

**Submission to the  
Ministry for the Environment**  
In the matter of the  
***Proposed National Policy Statement for Indigenous  
Biodiversity***

**Submission by  
Waimakariri District Council**

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## 1 Introduction

The Waimakariri District Council welcomes the opportunity to comment on the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB), and recognises the extensive amount of work which has been done to develop the Discussion Document, impact statement, Section 32 evaluation, and draft NPS.

The Council supports actions to reverse the decline of indigenous biodiversity in Aotearoa New Zealand. It also appreciates the emphasis that the NPS-IB places on the role of communities and private landholders in developing solutions to biodiversity decline, and the key role for local government at Territorial Authority level outside the public conservation estate. That said, implementing national direction through the local government system will be by nature inconsistent, and reflect local variations and idiosyncrasies. If national consistency is required, legislative and regulatory instruments are more effective than national direction instruments under the *Resource Management Act 1991*.

The first order priority as a nation is to protect further decline of existing remnants of intact indigenous vegetation communities, regardless of tenure. The assumption that biodiversity is adequately maintained on public conservation land simply because it is set aside for that purpose, is flawed (pages 11 and 12 of the Discussion Document refer). It is possible that the Department of Conservation might be the custodians of the slow deterioration of biodiversity of over 30% on the nation's land mass, and so it is vital the NPS-IB principles apply equally to private and public land. Indeed the support of private landholders is essential to preserve remnant vegetation communities on private land, and so the NPS-IB needs to be seen to apply equally across all land tenures. Although this is mentioned on page 17 of the Discussion Document, there is still an emphasis that local government will be the primary implementers of the proposed NPS-IB.

The distinction between terrestrial biodiversity, and the freshwater and coastal marine environments (Section 1.5 of the NPS-IB) is sensible and is supported. A clearer emphasis on the preservation and protection of intact remnant vegetation communities is needed, so that these can be used as a surrogate for measuring the protection of indigenous terrestrial plants and animals. The term "significant natural areas" is not defined under the *Resource Management Act 1991*, and the attempt at a definition in the NPS-IB uses circular reasoning, and does not assist with a clearer understanding that can be generally accepted.

Placing value on habitats and ecosystems that are modified and degraded (page 4 of the explanatory notes of the NPS-IB) is difficult for the general public to understand if the priority emphasis of the NPS-IB is to preserve and protect intact remnant indigenous vegetation communities.

Numbering of the points of submission below follow the numbering in the draft NPS-IB.

## 2 Points of submission

**1.3 Purpose** – the purpose needs to be broader than "to specify what local authorities must do to achieve the objectives" of the NPS-IB. If the NPS-IB is to apply across all land in New Zealand (page 17 of the Discussion Document), the purpose should include the public estate, which is not rateable land, and over which local government does not have jurisdiction.

**1.7 Fundamental Concepts** – the definition of “(2) Indigenous biodiversity” is clear and is supported. There is not the same level of clarity about “(3) Maintenance of indigenous biodiversity”. The requirement of at least no reduction in the size of indigenous populations could be interpreted by some landholders that this could mean clearing intact indigenous vegetation remnants if an area of the same size and assemblage was replanted elsewhere. If this happened, a landholder could argue that there has been no net loss of biodiversity, but yet the loss of a remnant indigenous vegetation community is not necessarily offset by replacement planting of the same size.

Similarly, there is insufficient clarity about (4)(h) regarding the disruption of indigenous fauna by people and their pets. Since there are no indigenous terrestrial mammals in New Zealand, and the four species of indigenous frogs are confined to offshore islands, this provision seems to seek to limit the disruption by people and their pets on birds, bats and reptiles. This provision is too vague and creates fertile ground for dispute and confusion.

**1.8 Definitions** – a Significant Natural Area (SNA) is defined as a) an area defined as an SNA, b) an area of significant indigenous vegetation or significant habitat of indigenous fauna, or c) an area identified as significant indigenous vegetation. None of the above a), b) or c) clarify or assist with gaining a better understanding of what constitutes an SNA. This is particularly confusing when trying to reconcile the stated intention of the NPS-IB to place value on “habitats and ecosystems that are degraded” (page 4 of the explanatory notes). Local government planners, landholders, and members of the public are likely to be totally bewildered about what constitutes “significant” with this definition. There needs to be a better definition of what an SNA actually is.

