

**BEFORE THE INDEPENDENT HEARINGS PANEL
AT DUNEDIN / ŌTEPOTI**

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER of submissions and further submissions on the Proposed
Otago Regional Policy Statement – Freshwater Planning
Instrument
AND **The Royal Forest & Bird Protection Society Inc**
(submitter FPI045)

**REBUTTAL EVIDENCE OF MAGGIE ROSE BURNS ON BEHALF OF THE ROYAL FOREST AND
BIRD PROTECTION SOCIETY INC**

(PLANNING)

17 July 2023

INTRODUCTION2

QUALIFICATIONS AND EXPERIENCE2

CODE OF CONDUCT.....3

SCOPE OF EVIDENCE3

USE OF “TO THE GREATEST EXTENT PRACTICABLE”4

BIODIVERSITY OFFSETTING AND ENVIRONMENTAL COMPENSATION.....4

LF-FW-01A REGION WIDE OBJECTIVE FOR FRESHWATER – NEW OBJECTIVE.....8

OBJECTIVE LF-WAI-O1 – TE MANA O TE WAI10

OBJECTIVE LF-FW-O9 - NATURAL WETLANDS.....10

POLICY LF-FW-P7A – WATER ALLOCATION.....11

POLICY LF-FW-P9 – PROTECTING NATURAL WETLANDS13

POLICY LF-FW-P10 – RESTORING NATURAL WETLANDS13

METHOD LF-FW-M7 – DISTRICT PLANS.....14

INTRODUCTION

1. My name is Maggie Rose Burns. I am a planner at Kahu Environmental Limited. I have held this position since May 2022.
2. I have been asked by the Royal Forest & Bird Protection Society of New Zealand Inc (Forest & Bird) to provide limited rebuttal evidence in response to some planning evidence that recommends changes beyond what was recommended in the Section 42A Hearing Report (the Section 42A report).
3. For the avoidance of doubt, while I was not asked to prepare Evidence in Chief, that does not mean that I accept all conclusions reached in the Section 42A report with respect to Forest & Bird's submission. I understand that these submission points will be addressed in legal submissions for Forest & Bird.
4. I have not previously been involved in this matter and did not contribute to the submission or further submission from Forest & Bird.

QUALIFICATIONS AND EXPERIENCE

5. I hold a Bachelor of Environmental Planning from the University of Waikato (2017). I am an intermediate member of the New Zealand Planning Institute.
6. I have been a practising planner since 2018 and I am currently employed as a planner at Kāhu Environmental, a planning and resource management consultancy. I previously worked as an RMA planner at the Department of Conservation where my work largely involved assessing regional policy statements, regional and district plans, and resource consents.
7. I have prepared and presented expert planning evidence on regional policy statements, district plans and resource consents. I have experience in assessing and preparing submissions on draft and proposed regional policy statements, regional plans and district plans, and resource consent applications.

8. My previous experience also includes:
 - a. Providing expert planning evidence on behalf of Rangitāne o Wairarapa with respect to Proposed Change 1 to the Regional Policy Statement for the Wellington Region;
 - b. Providing expert planning evidence on behalf of the Director-General of Conservation with respect to: Plan Change 7 (Outstanding Water Bodies) for the Hawkes Bay Regional Resource Management Plan; the Proposed Waikato District Plan Change and the Kaiwaikawe Wind Farm.

CODE OF CONDUCT

9. I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Practice Note 2023. I have complied with it when preparing my written statement of evidence and will do so when I give oral evidence. Unless I state otherwise, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

10. In preparing this evidence, I have read and considered:
 - a. The proposed Otago Regional Policy Statement
 - b. the Section 42A Report for the Proposed Otago Regional Policy Statement: Freshwater Planning Instrument by Felicity Boyd.
 - c. The submissions and further submissions on the proposed regional policy statement made by Forest & Bird.
11. The scope of this rebuttal evidence relates to:
 - a. The Evidence in Chief of Ainsley McLeod for Transpower (28 June 2023) concerning the matters raised in respect of: Objective LF-FW-O9 Natural Wetlands, Policy LF-FW-P9 Protecting natural wetlands, LF-FW – Freshwater: Method LF-FW-M7 – District Plans.

