

25 February 2020



Biodiversity Team
Ministry for the Environment
PO Box 10 362
Wellington 6143

Dear Sir/Madam

Proposed National Policy Statement for Indigenous Biodiversity

Please find Tauranga City Council's submission on the proposed *National Policy Statement for Indigenous Biodiversity* attached. This submission was authorised by Council's Urban Form and Transport Development committee at its meeting on 13 February 2020.

We will be pleased to discuss the issues and concerns raised in this submission, or to provide additional information and evidence if this would be useful.

Please direct any enquires to:

Mr Andrew Mead
Manager: City & Infrastructure Planning
P. 027 763 5762
E. andrew.mead@tauranga.govt.nz

We look forward to receiving advice about the outcomes of consultation and the next steps in the process of reviewing the proposed National Policy Statement.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Marty Grenfell".

Marty Grenfell
Chief Executive
Tauranga City Council
07 577 7010
marty.grenfell@tauranga.govt.nz



Tauranga City

Submission to the Ministry for the Environment

Draft National Policy Statement for Indigenous Biodiversity 2019

Introduction

1. Tauranga City Council (**TCC**) welcomes the opportunity to submit on the draft National Policy Statement for Indigenous Biodiversity (**NPSIB**). TCC is happy to discuss this submission, or to provide additional information that would be of assistance. Please direct any enquires to:

Mr Andrew Mead, Manager: City & Infrastructure Planning

P. 027 763 5762

E. andrew.mead@tauranga.govt.nz

2. TCC supports the maintenance and enhancement of indigenous biodiversity and has made significant investments into indigenous biodiversity management planning and programmes to maintain and enhance biodiversity values. This includes mapping all Special Ecological Areas (**SEAs**)¹ and making significant investment into the maintenance and enhancement into SEAs and the improvement of wider biodiversity throughout the City, with the latter funded by the Tauranga community. Through this funding (from the Long-Term Plan), Council is committed to continuing these programs and improving our City's biodiversity and environment.
3. However, in doing so, TCC recognises the need to balance the maintenance of indigenous biodiversity against urban growth requirements also set by the New Zealand Government and the delivery of both current and long-term planning objectives. As such, there is a need to ensure the balance and alignment between Government policy documents is clearly understood and established at the time of preparing a National Policy Statement such as the NPSIB.
4. Unfortunately, TCC considers that this balance and alignment not been achieved and therefore submits to the Ministry for the Environment (**MfE**) that there is a need to review and revisit the proposed NPSIB in its current form.
5. A summary of TCC's key concerns with the draft NPSIB is set out below.

The draft NPSIB:

- a) States that indigenous biodiversity is in widespread decline. However, the small percentage of decline relative to the margins of error provided by the evidence does not reflect this;
- b) May restrict planned and future land and infrastructure development opportunities;
- c) Cannot be confidently interpreted and implemented, as it has too many inconsistencies and ambiguities and inadequate methodological guidance;

¹ To meet Resource Management Act 1991 (**RMA**) section 6 (Matters of National Importance) requirements.

- d) May conflict with other national planning instruments, such as the proposed National Policy Statement for Urban Development (**NPSUD**) (a key national direction for high-growth councils such as TCC) and the National Policy Statement for Highly Productive Land (**NPSHPL**) as there appears to be no alignment, integration or hierarchy across National Policy Statements;
 - e) May supplant TCC's current biodiversity management efforts at a significant opportunity cost to TCC and the community;
 - f) The language of some NPSIB provisions may produce unintended outcomes, undermining national, regional or local resource management planning; and,
 - g) Will impose significant initial and ongoing burdens on local authorities, diverting resources from other operational areas to implement the NPSIB, without an overarching justification for this work or the acknowledgement of existing protection and maintenance of areas through district plans and Long-Term Plans.
6. TCC submits that the NPSIB should be extensively re-evaluated to address the following matters:
- 1) A clear evidential basis that indigenous biodiversity decline warrants the establishment of a National Policy Statement utilising strongly worded "avoidance" type policies;
 - 2) A pathway to enable the integrated consideration of land and infrastructure development and indigenous biodiversity in instances of an interface, rather than an unqualified obligation to avoid all adverse effects;
 - 3) Clear, consistent terminology and integrated methodological guidance;
 - 4) Integration with other national planning instruments;
 - 5) 'Road-testing' to minimise the risk of unintended outcomes;
 - 6) Transitional provisions for local authorities with established indigenous biodiversity management programmes to align with the NPSIB framework without incurring undue opportunity costs;
 - 7) A clear statement as to the technical and financial support to be provided by the MfE to facilitate the interpretation and implementation of the NPSIB.
7. The following discussion outlines the local context that informs TCC's submission, and details TCC's submission points.

Context for TCC's submission

8. Tauranga is the fifth-largest city in New Zealand, with over 140,000 residents. Tauranga's population is projected to grow to almost 200,000 people by 2063. This growth will occur in a constrained regional harbour landscape.
9. TCC is a high-growth Council, facing numerous challenges and competing priorities that require careful consideration and balance through the planning process. These include:
 - 1) Substantial urban development pressures;
 - 2) Dependence on landowners to release land for development;
 - 3) Differing views about land release and development among the owners of Maori land;
 - 4) A housing shortage and high housing costs;
 - 5) Limited housing diversity;
 - 6) Lengthy *Resource Management Act 1991 (RMA)* timeframes for re-zoning potential development areas;
 - 7) Significant landscape, ecological and natural hazard constraints (which are largely already mapped and understood); and,
 - 8) Substantial transport issues, including dependence on the planning, funding and delivery of state highway projects.
10. Tauranga faces a housing shortfall of approximately 910 dwellings in the next three years, and, if urban intensification and greenfield urban growth are not enabled, the shortfall is projected to reach approximately 4,800 dwellings over the next 4 - 10 years². As such, TCC is prioritising the delivery of planning frameworks and infrastructure development programmes to support urban intensification and greenfield urban growth.
11. TCC is working to resolve growth pressures through initiatives including the following:
 - 1) The '[SmartGrowth](#)' strategy, established in 2004 uses a 50-year planning horizon and promotes consideration of environmental, social, economic and cultural matters and a balanced approach to growth management across the Western Bay of Plenty sub-region. TCC has worked in conjunction with its [SmartGrowth partners](#) to plan for sustainable and coordinated urban growth such as the development of a clear settlement pattern, objectives and policies through the Bay of Plenty Regional Policy Statement for managing urban growth, including managing environmental values;

² Veros Property Services Ltd: *Western Bay Sub-Region Residential Development Capacity Review May 2019*.

