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Dear Sir/Madam

SUBMISSION ON DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

Thank you for the opportunity to submit on the Draft National Policy Statement for Indigenous Biodiversity.

Please find attached the Waikato District Council's submission, which has been formally approved by the Council on 14th March 2020.

Should you have any queries regarding the content of this submission, please do not hesitate to contact James Fuller – Senior Environmental Planner by email James.Fuller@waidc.govt.nz or phone 0800 492 452.

Yours faithfully


Gavin Ion
CHIEF EXECUTIVE

Introduction

The Waikato District Council (WDC) appreciates the opportunity to make a submission on the National Policy Statement Indigenous Biodiversity 2019.

The Waikato District spans more than 400,000 hectares between Hamilton City and Auckland City. It comprises of six towns (the largest being Huntly with approximately 7800 people) with multiple villages of various sizes. The District has strong employment, social and economic relationships with both Hamilton City and Auckland City. WDC, as a regulator, manages large rural and significant ecological environments and recognises the importance of the Resource Management Act 1991 and how it helps manage the Waikato District.

WDC's submission is based mainly on the discussion document entitled 'He Kura Koiora i hokia: A discussion document on a proposed National Policy Statement on Indigenous Biodiversity (NPSIB)', prepared by the Ministry for the Environment (MfE) and the Department of Conservation (DoC).

The Waikato District is experiencing high growth in some parts of the district, that is putting pressure on the environment and flora and fauna of the district if not carefully managed. WDC notified a Proposed District Plan (PDP) in 2018 and are currently in the hearings process. The PDP identified a range of new Significant Natural Areas (SNAs) under Section 3.2. A copy of the Natural Environment (which includes SNA's) objectives and policies to manage and enhance the ecological areas of the district is attached to this submission (Appendix A).

Overview

WDC supports the government's focus to protect and restore indigenous biodiversity as per the draft NPSIB. WDC acknowledge that biodiversity is on the decline and is not coping with habitat destruction from development and land clearance, including drainage of wetlands. WDC agree with the draft Local Government New Zealand (LGNZ) (Appendix B) submission that any intervention around biodiversity needs to be through a coordinated strategic approach. Responsibility needs to be shared across the whole system and not just councils.

The LGNZ submission stresses that roles need to be more transparent within the biodiversity space and that the government needs to play a more active role in helping to guide, manage and implement the provisions of the draft NPSIB. Regulatory measures need to be combined with additional protections and active interventions such as habitat protection and enhancement, plant and animal pest management. Non-regulatory measures that incentivise those undertaking good environmental practice, particularly in the rural sector, should be encouraged.

WDC supports the purpose of the draft NPSIB as it aligns with the United Nations Sustainable Development Goals (SDGs) which are a blueprint for achieving a more sustainable future for all and are increasingly being picked up by governments and business. The SDGs address the global challenges we face, including those related to poverty, inequality, climate change, environmental degradation, peace and justice. SDG 15 aligns with protecting biodiversity, and the draft NPSIB is consistent with its objectives.

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

Overview of the draft NPSIB

Question 1-3

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?

The scope of the draft 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?

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

Agree in Principle: WDC requests that further guidance and implementation strategies around protecting our native plants, animals under the RMA. MfE needs to appropriately cost this out for local government as part of a comprehensive package of reforms. The draft NPSIB, in addition to the National Policy Statement Freshwater Management (NPSFM) and New Zealand Coastal Policy Statement (NZCPS), could create a complicated system. The natural systems are all interrelated, and impacts on the land impact the freshwater and coastal marine areas and vice versa.

Maintaining and managing indigenous biodiversity could have positive impacts on reducing flooding, loss of topsoil and coastal erosion. However, in its current format, the draft NPSIB has challenges for the district and regional councils to administer and control if regulations are the only mechanisms progressed. Central government needs to take an active approach with guidance around the implementation of the objectives and policies. The objectives and policies could be condensed and simplified as per the LGNZ submission. Additional resources should also be put into non-statutory best practice examples as set out in some of the case-studies supplied by LGNZ.

