
Introduction

1. The Chatham Islands Council (the Council) thanks the Minister for the Environment for considering its submission on the Draft National Policy Statement for Indigenous Biodiversity (NPSIB). While the Council considers that the draft NPSIB may be necessary for ensuring management of indigenous biodiversity on mainland New Zealand, it does not consider the draft NPSIB an appropriate intervention for the isolated Chatham Islands territory.

2. The Council was established as the territorial authority for the Chatham Islands territory under special legislation (Chatham Islands Council Act 1995). The Council has the functions, powers and duties under the Resource Management Act 1991 (RMA) of both a territorial authority and a regional council. The majority of the Council’s funding for these functions is provided by Central Government (Department of Internal Affairs). To meet the Council’s functions under the RMA, the Council would have to fully implement all provisions of the Draft NPSIB.

Summary of primary relief sought

The Council seeks amendment to the NPSIB to recognise the unique resource management context of the Chatham Island’s through:

a. exempting the Council from the duty to give effect to specific proposed provisions of NPSIB including;
   • Existing activities in SNAs; and
   • Increasing indigenous vegetation cover within urban areas.

b. enabling the Council to undertake an alternative, simplified, community-led process to give effect to specific proposed provisions of NPSIB including;
   • Identification, mapping and listing of Significant Natural Areas; and
   • Identification, mapping and listing of Highly Mobile Species; and
   • Identification and recording of areas for restoration and enhancement; and
   • Managing adverse effects on SNAs; and
   • Managing effects on taonga species; and
   • Regional biodiversity strategies; and

The Council asks that the Minister considers providing all funding and resource requirements generated by the duty to give effect to the NPSIB to the Council.
Context and resource management issues

3. Many characteristics of the Chatham Islands make them distinctive from mainland New Zealand and result in a unique indigenous biodiversity resource management context.

4. The Chatham Islands, situated more than 800 km from mainland New Zealand, have a population of approximately 660 people, over an area of 966km². The Chatham Islands archipelago is comprised of two inhabited islands, Chatham Island and Pitt Island, and a number of smaller islands, seventeen of which are specifically managed within the Chatham Islands Resource Management Document (CIRMD), through the ‘Off Shore Islands Zone’. Chatham Island, which is 920km², has four small settlements. Waitangi and Te One which are the largest settlements, are centred around the Port, bank and Council. Pitt Island, which is 65km², has no distinct settlement area, though most activity occurs around the wharf (Flower Pot).

5. The Chatham Islands are home to several internationally threatened plant and bird species, and a number of flora species that are endemic to the Chatham Islands. Many of these species have suffered significant pressure in mainland New Zealand. Many of these species persist as common elements of Chatham Islands flora today, with some populations representing up to half of the national population. The avifauna of the Chatham Islands is similar, but also includes distinct Chatham Island species such as the parea (wood pigeon) and Chatham Islands Tui. Other birdlife includes the red-crowned parakeet, oystercatcher, Chatham Island black robin, shore plover and Chatham Island taiko as well as several albatross colonies around the islands.

6. Due to the isolated nature of the Chatham Islands, pest presence and distribution are limited. Animal pests that threaten indigenous biodiversity values are only present on Chatham and Pitt Islands. The other islands remain pest free. Rangitira and Mangere Islands are administered by the Department of Conservation as predator free Nature Reserves. Council funding is channelled into pest pathway management to protect the Chatham Island border from New Zealand pest threats.

7. Threats to indigenous biodiversity from pest plants already present on Chatham Island include grey willow (*Salix cinereal*) and Chilean guava (*Ugni molinae*) as well as ornamental and food plants within residential gardens. Even New Zealand native plants present on the island threaten the genetics of endemic Chatham Island species. The introduction of new pests to the Chatham Islands,

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1 Chatham Islands Economic Profile Report, Martin Jenkins, 2017, pg 3
and further incursion from existing pests, with many poised to expand their footprint, remain the greatest threat to indigenous biodiversity.

8. While there are larger farms on the Chatham Islands, farming can generally be described as subsistence farming, rather than commercial farming. Farming on the Islands is generally not profitable in a commercial sense due to costs related with shipping. Fertilisers, such as super phosphate, are generally not used. The constraints of water source, remote location, poor availability of fertilisers, lack of infrastructure and difficult access to markets have created a naturally limited farming system that is unique in the New Zealand context. Those natural constraints mean farming operations on the Chatham Islands are generally small, with low stock numbers and have less potential to cause adverse environmental effects than farms on the mainland.

