

12 March 2020

Ministry for the Environment
indigenusbiodiversity@mfe.govt.nz

RE: Proposed National Policy Statement for Indigenous Biodiversity

The Far North District Council (Council) welcomes the opportunity to provide feedback to the Ministry for the Environment regarding a proposed National Policy Statement for Indigenous Biodiversity (NPS-IB).

The feedback is structured to provide general comments on the topic followed by responses to the targeted and specific questions raised in the 'He Kura Koiora i hokia' discussion document.

GENERAL COMMENTS

1. Biodiversity has declined in New Zealand due to the introduction of pests and land fragmentation arising from land clearance and conversion. Council recognizes that a National Policy Statement for Indigenous Biodiversity is a way forward to halt this decline, and to better manage indigenous biodiversity throughout the country. The Far North has attempted to provide specific policy provisions in the past to maintain biodiversity and encountered strong feedback from communities about proposed planning methods to protect indigenous flora and fauna. This included ceasing a district planning process and restarting the plan-making process, at considerable cost to the council and community. For this reason, Council is acutely aware of the need for a balance between our responsibilities for sustainable management of natural resources, while enabling the wellbeing of our communities.
2. The Far North District covers 732,400 hectares, with 282,696 hectares being identified as a potential Significant Natural Area (SNA) through a comprehensive mapping project in collaboration with Whangarei and Kaipara District Councils. This amounts to 42% of the District. This includes 685 individual potential SNAs which have been identified, mapped and described through this process. Although Council supports the need for an overarching direction in order to manage and maintain indigenous biodiversity, we are also aware that a balance needs to be struck in order to cater for the needs of our communities. This is especially pertinent in our District where there is a large amount of vegetation cover, and a large amount of undeveloped land.
3. Through the SNA mapping, approximately 10,000 properties have been identified as having an SNA on them. Of this, 19.43% have a site coverage of above 80% potential SNA. This large amount of coverage paired with the stringent policy framework that is likely to apply to areas with SNAs may have a large effect on the use and development of land in the Far North. Currently, the most stringent policy framework for protecting SNAs occurs in the coastal environment under the Regional Policy Statement for Northland. Our analysis suggests that 22% of private property in the coastal environment that has an SNA identified on the site has more than 80% SNA coverage. This may represent a test of reasonable use under Section 85 of the RMA and Council may face subsequent costs for compensation.

4. The Far North comprises of a significant amount of Māori land (approximately 17% of land area), with initial analysis showing that 52% of Māori Freehold land in the Far North is coincident with an SNA. Council supports an **enabling** framework for SNAs on Māori land in order to ensure that aspirations for land development on these sites is not limited, while indigenous biodiversity is maintained. With the Government's push to enable Māori land, achieving this enablement may be difficult with the large amount of coverage of SNAs on Māori land. The potential for achieving economic wellbeing through the activation of traditional land may be significantly diminished through the policy intervention. The Far North District Council considers that the Government's policy statements on Enabling Maori Freehold Land and the NPS-IB need to ensure they are aligned to achieve the government's desired outcomes.
5. The implementation requirements of the NPS-IB will have large financial and resourcing implications in the Far North District. As well as this, the timeframes set out by the NPS-IB will mean that territorial authorities will be required to undertake a significant amount of work in tight timeframes. These timeframes, as well as our financing and resources constraints, are of concern to Council.

Targeted Questions

1. **Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?**

Yes. As a matter of national significance, national direction will assist territorial authorities in providing the most appropriate policies and techniques to adequately manage indigenous biodiversity. Degradation of natural capital under the existing framework is evidence to suggest that a more cohesive approach is required.

2. **The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no, why/why not?**

Yes, the interconnectivity and complexity of natural systems that we are trying to protect would benefit from a holistic approach. Integrated management methods between territorial and regional authorities would need to be considered and reviewed to achieve this approach.

