

Submission on the Proposed National Policy Statement for Indigenous Biodiversity

Submitter Type: Territorial authority

Overall Position: Support in Part

Introduction section: Overview of the National Policy Statement for Indigenous Biodiversity (NPSIB) (pgs 10 - 22)

Overall thoughts about the introduction section and the need for an NPSIB:

Notes

This is still a topical NPS rather than a holistic view of the biota. A catchment orientated approach taking into account all the elements would have resulted in a holistic outcome which includes land, water, air and the environment.

In reading the Draft NPSIB the following remarks are made:

1. Explanatory notes p.4. Without proper and adequate resourcing for local government authorities and their partners Mana Whenua to implement the necessary actions required by this NPS, the claim that the response in the NPS “ensures” the decline in indigenous biodiversity is “halted” and species, habitats and ecosystems are “supported to thrive” is questionable. Additionally, the unknown adverse impacts caused by climate change makes it impossible to say with any certainty that the NPS will ensure there is no decline and that the support given will support thriving biodiversity.

Recommendation 1: Change wording to “aims to ensure...”

2. Explanatory notes p.4. Partnerships with Mana Whenua are essential to the success of the implementation of the NPS. Recognising this up front in the NPS would clearly signal the importance of these relationships.

Recommendation 2: Change wording to “Partnerships and collaboration between Mana Whenua/Tangata Whenua, landowners, communities....”

3. 1.7 Fundamental concepts (3) Maintenance of Indigenous biodiversity p.9. It will be important for local government authorities and their partners, communities and stakeholders to recognise when maintenance is not enough, taking into account cumulative impacts at all levels - local, regional, national and international. This is especially important when addressing the adverse impacts of climate change. It is almost certain because of the climate crisis the world faces, maintenance, will require restoration and enhancement to enable resilience and adaptability.

Recommendation 3: Change wording to “The maintenance of indigenous biodiversity will require a sound understanding of the cumulative impacts on the species, habitats and ecosystems affected and the requirement for restoration or enhancement of ecosystems and habitats.”

4. 1.8 Definitions -administrative boundaries p.10. There is no guidance in 1.8 d) on how “tangata boundaries of rohe” are to be defined. Is it by statutory declaration, settlement deed, whakapapa? What impact will the settlement of any future claims have?

Recommendation 4: Clarity provided on how these boundaries will be defined.

5. 1.8 Definitions – biodiversity offset p.10. There is no guidance on how “more than minor” will be measured.

Recommendation 5: Clarity provided on how more than minor residual adverse biodiversity effects will be measured.

6. 1.8 Definitions – buffer p.10. The size of a viable buffer is likely to differ for each ecosystem and their resident types of species. How will each viable buffer be measured?

Recommendation 6: Clarity provided on how to apply ecological maintenance and restoration methods, which are based on best practice and best available science and provide flexibility according to needs of ecosystems.

7. 1.8 Definitions- ecological integrity p.11. Mauri and other Māori values are important cultural measures used to determine the ecological integrity of an ecosystem.

Recommendation 7: Mauri be included as a) in this list, moving the other matters in current list to b) to d).

8. 1.8 Definitions – effects managed hierarchy p.11. Clearer and stronger policy direction is required to elevate the need to “avoid” adverse effects, the ability to consider biodiversity offset has the potential to serve as a “get of jail free” card. Stronger messages from central government and this NPS are needed in the face of the dire threats and risks to the biodiversity of Aotearoa.

Recommendation 8: A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPS and if and only if biodiversity offsetting can provide gains and no net loss then it must be implemented. Compensation as per e) should not be considered as a viable solution.

9. 1.8 Definitions – identified taonga p.12. This identification process requires adequate resourcing to enable authentic and meaningful engagement and participation in this identification process and their subsequent protection through local government policy and strategies. The NPS does not provide any information on how Hapū, Iwi, marae, Iwi Authorities and organisations and local government will be resourced to hold discussions on the protection of taonga species to ensure this process is effective.

Recommendation 9: Resourcing be made available to enable robust identification process and the development of protective mechanisms in local government planning and policy instruments.

