



12 March 2020

Ministry for the Environment  
PO Box 10362  
**Wellington 6143**

Dear Sir/Madam

**West Coast Council's submission on Draft (proposed) National Policy Statement for Indigenous Biodiversity (2019)**

The four West Coast Councils (Buller, Grey and Westland District, and West Coast Regional Council) welcome the opportunity to submit on the Draft (proposed) National Policy Statement for Indigenous Biodiversity 2019 (NPSIB). The four Councils provide this as a joint submission.

We are extremely concerned about the proposed NPSIB as currently worded, and the impact that it would have on the West Coast. It is not a 'good fit' for this region and will incur significant costs on West Coast Councils and ratepayers to implement. It will also unreasonably restrict appropriate development in the region that can be undertaken without reducing the indigenous biodiversity values that make SNAs significant. The four West Coast Councils therefore **strongly oppose** the majority of the proposed NPSIB, and seek that it is amended to 'fit' the West Coast context, to achieve the maintenance of indigenous biodiversity, as well as providing for the economic, social and cultural wellbeing of our communities under the RMA.

The West Coast region is unique with its high level of remaining indigenous biodiversity compared to other regions. While we understand the concerns Government holds in regards to indigenous biodiversity decline, the fact is that retaining an excess of the particular biodiversity types on the West Coast will not benefit biodiversity nationwide, it just means an abundance of West Coast biodiversity examples are retained. As such, we have proposed that in refining the NPSIB to be 'fit for purpose', policy requirements should focus on regions and/or districts that have less than 50% of indigenous biodiversity remaining. We expand on this concept, and how it can be applied, in the following submission.

Central Government is in the midst of the biggest legislative and policy reform we have seen for some time. We are concerned that the indigenous biodiversity proposals are not as well connected to the other national directives being considered as they could be, or how these impact a region overall. We see that there are real benefits in aligning the national policy approach, ensuring that they do not duplicate each other (NPSIB, National Policy Statement Freshwater Management, New Zealand Coastal Policy Statement).

The West Coast Regional Council has recently undertaken successful Environment Court mediation on its Regional Policy Statement which has included a policy framework for the protection and maintenance of indigenous biodiversity in the region. Parties included in this process came from Iwi, conservation, industry and local government sectors. The outcomes of this process have been generally explained in our submission for your information, noting that the actual wording remains confidential until it has been approved by the Environment Court. These RPS provisions illustrate how development can take place in a manner which still provides for significant values.

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Please contact us if you have any questions regarding the content of our submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael Meehan', written in a cursive style.

Michael Meehan  
**Chief Executive**

# **Buller, Grey and Westland, and West Coast Regional, Councils' submission on the draft (proposed) National Policy Statement for Indigenous Biodiversity (NPSIB)**

## **Introduction**

The West Coast region has a high level of remaining indigenous biodiversity compared to other regions, making it unique. 84.2% of the region is public conservation land managed by the Department of Conservation (DoC), with the majority of this having indigenous vegetation cover. The Draft (proposed) NPSIB is underpinned by the premise that indigenous biodiversity is in serious decline and seeks that there is no reduction of indigenous biodiversity. The West Coast is not experiencing this decline situation seen in other regions. The 'absolute' terms used in much of the proposed NPSIB, as currently drafted, will therefore be extremely difficult to implement on the West Coast. For these reasons, the four West Coast Councils do not support the majority of the proposed NPSIB.

This submission outlines the costs and issues involved with implementing the proposed NPSIB on the West Coast. We have considered what will work on the West Coast to enable Councils' to fulfil their obligations under the Resource Management Act to maintain indigenous biodiversity, and enable West Coast people and communities to provide for their economic, social and cultural wellbeing. This submission sets out our "outcomes sought" to provide practical and workable solutions for the NPSIB to be implemented on the West Coast.

## **Structure of this submission**

This submission has seven parts:

1. The West Coast context
2. General comments on policy development
3. Comments on specific provisions of the NPSIB
4. Comments on Discussion Document questions
5. Conclusions
6. Appendix 1: Map of DoC land on the West Coast
7. Appendix 2: NPSIB requirements for regional policy statements, and regional and district plans

The first two sections provide background on the physical, cultural socio-economic and indigenous biodiversity setting of the region, and the impacts of the proposed NPSIB overall for the West Coast. Section 3 provides our comments on the specific Implementation Requirements<sup>1</sup> of the NPSIB. Section 4 outlines our responses to some of the questions in the Discussion Document "*He Kura Koiora i hokia*" that are the most relevant for the West Coast and our districts. Section 5 includes Appendix 2 –a list of the NPSIB requirements for regional policy statements, and regional and district plans.

Note that we refer to the 2019 version of the Draft NPSIB as the proposed NPSIB, to avoid confusion with the 2018 version which is also called the Draft NPSIB.

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<sup>1</sup> "Information Requirement" is referred to as "IR".

## **1. The West Coast context**

### **Physical background**

The West Coast region covers 23,000 km<sup>2</sup> (2,327,600 ha), making it the fifth largest region in New Zealand. The vast majority of land in the West Coast region is in the public estate with 84.2% managed by DoC (1,955,184ha – see map in Appendix 1). The West Coast is the wettest region in New Zealand with annual rainfalls ranging from 2.5 - 12 metres per annum, depending on the location. Climate change is predicted to make the West Coast generally wetter.

The West Coast has a small population of 32,000, scattered along a long narrow coastline that spans a length of over 600 km. The three main towns - Westport, Greymouth and Hokitika - have traditionally serviced the mining and farming sectors. In the southern part of the region, and increasingly in the northern part, tourism forms an important economic contributor to towns and settlements.

### **Cultural background**

Poutini Ngāi Tahu is defined as the section of Ngāi Tahu who, by whakapapa, derive their status as tangata whenua from their ancestors who held the customary title and rights to the lands of Westland (West Coast) at the time of the signing of the Treaty of Waitangi in 1840. Within Te Tai Poutini (West Coast), Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are the two papatipu marae-based Rūnanga, which have manawhenua over Te Tai o Poutini from Piopiotahi (Milford Sound) in the south, to Kahurangi in the north and into the middle of the Southern Alps. Each Rūnanga has its own area determined by natural boundaries such as mountain ranges and rivers. These takiwā are defined in the Te Rūnanga o Ngāi Tahu Act. The area that is in the exclusive takiwā of Te Rūnanga o Makaawhio extends from the south bank of the Poerua River mouth to Awarua Point. The area that is in the exclusive takiwā of Te Rūnanga O Ngāti Waewae extends from the north bank of the Hokitika River mouth to Kahurangi Point. Poutini Ngāi Tahu holds a holistic view of the environment and believes that all things are interrelated. This includes people and their interaction with the environment. Poutini Ngāi Tahu input into resource management policy and plans is driven by this view, and an all-embracing concern for the total environment.

### **Economic background**

With 84.2% of land administered by DoC and 0.9% in LINZ ownership, this leaves 14.9% in private ownership.

The West Coast has the smallest regional economy at \$1.6 billion (2018 GDP value), and has struggled economically with little growth observed in the last 10 years (0.1%). This situation appears to have worsened recently (-0.3%) compared with the rest of the country (3.2%, as of 2018). Corresponding trends in regional and national employment are similar to these figures.<sup>3</sup>

Both the population and economy has declined in the last 4-6 years in the northern and central parts of the region due to significant job losses from the closure of several coalmines, the cement works in Westport, and reductions in the dairy pay-out. In 2015, the West Coast was the only region that had a population loss. Loss of population can severely limit the viability of a range of services and has a negative impact on economic and social structures, and the health of small, tight-knit and often isolated communities.

Mean income, and income growth, lags behind the national average at \$54,000 and 2.9%, compared with \$60,000 and 3.7%, as of 2018. Housing affordability is three times better than the national average. Rental affordability, while a third better, is closer to the rest of New Zealand when compared with house prices.<sup>3</sup>

<sup>2</sup> <https://www.stats.govt.nz/>

<sup>3</sup> <https://ecoprofile.infometrics.co.nz/>

Deprivation indices for the West Coast indicate moderate to low deprivation in areas where there is significant agricultural activity. This is particularly apparent in the Hokitika and Grey Valley areas. The main urban population centres have moderate or better deprivation scores owing potentially to a conglomeration of public services and facilities that service tourism and industry. The Franz and Fox Glacier areas are a major tourist hub, which contributes to their higher prosperity.

High deprivation is evident in areas that have lower population densities and no significant industry in the area. Many of these areas had substantial coal mining communities which have struggled as this industry has contracted in recent times. The Buller District is an example of such an area.

The dichotomy in land ownership presents additional resourcing challenges for the Regional and District Councils in being unable to rate Crown land, as well as limiting the productive capacity of the region. While there are some activities undertaken on land administered by the Department (grazing, mining, tourism) there is limited other opportunities for productive land development.

### Main industry state and trends

Reliance on the natural resource base has been a feature of the region's history for more than 100 years. Sustainability and profitability of the natural and physical resource base is fundamental to, and interconnected with, the continued welfare of our region's communities.

Historically, forestry was a significant income stream for the West Coast, owing primarily to the value and accessibility of native timber species. Attempts to improve the sustainability of native logging began with the 1986 West Coast Accord and ended with the Forests (West Coast Accord) Act 2000. This effectively ended the West Coasts' native logging industry, leaving exotic forestry, which accounted for 0.6% of employment in 2018.<sup>3</sup> In the earlier part of the last decade, mining gold and coal was the most significant income source on the West Coast, particularly in the northern parts of the region. Global market trends and policy changes (e.g. safety and environmental), have substantially reduced coal mining activity and eliminated underground mining. Smaller scale alluvial gold mining operations continue to be economically sustainable and provide useful income for certain communities. Overall, employment growth in the mining sector has declined substantially.

