

**ENVIRONMENT COURT OF NEW ZEALAND
AT REGISTRY**

**I MUA TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI**

ENV-2025-CHC-023

UNDER The Resource Management Act 1991 ("Act")

IN THE MATTER of An Appeal under s 120 of the Act

BETWEEN **FRIENDS OF LIZARDS**
Appellant

AND **ALPINE DISTRICT COUNCIL**
Respondent

AND **DEVELOPERS, INC.**
Applicant

**EVIDENCE OF
DR. CODY MAVERICK, PhD
20 JULY 2026**

**Seth Richards-Ward: 99630855
Word Count: 2891**

BLENHEIM

Solicitor acting: Ms Ima Respondent-Counsel
Large National Law Firm and Partners
109 Main Street
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1 INTRODUCTION

- 1.1 I, Dr. Cody Maverick, bring to this case my extensive expertise and experience in planning.
- 1.2 My qualifications, including a Master's in Planning from Shiverpool University and a PhD in Planning Expertise from the esteemed University of Pen Gu Island, are directly relevant to the issues at hand in this case.
- 1.3 I am the CEO of EcoPlanning Inc., an independent planning consultancy that I founded in 2011. EcoPlanning Inc. has no direct involvement in the matters being discussed in this case.
- 1.4 I have published peer-reviewed research on planning in some of the top journals in the field – *Journal of Canterbury Planning* and *Southland Planning* – and in the critically acclaimed – *NZ Journal of Planning*. My articles on planning date from 2000, 2008, and 2016.
- 1.5 This evidence is purely based on my professional expertise and experience in planning.
- 1.6 the University of Canterbury has asked me to review and comment on the fictional evidence presented by Dr SpongeBob SquarePants about the fictional proposal. I have been presented with and have reviewed the following.
 - (a) Evidence of Dr SpongeBob SquarePants
 - (b) Furthermore, I have no expertise in ecological or biological matters and will not comment on these aspects of the evidence.
- 1.7 I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Consolidated Practice Note (2006). I agree to comply with that Code. Other than where I state that I am relying on the evidence of another person, my 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.

2 DESCRIPTION OF THE RECEIVING ENVIRONMENT

- 2.1 As a planning professional, I concur with Dr. SquarePants' and Dr. GeckoGeek's accurate and comprehensive description of the receiving environment.¹.
- 2.2 I also agree that the receiving environment currently hosts 4 Indigenous lizard species, but I will dispute the threat status of these lizards². They should be corrected as follows:

¹ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.1

² Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.2

- (a) South Marlborough Spotted Skink (Nationally Endangered³, previously at risk-declining⁴)
- (b) Elegant Gecko (At Risk Declining⁵, previously at risk-recovering⁶)
- (c) Jewelled Gecko (At Risk Declining⁷, previously not threatened⁸)
- (d) Marlborough Green Gecko (At Risk Declining⁹, previously not threatened¹⁰)

3 Canterbury Regional Policy Statement

- 3.1 With the required alterations to the package as described above, I can't entirely agree with Dr GeckoGeek's assessment, claiming that the standard of protection has been met¹¹. Furthermore, she has described in her evidence in chief that there is a relatively high probability of local extinction, which is unacceptable under Appendix 3 Clause 4 of the Canterbury Regional Policy Statement.¹² This is due to the new threat levels of the four indigenous lizards, which the habitat supports.
- 4 The Objectives of the National Policy Statement for Indigenous Biodiversity (Clause 2)
 - 4.1 I also question whether the threat status and percent saved align to achieve the objectives outlined in the NPSIB¹³.
 - 4.2 The final Wildlife Management Plan (WMP) presented by Dr SquarePants predicts the potential for significant impacts on the Spotted Skink population. The National Policy Statement for Indigenous Biodiversity aims to have no overall loss in Indigenous biodiversity through protecting and restoring biodiversity as necessary¹⁴. As such, I believe the WMP needs to be more consistent with the objectives of the NPSIB.

5 The Principles for Biodiversity Compensation of The National Policy Statement for Indigenous Biodiversity (Appendix 4)

- 5.1 Principle 1
 - (a) WMP salvage and release only benefit two of the four at-risk or threatened lizards identified, which are covered within the applicant's WMP; for consistency with

³ Conservation Status of New Zealand Reptiles, pg 13

⁴ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.2

⁵ Conservation Status of New Zealand Reptiles, pg 15

⁶ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.2

⁷ Conservation Status of New Zealand Reptiles, pg 15

⁸ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.2

⁹ Conservation Status of New Zealand Reptiles, pg 15

¹⁰ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 2.2

¹¹ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 5.4

¹² Canterbury Regional Policy Statement (CRPS), Appendix 3 Clause 4

¹³ National Policy for Indigenous Biodiversity (NPSIB) Clause 2.1

¹⁴ National Policy for Indigenous Biodiversity (NPSIB) Clause 2.1

Principle 1, I would like to see consideration for all four species as a commitment to redress more than minor residual adverse effects to all four species.