10. 1.8 Definitions – nationally significant infrastructure p.13. For Te Tai Tokerau communities regionally and district wide significant infrastructure requires equal recognition as often our communities are denied access to nationally significant infrastructure. Additionally, digital networks are not identified as being nationally significant.

Recommendation 10: Include a clause acknowledging regionally and district wide significant infrastructure where necessary for achieving objectives of NPS. Include digital networks in definition list.

11. Policies 2 & 3 p.15. How is it possible in Policy 2 to measure if effects are “potentially significant” if science is uncertain or effects unknown. Implementing planning and policy instruments at a local authority level will struggle to implement this without further guidance. Equally for Policy 3 how can local authorities support ‘resilience’ without adequate resourcing from central government especially in areas where local economies are vulnerable or challenged.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

General Comments on the Introduction

Question 1: Do you agree a NPSIB is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Why/why not?

Position

Yes

Notes

Yes, as this will be a statutory and standardised requirement to influence the collective protection of biodiversity utilising a systematic methodology. This NPSIB will convince non-cooperative people to participate in the preservation of the biodiversity.

Question 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? Why/why not?

Position

Yes

Notes

Although outside of the jurisdiction of the Territorial Authority a holistic approach would include the coastal marine area and fresh water bodies as well as wetlands. It would combine the work of the Regional Council with that of the Territorial Authority in one action.

Question 3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?

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Position

Somewhat

Notes

The Objectives are wide enough to be interpreted and are achievable. Explanation to the Policies would be required and if Policy 7 refers to Offsetting it is not supported (further discussion comes later) Objective 2 requires a stronger emphasis. In 2020 local authorities should be implementing principles and not just taking into account. It is difficult to align the ability to consider biodiversity offsetting in the face of Objective 5, the policy direction is in-congruent. A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPSIB and if and only if biodiversity offsetting can provide gains and no net loss then it must be implemented. Compensation should not be considered as a viable solution.

Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi (pgs 23 - 30)

Overall thoughts about Section A:

Notes

We are constantly reminded by Mana Whenua that a holistic approach is the only acceptable method to implement. This contrasts with the topical way a NPS is produced. Notwithstanding the aim in Clause 3.4 of the NPSIB this is still a topical subject and the linkages with other NPSs is not clearly emphasised.

Question 4: Hutia te Rito recognises that the health and well-being of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Why/why not?

Position

Somewhat

Notes

Guidance would be useful on how pragmatically implements 3.2. Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Question 5: Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Is there anything else that should be added to reflect te ao Māori in managing indigenous biodiversity?

Position

Somewhat

Notes

Guidance would be useful on how to pragmatically implement 3.2.

Recommendation Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua

Question 6: Do you think the proposed NPSiB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?

Position

Somewhat

Notes

Guidance would be useful on how to pragmatically implement 3.2-3.4 of the NPSiB.

Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Question 7: What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain

Notes

Kaipara District Council provides a mechanism supporting kaitiakitanga with its Mana Whenua partners through a Memorandum of Understanding with Te Uri O Hau and a Mana Enhancing Agreement with Te Roroa, however greater resourcing from central government for the resourcing of research to understand the impacts on climate change on, for example, Kai Iwi Lakes and the Kaipara Moana.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

Question 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 NPSiB appropriately provides for customary use? Please explain

Position

No

Notes

Mātauranga Māori appears to be subjected to western science. It is important to be very clear about the right for these two sets of knowledge bases and world views to coexist.

Question 9: What specific information, support or resources would help to implement the provisions in this section? (Section A)

Notes

Guidance would be useful on how to pragmatically implement 3.2--3.4 of the NPSIB.

Recommendation: Resources made available by central government to enable local authorities to understand how to authentically implement Hutia Te Rito in partnership with Mana Whenua/Tangata Whenua.

Section B Identifying biodiversity and taonga (pgs 31-41)

Overall thoughts about Section B:

Notes

This is probably the most useful part of the NPSIB.

The Kaipara Operative District Plan 2013 has a chapter on Ecology and mentions Conservation areas under control of DOC as well as certain Scenic reserves under control of the Council.

