

APPENDIX 3: ASSESSMENT AND RECOMMENDATIONS ON HOW RPS CHANGE 1 SHOULD BE GIVE EFFECT TO CERTAIN NPS-IB PROVISIONS

Statutory context

- The NPS-IB must be given effect to “as soon as reasonably practicable”¹.
- 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. The majority of the NPS-IB provisions in Part 3 are highly directive and leave limited discretion in how they are implemented.
- The scope of Change 1 includes indigenous biodiversity and there are numerous submission points seeking alignment with the NPS-IB. Accordingly, there are no scope impediments in giving effect to the NPS-IB through Change 1.

Key principles guiding the approach to give effect to the NPS-IB

- NPS-IB provisions should be given effect to where reasonably practicable and within scope.
- 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.
- 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.
- The scope to give effect to the NPS-IB is generally limited to indigenous biodiversity in the terrestrial environment.

NPS-IB Objective/Policy	NPS-IB Part 3 — Implementation Clause	Does Change 1 give effect to the NPS-IB provisions?	What changes are required to the indigenous ecosystem provisions in Change 1 to give effect to the relevant NPS-IB provisions in part or full?
(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.		Yes. Objective 16, 16A, 16B and 16C are strongly aligned with the NPS-IB objective which includes a number of related elements. In particular: <ul style="list-style-type: none"> • Objective 16 seeks to protect significant indigenous biodiversity values • Objective 16A seeks to maintain and restore indigenous biodiversity • Objective 16B seeks to enable mana whenua/tangata whenua to exercise kaitiakitanga • Objective 16C seeks to recognise landowner and community values in relation to indigenous biodiversity and support their role as stewards. <p>The only aspect of the NPS-IB objective not specifically referenced in the Change 1 indigenous ecosystems objectives is clause (iv).</p>	Overall, I consider that the Change 1 indigenous ecosystems objectives are strongly aligned with the NPS-IB objective. Specific amendments to the objectives have been considered in response to submissions in the section 42A report, but Ms Guest recommends that the general focus and scope of the objectives is retained (noting comments relating to Te Rito o te Harakeke below). I do not consider that it is necessary to replicate clause (iv) in the NPS-IB objective in the Change 1 indigenous ecosystems objectives. This would create inconsistencies with other RPS objectives and there are also other RPS objectives/provisions that relate to the wellbeing of people and communities, such as those in Chapter 3.3 relating to the benefits of regionally significant infrastructure. I also consider this further below in relation to Policy 10 and Clause 3.5 which relate to social, economic and cultural well-being. Recommendation: Retain Objectives 16,16A,16B,16C (subject to amendments recommended in section 42A report in response to specific submission points) which collectively give effect to the NPS-IB Objective in full.
Policy 1 Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.	Clause 3.2: Role of decision-making principles	In part. Change 1 includes numerous provisions relating to the concept of Te Rito o te Harakeke, that was a core concept in the NPS-IB exposure draft, supported by a definition including six “essential elements”. This term has been removed from the final NPS-IB and replaced by a list of decision-making principles. That are set out in Clause 1.5. These are essentially the same as the definition for Te Rito te Harakeke in the NPS-IB exposure draft, with several amendments. The concept of Te Rito o te Harakeke is referenced in the Climate Change, Natural Hazards and Indigenous Ecosystem provisions in Change 1.	The definition and references to Te Rito o Harakeke v decision-making principles Options to give effect to the decision-making principles were discussed with mana whenua/tangata representatives at a pre-hearing discussion. The options discussed included retaining Te Rito o te Harakeke, replacing this concept with the decision-making principles, adopting an alternative concept (such as Te Oranga o te Taiao or Te Mana o te Taiao), or simply removing any reference to Te Rito o Harakeke. Based on feedback received and further analysis, I recommend that the definition and references to Te Rito o te Harakeke in Change 1 are replaced with reference t the ‘indigenous biodiversity decision-making principles’ that are consistent with those in the NPS-IB. This option best gives effect to the NPS-IB and also recognises that these principles go further than the Change 1 definition for Te Rito o te Harakeke, in terms of providing for mana whenua/tangata whenua values, as the principles:

¹ 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”.

