



***SUBMISSION ON PROPOSED NATIONAL POLICY STATEMENT INDIGENOUS
BIODIVERSITY DISCUSSION DOCUMENT: HE KURA KOIORA I HOKIA***

New Plymouth District Council (NPDC) thanks the Ministry for the opportunity to submit on the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB).

New Plymouth District context

The New Plymouth District has more remnant indigenous vegetation cover than the national average of 24%, with approximately 37% cover district-wide. The remnants are concentrated in the Egmont National Park and the steep eastern hill country, north of Urenui. However, less than 10% remains on the intensively farmed ring plain. Indigenous vegetation is also poorly represented in the Coastal Environment and on valley floors. Compared to other cities in New Zealand, the New Plymouth urban area contains a relatively high percentage of native bush close to the centre of the city, with approximately 8.9% cover, compared to the national average of 2%¹.

Landowners are doing a great job as stewards for the remaining native bush in our District, working with NPDC and other biodiversity partners, with increased awareness and areas of land subject to legal protection (such as covenants) and good land management (including fencing and pest control). The Council acknowledges the principal role that landowners play with rating relief, landowner liaison and funding support.

NPDC began a process of SNA identification for inclusion in the District Plan in 2005, following appeals on our first generation District Plan and Environment Court direction. NPDC has been taken to the Environment Court (twice) around how we protect our native bush. The most recent Court decision says we have to consider a range of options, including rules, to enhance the protection of our native bush. A significant amount of work has been carried out by NPDC, with ecologists (Wildlands) and a range of interested parties, to identify additional SNAs for the District Plan Review.

The Operative first generation District Plan includes 94 rural SNAs identified, with 32 (unprotected) areas being subject to rules. The Proposed District Plan (PDP) includes 376 SNAs, covering approximately 24,000 hectares, including 11 urban SNAs. Approximately 30% of these have been field checked and described by an ecologist. The Council publically notified its PDP in September 2019 in accordance with the new National Planning Standards, with the proposed provisions relating to the protection of SNAs having immediate legal effect.

New Plymouth District has one of the highest rates in New Zealand of newly legally protected QEII areas. This is attributed in part to the landowner liaison associated with SNA identification project, increased rating relief for properties legally protected for ecological value, and financial assistance from Council's Heritage Protection Fund to assist landowners who legally protect with fencing costs for stock exclusion. Engagement on the District Plan review was on

¹ Clarkson, B. D., Wehi, P. M., & Brabyn, L. K. (2007). A spatial analysis of indigenous cover patterns and implications for ecological restoration in urban centres, New Zealand. *Urban Ecosystems*, 10(4), 441-457.

the basis that legally protected SNAs would no longer be considered SNAs for district planning purposes (and would not be subject to rules in addition to the terms of the covenant).

The approach taken by NPDC has therefore been a mix of regulatory and non-regulatory. While there has been a lot of resistance to District Plan regulation, over the last decade or so, there is an increasing level of acceptance for the role of regulation. It is important that the regulation be complemented by non-regulatory methods. Both regulatory and non-regulatory methods are costly, and take time to implement. It takes time to establish good-will, prioritise funding in long-term planning process cycles, and is an ongoing commitment in terms of resource and focus.

Key NPDC submission points:

