Indigenous Biodiversity 2024
 - d. Policy 24a and Appendix 1A

The paraphrasing of NPS-IB provisions

6. As outlined in the evidence, WCC agrees with original approach taken by GWRC to directly reference the NPS-IB as it prevents Territorial Authorities from having to reconcile inconsistencies from higher order documents.
7. Mr Wyeth's has proposed to expand this framework to include majority of provisions in the NPS-IB now as policies 24B, appendix 1B, appendix 1C and appendix 1D.
8. As stated in my original evidence, if a policy is expanded on in the policy statement, it should be to add regional specificity and not to paraphrase or alter the national direction. Additionally, if there is a proper s32 assessment, then there should be no question whether policies are giving effect to higher order documents as the consideration process would clearly be demonstrated.
9. Overall, I agree with GW original approach and find the inclusion of these policies confusing and over-complicates the RPS.

Policy 24C and 24D

10. Mr Wyeth has also proposed two new policies in the rebuttal Policy 24C - to manage indigenous biodiversity in the coastal environment and Policy 24D - to manage effects of Renewable Energy Generation and Electricity transmission activities.
11. Due to the stage in the process these policies were proposed and time constraints, I have not completed full planning evidence on their new policies but to summarise my opposition:
 - a. I do not consider there to be scope particularly for policy 24D;

- b. The NZCPS was gazetted in 2010, therefore policy 24C being introduced at the rebuttal stage is unacceptable;
 - c. It is not related to the implementation of the NPS-IB as *Renewable Energy Generation* and *Electricity Transmission* matters were explicitly exempt; and
 - d. This is such a shift in policy direction without an appropriate s32aa assessment or appropriate ability for submissions or further submissions to be put forward.
12. Regardless of the substance of policies, such a shift from the original proposed RPS, without appropriate s32 assessments, including assessments of alternative policies is problematic and has natural justice implications.
13. Therefore, I recommend this policy be deleted and re-considered through a full schedule 1 process.

The implementation of the National Policy Statement for Indigenous Biodiversity 2024

14. In my primary evidence I recommended that greater consideration should be made conducted as a separate variation or plan change process that gives full effect to all relevant matters of the NPS-IB 2023.
15. If the NPS-IB must give effect to it as soon as practicable, in addition to my original point whether the change is adding value, the definition of ‘practicable’ is “able to be done or put into practice successfully”, I question whether we can consider a process to be done successfully without undertaking the full schedule 1 process.
16. To points raised on its legality in the rebuttal, I feel it important to also emphasise that a process being lawful is a bottom-line and not a target. I consider it would also be lawful for GWRC to do a full plan change as one will still be needed to give full effect to the NPS-IB, as noted in the s42a report.
17. Accordingly, I consider my original recommendation set out in the statement of evidence is still appropriate.

Policy 24a and Appendix 1A

18. In relation to proposed policy 24a and appendix 1A, I note that my recommendation for a biodiversity metric tool was not made to replace policy but to ensure the policy is achieved appropriately.
19. As stated in my evidence, if a preferred 10% net gain is retained, above and beyond just the ‘net gain’ then is clear tools to guide such a complex issue for both consent applicants and consent authorities.
20. In relation to aquatic offsetting and compensation, I note my evidence were mentioned in Mr Wyeth’s rebuttal, but no further assessment was provided.
21. To re-iterate my concern, biodiversity offsetting and compensation tools are directly related to the NPS-IB and to overlap the matters with aquatic offsetting and compensation is inappropriate as aquatic offsetting and compensation cover a larger range of values than just biodiversity.