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

Yes. The objectives are generally supported; however Council considers that there is some overlap between Objective 3 and Objectives 4, 5 and 6. Hutia te Rito is an overarching concept which encompasses the integrated management of indigenous biodiversity to enhance and restore indigenous biodiversity, and therefore the concept is repeated throughout the later objectives.

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

Yes, we support the use of the concept of Hutia te Rito to underpin the direction of the NPS-IB; however it should not be the only guiding principle as there is intrinsic value in the integrity of endemic habitats and ecosystems outside of the value that they have to individuals and communities.

Hutia te Rito, as an underlying concept of the proposed NPSIB, is not difficult to agree with from a tangata whenua paradigm. Through the creation story of Rangī-nui and Papa-tū-ā-nuku, the whakapapa of all things demonstrates that humankind is dependent on the natural world in the hierarchy. However, as the s32 report identifies, “it is unclear exactly what will be required to understand and operationalise Hutia te Rito in practice.” And “understanding and operationalizing Hutai (sic) te Rito will require resourcing and upskilling”.

It is this lack of detail and understanding about implementation that will be most challenging for the Far North District where a high number of SNAs and a lack of resourcing for both council and tangata whenua will be an issue.

5. Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?

No, there is not enough information and guidance in the NPSIB on Hutia te Rito or how it should be implemented. The discussion document describes what the Biodiversity Collaborative Group envisaged for Hutia Te Rito e.g: “initiate early consultation to ensure Māori perspectives are considered”. There needs to be early, fully resourced collaboration, more than consultation. The right people in the right place with the right skills. The discussion document (p25) also says: “The proposed NPSIB provides for a broader participation, allowing councils to involve iwi/Māori – as opposed to only iwi authorities. The following approaches show how councils, tangata whenua, and communities could work together well, specifically for implementing the proposed NPSIB. Those with an iwi participation agreement may wish to include the proposed NPSIB (when finalised) in their agreement”. The Far North District has 11 mandated iwi authorities for the purposes of the RMA. To date no Mana Whakahono ā Rohe participation agreements have been initiated by iwi authorities in the district. The tangata whenua context in the district is complex, there are many hapū and marae, more than 40% of the population identifies as Māori and approximately 17% of the district is whenua Māori 52% of which may have SNAs within it. Full collaborative engagement across the district would be time consuming and resource heavy for both council and tangata whenua.

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

The NPSIB talks about the Treaty of Waitangi. From a tangata whenua perspective Māori signed Te Tiriti o Waitangi so the NPSIB should at the least refer to Te Tiriti o Waitangi/The Treaty of Waitangi, simultaneously. Partnership is the key principle and the NPSIB does not go far enough to implement the recommendations from the Biodiversity Collaborative Group Paper Te Kahu o te Taiao (June 2018) which could reflect this principle. It is silent on enhanced iwi management plans, improved mechanisms for delivering control and a commitment to capacity building. Collaboration and co-design requires time, expertise and resourcing. Who will provide this?

The guidance on how it could be done or how either party will be resourced to do this is vital.

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.

From the Wildlands SNA Study of Tai Tokerau there are over 600 Significant Natural Areas (SNAs) identified in the FN District. In addition, of the 17% of the district that is Māori freehold land (about the same amount of Crown land administered by DoC) 52% of Maori Freehold Land (MFL) in the FN District has an SNA identified and 18% of all the SNAs identified are on MFL. There are only 23 Ngā Whenua Rāhui Kawenata within the district. More than 45% of the district’s population is Māori,

there are 11 mandated iwi authorities for the purposes of the RMA as well as number of Hapū and Iwi with whom FNDC has memoranda of understanding. There are also many Hapū and marae. Tangata whenua are kaitiaki as well as landowners.

