

Submission from: Central Otago District Council

On: Draft National Policy Statement for Indigenous Biodiversity

Please find below our feedback under questions raised in the discussion document.

Questions:

- 1 Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?

Council agrees that an improvement is needed to better protect indigenous biodiversity given previous attempts at recording indigenous biodiversity and land protection through tenure review have not adequately addressed this. The New Zealand Biodiversity Strategy seeks to address this and other mechanisms will also be required to achieve a reversal of current trends.

- 2 The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no, why/why not?

The separation of wetlands to a regional function may cause confusion with landowners, particularly around wetland margins. Coastal and freshwater plans can and should address indigenous biodiversity.

- 3 Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)

The objectives and policies represent standard resource management approaches.

- 4 Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? Why/why not?

Council agrees that human and animal health and wellbeing is supported by healthy and robust ecosystems and the services they provide.

- 5 Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?

Not analysed - no comment.

- 6 Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?

Not analysed - no comment.

- 7 What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain.

Council already works with tangata whenua and has an understanding of how they prefer to interact with us on such matters. We are aware that resourcing can be an issue for them to respond in times of many legislative changes across central and regional government, as well as district plan reviews.

- 8 Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no, please explain.

Not analysed - no comment.

- 9 What specific information, support or resources would help you implement the provisions in this section (section A)?

Greater support for tangata whenua to respond – see response to Q7.

- 10 Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

The mapping requirement poses both logistical, resource, cost and relationship issues. As many landholdings in the Central Otago District have been through the Protected Natural Areas Programme and/or tenure review, there is sensitivity around further mapping. For this to succeed, there either needs to be a more coordinated approach across the country or regions.

Furthermore, the ecological resources to carry out the mapping will be severely stretched in Otago, let alone nationwide. We doubt that there is the ability to achieve the mapping within the required 5 years, noting that a larger South Canterbury Council took ten years to achieve this.

- Q1. Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?
- a territorial authorities
 - a. regional councils
 - b. a collaborative exercise between territorial authorities and regional councils.

As noted above, there should be a nationally led mapping exercise utilising resources that sit within agencies such as the Department of Conservation, Landcare Research and universities. Failing this, Council considers that a regional council led mapping would be preferred.

- Q2. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?

Yes, these are widely accepted and standard criteria.

- Q3. Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? Why/why not?

The main concern of Council is the uncertainty around potential management options and any support or incentives that may be available (part a) when seeking to engage with landowners for mapping. The proposed objectives and policies tend to point to certain provisions that councils must include in their district plans, including restoration and enhancement, but with no formal recognition of how these are to be implemented and achieved. We can only assume that landowners will be nervous about mapping when the outcomes are unknown and subject to plan change processes and financial decisions that are made across the council portfolios under increasing rating pressures.

- Q4. The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?

- a regional policy statement
- c. regional plan
- d. district plan
- e. combination.

The Central Otago District Plan already contains a schedule describing SNAs which are also shown on the planning maps. If mapping is carried out at a regional level, then a regional plan would seem well placed to contain a schedule and/or maps. We note that wetlands will need to be mapped and included in a regional plan, as they currently are for Otago.

Q15. We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no. What do you think is a reasonable timeframe and why?

See response to Q10.

Q16. Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Yes/no? Why/why not?

Not analysed - no comment.

1 Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?

The current provisions state “(where possible)” in relation to this, which creates ambiguity. We also are unclear as to whether this relates to migratory species that are not indigenous to New Zealand, but rely on habitat here as part of their migration/breeding.

Other concerns also relate to sufficient expertise being available in identifying and assessing such species.

2 What specific information, support or resources would help you implement the provisions in this section (section B)?

Highly mobile fauna need to be identified, along with the habitats they prefer in order to ascertain if they are likely to be present.

3 Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)

See comments below for Q20.

4 Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?

An effects management hierarchy may be unduly complicated and difficult to administer. The ratings of ‘High’ and ‘Medium’ are likely to be subjective and would need criteria or guidance around them to provide consistency and certainty if this approach is to be used. There doesn’t appear to be any weighting applied and if only one attribute is considered to be ‘High’, then it triggers an overall ‘High’ rating for the SNA. Council would welcome further discussion on how this is to be applied and could be weighted.

5 Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.

These appear to be comprehensive.

- 6 Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/Unclear? Please explain. If no, do you have an alternative suggestion?
- 7 Not analysed - no comment.
- 8 Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?

There appears to be some consideration of scenarios that may require a reduced standard and provision for exceptions to the standards required.

- 9 Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?

Generally Council supports this.

- 10 Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? Why/why not?

Not analysed - no comment.

- 11 Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?

These provisions introduce ambiguity and potential problems for defining the thresholds for either improved pasture or indigenous species amongst introduced grazed plants. Council can see situations where predominantly indigenous species become dominated by exotic species over time through either deliberate measures or as pest species take over. There will be difficulties in measuring and enforcing these provisions and Council considers that a high level of biodiversity advice will be required.

- 12 Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?

Not analysed - no comment.

- 13 Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?

Yes, Council agrees that both offsets and compensation should be considered together, however we note that the outcomes for biodiversity are not always guaranteed under each mechanism. Notwithstanding, Council supports the principles for offsetting (Appendix 3) and compensation (Appendix 4).

- 14 Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?

Not analysed - no comment.

- 15 Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?