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		<p>Objective A, Policy IM.1, and Method IM.1 in Change 1 (integrated management topic) also incorporate principles relating to Te Ao Māori and incorporating mātauranga Māori in partnership with mana whenua/tangata whenua in resource management and decision-making.</p>	<ul style="list-style-type: none"> • Prioritise the mauri and well-being of indigenous biodiversity • Specifically reference the requirement to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi): • Require local authorities to “<i>form strong and effective partnerships with mana whenua/tangata whenua when giving effect to the NPSIB</i>”, rather than just a requirement “to engage” with tangata whenua. <p>Recommendation: Replace Te Rito o te Harakeke with reference to the indigenous biodiversity decision-making principles which gives effect to the NPS-IB Policy 1 in part.</p> <p>Clause 3.2 - The role of the decision-making principles</p> <p>Clause 3.2 requires local authorities to engage with tangata whenua, people and communities to ensure the decision-making principles inform and are given effect to when implementing the NPS-IB in their region and districts. It is not practicable to achieve this full level of engagement at this stage of the process through Change 1 and this will need to be given effect to through future RPS change and district plan changes in the region. However, I note that many of the Change 1 provisions are aligned with the decision-making principles in the NPS-IB, including the direction to form partnerships with tangata whenua and recognise the role of landowners as stewards of indigenous biodiversity.</p> <p>Recommendation: Give effect to NPS-IB Policy 1, Clause 3.2 in full through a future RPS change.</p>
<p>Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe.</p>	<p>Clause 3.3: Tangata whenua as partners</p>	<p>In part. Objective 16B, Policy IE.1, Policy IE.2, Methods IE.1, IE.3 and IE.4 are aligned with Clause 3.3 of the NPS-IB to involve tangata whenua as partners in the management of indigenous biodiversity. However, Clause 3.3(3) of the NPS-IB is more specific on some matters (e.g. investigating the use of transfers and joint management agreements).</p> <p>Objective A, Policy IM.1, and Method IM.1 in Change 1 (integrated management topic) also include direction to partner with mana whenua/tangata whenua in resource management and decision-making.</p>	<p>I recommend that the relevant Change 1 provisions are retained on the basis these broadly give effect to the direction in Policy 2 and Clause 3.3 to partner with tangata whenua (subject to more detailed recommendations in response to submissions). Further, many of the specific implementation requirements in Clause 3.3 are directed at local authority operations to involve tangata whenua in certain processes and this does not need to be repeated or further specified in the RPS in my view.</p> <p>In terms of the specific direction in Clause 3.3(3) and Clause 3.3(4) relating to investigating the use of joint management and decision-making mechanisms, require further engagement with each mana whenua/tangata whenua in the region and will take some time to implement. This needs to be given effect to through a future RPS change when the NPS-IB is implemented in full.</p> <p>Recommendation: Retain existing provisions directing partnership with mana whenua/tangata whenua which give effect to NPS-IB Policy 2 and Clause 3.3 in part.</p>
	<p>Clause 3.18: Māori lands</p>	<p>No. Change 1 does not include specific direction relating managing indigenous biodiversity on specified Māori lands.</p>	<p>It is not practicable to give effect to Clause 3.18 in full through Change 1, as this requires a partnership approach with tangata whenua/mana whenua and owners of specified Māori land. However, there is an opportunity to amend certain provisions to align with the intent of Clause 3.18 (i.e. to provide a balanced framework for specified Māori lands that protects indigenous biodiversity, while also allowing for certain types of development that will support the social, cultural and economic wellbeing of mana whenua/tangata whenua). This option was discussed with mana whenua/tangata whenua representatives at a pre-hearing meeting and was broadly supported by those present.</p> <p>Therefore, I recommend that the direction in Clause 3.18(1) and (2) of the NPS-IB is given effect to in part through an amendment to Policy IE.3. This policy direction should set out the outcomes to be achieved to ensure a balanced approach to protecting SNAs and taonga species on Māori lands, as directed under Clause 3.18(1) while also enabling appropriate use and development as directed by Clause 3.18(2). My recommended amendment to Policy IE.3 is a new clause as follows:</p> <p><i>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.</i></p>

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	<p>Clause 3.19: Identified taonga</p>	<p>Yes, to a large extent. Policy IE.1(b) in Change 1 directs regional and district plans to “<i>identify and protect taonga species</i>”.</p> <p>Criteria (e) in Policy 23 also relates to mana whenua/tangata whenua values as “<i>the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to mana whenua/tangata whenua, identified in accordance with tikanga Māori</i>”. This criterion to identify significant biodiversity values would also likely identify ecosystems and species that are taonga to mana whenua/tangata whenua. This is an operative RPS policy with only a minor consequential amendment to refer to “mana whenua/tangata whenua”.</p> <p>However, Change 1 does not include specific NPS-IB direction to territorial authorities on how to identify and protect taonga.</p>	<p>Recommendation: Amend Policy IE.1 to provide specific direction relating to managing biodiversity on Māori land which will give effect to the NPS-IB Policy 2 and Clause 3.18 in part.</p> <p>Clause 3.19 is primarily directed at territorial authorities and prescribes a specific process to work in partnership with tangata whenua to identify taonga species, populations and ecosystems. However, there are some provisions in Clause 3.19 that are directed at local authorities more generally (e.g. managing adverse effects on identified taonga, sustainable customary use of identified taonga). The only clause that indicates policy statements must be changed “as necessary” is Clause 3.19(7) which relates to the sustainable customary use of identified taonga. This specific direction is already given effect to by Policy IE.1(c) in Change 1 which states that regional and district plans shall include provisions to “<i>support mana whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga</i>”.</p> <p>In terms of the direction in Clause 3.19 for territorial authorities to identify taonga species, populations and ecosystems, I consider that there are two broad options for Change 1:</p> <ol style="list-style-type: none"> 1. Retain Policy IE.1(b) as notified with minor amendments to align with NPS-IB terminology; or 2. Expand Policy IE.1 to be more specific on how taonga species, populations and ecosystems should be identified by territorial authorities consistent with the detailed implementation requirements in Clause 3.19. <p>I recommend that Option 1 is adopted in Change 1 as this gives effect to the intent of Clause 3.19 in the NPS-IB without unnecessarily repeating these provisions in the RPS. I recommend that this is achieved through the following amendments to Policy IE.2(b) “<i>identify and protect <u>acknowledged and identified taonga species, populations and ecosystems</u></i>”. This would then be read alongside Clause 3.19 in the NPS-IB which provides the specific direction to territorial authorities on how to identify and protect taonga.</p> <p>Recommendation: Amend Policy IE.1 to give effect to NPS-IB Policy 2 and Clause 3.19 in part.</p>
<p>Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.</p>	<p>Clause 3.7: Precautionary approach</p>	<p>No. However, RPS operative Policy 47(h) requires particular regard to be had “<i>the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats</i>”. This ‘consideration’ policy relates to “<i>indigenous ecosystems and habitats with significant indigenous biodiversity values</i>” which is the term used in the RPS to refer to areas with significant biodiversity values in accordance with section 6(c) of the RMA. This means the specific direction relating to the precautionary approach is limited to these significant biodiversity values, whereas the direction in Policy 3 and Clause 3.7 of the NPS-IB applies generally (i.e. to all indigenous biodiversity, not just that recognised as having significant values).</p>	<p>Clause 3.7 does not require local authorities to make changes to policy statements and plans – the direction is simply to adopt a precautionary approach when there is uncertainty about effects, but these effects could potentially be significant.</p> <p>However, given Policy 47(h) relates to the precautionary approach, there is the opportunity to better align this policy direction with the NPS-IB, by providing clearer direction on when the precautionary approach should be adopted in relation to indigenous biodiversity. While this operative policy was not subject to amendment through Change 1, there is scope within submissions on the indigenous ecosystems provisions in Change 1 that seek greater alignment with the NPS-IB once gazetted to recommend this amendment. On this basis, I recommend that Policy 47(h) is amended as follows:</p> <p>(h) <i>the need for a precautionary approach <u>to be adopted</u> when assessing <u>and managing</u> the potential for adverse effects on indigenous ecosystems and habitats where:</i></p> <ol style="list-style-type: none"> <i><u>the effects on indigenous biodiversity are uncertain, unknown, or little understood; and</u></i> <i><u>those effects could cause significant or irreversible damage to indigenous biodiversity.</u></i> <p>This recommendation is also consistent with Policy 3 of the NZCPS which provides guidance on when the precautionary approach should be adopted in the coastal environment.</p> <p>The limitation of this option is that Policy 47 in the RPS only applies to indigenous habitats and ecosystems with significant indigenous biodiversity values whereas Policy 3 and Clause 3.7 in the NPS-IB applies to all indigenous biodiversity in the terrestrial environment. An alternative option to the amendments to Policy 47 above is therefore to include a new policy in the RPS to require a precautionary approach to be adopted when considering adverse effects on indigenous biodiversity</p>