**Table 1: Main industries on the West Coast (source: <https://ecoprofile.infometrics.co.nz/>)**

	Annual GDP 2018 (millions of dollars)	GDP% 2018	% of population employed	Employment growth 2016-2018
Dairy, sheep, deer, and beef farming	205.6	13.5% (Dairy 11.7%)	7.8%	-3.7
Tourism	199.4	13.1%	21%	5.3
Mining	106.8	7.0%	2.9%	-18.4

The West Coast is well endowed with scenic and historic attractions and has significant land and water-based recreational assets. Tourism has become increasingly important to the local economy in more recent times. In 2018 tourism GDP was just below that of agriculture and employed 21% of the West Coast population. This was more than twice the number of jobs provided by agriculture, with job growth increasing at 5.6% per annum from 2015-2018. Sustainability of the tourism sector is reliant on the development of additional private and public infrastructure.

West Coast guest nights increased by 17% over the last 16 years (2003 to 2019), which while positive, was approximately half of the New Zealand average increase for this period.<sup>2</sup> The West Coast is particularly popular with free and independent tourists travelling in mobile accommodation and accounts for the majority of tourists passing through the region. From 2015 to 2017, tourist numbers and income from freedom camping in New Zealand, nearly doubled.<sup>3</sup>

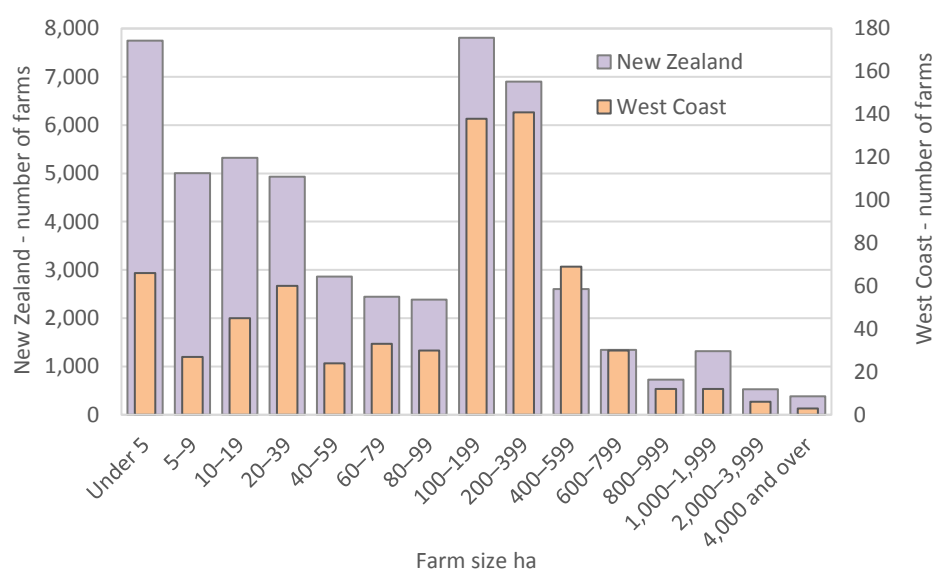
Agriculture was the largest industry on the West Coast in 2018 in terms of GDP. At this time agriculture accounted for 14% of GDP and 8% of employment, although these figures are higher if contributions from Westland Milk Products are included (another 2-3%), and the work created for support industries. The estimated agricultural area is 107,074 ha or 5% of the region.

Dairy farming is the main agricultural activity on the West Coast accounting for 84% of its GDP and 78% of its jobs (this does not include the 403 jobs provided by Westland Milk Products). Sheep and beef account for 13% GDP and 17% of jobs, with deer farming at 3% and 6% (GDP and jobs, respectively). Stock numbers have diminished for all these sectors from 2012-2017<sup>2</sup> (Table 2).

**Table 2: Main industries on the West Coast (source: <https://www.stats.govt.nz/>)**

	Total sheep	Total dairy cattle	Total beef cattle	Total deer
Stock numbers 2017	40,000	156,000	27,000	28,000
Percent change 2012-2017	-31%	-10%	-5%	-17%

The size of West Coast farms varies, similar to elsewhere in New Zealand. Relative to the rest of the country, the West Coast has a smaller proportion of farms less than 100 ha or greater than 1000 ha. The most common farming units are between 100 ha and 600 ha<sup>2</sup> (Figure 1).



**Figure 1: Farm size distribution on the West Coast (<https://www.dairynz.co.nz/publications/dairy-industry>)**

### Indigenous biodiversity background

Although the West Coast Regional Council does not have information on the number of species present,<sup>4</sup> the region is rich in its level of remaining indigenous biodiversity compared to other regions, making it unique. In a national context, one quarter of New Zealand's protected land is located on the West Coast. Five of the 14 national parks are wholly, or partly, located within the West Coast Conservancy. All DoC land south of the Whataroa River is located in the Te Wahipounamu *South-West New Zealand* World Heritage Area, identified as having international significance. Twelve wetlands and wetland complexes

<sup>4</sup> We obtained ecological advice (pers comm, V Keesing, 24/1/2020) that there is no specific information, and no one knows, how many indigenous species are on the West Coast, but there will be more than most regions. What is known, is that in New Zealand, there are approximately 2,500 vascular plant species, 560 mosses, 20 hornworts, 600 liverworts, 2,500 lichens, about 200 bird species, 2 mammals and 39 freshwater fish, at least 200 species of freshwater invertebrate and at least 45,000 (many more likely) species of terrestrial arthropods. The West Coast will have a high proportion of these totals.

meet the criteria for international importance under Article 2 of the Ramsar Convention; most are managed by DoC.<sup>5</sup> The West Coast Tai Poutini Conservancy is therefore one of the largest, and most comprehensively, protected of New Zealand's 13 conservancies.

As at 2012, the total percentage of indigenous land cover in the region was 88.98%.<sup>6</sup> Land cover is characterised by a predominance of forest cover (about two thirds of the land area), of which most is indigenous forest. Table 3 below lists what could be considered as indigenous land cover in the West Coast region. Apart from matagouri or grey scrub<sup>7</sup>, there has been either no reduction, or a very small percentage reduction in other types of land cover, and a small increase in the proportion of fernland. These figures question the relevance of the primary reason of the NPSIB approach in relation to the West Coast, that habitat is in serious decline. On the West Coast, habitat is neither limited, nor is it in serious decline.

Updated indigenous land cover data from the Land Cover Data Base (LCDB) for 2018 has been recently released. We understand that there are unlikely to be any significant changes in indigenous land cover from the 2012 data due to the large proportion of indigenous land cover on conservation land on the West Coast.

**Table 3: Types of indigenous land cover –  
Amount in ha in 1996 and 2012, and area change as a % of the 1996 area**

Detailed Category	Area 1996 (ha)	Area 2012 (ha)	Area change as a % of 1996 area (%)
Sand or gravel	2510	2513	0
Landslide	2890	2788	-4
Gravel or rock	119473	118241	-1
Permanent snow and ice	51140	51140	0
Alpine grass/herbfield	42294	42294	0
Indigenous forest	1408032	1404022	0
Broadleaved indigenous hardwoods	47651	46302	-3
Flaxland	2320	2299	-1
Herbaceous saline vegetation	1436	1410	-2
Tall tussock grassland	201762	201774	0
Manuka and/or Kanuka	43528	41694	-4
Matagouri or Grey scrub	1252	160	-87
Fernland	8372	8547	2
Sub-alpine shrubland	121595	121592	0
Lake or pond	13486	13508	0
River	15436	15473	0
Estuarine open water	1314	1314	0

<sup>5</sup> West Coast Te Tai o Poutini Conservation Management Strategy, Volume I, Chapter 2 Context, 2.2 Overview of Conservation Values, Pgs 18-21.

<sup>6</sup> Figure from the Land Cover Database via LAWA (Land, Air, Water Aotearoa): <https://www.lawa.org.nz/explore-data/land-cover/>

<sup>7</sup> It is probable that some of the grey scrub has succeeded to the next seral stage - young forest, broadleaf shrub, and it is likely that much has been cleared for pasture. There would never have been much naturally on the West Coast in the low lands, as it is a high montane community, a dryland community (such as found in Otago) or early successional where forests, especially on braided river edges, burnt down or were removed. However, there is no drastic decline in the wider set of indigenous vegetation cover (pers comm, V Keesing, 4/2/2020).

Detailed Category	Area 1996 (ha)	Area 2012 (ha)	Area change as a % of 1996 area (%)
<b>Total indigenous land cover 2012</b>		<b>4115046</b>	

Private land, which is rural or rural-residential, retains a considerable proportion of indigenous biodiversity, particularly in comparison to other regions. One of the three District Councils have identified terrestrial<sup>8</sup> Significant Natural Areas (SNAs). A recent Order in Council from the Local Government Commission directed the West Coast Regional Council, by way of a transfer of functions, to review the three district plans and prepare one district plan for the three West Coast District Councils. The approach to take regarding reviewing, and/or identification and mapping, of terrestrial Significant Natural Areas (SNAs) is being considered in the new district plan process.<sup>9</sup> The new district plan is rated for by the Regional Council.

There are a number of threatened or endangered species present throughout the West Coast region. These include great spotted kiwi, Okarito brown kiwi, Haast toeka, South Island kaka, kea, blue duck, yellowhead, scarlet mistletoe and Powelliphanta land snails. White heron are the fourth most endangered bird species in New Zealand, and the only New Zealand breeding colony is at Whataroa on the West Coast.

Given the large area that is managed by DoC, and the small rating base of the West Coast Regional Council (16% of land area), the Council has a relatively small role in protecting and maintaining indigenous biodiversity in the region. The Regional Council does not employ an in-house ecologist. DoC is advised weekly of consent applications lodged within or adjoining conservation land where indigenous biodiversity values may be adversely affected. DoC may also be an affected party. The Department is also a frequent submitter and appellant on Council's Regional Policy Statement and regional plan reviews. 225 Schedule 1 and 2 wetlands were identified in an Environment Court process and added to the Regional Land and Water Plan in 2012. These wetlands cover 57,832 Ha or ~2% of the entire region, on private and DoC land. The Plan also has objectives, policies and rules to protect the significant values of these wetlands.

