

**Before the Independent Hearings Panel  
At Greater Wellington Regional Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan

**Hearing topic** Indigenous Biodiversity

---

**Statement of supplementary planning evidence of Maggie Cook on behalf of  
Wellington City Council**

**Date:** 30 January 2024

---

## **INTRODUCTION:**

- 1 My full name is Margaret (Maggie) Findlay Cook. I am employed as a Senior Planning Advisor at Wellington City Council.
- 2 I have prepared this statement of evidence on behalf of WCC to provide planning evidence on matters relevant to WCC's submission to Greater Wellington Regional Council's (GWRC) Proposed Change 1 (PC1) to the Regional Policy Statement for the Wellington Region (RPS).
- 3 Specifically, this statement of evidence relates to the matters of the Indigenous Biodiversity topic.

## **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 4 I hold the qualification of a Bachelor of Environmental Planning with a specialised major in Freshwater science from Waikato University. I am a Graduate Member of the New Zealand Planning Institute.
- 5 I have five years' experience in planning and resource management. I have previous experience in both policy and resource consents with roles at Napier City Council and Environment Canterbury. In my current and previous roles:
  - 5.1 Directly involved in the original submission and further submission process on behalf of WCC.
  - 5.2 Reporting officer for the WCC Proposed District Plan Three Waters and Ecosystems and Indigenous Biodiversity and ecosystems hearings.
  - 5.3 Subject matter expert for Freshwater Consents and case law for the Canterbury Region.

5.4 Developed best practise for the implementation of the National Policy Statement for Freshwater Management 2020 in the Canterbury Region.

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

#### **CODE OF CONDUCT**

7 While this is a local authority hearing, I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the Hearings Panel. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are 3 within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

#### **SCOPE OF EVIDENCE**

8 My statement of evidence addresses the following matters:

- a. Implementation of NPS-IB 2023
- b. Policy IE.2A
- c. Introduction
- d. Policy 23
- e. Policy 24
- f. Policy 24a and Appendix 1A
- g. Policy 61

9 In preparing my evidence, I have reviewed the s42A report and s32 evaluation. I note that no other evidence has been provided by the Council other than the s42A reports.

10 I was involved in preparing the WCC submission on Plan Change 1 (Change 1).

## **OVERVIEW**

11 While I understand the intent of RPS PC1 in giving effect to the NPS-IB, I have a number of concerns in relation to the scope, intent and drafting of the Indigenous Biodiversity provisions, including:

11.1 The proposed implementation of the NPS-IB 2023;

11.2 The overlap in the function and responsibility of territorial authorities and regional council for managing Indigenous Biodiversity; and

11.3 Poor drafting.

## **IMPLEMENTATION OF NPS-IB 2023**

12 The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) was notified and was gazetted in July 2023, after the notification of Change 1 to the Wellington Regional Policy Statement. The objective of the NPS-IB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. One of the key tools to achieve this objective is the identification and protection of Significant Natural Areas, to be implemented by Territorial Authorities.

13 As set out in the s42a report, GWRC decided to include provisions directly related to the NPS-IB, stating in the s42a that it was required to do so to implement the national directive 'as soon as practicable', despite these provisions not undergoing a full notification process.

14 The two key reasons outlined for this decision was GWRC considered this approach appropriate given the existing submissions relating to indigenous biodiversity, and that *“Many of the implementation clauses in the NPS-IB contain highly directive language as to what local authorities must do or consider when implementing the NPS-IB. These directives are addressed in the section 42A report and the NPS-IB leaves little discretion for GWRC when making implementation decisions.”*<sup>1</sup>

15 Now the NPS-IB has effect, territorial authorities must also give effect to it in both plan making and resource consent processes, as required by the RMA and case law. As such, I do not consider there to be a regional policy gap with respect to indigenous biodiversity as was the case prior to gazettal of the NPS-IB.

16 Furthermore, I consider that GWRC has not properly evaluated whether proposed changes to the RPS to give effect to the NPS-IB are necessary or add value in terms of helping to achieve the objectives of the NPS-IB. The proposed RPS provisions largely paraphrase or reference the NPS-IB without adding any regional specific direction, which should be its core purpose. Giving effect to the NPS-IB does not necessitate duplication in the RPS. Recognition of national direction in an RPS should be reserved to instances where regional specific interpretation is warranted, so that lower order RMA documents, such as District Plans, can reflect this nuance to achieve national and regional consistency.