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			<p>more generally. I do not consider that this new policy is necessary though Change 1 as the precautionary approach is most relevant for adverse effects significant biodiversity values and this can be considered further through the future RPS change to give effect to the NPS-IB in full.</p> <p>Recommendation: Amend Policy 47(h) to give effect to NPS-IB Policy 3 and Clause 3.7 in part.</p>
<p>Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.</p>	<p>Clause 3.6: Resilience to climate change</p>	<p>In part. Change 1 includes numerous provisions seeking to increase resilience of communities and the environment, and specifically indigenous ecosystems, to climate change. This includes Objective 16A which specifically seeks to improve resilience of indigenous biodiversity to climate change. However, the Change 1 policies and methods do not specifically seek to promote the resilience of indigenous biodiversity to climate change in the manner directed by Clause 3.6(1) of the NPS-IB (e.g. maintaining and promoting the enhancement of connectivity between ecosystems to enable migrations as the climate changes).</p> <p>Policy IE.3 provides a framework for identifying the attributes and processes that will enable the region’s indigenous ecosystems to persist over the long-term.</p> <p>Change 1 also includes numerous provisions that recognise the role of indigenous biodiversity in helping to mitigate climate change.</p>	<p>Clause 3.6 does not require local authorities to make changes to policy statements and plans, rather it provides more general direction to:</p> <ul style="list-style-type: none"> • Promote resilience of indigenous biodiversity to climate change by setting minimum expectations on what this should involve (e.g. supporting and allowing natural adjustments of habitats and ecosystems to the changing climate); and • Recognise the role of indigenous biodiversity in mitigating the effects of climate change. <p>Overall, I consider that the Change 1 provisions are broadly aligned with these NPS-IB provisions, particularly those relating to nature-based solutions. Objective CC.4 aims for nature-based solutions to be an integral part of climate change mitigation and adaptation, improving the health and resilience of people, biodiversity, and the natural environment. Change 1 policies CC.4, CC.4A, CC.6, CC.14, CC.14A, CC.15 and CC.18 and Methods 32, CC.6, CC.8 and CC.9 all work to identify, integrate, prioritise and support the use of nature-based solutions for climate change mitigation and adaptation. I therefore consider that Change 1 already gives effect to the direction in Clause 3.6(2) of the NPS-IB to recognise the role of indigenous biodiversity in mitigating the effects of climate change.</p> <p>However, there is an opportunity to amend Policy IE.3 to better align with the specific direction in Clause 3.6(1) of the NPS-IB on how to promote the resilience of indigenous biodiversity to climate change. This would also help give effect to Objective 16A, which specifically refers to improving the resilience of indigenous biodiversity to climate change. My recommended amendments to Policy IE.3 through a new clause (d):</p> <p style="padding-left: 40px;"><i><u>(d) identify opportunities to promote resilience of indigenous biodiversity to climate change, including by:</u></i></p> <ol style="list-style-type: none"> <i><u>i. allowing and supporting natural adjustments of habitats and ecosystems to climate change;</u></i> <i><u>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.</u></i> <p>Recommendation: Amend Policy IE.3 which, along with other Change 1 provisions, will give effect to NPS-IB Policy 4 and Clause 3.6 in full.</p>
<p>Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.</p>	<p>Clause 3.4: Integrated approach</p>	<p>In part. There are no provisions in Change 1 relating specifically to the integrated management of indigenous biodiversity. However, integrated management is central to the RPS and Change 1 specifically seeks to take an integrated approach to manage indigenous biodiversity and other interrelated issues (i.e. climate change, urban development, freshwater management). To achieve this integrated approach, Change 1 introduced a suite of new integrated management provisions, in particular Objective A, Policy IM.1 and Method IM.1, which were considered through Hearing Stream 2.</p> <p>Operative Policy 61 also sets out direction to coordinate the controls for indigenous biodiversity between Greater Wellington</p>	<p>Clause 3.4 in the NPS-IB does not require local authorities to make changes to policy statements and plans to give effect to the provision – rather the direction is to manage indigenous biodiversity in an integrated way and by setting out what this means in practice (e.g. recognising the interconnectedness of the whole environment and interactions between the terrestrial environment, freshwater and the coastal marine areas).</p> <p>I consider that the RPS and Change 1 is sufficiently aligned with these NPS-IB provisions, in particular Objective A, Policy IM.1 and Method IM.1 which are new integrated management provisions introduced through Change 1. As such, I do not recommend any further amendments in Change 1 to give effect to these NPS-IB provisions. The future RPS change to give effect to the NPS-IB in full can also consider whether any further amendments are needed to give effect to Policy 5 and Clause 3.4.</p> <p>Recommendation: No amendments are recommended or required for Change 1 to give effect to NPS-IB Policy 5 and Clause 3.4 in full.</p>

