

By email

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Submission on NPS for Indigenous Biodiversity – exposure draft

Please find enclosed Greater Wellington Regional Council's submission on the draft National Policy Statement for Indigenous Biodiversity.

Greater Wellington Regional Council welcomes the opportunity to engage with the New Zealand Government on the workability of this key policy direction.

If you wish to discuss any of our responses in further detail please contact me on 027 201 3571 or alistair.cross@gw.govt.nz

Ngā mihi



Alistair Cross

Kaiwhakahaere Matua Taiao – General Manager
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Greater Wellington Regional Council: Submission

To:	Ministry for the Environment
Submission on:	National Policy Statement for Indigenous Biodiversity – exposure draft

1. Reason for submission

- 1.1 The Greater Wellington Regional Council (Greater Wellington) wishes to make a submission on the National Policy Statement for Indigenous Biodiversity (NPS) exposure draft.
- 1.2 Greater Wellington strongly supports the direction of the NPS. Statutory direction on the protection of indigenous biodiversity under the RMA is urgently needed. We see this NPS as a critical step forward for biodiversity conservation in New Zealand.
- 1.3 Greater Wellington has provided three submissions to the Government on the latest iteration of this NPS – one in 2019 and two in 2020. We are pleased to see that many of the amendments we requested have been accepted.
- 1.4 As directed by Government, this submission offers further, final comments on this NPS with a view to ensuring its effective implementation from December this year.

2. Key points of our submission

- 2.1 We have advised on the Te Uru Kahika (Regional and Unitary Councils Aotearoa) submission for this NPS and endorse the seven overarching comments provided there. Five other key points – which overlap with these – are detailed below. Detailed comments on all provisions then follow.

2.2 Need for more resourcing and more timely guidance

The draft implementation plan for this NPS allocates \$19 million of new investment to support implementation for iwi/Māori, private landowners, and councils. Detailed technical guidance is to be provided by the Government within the first year after gazettal (late 2023). While we strongly support the allocated funding and provision of guidance, we think that neither go far enough.

The additional funding budgeted is highly unlikely to be sufficient. As we have previously submitted, the costs of implementing this NPS are substantial, likely extending well beyond

this figure in the Wellington region alone. It is not clear how the existing support allocation was derived, or what proportion will be allocated to the recipients identified, but we strongly suggest Government work with councils to establish a more fulsome and appropriate support package. We would be happy to provide Government with examples of detailed costings to support our position on this.

The provision of detailed technical guidance, planned for up to a year after gazettal, is also too late to be effective. We foresee this timeframe causing uncertainty, debate, and litigation costs for councils in the interim, particularly so if delays eventuate (which might be expected in an election year). Many councils will delay implementing its direction until they receive the guidance, meaning that the two are effectively inseparable.

We appreciate that it may be difficult to produce complete guidance by the anticipated December commencement date. However, as previously submitted, we recommend Government consider partitioning and then staging the release of guidance to allow for the most contentious areas to be treated as a matter of priority.

2.3 Clarity on alignment with resource management reforms

The draft implementation plan for this NPS indicates that only the ‘policy intent’ of existing national direction, such as this NPS, will carry over into the new resource management system. This raises red flags for us. The Natural and Built Environments Act and the Spatial Planning Act are expected to be formally introduced before the end of this year. It is therefore unclear how this NPS will be absorbed – if at all – into them in that time.

Furthermore, if only the intent of the NPS is carried over in future it raises questions around whether the necessary complexities of provision wordings, developed through multiple drafts over the past decade, will be retained. There are considerable risks that the intent of direction will be lost in translation. We suggest that clarity is thus urgently needed on how exactly this NPS (and others like it) will work within the new resource management system.

2.4 Need for interim provisions

As noted in the Te Uru Kahika submission, the exposure draft does not include transitional provisions to ensure the protection of indigenous biodiversity under existing plans. We are concerned that some landowners will be incentivised to clear significant habitats before the protections of the NPS come into effect.

Councils that have taken an alternative approach to SNA protection are also not supported by interim provisions to ensure that a migration to the preferred approach is managed effectively. We therefore strongly advise Government to insert interim provisions to ensure

that existing significant habitats are retained and that councils are supported in this changeover, regardless of their existing regulatory settings.