17 I note that there are sections in the NPS-IB that specifically set out requirements for Regional Councils to include in the Regional Policy Statements. These relate to:

- Specified Highly Mobile Fauna (clause 3.20);

---

<sup>1</sup> Legal submissions on behalf of Wellington Regional Council – Hearing Stream 6, Paragraph 18. <https://www.gw.govt.nz/assets/Documents/2023/12/GWRC-HS6-Legal-Submission-Indigenous-Ecosystems-191223.pdf>

- Increasing indigenous vegetation cover (clause 3.22); and
- Regional Biodiversity Strategies (Clause 3.23)

18 The above matters are fundamental to establishing a robust policy framework for managing Indigenous Biodiversity at a regional level. However, as set out in the s42a report, Change 1 will not include addressing any of these clauses. I consider that a comprehensive approach to implementing the NPS-IB would be more appropriate, and that the requirement to give effect to the NPS-IB ‘as soon as practicable’ should not be used as a reason to implement the national direction in a piecemeal manner, without adding any further value or regional direction.

19 While I am sympathetic to the complexities of new legislation being gazetted in the middle of a hearings process, during the informal pre-hearing meetings, WCC raised concerns to GWRC around natural justice issues that arise from not fully meeting the requirements of clause 3.2 of the NPS-IB (as set out in paragraph 99 of the s42a report). Participants in the pre-hearing meeting<sup>2</sup> were informed that submissions from a range of parties expressed a desire to implement the NPS-IB and that feedback from interested parties on the subject of biodiversity had come through the consultation process and GWRC therefore felt natural justice risks were low. I have some sympathy for this view, given the range of parties that have participated in the process; however, I consider it poor practice to pre-determine the likely outcome of consultation if it has not actually been undertaken. I consider it inappropriate to propose changes to notified provisions where scope to do so is lacking. I do not agree that submissions seeking to implement the NPS-IB can be given strong weighting, given that the NPS-IB was not gazetted at the time of notification.

---

<sup>2</sup> The details of the pre-hearing meetings are set out in section 1.6 of the s42a report.

20 I consider that GWRC did not fully weigh up the additional benefit of including provisions relating to the protection of indigenous biodiversity against the procedural risk of inserting new policies to give effect to the NPS-IB at this stage. Relying on submissions that generically request to 'align Plan Change 1 with NPS-IB' (noting that GW has not actually fully aligned with the NPS-IB, only partially), particularly considering the natural justice issues associated with this approach to implementation of national direction, is not considered adequate.

21 I consider that responding to the NPS-IB should be conducted as a separate variation or plan change process that gives full effect to all relevant matters of the NPS-IB 2023 to meet all the requirements of s3 of schedule 1 and clause 3.2 of the NPS-IB.

#### **INCONSISTENT APPROACH TO IMPLEMENTATION OF NPS-IB PROVISIONS – POLICY IE.2A**

22 I consider that the GWRC proposed approach to implementation of the NPS-IB has been inconsistently applied. This is highlighted through proposed policy IE.2A for Maintaining indigenous biodiversity, which was noted in paragraph 102 of the s42a report to be included rather than specifically referencing clause 3.16, which I consider to be highly directive. I note there is no specific reasoning provided in the s42a report as to why this is a more appropriate approach for this clause.

23 I consider that Policy IE.2A adds little value in providing regional level policy guidance to aid implementation of the policies in the NPS-IB. I also consider the proposed paraphrasing of clause 3.16 creates more confusion in implementation, specifically as clause 3.16(3) states:

*"...all must be managed to give effect to the objective and policies of this National Policy Statement..."*

This encompasses the policies as well as the objective, rather than just the objective as proposed in policy IE.2A(c). In my view policy IE.2A is

superfluous in the best case and sets up potential conflict with the NPS-IB in the worst case. Therefore, I recommend deleting Policy IE.2A entirely as set out in appendix 1.

