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13 March 2020

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JOINT SUBMISSION FROM HAWKE'S BAY REGIONAL COUNCIL, NAPIER CITY COUNCIL, CENTRAL HAWKE'S BAY DISTRICT COUNCIL AND HASTINGS DISTRICT COUNCIL

Thank you for the opportunity to comment on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB). This is a joint submission made on behalf of the four councils named above (the Councils). Due to timing of these discussion documents' release relative to council meeting schedules, this submission has been approved by the Councils' respective Chief Executives rather than the elected councillors. It is however, firmly based on the Councils' adopted strategic objectives, policies and statutory plans.

Our feedback is attached to this letter, including context, general comments and responses to the consultation questions included in He Kura Koiora i Hokia. The Councils' collective feedback particularly highlights issues around:

- The prioritisation and staging of outcomes within the policy statement
- The resourcing required to effectively implement the NPSIB, especially for Councils with small rating bases
- The lack of interim guidance for areas where an SNA assessment has not yet been undertaken and may take some time to complete
- Clarity regarding the expectations of successful implementation.

It should be noted that the Councils are also supportive of the submission by Local Government New Zealand.

The Councils look forward to working with the Government on making our region even more sustainable. For any clarification of points within this submission please contact Ellen Robotham, Policy Planner Hawke's Bay Regional Council in the first instance ellen.robatham@hbrc.govt.nz.

Nāku, nā

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Joint Submission on the NPSIB

Submitters: Hawke's Bay Regional Council, Hastings District Council, Napier City Council, Central Hawke's Bay District Council

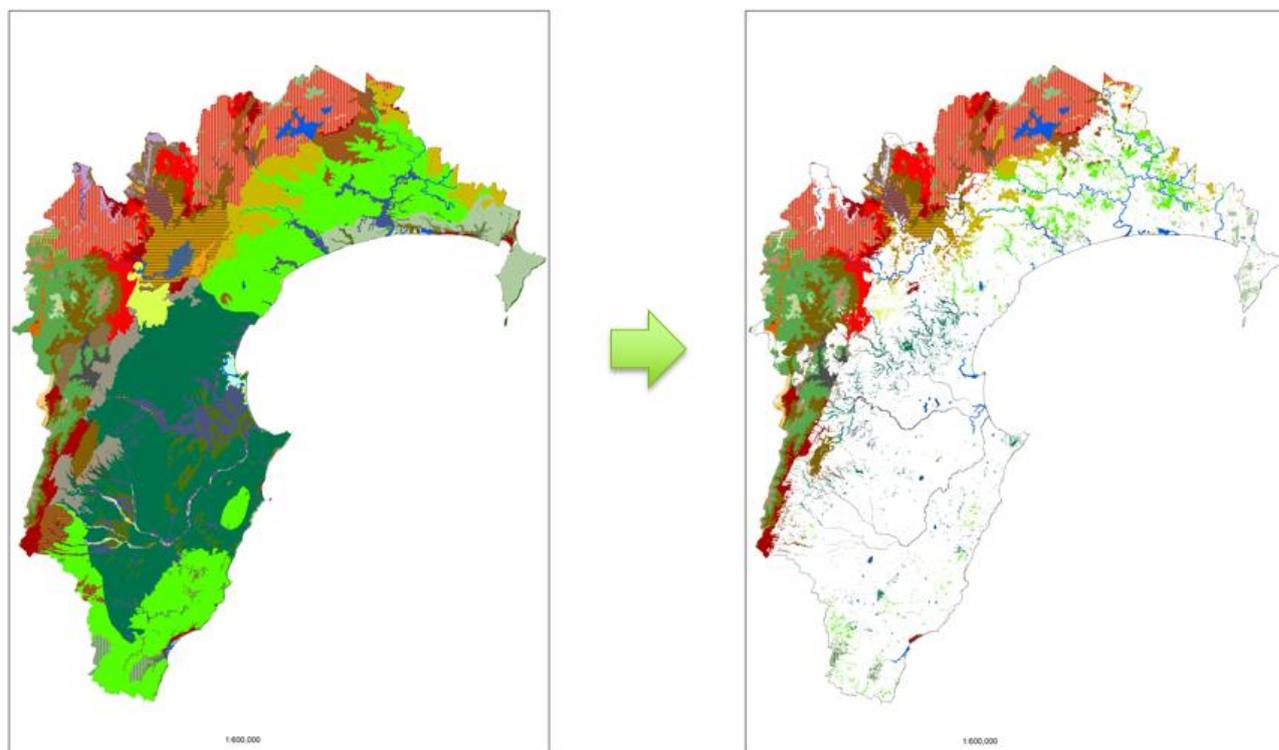
Introduction

1. The Hawke's Bay Council's recognise the importance of indigenous biodiversity, not only for the health of our environment, but for the wellbeing of our people. We also know that our indigenous biodiversity is in decline after centuries of human interaction, use and development and that significant change is required to alter this trend.
2. Accordingly, there is support for the intent of the NPSIB, but this submission seeks amendments and clarifications to ensure that the resulting NPSIB is focussed and implementable.