- 2) TCC is a partner in the '[Urban Form and Transport Initiative](#)' (UFTI) launched in March 2019. UFTI builds on the successes of SmartGrowth to develop a vision and plan for urban development and transport infrastructure to meet community needs into the future. UFTI aims to develop a long-term, integrated masterplan for urban development and transport that aligns with the central government's transport policy statement and urban growth agenda;
- 3) TCC is progressing structure planning and plan change projects to help resolve the short-term housing supply challenges. These being residential intensification planning projects throughout the City, greenfield growth areas for the Te Tumu (7,000 - 8,000 dwellings) and Tauriko West (3,000 dwellings) urban growth areas, and other associated work programs which will lead to future housing and business land delivery. However:
 - a) Progression of the Te Tumu urban growth area faces substantial risks and delays beyond TCC's control, associated with Maori land and Maori Land Court matters.
 - b) Advancement of the Tauriko West urban growth area depends on the development of access between the growth area and State Highway 29A. However, at the time of writing, funding is unavailable to enable the NZTA to programme these significant highway upgrades.
- 4) TCC has initiated spatial planning and plan changes to further enable residential intensification (e.g. duplexes, terraced housing, apartments and other, more intensive, residential typologies) in established areas. However, urban intensification is constrained in many areas by:
 - a) Climate change, flooding and earthquake shaking risks across most of the coastal strip from Mauao (Mount Maunganui) to Papamoa;
 - b) Private land covenants which prevent further subdivision and intensification in most subdivisions developed since the 1990's. Covenants constrain approximately half of the urban area of Tauranga;
 - c) Rear lot infill subdivision over older areas has fragmented land ownership, increased the value of capital improvements that need to be written off to enable redevelopment, and increased the complexity of assembling land to enable a reasonable scale of redevelopment;
 - d) The scarcity of large-scale brownfield redevelopment sites; and,
 - e) Economic challenges faced by the property development industry, from a funding and profitability perspective.
- 5) Given these complexities, outward urban expansion and urban intensification to accommodate growth, and satisfying the obligations of the NPSUD, will produce substantial crossover with the NPSIB.

Submission from Tauranga City Council on the draft National Policy Statement for Indigenous Biodiversity

Opportunity costs

12. TCC has established controls and work programmes to identify, protect and enhance “Special Ecological Areas” (**SEAs**). The purpose of SEAs is described at [Chapter 5](#) of the Tauranga City Plan (**City Plan**) as:

Special Ecological Areas and areas of indigenous vegetation (not identified as special, but nonetheless retaining intrinsic values or contributing to the amenity of the City) also act as wildlife corridors (...) all Special Ecological Areas form part of the City environment and have important recreational and use values. Therefore, it is anticipated that specific recreational activities are to occur within those areas, provided that the adverse effects are mitigated.
(...)

Category 1 Special Ecological Areas are the best-quality or only remaining representative examples of indigenous flora and/or habitat of indigenous fauna within the City. This Category also includes intact altitudinal or geographic sequences across the City, or diverse assemblages of landform units, vegetation, and bioclimatic character. It is of prime importance that the factors, values and associations of these areas are protected.
(...)

Category 2 Special Ecological Areas are good-quality representative examples of indigenous flora and/or habitat of indigenous fauna. They include:

a) Relatively small areas with vegetation types or plant taxa under-represented within the City;

b) Relatively large areas with features that are represented in Category 1 Special Ecological Areas, but which are, nevertheless, worthy of protection;

c) Areas containing vegetation types which would once have been more common in the Tauranga Ecological District and are under-represented in Category 1 Special Ecological Areas, but which have been degraded by weed invasion, animal damage, or other similar agents;

d) Relatively small areas which still retain their indigenous character or support indigenous fauna.

Category 2 areas often contain more weed species or younger, more common vegetation types that are not nationally rare. It is therefore more appropriate to consider mitigation of activities within this category, as long as these areas are managed in a way that will maintain and enhance the ecological values they support.

13. Chapter 5 of the City Plan sets out objectives and policies and describes how to identify, assess, categorise, protect and maintain SEAs, while Appendix 5A (Special Ecological Area (SEA) Register) provides detail about the ecological values present in each SEA. The rule framework enables the management of any adverse effects of activities occurring within SEAs (and, within five metres of a Category 1 SEA). For example, rules in Table 5A.1 (Status for Activities Within or Adjoining any Special Ecological Area) provide a clear, performance-based assessment pathway for proposals located within SEAs, or within five metres of any Category 1 SEA. The rules explicitly provide for the maintenance of infrastructure and public assets, while providing for further protections through consenting requirements as the scale of activity increases. Activities not otherwise provided for have a Non-Complying activity status in Category 1 SEAs and attract a Discretionary activity status if (a) located within five metres of a Category 1 SEA, or, (b) located within a Category 2 SEA.
14. Approximately 307 hectares (**ha**) of land is contained in Category 1 SEAs above Mean High Water Springs (**MHWS**), while approximately 245ha above MHWS is contained in Category 2 SEAs. This equates to a total area above MHWS of approximately 552ha having SEA status (equivalent to about 4% of the 13,440ha area of Tauranga City).
15. In addition to SEAs, an area of approximately 318ha above MHWS is subject to Outstanding Natural Features and Landscapes (**ONFL**) status (regulated by controls in [Chapter 6](#) of the City Plan), while land in conservation reserves equates to approximately 523ha above MHWS. These combined areas (approximately 841ha) will, in some instances, overlap with SEAs. Nevertheless, these figures are indicative of significant investment by TCC into identifying and managing land with special values – including the management of indigenous vegetation clearance via resource consent processes (e.g. Table 6A.1: Activity Status for Activities Occurring within the Outstanding Natural Features Landscapes and Important Amenity Landscapes).
16. TCC’s SEA resource management framework is complemented by investment into physical works to maintain and enhance SEAs and conservation areas. Revegetation and ecological management and maintenance works are currently undertaken across approximately 375 hectares of SEAs above MHWS. This ongoing work is scheduled and carried out in a staged fashion as budgets allow. TCC invests approximately \$1.5million into the restoration and maintenance of ecological areas each year.
17. A supplementary aspect to this is that, as a coastal council, TCC undertakes ecological improvement works around the MHWS level, waterbodies and freshwater ecosystems. The spatial extent of the NPSIB (defined at NPSIB Clause 1.5) disregards these ecological improvement works because they are located below MHWS.
18. The above description illustrates TCC’s historic and ongoing investment into maintaining and enhancing indigenous biodiversity. However, it appears that TCC is something of an outlier in this regard because, according to page 23 of the NPSIB draft Section 32 report:
 - 1) 39% of district plans do not define ecological areas at all; and,
 - 2) 42% of district plans have only limited or moderate completeness in terms of ecological area mapping and management.