The DP does allow for benefit lots created with the registration of a covenant in favour of the Council. However, the matter of the Private Property Rights are always held up as a reason why Government should not limit the free and unfettered use of a private persons property. It is expected that there will be public objection against Council identifying SNA's on Private land and the NPSIB will assist in alleviating the fear of land-grab or retaliation by destroying the proposed SNA.

We will need to ensure the Proposed District Plan identifying SNA's will take immediate effect once notified to avert damage to SNA's.

Question 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?

Notes

Presently the Kaipara Operative Plan shows some of the Ecological areas as Reserve Management Units but this is limited to Public land.

In terms of the Northland Regional Policy Statement SNA's have to be identified according to the criteria set out in an Appendix. The Northland Councils have collectively engaged Wildland Consultants to identify the SNA's.

In Kaipara, Wildlands has identified 543 SNA's and a further 89 likely sites which still have to be assessed. The cost to the Kaipara ratepayers has already been about \$130K before groundtruting or landowner consultation. It is estimated that the following stages up to a plan change might cost another \$60K which is hard to justify to the ratepayers. The criteria that Wildland used in accordance with the RPS, will probably satisfy the requirements of the NPSIB although rating of the SNA's as

'high' or 'medium' has not been undertaken. To do this will cost a further amount which is hardly justifiable and in our opinion not best science.

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

Position

A collaborative exercise between Territorial Authorities and Regional Councils

Notes

Northland Regional Council has set the criteria in the RPS and should therefore assist in the areas where the Regional Council has jurisdiction such as the CMA, rivers and wetlands. The Regional Council as overseer of the RPS should also assist when Territorial Authorities struggle. In the case of Kaipara, assistance with GIS and Oblique Aerial photography could be helpful.

Question 12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Why/why not?

Position

Yes

Notes

In Northland the principles of identification and mapping as set out in Appendix 1 of the NPSIB were followed and should address the requirements of the NPSIB. Some might dispute this and the NPSIB should state that where the SNA's have been undertaken that those will be accepted for the first round. Kaipara District Council is opposed to the 'high' and 'medium' classification in Clause 3.8(1)b as set out in Appendix 2 of the NPSIB. Classifying significance with a 'high' or 'medium' measure is not helpful. Recommendation: Classification should align with and be supported by SNA analysis based on ecological values and set criteria. The criteria in Appendix 2 are difficult to apply and open to interpretation.

Question 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) Why/why not?

Position

Yes

Notes

The provisions of Clause 3.8(2) are clear although a little autocratic but in order to do the SNA mapping and public consultation effectively it is accepted that these methods will have to be used.

Question 14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?

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Position

Combination

Notes

District Plan shows terrestrial SNA's.

Regional Plans show SNA's in the CMA as well as waterbodies and wetlands.

All resource consent applications as well as Plan Changes have to be assessed against both sets of plans and both will therefore be considered.

The question however is if the Schedule should be in the District Plan as any change would then require a Plan Change -- a shortened process by not having to use the Schedule 1 process should be allowed when circumstances warrant changes to a SNA provided that the NPSIB is adhered to.

Question 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? What do you think is a reasonable timeframe and why?

Position

Yes

Notes

Mapping in Northland took two years

Groundtruthing will take another year.

Consultation with Mana Whenua and landowners will take another year.

Six years therefore should be adequate.

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 proposed NPSIB) Why/why not?

Position

Yes

Notes

This is a practical way as long as all the participants understand the limitations.

Question 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? Why/why not?

Position

Yes

Notes

Even if an area is not a SNA the corridors between SNA's make these corridors important and therefore should be identified. However, that will be another survey with cost and a human resources requirement.

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

Notes

Funding for surveys especially if all the SNA's have to be categorised as 'medium' or 'high' as well as the corridors for highly mobile fauna. Funding for Mana Whenua engagement and studies will be required as well.

Section C: Managing adverse effects on biodiversity from activities (pgs 42-67)

Overall thoughts about Section C:

Notes

The principles are set out in Clause 3.9 and give a clear approach of the practical workings of the NPSIB.