Context

3. Despite extensive modification due to forest clearance, wetland drainage, engineering of waterways and reclamation of coastal margins, Hawke's Bay contains a great diversity of landscapes, habitats, plants, animals, and areas of high natural and historic value.
4. The mountain ranges in the north and west contain the sizeable remnants of natural vegetation. The rolling hill country has a number of significant, although not large, remnants, while further east on the plains, such areas are small and scattered. Most of the fertile and accessible land has been converted to agriculture and horticulture.
5. Hawke's Bay region has approximately 497,000 ha of indigenous ecosystem areas remaining today. 22 of the 59 ecosystem types in Hawke's Bay are threatened. The region's ecosystems are vulnerable to a range of threats, particularly ongoing habitat loss and modification of the landscape, invasive introduced species predation, and urban development.

Figure 1: Indigenous cover before and after human arrival



Potential (pre-human) extent of 61 terrestrial ecosystem types

Current extent of 59 ecosystem types

Hawke's Bay Biodiversity Strategy and Action Plan

6. The Hawke's Bay Biodiversity Strategy 2015-2050 was developed collaboratively by a large number of people, community and environmental groups, businesses, agencies and councils. The Strategy is not a regulatory document, but a guide to inform our community in their biodiversity efforts. While it is voluntary to participate in the initiatives proposed, the organisations and communities involved are committed to improving biodiversity. The Strategy offers an opportunity and an invitation to everybody to participate.
7. The five objectives of the Strategy are:
 - We will sustain, protect and improve native habitats and the ecosystem services they provide.
 - We will sustain, protect, and improve populations of native species.
 - We will recognise indigenous biodiversity as a taonga to be protected for future generations.
 - We will collaborate effectively, align programmes and share responsibilities to achieve biodiversity outcomes.
 - We will support education, engagement, care for the environment 'kaitiakitanga', and actively connect our community through biodiversity programmes.
8. All objectives start with 'we' to reflect the strong community ownership of this strategy, and that biodiversity gains will not be met without human intervention and everybody working together.
9. The Biodiversity Hawke's Bay Action Plan 2017-2020 is a companion document to the Strategy. It sets out how, by working together, we begin to implement the ambitious goals of the Strategy. The six top priority actions are:
 - Ecosystem mapping and ecological prioritisation so we know where we should be putting our efforts first.
 - Development of a cultural framework to identify, map and assess the condition of taonga biodiversity sites using Mātauranga Māori values and tools.
 - Establish the Hawke's Bay Biodiversity Foundation (the leadership board with the legal infrastructure to raise funds) and the Biodiversity Guardians (for anybody to become a member and be involved in saving Hawke's Bay's indigenous biodiversity).
 - Develop a group of statutory agencies with biodiversity functions to work in partnership to coordinate policy and operational best practice.
 - Establish a Biodiversity Forum as a central place to share and connect into all the biodiversity activity in Hawke's Bay.
 - Develop a process for proactive engagement of landowners in achieving biodiversity outcomes on privately owned land.
10. Territorial Authorities were vital partners in the development of the Biodiversity Strategy and Action Plan, and have core responsibilities to actively improve the region's biodiversity.

Current indigenous biodiversity management by Hawke's Bay Councils

11. Each Council within Hawke's Bay is at a different stage in their identification and protection of Significant Natural Areas. Beyond SNA's, there is much variance in the way indigenous biodiversity is provided for in each district.

Central Hawke's Bay District Council

12. CHBDC has recently completed a district wide assessment of SNA's. This includes reviewing the boundaries of existing SNAs and mapping new sites. This assessment has been undertaken as part of the District Plan Review and has also included three stakeholder meetings across the district to meet with property owners who have potential SNAs on their land. The cost of this exercise to

Council is \$62,000 as a direct cost to the District Plan Review. This amount does not reflect costs of the Schedule 1 process, and does not include any appeals.

13. The review undertaken by Council indicates that indigenous flora and fauna has increased in the District from 7% coverage to 10% coverage.
14. Central Hawke's Bay District Council is also a member of the Hawke's Bay Biodiversity Strategy and allocates \$10,000 per annum to support this regional project.

Napier City Council

15. NCC have recently completed an SNA mapping exercise and are currently undertaking landowner consultation. The cost of \$40,000 has been incorporated into the funding of a full District Plan Review, however, this does not factor in the costs of a Schedule 1 process or any appeals. The affordability of this exercise is due to the small land area and relatively large rating population, with a population of 65,000 across the city's 105km².
16. As a result of their District Plan Review, NCC are consulting with the community on a goal of increasing indigenous vegetation cover within Napier to 10%.
17. In addition to SNA identification, Napier City Council is involved in a number of initiatives that promote the protection of indigenous biodiversity:
 - The District Plan outcome of a regional park at Ahuriri Estuary which is looking to rezone rural land for the purpose of estuary restoration and stormwater treatment.
 - The funding of community biodiversity projects through the NCC community development fund
 - A number of on-going, community-led native planting partnerships on Council Reserve land
 - Hawke's Bay Urban Pest Control (HuB) in collaboration with HBRC
18. Napier City Council has a budget of \$80,000 annually for native planting with the opportunity for additional funding for specific biodiversity related projects through LTP processes.

