

18 May 2023

Hearing Commissioners
Waimakariri District Plan Review
C/o Hearing Administrator
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Tēnā koutou Commissioners,

RE: Responses from Forest & Bird to Waimakariri District Hearing Commissioner questions of Monday 15 May 2023.

Please find below Forest & Bird's response to the Hearing Commissioner questions from Monday's hearing, which were to be provided by Thursday 18 May at midday.

I hope that the Commissioner questions were accurately captured and the responses are satisfactory.

Commissioner Question 1. *SD-O1 "Overall net gain" provides much more flexibility – why do we want this replaced with "net gain"? How does this work in reality? What are the implications of what we are asking for?*

- While there is less flexibility with net gain, there is more certainty with protecting and maintaining indigenous biodiversity. This avoids picking winners and the loss of other values.
- The difference is that with an "overall net gain" you could have an increase/net gain in one (or more) value while having a reduction/loss of a different value so long as there is an overall gain of biodiversity. That approach would conflict with the concept of "no net loss", which is a requirement under the CRPS; where to achieve "no net loss" any reduction or loss of any value is replaced with the same value(s) i.e., "like for like".
- Whereas for "net gain" the net gain of one or more values cannot be used to offset/compensate the loss/reduction of another/different value. You can still use biodiversity offsetting where this does not result in a loss/reduction of any value and there is a gain in one or more values so that a net gain is achieved. It is unlikely that

biodiversity compensation could be used where a net gain has to be achieved because a net gain is predicated on “no net loss”.

Commissioner Question 2. *The SD’s are meant to be read together – SD O1 has Indigenous Biodiversity (IB) provisions - why do we want IB provisions in other SD’s?*

- F&B want IB in the urban environment SD because that SD is setting out key factors for what the council wants urban environments to be.
- The NPS UD definition of “well-functioning urban environments” can’t be relied on unless the council makes it clear that IB is part of that. That definition is inclusive but the NPSUD leaves it to councils to identify other factors for “well-functioning urban environments”.
- The greatest loss of IB occurs in land use change to more intensive uses and this includes urbanisation, but at the same time we know the value of nature to our urban spaces. So, F&B would like plans to explicitly include IB as a part of what is expected for urban areas.

Commissioner Question 3. *Other than SNA, why are F&B requesting for IB to be incorporated in the SD O2 Urban development and not in SD O4?*

- SD-O2 sets out the direction for urban development in Waimakariri District, F&B consider that IB is a key factor of urban development; whereas SD-O4 is about maintaining rural land for productive rural activities, so that it is not lost to urban development for example.
- While F&B considers SNA should not be captured as rural land within this objective, we do consider further direction with respect to IB is necessary in this objective.
- In this case we consider that SD-O4 can be read alongside SD-O1.

Commissioner Question 4. *Regarding SD-03 Commissioner raised concerns whether F&B wording would satisfy Transpower – and questioned how the NZCPS avoid policy would work with the NPS-ET?*

- SD-03 is a general infrastructure objective and we consider for infrastructure that the wording we have proposed is appropriate for higher level strategic direction.
- In addition, it appears unlikely that there is any potential conflict between the NZCPS and the NPS-ET in the Waimakariri District, as there does not appear to be any Transpower assets in the Waimakariri coastal environment.

See https://www.waimakariri.govt.nz/_data/assets/pdf_file/0032/131999/EVIDENCE-10-SUB-195-FS-92-Waimakariri-DC-assets.pdf

Commissioner Question 5: *Objectives & Policies for the Urban Form and Development chapter also – do F&B want to provide any comment on the S42A officers report on these?*

- Our sincerest apologies, we did not understand that Urban Form and Development Chapter was part of the first Hearing stream.

- While we do have some concerns with the rejection of some of our points, particularly where we sought that provisions include the management of adverse effects, we do not have the capacity to respond to the Urban Form and Development Chapter. We hope that you are able to reconsider our original submission points on this chapter.

Thank you for the opportunity to provide further feedback.

Nāku noa, nā



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