

HUTT CITY COUNCIL SUBMISSION

On the

PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

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1. INTRODUCTION AND SUMMARY

1. Hutt City Council is supportive of the primary objective of the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) to maintain indigenous biodiversity. In addition, Hutt City Council is also supportive of the general aims of the NPS-IB of providing direction on the identification and protection of the significant areas of indigenous vegetation and habitats of indigenous fauna. Hutt City Council supports the collaborative approach in the NPS-IB of working with Maori and landowners in maintaining indigenous biodiversity.
2. However, Hutt City Council is concerned about and objects to the significant imposition and costs that will be associated with implementing the NPS-IB in its current form. There are numerous requirements which Council would be obliged to implement which individually and cumulatively impose significant costs. We question the value and benefits of all the initiatives given these costs, and suggest the NPS-IB should focus on areas which have the greatest biodiversity benefits at least cost.
3. Our submission focuses on six main areas in the proposed NPS-IB that Council consider will be problematic from an implementation and operational perspective. We also seek support from central government to implement the NPS-IB. This support would need to be in the form of provision of information, mapping, ecological assessments for crown land and provision of ecological and planning expertise/advice.

2. SPECIFIC COMMENTS

Clarity of Roles and Responsibilities

4. Hutt City Council supports the NPSIB clarifying the roles and responsibilities between territorial and regional authorities to maintain indigenous biodiversity. In particular, Hutt City Council supports where territorial or regional authorities are stated as responsible for implementing particular methods. However, some roles and responsibilities are assigned to “Local authorities” that should be assigned to either a territorial or regional authority to avoid overlapping or contradictory decision-making and management. For example, in 3.14, where local authorities must identify and manage taonga species and 3.15, where “local authorities must have objectives, policies or methods in their policy statements and plans for managing adverse effects...”. To prevent duplication and/or lack of clarity for implementing these methods, it would be more appropriate to clearly assign these tasks to either territorial authorities or regional authorities.

Mapping of Significant Natural Areas

5. Mapping of Significant Natural Areas should be undertaken by regional authorities rather than territorial authorities (Section 3.8) because they have the relevant expertise. Regional authorities already collect information and monitor indigenous biodiversity as a function under Sections 30 and 35 of the RMA. It would be effective and efficient for regional councils to therefore be responsible for mapping SNAs. This amendment would also eliminate the perceived conflict of interest for

territorial authorities of regulating development on significant natural areas that they themselves have determined as such.

Identification and Categorisation of Significant Natural Areas

6. Hutt City Council does not support applying two different levels of Significant Natural Area identification and categorisation as set out in 3.8.1(b). There are substantial difficulties with distinguishing between high and medium areas of significant indigenous vegetation and even more difficulties with implementing appropriate management. Identifying two different categories of significance across the whole district is considerably more complicated and difficult than identifying one, if it is even possible at all. Hutt City Council has already explored the possibility of identifying high and medium areas of indigenous vegetation separately when undertaking the identification of SNAs for a now discontinued proposed plan change, and our ecologist expert advised that this approach was not feasible to implement.
7. Hutt City Council also does not support the SNA identification principle on “boundaries” which would prevent making pragmatic decisions to align SNA boundaries to a property boundary. The proposed approach in the NPS-IB does not recognise the practical approach to spatially defining and applying provisions in District Plans where narrow slivers can result in significant administrative and compliance costs for limited benefit, in this case, biodiversity.

Highly Mobile species/Areas Outside of SNAs

8. Hutt City Council does not object in principle to the management of adverse effects on highly mobile fauna. However, the requirement that local authorities must include provisions in their district plans for managing adverse effects in “highly mobile fauna areas” will be challenging for territorial local authorities to implement as areas where highly mobile fauna are “sometimes present” could be extensive and it is difficult to see how District Plan rules could effectively manage these effects. This direction as currently set out would be expensive and difficult to implement - beyond the current council resourcing and expertise. If it were to proceed, it would be more effective and cost efficient for the mapping of highly mobile fauna areas to be undertaken by national or regional authorities who already have the relevant expertise. Additional resources and training for territorial local authorities will also be needed to support them in effectively implementing the new requirements within their planning documents and resource consent functions.
9. Hutt City Council does not support having general rules applying outside of identified SNAs (3.13). This approach could require ecological assessments for all subdivisions and development no matter the location, adding a significant burden to resource consent applications. Also if indigenous biodiversity is required to be maintained whether it is in an SNA or not this undermines the considerable cost and effort of identifying significant areas in the first place.

Managing adverse effects on SNAs

10. Hutt City Council supports the direction to manage effects on SNAs (Section 3.9) but have significant concerns with how restrictive the direction is. The direction to “avoid” in the first instance means that the starting point for most activities within SNAs would be a “non-complying” activity

status. Given how many areas are likely to meet the threshold in this district for significance under Section 3.8 this may be overly restrictive. Most development within SNAs would be restricted to areas identified as 'medium' SNAs under 3.8(b). But even for "medium" areas there is an extremely narrow range of exceptions to allow property owners to make reasonable use of their property. Within "high" SNAs there are no exceptions made to allow use of a property which could render an interest in land incapable of reasonable use and open up challenge under section 85(2) of the RMA.

11. It is recommended that reasonable exceptions for the removal of indigenous vegetation within SNAs include the following:

- To alter or remove vegetation within x metres of a lawfully established dwelling.
- To maintain existing open areas, tracks, accessways, fences and on-site services.
- To maintain existing network utilities.
- To prevent loss of life, injury or damage to property.
- To remove dead or diseased vegetation.
- Any alteration or removal of vegetation in accordance with Tikanga Māori.
- To develop a dwelling on a vacant site where there is no practicable alternative area outside the SNA.

Increasing indigenous vegetation cover

12. The NPS-IB does not define what "urban" means for the purposes of requiring an increase of indigenous vegetation cover to 10 per cent of urban areas under 3.17. Depending on the definition of "urban" this target could be overly onerous or not achievable.

Support for implementation

13. To implement the NPS-IB in a timely, collaborative and effective way, central government will need to provide support to Councils. Hutt City Council suggests this support from central government be in the following forms:

- Provision of information, such as nationwide mapping and datasets
- Ecological assessments of Significant Natural Areas on crown land
- Provision of ecological and planning expertise/advice

14. This support from central government is warranted as the biodiversity benefits will be accrued at a local, regional and national level.