Hastings District Council

19. The Hastings District Plan recognises and provides for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna. The Department of Conservation identified 58 Recommended Areas for Protection (RAP) within the Hastings District under the Protected Natural Areas Programme in the 1980s and 1990s. These areas are representative of indigenous flora and fauna, distinctive ecosystems and landscape within each of the 'Ecological Districts'. RAP sites are selected based on criteria such as rarity, diversity, representativeness, naturalness, size, fragility and significance. These RAP areas are mapped and form part of the District Plan. However the Council is aware that the accuracy of these areas both in terms of their location and their attributes cannot be guaranteed. The National Policy Statement will result in the need for a significant ground truthing exercise, which given the number of RAP's and their dispersed extent will involve considerable financial resources.
20. Many significant ecological areas within the Hastings District are already in the ownership of the Crown and managed by the Department of Conservation and are therefore legally or physically protected by way of conservation areas, reserves or forest parks. Of the remaining remnant native forest areas and wetlands on private property, many do not have legal or physical protection. There is therefore little certainty for protection for these relatively few remaining significant natural areas.
21. Hastings District Council is also a member of the Hawke's Bay Biodiversity Strategy and has allocated \$35,000 for each of the next three years to support this regional project.

The District

22. The Hastings District comprises the main urban centres of Hastings, Havelock North, Flaxmere and Clive, as well as numerous rural service and coastal settlements, and a large number of marae. Hastings District has a population of 85,000 at present, up 10.5% from 2013 when it was 76,158.
23. Tangata Whenua have cultural, spiritual, historic and traditional association with, and customary

rights to the land and resources of the Hastings District. The District has an extensive history of ancestral settlement, particularly in the former wetlands, waterways and coastal areas where food resources were abundant and extensive cultivations flourished. In pre-European times Ngati Kahungunu were renowned for the abundance of their food gathering and cultivation. Tangata Whenua have specific interests in and responsibility for the integrity of the District's natural environment.

24. The land use pattern of Hastings is dominated by three major elements, rural, plains and urban, with some 2,500ha in urban use, 26,000ha in Plains, and 470,000ha in rural. The majority of land within the Hastings District is under freehold ownership and in rural use. Crown owned land is restricted essentially to the ranges in the west, as forest parks administered by the Department of Conservation. Maori owned land is scattered throughout the Hastings District in small land parcels, with the majority of larger areas concentrated in the north of the District.
25. The rural area contains significant resources for the community. While traditionally oriented towards land based primary production, there has been diversification into forestry, viticulture and other primary land uses. The Heretaunga Plains, covering 5% of the Hastings District, includes some of the most fertile soils in New Zealand, and contains a large aquifer. These resources combined with the favourable climate make this area ideal for many horticultural, viticulture and agricultural uses. Orchardng and cropping are the most predominant activities on the Heretaunga Plains.

Hawke's Bay Regional Council

26. HBRC has adopted an ecosystem-based management approach. This involves maintaining and restoring a full range of remaining habitats and ecosystems as a means of conserving species, diversity and processes within them. By focussing on ecosystems, we should maintain viable populations of indigenous species across their natural range.
24. It is unrealistic to aim for protecting and restoring all of the remaining indigenous habitats and ecosystems immediately, in terms of the time and resources needed to do so. HBRC are prioritising sites across Hawke's Bay which best reflect full representation. This same framework is being implemented across many regional councils across New Zealand.
25. HBRC is a strong supporter of the Hawke's Bay Biodiversity Strategy and Action Plan, with the CE sitting on the Foundation and two staff sitting on the Guardians Management Committee. It is also contributing \$450,000 towards the operating costs and \$600,000 into the endowment fund over the current Long Term Plan.
26. Other HBRC projects which focus on or have co-benefits for indigenous biodiversity include:
 - Administering the Regional Pest Management Plan
 - Predator Free Hawke's Bay
 - Hawke's Bay Hotspot fund
 - Regional parks native planting and restoration programme
 - Engineering Regional Environmental and Enhancement Plan
 - Erosion Control Scheme.

Conclusion

27. In conclusion, Hawke's Bay councils are in support of the intention of the NPS, particularly where it supports the work we are already doing towards Biodiversity. Our main concerns focus around:
 - the directive nature of the NPS that is at risk of undermining the community driven approach taken in our Regional Biodiversity Strategy;
 - the variance between Councils and their respective costs and resourcing required to implement the NPS;
 - the prioritisation and staging of the NPS outcomes
28. We seek further clarity and support on these matters to ensure successful implementation. Specific comments in relation to the engagement questions are attached.

