

11th April 2025

PC1 to the Natural Resources Plan: Hearing Stream 2 – Speaking notes of Samantha Dowse for the Royal Forest & Bird Protection Society

Kia ora koutou katoa,

1. My name is Samantha Dowse. I prepared planning evidence on behalf of Forest and Bird on the ecosystem health objectives and policies, for which their submission sought amendments.

2. My evidence covered:
 - Natural form and character in objectives
 - The use of ‘deteriorated’ rather than ‘degraded’
 - Drafting of objectives and policies for greater consistency with PC 1 and NPS-FM provisions
 - Drafting of Policies WH.P1 and P.P1 to ensure maintenance of aquatic ecosystem health in water bodies that are not degraded, and
 - The appropriateness and drafting of financial contributions policies

3. I have read the rebuttal evidence of Ms O’Callahan. I agree with many of her responses and recommended further amendments. However, I have a different view on the following matters:
 - The use of ‘deteriorated’ instead of ‘degraded’
 - The addition of ‘maintenance’ to Policies WH.P1 and P.P1

Natural form and character

4. One of the primary focuses of my evidence was natural form and character. As set out in paragraphs 11 – 19 and 36 – 47, natural form and character is relevant to PC 1 provisions for two reasons. Firstly, as set out in Mr Kay’s evidence, natural form and character are intrinsically linked to the compulsory value of ecosystem health. Secondly, the NPS-FM requires the regional council to consider whether other values including natural form and character apply to the Whaitua. Through the Whaitua committee process, community engagement and plan making process council found natural form and character are a value that do apply to both Whaitua.

Use of ‘deteriorated’ rather than ‘degraded’

5. In my evidence in chief at paragraphs 21 – 26 and 53 – 54 I recommend the use of degraded rather than deteriorated in Objective WH.O1 and policies WH.P1 and P.P1. I have read Ms. O’Callahan’s rebuttal evidence where she has responded to my evidence. I acknowledge her reasoning for considering the use of deteriorated more appropriate.

6. I have reviewed the NPS-FM definition of "degraded". I disagree "degraded" only refers to when target attribute states are below a national bottom line or not meeting target states. The definition (at clause 1.4 of the NPS-FM) provides three ways in which an FMU or part of an FMU is considered degraded, including:
 - (c) The FMU or part of the FMU is less able (when compared to 7 September 2017) to provide for any value described in Appendix 1A or any other value identified for it under the NOF.
7. In my evidence, at paragraphs 40 – 47, I established that natural form and character were identified values through the NOF process. In the case of policies WH.P1 and P.P1, I consider aquatic ecosystem health to be the compulsory value of ecosystem health described in Appendix 1A.
8. The NPS-FM definition of "degraded" does not just relate to target attribute states, but values too. I maintain "degraded" remains the more appropriate term to use in the objective and policies given these provisions cover Appendix 1A values and values identified through the NOF process.

Objectives WH.O10 and P.O7

9. At paragraphs 48 – 52 of my evidence I covered these objectives. I recommended rewording to include all other water bodies and their margins. Ms. O'Callahan has recommended these objectives be redrafted so their intended purpose is better reflected. I agree with and support this recommendation. However, I think there are opportunities to make these objectives clearer. Should the Panel wish, I am happy to work with Ms. O'Callahan on this.

Policies WH.P1 and P.P1

10. At paragraphs 55 to 57 of my evidence I recommend refining the chapeau of the policies so that "maintenance" of aquatic ecosystem health is covered in addition to degradation. This ensures there are no gaps in the policy framework.
11. I agree with Ms. O'Callahan's recommendation to address maintenance within these policies. However, I consider that maintenance should be included in the chapeau of these policies rather than after the chapeau and the list of improvement actions, which respond to degradation.
12. This is because a chapeau outlines the scope and purpose of a policy, and placing key matters within it ensures the policy's intent is clear from the outset. This helps avoid potential misunderstandings that might arise if such intent were introduced later.

13. I want to acknowledge that my evidence and speaking notes today are narrow in scope. This is a direct reflection of Ms O'Callahan's and the Greater Wellington Regional Council's experts thorough and well-considered approach to date.

14. I am happy to take any questions the Panel may have.