9. Likewise, development in the Chatham Islands is constrained by a small population, limited infrastructure and community buildings (such as secondary school) as well as distance from markets. Growth projections show that the resident population is likely to decline and is moving towards an aging population. Residential development is limited by the cost of living, which is inflated through import fees for household goods, building materials and services while agricultural practices are limited by the local weather. Employment is predominantly within the fishing sector, with government and public services then farming and forestry the next largest employment industries. Several forestry blocks greater than 1 ha are present on Chatham and Pitt Island.

10. Land ownership across the Chatham Islands varies, and consequently issues accessing potential areas of significant indigenous biodiversity or significant habitats of indigenous fauna vary. There are four main types of land ownership:

- DOC reserve land (including through covenants, and the Nature Heritage Fund) which includes large areas on Chatham and Pitt Islands, and all of Rangitira and Mangere Islands. Reserve areas are administered by DOC and access is restricted to protect biodiversity with access to some areas only granted through DOC permit.
- Ownership by iwi and imi, includes Maori land, land owned by iwi/imi and managed through DOC covenants (through the Nga Whenua Rahui fund), or land allotments owned in single, or multiple ownership with owners

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2 Ibid, pg 8-9
3 Ibid, pg 18
4 Ibid, pg 26
having vested interest in the property. Access is usually granted at
discretion of the iwi or imi, sometimes requiring permission of five or more
individuals, some of which reside on mainland New Zealand or
internationally. Many of the uninhabited offshore islands are held in imi/iwi
ownership.

- Private ownership is restricted to Chatham and Pitt Islands, from small
  residential properties to extensive, largely untouched properties. As
  property and infrastructure development is limited, property access, and
  by extension access to potential or identified significant indigenous
  biodiversity or significant habitats of indigenous fauna, can be logistically
difficult to obtain. Where access is achievable it often requires landowner
  escort via gravel roads and farm tracks.
- The Council manages a limited amount of land across Chatham and Pitt
  Island, including coastline.

11. Due to the small number of residents on the Chatham Islands, consultation and
engagement can often be undertaken individually with landowners. The
communities of the Chatham Islands have been actively involved in identifying
priorities for resource management, particularly regarding which pests to target.
Funding and resourcing support to engage and educate landowners on the
indigenous biodiversity values of the Chatham Islands, as well as protection and
management mechanisms, may provide a cost beneficial approach to protecting
indigenous biodiversity.

12. Both Ngāti Mutunga (iwi) and Moriori (imi) are regarded as treaty partners to the
the Council. A number of Maori affiliated with Ngāi Tahu also reside on the
Chatham Islands. Consequently, funding and resourcing would be required to
assist with engagement with iwi and imi around any SNA identification that
overlapped with Maori land, any amendments required to the CIRMD as well as
desired processes and outcomes for identifying and managing taonga species.
Ongoing funding and support would also be required where ongoing monitoring
requirements were placed on iwi and imi to implement the NPSIB, particularly
where this monitoring was to be regulated through the CIRMD.

**Significant Natural Areas**

13. The CIRMD identifies Areas of Significant Natural Value (ASNVs) which include
areas of significant indigenous vegetation and habitats of fauna, outstanding
natural features and landscapes, esplanade reserves and marginal strips. The
Plan maps 73 ASNVs across five islands (Chatham, Pitt, Rangitira, Mangere and
Little Mangere). Each ASNV then has descriptors tabulated at the back of the
plan detailing the ASNV name, status and ownership. The majority of the ASNVs
are held in DOC ownership, then managed through various covenants, and a
smaller amount owned by the Council.
14. The criteria used to determine the ASNVs on the Chatham Islands (Policy 4.4.1.1) differ to that in the draft NPSIB, particularly regarding the NPSIB diversity and pattern criteria. Consequently, to comply with the NPSIB it is likely a full identification and mapping project (possibly in partnership with DOC on DOC reserve) would need to be undertaken, along with amendments to the CIRMD.

15. Costs above those that will apply to other Councils of mainland New Zealand will apply to the Council in resourcing suitably qualified expertise from the mainland to undertake any ecological assessments required to implement the NPSIB. Particularly where expertise is sought from ecologists with experience in Chatham Islands indigenous flora and fauna.

Relief sought

16. The Council seeks amendment to the approach for identification of SNAs. A simplified, tiered approach to identifying SNAs is supported where;
   1) an initial desktop assessment identifies SNAs where significant biodiversity values are well known, well documented and physical access is not practical
   2) a secondary stage of the process validates areas (either where values are unknown) through ground-truthing by a suitably qualified expert.

This approach would alleviate the risk of a lengthy SNA identification programme, particularly for areas where property access cannot be obtained, is not practicable or where access to potential SNAs would pose health and safety risks. This would be particularly suitable for the ‘Offshore Islands’ that are not held in DOC ownership, as indigenous biodiversity values remain highly intact and untouched. For the Chatham Islands, this approach would also enable more immediate identification of some SNAs than the current NPSIB process would facilitate, while still allowing triaging of other areas where assessing significant biodiversity values require validation but may difficult to access.