Comments on National Policy Statement for Indigenous Biodiversity

Question	Comment/response
<p>Q1. 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?</p>	<p>Council's recognise the decline of Indigenous Biodiversity in New Zealand and support the intent of the NPSIB.</p> <p>We recognise that Section 6c has had varying interpretations and appreciate clear direction on how we can maintain indigenous biodiversity. Consistency across Councils is important as it makes introducing regulation easier.</p>
<p>Q2. The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no, why/why not?</p>	<p>We support the focus on the terrestrial environment and do not support further expansion to include freshwater or coastal marine environments at this time. Focussing on the terrestrial environment is a helpful way to prioritise indigenous biodiversity work and manage workloads.</p> <p>We request great clarity about the cross-over between the NPSIB and NPSFM, particularly in relation to the management of wetlands.</p>
<p>Q3. Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)</p>	<p>We support the purpose and first objective of the NPSIB, to maintain indigenous biodiversity.</p> <p>Further clarity is required regarding the relationship of Objective 1 with Objective 5. The NPSIB could be clearer that in order to 'maintain' a certain amount of restoration and enhancement will be required, however, Objective 5 sets an expectation for Councils to go beyond halting decline and maintaining remaining indigenous biodiversity. Although restoration, enhancement and increasing indigenous biodiversity is an important long term goal, we cannot do it all at once. We recommend clarifying that any improvement works are secondary and to be staged, with maintenance taking primary priority. These comments are reflected in regards to Clauses 3.16 and 3.17.</p> <p>We support the intent of Objective 6 to encourage the active contribution of landowners, communities and tangata whenua. The proposed NPSIB places the majority of implementation responsibilities on TLAs, and does not devolve any power or responsibilities to communities. Our communities are capable and knowledgeable, we fear that highly regulating the management of indigenous biodiversity may have unintended consequences of stifling innovation and undermining ownership</p> <p>The sub-clauses to Objective 6 describe non-regulatory approaches which are more appropriately included in a policy than an objective. These sub-clauses should be removed. Such commitments, which lack any additional implementation explanation, may stretch council resources in ways that don't directly support achieving biodiversity outcomes. Council's would be better placed to work with tangata whenua, landowners, communities, the people on the ground, to determine how best they can work together to support kaitiakitanga and stewardship.</p>
<p>Q4. Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? Why/why not?</p>	<p>We support in principle the retention of Hutia te Rito as an underlying concept of the NPSIB. We believe that the Hawke's Bay Biodiversity Strategy has already been developed taking Hutia Te Rito into consideration.</p>
<p>Q5. Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?</p>	<p>Clauses 1.7(1) and 3.2 of the proposed NPSIB do not give effect to Hutia te Rito and the expectations of implementation as described in the Discussion Document. It is not clear in the proposed NPS that Clause 3.3 and the 'centrality of mātauranga' are essential to the implementation of Hutia te Rito. This may lead to unintended consequences of varying understanding and expectations of what implementation will look like in practice.</p> <p>The Discussion Document refers to Hutia te Rito as an "overarching reference point for decision makers" and a "fundamental concept". This description sounds more like a lens for interpreting and managing indigenous biodiversity, than a discrete matter to be provided for as with RMA Section 6 matters. The NPSFM, in regards to Te Mana o Te Wai, uses "give effect to" and also links engagement with tangata whenua to part of giving effect to Mana o Te Wai. We suggest "give effect to" is more appropriate and assists the understanding that all other implementation requirements are part of giving effect to Hutia te Rito.</p>
<p>Q7. 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.</p>	<p>Hawke's Bay's population is approximately one quarter Maori and there are multiple iwi and Post-Settlement Governance Entities with overlapping Areas of Interest. Every iwi authority is at a different stage in their settlement and have different resourcing requirements. We recognise that Councils are not the only organisations wanting to engage with iwi/hapū, and that indigenous biodiversity is not the only issue or perhaps the top priority for some iwi/hapū. For some tangata whenua in Hawke's Bay, this could result in three or more Council's seeking their time and input into various documents, and that tangata whenua may need support to take up a greater consultation burden. There are nine marae in Central Hawke's Bay District who meet monthly at the Taiwhenua offices. CHBDC does not have an iwi liaison role and the requirement to work with tangata whenua when managing indigenous biodiversity will place more strain on limited resources within Council and also within Tamatea O Taiwhenua.</p> <p>It is unclear how the consultation referenced in Clause 3.3(1) is distinct from Schedule 1 processes. More specific guidance around what is expected would be useful, including whether Council's are to engage with tangata whenua through iwi authorities, as in the Schedule 1 process.</p> <p>The term "collaborate", used in Clause 3.3(1)(b) is undefined in legislation or case law. The term may set a high expectation for co-governance or other engagement beyond Schedule 1. It is also unclear where any costs would lie in this collaboration process. We suggest aligning wording with the Draft NPSFM 2019 to engagement with tangata whenua.</p> <p>The establishment of a process for identifying taonga as established in Clause 3.14 sounds best suited for inclusion in Mana Whakahono a Rohe with each</p>