- b. The Evidence in Chief of Aileen Crow for Waka Kotahi NZ Transport Agency (28 June 2023) concerning Method LF-FW-M7 – District Plans.
- c. The Evidence in Chief of Claire Hunter for Oceana Gold (28 June 2023) concerning LF-FW-O1A – Region wide objective for freshwater, LF-FW-O9 – Natural wetlands, LF-FW-P7A – Water allocation and use, LF-FW-P9 Protecting natural wetlands, LF-FW-P10 – Restoring natural wetlands
- d. The Evidence in Chief of Claire Hunter for Contact Energy (28 June 2023) concerning LF-WAI-O1.

USE OF 'TO THE GREATEST EXTENT PRACTICABLE'

- 12. The evidence of Ms Hunter on behalf of Oceana Gold, recommends amendments to the wording of provisions to remove or change 'to the greatest extent practicable.'
- 13. The use of 'to the greatest extent practicable' indicates that there is a strong commitment and priority to providing for the matter involved. The wording provides a requirement to undertake and demonstrate how the activity has considered a matter as much as possible, acknowledging that practical and logistical limitations exist. In my opinion, the use of this term is appropriate where a matter or value is significant, higher order policy direction requires protection of that value, or a higher level of protection is considered appropriate in a local context.
- 14. Weakening or adding additional qualifiers to this wording creates further discrepancy and confusion about how the provision should be interpreted and what level of practicability is appropriate. It may also influence the extent to which the provisions can give effect to directions to protect particular values in higher order documents.
- 15. I discuss this with regard to each relevant evidence statement and provision below.

BIODIVERSITY OFFSETTING AND ENVIRONMENTAL COMPENSATION

- 16. Evidence from Ms McLeod on behalf of Transpower and Ms Hunter on behalf of Oceana Gold expresses concern with the use of the effects management hierarchy

from the ecosystems and indigenous biodiversity chapter¹ in LF-FW-P9, rather than the offsetting and compensation principles identified in the National Policy Statement for Freshwater Management 2020 (NPS-FM) in appendices 6 and 7. These experts were of the opinion that there is no reason to use the ecosystems and indigenous biodiversity chapter effects management hierarchy in the freshwater provisions, and preferred the use of the effects management hierarchy in appendices 6 and 7 of the NPS-FM.

17. Ms Boyd, in their Section 42A report, clarifies the difference between the effects management hierarchy in relation to indigenous biodiversity, and the effects management hierarchy in relation to natural wetlands and rivers (in the NPS-FM). Ms Boyd acknowledges that the criteria in the proposed ecosystems and indigenous biodiversity chapter of the proposed Otago Regional Policy Statement is more stringent than what is provided in the NPS-FM. Ms Boyd has made a deliberate recommendation in Policy LF-FW-P9 to manage aquatic biodiversity under the more stringent hierarchy:

'I do not consider it would be appropriate to manage aquatic biodiversity less stringently, particularly given the threat status of many of Otago's freshwater species and that some are found only in Otago. I therefore consider this differentiation should still apply²'

18. I consider the Section 42A officer's recommendation to ensure that indigenous biodiversity is considered under the offsetting and compensation criteria in the ecosystems and indigenous biodiversity chapter is appropriate in the Otago context. The evidence of Mr Dunn on behalf of the Director-General of Conservation³ discusses the non-diadromous galaxiids in the Otago region, their significance and the need for planning instruments to reflect this importance.

¹ For clarity I use the recommended amended provisions in Section 42A for ECO-ecosystems and indigenous biodiversity. Sections 10.29 and 10.30.

² Section 42A Report, Paragraph 1441

³ Evidence of Dr Dunn dated 28 June 2023, for example, at [46]: "Given the threatened status of non-diadromous galaxiids, and their small, fragmented subpopulations and habitats, there is an acute need for planning provisions to support the presence, abundance, survival, and recovery of these threatened taxa."