The Council's main roles which relate to maintaining indigenous biodiversity are:

1. Employment of a Biosecurity Officer to implement its Pest Plant Management Plan. This is a requirement under the Biosecurity Act. The Officer works closely with the DoC biodiversity rangers to enforce compliance around the control of invasive plant species which suppress or replace native species, thereby reducing indigenous biodiversity or hindering the regeneration of native species.
2. Through its operational arm, Vector Control Services (VCS), the delivery of large scale aerial pest control contracts for DoC as part of the Department's Tiakina Ngā Manu programme targeting possums, rats and stoats, to protect vulnerable and threatened native species. VCS also delivers contract work for Ospri. This work is primarily to prevent the spread of bovine tuberculosis from possums to cattle, and is carried out under the National Pest Management Plan for Bovine Tuberculosis. These contracts also have the benefit of reducing vertebrate pest populations which predate on native birds and vegetation.

<sup>8</sup> The West Coast Regional Council has already identified significant wetlands to fulfil its RMA s6(c) obligations, and mapped them in the Regional Land and Water Plan. To avoid duplication, the District Council's do not need to repeat this exercise, and so only need to identify terrestrial (non-wetland) SNAs.

<sup>9</sup> The correct title of the new district plan is "Te Tai o Poutini Plan".



### **Resource management background**

Although West Coast Councils are small, they are still required to deliver the same services and functions as the other districts and regions. Resourcing is therefore one of the biggest challenges. Traditionally, resource management activities have been prioritised, including those regarding our indigenous biodiversity, in the areas where the greatest resource pressures exist. For example, Westland District Council requires an ecological assessment for any vegetation clearance exceeding 2,000m<sup>2</sup> per five years per site and where the land adjoins conservation land, or where more than 5ha of indigenous vegetation is proposed to be cleared.

The climate on the West Coast, the abundance of 'seed' material (regeneration capacity) and the nature of the land ownership are major contributing factors to the high level of remaining indigenous biodiversity. Another factor is the land tenure which is split 16% in private ownership and 84.2% under the administration of DoC. The dichotomy in land ownership presents additional resourcing challenges for the Regional and District Councils in not being able to rate this land, as well as limiting the productive capacity of the region. While there are some activities undertaken on land administered by the Department (grazing, mining, tourism) the opportunities are limited.

Development activities can often trigger the need for indigenous vegetation disturbance due to the extensive indigenous cover on the West Coast, particularly in rural areas. While the region generally experiences low development pressure, the ability to provide for the region's continued wellbeing by providing for appropriate development activities is paramount. This may involve the removal of indigenous vegetation and habitat. In contrast to other regions, the West Coast has thriving resource-based industries alongside the natural environment, and it is important to be able to provide for both.

We recognise that indigenous biodiversity and habitats in the region provide benefits that support tourism, recreation and the health and well-being of our people and communities. Development of new tourism related infrastructure within public conservation land will provide incentives for growth and investment in the wider region. Other activities that occur on land administered by the Department including grazing licences, mining and sphagnum moss harvesting. The large areas of well-vegetated upper catchments also reduce flooding, erosion and sediment downstream.

The Councils support in principle the protection of significant indigenous biodiversity that is rare or threatened. But we, on the West Coast, are less focused or worried about the typical, as we have an abundance of "typical" which is not, and being in DoC management cannot, come under threat. There is no desire to see indigenous species in the West Coast region become extinct as a result of natural resource use, but that cannot, in today's RMA world, occur. This approach is reflected in the Council's Regional Policy Statement (RPS) Chapter 7 Ecosystems and Indigenous Biodiversity policy framework which requires that activities do not cause, as a 'bottom line', the extinction or reduction of nationally critical, endangered or threatened indigenous biodiversity.

We recognise that councils need to undertake functions for maintaining indigenous biodiversity under sections 30 and 31 of the RMA. We acknowledge the work that the West Coast Department of Conservation Conservancy does in the region to protect significant indigenous vegetation and significant habitats of indigenous fauna, and the voluntary work undertaken by individual landowners and community groups. We support the undertaking or promoting of non-regulatory actions that contribute to the protection and maintenance of indigenous biodiversity at a level that is commensurate with our resources.

The context of the region, and the challenges and pressures facing the West Coast Councils, have shaped the comments provided on the NPSIB proposals. What we have repeatedly found is that the West Coast differs to other parts of New Zealand. Central government, while having the best of intentions, does not

take into account that there are these regional variations across the country. ‘Cookie cutter’ policy may achieve little in a region where there are limited or no pressures on that particular resource (in this case indigenous biodiversity). In the case of the West Coast, ‘cookie cutter’ policy will impose significant cost implications and restrictions on our economic, social and cultural wellbeing. We recognise that it is challenging to apply workable policy across large areas but believe that it can be achieved.

## **2. General comments on policy development**

### **Implementation costs**

The cost to ratepayers will be prohibitive if West Coast Councils are required to implement the proposed NPSIB as currently worded across the whole region, the cost to ratepayers will be prohibitive. The proposed NPSIB makes sense in developed regions where many indigenous ecosystems and species have been lost, or are in serious decline. The NPSIB, as currently drafted, is not appropriate in the West Coast context where there is considerable indigenous biodiversity present, and 84.2% of the region is located within the conservation estate comprising vast areas of indigenous vegetation and habitats. Implementing the NPSIB across the entire region will adversely impact the social and economic wellbeing of West Coast communities, and will result in little, if any, biodiversity benefit to the region.

Regions and districts with lower populations, and less land available to leverage for economic productivity, are inherently more likely to have a higher number of areas classified as SNAs. As a result they are unable to be leveraged for economic productivity. In other words, regions who have retained high biodiversity values will be economically punished in comparison to those areas where values have already been lost. A direct consequence of this effect is reduced economic activity placing a disproportionately larger burden on ratepayers who are the least equipped to cope. If protection of indigenous biodiversity is considered to be a matter of national importance, national funding for its purchase, and ultimate protection, is essential.

In the case of the West Coast, the drive towards decentralisation and a push for central government policy to be delivered by local government through ‘unfunded mandates’ is impossible to deliver without significant rate increases.

Rural regions are already concerned about the potential impact of the various policy documents the Government is currently consulting on. We need to alleviate this concern by having relevant and robust regulatory impact assessments to quantify the social and economic cost. We also require clarity on what the proposal will achieve.

Will the cost to achieve what is sought by Government justify the outcomes? Extra regional policy statement and plan changes, identification, strategy development and monitoring will result in additional costs on the West Coast Council’s resources, and landowners budgets, but return little, if any, benefit due to the already high level of indigenous biodiversity present.

We question how the Rural Proofing Guide for policy development and service delivery planning<sup>10</sup> has been given effect to with the development of the proposals for indigenous biodiversity. Is the effort required going to achieve the gains sought?

These regulatory provisions to improve indigenous biodiversity will significantly increase the costs of preparing regional policy statements and plan changes for the West Coast. Appendix 2 of this submission lists the numerous NPSIB requirements for regional policy statement’s, and regional and district plans. Extra time will be required to draft workable policies to give effect to the NPSIB, particularly in regards to undertaking pre-hearing consultation to explain all the changes to lay submitters and stakeholders. There

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<sup>10</sup> Ministry for Primary Industries 2018 - <https://www.mpi.govt.nz/about-us/our-work/rural-proofing/>

will be greater costs for the extra time for hearing commissioner's to hear increased numbers of submitters wanting to present further evidence, as well as extra costs of additional numbers and length of submissions and appeals by affected landowners. Making changes to regional policy statements and plans, and the other requirements, are extremely likely to be higher on the West Coast than the Ministry's estimates as there are greater numbers of potential SNAs, taonga, highly mobile fauna, and percentage of indigenous cover etc. here.

**Example – The estimated cost to implement the NPSIB in the West Coast region**

The estimated costs for the WCRC to implement the proposed NPSIB **across the whole region** based on the figures in the Ministry for the Environment's Regulatory Impact Statement are set out below:

**\$2,254,000 - \$4,172,000 for implementation costs, cost up front**

**\$1,019,000 - \$3,949,000 for ongoing operational costs over the next 30 years (not including costs on landowners, iwi etc).**

A breakdown of these amounts is:

- *For detailed identification and mapping of SNAs in the whole region: \$1,770,000 - \$3,285,000*
- *Regional Plan Change: \$211,000 - \$247,000 (could be light)*
- *District Plan Change for each of the three Districts, through the Te Tai o Poutini Plan (One District Plan): \$213,000 - \$528,000*
- *Biannual updates to SNAs x 3: \$192,000 - \$387,000*
- *Developing a regional biodiversity strategy: \$60,000 - \$112,000*
- *Monitoring programme set up and ongoing operational cost: \$955,000 - \$3,820,000*

These figures do not include implementing the requirements to change the Regional Policy Statement, promoting resilience to climate change, identifying and mapping taonga, surveying and recording highly mobile fauna, promoting restoration and enhancement, and assessing the percentage of indigenous cover in rural and urban areas. More importantly, the Regulatory Impact Statement does not analyse the opportunity cost on landowners, the impact on the rating agencies, Council's ability to implement other work streams and connection with other policy development.

**The West Coast Regional Council's Annual General Rate collected totals \$2,400,000.**

Using the Ministry's estimates for implementation costs, the WCRC would have to increase the general rate 2-3 times its current take, not including the additional ongoing operational costs and costs to landowners, iwi and industry.

The Regulatory Impact Statement identifies additional costs on landowners in regards to loss of opportunity to be **medium to high** and in relation to additional pest control costs as **high**.

The Ministry for the Environment's section 32 Evaluation report assessed that: *"Overall, the national approach required under the NPSIB is likely to have a disproportionately high negative impact on the West Coast compared to the rest of New Zealand."* It is essential therefore that some form of exemption needs to be made for the West Coast.

Given that the West Coast is the 5<sup>th</sup> largest region, with current significant existing indigenous biodiversity values, it is expected that the four Councils will sit at the top end of implementation costs. There is also the potential that the Government's Regulatory Impact Statement has underestimated the costs identified.