This poor definition of what constitutes an SNA has flow-on effects throughout the rest of the document. Policy 6 in 2.2 for example is to “identify and protect areas of significant indigenous vegetation or significant habitat of indigenous fauna by identifying and managing them as SNAs”, but there is no real understanding of how “significant” is determined.

This problem is not resolved by directing an approach and setting out criteria in Appendix 1. The onus for assessment of “significance” is on a site-by-site assessment of a natural area to meet any one of four criteria. This is not even remotely a national direction. On the contrary, this leaves assessment of “significance” to arbitrary and local judgements, particularly if some assessments incorporate only one of the four criteria, and others incorporate all four.

**Part 2: Objectives and Policies** – Objective 4 is “to improve the integrated management of indigenous biodiversity”, however the implementation requirements in Part 3 have no requirements for the Department of Conservation, the custodian of some 30% of New Zealand’s land mass. The structure of the NPS-IB does not integrate the management of indigenous biodiversity across all tenures. This point also applies to Policy 4 “to improve the integrated management of indigenous biodiversity within and between administrative boundaries”.

Policy 2 is to “ensure that local authorities adopt a precautionary approach”. The precautionary principle is an internationally accepted tenet of Ecological Sustainable Development and is supported. However the policy should apply to all tenures and all jurisdictions in New Zealand, not just local authorities.

Policy 5 regarding the “effects of existing and proposed subdivision, use and development on indigenous biodiversity” conflicts with other national direction instruments such as the proposed National Policy Statement on Urban Development, and some of the stated objectives of the recently introduced *Urban Development Bill*. This is particularly conflicting when the concept of a “medium” rating for each attribute is applied in accordance with Appendix 2, and the *Urban Development Bill’s* provision to reconfigure reserves (clauses 142 to 144) and transfer land to a developer (clause 260).

Policy 6 and Policy 7 have no real meaning until SNAs are properly defined and understood.

**Part 3: Implementation Requirements** – sections 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, and 3.20 set out what local government must do. There is no requirements about what the custodians of public land outside of local government jurisdiction must do. So the stated purpose of the NPS-IB, to “apply across all land in New Zealand (including public and private land)” on page 17 of the Discussion Document, does not seem to apply to Part 3 of the proposed NPS-IB.

**Part 4: Effectiveness Review** – section 4.1 sets out requirements for the Ministry of Environment to monitor and review the NPS-IB, including 4.1(c) to assess “its effects on Regional Policy Statements and Regional and District Plans and resource consents”. While regular monitoring and review is supported, the effectiveness assessment should not be confined to local government responsibilities. A national perspective on indigenous biodiversity management should also include monitoring and review of central government jurisdictions.

A Waimakariri District Council response to the 61 questions in the Discussion Document is attached.

# HE KURA KOIORA I HOKIA A discussion document on a proposed National Policy Statement for Indigenous Biodiversity

## CONSULTATION QUESTIONS

Questions with implications for council and the community are highlighted in **blue**

Overview of the proposed NPSIB				
	Consultation Questions	Position	Comment	Implication for WDC
	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?	Yes	There is a need to rethink the resource management system, going back to a blue skies, first principles approach. The RMA is not providing adequate protection for indigenous biodiversity and there is conflict between different pieces of legislation. In the context of the current system we agree that there is a need for more protection and national direction on indigenous biodiversity.	
	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?	Yes	<p>We believe it should be possible to identify and map both significant natural areas, and highly mobile fauna areas in coastal and freshwater environments.</p> <p>Policy 11 (part vi) of the Coastal Policy Statement explicitly requires councils to avoid adverse effects of activities on "areas set aside for full or partial protection of indigenous biological diversity under other legislation" (like SNAs under the NPSIB). The NPSIB states that if there is conflict the Coastal Policy Statement prevails.</p> <p>The current NPS Freshwater focuses mostly on water quality and habitat requirements and doesn't afford species level targets or protection. There are no legal protections for native fish (even endangered species) as they are not protected under the Wildlife Act either.</p> <p>The new proposed NPS freshwater requires regional councils to identify the locations of habitats of threatened species but doesn't identify these areas as SNAs or require the same avoidance of adverse effects as the NPSIB when there are works in the bed of a river or lake. An SNA should be able to be designated to protect important freshwater habitats and species, e.g. Canterbury Mudfish in a drain rather than a wetland.</p> <p>Some freshwater and coastal environments should be identified as highly mobile fauna areas (e.g. lakes and estuaries) and be subject to part 3.15 of the NPSIB.</p> <p>Alternatively there could be amendments to both</p>	