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<p>Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.</p>	<p>Clause 3.8: Assessing areas that qualify as significant natural areas</p> <p>Clause 3.9: Identifying SNAs in district plans</p>	<p>and territorial authorities in the region to help achieve integrated management of indigenous biodiversity in the region.</p> <p>Policy 23</p> <p>In part. Policy 23 sets direction for regional and district plans to identify indigenous ecosystems and habitats with significant indigenous biodiversity values by 30 June 2025. The first four criteria to identify significant indigenous biodiversity values are broadly aligned with the NPS-IB and Policy 23 includes an additional criterion relating to mana whenua/tangata whenua values. Policy 23 is largely an operative RPS policy with the only amendment in Change 1 being the introduction of the date 30 June 2025 to complete the identification of significant biodiversity values and include the results in regional and district plans.</p> <p>Method 21</p> <p>Change 1 also proposes amendments to Method 21 which is also relevant to identifying significant biodiversity values. This method sets out how Greater Wellington will work with territorial authorities in the region to ensure these areas are mapped in the region, including an interim date of 20 June 2024 to ensure the assessment of significant biodiversity values has been initiated. This compares to Clause 3.8(4) in the NPS-IB which states “<i>If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment</i>”.</p> <p>Change 1 also proposes amendments to Method 32 to direct a partnership approach with mana whenua/tangata whenua and engagement with stakeholders, landowners and the community in identifying and protecting significant biodiversity values.</p>	<p>The NPS-IB provisions relating to the identification of significant natural areas are central to the NPS-IB. In terms of Change 1 giving effect to these NPS-IB provisions, the key considerations are:</p> <ol style="list-style-type: none"> 1. The date to identify significant biodiversity values in district plans under Policy 23 and whether this should be amended to be consistent with the NPS-IB timeframes (August 2028). 2. Whether Policy 23 should be amended to refer to/incorporate the principles and assessment criteria for identifying SNAs in the NPS-IB. 3. Whether consequential amendments are required to Method 21 and Method 32 in terms of the required process and responsibilities for identifying significant biodiversity values. <p>Policy 23 is discussed in detail by Ms Guest in the section 42A report (Issue 9) and that analysis is not repeated here. In summary, Ms Guest recommends the following amendment to Policy 23 to align with the timeframes in the NPS-IB:</p> <p><i>By June 2025, As soon as reasonably practicable and by no later than 4 August 2028, district and regional plans shall...</i></p> <p>Ms Guest recommends the following amendments to refer to the criteria and principles in the NPS-IB for identifying significant natural areas in the terrestrial environment:</p> <p><i>“...district and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; ecosystems and habitats will be considered significant if:</i></p> <ol style="list-style-type: none"> a. <i>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</i> b. <i>In the coastal marine area, the beds of lakes and rivers, and wetlands, they meet one or more of the following criteria:</i> <p>3: Method 21 and Method 32</p> <p><u>Method 21</u></p> <p>Based on the recommendations above and the clear direction in the NPS-IB for SNA mapping to be undertaken by territorial authorities, consequential amendments to Method 21 are required. I therefore recommended that Method 21 is amended to remove clause (b) from Method 21 as the NPS-IB does not allow Greater Wellington to take full responsibility of mapping SNAs in the terrestrial environment.</p> <p><u>Method 32</u></p> <p>Method 32(c) as amended through Change 1 is consistent with the partnership principle in Clause 3.8(2) of the NPS-IB (and other NPS-IB provisions) and I do not consider that any further amendments are necessary to better align with the NPS-IB.</p> <p>Recommendation: Policy 23 and Method 21 are amended as outlined above which, combined with other provisions in Change 1, will give effect to NPS-IB Policy 6 and Clause 3.8 in full.</p>
<p>Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.</p>	<p>Clause 3.10: Managing adverse effects on SNAs of new subdivision, use, and development</p>	<p>In part. Policy 24 sets direction for regional and district plans to 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. This is largely operative policy direction with the two amendments in Change 1 being:</p>	<p>In relation how Change 1 should give effect to these NPS-IB provisions, the key considerations in my opinion are whether, and how, to amend Policy 24 to:</p> <ol style="list-style-type: none"> 1. Better align with Policy 7, Clause 3.10 and Clause 3.11 of the NPS-IB in terms of: <ul style="list-style-type: none"> ▫ Introducing the “effects management hierarchy” to protect significant biodiversity values and to provide more direction on when biodiversity offsetting and compensation can be considered.