**Outcome sought**

Some form of exemption or alternative provisions needs to be provided in the NPSIB for regions with existing high levels of indigenous biodiversity. For example, a provision could be added that where a region or district retains more than 50 or 70% (a figure that can be determined by the Select Committee) of indigenous land cover, the following will apply<sup>11</sup>:

[Redacted text block]

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<sup>11</sup> West Coast RPS Mediation version, Chapter 7 Ecosystems and Indigenous Biodiversity, Policies 2-7 inserted. Confidential until Court signoff on the Regional Policy Statement mediation agreements.

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#### **Other issues with implementation**

##### ***Cost of implementing NPSIB on private land***

If the land administered by DoC on the West Coast is excluded and the NPSIB, as currently worded, is implemented across the remaining 14.9% of private land, the costs will still be unreasonable and difficult for ratepayers to bear. It is estimated that the cost for identifying the SNAs on private land by consultants would be between \$265,000 - \$493,000.

The Biodiversity Collaborative Group (BCG), who developed the 2018 Draft NPSIB, recognised that smaller councils would need support for identifying and mapping SNAs. District-wide SNA identification takes time, requires a high level of expert input, and is resource-intensive. We acknowledge that this cannot be provided for in a national policy statement, however, some demonstrable commitment of assistance from the Government is required to give councils certainty.

Should the Government wish to place further restrictions on private freehold land through legislative change, a straightforward compensation package for West Coast landowners must be developed at a minimum. We understand the importance of wetlands in the national context, however the West Coast Regional Council's mandate is focussed on the region. Our belief, and one we have supported for many years, is that if West Coast wetlands are that important in the national context then the Crown needs to purchase these in the national interest.

##### **Example – costs of identifying SNAs on West Coast private land**

The figure of \$265,000 - \$493,000 is based on using consultants to identify the SNAs, and would be markedly less if ecology students are used. If students are used to do the identification assessments, at some stage one or more consultant ecologists would need to check the student's assessments. They would also need to be supervised by the consultant ecologist who would potentially undertake the further assessment of those needing more detailed work to confirm their significance status. Given the relatively high proportion of indigenous bush on private land (and changes to the significance criteria, plus the wording of other IRs discussed later in this submission), there could be a substantial number of SNAs on private land which will put the cost at the higher end of the estimated range.

**Outcomes sought**

1. That the Government gives a commitment, in writing, to provide support for small councils with limited resources to implement the NPSIB.
2. That the Government compensates landowners for the opportunity cost of not being able to develop their land, or that the Government purchases these land parcels in the national interest.
3. That additional funding is made available to the Nature Heritage Fund for the Crown to purchase SNAs on private land.

***Insufficient provision for existing RPS and plan provisions***

The West Coast Regional Council has recently resolved appeals on the proposed Regional Policy Statement through Environment Court mediation. We are concerned that the NPSIB requirements will 'over reach' the newly written, and soon to be operative, RPS, particularly the pathway that has been created to provide for activities within and outside of SNAs that do not affect the significant indigenous biodiversity values. Agreement was reached with all the mediation parties<sup>15</sup> on the policy framework and criteria for identifying SNAs and managing adverse effects of existing and new development on SNAs. Most of the additional changes that the NPSIB requires to regional policy statements are not currently included in the West Coast RPS. To incorporate these would require a further Schedule 1 process.

It does not seem feasible to have all the regional policy statement and plan change requirements, listed in Appendix 2 of this submission, ready at the same time to apply through one plan change. It will take considerable work over the next few years. We do not believe it is possible to meet these timeframes given the other national policy work, including the freshwater plan changes, currently underway and/or proposed.

Additionally, short timeframes to implement the NPSIB will not provide councils sufficient time to build good working relationships and trust with landowners, for them to feel comfortable letting council staff and/or ecologists on to their land to undertake assessments and monitoring. Approaching this in haste could result in landowners not allowing access to their land.

If the required changes listed in Appendix 2 are made to the proposed district plan while it is being prepared, there is a risk that they may be inconsistent with changes to the RPS which would be undertaken at a later stage. The alternative is to wait until the RPS is updated before making the changes to the district plan. This means that the changes to the district plan may not be notified by 31 December 2028 as required by the NPSIB 1.5 (3) timeframe.

Implementing the NPSIB as currently worded will increase the costs of preparing RPS and plan changes. Extra time will be required to draft workable policies to give effect to the NPSIB, undertaking pre-hearing consultation to explain changes to lay submitters and key stakeholders. There will be increased costs for hearing commissioner's time to hear increased numbers of submitters wanting to present further evidence, as well as extra costs of additional numbers and length of submissions and appeals by affected landowners.

**Outcomes sought:**

That the Implementation Requirements provide for:

1. Existing RMA indigenous biodiversity regional and district policy and plan provisions which are generally consistent with the NPSIB, similar to IR 3.8(4); and

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<sup>15</sup> DoC, Royal Forest and Bird Protection Society of New Zealand Inc (Forest and Bird), West Coast Fish and Game Council, Te Rūnanga o Ngai Tahu, Bathurst Resources Ltd, Stevensons Mining, Buller District Council, Federated Farmers, Transpower, Frida Inta, Grey District Council, Trustpower and Westpower.

2. Greater flexibility with timeframes for implementing the NPSIB that take into account small councils' limited resources.

***Disconnect between intent and wording***

Following discussions with Ministry for the Environment and DoC staff, it appears that the intent of the NPSIB as outlined in the Discussion Document, to halt large-scale biodiversity loss, is not clearly reflected in the 'absolute' wording of parts of the NPSIB. Some of the Implementation Requirements are ambiguous and unclear as to how they will be interpreted and applied, for example, the criteria for identifying SNAs in Appendix 1 of the NPSIB, creating uncertainty for landowners. While we understand that the intent is not to stop all development, some of the wording can be interpreted in absolute terms, and in the West Coast context could have such an effect.

A number of the policies/implementation requirements are very broad and open-ended with no qualifiers or parameters to give clear or practical direction. This reflects inherent tensions in the proposed NPSIB between providing national policy direction for councils to implement sections 6(c), 30 and 31 of the Resource Management Act, and the national policy direction being drafted by DoC who operate under the Conservation Act, and may be seeing implementation of s30 to maintain indigenous biodiversity through the lens of the Conservation Act, and possibly informed by other philosophical views about 'protecting' the environment.

**Example – Fundamental concept of maintaining indigenous biodiversity**

***“(3) Maintenance of indigenous biodiversity***

*The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following:*

- *The size of populations of indigenous species:*
- *Indigenous species occupancy across their natural range:*
- *The properties and function of ecosystems and habitats:*
- *Connectivity between and buffering around, ecosystems.*

*The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.”*

This is one interpretation of what “maintain indigenous biodiversity” can mean. The ‘no reduction’ approach is reflected in IR 3.9 as avoiding the loss of extent or of any portion of an area of indigenous biodiversity. However, it is not clear if it is absolute, or if it means “maintain” such that after effects and when offsets are completed, the net outcome is the same level of indigenous biodiversity, or more. It is also uncertain how the fundamental concept sits with the other Implementation Requirements in the NPSIB, for example:

**Implementation Requirement 3.7 Social, economic and cultural wellbeing, clause b):** *“that the maintenance of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms, within appropriate limits;....”*

**Outcomes sought:**

1. Provide guidance on how the Implementation Requirements are intended to be implemented, and ensure the guidance has legal weight.
2. Strengthen Implementation Requirement 3.7 to make it clear that the social, economic and cultural wellbeing of people and communities is critical.

### **3. Comments on specific provisions of the NPSIB**

#### **Part 1: Preliminary provisions**

##### **1.5 Application**

###### *Geographic application*

We **support** the scope of the proposed NPSIB being limited to terrestrial indigenous biodiversity, and **not** applying in the coastal marine area or freshwater environments. The New Zealand Coastal Policy Statement (NZCPS) already has specific provisions for protecting coastal indigenous biodiversity in Policy 11.

Clause (2)(a): We **oppose** the NPSIB having provisions for the restoration and enhancement of wetlands. Having both the National Policy Statements for Freshwater Management (NPSFM) and Indigenous Biodiversity directing the management of wetlands is confusing and unnecessary. Meeting the NPSFM requirements for water quality and quantity can include restoring and enhancing wetlands. Without maintaining freshwater quality and quantity within wetlands, the wetland and its biodiversity values will not remain. While the NPSFM does not have criteria for identifying the significant values of wetlands and outstanding freshwater bodies, this does not necessarily mean there is a gap in the NPSFM that the NPSIB needs to fill, nor does it exclude councils using recognised ecological criteria to identify significant freshwater indigenous biodiversity to give effect to the NPSFM. Therefore it is our view, that the NPSFM is the most suitable place for provisions regarding wetlands.

We are further **opposed** to the NPSIB having policy direction for the restoration and enhancement of wetlands. Our reasons are outlined under IR 3.16.

Clause (2)(b): We **oppose** the requirement for regional biodiversity strategies to apply to maintaining indigenous biodiversity in the coastal marine area, and in waterbodies and freshwater ecosystems, for the reasons explained above. Our reasons for opposing the requirement for regional councils to prepare regional biodiversity strategies under the IR 3.18 apply here, namely, the cost of covering the whole region, duplication of work undertaken by DoC and other agencies and groups, and the questionable benefit to ratepayers from having a strategy given the scale of restoration and enhancement activities being undertaken already without a strategy. There is no significant threat to biodiversity values in our region from rampant development, due to the relatively low development pressure, and this is not expected to change in the future.

##### **Outcomes sought:**

1. Refer to the "Outcomes sought" under IRs 3.16 and 3.18.

###### *Temporal application*

Clause (3): We **oppose** the proposed wording of IR 3.8 clause 3 which requires completion of the district wide assessment of SNAs within the five year time-frame, and notification of changes to regional policy statements and plans to add SNAs by 31 December 2028. The time frame for identifying SNAs is unlikely to be met on the West Coast given the scale of the exercise over some very rugged terrain and the need for adequate engagement with landowners. In our submission on the Freshwater Package, we outlined the difficulty for small councils with limited resources to notify plan changes by December 2023 and release decisions by December 2025. If we cannot meet the timeframes in the NPSFM, or appeals are lodged on the freshwater changes, we will potentially have one-two years to draft biodiversity changes to the RPS and regional plan, making the 2028 timeframe difficult to achieve. The timeframe is also unreasonable for a small regional council in the context of business as usual activities, ongoing civil defence responses and natural hazard management from climate change events, amongst other things, that we have to deal with.