			the NZCPS and the Proposed NPS Freshwater to ensure consistency.	
	3. Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)	Yes - with changes	<p>Although we feel there is some conflict between the objectives and the implementation requirements.</p> <p>1. It is hard to see how integrated management (objective 4) can be achieved if the implementation requirements (part 3) only applies to local authorities. Amend 2.1.1 to 'to maintain indigenous biodiversity on all public (including crown), private and Maori land.'</p> <p>2. Objective 6 (b) has the potential for conflict between promoting stewardship of indigenous biodiversity and providing for economic wellbeing as the latter is often a reason for removing/degrading indigenous biodiversity.</p>	

<b>Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi</b>			
<b>A.1 - Providing for the concept of Hutia te Rito</b>	<b>Consultation Questions</b>	<b>Comment</b>	<b>Implication for WDC</b>
	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?	Yes	Strongly support this as a holistic approach that reflects natural processes. In addition, that it supports Treaty of Waitangi implementation and is consistent with the NPSFW and Maturanga Policy.
	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?	Yes	The discussion document provides enough information but the NPSIB is probably a bit open to interpretation in terms of clause 1.7.1 developing meaningful and tailored objectives, policies and methods... Amend to 'This includes initiating consultation early to ensure Maori perspectives are considered in drafting plans and policies' as being asked to comment towards the end of the process is an issue commonly raised by Maori. Being treated as a partner early on in the process better reflects the Treaty of Waitangi.
<b>A.2 - Providing for the principles of the Treaty of Waitangi and engaging with tangata whenua</b>	6. Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?	Yes	It includes the concept of Hutia Te Rito as a fundamental underlying concept and recognises in section 3.3 tangata whenua as kaitaki.
	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		'Must take all reasonable steps' (3.3 (2) to (4)) is open to interpretation and is likely to be applied differently across the Country. The discussion document provides some good examples of how Councils could work with Maori but as a consultation document this has a short life span. Providing this/enhanced information in an
			<ul style="list-style-type: none"> <li>The Maori resource base in our district is small and the same people are prevailed upon time and time again to provide input, many while also trying to participate in paid employment. Some financial assistance maybe required to support iwi to participate in a meaningful way.</li> </ul>



	would support the enhanced role of tangata whenua in indigenous biodiversity management?		interpretation guide could be useful. The Maori resource base in our district is small and the same people are prevailed upon time and time again to provide input, many while also trying to participate in paid employment. Some financial assistance maybe required to support iwi to participate in a meaningful way.	
	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? Why/why not?	Yes - with changes	This is provided for in clause 3.3.3 (c) although this clause should be amended to make it clear that this requirement only applies to public land controlled by Local Authorities. Maori may reach agreement with some private landowners about harvesting for customary use but the Council would not want to be in a position of imposing this requirement on other landowners.	
	9. What specific information, support or resources would help you implement the provisions in this section (section A)?		1. Additional financial support to allow iwi to more fully participate. 2. Interpretation guide with examples of best practice.	

<b>Section B: Identifying important biodiversity and taonga</b>			
<b>B.1 - Identifying and mapping Significant Natural Areas</b>	<b>Consultation Questions</b>	<b>Comment</b>	<b>Implication for WDC</b>
	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?	<p>Logistical issues with mapping SNAs:</p> <p>1. Cost - this will be prohibitive for small councils with high biodiversity particularly in light of competing demands and a potential lack of support from ratepayers</p> <p>2. Limited knowledge about what exists in the district and no incentives to encourage landowners to self-report potential SNAs.</p> <p>3. We need central government funded incentives to make having an SNA on a property beneficial for the landowner otherwise the long timeframe between the NPS going through and SNAs going into a district plan could result in the perverse outcome of landowners clearing native vegetation to avoid having it identified as an SNA.</p> <p>What has been limiting this mapping from happening?</p> <p>1. A lack of information:</p> <p>a) No dedicated expertise on hand at TAs</p> <p>b) A lack of affordable technical expertise</p> <p>c) No official central database for biodiversity that many organisations can access and contribute to</p>	<ul style="list-style-type: none"> <li>• Many potential SNA sites in our district un-investigated that there is currently no budget for.</li> <li>• No incentives to help land owners want to participate in the process - could result in backlash</li> </ul>