	<p>iwi/hapū. It would likely be inappropriate to assume a blanket approach for all tangata whenua. In Hawke's Bay, there are currently no Mana Whakahono a Rohe, although NCC are in the process of setting up structural arrangements for working with mana whenua, including funding solutions. Without Mana Whakahono a Rohe or alternative structural arrangements in place for the whole district and each group representing tangata whenua, consistency may be difficult especially with many hapu having an interest in land areas that are overlapping.</p> <p>We strongly support the intent of this provision however significant resourcing is required to meaningfully deliver this action. The Hawke's Bay Biodiversity Action Plan already includes identifying taonga species habitats as a priority action however tangata whenua have representatives acknowledged the difficulties in undertaking this work. A single framework for identification doesn't fit all tangata whenua, let alone all species types. Experience has also showed us that engaging with hapū is the only way to meaningfully and consistently achieve outcomes. The resources required to meaningfully engage with all hapū across Hawke's Bay who likely have their own taonga species has limited the ability to deliver this action.</p>
Q9. What specific information, support or resources would help you implement the provisions in this section (section A)?	Clarity regarding how Clause 3.3(1) engagement differs from Schedule 1 processes and whether Council's are to engage with tangata whenua through iwi authorities, as in the Schedule 1 process.
Q10. Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?	<p>Napier City Council have recently undertaken mapping and are currently going through landowner consultation using the Schedule 1 criteria. The cost of \$40,000 was incorporated into funding of the full District Plan review. The affordability was relative to the small size of Napier City. Costs of any appeals have not been factored in and the Schedule 2 assessment of high/medium has not yet been undertaken.</p> <p>Central Hawke's Bay District Council has recently undertaken a desktop evaluation of existing and potential SNAs within the district. This evaluation has been supported by ground-truthing where landowners have requested the consulting ecologist to undertake a site visit. To date the evaluation has cost \$62,000. The review is still in a draft stage so these costs do not reflect the Schedule 1 process which is anticipated to be undertaken in early 2021.</p> <p>Hastings District Council has over 58 existing Recommended Areas of Protection. These need to be ground truthed, tested under the Criteria in Appendix 1 of the NPS, and accurately identified from a GIS perspective, as well as the identification of any additional areas through the Hutia te Rito construct. The large territorial areas to cover and the number of landowners involved will result in costs into the hundreds of thousands of dollars.</p>
Q11. 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.	<p>A collaborative approach to identifying SNAs is best to avoid duplication and differing outcomes.</p> <p>It is assumed that land use, sub-division and development present the largest risk to indigenous biodiversity. District Plans manage land use activities and are therefore the most appropriate place to lead SNA mapping and house SNA schedules. Such process should be supported by regional councils, crown research institutes etc., through in-kind support to be determined at the local scale. Ideally there should be policy at the regional level to ensure that district plans have the support of Regional Policy Statements.</p>
Q14. 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.	<p>It is assumed that land use, sub-division and development present the largest risk to terrestrial indigenous biodiversity. District Plans manage land use activities and are therefore the most appropriate place to house SNA schedules. We also assume that any resource consent applications relating to Regional Council functions would likely require some sort of complimentary land use consent which would trigger SNA considerations (e.g. earthworks related to drilling of a new bore).</p> <p>We seek clarification why connectivity opportunities should be identified by territorial authorities but mapped in RPSs (Clause 3.16(1) and (2)). We suggest TLAs might work together to find an appropriate location for mapping, whether in the District Plan, Biodiversity Strategy, or another standalone plan agreed to by the relevant TLAs.</p>
Q15. 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?	<p>Each of the districts within Hawke's Bay are at varying stages of mapping their SNAs which will impact their ability to meet the timeframe. NCC and CHBDC have recently completed their analysis while HDC are yet to undertake such an analysis. We are concerned the limited number of ecologists with experience to undertake SNA analysis will not be able to service all TLAs who are still to map their SNAs and are expected to meet the same timeframe.</p> <p>We suggest central government provide funding towards costs of identifying and mapping SNAs, particularly for Council's with small rating bases and potentially large areas of SNAs.</p> <p>We support the LGNZ suggestion for a priority-based, staged implementation approach.</p> <p>Members of the Hastings District Council Rural Community Board have commented that the success of this strategy will largely hinge on the support of the rural community. This is a community that has been subjected to a considerable amount of policy change over recent times. The ability to spend time with the community and discuss the best means of increasing biodiversity and environmental improvement will be the measure of success of this policy statement and 5 years is considered to be too short a time period. They suggest that this issue is likely to be inter-generational.</p> <p>The one year timeframe to achieve the scheduling of the SNAs into the district plan is not realistic and should be extended to 18 months especially if there has been insufficient time for the rural community to accept ownership of the policy.</p>
Q16. 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) Yes/no?	We support the provision, however note there is a potential clash between species which have negative impacts on indigenous biodiversity that may be identified as taonga, for example feral pigs, deer and kiore (rats). Therefore the provision needs to ensure that customary use is contributing to the maintenance and enhancement of indigenous biodiversity and not having an adverse effect. We suggest amending the definition of taonga species to indigenous species only, or to insert a clause which excludes introduced taonga from the same level of protection as indigenous species to reflect that this NPS prioritises indigenous