The NPS is not explicit about Councils providing additional financial support and/or incentives to protect, maintain or enhance indigenous biodiversity. Tangata whenua who take the responsibility and obligation of kaitiakitanga seriously are already not resourced to cope with the status quo and are often seeking funding from councils and other organisations for resourcing or simply doing it for aroha. For tangata whenua as landowners the chances that SNA coverage is so extensive that it totally precludes use and development is yet to be understood in the district. However, the consequences could be high and adversely affect the ability of tangata whenua to achieve the benefits of developing papakainga and further connecting to their land. The NPS makes a clear statement that these benefits need to be recognised in regional and district level planning provisions – high certainty.

- 8. Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no, please explain.**

On the face of it yes, but further information will be needed on defining sustainable customary use.

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

Resourcing and prioritizing the development of a “high trust” relationship with tangata whenua would help to implement the provisions in this section. These relationships will be critical in terms of implementing the NPS-IB, and a focus needs to be on enabling councils and tangata whenua to be able to build these relationships.

- 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?**

The scale and cost of specialist services to inform mapping has been the greatest impediment to undertaking a review of Significant Natural Areas (SNAs) to date. Balancing is also a consideration when it is necessary to take into account other matters of national significance and understanding the interactions of spatial relationships and sometimes competing objectives. We have recently undertaken a SNA mapping project in collaboration with the other territorial authorities in our region in order to respond to the regional responsibility to map SNAs, as required by Northland’s Regional Policy Statement (RPS).

- 11. 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.

Council supports option C as this recognizes the capacity to share knowledge and expertise at a regional scale. This will enable collaboration and promote integrated management and effective monitoring between local authorities. In our experience with our recent SNA mapping exercise, input of regional council expertise and perspective was key in scoping and informing the project direction.

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

Yes. The ecological significance criteria in Appendix 1 correspond to the significance criteria used in Appendix 5 of Northland's Regional Policy Statement. This significance criteria has gone through a Schedule 1 process. The RPS significance criteria informed our recent SNA mapping project.

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

Yes, these are principles which Council supports. At this stage, we are yet to initiate consultation with potentially affected landowners of our draft SNA mapping; however these approaches will be taken into account when undertaking this consultation.

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

- a. regional policy statement
- b. regional plan
- c. district plan
- d. combination

Council considers that the minimum would be for SNAs to be scheduled in a district plan, however a combination of scheduling in both district and regional plans would be seen as an ideal outcome in order to promote collaboration between local authorities. This would also likely result in a more comprehensive approach since the identification of SNAs may come from a variety of different channels with differing responsible authorities (i.e. the identification of an SNA through a subdivision process at a district level versus the identification of an SNA through a regional process).

15. We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no. What do you think is a reasonable timeframe and why?

Council generally supports the timeframe, however in order to achieve appropriate outcomes for cultural outcomes (i.e. identifying taonga) capacity building will be essential. If resources are not available to allow for a partnership approach, any achievement of a prescriptive timeframe will be challenging.

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) Yes/no? Why/why not?

Unsure, as Section 3.9 Summary of Recommendations in Ko Aotearoa Tēnei talks about "control" by Māori of environmental management in respect of taonga, and "partnership" models for environmental management in respect of taonga, and "effective influence and appropriate priority" to the kaitiaki interests in all areas of environmental management. It is not certain that, as written, Part 3.14 will go far enough to achieve these outcomes.

17. Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?

We would support a collaborative approach to identifying and managing highly mobile fauna, including working with regional council and other agencies, including the Department of Conservation and non-governmental organisations, such as landcare groups, who are well informed, connected and already achieve positive outcomes in regards to this issue. Non-statutory methods may offer particular value in providing effective techniques and programs. For example, in a local

context, Northland has a number of non-governmental agencies such as Reconnecting Northland who aim to provide wildlife corridors and minimize ecological fragmentation across the region.

