

**Proposed Change 1 to the Regional Policy Statement for the
Wellington Region**

**Section 42A Hearing Report
Hearing Stream 6**

Topic: Indigenous Ecosystems

Process: Freshwater Planning Process/Schedule 1, Part 1 Process

Prepared by: Pamela Guest and Jerome Wyeth

Report Date: 11 December 2023

Hearing Date: February 2024

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Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to the Indigenous Ecosystems provisions in Change. This report has been jointly prepared by Pamela Guest and Jerome Wyeth as detailed further below.
2. The provisions in this topic were all notified as part of the Freshwater Planning Instrument (FPI) under the Resource Management Act 1991 (RMA). There are no provisions which were notified as standard First Schedule provisions. The provisions covered by this topic are Objectives 16-16(C), Policies 23, 24, 47, 61, IE.1-4, Methods 21, 32, 53, 54, IE.1-4, anticipated environmental results, and definitions associated with indigenous ecosystems.
3. A total of 574 original submissions and 521 further submissions were received on this topic. The submissions on this topic were wide ranging and request a range of different amendments and outcomes, including withdrawing, amending, or strengthening the indigenous ecosystems provisions. The following key themes were raised in submissions and are covered by this report, being requests to:
 - a. Withdraw all amendments to the indigenous ecosystem provisions and progress instead as part of a full RPS review.
 - b. Review the provisions for consistency with the NPS-IB if it is gazetted prior to the RPS hearings on this topic. In particular, territorial authorities request the timeframes for identifying and protecting ecosystems and habitats with significant indigenous biodiversity values be amended to align with those in the NPS-IB.
 - c. Strengthen provision for relationships and partnerships with mana whenua/tangata whenua and protection for their valued species and areas.
 - d. Reconsider the regional specificity relating to limits to, and outcomes for, biodiversity offsetting and compensation, and provide policy pathways for regionally significant infrastructure and mineral extraction in areas with significant indigenous biodiversity.
4. The full range of issues raised by submitters in relation to this topic are covered in this report. As a result of analysing the submissions, we have recommended a number of amendments to the Change 1 provisions for indigenous ecosystems. These amendments are intended provide better align with the NPS-IB 2023 and are otherwise to generally improve the clarity of the drafting and do not alter the underlying intent of the proposed provisions. We consider that the intent of the indigenous ecosystem provisions in Change 1 is sound and should be retained, as the loss and degradation of indigenous biodiversity presents a significant challenge to the long-term well-being of our communities and requires immediate action if the region's indigenous biodiversity is to be in a healthy functioning state, with the resilience to persist in the long-term. The indigenous ecosystem provisions intertwine with those provisions in Change 1 seeking to provide

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nature-based solutions to climate change, providing positive outcomes for indigenous biodiversity, the climate and people and communities in the Wellington Region.

5. The main amendments recommended are to better align Change 1 provisions with certain NPS-IB provisions, where this is scope to do so, focusing on the NPS-IB provisions that are directed at regional policy statements with limited discretion as to how these are given effect to. These include:
 - a) The concept Te Rito o te harakeke has been replaced with reference to decision-making principles for indigenous biodiversity, with additional text to explain these.
 - b) Amendments to strengthen and/or clarify provision for relationships and partnerships with mana whenua/tangata whenua and protection for their valued species and areas.
 - c) Objective 16 has been amended to better reflect RMA section 6(c).
 - d) The timeframe, and criteria for identifying significant ecosystems and habitats in the terrestrial environment, have been amended to align with the NPS-IB (Policy 23).
 - e) The timeframe for district and regional plan policies to protect significant ecosystems and habitats has been amended to align with the NPS-IB and the direction to 'protect' has been qualified to align with provision to use the effects management hierarchies and associated exceptions in relevant national policy statements (Policy 24).
 - f) The regional interpretation of the limits to, and outcomes sought from, biodiversity offsetting and compensation have been moved from Policy 24 to form a new Policy 24A with redrafting to improve clarity.
 - g) Policy 47 has been amended to align with the Policy 24A direction for biodiversity offsetting and compensation, and to give effect to the NPS-IB direction relating to providing for established activities and plantation forestry activities that affect significant indigenous biodiversity.
 - h) A new consideration policy has been added to maintain indigenous biodiversity on land outside of SNAs, consistent with direction in the NPS-IB.
 - i) Policy IE.1 has been amended to add a new clause relating to managing indigenous biodiversity on Māori land, consistent with the direction in the NPS-IB.
 - j) The NPS-IB priorities for restoration in the terrestrial environment and additional direction relating to improving the resilience of indigenous biodiversity to climate change have been added to Policy IE.3, consistent with direction in the NPS-IB.
 - k) A number of definitions relevant to the indigenous ecosystems topic have been amended, including to align with definitions in the NPS-IB.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, we recommend that the indigenous ecosystems provisions in Change 1 be amended as set out in **Appendix 1** of this report.
7. We have also undertaken a section 32AA evaluation for the amendments we have recommended which is contained in the analysis of submissions in this report.

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8. For the reasons outlined in the section 32AA evaluation and outlined in this report, we consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to:
 - Achieve the purpose of the RMA (in respect of the proposed objectives) and give effect to higher order planning documents, in particular the NPS IB, and
 - Achieve the relevant objectives of the RPS, in respect to the proposed provisions.

Interpretation

9. This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
ANZBS	Aotearoa New Zealand Biodiversity Strategy
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
the Council	Greater Wellington Regional Council
FPP	Freshwater Planning Process
NAP	National Adaptation Plan
ERP	Emissions Reduction Plan
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
RMA	The Resource Management Act 1991
RPS	Operative Regional Policy Statement for the Wellington Region 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	BLNZ New Zealand Ltd
CDC	Carterton District Council

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DCG	Director General of Conservation
Fish and Game	Wellington Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Fuel Companies	BP Oil NZ Ltd Mobil Oil NZ Ltd and Z Energy Ltd
GBI	Guardians of the Bays Incorporated
HCC	Hutt City Council
HortNZ	Horticulture New Zealand
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
MDC	Masterton District Council
Muaūpoko	Muaūpoko Tribal Authority
Meridian	Meridian Energy Limited
Ngā Hapū	Ngā Hapu o Otaki
Ngāti Toa	Te Rūnanga o Toa Rangatira
PCC	Porirua City Council
Rangitāne	Rangitāne o Wairarapa Inc
SWDC	South Wairarapa District Council
Te Tumu Paeroa	Te Tumu Paeroa – Office of the Māori Trustee
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta Upper Hutt City Council
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC	Wellington City Council
Wellington Water	Wellington Water Limited
WIAL	Wellington International Airport Limited
WFF	Wairarapa Federated Farmers

1.0 Introduction (Pamela Guest)

1.1 Purpose

10. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the original and further submissions received on provisions listed under the Indigenous Ecosystems topic and make recommendations as to whether or not those submissions should be accepted, accepted in part, or rejected and concludes with a recommendation for changes to the Change 1 provisions. This report is prepared under section 42A of the RMA.
11. The recommendations are informed by the technical evidence outlined below and the analysis and evaluation that we have undertaken. We have also considered the hearing reports for Hearing Stream One 'Overview Report' and 'General Submissions Report' which provide background to Change 1 and administrative matters relating to Change 1, and Hearing Stream Two 'Integrated Management'. These reports should be read in conjunction with this report.

1.2 Scope of this report

12. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the FPI. These provisions are marked in the Change 1 document with the freshwater icon. All the indigenous ecosystem provisions were notified under the FPP.
 - The standard plan-making process in Part 1.
13. The provisions addressed in this report are set out below, along with the relevant page number in Change 1. Pamela Guest is the responsible reporting officer for all of the indigenous ecosystem provisions with the exception of Policy 24, Appendix 1A and the recommended approach and amendments to give effect to the NPS-IB where Jerome Wyeth is the responsible reporting officer.

Table 1: Provisions addressed in this report

Change 1 Provision	Change 1 page number
Chapter 3.6 Introduction, Issues 1,2 and 3	58-60
Objective 16	61
Objective 16A	63
Objective 16B	64

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Change 1 Provision	Change 1 page number
Objective 16C	65
Policy 23	118-119
Policy 24	119-120
Policy 47	145-146
Policy 61	159
Policy IE.1	121
Policy IE.2	146
Policy IE.3	166
Policy IE.4	167
Method 21	190
Method 32	184-5
Method 53	192
Method 54	192
Method IE.1	180
Method IE.2	189
Method IE.3	189-90
Method IE.4	192
Definitions: <ul style="list-style-type: none"> • Biodiversity compensation • Biodiversity offsetting • Ecological Connectivity • Ecological integrity • Ecosystem health • Enhancement (in relation to indigenous biodiversity) • Maintain/maintained/ maintenance (in relation to indigenous biodiversity) • Naturally uncommon ecosystems • Protect (in relation to indigenous biodiversity): 	216-226

Change 1 Provision	Change 1 page number
<ul style="list-style-type: none"> • Resilience (in relation to an ecosystem) • Restoration • Systematic Conservation Planning • Te Rito o te Harakeke • Threatened ecosystems or species 	

14. Any data, information, facts and assumptions we have considered in forming our opinions are set out in the part of the evidence in which we express our opinions. Where we have set out opinions in our evidence, we have given reasons for those opinions.
15. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.
16. We have provided as Appendix 2, a table setting out the submission points relevant to this topic of Change 1. In that table we have identified whether we recommend accepting, accepting in part, or rejecting the submission point sought by the submitters, or make no recommendation. We have explained our reasons for accepting or rejecting the relief sought in submissions, or making no recommendation, in the body of this report.

1.3 Authors

17. This report has been jointly authored by Ms Pamela Guest and Mr Jerome Wyeth. Jerome Wyeth is the primary author for Issue 2: Giving effect to NPS-IB and withdraw/retain indigenous ecosystem provisions and Issue 10: Policy 24 and Appendix 1A. Pamela Guest is the primary author for all other issue sections. We have jointly considered submissions on the provisions in this topic and both agree with the recommendations made throughout this report.

Pamela Guest

18. My name is Pamela Anne Guest. I am a senior policy advisor in the Environmental Policy team at Greater Wellington Regional Council (the Council). I hold a Bachelor of Science with 1st class Honours in geography and environmental sciences from the University of Otago, with post-graduate papers in environmental planning and law, and planning theory from the University of Waikato, and papers in landscape architecture from Lincoln University.
19. I have over 25 years of experience in resource management planning, working for both central and local government and as an independent consultant, with a focus on water and soil management, wetlands, indigenous biodiversity, and climate change.
20. I have worked at the Council for 8 years, initially as topic lead for the Proposed Natural Resources Plan hearings for wetlands and biodiversity, beds of lakes and rivers, and sites

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with significant values. I led the development of provisions in Change 1 for Indigenous Ecosystems and Climate Change.

21. I confirm that I have read the Code of Conduct for Expert Witnesses included in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
22. The scope of my evidence relates to Indigenous Ecosystems. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
23. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
24. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Jerome Wyeth

25. My name is Jerome Geoffrey Wyeth, and I am employed by SLR Consulting, a planning and environmental consultancy. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
26. I have over 18 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government and I am the National Policy Sector Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
27. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, climate change, renewable electricity generation and transmission, indigenous biodiversity and plantation forestry.
28. I have been closely involved in the development of the National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB) through initial involvement in the Biodiversity Collaborative Group as a central government official. I subsequently prepared both the draft and final section 32 evaluation report for the NPS-IB working closely with the

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Ministry for the Environment and Department of Conservation. I have been involved in district plan reviews relating to indigenous biodiversity, including current and past projects in Far North, Kaipara, Hamilton City, Tairāwhiti and Otago.

29. I was not directly involved in the development of the provisions for Change 1, although I did have some involvement in the Section 32 Report prior to notification, focused on the climate change provisions that were considered in Hearing Stream 3.
30. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court 1 January 2023. I have complied with that Code when preparing this written statement of evidence and I agree to comply with it when I give any oral evidence.
31. The scope of my evidence relates to the Indigenous Biodiversity topic. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
32. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
33. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

34. The expert evidence, literature, or other material which we have used or relied upon in support of the opinions expressed in this report include the following:
 - The notified Change 1
 - The Change 1 Section 32 report
 - Relevant submissions and further submissions
 - The Operative RPS
 - The Natural Resources Plan for the Wellington Region (Operative July 2023)
 - Maseyk, F. and Parlato, E., October 2023: State of Indigenous Biodiversity and Indigenous Ecosystems in the Wellington Region: A collation of recent monitoring and reporting.¹
 - The technical evidence of Dr Philippa Crisp on behalf of Greater Wellington dated 5 December 2023: Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation.

¹ [Greater Wellington — State of indigenous biodiversity and indigenous ecosystems in the Wellington Region. A collation of recent monitoring and reporting \(gw.govt.nz\)](https://www.gw.govt.nz/state-of-indigenous-biodiversity-and-indigenous-ecosystems-in-the-wellington-region-a-collation-of-recent-monitoring-and-reporting/)

- [The technical evidence of Ms Fleur Jennifer Foster Maseyk on behalf of Greater Wellington dated 5 December 2023: Biodiversity Offsetting and Biodiversity Compensation.](#)

1.5 Key Themes

35. A total of 574 submissions and 521 further submissions were received on this topic. The submissions on this topic were wide ranging.
36. We consider the following to be key themes in submissions; these are addressed across the Issue Sections 1-18 relating to specific provisions:
- a. Withdraw all amendments to the indigenous ecosystem provisions and progress instead as part of a full RPS review.
 - b. Review the provisions for consistency with the NPS-IB if it is gazetted prior to the RPS hearings on this topic. In particular, territorial authorities request the timeframes for identifying and protecting ecosystems and habitats with significant indigenous biodiversity values be amended to align with those in the NPS-IB.
 - c. Strengthen provision for relationships and partnerships with mana whenua/tangata whenua and protection for their valued species and areas.
 - d. Reconsider the regional specificity relating to limits to, and outcomes for, biodiversity offsetting and compensation, and provide policy pathways for regionally significant infrastructure and mineral extraction in areas with significant indigenous biodiversity.

1.6 Pre-hearing Discussions

37. Informal pre-hearing discussions were held on the following topics:
- a. Proposed amendments to the indigenous ecosystems provisions to better provide for mana whenua/tangata whenua values and relationships, focusing on alignment with the NPS-IB, with the Council's mana whenua/tangata whenua partners; and
 - b. Proposed amendments to the indigenous ecosystems provisions generally to align with the NPS-IB, with those parties who made submissions on these matters and wished to attend.
38. The outcome of these discussions have informed our recommendations as discussed in Issue 2 and in the Issue sub-sections titled "*Giving effect to the NPS-IB through Change 1*".

2.0 Statutory Considerations (Pamela Guest)

2.1 Resource Management Act 1991

39. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

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- Section 30 - Functions of regional councils under this Act
- Section 31 – Functions of territorial authorities under this Act
- Section 61 - Matters to be considered by regional council (policy statements)
- Section 62 - Contents of regional policy statements
- Section 80A – Freshwater planning process
- Schedule 1 – Preparation, change and review of policy statements and plans.

40. Provisions in the RMA that are particularly relevant to this Topic include:

- Section 5 - Purpose
- Section 6 - Matters of national importance
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

 - (a) kaitiakitanga:
 - (aa) the ethic of stewardship:
 - (d) intrinsic values of ecosystems:
 - (f) maintenance and enhancement of the quality of the environment
 - (i) the effects of climate change
- Section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).
- Section 30(1) - Functions of regional councils under this Act
 - (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
 - (c) the control of the use of land for the purpose of—
 - (i) soil conservation:

- (ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:
 - (iii) the maintenance of the quantity of water in water bodies and coastal water:
 - (iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:
 - (iv) the avoidance or mitigation of natural hazards:
 - (ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.*
- Section 31(1) - Functions of territorial authorities under this Act
 - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards; and
 - (ii) the maintenance of indigenous biological diversity:

2.2 National Direction

41. The following section summarises national direction of particular relevance to the Indigenous Ecosystems topic. A more detailed description of relevant national direction is provided in Section 5 and Appendices B and C of the Section 32 report.

Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020

42. Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy (ANZBS) provides the overall strategic direction for managing biodiversity in Aotearoa New Zealand for the next 30 years. It is closely connected to, and guides, local and regional biodiversity action. The entire framework is relevant to the Indigenous Ecosystem provisions of Change 1.

The vision: Te Mauri Hikahika o te Taiao. The mauri of nature is vibrant and vigorous.

Outcome 1: Ecosystems, from mountain tops to ocean depths, are thriving

Outcome 2: Indigenous species and their habitats across Aotearoa New Zealand and beyond are thriving

Outcome 3: People's lives are enriched through their connection with nature

Outcome 4: Treaty partners, whānau, hapū and iwi are exercising their full role as rangatira and kaitiaki

Outcome 5: Prosperity is intrinsically linked with a thriving biodiversity

National Policy Statement for Indigenous Biodiversity 2023

43. The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) was a draft NPS at the time Change 1 was notified and has now been released in final form, and it came into force on 4 August 2023. The NPS-IB provides clarity and direction to councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity in the terrestrial environment under the RMA, requiring at least no further reduction in indigenous biodiversity.

44. 2.1 Objective

(1) The objective of this National Policy Statement is:

(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and

(b) to achieve this:

(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future

45. Clause 1.5 Decision Making Principles are a central part of the NPS-IB

(1) This National Policy Statement prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity.

(2) It recognises that the health and wellbeing of people and communities are dependent on the health and wellbeing of indigenous biodiversity and that in return people have a responsibility to care for and nurture it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level.

(3) Consistent with this, the decision-making principles that must inform the implementation of this National Policy Statement are as follows:

(a) prioritise the mauri, intrinsic value and wellbeing of indigenous biodiversity:

(b) take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):

(c) recognise the bond between tangata whenua and indigenous biodiversity based on whakapapa relationships:

(d) recognise the obligation and responsibility of care that tangata whenua have as kaitiaki of indigenous biodiversity:

(e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity:

(f) enable the application of te ao Māori and mātauranga Māori:

(g) form strong and effective partnerships with tangata whenua.

New Zealand Coastal Policy Statement 2010

46. 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 threatened⁵ 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 to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- (v) habitats, including areas and routes, important to migratory species; and
- (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Statement of National Priorities for protecting rare and threatened native biodiversity on private land 2007

47. The statement of National Priorities supports the government's pledge to maintain and preserve New Zealand's natural heritage in signing the United Nations Convention on Biodiversity. The four priorities are:

National Priority 1: To protect indigenous vegetation associated with land environments, (defined by Land Environments of New Zealand at Level IV), that have 20 percent or less remaining in indigenous cover

National Priority 2: To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become uncommon due to human activity.

National Priority 3: To protect indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2

National Priority 4: To protect habitats of acutely and chronically threatened indigenous species.

Aotearoa New Zealand's first National Adaptation Plan 2022

48. The National Adaptation Plan (NAP) brings together the Government's efforts to help build climate resilience and sets out proposed future priorities and work programme. The NAP recognises the importance of addressing the climate and biodiversity crises together. It prioritises the use of nature-based solutions and pledges to investigate how to best ensure that climate change policy and planning use a biodiversity lens to prioritise nature-based solutions. It includes specific objectives for biodiversity including:

NE1: Ecosystems which are healthy and connected, and where biodiversity is thriving

NE3: Support working with nature to build resilience.

49. Critical actions include:

- Implement Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy to ensure the protection, restoration and sustainable use of biodiversity in Aotearoa.
- Implement the proposed National Policy Statement on Indigenous Biodiversity to protect, maintain and restore indigenous biodiversity.
- Deliver climate, biodiversity and wider environmental outcomes through an integrated work programme.

Aotearoa New Zealand's first Emissions Reduction Plan 2022

50. The Emissions Reduction Plan (ERP) recognises that the climate crisis is caused in part by the destruction of the world's remaining wilderness over the past century and that the biodiversity crisis and the climate crisis have the same root cause. The ERP includes a wide range of policies and actions to reduce GHG emissions, including specific actions that recognise the importance of working with nature.

51. To address the climate and biodiversity crises together, the Government will:

- prioritise the use of nature-based solutions within our planning and regulatory systems, where possible, for both carbon removals and climate change adaptation
- report on biodiversity as part of emissions reduction plan reporting
- investigate how to best ensure that a biodiversity lens is applied to climate change policy development and planning in order to prioritise nature-based solutions.

- establish an integrated work programme that delivers climate, biodiversity and wider environmental outcomes.

2.3 Section 32AA

52. We have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations (1) *A further evaluation required under this Act—*

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

I must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

53. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is included in this report.

2.4 Trade Competition

54. Trade competition is not considered relevant to this topic within Change 1. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

55. The provisions addressed in the Indigenous Ecosystems topic and the submissions and further submissions received on those provisions are set out in Table 3 below. As noted above, Pamela Guest is the responsible reporting officer for all of the indigenous ecosystem provisions with the exception of Policy 24, Appendix 1A and the recommended approach and amendments to give effect to the NPS-IB where Jerome Wyeth is the responsible reporting officer.

Table 3: Provisions addressed in this report and submissions received

Provision	Number of Submissions and Further Submission
General	80 original, 54 further
Introductory Text and Issues 1-3	14 original, 18 further
Objective 16	20 original, 35 further
Objective 16A	21 original, 23 further
Objective 16B	15 original, 19 further
Objective 16C	13 original, 9 further
Policy 23	28 original, 35 further
Policy 24	38 original, 51 further
Appendix 1A	12 original, 10 further
Policy 47	68 original, 30 further
Policy 61	9 original, 5 further
Policy IE.1	13 original, 20 further
Policy IE.2	14 original, 18 further
Policy IE.3	18 original, 18 further
Policy IE.4	14 original, 15 further
Method 21	10 original, 5 further
Method 32	18 original, 18 further

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Provision	Number of Submissions and Further Submission
Method 53	12 original, 9 further
Method 54	13 original, 14 further
Method IE.1	6 original, 10 further
Method IE.2	10 original, 11 further
Method IE.3	9 original, 11 further
Method IE.4	6 original, 7 further
Definition: Biodiversity compensation	4 original, 7 further
Definition: Biodiversity offsetting	4 original, 10 further
Definition: Ecological connectivity	4 original, 5 further
Definition: Ecological integrity	4 original, 6 further
Definition: Ecosystem health	3 original, 4 further
Definition: Enhancement (in relation to indigenous biodiversity)	4 original, 5 further
Definition: Maintain/maintained/ maintenance (in relation to indigenous biodiversity)	11 original, 10 further
Definition: Naturally uncommon ecosystems	4 original, 4 further
Definition: Protect (in relation to indigenous biodiversity):	9 original, 12 further
Definition: Resilience (in relation to an ecosystem)	4 original, 2 further
Definition: Restoration	52 original, 11 further
Definition: Systematic Conservation Planning	No submissions
Definition: Te Rito o te Harakeke	6 original, 0 further
Definition: Threatened ecosystems or species	4 original, 0 further

3.2 Report Structure

56. The issues raised in submissions are addressed by the following sub-topics within this report:

Issue 1: Categorisation of provisions into the Freshwater Planning Instrument (Pamela Guest)

Issue 2: Alignment with the NPS-IB; Withdraw or Retain provisions (Jerome Wyeth)

Issue 3: General (Pamela Guest)

Issue 4: Introductory text and issue statements (Pamela Guest)

Issue 5: Objective 16 (Pamela Guest)

Issue 6: Objective 16A (Pamela Guest)

Issue 7: Objective 16B (Pamela Guest)

Issue 8: Objective 16C (Pamela Guest)

Issue 9: Policy 23 (Pamela Guest)

Issue 10: Policy 24 and Appendix 1A (Jerome Wyeth)

Issue 11: Policy 47 (Pamela Guest)

Issue 12: Policy 61 (Pamela Guest)

Issue 13: Policy IE.1 (Pamela Guest)

Issue 14: Policy IE.2 (Pamela Guest)

Issue 15: Policy IE.3 (Pamela Guest)

Issue 16: Policy IE.4 (Pamela Guest)

Issue 17: Methods 21, 32, 53, 54 (Pamela Guest)

Issue 18: Methods IE.1, IE.2, IE.3, IE.4 (Pamela Guest)

Issue 19: Definitions (Pamela Guest)

Appendix 3: Giving effect to the NPS-IB (Jerome Wyeth)

57. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate. On this basis, we have undertaken our analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

58. This report should be read in conjunction with the submissions and the summary of those submissions. Appendix 2 sets out our recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report. Appendix 3 also provides an assessment of how Change 1 provisions should be amended to give effect to the range of provisions in the NPS-IB.

59. Where we have recommended amendments to provisions as a result of relief sought by submitters, we have set this out in this report, with a further evaluation provided in accordance with section 32AA of the RMA for each provision. We have also provided a marked-up version of the provisions with recommended amendments in response to submissions in Appendix 1.

3.3 Format for Consideration of Submissions

60. For each sub-topic, our analysis of submissions is set out in this report as follows:

- Matters raised by submitters;
- Analysis;
- Section 32AA evaluation (if applicable); and
- Recommendations.

61. All recommended amendments to the Change 1 provisions relating to this topic are set out in Appendix 1 of this report.

3.4 Issue 1: Categorisation of provisions into the Freshwater Planning Instrument (Pamela Guest)

62. Section 80A of the RMA (as it was pre-amendments in August 2023) provides the relevant tests for determining which parts of Change 1 should form part of the Freshwater Planning Instrument (FPI):

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a));

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

(i) is for the purpose described in paragraph (a); or

(ii) otherwise relates to freshwater.

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

63. Council undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the High Court decision on the Proposed Regional Policy Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777.
64. The scope of the FPI as notified in Change 1 is identified through the use of the  symbol next to the relevant provision. Justification for the allocation of each provision to the FPP is provided in Appendix E of the Section 32 Report. The Section 80A(2)(c) tests were specified in paragraphs 192 and 202 of the above High Court decision as:
- a. Give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
 - b. Relate directly to matters that will impact on the quality or quantity of freshwater.
65. Council applied these tests to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either of the tests above, the whole provision was included in the FPI even if it related to other matters. Each provision was also assessed independently and its relationships to other provisions did not form the basis for whether or not it was included in the FPI.
66. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which section 80A was enacted; to address freshwater quality. The fundamental concepts of Te Mana o Te Wai and an integrated approach - ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted.

3.4.1 Matters raised by submitters

67. A number of submitters on Change 1 have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, WIAL and WFF also attended Hearing Stream 1 to speak to their concerns regarding categorisation of Change 1 provisions to the FPI. The primary concerns raised are that too many provisions were notified in Change 1 as part of the FPI and that the justification for inclusion in the FPI was not clear enough, especially in light of the High Court Decision outlined above.
68. Forest and Bird challenged the assignment of the Indigenous Ecosystem provisions (amongst others) to the FPP process on the basis that “While these provisions have some connection to freshwater or the concept of Te Mana o te Wai, the link is tenuous. They do not fall squarely within the jurisdiction of the freshwater planning process as outlined by the High Court (or supported by the policy intent of the freshwater planning process). They have not been designed to “regulate activities in the catchment or receiving environment, because of their effect on the quality or quantity of freshwater”.

69. WFF believes that the effect of so many provisions being allocated to the FPI is contrary to Parliament's intention, and to the safeguards for community involvement which are provided for in the RMA. Similarly, Winstone Aggregates is concerned that freshwater is not the primary issue and is instead peripheral or only one of several issues to which the provisions relates.

3.4.2 Analysis

70. I have assessed each provision addressed in this report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification. I have reached the same conclusion for all of the provisions in the Indigenous ecosystems topic, therefore I provide a single evaluation, rather than an assessment on a provision-by-provision basis.

71. I agree with the section 32 report assessment that the Indigenous Ecosystem provisions address the degradation of indigenous ecosystems, which include freshwater ecosystems. However, the gazettal of the NPS-IB since the notification of RPS Change 1, and amendments proposed to better align with this, have changed my view on the appropriate process for these provisions. Amendments to align with the gazetted NPS-IB, as requested by a number of submitters and addressed in Issue 2 below (and addressed in detail in Appendix 3), are focussed on protecting, maintaining, and restoring indigenous biodiversity in the terrestrial environment, giving better effect to RMA sections 6, 30 and 31.

72. While the Indigenous Ecosystem provisions clearly apply to freshwater, they equally apply to ecosystems, habitats and species in the coastal marine area and terrestrial environment and the outcome sought is much broader than addressing matters that impact on freshwater quality or quantity, being to maintain, restore or enhance indigenous biodiversity, and the ecosystems and habitats that support it. While, in achieving this outcome, there will be a number of situations which require freshwater quality and quantity to be maintained, restored or enhanced and that will have direct or consequential benefits for freshwater ecosystems, I consider that the connection to freshwater quality and quantity is one step removed because the substance of these provisions is primarily about protecting, maintaining, and restoring indigenous biodiversity across all ecosystem types.

73. For these reasons I consider that the Indigenous Ecosystem provisions are more appropriately addressed through the Schedule 1 process.

74. I recommend that all the provisions addressed under the Indigenous Ecosystems topic, as set out in Table 3, be addressed through the standard Schedule 1 process.

3.4.3 Recommendations

75. Reallocate all of the Indigenous Ecosystem provisions set out in Table 3 to be heard through the Standard RMA Schedule 1 process and remove the Freshwater Symbol from each of these provisions.

3.5 Issue 2: Giving effect to NPS-IB and withdraw/retain indigenous ecosystem provisions (Jerome Wyeth)

3.5.1 Matters raised by submitters

Delete all amendments to indigenous ecosystem provisions

76. A number of submitters request removal of all the indigenous ecosystem provisions, through submissions coded as general and to specific provisions across the indigenous ecosystems topic, because they are concerned that the provisions pre-empt gazettal of the NPS-IB. This includes, for example, DairyNZ [S136.005], KCDC [S6.0105], HCC [S115.014], supported by the Fuel Companies [FS10.011] and Powerco Limited [FS24], Genesis Energy [S99.007, UHCC [S34.0110, S34.0112], WFF [S163.026] supported by BLNZ [FS30.099] and DairyNZ [FS115.016] and opposed by Forest and Bird [FS7.070], Ātiawa [FS20.192] and Ngā Hapū [FS29.043].
77. A number of these submitters request that any amendments to the indigenous ecosystem provisions in the RPS be carried out as part of the full review of the RPS, rather than through Change 1, so that they can be informed by the national direction set out in the gazetted NPS-IB and by engagement with communities in the Wellington Region.

Support amendments (and review for alignment with NPS-IB)

78. The following submitters support the indigenous ecosystem provisions in Change 1 and request that these be retained, or retained, refined and enhanced. This includes Chelsea Kershaw [S17.004], Tegan McGowan [S22.004], Helen Payn [S24.004], Oliver Bruce [S35.007], Jennifer van Beynen [S37.007], Khoi Phan [S511.008], Ellen Legg [S53.007], Grant Buchan [S60.008], Patrick Morgan [S61.008], Rachel Bolstad [S64.006], Gene Clendon [S76.008], Bronwyn Bell [S90.008], Ruby Miller-Kopelov [S92.004], Isabella Cawthorn [S93.004], Michelle Ducat [S152.009], Megan Lane [S164.007], Philippa Yasbek [S28.002], Guardians of the Bays [S94.011], Templeton Kāpiti Limited (TKL) [S126.009], WCC [S140.017], and Taranaki Whānui [S168.032].
79. The Director General of Conservation (DGC) [S32.005] supports the amendments and submits that they give effect to section 30 and 31 of the RMA and are consistent with the ANZBS and the associated Implementation Plan 2022, and with the exposure draft NPS-IB. DGC [S320.19] requests that, while the proposed provisions are generally appropriate, if the NPS-IB is gazetted prior to the Change 1 hearings that the indigenous ecosystems provisions be reviewed for compliance with the final NPS-IB. The DGC has also submitted on specific provisions which will need to be reviewed if the NPS-IB is gazetted prior to

decisions being made on Change 1 and amended as required, such as the indigenous biodiversity definitions [S32.040].