## INTRODUCTION

24 I generally support the amendments to the introduction to include reference to the decision-making principles for indigenous biodiversity in the introduction to the chapter. However, I consider that the principles have been incorrectly paraphrased, creating confusion between the NPSIB and the RPS and ignores the principles as they are set out. Therefore, I recommend amendments to the introduction as follows:

...

The decision-making principles for indigenous biodiversity recognise that the health and wellbeing of people and communities depend on the health and wellbeing of indigenous biodiversity and that, in return, people have a responsibility to care for and nurture it. The principles acknowledge the interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level. These principles must inform and be given effect to when managing indigenous biodiversity across the Wellington Region. [Recognising the role of people and communities \(including landowners\) as stewards](#) and ensuring that te ao Māori, mātauranga, and tikanga Māori are applied appropriately to protect, maintain and restore indigenous biodiversity.

...

## POLICY 23

25 I am generally supportive of the inclusion of the differentiation between terrestrial biodiversity and coastal and aquatic biodiversity and consider this provides greater clarity for implementation. However, I consider



that the respective roles of each type of Council are ambiguous, relying on the explanation of the policy to define these roles. I consider this needs to be defined in the body of the policy and recommend refining the policy for succinctness. Therefore, I recommend amendments to policy 23 as follows:

~~By June 2025, As soon as reasonably practicable and by no later than 4 August 2028: Ddistrict and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values.; eEcosystems and habitats will be considered significant if:~~

- ~~1. District Plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values~~ in the terrestrial environment, ~~they meet the criteria~~ in accordance with Appendix 1 and in accordance with the principles in clause 3.8 of the National Policy Statement for Indigenous Biodiversity 2023; and
- ~~2. Regional Plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values~~ in the coastal marine area, the beds of lakes and rivers, and wetlands, that meet one or more of the following criteria:

...

~~Regional plans will identify indigenous ecosystems and habitats with significant biodiversity values in the coastal marine area, wetlands and the beds of lakes and rivers. District plans will identify indigenous ecosystems and habitats with significant biodiversity values in the terrestrial environment for all land, except for the coastal marine area, and the beds of lakes and rivers wetlands.~~

## POLICY 24

26 As set out in the WCC submission, I support the intent of the policy but consider the amendments proposed in the s42a report to have inconsistent referencing to other documents, which creates unnecessary complexity. I recommend either amending (c) to refer back to policy 6 and 7 of NPS-FM 2020 which set out the policy direction for natural inland wetlands and rivers or to delete (c), as it can be assumed that in order to give effect to the RPS, plans will have to give effect to Policy 18A and 18B., I recommend amending policy 24as follow:

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 Policy 6 and Policy 7 of the National Policy Statement for Freshwater Management 2020 to manage adverse effects on the values and extent of natural inland wetlands and rivers.

...

## POLICY 24A AND APPENDIX 1A

27 WCC submission generally supported some of the concepts that were taken from proposed policy 24 and placed in policy 24A. However, given the new context of the gazetted NPS-IB, I consider that there are several amendments that are appropriate to clarify and refine the policy.

Policy 24A(a)(ii)

28 I consider some of the regional specificity set out in Appendix 1A can be useful in order to provide more guidance for developers and territorial authorities in the Wellington region. However, given that Appendices 3 and 4 are highly directive and based on robust principles, I consider it more appropriate and efficient if regional specificity is implemented as additional guidance rather than a direct policy. This also prevents the policy / methods from becoming lengthy and confusing while allowing for the guidelines to be updated more regularly than a typical RMA process, and ensures the document contains the most up to date information.

Policy 24(a)(iii), (d) and (e)

29 I agree with the evidence provided by Ms Maseyk that offsetting and compensation can have weak environmental outcomes and are difficult to quantify. However, the concept for offsetting and compensation of 'no net loss' is no longer relevant due to the NPS-IB specifically requiring 'net gain' in Appendix 3 and 4. Appendix 3 and 4 also sets out a comprehensive framework of principles to provide guidance for offsetting and compensation, noting it provides more direction than the proposed RPS.

