



To the Hearing Panel 20 November 2023

Hearing of Application – RM22.434

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Response to request to identify relevant planning provisions relating to effects on indigenous birds

In my s42a addendum report 2 presented to the Panel on 16 November 2023, I stated that I was not comfortable that the conditions proposed by the Applicant in relation to effects on indigenous birds would manage adverse effects such that they would be less than minor. I stated that this would likely have flow-on effects to the policy assessment and that I could identify the relevant provisions if requested. Commissioner Welsh has requested that I do this.

The following provisions relate to managing effects on indigenous birds.

National Policy Statement for Indigenous Biodiversity

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.

Partially Operative Regional Policy Statement

Objective 3.1 – The values (including intrinsic values) of ecosystem sand natural resources are recognised and maintained, or enhanced where degraded.

Policy 3.1.9 – Ecosystems and indigenous biodiversity – Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

a) Maintain or enhance:

i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;

ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;

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Proposed Otago Regional Policy Statement – Non-Freshwater Instrument Components

ECO-O1 - Indigenous biodiversity – Otago’s indigenous biodiversity is healthy and thriving and any decline in quality, quantity and diversity is halted.

ECO-P6 – Maintaining indigenous biodiversity – *Maintain Otago’s indigenous biodiversity (excluding the coastal environment and areas managed under ECO–P3) by applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:*

- (1) avoid adverse effects as the first priority,*
- (2) where adverse effects demonstrably cannot be completely avoided, they are remedied,*
- (3) where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,*
- (4) where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and*
- (5) if biodiversity offsetting of residual adverse effects is not possible, then:*
 - (a) the residual adverse effects are compensated for in accordance with APP4, and*
 - (b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.*

Regional Plan: Water for Otago

Objective 5.3.1 - *To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers.*

Policy 5.4.2 - *In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:*

- (1) Adverse effects on:*
 - (a) Natural values identified in Schedule 1A;*

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