Clauses (4), (5) and (6): We comment on these timeframes for undertaking RPS and plan changes for SNA identification, regional biodiversity strategies and adding the section 3.19 policy to plans, later in Part 3 of this submission.

### 1.6 Relationship with New Zealand Coastal Policy Statement (NZCPS)

We **strongly oppose** the proposed approach of both the NPSIB and the NZCPS applying in the terrestrial part of the coastal environment (above Mean High Water Springs) unless there is conflict, whereby the NZCPS prevails. The proposed approach means that there are two sets of policy direction applying in the terrestrial environment, and it could place unreasonable requirements on resource users. We believe it will potentially lead to a high level of conflict and litigation. It is more efficient, and effective, that only one of the NPS's applies. We assume that the purpose of the proposed approach is to ensure that SNAs in the terrestrial coastal environment are identified and added to the district plans, as the NZCPS 2010 does not currently require this. If the NPSIB does not apply in the coastal environment, the risk of coastal terrestrial SNAs not being identified is, in our view, low, as councils still have to meet their RMA s6c and s30 and 31 obligations for this domain in their regional and district plans. It is now also recognised as good practice, and sought by submitters on plans, to identify such sites and protect them.

#### Outcome sought:

1. Amend 1.6 of the NPSIB so that only the NZCPS applies in the terrestrial coastal environment. The NZCPS came into effect in 2010 so it must soon be due for review. This would be an opportune time to add provisions to the NZCPS requiring the identification and protection of SNAs, to provide consistency between this and the NPSIB.

#### Fundamental concepts

##### (1) Indigenous biodiversity

We **oppose** having "indigenous biodiversity" in the "Fundamental Concepts" section. The explanation reads more like a definition, however there is no definition of "indigenous biodiversity" in the Definitions section. This makes its legal status confusing.

#### Outcome sought:

1. Remove "indigenous biodiversity" from this section, and add it as a definition to 1.8 Definitions.

##### (2) Maintenance of indigenous biodiversity:

We **strongly oppose** the inclusion of "maintenance of indigenous biodiversity" as a 'concept'. It is too broad brush, aspirational and potentially unachievable. It is more like an environmental standard, and its legal status in relation to the definitions is unclear.

West Coast Councils do not hold enough information about indigenous biodiversity dynamics, that is, how throughout the region indigenous vegetation regeneration and seral<sup>16</sup> recolonisation is occurring as well as losses of indigenous vegetation, to determine whether there is "no reduction", especially in regards to the list of ecological parameters in this 'concept'. This 'concept', in effect, means "avoid", and as a blanket approach for maintaining indigenous biodiversity, is contrary to the RMA, which is not a 'no effects' based legislation.

#### Outcome sought:

1. That clause (3) be deleted, or substantially amended to have a more appropriate meaning or explanation in line with the RMA, allowing the offset and mitigation hierarchy to be enacted.

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<sup>16</sup> "Seral" refers to the series of relatively transitory plant communities that develop during ecological succession from bare ground to the climax stage.

(3) Adverse effects on indigenous biodiversity:

Clause (4): This 'concept' reads more like a definition. It is unclear how it sits with IR 3.9, 3.10 and 3.19.

**Outcome sought:**

1. Refine the intent of what is sought with this 'concept' and wording, and the relationship it has with other IRs.

**1.8 Definitions**

**General comment**

The definitions are considerably different from those proposed in the Draft 2018 NPS. A number of new definitions have been added, mainly technical ecological terms, other definitions from the Draft version are removed, and a small number of existing definitions have been amended.

We **do not support** the following definitions:

Fragmentation: This is a new definition. The reference to "altered spatial configuration" is about the shape of a SNA. It is not about fragmentation.

Highly mobile fauna: This definition is totally uncertain and vague, and is problematic for implementing IR 3.15. It has the effect of making a site where a highly mobile fauna is present the equivalent of an SNA.

Terrestrial environment: The reference to 'coastal marine area' should be removed. The proposed NPSIB does not apply to the coastal marine area.

**Outcomes sought:**

1. Delete "altered spatial configuration" from the definition of fragmentation.
2. Delete the definition of highly mobile fauna, and provide clear direction in a guidance manual accompanying the NPSIB.
3. Delete the reference to "coastal marine area" in the definition of terrestrial environment.

**Part 2: Objectives and Policies**

**2.1 Objectives 1 and 5**

**Objective 1:** *"to maintain indigenous biodiversity:"*

We **strongly oppose** Objective 1. As an objective it is too open ended and does not provide clear direction for councils. Given that the Fundamental Concept clause (3) is potentially unachievable as worded, Objective 1 cannot be applied in the West Coast context.

**Outcome sought:**

1. Amend Objective 1 so it can be applied both in the West Coast context as well as developed regions, or delete the Objective in its entirety.

**Objective 5:** *"to restore indigenous biodiversity and enhance the ecological integrity of ecosystems:"*

We **strongly oppose** Objective 5. As drafted, it is too open ended and does not provide clear direction for councils. The Objective does not reflect the different range of circumstances where restoration or enhancement is very necessary, due to a low level of indigenous biodiversity in the region, and where conversely, there is a high level of remaining biodiversity and less urgency for restoration and enhancement. There are likely to be ecologically degraded areas on the West Coast, both on DoC and private land. However, depending on the scale of degradation in comparison to the proportion of the region that is not degraded, the necessity and cost of restoration and enhancement may be unjustified.

The urgency with which councils' focus on restoration and enhancement of indigenous biological diversity should be related to the level of indigenous biodiversity retained, such that those with greater than 50 or 70% (a figure that can be determined by the Select Committee) of original land cover in indigenous ecosystems can prioritise restoration to achieve an amended Objective 5 that is appropriate to their regional or district context.

**Outcome sought:**

1. Amend Objective 5 so it practically applies in the West Coast context as well as developed regions, for example: "To restore indigenous biodiversity and enhance the ecological integrity of ecosystems, giving this priority according to the proportion of indigenous biodiversity that is retained, and to a level of at least 50 or 70% (a figure that can be determined by the Select Committee) of indigenous land cover"; or words to this effect, or delete the Objective in its entirety.

**2.2 Policies**

**General comment**

We **oppose** the section 2.2 policies as they are unnecessary and confusing. They repeat some, or most, of the wording in the Part 3 IRs. Their legal status is unclear in comparison to the Part 3 IRs as they do not repeat verbatim the Part 3 IRs. This could create extra work and costs for councils to resolve differences in interpretation by consent applicants, affected parties and submitters, and ultimately increase litigation. For example, Policy 10 is to "*provide for appropriate* (italics added) existing activities that have already modified indigenous vegetation and habitats of indigenous fauna", giving the impression that existing activities will be provided for. However, the effect of the corresponding IR 3.12 is potentially different as it does not include the terms "provide for appropriate".

The section 2.2 Policies are also difficult to interpret as they are not in the same order as the Part 3 IRs, and there is no corresponding Policy for every IR.

**Outcome sought:**

1. Delete the Part 2.2 Policies.

**Part 3: Implementation Requirements (IRs)**

**General comment**

Further to our comments regarding the deletion of the Part 2.2 Policies, Part 3 should be relabelled as the Policies, to make their legal status clearer. The RMA requires that national policy statements must have policies (and objectives and methods) under s45A(1) of the RMA, while the section 45A(2) matters are optional. However, the directive and stringent nature of the Part 3 'requirements' means that when they are implemented, the focus is likely to be on them rather than the section 2.2 'policies', making the 'policies' potentially redundant and confusing. The Part 2.2 policies and Part 3 Implementation Requirements seem to be inconsistent with the requirements of section 45A of the RMA.

The following comments on the NPSIB's IRs examine further the types of costs and potential issues for West Coast Councils in implementing the Draft (proposed) NPSIB 2019.

**3.5 Resilience to climate change**

We are concerned about the requirement to add provisions in regional policy statements, plans or regional biodiversity strategies to promote the resilience of indigenous biodiversity to climate change. We understand that this is about keeping all, or representative populations of indigenous species alive through climate events, and not having 'all eggs in one basket'. However, West Coast Councils do not have the knowledge or capacity to achieve this. We are concerned about the associated cost implications, and whether positive outcomes for the West Coast will actually be achieved. This is a relatively new

concept that we anticipate will evolve considerably in the future. The West Coast DoC Conservancy has considerably more knowledge about the effects of climate change on indigenous biodiversity than local councils, and are already undertaking actions in this area, for example, by relocating skinks from two coastal locations where coastal erosion is threatening their habitat.

To implement this IR, West Coast Councils would need to obtain information from DoC, duplicating the work DoC are already undertaking. Clause a) is worded as “*providing*” for the maintenance of ecological integrity through “*natural adjustments....*”, but we do not know what is meant by “*natural adjustments*”. If central government wants councils to undertake work in this space, it will need to fund them accordingly.

**Outcome sought:**

1. Amend IR 3.5 Resilience to climate change by:
  - a) Removing the requirement to add provisions to regional policy statements and regional biodiversity strategies promoting the resilience of indigenous biodiversity to climate change, to avoid duplication in planning documents, and the need to update RMA planning documents more frequently as a result of changes in technology, practice and methods.
  - b) Adding qualifiers to IR 3.5 so that it does not place unrealistic or unreasonable requirements on all councils, or make it optional subject to sufficient knowledge and resourcing.

**3.8 Identify significant natural areas**

Note: We have made comments on IR 3.8(3) under Part 1.5 temporal application, regarding the timeframes for identifying SNAs.