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

Any technique which fosters a network approach would be supported by Council. This includes supporting community and non-governmental organizations that promote ecological outcomes and building capacity for tangata whenua to both manage and monitor ecosystems. Data sharing between government agencies and communities could be used to promote continuous improvement in understanding ecological conditions and trends and prioritizing the implementation of projects. The NPS-IB is also likely to have a large cost to Council, and we are concerned about our lack of funding and resources in order to effectively implement it.

19. Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)

We understand what is being sought by the classification between Medium and High SNAs, however we also understand that there is a lack of confidence in the methodology used to discern between the two categories. We agree with the approach of providing an appropriate level of enablement for medium SNAs which will balance the protection of values associated with natural resources, while enabling other wellbeings (i.e economic, social, cultural). However, would like to understand the evaluative process used to determine the distinction between medium and high categories.

20. Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?

Yes, Council supports the use of the effects management hierarchy as it enables other wellbeing outcomes and may further minimize the potential for landowners to not achieve a reasonable use on existing allotments. There is however concerns about the appropriateness of applying the high and medium classification across our district as there may not be a sufficient level of balance between enabling land uses and protecting biodiversity outcomes. The Regional Policy Statement for Northland seeks to avoid adverse effects in the coastal environment, in accordance with the New Zealand Coastal Policy Statement (NZPCS). Consequently, in the context our district there is a much more confined area which is subject to the most stringent policy framework.

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.

No, Council considers that the adverse effects listed in Part 1.7(4) are adequate.

22. Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/Unclear? Please explain. If no, do you have an alternative suggestion?

Yes, we agree with the distinction between medium and high value SNAs as it is a more nuanced approach in order to enable appropriate development in sensitive locations. What is less clear, is the ecological appropriateness of this approach in the context of our district and further technical input on this parameter is considered prudent.

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) Yes/no? Why/why not?

We support the list, especially in regards to the tangata whenua considerations given that over 50% of Maori land in our District has recently been mapped as being a potential SNA. Council is mindful that these activities (such as new residential activities, papakaianga and marae) may generate further effects which are not necessarily anticipated, such as new accesses, roading and earthworks. Further regard to macro-scale spatial planning processes and competing national direction policies would be beneficial to incorporate into the list of new considerations. For example, steering lifestyle developments away from highly productive land to peri-urban areas may have adverse effects on sites which have identified potential SNAs on them.

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

We would consider it appropriate to also include regionally significant infrastructure in this definition, as this is detailed in Northland's Regional Policy Statement.

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

Yes, we consider this as the most appropriate and practicable approach to managing forestry, as it means that forestry is consistently managed through the NES-PF while avoiding crossover between the NPS-IB and NES-PF.

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

Yes, Council agrees with this approach, however further feedback and engagement is required from our farming communities,

27. Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?

Yes, Council supports the level of protection provided for indigenous biodiversity outside of SNAs. This approach generally corresponds with Northland's Regional Policy Statement.

28. Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?

Yes. The consideration of both biodiversity offsets and biodiversity compensation allows for further flexibility in areas outside of SNAs which Council supports.

29. Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?

No – the provisions do not include economic development activities.

This means the activity can proceed provided it is on land that is within a medium-value SNA, and there is no practicable alternative location. Adverse effects would be addressed through the effects management hierarchy, which is a common approach under the RMA, instead of avoided as per Part 3.9(1).

30. Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?

Council agrees with the principles of building the resilience of indigenous biodiversity in order to respond to climate change. However, the potential burden of the provisions, in particular Part 3.5(b)(c) could extrapolate into some unexpected costs and outcomes for council and communities. For example, Northland Brown Kiwi connectivity spans across peri-urban areas in the Far North which may significantly reduce development potential. Council would be interested in understanding how these implementation requirements will need to be put in place by territorial authorities.

31. Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?

Yes, we agree that the precautionary approach is appropriate in ensuring a consistent approach to risk management in a natural resource management context.

32. What is your preferred option for managing geothermal ecosystems? Please explain.

a. Option 1

b. Option 2

c. Option 3

d. Or your alternative option – please provide detail.