30 Also, as set out in paragraph 49 of Ms Maseyk evidence:

31 *"the 10% target, it is my opinion that this is a somewhat arbitrary and generalised value, in that the amount of gain required to reverse trajectories of decline and positively change threat status is ecosystem and species specific, and influenced by where they sit relative to desired species populations or minimum ecosystem extents... New Zealand does not have a standard metric (such as the Biodiversity Metric associated with the UK's BNG policy) against which the 10% gain would be measured."*

32 As there are no set standards to measure biodiversity outcomes of offsetting or compensation, there will be greater uncertainty and difficulty quantifying outcomes for both consent applicants and territorial authorities whether proposals will actually have a measurable 10% gain, despite following all of the principles set out in Appendix 3 and 4 of the NPS-IB.

33 Given the strong policy change to 'net gain' set out in the NPS-IB, I do not consider the inclusion of an arbitrary 10% net gain goal will achieve better outcomes as it will still be difficult to quantify and would likely lead to confusing and difficult consenting outcomes. Therefore, as set out below, I recommend deleting policy 24(d).

34 I also recommend deleting policy 24(e) to create a more efficient and effective policy, as it a repetition of Appendix 3 and 4 of the NPS-IB, which is already expressly referenced in (a) of the policy.

35 However, based on the technical evidence provided by Ms Maseyk and Mr Crisp, I would consider it more appropriate for GWRC to develop a Wellington Specific Biodiversity Metric tool to aid the assessment of biodiversity offsetting and compensation principles set out in Appendix 3 and 4 of the NPS-IB 2023. I recommend a biodiversity metric tool be incorporated as a non-regulatory method as a part of this process or as a full method as a part of a comprehensive plan change to give full effect to the NPS-IB in the future.

#### Aquatic offsetting and compensation

36 The mechanisms related to aquatic offsetting and compensation are expressly related to the NPS-FM 2020. While a policy specifically for aquatic offsetting and compensation may be appropriate, this policy seems to add specificity to just the ecological and biodiversity values for wetlands or rivers and does not provide any for guidance for the other aquatic values including cultural, recreation, amenity or physical values.

This approach appears inconsistent if the intent of this policy is to provide further guidance for aquatic offsetting or compensation.

37 I consider that it should be separate from Biodiversity offsetting and compensation as the concept of 'biodiversity offsetting and compensation' is now specifically set out in the NPS-IB and related to terrestrial ecology. Combining the two applications of offsetting and compensation also further complicates the policy. If GWRC considers more guidance is required for Aquatic Offsetting or Compensation, I recommend that this is done as a separate policy.

38 Therefore, I recommend amendments to Policy 24A and Appendix 1A as follows:

**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 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 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~~;
- (ii) provide ~~guidelines further direction~~ on where biodiversity offsetting, ~~aquatic offsetting~~, biodiversity compensation, and ~~aquatic compensation~~ are not appropriate, in accordance with clauses (b) and (c) below;
- ~~(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~~

(b) 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

(c) 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

~~(d) District and regional plans shall include policies and methods that require biodiversity offsetting or aquatic offsetting 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 1 of the indigenous biodiversity values (type, amount, and condition) affected by the proposed activity; and~~

~~(e) District and regional plans shall include policies and method to require biodiversity compensation or aquatic compensation to achieve positive effects in indigenous biodiversity, extent, or values that outweigh residual adverse effects on affected indigenous biodiversity, extent, or values.~~

## **Appendix 1A**

...

~~• Applications for offsetting adverse effects on ecosystems and species that meet the criteria in Policy 24A(b) can only be considered if at least a net gain, and preferably a 10% net gain or greater, in the indigenous biodiversity values affected can be reasonably demonstrated.~~

~~• Policy 24A(c) describes the situations when biodiversity compensation is not appropriate, meaning that where Policy 24A(c) applies applications for compensation cannot be considered.~~

...

### **Non-regulatory Method X: Wellington Biodiversity Metric Tool**

The regional council will liaise with the region's territorial authorities to develop a Biodiversity Metric Tool to inform the offsetting and compensation assessment of 'net gain' as set out in Appendix 3 (3) and 'additionality' in Appendix 4 (4) that must be used to calculate the biodiversity value for existing ecosystem or ecosystem enhancements.