		<p>2. Cost:</p> <p>a) Waimakariri District Council is currently redoing the mapping of listed indigenous vegetation sites as part of a District Plan review. There are limited plans to survey sites not currently known to the Council due to budget constraints.</p> <p>b) Surveying indigenous fauna is also more problematic, therefore costly, than surveying flora. As a result our Council currently has very limited information about this.</p> <p>c) Gaining access to private land (our Council has therefore only listed sites on a voluntary basis which means there may be some SNAs currently with no protection under the DP).</p> <p>d) No financial incentives to encourage land owners to participate in the SNA identification process</p>	
<p>11. Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?</p> <p>a. territorial authorities</p> <p>b. regional councils</p> <p>c. a collaborative exercise between territorial authorities and regional councils.</p>	c.	<p>A collaborative approach may provide greater efficiencies with regard to obtaining the necessary technical expertise and will ensure greater consistency in approach across the region. But this is an unfunded mandate, local government would need money from central government in order to do this properly.</p> <p>There would also need to be explicit designation of roles within that mapping process i.e. that regional councils use science expertise and GIS resources to do mapping in the first instance and then TAs take that work and do ground truthing.</p> <p>There should also be an explicit role for DOC/central government in this regarding the provision of species level knowledge and identifying SNAs on public conservation land.</p>	<ul style="list-style-type: none"> <li>• Collaborative exercise with ECAN and DOC could help us save time and money.</li> <li>• There must be clearly designated roles and responsibilities in this process to ensure collaboration is effective.</li> </ul>
<p>12. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?</p>	Yes	<p>This is the standard tool already in use by New Zealand ecologists to decide what is significant. They are designed to provide both consistency and flexibility, in line with best practice from the ICUN on how to identify areas for protection.</p> <p>Most Significant Natural Areas in the district (even the most valuable and threatened ecosystems like wetlands and kanuka drylands) would not qualify under the diversity and pattern criterion due to degradation from historically poor management, despite meeting the other three criteria.</p> <p>If we do not identify and manage these remnants</p>	



			then some nationally significant ecosystem types will be lost entirely.	
	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 NPSIB) Yes/no? Why/why not?	Yes.	<p>1. This should also apply on Crown Land.</p> <p>2. Section 3.8 (2)(c) 'wherever practicable' is very debatable in a financial context given the significant costs associated with carrying out robust ecological assessments. The SNAs should be verified at least once on site if owners are to be constrained about how they use the land.</p> <p>There should be explicit criteria about what constitutes "impractical" e.g. the landowner refuses to give permission and a desktop assessment can provide enough information, the site is unsafe to access.</p> <p>Central government has a role to play here in providing assessment funding.</p>	<ul style="list-style-type: none"> <li>• Currently WDC does desktop based assessment where this provides adequate information because robust on-site ecological assessments are expensive.</li> <li>• Mapping SNAs as a desktop exercise to save on costs without giving land owners the option of a site assessment could result in land owners feeling unhappy and disenfranchised.</li> <li>• Would need additional budget for more site assessments.</li> </ul>
	14. 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 b. regional plan c. district plan d. a combination.	d. all of the above	Staff at both TA and regional council will need to consider SNAs when doing planning or granting consents.	
	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?	Maybe	This is reasonable for us. Some smaller less well-resourced TAs with more high value biodiversity may be unable to meet these timeframes without far more central government support. Reasonable timeframe depends on the resources available to the local authority, how many SNAs are likely to exist within their area of jurisdiction and how advanced they are with their biodiversity and district planning. Inadequate time and funding will result in poor quality ecological assessments.	<ul style="list-style-type: none"> <li>• Additional resource may be required to identify new SNAs that have been flagged for investigation by local experts but are not budgeted for in the current district plan.</li> </ul>
<b>B.2 - Recognising and protecting taonga species and ecosystems</b>	16. Do you agree with the proposed approach to identifying and managing taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Yes/no? Why/why not?	Yes - with changes	Agree that Maori have the right to choose how this process should apply. However, it is very difficult for planners to ensure that taonga is protected where its' general location is not at least identified. This Council has operated a 'silent file' approach which has been effective in protecting the resource while allowing Maori to hold onto their sacred knowledge.	

