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Key point in my evidence for matters which remain outstanding:

1

My first key point is in regards to Chapter 10 - noting that this chapter is relevant to Waka Kotahi and I refer the commissioners to Mr Robinson's evidence and his explanation of the Waka Kotahi role and responsibilities as a road controlling authority and that parts of the network traverse sensitive receiving environments. It is also necessary for our significant infrastructure to remain resilient and adapt to climate change; be it large projects or minor safety improvements.

I would also like to clarify that Mr Robinson has already given evidence and will not be appearing for this chapter today.

2

My second key point and more substantive section of my evidence was in regards to the Effects Management Hierarchy set out in ECO – P6 which I consider requires amendment. I have listened to the other expert evidence in this chapter and remain of the view that the amendment proposed in my primary evidence are still necessary to provide room for Council to use discretion and consider functional and operational need of infrastructure. These being in locations where the effects on ecology are balanced against the effects on safety, adaptation to climate change and the need of provide for infrastructure in those locations.

I acknowledge that other experts have also suggested the inclusion of the words "where practicable" in ECO-P6 (and the commissioners have discussed these changes with those experts already). I also acknowledge that the word "where practicable" has also been included in clause 3.11(2)(c) of the exposure draft of the NPSIB. The wording change is necessary to ensure the balanced evaluation of effects within the Part 2 provisions of the RMA.

I would like to draw the commissioner's attention to clause 4 and 5 of ECO P6 which I have included "consideration" of appendix 3 and 4. This would again enable Council and decision makers some discretion when considering resource consents and notices of requirements rather than being required to ensure that all activities are in explicit accordance with Appendix 3 and 4.

To avoid, remedy or mitigate adverse effects in absolute terms is too restrictive, and "where practicable" offers pragmatism to large infrastructure projects. It is also clarified that offsetting and compensation only applies to "more than minor" residual effects.

Recommended wording ECO-P6

Maintain Otago's indigenous biodiversity (excluding ~~the coastal environment and~~ areas ~~managed protected under ECO-P3~~) by applying the following biodiversity effects management hierarchy (in relation to indigenous biodiversity) in decision-making on applications for resource consent and notices of requirement:

- 1) avoid adverse effects where practicable as the first priority,
- 2) where adverse effects ~~cannot be demonstrably~~ ~~cannot be completely~~ avoided, they are remedied where practicable,
- 3) where adverse effects ~~cannot be demonstrably~~ ~~cannot be~~ remedied they are ~~cannot be completely avoided or~~ mitigated where practicable,
- 4) where ~~there are~~ more than minor residual adverse effects ~~cannot be demonstrably avoided, remedied, or mitigated, biodiversity offsetting is provided where possible after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with that considers~~ APP3,
- 5) -where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided for that considers ~~in accordance with APP4, and~~
- 6) ~~If the residual adverse effects cannot be compensated for in accordance with APP4, the~~ effects of the activity are avoided.

3

My third point is in regards to the limitations which SNA place on our linear Infrastructure and ECO-P7. This point was not addressed in my primary evidence and has come to light after the Coastal Chapter hearings. Since the Coastal Chapter hearing I have had discussion with my Colleague Sarah Ho to consider the implications of SNA area for the coastal chapter and ECO -P7. Having read Sarah Ho's evidence, I have reconsidered my position and consider that dealing with SNAs and Toaka best be wholly addressed within the Ecosystems and Indigenous Biodiversity chapter. It also creates unintended consequences for infrastructure in the coastal environment as outlined in Sarah Ho's evidence.

Recommended wording (as stated in Sarah Ho's supplementary evidence s4.6)

Delete CE P5(1)(g)-(h) within the Coastal Chapter, and for ECO-P3, ECO-P4, ECO-P5 and ECO-P6 to apply within the coastal environment. Consequently, this would result in deleting the words "(outside the coastal environment)" from ECO-P5 – *Existing activities in significant natural areas* and deleting ECO-P7 – *Coastal indigenous biodiversity* in its entirety as per below.

Indigenous biodiversity and taoka species and ecosystems in the coastal environment are managed by CE P5 in addition to all objectives and policies of the ECO chapter except ECO P3, ECO P4, ECO P5 and ECO P6.

4

Moving onto Appendix 2 I acknowledge the significant discussions which have occurred and have read and considered the joint witness statement dated 31 March 2023; and support this advice put forward under *general matter point 5* and support the advice that the experts provided that a guidance document is required. In my experience on infrastructure projects better outcomes are achieved when applicants are able to design, assess and consent works within a clear assessment framework which enable offsetting and compensation to be used.

In regard to *general matters point 6* there was agreement that the information or data on which to base evaluations is limited and expert judgement is required. In relation to Waka Kotahi projects a certain amount of ground truthing occurs on projects for National Significant and Regionally Significant Infrastructure. Without agreed baseline information being available within Regions or agreed methodology to be used, this can lead to ambiguity and inconsistency which then plays out on a case by case basis in a hearing setting. If there was agreed information and baselining prior to making an application, this would provide more certainty and alleviate concerns.

This leads me to my comments and requested changes to Appendix 3 and 4.

5

In regard to my views expressed in section 9 of my primary evidence I remain concerned that the drafting on Appendices 3 and 4 does not adequately enable a clear pathway for Nationally and Regionally Significant infrastructure to provide biodiversity offsetting and compensation. I remain concerned that ECO-P6 isn't workable. I note the commissioners asked a number of questions of Ms Hunter, who gave evidence for Contact Energy and Manawa, regarding mapping of SNAs and the application of Appendix 3 and 4. I agree that the current drafting ECO-P6 and the implementation of Appendix 3 and 4 would direct applicants back to the avoid requirement making the current drafting impossible to apply in practice.

5.1

As discussed by other experts already and noted by Otago Regional Council ECO- P6 is intended to provide for national significant infrastructure. However, the provisions of Appendix 3 and 4 in effect prevent this from occurring. For linear infrastructure it is difficult and or impossible to avoid areas completely. It is necessary for infrastructure, which is limited in location to be able to work within areas of SNA. I as a planner do not support the loss of ecological values and agree that no net loss is appropriate. To achieve this, offsetting and compensation for linear infrastructure is necessary and practicable.

As discussed in my primary evidence 9.3 – 9.7 I believe the removal of the recommended sections are necessary to enable the practical application of ECO-P6.

In regards to Appendix 3

- Clause 1 is too restrictive and directs back to avoid, preventing any consideration of work within these ecosystems and offsetting that could be created. If one piece of threatened species was found, a project would be prevented from going ahead instead of considering what the impacts of those effects are, and if offsetting and/or compensation could be provided.
- 2(e) is too excessive and difficult to provide for within the timeframes of the RMA consenting provisions.
- 2(h) is inconsistent with the requirement for in perpetuity in clause 2(e).
- 2(f) this assessment seems unnecessary because the offsetting must remedy or mitigate these effects.

In regards to Appendix 4

- In regard to clause 1 this is excessively restrictive, and directs us back to avoid and prevents any consideration of work within these ecosystems and compensation of impacts.
- 2(d) It is possible for the positive outcomes of compensation to be enduring; however we need to consider how we can enable practical management and the use of enduring is concerning and requires deleting.

2(f) again d and f contradict each other.

My primary concern regarding Appendix 3 and 4 remains that it will prevent applicants and decision makers for implementing ECO-P6.