- Agree that the decline in New Zealand's indigenous biodiversity is of concern and national direction is likely to result in better outcomes in terms of halting the decline. Support for a NPS which removes uncertainty and the undervaluing of biodiversity, however, suggest that national direction resourcing is required to reduce costs for individual councils.
- Support a more explicit role for Māori in biodiversity management, taking into account whakapapa relationships and kaitiakitanga responsibilities. The Proposed New Plymouth District Plan is aligned with this approach.
- Agree with the underlying concept that people are part of and dependent upon the natural environment and ecosystems, and that there is interconnectedness between communities and nature. The draft NPS-IB is aligned with the NPDC "Blueprint" which identifies that our unique natural assets (parks, rivers, coast and Mouna Taranaki) promote a sense of identity, community connectedness and overall health and wellbeing.
- Recommend the NPS-IB removes the duplication between legislation and policy and acknowledges that protection is achieved through other means (ie: by covenants or Reserve Management Plans and areas of the Coastal Environment that are managed by the New Zealand Coastal Policy Statement). Also, recommend clearer delineation of territorial authorities/regional council responsibilities in relation to freshwater biodiversity management, and remove duplication between the NPS-IB and other National Policy Statements.
- Oppose territorial authorities being tasked with identifying, describing and scheduling conservation land or otherwise protected land, as would be better focussing efforts on the large task of managing unprotected areas.
- Recognise that to ground-truth all SNAs is not necessary or realistic. In regards to NPDC's programme, 25% of landowners took up the offer of ecological field checks. It is most appropriate to undertake detailed assessment of ecological values if and when there is a threat, through the resource consent process.
- We support national and regional leadership for biodiversity management and request government resourcing for the development of national indigenous biodiversity datasets and mapping that will support the implementation of the NPS-IB.
- NPS-IB implementation will be difficult and costly for councils, especially in the wider context of other national direction that will need to be implemented over the next five years. Supporting measures, such as clear guidance, funding, monitoring and ecological and planning expertise will be required. Central government need to ensure sufficient

budget is made available to provide this support to local government, iwi/hapū and landowners.

- Recommend avoidance of strategy duplication; existing documents can provide strategic context for National Policy Statement implementation (as opposed to a prescribed Regional Biodiversity Strategy).
- Support the policy directions in the Proposed District Plan including the effects management hierarchy; firstly avoid adverse effects on SNAs, then remedy, then mitigate, then consider offsetting and compensation for residual effects.
- Oppose complicated distinction between high and medium value SNAs. This is not consistent with the Proposed District Plan and likely to result in inconsistencies, and undervalue medium-value areas.
- Oppose regional councils and territorial authorities being responsible for the identification and mapping of highly mobile fauna such as bats and birds. The Department of Conservation already maintains this data that is best aligned with its review of the threat classification of highly mobile fauna species.

NPDC submission on consultation questions

The following sections answer the specific questions regarding the NPS-IB. Not all questions are answered as they are not relevant to this District or the TA's functions.

Introduction: Addressing the Decline in New Zealand's indigenous flora and fauna

1. *Do you agree a National Policy Statement for Indigenous Biodiversity (NPS-IB) 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?*

We agree that the decline in New Zealand's indigenous biodiversity is of concern and national direction is likely to result in better outcomes in terms of halting the decline. We support a NPS which removes uncertainty and the undervaluing of biodiversity.

While there are various provisions in the Resource Management Act 1991 (RMA) to protect and maintain biodiversity they are unclear in some respects and subject to interpretation, and therefore we welcome the NPS-IB to provide national direction, consistency and clarity as to our obligations under the RMA.

NPDC has incurred significant legal, ecological and planning costs over at least a decade. We hope national direction will reduce legal and other costs for Councils.

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

Coastal

It is appropriate that the management of indigenous biodiversity in the coastal marine environment be a focus of the New Zealand Coastal Policy Statement (NZCPS), and the management of indigenous biodiversity in freshwater environments to be a focus of the National Policy Statement for Freshwater Management (NPSFW); duplication and inconsistency between NPS's should be avoided.

Notwithstanding that Clause 1.6 of the Draft NPS-IB states that the NZCPS prevails, clarity over the jurisdictional boundary for biodiversity management between the NZCPS coastal environment, and NPS-IB is recommended. As the NZCPS covers terrestrial areas within the coastal environment (Policy 1 NZCPS) the coastal marine area may not be the ideal boundary and the NPS-IB could exclude terrestrial areas identified as coastal environment in District Plans.

In our PDP vegetation clearance in the coastal environment (including terrestrial areas) is included in the Ecosystems and Indigenous Biodiversity chapter (in accordance with the National Planning Standards), with a blanket clearance rule. We considered a coastal SNA but found it inefficient and challenging to accurately identify significant terrestrial coastal vegetation, with urban areas being typically highly modified, and rural indigenous coastal vegetation being in small disjointed areas.