Question 19: Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? (see Part 3.9 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

Yes, it states what the aims are and makes the management of the exceptions clear by describing the circumstances where applications can be considered and under what conditions. This will for instance allow for ecosystem services where the harvesting of indigenous vegetation planted for harvesting can be utilised. One aspect that might be included is a determination that an SNA takes effect immediately on notification so it can not be destroyed before the process is complete.

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? Why/why not?

Position

Somewhat

Notes

Kaipara District Council can accept the Effects Management hierarchy of avoiding, remedying and mitigating but has issues with the principle of 'offsetting' as well as 'compensation'. Therefore we do not support Appendix 3 or Appendix 4 of the NPSIB.

These methods may lend themselves to unethical behaviour. The Appendices already acknowledge the dangers of these methods and are considered as the last resort. 'Offsetting' or 'compensation' should not be legitimised through the NPSIB but should be guides in the assessment of a non-complying activity with the assessment against the policies of the plan and the effect on the environment.

Objective 2 requires a stronger emphasis. In 2020 local authorities should be implementing principles and not just taking into account. It is difficult to align the ability to consider biodiversity offsetting in the face of Objective 5, the policy direction is incongruent.

Section 3.9 b) water downs the imperative to avoid further adverse impacts. Clearer and stronger policy direction is required to elevate the need to "avoid" adverse effects, the ability to consider biodiversity offset has the potential to serve as a "get of jail free" card. Stronger messages from central government and this NPS are needed in the face of the dire threats and risks to the biodiversity of Aotearoa.

Recommendation: A stronger policy direction prioritising the need to avoid adverse effects is expressed throughout the NPS and if and only if biodiversity offsetting can provide gains and no net loss then it could be implemented.

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.

Notes

No- the adverse effects on indigenous biodiversity are covered. Clause 1.7(4)i). -- the ability of ecosystem services is strongly supported

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? If no, do you have an alternative suggestion? Please explain

Position

No

Notes

Kaipara District Council does not support the hierarchy of 'middle' and 'high' values. SNA's are already by definition a High form of protection and the degrading of certain SNA's to 'middle' is not warranted. Rather distinguish between 'threatened' and 'at risk' species. which is based on science rather than a biased opinion.

Question 23: Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (See part 3.9(2)-(4) of the proposed NPSIB) Why/why not?

Position

Somewhat

Notes

The distinctions are accepted, except those between 'high' and 'medium' (Appendix 2)

Recommendation: Move proviso 3.9(5) to 3.9(2)b) or it will get lost in the process

Question 24: Do you agree with the proposed definition for nationally significant infrastructure? Why/why not?

Position

Somewhat

Notes

It would be preferable that reference is made to National and Regional Significant infrastructure as the RPS for Northland allows for both Regional and National Infrastructure which was established through an Environmental Court case.

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 National Environmental Standards for Plantation Forestry? (see Part 3.10 of the NPSIB) Why/why not?

Position

Yes

Notes

In Northland through the Regional Council Monitoring system in terms of the NESPF process, biodiversity is monitored and managed with regular reporting and sharing of information amongst the forestry operators. The aim is to learn from each other rather than use the big stick. Currently cooperation is remarkable.

Question 26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the NPSIB? Why/why not?

Position

Yes

Notes

This is fair towards farmers and landowners notwithstanding that they might not agree. Continuation of existing activities might be an incentive for Council to map SNA's on those `properties. Farm development plans will also assist in the acceptance of SNA's on properties.

Question 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? Why/why not?

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Position

Yes

Notes

General vegetation clearance rules in the District Plan in the non-SNA areas are sufficient to protect those areas of indigenous habitats. Provision for covenanting and benefit subdivisions will safeguard those non-SNA areas especially the corridors between SNA's. The question is if an apron or buffer area of say 30m around a SNA should be required or that the SNA has a 'fuzzy' boundary as a transition area or should the SNA be mapped exactly and fenced with a buffer around it -- similar as for the waterways.

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? Why/why not?