19. Further, there is nothing preventing a local authority from adopting more stringent measures than required by the NPS-FM. This is clear in the NPS-FM clause 3.1(2)(a).⁴

20. Policy 9 of the NPS-FM requires the protection of habitats of indigenous species. In the context of the Otago region, which has unique threatened populations and species, a more stringent framework is, in my opinion, warranted. The key difference between the NPS-FM and the ecosystems and indigenous biodiversity chapter criteria is when offsetting or compensation is described as not appropriate. In the NPS-FM the relevant offsetting principle states:

2) ***When aquatic offsetting is not appropriate:*** *Aquatic offsets are not appropriate in situations where, in terms of conservation outcomes, the extent or values cannot be offset to achieve no net loss, and preferably a net gain, in the extent and values. Examples of an offset not being appropriate would include where*

(a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the extent or values affected:

(b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:

(c) there are no technically feasible options by which to secure proposed no net loss and preferably a net gain outcome within an acceptable timeframe.

21. The equivalent principle (in the amendments sought by Ms Hardiman in their Section 42A report, paragraph 584) in the ecosystems and indigenous biodiversity chapter criteria of the proposed Otago Regional Policy Statement states:

1) *Biodiversity offsetting is not available for an activity that will result in:*

*a) the loss from an ecological district of any individuals of Threatened taxa, other than kānuka (*Kunzea robusta* and *Kunzea serotina*), under the New Zealand Threat Classification System (Townsend et al, 2008); or*

⁴ “Nothing in this Part [Part 3: Implementation]: prevents a local authority adopting more stringent measures than required by this National Policy Statement”.

- b) *the likely worsening of the conservation status of any indigenous biodiversity as listed under the New Zealand Threat Classification System (Townsend et al, 2008); or*
- c) *the removal or loss of health and resilience of a naturally uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna; or the loss (including through cumulative loss) of irreplaceable or vulnerable indigenous biodiversity, and...*

22. The criteria in the ecosystems and indigenous biodiversity chapter are more stringent because explicit offset measures cannot be pursued where it will result in the loss of individuals of threatened taxa status or worsening of the conservation status of indigenous biodiversity. The NPS-FM does not provide this level of detail for when an offset may or may not be appropriate. Policy 9 of the NPS-FM requires that habitats of indigenous freshwater species are protected. In the context of Otago, if more stringent requirements such as those identified in the criteria in the ecosystems and indigenous biodiversity chapter are necessary to protect the habitats of indigenous freshwater biodiversity, those requirements are necessary to fulfil the policy requirement.
23. A more stringent effects management hierarchy for indigenous biodiversity in the Otago context is therefore more appropriate to achieve protection of habitats of indigenous freshwater species under Policy 9 of the NPS-FM, and to recognise and provide for Section 6 (c) of the Resource Management Act 1991 (RMA).
24. If the approach recommended by Ms Hunter is adopted, a different effects management hierarchy would apply to biodiversity in terrestrial environments and in freshwater environments. This is inefficient in my opinion. It is sensible and practical that the same principles would apply to indigenous biodiversity terrestrially and in freshwater. For example, where a project traverses both terrestrial and freshwater environments, the applicant would have to apply separate suites of principles for the same project across those two different areas. This would be unnecessarily complex and may not achieve desired outcomes for both the project and habitats.
25. Many species may also traverse wetland and terrestrial habitats. It will then be difficult to ascertain if the freshwater or terrestrial principles would apply to effects

on those species, adding another layer of complexity for these projects. Using the ecosystems and indigenous biodiversity chapter criteria will provide more certainty for plan users.

26. In order for it to be appropriate to apply the criteria for biodiversity offsetting and compensation identified in the ecosystems and indigenous biodiversity chapter to applications considered under the FW chapter, instead of the criteria in Appendix 6 and 7, the criteria must 'give effect to' the direction in the NPSFM and in my opinion be substantially similar to appendices 6 and 7. I have reviewed the ecosystems and indigenous biodiversity chapter criteria for indigenous biodiversity⁵ and compared them to the NPS-FM appendices 6 and 7 criteria and consider that the two are substantially similar. For the most part, I consider that using the criteria in the ecosystems and indigenous biodiversity chapter gives effect to the NPS-FM. I do note that the criteria are currently missing Principle 10 in Appendix 6 and Principle 12 in Appendix 7 of the NPS-FM – tangata whenua or stakeholder participation. In my opinion, these principles need to be added to relevant policies in order for the use of the ecosystems and indigenous biodiversity chapter criteria to be appropriate and wholly give effect to the NPS-FM.