Section A: Recognising te ao Maori and the principles of the Treaty of Waitangi

A.1 – Providing for the concept of Hutia te Rito

Question 4-5

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

Does the draft 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?

Agree in Principle: WDC considers the loss of biodiversity is a critical issue and will aim to halt the decline of indigenous biodiversity. These objectives also take into account the Treaty of Waitangi Principles and recognise tangata whenua as stewards and kaitiaki of indigenous biodiversity.

A.2 – Providing for the principles of the Treaty of Waitangi and engaging with tangata whenua

Question 6-9.

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

What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain. 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 draft NPSIB appropriately provides for customary use? Yes/no, please explain.

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

Agree in principle: WDC generally supports strengthening the relationship between Maori indigenous biodiversity in the draft NPSIB but reiterates that the Treaty of Waitangi (ToW) principles are present in the RMA. WDC seeks clarity around what MfE are trying to specify in the NPSIB Maori relationships with indigenous biodiversity through legislation direction. An alternative might be greater guidance and resourcing of Maori engagement in these areas to achieve the principles of the ToW. Alternatively, rather than what is draft in the NPSIB, this part could be simplified and focused within national and/or regional Biodiversity Strategy(s).

The challenges for councils is that these provisions may complicate existing relationships and roles that have already been developed by councils. WDC would prefer to build on existing relationships rather than require additional processes to be added in as per the draft NPSIB. An alternative is adding in the following text "*where there are existing Tangata Whenua relationships, protection, management and enhancement of indigenous biodiversity should be incorporated into those existing relationships*".

WDC request the provision of examples demonstrating Tangata whenua exercising kaitiakitanga over indigenous biodiversity. Given the current draft NPSIB is dealing with land and terrestrial areas, Maori have customary rights to use, grow or protect flora and fauna on iwi land. However, WDC question if the draft NPSIB will result in council restricting the harvesting of flora and fauna on Maori land and/or restrict access to flora and fauna on council reserve land. If these restrictions are likely to occur, then maybe a simplified process needs to be developed by MfE that allows councils and Tangata Whenua representatives to approve harvesting of flora and fauna on iwi and council reserve land. If it is DoC land (likely the most significant area), then a similar process should be permitted.

WDC suggests that a nationally agreed framework that all councils use and administer if it is devolved to councils (district or regional) is required. Alternatively, this could sit with the DoC, who are more likely to have the internal skill set to approve requests, due to their understanding of how the harvesting of flora will affect a natural space. Harvesting should only be considered if it can be carried out in a sustainable manner to ensure no loss of biodiversity.

Section B: Identifying important biodiversity and Taonga

B.1 – Identifying and mapping Significant Natural Areas

Question 10-15

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?

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.*

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

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

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. Combination*

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?

Agree in principle: WDC has already carried out an exercise in mapping and identifying SNAs based on the Waikato Regional Council (WRC) databases. WDC has undertaken this work in partnership with iwi, the community and key stakeholders as part of its District Plan review. WDC note that the costs of this mapping and scheduling SNAs have been extensive. MfE needs to consider the financial pressures that this legislation could put on all councils and whether there will be a corresponding improvement in indigenous biodiversity nationally. Under the current proposal, councils are required to employ a registered ecologist to assess all of the SNAs; therefore, resourcing could be an issue. Consideration needs to be given to prioritising the high-value areas and using technology to capture the SNA information more efficiently. WDC proposes that key high-value areas should be identified first, with smaller SNA areas to be identified later and that not all areas require an ecologist's full assessment.

Government organisations MfE, DoC and Non-Government Organisation (Manaaki Whenua – Landcare Research (MWLR), QEII Trust and Forest and Bird) should also be involved. All levels of government should share their resources and try to minimise the double up of information. MfE needs to clarify the level of detail each council must achieve when identifying SNAs. Councils may be in different phases of SNA investigation and might not follow the same processes or have the resources to undertake an in-depth on-site investigation of SNAs. However, it should be recognised that there will be considerable costs associated with this process. WDC suggest a

strategic approach to identifying critical SNA areas over a scheduled timeframe and the utilisation of essential information from regional databases, NZ Land Cover Databases, LIDAR and drone photogrammetry. Council's could undertake more general and desk-top investigations of SNAs. Mapping and scheduling of indigenous biodiversity should be consistent across the country. Additionally, a baseline should be developed for specific areas within districts and regions, in conjunction with ground-truthing.