80. Rangitāne [S168.014 and .017], supported by Sustainable Wairarapa [FS31.068 and .099] and opposed by BLNZ [FS30.468 and .469], seeks that the provisions giving effect to the NPS-IB exposure draft be retained and amendments made to ensure the proposed policies and definitions are consistent with best practice and give full effect to the NPS-IB if it becomes operative. Rangitāne [S168.067] supported by Sustainable Wairarapa [FS31.177] requests inclusion of a provision providing for the development of a regional and local expression of Te Rito o Te Harakeke, co-designed with tangata whenua and incorporated into the RPS by 2024 at the latest.
81. Similarly, SWDC [S79.010], supported in part by Meridian [S79.010], requests that Change 1 give effect to NPS-IB if it is gazetted. SWDC notes that the Change 1 provisions are aligned with the NPS-IB exposure draft but considers that these provisions will need to be amended to align with the final NPS-IB if that is gazetted.

3.5.2 Analysis

Retention of indigenous ecosystem provisions in Change 1

82. The indigenous ecosystem provisions in the operative RPS are out of date and incomplete as they only focus on significant indigenous biodiversity values. Section 30(1)(c)(iia) and (ga) and section 31(b)(iii) of the RMA require the maintenance and enhancement of ecosystems in water bodies and coastal water and the maintenance of indigenous biodiversity generally and these RMA requirements are not limited to protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna as required under section 6(c) of the RMA. Further, the operative RPS indigenous ecosystem provisions were prepared over 10 years ago and are not aligned with more recent national direction for managing biodiversity, including in the ANZBS, the ERP and NAP. The operative RPS provisions also do not give effect to the NPS-IB which came into force following notification of Change 1. Change 1 provides an important opportunity for the RPS to give effect to these requirements in the RMA and this higher order policy direction.
83. A key consideration in pursuing changes to the indigenous biodiversity provisions as part of Change 1, and not awaiting gazettal of the NPS-IB exposure draft, was the high level of uncertainty as to if and when the NPS-IB would be gazetted. The Government first discussed the prospect of a NPS-IB in 1999, with a number of versions developed and consulted on over the intervening period, with none reaching notification². The NPS-IB exposure draft that was available when Change 1 was notified had been in development since 2018. The Council decided to proceed with the indigenous ecosystem provisions as part of Change 1, in part due to the uncertainty that the NPS-IB would actually be gazetted, as well as uncertainty over the opportunity for a further RPS change due to the resource management reforms underway at the time. However, a key driver for the

² [npsib-cabinet-paper-2010.pdf \(environment.govt.nz\)](#)

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Council was the need for the RPS to better give effect to key provisions in the RMA relating to indigenous biodiversity and to ensure that indigenous biodiversity was given appropriate protection and management at the same time as urban development was being enabled under the NPS-UD.

84. A recent review of the state of indigenous biodiversity in the Wellington Region (Maseyk and Parlato, 2023) confirms the need for increased effort to improve the management of indigenous biodiversity in all environments (terrestrial, freshwater and coastal), recognising that the effects of historic loss and ongoing pest, land use, economic, and climate change pressures, continue to undermine species, habitats, ecosystems, and the ecosystem processes that maintain them. Outside of a few exceptions, this review found that current environmental management in the Wellington Region is failing to noticeably improve the extent and condition of indigenous biodiversity in the Wellington Region.
85. For all these reasons, I consider that it is appropriate for Change 1 to continue to include a suite of provisions aimed at improving the protection, maintenance and restoration of indigenous biodiversity in the Wellington Region. Accordingly, I recommend that submissions seeking that the indigenous ecosystem provisions are withdrawn from Change 1 are rejected. The focus of this report is therefore on how to respond to submissions on the indigenous ecosystem provisions in Change 1 to ensure that these are an appropriate, effective and efficient way to achieve the purpose of the RMA and how to best align the provisions with the now gazetted NPS-IB.

Giving effect to the NPS-IB through Change 1

86. As outlined above in Section 2.3 (national direction), the NPS-IB came into force on 4 August 2023 and provides comprehensive implementation requirements for local authorities to protect, maintain and restore indigenous biodiversity in the terrestrial environment. While the indigenous ecosystem provisions notified in Change 1 sought to be aligned with the NPS-IB exposure draft, now that the NPS-IB is in force there is a need to consider:
- a. Whether Change 1 should seek to give effect to the NPS-IB (in full or in part); and
 - b. The most appropriate approach to give effect to the NPS-IB through Change 1.

Issue 2.1: Should Change 1 give effect the NPS-IB?

87. The first consideration is whether there is scope to give effect to the NPS-IB through Change 1. There are two aspects of scope to consider: the scope of the proposed amendments in Change 1 and the scope of relief sought in submissions. Change 1 includes a range of provisions relating to indigenous biodiversity and there are numerous submission points seeking that the relevant Change 1 provisions are aligned with the NPS-IB if it is gazetted prior to decisions on submissions. There have also been no significant changes in the policy intent between the NPS-IB exposure draft and the gazetted NPS-IB.

On this basis, I consider that there are no scope impediments in giving effect to **certain**³ NPS-IB provisions through Change 1.

88. The second consideration relates to the legal requirements to give effect to the NPS-IB through Change 1. In my opinion, the direction is clear:
- a. The NPS-IB must be given effect to by local authorities “as soon as reasonably practicable”⁴.
 - b. Part 3 of the NPS-IB sets out a “*non-exhaustive lists of things that **must be done to give effect to***” the NPS-IB.
 - c. The NPS-IB provisions are highly directive and many of these provisions provide limited or no discretion as to how they are implemented through RPS’s.
89. Accordingly, in my opinion, there is clear direction that the NPS-IB provisions must be given effect to where this is practicable and there is scope within Change 1. I also understand that there is clear case law highlighting the need to give effect to NPS’s where practicable and within scope through a notified RPS/plan change process, regardless of whether a RPS/broader plan change process is needed to give effect to the relevant NPS in full. From my experience, this is a relatively common issue that needs to be addressed through RPS/plan reviews where national direction is gazetted or amended following notification.
90. A third complicating consideration is the evolving national policy context. In particular, the direction from the new Government that it intends to “*cease implementation of new Significant Natural Areas and seek advice on the operation of the areas*” as part of its 100 day-plan. It is unclear exactly what this is likely to mean in practice, but provides a strong signal that some substantive amendments to the NPS-IB, at least in relation to SNAs, are likely to be initiated in the near future. This could be seen as a reason to delay any implementation of the NPS-IB through Change 1 until the national policy settings are more certain (consistent with relief sought by certain submitters when the NPS-IB was not yet gazetted).
91. However, consistent with my recommendation above to retain the indigenous ecosystem provisions in Change 1, I consider that Change 1 should align with, and give effect to, certain NPS-IB provisions where practicable and within scope. My reasons are as follows:
- a. The indigenous ecosystem provisions in Change 1 primarily address key statutory requirements in the RMA relating to the protection and maintenance

³ The next section and Appendix 3 explain why I consider that there is scope to recommend **certain** NPS-IB provisions are given effect to through Change 1 as these are highly directive and provide limited discretion in how these are implemented through RPS. Conversely, there are other NPS-IB provisions that require further engagement and technical work that need to be given effect to through a future RPS change.

⁴ Clause 4.1(1) of the NPS-IB states that “*Every local authority must give effect to this National Policy Statement as soon as reasonably practicable*”. This is slightly different from the general requirement in section 55(2D) for local authorities to give effect to national policy statements as “*soon as practicable*”.

of indigenous biodiversity while aligning with certain NPS-IB provisions. where practicable and within scope.

- b. The clear legal requirements to give effect to the NPS-IB set out above.
- c. The need to apply the RMA statutory context that is in force now through Change 1, and not second guess the future legislative and RMA national direction policy settings, which are subject to ongoing change and uncertainty.
- d. The NPS-IB provisions have been robustly tested to determine that these are the most efficient and effective way to achieve the purpose of the RMA. This is covered in detail in both the draft and final section 32 evaluation reports for the NPS-IB that I prepared for the Ministry for Environment⁵. As such, in my opinion, there is a high level of certainty and confidence that giving effect to certain NPS-IB provisions through Change 1 also helps meet key statutory requirements in the RMA, including sections 6(c), 6(e), 7(a), 7(aa), 7(d), 30(1)(c)(iia) and (ga) and 31(b)(iii), regardless of whether the NPS-IB is amended as signalled by Government.

Issue 2.2: What is the most appropriate approach to give effect to the NPS-IB?

92. The NPS-IB implementation requirements are wide-ranging and are variable in the direction they provide to local authorities, the changes required to RPS's and district plans, and the level of engagement or technical work required. Many of the NPS-IB provisions are highly directive and leave limited discretion as to how these are implemented through RPS's. This means that Change 1 can give effect to certain NPS-IB provisions in full or part, depending on the nature of the NPS-IB provisions.
93. Accordingly, as part of the preparation of this Section 42A report, I have carried out a review of the relevant Change 1 provisions against the NPS-IB provisions to determine if and how the indigenous ecosystem provisions in Change 1 could or should give effect to these. This assessment is provided in Appendix 3 and is based on the following guiding principles:
 - a. NPS-IB provisions should be given effect to where reasonably practicable and within scope.
 - b. The NPS-IB provisions that specifically require changes to RPS's within limited discretion in how these are implemented should be given effect to as a priority.
 - c. Where the NPS-IB provisions need to be given effect to following partnering with mana whenua/tangata whenua, engaging with communities and landowners, and/or require further technical work (e.g. identifying highly mobile fauna areas), these need to be given effect to through a future RPS change.
 - d. The scope to give effect to the NPS-IB is generally limited to indigenous biodiversity in the terrestrial environment.

⁵ Refer: [NPSIB-Evaluation-report-under-Section-32-of-the-RMA.pdf \(environment.govt.nz\)](#) and [npisb-section-32-evaluation_0.pdf \(environment.govt.nz\)](#)

94. Another complex consideration is how to best give effect to NPS-IB provisions that are highly directive and leave limited discretion as to how these are to be implemented in RPSs. At a broad level, I consider that there are two main drafting approaches to give effect to such highly directive NPS provisions⁶ that leave limited discretion for amendment to provide more specificity or regional context:
- a. **Option 1 – cross reference NPS-IB provisions:** this has the benefit of streamlining drafting in the RPS and avoiding unnecessary duplication (arguably) between national, regional and district RMA planning documents. A generic reference to relevant NPS direction can also be considered to better 'future proof' the RPS, given the high likelihood that NPS provisions will continue to be subject to change in the future⁷. Conversely, this approach is less specific and certain, and (arguably) less effective to give effect to (i.e. implement) national direction as it largely restates general obligations in the RMA for regional and district plans to give effect to NPS's.
 - b. **Option 2 – repeat/paraphrase NPS-IB provisions in the RPS:** this clearly gives effect to the NPS-IB, reduces the potential for inconsistencies in implementation, and reduces the need to cross-reference multiple documents. However, it creates duplication and would require detailed, prescriptive NPS-IB implementation requirements simply being restated in the RPS that may soon become outdated.
95. The recommended approach below and in Appendix 3 is a combination of the two options. I generally recommend the Option 2 drafting approach where the NPS-IB implementation requirements for RPS's are more straightforward and succinct and can be more readily incorporated into Change 1 provisions without significant amendments. I generally recommend the Option 1 drafting for more detailed NPS-IB implementation requirements that would require significant amendments through Change 1 (e.g. Clause 3.10, Clause 3.11 and associated appendices and definitions discussed below).
96. I acknowledge that this approach may seem inconsistent with the direction in the *Port Otago*⁸ Supreme Court decision which considered the role of a RPS within the hierarchy of RMA planning documents. The Supreme Court stated that resolving issues by reference to higher order instruments may not be helpful or in accordance with the general scheme of the RMA. However, the recommended amendments to give effect to certain NPS-IB provisions are based on what is practicable and within scope of Change 1. It also recognises the highly directive nature of certain NPS-IB provisions and that conflicts between higher order documents are already addressed to some extent through the NPS-

⁶ A more efficient and effective option in my opinion would have been for the NPS-IB to require these highly directive provisions to be directly inserted into RPS and plans without going through the Schedule 1 process under section 55(2). However, the NPS-IB does not provide such direction, unlike the NPS-FM or the proposed NPS-REG and NPS-ET amendments recently consulted on.

⁷ The new Government has signalled that both the NPS-IB and NPS-FM are to be reviewed.

⁸ *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112.

IB⁹. I also note that Change 1 has sought to add more specificity and regional context to certain NPS-IB provisions, such as the principles for biodiversity offsetting and biodiversity compensation discussed below in relation to Policy 24.

Feedback from pre-hearing discussions

97. The assessment and approach to give effect to certain NPS-IB provisions in Appendix 3 was tested at two informal pre-hearing discussions in November 2023 – one hui with mana whenua/tangata whenua and another with parties who made submissions on giving effect to the NPS-IB.
98. Through these pre-hearing discussions some territorial authority submitters raised concerns with the proposed approach to implement the NPS-IB, with requests to withdraw the provisions and renotify these through a future RPS change or variation to Change 1. The basis of this request was concern from these submitters that:
- a. The proposed approach does not give effect to the engagement requirements of the NPS-IB, and in particular Clause 3.2 (role of decision-making principles).
 - b. There may be natural justice issues arising from Change 1 giving effect to the NPS-IB.
99. While I acknowledge that Change 1 cannot practicably meet the engagement requirements in Clause 3.2 of the NPS-IB, I do not consider that this is a valid reason to defer any implementation of the NPS-IB at all through Change 1 or renotified the provisions through a variation. In additions to the reasons outlined above to give effect to certain NPS-IB provisions, my reasons are as follows:
- a. I consider that the recommended approach better gives effect to statutory requirements in the RMA, including section 6(c), sections 30(1)(c)(iiia) and (ga), 31(b)(iii) and section 62(3), as outlined above.
 - b. The recommended approach clearly identifies certain NPS-IB provisions that can practicably be given effect to now versus other NPS-IB provisions that require further engagement and technical work. This is a more efficient approach in my opinion than withdrawing any implementation of the NPS-IB until future RPS change.
 - c. The approach to giving effect to certain NPS-IB provisions is broadly supported by other submitters, including DGC and mana whenua/tangata whenua who participated in these pre-hearing discussions (four of the Council's six mana whenua/tangata whenua partners).
 - d. While a variation may have some benefits in terms of additional consultation, this would likely result in at least a 2-3 year delay in the indigenous ecosystem provisions being renotified to allow time to undertake additional technical

⁹ For example, Clause 1.4 of the NPS-IB sets out the relationship with the NZCPS and NPS-FM in the event of conflict.

work for a relatively discrete set of NPS-IB provisions (i.e. increasing indigenous vegetation cover, highly mobile fauna areas).

100. Accordingly, I recommend that certain NPS-IB provisions are given effect to in full or part through Change 1, with the NPS-IB given effect to in full through a future RPS change. In my view, this is a more appropriate, effective and efficient approach compared to the alternative suggested (i.e. withdrawing the provisions or notifying a variation to Change 1) and responds to a number of submissions seeking greater alignment with the NPS-IB through Change 1.
101. In relation to the submission from Rangitāne seeking the development of a regional and local expression of Te Rito o Te Harakeke, I have recommended that this concept is replaced with the 'decision-making principles for indigenous biodiversity' where relevant in the Change 1 provisions to be better aligned with the NPS-IB. This amendment is explained in more detail in Appendix 3 and was generally supported by mana whenua/tangata whenua representatives that attended the pre-hearing discussions referred to above. I draw Rangitāne's attention to Method IE.1, which is to partner with mana whenua / tangata whenua to identify the local approach to give effect to Te Rito o te Harakeke (amended now to refer to the decision-making principles for indigenous biodiversity) and develop guidance on how to implement this. I consider that Method IE.1 provides for the relief sought by Rangitāne.
102. The amendments I recommend to Change 1 to give effect to certain NPS-IB provisions are all amendments to the notified provisions, with the exception of new Policy IE.2A (Maintaining indigenous biodiversity – consideration). The reasons I recommend this new policy to give effect to Clause 3.16 of the NPS-IB (compared to alternative options) is set out in Appendix 3 and the recommended wording for Policy IE.2A is set out below.

3.5.3 Section 32AA evaluation

103. In accordance with section 32AA, I consider that my recommended amendments to relevant Change 1 provisions and one new policy¹⁰ to give effect to certain NPS-IB provisions are the most appropriate way to achieve the relevant Change 1 objectives. This is because:
- a. The recommended amendments are a more efficient and effective approach to give effect to statutory requirements in section 6(c), section 30(1)(c)(iia) and (ga), section 31(b)(iii) and section 62(3) of the RMA, addressing current gaps in the operative RPS provisions for indigenous biodiversity.
 - b. The recommended amendments better align the Change 1 provisions with the implementation requirements in the NPS-IB to protect, maintain and restore indigenous biodiversity. This is expected to be more effective in achieving positive outcomes for indigenous biodiversity compared to alternative options

¹⁰ The new policy recommended in Appendix 3 is limited to a new Policy IE.2A to maintain indigenous biodiversity outside SNAs.

(i.e. withdrawing the indigenous ecosystem provisions from Change 1). The risk of not acting through these alternative options is also an ongoing loss of, or lack of improvement in, indigenous biodiversity in the Wellington Region.

- c. The recommended amendments provide an efficient way to implement the NPS-IB in part by focusing on certain directive NPS-IB provisions that require changes to RPS's that are practicable to be given effect to through Change 1. This is expected to help to streamline the future RPS change to give effect to the NPS-IB in full.
- d. The recommended amendments also clarify the relationship between Change 1 provisions and key NPS-IB provisions which will improve clarity and certainty in implementation, with associated efficiency benefits for all parties.
- e. The recommended amendments do not impose any additional requirements on territorial authorities in addition to those set out in the NPS-IB and are therefore not expected to result in an increase in implementation costs.

3.5.4 Recommendations

104. I recommend that the new package of indigenous biodiversity provisions be retained in Change 1, subject to the amendments recommended in this report. I recommend a number of amendments to Change 1 provisions to give better effect to certain NPS-IB provisions as outlined below and in Appendix 3.

105. I recommend that the term Te Rito o Te Harakeke be replaced by reference to 'the decision-making principles for indigenous biodiversity', with amendments to the definition consistent with the NPS-IB.

106. I recommend that a new Policy IE.2A be added to Change 1 as follows:

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 to managing any significant adverse effects on indigenous biodiversity from a proposed activity and to maintain indigenous biodiversity more generally.

107. I recommend that the original submissions and further submissions relating to retaining or withdrawing the indigenous ecosystem provisions and the alignment with the NPS-IB are accepted, accepted in part or rejected as detailed in Appendix 2.

3.6 Issue 3: General (Pamela Guest)

3.6.1 Matters raised by submitters

Provision for mana whenua values and relationships

108. Ātiawa [S131.005], supported by Rangitāne [FS2.47] and Ngā Hapū [FS29.209], seeks further reference to mana whenua values and relationship with their culture, land, water, sites, wāhi tapu and other taonga and to partner with regional and district council in the process to identify and schedule significant indigenous ecosystems and habitats.

109. Rangitāne [S168.0157] requests that a definition is included to define what is meant by 'indigenous ecosystems' in the context of the RPS.

Muaūpoko Tribal Authority

110. Muaūpoko, coded to a number of submission points [e.g. S133.019], opposed by Ngāti Toa [e.g. FS6.050] and Ātiawa [e.g. FS20.366], supports the indigenous ecosystem provisions, including all the objectives and policies. In particular, Muaūpoko supports the integration of the concept of Te Rito o te Harekeke in Change 1 to ensure the National Policy Statement for Indigenous Biodiversity (NPSIB) is given effect to (if gazetted). Muaūpoko requests specific mention of their relationship with indigenous ecosystems or alternative relief that may be necessary or appropriate to ensure that their connection to Te-Whanganui-a-Tara is recognised.

Resourcing for mana whenua/tangata whenua

111. Ātiawa [S131] in a range of submission points requests additional clauses be added to Objective 16B, and Methods IE.2, IE.3, IE.4, 21, 53 seeking that the Council and mana whenua/tangata whenua partnership model should be enabled through funding/resourcing

Replace restore with enhance

112. NeoLeaf Global [S127.006] seeks that throughout Change 1 the characterisation of 'restore' and 'restoration' be replaced to one of 'enhancement and improvement'. The submitter is concerned that the process of restoration as outlined in the definition is wide sweeping and open ended, questioning "Whose desired former state is it?" The submitter considers that an assessment of what is needed to restore a habitat etc should not come

down to the subjective opinion of a council official and that balancing perspectives are needed from expert advisors, including community interests.

Broaden to protect "valued species"

113. Fish and Game in range of submission points [e.g. S147.029] (opposed by Ātiawa [e.g., FS20.131], WWL [e.g. FS19.093] and BLNZ [e.g. FS30.198]) seeks amendments to the following provisions to provide the same level of protection for 'valued species' as for indigenous species: Chapter 3.6 introductory statement, Objective 16, Objective 16A, Policy 23, Policy 24, Policy 47, Method IE.3, Method 32, Method 54, definition of restoration.
114. Fish and Game recognises the special character and value of New Zealand's indigenous biodiversity and the need for measures within the RPS to meet the objectives of the ANZBS but is concerned that the focus on indigenous species, habitats, and ecosystems through Change 1, is at the expense of other significant habitat values. Fish and Game considers that this fails to give proper effect to the NPS-FM and risks reducing protection for other valued species, habitats, and ecosystems to the extent that an adverse effect on the environment is likely. Fish and Game note that even ecosystems that may not be considered to be "indigenous dominant", can play a significant role in the restoration of indigenous biodiversity as they are also important for the maintenance of valued non-indigenous species, such as trout, salmon, and gamebirds. Fish and Game considers that it is essential that the RPS explicitly recognises valued non-indigenous species, habitats, and ecosystems alongside indigenous ecosystems.

Anticipated environmental results

115. Forest and Bird [S165.0124] supports the Anticipated Environmental Results (AER) in Table 14.
116. Ātiawa [S131.008] considers that the AER should be more specific and measurable, based on evidence when relevant, and appropriately time-bound. Ātiawa [S131.0155] requests addition of the following AER to the kaupapa 'Indigenous Biodiversity':
- "Mana whenua and Regional Council work in partnership in the management of indigenous biodiversity in the Wellington region. This partnership provides for governance and operational input into all aspects of resource management to address indigenous biodiversity, including decision-making. Mana whenua values including their relationship with their culture, ancestral lands, water, sites, wāhi tapu and other taonga are protected and provided for. Mātauranga Māori is applied where appropriate, in accordance with tikanga and kawa, as guided by mana whenua."*
117. Taranaki Whānui [S167.0183] considers that AER need to be developed and monitored in partnership with mana whenua and include mātauranga Māori and therefore requests that these be amended in partnership with mana whenua.

3.6.2 Analysis

Strengthen provision for mana whenua values and relationships

118. In response to Ātiawa's request to partner with regional and district council in the process to identify and schedule indigenous ecosystems and habitats, this is already explicitly provided for by "Method 32: Partnering Engagement with mana whenua/tangata whenua, and engaging with stakeholders, landowners and the community in the identification and protection of significant values". In response to submissions from mana whenua/tangata whenua on Method 32, I have proposed amendments to Policy 32 so that identification of their significant values is provided for separate to work to identify other significant values (refer to recommendations under Issue 17).

119. I accept Rangitāne's submission to provide a definition for 'indigenous ecosystems' and propose the following definition: "Indigenous ecosystem: ecosystems with a dominant or significant indigenous natural character." I note that ecosystem is defined in the Operative RPS as "Any system of interacting terrestrial and/or aquatic organisms within their natural and physical environment". The NPS-IB also has a definition for ecosystem, which is "the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes, and a physical space in which these operate)". I consider that the RPS definition aligns with, or is at least not inconsistent with, that in the NPS-IB and therefore do not recommend any amendments to the RPS definition for ecosystem.

Resourcing for mana whenua/tangata whenua

120. The request to amend Change 1 provisions to specify that adequate funding will be provided to support mana whenua/tangata whenua partnerships and involvement in resource management decision making has been raised in relation to a range of provisions and across all hearing streams for Change 1. The Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington Region. Since the notification of Change 1, funding for work programmes where the Council and mana whenua/tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with the Council. Consistent with previous responses, I do not consider that the provision of funding should be specified across the Indigenous Ecosystem provisions but consider that existing references to providing practical support and partnership arrangements with mana whenua/tangata whenua provide the foundation for ongoing resourcing arrangements.

Muaūpoko Tribal Authority

121. I acknowledge Muaūpoko's support for all of the indigenous ecosystems provisions. In terms of providing specific mention of Muaūpoko's relationship with indigenous ecosystems, in particular with Te-Whanganui-a-Tara, I note that none of the indigenous

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ecosystem provisions discuss specific mana whenua or their connections to specific areas or water bodies. I note that many of the indigenous ecosystem provisions specifically reference partnering with mana whenua/tangata whenua in managing indigenous biodiversity and this will provide opportunities to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as required by RMA section 6(e).

Replace restoration with enhance or improve

122. In response to NeoLeaf Global, the concept of restoration is included across the Change 1 provisions as part of a package of measures, e.g. Objective 16 refers to protect, enhance and restore indigenous biodiversity while other provisions refer to maintain, enhance and restore. This approach recognises that a range of measures are required to manage indigenous biodiversity across the Wellington Region, and will be context-specific, i.e., depending on the values of the ecosystem, habitat, or species, the “state-of-health” and the context within which a management decision is being made. The approach taken in Change 1 to restoration is a non-regulatory one and the approach to restoration, in terms of the outcome being sought and how this is to be achieved will necessarily be determined in accordance with available evidence and in consultation with landowners, iwi partners and other stakeholders, as appropriate to the situation. I note that the definition for restoration as amended to align with the NPS-IB recognises that restoration can incorporate enhancement activities.

123. For these reasons, I do not support replacing the term ‘restore/restoration’ with ‘enhance’ or ‘improvement’ throughout Change 1.

Broaden to recognise “valued species”

124. Fish and Game requests that the Change 1 provisions be broadened to recognise “valued non-indigenous species, habitats, and ecosystems” alongside indigenous ecosystems.

125. ‘Valued species’ is a broad term. It raises questions as to what those values are and to whom are they of value. While I understand that Fish and Game has a primary interest in game species, such as trout, salmon, ducks, deer and pigs, use of such a generic term could capture a range of species, including those valued for food production (e.g., sheep and cows).

126. The only ‘other species’ that receive recognition in national direction are trout and salmon. RMA section 7(h) states that particular regard must be given the protection of the habitats of trout and salmon, with the NPS-FM Policy 10 being that: “The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9”, which is that “The habitats of indigenous freshwater species are protected”.

127. I note that Fish and Game has sought similar amendments on a number of the freshwater provisions in RPS Change 1. The reporting officer for Hearing Stream 5: Te

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Mana o te Wai Freshwater has recommended amendments to several freshwater provisions in response to these submissions. I consider that is the most appropriate place to address the concerns of Fish and Game with regard to trout and salmon and giving effect to the NPS-FM.

128. In relation to the indigenous ecosystem topic, I note that Chapter 3.6 is focused on the regionally significant issues and the issues of significance to the Wellington region's iwi authorities for indigenous ecosystems, those being the significantly reduced extent of indigenous ecosystems, the ongoing degradation and loss of the remaining indigenous ecosystems, and the need to recognise and support iwi and landowners in their conservation efforts. This responds to the requirements set out in section 6(c), 7(a), 7(aa), 30(1)(ga), and 31(1)(b)(iii) of the RMA.
129. Objective 16 is focused on indigenous ecosystems and habitats with significant values and sets an objective that aligns with s6 of the RMA. Objective 16 applies to both aquatic and terrestrial indigenous ecosystems. I do not consider that it is appropriate to afford 'valued species' the same level of protection. Accordingly, I do not support the inclusion of 'valued species' into Objective 16.
130. Objective 16A focuses on all the region's indigenous ecosystems and sets a direction to address the identified regionally significant issues of loss of extent and degradation of remaining indigenous ecosystems. This objective is key to addressing the regionally significant issues identified in the RPS. I disagree with the amendments proposed by Fish and Game as they refocus the objective to only indigenous, ecosystems and habitats with significant biodiversity or other values. It also introduces 'other values' which broadens the objective significantly to the point where, in my opinion it is unlikely to address the significant issue of continued loss and degradation of indigenous ecosystems.
131. Fish and Game has also sought similar changes to Policies 23, 24 and 47 to include 'valued species' alongside species with indigenous biodiversity values. I do not support these amendments for the same reasons set out above for Objectives 16 and 16A.
132. Further, I note that policies that generally aim to maintain, enhance, or restore freshwater habitats have the potential to benefit both indigenous freshwater biodiversity and other valued species, such as exotic trout and salmon. Hence the specific reference to other valued species is not needed in such policies in my opinion. Some exotic valued species, such as trout and salmon, are predators that can have major adverse effects on indigenous freshwater biota (for example, many endangered inland galaxiid fish species are now restricted to streams that do not have salmonid fish). Therefore I consider that the policies should focus on the protection of indigenous freshwater biodiversity above the protection of other valued species.
133. I disagree with Fish and Game's comment that focusing on "indigenous ecosystems could lead to lessening or removal of protections for non-indigenous dominant systems, habitats, and species". The inclusion of these objectives addresses a specific regionally

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significant issue and does not negate the general responsibility of local authorities to maintain or enhance the whole environment (section 7(f) RMA).

134. For these reasons, I do not recommend any amendments across the provisions submitted on to broaden their scope to apply to “valued species”.

Anticipated environmental results

135. The anticipated environmental results (AERs) for the Indigenous Ecosystem objectives – Objectives 16, 16A, 16B, and 16C in Change 1, are:

1. District and regional plans have identified indigenous ecosystems and habitats with significant biodiversity values.
2. District and regional plans contain policies, rules and/or methods to protect indigenous ecosystems and habitats with significant biodiversity values from inappropriate subdivision, use and development.
3. There is no loss of indigenous ecosystems and habitats with significant biodiversity values and biodiversity indicators are improving across the region.
~~identified in a district or regional plan.~~
4. There is at least a 20 percent increase in the area of indigenous ecosystems and habitats that are legally protected.

136. While I agree that these AERs are high level, in my opinion they are pitched at the right level for a regional policy statement. I do agree with submitters that much more detail will be needed to develop a meaningful regional monitoring plan, but consider that this outcome will be more appropriately addressed through Method IE.4, which is to work in partnership with mana whenua / tangata whenua to establish and resource kaitiaki programmes to: (a) monitor and evaluate the ecosystem health and trends of the region’s indigenous biodiversity and the extent to which Te Mana o te Wai and Te Rito o te Harakeke is being given effect to, and (b) develop action plans to respond to the monitoring results, including informing the regional biodiversity strategy in Method IE.3.

137. I do agree that the AERs could be better targeted and recommend a number of amendments to better align with the amendments I have recommended to Objectives 16 and 16A (refer to the recommendation in Issues 5 and 6) and to respond to the methods for Indigenous Ecosystems in Change 1, such as Method IE.3 (Regional biodiversity strategy). I also note that the NPS-IB Policy 17 and Clause 3.25 set out monitoring requirements for regional councils and consider that AER 3 should be extended to incorporate some of the key attributes set out there.