19. If this is correct, there may be a gap in local authorities' efforts in this area. However, TCC does not consider that its investment into ecological planning and management should be penalised due to gaps in other districts, by the imposition of a strict new regulatory policy regime, above TCC's established frameworks which were delivered through appropriate and sound resource management planning.
20. A significant concern to TCC is that under the NPSIB, TCC must re-survey, re-assess and re-categorise its SEAs in line with the Appendix 1 "Significant Natural Area" (SNA) assessment criteria. Even if some latitude is available pursuant to NPSIB Clause 3.8(4) the re-work of SEAs will be complex, and largely superfluous, given SEAs are already known, and many are managed.
21. Therefore, the proposed SNA management framework disregards TCC's investment in ecological planning (via planning/regulatory regimes) and management (via existing operational expenditure and partnerships with external agencies). This is a large opportunity cost to TCC, incurred because TCC made efforts (appropriately, considering RMA s. 6(c)) in this area.
22. The outcome of the NPSIB is that TCC will incur significant costs in retrofitting its SEA framework into the NPSIB structure. It will be clear from the commentary below that TCC is not confident that this re-work will improve ecological outcomes beyond those realised by the SEA framework, rather it may result in increased costs, for little, if any, benefit.

Recommendation

23. **That the NPSIB be revised to provide a pathway for local authorities to transition existing ecological management frameworks to the NPSIB structure over time and minimise opportunity costs associated with the transition.**

The status of New Zealand's indigenous biodiversity

24. The Explanatory Note to the NPSIB states:

Many indigenous species and ecosystems have been lost and many that remain are now highly threatened or at risk of extinction. Aotearoa New Zealand's indigenous biodiversity is in decline. The nationally coordinated response in this National Policy Statement ensures the decline is halted and indigenous species, habitats and ecosystems are supported to thrive.

25. TCC understands that the underpinning rationale for the NPSIB – that is, significant decline in indigenous biodiversity – is in part, based on the New Zealand Land Cover Database (LCDB). The LCDB is a national classification of land cover, mapped using satellite imagery.
26. TCC understands that Statistics New Zealand used the LCDB to [analyse indigenous landcover trends between 1996 – 2012](#). The analysis found that indigenous vegetation cover is not in significant decline. It is understood that the largest decrease in area of land cover was in exotic grasslands, a decrease of 183,571ha (1.7%), with the largest

percentage decrease in land cover being in exotic scrub/shrubland, a decrease of 9.3% (25,978ha).

27. The Statistics New Zealand analysis notes that indigenous scrub/shrubland decreased in area by 1.3% (or 24,187 ha), and indigenous forests decreased by 0.2% (or 16,108ha). Importantly, these declines are very small and well within the dataset margins of error³.
28. Given that there may be small (up to 5%) decreases or increases – or no change – in indigenous vegetation coverage, until the dataset margins of error reduce, the status cannot be confidently forecast. Therefore, considering the wide margins of error, it appears that the LCDB does not support a proposition of significant national biodiversity decline based on reduced indigenous vegetation coverage.
29. As such, TCC queries if the premise underlying the introduction of the NPSIB is based on sufficiently robust indicators of the status of indigenous biodiversity.
30. Rather, it appears that exotic pests (weeds, animal predators and competitors) are a greater threat to indigenous biodiversity than reduced vegetation coverage.

Recommendation

31. **That the basis for the NPSIB be re-cast in terms of the restrictive policies proposed against the above information. It appears more necessary for an NPSIB to focus on the maintenance and enhancement of indigenous biodiversity, rather than ascribing strict avoidance-type policies.**

Implications for land and infrastructure planning and development

32. TCC is concerned that the NPSIB represents a significant constraint on the ability to use and develop widespread areas of urban and rural land. This concern primarily arises from the combined implications of implementing the following NPSIB provisions:
 - 1) Clause 3.8 (Identifying significant natural areas);
 - 2) Clause 3.9 (Managing adverse effects on SNAs);
 - 3) Appendix 1 (Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna); and,
 - 4) Appendix 2 (Tool for managing effects on significant natural areas).
33. Council's interpretation of these provisions is:
 - 1) Significant Natural Areas (**SNAs**) must be identified as required by NPSIB Clause 3.8, using the Appendix 1 assessment criteria.

³ The margin of error ranges from 2% to 19%. It is 5% for indigenous forest and tussock and 11% for indigenous scrub/shrubland.

- 2) Only one criterion in Appendix 1 needs to be met to qualify a site as an SNA. As per Appendix 2, patches of manuka and kanuka that meet an Appendix 1 criterion must be identified as SNAs⁴.
- 3) The Appendix 1 SNA assessment criteria are broad. Attribute C6(a) is an example of a broad criterion that is likely to capture many areas and environments⁵. Attribute C6(a) is:

C6 Significant Natural Areas that qualify under this criterion will have at least one of the following: a) provides habitat for an indigenous species that is listed as Threatened or At-risk in the New Zealand Threat Classification System lists

...

- a) The term “*habitat*” is defined at NPSIB Clause 1.8 (Definitions) as “*means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern*”.
 - b) As such, any area or environment where a Threatened or At-risk species “*...lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern*” qualifies as an SNA.
 - c) Because “*...habitat for an indigenous species*” may include exotic species (as per Appendix 2), areas of exotic weeds that host a Threatened or At-risk species for some of its life cycle qualify as SNAs.
 - d) Similarly, urban areas, planned urban growth areas, and land used for agricultural or horticultural activities also qualify as SNAs if the presence of Threatened or At-risk species is detected.
 - e) Patches of manuka and kanuka will qualify as SNAs if providing “*habitat*” for a Threatened or At-risk species.
- 4) Pursuant to NPSIB Clause 3.9(2), adverse effects in “Medium” SNAs can be contemplated if the (restrictive) listed criteria are all met.
 - 5) NPSIB Clause 3.9(1)(a)(i) – (iv) specifies that certain adverse effects on SNAs must be “*avoided*”. This sets a high threshold, as the term “*avoid*” means “*not allow*”, or, “*prevent the occurrence of*”. That is, the term “*avoid*” prohibits the causation of the stated effects⁶. The implications of the avoidance requirement are amplified by the broad framing of the stated effects, which

⁴ Unless the *Threatened* status of manuka or kanuka derives from risk of myrtle rust, in which case it is exempt from SNA classification (see page 37 of the NPSIB).