2.5 Greater emphasis on application of the effects management hierarchy

In our last submission on this NPS we advised that there is too much emphasis on the ‘avoid’ direction within SNAs. While this has changed to some extent, the strong focus on avoid continues. We agree in principle with asking applicants to rigorously consider avoidance of adverse effects in the first instance, but the direction in clause 3.10 takes it too far. If interpreted literally it would prevent any development or use with SNAs, including the setting of reasonable permitted baselines for activities such as vegetation trimming around dwellings. It would also prevent the employment of the effects management hierarchy itself.

An alternative to the draft approach would be to allow use and development within SNAs, but only to the extent that, following application of the effects management hierarchy, consent applicants can demonstrate that the identified adverse effects would be redressed through avoid, minimise, remedy or offset actions. This would ensure a neutral outcome for biodiversity at worst, and a net gain at best. It would also align with the desired approach directed by clause 3.5 of allowing for appropriate development and use.

2.6 More effective indigenous vegetation targets

Finally, while we continue to support the direction of conservation targets, the way in which this is being applied is not in line with international systematic conservation planning principles. Notably, the targets of 10% indigenous vegetation cover in urban and rural areas are arbitrary. Rather than tying the targets to land use, Government might instead direct them towards restoring threatened ecosystem types in each region.

Central government could, for example, develop a national ecosystem classification scheme and make local authorities responsible for assessing the extent of each ecosystem type remaining in their region and developing objectives, policies and methods to ensure that none are regionally threatened: critically endangered – as in none have less than 10% of their original extent remaining in the region. Such an approach would prioritise increasing indigenous vegetation cover in the areas it is most needed.

Detailed comments on provisions

No.	Provision	Support and/or suggestion	Amendment requested
1.1	Title	Support	None
1.2	Commencement		
1.3	Application	Support, but note that the splitting of functions and responsibilities between the NZCPS, NPS-IB and NPS-FM still creates potential gaps in implementation. Some of these issues are raised in the regional sector submission.	Consider comments on this clause in the Te Uru Kahika submission.
1.4	Relationship with New Zealand Coastal Policy Statement	Support	None
1.5	Fundamental concepts	Support with modification. We suggest that the concept should incorporate not only te ao Māori and mātauranga Māori but also the use of science. This approach is consistent with the guiding principles for decision making in biodiversity management identified in the ANZBS ('Knowledge – Decisions are evidence-based, transparent and informed by the best	(e) the incorporation of te ao Māori, and mātauranga Māori <u>and science</u> .

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1.6	Interpretation	<p>available information, including mātauranga Māori and science', p. 45).</p> <p>The definition for administrative boundaries has been deleted. We suggest that this remains useful to the interpretation of Policy 5 and Subclause 3.4(1)(b). We therefore suggest that the definition from the 2019 draft is reinserted.</p> <p>We recommend updating the definition for ecosystem services to align with the international authority on this which is the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). The IPBES recognises that many services fit into more than one of the four categories adopted in the NPS-IB. For example, food is both a provisioning service and also, emphatically, a cultural service. Although they would need to be summarised for the NPS-IB,</p>	<p>administrative boundaries includes all the following:</p> <p><u>a) regional and district jurisdictional boundaries and functions:</u></p> <p><u>b) land administered by central government and land administered by local authorities:</u></p> <p><u>c) boundaries between public land and private land:</u></p> <p><u>d) where tangata whenua boundaries of rohe cross local authority boundaries</u></p> <p>Update the definition for ecosystem services to align with the definition used by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.</p> <p>indigenous biodiversity is <u>the diversity (or range) of indigenous species. This includes diversity within</u></p>

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		<p>here are the three categories the IPBES recognise:¹</p> <p>(a) Regulating contributions – Functional and structural aspects of organisms and ecosystems that modify environmental conditions experienced by people, and/or sustain and/or regulate the generation of material and non-material benefits. These Natures Contributions to People include, for example, water purification, climate regulation, or soil erosion regulation. They are often not experienced directly by people. Regulating ecosystem services, as defined in the Millennium Ecosystem Assessment, largely fit within this category.</p> <p>(b) Material contributions – Substances, objects or other material elements from nature that sustain people’s physical</p>	<p>and between species. biodiversity that is naturally occurring anywhere in New Zealand. It includes all New Zealand’s ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna.</p> <p>geothermal SNA means any <u>part of an</u> SNA that includes one or more <u>a</u> geothermal ecosystems.</p>