138. I also note that there are no AERs for Objectives 16B and 16C and recommend additions to address these gaps. I therefore recommend amendments to the Change 1 AER for Objectives 16, 16A, 16B, and 16C as set out below.

3.6.3 Section 32AA evaluation

139. In accordance with section 32AA, I consider that my recommended amendments set out below are the most appropriate to achieve the objectives as they are minor amendments to achieve greater clarity on terminology and the outcomes sought by this suite of provisions. My recommended amendments include a definition for Indigenous Ecosystems and the amendments to the AER seeking to provide clarity for plan users and a more effective basis for monitoring plan effectiveness. Consequently, these changes should increase the likelihood of Change 1 being successfully and efficiently implemented to achieve the desired outcomes.

3.6.4 Recommendations

140. I recommend the following amendments:

(1) Add the following new definition:

Indigenous ecosystem: An ecosystem with a dominant or significant indigenous natural character.

(2) Amend the Anticipated Environmental Results for Objectives 16-16C as follows:

1. District and regional plans have identified indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna.
2. District and regional plans contain policies, rules and/or methods to protect indigenous biodiversity values from inappropriate subdivision, use and development.
3. There is no loss of extent or condition of indigenous ecosystems and habitats with significant indigenous biodiversity values and other significant habitats of indigenous fauna, and their ecosystem functions.
4. Indigenous biodiversity across the Wellington Region is maintained and biodiversity indicators are improving across the region. ~~identified in a district or regional plan.~~
- ~~4. There is at least a 20 percent increase in the area of indigenous ecosystems and habitats that are legally protected.~~
5. A regional biodiversity strategy has been prepared, and progress to meet identified 10-year targets is demonstrated.
6. Mana whenua/tangata whenua are satisfied that their values associated with indigenous biodiversity, particular taonga species, are appropriately provided for in resource management decision-making, including through the application of Mātauranga Māori.
7. Mana whenua/tangata whenua are satisfied with the level of support to exercise their kaitiakitanga for indigenous ecosystems.

8. Landowners and communities are satisfied with the level of support provided to enable their roles as stewards of indigenous ecosystems.

141. I recommend that the general submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.7 Issue 4: Introductory Text and Issue Statements (Pamela Guest)

3.7.1 Matters raised by submitters

Introductory Text - General

142. Te Tumu Paeroa [S102.052] supports the introductory text and seeks that it be retained as notified.

143. Forest and Bird [S165.020] opposed by BLNZ [FS30.319] supports the introductory text but seeks inclusion of an explanation of Te Rito o te Harakeke to ensure that there is a clear link to the NPS-IB and how this plan will give effect to it.

144. Meridian [S100.009] requests amendments to the introductory text and throughout RPS Change 1 to replace 'native' with 'indigenous' when referring to indigenous biodiversity and indigenous ecosystems. Meridian also requests that, if changing text in relation to wetlands, the opportunity should be taken to (more accurately) describe the issue as relating to natural wetlands. Meridian seeks the following amendments to the introductory text as it is not so much the 'conservation status' that needs to be improved, but the ecological integrity of significant remnant indigenous biodiversity. "However, there is still much work to be done to protect and improve the ecological integrity ~~conservation status~~ of many remnant indigenous ecosystems and habitats of indigenous fauna ~~native ecosystems and species.~~"

145. Taranaki Whānui [S167.034 and .036] supports Issues 1 and 3 in full, and Issue 2 in part [S167.035], requesting that reference to the damage done to indigenous ecosystems by farming practices, in particular grazing animals/land clearance, is added. This is opposed by BLNZ [FS15.019] who considers that the RPS already appropriately identifies the adverse impacts of agriculture more broadly in the introductions to Chapters 3.4 and 3.6, as well as being captured through identification of human use and development. Introducing specific activities like farming on top of existing wording risks focusing on only part of the problem where the issue is much larger.

146. Outdoor Bliss [S11.009] seeks that 'Rimutaka' be spelled correctly as 'Remutaka'.

State of regional indigenous biodiversity

147. WFF [S163.028] challenges the introduction to Chapter 3.6, positing that it is out-of-date and provides an inaccurate picture of the state of biodiversity in the Wellington Region (e.g., referring to data that shows no change or small increases in indigenous cover in the period 1996-2018) and the level of protection for significant sites provided by district plans. WFF considers that the issue statement is wrong because the loss of

indigenous cover was more historical and that recent losses are much smaller. WFF submits that the section 32 report for Change 1 relies on ill-evidenced assertions about regional loss of wetlands to justify pre-empting the NPS-IB and further relies on assertions that only two territorial authorities (Kāpiti, Porirua) have identified and protected significant natural areas (SNAs) “despite being required by the RMA since 1991”. WFF considers that this is incorrect as the Wairarapa Combined District Plan and Wellington City District Plan also include SNAs, and Lower Hutt and Upper Hutt have SNA work planned or underway, pending the promulgation of the NPS-IB.

148. WFF [S163.028] opposed by Forest and Bird [FS7.072], Ātiawa [FS20.194], and Ngā Hapū [FS29.045] and supported by BLNZ [FS30.101], requests that the proposed amendments to the introduction of Chapter 3.6 are deleted and deferred to the full review of the RPS in 2024 at which stage amendments to indigenous ecosystem provisions can be informed by careful analysis and up-to-date regional state of the environment data.

Strengthen text and split issue statement (3) to recognise better mana whenua/tangata whenua roles and values

149. Ātiawa [S131.030], supported by Rangitāne [FS2.57] and Ngā Hapū [FS29.301], supports the intent of Chapter 3.6, but requests amendments to recognise whānau and hapū as well as iwi, considering that this is appropriate in the context of actions to protect, maintain and enhance indigenous ecosystems. Ātiawa also seeks that a distinction be drawn between mana whenua and landowners in order to recognise the differences in values and roles and be in accordance with Te Tiriti and the RMA. Further, Ātiawa seeks amendment to paragraph (3) of the introductory text as follows:

~~“Iwi-Mana whenua/tangata whenua and landowner value and roles are not adequately recognised and supported. Mana whenua/tangata whenua values, including kaitiakitanga, are not adequately recognised and supported by the current approach to managing indigenous biodiversity. The conservation efforts of landowners, as stewards of their land, and local communities could be better recognised and supported.”~~

150. Taranaki Whānui [S167.033] and Rangitāne [S168.066] supported by Sustainable Wairarapa [FS31.176] support the introductory text. In particular, Taranaki Whānui supports reference to mahinga kai, but seeks amendments to reflect acknowledgement of partnership with mana whenua, which they consider will set a precedent for the objectives, policies, and methods of this amended chapter. Additionally, Taranaki Whānui suggests adding reference to Te Rito o te Harakeke and the partnership role of mana whenua in executing this concept, and an addition to the text to include recognition of the intrinsic value and mauri of indigenous biodiversity, as well as people’s connections and relationships with it. Rangitāne seeks relief to more accurately reflect the history and issues of the region by amending the following sentence to highlight that the decline of indigenous biodiversity is an impact of settler-colonisation: “The area of indigenous ecosystems has been in decline since humans first settled in our region”.

151. Ngāti Toa [S170.016] supported by Rangitāne [FS2.92] and Ngā Hapū [FS29.130] opposes the proposed introductory text in part, considering that the difference between iwi and landowner values and roles are not adequately recognised and provided for; Ngāti Toa seeks that Issue 3 be split into two paragraphs to delineate iwi values and landowner values.

3.7.2 Analysis

State of Indigenous Ecosystems and Indigenous Biodiversity in Wellington Region

152. In response to WFF's claims of inaccuracy, while it is true that the greatest loss of indigenous ecosystems in the Wellington Region, as across the whole of New Zealand, occurred in the early years following European settlement and that recent losses are smaller than those over the last several hundred years, this does not change the fact that we have significantly less indigenous biodiversity than in pre-human times.

153. While lower rates of loss in recent years are laudable, this is partly because there is simply less available to lose. The Region's indigenous ecosystems remain under significant pressure from land use and development. Ecosystems continue to be lost or fragmented and a significant proportion of the Region's indigenous biodiversity is at risk or threatened with extinction (Maseyk and Parlato 2023¹¹).

154. While I understand that all of the Region's territorial authorities have carried out some form of assessment of significant indigenous ecosystems and habitats, at the time of preparing this report only three of the district plans in the region (Kāpiti, Porirua, and Wellington) include schedules of sites identified in accordance with RPS Policy 23 criteria and provisions to protect their significant indigenous biodiversity values as required by RMA section 6(c) and RPS Policy 24. I also note that both the operative and proposed Wairarapa Combined District Plans include only a sub-set of SNAs, being restricted to those on public land. For example, only ten sites within the Masterton District are included.

155. Rangitāne seeks an amendment to paragraph 5 on page 58 of Change 1 to highlight that the decline of indigenous ecosystem area is mainly due to settler-colonisation. In my opinion, paragraph 5 is clear that the greatest loss of ecosystem area followed from colonisation, with text stating "This loss greatly accelerated from the time of European settlement. Around 70 per cent of the indigenous forest and more than 90 per cent of the wetlands that existed in 1840, have been cleared for agriculture and urban development..." I do not consider that further elaboration of this statement is necessary and do not recommend any amendments.

¹¹ Maseyk, F. and Parlato, E., 2023: State of Indigenous Biodiversity and Indigenous Ecosystems in the Wellington Region: A collation of recent monitoring and reporting.

General drafting

156. I do not support adding specific reference to farming in Issue 2 because I consider that this is already adequately captured by reference to human use and development. While a list of specific use and development pressures could be added, this would also need to include reference to urban development and new infrastructure, as these activities are also causing impacts on the remaining indigenous ecosystems in the Wellington Region. I do not consider that adding such text provides useful additional detail. I also note the text on pages 58/59 of Change 1 which refers to "Human actions that continue to impact on the remaining indigenous ecosystems include: ... Modification and, in some cases, destruction of ecosystems by pest plants and animals, grazing animals and clearance of indigenous vegetation".
157. I agree with Meridian's request to replace reference to 'native' with 'indigenous' for consistency and accordingly recommend two amendments to the first paragraph on page 59 to do this (as shown in the recommendations below). I do not agree with their blanket request to add the word 'natural' when referring to issues relating to wetlands. "Natural inland wetland" is defined in the NPS-FM and "Natural wetland" is defined in the NRP – these are specific sub-sets of wetlands which are subject to rules under these statutory instruments. However, RMA section 6(a) refers to the preservation of the natural character of wetlands and the protection of them from inappropriate subdivision, use, and development as a matter of national importance. As only around 3 percent of wetlands remain in the Wellington Region, it is appropriate that Change 1 provisions relate more broadly to wetlands, unless there is a specific relationship to rules under the above policy instruments.
158. I accept Meridian's request to delete reference to 'conservation status' as this term may not be well understood. However, I do not consider that the alternative drafting provided by Meridian fully describes the outcomes being sought by this term as reference to "ecological integrity conservation status of many remnant indigenous ecosystems and habitats of indigenous fauna native ecosystems and species." (my emphasis) are only sub-sets of what is being sought. I recommend replacing reference to 'conservation status' with the following text, to better explain the outcome being sought: 'there is still much work to be done to improve the conservation status of for many native of the region's indigenous ecosystems and species so that to be in a healthy functioning state, with the resilience to persist in the long-term.'
159. I acknowledge the spelling mistake for 'Rimutaka' noted by Outdoor Bliss and recommend a correction to refer instead to 'Remutaka'.

Strengthen text to better recognise partnership with mana whenua/tanqata whenua, including Te Rito o te Harakeke

160. As discussed under Issue 2, there are a number of submissions that request Change 1 provisions are amended to give effect to the NPS-IB once gazetted and Council has adopted a process to give effect to the NPS-IB in part though Change 1. This

recommended approach is outlined in detail in Appendix 3. In relation to Policy 1 of the NPS-IB, Appendix 3 notes that the term Te Rito o te Harakeke in the NPS-IB exposure draft has been replaced in the gazetted NPS-IB by reference to a set of “decision-making principles” which are defined in the NPS-IB. I agree that it is important to provide some explanatory text to outline how Change 1 will give effect to these decision-making principles. I therefore recommend addition of text relating to the decision-making principles for indigenous biodiversity as set out below.

161. I accept Ngāti Toa’s request to split Issue Statement (3) into two issue statements to better differentiate between iwi and landowner values and roles.

3.7.3 Section 32AA evaluation

162. In accordance with section 32AA, I consider that my recommended amendments to the Introductory Text for Section 3.6 and Issue Statements are the most appropriate as they are largely minor amendments that seek to provide additional clarity and context to the Indigenous Ecosystem provisions. My recommended amendments also better align with the NPS-IB by including reference to the decision-making principles in the NPS-IB and clarifying the role of the decision-making principles to protect, maintain and restore indigenous biodiversity. These amendments will assist understanding of the importance of the indigenous ecosystem provisions and the way in which they align with the NPS-IB. This should increase the likelihood of these provisions being successfully and efficiently implemented to achieve the indigenous ecosystem objectives.

3.7.4 Recommendations

163. I recommend the following amendments to the Introductory text and Issue Statements:

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The Wellington region has a distinctive range of ecosystems – such as forests, mountains, wetlands, lakes, rivers and coastal and marine ecosystems. Some ecosystems have retained a high degree of indigenous ~~ness~~ dominance – such as the Tararua, Reimutaka and Aorangi ranges, while others are dominated by exotic species – such as pastoral farmlands.

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Although New Zealand has an extensive network of public conservation land (comprising over a third of the country), this does not adequately represent all types of indigenous ecosystem. With few options to expand the public conservation estate, the restoration of ecosystems relies upon the good will and actions of landowners. There are a number of individuals, whānau, hapu, iwi, and community groups and organisations throughout the region that are working to restore indigenous ecosystems. Public support for restoring indigenous ecosystems on public land and landowners retiring farmland has led to the regeneration of indigenous bush in rural

gullies, along riparian margins, in regional parks and in urban backyards. This has led to increases in some indigenous habitats, such as in the hills around Wellington City, with sanctuaries such as Zealandia and pest control efforts increasing the number and variety of native-indigenous birds and invertebrates around the city. However, there is still much work to be done for many—native of the region's indigenous ecosystems and species so that to be in a healthy functioning state, with the resilience to persist in the long-term. The *restoration* of indigenous ecosystems on public, whānau, hapū, iwi and private land provides both public and private benefit.

... the gradual erosion of ecosystems' sustainability is also a significant issue.

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, ensuring that te ao Māori, mātauranga, and tikanga Māori are applied appropriately to protect, maintain and restore indigenous biodiversity.

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2. Mana whenua /tangata whenua iwi and landowner values and roles are not adequately recognised and supported

Mana whenua /tangata whenua values and roles, including kaitiakitanga, are not adequately recognised and supported by the current approach to managing indigenous biodiversity. The conservation efforts of landowners, as stewards of their land, and local communities could be better recognised and supported.

3. Landowner values and roles are not adequately recognised and supported

The conservation efforts of landowners, as stewards of their land, and local communities could be better recognised and supported.

164. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.8 Issue 5: Objective 16 – Ecosystems and habitats with significant ecosystem and biodiversity values (Pamela Guest)

Objective 16 as notified is:

Indigenous ecosystems and habitats with significant ecosystem and/or biodiversity values are ~~maintained~~ protected, enhanced, and restored to a healthy functioning state.

3.8.1 Matters raised by submitters

Support

165. The following submitters support the amendments to Objective 16 and request these be retained as notified. This includes WCC [S140.018], Peter Thompson [S123.009], Sustainable Wairarapa [S144.013], Taranaki Whānui [S167.037], and Rangitāne [S168.068] supported by Sustainable Wairarapa [FS31.178], and MDC [S166.012].

Direction to protect

166. KCDC [S16.057] supports the intent of Objective 16 but opposes the inclusion of regulation requiring city and district councils to achieve anything beyond 'maintenance' of indigenous biodiversity, which is the extent provided for under the RMA. KCDC requests amendments to clarify that all proposed regulatory methods are not the responsibility of city and district councils. KCDC also seeks that all instances of 'and/or' are reviewed and one or the other used where appropriate, rather than implying there is a choice.

167. UHCC [S34.072] supports Objective 16 in part but notes that the direction to 'protect' and 'enhance' are a substantial change that may be difficult to achieve with limited resources. UHCC seeks amendment so that Objective 16 reads: "*Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are ~~protected, enhanced, maintained~~ and where possible enhanced, and restored to a healthy functioning state.*" DairyNZ [FS15.024] supports UHCC's submission in part, seeking relief to either focus Objective 16 on significant indigenous habitats and significant habitats of indigenous fauna as per their original submission or to adopt the above wording proposed by UHCC. The wording requested by DairyNZ is:

"Significant Indigenous ecosystems and habitats with significant ~~ecosystem and/or biodiversity values are maintained~~ ~~protected, enhanced,~~ and restored to a healthy functioning state."

168. Waka Kotahi [S129.021] generally supports Objective 16 but considers that 'protected' is too strong of a directive. Waka Kotahi seeks amendment to align with the exposure draft of the NPS-IB as follows: "Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are maintained ~~protected~~, enhanced, and restored to a healthy functioning state." This submission is opposed by Meridian [FS26.014], as it retains reference to enhancement, and supported by Ngā Hapū [FS29.302].

169. SWDC [S79.009], supported by MDC [FS14.020] and in part by Meridian [FS26.013] [FS26.019], supports Objective 16 in part and requests an amendment to reflect that it will take time to return ecosystems and habitats to a healthy functioning state as follows: "*... protected, and over time enhanced, and restored...*" SWDC notes that the provisions appear consistent with the exposure draft NPS-IB but requests any amendments necessary should this be gazetted.

170. Meridian [S100.010] supported by Fulton Hogan [FS11.003] opposes Objective 16 in part and seeks amendments to reflect that enhancement and restoration will not be the only, or necessarily the appropriate, response in all situations. The amendments sought are: *“Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are maintained, protected, and, where appropriate, are enhanced and/or restored to a healthy functioning state.”* Similarly, Powerco Limited [S134.003] supported by Meridian [FS26.015] and supported in part by DairyNZ [FS15.021] opposes Objective 16 and request amendments to language that recognise that the enhancement and restoration of indigenous ecosystems and habitats may not be appropriate in all circumstances.
171. WIAL [S148.039], supported by Winstone Aggregates [FS27.009], opposed by Forest and Bird [FS7.017] and GBI [FS8.003], opposes Objective 16 in part, being concerned with its potential, in combination with other policies, to significantly impact infrastructure projects. WIAL seeks amendments that facilitate restoration where appropriate and allow offsetting or compensation to improve or protect overall ecosystem health.
172. NZ Centre for Sustainable Cities [S151.016] supports Objective 16 in part but seeks stronger policies and/or methods to support this objective, noting that new urban developments around travel corridors offer an important opportunity for protection or enhancement of vital ecosystem functions that in turn provide essential services that support ecosystem health and human wellbeing.

Align more fully with RMA section 6(c)

173. Forest and Bird [S165.021], supported by GBI [FS8.005] and opposed by WIAL [FS17.020], Winstone Aggregates [FS27.006], Ātiawa [FS20.064], Meridian [FS26.020] and BLNZ [FS30.319], supports Objective 16 in part, supporting the direction for protection and enhancement. However, Forest and Bird considers that, as written, this objective does not give effect to section 6(c) of the RMA and needs to include protection of significant habitats of indigenous fauna which could be exotic. For example, Forest and Bird notes that macrocarpa shelter belts can be important roosts for long-tailed bats, as can exotic pine forests for Powelliphanta snails.
174. DairyNZ [S136.006], supported by Winstone Aggregates [FS27.007] and BLNZ [FS30.012] and supported in part by Meridian [FS26.017], oppose Objective 16 and requests that it is either deleted or amended so that it does not go beyond the scope of requirements under RMA section 6 which focuses only on significant indigenous vegetation and significant habitats. DairyNZ considers the regional and district plans that are required to ‘give effect to’ the RPS are more appropriate avenues for considering where and whether to extend these protections beyond areas of significance. DairyNZ notes that the NPS-FM does provide more direction in relation to indigenous ecosystems than directed in the RMA. However, as with the majority of freshwater related provisions in Change 1, DairyNZ considers that amendments aimed at giving effect to the NPS-FM should be considered together. DairyNZ requests the following amendments to Objective

16: *“Significant Indigenous ecosystems and habitats with significant ~~ecosystem and/or~~ biodiversity values are maintained ~~protected, enhanced,~~ and restored to a healthy functioning state.”*

Clarity and time-frame

175. PCC [S30.013] supported by Peka Peka Farm [FS25.046] opposes Objective 16 on the grounds that the timeframe for achieving Objective 16 and how it is to be measured are unclear. PCC requests that Objective 16 be amended for clarity on the outcomes sought.

Delete Objective 16 or retain as per operative RPS

176. WFF [S163.030], supported by BLNZ [FS30.103] and opposed by Forest and Bird [FS7.074], Ātiawa [FS20.196], and Ngā Hapū [FS29.047] requests deletion of Objective 16, claiming the proposed amendments are “muddying” an RMA section 6 matter.

3.8.2 Analysis

Direction to protect (is it too strong, should it be “maintain”, qualification of enhance/restore)

177. A number of submitters have questioned the strength of the direction to protect indigenous ecosystems and habitats with significant ecosystem and or biodiversity values, with several territorial authorities objecting to any requirement to seek any outcome beyond maintenance.

178. Objective 16 was amended in Change 1 with the intent of give full effect to RMA section 6(c) which requires all persons exercising functions and powers under the RMA to recognise and provide for “the **protection** of areas of significant indigenous vegetation and significant habitats of indigenous fauna” as a matter of national importance. NPS-IB Policy 7 also requires that “SNAs (significant natural areas) are **protected** (my emphasis) by avoiding or managing adverse effects from new subdivision, use, and development”¹². The NPS-IB sets out very clear requirements for territorial authorities to both identify SNAs and manage adverse effects of subdivision, use and development on SNAs, including setting out specific adverse effects that need to be avoided (Clause 3.10(2) with some specific exceptions.

179. Protection is already the direction provided by operative RPS Policy 24, which requires district and regional plans to include provisions to protect indigenous ecosystems and habitats with significant indigenous biodiversity values. The amendment to Objective 16 therefore does not change the policy setting with respect to the ‘protect’ direction but provides better alignment of Objective 16 with the requirements of RMA section 6(c) and NPS-IB Policy 7.

180. In response to KCDC seeking amendment to reflect that all proposed regulatory methods are not the responsibility of city and district councils, a regulatory response from

¹² This is the same wording as Policy 7 in the NPS-IB exposure draft.

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territorial authorities is already a requirement of the RMA and the NPS-IB, as well as RPS Policy 24. Therefore, I do not support the amendments requested. With respect to the use of 'and/or' in Objective 16, I note that the amendments recommended below remove these words, and therefore no further consideration is required.

181. I do not agree with those submissions seeking that 'enhanced and restored' be qualified (e.g., with 'where possible' or 'where practicable' or 'over time'). The role of an objective at the level of a RPS is to provide a clear outcome or end point that policies seek to achieve at a regional scale. In my opinion, the use of general qualifiers in objectives acts to weaken the objective, leaving it open to debate and making it difficult to monitor its effectiveness. Reference to protection, enhancement and restoration at the level of a RPS recognises that a range of measures will be required to achieve the desired outcome (significant ecosystems and habitats are in a healthy functioning state) for the different ecosystems and habitats across the region. What constitutes a healthy functioning state for these ecosystems and habitats, in terms of setting specific targets, will be defined by lower order plans. For example, the NPS-FM requires regional plans to identify a framework of attributes that define ecosystem health for different freshwater management units. The NRP provides an interpretation of healthy functioning state for different freshwater ecosystems in Table 3.4.
182. The policies and methods in the operative RPS and Change 1 work to promote and support enhancement and restoration and, as there is no regulatory requirement to carry out either of these actions, I do not consider that there is a need or value to add qualifiers. Further, I do not consider that adding 'over time' adds any value to the objective, as the policy lifetime over which provisions apply is the ten-year review period of a RPS, unless there is reason to specify a shorter timeframe.
183. NZ Centre for Sustainable Cities seeks stronger policies and/or methods to achieve Objective 16, including for urban development. I note that Policy 24 sets a strong "protect" policy for indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development (although tempered in some instances with the exceptions to this enabled by national policy statements). I note that there are a number of policies and methods in Change 1 that seek to protect or enhance vital ecosystem functions as part of urban development. For example, Policy 47 identifies a range of significant ecosystem functions that must be provided for when considering resource consents, along with relevant provisions in the Urban Development, and Climate-resilience and Nature-based solutions topics (e.g. Policies CC.4, CC.4A, CC.14 and CC.14A set out in the Right of Reply for this sub-topic in HS3).
184. In response to concerns about the impact of Objective 16 on infrastructure projects, this is determined by the policies. I note that opportunities for offsetting or compensation are addressed in Policy 24 and that exceptions for infrastructure (amongst other activities) are already provided for by national direction (e.g., NPS-IB Clause 3.11 and NPS-FM Clause 3.22) which Policy 24 seeks to align with. This is further clarified by proposed

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amendments to Policy 24 recommended by Mr Wyeth below. Accordingly, I do not consider that amendments to Objective 16 in response to these submissions are necessary or appropriate.

Provision for significant habitats of indigenous fauna that may be exotic

185. Forest and Bird seek amendments to Objective 16 to give full effect to RMA section 6(c) which requires the protection of significant habitats of indigenous fauna, not just indigenous habitats. I agree that Objective 16 does not give full effect to this part of section 6(c) and therefore recommend adding a new clause to Objective 16 to refer to “other significant habitats of indigenous fauna.

Ecosystem functions and services

186. Dairy NZ requests that Objective 16 be amended to narrow the focus to significant vegetation and habitats, by deleting reference to significant ecosystem functions and services. Similarly, WFF raise concerns that Objective 16 is a muddying of RMA section 6 matters. I agree that reference to significant ecosystem functions and services unintentionally broadens Objective 16 beyond section 6 matters. The structure of Objective 16 as notified in Change 1 means that significant ecosystem functions and services are read separately from the biodiversity values that they support – this was not the intent, which was to make it clear that to protect significant ecosystems and habitats also requires protection of the underpinning ecosystem functions. Rather than delete this clause I recommend an amendment to reframe the sentence structure to align with the intent. To support this amendment, I also recommend addition of a definition for “Ecosystem function”, consistent with the definition in the NPS-IB.

Test for a good objective

187. PCC requests amendments for clarity of the outcomes sought by Objective 16, questioning how it will be measured and the timeframe over which it is to be achieved. There are a range of metrics available for measuring the health of an indigenous ecosystem and habitat; in this case focusing on identified significant habitats and ecosystems and their values. I note that NPS-IB Clause 3.25 requires the development of a monitoring plan for indigenous biodiversity in a region and each of its districts. Policy IE.1 includes specific provisions for monitoring indigenous biodiversity. As noted earlier, the timeframe for giving effect to the RPS objectives are the lifetime of the document, so monitoring would occur over a ten-year period. As such, I do not consider any amendments to Objective 16 are required to provide further clarity or direction.

Delete Objective 16 or the amendments

188. I do not support submissions that seek to delete Objective 16 or the proposed amendments for the reasons already discussed, primarily that protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance under RMA section 6(c).

3.8.3 Section 32AA evaluation

189. In accordance with section 32AA, I consider that my recommended amendments to Objective 16 are the most appropriate as they are minor amendments that seek to more correctly align Objective 16 with RMA section 6(c) and to clarify the intent of referencing ecosystem functions which will assist the way in which this objective is interpreted and applied. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

3.8.4 Recommendations

190. I recommend the following amendments:

Objective 16: 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.

Add a definition for: Ecosystem function: The abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem

191. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.9 Issue 6: Objective 16A (Pamela Guest)

Objective 16A as notified is:

The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.

3.9.1 Matters raised by submitters

192. Approximately 21 submissions and 23 further submissions were received on Objective 16A.

Support

193. A number of submitters support Objective 16A and request that it be retained. This includes KCDC [S16.059], MDC [S166.013], Taranaki Whānui [S167.038] and Rangitāne [S168.070] supported by Sustainable Wairarapa [FS31.180], Te Tumu Paeroa [S102.053], Peter Thompson [S123.010], Ian Gunn [S139.004], Sustainable Wairarapa [S144.015] supported by MDC [FS14.029], Forest and Bird [S165.022], opposed by BLNZ [FS30.319].

Amend

194. WCC [S140.019], opposed in part by DairyNZ [FS15.018 and FS15.023], supports Objective 16A, but requests amendments to be consistent with the NPS-IB exposure draft to refer to indigenous biodiversity, rather than indigenous ecosystems.

195. Ātiawa [S131.032], supported by Ngā Hapu [FS29.303], seeks replacement of Objective 16A with the amendments in the limited notification draft of Change 1. Ātiawa is concerned that there is no direct reference to ecosystem health, ecological integrity, and ecological connectivity of indigenous ecosystems in the notified wording of Objective 16A. This appears to be an oversight as these factors are outlined as a key issue and should be addressed as an objective. Ātiawa requests that Objective 16A is replaced with the following wording:

"The ecosystem health, ecological integrity and ecological connectivity of the region's indigenous ecosystems, and the ecological processes that supports them, are enhanced, maintained and restored, so that indigenous biodiversity and mahinga kai is thriving and is resilient to environmental pressures particularly climate change, and giving effect to Te Rito o te Harakeke."

196. Meridian [S100.011], supported by Fulton Hogan Ltd. [FS11.004], requests an amendment to Objective 16A to reflect that enhancement and restoration are not always the most appropriate response, and consider the wording after 'healthy functioning state' should be deleted and addressed through policies. Meridian considers that this wording is not necessary because a 'healthy functioning state' will have resilience against the pressures described. Meridian considers that improving resilience and giving effect to Te Rito o te Harakeke should be addressed by proposed policies that set out how the 'maintain' and 'enhance' outcome is to be achieved (and, in large measure the policies already do this). Meridian considers that it seems incongruent that improving resilience should be a desired outcome for non-significant indigenous ecosystems and habitats, but is not a desired outcome for significant indigenous ecosystems and habitats.

197. Powerco [S134.004], supported by Meridian [FS26.018], requests amendments to recognise that enhancement and restoration of indigenous ecosystems and habitats may not be appropriate in all circumstances. The requested amendments from Powerco are:

"The region's indigenous ecosystems are maintained and, where appropriate, enhanced, and or restored to a healthy functioning state., improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke."

198. DairyNZ [S136.007], supported by BLNZ [FS30.013] and supported in part by Meridian [FS26.021], is concerned with the objective's wording and the use of "restoring to a healthy functioning state" which has not been defined and will depend on the outcome of the freshwater plan change process. DairyNZ requests that Objective 16A is deleted or amended as follows:

"The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, increasing their improving resilience to increasing environmental pressures, and giving effect to Te Rito o te Harakeke."

Oppose

199. PCC [S30.014], supported by Peka Peka Farm [FS25.047], requests that Objective 16A be deleted or amended to provide more clarity, specifically in regard to timeframes and measurements, or addressed by amending Objective 16. WFF, supported by BLNZ [FS30.104] and opposed by Ātiawa [FS20.197], Forest and Bird [FS7.075] and Ngā Hapū [FS29.048], requests Objective 16A be deleted.