⁵ Another example is Appendix 1 Attribute D3(f) under which indigenous fauna feeding, breeding, refuge or resting habitat qualifies as a SNA. It is to be expected that indigenous fauna rest in numerous areas (including urban environments), thereby generating extensive SNA coverage.

⁶ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38, (2014) 17 ELRNZ 442, [2014] 1 NZLR 593, [2014] NZRMA 195.

include the unqualified terms “loss”, “disruption”, “fragmentation⁷” and “a reduction”. It seems that any “loss” or “disruption” (for example) would be prohibited, no matter how minor the scale of the effect. TCC notes that these broad avoidance-type policy settings prevent, or constrain, the scope for biodiversity offsetting and compensation, in accordance with Clauses 3.9(1)(b) and 3.9(2)(a) – (d).

- 6) For completeness, it is noted that pursuant to NPSIB Clause 3.9(3), adverse effects in “Medium” SNAs can be contemplated if associated with a single dwelling on an allotment created before the NPSIB commencement date. The matters contemplated by this clause do not extend to “High” SNAs.

34. The outcome of this is that:

- 1) Large areas will qualify as SNAs under the Appendix 1 assessment criteria, whether intended to or not (and whether such a status is warranted);
- 2) Only very limited development will be allowable in “Medium” SNAs; and,
- 3) The NPSIB Clause 3.9(1) obligations to avoid broadly-framed adverse effects prohibit development in “High” SNAs.

35. The concern is that the above NPSIB provisions will significantly, widely and unduly compromise development including urban infill, greenfield urban growth, infrastructure and transport corridors, public reserves, agriculture and horticulture without an evidence-based substantiation or balancing against other competing resource management issues.

36. A further concern relates to the constraints NPSIB Clauses 3.12(3)(a) – (b) place on the effects of existing activities located in SNAs. This clause appears to significantly constrain the maintenance, upgrade, alteration or extension of existing activities located in any SNA (Clause 3.12(1)). This has particular implications for transport corridors and linear infrastructure assets such as pipelines, electricity transmission lines and drainage reserves, and public accessways, as these developments are likely to intersect numerous SNAs. Clauses 3.12(3)(a) – (b) could unduly complicate the operation and delivery of infrastructure by a range of service agencies and authorities, with consequential adverse effects on community well-being, and the ability to meet other National Policy Statements and regional objectives set through settlement patterns.

Recommendation

37. **That the NPSIB effects management framework for SNAs be revised to:**

- 1) **Reconsider the Appendix 1 assessment criteria to better define the extent of SNAs;**
- 2) **Clarify the intensity of adverse effects able to be contemplated in SNAs; and,**

⁷ “Fragmentation” is defined but the definition relies on unqualified terms, crucially “loss” and “altered”.

- 3) Remove (or clearly qualify) the avoidance requirements for adverse effects, which as currently drafted, constitute a *de-facto* prohibition of all adverse effects in SNAs.
- 4) Ensure the effects management hierarchy is able to be used consistently to achieve indigenous biodiversity outcomes for all adverse effects in SNAs.

Inconsistencies, ambiguities and insufficient methodological guidance

38. Various inconsistencies in the NPSIB produce undesirable complexity. For example:

- 1) Clause 3.9(4)(a) enables adverse effects on an SNA where the effects arise “...from a use or development that is for the purpose of protecting, restoring or enhancing...” the SNA. However, Appendix 1 Attribute C6(a), in conjunction with Appendix 2, requires exotic vegetation that constitutes “*habitat*” for a Threatened or At-risk species to be classified as an SNA.

The circular outcome of these provisions is that local authorities might employ Clause 3.9(4)(a) as a pathway to override the avoidance obligations of Clause 3.9(1) to enable vegetation disturbance within SNAs (for example, removing exotic pest vegetation species from an SNA, notwithstanding that the vegetation technically qualifies as “*habitat*”). Nonetheless, authorities will be constrained by Clause 3.9(2) as they will likely need to apply the effects management hierarchy to the SNA enhancement works via a resource consent process. An alternative reading could be that any works not meeting the cumulative tests of Clause 3.9(2)(d)(i)-(iv) are prohibited in SNAs. This would seemingly prevent biodiversity maintenance, enhancement and restoration activities that involve vegetation removal or other disturbance from being carried out in SNAs – in direct contradiction to the purpose, and matter of national significance, specified in the preliminary provisions of the NPSIB.

- 2) Clause 3.13(1)(a) requires local authorities to implement controls to maintain indigenous biodiversity on land outside SNAs⁸. Clause 3.16(1)(b) refers to “*degraded*” SNAs (which term is not defined) and Clause 3.16 otherwise requires the restoration and enhancement of “*degraded*” SNAs. A circular outcome might arise whereby Clause 3.13 requires land outside SNAs to be made subject to controls to maintain indigenous biodiversity, while Clause 3.16 simultaneously requires the same land – if constituting “*degraded*” SNAs – to be restored and enhanced.

39. A key concern TCC holds is that subjective or unqualified terms are used to specify limits or thresholds in the NPSIB, as outlined above. The ambiguities will complicate, and cause inconsistency in, critical aspects of the implementation of the NPSIB. Table 1 provides examples of these ambiguities, but it is noted that this is not to be interpreted as an exhaustive list.

⁸ Note that Clause 1.7(3) specifies that “...the ***maintenance*** of indigenous biodiversity requires at least no ***reduction***” in various ecological values. (bold added).

Table 1: Ambiguities

PROVISION	COMMENT
<p>Clause 1.7(2) (Indigenous biodiversity) <i>“Indigenous biodiversity”</i></p> <p>Clause 1.8 Definitions <i>“ecosystem”</i></p> <p>Clause 1.8 Definitions <i>“habitat”</i></p> <p>Clause 1.8 Definitions <i>“indigenous vegetation”</i></p>	<p><i>“Indigenous biodiversity is biodiversity that is naturally occurring anywhere in New Zealand. It includes all New Zealand’s ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna”.</i></p> <p><i>“ecosystem means the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes and a physical space in which these operate)”.</i></p> <p><i>“habitat means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern”.</i></p> <p><i>“indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located”.</i></p> <p>The breadth of the definition of <i>“indigenous biodiversity”</i> and the related definitions of <i>“ecosystem”</i>, <i>“habitat”</i> and <i>“indigenous vegetation”</i> on which it relies, seem to require consideration of indigenous biodiversity at all levels of <i>“living organism”</i> and <i>“ecological complex”</i> when carrying out the district-wide biodiversity surveys required by Clause 3.8, and ecological assessments prepared in support of Plan Changes and resource consent applications. For example, expertise in microbial or fungal ecology may be needed⁹.</p> <p>The precision and intensity of ecological expertise to be engaged and used over entire districts to evaluate all the ecological features captured by the definition of <i>“indigenous biodiversity”</i> would be highly onerous and may be difficult to source, given the small size of New Zealand’s consultancy sector.</p>
<p>Clause 1.7(4) (Adverse effects on indigenous biodiversity) <i>“References in this National Policy Statement to adverse</i></p>	<p>While the broad framing of the adverse effects described at sub-clauses (a) – (i) is reasonable, their subsequent use throughout the NPSIB is unqualified. As such, it is unclear where effects thresholds can be applied to move between the corresponding levels of</p>