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	<p>Clause 3.11: Exceptions to clause 3.10(2)</p>	<ul style="list-style-type: none"> • Inclusion of a date to implement Policy 24. • The inclusion of specific direction for regional and district plan rules in relation to biodiversity offsetting and biodiversity compensation (with Change 1 also proposing definitions for these terms) which is supported by new Appendix 1A (Limits to biodiversity offsetting and biodiversity compensation). <p>However, the NPS-IB provisions are much more specific for protecting significant natural areas in the terrestrial environment in terms of:</p> <ul style="list-style-type: none"> • The adverse effects on significant natural areas that must be avoided (Clause 3.10(2)). • The use of the effects management hierarchy generally and for specific activities (definition and multiple NPS-IB provisions). • Activities that are exempted from the direction to avoid adverse effects on significant natural areas and/or apply the effects management hierarchy (Clause 3.10(6) and Clause 3.11). • The principles that apply to biodiversity offsetting and biodiversity compensation (Appendix 3 and 4), although some principles are broadly aligned (net-gain, limits to when biodiversity offsetting and biodiversity compensation are appropriate). 	<ul style="list-style-type: none"> ▫ Providing consenting pathways/exemptions for activities that are recognised as being important to New Zealand’s environmental, social, economic and cultural well-being, consistent with Policy 10 and Clause 3.11 of the NPS-IB. <p>2. Align with NPS-IB principles relating to biodiversity offsetting and biodiversity compensation. Specific consideration is required for the amendments in Change 1 relating to:</p> <ul style="list-style-type: none"> ▫ The limits to when biodiversity offsetting and compensation is not appropriate. ▫ The requirement for at least 10 percent biodiversity gain/benefit. <p>I consider these matters in detail in the section 42A report (Issue 10) and that analysis is not repeated here. In summary, I recommend the following amendments to Policy 24 to align with the timeframes in the NPS-IB and to cross-reference relevant effects management provisions in higher order documents and within the RPS for significant indigenous biodiversity values:</p> <ul style="list-style-type: none"> ▪ <u>As soon as reasonably practicable and no later than 4 August 2028, 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:</u> <ol style="list-style-type: none"> <u>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;</u> <u>Policy 11 of the New Zealand Coastal Policy Statement 2010 to manage adverse effects on significant indigenous biodiversity values in the coastal environment; and</u> <u>Policies 18A and 18B² in this Regional Policy Statement to manage adverse effects on the values and extent of natural inland wetlands and rivers.</u> <p>I also recommend a new Policy 24A to provide clearer and more effective direction relating to biodiversity offsetting, aquatic offsetting, biodiversity compensation and aquatic compensation that is aligned with the relevant principles in the NPS-IB and NPS-FM:</p> <p><u>Policy 24A: Principles for biodiversity offsetting and biodiversity compensation³</u></p> <ol style="list-style-type: none"> <u>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:</u> <ol style="list-style-type: none"> <u>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;</u> <u>provide further direction on where biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation are not appropriate, in accordance with clauses (3) and (4) below;</u> <u>provide further direction on required outcomes from biodiversity offsetting, aquatic offsetting, biodiversity compensation, and aquatic compensation, in accordance with clauses (5) and (6) below; and</u>

² Note I understand that these are new policies being recommended by Ms Paskell though her reply evidence for Hearing Stream 5.

³ The rationale is also set out in detail in the evidence from Dr Maseyk.

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			<p><i>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</i></p> <p><i>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</i></p> <p><i>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</i></p> <p><i>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.</i></p> <p>Recommendation: I recommend that Policy 24 and Appendix 1A are amended and a new Policy 24A is included in Change 1 as outlined above and in more detail in the section 42A report which will give effect to Policy 7, Clause 3.10, Clause 3.11, and principle 2 in Appendix 3 and Appendix 4 of the NPS-IB in part.</p>
<p>Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.</p>	<p>Clause 3.16: Indigenous biodiversity outside SNAs</p>	<p>In part. One of the key changes in the Indigenous Ecosystems provisions in Change 1 is to expand the provisions to not just focus on significant biodiversity values but also provide for the maintenance of indigenous biodiversity more broadly, consistent with the functions of regional councils and territorial authorities under section 30 and 31 of the RMA. This includes new Objective 16A and Policy IE.3 (non-regulatory).</p> <p>However, Change 1 does not include any specific policy direction on how indigenous biodiversity outside SNAs is to be managed as directed by Clause 3.16(1) and (2) in the NPS-IB.</p>	<p>Clause 3.16(3) provides clear direction that every local authority must change policy statements and plans to be consistent with the requirements in Clause 3.16. Clause 3.16 provides specific direction on how to manage adverse effects on indigenous biodiversity outside significant natural areas (including use of the effects management hierarchy for significant adverse effects) and there is limited discretion in how this direction is implemented through regional policy statements. It therefore follows that Change 1 should give effect to Clause 3.16 in the NPS-IB as it achievable to do so and it is a specific implementation requirement that must be given effect to in regional policy statements.</p> <p>While Change 1 introduced Objective 16A to maintain indigenous ecosystems, there are no specific regulatory policies to give effect to this objective or Clause 3.16 of the NPS-IB (only non-regulatory Policy IE.3). As such, I have identified three options to address this gap and give effect to Clause 3.16 in the NPS-IB through the Change 1:</p> <ol style="list-style-type: none"> 1. A new ‘consideration’ policy for maintaining indigenous biodiversity outside areas with significant indigenous biodiversity values; or 2. Expanding Policy 47 so it is not limited to significant indigenous biodiversity values; or 3. Amendments to Policy IE.3 (noting that this is a non-regulatory policy focused on restoration). <p>I consider that Option 1 is the most effective and efficient option to give effect to Clause 3.16 of the NPS-IB. This is because Option 2 would add unnecessary complexity to Policy 47 and create scope issues. Option 3, as a non-regulatory policy, would also not be an effective way to give effect to Clause 3.16 of the NPS-IB, Objective 16A and the requirements in section 30 of the RMA to maintain indigenous biodiversity in the region. I therefore recommended a new Policy IE.2A as follows:</p> <p><u><i>Policy IE.2A – Maintaining indigenous biodiversity – consideration</i></u></p>