3.9.2 Analysis

Refer to indigenous biodiversity rather than indigenous ecosystems

200. I agree with WCC that Objective 16A should refer to indigenous biodiversity rather than indigenous ecosystems, aligning with RMA sections 30(ga) and 31(b)(iii) and the NPS-IB. This is also consistent with Objectives 16B and 16C. Indigenous biodiversity is broader than indigenous ecosystems, referring to all living organisms that occur naturally in Aotearoa New Zealand and the ecosystems they are a part of. I consider that it would be helpful for Change 1 to include the definition for indigenous biodiversity as set out in the NPS-IB and recommend an amendment to add this.

Incorporation of key attributes

201. Ātiawa requests amendments to reinstate terms that were included in Objective 16A in the limited consultation draft, referring to ecosystem health, ecological integrity and ecological connectivity. These attributes were not included in the drafting of Objective 16A in Change 1 because it was considered that they adequately provided for by the definition for 'maintenance of indigenous biodiversity'.

Qualification

202. As for Objective 16, several submitters have requested qualification of direction for enhancement and restoration (e.g. 'where appropriate' or similar). For the reasons set out in my response to Objective 16, I do not support the use of general qualifiers in an objective. Similarly, with respect to Dairy NZ's request to delete reference to healthy functioning state, I set out the rationale for including this in Objective 16 as setting a clear end-point to be sought, the details of which need to be developed in lower order plans and strategies, including monitoring programmes.

203. In terms of deleting the end text (following from healthy functioning state), I consider that it is both effective and efficient to include an explicit reference to the critical linkage between maintaining indigenous biodiversity generally and developing resilience to environmental pressures, in particular climate change. This aligns with NPS-IB Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change

and NPS-FM Policy 7: Freshwater is managed as part of New Zealand's integrated response to climate change, and responds to direction in the ANZBS, the NAP and ERP.

204. While I acknowledge that Objective 16 could also be linked to improved outcomes for climate resilience, the prime purpose of that objective is to respond to RMA section 6(c) with a focus on protecting significant indigenous biodiversity values whereas Objective 16A recognises the wider values of maintaining, enhancing and restoring indigenous biodiversity in general.

205. I do agree with Meridian that providing for Te Rito o te Harakeke (recommended by Mr Wyeth in Issue 2 to be replaced by reference to "the decision-making principles for indigenous biodiversity") is more of a process matter than an outcome in itself, setting out the principles that must inform and be given effect to in managing indigenous biodiversity. I consider that use of these decision-making principles is already provided for in a number of Change 1 policies and methods, e.g., In giving effect to Policy 23 (identification of SNAs), Policy IE.2 (Giving effect to mana whenua/tangata whenua roles and values when managing indigenous biodiversity), Policy IE.3 (Maintaining, enhancing, and restoring indigenous ecosystem health), and Methods IE.2 and IE.4. I therefore recommend that this concept is deleted from Objective 16A.

Delete Objective 16A or the amendments

206. I do not support submissions that seek to delete Objective 16A as this would leave a gap in the policy framework to maintain indigenous biodiversity generally, not just significant indigenous biodiversity, as required by the RMA section 30(ga)¹³, the ANZBS¹⁴ and the NPS-IB¹⁵. This objective also recognises that healthy ecosystems are more resilient to increasing environmental pressures, of critical importance to support indigenous biodiversity and its associated values in the face of the unavoidable effects of climate change.

3.9.3 Section 32AA evaluation

207. In accordance with section 32AA, I consider that my recommended amendments to Objective 16A are the most appropriate as they are minor amendments that seek to add clarity by replacing reference to indigenous ecosystems with indigenous biodiversity, and providing a definition for this, and will align better with the NPS-IB. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

3.9.4 Recommendations

208. I recommend the following amendments to Objective 16A:

¹³ Every regional council shall have the following functions for the purpose of giving effect to this Act in its region: (ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity

¹⁴ ANZBS Objective 1: The health, integrity and connectivity of ecosystems have been maintained and/or restored, including in human-dominated areas

¹⁵ The NPS-IB objective is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date

- (1) The region's indigenous ~~biodiversity is ecosystems are~~ *maintained*, enhanced, and restored to a healthy functioning state, improving ~~its their~~ resilience to increasing environmental pressures, particularly climate change, ~~and giving effect to the Te Rito o te Harakeke.~~
- (2) Add the following definition: Indigenous biodiversity: The living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.

209. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.10 Issue 7: Objective 16B (Pamela Guest)

Objective 16B as notified in Change 1 is:

Mana whenua / tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being, are given effect to in decision-making, and mana whenua / tangata whenua are supported to exercise their kaitiakitanga for indigenous biodiversity.

3.10.1 Matters raised by submitters

210. Approximately 16 submissions and 19 further submission points were received on Objective 16B.

Support

211. Objective 16B is supported by Te Tumu Paeroa [S102.054], WCC [S140.020], UHCC [S34.082], MDC [S166.014], Rangitāne [S168.069] supported by Sustainable Wairarapa [FS31.179], Forest and Bird [S165.024] opposed by BLNZ [FS30.319]. Ngāti Toa [S170.017] supported by Ngā Hapu [FS29.131] supports the recognition of mana whenua values in decision-making and notes the importance of Policies IE.2 and IE.3 in achieving this objective.

Amend

212. KCDC [S16.060] is supportive of Objective 16B but requests an amendment to remove 'tangata whenua', noting practical difficulties in identifying all tangata whenua.

213. Taranaki Whānui [S167.039], supported by Ngāti Toa [FS6.025], supports the principles of Objective 16B and requests amendment to provide adequate resourcing for mana whenua/tangata whenua.

214. Ātiawa [S131.033] supported by Ngā Hapu [FS29.304] seeks that 'biodiversity' is replaced by 'ecosystems' and that reference to resourcing for mana whenua is included. Ngā Hapu notes the inequitable impact of environmental decline on mana whenua and raises concerns regarding policies relating to concepts such as co-governance.

215. Fish and Game [S147.030], opposed in part by Ātiawa [FS20.146] and opposed by Wellington Water [FS19.094] and BLNZ [FS30.199], supports the intention of the objective but seeks amendment to consider mana whenua/tangata whenua values alongside community values in order to give full effect to the NPS-FM. Ātiawa considers this contrary to Te Tiriti o Waitangi. Wellington Water considers that Objective 16B recreates NPS-FM policies and is therefore redundant.
216. PCC [S30.015], supported by Peka Peka Farm Limited [FS25.048], opposes the amendment to Objective 16B and requests that the objective is amended to clarify what outcomes are sought.

3.10.2 Analysis

Reference to tangata whenua, iwi resourcing, reference to ecosystems

217. The dual term mana whenua/tangata whenua was agreed with the Council's six iwi partners in the process of preparing Change 1, with some partners preferring the term mana whenua and Rangitāne requesting use of tangata whenua. With respect to KCDC's concern that there are practical difficulties in identifying all tangata whenua, I note that their website¹⁶, under the heading tangata whenua, lists the mana whenua of the district as Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, Ngāti Toa Rangatira, including their whānau and hapū. This is a core requirement for all district councils in giving effect to the RMA and as the use of this terminology is consistent across Change 1, I do not recommend any amendment in response to the submission from KCDC.
218. As noted previously through the Change 1 hearings and above under Issue 3, the Council does not support adding details of resourcing to the RPS. The Council acknowledges its role as a partner to the mana whenua and tangata whenua of the Wellington Region. Since the notification of Change 1, funding for work programmes where Council and mana whenua/tangata whenua are working as partners is supplied through Kaupapa Funding Agreements. These Agreements provide resourcing for mana whenua/tangata whenua, enabling them to work with the Council.
219. I do not agree with Ātiawa that Objective 16B should refer to indigenous ecosystems, as indigenous biodiversity is a broader concept. I note that the definition for indigenous biodiversity (recommended to be added to Change 1 as discussed in Issue 6 above) is that it encompasses living organisms and the ecological complexes of which they are part. Use of this term is also consistent with the drafting of the NPS-IB and my recommended amendment to Objective 16A.
220. I do not support Fish and Games's request to broaden Objective 16B to the wider community. Wider community values and roles are provided for by Objective 16C and mana whenua/tangata whenua are very clear that, because of their role as treaty partners, their values and roles should be acknowledged and provided for separate to the

¹⁶ [Tangata whenua - Kāpiti Coast District Council \(Kāpiticoast.govt.nz\)](http://www.kapiti.coast.govt.nz)

wider community. This approach aligns with the NPS-IB which recognises the mana of tangata whenua as kaitiaki of indigenous biodiversity and recognises people, landowners, and communities as stewards of indigenous biodiversity in separate provisions (e.g. 2.1 Objective (1)(b)(i) and (ii).

221. PCC requests that Objective 16B be redrafted as an objective that is clear as to the outcome sought. In my opinion, the outcome being sought by Objective 16B is clear in that it seeks that mana whenua/tangata whenua be satisfied that their values relating to indigenous biodiversity, particular taonga species, are appropriately provided for in resource management decision-making and that they are able to exercise their kaitiakitanga for indigenous biodiversity. I consider that the achievement of this is able to be measured and that it also clearly gives effect to the NPS-IB (in particular, Clause 1.5(3)(d), Objective 2.1(a)(b)(i) and Policy 2).

3.10.3 Recommendations

222. I do not recommend any amendments to Objective 16B.

223. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.11 Issue 8: Objective 16C (Pamela Guest)

Objective 16C as notified is:

Landowner and community values in relation to indigenous biodiversity are recognised and provided for and their roles as stewards are supported.

3.11.1 Matters raised by submitters

Support

224. Objective 16C is supported by KCDC [S16.061], Te Tumu Paeroa [S102.055], WCC [S140.021], Forest and Bird [S165.021], supported in part by Ātiawa [FS20.065] and opposed by BLNZ [FS30.319], Taranaki Whānui [S167.040], Rangitāne[S168.071], supported by Sustainable Wairarapa [FS31.181]. SWDC [S79.011] supported in part by Meridian [S79.011], supports this objective subject to any amendments that may be necessary to align with the NPS-IB.

225. MDC [S166.015] supports Objective 16C in part, but requests further clarity to ascertain whether the objective has any impacts on Objective 16B.

Amend

226. DairyNZ [S136.008] opposes Objective 16C in part, requesting that reference to the role of landowners as 'stewards' is deleted as this infers a responsibility of landowners to deliver 'community values', with no clarity about what this may mean in a practical sense. DairyNZ notes that dairy farmers hold a significant amount of land and therefore

indigenous ecosystems so GWRC needs to ensure that the RPS provides opportunity for farming to continue as a viable operation while working with farmers. DairyNZ requests that the wording of Objective 16C reflect this intent, without unduly inferring a responsibility on farmers as solely responsible for delivering on community values.

227. PCC [S30.016], supported by Peka Peka Farm [FS25.049] opposes Objective 16C and requests it is amended to clarify the outcomes sought.

Delete

228. UHCC [S34.085] opposes Objective 16C and requests its deletion, stating while they support and recognise the role of landowners and the community, it is unclear how conflicting values and requirements will work in practice to balance management expectations.

3.11.2 Analysis

229. Objective 16C aligns with section 5, section 7(aa) and the direction to maintain indigenous biodiversity in sections 30 and 31 of the RMA. It also aligns with NPS-IB Objective 2.1(1)(b)(ii) which is to recognise people and communities, including landowners, as stewards of indigenous biodiversity. I therefore do not accept submissions requesting the deletion of this objective or removal of the term steward. In response to DairyNZ I also note that the objective is to *support* both community and landowners' roles as stewards, rather than to place undue burden on them.

230. In my opinion, the objective is clear as to the outcome being sought, it relates to an issue of regional significance, and is able to be measured. For example, surveys can ascertain whether landowners feel supported in carrying out their stewardship role for indigenous biodiversity – a role that landowners regularly claim for themselves. It clearly gives effect to statutory direction in the RMA noted above and the NPS-IB (in particular, Clause 1.5(3)(e) and Objective 2.1(a)(b)(ii)).

3.11.3 Recommendations

231. I do not recommend any amendments to Objective 16C.
232. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.12 Issue 9: Policy 23 (Pamela Guest)

Policy 23 as notified in Change 1 is:

Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

By 30 June 2025, District 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:
(a)... (e).

3.12.1 Matters raised by submitters

Retain timeframe as notified in Change 1

233. Taranaki Whānui [S167.087], Rangitāne[S168.072] supported by Sustainable Wairarapa [FS31.182], Sustainable Wairarapa [S144.019] and Muaūpoko [S133.020], opposed by Ngāti Toa[FS6.0010] and Ātiawa [FS20.357], support the inclusion of a deadline for completion of indigenous biodiversity identification as notified.
234. The DCG [S32.018], opposed by Winstone Aggregates [FS27.014] and BLNZ [FS30.296], supports inclusion of a date as notified to identify ecosystems and habitats with significant values, noting that “Although this is a shorter timeframe than is currently indicated in the exposure draft of the NPS for Indigenous Biodiversity, it is not unreasonable given that the RPS has required this work to be undertaken since 2013.”

Amend timeframe to align with NPS-IB

235. CDC [S25.027], Robert Anker [S31.019], Philip Clegg [S62.019], Dr Sarh Kerkin [S96.015], and Kainga Ora [S158.023] request that the date in Policy 23 be amended to align with the direction of the NPS-IB
236. WIAL [S148.040], supported by Winstone Aggregates [FS27.017] and opposed by Forest and Bird [FS7.018] and Guardians of the Bay [FS8.0010], requests amendments so that Policy 23 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.
237. Ngāti Toa [S170.033], supported by Ngā Hapū[FS29.147], also supports ensuring the provisions give effect to national direction.
238. PCC [S30.047], supported by Peka Peka Farm [FS25.080], supports the policy being timebound in principle, noting that it has already been given effect to through their district plan and requests that either the timeframe is removed, amended to align with the NPS-IB, or provision made for councils that have mapped and protected all SNA in their plan to give effect to this policy through their next full district plan review.

Add a more ambitious timeframe

239. Forest and Bird [S165.056], opposed by Winstone Aggregates [FS27.018] and BLNZ [FS30.219], strongly supports the inclusion of a June 2025 deadline, as delaying any further is contrary to RMA s6(c). Forest and Bird requests amendment to refer to “As soon as possible, and in any event no later than by 30 June 2025”.

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240. Outdoor Bliss [S11.016] is concerned that the timeframe gives too much time for resistant landowners to destroy evidence of significant values.

Oppose date – remove the deadline; revert to operative text

241. HCC [S115.047], supported by Winstone Aggregates [FS27.016], the Fuel Companies [FS10.019], and Powerco [FS24.015], requests the amendments to Policy 23 are deleted or failing that, the deadline is amended from 30 June 2025 to 5 years after RPS Change 1 becomes operative.

242. UHCC [S34.073], supported by Winstone Aggregates [FS27.015], requests reverting to the operative text and reviewing this once the NPS-IB is notified, but supports retaining the wording changes referring to mana whenua in clause (e). KCDC [S16.066] also opposes the proposed date, and supports reference to mana whenua, but deletion of tangata whenua as this does not provide councils with direction as to who should be involved in plan changes.

243. WCC [S140.048] requests that the deadline be removed.

244. WFF [S163.058], supported by BLNZ [FS30.130] and opposed by Forest and Bird [FS7.010], Ātiawa [FS20.223] and Ngā Hapū [FS29.074], considers that the case for urgent identification and evaluation of habitats with significant indigenous biodiversity values by 30 June 2025 has not been made and will likely be a waste of effort and resources doing such assessment in advance of a NPS-IB.

245. Winstone Aggregates [S162.008], supported by Fulton Hogan [FS11.0010] and opposed by Ātiawa [FS20.276] and Forest and Bird [FS7.022], rejects the proposed changes and requests that mineral mapping be undertaken at the same time as the SNA mapping and ensure that a viable pathway is provided for quarrying and clean filling activities within those identified areas.

Identification in partnership with mana whenua

246. Ātiawa [S131.071], supported by Ngā Hapū [FS29.341] requests that identifying and protecting indigenous ecosystems and habitats is carried out in partnership with mana whenua.

Other

247. SWDC [S79.034] requests that GWRC fund and undertake the necessary work required to comply with this policy.

248. Robert Anker [S31.020] recognises that there are values and standards that are of significance to the Māori community and as long as those values and standards remain within that community then there is no conflict. However, he considers that once you attempt to introduce those standards into the wider community then you need to establish who, what, why and where. Mr Anker requests that Change 1 be refined to address these factors and meet GWRC's obligation to the community.

3.12.2 Analysis

Amend date

249. Change 1 adds a deadline to Policy 23 to require district and regional plans to identify ecosystems and habitats with significant indigenous biodiversity values in accordance with the Policy 23 criteria by June 2025. This date was added because, despite Policy 23 having been in force since 2013 (and the RMA section 6(c) requirement to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as matters of national importance since 1991), at the time of notification of Change 1 only three of the region's district plans had given effect to this policy.

250. Now that the NPS-IB has established a statutory timeframe for this work to be complete, I consider that it is appropriate that the date in Policy 23 be amended to be consistent with this. The NPS-IB requires a district-wide assessment of significant biodiversity values and notified changes to district plans that map these areas within five years after the commencement date (Clause 4.2 Timing for planning provisions for SNAs) - this equates to by 4 August 2028. I note that the Natural Resources Plan for the Wellington Region has already given effect to Policy 23 for aquatic environments – with schedules of significant sites for rivers, lakes, wetlands, and the coastal marine area, and for sites of significance to mana whenua/tangata whenua.

251. In response to those submitters that consider an earlier date is more appropriate, I note that the direction in the NPS-IB is to give effect to the NPS-IB “as soon as reasonably practicable”. I consider that, given the directiveness of the NPS-IB with regards to the process that must be followed, and the different stages in SNA identification across the region's territorial authorities, that adding this clause to Policy 23 (and Policy 24) is more appropriate than setting a more aspirational date. I therefore recommend that Policy 23 is amended as follows, with consequential amendments to the explanation:

By June 2025, As soon as reasonably practicable and by no later than 4 August 2028, district and regional plans shall...

Partnership with mana whenua/tangata whenua

252. I note that Method 32 already specifies that the identification and protection of sites of significance for indigenous biodiversity is to be carried out by partnering with mana whenua/tangata whenua and engaging with stakeholders, landowners, and the community. Partnership with both tangata whenua and landowners in assessing areas that qualify as SNAs is also specifically required by NPS-IB Clause 3.8 and I recommend an amendment to reference this in Policy 23.

Other

253. The NPS-IB Clause 3.8(4) is that “If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment.” This does not require the regional council to fund and undertake the

assessment on its own, but I would expect that the way in which the Council works with a district or city council would need to be negotiated on a case-by-case basis and I do not consider that the RPS should include such specification. I also note that Method 21 refers to the regional council liaising with territorial authorities to agree on a programme of works to identify ecosystems and habitats with significant indigenous biodiversity values where this is necessary.

254. In response to Mr Anker, I note that RMA section 6(e) requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for as a matter of national importance. RPS Method 32 and NPS-IB Clause 3.8 are both clear that identification and protection of significant values must be done in partnership and engagement with mana whenua/tangata whenua, stakeholders, landowners, and the community. Significant sites need to be mapped and their values described. It is unclear what amendments Mr Anker is seeking to Policy 23 and accordingly I do not recommend any amendments to Policy 23.

Giving effect to the NPS-IB through Change 1

255. As discussed above and in more detail in Appendix 3, the NPS-IB provisions relating to the identification of SNAs are central to the NPS-IB and the NPS-IB sets out detailed principles, criteria and procedural steps to notify maps of SNAs in district plans. In terms of Change 1 giving effect to these provisions, the key considerations are:

- The date to identify SNAs in district plans – as discussed above, I recommend that this is amended to align with the NPS-IB by stating that this must be done as soon as practicable, and no later than 4 August 2028.
- Whether Policy 23 needs to be amended to include or refer to the principles and criteria in the NPS-IB for identifying SNAs in district plans.

256. The criteria in Policy 23 are broadly consistent with the four criteria in Appendix 1 of the NPS-IB to identify SNAs, with the NPS-IB criteria being more specific in terms of assessment principles and attributes under each criterion. Appendix 1 of the NPS-IB will take precedence over the Policy 23 criteria in relation to the identification and mapping of indigenous biodiversity in the terrestrial environment (SNAs). However, Policy 23 also applies to other ecosystem types, providing direction to regional plans in relation to identifying ecosystems and habitats with significant indigenous biodiversity values in freshwater bodies and the coastal marine area.

257. Importantly, Clause 3.8 (assessing areas that qualify as SNAs) and Appendix 1 (criteria for identifying SNAs) of the NPS-IB sets out specific direction to territorial authorities and does not require changes to regional policy statements. As such, in my opinion, there is no need to include the specific principles and criteria for identifying SNAs in the RPS. Rather, my recommended approach is to amend Policy 23 to make it clear that district and regional plans must identify areas with significant indigenous biodiversity values using:

- a. The criteria and principles in the NPS-IB to identify SNAs in the terrestrial environment; and
- b. The Policy 23 criteria for all other environments, including the coastal marine area, the beds of lakes and rivers and wetlands.

258. These recommended amendments are shown below.

3.12.3 Section 32AA evaluation

259. In accordance with section 32AA, I consider that my recommended amendments to Policy 23 are the most appropriate as they are amendments to align with timeframes set out in the NPS-IB and also clarify that the NPS-IB criteria and principles are to be used to identify SNAs in the territorial environment. I therefore consider that the recommended amendments are the most efficient and effective way of achieving the desired outcome to identify significant indigenous biodiversity values in regional and district plans.

3.12.4 Recommendations

260. I recommend that Policy 23 be amended as follows:

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; ~~e~~Ecosystems and habitats will be considered significant if:

1. In the terrestrial environment, they meet the criteria in Appendix 1, and are identified in accordance with the principles in Clause 3.8, of the National Policy Statement for Indigenous Biodiversity 2023; and
2. In the coastal marine area, the beds of lakes and rivers, and wetlands, they meet one or more of the following criteria: ...

Explanation

Policy 23 sets out the criteria ~~as guidance~~ that must be met for an ~~considered in identifying~~ indigenous ecosystems ~~and-or~~ habitats to be considered to have with significant indigenous biodiversity values. This evaluation is to be completed and the ecosystems and habitats identified as having significant indigenous biodiversity values included in a district or regional plan as soon as reasonably practicable and by no later than 4 August 2028~~by 30 June 2025.~~

Wellington Regional Council, and district and city councils are required to assess indigenous ecosystems and habitats against all the criteria but the relevance of each will depend on the individual cases. To be classed as having significant biodiversity values, an indigenous ecosystem or habitat must meet ~~fit~~ one or more of the listed criteria in Policy 23(1) or (2). Wellington Regional Council and district and city councils will need to

engage directly with landowners and work collaboratively with them to identify areas, undertake field evaluation, and assess significance. In the terrestrial environment, significance assessments must be undertaken in accordance with the principles in Clause 3.6 of the National Policy Statement for Indigenous Biodiversity 2023. Policy 23 will ensure that significant biodiversity values are identified in district and regional plans in a consistent way.

Indigenous ecosystems and habitats can have additional values of significance to mana whenua / tangata whenua. There are a number of indigenous ecosystems and habitats across the region that are significant to tangata whenua for their ecological characteristics. These ecosystems will be considered for significance under this policy if they still exhibit the ecosystem functions which are considered significant by mana whenua / tangata whenua. Access and use of any identified areas would be subject to landowner agreement. Wellington Regional Council and district and city councils will need to partner ~~engage directly~~ with mana whenua / tangata whenua and work collaboratively with ~~them and other~~ stakeholders, including landowners, to identify areas under this criterion.

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 the coastal marine area, ~~and~~ the beds of lakes and rivers, and wetlands.

261. Accordingly, I recommend that submissions in relation to Policy 23 are accepted, accepted in part, or rejected as detailed in **Appendix 2**.

3.13 Issue 10: Policy 24 and Appendix 1A (JeromeWyeth)

262. Policy 24 as notified in Change 1 is as follows:

Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

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 by 30 June 2025.

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:

(a) not provide for biodiversity offsetting:

(i) where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or

- (ii) 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;
- (b) 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;
- (c) ecosystems and species known to meet any of the criteria in (a) or (b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation);
- (d) 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.

263. Change 1 introduced Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation) which is referred to in Policy 24(c) above. Appendix 1A includes Table 17 which contains a list of ecosystems and species that are to be assessed when applying the “limits to the use of biodiversity offsetting and compensation”¹⁷.

3.13.1 Matters raised by submitters

264. Submissions received on Policy 24 and Appendix 1A are wide ranging and request a range of amendments and relief. The matters raised in submissions have therefore been grouped under the following sub-issues:

- a. Submissions in support
- b. Timeframe to implement Policy 24
- c. Biodiversity offsetting and compensation
- d. Appendix 1A
- e. Achieving at least 10 percent biodiversity gain or benefit from biodiversity offsetting and compensation
- f. Pathways/exemptions for infrastructure and other activities.

Submissions in support

265. The DGC [S32.019] supports the amendments to Policy 24 and considers that these are generally appropriate. The DGC requests that the amendments are retained as notified, subject to any amendments that may be required to give effect to the NPS-IB if this is gazetted prior to decisions on submissions. Fulton Hogan [S114.002], Peter Thompson [S123.015], and Sustainable Wairarapa [S144.020] support the amendments to Policy 24 and request that these be retained as notified. Peter Thompson and Sustainable Wairarapa consider that the timeframe is useful as the work to identify and protect significant indigenous biodiversity values should have been completed years ago.

¹⁷ These “limits” are the principles referred to in Appendix 3 and 4 of the NPS-IB and Appendix 6 and 7 of the NPS-FM as to when biodiversity offsetting and compensation or aquatic offsetting and compensation are not appropriate.

266. GWRC [S137.018, S137.019, and S137.020] requests several amendments to the notified amendments to Policy 24 to improve clarity and readability. The requested amendments from GWRC are to:

- a. Move the implementation date to the start of the policy.
- b. Delete clause (c) and move this statement to the end of Policy 24 as new clause (da) to state "Ecosystems and species known to meet any of the criteria in (a) or (b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation)".
- c. Add the following statement to the explanation "Policy 47 determines which activities are 'inappropriate', being those that may adversely affect certain key ecological characteristics of an area".

Timeframe to give effect to Policy 24

267. Forest and Bird [S165.057] supports the amendments to Policy 24 but considers that any delay to identifying and protecting significant indigenous biodiversity values should be as short as possible. Forest and Bird requests the following amendments to Policy 24 to provide for this relief "As soon as possible, and in any event no later than by 30 June 2025".

268. The other submitters on the timeframe in Policy 24 are primarily territorial authorities who oppose this amendment. For example, WCC [S140.049] requests that the deadline of 30 June 2025 to implement Policy 24 be deleted. KCDC [S16.067] supports the amendments to Policy 24 to provide useful direction on how to consider biodiversity offsetting and compensation but opposes the 'arbitrary deadline' of 30 June 2025 to implement Policy 24 and requests that this be deleted. KCDC also requests that Policy 24 is amended to only apply to resource consent processes.

269. PCC [S30.048] supports Policy 24 being timebound in principle, noting that the policy direction to identify significant indigenous biodiversity values has already been given effect to through the Porirua Proposed District Plan. However, PCC is concerned that Policy 24 requires a first principles approach to SNA identification and protection that will be challenging for any local authority in the region to practically give effect to. To address this concern, PCC requests that:

- a. The timeframe is removed; or
- b. The timeframe is amended to align with the NPS-IB; or
- c. Policy 24 is amended to enable local authorities that have mapped and protected SNAs in their district plan to give effect to the policy through the next full review of their district plan.

270. CDC [S25.028] and HCC [S115.048] oppose the timeframe in Policy 24 and request that this is deleted. Alternatively, HCC request that the timeframe is amended to be five years after Change 1 becomes operative on the basis that this is more aligned with the SNA mapping timeframes in the NPS-IB exposure draft.

Biodiversity offsetting and compensation

271. Ngāti Toa [S170.035] supports clause (a) in Policy 24 to not allow biodiversity offsetting when the species or ecosystems are threatened or the ecosystem is uncommon.
272. Taranaki Whānui [S167.088] is concerned that adding a pathway for biodiversity offsetting and compensation will inherently create a pathway for further adverse impacts on indigenous biodiversity. Taranaki Whānui requests that mana whenua be involved as a partner in the development, management, and monitoring of Policy 24. This submission is opposed by Meridian [FS26.037] who requests that any submission seeking to delete biodiversity offsetting and compensation as options in the RPS effects management hierarchy for significant biodiversity values is disallowed.
273. Forest and Bird [S165.057] raises a number of issues with the amendments in Policy 24 relating to biodiversity offsetting and compensation. The issues and requested relief from Forest and Bird include:
- a. Request that the limit for biodiversity offsetting in Policy 24(a)(i) relating to technical feasibility of options equally applies to biodiversity compensation. Forest and Bird consider that there must be sufficient certainty that the techniques and methods proposed though biodiversity compensation will achieve the claimed indigenous biodiversity benefits, even where those benefits are not technically a biodiversity offset.
 - b. Request that the full set of biodiversity offsetting and compensation principles from the NPS-IB exposure draft are included in Policy 24 or elsewhere in the RPS. This requested relief also applies to Policy 47 which only refers to the principles relating to limits and net gain.
 - c. Concern that Policy 24(c) could be misinterpreted as indicating that the ecosystems and species identified in Appendix 1A are the only circumstances where the limits to biodiversity offsetting and compensation apply. Forest and Bird requests that Policy 24 is amended to make it clear that the list in Appendix 1A is not exhaustive and that limits need to be applied for any species or ecosystems that meet the criteria.
 - d. Forest and Bird also request that the explanation to Policy 24 is amended as appropriate based on these requested amendments.
274. Rāngitane [S168.075] also notes that there are other principles in NPS-IB exposure draft relating to offsetting and compensation which would be useful to reference in Change 1. Rāngitane requests amendments to ensure the policy wording and proposed definitions relating to offsetting and compensation adopt a consistent approach with the NPS-IB, including with respect to the 10% net gain and benefit in Policy 24(d).
275. Rāngitane [S168.073-074] supports the intent of the amendments to Policy 24, including the addition of a timeframe to implement it. However, Rāngitane considers that a number of amendments are required to ensure that Policy 24 achieves its intent and is

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better aligned with the NPS-IB exposure draft. Key points raised in their submission include:

- a. The use of the term 'enable' is inappropriate in this context.
- b. The wording of Policy 24 should accurately reflect the role of offsetting and compensation in the effects management hierarchy (i.e. after steps to avoid, minimise and remedy adverse effects have been applied).
- c. The wording of Policy 24 does not accurately reflect the NPS-IB exposure draft principles relating to limits to biodiversity offsetting and compensation.

276. To address these concerns, Rāngitane requests amendments to Policy 24 and Appendix 1A to be consistent with and give effect to the NPS-IB in respect of the limits to biodiversity offsetting and compensation.

277. Te Tumu Paeroa [S102.056] generally supports the amendments to Policy 24 but considers that the policy should be amended to state biodiversity offsetting should not be provided for "*where it is not appropriate*". Te Tumu Paeroa considers that this amendment will provide greater clarity as there will likely be instances where biodiversity offsetting is possible but not appropriate, particularly for whenua Māori.

278. Ātiawa [S131.072] raises similar concerns that biodiversity offsetting and compensation will be inappropriate when this affects ecosystems or habitats containing mana whenua values (including spiritual, historical or cultural significance to mana whenua). Ātiawa requests an amendment to Policy 24 to include an additional limit to not provide for biodiversity offsetting or compensation when "*the ecosystem or habitat contains mana whenua values (including spiritual, historical or cultural significance to mana whenua)*".