The draft NPSIB approach sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna. The criteria should include:

- a) representativeness;
- b) diversity and pattern;
- c) rarity and distinctiveness;
- d) ecological context and each assessment requiring a map, description of the attributes and what is identified; and
- e) connectivity between habitat types.

The key threats to indigenous biodiversity include management of environments and maintaining representativeness of flora and fauna. If council's and DoC already understand the threats to indigenous biodiversity does this need to be assessed by a suitably qualified ecologist. WDC question if there is a need for imposing other criteria, particularly if a suitably qualified ecologist is required to undertake assessments of significant indigenous vegetation and habitats. Most councils will have a range of information on ecological areas. If the process is not undertaken to the requirements of the draft NPSIB, will councils be required to backfill this data, and what are the cost implications? It is important to recognise that timeframes and the ultimate purpose for which the information will be used are crucially important.

An alternative system might be prioritising key areas into subcategories, through desktop analysis and use of regional information and aerial footage first. Through this process, large-high-quality areas could be identified first, and smaller areas of indigenous biodiversity could be tagged for later analysis. The reasoning behind this suggestion is the cost of surveying these areas to the level the draft NPSIB requires will be high for most councils, particularly in cases where some councils are still debating the merits of SNAs. Councils may already have some of this information available in databases from subdivision covenants and ecological assessments.

Regional plans could show the high-level areas as identified, and district plans could show more of the granular detail, particularly public reserve areas. Care needs to be taken around the requirements for large council-owned/managed regional parks. From a national perspective, it may be appropriate to extend and provide council information, regarding SNAs, to central government agencies and NGO's (Forest and Bird, QEII Trust, Waikato River Authority) into a national database. Regionalising or centralising this information in a national database would give a more accurate picture of the location and extent of SNAs throughout the country and inform where each organisation should target its resourcing.

The five-year time frame is extremely ambitious, as it will come down to funding and resourcing related to the size of council districts/regions. This is set out in the LGNZ submission and their attached case studies. The cost of having a suitably qualified ecologist to assess vast numbers of ecological areas cannot necessarily be met within a five-year timeframe. Potential SNAs should be prioritised for assessment depending on their size and quality at the outset, and this would help to rationalise the costs and timing. An alternative might be a minimum of 50% of the district or

overall region within five years, focusing on the quality of information rather than quantity, and be subject to budgetary constraints for each council.

B.2 – Recognising and protecting Taonga species and ecosystems

Question 16

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

Comment: This should be up to Tangata whenua to lead and self-identify what are crucial areas for them. Central government could assist with having this independently verified for particular areas where there is a dispute over an area from an external source. If councils have to put these areas in a statutory document and they cannot corroborate the information, this may mean difficulties for private landowners.

B.3 – Surveying for and managing ‘highly mobile fauna.’

Part 3.15 of the draft 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?

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

Agree in principle: Mobile fauna can cross regional boundaries, but this should also include DoC because there may be a requirement under the Wildlife Act 1956. WDC also note that some of the mobile fauna information, particularly around nocturnal species, is very patchy at this stage and there needs to be a procedure for it. Development of a public database that centralises mobile fauna information, including council reserves, resource consent assessments for private properties and designation information. DoC should be the holder and administrator of this information given their more considerable expertise in mobile fauna.

Section C: Managing adverse effects on biodiversity from activities

C.1 – Managing adverse effects on biodiversity within Significant Natural Areas

Question 19

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

Question 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?

Question 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.

Do not agree: WDC does not consider that the draft NPSIB provides the appropriate level of protection because it is only focused on a regulatory approach devolved from central to local government. Non-regulatory measures need to be considered to incentivise and help landowners maintain and develop SNAs with an emphasis on indigenous biodiversity.