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NPS-IB Objective/Policy	NPS-IB Part 3 — Implementation Clause	Does Change 1 give effect to the NPS-IB provisions?	What changes are required to the indigenous ecosystem provisions in Change 1 to give effect to the relevant NPS-IB provisions in part or full?
			<p><u>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 specified Māori land, shall be maintained by:</u></p> <p>(a) <u>recognising and providing for the importance of maintaining indigenous biodiversity that does not have significant biodiversity values under Policy 23;</u></p> <p>(b) <u>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</u></p> <p>(c) <u>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.</u></p> <p>Recommendation: A new Policy IE.2A is included in Change 1 to give effect to Policy 8 and Clause 3.16 of the NPS-IB in full.</p>
<p>Policy 9: Certain established activities are provided for within and outside SNAs.</p>	<p>Clause 3.15: Managing adverse effects of established activities affecting SNAs</p> <p>Clause 3.17: Maintenance of improved pasture</p>	<p>No.</p>	<p>Clause 3.15</p> <p>Clauses 3.15(1) and (2) in the NPS-IB provide clear direction that local authorities must include objectives, policies and methods in policy statements to enable specified established activities in the manner directed in those clauses. This clause is highly directive and there is limited discretion in how it is given effect to through regional policy statements. It therefore follows that Change 1 should give effect to this direction as it achievable to do so and it is a specific implementation requirement that must be given effect to in regional policy statements. I recommend that this is achieved through a new clause in Policy 47 stating:</p> <p><u>“enabling established activities affecting significant biodiversity values in the terrestrial environment to continue provided that the effects of the activity:</u></p> <p>i. <u>are no greater in intensity, scale and character; and</u></p> <p>ii. <u>do not result in loss of extent, or degradation of ecological integrity, of any significant biodiversity values”.</u></p> <p>Recommendation: <u>NPS-IB provisions are given effect to in full through Change 1.</u></p> <p>Clause 3.17</p> <p>Clause 3.17 of the NPS-IB is less directive than Clause 3.16 in terms of whether changes are required to policy statements and plans to give effect to the clause. Clause 3.17(2) states that “local authorities must allow the maintenance of improved pasture to continue if...” and then sets out some specific requirements which “improved pasture” must meet where this may affect a SNA. As Clause 3.17 of the NPS-IB does not specifically require changes to regional policy statements, I consider that this direction is more appropriately given effect to through district plans through land-use rules allowing for maintenance of improved pasture where it may affect a SNA in the terrestrial environment subject to the conditions in Clause 3.17(2). The recommended amendments to Policy 47 outlined above in relation to established activities also give effect to Policy 9 in the NPS-IB and will be relevant to the maintenance of improved pasture for farming. As such, I consider that amendments to Change 1 are not necessary to allow for the maintenance of improved pasture.</p> <p>Recommendation: Policy 47 is amended to give effect to Policy 9 and Clause 3.15 in the NPS-IB in full. No changes are recommended to give effect to Clause 3.17 of the NPS-IB.</p>

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NPS-IB Objective/Policy	NPS-IB Part 3 — Implementation Clause	Does Change 1 give effect to the NPS-IB provisions?	What changes are required to the indigenous ecosystem provisions in Change 1 to give effect to the relevant NPS-IB provisions in part or full?
<p>Policy 10: Activities that contribute to New Zealand’s social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.</p>	<p>Clause 3.5: Social, economic, and cultural wellbeing</p>	<p>In part. The direction in Clause 3.5 relating to partnership with tangata whenua, the exercise of kaitiakitanga by tangata whenua, role of landowners as stewards etc. is already addressed to a large extent by Change 1 provisions (e.g. Objective 16B, Objective 16C, Policy IE.2, Policy IE.4).</p> <p>The main gaps in relation to Policy 10 and Clause 3.5 in the NPS-IB relate to the direction:</p> <ul style="list-style-type: none"> To provide for activities that contribute to wellbeing. That protecting indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms. 	<p>Clause 3.5 does not specifically require changes to policy statements and plans – rather it sets out matters that local authorities “must consider”, many of which are already addressed through Change 1 or Operative RPS provisions. A key way that activities that contribute to wellbeing are “recognised and provided” for in the NPS-IB is also through the exemption and pathways that apply for specific activities (e.g. specified infrastructure) in Clause 3.10(6) and Clause 3.11 of the NPS-IB. As discussed above in relation to Policy 24 and other relevant policies, I recommend that the NPS-IB effects management hierarchy and associated exemptions/pathways for certain activities are referenced in Policy 24. This will ensure the direction in Policy 10 of the NPS-IB is given effect to in part through Change 1. There are also other RPS chapters/provisions that broadly give effect to Policy 10 of the NPS-IB by recognising the importance/benefits of activities that contribute to social, economic, cultural and environmental wellbeing, such as those in Chapter 3.3 relating to the benefits of regionally significant infrastructure. Overall, no additional amendments are recommended to give effect to these NPS-IB provisions in addition to those outlined above for Policy 24.</p> <p>Recommendation: No additional amendments to Change 1 provisions and Policy 10 and Clause 3.5 of the NPS-IB are given effect to in part.</p>
<p>Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.</p>	<p>Clause 3.13: Geothermal SNAs</p>	<p>No.</p>	<p>There are no (or very limited⁴) geothermal ecosystems in the Wellington region and therefore Policy 11 and Clause 3.13 of the NPS-IB provisions have very limited relevance for Change 1. Clause 3.13 of the NPS-IB would also need to be given effect to through changes to policy statements in partnership with mana whenua/tangata whenua. Therefore, in my opinion the implementation of Clause 3.13 needs to be considered through a the future RPS change to give effect to the NPS-IB in full, even though no specific provisions are anticipated in the RPS.</p> <p>Recommendation: No amendments are recommended in Change 1 to give effect to NPS-IB Policy 11 and Clause 3.13. This can be considered further as part of the future RPS change to give effect to the NPS-IB in full.</p>
<p>Policy 12: Indigenous biodiversity is managed within plantation forestry while providing for plantation forestry activities.</p>	<p>Clause 3.14: Plantation forestry activities</p>	<p>No.</p>	<p>Clause 3.14(3) of the NPS-IB is clear that local authorities must make changes to policy statements and plans to be consistent with the requirements in Clause 3.14 relating to effects of existing plantation forestry on a SNA. These provisions are also very directive and leave limited discretion in how they are given effect to in regional policy statement. It therefore follows that Change 1 should give effect to this direction as it achievable to do so and it is a specific implementation requirement that must be given effect to in regional policy statements.</p> <p>In my opinion, the most efficient and effective approach to give effect to these requirements is to directly incorporate the requirements in Clause 3.14 of the NPS-IB into a new clause in Policy 47 of the RPS as follows:</p> <p><i><u>“ensuring that the adverse effects of plantation forestry activities on significant indigenous biodiversity values in the terrestrial environment are managed in a way that:</u></i></p> <ul style="list-style-type: none"> <i>a) <u>maintains significant indigenous biodiversity values as far as practicable while enabling plantation forestry activities to continue; and</u></i> <i>b) <u>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”.</u></i> <p>Recommendation: Policy 47 is amended to give effect to Policy 12 and Clause 3.14 of the NPS-IB in full.</p>
<p>Policy 13: Restoration of indigenous biodiversity is promoted and provided for.</p>	<p>Clause 3.21: Restoration</p>	<p>Yes, to a large extent. Change 1 includes significant new policy direction relating to restoration, including Objective 16A, Policy IE.3, Policy IE.4, Method CC.6, Method 53 and Method 54.</p>	<p>Clause 3.21 provides clear direction that policy statements must include provisions to promote the restoration of indigenous biodiversity, which Change 1 provisions largely give effect to. However, there is also an opportunity for Change 1 to directly incorporate the priorities for restoration in Clause 3.21(2) of</p>

⁴ It is understood that there are two saline springs of geothermal origin on the Hikurangi Accretion Prism in the region known to GWRC.