Freshwater

Sections 30 and 31 of the RMA set out the functions of territorial and regional councils and there is some overlap between the functions assigned to territorial and regional authorities in relation to freshwater and biodiversity. For example, TAs are required to control land use to maintain indigenous biological diversity (S31(1)(b)(iii)) and in relation to effects on the surface of water (S31(1)(e)). However RCs control the use of land to maintain and enhance water quality and ecosystems in waterbodies (S30(1)(c)), have functions in relation to water body beds (S30(1)(g)) and the maintenance of indigenous biological diversity (S31(1)(ga)). It would be helpful to clarify where jurisdictional boundaries are, similar to the use of mean high water springs to delineate between TA/RCs at the coast (such as a setback from banks), and to clarify who is responsible for biodiversity management of freshwater environments (including wetlands), or particular aspects of/within them.

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

Yes, in particular where there is alignment with the RMA terminology (objectives 1 and 2).

Comments in relation to Hutia te Rito (Objective 3) follow below.

Objective 4 relates to integrated management. Objective 6 relates to the recognition of those who are stewards and kaitiaki. While there is a need for integrated management, it would be helpful to be very clear on jurisdiction (based on boundaries if possible) and roles of the various governmental and other parties.

Objective 5 relates to the condition of existing ecosystems; "enhance the ecological integrity of ecosystems", as well as restoration. We submit that in a hierarchy of priorities, protecting and enhancing what remains should be the initial focus. This requires much more than avoiding clearance as active management is required. Quicker biodiversity wins are to be had by focusing resources to existing areas, than starting from scratch with restoration. While restoration is an important part of indigenous biodiversity management, the priority of the NPS-IB, should be protection and maintenance of remaining indigenous habitats.

Section A: Providing for the principles of the Treaty of Waitangi and engaging with Tangata Whenua

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 NPS-IB. Do you agree? Yes/no? Why/why not?*

We agree with the Hutia te Rito provision in principle, but further guidance will be needed for implementation.

5. *Does the proposed NPS-IB 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?*

Clause 1.7(1) provides a good explanation of the Hutia te Rito whakatauki, but does not provide much guidance on the implementation of the concept or on how to operationalise it. Objective 3, Policy 1 and Policy 3 of the Draft NPS-IB provide a high level requirement to recognise te ao Māori in terms of tangata whenua's kaitiaki role within their rohe, providing for tangata whenua involvement, and the identification and protection of taonga species and ecosystems.

The implementation requirements in Clause 3.2 (Hutia Te Rito), 3.3 (tangata whenua as kaitiaki) are not directive in terms of the "how", but rightly allow tangata whenua to play a central role within their rohe, requiring meaningful consultation and opportunities to be involved in decision making, and with flexibility to participate in accordance with their unique tikanga/mātauranga Māori.

Clause 3.14 (identified taonga) is clear on implementation requirements and the respective roles of tangata whenua, territorial authorities and regional councils. There would potentially be great variability as to what ecosystems and taonga might be identified by different iwi/hapū. We submit it is more appropriate for iwi/hapū to identify taonga species, but note that the timeframes to achieve this are tight. We encourage the Government to fund councils and iwi/hapū to generate this work.

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

We agree it is appropriate to take into account the principles of the Treaty of Waitangi in accordance with Section 8 of the RMA.

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?*

NPDC is supportive of the proposed transition in the biodiversity management system to one that acknowledges and incorporates te ao Māori, mātauranga Māori and tikanga. We formulated the objectives and policies of our Proposed District Plan with the input of iwi and hapū via Ngā Kaitiaki – a reference group created to provide a way for iwi/hapū to participate in the District Plan Review. Tangata whenua are identified in the plan as having customary responsibilities as mana whenua and kaitiaki.