⁹ The NPSIB Section 32 report refers (e.g. pages 36, 101) to the need to consider the NPSIB in the wider environmental management policy context, including the New Zealand Biodiversity Strategy. The breadth of that Strategy’s definition of *“Biological diversity (biodiversity)”* is reflected in the definition in NPSIB Clause 1.7(2).

<p><i>effects on indigenous biodiversity include effects including, but not limited to, the following...</i></p>	<p>the effect management hierarchy (Avoid – Remedy – Mitigate – Offset – Compensate).</p>
<p>Clause 1.8 Definitions “<i>habitat</i>”</p>	<p>Noting the comments earlier in this table about the definition of “<i>indigenous biodiversity</i>”, TCC notes that the definition of “<i>habitat</i>” is all-encompassing, to the extent that any land where organisms or ecological communities are present (i.e. everywhere) qualifies as “<i>habitat</i>”.</p> <p>For example, the presence of indigenous birds, bats or aquatic species that feed or breed in modified areas like refuse transfer stations, foreshores, industrial precincts, commercial orchards or wastewater treatment ponds, could mean these areas fall to be defined as “<i>habitat</i>”, with consequential, complex and unclear planning implications under the NPSIB.</p>
<p>Clause 1.8 Definitions “<i>Highly mobile fauna</i>”</p>	<p>This definition, in conjunction with Clause 3.15 (Highly mobile fauna) appears likely to capture any area outside an SNA where highly mobile fauna occur as a “<i>highly mobile fauna area</i>” (the benchmark being “...<i>where highly mobile fauna have been, or are likely to be, sometimes present</i>”).</p> <p>If this is the case, local authorities and development proponents will face extensive consequential planning obligations.</p>
<p>Policy 7 “<i>to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained</i>”.</p> <p>Clause 1.7(3) (Maintenance of indigenous biodiversity) “<i>The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following:</i> a) <i>the size of populations of indigenous species:</i> b) <i>indigenous species occupancy across their natural range:</i></p>	<p>Policy 7 must be interpreted in light of Clause 1.7(3) which specifies: “<i>The maintenance of indigenous biodiversity requires at least no reduction...</i>” in the ecological indicators listed at Clauses 1.7(3)(a)-(f).</p> <p>The indicators to which “<i>no reduction</i>” applies are broad and are not necessarily subject to human control.</p> <p>For example, the indicator at Clause 1.7(3)(a) is “<i>the size of populations of indigenous species</i>”. This is subject to natural variability. Species populations fluctuate due to events beyond human control. For example, disease, drought, natural disasters and natural attrition reduce populations, while beech and podocarp mast events increase populations.</p> <p>Therefore, TCC’s interpretation of Clauses 1.7(3) and Policy 7 is:</p> <ul style="list-style-type: none"> ▪ The “<i>no reduction</i>” obligation in the definition of “<i>maintenance of indigenous biodiversity</i>” is

<p>c) <i>the properties and function of ecosystems and habitats:</i></p> <p>d) <i>the full range and extent of ecosystems and habitats:</i></p> <p>e) <i>connectivity between and buffering around, ecosystems:</i></p> <p>f) <i>the resilience and adaptability of ecosystems.</i></p> <p><i>The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats”.</i></p>	<p>unachievable insofar as it relies on events beyond human control;</p> <ul style="list-style-type: none"> ▪ It flows from the “no reduction” obligation, that in seeking “to ensure indigenous biodiversity is <i>maintained</i>”, Policy 7 would not enable the grant of resource consents for proposals if adverse effects would <u>reduce</u> the ecological values listed at Clause 1.7(3) - alternatively, the scope of adverse effects to be contemplated must be extremely restrictive to meet the “no reduction” obligation of Clause 1.7(3); ▪ The implementation of Clause 3.13 (General rules applying outside SNAs) to give effect to Policy 7 is therefore compromised. The controls on subdivision, use and development required to be imposed pursuant to sub-clause 3.13(1)(a) will (in giving effect to the Clause 1.7(3) “no reduction” obligation) preclude development of much land located outside SNAs. <p>Consequently, TCC considers the NPSIB provisions regarding the “<i>maintenance</i>” of indigenous biodiversity to be unable to be implemented.</p>
<p>Clause 3.9 (Managing adverse effects on SNAs)</p> <p><i>“(1) Except as provided in subclauses (2), (3) and (4), local authorities must ensure that, in relation to any new subdivision, use or development that takes place in or affects, an SNA –</i></p> <p><i>a) the following adverse effects on the SNA are avoided:</i></p> <p><i>i. loss of ecosystem representation and extent:</i></p> <p><i>ii. disruption to sequences, mosaics or ecosystem function:</i></p> <p><i>iii. fragmentation or loss of buffering or connectivity within the SNA and between</i></p>	<p>In the absence of a clear-cut definition of what extent of “loss”, “disruption”, “fragmentation” or “reduction” may be acceptable, this provision seems to require all such effects to be avoided.</p> <p>This ambiguity is critical to the meaning and implementation of the entire NPSIB and therefore has significant, wide-ranging implications, as discussed earlier in this submission.</p>