¹ For more information see <https://ipbes.net/sites/default/files/downloads/pdf/ipbes-5-inf-24.pdf>

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		<p>existence and infrastructure (i.e the basic physical and organizational structures and facilities, such as buildings, roads, power supplies) needed for the operation of a society or enterprise). They are typically physically consumed in the process of being experienced, such as when plants or animals are transformed into food, energy, or materials for shelter or ornamental purposes. Provisioning ecosystem services, as defined in the Millennium Ecosystem Assessment largely fit within this category.</p> <p>(c) Non-material contributions – Nature’s contribution to people’s subjective or psychological quality of life, individually and collectively. The entities that provide these intangible contributions can be physically consumed in the process (e.g. animals in recreational or ritual fishing or hunting) or not (e.g. individual trees or ecosystems as sources of inspiration). Many cultural ecosystem services as</p>	

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		<p>defined in the Millennium Ecosystem Assessment fit within this category, while some cultural ecosystem services are now considered part of “values” or a “good quality of life”.</p> <p>Indigenous biodiversity is defined to include, in addition to indigenous vegetation and fauna, ‘...all New Zealand’s ecosystems...’, as well as ‘the habitats of indigenous vegetation and fauna’ which would include soil, rocks, exotic pine trees, and so on. The definition is too broad and all-encompassing. We suggest using the simpler definition provided in the ANZBS instead.</p> <p>We query whether the exception for geothermal SNAs should apply to any SNA that ‘includes one or more geothermal ecosystems’, or whether the exception should apply only to the part of the SNA that includes a geothermal ecosystem. As it stands, a 100 hectare SNA that includes a 0.1 hectare</p>	

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		geothermal ecosystem would qualify as an exception in its entirety under Clause 3.13. We would suggest that this is inappropriate as the non-geothermal component of the SNA is essentially the same as other SNAs regulated under Clause 3.10. We have suggested an amendment to the definition of geothermal SNAs to consider if the government wishes to apply the same restrictions on use and development in the non-geothermal component of geothermal SNAs as it does to SNAs elsewhere.	
1.7	Incorporation by reference	Support	None
2.1	Objective		
2.2	Policies		
3.1	Overview of part		
3.2	Te Rito o te Harakeke		
3.3	Tangata whenua as kaitiaki		
3.4	Integrated		

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	approach		
3.5	Social, economic, and cultural wellbeing		
3.6	Resilience to climate change		
3.7	Precautionary approach		
3.8	Assessing areas that qualify as significant natural areas	We suggest that the principle of 'partnership' in subclause 3.8(2)(a) should instead be a principle of 'engagement' with tangata whenua and landowners. As worded, the principle is confusing as it appears to use 'partnership' and 'engagement' as synonyms. That is inaccurate and potentially a source of conflict in our experience. Territorial authorities are not in a position to genuinely 'partner' with landowners on regulation that may control or prohibit certain activities on their land. 'Engagement' is more true to the nature of the relationship with landowners. It is beneficial to engage with landowners on this	<p>Subclause 3.8(2)(a) partnershipengagement: territorial authorities seek to engage with tangata whenua and landowners...</p> <p>(6) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the <u>part or whole of the SNA that contains a geothermal ecosystem</u> is a geothermal SNA.</p> <p>Subclause 3.16(2)(b) providing appropriate controls to manage other adverse effects on indigenous biodiversity of a new subdivision, use and development, <u>including where a new SNA is</u></p>

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		<p>work to help understand the best ways to protect indigenous biodiversity on their land. However, ultimately the territorial authority may need to make land use decisions that some individual landowners disagree with. It is not in the nature of a partnership for one partner to regulate (i.e., enforce compliance on) the other. The notion of partnership is best reserved for relationships where parties are treated as equals in decision making (e.g., through Crown-Iwi relations, non-regulatory management agreements between councils and landowners, etc). Here it would be more appropriate to refer to the contributions of tangata whenua as a form of engagement, firstly, because this is consistent with Subclause 1.5(2)(f) ('the requirement for engagement with tangata whenua') but also because this specific clause relates to non-Māori land. Notably, Clause 3.18 requires local authorities to 'partner' with tangata whenua in determining how to protect biodiversity on Māori land.</p>	<p><u>identified (but not yet notified) as a result of a resource consent application, notice of requirement of any other means, as directed by subclause 3.8(5).</u></p> <p>Amend subclause 3.8(3) to be more directive as to the assistance that 'must' be provided by the regional council. Consider providing greater scope for regional councils to take a more active role in SNA identification and protection.</p>