- (b) The same issue is in the WMP's proposal to move the South Marlborough Spotted Skink. It states that they will be moved during construction to 'avoid death or injury'. Dr GeckoGeek then states that only a "fraction" will be detected and thus successfully saved¹⁵This is not an avoidance strategy but a mitigation strategy, as there is still harm to the population. It also means that they have not correctly sequentially exhausted the avoid minimis and remedy strategies, which is not consistent with the NPSIB.¹⁶.
- (c) Furthermore, although the statement in the WMP includes the word avoid, this is a mitigation strategy, as I will explain. Avoidance strategies are implemented to remove the negative impacts on the environment and its species altogether. Mitigation lessens these effects to an acceptable level. Later in the mitigation package proposed, it states that recent studies show that due to the cryptic nature of the species involved, the success rate for the lizard mitigation translocations was around 22%. This is significantly lower than other conservation purposes (89%)¹⁷. Because this does not eliminate any adverse effects, and the likely impact on the remaining includes death, I do not believe this constitutes avoidance. As such, it is inconsistent with the sequence of management techniques under the NPSIB¹⁸

5.2 Principle 2

- (a) The combination of mitigation with compensation or offsetting is also not applicable under the National Policy Statement for Indigenous Biodiversity (NPSIB). The NPSIB states that compensation and offsetting are inappropriate where effects on Indigenous biodiversity are uncertain, unknown, or minor understood, but potential effects are significantly adverse or irreversible¹⁹. This undoubtedly is the case here. Dr SquarePants agrees that possible effects on this population and the wider area include disturbance, death, serious injury, minor injury, or displacement.²⁰ Due to the significantly adverse, irreversible effects outlined, more severe methods, such as avoidance, must be taken.
- (b) In Dr SquarePants' evidence, he states that homing is one of the most commonly reported issues with mitigation translocations of reptiles worldwide and a common cause of failure. The capabilities of this species are unknown due to their cryptic nature. This is inconsistent with Appendix 4 Principle 2(b), as compensation is inappropriate when the effect on biodiversity is unknown, uncertain or little

¹⁵ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 4.5

¹⁶ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 1

¹⁷ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 4.11

¹⁸ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 1

¹⁹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(b)

²⁰ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 3.5

understood²¹ For the covenant to be consistent with the NPSIB, the homing levels of the Indigenous lizards should be more confidently estimated.

- (c) The habitat alteration required for the gecko-proof pen may have significantly adverse or irreversible effects on the habitat and the Indigenous biodiversity it contains. This is not consistent with Principle 2(b) of the NPSIB²².
- (d) Generally, everyone agrees that it is impossible to confidently estimate population numbers in the receiving environment due to the cryptic nature of many of the indigenous lizards found within New Zealand, including the species in question. Doing anything to these species' habitat or lifestyle is inconsistent with Principle 2(b) of the NPSIB, as the effects are uncertain and potentially irreversible.
- (e) Dr SquarePants states that the population is not vulnerable as the species is relatively common in the ecological district, the neighbouring ecological district, and the one where the covenant is proposed. He then states, "Because there are other populations, this one is not irreplaceable."²³ The correct threat status changes the factuality of this statement, and as such, Appendix 4 Principle 2(b) of the NPSIB.²⁴ This means that this population is protected and thus is not replaceable.
- (f) The applicant has not proposed rodent control because, to date, the benefits of small-scale rodent control have not been demonstrated for lizard mitigation in New Zealand. This is consistent with Principles 2(b)²⁵ and 2(c)²⁶ of the NPSIB as there effects on biodiversity compensation are unknown and not technically feasible within acceptable timeframes.
- (g) Considering the mitigation package in its entirety, Dr SquarePants believes there would still be significant residual effects on all four species of lizards. This is inconsistent with Principle 2(a)²⁷, where the Indigenous biodiversity is vulnerable to the proposed activity on the site. This is also true with the introduction of the covenant site, as the NPSIB states that compensation in this case is inappropriate.

5.3 Principle 3

- (a) Pertaining to Principle 3, Dr SquarePants has acknowledged that potential effects on the South Marlborough spotted skink will be significant²⁸. I want to question whether, under the species' correct threat status, the biodiversity values lost will be addressed correctly to determine which ones outweigh the adverse effects and

²¹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(b)

²² National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(b)

²³ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 5.5

²⁴ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(b)

²⁵ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(b)

²⁶ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(c)

²⁷ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2(a)

²⁸ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 3.3

be consistent with the NPSIB under principle 3. I would also like to know whether or not the other species have their values compromised under the correct threat status.