An effects management hierarchy is consistent with the RMA process. Specific areas with very high levels of indigenous biodiversity or rare areas may need to be exempted from this hierarchy and prohibited. WDC agree that biodiversity off-setting is appropriate for activities that need to occur in specific locations and subject to assessment and ecological valuation. Historically like for like has been undervalued and the replacement of mature flora and high-quality ecosystems are not always costed and timed appropriately.

Changes to flora from the location of activity next to an SNA, e.g. large scale projects, may adversely affect SNAs and should be considered.

C.2 – Providing for specific new activities within SNAs

Question 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?

Question 23

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

Question 24

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

Partially agree: WDC note that there will be a wide diversity of SNA's across the country, regions and districts. An SNA located in one part of the country will not be comparable to another because of the flora and fauna it protects and their representativeness. Consideration needs to be given to expanding the categories to include representativeness. The draft NPSIB and MfE should have very clear parameters around each category and test these against real-world examples. The draft NPSIB should provide guidance on implementing these proposals and valuing different categories of biodiversity and what the biodiversity offsetting entails.

Previous points of this submission, WDC suggests making use of existing information/data and prioritising areas, rather than undertaking full ecological assessments and therefore minimising costs and time constraints for local government.

Please include additions to *c. indigenous vegetation... from myrtle rust*. Add-in "*any unidentified or new biological contaminants*".

The definition needs to be extended to include regional infrastructure and be linked to spatial planning elements. WDC agrees that nationally significant infrastructure should be considered differently to other projects and may trump some SNA areas. However, regional spatial plans that identify constraints and opportunities may be better ways to manage the interplay between infrastructure and SNA. For example, the definition identifies renewable electricity generation as contributing to the government's zero-carbon targets. Identifying areas where this may or may not be feasible may stop the current piecemeal opportunistic approach. The current approach

generally forces regional and district councils to defend or support projects that communities may have an issue with.

C.3 – Managing significant biodiversity in plantation forests

Question 25

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

Do not agree: The scenario identified is not appropriate for the following reasons. If plantation forest has resident bats, the owner will need to get an ecologist to assess the bat movements and determine the trees of interest. The owner has to pay for the ecologist to check and approve the removal(s). Is the likely outcome of the whole process going to be high costs worth more than the harvesting of a small plantation?

C.4 – Providing for existing activities, including pastoral farming

Question 26

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

Agree in principle: WDC considers there is potential to extend this concept rather than leaving it up to regional councils to amend their policy statements on when, how and where plans must provide for existing activities. Alternatives could be to incentivise industry, farming, forestry and infrastructure to protect and enhance indigenous biodiversity areas. Biodiversity quota approaches that retire strategic parts of the land or aquatic habitats should be encouraged and off-set through tax breaks or given credit through carbon credits, e.g. protecting peat bogs.

C.5 – Managing adverse effects on biodiversity outside SNAs

Question 27

Does the draft 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?

Question 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?

Do not agree: WDC does not agree that councils must include in their plans where, how and when an assessment (using Appendix I of the draft NPSIB) of ecological significance in an area outside of an SNA is required. This seems to overcomplicate an existing assessment of effects process by requiring an ecological component that may or may not be required. The alternative is to have a national framework and better guidance around what is considered indigenous biodiversity. By highlighting a range of biodiversity levels, it might be possible to control the information requirements and make it more manageable for councils to administer.

WDC believes the ability to consider both biodiversity offsets and compensation separately would be advantageous. By noting the different quality of indigenous biodiversity, it would be easier to decide which one should be used. However, the full cost of lost indigenous biodiversity should

determine the compensation. The loss of fully established bush and habitats need a proper assessment on their growth and maintenance if they are to be replicated elsewhere.

C.6 – The use and development of Māori land

Question 29

Do you think the draft NPSIB adequately provides for the development of Maori land? Yes/No? Why/why not?

Do not agree: WDC considers that these provisions may complicate development on Maori land rather than provide for it. The medium-value SNA may be appropriate for partial development of land, but more detail needs to be provided around the wording of "no practicable alternative location".