279. Meridian [S100.016] raises a number of concerns with the amendments to Policy 24 and Appendix 1A. Meridian is concerned that:

- a. The reasons for including some ecosystems and species in Appendix 1A is not clear.
- b. The proposed amendments are not supported by a robust section 32 evaluation report, particularly in terms of the requirement in clause (d) of Policy 24 to achieve a 10 percent gain or benefit in indigenous biodiversity.
- c. The amendments are inconsistent with the recently settled provisions in the NRP and will undo/undermine this valuable work.

280. To address these concerns, Meridian requests that clause (c) and clause (d) in Policy 24 be deleted.

281. WIAL [S148.041] also opposes the amendments to Policy 24 and requests that these are deleted. WIAL considers that setting out limits and constraints on the use of biodiversity offsetting and compensation in Policy 24 is inappropriate as the proposed criteria are limiting and are written as hard limits. WIAL is concerned that these limits will

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likely foreclose the option of biodiversity offsetting and/or compensation in the effects management response, even where this may result in beneficial biodiversity outcomes in the region. WIAL also raises concerns that the limits in Policy 24 are inconsistent with section 104(1)(b) of the RMA and the relevant principles in the NPS-IB exposure draft. WIAL considers that the NPS-IB exposure draft limits are far more balanced and likely to give rise to good environmental outcomes through biodiversity offsetting, while avoiding the loss of important or irreplaceable biodiversity.

282. CDC [S25.028] is concerned that the breadth of ecosystems and species included in Appendix 1A combined with Policy 24 will effectively provide no opportunities for biodiversity offsetting or compensation across many parts of the region. CDC requests that the amendments to Policy 24 be deleted and the operative RPS version of Policy 24 be retained.

283. Winstone Aggregates raises numerous concerns with the amendments to Policy 24 and requests that these be deleted. Concerns raised by Winstone Aggregates include:

- a. It is unclear how the limits interact with the identification of significant indigenous biodiversity values in Policy 23, i.e. whether the ecosystems and species in Appendix 1A were identified in accordance with Policy 23, or are additional to those criteria.
- b. The basis for limiting the use of biodiversity offsetting and compensation is unclear and there is no national direction requiring these limits.
- c. The language used in Policy 24 and the proposed method “not appropriate” “knowledge,” “proven methods,” species “known” is uncertain and introduces a subjective standard into a complex area which is inappropriate.
- d. Implementation of Policy 24 at a district level will result in provisions that will arguably prevent reasonable use of private land.
- e. The list of species and ecosystems in Appendix 1A will limit the use of offsetting and compensation in an enormous area of the region and has the potential to effectively halt any large-scale (and a lot of small-scale) development entirely.
- f. Taking a blanket ‘species based’ approach to apply limits to offsetting and compensation is entirely inappropriate.

284. WFF [S163.059] also opposes the amendments to Policy 24 and requests that these be deleted. Similar to Meridian, WFF notes that these matters have been the subject of recent mediated agreements through appeals on the NRP and is concerned that these are now being relitigated through Change 1. WFF is also concerned that the limits to biodiversity offsetting and compensation in Policy 24 are more ambitious and precautionary than the NPS-IB exposure draft and will result in an almost blanket prohibition on offsetting and compensation in the region.

285. UHCC [S34.075] fundamentally disagrees with amending Policy 24 (and other indigenous ecosystem provisions in Change 1) in advance of the NPS-IB being gazetted,

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while noting that the intent of the provisions could be useful. UHCC requests that the amendments to Policy 24 are withdrawn and that this policy is reviewed once the NPS-IB is gazetted.

Appendix 1A

286. Peter Thompson [S123.022], Sustainable Wairarapa Inc [S144.035] and Rangitāne o Wairarapa [S168.082] support Appendix 1A and request that it be retained as notified.
287. Ātiawa [S131.0159] supports the list of ecosystems and species in Table 17 in Appendix 1A, noting that they have an interest in ensuring that mana whenua values, including taonga (including taonga species) are protected from residual adverse effects of biodiversity offsetting and compensation.
288. The DGC [S32.037] supports Appendix 1A in part and considers that Table 17 is an appropriate reflection of the status of the listed ecosystems and species and that this table is useful for implementation of Policy 24. However, the DGC notes that there are ongoing changes to the status of indigenous ecosystems and species and Table 17 needs to reflect the most up-to-date information. The DGC therefore requests that Table 17 is retained but updated prior to decisions on Change 1 to ensure it is as up to date as possible or to add generic reference to threat classifications. Forest and Bird [S165.0148] also supports Appendix 1A but requests a similar amendment to make it clear that Appendix 1A is not fixed in time, to recognise that the threat status of species and ecosystems change over time, and to use the most up to date information when applying limits to biodiversity offsetting and compensation.
289. Rāngitane [S168.076] supports the inclusion of ecosystems and species that meet the relevant criteria in Appendix 1A, while also emphasising that this list is not an exhaustive list and additional ecosystems or species may need to be included.
290. Meridian [S100.027] opposes Appendix 1A on the basis the justification for including some species and ecosystems is unclear and requests that Appendix 1A be deleted. WIAL [S148.043] also opposes Appendix 1A on the basis the list of species and ecosystems in Table 17 is too broad and requests that this be deleted. WIAL is concerned that this broad list, coupled with the limits to offsetting and compensation and associated policies, will mean that many projects involving biodiversity offsetting and/or compensation to achieve positive ecological outcomes will not be able to be considered.
291. Winstone Aggregates [S162.018] raises a number of concerns with Appendix 1A and requests that it be deleted. Key concerns raised by Winstone Aggregates include:
- a. It is inconsistent with the RMA, case law and the NPS-IB exposure draft.
 - b. Applying limits to offsetting based entirely on the presence of indigenous species is inappropriate.
 - c. The combined impact of Policy 24 and Appendix 1A is that biodiversity offsetting or compensation will not be able to be applied in the most common

situations where they are most likely to be required, leaving no pathway for quarrying in these circumstances.

292. HCC [S115.0117] opposes Appendix 1A on the basis this could conflict with the NPS-IB once gazetted. HCC requests that all indigenous ecosystem provisions in Change 1 (including Appendix 1A) be deleted and reconsidered once the NPS-IB is gazetted.

10% biodiversity gain or benefit

293. Forest and Bird [S165.057] opposes the 'at least 10% biodiversity gain or benefit' requirement in Policy 24(d). Forest and Bird are concerned that reference to a net biodiversity benefit adds a new concept that is unnecessary and adds complexity. Forest and Bird also consider that the reference to a 10% gain or benefit in indigenous biodiversity is inappropriate as it is arbitrary and meaningless, especially in the context of compensation. They also note that the 10% gain or benefit will require some form of calculation of losses and gains and assumes there is adequate information about the species or ecosystem, which will not always be available.
294. SWDC [S79.035] supports more clarity on the use of biodiversity offsetting and compensation but is concerned with the requirement to achieve a 'minimum' of 10% net gain or indigenous biodiversity benefit. SWDC questions whether this meets the requirements of section 108AA of the RMA.
295. Powerco [S134.011] is also concerned with the requirement for a minimum 10% net biodiversity gain or benefit. Powerco is concerned that this requirement is not clear, is not adequately justified in the section 32 evaluation report, and is more onerous than the NPS-IB exposure draft and NRP provisions relating to no net loss. Powerco requests that Policy 24(d) is amended to achieve no net loss in indigenous biodiversity consistent with the NRP.
296. Meridian [S100.016] raises similar concerns with the requirement in Policy 24(d) for a minimum 10% net gain or benefit in indigenous biodiversity. Meridian is concerned that this is inconsistent with the NPS-IB exposure draft which signalled a 'net gain' approach but did not specify a minimum level of gain to be achieved. Meridian also notes that this is inconsistent with the NRP where 'no net loss' was the agreed outcome following mediation. In the absence of a gazetted NPS-IB, Meridian requests that clause (d) is deleted or alternatively replaced with a requirement to achieve "at least no net loss and preferably a net gain".
297. Ngāti Toa [S170.080] raises concerns that the rationale for "at least 10 percent" net gain or biodiversity benefit is unclear and that it is unclear how this will be calculated, given most indigenous species and ecosystems in the region are threatened. Ngāti Toa seeks to ensure biodiversity compensation is adequate to protect what needs to be protected.

Appropriate pathways/exemptions for regionally significant infrastructure and mineral extraction

298. WWL [S113.006] is concerned that the provisions for indigenous biodiversity do not create appropriate planning pathways to allow for the benefits of regionally significant infrastructure. WWL considers that the 'protect' direction in Policy 24 is a very strong term and that they will struggle to achieve this in many locations, therefore the provisions need to be nuanced to allow for the benefits of regionally significant infrastructure. WWL requests that provision for delivering regionally significant infrastructure and its benefits be made through Change 1 by either:

- a. Deleting the indigenous ecosystems provisions in Change 1; or
- b. Updating the relevant Change 1 provisions to reflect the final gazetted version of the NPS-IB; or
- c. Reflecting the provisions for specified infrastructure and associated benefits in the NPS-IB exposure draft through Change 1.

299. WIAL [S148.006] is concerned that the indigenous biodiversity provisions in Change 1, particularly Policy 24 and Appendix 1A, will unduly constrain development within the Airport environs, including projects which may be necessary to adapt to the ongoing effects of climate change (e.g sea level rise and associated protection). WIAL requests clear provisions in Change 1 which recognise the significant benefits of existing regionally significant infrastructure and provisions which enable its protection and adaption.

300. Transpower [S10.002] is concerned that the amendments to Policy 24 are overly broad in their application and potentially impractical to implement in practice. Transpower is concerned that:

- a. The amendments to Policy 24 do not recognise that some infrastructure has a functional or operational need to be constructed or operated in certain locations. This means that biodiversity offsetting or biodiversity compensation is required in some circumstances to address unavoidable adverse effects.
- b. Appendix 1A is very extensive in terms of the ecosystems and species it applies to.

301. To address these concerns, Transpower requests that Policy 24 is amended to recognise that regionally significant infrastructure may have a functional or operational need to locate in a particular location. The specific amendments sought by Transpower is a qualifying statement added to Policy 24 as follows: "This does not apply to nationally and regionally significant infrastructure that has a functional or operational need to locate in a particular location. In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on ecosystems or habitats with significant indigenous biodiversity values."

302. Winstone Aggregates [S162.005] raises concerns that Change 1 does not refer to the exceptions for mineral extraction in Clause 3.11 of the NPS-IB exposure draft and requests a new objective, policy and methods to provide for these exceptions.

3.13.2 Analysis

303. Policy 24 is a key policy in terms of meeting obligations under section 6(c) of the RMA and also in terms of giving effect to higher order direction relating to the protection of significant indigenous biodiversity values. The proposed amendments to Policy 24 through Change 1 focused on timeframes for implementation and providing direction on the use of biodiversity offsetting and compensation. However, submitters have raised broader issues with Policy 24, particularly in terms of how it interacts with effects management hierarchies in higher order instruments. As such, my analysis of submissions of Policy 24 has been grouped into the following key issues:

- a. Timeframe to give effect to Policy 24
- b. Giving effect to the NPS-IB and relevant effects management hierarchies
- c. Pathways/exceptions for infrastructure and mineral extraction
- d. Principles for biodiversity offsetting and compensation:
 - i. When biodiversity offsetting and compensation is not appropriate (including Appendix 1A)
 - ii. Achieving a 10% net gain or benefits in indigenous biodiversity.

Timeframe to give effect to Policy 24

304. As discussed above, Ms Guest recommends that the timeframe in Policy 23 to identify and include areas with significant indigenous biodiversity values in regional and district plans be amended to align with the NPS-IB timeframe for SNA mapping (by August 2028). I consider that the same reasoning applies to the timeframe in Policy 24, noting the direction in Clause 4.1(1) of the NPS-IB for local authorities to give effect to the NPS-IB "*as soon as reasonably practicable*". I therefore recommended that the chapeau of Policy 24 is amended to state that regional and district plans must give effect to the policy "*as soon as reasonably practicable and by no later than 4 August 2028*".

Giving effect to the NPS-IB and the effects management hierarchy

305. A key issue that has been raised in submissions is if and how Policy 24 should better align with, and give effect to, the relevant effects management hierarches in higher order documents. This relationship is unclear in the notified version of Policy 24 in my view and is likely to result in uncertainties and implementation issues if not resolved in Change 1.

306. The NPS-IB sets out detailed implementation requirements relating to the protection of SNAs in Policy 7, Clauses 3.10 and 3.11, Appendix 3 and 4, and associated definitions. These provisions include specific direction to avoid certain adverse effects on SNAs, to apply the 'effects management hierarchy' in certain circumstances, and also provide specific exemptions/pathways for certain activities recognised as being important for

economic, social, cultural and environmental well-being. Clauses 3.10 and 3.11 of the NPS-IB (and associated appendices and definitions) are intrinsically linked and need to be read and implemented together to achieve the objective and relevant policies in the NPS-IB. Both clauses are highly directive and leave limited/no scope for change or regional context when these provisions are given effect to in a RPS or district plan. Similarly, Policy 11 of the NZCPS sets out specific direction to avoid adverse effects or avoid significant adverse effects on indigenous biodiversity values in the coastal environment, and Clauses 3.22 (Natural inland wetlands) and 3.24 (Rivers) of the NPS-FM both set out a detailed effects management hierarchy and exceptions in relation to the extent and values of natural inland wetlands and rivers (as was discussed in some detail in Hearing Stream 5).

307. The key question then is how to best give effect to these directive effects management hierarchies for significant biodiversity values through Policy 24 and within the scope of Change 1. I consider that there are three main options to achieve this that each have benefits and risks that cannot be easily resolved in my opinion:

- a. **Option 1** – Make minor amendments to Policy 24 to clarify that regional and district plans must include provisions to protect significant biodiversity values, **including by** applying the relevant effects management provisions for significant natural areas in the terrestrial environment in the NPS-IB, Policy 11 of the NZCPS, and new RPS policies 18A and 18B for natural inland wetlands and rivers that I understand are being recommended by Ms Paskell though her reply evidence for Hearing Stream 5. This is a simplified approach, in that it doesn't replicate the details of these other documents and provisions, therefore reducing duplication and providing a more "future-proofed" approach, recognising the uncertain national policy context discussed above. However, this option also has limitations in that it does not insert the specific detail of these provisions into the RPS, meaning that RPS users will need to refer directly back to NPS-IB, NPS-FM and NZCPS, and is therefore arguably less efficient and effective at giving effect to these higher order documents.
- b. **Option 2** – Add a new policy specific to SNAs in the terrestrial environment that repeats the detailed implementation requirements in the NPS-IB relating to managing adverse effects on SNAs outlined above. This has some benefits in reducing the scale of the amendments proposed to Change 1 but would result in an inconsistent approach in giving effect to relevant national direction relating for the protection of significant biodiversity values. Incorporating Clause 3.10 and Clause 3.11 into the RPS through Change 1 is also a complex task as there are a number of interrelated clauses, appendices and definitions in the NPS-IB that would need to be carefully considered.
- c. **Option 3** – As per Option 2, but with more comprehensive amendments to Policy 24 to also include the effects management hierarchies in Policy 11 of the NZCPS, noting that Ms Paskell is recommending separate policies to give effect to Clause 3.22 and Clause 3.24 in the NPS-FM. This approach would provide a more comprehensive and effective approach to implement the relevant effects

management hierarchies. However, it would also require significant amendments through Change 1 to duplicate these higher order provisions and also has a high risk of becoming quickly outdated for the reasons outlined above.

308. On balance, I recommend Option 1 on the basis that this the most efficient and effective approach to take in the context of Policy 24. However, I acknowledge that this is a wider issue for Change 1, in terms of how highly directive provisions in national policy statements are best given effect to through the RPS, noting in particular the recommendations from Ms Pascall through Hearing Stream 5. As such, I consider that there may be benefit in some reconsideration of this issue across all relevant topics in Hearing Stream 7 to ensure an integrated and consistent approach.

Pathways for infrastructure (including renewable electricity generation) and mineral extraction

309. A number of submitters, including Meridian, Transpower, WIAL, Winstone Aggregates, and WWL, have raised concerns that the amendments to Policy 24 are overly restrictive for development in the region, particularly for activities that are locationally constrained, such as regionally significant infrastructure and mineral extraction. Some of these submitters seek specific amendments to ensure there is a pathway for these activities in areas with significant indigenous biodiversity values, including those pathways provided for specified infrastructure and mineral extraction in the NPS-IB exposure draft.

310. As discussed above, the NPS-IB sets out specific exceptions for certain activities to the 'avoid adverse effects' direction in Clause 3.10(2), subject to these activities meeting certain tests/requirements¹⁸. These exceptions are intended to provide pathways for activities recognised as being important for New Zealand's economic, social, cultural and environmental well-being, including 'specified infrastructure' and mineral extraction that may need to be in locations with unavoidable adverse effects on significant indigenous biodiversity values.

311. My recommended approach to give effect to the relevant effects management hierarchy for significant biodiversity values in the terrestrial environment in the NPS-IB through Policy 24 is to specifically cross-reference (rather than replicate) these provisions. This is intended to capture the full set of provisions relating to the protection of significant biodiversity areas in the terrestrial environment, including the specific pathways/exceptions in Clause 3.11 of the NPS-IB for certain activities. This will ensure that there is an appropriate consenting pathway for specified infrastructure and aggregate extraction in relation to significant indigenous biodiversity values in the terrestrial environment (while also protecting these values as far as practicable)

¹⁸ These tests vary to a minor extent but include applying the effects management hierarchy, demonstrating that the activity will have national or regional public benefits, there is an operational need or functional need to be at the location, and there is no practicable alternative location for the activity.

consistent with that provided for in the NPS-IB. This responds to the issues raised and relief sought by Meridian, Transpower, WIAL, Winstone Aggregates and WWL in part.

312. Another complicating factor is the 'carve out' in Clause 1.3 of the NPS-IB that states that nothing in the NPS-IB applies to renewable electricity generation and transmission activities. The intent of this carve-out¹⁹ was to not pre-empt the proposed amendments to the NPS-REG and NPS-ET which were being consulted on by the Government when the NPS-IB came into effect. Those proposed amendments include a specific pathway and effects management hierarchy for renewable electricity generation and electricity transmission activities in relation to 'areas with significant environmental values' (including SNAs) that differs from, and is more enabling than, the provisions in the NPS-IB. These proposed amendments are intended to help enable the significant increase in renewable electricity generation and transmission capacity that is needed to meet New Zealand's emission reduction targets.
313. The proposed amendments to the NPS-REG and NPS-ET have not yet been gazetted but the new Government has signalled that these amendments will be progressed as a priority. The question then is if, and how, Policy 24 should be amended to recognise this carve out in the NPS-IB for renewable electricity generation and transmission. In this complex and changing national policy context, I note that the Government is proposing that the pathways for renewable electricity generation and electricity transmission in the proposed NPS-REG and proposed NPS-ET are required to be directly inserted into RPSs and plans under section 55(2A) without using Schedule 1 – an approach I support for the reasons outlined above²⁰. Given this proposal and the clear signal from the Government that these amendments will be progressed as a priority, I do not recommend any specific amendments to Policy 24 in relation to renewable electricity generation and electricity transmission and the 'carve-out' in Clause 1.3 of the NPS-IB. However, I would welcome views from submitters on a more effective approach to address this national policy gap and timing issue, particularly from Meridian and Transpower who have a strong interest in this matter.

Principles for biodiversity offsetting and biodiversity compensation

314. A number of submitters raised issues with the proposed amendments in Policy 24 relating to biodiversity offsetting and compensation, in terms of how these interact with the NPS-IB effects management hierarchy and principles relating to biodiversity offsetting

¹⁹ The rationale for the NPS-IB carve out is explained in more detail in the recommendations report for the NPS-IB. Refer [Draft NPSIB recommendations report \(environment.govt.nz\)](https://www.environment.govt.nz/draft-npsib-recommendations-report) page.98

²⁰ Refer Clause 3.6 in the proposed NPS-REG and Clause 3.8 in the proposed NPS-ET: [Proposed National Policy Statement for Renewable Electricity Generation \[2023\] \(mbie.govt.nz\)](https://www.mbie.govt.nz/proposed-national-policy-statement-for-renewable-electricity-generation-2023) and [Proposed National Policy Statement for Electricity Transmission \[2023\] \(mbie.govt.nz\)](https://www.mbie.govt.nz/proposed-national-policy-statement-for-electricity-transmission-2023)

and compensation. To respond to these issues, further technical advice on biodiversity offsetting and compensation has been provided by Dr Fleur Maseyk²¹.

315. Based on the advice of Dr Maseyk and the analysis of submissions, I recommend that the direction in Policy 24 relating to biodiversity offsetting and compensation be retained but moved into a new Policy 24A which:

- a. Clarifies that biodiversity offsetting and compensation can only be applied as part of an effects management hierarchy (i.e., after steps to avoid, minimise and remedy adverse effects have first been sequentially applied).
- b. Requires the full suite of principles for biodiversity offsetting and compensation in the NPS-IB and NPS-FM to be complied with as relevant.
- c. Provides more specific direction on the following principles for biodiversity offsetting and compensation, in a manner consistent with the NPS-IB and NPS-FM:
 - i. When biodiversity offsetting or compensation is not appropriate (i.e. the limits to offsetting and compensation).
 - ii. Achieving a net gain in indigenous biodiversity or greater positive effects.

316. I consider that there is scope to recommend this new Policy 24A as the intent of Change 1 is retained and this responds to a number of submissions (including Forest and Bird and mana whenua/tangata whenua submitters).

When biodiversity offsetting and compensation is not appropriate

317. A number of submitters questioned the rationale for applying “limits” to biodiversity offsetting and biodiversity compensation in Policy 24 and Appendix 1A. In response, I note that this principle is included in both the NPS-IB and NPS-FM in terms of “*when biodiversity offsetting is not appropriate*” and “*when biodiversity compensation is not appropriate*” respectively. It is also one of the ten internationally accepted principles of biodiversity offsetting recognised by the Business and Biodiversity Offset Programme²². I also note that similar sets of limits for biodiversity offsetting and biodiversity compensation are included in the NRP in Schedules G2 and G3.

318. The limits proposed in Policy 24 and Appendix 1A are explained in the supporting GWRC technical report referenced in the Section 32 Report for Change 1 “*Limits to offsetting – Thresholds of concern for biodiversity*” and the technical evidence of Dr Crisp

²¹ The technical evidence of Ms Fleur Jennifer Foster Maseyk on behalf of Greater Wellington dated 5 December 2023: Biodiversity Offsetting and Biodiversity Compensation.

²² Business and Biodiversity Offsets Programme (2018). The BBOP principles on biodiversity offsets, https://www.forest-trends.org/wp-content/uploads/2018/10/The-BBOP-Principles_20181023.pdf

on behalf of GWRC “RPS Change 1: Appendix 1A: “Limits to biodiversity offsetting and biodiversity compensation”²³.

319. Both the NPS-FM and NPS-IB require that if biodiversity (or aquatic) offsetting or compensation are proposed, the applicant must comply with principles set out in each NPS²⁴ which set out “when offsetting and compensation” are not appropriate including when:

- a. The indigenous biodiversity affected irreplaceable or vulnerable²⁵; and
- b. There are no technically feasible options to secure gains/benefits within an acceptable timeframe.

320. On this basis, I consider that it is entirely appropriate for Policy 24 and Appendix 1A to provide greater clarity on when biodiversity offsetting and biodiversity are not appropriate in the Wellington Region, providing a regional interpretation consistent with these principles.

321. 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. The technical evidence of Dr Crisp states that the use of “threatened ecosystems or species or *naturally uncommon* ecosystems” to represent irreplaceable or vulnerable indigenous biodiversity is consistent in meaning and intent with the NPS-IB principle and definitions. This evidence from Dr Crisp also explains that Appendix 1A of Change 1 of the RPS was developed by collating information about naturally uncommon ecosystems and threatened species and ecosystems in the Wellington Region, including from the New Zealand Threat Classification Lists published by the Department of Conservation.

322. Appendix 1A also lists ecosystems and species where there is no appropriate methodology available for offsetting, which is aligned with the NPS-IB and NPS-FM principle that biodiversity offsetting and compensation are not appropriate because there are no technically feasible options to secure gains within acceptable timeframes. This is

²³ The technical evidence of Dr Philippa Crisp on behalf of Greater Wellington dated 5 December 2023: Appendix 1A: Limits to biodiversity offsetting and biodiversity compensation.

²⁴ Appendix 3 and 4 in the NPS-IB and Appendix 6 and 7 in the NPS-FM respectively.

²⁵ Appendix 6 of the NPS-IB defines **irreplaceability** as “measure of the uniqueness, replaceability and conservation value of biodiversity and the degree to which the biodiversity value of a given area adds to the value of an overall network of areas. It interacts with vulnerability, complexity and rarity to indicate the biodiversity value and level of risk for a given area” and **vulnerability** as “an estimate of the degree of threat of destruction or degradation that indigenous biodiversity faces from change, use or development. It is the degree to which an ecosystem, habitat or species is likely to be affected by, is susceptible to or able to adapt to harmful impacts or changes. It interacts with the irreplaceability, complexity and rarity to indicate the biodiversity value and level of risk for a given area”. I note that the Ministry for the Environment has indicated that guidance will be developed to further define indigenous biodiversity that is considered to be irreplaceable or vulnerable, but this has yet to occur.

explained in the technical evidence of Dr Crisp which states "*the list in Appendix 1A was developed by listing those ecosystems and species' whole populations that cannot be feasibly re-created and is consistent with the policy in the NPS-IB*". This list was developed by Greater Wellington ecological experts based on three criteria²⁶.

323. On this basis, I am satisfied that the list of ecosystems and species in Appendix 1A is consistent with the corresponding principles for when biodiversity (and aquatic) offsetting and compensation are not appropriate in the NPS-IB and NPS-FM. This makes it clear that biodiversity offsetting affecting the ecosystems and species in Appendix 1A is inappropriate unless a net gain can be achieved, which is explained further in the technical evidence from Dr Maseyk. In my opinion, providing a specific list of species and ecosystems in Appendix 1A that meet the offsetting and compensation principles is an effective approach to give effect to the NPS-IB and NPS-FM, by providing greater specificity on how these principles are to be applied in the Wellington Region.

324. The technical memo from Dr Crisp notes that the list of species and ecosystems in Appendix 1A needs to be updated over time, given the threat classification status of species and ecosystems change. Dr Crisp recommends a number of additions and deletions to Table 17 in Appendix 1A based on improved knowledge and information on certain species²⁷, which is consistent with the relief sought by Forest and Bird and the DGC.

325. In addition, I recommend a number of structural and wording changes to improve the clarity and therefore useability of Appendix 1A including:

- a. Amending the column headings to refer to the threat status of ecosystems and species and to identify where technically feasible options for offsetting for ecosystems and species are not available, rather than referring back to the Policy 24 criteria.
- b. Structuring the table by ecosystem and species type (wetland, marine, forest etc.)
- c. Amending the introductory text to Appendix 1A to reflect the amendments recommended to add Policy 24a (as shown in Appendix 1).²⁸

326. I therefore recommend that new Policy 24A is included in Change 1 and Appendix 1A is retained with the amendments recommended above.

Limits to offsetting and compensation when mana whenua values affected

²⁶ The criteria are: 1: Where ecosystems have developed through an irreplicable combination of factors, such as local geology, climate which cannot be re-created through human endeavour; 2: Where previous efforts to recreate ecosystems have failed, (e.g., for seagrass habitat re-creation); and 3: Where the time needed to replace a vulnerable ecosystem takes more than a human generation (e.g., old growth forests).

²⁷ For example, Dr Crisp has recommended removing banded dotterel from Table 17 as it has moved from nationally Threatened to nationally At Risk – Declining on the New Zealand Threat Classification List.

²⁸ Updated 18/12/23

327. A number of mana whenua/tangata whenua submitters raise concerns about the use of offsetting and compensation, particularly where this relates to indigenous biodiversity and sites of significance to mana whenua/tangata whenua. This includes Ātiawa who requests an additional limit to not provide for biodiversity offsetting or compensation when "the ecosystem or habitat contains mana whenua values (including spiritual, historical or cultural significance to mana whenua)".
328. I acknowledge the importance of carefully considering the use of biodiversity offsetting and compensation when this would affect indigenous biodiversity with mana whenua/tangata whenua values. I note that Appendix 1A includes a full list of threatened and naturally uncommon ecosystems and species in the Wellington Region (based on current knowledge), many of which I expect will be valued/of significance to mana whenua/tangata whenua.
329. I am also aware that the NRP includes Policy 48 and Policy 49 which outline how adverse effects on sites with significant mana whenua values are to be managed when these sites are listed in Schedule C of the NRP (Sites of significance to mana whenua). Policy 49 of the NRP allows for offsetting residual adverse effects on sites of significance to mana whenua in certain circumstances, with the key requirement being that mana whenua consider that this is appropriate in the particular circumstances.
330. However, I do not recommend that Policy 24 is amended through Change 1 to not allow for biodiversity offsetting or compensation when this would affect indigenous biodiversity that is of significant value for mana whenua/tangata whenua. Rather, in my view, it is more appropriate for the Council and territorial authorities to work in partnership with mana whenua/tangata whenua to determine when offsetting and compensation is not appropriate based on the nature of the proposal and the values of the indigenous biodiversity affected, and in a way that is consistent with the relevant principles in the NPS-IB and NPS-FM. This may result in additional ecosystems, habitats and species of significance to mana whenua/tangata whenua being added to Appendix 1A over time (including taonga species and ecosystems that are to be identified and protected under the NPS-IB). However, in my view, that is best considered as part of the future RPS change to give effect to the NPS-IB in full.
331. I also note that there are multiple provisions in Change 1, including the amendments to Policy 47 recommended by Ms Guest, to ensure mana whenua/tangata whenua values are appropriately considered and protected when biodiversity offsetting and compensation is proposed, and this would necessitate an appropriate level of engagement with relevant mana whenua/tangata whenua partners.

Achieving a gain or benefit for indigenous biodiversity

332. The other key change in notified Policy 24 relates to the principle of 'net-gain' or 'scale of biodiversity compensation' in the NPS-IB and 'no net loss and preferably a net gain' and 'scale of aquatic compensation' in the NPS-FM. The notified amendments to Policy 24 would require biodiversity offsetting to achieve a 10% net gain and compensation to

achieve a 10% benefit in biodiversity. The intent of this requirement was to give effect to the NPS-IB net gain principle, while providing a more specific target to help ensure positive biodiversity outcomes are achieved. This recognises the inherent risks associated with biodiversity offsetting and, in particular, biodiversity compensation and concern by Greater Wellington with the generally poor outcomes that have been achieved by their application to date, justifying a more precautionary approach.

333. The use of biodiversity offsetting and compensation is discussed in detail in the technical evidence of Dr Maseyk. This highlights the key differences in biodiversity offsetting and compensation and the inherent risks with the latter, and that policy direction on when either is inappropriate to address residual adverse effects is justified.

334. Dr Maseyk states that she considers a 10% net gain outcome from biodiversity offsetting is justifiable in the context of the poor state of biodiversity in the Wellington Region and the global biodiversity crisis and continued biodiversity declines from land use and development proposals. However, Dr Maseyk identifies a potential unintended outcome from a strict 10% net gain requirement for offsetting in that where this cannot be met, an applicant would move to the next step of the hierarchy (compensation), even if a net gain of less than 10% can be demonstrated from offsetting. This is a less preferable and riskier outcome for biodiversity for the reasons outlined above. Dr Maseyk also identifies a number of issues with a 10% net benefit calculation for compensation as, unlike offsetting, compensation often does not involve numeric calculations of losses and gains and she therefore considers that this policy approach is likely to create some confusion between the two concepts. On this basis Dr Maseyk recommends a number of amendments to Policy 24.