(b) The South Marlborough Spotted skink compensation is consistent with the NPSIB as the values have been considered, and a better site is proposed than the receiving environment. However, I also believe this compensation is not consistent with the NPSIB under Principle 3²⁹ For the three other species not considered in this package. For the package to be consistent, all four species need to receive some compensation.

5.4 Principle 4

(a) The covenant site is a higher-quality spotted skink habitat than the receiving environment. In the context of the habitat alone, this is consistent with Principle 4³⁰, as there is additionality to the receiving environment.

5.5 Principle 5

(a) The gecko-proof pen is proposed to protect the Elegant Geckos during construction, but the area may also be necessary to release Jewelled Geckos and Marlborough Green Geckos. This compensation is not consistent with Principle 5³¹, which aims to reduce the impact on other indigenous biodiversity in the same or any other location.

5.6 Principle 6

(a) I agree with Dr. SquarePants that they realise protocols for the South Marlborough skink require further consideration³². I believe this is not consistent with Principle 6 of the NPSIB³³ as no consideration has been given to the time period of the compensation. This is because over longer periods, the lizards might come back to the receiving environment.

(b) Dr SquarePants also states that, in his view, the applicant should address post-release monitoring of salvaged lizards and should be added to WMP. This is consistent with Principle 6 of the NPSIB and potentially could reduce the effects of lizards homing back to the receiving environment.

5.7 Principle 7

(a) It states that the compensation, in terms of the covenant, is undertaken at a site that will yield the best ecological outcome and be as close as possible to the impact site. Dr SquarePants' evidence suggests that the covenant site is of higher

²⁹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 3

³⁰ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 4

³¹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 5

³² National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 6

³³ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 6

value than the receiving environment³⁴. This is consistent with principle 7 of the NPSIB³⁵, which states that compensation occurs at the closest site with the best biological outcome.

(b) The gecko-proof pen proposed to protect the Elegant Geckos during construction seems to be a very flawed plan. It could be significantly improved by changing the proposed site, as the current plan could adversely affect the current Elegant Geckos population living here. Elegant Geckos are an at-risk species.

5.8 Principle 8

(a) The applicant WMP proposes amenity planting of kanuka and other Indigenous vegetation to remedy exotic scrub lost through the activity³⁶. This has been done to try to increase the biodiversity gain within a shorter amount of time. This is consistent with principle 8 of the NPSIB³⁷, as they have made an effort to decrease the time lag to the biodiversity gain.

5.9 Principle 9

(a) Under the incorrect threat status, it was agreed by Dr SquarePants that the mitigation package presented would reduce the effects outlined by Dr GeckoGeek down to 'less than minor.'³⁸ I agree with the species and population effects presented, but I want to reiterate that the significance of the impact may have changed under the correct threat status. As such, I think it would be necessary for Dr. GeckoGeek to redo the assessment to consider the effects on all the Indigenous lizards. Furthermore, to be consistent with NPSIB Principle 9³⁹, the proposal must demonstrate that values lost are not to threatened or at risk (declining) species, which all four lizards are classified as.

(b) I agree that the compensation for the South Marlborough Spotted skink has been considered. It is consistent in trading up as the gains are higher than those that will be lost. Furthermore, the values have been considered, and a better site is proposed than the receiving environment. For this reason, I think that solely considering the South Marlborough Spotted skink is consistent with the principle 9⁴⁰. Overall, this compensation is not consistent with the NPSIB for the three other species not considered in this package.

6 Conclusion

³⁴ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 4.15

³⁵ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 7

³⁶ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 4.15

³⁷ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 8

³⁸ Evidence in Chief of Dr Spongebob Squarepants, Paragraph 3.3

³⁹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 9

⁴⁰ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 9

6.1 In conclusion, I do believe that there has been some genuine consideration for the NPSIB, especially surrounding Appendix 4 Principles 4⁴¹, 7⁴², and 9⁴³ and the overall objectives of no overall loss of biodiversity⁴⁴. There are, however, a lot of aspects of the mitigation package that are not consistent with the NPSIB's objectives, as there is likely a loss of Indigenous biodiversity, and the compensation is not consistent with the NPSIB for all of the Indigenous biodiversity involved, especially surrounding Appendix 4 Principle 2⁴⁵.

⁴¹ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 4

⁴² National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 7

⁴³ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 9

⁴⁴ National Policy for Indigenous Biodiversity (NPSIB) Clause 2.1

⁴⁵ National Policy for Indigenous Biodiversity (NPSIB), Appendix 4, Principle 2