Many of our endemic species have evolved slowly over thousands of years and may not respond that quickly to climate change. Council sees little it can do to promote

such an ambitious goal, other than to recognise that some species may adapt better than others and that migration of species to lower latitudes/higher elevations may result.

- 16 Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?

This approach is included in the RMA, so need not be replicated in the NPSIB.

- Q5. What is your preferred option for managing geothermal ecosystems? Please explain.

- b Option 1
- f. Option 2
- g. Option 3
- h. Or your alternative option - please provide detail.

N/A - no geothermal ecosystems in Central Otago

- 17 We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?

N/A - no geothermal ecosystems in Central Otago

- 18 Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the NPSIB? Yes/no? Why/why not?

Yes, in particular item 6. 'Landscape Context' and reference within this to "the same ecological district" as the true value of a SNA should be retained close by in order to retain and preserve the values present.

- 19 Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court decision: *Oceana Gold (New Zealand) Limited v Otago Regional Council* as a better alternative.

Yes, and again item 5 'Landscape context' is important for the reasons above.

- Q6. What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

- c More than minor residual adverse effects
- i. All residual adverse effects
- j. Other. Please explain.

All residual effects need to be considered, otherwise species dislocation and the overall diversity of flora can be lost if it is only applied to more than minor effects.

- 20 What specific information, support or resources would help you implement the provisions in this section (section C)?

Not analysed - no comment.

- 21 The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?

The intent of restoration and enhancement is supported by Council, however we note that the requirements Part 3.16 (2) for territorial authorities to identify locations and regional councils to record the locations seems an odd split of functions.

The provision of incentives for restoration and enhancement is well meaning, however this will impact further on rates, unless another form of revenue, e.g. payment for ecosystem services, is available.

- 22 Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? Please explain.

Wetland protection and management should be managed by regional councils so that landowners have clear direction on where the responsibility lies. This would also be more efficient when regional councils are also managing water quality and riparian margins for freshwater enhancement.

- 23 Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?

Council would like reassurance that these targets are set alongside Council's long term planning and that constraints are recognised if such targets cannot be achieved. It is also not clear how this will be applied across a region as some urban areas have a high percentage and others a low percentage - does it get applied to the lower percentage urban areas? Further clarification on these provisions is required.

- 24 Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain.

Yes and Council has been involved in supporting the Otago Regional Council produce a regional biodiversity strategy.

- 25 Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not?

Not analysed - no comment.

- 26 Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain.

Yes and it must also sit alongside other strategies and plans, such as the regional pest management plan.

- 27 Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Yes/no? Why/why not?

Not analysed - no comment.

- 28 What specific information, support or resources would help you implement the provisions in this section (section D)?

Not analysed - no comment.

- 29 Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?

To some extent, a regional monitoring plan would assist and it must be clear as to where the responsibility for monitoring lies. There are likely to be greater efficiencies in a regional monitoring approach, particularly if remote sensing techniques are used.

30 Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPSIB. Do you agree with the requirements of this effectiveness review? Yes/no? Why/why not?

Any plan or policy statement should be reviewed for effectiveness.

31 Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?

The additional information requirements appear to address the relevant matters that should be covered. There should also be flexibility to allow for other considerations, such as the contribution the indigenous biodiversity makes to the landscape.

Q7. Which option for implementation of the proposed NPSIB do you prefer? Please explain.

d Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years.

k. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

See response to Q10 and Council prefers a longer progressive implementation approach.

32 Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?

Council does not consider there to be significant benefit in such a short time period to refresh SNA schedules as it is unlikely that there would have been significant changes during this timeframe. The same 10 year review period for a district plan should be used. An exception to this could be for the inclusion of areas through a streamlined process that does not require a Schedule 1 plan change for projects such as enhancement/restoration plantings where the landowner seeks it to be included in the district plan SNA schedule/maps.

Q8. Which of the three options to identify and map SNAs on public conservation land (PCL) do you prefer? Please explain.

e Territorial authorities identify and map all SNAs including public conservation land

l. Public conservation land deemed as SNAs

m. No SNAs identified on public conservation land

n. Other option.

Council would prefer that public conservation land default to automatically be included where such SNAs are present on this land.

Q9. What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

The same approach as for private land can be used for this.

Q10. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?

All activities that impact on indigenous biodiversity should be managed.

Q11. If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why /why not?

N/A – no coastal ecosystems in Central Otago

Q12. The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in [Section 32 Report and Cost Benefit Analysis](#). Do you think these costs and benefits are accurate? Please explain and provide examples of costs/benefits if these proposals will affect you or your work.

Not analysed - no comment.

Q13. Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?

This provision would have to be treated with caution as there have been previous examples where development rights are taken outside of the district or ecological area that is being affected. If a resource is of national importance, then such rights should be limited, except for the provision of national infrastructure.

Q14. What specific information, support or resources would help you implement the provisions in this section (section E)?

Not analysed - no comment.

Q15. What support in general would you require to implement the proposed NPSIB? Please detail.

- f. Guidance material
- o. Technical expertise
- p. Scientific expertise
- q. Financial support
- r. All of above
- s. Other (please provide details).

All of the above.

Q16. Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?

Not analysed - no comment.

Q17. Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?

Not particularly.

Q18. Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?

These should be adequately managed through regional pest management plans.

Q19. Do you have any other comments you wish to make?

No.

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