<p><i>other indigenous habitats and ecosystems:</i></p> <p><i>iv. a reduction in population size or occupancy of threatened species using the SNA for any part of their life cycle; and</i></p> <p><i>b) the effects management hierarchy is applied to all other adverse effects”.</i></p>	
<p>Clause 3.16 (Restoration and enhancement)</p> <p><i>“(1) This clause applies to the following areas:</i></p> <p><i>a) wetlands:</i></p> <p><i>b) SNAs whose ecological integrity is degraded:</i></p> <p><i>c) areas that provide important connectivity or buffering functions:</i></p> <p><i>d) former wetlands”.</i></p> <p>...</p> <p><i>“(3) Local authorities must promote, through objectives, policies and methods in policy statements and plans, the restoration and enhancement (including through reconstruction) of areas to which this clause applies.</i></p> <p><i>(4) The objectives, policies or methods must identify opportunities for restoration and enhancement of those areas, prioritising all of the following over other indigenous biodiversity restoration projects: ...”</i></p>	<p>1. It is unclear what is deemed to constitute:</p> <ul style="list-style-type: none"> ▪ A “<i>degraded</i>” SNA; or, ▪ An area providing “...<i>important connectivity or buffering functions</i>” (“<i>buffer</i>” and “<i>connectivity</i>” are defined, but the threshold for “<i>importance</i>” is unknown). <p>Would a “<i>degraded</i>” SNA be subject to the management provisions of Clause 3.9?</p> <p>2. It is unclear what extent of reduction in the values listed at sub-clauses 3.16(4)(a)-(d) would warrant prioritisation.</p> <p>3. It is unclear what level of investment into restoration or enhancement is required by the NPSIB. Will local authorities’ obligations be discharged by the implementation of new Plan provisions that “<i>promote</i>” restoration and enhancement in accordance with Clause 3.16(3)?</p> <p>Or, does the provision oblige works programmes to be initiated? For example, would restoration of “<i>degraded</i>” SNAs/former wetlands etc. to the standard of a SNA “Medium” be required - or, would this be an over- or under-achievement? In the case of restoration on private land, it is unclear whether the prompt for commencement of restoration works arises at the making of an application for a resource consent affecting the environmental features in question, and where the costs incurred by restoration should fall.</p> <p>4. The provision does not appear to recognise the highly modified nature of many former wetlands. Significant investment may be</p>

	<p>required to reconstruct former wetlands, disregarding opportunities for greater efficiencies to be realised by investment into other environmental management projects. TCC is also highly concerned that the provision appears to disregard the extensive historic development of many former wetlands with buildings and infrastructure.</p>
<p>Clause 3.17 (Increasing indigenous vegetation cover)</p> <p><i>“(2) The regional council must specify which areas it will treat as urban for the purposes of this clause (which must be predominantly urban in character) and which it will treat as rural (which must be predominantly non-urban in character)”.</i></p>	<p>It is unclear what consistent criteria are to be used by regional councils in distinguishing “urban” and “rural” areas for the purposes of setting revegetation targets under this provision. For example, it is unclear how classification would be applied to areas that are zoned for urban development but not yet developed, or, areas included within urban limits for future urbanisation but not yet zoned or developed for urban purposes.</p>

40. The Explanatory Note to the NPSIB states that it is a “...*nationally coordinated response*” that will “...*achieve an integrated and holistic approach to maintaining indigenous biodiversity*”. However, TCC notes the absence of methodological guidance that would facilitate the consistent implementation of crucial components of the NSPIB. TCC considers that the lack of standardised direction and methods will result in ad-hoc implementation of the NPSIB. Table 2 provides examples, but it is noted that this is not to be interpreted as an exhaustive list.

Table 2: Methodological guidance

PROVISION	COMMENT
<p>Clause 1.7(1)</p> <p>(Fundamental concepts - Hutia te Rito)</p> <p>Objective 3</p> <p><i>“to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity”</i></p>	<p>TCC understands Hutia te Rito to be a statement recognising the multiplicity of interrelationships within and between ecosystems, of which people are a part and have a stewardship role. Beyond this recognition, it is unclear how Hutia te Rito is intended to function as an operational principle in the context of a National Policy Statement.</p> <p>It is significant that the draft Section 32 Evaluation Report repeatedly expresses strong uncertainty about how to implement the “fundamental concept” of the NPSIB and calls for guidance on this. For example, at pages 34 – 35 the Section 32 evaluation report states:</p> <p><i>“It is not known how councils will respond to Hutia Te Rito and the associated implementation risks...Supporting guidance for Objective 3 will be</i></p>

	<p><i>important to help councils understand what the concept means in practice and reduce potential uncertainty and implementation risks... It is unclear exactly what will be required to understand and operationalise Hutia Te Rito... The feasibility of achieving this needs to be tested further through public consultation... Guidance and support for councils and tangata whenua is also important to help operationalise Hutia Te Rito in practice.... this needs to be further tested through engagement with tangata whenua on the NPSIB”.</i></p>
<p>Policy 3</p> <p><i>“to support the resilience of indigenous biodiversity to the effects of climate change”</i></p> <p>Clause 3.5</p> <p>(Resilience to climate change)</p> <p><i>“When making or changing policy statements or plans or regional biodiversity strategies, local authorities must promote the resilience of indigenous biodiversity to climate change...”</i></p>	<p>These provisions require local authorities to forecast the likely effects of climate change on local/regional indigenous biodiversity and implement strategic planning processes to promote resilience. This will be a significant exercise, which without clear guidance, may succumb to technical uncertainties and complexities.</p> <p>The draft Section 32 Evaluation Report also calls for methodological guidance at page 59, stating:</p> <p><i>“Guidance from central government is important to support the effective implementation of Policy 3. This is important due to the uncertainties associated with climate change effects on indigenous biodiversity and the fact most councils do not explicitly address climate change effects on indigenous biodiversity through their planning instruments and strategies. This guidance should include practical examples of how to promote the resilience of indigenous biodiversity to the effects of climate change”.</i></p>
<p>Policy 10</p> <p><i>“to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna”</i></p> <p>Clause 3.12(4)</p> <p>(Existing activities in SNAs)</p> <p><i>“In regions and districts where pastoral farming is an existing activity, local authorities must ensure their policy statements and plans recognise that-...”</i></p>	<p>While acknowledging activities that exist within SNAs, these provisions (specifically Clause 3.12(4)(b)) also anticipate that the regrowth of indigenous vegetation on farmland may form new SNAs.</p> <p>The provisions seek to enable the clearance of regenerating indigenous vegetation to maintain pasture, if the said vegetation has not matured to the point of constituting an SNA. This enabling stance is qualified by Clause 3.12(4)(c)(i)-(iv).</p> <p>It appears that the provisions will oblige pastoral farmers to obtain ecological assessments before clearing areas of indigenous vegetation regrowth <u>and</u> of exotic vegetation. As shown by examples below, this assessment will be necessary to ensure that clearances can be undertaken legitimately, via a certificate of compliance or resource consent process.</p>