<p><i>Why/why not?</i></p>	<p>biodiversity.</p> <p>It is unclear whether taonga species and ecosystems identified outside of SNAs should also be managed under Clause 3.13.</p> <p>Clauses 3.3 and 3.14 do not restrict the locations where taonga may be identified. Clause 3.14 specifies that local authorities must manage them. Council's must manage taonga "as necessary to protect" which could establish an expectation to avoid any subdivision, use or development which may affect taonga. Given taonga may be identified on private land, such an interpretation would be overly restrictive on landowners, even more so than the management regime under Clause 3.9. Careful consideration needs to be given to setting in place a process for considering the effects of taonga on landowners.</p> <p>We recommend that Clause 3.14(5)(a) is amended to: "manage them as necessary to protect the taonga and their values <u>in accordance with clause 3.13.</u></p> <p>We recommend that Clause 3.7(b) is amended to clarify that the identification of indigenous taonga does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits, as per the following: "that the maintenance of indigenous biodiversity <u>and taonga species</u> does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits".</p>
<p><i>Q17. Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?</i></p>	<p>Councils are not the only organisation with management duties for highly mobile fauna. The Department of Conservation's expertise would be central for effective implementation and management. We request further guidance around who is responsible for, and pays for, work in this area.</p> <p>While we support the intent to protect highly mobile species, we are concerned that Clause 3.15 undermines DOC responsibilities and that Territorial Local Authorities do not have the expertise or knowledge to effectively implement the NPS and manage highly mobile fauna. We suggest that DoC are better placed to lead understanding, surveying and recording of highly mobile species' movements and distributions, and developing information on managing effects. There is potential for local authorities to manage effects through consent applications in a generic way, for example through resource consent application processes. We recommend removing the mandatory functions of council's in relation to highly mobile fauna.</p>
<p><i>Q19. Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)</i></p>	<p>Yes, however policy is only one tool for protection which can be constrained by the effectiveness of the resource consent framework and the ever present challenge of compliance, enforcement and monitoring. It is essential that there are also central government grants available to support land occupier and territorial authorities to undertake protection works.</p> <p>How protection is to be implemented on the ground remains down to interpretation. It is unclear whether SNA protection requires land owners and occupiers to fence and undertake pest control or whether such activities are at the discretion of territorial authorities to undertake. If consistency is a desired outcome of the NPS, guidance needs to be clearer.</p> <p>We also note there is also a policy gap relating to the interim management of indigenous biodiversity where an SNA assessment has not yet been undertaken, where SNAs have not been identified but indigenous biodiversity still exists, and proxies (such as Recommended Areas for Protection) are not included in policy statements or plans. Noting the potential constraint on ecologists, there may be some time before all councils are able to access experts or undertake SNA assessments, or councils are able to implement policy changes aligned with Clause 3.13(1)(c) which specify when, how and where SNA assessments should be undertaken outside of existing SNAs. We recommend policy writers consider this gaps and provide for interim measures and targeted support, especially for Council's with small rating bases and potentially high proportions of SNAs.</p>
<p><i>Q20. 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?</i></p>	<p>In general we agree with effects management hierarchy. However, we suggest that if maintenance, i.e. halting the decline of biodiversity, is the true purpose of the NPSIB, we caution the use of compensation as it almost always results in loss. Offsetting and compensation options have to be assessed very stringently.</p>
<p><i>General comments</i></p>	<p>We support the intent for Clause 3.7. It supports Hutia Te Rito and an understanding that people and communities are essential ingredients in the maintenance and enhancement of indigenous biodiversity.</p>
<p><i>Q22. 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?</i></p>	<p>Yes. It provides more clarity for the protection of SNAs, however, there is the difficulty of this exercise and related resourcing costs may vary council-to-council, particularly for councils which have already undertaken the SNA mapping exercise compared to those who have not, or have used other criteria. Clarification is also required whether a Schedule 2 analysis can be undertaken in-house or experts are again required to re-do an assessment.</p>
<p><i>Q24. Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?</i></p>	<p>The definition should be expanded to include:</p> <ul style="list-style-type: none"> • flood control and drainage infrastructure • water storage facilities and pipelines • transport navigation aids (maritime and air). <p>Some of this infrastructure is required to carry out other duties under the RMA or other legislation, such as the Soil Conservation and Rivers Control Act. This infrastructure is not only locally significant, for example, water supply storage and pipelines for Auckland and Wellington could be considered nationally significant.</p>

<p>Q25. Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? Why/why not?</p>	<p>The current NESPF allows for up to a hectare of SNA/Indigenous Biodiversity habitat to be destroyed. In Hawke's Bay these small remnants are vitally important given there is very little left. These remnants are generally listed as acutely or chronically threatened and act as small reservoirs for these ecosystem types. Many forestry blocks were planted without careful consideration of how they would minimise impacts on SNAs during harvest. The >1ha damaged in accordance with the NESPF may be the best of a large SNA, may wipe out an entire SNA, or over several forestry rotations lead to the gradual destruction of the SNA. It is recommended that all high level SNAs within plantation forestry should be subject to the rules in the NPSIB.</p>
<p>Q26. Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?</p>	<p>In general, we support the inclusion of guidance on how to allow for existing activities within SNAs but note the following specific issues.</p> <p>The expectation of 3.12(3)(a) that TLAs must not allow any loss or degradation of any SNA has implications beyond scope of an NPS/RMA planning documents. RMA documents can only account for direct human activities and their effects. Even with human factors completely controlled, an SNA may be degraded by non-direct causes such as pests.</p> <p>Clause 3.12(3)(b) assumes all councils have already undertaken SNA assessments and there will be no implementation lag. For areas already in decline, it would take some time to halt that decline followed by enhancement works to return the SNA to the level at the time of commencement. We suggest that this would require significant input from an ecologist to work out the rate of decline and the level of enhancement required to get it back to its state at the time of commencement. It also raises questions as to who pays for this enhancement.</p> <p>Clause 3.12(3)(b) may also result in claw backs on existing uses approved after commencement date but before RPS or Plan changes are notified. An example could be a resource consent for aggregate extraction which has not yet been fully realised. Options for applying the effects management hierarchy would not be part of those consent requirements.</p> <p>We support NPS provisions relating to manuka/kanuka but note that they contradict the definition of maintenance. Clause 3.12(4) identifies that local authorities must ensure that their plans recognise the periodic clearance of indigenous vegetation where it has been part of a regular cycle and doesn't compromise SNA's or the maintenance of indigenous biodiversity. This will be difficult to allow as the definition of "maintenance of indigenous biodiversity" does not allow any reduction of the size of indigenous species which would include manuka and kanuka. This needs further clarification.</p>
<p>Q27. Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?</p>	<p>We do not support 3.13(2) if it is meant to be in relation to locally significant natural areas. NCC have mapped local scale SNA's and we are concerned that the threat of potential regulation on local SNAs would discourage landowners planting their land in natives. Councils can establish through our own policies the steps we will take to maintain indigenous biodiversity outside of SNA.</p>
<p>Q28. 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?</p>	<p>Compensation is largely unquantifiable, so it is unlikely that compensation can be an alternative to offsetting (offsetting should be quantifiable). If the purpose of the NPSIB really is maintenance, i.e. no reduction in indigenous biodiversity, anything which results in loss is unacceptable.</p>
<p>Q29. Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?</p>	<p>We recommend that Clause 3.7(b) is amended to clarify that the identification of indigenous taonga does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits (see response for Q7).</p>
<p>Q30. Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?</p>	<p>Section 3.5(a) requires greater clarity. It is unclear whether 'natural adjustments' means direct intervention or assisting the natural processes.</p> <p>Maintaining and promoting the enhancement of the connectivity between ecosystems under Section 3.5(c) will require a whole new tranche of work. Given the large level of resourcing just to get the SNA's identified and mapped, it is suggested that this should be a phase of work that is required further down the track.</p>
<p>Q31. Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?</p>	<p>We support the inclusion of a precautionary approach but seek amendment to recognise that local authorities are not the only decision makers under the RMA. This provision should be widened in scope to include WCO tribunals, hearings panels, Environment Courts etc. to ensure local government decisions are supported at all levels of RMA decision making.</p> <p>We recommend amending Clause 3.6: "<u>RMA decision makers</u> Local authorities must adopt a precautionary approach..."</p>
<p>Q34. Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the NPSIB? Yes/no? Why/why not?</p>	<p>Offsetting should be a policy option for local authorities to determine, in alignment with "Biodiversity Offsetting under the Resource Management Act", Sept 2018, Maseyk et al, prepared for Biodiversity Working Group.</p>
<p>Q35. Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB? 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.</p>	<p>If the purpose of the NPSIB really is maintenance, i.e. no reduction in indigenous biodiversity, anything which results in loss is unacceptable.</p>