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 NPS-IB appropriately provides for customary use? Yes/no? Why/why not?

We are supportive of this approach and it is reflected in the Proposed District Plan.

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

NPDC's Proposed District Plan was formulated with considerable input from Ngā Kaitiaki and goes a considerable way towards implementing the proposed NPS-IB provisions to recognise te ao Māori and the principles of the Treaty of Waitangi. Implementing the provisions of section A would not be particularly onerous for NPDC.

Section B: Identifying important biodiversity and Taonga

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?

As stated at the top of this submission, NPDC has carried out a resource intensive identification, mapping and scheduling exercise to include 376 SNAs into the PDP.

Our identification excluded legally protected land as we did not see value in a further layer of regulation where covenants or other protection mechanisms were in place.

We do not consider TAs should be tasked with identifying, describing and scheduling conservation land or otherwise protected land, and would be better focussing our efforts to the large task of managing unprotected areas. It is of concern that the NPS-IB applies regardless of land tenure and levels of protection.

Including descriptions for all SNAs in the schedule implies that ground truthing is required. This is not a realistic requirement. Approximately 25% of rural SNA landowners took up NPDCs offer for an ecological field check. The field checking was extensive and involved significant resource.

11. Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?

a. territorial authorities

b. regional councils

c. a collaborative exercise between territorial authorities and regional councils.

NPDC supports a region-wide approach to identification to reduce overlap and duplication. For example the TRC currently has the Key Native Ecosystems (KNE) program and there is some overlap with this and the Districts Significant Natural Areas (SNA's).

There would also be benefit in a national mapping system for SNA's particularly at the initial identification/mapping stage. This would ensure consistency in the methodology used and the data applied. Generally national data sources are relied on at this initial stage (ie: Land Environments of New Zealand (LENZ) and Landcover Database (LCDB2), which are best information available.

However, it is noted that this initial identification stages will not take in account any local variations that are evident from additional data sources or through the ground truthing

stage. For this reason local circumstances will still need to be applied to the proposed layer through this phase.

12. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPS-IB appropriate for identifying SNAs? Yes/no? Why/why not?
13. 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 NPS-IB) Yes/no? Why/why not?

The significance criteria in Appendix 1 is generally consistent with the criteria that NPDC has applied.

NPDC has concerns regarding Part 3.8(2) and sections 4 and 5 of the "Direction on approach" section of Appendix 1 of the draft NPS-IB. To meet the requirements, each SNA would need to be site visited by an ecologist. As stated in question 10 above, NPDC does not support ground-truthing in all circumstances. The purpose of identification is to provide a trigger for Resource Consent when development is proposed. This will allow for further consideration and information gathering through the consent process.

NPDC's 376 identified SNAs are on almost 3000 land parcels, with some SNAs being very large (over 100 hectares) and physically difficult to access due to topography etc. The administrative task of arranging these site visits is enormous (land access permissions, arranging times that fit with farming operations, travel times to remote areas of the district), let alone the time taken to carry out sufficient ecological research to meet the description requirements (particularly fauna including herpetofauna and invertebrates which are better at hiding than vegetation species).

We have concerns with Part 3.8(2):

c) quality - The detail of an ecological site assessment needs to be realistic. With the number and extent of SNA's the quality of this assessment needs to be fit for purpose to trigger RMA rule requirements. For example fauna detection would typically take multiple days/seasons of on-site work to establish and are best considered through a consent process. This detailed assessment is more appropriate, if needed, at resource consent stage, at the developers cost, and is an unrealistic task to apply at the district wide level.

d) access – many of our SNAs are in remote hill country, where even with landowner permission, there may be logistical and health and safety issues for accessing areas of the farm where SNAs are located, including river crossings, unstable land and stock management issues.

e) consistency – It is not necessary for TAs to carry out ecological assessments on conservation land, which is managed by DoC.

f) boundaries – Management of boundary issues need to be consistent with the National Planning Standards - please note the "National Planning Standards Guidance on the Zone Framework and District Spatial Layers" (page 3) states:

"it is good practice to align overlay boundaries to lot boundaries where the margin of error is greater than the degree of overlay coverage in a lot. This process removes "slivers" that would result in a notation on a property's file but have little practical purpose. For example, say an overlay identifies an outstanding landscape with a mapping margin of error of +/- 20 metres. If the digital mapping of the overlay results in a sliver less than 5 metres wide on a property, this should be taken back to the property boundary in the plan maps."