<b>B.3 - Surveying for and managing 'highly mobile fauna'</b>	17. 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?	Yes - with changes	A cross boundary approach is needed order to be effective but this should include the crown as well, as DOC estate borders other public and private land. There should be a role for DOC within this since they often have the most knowledge about highly mobile fauna as they manage this under the Wildlife act.	
	18. What specific information, support or resources would help you implement the provisions in this section (section B)?		<ol style="list-style-type: none"> <li>1. Adequate Central Government funding from general taxation revenue</li> <li>2. A central database that all agencies contribute to containing cross boundary and organisation knowledge about New Zealand biodiversity.</li> <li>3. A nationwide vegetation map that is accurate enough to use as a basis for regulation.</li> <li>4. A central database that all agencies contribute to containing cross boundary and organisational knowledge about New Zealand biodiversity.</li> <li>5. DOC staff identifying areas of highly mobile fauna for local authorities as this is probably a highly specialist area.</li> <li>6. Guidance on how to appropriately buffer and manage SNAs in degraded landscapes in order to minimise degradation due to edge and surrounding landscape effects. There also needs to be an explicit provision that planted or regenerated buffer zones to the area will be included in an SNA, but will not themselves require buffering (except in certain cases e.g. critically threatened biota moving in) even if these buffer areas regenerate to the point where they meet the threshold for becoming SNA in their own right as this could result in land owners losing land to the SNA over time.</li> </ol>	

<b>Section C: Managing adverse effects on biodiversity from activities</b>				
<b>C.1 - Managing adverse effects on biodiversity within Significant Natural Areas</b>	<b>Consultation Questions</b>	<b>Comment</b>		
	19. 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)	No	The two-tier system has the potential to weaken the protection of significant indigenous biodiversity, particularly in relation to mineral and aggregate extraction pressures. 3.9 (1) As the circumstances relate mainly to matters of national significance, a national body rather than a local authority should assess the effects of any proposal under section 3.9 impacting on a SNA. This would help to ensure consistency in decision-making is applied across the country, and that potentially expensive litigation costs are not picked up by ratepayers. NPSIB should be more explicit that the default situation in an SNA is that you don't get to do anything to it that will have	

			any kind of negative effect on the SNA. There also needs to be a provision for enabling restoration works without putting an undue consenting/financial burden on the applicant.	
	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?	Yes - with changes	The RMA is effects based. Unclear if outcomes-based approach would work in the legal framework. Assuming an effects based approach: a) Tools in the mitigation hierarchy should be used in concert. If adverse effects (even minor ones) cannot be entirely avoided or remedied compensation or offsetting should be necessary in addition to mitigation (to achieve goal of no net loss and preferable a net gain). The cumulative impact of minor effects over time and across a landscape can result in a major biodiversity loss. b) Compensation should be preferred to offsetting unless i) there is solid scientific evidence the offset will be effective ii) the offset is properly funded and maintained in perpetuity iii) there is effective monitoring and enforcement in place to ensure compliance	
<b>C.2 - Providing for specific new activities within SNAs</b>	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.		Provide more explicit guidance around protections for buffer zones that have been created specifically to protect an SNA. There must be no reduction in buffer size or clearance of indigenous vegetation/development/subdivision/use within the buffer zone that would result in degradation of the SNA.	
	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?	No - but need more information	Putting in a two-tier system weakens the protection of significant indigenous biodiversity, particularly in relation to mineral and aggregate extraction pressures and confuses the public understanding of significance.  3.9 (1) As the circumstances relate mainly to matters of national significance, a national body rather than a local authority should assess the effects of any proposal under section 3.9 impacting on a SNA. This would help to ensure consistency in decision-making is applied across the country, and that potentially expensive litigation costs are not picked up by ratepayers.  There does have to be scope for the iwi to do development on Maori land without damaging the areas identified as having most ecological value.	
	23. Do you agree with the new activities the proposed NPSIB provides for and the	Yes - with changes	a) Provides flexibility for managing the SNA, b) Prioritises human life over biodiversity c) Provides flexibility with regard to potentially	

	parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?		<p>marginal vegetation and d) Doesn't deter people from planting indigenous vegetation in case it has restrictions placed on it in the future.</p> <p>There should be restrictions on maximum size of the single dwelling in section 3.9 (3), and compensation or offsetting should not be options except if they are used with the mitigation or remediation to result in a net biodiversity gain.</p>	
<b>C.3 - Managing significant biodiversity in plantation forests</b>	24. Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?	No	We agree with the Biodiversity collaborative group's recommendation regarding this only applying to domestic extraction otherwise it puts biodiversity objectives in a very weak position in relation to large financial interests. Historically indigenous biodiversity has come out the loser. Amend 3.9 (2) (d) (ii) to ' <i>mineral and aggregate extraction for domestic supply</i> '.	
<b>C.4 - Providing for existing activities, including pastoral farming</b>	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 NPSIB) Yes/no? Why/why not?	No	The NESPF talks about habitat but not species level protection. The NESPF also allows "incidental damage" to a Significant Natural Area that is within or adjacent to plantation forest provided it does not "significantly" affect the values of the SNA. This is inconsistent with the approach that applies across all other land uses as per section 3.9.	
<b>C.5 - Managing adverse effects on biodiversity outside SNAs</b>	26. 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?	No	<p>This is fertile ground for perverse outcomes.</p> <p>Suggested approach to remedy this:</p> <ol style="list-style-type: none"> <li>1. Farms should have to prepare a Farm Biodiversity plan that details how SNAs, on farm biodiversity and clearance of native vegetation will be managed over time in order to ensure no net loss.</li> <li>2. SNAs usually need native vegetated buffer zones to minimise edge effects. There must be mechanism to ensure that vegetated buffer zones are exempt from becoming SNAs so that landowners maintain them instead of deliberately damaging them or allowing them to degrade.</li> <li>3. Where vegetation is regenerating fast enough to become SNA there are central government funded incentives and/or compensation to encourage landowners to leave vegetation alone instead of clearing it just to ensure they will be able to continue to clear it in the future.</li> </ol>	<ul style="list-style-type: none"> <li>• Landowners may clear regenerating vegetation prior to SNA identification to avoid land use restrictions.</li> <li>• Could result in loss of biodiversity across the district</li> <li>• Will need additional resource for compliance monitoring</li> </ul>

	27. 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?	No	Regulation without the money for adequate enforcement is not sufficient. Local government needs purpose built central government funded incentives that can be used to collaborate with landowners to protect and enhance biodiversity on private land.	<ul style="list-style-type: none"> <li>Need regulatory incentives to help land owners engage positively</li> </ul>
<b>C.6 - The use and development of Māori land</b>	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. But support compensation over offsets unless there is a high probability that the offset will be effective in perpetuity.	<p>Biodiversity offsets are not generally effective because they are often:</p> <ul style="list-style-type: none"> <li>a) not properly designed due to inadequate information</li> <li>b) inadequately funded</li> <li>c) not managed in perpetuity</li> <li>d) not sufficiently monitored or enforced</li> <li>e) enforcement penalties are not severe enough to disincentive non-compliance.</li> </ul> <p>Restoration is much more expensive and less effective than protecting and enhancing remnant biodiversity. Money that would be spent on an ineffective offset should be used for this purpose.</p>	
<b>C.7 - Consideration of climate change in biodiversity management</b>	29. Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?	No comment		
<b>C.8 - Applying a precautionary principle to managing indigenous biodiversity</b>	30. 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?	Yes	<p>The provision is vague and poorly defined.</p> <p>However climate change is going to be a really significant issue for low lying natural areas that will be affected by sea level rise (e.g. the Ashley/Rakahuri estuary and some of our coastal wetlands)</p> <p>Plans for ecological restoration and management of these areas must consider climate change in order to be self-sustaining in perpetuity.</p>	
<b>C.9 - Managing effects on geothermal ecosystems</b>	31. 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?	Yes		
	32. What is your preferred option for managing geothermal ecosystems? Please explain. a. Option 1 b. Option 2	Option 3	But this is a question that should not be included in the proposed NPS until the definition of terms has been settled.	