<p>Q38. <i>The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?</i></p>	<p>We support the intent behind promoting restoration and enhancement in Clause 3.16 (and increasing vegetation cover in Clause 3.17) but note that the first priority of the NPSIB is maintenance. The use of 'must' in Clauses 3.16 and 3.17 sets improvements as a priority equal to maintenance works. Most, if not all, SNAs in Hawke's Bay would fit into at least one of Clause 3.16(1)(a)-(d), especially the degraded SNA category. HBRC are prioritising indigenous biodiversity investment according to sites which best reflect full representation of ecosystem types as a more meaningful way of ensuring funding is efficiently targeted. We recommend clarifying a staged approach, that restoration and enhancement works are to occur <i>after</i> maintenance, at the discretion of local authorities.</p> <p>Clause 3.16 also seems to clash contradict with Clause 3.17. It is unclear how increasing vegetation cover would be reconciled with a focus on only improving the integrity of existing SNA's. We recommend allowing councils discretion to determine their own improvement priorities, whether increasing vegetation cover or enhancing and restoring existing SNAs.</p> <p>We also request clarification regarding the tools to deliver restoration and enhancement. NPS's can't direct funding so other tools which might support enhancement would be helpful. For example, by providing standard methods for mapping connectivity areas, if one exists.</p>
<p>Q40. <i>Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?</i></p>	<p>As mentioned in response to Q38, the wording 'must' creates a requirement to improve equal to maintenance. We recommend clarifying that any improvement is secondary to maintenance and allow councils discretion to determine their own improvement priorities.</p>
<p>Q41. <i>Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain.</i></p>	<p>We support requiring regions to develop strategies, but we do not support the mandatory nature and level of prescription in Appendix 5. Appendix 5 essentially establishes regional strategies as an action plan for delivering the NPSIB. The New Zealand Biodiversity Strategy is non-statutory so it is unclear why regional strategies would be statutory.</p> <p>The Hawke's Bay community have already developed a biodiversity strategy to drive maintenance and improvement. We would not want a centrally directed strategy to undermine the relationships built and community ownership of that strategy. Refer to paragraphs 6-11 for further context regarding Hawke's Bay's Biodiversity Strategy and Action Plan.</p> <p>We support the inclusion of Clause 3.18(3)(a) which recognises some regions already have strategies, however, we recommend removing the requirement for plans to be made in accordance with Appendix 5. Appendix 5 could be included as suggested content in guidance material.</p>
<p>Q42. <i>Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not?</i></p>	<p>There is potential for more flexibility in the structure of regional biodiversity plans. As with Q41, we suggest Appendix 5 is more appropriate as suggested content included in guidance material.</p>
<p>Q43. <i>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.</i></p>	<p>An effective regional biodiversity strategy would promote broader outcomes, however, these outcomes are beyond the scope of an NPS. Pest control occurs under Local Government Act funding and it would be inappropriate for an NPS to direct council's funding decisions. This is another benefit of making Appendix 5 suggested content and allowing communities to have greater ownership of their regional biodiversity strategies.</p>
<p>Q46. <i>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?</i></p>	<p>We recommend Clause 3.20(2)(d) is reworded to focus on using mātauranga Maori where there is agreement of tangata whenua, rather than a requirement to "use equally". There may be occasions where reliance one form of knowledge is more appropriate than the other.</p> <p>We support the requirement for a monitoring plan but the associated timeframes need to be realistic and expectations need to align with other monitoring, such as for the NPSFM and environmental reporting required by the Ministry for the Environment and StatsNZ. Beyond implementation, there are also significant monitoring costs required to track progress. HBRC's current costs of monitoring wetland ecosystems are 2FTE plus \$30,000. To monitor indigenous biodiversity more broadly would be far greater than we can currently quantify. There is currently no nationally consistent monitoring framework but Biodiversity Working Group, on behalf of BioManagers, are in the process of developing one for site-level biodiversity outcomes. We support LGNZ's recommendation to align and coordinate monitoring so far as possible.</p>
<p>Q48. <i>Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?</i></p>	<p>AEE requirements are no longer mandatory content of plans so we don't believe an NPS has scope to establish them as such. However, such a requirement could be expressed through a policy in a Policy Statement or Plan. We suggest a Section 55 directive to ensure consistent implementation of this approach.</p>
<p><i>General comment</i></p>	<p>We note that the reference in 3.10(2)(a)(i) to subclause (1)(a)(i)-(vi) doesn't make sense.</p>
<p>Q49. <i>Which option for implementation of the proposed NPSIB do you prefer? Please explain. a. Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years. b. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.</i></p>	<p>The ability to implement the NPSIB differs for each Council dependent on various factors, such as completion of SNA identification so far, resources required, size of territory compared to rating base, and what other priorities the council faces.</p> <p>We support a progressive implementation programme in accordance with the LGNZ submission.</p>