335. To address these potential risks and respond to submitter concerns about the 10 percent net gain or benefit in biodiversity in Policy 24(d), I recommend two key amendments consistent with the recommendations from Dr Maseyk:

- a. The requirement for a net gain for offsetting is amended to require "*at least a net gain and preferably a 10% or greater net gain*".
- b. The requirement for a net benefit for compensation is amended to require positive effects on indigenous biodiversity that outweigh the residual adverse effects, consistent with the NPS-IB and NPS-FM.

336. My recommended amendments to Policy 24 and the new Policy 24A are shown below.

3.13.3 Section 32AA evaluation

337. In accordance with section 32AA, I consider that my recommended amendments to Policy 24 and Appendix 1A and new Policy 24A are the most effect and effective approach to achieve the indigenous ecosystem objectives in Change 1. This is because:

- a. The recommended amendments will better give effect to section 6(c) of the RMA in a way that also enables specified activities to provide for the economic, social cultural, and environmental well-being of people and communities.
- b. The recommended amendments to Policy 24 clarify the relationship between Change 1 and relevant effects management hierarchies in higher order documents and also address some uncertainties in the notified amendments to Policy 24. This will improve clarity and certainty with associated efficiency benefits for all parties.
- c. The recommended amendments to Policy 24 ensure that Change 1 aligns with and gives added visibility to relevant effects management hierarchies and associated pathways/exceptions for certain activities in national direction, while not adding unnecessary detail that may quickly become outdated (and therefore require further amendments to the RPS). This is considered to be both an efficient and effective approach to give effect to these higher order instruments within the scope of Change 1.
- d. The recommended new Policy 24A and Appendix 1A give effect to the principles in the NPS-IB and NPS-FM relating to when offsetting and compensation is inappropriate and the outcomes to be achieved (net gain and greater positive effects for indigenous biodiversity) by clarifying how these principles are to be applied in the Wellington Region. I consider that this is an effective approach to give effect to these instruments and contribute to the Change 1 objectives to better protect, maintain and restore indigenous biodiversity.

3.13.4 Recommendations

338. I recommend the following amendments to Policy 24 and a new Policy 24A. The recommended amendments to Appendix 1A in Change 1 are also provided in Appendix 1 of this report.

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, ~~D~~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.

~~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:~~

- ~~(a) not provide for biodiversity offsetting: (i) where there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset; or (ii) when an activity is anticipated to cause 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;~~
- ~~(b) 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;~~
- ~~(c) ecosystems and species known to meet any of the criteria in (a) or (b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation);~~
- ~~(d) 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.~~

Explanation

Policy 24 applies to provisions in regional and district plans. ~~This requires the protection of significant indigenous biodiversity values in terrestrial, freshwater and coastal environments consistent with section 6(c) of the RMA. It also clarifies that the effects management provisions for significant indigenous biodiversity values in higher order national direction instruments need to be applied when giving effect to this policy in regional and district plans.~~

~~The policy provides clarity about the limits to, and expected outcomes from, biodiversity offsetting and biodiversity compensation for an ecosystem or habitat with significant indigenous biodiversity values. Ecosystems and species known to meet the criteria in clauses (a and b) are listed in Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation).~~

~~Calculating a 10 percent net biodiversity gain (offsetting) or a 10 percent net biodiversity benefit (compensation) employs the same or a similar calculation methodology used to determine 'no net loss or preferably net gain' under a standard offsetting approach. The distinction between 'net gain' and 'net benefit' is to recognise that the outcomes achievable through the use of offsetting and compensation are different. An offsetting 'net biodiversity gain' outcome is expected to achieve an objectively verifiable increase in biodiversity values while a compensation 'net biodiversity benefit' outcome is more subjective and less preferable.~~

...

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 further direction on where *biodiversity offsetting*, *aquatic offsetting*, *biodiversity compensation*, and *aquatic compensation* are not appropriate, in accordance with clauses (b) and (c)²⁹ 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)²⁹ 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 quantitative loss/ gain calculation 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.

Explanation:

Policy 24A recognises that the outcomes achievable through the use of biodiversity or aquatic offsetting and compensation are different. A 'net gain' outcome from offsetting is expected to achieve an objectively verifiable increase in the target values, while a compensation outcome is more subjective and less preferable. This policy applies to the

²⁹ Updated to correct references 18/12/23

use of biodiversity offsetting and biodiversity compensation to address the residual adverse effects on indigenous biodiversity in the terrestrial and coastal environments and aquatic offsetting and compensation to address the loss of extent or values of natural inland wetlands and rivers.

339. Accordingly, I recommend that submissions in relation to Policy 24 and Appendix 1A are accepted, accepted in part, or rejected as detailed in **Appendix 2**.

3.14 Issue 11: Policy 47 (Pamela Guest)

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

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:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- (b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
- (c) managing wetlands for the purpose of aquatic ecosystem health, recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- (e) providing seasonal or core habitat for indigenous species;
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;
- (g) ~~remediating or mitigating~~ minimising or remedying adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; ~~and~~
- (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats;
- (i) the limits for *biodiversity offsetting* and *biodiversity compensation* set out in Appendix 1A;
- (j) in situations where *biodiversity offsetting* or *biodiversity compensation* is provided for, ensuring that the outcome is at least a 10% net biodiversity gain (*biodiversity offsetting*) or a 10% net biodiversity benefit (*biodiversity compensation*).

3.14.1 Matters raised by submitters

Support/amend to align with NPS-IB

340. Peter Thompson [S123.018], WCC [S140.072], Sustainable Wairarapa Inc [S144.023], and Rangitāne [S168.077], supported by Sustainable Wairarapa Inc [FS31.187], support Policy 47 and request it be retained as notified.
341. Waka Kotahi [S129.023] opposed by Winstone Aggregates [FS27.029] supports Policy 47 in part and requests that it be aligned with the NPS-IB exposure draft. This is in addition to the general submissions outlined above under Issue 2 that request greater alignment with the NPS-IB once it is gazetted.

Mana whenua/tangata whenua values

342. Ātiawa [S131.095] supported by Ngā Hapū [FS29.365] supports Policy 47 but seeks amendments to recognise mana whenua values in the policy. Taranaki Whānui [S167.0113] supports Policy 47 in part and requests that a new clause be inserted to further promote protection of mana whenua values. Te Tumu Paeroa [S102.058] also supports Policy 47 in part but requests addition of a new clause to expressly state that Māori values are to be included as part of any assessment of biodiversity values.

Natural wetlands

343. Meridian [S100.021] supported by Wellington Water [FS19.029] opposes Policy 47 in part. Meridian considers that the focus of the RPS should be on 'natural' wetlands and requests amendments to clause (c) in Policy 47 to provide for this.

Buffer zones

344. A number of submitters associated with the Mangaroa peatland (49 in total) oppose Policy 47 in part, raising a range of concerns about the concept of buffering. These submitters request a clear definition of the concept of buffering, including all relevant factors and rules, as well as extensive community consultation, particularly where this relates to any potential SNA. Forest and Bird [FS7.003] opposes one of these submissions [S58.004], on the grounds that amendments to the buffering definition and rules are not within scope of Change 1.
345. Neo Leaf Global [S127.007] opposes Policy 47 in part, requesting that clause (b) is deleted as they consider that the entire concept of buffering has not been adequately defined and there has been no consultation with communities, including impacted infrastructure providers. In particular Neo Leaf Global is concerned that there is no definition as to the dimensions of any buffer zone, no definition as to what constitutes 'adequate', nor has there been any clear direction as to what activities within the buffer would be constrained.

Limits to offsetting and compensation

346. Forest and Bird [S165.074], opposed by WIAL [FS17.022], Winstone Aggregates [FS27.031], Meridian [FS26.060], and BLNZ [FS30.319], supports Policy 47 in part but considers that subclause (i), in setting a limit, is worded inappropriately and requests that “have regard to” is replaced by “give effect to”. Forest and Bird also requests that Policy 47 is amended to require that the full set of mandatory offsetting and compensation principles are give effect to.
347. Winstone Aggregates [S162.015], supported by Fulton Hogan Limited [FS11.020] and opposed by Ātiawa [FS20.283], supports Policy 47 in part, but opposes the changes to clause (i). WIAL [S148.042] supported by Winstone Aggregates [FS27.030] opposes Policy 47 in part as they are concerned that limits on offsetting and compensation introduced in Policy 24 are referenced in this provision and request that clause (i) is deleted. WFF [S163.073], supported by BLNZ [FS30.145] and opposed by Forest and Bird [FS7.116], Ātiawa [FS20.238] and Ngā Hapū [FS29.089], opposes Policy 47 as they are concerned that the limits on offsetting and compensation introduced in Policy 24 are referenced in this provision and request that Policy 47 be deleted.

Application of Policy 47

348. PCC [S30.0127], supported by Peka Peka Farms Limited [FS25.045] and supported in part by Meridian [FS26.061], requests amendments to Policy 47 to move the statement that the policy shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan, from the Explanation and into the policy. They also request that the policy is amended to only apply to resource consents.

3.14.2 Analysis

Mana whenua/tangata whenua values

349. I agree that Policy 47 should require particular regard be given to whether an activity will adversely impact on indigenous biodiversity values of significance to mana whenua/tangata whenua, particularly where these values are associated with a site of significance to mana whenua/tangata whenua scheduled in a regional or district plan.
350. I note that Policy 49 of the Operative RPS: Recognising and providing for matters of significance to tangata whenua – consideration already requires, when preparing a change, variation or review of a district or regional plan, that the following matters are to be recognised and provided for:
- (a) the exercise of kaitiakitanga;
 - (b) mauri, particularly in relation to fresh and coastal waters;
 - (c) mahinga kai and areas of natural resources used for customary purposes; and
 - (d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.

351. I consider that addition of a new clause to Policy 47 would complement this policy, focusing specifically on impacts on significant indigenous biodiversity values and, importantly, applying to the consideration of resource consents. For these reasons, I recommend addition of a new clause (j) to provide for this, as shown in the recommendations below.

Natural wetlands

352. I have considered Meridian's request to refer to 'natural wetland', rather than 'wetland' in relation to the Introductory Text for Chapter 3.6 (refer to Issue 4). That assessment applies equally to use of this term in Policy 47 and I do not support this requested amendment.

Buffer zones

353. Areas with significant values can be particularly sensitive to the effects of activities in adjoining or upstream areas, for example significant spawning areas can be adversely impacted by activities that generate sediment runoff or that remove riparian vegetation, while an area of old growth forest needs to have space around it to enable the forest to seed and persist.

354. The need for buffer zones, the size and shape of these, and the implications for resource users, are all site and context-specific. It is not possible to add the type of specificity about these matters, as requested by the Mangaroa group of submitters and Neo Leaf Global, at the level of the RPS. Such matters all need to be determined on a case-by-case basis in consultation with affected parties, including landowners, resource users, mana whenua/tangata whenua, and other stakeholders as relevant to the situation. This would vary according to whether the determination was part of preparing a regional or district plan or an assessment required as part of considering a resource consent application.

355. Any proposals that impact on private land would need to be subject to engagement and agreement with landowners, and in compliance with the NPS-IB decision-making principles and SNA identification principles as discussed in respect to Policy 23.

356. I note that the inclusion of buffering in Policy 47 is an operative provision (i.e. it has been in effect since 2013) and there have been no issues with its implementation that I am aware of. I do consider that it would be useful to add a definition for buffer/buffering to Change 1 to provide better clarity and, although it is relatively high level, I recommend that the definition for this term as set out in the NPS-IB be added to Change 1.

Limits to offsetting and compensation

357. As Policy 47 applies in situations where district and regional plans have not given full effect to Policies 23 and 24, I consider that it is necessary for Policy 47 to also provide for application of a relevant effects management hierarchy, including the mandatory offsetting and compensation principles, as well as referencing the regional interpretation

of limits and outcomes for biodiversity offsetting and biodiversity compensation as set out in (i). These provisions are provided for in Policy 24 and Policy 24A and I consider that the most effective and efficient approach is to replace the notified text in clause (i) with text that cross-references application of these more comprehensive provisions.

Application of Policy 47

358. I do not support PCC's request for this policy to apply only to resource consents, as it is important that the significant matters listed in clauses (a)-(l) are also given particular regard to when considering an application for a notice of requirement, or a change, variation or review of a district or regional plan. I do not support moving the statement that Policy 47 "shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan out" of the explanation for Policy 47, as this would be inconsistent with the approach taken in other consideration policies in the Operative RPS.

Giving effect to the NPS-IB through Change 1

359. Mr Wyeth has recommended a number of amendments to Policy 47 which are outlined in detail in Appendix 3. That analysis is not repeated in detail here, nor is the rationale for the recommended approach to give effect to the NPS-IB under Issue 2. However, in summary, Mr Wyeth recommends three amendments to Policy 47 to better align with and give effect to three NPS-IB provisions that are highly directive and provide limited discretion as to how these are to be given effect to in RPSs. The recommended amendments are:

- Amendments to clause (h) to provide more specific direction on **when** the precautionary approach should be adopted, consistent with the implementation requirements in Clause 3.7 of the NPS-IB.
- A new clause (k) to provide for established activities affecting significant biodiversity values in the terrestrial environment to continue, subject to specified tests, consistent with the specific implementation requirements for RPS's in Clause 3.15 of the NPS-IB.
- A new clause (l) to provide for plantation forestry activities to continue while maintaining significant indigenous biodiversity in the terrestrial environment, consistent with the specific implementation requirements for RPS's in Clause 3.14 of the NPS-IB.

3.14.3 Section 32AA evaluation

360. In accordance with section 32AA, I consider that my recommended amendments to Policy 47 are the most appropriate as they give better effect to RMA section 6(e), 7(a), 7(d) and section 8, and Objectives 16, 16B, IM.1 and 29 of the RPS. The recommended amendments to Policy 47 also better give effect to certain NPS-IB provisions that are also considered to be appropriate ways to achieve the Change 1 objectives to protect, maintain and restore indigenous, for the reasons outlined in the section 32AA evaluation under Issue 2.

361. My recommended addition of a definition for buffer/buffering is a minor amendment that seeks to add clarity to use of this term in Change 1, consistent with how the term is defined in the NPS-IB and will therefore assist the way in which provisions that incorporate this term are interpreted and applied. This should increase the likelihood of the relevant provisions being successfully and efficiently implemented to achieve the Change 1 indigenous ecosystem objectives.

3.14.4 Recommendations

362. I recommend the following amendments to Policy 47:

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

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:

- (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;
- (b) providing adequate *buffering* around areas of significant indigenous ecosystems and habitats from other land uses;
- (c) managing wetlands for the purpose of aquatic ecosystem health, recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape;
- (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
- (e) providing seasonal or core habitat for indigenous species;
- (f) protecting the life supporting capacity of indigenous ecosystems and habitats;
- (g) ~~remedying or mitigating~~ minimising or remedying adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; ~~and~~
- (h) the need for a precautionary approach to be adopted when assessing and managing the potential for adverse effects on indigenous ecosystems and habitats, where:
 - (i) the effects on indigenous biodiversity are uncertain, unknown, or little understood; and
 - (ii) those effects could cause significant or irreversible damage to indigenous biodiversity.
- (i) 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;

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- (j) 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;
- (k) 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
- (l) ensuring that the adverse effects of plantation forestry activities on significant indigenous biodiversity values in the terrestrial environment are managed in a way that:
 - (i) maintains significant indigenous biodiversity values as far as practicable, while enabling plantation forestry activities to continue; and
 - (ii) where significant biodiversity values are within an existing plantation forest, maintains the long-term populations of any *Threatened or At Risk (declining) species* present in the area over the course of consecutive rotations of production.

Explanation

Policy 47 provides an interim assessment framework for councils, resource consent applicants and other interested parties, prior to the identification of ecosystems and habitats with significant indigenous biodiversity values in accordance with ~~p~~Policy 23, and the adoption of plan provisions for protection in accordance with ~~p~~Policy 24. ~~Remedying and mitigating effects can include offsetting, where appropriate.~~ Policy 47 makes it clear that the provisions in Policy 24 and Policy 24A to protect significant indigenous biodiversity values must be considered until those policies are given effect to in regional and district plans. Policy 47 also provides for established activities and plantation forestry activities affecting significant indigenous biodiversity values to continue, provided certain tests are met, consistent with the requirements in the National Policy Statement for Indigenous Biodiversity 2023.

In determining whether an activity may affect significant indigenous biodiversity values, the criteria in ~~p~~Policy 23 should be used.

This policy shall cease to have effect once policies 23 and 24 are ~~in place~~ given effect to in an operative district or regional plan, including all of the matters listed in (a) to (l) above.

363. I recommend addition of the following definition:

Buffer/buffering: A defined space between core areas of ecological value and the wider landscape that helps to reduce external pressures.

364. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.15 Issue 12: Policy 61 (Pamela Guest)

Policy 61 is:

Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to maintain indigenous biodiversity:

- (a) Wellington Regional Council shall be responsible for developing objectives, policies, and methods in the regional policy statement for the control of the use of land to maintain indigenous ~~biological~~ biodiversity;
- (b) Wellington Regional Council shall be responsible for developing objectives, policies, rules and/or methods in regional plans for the control of the use of land to maintain and enhance ecosystems in water bodies and coastal water. This includes land within the coastal marine area, wetlands and the beds of lakes and rivers; and
- (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. This excludes land within the coastal marine area and the beds of lakes and rivers.

3.15.1 Matters raised by submitters

Support

365. UHCC [S34.099], WCC [S140.082], Ātiawa [S131.0105] supported by Ngā Hapū [FS29.220], Taranaki Whānui [S167.0123], Forest and Bird [S165.080] opposed by BLNZ [FS30.319], and Fish and Game [S147.074] opposed by Wellington Water [FS19.138] and BLNZ [FS30.243], support Policy 61 and request that it be retained as notified.

Amend

366. PCC [S30.078], supported by Peka Peka Farm [FS25.111], supports Policy 61 in part, but requests that wetlands are excluded from city and district council responsibilities by being added to 61(c) to be consistent with Policy 61(b) and national direction (the NPS-FM and NES-F).

367. GWRC [S137.021] supports Policy 61 in part and requests the following amendment to clause (c) to align with the direction in Policy FW.6 which outlines the allocation of responsibilities for land use and development controls for freshwater between Wellington Regional Council and territorial authorities:

- (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 adverse effects on indigenous biodiversity in freshwater bodies.

3.15.2 Analysis

368. Policy 61 gives effect to section 62(1)(i)(iii) of the RMA, which requires a RPS to state the local authority responsible for specifying the objectives, policies, and methods for the control of the use of land to maintain indigenous biological diversity. I note that Change 1 only proposed a minor amendment to Policy 61 to refer to indigenous biodiversity, rather than indigenous biological diversity, as this is a more commonly used term and consistent with the terminology used in the exposure draft of the NPS-IB.
369. I understand that both GWRC and PCC seek further clarity with regard to responsibilities for controlling the effects of land use on indigenous biodiversity in aquatic ecosystems, particularly freshwater and wetlands. I note that this matter has also been the subject of discussion in Hearing Stream Five: Freshwater Te Mana o te Wai, with regard to assigning responsibilities for managing the effects of land use on freshwater ecosystems in Policy FW.6. At the time of finalising this report, the Right of Reply for HS5 is yet to be completed.
370. The Council has clear responsibilities under the NPS-FM for wetland management. Clause 3.22 requires inclusion of a policy in a regional plan to avoid a loss of natural inland wetland extent, to protect their values and promote their restoration, including by applying the effects management hierarchy for a range of specified activities and a range of exceptions. (As noted earlier, I understand that Ms Pascall is recommending that these provisions be included in Change 1 in her reply evidence). Clause 3.23 requires regional councils to identify and map natural inland wetlands. The Council is also responsible for administering the regulations for Natural inland wetlands under Subpart 1 of the National Environmental Standards for Freshwater 2020.
371. I therefore support excluding district council control of land use **within** wetlands for the maintenance of indigenous biodiversity. However, I consider that clearer guidance is required to recognise and provide for the need for integrated management, as described by the concept of ki uta ki tai and as required by both the NPS-FM and NPS-IB:
- a. In relation to freshwater, the NPS-FM includes the following provisions:
 - Policy 3: “Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.”
 - Clause 3.5 Integrated Management - sets out a range of requirements for both regional councils and city and district councils to adopt an integrated approach, recognising (amongst other matters) the interactions between freshwater, land, water bodies, ecosystems, and receiving environments.
 - b. In relation to indigenous biodiversity, the NPS-IB includes the following provisions:

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- Policy 5: “Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.”
- Clause 3.4 Integrated approach – sets out a range of requirements for both regional councils and city and district councils to manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way.
- Clause 1.3(2)(e) - states that: “if an SNA (significant natural area) contains a natural inland wetland, the wetland may be treated as part of the SNA it is located in”, meaning that territorial authorities may include wetlands in their SNAs.

372. While it would be tidy to assign clear, exclusive responsibilities for managing the effects of land use on indigenous biodiversity in different ecosystem types, including assigning the maintenance of indigenous biodiversity in wetlands solely to the Council (as requested by PCC), I do not consider that this is appropriate given the potential impact of activities on land that are primarily managed by city and district councils (notably through structure planning, rezoning, subdivision, and site development) and the health of adjacent and downstream water bodies.

373. For these reasons, I consider that addition of the clause requested by GWRC ‘including adverse effects on indigenous biodiversity in freshwater bodies’ is appropriate but, in my opinion, this should not be restricted to freshwater bodies as land use can also adversely impact coastal water bodies.

374. I consider that the explanation to Policy 61 could provide useful guidance on the way in which the duty for integrated management be given effect to. In my opinion, a key opportunity for achieving better outcomes for indigenous biodiversity when managing the effects of land use is for the Council and territorial authorities to work more collaboratively, as appropriate to the type and scale of the activity, so that the location, layout, and design of development are planned and implemented at the outset in a way that is sensitive to the context of the natural environment. This aligns with the concept of an environmentally-responsive urban form introduced through Hearing Stream Four: Urban development. This would involve the Council and territorial authorities working together with developers at the beginning of a project, identifying indigenous biodiversity values on land and in water bodies and the ways in which these need to be provided for before the design work has been initiated. This will provide for much more efficient and effective outcomes for resource users, the natural environment, and the community.

375. I therefore also recommend additions to the explanation for Policy 61 to better clarify the approach to be taken to achieve integrated management when managing indigenous biodiversity across all environments.

3.15.3 Section 32AA evaluation

376. In accordance with section 32AA, I consider that my recommended amendments to Policy 61 are the most appropriate as they give effect to NPS-IB Clause 3.4 Integrated approach and NPS-FM Clause 3.5 Integrated Management and better give effect to the key purpose of RPS's under section 62 of the RMA to achieve integrated management of natural and physical resources in the region. By providing further regional specificity on this national direction and achieving integrated management of indigenous biodiversity in the region, I consider that the amendments will lead to more efficient and effective achievement of the relevant indigenous ecosystem objectives and policies in Change 1.

3.15.4 Recommendations

377. I recommend the following amendments to Policy 61:

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

Regional and district plans shall recognise and provide for the responsibilities below, when developing objectives, policies and methods, including rules, to *maintain* 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.

Explanation

In accordance with section 62 of the Resource Management Act 1991, policy 61 sets out the local authorities in the Wellington region responsible for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity.

District and city councils in the Wellington region have primary responsibility for controlling the use of land ~~to maintain indigenous biological diversity~~ (other than within the coastal marine area, ~~and~~ the beds of lakes and rivers, and wetlands) to maintain indigenous biodiversity, including to manage associated adverse effects on indigenous biodiversity in freshwater and coastal water in liaison with the Wellington Regional Council, through the creation of objectives, policies and rules in their district plans.

Wellington Regional Council has the primary responsibility for the control of the use of land to maintain and enhance indigenous ecosystems in water bodies (including wetlands) and coastal water.

Wellington Regional Council and city and district councils shall work together to develop plan provisions and operational arrangements to provide for the coordinated management and control of subdivision, use and development to maintain indigenous biodiversity in receiving

water bodies. This includes working collaboratively at different scales, such as during structure planning, rezoning, subdivision, and site development, so that the location, layout and design of development is environmentally-responsive.

Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.16 Issue 13: Policy IE.1 (Pamela Guest)

Policy IE.1 as notified is:

Giving effect to mana whenua / tangata whenua roles and values when managing indigenous biodiversity – district and regional plans

District and regional plans shall include objectives, policies, methods and/or rules to partner with mana whenua / tangata whenua to:

(a) apply mātauranga Māori frameworks, and support mana whenua / tangata whenua to exercise their kaitiakitanga, in managing and monitoring indigenous biodiversity;

(b) identify and protect taonga species;

(c) support mana whenua / tangata whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga.

Explanation

Policy IE.1 directs regional and district plans to recognise and provide for Māori values for indigenous biodiversity, and for the role of mana whenua as kaitiaki in the region

3.16.1 Matters raised by submitters

Support

378. Policy IE.1 is supported by PCC [S30.049] supported by Peka Peka Farm Limited [FS5.082], UHCC [S34.083], and Ātiawa [S131.073] supported by Ngā Hapū [FS29.343]. WCC [S140.050] also supports Policy IE.1 but requests amendments so that it is clear that the policy relates to indigenous biodiversity management.

Amend

379. Te Tumu Paeroa [S102.057] supports Policy IE.1 in part but requests that Te Rito o te Harakeke is given effect to and that the policy is expanded to include support for Māori landowners to exercise kaitiakitanga in addition to mana whenua / tangata whenua.

380. Taranaki Whānui [S167.089] supported by Ngāti Toa [FS6.030] supports Policy IE.1 in part but requests an additional clause to provide stronger protections for taonga:

(d) protect ecosystems and habitats that contains characteristics of special spiritual, historical or cultural significance to mana whenua / tangata whenua

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381. Rangitāne [S168.078], supported by Sustainable Wairarapa [FS31.188], supports Policy IE.1 in part but requests that the explanation acknowledge partnership with tangata whenua.

382. Ngāti Toa [S170.036-38] considers that the amendments to Policy IE.1 are an improvement to the operative RPS policy, but that clauses (a), (b), and (c) should be strengthened to allow mana whenua to exercise their rights. Ngāti Toa requests the following amendments:

- Clause (a) to read "partner with iwi to apply a mātauranga Māori framework for the management and monitoring of indigenous biodiversity."
- Clause (b) should not say actively involve as Tangata Whenua holds the kaitiakitanga status; they will plan, decide, and monitor how indigenous biodiversity is tracking. Kaitiaki Monitoring Framework should be included here and be binding for District and Regional Plans. These Plans should spell out how the monitoring will be applied.
- Clause (c) reword to say Mana Whenua has access and use rights, and District and Regional Plans should acknowledge these rights and set up processes to ensure that their access and use are not limited and restricted in any way.

383. Fish and Game [S147.034], opposed in part by Ātiawa [FS20.149] and opposed by Wellington Water [FS19.098] and BLNZ [FS30.203], supports Policy IE.1 but requests amendments to the title and clause (a) to replace 'managing' with 'maintaining' to align the language of this objective with the language of section 30(ga) of the RMA, which gives regional councils responsibility for "maintaining" rather than "managing" indigenous biodiversity. Fish and Game [S147.035], opposed in part by Ātiawa [FS20.147] and opposed by Wellington Water [FS19.099] and BLNZ [FS30.204], also requests amendments to place the application of mātauranga Māori within the wider framework of equal weighting given to community values around indigenous and valued introduced biodiversity. Fish and Games states that this is necessary to give full effect to the NPS-FM, considering iwi values alongside other recognised values and achieved in partnership with statutory managers of freshwater species and their habitats.

Oppose

384. KCDC [S16.062] opposed by Ātiawa opposes Policy IE.1 and requests that it is deleted given the lack of support by any legislative requirements under the RMA or higher-level statutory planning processes.

3.16.2 Analysis

385. I agree with WCC who requests an amendment to clarify that Policy IE.1 relates to indigenous biodiversity management, and recommend addition of a clause to the chapeau of the policy to address this.

386. There are a range of provisions in the RMA that require that the relationships of tangata whenua with te taiao be recognised and provided for in different ways (e.g. sections 6(e), 7(a), 8, 33 and 188). The regulatory impact statement for the NPS-IB³⁰ recognised that the implementation of these provisions has been inconsistent, unmonitored and in some cases non-compliant with legislation. This is one of the matters that the NPS-IB provisions work to address, specifically identifying a lack of clarity around mātauranga Māori and 'taking into account' the principles of te Tiriti o Waitangi in relation to biodiversity management.
387. For this reason, I do not support Fish and Games request to provide "an equal weighting framework" in Policies IE.1 and IE.2. The focus of these two policies is to specifically give effect to mana whenua/tangata whenua roles and values when managing indigenous biodiversity. Landowner and community values associated with indigenous biodiversity are provided for through Policy IE.4. In my opinion, policies IE.1 and IE.2 do not over-ride these values but work to ensure that the richness of knowledge and different perspectives offered by mātauranga Māori are an integral part of the management of indigenous biodiversity.
388. I do not agree with Fish and Game's request to replace 'manage' with 'maintain', as manage is the verb used in the NPS-IB clause 3.3(2)(b) in reference to recognising and valuing the mana of tangata whenua as kaitiaki of indigenous biodiversity. It is a collective term, inclusive of the actions to protect, maintain, enhance and restore.
389. I agree with Rangitāne's request for the explanation to Policy IE.1 to also acknowledge partnership with tangata whenua and I recommend an amendment to provide for this. I consider that Taranaki Whanui's request to provide stronger protections for taonga is provided for by amendments proposed to clause (b) to give better effect to the NPS-IB, as discussed in more detail in Appendix 3.
390. It is my understanding that the intent of what Te Tumu Paeroa is seeking is already provided for in Policy IE.1 because Māori landowners are mana whenua / tangata whenua in the cases where it would be appropriate for them to exercise kaitiakitanga (kaitiakitanga over specific areas of land being the purview of mana whenua).
391. I do not agree with KCDC's submission that Policy IE.1 is not supported by any legislative requirements under the RMA or higher-level statutory planning processes. In particular, RMA section 6(e) requires the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga to be recognised and provided for as a matter of national importance. The NPS-IB clause 3.3 requires local authorities to involve tangata whenua (to the extent they wish to be involved) as partners in the management of indigenous biodiversity, with a number of specific requirements, including giving effect to the decision-making principles.

³⁰ [RIS-National-Policy-Statement-for-Indigenous-Biodiversity.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/ris-national-policy-statement-for-indigenous-biodiversity.pdf)

392. With respect to Ngati Toa's requests, I note that a number of their submission points reference drafting in the limited discussion draft of Change 1. In my opinion the amendments they have requested are already addressed in the notified version of Change 1:

- Policy IE.1(a) already provides for the text requested.
- Policy IE.1(b) does not refer to "actively involve" and details of a kaitiaki monitoring plan are set out in Method IE.4.
- Policy IE.1(c) requires support for mana whenua to access and exercise sustainable customary use.