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		<p>Section 3.8(3) directs regional councils to 'assist' relevant territorial authorities in undertaking their district-wide SNA assessments, however it is not clear what form this assistance must take. We recommend that the approach of the Environmental Reporting Act be followed, whereby regional councils would be required to provide any readily available data they hold. We also suggest that regional councils should be empowered, should any relevant territorial authority agree, to take a more active role in SNA identification and in protection as well (e.g., by commissioning SNA surveys, drafting protection provisions, undertaking pre-notification public engagement).</p> <p>Subclause (5) requires territorial authorities to include any newly discovered SNAs in their next plan or plan change. However, there are no interim protections for these new SNAs. This means that a consent applicant having,</p>	

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		<p>for example, discovered a new area of native forest meeting the definition of an SNA, could clear the area by right. Protection for these areas is only provided for once they have been notified through a plan change. We suggest an amendment to Subclause 3.16(2)(b) to provide some level of interim protection for these areas.</p> <p>We query whether the exception for geothermal SNAs should apply to any SNA that 'contains a geothermal ecosystem', or whether the exception should apply only to the part of the SNA that includes a geothermal ecosystem. As it stands, a 100 hectare SNA that includes a 0.1 hectare geothermal ecosystem would qualify as an exception in its entirety under Clause 3.13. We would suggest that this is inappropriate as the non-geothermal component of the SNA is essentially the same as other SNAs regulated under Clause 3.10. We have suggested an amendment to the definition of geothermal</p>	

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		SNAs to consider if the government wishes to apply the same restrictions on use and development in the non-geothermal component of geothermal SNAs as it does to SNAs elsewhere. That is further reflected in a suggested amendment to Subclause 3.16(2)(b).	
3.9	Identifying SNAs in district plans	Support	None
3.10	Managing adverse effects on SNAs of new subdivision, use, and development	The avoid direction in subclause (2) is highly ambiguous. If interpreted literally it would prevent any development or use with SNAs, including the setting of reasonable permitted baselines for activities such as vegetation trimming around dwellings. It would also prevent the employment of subclause (3). This is presumably not the intention of the subclause. Further, the hard avoid direction assumes that application of the effects management hierarchy to follow would necessarily result in a net loss of indigenous biodiversity. This is not the case. While an	Option 1 (our preference): (2) Local authorities must make or change their policy statements and plans to include objectives, policies and methods that require that, <u>where the following adverse effects on SNAs of any new subdivision, use, or development are <u>not able to be avoided, they must be managed by applying the effects management hierarchy detailed in subclauses 1.5(4)(a-d):</u></u> (a) loss of ecosystem representation and extent: (b) disruption to sequences, mosaics, or ecosystem function:

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		<p>activity may not be able to avoid these adverse effects, it is reasonable to suggest that consent applicants may be able to undertake steps to minimise, remedy and offset effects to the point at which the goal of all of these subclauses would be met. As drafted, subclause (2) prevents this reasonable action from being contemplated.</p> <p>An alternative to the draft approach would be to allow use and development within SNAs, but only to the extent that, following application of the effects management hierarchy, consent applicants can demonstrate that subclauses (2)(a-e) would be achieved through avoid, minimise, remedy or offset actions. We present two alternative options. First (our preference), the hierarchy could be reversed to allow application of the full effects management hierarchy, except in the case of existing clauses 3.10(2)(a-e). Where these subclauses apply, local authorities cannot consider the use of biodiversity compensation.</p>	<p>(c) fragmentation of SNAs or the or loss of buffers or connections within an SNA: (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems: (e) a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</p> <p><u>(3) To avoid doubt, the adverse effects detailed in subclauses (2)(a-e) must be avoided, minimised, remedied, or offset. Biodiversity compensation for any more than minor residual adverse effects cannot be considered.</u></p> <p>(3) Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (2), must be managed by applying the effects management hierarchy.</p>

