

## Proposed Otago Regional Policy Statement Hearing

### Corrections to evidence of Cassie Mealey for the Director-General of Conservation Tumuaki Ahurei

1. Appendix B (APP4) – Criteria for biodiversity compensation, subclause (2)(fa) – I made a recommendation within my evidence in paragraph 45(f)(i) and did not capture this in my Appendix B.
  - a. The subclause APP4 (2)(fa) should read, *“when trading up forms part of biodiversity compensation, the proposal must demonstrate the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost, ~~or~~ and the values lost are not considered vulnerable or irreplaceable,”*.
2. Paragraph 49, *“No-net-loss and net gain (NG)”* underlined as a heading should read *“No-net-loss”* only.
3. Paragraph 50, remove work ‘key’ at the end of line 7.

### Speaking notes of Cassie Mealey for the Director-General of Conservation Tumuaki Ahurei – Ecosystems and Indigenous Biodiversity Chapter (‘ECO’)

4. Overall, I support the inclusion of detailed provisions for the application, design and implementation of biodiversity offsets and compensation and the intent of these provisions to improve the quality of biodiversity offset and compensation proposals that will ultimately assist in the protection of the region’s biodiversity.
5. I strongly support the inclusion of an effects management hierarchy in ECO-P6 that lists a specific cascading order of management steps to protect biodiversity from the impacts of development. Such a hierarchy is an internationally accepted approach<sup>1</sup> that prioritises methods with the greatest ability to protect biodiversity. Without a sequential hierarchy, the overall effect on the protection of indigenous biodiversity, would be minimal. Sequential, top-down hierarchies such as this (and the reduce, reuse and recycle waste hierarchy for example), aim to facilitate development (or manufacturing) while maximising the protection of the environment.
6. In light of this, I recommend that the order of the effects management hierarchy (as listed in the S42a report) is altered so that mitigate (or minimise) precedes remedy, as reducing the impact, such as reducing the area affected, better protects the environment than remediation, which attempts to repair the damage.

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<sup>1</sup> The effects management hierarchy structure has been adopted by developers and commercial banks globally (e.g. United Nations Environment Programme Finance Initiative and BBOP)

7. My recommendations for alterations to the Biodiversity Offsetting and Compensation criteria in APP3 and APP4 follow current national and international best practice. The recommendations are based on well-established principles derived from a long-standing (since 2012) international agreement reached through the collaboration of more than 80 organisations including business companies, government and non-government organisations, and financial institutions (BBOP, 2012). The principles derived through this process remain well recognised in the field and are replicated in current proposed regulations and guidance documents (such as the NPS-IB Exposure Draft 2022, Maseyk et al. 2018, and NZ Guidance 2014).
8. In addition to aligning my recommendations with best practise, I have followed the lead of the Otago Regional Council (ORC) and tailored the provisions to the regional context. I have also recommended minor wording amendments throughout APP3 and APP4, in my appendices A and B, to aid clarity based on my experience interpreting similar provisions from other Councils.
9. I recommend that key terms are defined including biodiversity offsetting, no net loss, net gain, and biodiversity compensation to improve clarity and understanding.
10. I recommend that several subclauses under clause 1 in APP3 and APP4, are removed as they are too restrictive (i.e. references to individuals of Threatened taxa (APP3(1)(a)), measurable loss of At Risk taxon (APP3(1)(b)), and removal or loss of viability of Threatened flora or fauna habitat (APP4(1)(b)). While claiming a policy is too conservative feels perverse, in my opinion and experience, these subclauses could lead to the skipping of biodiversity offsetting in favour of the more uncertain method of compensation which would result in poorer biodiversity outcomes. Further, there could be some ecological contexts where the loss of individuals of Threatened taxa (APP3(1)(a)), or At Risk taxon (APP3(1)(b)) or the removal of habitat (APP4(1)(b)) for Threatened flora or fauna would be appropriate where there are acceptable and known ways to create a net gain with confidence (see paragraphs 42 in my Evidence for further discussion), in my opinion.
11. Clause (2) in APP3 and APP4 specifies where Biodiversity offsetting and compensation may be available and provides guidance on the design and implementation of these methods. I support this approach and propose minor amendments and additional subclauses to ensure biodiversity offsets and compensation are applied in accordance with best practice.
  - a. A crucial subclause alteration I recommend is in relation to APP3(2)(b) with the addition of the word 'quantitative' prior to 'loss and gain calculation'. This addition ensures robust offset proposals are developed using measurable and objective data

which can be verified on the ground by an independent party. Given the predictive nature of an offset, inputting measurable, quantifiable data ensures that the offset outcome is reasonably likely to be achieved.

12. The amendments and additional subclauses I recommend under clause 3 of APP3 and APP4 (additional guidance) are intended to support ORC's direction to ensure the correct methodology and social and scientific processes are employed for biodiversity offsets and compensation. These additions go beyond the NPS-IB Exposure Draft and are based on my experience with the design of biodiversity offsets and compensation.



Cassie Mealey

18 April 2023