We **strongly oppose** the proposed wording of clause (1)a) which requires every territorial authority to undertake a **district wide assessment**. On the West Coast, this will require district councils to identify SNAs on public conservation land, which comprises the majority of land in each district, making the cost of the identification process prohibitively expensive (see estimated costs in the General Comments section of this submission), and the timeframes greatly expanded. If District Councils are required to assess all areas on the West Coast, including the DoC estate, the estimated cost of \$1,126,000 in the Regulatory Impact Statement to implement the whole of the proposed NPSIB will be significantly woeful.

Identifying terrestrial SNAs will involve an initial in-depth aerial survey, followed by a filtering process to identify which potentially significant areas need an ‘on the ground’ assessment, and then an assessment of which ones need a more detailed assessment to confirm their significance status. Anything that is a conservation area is likely to be identified as a SNA. The Biodiversity Collaborative Group’s report on “Complementary and Supporting Measures for Indigenous Biodiversity”, released in October 2018 with the Draft NPSIB, stated that DoC would identify SNAs on public conservation land. This is not currently reflected in the wording of the proposed IR 3.8.

The Crown needs to identify SNAs on conservation land. If there is a stand of bush on private land near a national park, it could be reasonably expected that the private stand of bush would not meet the rarity and distinctiveness criteria compared to the bush in the national park, which would be more likely to be a SNA. Although SNAs are to be identified at the Ecological District level, they need to be assessed in the ecological context of the whole region. SNAs on private land should not be assessed in isolation.

**Outcomes sought:**

1. Add an exemption to this IR so that the West Coast territorial authorities do not need to implement IR 3.8 clause (1)a) on public conservation land.

2. Amend the NPSIB to provide for alternative options to undertaking a district wide assessment for small councils. Without having identified SNAs in the Westland District Plan, the Westland District Council (WDC) currently considers all vegetation to be an SNA until proven otherwise. Therefore, on a case by case basis ecological assessments are undertaken by the applicant to assess the effects of potential vegetation clearance, achieving the same result as an SNA but without the costs to undertake the on-site inspections en masse.
3. Add a provision to the effect that the Crown will identify SNAs on public conservation land.

Regarding the direction in clause (1)a) to use the significance criteria in Appendix 1 of the NPSIB to identify SNAs, we **strongly oppose** the changes to the Appendix 1 ecological significance criteria for identifying SNAs. We understand that the Appendix 1 criteria are different to what the caucus of ecologists provided to the Collaborative Working Group. We have received expert ecological advice that the changes to the criteria will have the effect of identifying virtually all indigenous biodiversity on the West Coast as significant, including even modified or exotic areas on private land being firstly recognised as significant and then, through Appendix 2, also ranked as a 'high' SNA due to the focus on "typical" character, and perceived rarity of the indigenous biodiversity in an Ecological District (ED). Degraded areas where biodiversity is depleted, remnants and areas in a state of modification will also be caught by the changes to the criteria. The NPSIB as currently framed, will effectively preclude any appropriate development opportunities.

The "diversity and pattern" criteria refer to any indigenous biodiversity where there is an ecotone or sequence present, but there are always ecotones present where there is indigenous biodiversity, and they are not necessarily an indicator of ecological significance. Additionally, the representativeness criteria includes a modified seral regeneration system which is, in effect, reflective or representative of itself. Our understanding of the intent behind the identification of SNAs is that it should capture the most iconic and highly valued indigenous biodiversity, and the criteria should not capture wider than that. This is the purpose of the representativeness criteria, to avoid lots of the same biodiversity being identified as SNAs.

The West Coast Regional Council has only recently completed Environment Court mediation on its RPS with a new and modern set of ecological criteria for identifying SNAs. These are attached as Appendix 3.

**Outcome sought:**

1. Remove the Appendix 1 criteria from the proposed NPSIB 2019, and replace them with the criteria that the ecologists' caucus provided to the Collaborative Working Group, or the criteria from the 2018 Draft NPSIB.

IR 3.8 Clause (1)b): We **strongly oppose** the change to IR 3.8 which now requires the ranking of SNAs as high or medium as part of the identification process, using the attributes in Appendix 2 (in the Draft 2018 NPSIB the ranking attributes were to be used to assess environmental effects on a SNA). This new approach is unworkable for the West Coast as it is likely that most, if not all, SNAs in the region will be classified as high. This will make it extremely restrictive to undertake any activities in a SNA, as the 'carve out' provisions in IR 3.9(2), for nationally significant infrastructure, mineral and aggregate extraction, papakainga, marae and ancillary community facilities associated with customary activities on Māori Land, as well as for a single dwelling (section 3.9(3)) created on an allotment before the NPS is in force, are limited to SNAs that have been classified as medium, and therefore will not apply in most, if not all, cases on the West Coast.

**Outcomes sought:**

1. We manage the effects, of any sort on indigenous biodiversity, through the mitigation and offset hierarchy in the usual, current RMA way.

2. Amend IR 3.8 and 3.9 so that:
  - a. The high and medium ranking of SNAs using the Appendix 2 criteria is removed from IR 3.8 (the identification process), and added back into IR 3.9 to be undertaken as part of an assessment of environmental effects; or,
  - b. Provision is made for the West Coast region to undertake the ranking process as part of an assessment of environmental effects which can then be managed by the mitigation hierarchy, as opposed to being part of the identification process; or
  - c. The West Coast region is added to IR 3.9(2)d), and Appendix 2 is amended to enable medium classified SNAs to be identified on the West Coast. That is, the “bar” is raised appropriately; or
  - d. Appendix 2 is removed and Appendix 3 (offsetting) limits is clarified to ensure that appropriate avoidance is understood.

IR 3.8 Clause (2)e) consistency: The statement that identification of SNAs must be undertaken consistently through using the Appendix 1 criteria, “regardless of who owns the land”, completely ignores that this is impossible to undertake on the West Coast. As well as the cost and resources involved, some parts of the region are so remote that it would be unsafe to require assessors to make an ‘on the ground’ assessment of the indigenous biodiversity present.

**Outcome sought:**

1. Amend clause (2)e) so that West Coast Councils do not have to undertake an ‘on the ground’ identification and assessment of SNAs on public conservation land.

IR 3.8 Clause (8): We **oppose** the requirement to re-notify the Te Tai o Poutini Plan (One District Plan) “at least every two years”....where practicable,....” to add any SNA identified through other processes, for example, through the consent process or Notice of Requirement process. These will have to be added through another RMA Schedule 1 process which is lengthy, expensive, contentious, and likely to exceed the two year timeframe. West Coast Councils cannot afford to undertake plan changes this often. The clause is impractical and unnecessary due to low development pressure and it being beyond the capacity of West Coast Councils to achieve.<sup>17</sup>

**Outcome sought:**

1. Delete clause (8) from IR 3.8.

**3.9 Managing adverse effects on SNAs**

We **oppose** this IR not allowing for appropriate activities within SNAs which have been classified as high, as explained above under IR 3.8. Due to the significant extent of indigenous biodiversity in the region, there is likely to be many identified West Coast SNAs classified as high. Significant infrastructure, or Maori customary use, may need to be located within such SNAs. MFE staff have advised that it is not the intent of the NPSIB for all West Coast indigenous vegetation to be identified as high SNA; the “high” ranking” is only for the very special indigenous biodiversity. However, this may not be reflected in actual outcomes on the West Coast.

The “avoid” matters in clause (1)a) are too broad-brush and restrictive for the West Coast. They set an extremely high bar for the establishment of new activities in SNAs which may have minimal adverse effects, which in any case will not be allowed through an RMA process. Clause (1)a) will have the effect of requiring detailed ecological assessments for new small-scale activities that may not result in removing

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<sup>17</sup>As an example, the Buller District Council has one large scale application (generally a mine) approximately every five years that would trigger a full ecological assessment and potentially identify a SNA, and possibly 1-2 applications for agricultural land development (relatively small scale) which would trigger a less intensive ecological assessment. It is totally un-necessary to have to undertake a whole plan change when the reality is that we could potentially go through a whole plan cycle (10 years) without any new SNAs.

the ecological values that make a SNA significant. The costs of consent applications will increase, as well as likely changing the activity status to non-complying, resulting in full notification for even small-scale activities in, or near, SNAs.

This approach differs to the one taken in the West Coast RPS that has been crafted to ensure it reflects, and is appropriate to, the regional context,

Providing exemptions in the NPSIB for regions such as the West Coast with a high level of significant indigenous biodiversity will not leave a gap in biodiversity protection. The West Coast RPS has a robust framework for protecting significant indigenous vegetation and habitat to meet section 6(c) of the RMA.

Managing adverse effects on SNAs under IR 3.9 could be inconsistent between private and conservation land. Within SNAs on conservation land, there will likely be new walking tracks, bridges, roads and infrastructure sought to support visitor demand in the future. DoC's mandate is to provide such facilities, so "avoiding" adverse ecological effects of new visitor facilities in SNAs may be difficult to achieve on conservation land. If visitor facilities are considered appropriate within an SNA on conservation land, then activities with a similar scale of effects should be allowed in SNAs on private land.

The definition of nationally significant infrastructure in clause (2)d)i. is too narrow and only applies to major infrastructure. It excludes maintenance of local roads, services and local lines that may be located within a medium classified SNA, and in addition to this, if locally or regionally significant infrastructure is located in a high SNA, there appears to be an inability to be able to maintain this infrastructure if it impacts indigenous vegetation/habitats. This infrastructure is obviously important for the regions' social and economic well-being. For example, Westport's water supply infrastructure is located in an area that would likely be classified as a high SNA (kiwi, manuka and other threatened species are present), and it is likely that the same would apply to some of the local lines and roads (for example, the Karamea road which is not a State Highway).

We **strongly oppose** IR 3.9 clause (3) as being too restrictive for the West Coast where single dwellings are constructed within areas of indigenous vegetation/habitat, particularly on life-style blocks. Due to much of the region's indigenous biodiversity potentially being classified as high SNAs, this will restrict the ability of landowners to construct a single dwelling in such areas; and for those located within medium SNAs, they will have the onus of establishing that they are avoiding the clause 1(a) matters, which are a high bar for a low impact activity.

