Our reference: A192521

10 March 2020

Ministry for the Environment
Electronic letter: indigenousbiodiversity@mfe.govt.nz

To whom it may concern,

Opotiki District Council submission: proposed National Policy Statement for Indigenous Biodiversity

Thank you for the opportunity to provide feedback on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

The Council supports the overall intent of the NPSIB, to maintain and protect indigenous biodiversity as a matter of national significance.

Background

Opotiki district is located in the Bay of Plenty region on the north-east end of the North Island of New Zealand. It is approximately 3105km$^2$ in area, and is roughly 25% of the total land mass of the Bay of Plenty Region.

According to 2018 Census data, the population of Opotiki was 9276 people accounting for (approximately) 3% of the total population of the Bay of Plenty region. 54% of the population lives in rural areas, and Opotiki has one of the lowest urban populations in the country.

Our district has among the highest levels of deprivation in New Zealand, and features at the wrong end of many key statistics: unemployment; median household income; benefit numbers; rate of home ownership and health.

Of the ratepayer population in New Zealand, residents in Opotiki district have the lowest ability to pay their rates.

Large amounts of land within the district are owned by the Crown, and administered by the Department of Conservation (DOC). Approximately 70% of the district is managed by DOC, and of the remaining 30%, a large amount of this area has not been developed.
Resourcing and cost implications

In 1999, we undertook a desktop analysis to identify areas of significant indigenous vegetation and habitats of Ōpōtiki district. In 2019, we undertook the same desktop exercise and found that the majority of undeveloped land had remained undeveloped and, in some parts of the district, areas of bush and forest had increased. These areas are in the District Plan, and the Plan places sufficient protection on these areas already (Chapter 13, Landscapes, Indigenous Vegetation and Habitats): the effects of any activity proposed in these areas would be managed adequately through a subdivision or land-use resource consent process. In addition, we have indicated that we will undertake a plan change to classify these areas of indigenous vegetation and habitats as SNAs in the future, as part of our works programme in our 2021 – 2031 Long Term Plan (LTP).

However, to ground-truth the latest study could cost approximately $500-$700,000 which equates to an immediate 5-7% rate rise for residents. Combined with the inability to fund a ground-truth exercise, we have a very small team (one person) that would manage this process. It’s likely that a consultant would need to be brought in to identify and classify SNAs which would be an additional high-end cost, given that the topography of the district is steep; difficult to traverse; very remote and would require interaction with many private land owners.

In a part of the country where residents have the lowest ability to pay their rates, this is a cost that council doesn’t want to pass on to residents.

Section 3.8 of the proposed NPSIB, **3.8 Identifying significant natural areas**, states

3.8 (1) Every territorial authority must—

a) undertake a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and / or significant habitat of indigenous fauna; and if it is,

b) classify areas of significant indigenous vegetation and / or significant habitat of indigenous fauna as either High or Medium, in accordance with Appendix 2.

Territorial authorities must also use principles 3.8(2) a)-f) to assess and classify areas of significant indigenous vegetation. This must be completed within five years after the commencement date. Additionally, sub clause 3.8(8) requires that every territorial authority must notify a plan change, where practicable, to add any area that has been identified as a Significant Natural Area as a result of assessment undertaken as part of a resource consent application.

While we support the overall intent of the proposed NPSIB, it is considered that without financial assistance we would struggle to fulfil these requirements. As mentioned earlier, we have some of the highest levels of deprivation and poverty in the country and, as a consequence, every project that we commit to is carefully considered to make sure it provides real and immediate benefit to our residents. We simply do not have the resources available to identify and classify large areas of the district; update these areas every two years afterwards, or notify a plan change if an SNA is identified as a result of a resource consent application.
Besides the cost of the requirements being prohibitive for us, large amounts of land in the district are the subject of Treaty Settlement negotiations. It is noted that section 3.14 Identified taonga of the proposed NPSIB requires that every regional council must work together with all the territorial authorities in its region and with tangata whenua to agree a process for identifying, describing, mapping and describing the values of taonga in the district.