Giving effect to the NPS-IB through Change 1

393. Mr Wyeth has recommended amendments to Policy IE.1 to align with the NPS-IB as discussed in Appendix 3. The recommended amendments to Policy IE.1 in Appendix 3 relate to Clause 3.18 (Specified Māori lands) and Clause 3.19 (Acknowledged and identified taonga) in the NPS-IB. Neither of these NPS-IB provisions can be given effect to in full through Change 1 as they require further engagement with mana whenua/tangata whenua and additional work to identify taonga species in the region and develop bespoke provisions to manage indigenous biodiversity on Māori land. However, Mr Wyeth has identified opportunities to give effect to these NPS-IB provisions in part through Policy IE.1, as follows:

- Amend clause (b) to better align with the terminology in the NPS-IB, by referring to identified taonga species, populations, and ecosystems; and
- Add a new clause (d) to Policy IE.1 that directs a balanced approach be taken to protect and manage indigenous biodiversity on Māori lands, while enabling appropriate use and development as directed by Clause 3.18 of the NPS-IB.

3.16.3 Section 32AA evaluation

394. In accordance with section 32AA, I consider that my recommended amendments to Policy IE.1 are the most appropriate way to achieve the purpose of the RMA as they are minor amendments that seek to add clarity to the policy and align with the requirements of the NPS-IB and will therefore assist the way in which Policy IE.1 is interpreted and applied. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

3.16.4 Recommendations

395. I recommend the following amendments to Policy IE.1:

Policy IE.1: Giving effect to mana whenua roles and values when managing indigenous biodiversity – district and regional plans

District and regional plans shall include objectives, policies, methods and/or rules to partner with mana whenua/tangata whenua [when managing indigenous biodiversity, including](#) to:

- (a) apply mātauranga Māori frameworks, and support mana whenua/tangata whenua to exercise their kaitiakitanga, in managing and monitoring indigenous biodiversity;
- (b) identify and protect [acknowledged and identified](#) taonga species, [populations and ecosystems](#);
- (c) support mana whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga;
- (d) [maintain and restore indigenous biodiversity on Māori land to the extent practicable while enabling new occupation, use and development of that land to support the social, cultural and economic wellbeing of mana whenua/tangata whenua.](#)

Explanation

Policy IE.1 directs regional and district plans [to partner with mana whenua/tangata whenua](#) to recognise and provide for Māori values for indigenous biodiversity, and for the role of mana whenua as kaitiaki in the region. [It also directs regional and district plans to include provisions to maintain and restore indigenous biodiversity on Māori land while enabling appropriate use and development of that land to support the wellbeing of tangata whenua.](#)

396. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.17 Issue 14: Policy IE.2 (Pamela Guest)

Policy IE.2 as notified is:

Giving effect to mana whenua / tangata whenua roles and values when managing 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 for subdivision, use or development, particular regard shall be given to enabling mana whenua / tangata whenua to exercise their role as kaitiaki, including, but not restricted to:

- (a) providing for mana whenua / tangata whenua values associated with indigenous biodiversity, including giving local effect to Te Rito o te Harakeke,
- (b) incorporating the use of mātauranga Māori in the management and monitoring of indigenous biodiversity; and
- (c) supporting mana whenua / tangata whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga.

Explanation

Policy IE.2 requires consideration of enabling mana whenua / tangata whenua to exercise their kaitiakitanga in the region.

3.17.1 Matters raised by submitters

Support

397. Policy IE.2 is supported as notified by Ātiawa [S131.096] supported by Ngā Hapū [FS29.366], WCC [S140.073], and Rangitāne [S168.079] supported by Sustainable Wairarapa [FS31.189].

Amend

398. Taranaki Whānui [S167.0114], supported by Ngāti Toa [FS6.040], supports Policy IE.2 in part but requests further direction for partnership in decision making.

399. Ngāti Toa [S170.055] supported by Ngā Hapū [FS29.169] requests that mana whenua roles and values are given consideration in consent applications.

400. Fish and Game [S147.036], opposed in part by Ātiawa [FS20.150] and opposed by Wellington Water [FS19.100] and BLNZ [FS30.205], supports Policy IE.2 in part but suggests amending the language from 'managing' to 'maintaining' in both the title and clause (b). Fish and Game [S147.037], opposed in part by Ātiawa [FS20.148] and opposed by Wellington Water [FS19.101] and BLNZ [FS30.206], also requests amendments to place the application of mātauranga Māori within the wider framework of equal weighting given to community values around indigenous and valued introduced biodiversity.

Oppose

401. KCDC [S16.063] opposes Policy IE.2 and requests that it is deleted or amended so it is only applicable to the regional council.

402. PCC [S30.069], supported by Peka Peka Farm Limited [FS25.102], opposes Policy IE.2 and suggests that it should only apply to resource consents so that it does not conflict and/or duplicate earlier regulatory policies. The submitter requests that it provides specificity as to what the matter is being addressed through the policy, as otherwise it would apply as a consideration for any type of consent. Further, PCC considers that Policy IE.2 would better be articulated as a transitional policy that falls away once Policy IE.1 is given effect to.

403. WFF [S163.074], opposed by Forest and Bird [FS7.117], Ātiawa [FS20.239], and Ngā Hapū [FS29.090], opposes Policy IE.2 on the basis that it is inefficient to require that particular regard be given to the exercise of mana whenua/tangata whenua roles as kaitiaki for individual resource consent applications and requests that Policy IE.2 is deleted.

3.17.2 Analysis

404. I consider that further direction for partnership in decision making as requested by Taranaki Whānui, along with Ngāti Toa's request that mana whenua roles and values be given consideration in consent applications, are already provided for by Policy IE.2 clause(a), which includes reference to the decision-making principles for indigenous biodiversity in. These principles include a requirement in clause (g) to form strong and effective partnerships with tangata whenua.
405. As discussed in the analysis for Policy IE.1, I do not agree with Fish and Game that the title and clause (a) should more appropriately refer to 'maintenance', or that it is appropriate to introduce an equal weighting framework.
406. In response to KCDC, there are a number of provisions in the NPS-IB that require local authorities (not just the regional council) to give effect to the decision-making principles for managing indigenous biodiversity, aligning with the matters to be given particular regard to in Policy IE.2.
407. I agree with PCC that Policy IE.2 should be clear about its focus and recommend an amendment to the chapeau to be clear that it relates to activities that may impact on indigenous biodiversity. I consider that it is appropriate that this policy also applies to notices of requirement and district plan changes, variations or reviews.
408. WFF is concerned at potential inefficiencies of having to give particular regard to the exercise of mana whenua / tangata whenua roles as kaitiaki for individual resource consent applications. Policy IE.2 responds to RMA sections 6(e), 7(a) and 8, as well as a number of provisions in the NPS-IB, including Policy 2(c): "Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through: (c) actively participating in other decision-making about indigenous biodiversity" and Clause 3.3 Tangata whenua as partners. The way in which Policy IE.2 will be given effect to will be determined by each local authority, in collaboration with their mana whenua/tangata whenua partners and will need to be approached in a way that this requirement can be given effect to efficiently and effectively for the sake of all parties. I do not consider this to be reason to delete Policy IE.2.

3.17.3 Section 32AA evaluation

409. In accordance with section 32AA, I consider that my recommended amendments to Policy IE.2 are the most appropriate way to achieve the purpose of the RMA as they are minor amendments to provide clarity to the chapeau and align terminology with the NPS-IB. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

3.17.4 Recommendations

410. I recommend the following amendments to Policy IE.2:

Policy IE.2: Giving effect to mana whenua/tangata whenua roles and values when managing 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 for subdivision, use or development that may impact on indigenous biodiversity, particular regard shall be given to enabling mana whenua/tangata whenua to exercise their roles as kaitiaki, including, but not restricted to:

- (a) providing for mana whenua/tangata whenua values associated with indigenous biodiversity, including giving local effect to ~~Te Rito o te Harakeke~~ the decision-making principles for indigenous biodiversity, ...

411. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.18 Issue 15: Policy IE.3 (Pamela Guest)

Policy IE.3 as notified is:

Maintaining, enhancing, and restoring indigenous ecosystem health – non-regulatory

To maintain, enhance and restore the ecosystem health, ecological integrity and ecological connectivity of the region's indigenous ecosystems, and the ecological processes that support them, giving effect to Te Rito o te Harakeke, the Regional Policy Statement shall, as soon as practicable:

- (a) identify the characteristics required for the region's indigenous ecosystems to be in a healthy functioning state, including the processes that enable them to persist over the long-term, and
- (b) identify strategic targets and priorities to ensure that management and restoration of indigenous ecosystems and habitats (including pest management) are directed at areas where the greatest gains can be made for indigenous biodiversity. Where possible, priorities should also deliver benefits for climate change mitigation and/or adaptation, and freshwater; and
- (c) focus restoration efforts on achieving the strategic targets and priorities identified in (b).

Explanation

Policy IE.3 gives effect to Objective 16A, identifying the characteristics required for the region's indigenous ecosystems to be in a healthy functioning state, providing resilience to the impacts of increasing environmental pressures, and identifying strategic priorities and targets for restoration to ensure that regional conservation actions are applied efficiently, prioritising protection of the ecosystems and habitats of most pressing concern.

3.18.1 Matters raised by submitters

Support

412. Te Temu Paeroa [S102.059], Peter Thompson [S123.019], WCC [140.098], and Sustainable Wairarapa [S144.024] all support Policy IE.3 as notified.

Partnership and implementation

413. Taranaki Whānui [S167.0132] supports Policy IE.3 but seeks clearer reference to partnership with and resourcing of mana whenua. Rangitāne [S168.080] supported by Sustainable Wairarapa Inc [FS31.190] also supports Policy IE.3 in part but requests amendments to provide for partnering with iwi in the prioritisation of ecosystems and to include a timeframe for the process. Similarly, Ātiawa [S131.0114] supported by Ngā Hapū [FS29.230] supports the intention of Policy IE.3 but requests that partnership with mana whenua is specified in the introductory text.

414. KCDC [S1.064] supports Policy IE.3 in part but requests further clarification of who will be responsible for delivery and implementation of the methods.

A regulatory or stronger response?

415. Forest and Bird [S165.089], opposed by BLNZ [FS30.319], supports Policy IE.3 but considers that the policy should be regulatory with regulatory methods giving effect to it.

416. Outdoor Bliss Heather Blissett [S11.022] supports Policy IE.3 in part but requests a minor amendment to strengthen the language of the policy, replacing “should also deliver benefits” with “will deliver benefits” in clause (b).

417. PCC [S30.086], supported by Peka Peka Farm Limited [FS25.119] and UHCC [S34.081], opposes Policy IE.3, requesting it is deleted as PCC considers it to be a non-regulatory policy requiring a regulatory response.

3.18.2 Analysis

Partnership and implementation

418. Policy IE.3 will be implemented by a number of methods as shown in Table 6(a). The primary method is Method IE.3: Regional biodiversity strategy which specifies that it will be led by Wellington Regional Council, working in partnership with tangata whenua/mana whenua and in collaboration with territorial authorities, communities, and other key stakeholders. Given that a number of mana whenua/tangata whenua partners have requested clearer reference to partnership and that KCDC has questioned implementation details, I consider that adding these details to the explanation of Policy IE.3 will provide better clarity.

A regulatory or stronger response?

419. The Council was clear in its development of Change 1 provisions that the approach to the restoration of ecosystems, habitats and indigenous biodiversity be a non-regulatory one, working to support landowners, mana whenua/tangata whenua, and other key stakeholders to carry out protection, restoration, or enhancement activities. I note that this aligns with amendments recommended to Policy CC.7 as part of Hearing Stream 3³¹.
420. Policy IE.3 clauses (a) and (b) are to identify characteristics required for the region's indigenous ecosystems to be in a healthy functioning state, and to then set strategic targets and priorities to achieve the greatest gains for indigenous biodiversity, along with co-benefits for climate change mitigation, adaptation, and freshwater. I do not consider that this is, or should be, a regulatory policy requiring a regulatory response, noting that all of the methods to implement Policy IE.3 are non-regulatory.
421. I do not support replacing "should" with "will" to clause (b), as requested by Outdoor Bliss, as I do not consider that achieving benefits for climate change, while desirable, should *always* be a requirement when setting priorities for managing indigenous biodiversity.

Giving effect to the NPS-IB through Change 1

422. Mr Wyeth has recommended the addition of new clauses (b) and (d) to Policy IE.3 to give effect to the NPS-IB priorities for restoration of terrestrial biodiversity and to promote the resilience of indigenous biodiversity to climate change as discussed in Appendix 3. Both of these amendments give effect to NPS-IB provisions that are highly directive and provide limited discretion in how these are implemented through a RPS.

3.18.3 Section 32AA evaluation

423. In accordance with section 32AA, I consider that the recommended amendments to Policy IE.3 are the most appropriate way to achieve the purpose of the RMA as they provide additional clarity about how this policy will be implemented and give effect to priorities for restoration of indigenous biodiversity in the terrestrial environment as required by the NPS-IB, and will therefore assist the way in which Policy IE.3 is interpreted and applied. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

³¹ Policy CC.7: Protecting, restoring, and enhancing and sustainably managing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans non-regulatory
District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.

Work with and support landowners, mana whenua/tangata whenua, and other key stakeholders to protect, restore, or enhance or sustainably manage ecosystems that provide nature-based solutions to climate change.

3.18.4 Recommendations

424. I recommend the following amendment to Policy IE.3:

Policy IE.3: Maintaining, enhancing, and restoring indigenous ecosystem health – non-regulatory

To maintain, enhance and restore the ecosystem health, ecological integrity and ecological connectivity of the region's indigenous ecosystems, and the ecological processes that support them, giving effect to ~~the decision-making principles for indigenous biodiversity~~ ~~Te Rito o te Harakeke~~, the Regional Policy Statement shall, as soon as practicable:

- (a) identify the characteristics required for the region's indigenous ecosystems to be in a healthy functioning state, including the processes that enable them to persist over the long-term, and
- (b) identify strategic targets and priorities to ensure that management and restoration of indigenous ecosystems and habitats (including pest management) are directed at areas where the greatest gains can be made for indigenous biodiversity. Where possible, priorities should also deliver benefits for climate change mitigation and/or adaptation, and freshwater; and

(ba) in relation to the terrestrial environment, and other environments as appropriate, the priorities identified in clause (b) above must include:

- i. areas with significant indigenous biodiversity values with degraded ecological integrity;
 - ii. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;
 - iii. areas that provide important connectivity or buffering functions;
 - iv. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna;
 - v. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
 - vi. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.
- (c) focus restoration efforts on achieving the strategic targets and priorities identified in (b); and
 - (d) identify opportunities to promote the resilience of indigenous biodiversity to climate change, including by:
 - i. allowing and supporting natural adjustments of habitats and ecosystems to climate change;

- ii. maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches in response to climate change.

Explanation

Policy IE.3 will be implemented by the Wellington Regional Council in partnership with mana whenua/tangata whenua and in collaboration with landowners, territorial authorities, communities, and other stakeholders as appropriate.

Policy IE.3 gives effect to Objective 16A, identifying the characteristics required for the region's indigenous ecosystems to be in a healthy functioning state, providing *resilience* to the impacts of increasing environmental pressures, and identifying strategic priorities and targets for *restoration* to ensure that regional conservation actions are applied efficiently, prioritising protection of the ecosystems and habitats of most pressing concern. Policy IE.3 also identifies national priorities for restoration consistent with those identified in the National Policy Statement for Indigenous Biodiversity 2023 and provides direction on how to promote the resilience of indigenous biodiversity to climate change.

425. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.19 Issue 16: Policy IE.4 (Pamela Guest)

Policy IE.4 as notified is:

Recognising the roles and values of landowners and communities in the management of indigenous biodiversity – non-regulatory

Recognise and provide for the values of landowners and communities as stewards of the indigenous biodiversity of the Wellington Region, by:

- (a) involving communities in the identification of targets and priorities for protecting, enhancing and restoring indigenous biodiversity; and
- (b) supporting landowner and community restoration of indigenous ecosystems.

Explanation

Policy IE.4 recognises and provides for the important role that landowners and the community have as environmental stewards.

3.19.1 Matters raised by submitters

Support

426. Policy IE.4 is supported by KCDC [S16.065], Te Tumu Paeroa [S102.060], WCC [S140.090], Taranaki Whānui [S167.0133], Ātiawa [S131.0115], and Forest and Bird [S165.090] opposed by BLNZ [FS30.319].

Amend

427. Rangitāne [S168.081] supports Policy IE.4 in part but requests amendments to recognise the special relationship tangata whenua have with indigenous biodiversity and to include them in the identification and prioritisation process.

Oppose

428. PCC [S30.087] supported by Peka Peka Farm Limited [FS25.120] opposes Policy IE.4 as they consider it does not make sense; it is a non-regulatory policy that requires a regulatory response and requests the policy is deleted.

3.19.2 Analysis

429. The special relationship that tangata whenua/mana whenua have with indigenous biodiversity and inclusion in the identification and prioritisation process is already provided for by a number of other provisions, in particular Policies IE.1, IE.2 and IE.3 and Methods 32 and IE.2. For this reason, I do not consider that any additional value would be provided for by amending Policy IE.4.

430. With respect to the concerns raised by PCC; Policy IE.4 (a) and (b) are both non-regulatory responses, highlighting the importance of working with and supporting landowners and communities in identifying targets and priorities to guide the management of indigenous biodiversity and support more effective and efficient allocation of resources, targeted at areas where the best outcomes for indigenous biodiversity will be achieved. There is no regulatory compulsion required by this policy and I do not support its deletion.

3.19.3 Recommendations

431. I do not recommend any amendments to Policy IE.4.

432. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.20 Issue 17: Methods IE.1, IE.2, IE.3, IE.4 (Pamela Guest)

Method IE.1: Partnering with mana whenua/tangata whenua to give local effect to Te Rito o te Harakeke

Partner with mana whenua/tangata whenua to identify the local approach to give effect to Te Rito o te Harakeke and develop guidance on how to implement this.

Implementation: Wellington Regional Council

3.20.1 Matters raised by submitters

433. Forest and Bird [S165.0101] opposed by BLNZ [FS30.319], Taranaki Whānui [S167.0145] and Ātiawa [S131.0115, S131.0120] supported by Ngā Hapū [FS29.231,

FS29.237] support Method IE.1. Ātiawa and Taranaki Whānui requests clear statements on resourcing and capability building of mana whenua partners.

434. Te Tumu Paeroa [S102.062] supports this method but considers it should be a regulatory method to guarantee that partnership is established.

435. Fish and Game [S147.089], opposed by Wellington Water [FS19.153] and BLNZ [FS30.258], and partly opposed by Ātiawa [FS20.1510], supports the intention of Method IE.1 but requests amendments so that iwi values are considered alongside other recognised values and achieved in partnership with statutory managers of freshwater species and their habitats.

3.20.2 Analysis

436. I note the general support for Method IE.1. My response to the request for mana whenua funding and capability building has already been set out in Issue 3. As partnership is a way of working and cannot be regulated, I do not support moving Method IE.1 to be a regulatory method.

437. I do not support Fish and Game's request to broaden this method to apply to other stakeholders as explained previously in relation to their submissions on Policies IE.1 and IE.2.

3.20.3 Recommendations

438. For these reasons I do not recommend any amendments to Method IE.1, apart from the amendment to replace Te Rito o te Harakeke with the decision-making principles as discussed in Appendix 3.

Method IE.1: Partnering with mana whenua/tangata whenua to give local effect to the decision-making principles for indigenous biodiversity Te Rito o te Harakeke

Partner with mana whenua/tangata whenua to identify the local approach to give effect to the decision-making principles for indigenous biodiversity Te Rito o te Harakeke and develop guidance on how to implement this.

Implementation: Wellington Regional Council

Method IE.2: Inventory of biodiversity offsetting and biodiversity compensation opportunities - Non-regulatory

Partner with mana whenua/tangata whenua, and interested parties to develop a regional inventory of opportunities for offsetting or compensating for any residual adverse effects on ecosystems and habitats with significant indigenous biodiversity values.

Implementation: Wellington Regional Council* and iwi authorities

3.20.4 Matters raised by submitters

439. Method IE.2 is supported by Te Tumu Paeroa [S102.063]. Ātiawa [S131.0139] supported by Ngā Hapū[FS29.257], Taranaki Whānui [S167.0172] and Rangitāne [S168.0101] supported by Sustainable Wairarapa [FS31.026], also support this method but request reference to adequate funding and resourcing. WCC [S140.0113] supports the method but requests an amendment to reference city and district councils.
440. Fish and Game [S147.099], opposed by Ātiawa [FS20.145], Wellington Water [FS19.163] and BLNZ [FS30.268], supports Method IE.2 in part but requests reference to other stakeholders and valued introduced biodiversity.
441. Method IE.2 is opposed by Forest and Bird, opposed by Ātiawa [FS20.099] and BLNZ [FS30.319], as they consider that policy documents and institutional arrangements do not support such an inventory at the current time.

3.20.5 Analysis

442. I have addressed the requests for resourcing of mana whenua/tangata whenua partners and of Fish and Game previously, and do not recommend any amendments in response. I support WCC's request to be included in the implementation reference.
443. I share Forest and Bird's concern with the need for offsetting and compensation to be supported and underpinned by clear policy provisions and institutional arrangements. However, RMA section 104(1)(ab) already allows for the consideration of offsetting and compensation proposed or agreed by an applicant and the NPS-FM, NPS-IB, the NRP and some district plans already enable use of the effects management hierarchy to manage indigenous biodiversity, with different settings providing for a consideration of biodiversity offsetting and biodiversity compensation.
444. One of the issues being reported by developers and their consultants is a lack of awareness of appropriate offset or compensation opportunities within the Wellington Region and the type of proposals received by the Council are often inadequate or inappropriate. The intent of Method IE.2 is to develop a resource base to support more appropriate offset and compensation proposals, directing these to areas where they are likely to be most successful, including to complement other biodiversity initiatives. These proposals would be limited by the current policy settings, including the regional interpretation for limits to offsetting and compensation introduced by Change 1. For this reason, I consider that Method IE.2 should be retained.

3.20.6 Recommendations

445. I recommend the following minor amendment to Method IE.2.

Method IE.2: Inventory of biodiversity offsetting and biodiversity compensation opportunities - Non-regulatory

Partner with mana whenua/tangata whenua, and interested parties to develop a regional inventory of opportunities for offsetting or compensating for any residual adverse effects on ecosystems and habitats with significant indigenous biodiversity values.

Implementation: Wellington Regional Council*, *city and district councils*, and iwi authorities

Method IE.3: Regional biodiversity strategy

Develop and implement, in partnership with mana whenua / tangata whenua and in collaboration with territorial authorities, communities and other key stakeholders, a regional biodiversity strategy to *maintain* and restore indigenous biodiversity at a landscape scale, incorporating both Mātauranga Māori and systematic conservation planning.

Implementation: Wellington Regional Council

3.20.7 Matters raised by submitters

446. Method IE.3 is supported by Waka Kotahi [S129.044], Taranaki Whānui [S167.0173], and Rangitāne[S168.0173] supported by Sustainable Wairarapa [FS31.027].

447. Ātiawa [S131.0140, S131.0141] supported by Ngā Hapū [FS29.259, FS29.260] supports Method IE.3 but considers it should also provide for protection and requests an additional sentence to enable partnership through funding/resourcing. Forest and Bird [S165.0115] opposed by BLNZ [FS30.319], also considers that this method should refer to “protect”.

3.20.8 Analysis

448. As previous, I note that the issue of resourcing for mana whenua/tangata whenua has already been addressed under Issue 3. With respect to the appropriate verb to apply, i.e., maintain or protect, the NPS-IB Appendix 5 states that the purpose of a regional biodiversity strategy is to “promote the landscape-scale restoration of the region’s indigenous biodiversity” and I therefore consider that it is appropriate to amend the wording of Method IE.3 to be consistent with this.

449. My Wyeth, in his analysis in Appendix 3, also recommends a minor amendment to Method IE.3 to make it clear that the strategy also needs meet the requirements in Appendix 5 of the NPS-IB.

3.20.9 Recommendations

I recommend the following amendment to **Method IE.3**:

Develop and implement, in partnership with mana whenua / tangata whenua and in collaboration with territorial authorities, communities and other key stakeholders, a regional

biodiversity strategy to ~~maintain and restore~~ promote the landscape-scale restoration of the region's indigenous biodiversity ~~at a landscape scale~~, incorporating both Mātauranga Māori and systematic conservation planning and meeting the requirements in Appendix 5 (regional biodiversity strategies) in the National Policy Statement for Indigenous Biodiversity 2023.

Method IE.4: Kaitiaki indigenous biodiversity monitoring programme

Work in partnership with mana whenua/tangata whenua to establish and resource kaitiaki programmes to:

- (a) monitor and evaluate the ecosystem health and trends of the region's indigenous biodiversity and the extent to which *Te Rito o te Harakeke* is being given effect to, and
- (b) develop action plans to respond to the monitoring results, including informing the identification of targets and priorities through Method IE.3.

Implementation: Wellington Regional Council

3.20.10 Matters raised by submitters

450. Method IE.4 is supported by Fish and Game [S147.083] opposed by Wellington Water [FS19.147] and BLNZ [FS30.252], Forest and Bird [S165.0121] supported by Ātiawa [FS20.080] and opposed by BLNZ [FS30.319], Taranaki Whānui [S167.0179], and Rangitāne [S168.0103] supported by Sustainable Wairarapa [FS31.028].

451. Ngāti Toa [S170.076], supported by Ngā Hapū [FS29.190], requests an amendment to replace "support" with a sentence to "ensure Mana Whenua has sufficient resources to establish a mana whenua kaitiaki monitoring programme to monitor the health of the region's indigenous biodiversity." Ātiawa [S131.0147], supported by Ngā Hapū [FS29.266], supports this method but also requests reference to adequate funding and resourcing.

3.20.11 Analysis

452. In response to the request to resource a kaitiaki monitoring programme, I note that Method IE.4 already refers to resourcing of kaitiaki in the chapeau and I do not consider that further direction is necessary.

3.20.12 Recommendations

453. I do not recommend any amendments to Method IE.4.

3.20.13 Section 32AA evaluation

454. In accordance with section 32AA, I consider that my recommended amendments to Methods IE.1 to IE.4 are the most appropriate way to achieve the purpose of the RMA as they are minor amendments that seek to add further clarity as well as alignment with the NPS-IB and will therefore assist the way in which these methods are interpreted and

applied. This should increase the likelihood of them being successfully and efficiently implemented to achieve the desired outcomes.

3.20.14 Recommendations

455. I recommend very minor amendments to Methods IE.1 to IE.4 as shown above.

456. Accordingly, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.21 Issue 18: Methods 21, 32, 53, 54 (Pamela Guest)

Method 21: ~~Information to assist with the identification~~ Identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values

The regional council will liaise with the region's territorial authorities to ensure that all district plans include, by 30 June 2025 at the latest, a schedule of indigenous ecosystems and habitats with significant indigenous biodiversity values and plan provisions to protect them from inappropriate subdivision, use and development.

Where a district-wide indigenous biodiversity assessment has not been initiated by 30 June 2024, the regional council will liaise with the territorial authority to agree on a programme of works and an understanding as to whether:

(a) the territorial authority shall continue to have sole responsibility; or

(b) the regional council shall take full responsibility; or

(c) the territorial authority and the regional council shall share responsibilities.

~~Prepare and disseminate information to assist with the interpretation of the criteria set out in policies 23 and 24, which require the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values. Implementation: Wellington Regional Council* and city and district councils.~~

3.21.1 Matters raised by submitters

457. Method 21 is supported by SWDC [S79.05100, Ātiawa [S131.0142] supported by Ngā Hapū[FS29.261], WCC [S140.0114], Fish and Game [S147.0101] opposed by Wellington Water [DS19.165] and BLNZ [FS30.270], Taranaki Whānui [S167.0174], and Rangitāne [S168.098] supported by Sustainable Wairarapa [FS31.208], who seek it be retained as notified.

458. Outdoor Bliss [S11.012] supports Method 21 in part but requests that the community be included as part of the solutions. Forest and Bird opposed by BLNZ [FS30.319] supports the method in part, but requests amendments to read "as soon as possible, and in any event no later than" and to become a regulatory method.

459. PCC [S30.094] supported by Peka Peka Farm [FS25.127] opposes Method 21 and requests removal or amendment of the timeframe to align with the NPS-IB and amendment to provide for those councils that have already given effect to this method.
460. Method 21 is opposed by UHCC [S34.074] and HCC [S115.0112]. HCC requests that operative Method 21 be retained or that the deadline be amended to be 5 years after Change 1 becomes operative.

3.21.2 Analysis

Timing and Giving effect to the NPS-IB through Change 1

461. Based on the recommended amendments to Policies 23 and 24 and the clear direction in the NPS-IB requiring territorial authorities to map SNAs in the terrestrial environment by no later than 5 years after the NPS-IB gazettal date, I support consequential amendments to Method 21 to align with this timeframe which equates to as soon as reasonably practicable and by no later than 4 August 2028. Given the time that territorial authorities have had to initiate this work, I do consider that the timeframe in the second paragraph be retained to ensure that there is no further delay in initiating this assessment work for those councils that have not already included SNAs in their district plans.
462. Amendments are also required to remove clause (b) from Method 21 as the NPS-IB does not allow the Council to take full responsibility for mapping SNAs and I also consider, in any case, that this should always be undertaken using a partnership approach. These recommended amendments are shown below and are consistent with the recommendations of Mr Wyeth in Appendix 3.

3.21.3 Recommendations

Method 21: ~~Information to assist with the identification~~ Identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values

The regional council will liaise with the region's territorial authorities to ensure that all district plans include, ~~by 30 June 2025 at the latest,~~ as soon as reasonably practicable and by no later than 4 August 2028, a schedule of indigenous ecosystems and habitats with significant indigenous biodiversity values and plan provisions to protect them from inappropriate subdivision, use and development.

Where a district-wide indigenous biodiversity assessment has not been initiated by 30 June 2024, the regional council will liaise with the territorial authority to agree on a programme of works and an understanding as to whether:

- (a) the territorial authority shall continue to have sole responsibility; or
(b) ~~the regional council shall take full responsibility; or~~
(c) the territorial authority and the regional council shall share responsibilities.

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~~Prepare and disseminate information to assist with the interpretation of the criteria set out in policies 23 and 24, which require the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values.~~

Implementation: Wellington Regional Council and city and district councils*

Method 32: ~~Partnering Engagement~~ with mana whenua/tangata whenua, and engaging with stakeholders, landowners and the community in the identification and protection of significant values

~~Involve~~ Partner with iwi, hapū, marae and/or whānau, and engage with stakeholders, landowners and the community ~~in the~~ to:

- (a) ~~identification and protection of~~ significant places, sites and areas with significant cultural heritage values and significant historic heritage values;
- (b) ~~identification and protection of~~ outstanding natural features and landscapes, and managing the values of special amenity landscapes, including those with significant cultural values;
- (c) ~~identification and protection of~~ indigenous ecosystems and habitats with significant biodiversity values, including those of significance to mana whenua/tangata whenua;
- ~~(ca) develop and implement a regional biodiversity strategy described in Method IE.3; and~~
- (d) ~~protection of the values, including mana whenua/tangata whenua values, associated with the rivers and lakes identified in Appendix 1-; and~~
- (e) identify nature-based solutions to climate change as described in Method CC.6.

Implementation: Wellington Regional Council and city and district councils

3.21.4 Matters raised by submitters

463. Method 32 is supported by Peter Thompson [S123.011], Sustainable Wairarapa [S144.016], Rangitāne[S168.061, S168.099] supported by Sustainable Wairarapa [FS31.171], Ngāti Toa[S1170.072] supported by Ngā Hapū[FS29.186], WCC [S140.0106], Forest and Bird [S165.0108] opposed by BLNZ [FS30.319], and Taranaki Whānui [S167.0156].