	<p>Example 1 (Indigenous vegetation regrowth): The clearance of manuka regrowth would be subject to assessment against the Appendix 1 SNA criteria. The breadth of the criteria (discussed earlier in this submission) means manuka regrowth could seemingly meet the SNA threshold quite easily. If the SNA threshold is met, Clause 3.12(3)(a) would appear to remove the ability to undertake vegetation clearance.</p> <p>Example 2 (Exotic vegetation regrowth): Clause 3.12(4)(c)(iii) raises a similar ambiguity in relation to “<i>habitat</i>” as discussed earlier. That is, the presence of a Threatened or At-risk indigenous species – even if located within a patch of <u>exotic</u> vegetation regrowth - automatically restricts land use, from the standpoint of Clauses 3.8 (Identifying significant natural areas) and 3.15 (Highly mobile fauna).</p> <p>Attribute C6(a) of Appendix 1 to the NPSIB does not distinguish between indigenous and exotic vegetation in terms of “<i>habitat</i>” for Threatened or At-risk indigenous species. As such, the presence of any such species qualifies a site as an SNA regardless of the provenance of the host vegetation. In this scenario, the same result is arrived at as for example 1 above – Clause 3.12(3)(a) applies.</p> <p>Example 3 (Highly mobile fauna): The Plan provisions for highly mobile fauna implemented by local authorities in response to Clause 3.15(4) could prevent the clearance of exotic vegetation regrowth (e.g. gorse, blackberry) if the vegetation constitutes a “<i>highly mobile fauna area</i>” (per Clause 3.15(1)).</p> <p>Therefore, there is no methodological certainty about how the clearance of regrowth vegetation on pastoral land will be provided for.</p> <p>A further methodological uncertainty is the silence in the NPSIB about the clearance of regrowth associated with non-pastoral agriculture such as cropping and horticulture (which may occur in tandem with, or separately to, pastoral farming).</p>
<p>Policy 1 “<i>to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for</i>”.</p>	<p>These provisions oblige local authorities and tangata whenua to work in partnership when implementing the NPSIB. TCC strongly supports a partnership approach and acknowledges the significant input that will be needed from tangata whenua and Māori in the role of kaitiaki of indigenous biodiversity.</p> <p>The Tauranga District encompasses the rohe of four iwi and numerous hapu. TCC submits that substantial resourcing will be needed to ensure the participation of tangata whenua groups and the realisation of</p>

<p>Clause 3.14 (Identified taonga)</p> <p>Clause 3.20(2)(d) (Monitoring by regional councils)</p>	<p>positive indigenous biodiversity outcomes from partnerships between tangata whenua and local authorities. TCC is aware that tangata whenua capacity to engage in resource management matters is often occupied by resource consent application processes. Therefore, resourcing to ensure tangata whenua have capacity to participate will be critical.</p> <p>TCC notes ambiguity in some related provisions. No methodology is provided to enable local authorities to discharge their obligations under Objective 1 (maintain indigenous biodiversity) and Policy 12 (identify and protect taonga species and ecosystems) in the circumstances contemplated at Clause 3.14(2) (tangata whenua may choose not to identify, or to provide limited detail about, taonga).</p> <p>Furthermore, no methodological guidance is provided to assist collaboration between tangata whenua and local authorities with the equal integration of scientific monitoring methods, matauranga Maori and tikanga Maori monitoring methods, as required by Clause 3.20(2)(d).</p>
<p>Appendix 3 (Principles for biodiversity offsetting)</p> <p>Appendix 4 (Principles for biodiversity compensation)</p>	<p>NPSIB Appendices 3 or 4 do not provide methodologies to ensure that biodiversity offsetting and compensation are undertaken in a consistent manner. Both appendices set ambiguous outcomes, relying on the term “<i>preferably</i>” in several instances.</p> <p>TCC considers that in the absence of standardised methodologies, the outcomes of biodiversity offsetting and compensation actions will vary significantly within and between regions. This will reduce the efficiency, and may reduce confidence in the effectiveness, of the NPSIB.</p>

Recommendation

41. That ambiguous terminology within the NPSIB be replaced with definite terms and detailed methodological guidance be developed to enable the consistent implementation of the NPSIB nationally.

Conflicts with other national planning instruments

42. The NPSIB will interface with other national planning instruments, including the proposed NPSUD and proposed NPSHPL. A lack of integration and hierarchy between these particular National Policy Statements may cause significant conflicts when local authorities attempt implementation.

43. The NPSUD requires local authorities to ensure that each district has adequate urban development capacity to meet future demand. The NPSUD is of high significance to TCC, as Tauranga is New Zealand's fifth largest city and is a high-growth council area.
44. In enabling development capacity, local authorities will prepare Structure Plans for urban growth areas and undertake plan changes to rezone land for development. The example policy at page 39 of the NPSUD [Planning for Successful Cities Discussion Document](#) requires local authorities to facilitate plan changes for greenfield urban development, if certain criteria are met. One of the listed criteria is that "*Development enabled by the plan change would not have adverse effects on protected areas or areas identified for restoration*".
45. The spatial implications of the NPSIB – that is, the likely wide SNA coverage, combined with obligations to restore and enhance degraded SNAs, former wetlands and buffer/connectivity habitat - mean the above NPSUD criterion may be particularly difficult to satisfy in the context of greenfield urban growth, where numerous other constraints (e.g. natural hazards, fixed infrastructure locations, ground conditions and land tenure) must also be addressed. That is, in implementing the NPSUD and the NPSIB, local authorities may face an irreconcilable conflict between the national planning instruments.
46. As such, there is a significant tension between the NPSUD directions for urban growth and the NPSIB directions for indigenous biodiversity maintenance. This is a crucial matter for resolution, given the high urban growth pressures in Tauranga with its highly constrained land area (being the fourth smallest territorial authority in New Zealand by land area).
47. Turning to the interface between the NPSIB and the NPSHPL, TCC considers there is a risk of conflict in instances where highly productive land is captured within SNAs. This would occur because of the broad framing of NPSIB criteria for determining SNAs.
48. For example, land used for horticultural activities may also qualify for classification as an SNA. This scenario might arise under NPSIB Clauses 3.15(4) (Highly mobile fauna), 3.16(1)(c) (areas that provide important connectivity or buffering), or Appendix 1 Attribute D3(f) (feeding, breeding, resting or refuge habitat for indigenous fauna)¹⁰.
49. In this scenario, the obligation to maintain the land as an SNA (and to "avoid" disturbance) would undermine the purpose of the NPSHPL, while horticultural disturbances (e.g. cropping, pruning, spraying) of an SNA would seemingly contravene the NPSIB.