Position

No

Notes

Kaipara District Council does not support these methods of 'offsetting' nor 'compensation' but if these are used it should be sequential to the activity status with compensation as the last resort.

Question 29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Why/why not?

Position

Somewhat

Notes

A holistic and integrated approach is required.. It is agreed that Clause 3.9(2)d)iii. and iv. and 3.9(3) should assist in applying Clause 3.9

Question 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? Why/why not?

Position

Yes

Notes

With climate change, the biodiversity will change and provision should be made for the maintenance of existing biodiversity such as wetlands but also for changes where the habitats adapt to the new climate situation and then the SNA's might change. Wetlands might dry out and become grassland which then is the new biodiversity and a new SNA.

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Question 31: Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

The precautionary approach is accepted but in terms of Clause 3.9 and the Policy 2 the question is how is it possible to measure if effects are “potentially significant” if science is uncertain or effects unknown?

Implementing planning and policy instruments at a local authority level will struggle to implement this without further guidance. Equally for Policy 3 how can local authorities support ‘resilience’ without adequate resourcing from central government especially in areas where local economies are vulnerable or challenged.

Recommendation: Central government consider the funding provided to local authorities to implement these policies.

Question 34: Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the proposed NPSIB? Why/why not?

Position

No

Notes

Kaipara District Council's view on 'offsetting' has been expressed above however, looking at Appendix 3, semantics of this section sends the impression western science has more authority and weight than Mātauranga Māori, whereby an action must be informed by science but only consider Māori knowledge. This is likely to lead to a tokenistic approach to partnership with Mana Whenua/Tangata Whenua and their representative kaitiaki. This will at its worse perpetuate institutional racism.

Recommendation: Change wording to “...must be a documented process informed by mātauranga Māori and best available science.”

Question 35: Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the proposed NPSIB? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation as set out in the Environment Court decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.

Position

No

Notes

Kaipara District Council's view on 'compensation' has been expressed above. Semantics of this section sends the impression western science has more authority and weight than Mātauranga Māori, whereby an action must be informed by science but only consider Māori knowledge. This is likely to lead to a tokenistic approach to partnership with Mana Whenua/Tangata Whenua and their representative kaitiaki. This will at its worse perpetuate institutional racism.

Recommendation: Change wording to "...must be a documented process informed by mātauranga Māori and best available science."

However, if biodiversity compensation were to be accepted the two principles of 'No-net-loss' and 'like for like' need to be demonstrated. The criteria from the Environment Court decision, Oceana Gold vs Otago Regional Council can be useful.

Question 36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

Position

Other - please explain

Notes

In a holistic and integrated approach and a precautionary approach a decision has to be made on the facts that are important. Biodiversity is not always the only aspect to be considered.

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

Notes

Qualified staff or consultants and heaps of funds to pay for the costs that will be inevitable in these type of decisions.

Section D: Restoration and Enhancement of biodiversity (pgs 68-76)

Overall thoughts about Section D:

Notes

This Section will be very controversial due to the effect on Private Property Rights and the effect on the day to day life of landowners.

Question 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? Why/why not?

Position

Somewhat

Notes

The first priority should be to keep what is there and then to give attention to degraded SNA's. Buffering can be used where corridors of non-SNA's are identified. This can be done by having an apron around the SNA or a distance measured from the SNA. Wetland identification and its connections needs to be undertaken by the Regional Councils clearly identifying the corridors and the buffers. Incentives are great ideas but just not affordable in the Kaipara District

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

Notes

Yes, as the agreement of the landowners will be required. It might be possible to deal with wetland protection through the Healthy waterways project but the restoration of degraded or drained wetlands will be more difficult and will have to be mapped by the Regional Council together with its corridors and buffers. This then needs to be negotiated with the landowners and incentives should be available.

Question 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? Why/why not?

Position

No

Notes

What science supports 10% measure?

Recommendation: Assessments should align with and be supported by best available science and identified ecological values and criteria rather than a generic 10% measure.