The effect of implementing IR 3.9 on the West Coast is that Councils are likely to receive more appeals from affected landowners, developers, infrastructure providers and stakeholders on plan changes, as more parties will challenge the NPSIB provisions reflected in RPS's and plans. We estimate that there will be increased staff time dealing with objections to resource consent conditions, and complaints about non-compliance and enforcement. Difficulties may arise with enforcement due to having to enforce restrictive plan provisions if there is insufficient evidence to prove cause and effect of adverse impacts. There will also be cost implications with compliance staff having to travel long distances to investigate complaints.

The critical impact will be on the social and economic well-being of our communities due to the very limited ability to establish new activities in SNAs. The proposed NPSIB prevents any development within SNAs classified as high (which, on advice from an ecologist, we are anticipating will capture a significant portion of the region), and provides for limited development within SNAs classified as medium, with no ability to maintain some of our vital regional infrastructure located within any SNA.

**Outcomes sought:**

1. Amend the definition title in “1.8 Definitions” to “nationally and regionally significant infrastructure”, and add to the definition “regionally significant infrastructure identified by local authorities in Regional Policy Statements”.
2. Amend IR 3.9 clause (2)d)i. to: “nationally and regionally significant infrastructure”.
3. Also refer to the outcomes sought under IR 3.8.

**3.12 Existing activities in SNAs**

We are concerned that while IR 3.12 appears to provide for a landowner to continue undertaking indigenous vegetation clearance where a part of an SNA has previously been cleared and regenerated, the effect of the word “and” at the end of clause (4)b) in the West Coast context of extensive indigenous flora and fauna, means that a landowner will likely need to obtain a resource consent and have an ecological assessment completed every time clearance is proposed. We are concerned that the requirement for landowners to establish that vegetation clearance is part of a regular cycle to maintain improved pasture will prove difficult, and the requirement for “*no loss of extent*” will be impossible to achieve. IR 3.12 does not provide for the relatively fast rate of vegetation regeneration on the West Coast due to the higher rainfall and mild climatic conditions. The IR appears to be intended to provide for existing farming activities to continue to be undertaken in an SNA or a newly defined SNA area, however implementing it on the West Coast may not achieve this outcome.

Clause (4) will involve a plan change to the RPS and the Regional Land and Water Plan, resulting in additional costs on ratepayers, onerous requirements for farmers, and likely to result in no perceived indigenous biodiversity gains.

Furthermore, IR 3.12 does not provide for appropriate existing activities as it requires significant outcomes to be met, that is, no loss of extent and no increase in adverse effects. Arguably, existing activities should all be considered appropriate given that they are presumably consented and have been rigorously assessed.

**Outcomes sought:**

1. Delete clause (2), as clause (3) provides for adding provisions in RPS’s and plans.
2. In clause (3)a), remove or amend the reference to “loss....of extent”, as this is too broad brush and does not provide for assessing the nature and scale of effects through the mitigation hierarchy. It is also contrary to the flexible approach that we have been advised by DoC is the intent of the NPSIB.
3. Clause (4): Delete the word “and” at the end of clause (4)b).

**3.13 General rules applying outside SNAs**

We **strongly oppose** these requirements to maintain indigenous biodiversity outside SNAs, as they are unnecessary on the West Coast due to the low development pressure and the extent of indigenous vegetation cover. They are also onerous as clauses (1)a) and c) will have the effect of treating non-SNA areas as if they are SNAs. They are too broad and open-ended, and could restrict what can be undertaken on a significant proportion of private land that has, for example, threatened native birds present. Indigenous vegetation on the West Coast regenerates relatively quickly compared to other drier regions, so in one year, it might mean that an area is not considered SNA, but the next year it might be.

The West Coast District Councils have not overly regulated for protection of indigenous biodiversity because the threats are different to those experienced by other regions. Our level of residential development is considerably lower than elsewhere in New Zealand resulting in a very low demand for land. The proportion of protected land is extremely high, and there is not the land suitable for mass dairy



conversions or land development. This is partly due to the region's isolation, and climatic and topographic constraints.

**Outcome sought:**

1. That regions with a high level of indigenous biodiversity present be exempt from maintaining indigenous biodiversity outside a SNA, and implementing clauses (1)a) and c); or, apply this provision to regions with less than 50 or 70% (a figure that can be determined by the Select Committee) of remaining indigenous land cover.

**3.15 Highly mobile fauna**

We **strongly oppose** West Coast Councils having to undertake work which is considered to be a role that is already being undertaken by DoC. Being required to undertake this would result in having to pay for the surveying and recording work to be completed by an ecologist, unless another organisation such as DoC or Landcare Research already hold it. One of DoC's roles is to undertake public education. Requiring councils to undertake this work duplicates the role of DoC in the region, shifting the cost of such work onto the local ratepayer. We do not believe that there would be any further improvements to indigenous biodiversity maintenance gained from West Coast Councils undertaking this work.

The scope of this work is too broad and vague, especially the terms in clause (1) "*...where highly mobile fauna have been, or are likely to be, sometimes present*". Highly mobile fauna may cover large areas of the West Coast region. For example, kea have recently been seen on the outskirts of Hokitika, a considerable distance from their usual alpine habitat. In some cases, individuals or pairs of birds may temporarily frequent an area outside of the main breeding season for a few days in winter. For example, a single kotuku has been seen on rural land in a rural-residential area on the outskirts of Greymouth each year for a number of years, but not in the last 1-2 years. Requiring councils to undertake this work will be expensive, time-consuming and inefficient. The sheer number of species and possible ranges would make surveying an enormous task and beyond our capacity to achieve.

Substantial funding from central government will be required for either DoC, or councils, to undertake this work across the whole region. Some parts of the West Coast are very remote and difficult to access. The region is the same length as the distance between Auckland and Wellington. The work would require several consultant ecologists over several months, and their associated costs of travel, food, accommodation and IT support. If all councils are undertaking this process, there will be a national shortage of available ecologists. Costs will be incurred over months or years as identification cannot be adequately undertaken in poor weather on the West Coast.

Clause (3)b) requires councils to provide "best practice techniques for managing adverse effects on any highly mobile fauna...". Without in-house ecological expertise, West Coast Councils cannot provide such advice. This IR assumes that all councils have some in-house capability in terms of providing advice and guidance to the public on indigenous biodiversity issues, which is obviously not the case for West Coast Councils.

**Outcome sought:**

1. That councils with a high level or number of highly mobile indigenous fauna are exempt from having to undertake the work required for surveying and recording the presence of these in their region, and providing information to their communities as per clause (3).

**3.16 Restoration and enhancement**

Note: We have commented on the inclusion of wetlands in IR 3.16 under 1.5, Geographic application, earlier in this submission.

This requirement does not reflect the differences between regions where restoration or enhancement is extremely necessary, due to a low level of indigenous biodiversity remaining in their region, and where, conversely, there is a high level of remaining biodiversity and a reduced priority for restoration and enhancement in others. There are likely to be ecologically degraded areas on the West Coast, both on DoC (e.g. stewardship land)<sup>18</sup> and private land. However, depending on the type of indigenous biodiversity that needs restoring or enhancing, the necessity and cost of restoration and enhancement may not be justified if there are other locations where such habitat and/or fauna are abundant or present in ecologically sustainable numbers.

The requirements to have objectives, policies, methods and maps in RPSs and regional plans promoting restoration and enhancement, and identifying areas and opportunities for this to be undertaken, is impractical for the West Coast. The requirements apply to any wetlands, not just those identified as significant, and not even indigenous wetlands. There is no timeframe around the extent of “former”. All fragments of indigenous wetlands and other vegetation on private land have some degree of modification.

There are some lowland forest and wetland areas that would benefit from restoration and these are generally the habitats that are under pressure from development. Some West Coast communities, like others in New Zealand, would expect incentives to be provided. The discussion document gives scenarios which involve rates remission and incentives if fencing etc. is undertaken. This is not within the capacity of our Councils to provide, as well as requiring specialist input in identifying those areas to be restored.

The requirement for councils to promote, in regional policy statements and plans, the restoration and enhancement of indigenous biodiversity to communities is unlikely to be welcomed by West Coast communities. We already have a highly unmodified natural environment that people utilise and enjoy without enhancement. There are numerous community groups in the region already voluntarily undertaking restoration and enhancement work, for example, vertebrate pest eradication/control and planting native species. Non-regulatory approaches can be more effective and palatable than regulation.

The reconstruction of areas of historical wetlands which no longer have ecological integrity could be limitless on West Coast private land. We question where the funding will come from to spend time working with landowners to get them on board with the proposal to undertake such work, pay for the costs of extra staff and labourers to do the work, the costs of fencing and/or planting, and publicity costs? Most significantly, how will the opportunity costs of the loss of private land use be addressed?

This policy does not distinguish between restoration and enhancement on DoC land and non-DoC land. DoC have undertaken substantial enhancement and restoration work, for example, in the Aromahana Estuary on the north bank of the Grey River by Greymouth.

Clauses 2, 3, and 4 require that the areas listed in (1) and (4) must be identified, promoted in plans and opportunities for restoration etc. identified and prioritised. We are concerned that once in the plans, this could potentially prevent a landowner from being able to fully utilise their land if an area is identified in the plan as a former wetland or stand of native bush which could provide connectivity if the wetland or bush is reinstated.

Developed land, should be recognised as developed land, whether it be residential housing, industrial, forestry, farming or some other form of land use.

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<sup>18</sup> Stewardship land was previously NZ Forest Service land that was passed on to DOC during the 1980's restructuring. West Coast Councils are keen for this land to be made available for development, however those with environmental interests may wish to see it restored and enhanced for indigenous biodiversity, and eventually become SNAs.

**Outcomes sought:**

1. Remove references to restoring and enhancing wetlands from clauses (1)(a) and (d), and (4)(a) and (d).
2. This IR needs to be amended to reflect the differences between regions where restoration or enhancement is very necessary, due to a low level of indigenous biodiversity in their region, and where conversely there is a high level of remaining biodiversity and a reduced priority for restoration and enhancement.
3. Should this IR be implemented as currently worded, or be amended but still results in costs on Councils to undertake, then Government needs to provide substantial funding for its implementation.