We consider that Option 3 is the preferred option for managing geothermal ecosystems. Although we recognize that geothermal ecosystems are highly localized, including some which are highly modified for power generation, an overarching national policy framework would ensure a consistent approach to managing these unique and rare ecosystems. However, we also recognize that geothermal energy production is important in terms of reducing New Zealand's reliance on non-renewable energy sources, and this should be taken into account in the policy framework.

33. We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?

Yes, we agree that geothermal ecosystems encompass habitat, as well as indigenous fauna and flora. However, implementing a policy framework to protect micro-organisms may create an extra layer of complexity to the NPS-IB.

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

Yes, we agree with the framework for biodiversity offsets. Council is currently in the course of implementing a policy framework represented in Northland's Regional Policy Statement which echoes the biodiversity offset principles represented in Appendix 3. The no net loss, preferably net gain principle fits with the Resource Management Act's framework.

35. 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.

Yes, Council agrees with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB. We consider this to be the most practical way to compensate for more than minor adverse residual effects, and will reduce the burden on both the applicant, and Council's monitoring and compliance resourcing.

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

a. More than minor residual adverse effects

b. All residual adverse effects

c. Other. Please explain.

Council considers that more than minor residual adverse effects should be covered by the biodiversity offset and compensation framework.

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

Council does not currently have in-house staff who have ecological expertise, which would be required in order to adequately implement the provisions in section C. Council has recently gone through an expensive and resource intensive to identify draft Significant Natural Areas, and from this experience we realize the cost and resource burden of implementing provisions surrounding natural areas. In particular, we recognize the importance having up to date scientific information to inform our decisions around indigenous biodiversity, and this is something which is both cost and resource intensive. As well as this, remote sensing, GIS processes and data gathering which make monitoring and efficiency and effectiveness reviews more timely and affordable would be advantageous. Council considers that collaborative efforts between territorial authorities, regional councils and central government in order to share information and resources would be advantageous in order to assist with implementation of the Section C provisions.

38. The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?

Although Council agrees with these priorities, we have serious concerns about territorial authorities being responsible for identifying SNAs whose ecological integrity is degraded, as well as areas that provide important connectivity or buffering functions. This is likely to be an onerous task which will be resource, time and cost intensive, especially since we have recently undertaken a task to identify SNAs, and this project would be a significant add-on to the work which we have already undertaken. It is also unclear to Council as to why this responsibility would fall onto a territorial authority, when the management of wetlands is also the responsibility of regional councils. As well as this, areas which provide important connectivity or buffering functions imply that they are of a scale which could potentially span across territorial boundaries, meaning that regional councils would be in a much better position to adequately identify and manage them. Council welcomes the opportunity to collaborate with our regional partners as much as possible, however it is currently unclear how this collaboration will be initiated or will operate, and how the responsibilities will be broken down equally and practically between territorial and regional authorities. There is also significant crossover between what is required in Regional Biodiversity Strategies and the work that territorial authorities are required to undertake to identify SNAs, as well as the areas referred to in subclause (1)(b) and (c). We seek clarity on how this process should take place, as well as a firm timeline in order to solidify the responsibility of these processes, so that Council and its ratepayers are not left to undertake a significant body of work with little to no resourcing assistance from regional council and central government. Incremental steps to achieving this end may be appropriate in order to reduce significant cost and resourcing gaps.

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.

As an integrated management approach, Council considers that this is an appropriate measure. A framework which includes checks and balances is important to ensure that the implementation requirements of both policy statements are not overly onerous to landowners and are proportionate to the value of the recovering asset.

40. Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?

- The role of identifying urban areas should not fall to regional councils especially where the council is not a high growth area in the context of the NPS-UD
- Many territorial authorities in regional areas are challenged with the affordable deployment of infrastructure to meet expected growth demands of housing and business areas. Imposing a one size fits all target is not considerate of the spatial planning challenges at a macro-level.
- Councils are also considering how to respond to the requirements of the NPS-HPL, this too can impact on satisfying an urban and peri-urban target of IB.
- Urban areas should be havens for companion animal ownership which may present issues when aiming for indigenous biodiversity targets and associated pest management requirements.