The sec 32 has the premise that funds are available see 7.11.5 Policy 11 Sec 32 P93-94. Question is also why would the Regional Council be involved in the SNA in Urban Areas as these are mainly created through benefit subdivisions rather than Open Space Reserves. If these SNA's in urban areas are identified by the Regional Councils would it not create the expectations that funding will be available for the Regional Council to establish these Urban SNA's.

One of the incentives mentioned are transferable rights which is not supported and will need an administrative system to manage the 'bank'.

Question 41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain

Notes

Although the National Strategy 2000 (and any revision) is supported to create the framework and the justification to progress to the statutory process, this should not be the function of a Strategy. The NPS

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is the statutory instrument. For the same reason one can have a Regional Biodiversity Strategy to illustrate how the National Strategy is brought down to the Region, but that would not be the statutory instrument to give effect to the NPSIB

Appendix 5 of the NPSIB is the wish list of what should be in the Regional biodiversity strategy and it would be better to include those in the Regional Policy Statement rather than a Regional Strategy. The RPS is the statutory instrument.

Question 42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Why/why not?

Position

No

Notes

A Regional Biodiversity Strategy to illustrate how the National Strategy is brought down to the Region, but that would not be the statutory instrument to give effect to the NPS. Appendix 5 of the NPSIB is the wish list of what should be in the Regional biodiversity strategy and it would be better to include those in the Regional Policy Statement rather than a Regional Strategy. The RPS is the statutory instrument.

Question 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

Notes

No, these matters should be included in the Regional Policy Statement and the Regional Pest Management Plans.

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 proposed NPSIB) Why/why not?

Position

Unsure

Notes

If a Regional Biodiversity Strategy is required it should be followed by the inclusion in the Regional Policy Statement. These can be completed within the proposed 6 year period.

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

Notes

Biodiversity strategies and Implementation Plans requires funding, technical staff and again resources to deal with incentives and/or land acquisition.

Section E; Monitoring and implementation (pgs 77-88)

Overall thoughts about Section E:

Notes

Without monitoring one will never know if the Objectives and Policies are achieved. Presently only new applications are monitored in the Kaipara District as well as complaints but the monitoring of the covenants or the PNAPs are not actively monitored. Regular State of the Environment reporting would be preferable but are not actively undertaken. Kaipara does publish the Environmental Scan on a regular basis which includes elements of biodiversity but not to the extent that would be required from the NPSIB.

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 of the proposed NPSIB) Why/why not?

Position

Yes

Notes

Monitoring is important to measure success or issues and be able to address these issues. This should be part of the monitoring of the State of the Environment and not limited to Biodiversity. Kaipara has major staff and finances shortages to undertake this monitoring and reporting but accepts that this could be a Regional function.

Question 47: Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the NPSIB. Do you agree with the requirements of this effectiveness review? Why/why not?

Position

Yes

Notes

This should be as part of the State of the Environment monitoring.

Question 48: Do you agree with the proposed additional information requirements within Assessments of Environmental Effects (AEES) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB) Why/why not?

Position

Somewhat

Notes

The requirements to be provided and/or included in the District Plan is accepted, except Clause 3.19(3)(b) or if included an undertaking is given to provide the funding to undertake the classification of 'high' and 'medium'. Provision 3.19(4) needs an explanation as it reads like an exemption or a proviso rather than a policy. Would the application of the removal trigger the requirement of a plan change or can that be achieved without going through the Schedule 1 process?

Question 49: Which option for implementation of the proposed NPSIB do you prefer? Please explain

Position

Implementation as soon as reasonably practicable - SNAs identified and mapped in five years - scheduled and notified in plans in six years

Notes

The SNA's in Northland have been identified but still need to be groundtruthed and plan changes developed.

Question 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? Why/why not?

Position

Somewhat

Notes

This is a matter of cost and availability of consultants to undertake the surveys. To undertake the identification in Northland took two years. It will be impractical to review every two years unless staff and funds are made available.

Question 51: Which of the three options to identify and map SNAs on Public Conservation Land (PCL) do you prefer? Please explain

Position

Territorial authorities identify and map all SNAs including public conservation land.