LF-FW-O1A REGION WIDE OBJECTIVE FOR FRESHWATER – NEW OBJECTIVE

27. I have read the statement of evidence of Claire Hunter on behalf of Oceana Gold, dated 28 June 2023. Ms Hunter considers that, for the most part, the outcomes specified in the new objective recommended by Ms Boyd in their 42A report are stated appropriately, however they consider that Clause 3 regarding indigenous species migration is still of concern. They consider the term 'possible' overly broad and recommends alternate wording⁶. I disagree with that analysis.
28. Policy 9 of the NPSFM requires protection of habitats of indigenous freshwater species. The ability for indigenous species to move up and down within aquatic systems is a part of that habitat. Objective LF-FW-O1A therefore requires prioritising the health of freshwater and ecosystems. Clause 3.26 of the NPS-FM requires Regional Council to maintain or improve fish passage and to promote

⁵ As per the recommended amendments in the Section 42A report from Melanie Hardiman, 4 May 2022.

⁶ Evidence of Ms Hunter dated 28 June 2023, Paragraphs 33-36

remediation where fish passage is impeded. These two policy directives give strong direction that passage of fish is to be protected and prioritised. The use of 'as possible' acknowledges that there may be situations where achieving that outcome is constrained, however, it indicates that the provision of fish passage is a priority.

29. The evidence of Ms Hunter (para 36) suggests the use of 'appropriate provision' instead of 'as possible'. I consider that the use of the word 'appropriate' introduces another layer of discretion and does not ensure that the passage of migratory fish is prioritised. It is not clear in this wording what is considered 'appropriate provision' and what would prevail when faced with conflicting values, i.e. if there were economic considerations for the provision of unimpeded fish passage. This type of uncertainty would not assist the council in giving effect to the NPS-FM.
30. I therefore recommend that the wording proposed in the Section 42A report is retained.
31. The evidence of Ms Hunter on behalf of Oceana Gold in paragraphs 37 and 38 also discusses the use of 'to the greatest extent practicable' in the Objective LF-FW-O1A, and that they are of the opinion that it is difficult to apply something to the 'greatest extent practicable'. They prefer the removal of 'greatest' where it occurs in this objective. I discuss the use of 'to the greatest extent practicable' in paragraphs 12-14 above and do not repeat that here.
32. The phrase 'to the greatest extent practicable' is used in subclauses 4 and 8 of Objective LF-FW-O1A. Subclause (4) is in relation to natural form and function of waterbodies. In my opinion, given the strong direction in the NPS-FM and RMA to protect and preserve the natural character⁷ and extent and values of rivers⁸, a high level of protection is warranted.
33. Subclause (8) of the proposed objective is in relation to phasing out the direct discharges of wastewater to water bodies. This reflects the community and mana

⁷ Resource Management Act 1991, Section 6 (a)

⁸ National Policy Statement for Freshwater Management, Policy 7

whenua prioritisation of these values within the overarching freshwater vision, necessary to give effect to Te Mana o te Wai.

34. I therefore recommend that the wording proposed by Ms Boyd in their Section 42A report is retained.

OBJECTIVE LF-WAI-O1 – TE MANA O TE WAI

35. The evidence of Ms Hunter on behalf of Contact Energy suggests that the more general provisions in LF-WAI-O1 and LF-WAI-P1 seem to be superfluous, and that giving effect to Te Mana o te Wai will be more properly achieved through the 'visions and management' provisions. Ms Hunter discusses the need for 'balancing' of priorities in the NPS-FM. I consider that this does not sufficiently account for the prioritisation element that is inherent in the hierarchy of obligations. Ms Hunter suggests: *"The three priorities are all 'acceptable' outcomes, and, in my view, that is why they each need to be given priority."* I disagree. The priority suggests a systematic approach to relative importance and if all three are prioritised, none are prioritised.
36. Ms Hunter references Clause 1.3 (1) of the NPSFM that Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. In my opinion, this is a misinterpretation of this clause which is intended to describe the concept of Te Mana o te Wai. Te Mana o te Wai is to be interpreted by mana whenua at place and Objective LF-WAI-O1 provides for the local expression provided by Kāi Tahu, including putting mauri at the forefront of decision making. I therefore consider that Objective LF-WAI-O1 is necessary to give effect to Te Mana o te Wai and should be retained.