If Maori land has a high-quality bush area that requires permanent protection, then possibly some form of compensation for lack of development on this land needs to be considered. This could be used as a case study and expanded out to non-Maori land over time. Alternatively provision of replacement land in the same area, albeit smaller, be required. The Maori, Land could be co-managed by whichever government department provided compensation or default to DoC. WDC seeks the benefits for all Maori landowners who actively maintain and enhance natural bush areas.

C.7 – Consideration of climate change in biodiversity management

Question 30

Part 3.5 of the draft 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?

Do not agree: WDC sees that the current council toolkit is very limited in this area and adding in response to climate change will add further difficulty in administration and implementation. A national approach is preferred around climate change, where some clear guidance and implementation strategies are developed. It would also be useful for councils (district and regional) to allow innovative strategies for managing climate change impacts on biodiversity. The ability to utilise natural water storage areas to maintain other SNA areas under times of environmental stress, e.g. droughts, or incentivising the planting of waterways and wetlands to regulate better stormwater and floods and the creation of new or restoration of ecological waterways/wetlands/lakes to improve catchments is recommended.

C.8 – Applying a precautionary principle to managing indigenous biodiversity

Question 31

Do you think the inclusion of the precautionary approach in the draft NPSIB is appropriate? (see Part 3.6 of the draft NPSIB) Yes/No? Why/why not?

Agree in principle: WDC considers that it is appropriate to use a precautionary approach to indigenous biodiversity if it is not known what the full effects of an activity will be on the environment. Additional guidance around how this might be implemented across the country would be useful for councils to administer consistently. It might be useful to consider an adaptive management approach for medium-value SNA's and adjacent non-SNA areas rather than requirements for full ecological assessments. However, this may only be applicable in staged developments.

C.9 – Managing effects on geothermal ecosystems

Question 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.

Question 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?

Comment: Geothermal ecosystems are not an issue for WDC, and therefore, we can provide no comment. The issue should be referred to the Waikato and Bay of Plenty Regional Councils and District councils with geothermal ecosystems (Taupo/Hauraki/Thames Coromandel/Rotorua) amongst others.

C.10 – Biodiversity offsetting and biodiversity compensation

Question 34

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

Question 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.

Question 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.

Question 37

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

Comment: Commentary is similar to the biodiversity offsets, is there an opportunity to combine biodiversity offsetting and biodiversity compensation? WDC note exceptions within the specific compensation principles. WDC note that biodiversity loss and compensation should also consider and be linked to the connectedness of ecosystems. For example, if there is a net loss of an area, how does that indigenous biodiversity connect with others in the catchment (ecological

corridor) and, can the offsetting and compensation achieve the same or an improved outcome? See comments for Q45.

The term “Minor” is consistent with the RMA. Consider some guidance around examples. LGNZ describes a number of case studies, and MfE could undertake more to determine best practice examples with a framework of what will be lost (add its potential enhancement); and where can that be replicated. If the landscape context cannot be achieved, as would be the case in urban environments, then a multiplier could be applied to within and outside the catchments.

Section D: Restoration and enhancement of biodiversity

D.1 – Restoration and enhancement of degraded Significant Natural Areas, connections, buffers and wetlands

Question 38

The draft 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 draft NPSIB) Do you agree with these priorities? Yes/No? Why/why not?

Question 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.

Comment: WDC considers that to halt and reverse the loss of indigenous biodiversity, there is a need to improve the degraded SNAs. There needs to be consideration given to an SNA in the context of how they connect to other areas. There is the ability for SNAs to buffer urban, rural and native areas and maintain flora and fauna. The loss of wetlands is of particular concern to WDC as they provide multiple ecological benefits from improvements in stormwater quality through to reducing flooding hazards. WDC would also like to see further investigation around peat bogs and their ability to sequester CO₂ recognised and as a potential off-set for farmers.

WDC sees the potential for cross-jurisdiction issues between the regional and district councils given each will administer separate NPS provisions. The NPSFM and NPSIB are linked and partially aligned, but one seeks the enhancement of water quality, and the other is primarily enhancing indigenous biodiversity. This might be improved by strategic and spatial plans that prioritise wetlands within a region, and their quality. The purpose is to manage and maintain the wetlands with the potential for restoration over the long term.