17. The Council supports the option identified in the NPSIB Discussion Document to identify Significant Natural Areas (SNAs) within existing conservation and nature reserves, where significant indigenous vegetation and habitats of significant fauna is demonstrated as meeting the NPSIB Appendix 1 criteria. The Council would support DOC undertaking this function on reserves that are solely within DOC ownership (ie. not including land subject to Ngai Whenua Rahui or Nature Heritage Fund covenants). This would reduce costs for the Council, as many of the ASNVs in the CIRMD are administered solely by DOC.

18. For public land, that is not public conservation land, the Council support the option within the NPSIB Discussion Document for a government agency to undertake SNA mapping on these sites on behalf of the Council.
19. The Council asks that the Minister considers providing funding of resource to the Council for any SNA identification, listing and mapping required of the Council upon gazettal of the final version of the NPSIB.

20. The Council seeks a flexible approach to timelines to implement the NPSIB to ensure that required funding, resourcing and expertise can be obtained to undertake SNA identification, listing and mapping.

21. The Council requests consequential amendments to be made, as required to clause 3.19(3), to allow for an alternative SNA identification process.

Managing Adverse Effects on SNAs

22. The Council seeks clarification on the applicability of NPSIB clause 3.9 in cases where the majority of a region or district is identified as High or Medium value SNA. In these cases, the proposed Effects Management Hierarchy, particularly for High value SNAs, could result in significant constraints on future building and development opportunities. This balance needs to be carefully considered for communities where future development is necessary for the continued viability of that community.

23. Restricting opportunities to diversify land use practice, or development and increased administrative and consenting costs on residents of the Chatham Islands for new developments, will largely outweigh the benefits of diversifying or new development for private purposes. Ensuring the Chatham Island communities can provide for their individual household requirements, particularly where small scale development is required to maintain household economic wellbeing, is pivotal to ensuring social and economic wellbeing of the Chatham Islands, and a community resilient to natural hazards.

Relief sought

24. The Council seeks amendment to NPSIB to balance achieving biodiversity outcomes with ensuring that development opportunities are not unduly constrained, particularly where development is vital to the ongoing functioning of the community.

Existing Activities within SNAs

25. The low level of development both within the small settlement areas, and the subsistent nature of farming in the Chatham Islands, means that significant biodiversity values can easily persist amidst land use. Due to the nature of the provisions in the NPSIB (particularly clause 3.12(3)a)) this could result in perverse social and economic outcomes for the Chatham Islands communities.
26. Land use, particularly subsistence farming, is often undertaken to benefit the family directly caring for the stock. Where the community has to cover any costs for monitoring, protection, restoration and enhancement of significant indigenous biodiversity per the NPSIB requirements, the benefit from the land use will quickly be outweighed by the costs.

Relief sought

27. The Council firstly seeks exemption from NPSIB subclause 3.12(3)(a). If this primary relief cannot be granted the Council supports an alternative approach to managing the effects of existing land uses and activities on significant biodiversity values where that existing activity or land use directly improves community resilience.

General rules applying outside SNAs

28. Rules relating to the management of indigenous biodiversity within the CIRMD generally apply to land uses and activities undertaken within ASNVs. Outside of ASNVs, only subdivision and activities in or near waterbodies within the Rural Zone include permitted activity conditions for the management of indigenous vegetation and habitats. Where these conditions are not met, a discretionary activity consent is required.

Relief sought

29. The Council supports the provisions within Clause 3.13, particularly providing the Council discretion to determine in which instances to apply the Effects Management Hierarchy to manage indigenous biodiversity values outside SNAs.

30. The Council seeks amendment to subclause 3.13(1)b), so that the Effects Management Hierarchy is only applied to manage adverse effects of activities and land uses on indigenous biodiversity values outside of SNAs, where the Council specifically identifies that activity or land use in their plans under subclause 3.13(1)a).

31. The Council seeks funding of resource to amend the provisions of the CIRMD to align with Clause 3.13, particularly subclause (1)a), of the NPSIB.

Increasing indigenous vegetation cover

32. The CIRMD only identifies small settlements, with only six settlements being identified across the two populated islands of Chatham and Pitt Island. Most settlements consist of a few houses, centred around fish processing and manufacturing buildings.