Our district has arguably one of the richest, deepest and most diverse Māori populations in the country. In our district of roughly 9000 people, there are 20 marae and 53% of the population identify as Māori. While iwi and hapū in Ōpōtiki district are going through the process of Treaty Settlement negotiations, introducing a process that requires identifying and classifying land based on indigenous biodiversity has the potential to interrupt this process. Additionally, we are concerned that local iwi and hapū may not be sufficiently resourced to engage and interact in this process while Treaty Settlement negotiations are happening. Both ourselves and the Bay of Plenty Regional Council already consult with local hapū and iwi with regard to taonga within the district. We understand the importance and value of working collectively with iwi on these types of projects. An example of this is the Ōhiwa Harbour Strategy Coordination Group: Ōhiwa Harbour is considered taonga by Whakatohea and the Strategy Coordination Group is attended by Ōpōtiki District Council, Bay of Plenty Regional Council, Whakatāne District Council, DOC and local hapū. However, we are aware that resources within these organisations are stretched and, therefore consideration needs to be given to ensuring there is sufficient financial support available for these groups to enable them to be involved in a meaningful way.

Conflicting national direction

As noted earlier, Ōpōtiki district has some of the highest levels of poverty and deprivation in New Zealand. The Government, as part of its Provincial Growth Fund (PGF), has identified the Eastern Bay of Plenty as a surge region.

One of the reasons, the government has identified our district as a priority for growth is that large portions of the Ōpōtiki district are not developed. In addition – a large portion of the land in the district is managed and administered by DOC. We would encourage the government to consider very carefully whether it is appropriate to burden the ratepayers of the district with a requirement to identify SNAs where most of the district has not been developed; cannot be developed because it is managed by DOC and likely is not degraded with regard to indigenous biodiversity.

We would also encourage the government to consider the objectives of the NPSIB in conjunction with other national objectives for growth.
There is a possibility that classifying areas as SNAs could hinder economic development in the future by introducing requirements (above what already exists) that would be too costly for an individual developer to meet (for instance, providing a very detailed Assessment of Effects as part of a subdivision consent, where there has been no development previously – as required under Section 3.9 Managing adverse effects on SNAs). Areas identified by government as priority areas for growth and investment need to be afforded equitable opportunity for economic development that other districts in New Zealand have received and are enjoying currently.

Conclusion

We submit that:

- we do not have the resources available to identify and classify SNAs; update SNAs every two years afterwards and notify a plan change following any discovery of an SNA through a resource consent in the district plan, as required under Section 3.8(1) under the proposed NPSIB
- Chapter 13 of our Proposed District Plan provides adequate protection for areas of indigenous vegetation and habitats in the district, and these areas will be classified as SNAs as part of our works programme in our 2021-2031 Long Term Plan
- to identify and classify SNAs in Ōpōtiki district could introduce restrictions on developers that have not had the same opportunities in the past to develop economically by requiring a very high standard of assessment of effects, and conflicts with the overall intent of the Provincial Growth Fund
- to introduce an identification and classification exercise on land that is currently part of Treaty Settlement negotiations may interrupt the settlement process, and would require additional resourcing by council to maintain ongoing engagement with iwi and hapū
- the Ministry for the Environment needs to consider the practicalities of implementing the proposed NPSIB for council, and other small territorial authorities (especially those identified in the PGF), that do not have the funding available to carry out the requirements of the proposed NPSIB
- consideration be given to provide funding to TAs with very limited resources in an effort to achieve the overall intent of the proposed NPSIB.

Council notes that it is anticipated the NPSIB will be gazetted by mid-2020: we hope that sufficient time has been allocated to give due consideration to points raised through the submission process.
For matters relating to this submission, please contact Katherine Hall, Policy Planner, in the first instance by email KatherineH@odc.govt.nz, or phone 07 315 3030.

We do wish to be heard in support of our submission.

Thank you for reading our submission; we look forward to receiving feedback.

Yours faithfully,

[Signature]

Lyn Riesterer

MAYOR OPOTIKI DISTRICT