14. *The NPS-IB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?*

- a. *regional policy statement*
- b. *regional plan*
- c. *district plan*
- d. *a combination.*

NPDC and TRC have been very active in indigenous biodiversity identification and management, although there are some inconsistencies between the planning documents and approaches (regulatory and non-regulatory) that have been developed over time. We see value in aligning the approaches taken in District Plans and Regional Planning documents.

15. *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?*

NPDC will be well placed to meet this timeframe. However, our experience has shown that good engagement with landowners over listing SNA's takes time and requires significant resourcing.

NPDC have non-regulatory mechanisms to support and sit alongside rules, such as rating relief, a fund to assist with fencing, and information/advice in the landowner liaison program. These incentives need to be worked into Long Term Plan and Policy processes. Not only do these processes sit outside the District Planning cycle, they also require on-going rate-payer commitment to implement the on-going costs.

16. *Do you agree with the proposed approach to identifying and managing taonga species and ecosystems? (see Part 3.14 of the proposed NPS-IB) Yes/no? Why/why not?*

See question 5. While we support the management of taonga species and ecosystems, we do not think their identification is necessary within identified SNAs due to our Proposed District Plan provisions requiring tangata whenua input to the resource consent process.

We seek to protect taonga species through the Proposed District Plan, and support 3.14(2) which provides tangata whenua with the right to choose whether or not to identify certain taonga.

17. *Part 3.15 of the proposed NPS-IB 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?*

No, NPDC opposes the proposal for TAs to proactively survey highly mobile fauna and the identification and mapping of highly mobile fauna. DOC already maintain significant information on highly mobile fauna, have the experience in assessing and identifying highly mobile fauna, plus the work of identifying and updating highly mobile fauna areas can be more easily incorporated and/or aligned with DOC's review of the threat classification of highly mobile fauna species.

The wording in clause 2.15(1) of the NPS-IB whereby councils must survey and record all areas outside SNAs "...where highly mobile fauna have been or are likely to be, sometimes present", is not realistic. Irrespective of who has responsibility for this function, it is not clear how this would apply. For example it could capture the whole district if historical species distribution is considered. It would be more appropriate to change this requirement to "known locations of highly mobile fauna".

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

If areas of habitat of significant indigenous fauna has been identified by someone qualified to do so, this information could be included in District Plans. However, there are alternative mechanisms for protection such as the example on p40 of the discussions document, where a farm plan from the Regional Council may be a more appropriate method of management.

Section C: Managing adverse effects on biodiversity from activities

19. *Do you think the proposed NPS-IB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPS-IB)*

NPDC supports a practical approach and support workable rules for SNAs. Through the review of the District Plan, the Council sought to strike a balance between protecting livelihoods and looking after native bush. The rules make clear what is permitted within mapped areas (i.e., indigenous vegetation disturbance for maintenance of existing infrastructure and tracks, necessary to protect human life and existing buildings/structures, required for construction of fences and other conservation measures such as trap lines, and gathering plants in accordance with Māori customs and values). With these workable permitted standards a non-complying activity status is applied to disturbance, which is consistent with the avoidance policy in the NPS-IB. This activity status has been subject of submissions, meaning that strong guidance in the NPS-IB is appropriate.

20. *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?*

We support the effects management approach, which is consistent with PDP policies.

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

This covers the effects we currently seek to manage through resource consents.

22. *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?*

We do not support the distinction between high and medium value SNAs. This is unnecessarily complicated and will be difficult to apply with the effects management hierarchy (Part 3.9). There is the risk of inconsistent application of the categories, and it may 'water down' how medium value areas are managed. Through the consent process, information on significance of values can be explored as part of the information requirements to assess the application, at the cost of the developer, in the event there is a threat to the protected item.