D.2 – Restoring indigenous vegetation cover in depleted areas

Question 40

Part 3.17 of the draft 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?

Do not agree: WDC does not agree as the regional councils do not administer the vegetation cover in urban areas or non-urban areas. These targets would be devolved to district and city

councils. Urban green spaces serve a number of purposes and applying some arbitrary requirements might force councils to replace active recreation space with planted up space and impact on social activities. It could also require a replacement of exotic vegetation to native vegetation for little ecological improvement but extensive costs to councils to administer and monitor. Rural spaces vary throughout the country; some areas will have more than 10% and could compensate those that do not. Not all indigenous vegetation targets will be the same given NZ's vast and varied landscape. Rather than raising the levels of indigenous vegetation in one region, an alternative approach may be to focus on different indigenous biodiversity categories across all of the regions.

WDC have concerns around regional plans having more objectives, policies and methods that promote restoration, enhancement and reconstructed indigenous vegetation which further complicates RMA assessments and processes. An alternative to this regulatory approach might be incentivising landowners to protect and enhance these areas with a minimum 10% native vegetation cover. The regional councils and central government agencies could identify these areas and then provide technical help in their restoration. Regional/national funds or tax relief could be used to fund these restorations and ongoing management.

D.3 – Regional Biodiversity Strategies

Question 41

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

Question 42

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

Question 43

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

Question 44

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

Question 45 What specific information, support or resources would help you implement the provisions in this section (section D)?

Comment: WDC considers that the NZ Biodiversity Strategy would be a better vehicle to achieve the aim of restoration, enhancement and reconstruction. The aim should be to have the process as simple as possible. This would reduce the statutory component which could stay focused on management and maintenance. Efforts could then be channelled into improving indigenous biodiversity. WDC consider that the process needs to be as frictionless as possible avoid pain points to landowners and reward best possible efforts to restore, enhance or reconstruct indigenous biodiversity and ecosystems.

WDC agree with the purpose of having a regional biodiversity strategy only if a national strategy cannot be developed. Any such regional strategy should preferably promote landscape-scale restoration and enhancement of native habitats. Spatially identifying all SNAs and recording their attributes in an ecologist assessment is not considered the best use of resources. Appendix 5 should be amended to replace "all" with "majority", and this allows some flexibility with the regional/district biodiversity. Councils then can concentrate on high-quality areas with actions around restoration and enhancement rather than recording all of their SNAs. This also gives some leeway to councils that cannot identify all of their SNAs in the timeframe or gives them the opportunity to add new SNAs possibly with incomplete information.

This could be linked with other Government departments, iwi and NGO's to coordinate or prioritise predator control and minimise the spread of pests (plant and animal) and pathogens harmful to biodiversity, e.g. Kauri dieback.

The draft NPSIB provisions should consider the size of the region, resourcing, extent of SNAs and other responsibilities the regional council is progressing. WDC note that regional councils are dealing with a range of central government policy changes which will impact them all differently, e.g. the NPS - Freshwater Management in the Waikato is a significant resource requirement.

WDC consider that standardising government information and providing guidance around implementation would be useful for all parties involved in these processes.

Section E: Monitoring and implementation

E.1 – Monitoring and assessment of indigenous biodiversity

Question 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?

Question 47

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

Do not agree: It is not clear as to why each region would need to develop a monitoring plan and then devolve it to districts? Would it not be more appropriate to have a national monitoring system developed with input from councils setting out a template monitoring system? This would be an integrated higher-level system which rationalises the use of appropriate standardised data.

WDC consider that biodiversity should be an indicator in the overall monitoring to assess the effectiveness of the RMA purpose. Biodiversity should not be a completely new range of information that requires separate data collection and further resourcing by councils. MfE should make efforts to standardise their data collection and promote consistency of processes amongst regional and district councils. Alternatively, the MfE national data collection system should be able to interpret standardised data from all councils. The dataset indicators need to be developed with councils and tested before they are fully deployed. A consistent core set is preferred with some regional differences depending on the varying ecosystems, e.g. sub-tropical to alpine.