	c. Option 3 d. Or your alternative option - please provide details.			
<b>C.10 - Biodiversity offsetting and biodiversity compensation</b>	33. We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including microorganisms) and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?	Yes		
	34. Do you agree with the framework for biodiversity offsets set out in Appendix 3? Yes/no? Why/why not?	No	Definition of no net loss is too vague. Need much stricter conditions and more guidance to determine where a biodiversity offset is appropriate. See answer the question 28.	
	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	No	Inadequate policy framework for decision-makers leaving too much discretion and insufficient policy direction.	
	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.	c.	We should use a. (more than minor effects) for low impact activities (e.g. vegetation clearance for track maintenance) in areas where there isn't likely to be a lot of development. But the NPSIB needs to provide national direction in terms of exactly what constitutes a minor effect, and how to determine if an effect is minor.  There are other activities and or areas where the cumulative impact of many minor effects is likely to be significant. In these instances, if the other tools in the mitigation hierarchy cannot remove b. all adverse effects compensation or offsetting should be used to address these.	
	37. What specific information, support or resources would help you implement the provisions in this section (section C)?		<ul style="list-style-type: none"> <li>• Substantial central government funding</li> <li>• Larger financial penalties for breaching consent conditions (sufficient to disincentive non-compliance)</li> <li>• Central government incentives that make natural regeneration (where appropriate) a more attractive option than planting exotics (see Q58).</li> </ul>	





<b>Section D: Restoration and enhancement of biodiversity</b>			
<b>D.1 - Restoration and enhancement of degraded Significant Natural Areas, connections, buffers and wetlands</b>	<b>Consultation Questions</b>	<b>Comment</b>	
	38.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?	Yes	<p>The purpose of this part of the NPS is to ensure that councils invest in restoration of existing biodiversity/habitat over new projects where there are no existing values. It's vastly more cost effective to protect and enhance existing ecosystems compared with creating them from scratch.</p> <p>Most SNAs in the Waimakariri district suffer from some level of degradation due to boundary effects of neighbouring land uses and a lack of compensatory management.</p> <p>Areas that provide connectivity are vital for ki uta ki tai (full range of connected ecosystems from mountains to sea) and ensuring fauna can move across a landscape and access different high value habitat areas.</p> <p>Buffering of high value ecosystems is key for preventing degradation due to surrounding land uses and pest incursion.</p> <p>Wetlands provide good habitat for many species and critical ecosystem services (flood protection, water quality, carbon sequestration), &gt;90% of NZ original wetland has been lost and many remaining areas are degraded.</p>
<b>D.2 - Restoring indigenous vegetation cover in depleted areas</b>	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 NPSIB? Please explain.	Yes	Confusing as to which national direction instrument is being applied.
<b>D.3 - Regional biodiversity strategies</b>	40.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?	Yes - but not a priority	Including an urban canopy cover target is acceptable. However it must be clear that this is a lower priority than protecting and enhancing existing SNAs (amend clause 3.16 to make this clear). While more indigenous urban canopy may improve the connection communities have with native flora and fauna it won't result in significant biodiversity gains and may come at a high cost (e.g. planting on Council land in urban areas).

	41. Do you think regional biodiversity strategies should be required under the proposed NPSIB, or promoted under the New Zealand Biodiversity Strategy? Please explain.		Required under the NPSIB. Regional biodiversity strategies are important tools for ensuring consistency across a region.	
	42. 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?	Yes		
	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.	Yes	For consistency with Regional Council's biosecurity responsibilities.	
	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 NPSIB) Yes/no? Why/why not?	Yes		
	45. What specific information, support or resources would help you implement the provisions in this section (section D)?		Central Government funding of Regional Councils	

<b>Section E: Monitoring and implementation</b>				
<b>E.1 - Monitoring and assessment of indigenous biodiversity</b>	<b>Consultation Questions</b>	<b>Comment</b>		
	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?	Yes - but only if there is sufficient guidance and funding from central government.	We can't manage indigenous biodiversity properly when we don't have data on it. Regional councils will need a significant increase in central government funding, and guidance (e.g. an NES) to help them design and implement a monitoring plan. This should be done in concert with DOC to ensure consistency between different land tenures.	
<b>E.2 - Assessing environmental effects on indigenous biodiversity</b>	47. 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?	No	1. This needs to include reporting on whether councils are doing effective monitoring and enforcement, if not why not, and what further support they need. 2. Reporting should be done on the holistic impact of NZ legislation on indigenous biodiversity rather than each individual piece.	