23. *Do you agree with the new activities the proposed NPS-IB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPS-IB) Yes/no? Why/why not?*

It is requested that under Part 3.9(2) it is made explicit that designations/notices of requirements are included.

This section is overly complicated and will be difficult to consistently apply. It is recommended that this section is re-drafted to make clear the following:

- It is considered that this policy is best applied across all SNA's and that assessment and application of the effects management hierarchy is not just limited to those of medium value.
- NPDC supports the exceptions under Clause 3.9 (4), which are mainly aligned with providing workable rules. In particular Council seeks that provisions around Kanuka and Manuka under 25 years are clear (not just in relation to murtle rust). The ability to manage these species was a matter raised by many landowners in the district. NPDC also received submissions on this in the PDP so strong guidance is helpful.

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

Yes general support for "nationally significant infrastructure" being defined. It is particularly helpful to have it clarified that all state highways are nationally significant infrastructure, when there can be alternative descriptions under other legislation and programs (i.e., regionally significant).
Rapid transit may warrant defining/explaining.

25. 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 NPS-IB) Yes/no? Why/why not?

The Council encourages consistency in legislation approaches.

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

This is a duplication of the existing use rights provisions (Sections 10 and 20A) of the RMA. Some aspects of Part 3.12 would be problematic to implement, such as ensuring stock numbers do not increase in paddocks with unfenced SNAs, which is an unrealistic monitoring task for TAs.

Determining when regenerating vegetation reaches the significance thresholds will be a significant monitoring task. Part 3.12(4)(b) is of concern, in terms of an implication that TAs would be expected to actively survey pasture to look for regenerating vegetating meeting the significance threshold. This level of monitoring is not realistic or appropriate.

To align with best practise drafting definitions should sit in the definitions section 1.8 and not be located throughout the NPS-IB. There is a high bar with the definition of clearance which includes practises such as the "application of seed of exotic pasture" and "mobstocking". Again these will be a significant challenge to monitor and overrides existing use rights provisions.

27. Does the proposed NPS-IB 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?

If Part 3.13 requires a general clearance rule for indigenous vegetation clearance outside of SNAs, this could be made more explicit.

NPDC does not support having general rules applying outside of identified SNAs (3.13). This approach could require ecological assessments for all activities that involve vegetation clearance. This would duplicate the SNA process and undermines the considerable cost and effort of identifying SNAs in the first place.

In addition to this it is more difficult to implement and monitor a general clearance rule for both Councils and landowners. However, NPDC supports practical policy responses such as the consideration of biodiversity values through policy's so that consideration is given to clearance through larger scale activities that trigger consents (irrespective of SNA classification). This is particularly useful through the subdivision process.

28. *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, they can be considered as part of an overall effects management package. For particular species it is near impossible to calculate offsets, due to their size, hiding abilities and with some terrain being too technical to access to complete studies. Offsetting and compensation are provided for together under the RMA (104(1)(ab) and 171(1B)).

29. *Do you think the proposed NPS-IB adequately provides for the development of Māori land? Yes/no? Why/why not?*

There seems to be a misalignment between the intention for more permissive development of Māori land (p54 discussion document) and Part 3.9.

30. *Part 3.5 of the proposed NPS-IB 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?*

While we agree climate change is likely to pose challenges for the resilience of our indigenous biodiversity, and we must have particular regard to the effects of climate change under Section 7(i) of the RMA, central government leadership as to how to go about this would be required.

31. *Do you think the inclusion of the precautionary approach in the proposed NPS-IB is appropriate? (see Part 3.6 of the proposed NPS-IB) Yes/no? Why/why not?*

Yes, this is supported, however ideally this should be limited to identified SNA's. Clarification is sought as to whether 3.6 applies to identified SNAs or to all indigenous biodiversity.