OBJECTIVE LF-FW-O9 - NATURAL WETLANDS

37. The evidence of Ainsley McLeod on behalf of Transpower supports an amendment to Objective LF-FW-O9 that reflects the exception for specified infrastructure in clause 3.22 of the NPS-FM. Ms Boyd in their Section 42A report rejects this submission point, suggesting that specified infrastructure is provided for in LF-FW-P9.

38. Ms McLeod disagrees with the recommendation to reject Contact’s submission, citing Section 32 of the RMA that *“the purpose of policies is to achieve objectives and I therefore consider that it is important that an objective prescribes a fulsome outcome that can be achieved through the implementation of policies and other provisions”*⁹.
39. I generally concur with the above statement from Ms McLeod but note there is more to consider. Policies and methods are in place to achieve the objectives, however, there are other objectives describing infrastructure outcomes that can be relied on. Each objective does not need to be self-contained, and repetition is unnecessary. The objective in this case is to protect or restore Otago’s natural wetlands.
40. NPS-FM clause 3.22 requires that regional councils include a *policy* that provides for those pathways in limited circumstances. This is provided for in Policy LF-FW-P9. There is no requirement to provide an objective that does the same. I also note that the objectives and policies should not be considered in isolation, other objectives and policies are also relevant and any application should be considered across the suite of objectives and policies.
41. Objectives and policies in the INF- Infrastructure chapter will work in conjunction with Objective LF-FW-O9 to support those qualifiers. Proposed Objective EIT-INF-O5 – Integration is specific in its direction to ensure the development of nationally and regionally significant infrastructure occurs in a coordinated manner.
42. I therefore do not consider it appropriate or necessary to add an additional qualifier to Objective LF-FW-O9.

POLICY LF-FW-P7A – WATER ALLOCATION

43. Ms Boyd, in their Section 42A report, has introduced an additional policy falling from Policy LF-FW-P7(6) in order to give more direction on the allocation and efficiency of water use, the benefits to be derived from using water and provision of water storage, as follows:

⁹ Evidence of Ainsley McLeod, Paragraph 8.16

LF-FW-P7A – Water allocation and use

Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are recognised and over-allocation is either phased out or avoided by:

- 1) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits, including for:
 - a) community drinking water supplies,*
 - b) renewable electricity generation, and*
 - c) land-based primary production,**
- 2) ensuring that no more fresh water is abstracted than is necessary for its intended use,*
- 3) ensuring that the efficiency of freshwater abstraction, storage, and conveyancing infrastructure is improved, including by providing for offstream storage capacity, and*
- 4) providing for spatial and temporal sharing of allocated fresh water between uses and users where feasible.*

44. Ms Hunter on behalf of Oceana Gold has provided amended wording that recommends removing ‘*to the extent possible within limits*’ and removing ‘*land based*’ in relation to primary production. While the evidence discusses the reasoning behind removing ‘*land based*’, I cannot find planning justification in their evidence behind the removal of ‘*to the extent possible within limits*’.

45. Policy 11 of the NPS-FM requires that freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided. In my opinion, Policy 11 sets prescriptive and specific environmental bottom lines. The amendment supported by Ms Hunter would have this bottom line eroded.

46. The definition of overallocation in the NPS-FM specifically relates to limits. The definition reads:

over-allocation, or over-allocated, in relation to both the quantity and quality of freshwater, means the situation where:

- a) resource use exceeds a limit; or*

- b) *if limits have not been set, an FMU or part of an FMU is degraded or degrading;*
or
- c) *an FMU or part of an FMU is not achieving an environmental flow or level set for it under clause 3.16*

47. In my opinion, retaining ‘to the extent possible within limits’ ensures that the policy accurately reflects the requirement for allocation to happen within specified limits and allows the plan to achieve consistency with Policy 11 of the NPS-FM. The danger of removing the term ‘within limits’ is that it hinders the implementation of the NPS-FM, in particular, Policy 11.