<b>E.3 - Timeframes and implementation approaches</b>	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 NPSIB). Yes/no? Why/why not?	Yes	Councils will need more support, funding, and guidance in order to do this. Need NES for biodiversity assessment and matauranga māori.	
	49. Which option for implementation of the proposed NPSIB do you prefer? Please explain. a. Implementation as soon as reasonably practicable - SNAs identified and mapped in five years, scheduled and notified in plans in six years. b. Progressive implementation programme - SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.	a.	WDC is fine with this timeframe. However we note that smaller councils with fewer resources could find it very difficult to meet without significant support.	
<b>E.4 - SNAs on public land</b>	50. 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?	No	Rescheduling every two years if there are no significant changes could be far too time consuming, and not provide much biodiversity benefit, so councils will just decide it isn't practicable.  Provide councils with guidelines about how many SNAs or how much SNA land area should trigger a reschedule.	
	51. Which of the three options to identify and map SNAs on public conservation land do you prefer? Please explain. a. Territorial authorities identify and map all SNAs including public conservation land b. Public conservation land deemed as SNAs c. No SNAs identified on public conservation land d. Other option	d.	The Department of Conservation should identify SNAs on conservation land. DOC has better knowledge of the conservation estate and which areas should or shouldn't be included.  Deeming all public conservation land as SNAs is perverse.	
<b>E.5 - Integrated management of indigenous biodiversity</b>	52. What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?	Support	An integrated approach suggests consistency regardless of tenure.	
<b>E.6 - Managing indigenous biodiversity within the coastal environment</b>	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?	Yes	Ecosystems and biota cross geo-physical and political boundaries.  We must consider the interactions between terrestrial, freshwater, and coastal environments when making decisions about how to manage	

	Why/why not?		<p>them, and between farming and urban development.</p> <p>Working together ensures that Territorial Authority, Regional Council, and DOC projects complement each other resulting in the best biodiversity outcomes.</p> <p>We need guidance on integrated management best practice.</p>	
<b>E.7 - Guidance and support for implementing the proposed NPSIB</b>	54.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 these 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?	Yes	NZCPS explicitly directs councils to avoid adverse effects on “areas set aside for full or partial protection of indigenous biological diversity under other legislation”. This would apply to SNAs.	
	55.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 please provide examples of costs/benefits if these proposals will affect you or your work.	No	The S32 evaluation has not adequately assessed impacts on local government.	
	56.Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?	Yes - but must be optional.	Legal fees and real estate fees are similar across the country but property markets are not. The value of a TDR may not be enough of an incentive (could cost the landowner more) in some parts of the country. It could be a provision, but it would need to be carefully considered.	
	57.What specific information, support or resources would help you implement the provisions in this section (section E)?		Central government funding	

	<p>58. What support in general would you require to implement the proposed NPSIB? Please detail.</p> <p>a. Guidance material  b. Technical expertise  c. Scientific expertise  d. Financial support  e. All of above.  f. Other (please provide details).</p>	e and f.	All of the above. But in addition we need government funded incentives for natural regeneration and restoration that work in concert with biodiversity aspirations rather than against them. The billion trees scheme should provide more funding for natural regeneration where appropriate than for plantation forestry.	
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<b>Section F: Statutory frameworks</b>				
<b>F.1 - The proposed NPSIB and other government priorities</b>	<b>Consultation Questions</b>	<b>Comment</b>		
	<p>59. 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?</p>	Unsure	Please provide more information	
	<p>60. Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?</p>	Yes	There is potential for section 3.9 a) to conflict with the NPS-Urban Development and the national urban growth agenda	
	<p>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?</p>	Yes		