32. *What is your preferred option for managing geothermal ecosystems? Please explain.*

a. *Option 1*

b. *Option 2*

c. *Option 3*

d. *Or your alternative option – please provide details.*

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

No comment

33. *We consider geothermal ecosystems to include geothermally influenced habitat, thermos-tolerant fauna (including microorganisms) and associated indigenous biodiversity. Do you agree? Yes/no? Why/why/not*

No comment

34. *Do you agree with the framework for biodiversity offsets set out in Appendix 3? Yes/no? Why/why not?*

35. *Do you agree with the framework for biodiversity compensation set out in Appendix 4? 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.

NPDC welcome guidance to support the role of these offsetting and compensation mechanisms, now that they are embedded in the RMA (Sections 104(1)(ab) and 171(1B)). However, it is noted that these are rarely required and may be infrequent in their application.

NPDC generally support the guidance in Appendices 4 and 5, and note generally alignment with the principles outlined in "Biodiversity Offsetting under the Resource Management Act – A Guidance Document" (September 2018).

Appendix 4 and 5 are also generally aligned with the principles applied in the most recent best practise examples. For example the recent assessment of the Mt Messenger Bypass/SH3 upgrade consent process (involving clearance of over 30Ha indigenous forest). In this case, offsetting was not applied to more challenging species (herpetofauna), and a financial contribution was considered appropriate. Future guidance in relation to calculating appropriate levels for compensation is requested.

36. *What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?*
- a. *More than minor residual adverse effects*
 - b. *All residual adverse effects*
 - c. *Other. Please explain.*

NPDC supports the setting of offsets and compensation for significant residual effects and has applied this in the Proposed District Plan.

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

There will be the need for specific training to support implementation by Councils. Best practise case studies and examples should be provided. Expert ecologist input is required in assessing offsets/compensation, which comes at increased costs for the council and applicant

Section D: Restoration and enhancement of biodiversity.

38. *The proposed NPS-IB 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 NPS-IB) Do you agree with these priorities? Yes/no? Why/why not?*

39. *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 NPS-IB? Please explain.*

No comment

40. *Part 3.17 of the proposed NPS-IB 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?*

New Plymouth city is well placed to meet this target with approximately 8.9% vegetation cover - one of the highest rates of urban biodiversity in the country. The Council is now moving to work with community on restoration projects, to work towards this target.

41. Do you think regional biodiversity strategies should be required under the proposed NPS-IB, or promoted under the New Zealand Biodiversity Strategy? Please explain.
42. Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPS-IB? Yes/no? Why/why not?
43. 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.
44. Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPS-IB) Yes/no? Why/why not?

There is a need to avoid strategy duplication and to acknowledge the existing programmes and structures already established in the regions. Mandatory requirements for strategies that are focused on a RMA context may limit the wider context of biodiversity management.

We note the effectiveness of the TRC's Biodiversity Strategy and of other non-regulatory and collaborative initiatives such as Wild for Taranaki which coordinates the regions biodiversity efforts including restoration. Linking in with other landscape scale projects such as Restore Taranaki, Taranaki Mouna and Towards Predator Free have a significant impact on biodiversity outcomes in the region.

45. What specific information, support or resources would help you implement the provisions in this section (section D)?
- No comment

Section E: Monitoring and Implementation:

46. 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?

Monitoring and reporting are an important part of 'telling the story'. Without specified methods, there is a risk that data obtained through monitoring will be incompatible between regions and fail to provide a complete picture across NZ. The development and implementation of a monitoring programme in each region is likely to be costly for councils. The monitoring system will need some central government funding and support.

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

Yes, agree.

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

Generally agree, but consider it is not appropriate to require District Plans to direct Schedule 4, RMA requirements. Section 75 (2) (g) of the RMA states that such information 'may' be required in District Plans. In the interests of streamlined plans the NPDC District Plan does not include information requirements so specifying information requirements for biodiversity only would require an additional section. It would be more efficient for this specific change to sit within Schedule 4 itself.