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		<p>This means that these adverse effects must be either minimised and redressed (neutral outcome) or offset (net gain).</p> <p>A second option would be to delete clause (2) and write these subclauses into the limits of compensation. This would essentially achieve the same purpose of making compensation only able to be contemplated by activities meeting the exceptions in clause 3.11 and thus ensuring either a neutral or net gain outcome for the activities managed under clause 3.10.</p> <p>Either of these two options would mean that consent applicants affecting SNAs would have more scope to apply the effects management hierarchy, but only in so far as they can demonstrate the achievement of a neutral or net gain outcome. We suggest that this greater flexibility within SNAs is in line with the direction of the ANZBS which promotes the idea that people are a key part of nature. Implicit in that holistic view is an acceptance</p>	<p>Option 2:</p> <p><u>(32) Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (23), must be managed by applying the effects management hierarchy.</u></p> <p>2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods that require that the following adverse effects on SNAs of any new subdivision, use, or development are avoided:</p> <p>(a) loss of ecosystem representation and extent:</p> <p>(b) disruption to sequences, mosaics, or ecosystem function:</p> <p>(c) fragmentation of SNAs or the or loss of buffers or connections within an SNA:</p> <p>(d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:</p>

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		<p>that people modify and use other parts of nature. It does not however suggest that these modifications are necessarily detrimental, hence the emphasis in our suggestions on achieving at least a neutral outcome for indigenous biodiversity.</p>	<p>(e) a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</p> <p>Appendix 4(2) When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for, for example because:</p> <p>[...]</p> <p>(d) <u>the following more than minor residual adverse effects on SNAs, except as provided in clause 3.11, apply:</u></p> <ul style="list-style-type: none"> i. <u>loss of ecosystem representation and extent:</u> ii. <u>disruption to sequences, mosaics, or ecosystem function:</u> iii. <u>fragmentation of SNAs or the or loss of buffers or connections within an SNA:</u> iv. <u>a reduction in the function of the SNA as a buffer or connection to other important</u>

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			v. <u>habitats or ecosystems:</u> vi. <u>a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.</u>
3.11	Exceptions to clause 3.10	Support	None
3.12	SNAs on Māori lands		
3.13	Geothermal SNAs		
3.14	Plantation forests with SNAs		
3.15	Existing activities affecting SNAs	Clarity is needed on what activities this clause is intended to direct.	Clarify what activities this clause applies to through amendments or associated guidance.
3.16	Maintaining indigenous biodiversity outside SNAs	Detailed guidance would be required to determine the adverse effects that might be considered 'irreversible'. It is not clear how this direction would be able to be implemented through district plans. Our concern is that it could potentially require an application for resource consent for any use or	Detailed guidance needed on what might be considered 'irreversible' adverse effects on indigenous biodiversity outside SNAs. Consider providing detailed guidance on appropriate regulatory settings for managing adverse effects on native lizards.

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		<p>development adversely affecting indigenous biodiversity. This would not be reasonable or workable.</p> <p>Habitat for native lizards is often found outside of SNAs. This is another area where detailed guidance for councils is needed to ensure that regulation, directed by this clause, is tailored to managing effects on these species while avoiding rules/standards that are prohibitively costly and burdensome to consent applicants. We recommend Government consider the findings of a report we commissioned in 2019 which explored methods for improving lizard protection during land use and development in our region.²</p>	
3.17	Maintenance of improved pasture	The NPS-FM exposure draft deletes the definition of 'improved pasture' and replaces it with simply 'pasture,' which is undefined. In	Align the definitions of pasture used in the NPS-FM and the NPS-IB. Refer to the 8 July Greater Wellington submission on the NPS for Freshwater

² Knox et al. 2019. *Guidance on methods to improve lizard protection and management during land use and development in the Wellington region*, Report prepared for Greater Wellington Regional Council, <https://archive.gw.govt.nz/assets/Uploads/Lizard-Guidance-for-Wellington-Regional-Council-Wildlands.pdf>