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

Council considers that an integrated approach would be appropriate in order to encourage a consistent approach to biodiversity strategies nationwide. Overarching direction through a New Zealand Biodiversity Strategy would be seen as advantageous in order to inform regional biodiversity strategies. We consider that the requiring of a regional biodiversity strategy is important in order to address regional issues.

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

Yes, Council agrees generally with the proposed principles for regional biodiversity strategies. However, there is significant cross over between what is required to do by regional authorities in regional biodiversity strategies and what is required to do by territorial authorities under other sections of the NPS-IB. For example, territorial authorities are required to identify and map SNAs, yet regional councils are also required to include all SNAs in their region in the strategy. Council considers that a holistic collaborative approach between district council, regional council and other stakeholders (QEII, other NGOs) would result in clarity regarding responsibilities. The biodiversity strategy should minimise the potential impact on ratepayers through identifying funding programs which are the responsibility of either regional or territorial authorities.

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

Yes, understanding the risk and context of different pests in bioregions is an integral part of the management of indigenous biodiversity. In order to achieve positive environmental outcomes, funding pest management projects for community groups and landowners should be an integral part of the biodiversity strategy and should represent an integrated management approach between territorial and regional authorities, thereby minimizing the ratepayer burden.

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

Council's preference is for the identification of wetlands and SNAs whose ecological integrity is degraded (subclauses 3.16 (1)(a) and (b)) become the responsibility of regional authorities, or a collaborative effort, in which case the timeline of the regional biodiversity strategy may be viable.

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

Council recognizes that there are a number of successful organizations who undertake conservation projects in our region and ensuring that there are avenues for communication and collaboration between council and these groups will be integral in order to ensure that the methods are implemented successfully.

There may be programs in place which could inform or contribute to a strategic approach, a local example from Northland regional council is their farm environment plan. Working with existing successful programs at a fine scale that can then translate to landscape and catchment scale outcomes. Information on farm management plans can be found here:

<https://www.nrc.govt.nz/environment/land/farm-environment-plans/water-quality-improvement/#What>

46. Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?

Although Council agrees that a monitoring plan should be in place, Part 3.20 reiterates the need for the responsibilities in Section 3.16 to be transferred to regional councils rather than territorial authorities. In the monitoring plan under Part 3.20, regional councils required would be required to assess the ecological integrity of SNAs, which hypothetically would be the responsibility of territorial authorities under Section 3.16. This breakdown of responsibilities needs clarification in order to avoid duplication and to maximise the agglomeration of knowledge and resources. Consideration should also be given to Mana Whakahono a Rohe where monitoring is a mandatory component of any agreement. The cultural measures highlighted in Section 3.2 may have a mandatory role to play in this.

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

Yes, the identified methods are considered to be a part of a rational monitoring framework.

48. 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?

At this stage, we expect to incorporate the requirements of Part 3.19 into our consolidated district plan review, due for notification at the end of 2020.

Council considers that the requirements of Part 3.19 could have the potential to be onerous and costly for resource consent applicants, especially when needing to consider the effect on areas identified as highly mobile fauna areas and habitats of indigenous fauna. This information may not be readily available, or may become expensive to acquire if specialist input is required in determining or evaluating these areas. Council does not currently have the resources to have in-house ecologists, and this may create a resourcing issue.

Although including the effects on areas providing connectivity or buffering in an assessment of environmental effects is generally supported by Council, further definition around these terms would be appreciated. Without a specific definition, areas which provide connectivity or buffering may consist of relatively small strands of trees, or potentially non-indigenous species, which may create onerous requirements for resource consent applicants to protect areas of vegetation which fall outside of SNAs.