49. Which option for implementation of the proposed NPS-IB do you prefer? Please explain.
- Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years.
 - Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

NPDC support a progressive implementation programme but also acknowledge that this will be challenging for Councils to implement. As indicated above NPDC has a comprehensive programme of identification and listing. It is requested that NPDC (and like Councils) who have been through comprehensive reviews in the two years prior to the NPS-IS gazettal are exempt from the time-frame requirements and are required to fully implement the NPS-IB at the next plan review.

This is consistent with the approach taken for the National Planning Standards, where recently reviewed District Plans were provided with an extension to timeframes.

50. Do you agree with the implementation timeframes in the proposed NPS-IB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?

NPDC does not support a re-refresh of the schedules every two years. As opposed to relying on schedules in the District Plan a responsive monitoring system would be more workable and responsive. Updating information every two years is not realistic and too frequent, particularly with the requirements of schedule one.

This matter should be referred to the wider RMA review where consideration is been given to making plans more responsive.

51. Which of the three options to identify and map SNAs on public conservation land do you prefer? Please explain.
- Territorial authorities identify and map all SNAs including public conservation land
 - Public conservation land deemed as SNAs
 - No SNAs identified on public conservation land
 - Other option.

NPDC support option c so that it can focus its regulatory approach and associated incentives on the protection of SNA's on private land. As TA's have limited resources it is appropriate that a collaborative approach is taken. In addition there is little value, beyond monitoring, for TAs to identify and describe conservation land, or any otherwise protected land (such as QEII). It is appropriate that DOC, QEII etc provide this data to Councils for monitoring purposes.

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

NPDC consider that duplication across legislation and plans should be avoided and that this is better dealt with in reserves management plans. NPDC has a full set of reserve management plans for its reserves.

53. 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?

NPDC supports integrated management across agencies, particularly where there are joint functions as with biodiversity. NPDC requests that further clarity is sought on the functions

and roles of agencies – an example of this would be in determining who has jurisdiction along waterbodies (see comments in question 2).

54. If the proposed NPS-IB is implemented, then two pieces of national direction – the NZCPS and NPS-IB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPS-IB states if there is a conflict between these instruments the NZCPS prevails. Do you think the proposals in the NPS-IB 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?

NPDC does not support duplication of National Policy Statement and seeks clear definition of where a matter is managed. It is requested that where a Coastal Environment is identified, this area could be 'land not covered' by the NPS-IB. As referred to in the comments in question 2 reliance should be made to the NZCPS.

55. The indicative costs and benefits of the proposed NPS-IB 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 please provide examples of costs/benefits if these proposals will affect you or your work.

NPDC has significant experience in SNA identification and listing and is prepared to provide examples to the Ministry if appropriate.

56. Do you think the proposed NPS-IB should include a provision on use of transferable development rights? Yes/no? Why/why not?

Transferable development rights should be an optional consideration and its feasibility will depend on local land markets. It would be useful to explore this opportunity with urban SNAs where limited land exists for on-site mitigation, and as a way to balance the need for urban development capacity, as an option alongside offsetting/compensation.

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

58. What support in general would you require to implement the proposed NPS-IB? Please detail.

- a. Guidance material*
- b. Technical expertise*
- c. Scientific expertise*
- d. Financial support*
- e. All of above.*
- f. Other (please provide details).*

Guidance material on the above matters will be required for Councils to implement the NPS-IB. Supporting systems such as identification methodologies and monitoring systems are also required. An implementation programme similar to that that supported the release of the National Policy Statement – Urban Development Capacity is necessary (this included guidance, workshops, technical advice from staff and models).

Section F: Statutory Frameworks

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

Technical standards could be included in the National Planning Standards. However, without comprehensive standards on other content matters (ie: Network Utilities) these are likely to sit in isolation of other issues.

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

Yes, in particular between the NPS-IB and NPS-Urban Development direction. There is also duplication and some uncertainty around functions with the NZCPS and Freshwater package.

61. 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?

This is not a TA function.