Notes

The full picture is required. Some of the public conservation land is used for productive farming or forestry which will probably not qualify as a SNA.

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

Notes

All land has to be assessed under the criteria for SNA's even if it is not conservation land.

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? Why/why not?

Position

Somewhat

Notes

Part 3.4 is not an integrated approach-- maybe in the field of biodiversity but integrated includes all aspects of life and the full ambit of the environment.

Question 54: If the proposed NPSIB is implemented, then two pieces of National Direction – the New Zealand Coastal Policy Statement (NZCPS) and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states that if there is a conflict between 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? Why/why not?

Position

Yes

Notes

The most restrictive provision will apply. In the Coastal Environment the Natural Character Area provisions will apply as well as any Outstanding Landscape and Outstanding Natural Features plus sites of significance to Maori etc.

Question 55: The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders and central government are set out in the Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain, and provide examples of costs/benefits if these proposals will affect you or your work.

Notes

From the 4SIGHT Consulting sec 32 analysis of cost and benefit it is recognised throughout the report and in 8.4 and 8.5 Summary, that the cost will mainly be on the Councils. The opportunity cost and benefit to the landowners is the topic that has to sell the implementation of the NPSIB-- which will be the hardest part. However, throughout the report 'creating certainty' to all the parties is the biggest benefit

Question 56: Do you think the proposed NPSIB should include a provision on the use of transferable development rights? Why/why not?

Position

No

Notes

Transferable rights require a council to play bank to keep track of all the credits and debits which have to be assessed against each other as this is not only a 'area by area' assessment but 'like-for-like' and a 'non-net-loss'. Transferable rights are a minefield to administer.

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

Notes

Technical assistance as Kaipara District Council will otherwise always have to rely on contracted technical experts. The cost of doing the preparation work has already shown to be disproportional with the implementation to follow. A Biodiversity contestable fund should be created to assist in developing a robust system especially for local authorities with a small rates base.

Question 58: What support in general would you require to implement the proposed NPSIB? Please detail.

Position

All of the above

Notes

Kaipara District Council does not have the in-house expertise to deal with all the technical aspects and has to rely on consultants for much of the technical evidence. Kaipara also has a small rates base and to be in play with the larger neighbours need financial assistance to deliver comparable plans and in accordance with the National Planning Standards.

Overall thoughts about Section F:

Notes

The hierarchy of planning in New Zealand is clearly defined with Non-statutory Strategies and Statutory National Policy Statements and National Environmental Standards to ensure implementation via Regulations. It is accepted that the NPS's NES's and even the Strategies will evolve depending on the requirements of the day.

Question 59: Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?

Position

Yes

Notes

Everybody has asked for more National Guidance and now that this is coming it is difficult to keep up with the changes that have to be made to the local District Plans. The Planning Standards can

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hyperlink to the relevant NPS or NES or Government Strategy. However, where necessary the Planning Standard has to be updated with new requirements as the NPS's require new standards to be incorporated. The Planning Standards should however not be the technical background document - that remains the realm of the NPS or NES. The Standard is the 'what' and the NPS is the 'how' as well as the 'why'. The various plans District Plan and Regional plans are the 'where' and some of the 'how'

Question 60: Do you think there are potential areas of tension or confusion between the proposed NPSIB and other National Direction? Why/why not?

Position

No

Notes

We do not think that there is confusion. The discussion documents clearly identify contact points and accepts that where conflict may arise in the implementation which document takes precedent or what changes should be made to various other NPS's or NES's.

It is trusted that the review of the RMA may even align other legislation such as Transport and Mineral extraction.

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? Why/why not?

Position

Yes

Notes

This is a regional matter but the legislation do align and are implemented through the Pest Management Plans in a coordinated fashion.

Question 62: Do you have any other comments you wish to make?

Notes

This is a necessary but very costly exercise and ongoing support is required especially for the smaller local authorities.

Question 63: If you don't want part, or all, of your submission to be published online, describe the parts you wish to be withheld here and the reasons for withholding.

Notes

The submission is subject to Council approval as this matter is not delegated to staff.

Paul Waanders