Recommendation

50. **That the NPSIB be revised to remove or clarify conflicts with other national planning instruments, with a clear hierarchy/balancing process established by the MfE.**

¹⁰ The role of farmland as habitat for indigenous species and highly mobile fauna is mentioned at pages 38 - 39 of the [He Kura Kōiora i hōkia Discussion Document](#) accompanying the NPSIB, under the heading "What is the problem with the current approach?"

Potential for unintended outcomes

51. In its current form, the NPSIB may produce a range of unintended outcomes which should be considered by the MfE when reviewing submissions. TCC has identified the following potential unintended outcomes:
- 1) Pre-emptive destruction of habitat areas and indigenous vegetation by landowners seeking to minimise constraints to future development opportunities;
 - 2) Disincentives for the use of indigenous vegetation in landscaping to avoid the formation of SNAs and consequential constraints;
 - 3) Covert destruction of indigenous flora and fauna to avoid the costs and risks associated with engaging ecological consultants and proceeding through a certificate of compliance or resource consent pathway to legitimise vegetation clearance – particularly in the case of exotic vegetation;
 - 4) The protection of exotic vegetation for its habitat values, rather than the control and replacement of exotic vegetation with indigenous species;
 - 5) The attribution of SNA status and obligations to highly modified environments, such as landfills, roadsides, and commercial areas. TCC understands that urban areas may sometimes provide habitat for Threatened or At-risk indigenous species. It would not be viable to attribute SNA status to highly modified urban environments. However, as discussed earlier, the provisions appear to give rise to this outcome;
 - 6) The obligation under Clause 3.8(8) to update district plans every two years to re-assess and re-categorise SNAs is likely to result in overlaps between plan changes, given the length of the process; and,
 - 7) Resource constraints may mean local authorities reduce ecological enhancement efforts in coastal and freshwater environments to focus on meeting the indigenous vegetation coverage targets of Clause 3.17 (Increasing indigenous vegetation cover).

Recommendation

52. **That the relationships between, and consequential obligations of, the NPSIB provisions be thoroughly tested to minimise the risk of unintended outcomes. TCC is aware that only limited pre-testing of the policy approach has been undertaken, and no Bay of Plenty local authorities were involved.**

Significant resourcing burden for local authorities

53. The NPSIB will be extremely time intensive and cost intensive to implement. It places significant obligations on local authorities, which many will find difficult to fulfil. This is in addition to the requirements to implement other National Policy Statements.
54. The district-wide survey, mapping and ecological assessment exercise to establish SNAs is in and of itself an extremely challenging task. It will clearly require dedicated resourcing, including expert ecological inputs.
55. Notwithstanding the obvious financial implications for local authorities, given the complexity of the exercise, TCC questions whether the consultancy sector has capacity to enable local authorities to meet the six-year timeframe specified at Clause 3.8(6). Any lack of capacity in the sector will be compounded by the technical inputs needed to address other national planning instruments currently under development, as well as regular plan changes and plan reviews.
56. TCC acknowledges that the differing ecological contexts between districts will further complicate implementation. The resourcing implications of the NPSIB for urban local authorities will differ greatly from the implications rural local authorities will face.
57. Ongoing monitoring will be needed to fulfil NPSIB obligations. This obligation will arise in accordance with Clauses 3.5(a) (Resilience to climate change), 3.8(8) (Identifying significant natural areas), 3.12(4)(b) (Existing activities in SNAs), 3.15(1) (Highly mobile fauna), 3.20 (Monitoring by regional councils) and in providing data to facilitate Clause 4.1 (Ministry for the Environment monitoring and review).
58. The extensive consultation between local authorities, tangata whenua, landowners and interest groups that will be involved in implementing the NPSIB represents another significant resourcing burden, on all parties. Consultation will be crucial to implementation, to ensure that ecological values are correctly identified, to avoid subsequent complications in resource consenting processes.
59. The financial implications of the NPSIB for local authorities may, in some cases, require other local authority services or activities to be reduced, to liberate funding.

Recommendation

60. **That a detailed resourcing programme be developed by the MfE to enable the NPSIB to be implemented by local authorities without detriment to service delivery in other areas.**

Conclusion

61. TCC supports the principle that indigenous biodiversity values be maintained and where appropriate, restored and enhanced. TCC's investments into the Significant Ecological Area framework embedded in the City Plan and into ecological maintenance and enhancement programmes demonstrate its commitment to planning for, and managing, indigenous biodiversity.
62. TCC considers that the NPSIB is well-intended but is insufficiently refined to be useable as currently drafted. The complexity of the NPSIB, and its wide potential consequences, is indicated by the discussion above. The full intricacies of the document cannot be conveyed in a concise submission, and TCC has only identified its significant high-level concerns on the draft.
63. A working group including the MfE, Department of Conservation and other high-growth councils may be a means to resolve the issues identified in this submission (and others), refine the draft NPSIB and ensure greater alignment between National Policy Statements. TCC would be pleased to participate in any such group.
64. In the interests of assisting the preparation of any future revised version of the NPSIB, TCC makes the following recommendations for consideration:
 - 1) **That the NPSIB be revised to provide a pathway for local authorities to transition existing ecological management frameworks to the NPSIB structure over time and minimise opportunity costs associated with the transition.**
 - 2) **That the basis for the NPSIB be re-cast in terms of the restrictive policies proposed against the above information. It appears more necessary for an NPSIB to focus on the maintenance and enhancement of indigenous biodiversity, rather than ascribing strict avoidance-type policies.**
 - 3) **That the NPSIB effects management framework for SNAs be revised to:**
 - a. **Reconsider the Appendix 1 assessment criteria to better define the extent of SNAs;**
 - b. **Clarify the intensity of adverse effects able to be contemplated in SNAs; and,**
 - c. **Remove (or clearly qualify) the avoidance requirements for adverse effects, which as currently drafted, constitute a de-facto prohibition of all adverse effects in SNAs.**
 - 4) **That ambiguous terminology within the NPSIB be replaced with definite terms and detailed methodological guidance be developed to enable the consistent implementation of the NPSIB nationally.**

- 5) That the NPSIB be revised to remove or clarify conflicts with other national planning instruments, with a clear hierarchy/balancing process established by the MfE.**
- 6) That the relationships between, and consequential obligations of, the NPSIB provisions be thoroughly tested to minimise the risk of unintended outcomes. TCC is aware that only limited pre-testing of the policy approach has been undertaken, and no Bay of Plenty local authorities were involved.**
- 7) That a detailed resourcing programme be developed by the MfE to enable the NPSIB to be implemented by local authorities without detriment to service delivery in other areas.**