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NPS-IB Objective/Policy	NPS-IB Part 3 — Implementation Clause	Does Change 1 give effect to the NPS-IB provisions?	What changes are required to the indigenous ecosystem provisions in Change 1 to give effect to the relevant NPS-IB provisions in part or full?
		<p>Of most relevance to Clause 3.21 is Policy IE.3(b) which directs that the RPS identifies strategic targets and priorities to ensure management and restoration efforts are focused on areas where greatest gains can be made for indigenous biodiversity. This has strong overlap with Clause 3.21(2) of the NPS-IB which sets out priorities for restoration that must be promoted in objectives, policies and methods in policy statements and plans.</p>	<p>the NPS-IB, rather than leaving this to be done through a future RPS change. These priorities are very specific and there is limited discretion in how these are given effect to in regional policy statements.</p> <p>I therefore recommend that Policy IE.3 is amended to directly incorporate those priorities in Clause 3.21(2) of the NPS-IB, while retaining flexibility to set other strategic priorities and targets for restoration in the region as required by Policy IE.3. The recommended amendments are through a new clause (ba) in Policy IE.3 as follows which only applied in the terrestrial environment (as per the scope of the NPS-IB):</p> <p><u><i>(ba) in relation to the terrestrial environment and other environments as appropriate, the priorities identified in clause (b) above must include:</i></u></p> <ul style="list-style-type: none"> <i>i. areas with significant indigenous biodiversity values with degraded ecological integrity;</i> <i>ii. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;</i> <i>iii. areas that provide important connectivity or buffering functions;</i> <i>iv. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna;</i> <i>v. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and</i> <i>vi. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.</i> <p>Clause 3.21(3) of the NPS-IB requires that local authorities consider providing incentives for restorations in the priority areas referred to, particularly on specified Māori lands. This direction is already given effect to through Methods CC.6, Method 53 and Method 54 in Change 1, which are all non-regulatory methods aimed at providing support and incentives to mana whenua/tangata whenua, community groups and landowners to undertake restoration of indigenous ecosystems. Method 53 and 54 also both refer to the targets and priorities in Policy IE.3 as referred to above.</p> <p>Clause 3.21(4) requires local authorities to consider imposing conditions on resource consents and designations for restoration and enhancement where activities are proposed in areas prioritised for restoration. This clause does not require changes to regional policy statements, and I consider that this can be given effect to through district plans and consenting processes as appropriate without the need for any amendments to the RPS through Change 1.</p> <p>Recommendation: Policy IE.3 is amended which, combined with other Change 1 provisions, gives effect to Policy 13 and Clause 3.21 of the NPS-IB in full.</p>
<p>Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.</p>	<p>Clause 3.22: Increasing indigenous vegetation cover</p>	<p>In part. Policy IE.3 focuses on restoration and clause (b) sets out requirements to identify strategic targets and priorities for restoration. However, there are no specific provisions in Change 1 relating to setting targets for increasing indigenous biodiversity cover in urban and non-urban environments.</p>	<p>Clause 3.22 of the NPS-IB sets out a two-stage process, whereby regional councils must first assess the percentage of indigenous vegetation cover in urban and non-urban environments in their region and this assessment must be done in collaboration with tangata whenua and territorial authorities. The next step is to set indigenous vegetation cover targets of at least 10% or higher for these environments, also in consultation with tangata whenua and territorial authorities, and then include those targets in the RPS. Local authorities must then have regard to the indigenous vegetation cover targets in the RPS when including provisions in policy statements and plans to promote the increase of indigenous vegetation cover in their districts and regions.</p> <p>Greater Wellington has undertaken some evaluation work to assess indigenous biodiversity cover in the region. However, it is not practicable within the scope and timeframes of Change 1 to collaborate with tangata whenua and territorial authorities to assess indigenous vegetation in all urban and non-urban environments and then set targets of 10% or higher for increasing indigenous biodiversity cover in each of these urban and non-urban environments. I therefore recommended that Change 1 does not include any specific direction for increasing indigenous vegetation cover at this time and that Clause 3.22 of the NPS-IB is given effect to in full through a future RPS change process.</p>