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

- a. **Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years.**
- b. **Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.**

Since Council are currently undertaking our SNA mapping, we anticipate that this will be incorporated into our District Plan review which will fall within the timeframe of option A. However, our current mapping does not differentiate between medium and high SNAs which will be another layer of cost and work. We anticipate that identifying taonga will require a collaborative effort which will involve capacity building, and this may take a considerable amount of time, so we would encourage a reasonable time period in which to achieve this. In addition to this, from a tangata whenua perspective, a progressive implementation programme will be necessary as the task will be large and will require a complex collaboration programme.

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

Council considers that a five year timeframe to refresh SNA schedules within the plan would be more appropriate, as this would align with Council's Section 35 requirements under the RMA. The resources required for a plan change are significant, and therefore we would be hesitant to undertake this process every two years. As well as this, we consider that SNAs which have been identified through other processes (i.e. resource consent applications) are afforded a high level of protection despite potentially sitting outside of the scheduled SNAs in the plan, and therefore it is unlikely that adverse effects would occur in these areas regardless.

51. 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.**

Council consider Option A to be the best option. Identifying and mapping SNAs on public conservation land means that there will be a level of consistency for recognising areas of significance across both public and private land, using a standard set of criteria. Having this consistency will allow for an integrated management approach between different government agencies, including councils and the Department of Conservation. Having SNAs mapped on public conservation land will also mean that there is a certain level of transparency when it comes to the management of public land, for example with weed and pest management programs in these areas.

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

We agree with this approach. Having a consistent approach to mapping SNAs across all public and private land will lead to a higher level of effectiveness and efficiency when it comes to managing these areas. This will also add to the efficiencies of monitoring and evaluating effectiveness for any future plans.

53. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?

Yes. Integrated management is a desirable approach in that it offers greater cohesion between different fields of regulatory management. Additionally, it may offer up opportunities for delivering support including financial grants to manage and maintain biodiversity. For example, in a local context, there may be the opportunity for us to work with the regional council on their Farm Environment Plan program.

54. If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why /why not?

We consider that there may be some further need to delineate roles between regional and territorial authorities. The Regional Policy Statement for Northland takes into account the NZCPS and avoids adverse effects on significant areas of vegetation within the coastal environment. We therefore consider this to be an appropriate cascade of policy instruments in order to avoid adverse effects on vegetation within the coastal environment.

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

The Section 32 high level cost benefit analysis indicates that there will be a cost and a high certainty of the costs for Iwi/Hapū to resource engagement in the development of provisions in plans to implement the NPSIB. It also indicates that there is insufficient information on how well resourced tangata whenua are to cope with this additional involvement. It could be said with a reasonable certainty that for Iwi/Hapū in the Far North District there is no resource in terms of people or putea to be involved in this process and that central government will need to resource tangata whenua because local government also has no resource.

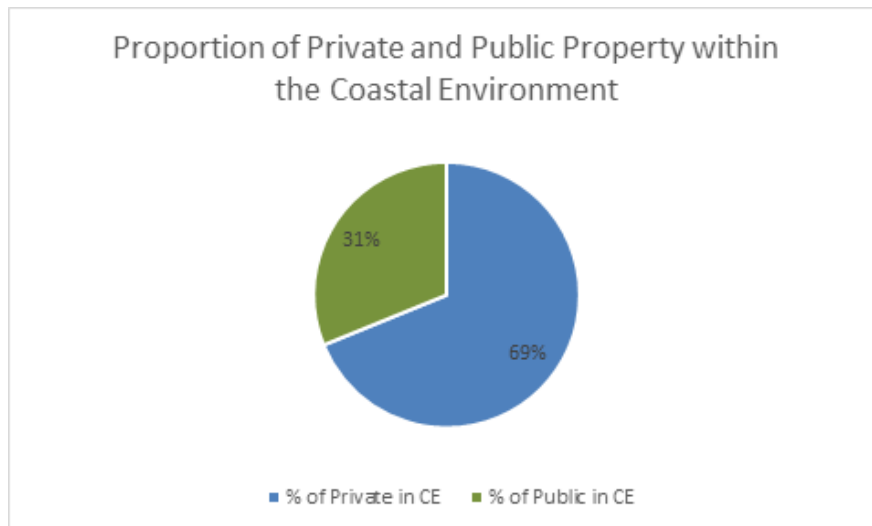
There may be issues with the overall reasonable use of land given the spatial coverage of SNA's in the Far North District. A high level analysis of spatial coverage of SNAs and consideration of the current NRC regional policy framework has suggested that a significant area of the Far North would be captured by the stringent coastal environment policy framework. This may represent an overall cost in terms of reasonable use. The following analysis sets out some of these spatial relationships:

FNDC land tenure overview statistics:

- 74% of FNDC by area is private property.

Coastal Environment:

- 12% of FNDC by land area is in the Coastal Environment – this is both public and private property.
- Of the property that falls within the Coastal Environment 69% is Private and 31% is public property.



FNDC SNA sites Overview:

- 18% of FNDC SNA's by area are in the Coastal Environment.

Private Property in SNA and in Coastal Environment:

- Property/land that intersects with an SNA site and is in Coastal Environment makes up 3% of All FNDC Land by Area.
- Private Property in SNA and in Coastal Environment makes up 5% of All FNDC Private Property by area.
- 28% of All Land (Public and Private property) which is in the Coastal Environment also have SNA sites on them.
- 41% of Private Property by area which is in the Coastal Environment also intersects an SNA site.

There is a proportion of coastal environment land area that is substantially covered by significant natural areas. This can translate into impacts on reasonable use and under section 85 of the Resource Management Act may result in claims for compensation by landowners.

56. Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?

No. Transferable development rights will be complex to implement, as well as difficult to demonstrate the net benefit given the likely loss of indigenous biodiversity.

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

Resources to assist with cultural knowledge and monitoring to assist with identifying taonga would be required to adequately implement section E. In-house ecological expertise in order to effectively monitor and support the assessment of areas of indigenous biodiversity to increase our overall understanding of these areas would also assist us in implementing this section.

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

- Guidance material**
- Technical expertise**
- Scientific expertise**
- Financial support**

e. All of above

f. Other (please provide details).

E and F. Council considers that involving community groups and non-governmental organisations would be beneficial in order to utilize the local knowledge and expertise that they have and allow them to contribute to conserving indigenous biodiversity as a part of a holistic approach. This would also likely lead to other efficiencies, as well as improve relationships between government and non-government bodies. We also consider that scientific expertise should also include matauranga Māori.

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

A mapping convention would assist in standardizing the significant natural areas GIS mapping. As well as this, integrating definitions of terms used in the NPS-IB into the planning standards would be useful to create standard uses of definitions across different pieces of legislation. Where possible, definitions should be carried over from the NPS-IB into the planning standard, however a broad suite of definitions being included in the planning standard would create standardization and consistency across the board.

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

Yes. The National Policy Statement on Highly Productive Land has the aim of maximizing future productive potential for highly versatile soils, however under the NPS-IB if these areas falls within SNAs, the potential to use these areas for intensive productive purposes is severely diminished.

In the Far North, we have disparate urban environments which may also coincide with areas of regenerating indigenous vegetation which may have achieved conservation significance. At a macro-scale, this level of emerging protected biodiversity may constrain the potential for urban growth in otherwise appropriate locations.

61. Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?

From a territorial authority perspective, we consider that incorporating pest management into RMA plans adds another layer of monitoring that we would be unlikely to be able to resource.

If you require any further information, please do not hesitate to contact Greg Wilson, Manager – District Planning, on 09 401 5200 or by email at greg.wilson@fndc.govt.nz.

Yours sincerely,

Darrell Sargent

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