464. Ātiawa [S11.0129] supported by Ngā Hapū[S29.246] supports the intent of Method 32 but requests amendments to reflect that partnering with mana whenua for the purposes of identifying and protecting significant values should be provided for separately to the stakeholders, landowners and the general public and community. They consider it is only mana whenua who can identify places, sites and areas with significant cultural heritage values, or outstanding natural features and landscapes with significant cultural values, or identify indigenous ecosystems and habitats with significance to mana whenua, or mana whenua values associated with rivers and lakes.

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465. Fish and Game [S147.024] opposed by Ātiawa [FS20.144], Wellington Water [FS19.088] and BLNZ [FS30.193] considers that GWRC also has a responsibility to partner with stakeholders, such as Fish and Game, and requests an amendment to reflect this.
466. PCC [S30.095] supported by Peka Peka Farm [FS25.128] supports Method 32 in part and requests that clause (b) be amended to also provide for identification of Special Amenity Landscapes
467. Horticulture NZ [S128.056] supports Method 32 but requests a new subclause (f) to identify areas of highly productive land.
468. Te Tumu Paeroa [S102.050] supports this method but considers it should be a regulatory method to ensure the protection of significant values.
469. HCC [S115.0103] oppose Method 32 in part, requesting that it does not apply to city and district councils.

3.21.5 Analysis

470. I agree with Ātiawa that only mana whenua are able to identify their areas and sites of significance and recommend amendments to provide for this as a separate clause.
471. In response to Te Tumu Paeroa, while Method 32 refers to protection, I do not consider that this is a regulatory method as it focuses on identifying sites and partnering and working with others to protect these areas and sites. The regulatory component is provided for by Method 1: District plan implementation and Method 2: Regional plan implementation which implement the policies that direct what shall be included in district and regional plans.
472. I agree with the following submission points and recommend amendments accordingly:
- (i) Fish and Game - in some circumstances a partnership approach with one or a range of stakeholders is more appropriate than just engaging.
 - (ii) PCC – that clause (b) should be amended to also provide for “identification” of Special Amenity Landscapes
 - (iii) Horticulture NZ – to include a clause to refer to the identification of areas of highly productive land, as this is already a requirement of the National Policy Statement for Highly Productive Land.
473. With respect to HCC’s request to remove implementation requirements for city and district plans, I note that the matters addressed by clauses (a), (b), and (c) are RMA section 6 matters of national importance which must be recognised and provided for by all those exercising RMA functions and powers. The Council and city and district councils also have responsibilities to identify and protect highly productive land under the NPS-HPL.

However, I agree that the matters set out in clauses (ca),(d) and (e) are the primary responsibility of the Council and recommend amendments to clarify this in the Implementation direction.

3.21.6 Recommendations

474. I recommend the following amendments to Method 32:

Method 32: ~~Partnering Engagement~~ with mana whenua/tangata whenua, and partnering where appropriate and engaging with stakeholders, landowners and the community in the identification and protection of significant values

1. Partner with iwi, hapū, marae and/or whānau to identify and protect areas and sites of significance to mana whenua/tangata whenua; and
2. ~~Involve~~ Partner with iwi, hapū, marae and/or whānau, and partner where appropriate and engage with stakeholders, landowners and the community ~~in the to:~~
 - (a) ~~identification and protection of~~ significant places, sites and areas with significant cultural heritage values and significant historic heritage values;
 - (b) ~~identification and protection of~~ outstanding natural features and landscapes, and identify and manage the values of special amenity landscapes, including those with significant cultural values;
 - (c) ~~identification and protection of~~ indigenous ecosystems and habitats with significant biodiversity values, including those of significance to mana whenua/tangata whenua;
 - (ca) develop and implement a regional biodiversity strategy described in Method IE.3; and
 - (d) ~~protection of the values,~~ including mana whenua/tangata whenua values, associated with the rivers and lakes identified in Appendix 1-; and
 - (e) identify nature-based solutions to climate change as described in Method CC.6-; and
 - (f) identify and protect highly productive land.

Implementation: Wellington Regional Council (all clauses) and city and district councils (clauses 2(a), (b),(c) and (f))

Method 53: Support mana whenua and community restoration initiatives for the coastal environment, rivers, lakes and wetlands ~~indigenous ecosystems~~

Provide practical support for mana whenua and community restoration initiatives for the coastal environment, rivers, lakes and wetlands ~~indigenous ecosystems~~, with a focus on achieving the targets and priorities identified by Methods IE.2, CC.4 and CC.7.

Implementation: Wellington Regional Council and city and district councils

3.21.7 Matters raised by submitters

475. Method 53 is supported by Te Tumu Paeroa [S102.087], Peter Thompson [S123.012], Sustainable Wairarapa [S144.017], MDC [S166.069, WCC [S140.0115], Taranaki Whānui [S167.0180], and Rangitāne [S168.0100] supported by Sustainable Wairarapa [FS31.025].
476. Ātiawa [S131.0148] supported by Ngā Hapū [FS29.267] supports Method 53 but requests an amendment to provide for resourcing.
477. Fish and Game [S157.014] opposed by Wellington Water [FS19.078] and BLNZ [FS30.183] opposes Method 53 as they consider replacing "coastal environment, rivers, lakes and wetlands" with "indigenous ecosystems" in Method 53 is unclear and inappropriately narrow, and requests retaining the original drafting or an amendment to refer to "indigenous coastal and freshwater ecosystems".
478. Forest and Bird [S165.0122], opposed by Ātiawa [FS20.082] and BLNZ [FS30.319], supports Method 53 in part but cautions that if the identification processes under Methods IE.2 and CC.6 are not broad enough, or are not carried out appropriately, they may not capture all areas that would benefit from restoration. The policy should therefore be broader than currently drafted. There also needs to be provision for restoration support in the period of time up until those identification processes are complete. Forest and Bird seeks: deletion of reference to Method IE.2 and correction of reference to CC.7; along with added reference to the regional biodiversity strategy, which appears to be intended to identify restoration priorities.
479. HCC [S115.0113] opposes Method 53 in part, requesting amendment so that it does not apply to city and district councils.

3.21.8 Analysis

480. As addressed in Issue 3, the Council does not support the RPS including provision for funding.
481. In response to Fish and Game, broadening Method 53 to refer to "indigenous ecosystems" recognises that it applies to terrestrial as well as aquatic ecosystems, and in my opinion referring simply to "indigenous ecosystems" is more efficient than referring to all the domains – coastal environment, rivers, lakes, wetlands and terrestrial ecosystems.
482. Forest and Bird has correctly identified errors in the references to other methods – the references should be to Method IE.3 (Regional biodiversity strategy), Method CC.4 (Regional forest spatial plan) and Method CC.6 (Nature-based solutions). In terms of broadening the method, I consider that it is appropriate that it focus on the strategic targets and priorities identified in Methods IE.3, CC.4 and CC.6 but note that it is not

exclusive to these. I note that the Council already provides significant funding for a range of restoration programmes, such as the Key Native Ecosystems programme, and funding for stream and wetland fencing and pest management.

483. In response to HCC, most if not all city and district councils already provide practical support for some level of restoration work in their districts and, noting the requirements for local authorities to support restoration in the NPS-IB Clauses 3.8, 3.18, and 3.21, I see no justification to remove application of Method 53 to city and district councils.

3.21.9 Recommendations

484. I recommend the following corrections to Method 53:

Method 53: Support mana whenua and community restoration initiatives for the coastal environment, rivers, lakes and wetlands indigenous ecosystems

Provide practical support for mana whenua and community restoration initiatives for the coastal environment, rivers, lakes and wetlands indigenous ecosystems, with a focus on achieving the targets and priorities identified by Methods IE.23, CC.4 and CC.76.

Implementation: Wellington Regional Council and city and district councils

Method 54: Assist landowners to maintain, enhance and restore indigenous ecosystems

Assist landowners to *maintain*, enhance and/or restore indigenous ecosystems, identified by Methods IE.2 and CC.7, including by, but not limited to:

- (a) assisting with the costs of legally protecting indigenous ecosystems by way of open space covenants with Queen Elizabeth the Second National Trust (QEII);
- (b) considering opportunities for rates rebates;
- (c) assisting with the costs of controlling pest plants and animals; and
- (d) supporting landowners to restore significant indigenous ecosystems by fencing and planting.

Implementation: Wellington Regional Council and city and district councils

3.21.10 Matters raised by submitters

485. Method 54 is supported by Peter Thompson [S123.021], Sustainable Wairarapa [S144.026], Ātiawa [S131.0149] supported by Ngā Hapū[FS29.268], and Taranaki Whānui [S167.0181].

486. Te Tumu Paeroa [S102.061] requests an amendment to recognise the value of “Ngā Whenua Rāhui” to support Māori landowners.

487. PCC [S30.097], supported by Peka Peka Farm [FS25.130], supports Method 54 in part but considers that rates rebates are just one tool under a wider umbrella of non-regulatory methods and requests reference to rates rebates in clause (b) be replaced by "advice, education, support and incentives". Similarly, WCC [S140.0116] supported in part by MDC [FS14.048], requests that reference to rates rebates be replaced by "considering opportunities for incentives packages".
488. Forest and Bird [S165.0123], opposed by Ātiawa [FS20.083] and BLNZ [FS30.319], supports this method, but highlights incorrect references to the other methods and requests amendments to include the words "in particular those" before the words "identified by".
489. MDC [S166.070] supports Method 54 in part but requests clarification of what this would look like in practice. HCC [S115.0144] requests that this method not apply to city and district councils.

3.21.11 Analysis

490. I agree with PCC and others who request that Method 54 clause (b) be broadened beyond rates relief, which I agree is just one example of opportunities to provide incentives. I also recommend amendments in response to Forest and Bird to correct the references to refer to Methods IE.3, CC.4 and CC.6. I also support their request to amend the chapeau to give particular focus to strategic targets and priorities and recommend wording consistent with Method 53.
491. I acknowledge the value of the Ngā Whenua Rāhui fund to support the protection of indigenous biodiversity on Māori owned land and note that the NPS-IB Appendix 5 requires that "opportunities for partnerships with the Queen Elizabeth II National Trust, Ngā Whenua Rāhui and others," be taken into account when developing a regional biodiversity strategy. As such I consider that it could be usefully highlighted in Method 54 as a way of supporting restoration of indigenous biodiversity.
492. In my opinion it is appropriate that territorial authorities also support implementation of Method 54 as they have responsibilities for managing the effects of land use on indigenous biodiversity under both the RMA and the NPS-IB. In particular NPS-IB policies 3.18(5) and 3.21(3) include requirements to provide incentives for the protection and maintenance of indigenous biodiversity in priority areas, including on specified Māori land.

3.21.12 Recommendations

493. I recommend the following amendments to Method 54:

Method 54: Assist landowners to maintain, enhance and restore indigenous ecosystems

Assist landowners to maintain, enhance and/or restore indigenous ecosystems, with a focus on achieving the targets and priorities identified by Methods IE.23, CC.4 and CC.76, including by, but not limited to:

- (a) assisting with the costs of legally protecting indigenous ecosystems by way of open space covenants with Queen Elizabeth the Second National Trust (QEII);
- (b) considering opportunities for partnerships (e.g., with Ngā Whenua Rāhui), advice, education, support and incentives, such as rates rebates;
- (c) assisting with the costs of controlling pest plants and animals; and
- (d) supporting landowners to restore significant indigenous ecosystems by fencing and planting.

Implementation: Wellington Regional Council and city and district councils

3.21.13 Section 32AA evaluation

494. In accordance with section 32AA, I consider that my recommended amendments to Methods 21, 32, 53 and 54 are the most appropriate way to achieve the purpose of the RMA as they better recognise the roles and values of mana whenua/tangata whenua, seek to align with the timeframes in NPS-IB, and are minor amendments that seek to add clarity or correct minor errors. These amendments should assist the way in which these methods are interpreted and applied and increase the likelihood of successful and efficient implementation to achieve the desired outcomes.

495. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

3.22 Issue 19: Definitions (Pamela Guest)

3.22.1 Matters raised by submitters

General

496. The DGC [S32.040] opposed by BLNZ [FS30.318] supports in part the definitions relating to Indigenous biodiversity, considering them to be generally appropriate, while requesting any amendments necessary to give effect to the NPS-IB if gazetted.

497. Rangitāne [168.085-S168.088], [S168.091-S168.096], supported by Sustainable Wairarapa [FS31.195], [FS31.197], [FS31.198], [FS31.201-FS31.203], also supports the definitions and requests they are retained as notified.

498. Winstone Aggregates [S162.020-S162.025], [S162.027], [S162.030-S162.033] opposes the definitions, as they are concerned about the adoption of draft NPS-IB definitions and the overly restrictive approach they take. Winstone Aggregates seeks amendments to

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ensure that the definitions are in line with the NPS-IB and RMA caselaw. These submissions are supported by Fulton Hogan [FS11.030-FS11.033] and [FS11.035], Fuel Companies [FS10.033], and Powerco Limited [FS24.029] and opposed by Ātiawa [FS20.288-FS20.293], [FS20.295], and [FS20.298-FS20.300].

Biodiversity compensation

499. Forest and Bird [S165.0125] supported in part by Ātiawa [FS20.084] and opposed by Meridian [FS26.071] and BLNZ [FS30.319] support in part the definition for biodiversity compensation, requesting that reference to 'otherwise managed' is unclear and be replaced, and a link to set of mandatory compensation principles contained in the RPS be added.

500. Rangitāne [S168.084] supported by Sustainable Wairarapa [FS31.194] and supported in part by Meridian [S168.084] supports in part the definition for biodiversity compensation, requesting amendments to clarify that compensation only occurs after all measures to avoid, minimise, remedy or offset have been explored.

Biodiversity offsetting

501. Forest and Bird [S165.0126] supported in part by Ātiawa [FS20.085] and opposed by Meridian [FS26.074] and BLNZ [FS30.319] supports in part the definition for biodiversity offsetting, requesting that an unclear reference to minimisation is removed and amended to include mitigation. They also suggest that this definition should link to a set of mandatory offsetting principles contained in the RPS.

502. Rangitāne [S168.083] supported by Sustainable Wairarapa [FS31.193] supports in part the definition, requesting an amendment to be consistent with the 10% net gain goal specified in Policy 24 and Appendix 1A.

503. GWRC [S137.023], supported by DFC [FS22.003] and opposed by Winstone Aggregates [FS27.033] and Meridian [FS26.073], supports in part the definition for biodiversity offsetting, requesting amendments to reflect the fact that we are directing a net gain outcome from the use of offsetting and deletion of the term 'appropriate' as it is imprecise.

Ecological Connectivity

504. WCC [S140.0121] supports in part the definition for ecological connectivity, requesting that the definition for 'connectivity' in the NPS-IB exposure draft replace the current definition.

505. Forest and Bird [S165.0130] supported in part by Ātiawa [FS20.089] and opposed by BLNZ [FS30.319] supports this definition in part, requesting a drafting amendment to replace "alleles" with "material".

Ecological integrity

506. Forest and Bird [S165.0131] supported in part by Ātiawa [FS20.090] and opposed by BLNZ [FS30.319] supports in part the definition for ecological integrity, but requests it is deleted and replaced by the following:

“the ability of the natural environment to support and maintain the full range of indigenous biodiversity and ecosystem functioning, both within and across ecosystems. It requires supporting and maintaining:

a. ecological representation: the occurrence and extent of ecosystems and indigenous species and their habitats across the full range of environments;

b. composition: the natural diversity and abundance of indigenous species, habitats, and communities within and across ecosystems;

c. structure: the biotic and abiotic physical features and characteristics of ecosystems;

d. functions: the ecological and physical functions and processes of an ecosystem; and

e. resilience: any other properties that contribute to resilience of the indigenous components of ecosystems to the adverse impacts of natural or human disturbances.”

Ecosystem health

507. Forest and Bird [S165.0132] supported in part by Ātiawa [FS20.091] and opposed by BLNZ [FS30.319] supports in part the definition being retained, but requests clarification on how the definition will interact with the NPS-FM compulsory value of ‘ecosystem health’.

Enhancement

508. Forest and Bird [S165.0133] supported in part by Ātiawa [FS20.092] and opposed by BLNZ [FS30.319], and Rangitāne [S168.088] supported by Sustainable Wairarapa [FS31.198], supports the definition for enhancement and requests it is retained.

509. The DCG [S30.040] opposed by BLNZ [FS30.318] support in part the definition, requesting it is retained subject to any changes which may be required to give effect to a gazetted NPS-IB.

Natural ecosystem

510. WCC [S140.0128] requests addition of a definition for a natural ecosystem.

Naturally uncommon ecosystems

511. UHCC [S34.0104] opposes the definition for naturally uncommon ecosystems in part, requesting that the proposed definition is deleted and reviewed once the NPS-IB has been gazetted and more detailed information on naturally uncommon ecosystems is available.

512. Forest and Bird [S165.0135] supported in part by Ātiawa [FS20.094] and opposed by BLNZ [FS30.319] supports the definition and requests it is retained.

Protect (in relation to indigenous biodiversity)

513. WIAL [S148.058] supported in part by Meridian [FS26.079] opposes in part the definition, seeking to ensure it is consistent with national direction that may be contained in the NPS-IB.
514. UHCC [S34.0106] opposes the definition, considering it to be very directive, and lacking in clarity as to how it relates to the NPS-IB and the legal protection included. UHCC requests it is deleted and reviewed once the NPS-IB has been gazetted.
515. Forest and Bird [S165.0138], supported in part by Ātiawa [FS20.097] and Meridian [FS26.077] and opposed by Wellington Water [FS19.037] and BLNZ [FS30.319], opposes the definition as it is vague and unhelpful, refers to 'maintain' which is a different concept, and refers to extinction which is inappropriate. Forest and Bird requests either deletion or redrafting to increase clarity, along the following lines:

Ensure that biodiversity and the ecosystem processes are kept safe from harm in both the short and long term. This involves managing all threats to species and ensuring that populations are buffered from the impacts of the loss of genetic diversity and longer-term environmental events such as climate change.

516. Robert Anker [S31.030] opposes the definition for protect, considering the scope and interpretation to be unclear and citing a lack of consultation. He requests that GWRC engages in meaningful consultation to determine the ramifications and scope of this definition. Phillip Clegg [S62.027] and Sarah (Dr) Kerkin [S96.023] oppose in part the definition, considering it to be broad and vague. They request that the definition is redrafted with consultation with the community to be more specific so it can be meaningfully understood and consistently applied.

Resilience (in relation a natural ecosystem)

517. Forest and Bird [S165.0139] supports the definition for resilience and requests it is retained.

Restoration

518. Forest and Bird [S165.0149] opposed by BLNZ [FS30.319] supports the definition for restoration in part, requesting an amendment to add "or improve" after "reinstate".
519. Submitters associated with the Mangaroa Peatland Focus Group (47 in total) oppose in part the definition for restoration due to wide scope and lack of definition of a 'desired former state'. The submitters request that a clause is inserted that requires GWRC to engage with the community to define what restoration means for each habitat, ecosystem, landform or landscape and only proceed once they have community approval in each case. These submissions are supported by Brendan Herder [FS5.4] and [FS5.8] and opposed by Forest and Bird [FS7.005]. Grant O'Brien [S161.005] opposes in part the definition, concerned with inadequate engagement with affected communities,

requesting that the definition is amended to require GWRC to adequately map areas requiring restoration and engage with the affected community.

Te Rito o te Harakeke

520. Ātiawa [S131.0163] and Fish and Game [S147.0110] support the definition for Te Rito o te Harakeke and request it is retained as notified.

521. Forest and Bird [S165.0141] supports the definition in principle but requests amendments to ensure that a hierarchy of obligations consistent with the NPS-FM is included, rather than a balancing of human use against maintenance of indigenous biodiversity as seen in the exposure draft of the NPS-IB.

522. Robert Anker [S131.032] opposes in part the definition, requesting that the reference to this concept in connection with biodiversity is deleted.

Threatened ecosystems or species

523. Both the DCG [S32.039] and Forest and Bird [S165.0142] support the definition for threatened ecosystems or species but request an amendment to also provide a definition for threatened species, referencing the New Zealand Threat Classification System.

3.22.2 Analysis

Giving effect to the NPS-IB through Change 1

524. The definitions in Change 1 were drafted to align with those in relevant national policy statements, including the exposure draft of the NPS-IB. A number of the definitions in the gazetted NPS-IB differ from those in the exposure draft and I recommend that the Change 1 definitions be amended for consistency, as requested by a number of submitters. The definitions which differ between the exposure draft and the gazetted versions of the NPS-IB, and which I therefore recommend be amended, are:

- biodiversity compensation
- biodiversity offsetting
- ecological connectivity
- ecological integrity
- maintenance (in relation to indigenous biodiversity)
- resilience (in relation to indigenous biodiversity)
- restoration
- Te Rito o te Harakeke – replaced by a set of decision-making principles for indigenous biodiversity.

525. I also note that the NPS-IB has added a definition for 'ecosystem function' and, as this term is used in Change 1, I recommend that this definition be added to Change 1.

526. I consider that these amendments will address the submissions made on these terms, as there is no discretion but to be consistent with national direction.

Ecosystem health

527. The NPS-FM does not include a definition for 'ecosystem health', but in Appendix 1A states that in a healthy freshwater ecosystem all 5 biophysical components (water quality, water quantity, habitat, aquatic life, and ecological processes) are suitable to sustain the indigenous aquatic life expected in the absence of human disturbance or alteration.

528. In my opinion, ecosystem health as defined in Change 1 'The degree to which an ecosystem is able to sustain its ecological structure, processes, functions, and resilience within its range of natural variability.' aligns, and does not conflict, with the NPS-FM compulsory value of 'ecosystem health' and I do not consider any amendment is necessary.

Enhancement

529. I do not recommend any amendment to this term, noting that the NPS-IB does not include a definition for this term.

Natural Ecosystem

530. WCC has requested a definition for natural ecosystem to provide clarity. I note that this term is not used in Change 1, but that indigenous ecosystem is used extensively. I refer WCC to my recommendation under Issue 3 to add a definition to Change 1 for 'Indigenous ecosystem' and I consider that this may provide the relief sought by this submitter.

Naturally Uncommon Ecosystems

531. In response to UHCC, while the NPS-IB does refer to naturally uncommon ecosystems, it does not include a definition for this term. There is no new information on naturally uncommon ecosystems to inform an alternative definition, and the advice of the Council's Senior Terrestrial Ecologist, Dr Roger Uys, is that the proposed definition is appropriate. I therefore do not propose any amendments to this definition.

Protect (in relation to indigenous biodiversity)

532. I agree that the definition for protect is unclear and therefore not helpful. As there is no definition for protect in the RMA, NPS-IB, NPS-FM, or NZCPS I recommend that the definition for protect be deleted and a common dictionary definition be relied on if necessary.

Restoration

533. I have recommended several amendments to the definition for 'restoration' for consistency with the gazetted NPS-IB. I consider that this will satisfy the relief sought by Forest and Bird. However, I note that the NPS-FM also includes a definition for restoration, but in relation to natural inland wetlands, which although similar has some nuance. I

therefore recommend that this definition also be included in Change 1 to provide additional clarity.

534. With respect to submitters aligned with the Mangaroa Peatland group, I agree that what restoration means on the ground depends on the context, including the ecosystem health of the resource and an assessment of the costs and benefits of acting or not acting, also that the desired end-point must be informed by evidence and engagement with stakeholders, including any impacted landowners. However, I do not consider that this detail belongs in the definition for restoration as it is a process or policy matter.

535. I note that the policies and methods in Change 1 to give effect to restoration outcomes are non-regulatory and that there is no direction that requires restoration, particularly on private property. I also refer the submitters to my recommendations in the section 42A and Right of Reply reports prepared for Hearing Stream 3: Climate-resilience and nature-based solutions, to reframe Policy CC.7 as a non-regulatory policy to “Work with and support landowners, mana whenua/tangata whenua, and other key stakeholders to protect, restore, enhance or sustainably manage ecosystems that provide nature-based solutions to climate change.”

536. Non-regulatory Policy IE.3: Maintaining, enhancing, and restoring indigenous ecosystem health is an equivalent policy in the Indigenous Ecosystems topic which is to be given effect to by Non-regulatory ‘Method IE.3: Regional biodiversity strategy’. The regional biodiversity strategy is to be led by the Wellington Regional Council, working in partnership with tangata whenua/mana whenua and in collaboration with territorial authorities, communities, and other identified stakeholders. In relation to terrestrial ecosystems, it must comply with the requirements of Appendix 5 in the NPS-IB, which also reiterates these requirements for partnership and community engagement. I note that my recommendations under Issue 15 include adding the following text to Policy IE.3 for better clarity. “Policy IE.3 will be implemented by the Wellington Regional Council in partnership with mana whenua/tangata whenua and in collaboration with landowners, territorial authorities, communities, and other stakeholders as appropriate.”

537. For these reasons, I do not recommend any changes to the definition for restoration additional to those required for consistency with the NPS-IB.

3.22.3 Section 32AA evaluation

538. In accordance with section 32AA, I consider that my recommended amendments to the definitions relating to the Indigenous ecosystems topic are the most appropriate way to achieve the purpose of the RMA as they are amendments to align with the definitions in the gazetted NPS-IB and will therefore provide consistency in the way in which these definitions are interpreted and applied. This should increase the likelihood of it being successfully and efficiently implemented to achieve the desired outcomes.

3.22.4 Recommendations

539. I recommend the following amendments to the Definitions relating to the Indigenous ecosystems topic:

Definitions (**terms as defined in the NPS-IB, **terms as defined in the NPS-FM*)

<u>Defined term</u>	<u>RPS Definition</u>
<u>Biodiversity compensation</u>	A measurable positive <u>environmental conservation</u> outcome resulting from actions that are designed to compensate for residual adverse <u>biodiversity effects on indigenous biodiversity that cannot be otherwise managed after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.</u> This includes biodiversity compensation in the terrestrial environment and aquatic compensation for the extent and values of rivers and natural inland wetlands.
<u>Biodiversity offsetting</u>	A measurable positive <u>environmental conservation</u> outcome resulting from actions designed to redress for the residual adverse effects on <u>indigenous biodiversity arising from activities after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied.</u> The goal of biodiversity offsetting is to achieve <u>no net loss, and preferably a net gain, of in type, amount, and condition of indigenous biodiversity values compared to that lost.</u> This includes biodiversity offsetting in the terrestrial environment and aquatic offsetting for the extent and values of rivers and natural inland wetlands.
<u>Decision-making principles for indigenous biodiversity*</u>	<u>The following decision-making principles must inform the management of indigenous biodiversity:</u> <ul style="list-style-type: none"> (a) <u>prioritise the mauri, intrinsic value and well-being of indigenous biodiversity,</u> (b) <u>take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi),</u> (c) <u>recognise the bond between mana whenua/tangata whenua and indigenous biodiversity based on whakapapa relationships,</u> (d) <u>recognise the obligation and responsibility of care that mana whenua/tangata whenua have as kaitiaki of indigenous biodiversity,</u> (e) <u>recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity,</u>

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	<p>(f) <u>enable the application of te ao Māori and mātauranga Māori, and</u></p> <p>(g) <u>form strong and effective partnerships with mana whenua /tangata whenua.</u></p>
<u>Ecological Connectivity*</u>	<p>Refers to the degree of connection that provides for the movement of genetic alleles and species and the maintenance of ecosystem processes within and between populations and ecosystems</p> <p><u>The structural or functional links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems.</u></p>
<u>Ecosystem function*</u>	<u>The abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem.</u>
<u>Ecosystem health</u>	<u>The degree to which an ecosystem is able to sustain its ecological structure, processes, functions, and resilience within its range of natural variability.</u>
<u>Ecological integrity*</u>	<p>The full potential of indigenous biotic and abiotic features and natural processes, functioning in sustainable communities, habitats, and landscapes.</p> <p><u>The extent to which an ecosystem is able to support and maintain its:</u></p> <p><u>(a) composition (being its natural diversity of indigenous species, habitats, and communities); and</u></p> <p><u>(b) structure (being its biotic and abiotic physical features); and</u></p> <p><u>(c) functions (being its ecological and physical processes).</u></p>
<u>Maintain/maintained/maintenance (in relation to indigenous biodiversity)*</u>	<p><u>At least no reduction in the following:</u></p> <p>(a) the size of populations of indigenous species</p> <p>(b) indigenous species occupancy across their natural range</p> <p>(c) the properties and function of ecosystems and habitats</p> <p>(d) the full range and extent of ecosystems and habitats</p> <p>(e) connectivity between and buffering around, ecosystems</p> <p>(f) the resilience and adaptability of ecosystems.</p> <p><u>The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.</u></p> <p><u>Maintaining indigenous biodiversity requires:</u></p>

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	<p><u>(a) the maintenance and at least no overall reduction of all the following:</u></p> <ul style="list-style-type: none"> (i) <u>the size of populations of indigenous species:</u> (ii) <u>indigenous species occupancy across their natural range:</u> (iii) <u>the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:</u> (iv) <u>the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:</u> (v) <u>connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:</u> (vi) <u>the resilience and adaptability of ecosystems; and</u> <p><u>(b)where necessary, the restoration and enhancement of ecosystems and habitats.</u></p>
<u>Protect (in relation to indigenous biodiversity):</u>	<u>Looking after biodiversity and the ecosystem processes that create and maintain it in the long term. This involves managing all threats to secure species from extinction and ensuring that their populations are buffered from the impacts of the loss of genetic diversity and longer term environmental events such as climate change. This includes, but is not restricted to, legal protection.</u>
<u>Resilience (in relation to an ecosystem)*</u>	<u>The ability of an ecosystem to absorb and recover from disturbances and its capacity to reorganise into similar ecosystems.</u>
<u>Restoration (in relation to indigenous biodiversity)*</u>	<u>In relation to indigenous biodiversity, means tThe active intervention and management of modified or degraded habitats, ecosystems, landforms and landscapes in order to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities.</u>
<u>Restoration (in relation to a natural inland wetland)**</u>	<u>Active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning</u>
<u>Te Rito o te Harakeke</u>	<p><u>Te Rito o te Harakeke is a concept that refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with it.</u></p> <p><u>It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for it. It acknowledges the web of</u></p>

	<p>interconnectedness between indigenous species, ecosystems, the wider environment, and the community.</p> <p>Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:</p> <p>(a) the intrinsic value and mauri of indigenous biodiversity:</p> <p>(b) the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence:</p> <p>(c) the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity:</p> <p>(d) the connectivity between indigenous biodiversity and the wider environment:</p> <p>(e) the incorporation of te ao Māori and mātauranga Māori:</p> <p>(f) the requirement to partner with tangata whenua.</p>
<p><u>Threatened ecosystems</u> or <u>Threatened or At Risk species</u></p>	<p>These Threatened ecosystems are described by the IUCN Red List categories, Critically Endangered, Endangered and Vulnerable</p>
<p><u>Threatened or At Risk species</u> *</p>	<p>Threatened or At Risk and Threatened or At Risk (declining) species have, at any time, the meanings given in the New Zealand Threat Classification System Manual (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008. Science & Technical Publishing, Department of Conservation, Wellington), available at: https://www.doc.govt.nz/globalassets/documents/science-andtechnical/sap244.pdf, or its current successor publication</p>

540. Accordingly, I recommend that submissions and further submissions are accepted, accepted in part or rejected as detailed in Appendix 2.

4.0 Conclusions

541. A range of submissions have been received in support of, and in opposition to the provisions relating to the Indigenous ecosystems topic of Change 1.

542. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, we recommend that Change 1 should be amended as set out in **Appendix 1** of this report.

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543. We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

We recommend that:

1. Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report; and
2. The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.