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		<p>the NPS-FM, areas defined as pasture are excluded from the definition of natural wetlands. As it stands, a wetland could therefore meet the criteria to be considered a natural wetland under the NPS-FM (as less than 50% of its groundcover is dominated by the pasture species defined for this purpose) but still be considered to be an improved pasture under NPS-IB clause 3.17 (because some of the species present are exotic pasture species that were deliberately sown or maintained for the purpose of pasture production, and species composition and growth was modified and is being managed for livestock grazing). This management could, for example, take the form of mowing that would permit a developer to transform a natural wetland to facilitate a given development. To address this, we would recommend aligning the definitions of pasture used in the NPS-FM and the NPS-IB.</p>	<p>Management exposure draft.</p>
3.18	Māori lands	Support	None

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3.19	Identified taonga	<p>If specified highly mobile fauna are also taonga species the possibility exists for conflict within the NPS-IB. Subclause 3.19(2) gives tangata whenua the right to decide the level of detail at which any acknowledged taonga, or their location or values, are described. However, sub-clause 3.20(4)(a) requires local authorities to provide information to their communities about specified highly mobile fauna and their habitats. The reason for the latter is to provide species occupancy data to ensure that the habitat of these threatened species is protected from development.</p>	<p>Amend clauses 3.19 and 3.20 as necessary to ensure that the discretion of tangata whenua to not identify the locations of taonga (which may also classify as highly mobile fauna) does not conflict with the needs of local authorities and landowners to manage adverse effects on these species (which necessitates knowledge of where they are found).</p>
3.20	Specified highly mobile fauna	<p>The treatment of Public Conservation Land (PCL) creates competing disincentives for regional councils. If territorial authorities do not include PCL in their SNA layers, regional councils have to monitor the highly mobile fauna that reside in PCL. This will require a permit from DOC, which can be difficult to obtain and may not be issued if iwi support is not granted, placing regional councils in a legislative bind of not being able to legally</p>	<p>Amend clauses 3.20 and 3.25 to direct the Department of Conservation to assume responsibility on PCL for surveying highly mobile fauna and monitoring for the maintenance of indigenous biodiversity within SNAs.</p> <p>Amend 3.20(4) to:</p> <p>Local authorities must provide <u>available</u> information to their communities about:</p>

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		<p>perform the monitoring or surveys required of them. However, if PCL is included in the SNA layer, regional councils are required to monitor the degree of ecological integrity also requiring permits from DOC (Subclause 3.25(2)). For these reasons we recommend that central government hold the responsibility for surveying and monitoring highly mobile fauna on PCL.</p> <p>Subclause 3.20(4) requires local authorities to provide information to their communities about specified highly mobile fauna and their habitats. Regional councils are only required to collect this outside of SNAs (and should not be required to collect it on PCL), so would not hold a complete picture of the distribution of specified highly mobile fauna. This would mean that territorial authorities would be worse off as they do not collect this information and generally do not have the resources to do so. This subclause could instead specify that local authorities should</p>	<p>[...]</p> <p>Revise the list of specified highly mobile fauna in consultation with regional councils by considering the nature of the threats and management interventions required to conserve each species and the implications these will have.</p>

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		<p>provide the information they have <u>available</u> on species occupancy. DOC should be responsible for providing information on each species' habitats.</p> <p>The costs of surveying specified highly mobile fauna are likely to be exorbitant and with little obvious value. Unless a species is threatened by habitat loss, it is unclear what objectives, policies and methods local authorities could prescribe to improve its conservation status. Grey duck are a prime example. Their main threat is interbreeding with exotic mallard ducks. They are essentially on their way to being hybridised to extinction. DOC has assessed their potential for conservation management and determined that they are not a candidate for conservation management. Furthermore, as grey duck cannot be readily distinguished from mallards, they are not protected in the waterfowl hunting regulations and are therefore regularly shot. Grey duck are found in farm</p>	

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		<p>dams across the country. Putting local government in the position of being asked to influence farming operations for a species that has been consigned to extinction by central government is unreasonable. We cannot reasonably require farmers to manage their pasture/improved pasture in a particular way because it happens to be suitable habitat for NZ pipit and oystercatchers or prevent homeowners from felling large trees that threaten their properties because they might provide nesting opportunities for NZ falcon. The list of specified highly mobile fauna needs to be revised in consultation with regional councils and considering the nature of the threats and management interventions required to conserve the species and the implications these will have.</p>	
3.21	Restoration	<p>Clause 3.21 requires local authorities to include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity where it has been degraded in SNAs</p>	Refer to comments on clause 3.22.