### **Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation**

...

~~• Applications for offsetting adverse effects on ecosystems and species that meet the criteria in Policy 24A(b) can only be considered if at least a net gain, and preferably a 10% net gain or greater, in the indigenous biodiversity values affected can be reasonably demonstrated.~~

~~• Policy 24A(c) describes the situations when biodiversity compensation is not appropriate, meaning that where Policy 24A(c) applies applications for compensation cannot be considered.~~

...

## POLICY 61

39 Consistent with the position set out in the WCC submission, I generally support the policies' intent to have clear allocation of responsibilities. However, if an activity is having an adverse effect on Coastal or Freshwater biodiversity then the activity is likely either within the bed of the lake or river (s13), within the coastal marine environment (s12) or discharging contaminants into those environments (s15). These are functions of the Regional Council and cannot be conducted by a Territorial Authority under s31 of the RMA. Therefore, I recommend amending policy 61 as follow:

...

(c) city and district councils shall be responsible for developing objectives, policies, rules and/or methods in district plans for the control of the use of land for the maintenance of indigenous biological biodiversity, ~~including to manage associated adverse effects on indigenous biodiversity in freshwater and coastal water in liaison with the Wellington Regional Council~~. This excludes controlling the use of land within the coastal marine area, and the beds of lakes and rivers, and wetlands.

## CONCLUSION

40 Though I disagree with the approach that GWRC has taken to partially 'give effect to' the NPS-IB 2023, if the panel considers this approach suitable, I consider the amendments proposed to RPS PC1 set out in this statement of evidence will allow for more refined and comprehensive policies and methods.

41 As stated above, I acknowledge the difficulty of the gazettal of national legislation in the middle of a plan change process, however, I urge that GWRC considers engaging in meaningful consultation with all key stakeholders, including Territorial Authorities, to achieve the outcomes in the NPS-IB in a collaborative manner, and ideally through a



comprehensive plan change process that holistically addresses  
implementation of the NPS-IB

**Date: 30/01/2024**

**Name: Maggie Cook**

**Position: Senior Planning Advisor**

**Wellington City Council**

# Appendix 1 – Recommended amendments to provisions.

Black Text – Section 42A report recommended provisions.

Blue Text - Amendments recommended in this statement of evidence.

## Introduction

...

The decision-making principles for indigenous biodiversity recognise that the health and wellbeing of people and communities depend on the health and wellbeing of indigenous biodiversity and that, in return, people have a responsibility to care for and nurture it. The principles acknowledge the interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level. These principles must inform and be given effect to when managing indigenous biodiversity across the Wellington Region. [Recognising the role of people and communities \(including landowners\) as stewards](#) and ensuring that te ao Māori, mātauranga, and tikanga Māori are applied appropriately to protect, maintain and restore indigenous biodiversity.

## Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

~~By June 2025,~~ As soon as reasonably practicable and by no later than 4 August 2028: ~~District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values.; Ecosystems and habitats will be considered significant if:~~

- [1. District Plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values](#) in the terrestrial environment, ~~they meet the criteria~~ in [accordance with](#) Appendix 1 ~~and in accordance with the principles in~~ clause 3.8, of the National Policy Statement for Indigenous Biodiversity 2023; and

2. Regional Plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values in the coastal marine area, the beds of lakes and rivers, and wetlands, they meet one or more of the following criteria:

...

~~Regional plans will identify indigenous ecosystems and habitats with significant biodiversity values in the coastal marine area, wetlands and the beds of lakes and rivers. District plans will identify indigenous ecosystems and habitats with significant biodiversity values in the terrestrial environment for all land, except for the coastal marine area, and the beds of lakes and rivers wetlands.~~

**Policy 24: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans**

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~~ Policy 6 and Policy 7 of the National Policy Statement for Freshwater Management 2020 to manage adverse effects on the values and extent of natural inland wetlands and rivers.

...