33. The only other zones identified in the plan include the Offshore Islands Zone, the Coastal Marine Area and the Rural Zone. The Rural Zone covers the majority of
the District, and includes large areas of vegetation cover, both within and outside of Conservation and Nature Reserves

Relief sought

34. Due to the biodiversity context of the Chatham Islands, the Council seeks exemption from NPSIB Clause 3.17.

Regional Biodiversity Strategies and Monitoring Plans

35. A number of clauses under the NPSIB require regional councils and territorial authorities to detail the same indigenous biodiversity information within their respective plans, this poses an issue for councils with both regional and territorial authority functions. For these Councils, duplication in requirement exists between regional council duties of Clause 3.18 (Regional Biodiversity Strategies) and Appendix 5, and territorial authority duties under:

1) Clause 3.8 requirement to map SNAs;
2) Clause 3.14(3) requirement to amend their plans to identify and describe taonga and their values, and map their location where agreed by tangata whenua;
3) Clause 3.16(2) requirement to amend their plans to identify and describe areas identified for restoration and enhancement;

Additionally, Appendix 5, clause 3iv. and clause v. could be seen to duplicate the requirements of clause 3.15 and clause 3.17, respectively, of the NPSIB for regional councils.

36. Similarly, duplication exists between various clauses of the NPSIB under territorial authority functions (clauses 3.9, 3.10, 3.12(3-4) and 3.13) and the requirements of a regional council Monitoring Plan under NPSIB clause 3.20.

37. As the Council has the functions of both a regional council and a territorial authority, all provisions of the NPSIB need to be given effect to by the Council. Due to the resource management context of the Chatham Islands, the drafting of the current NPSIB will result in a significant amount of overlap between the objectives, policies, rules and methods inserted into the CIRMD and the matters detailed in the Regional Biodiversity Strategy and a Regional Monitoring Plan. This would not result in a cost effective planning process for the Chatham Islands.

Relief sought

38. The Council seeks an amendment to the NPSIB to enable a cost effective planning process for the Council to undertake both regional and territorial planning functions. A preferred approach would be to allow for both regulatory and non-regulatory measures to be available to the Council, while maintaining
flexibility to choose the most appropriate method to achieve the desired outcomes of the NPSIB. Options to consider include:

1) One requirement for SNA identification, mapping and listing (and associated provisions) to be given effect to within the CIRMD, rather than separate requirements under a regional biodiversity strategy and district plan;
2) The ability for the Council to undertake a voluntary approach to protection and enhancement where possible;
3) Regional monitoring required under clause 3.20 of the NPSIB to be fully funded and included as a requirement in the CIRMD.

Implementation of the NPSIB

39. Implementing the NPSIB will result in significant funding and resourcing pressure on the Council and Chatham Islands communities. Funding and resources will be required for each step of the process such as identification and mapping of SNAs and required engagement with landowners and entities. Further funding and resourcing will be required to effectively engage with the local iwi and imi and give effect to the foundational principle, Hutia Te Rito, as well as to engage with these groups as property owners, and to develop and agree processes for identifying taonga species.

40. Costs would also increase with the need to source experts and advice from mainland New Zealand. The restoration and enhancement provisions in the NPSIB also promote the use of incentives to achieve indigenous biodiversity enhancement and restoration. The Council would require funding to be able to set up any incentive fund.

41. Natural limitations on residential, agricultural, commercial and industrial growth paired with low population growth projections mean that a complex indigenous biodiversity management planning framework may not be as necessary on the Chatham Islands as it might be in other parts of New Zealand. Pests such as possums, rodents and grey willow pose a much greater risk to indigenous biodiversity than residential activities and farming operations on the Islands. The proposed requirements of the draft NPSIB would be overly onerous and not reflective of the resource management pressures on the Chatham Islands. Directing resources towards giving effect to the draft NPSIB will divert focus and limit funding from addressing more pressing environmental risks to the Islands such as biosecurity, or more likely future risks such as tourism and aquaculture.

Relief sought

42. The Council asks that the Minister considers providing the Council with the necessary resources to develop a planning framework that gives effect to the NPSIB and enables full and effective consultation with the community and tangata whenua.
Other matters

43. The Council supports a flexible approach to the implementation of the draft NPSiB for those local authorities that also have substantial programmes of work required to implement the Essential Freshwater Package, such as those who have not yet undertaken outcome, target and limit setting. As programmes of work are defined for each set of national policy requirements, being able to opt into a flexible approach that allows alignment of timelines for planning processes such as research and development, community and tangata whenua engagement, and plan drafting, could significantly reduce resourcing and funding concerns for local authorities.

Relief Sought

44. The ability to allow councils to align timeframes for identification of SNAs with requirements under other national instruments, including the NPS for Freshwater Management and proposed NPS for Highly Productive Land.

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(Authorised under delegated authority from the Chatham Island’s Council)

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