E.2 Assessing environmental effects on indigenous biodiversity

Question 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 draft NPSIB). Yes/no? Why/why not?

Do not agree: The draft NPSIB additional information requirements for activities as they relate to AEE's has the potential to add considerable costs and processing times to an assessment as per Appendix I. WDC see that if an application requires an ecological assessment, there will then need to be a peer-review. If an area is already identified there should be an opportunity for a council's ecologist to make the recommendations as an agreed process. New areas or significant disruptions to SNA's and bush areas could still require an ecological assessment. However, guidance around what it needs to include would be useful for applicants (standardise the documentation) to reduce timeframes and costs.

E.3 – Timeframes and implementation approaches

Question 49

Which option for implementation of the draft 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.*

Question 50

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

Preference – Flexibility Required: WDC has already undertaken a mapping exercise around SNAs in the Waikato District. This was based on a standardised approach to environmental assessment. The discussion document states that the draft NPSIB would accept those councils who have made the best efforts to assess SNAs even if these are not exactly as per Appendix I. Flexibility needs to be built into the legislation that these can be updated over time. Guidance and testing the legislation in areas that have not undertaken assessments (less-resourced councils) might define what best practice is.

WDC has undertaken an SNA mapping exercise and would like to see this time frame subject to flexibility around the criteria in Appendix I. Given new SNAs may be added over time through a regulatory process, consideration should be given in the NPS to allowing plans to add or alter SNAs without the need for a full statutory process. The areas could be agreed in spatial plans approved by communities and provide a net gain in indigenous biodiversity.

WDC does not agree with the implementation timeframe proposed in the draft NPSIB and considers that five years may pressure councils, particularly if areas are appealed in a statutory

process. Schedules should be able to be updated in systems on a regular basis (with 80% captured) and updated via a non-statutory process as per cl 16.

E.4 – SNAs on public land

Question 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*

Question 52

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

Prefer Option B: WDC prefer Option B and that DoC administer this land and if it does need to be included as SNAs in district plans the information is provided to district councils from DoC with an assessment of the SNAs.

WDC note that these areas will have their methods of management dependent on the individual councils through planning processes, and in this case, a directed approach by MfE will limit a council's ability to influence these areas. So planning requirements around SNAs and how they interact with Outline Plans of Works may need some updates to included in the matters for consideration. Guidance and some case study examples of best practice would be useful to make application of these processes consistent and economical for all involved.

E.5 – Integrated management of indigenous biodiversity

Question 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?

Agree in principle: WDC agrees with an integrated approach to managing indigenous biodiversity and the effects of it on subdivision, use and development. However, some context needs to put around the priority of managing indigenous biodiversity versus other competing uses. This could be in the form of guidance and how indigenous biodiversity is managed nationally.

E.6 – Managing indigenous biodiversity within the coastal environment

Question 54

If the draft 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 draft 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?

Agree in principle: WDC consider that if the regional council is tasked with identifying these areas and providing that identification is consistent, there should not be many issues.

E.7 – Guidance and support for implementing the draft NPSIB

Question 55

The indicative costs and benefits of the draft 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 of these proposals will affect you or your work.

Question 56

Do you think the draft NPSIB should include a provision on use of transferable development rights? Yes/No? Why/why not?

Question 57

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

Question 58

What support, in general, would you require to implement the draft NPSIB? Please detail.

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

Comment: WDC does not consider that the indicative costs and benefits have been adequately assessed given there are only a few councils that have undertaken this SNA work to date. The LGNZ submission indicates there is also a variety of interpretations on the usefulness of SNAs and local political elements grappling with their benefits.

Section F: Statutory frameworks

F.1 – The draft NPSIB and other government priorities

Planning Standards

Question 59

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

Alignment with other national direction under the RMA

Question 60

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

The Biosecurity Act 1993 and interactions with the draft NPSIB

Question 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?