POLICY LF-FW-P9 – PROTECTING NATURAL WETLANDS

48. Evidence from Ms McLeod on behalf of Transpower and Ms Hunter on behalf of Oceana Gold expressed concern with the addition of clause (2), citing that there is no reason to be using the indigenous biodiversity effects management hierarchy rather than what is provided in the NP-SFM. I discuss this in more detail in paragraphs 16-26 above. The Regional Policy Statement can contain more stringent provisions than the NPS-FM, and that is justified in the case of indigenous biodiversity in the Otago region.
49. Based on this discussion, I recommend retaining clause (2) in Policy LF-FW-P9 with the addition of the principle of tangata whenua or stakeholder participation to ensure consistency with the NPS-FM.

POLICY LF-FW-P10 – RESTORING NATURAL WETLANDS

50. The evidence of Ms Hunter on behalf of Oceana Gold is concerned with the replacement of ‘where possible’ with ‘to the greatest extent practicable’ in the amendments proposed by the 42A report for LF-FW-P10.
51. I discuss in paragraphs 12-14 that the use of ‘to the greatest extent practicable’ reflects an appropriate priority for specific values.
52. This policy relates to the restoration of natural wetlands and works alongside Policy P9 which provides protection of natural wetlands and consenting pathways for certain activities. The wording recommended by Ms Hunter introduces “where

it is appropriate and can be practicably achieved...” to the start of this policy. I acknowledge that restoration of wetlands in Policy 6 of the NPS-FM directs ‘promotion’ rather than the ‘protection’ directive for values, however, I adopt the recommendation in Ms Boyd’s 42A report that “*given the loss that has occurred. I consider it is appropriate for this policy to be more stringent than the NPS-FM*¹⁰.”

53. As I discuss in Para 19 above regarding offsetting and compensation, there is nothing preventing a local authority from adopting more stringent measures than required by the NPS-FM¹¹.
54. I therefore agree with the recommendation of Ms Boyd in their Section 42A report that ‘to the greatest extent practicable’ is a reflection of the priority of restoration, while acknowledging potential limitations.

METHOD LF-FW-M7 – DISTRICT PLANS

55. The evidence of Ms Craw on behalf of Waka Kotahi is concerned that Method LF-FW-M7 does not direct district plans to provide flexibility for nationally and regionally significant infrastructure. The evidence of Ms McLeod for Transpower requests a similar amendment.
56. Ms Craw suggests that, as currently worded, LF-FW-M7 is inconsistent with section 6(a) of the RMA. Sections 6(a) and (b) of the RMA do require protection from inappropriate subdivision, use and development. Section 6(c), however, does not contain such terms and is more absolute. Section 6(c) of the RMA requires ‘the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna’ is recognised and provided for. In my opinion, the proposed wording from Ms Craw overlooks the more absolute protection requirement in Section 6(c).
57. Para 7.34 of Ms Craw’s evidence also suggests that the method is more stringent than Policy 8 of the NPSFM. I disagree. Policy 8 of the NPSFM requires that ‘*The significant values of outstanding water bodies are protected.*’ Subclause 2 of the method is: “(2) include provisions to protect the significant and outstanding values

¹⁰ Section 42A Report, paragraph 1478.

¹¹ NPS-FM Clause 3.1 (2) (a):

of outstanding water bodies.” Policy 8 does not require the qualifier of ‘from inappropriate use and development’ be included. To do so unduly minimises the specific bottom lines in Policy 8.

58. The evidence of Ms McLeod requests an amendment to the same subclause (2).

Ms McLeod suggests:

“...I have concluded that Method LF-FW-M7 fails to direct territorial authorities to amend their district plans in a manner that respects the ability of people and communities to provide for their social, economic, and cultural well-being. This means that the Method does not give effect to the third priority in the Objective and Policy 15 of the NPSFM.”

59. Ms McLeod’s suggested wording introduces potential conflict between the protection of significant and outstanding values of outstanding waterbodies and enabling communities to provide for their social, economic and cultural wellbeing. The amended wording does not acknowledge the hierarchical prioritisation framework in the NPS-FM, and may create ambiguity where these may be in conflict.

60. I therefore recommend that the wording proposed by Ms Boyd in their 42A report is accepted.

Dated 17 July 2023



Maggie Rose Burns