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		<p>(3.21(2)(a)) and wetlands (3.21(2)(d)). This effectively covers all SNAs and wetlands in the Wellington Region. However, the pressures that have resulted in this degradation are often beyond the planning tools available to local authorities. For example, where the degradation is the result of previous harvesting of mature forest trees. With many wetlands remaining in production landscapes (note this subclause is not limited to natural wetlands), this section conflicts with the controls placed on the use of wetlands in production landscapes through the NPS-FM. The objective to restore indigenous biodiversity should rather be incorporated into ecosystem targets as outlined in comments on Clause 3.22 below.</p> <p>Sub-clause 3.21(2e) requires local authorities to include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including any national priorities for indigenous</p>	

No.	Provision	Support and/or suggestion	Amendment requested
		<p>biodiversity protection. It is not clear however, who will set these national priorities, how they will do it, and to what standards. We recommend that an ecosystem target approach be followed as outlined in comments on Clause 3.22 below.</p>	
3.22	Increasing indigenous vegetation cover	<p>A number of urban areas in the Wellington Region currently have no discernible indigenous vegetation cover based on the LCDB. Achieving a 10 percent target in these areas would therefore require a tenth of the existing urban area to be levelled for restoration, or the boundary of the urban area manipulated to include land outside of the existing built footprint to be incorporated in the urban area to allow for the achievement of the target. It is also possible that destruction of valued exotic trees may occur to meet the target. If the urban area existed in an ecosystem that is still well represented in natural areas this would represent an especially low value exercise.</p>	<p>We recommend amendments be made to Clause 3.22 to direct that central government develop a national ecosystem classification scheme and make local authorities responsible for assessing the extent of each ecosystem type remaining in their region, and developing objectives, policies and methods to ensure that none are regionally Threatened: Critically Endangered (as in none have less than 10 percent of their original extent remaining in the region).</p> <p>We recommend that amendments be made to Subclause 3.22(4)(b) to prioritise restoration of the habitats of taonga species and specified highly mobile fauna, establish corridors and buffers (as per Clause 3.21)(2)(c)), retire highly erodible soils from production (including LUC classed 7 & 8),</p>

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		<p>The idea of implementing conservation targets is a good one, but the way in which it is being applied is not in line with international systematic conservation planning principles. Rather than tying the targets to land use, we suggest that they should instead be associated with the threat status of ecosystems. We recommend that central government develop a national ecosystem classification scheme and make local authorities responsible for assessing the extent of each ecosystem type remaining in their region and developing objectives, policies and methods to ensure that none are regionally Threatened: Critically Endangered (as in none have less than 10 percent of their original extent remaining in the region). This is effectively what Subclause 3.21(2)(b) is calling for. Such an approach would integrate sections 3.21-3.23 and prioritise increasing indigenous vegetation cover in the areas it is most needed.</p> <p>Subclause 3.22(4)(b)(ii) requires that, in</p>	<p>prioritise areas that promote resilience, and allow for ecosystems to retreat, or for indigenous biodiversity to be repatriated, in response to the threats of climate change.</p>

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		<p>increasing indigenous vegetation cover, priority be given to ensuring species richness. However, a number of the most Threatened ecosystem types are not naturally species rich (e.g. active dunelands). Instead, we suggest the achievement of ecosystem targets should be prioritised to restore the habitat of taonga species and specified highly mobile fauna, establish corridors and buffers (as per Clause 3.21)(2)(c)), retire highly erodible soils from production (including LUC classed 7 & 8), prioritise areas that promote resilience, and allow for ecosystems to retreat, or for indigenous biodiversity to be repatriated, in response to the threats of climate change.</p>	
3.23	Regional biodiversity strategies	<p>There appears to be inconsistency or a lack of clarity around the intended level of collaboration with tangata whenua, the wider community and other stakeholders in relation to the regional biodiversity strategies required under this clause. Clause 3.3 sets out a thorough policy for how to include tangata whenua in decisions and implementation of</p>	<p>To avoid confusion on the level of ‘collaboration’ with tangata whenua, amend clause to link with clause 3.3.</p>