Agree in principle: WDC answers yes to Q59-Q61, but requests more information on the planning standards. There will be tension between other national policy statements and National Environmental Standards. WDC request that more non-regulatory methods are considered around the spread of pests and diseases. Please note, this should be viewed under a regional council response rather than a district council matter.

Section G: Consultation process

Question 62

Do you have any other comments you wish to make?

See general comments.

Appendix A:

Proposed Waikato District Plan: Section B Objectives and Policies, Chapter 3: Natural Environment, 3.2 Significant Natural Areas

3.2 Significant Natural Areas

3.2.1 Objective – Significant Natural Areas

Indigenous biodiversity in Significant Natural Areas is protected and enhanced.

3.2.2 Policy - Identify and Recognise

Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas. Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.

3.2.3 Policy - Management hierarchy

(a) Recognise and protect indigenous biodiversity within Significant Natural Areas by:

- (i) avoiding the significant adverse effects of vegetation clearance and the disturbance of habitats unless specific activities need to be enabled;
- (ii) remedying any effects that cannot be avoided; then
- (iii) mitigating any effects that cannot be remedied; and
- (iv) after remediation or mitigation has been undertaken, offset any significant residual adverse effects in accordance with Policy 3.2.4.

3.2.4 Policy – Biodiversity Offsetting

(a) Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in significant residual adverse effects on a Significant Natural Area, or on indigenous biodiversity outside such Significant Natural Areas.

(b) Within a Significant Natural Area, a biodiversity offset will only be considered appropriate where adverse effects have been avoided, remedied or mitigated in accordance with the hierarchy established in Policy 3.2.3; and

- (i) the biodiversity offset is consistent with the framework detailed in Appendix 6 Biodiversity Offsetting; and
- (ii) the biodiversity offset can achieve no net loss of indigenous biodiversity:

A. preferably in the affected area of Significant Natural Area; or

B. where that is not practicable, in the ecological district in which the affected area of Significant Natural Area is located.

3.2.5 Policy - Biodiversity in the coastal environment

(a) Avoid the adverse effects of subdivision use and development within Significant Natural Areas of the coastal environment on:

- (i) indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists
- (ii) habitats of indigenous species where the species are listed as threatened or at risk, are at the limit of their natural range, or are naturally rare
- (iii) areas containing nationally-significant examples of indigenous community types

- (iv) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, and
- (v) areas set aside for full or partial protection of indigenous biological diversity under legislation.

3.2.6 Policy - Providing for vegetation clearance

- (a) Provide for the clearance of indigenous vegetation in Significant Natural Areas when:
 - (i) maintaining tracks, fences and farm drains
 - (ii) avoiding loss of life injury or damage to property
 - (iii) collecting material to maintain traditional Maaori cultural practices
 - (iv) collecting firewood for domestic use.
- (b) Provide for the clearance of indigenous vegetation in Significant Natural Areas for the construction of building platforms, services, access, vehicle parking and on-site manoeuvring and the development of Maaori Freehold Land by:
 - (i) using any existing cleared areas on a site that are suitable to accommodate new development in the first instance
 - (ii) using any practicable alternative locations that would reduce the need for vegetation removal
 - (iii) retaining indigenous vegetation which contributes to the ecological significance of a site, taking into account any loss that may be unavoidable to create a building platform, services, access, vehicle parking and manoeuvring on a site
 - (iv) firewood.

3.2.7 Policy - Managing Significant Natural Areas

- (a) Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:
 - (i) permanently excluding stock through voluntary covenants and conservation subdivisions
 - (ii) undertaking plant and animal pest control
 - (iii) retaining and enhancing indigenous vegetation cover
 - (iv) maintaining and restoring natural wetland hydrology
 - (v) avoiding physical and legal fragmentation
 - (vi) legal protection of Significant Natural Areas through conservation covenants or similar mechanisms
 - (vii) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.

3.2.8 Policy – Incentivise subdivision

- (a) Incentivise subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.

Office of the
CHIEF EXECUTIVE

**Appendix B: Draft National Policy Statement for Indigenous Biodiversity (LGNZ
DRAFT Submission on the draft) NPS February**

Yours sincerely

Gavin Ion
CHIEF EXECUTIVE

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