<p>Q50. Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?</p>	<p>The definition of “maintenance of indigenous biodiversity” in Clause 1.7(3), requires no reduction from the commencement date. This assumes councils have undertaken their SNA assessments before commencement of the NPSFM, that there will be no implementation lag, or that during the SNA assessment ecologists will be able to back-date for SNAs that are in already in decline. Refer to Q23 for more detail regarding this matter.</p> <p>We assume the two year requirement <i>only</i> applies where new SNAs have been found through resource consent applications, NOT that an SNA identification process of the whole district has to be undertaken every 2 years. The later would be ridiculously onerous and appears to be at odds with the requirement of Clause 3.13(1)(c) for local authorities to determine in policy statements and plans when an SNA assessment is to be undertaken.</p>
<p>Q51. Which of the three options to identify and map SNAs on public conservation land (PCL) do you prefer? Please explain. a. Territorial authorities identify and map all SNAs including public conservation land b. Public conservation land deemed as SNAs c. No SNAs identified on public conservation land d. Other option.</p>	<p>We suggest allowing a case-by-case approach. For some councils with a small landbase where the majority of SNAs are on public, e.g. NCC, it may be appropriate for the council to include them in the assessment. For other councils with larger landbases and small populations, it may be most appropriate for DOC to undertake the SNA assessment and provide the results to the relevant councils or to undertake assessment as the need arises through resource consent applications.</p>
<p>Q52. What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?</p>	<p>We suggest allowing a case-by-case approach. For some councils with a small landbase where the majority of SNAs are on public, e.g. NCC, it may be appropriate for the council to include them in the assessment. For other councils with larger landbases and small populations, it may be most appropriate for the organisation responsible for that public land to undertake the SNA assessment and provide the results to the relevant councils or to undertake assessment as the need arises through resource consent applications.</p>
<p>Q53. 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?</p>	<p>Yes, this is best practice and needs to become commonplace. What an integrated approach means in practice is sometimes elusive and the guidance provided in Clause 3.4 is helpful.</p> <p>An integrated approach also means that we understand our working contexts and aim for efficiency, not to duplicate work already done or underway by others.</p>
<p>Q55. The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain and provide examples of costs/benefits if these proposals will affect you or your work.</p>	<p>NCC - \$40,000 provided for through District Plan Review. This figure doesn't account for the formal post-notification Schedule 1 process or any appeals.</p> <p>CHBDC - \$62,000 provided for through District Plan Review. This figure doesn't include any Schedule 1 processes or appeals as the Plan is still in draft stage.</p> <p>HDC - The cost estimates provided in the Section 32 seem entirely realistic based on an estimate for the ground-truthing of the existing recommended areas of protection at the time that the district plan was being reviewed in 2012. We have not received any cost estimates for the Council component to date but our own feeling is in the order of 500k.</p>
<p>Q56. Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?</p>	<p>No. Any such provision would have to be very carefully worded to avoid a slippery slope where councils are expected to 'buy' the development rights of every SNA, or overly-prescriptive provisions which hinders innovation and good-will.</p>
<p>Q58. What support in general would you require to implement the proposed NPSIB? Please detail. a. Guidance material b. Technical expertise c. Scientific expertise d. Financial support e. All of above f. Other (please provide details).</p>	<p>Our main concern is resourcing the huge effort to implement the NPSIB alongside the various other central government directions which are intended to be implemented within a similar timeframe. It would be helpful to receive wider guidance on how these various directions should be prioritised against each other.</p> <p>This is an area that will require input from ecology experts - there is no avoiding this. These experts are few and far between and numerous Council's all over the country will be vying for the same limited pool of experts to meet the deadlines in the NPSIB. We are also experiencing shortages of other council professionals, such as policy planners and GIS experts, required to amend plans and policy statements. The cost of expert engagement is significant and is yet another financial cost to be met by ratepayers. For smaller Council's in particular, financial support will be essentially to enabling implantation.</p> <p>Policy support in the form of guidance material and greater clarity will be crucial for consistent implementation nationally, especially in relation to Clauses 3.13 and 3.16.</p>
<p>Q59. Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?</p>	<p>We would support improved consistency of how data is managed, stored and presented which would enable comparing apples with apples and knowledge sharing across councils. We suggest that StatsNZ could play a role in this regarding storing and reporting on biodiversity data.</p>
<p>General comments</p>	<p>All definitions should be included under Part 1, rather than spread piecemeal throughout the NPS.</p>