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		<p>the NPS. However, clause 3.23 requires ‘collaboration’ with tangata whenua and others with no clear link to how this should relate to clause 3.3. Clause 3.23 should link back explicitly to clause 3.3 to avoid confusion. Appendix 5 could also provide some useful clarification about what ‘collaboration’ could look like, and how collaboration with the wider community and stakeholders needs to differ from the requirements to work with tangata whenua outlined in clause 3.3.</p> <p>Also see comments on Clause 3.22.</p>	
3.24	Information requirements	<p>Subclause 3.24(2)(a) requires that resource consent applications include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed using the effects management hierarchy. In addition to indigenous biodiversity, the description should also include ecosystem processes. We suggest that ‘indigenous biodiversity and ecosystem processes’ be replaced with ‘ecological</p>	<p>Amend Subclause 3.24(2)(a) to:</p> <p>include a description of the adverse effects of the proposal on indigenous biodiversity <u>ecological integrity</u> and how these effects will be managed using the effects management hierarchy: and</p>

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		integrity' which, as defined in this NPS, includes both biodiversity and ecosystem processes.	
3.25	Monitoring by regional councils	<p>We support clause 3.25(1) to co-develop indigenous biodiversity monitoring plans for regions and districts.</p> <p>We recommend the revision of clause 3.25(2) as detailed.</p> <p>GWRC recommends the incorporation of clause 3.25(3) as detailed.</p> <p>Methods alone are not going to deliver adequate monitoring to ensure useable data. Regional councils need sampling frames to guide the replication, distribution and timing of monitoring to detect a reasonable level of change - see amended sub-clause (a).</p> <p>To inform and understand the effectiveness of the proposed policies we need to survey and monitor species and ecosystems to determine</p>	<p>Amend clause to:</p> <p>(1) <u>Regional councils must work with territorial authorities, relevant agencies and tangata whenua to develop a monitoring plan for indigenous biodiversity in their regions and each of their districts.</u></p> <p>(2) <u>Every monitoring plan must:</u></p> <p>(a) <u>establish methods and sampling frames for monitoring:</u></p> <p><u>(i) the occupancy and health of taonga species and highly mobile fauna outside of SNAs and public land;</u></p> <p><u>(ii) the occupancy and health of indigenous ecosystem across each region; and</u></p> <p><u>(iii) the extent of indigenous ecosystems</u></p>

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		<p>their occupancy and health - amended sub-clause sections (a)(i-iii).</p> <p>Sub-clauses 3.25(2b) and 3.25(3) effectively say the same thing, that we should use nationally agreed standards or methods if they are available. Sub-clause 3.25(3) is redundant and should be removed. The only additional information it provides is for timeframes which should be captured in the standards or methods. We are recommending that the intent of the existing sub-clauses could be better achieved by our amended sub-clauses (b) and (c).</p> <p>Sub-clause 3.25(2e) requiring the establishment of methods, such as action plans, for responding to monitoring that indicates the objectives of this NPS will not be met, does not belong in clause 3.25 on monitoring methods. This would be better placed in Section 3.23 on Regional biodiversity strategies.</p>	<p><u>established to achieve restoration objectives established under clause 3.21.</u></p> <p><u>(b) monitor at frequencies and intensities appropriate to detect ecologically significant changes; and</u></p> <p><u>(c) use best practice methods, or nationally agreed standards or methods, for monitoring that allow for comparability.</u></p> <p>Delete Subclause 3.25(3).</p> <p>Move Subclause 3.25(2)(e) to Clause 3.23.</p>

No.	Provision	Support and/or suggestion	Amendment requested
4.1	Timing generally	Support	None
4.2	Timing for planning provisions for SNAs		
4.3	Timing for regional biodiversity strategies		
4.4	Existing policy statements and plans		
Appendix 1	Criteria for identifying areas that qualify as significant natural areas		
Appendix 2	Specified highly mobile fauna	See comments on Clause 3.20.	None
Appendix 3	Principles for biodiversity	Support	None

No.	Provision	Support and/or suggestion	Amendment requested
	offsetting		
Appendix 4	Principles for biodiversity compensation		
Appendix 5	Regional biodiversity strategies		