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NPS-IB Objective/Policy	NPS-IB Part 3 — Implementation Clause	Does Change 1 give effect to the NPS-IB provisions?	What changes are required to the indigenous ecosystem provisions in Change 1 to give effect to the relevant NPS-IB provisions in part or full?
<p>Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.</p>	<p>Clause 3.20: Specified highly mobile fauna</p>	<p>No – there are no provisions in Change 1 specifically relating to “highly mobile fauna” or “highly mobile fauna areas” (as defined in the NPS-IB).</p>	<p>Recommendation: No amendments are recommended through Change 1 and Policy 14 and Clause 3.22 of the NPS-IB are given effect to through a future RPS change.</p> <p>Clause 3.20 of the NPS-IB sets out a two-stage process whereby regional councils must first work with tangata whenua, DOC, territorial authorities and affected landowners to record areas outside of SNAs that are used by “highly mobile fauna areas”. The next step is to:</p> <ul style="list-style-type: none"> • Map these areas in a RPS where if it is considered that this will help to manage adverse effects on these fauna. • Include provisions in policy statements and plans to manage adverse effects on highly mobile fauna areas to maintain viable populations of highly mobile fauna across their natural range. • Provide information to communities about highly mobile fauna and their habitats and best practice techniques for managing adverse effects on these areas. <p>It is not practicable within the scope and timeframes of Change 1 to work with tangata whenua, DOC, territorial authorities and affected landowners to record areas outside of SNAs that are highly mobile fauna areas and meet the other requirements in Clause 3.20 set out above. Without knowing the extent of these areas, I recommend that Change 1 does not include provisions relating to highly mobile fauna areas at this time and Clause 3.20 of the NPS-IB is given effect to in full through a future RPS change.</p> <p>Recommendation: No amendments are recommended through Change 1 and Policy 15 and Clause 3.20 of the NPS-IB are given effect to through a future RPS change.</p>
<p>Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.</p>	<p>Clause 3.23: Regional biodiversity strategies</p> <p>Clause 4.3: Timing for regional biodiversity strategies</p> <p>Appendix 5: Regional biodiversity strategies</p>	<p>Yes. Method IE.3 is a new method in Change 1 specifically aimed at the development of a regional biodiversity strategy. This method is aligned with NPS-IB requirements, including setting out the purpose of the strategy to restore indigenous biodiversity at a landscape scale. Method IE.3 also states that the regional biodiversity strategies are to be developed in partnership with mana whenua/tangata whenua and in collaboration with territorial authorities, communities and other key stakeholders.</p> <p>The development of a regional biodiversity strategy is also referenced in Method 32(ca).</p> <p>Greater Wellington has an existing regional biodiversity strategy. Clause 4.3(1) requires regional councils with existing strategies to complete the strategy within 10 years of the commencement date (August 2033).</p>	<p>Proposed Method IE.3 already gives effect to these NPS-IB provisions. The main consideration is whether Method IE.3 should be more specific on what the regional biodiversity strategy must do/contain to be more aligned with Appendix 5 of the NPS-IB. Rather than repeat the level of detail in Appendix 5 of the NPS-IB through the RPS, I recommend that Method IE.3 is amended to state at the end “<i>and meeting the requirements in Appendix 5 (regional biodiversity strategies) in the NPS-IB</i>”.</p> <p>Recommendation: Method IE.3 is amended to refer to Appendix 5 of the NPS-IB and give effect to policy 16 and Clause 3.23 of the NPS-IB in full.</p>
<p>Policy 17: There is improved information and regular monitoring of indigenous biodiversity.</p>	<p>Clause 3.24: Information requirements</p> <p>Clause 3.25: Monitoring by regional councils</p>	<p>Clause 3.24</p> <p>No. There are no provisions in Change 1 relating to information requirements for resource consent applications affecting indigenous biodiversity as required by Clause 3.24 of the NPS-IB.</p> <p>Clause 3.25</p> <p>In part. Method IE.4 (Kaitiaki indigenous biodiversity monitoring programmes) partly gives effect to Clause 3.25 of the NPS-IB as it sets out requirements to work with mana whenua/tangata whenua to monitor ecosystem health and the trends of the region’s indigenous biodiversity.</p>	<p>Clause 3.24</p> <p>Clause 3.24 provides clear direction that local authorities must make changes to policy statements to require that resource consents with more than minor adverse effects are not accepted unless it contains a report addressing matters set out in Clause 3.24(2). The report must also be prepared by a suitably qualified ecologist and/or person with suitable expertise and be commensurate with the scale and significance of the proposal. Clause 3.24 is highly directive and there is limited discretion/choice in how regional policy statements and plans sets out information requirements for resource consent applications for activities with more than minor adverse effects on indigenous biodiversity to give effect to this clause. However, I consider that this direction is more appropriately incorporated into regional and district plans which include rules that determine when resource consent is required and associated information requirements. As such, there are two options to give effect to Clause 3.24:</p> <ul style="list-style-type: none"> • Option 1 - no amendments through Change 1 on the basis the information requirements in Clause 3.24 will be incorporated into district plans which determine when consent is required.

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			<ul style="list-style-type: none"> Option 2 - Change 1 includes a new policy (information requirements on indigenous biodiversity – regional and district plans) which directs that regional and district plans include the information requirements in Clause 3.24 in the circumstances prescribed. <p>I recommend Option 1 as Option 2 would just replicate the implementation requirements in the NPS-IB for plans without adding any value and because it is more appropriate for plans to include information requirements for resource consents rather than regional policy statements.</p> <p>Recommendation: No amendments to Change 1 recommended and Clause 3.24 of the NPS-IB is given effect to through plans which determine when resource consent is required for activities with adverse effects on indigenous biodiversity.</p> <p>Clause 3.25</p> <p>Clause 3.25 does not require any changes to policy statements or plans. Rather it provides more general direction for Greater Wellington to work with tangata whenua, territorial authorities, agencies and stakeholders to develop a monitoring plan for indigenous biodiversity in their region and districts. It also sets out requirements to establish methods, such as action plans, for responding to monitoring than indicates the objective of the NPS-IB will not be met. I also consider that the broad direction in Policy 17 is given effect to through the recommended amendments above, Method IE.4 and the general monitoring provisions in Chapter 5, which include anticipated environmental results for the indigenous ecosystem objectives.</p> <p>I therefore do not recommend any amendments to Change 1 to give effect to Clause 3.25 of the NPS-IB as this monitoring plan can be developed and implemented as a non-regulatory plan that sits outside the RPS. This will also ensure that Method IE.4 retains the focus on working in partnership with mana whenua/tangata whenua to establish and resource kaitiaki monitoring programmes and action plans (noting that the reference to Te Rito o te Harakeke is likely to be removed/replaced as indicated above).</p> <p>Recommendation: No amendments to Change 1 are recommended and Clause 3.25 of the NPS-IB is given effect to in full through a monitoring plan that sits outside the RPS.</p>