## 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 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 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~~;
- (ii) provide ~~guidelines further direction~~ on where biodiversity offsetting, ~~aquatic offsetting~~, biodiversity compensation, and ~~aquatic compensation~~ are not appropriate, in accordance with clauses (b) and (c) below;
- ~~(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~~

(b) 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

(c) 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

~~(d) District and regional plans shall include policies and methods that require biodiversity offsetting or aquatic offsetting 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 1 of the indigenous biodiversity values (type, amount, and condition) affected by the proposed activity; and~~

~~(e) District and regional plans shall include policies and method to require biodiversity compensation or aquatic compensation to achieve positive effects in indigenous biodiversity, extent, or values that outweigh residual adverse effects on affected indigenous biodiversity, extent, or values.~~

#### **Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity**

...

(c) city and district councils shall be responsible for developing objectives, policies, rules and/or methods in district plans for the control of the use of land for the maintenance of indigenous biological biodiversity, ~~including to manage associated adverse effects on indigenous biodiversity in freshwater and coastal water in liaison with the Wellington Regional Council~~. This excludes controlling the use of land within the coastal marine area, and the beds of lakes and rivers, and wetlands.

#### **~~Policy IE.2A: Maintaining indigenous biodiversity – consideration~~**

~~When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan or regional plan, indigenous biodiversity in the terrestrial environment that does not have significant indigenous biodiversity values and is not on Māori land, shall be maintained by:~~

~~(a) recognising and providing for the importance of maintaining indigenous biodiversity that does not have significant biodiversity values under Policy 23;~~

~~(b) managing any significant adverse effects on indigenous biodiversity from any proposed activity by applying the effects management hierarchy in the National Policy Statement for Indigenous Biodiversity 2023; and~~

~~(c) managing all other adverse effects on indigenous biodiversity from any proposed activity to achieve at least no overall loss in indigenous biodiversity within the region or district as applicable.~~

#### Explanation

~~Policy IE.2A recognises that it is important to maintain indigenous biodiversity that does not have significant indigenous biodiversity values to meet the requirements in section 30(1)(ga) and section 31(b)(iii) of the RMA. This policy applies to indigenous biodiversity that does not have significant values in the terrestrial environment and requires a more robust approach 14 to managing any significant adverse effects on indigenous biodiversity from a proposed activity and to maintain indigenous biodiversity more generally.~~

#### **Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation**

...

~~• Applications for offsetting adverse effects on ecosystems and species that meet the criteria in Policy 24A(b) can only be considered if at least a net gain, and preferably a 10% net gain or greater, in the indigenous biodiversity values affected can be reasonably demonstrated.~~

~~• Policy 24A(c) describes the situations when biodiversity compensation is not appropriate, meaning that where Policy 24A(c) applies applications for compensation cannot be considered.~~

...

### **Method X: Wellington Biodiversity Metric tool**

The regional council will liaise with the region's territorial authorities to develop a Biodiversity Metric to inform the offsetting and compensation assessment of 'net gain' as set out in Appendix 3 (3) and 'additionality' Appendix 4 (4) that sets out the parameters for indigenous biodiversity values (type, amount, and condition) affected by the proposed activity that is specific for the Wellington Region.

## Appendix 2: Section 32AA Further Evaluation Report

IW have undertaken a s32AA evaluation for the amendments I have proposed to the RPS. I consider that:

- a. The changes will provide greater improvement of the management of indigenous biodiversity;
  - b. The changes enable better implementation of the provisions and provide greater certainty for developers and territorial authorities;
  - c. The changes reduce the potential tensions between the implementation of the NPS-IB 20203 and the Wellington RPS;
  - d. The Changes will better give effect to the NPS-IB 2023;
  - e. They are more efficient and effective than the notified provisions in achieving the objectives of the District Plan; and
  - f. They are consistent with the notified objectives of the RPS.
2. The environmental, economic, social and cultural effects of the recommended amendments in comparison to the s42a version are detailed below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	<p>There are unlikely to be any environmental costs compared to the notified provisions.</p> <p>The proposals will also have a range of positive effects including having more accurate and measurable environmental outcomes.</p>
Economic	Lowered costs for consenting processes.
Social	There are unlikely to be any social costs compared to the notified proposal.
Cultural	<p>These benefits will be received by the community at large.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p>