**3.17 Increasing indigenous vegetation cover**

We **strongly oppose** the requirement to assess and add targets to regional policy statements for increasing indigenous vegetation cover in urban and rural areas to at least 10% of the area. This will incur further costs to ratepayers for something that is not an issue on the West Coast, and will not substantially increase the amount of indigenous vegetation cover in the region. This may be applicable in other regions where indigenous biodiversity is severely limited and in decline. While it is understandable that the Government does not want wetland figures to reduce further, the fact is that retaining an excess of the particular wetland types on the West Coast will not benefit native biodiversity either on the West Coast or nationwide, it just means an abundance of West Coast wetland examples are retained.

The wetland types that have been lost or reduced in the North Island, and on the East Coast of the South Island, do not contain the same species mix as the West Coast wetland types. Retaining all remaining examples of West Coast types does not increase biodiversity. Retaining many examples of the 'south western' wetland types simply means there are many examples of the species represented within western wetlands, but that does not equate to a greater diversity of organisms, just many examples of the same species assemblages. Many examples of the same thing does not equal enhanced diversity. This is a critical point that does not seem to be recognised.

The IR does not provide guidance on how to define the boundaries of urban and rural areas, in terms of where they start and stop.

It is also unclear in clause (7) whether objectives, policies and methods must go in RPSs and/or plans.

**Outcomes sought:**

1. Exempt regions with a high level of remaining indigenous biodiversity from having to implement this requirement.
2. Provide guidance on how to implement this requirement.

**3.18 Regional biodiversity strategies**

We **strongly oppose** the requirement for regional councils to prepare a regional biodiversity strategy as it will apply to the whole West Coast region, including the 84.2% of land administered by DoC. While there are likely to be areas on West Coast DoC land that may need restoration or enhancement, West Coast ratepayers should not bear the cost of managing conservation land in the public interest for the rest of the country. Council funds will be spent on RPS and plan changes to address real resource pressures.

Clause (2)a) of Appendix 5, which outlines what must be in a regional biodiversity strategy, is likely to be unachievable as even DoC staff do not have complete comprehensive knowledge of the species in the regional conservation estate due to its size. It is unrealistic to record all biodiversity maintenance actions in the region as a significant proportion of these are undertaken by DoC and volunteers.

In regards to clause (3), the “West Coast Te Tai o Poutini Conservation Management Strategy” (CMS), Volumes 1 and 2 have desired outcomes for various ‘places’ in the conservation estate, and maps showing the ‘places’ where the outcomes are sought. If WCRC were to develop a regional biodiversity strategy, it would likely duplicate these sections of the West Coast CMS, resulting in an inefficient use of time and resources, for arguably little gain.

There are numerous local community volunteer groups undertaking weed and pest control, and planting throughout the West Coast region. This work is progressing without having a regional biodiversity strategy promoting, identifying or recording these actions. We seriously question the rationale for the West Coast Regional Council having to prepare such a document.

We also **strongly oppose** the timeframes for initiating and completing the development of a regional biodiversity strategy. The WCRC does not have the resources or capability to complete a biodiversity strategy on top of the other work required by the NPSIB, other national direction and our business as usual activity. If a decision is made to require Councils to have a strategy then the timeframe needs to be extended out to a minimum of 10 years.

**Outcome sought:**

1. Amend IR 3.18 to make it optional for councils to prepare a regional biodiversity strategy, or exempt for regions that have good retention of indigenous biodiversity, that is, greater than 50 or 70% (a figure that can be determined by the Select Committee) of indigenous land cover.

**3.19 Assessment of environmental effects**

We **strongly oppose** this IR as it is unworkable for the West Coast. It implies that any activity, regardless of the type and scale of effects, will need consent if it affects an area of indigenous vegetation, a habitat of indigenous fauna, an area identified as highly mobile fauna, an area providing connectivity or buffering, or an area identified as containing identified taonga. This will capture any scale of development on any residential, commercial, industrial, rural or public conservation land with native flora and/or fauna. It will place unreasonable, additional and potentially unwarranted costs on small-scale development to obtain an ecologist’s assessment of effects on indigenous vegetation or habitat of fauna to prove that it does not have significant biodiversity values (which under the Appendix 1 criteria will be rare). There are very few consultant ecologists on the West Coast, which means that resource users need to pay additional costs for an ecologist outside of the region to travel to undertake a site assessment.

IR 3.19 is all encompassing, and treats all indigenous species and assemblages as having equal, or nearly so, value, none of which can be afforded to be lost. This IR is unqualified, that is, it does not have a tiered approach depending on the values of the indigenous biodiversity or habitat relevant to the regional context, and the nature and scale of effects. Not all indigenous biodiversity is of such value that none of it can be lost. It will preclude much of the future potential management and restoration gained through activity/consent-based offsets and mitigations.

We **strongly oppose** the requirements in clauses (1) and (2) to include the information requirements for Assessment of Environmental Effects in RPSs and plans. With regards to plans, the IR requirement seems to contradict the National Planning Standards, which requires that plans do not have a section on information requirements (for Assessment of Environmental Effects) for consent applications.

**Outcomes sought:**

1. Amend IR 3.19 so that it takes a tiered approach depending on the values of the indigenous biodiversity or habitat relevant to the regional context, and the nature and scale of effects.

2. Remove the requirement to change plans to include a requirement that information be included in any Assessment of Environmental Effects (AEE) where a proposed activity will affect indigenous biodiversity.

### **3.20 Monitoring by regional councils**

We **strongly oppose** having to prepare a monitoring plan to monitor the maintenance of indigenous biodiversity across the region. WCRC does not have an indigenous biodiversity monitoring plan/programme due to the predominance of indigenous biodiversity located on land administered by DoC. Implementing this requirement would result in another significant cost to Council, and will potentially duplicate monitoring work undertaken by DoC. We understand that the estimated figure in Part 2 of our submission includes the cost of obtaining ecological advice to draft a monitoring plan, consulting with mana whenua, District Councils, DoC and other relevant agencies, and employing an ecologist to undertake the monitoring on an ongoing basis. As noted previously, even DoC staff do not have a robust understanding of the extent of indigenous biodiversity across the region. We believe that this is a further inefficiency of the proposed NPSIB, and contrary to the principle of efficient operation of local government required under sections 14(1)(a)(ii) and 42(2)(d) of the Local Government Act.

We also **strongly oppose** any monitoring requirement in IR 3.20 that is for national monitoring purposes. National monitoring must be funded by taxpayers, not ratepayers.

#### **Outcomes sought:**

1. An exemption needs to be made so that councils do not have to monitor the maintenance of indigenous biodiversity on public conservation land; or

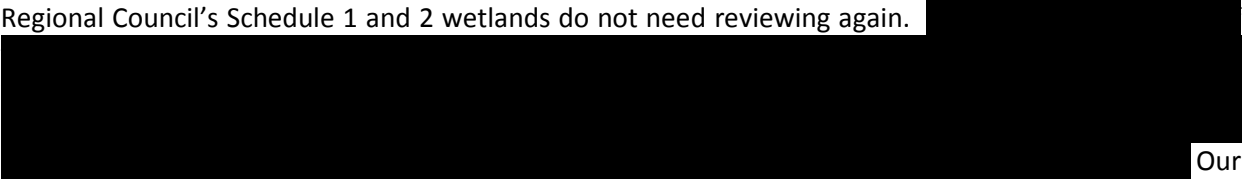
Should a monitoring programme be progressed in the final NPSIB, suitable qualifiers need to be included to IR 3.20 to reflect that where there is extensive indigenous biodiversity in a region (greater than 50 or 70% - a figure that can be determined by the Select Committee) and councils do not have the resources to monitor it all, then prioritisation can be undertaken to focus on monitoring that will provide a benefit to the region, avoiding duplication of DoC, or any other organisation's, work, and is proportionate to a council's resources.

2. Delete any monitoring requirement in IR 3.20 that is for national monitoring purposes, or central government needs to give a commitment in writing to fund monitoring that is for national purposes.

### **Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna**

Note: We have made other comments on the Appendix 1 criteria under IR 3.8.

We **strongly oppose** the changes to the Appendix 1 criteria in the proposed NPSIB 2019 for identifying SNAs. We have been advised by an expert ecologist that the criteria in the 2018 Draft NPSIB were consistent with criteria in our Regional Land and Water Plan for identifying significant wetlands. These criteria and sites were identified and added to the Land and Water Plan through an Environment Court process involving an expert caucus of ecologists, and a policy and rule framework that restricts what activities can be undertaken in these wetlands. Under the Draft NPSIB 2018 criteria, the West Coast Regional Council's Schedule 1 and 2 wetlands do not need reviewing again.

 Our expert ecologist further advised that the criteria put forward in the appeals are consistent with the Draft NPSIB 2018 criteria.

The different wording of some of the proposed NPSIB 2019 Appendix 1 criteria creates uncertainty about whether the two sets of significance criteria added to our RPS “substantially conform to”(refer to IR 3.8(4)), or are consistent with, the proposed NPSIB Appendix 1 criteria. The NPSIB should recognise and provide for where councils have already adopted ecological criteria using the four principles commonly recognised by the ecology profession, and identified SNAs. We understand that the proposed NPSIB 2019 criteria are unnecessarily more restrictive. If councils’ existing criteria and identified sites do not conform to the proposed 2019 criteria, this could potentially result in SNAs unnecessarily having to be re-assessed at a significant financial cost to ratepayers, for arguably little gain.

**Outcomes sought:**

1. Refer to outcomes sought under IR 3.8.
2. Alternatively, the NPSIB should recognise and provide for where councils have already adopted ecological significance criteria using the four principles commonly recognised by the ecology profession, and identified SNAs, so that this exercise does not need to be unnecessarily, and inefficiently, repeated.

**Appendix 2: Tool for managing effects on significant natural areas**

Refer to our comments about Appendix 2 under IR 3.8.

While Appendix 2 clarifies that if an SNA is identified only due to the presence of manuka/kanuka then it is not to be treated as an SNA, we are concerned that the stringent nature of the Appendix 1 criteria will result in many areas of manuka and kanuka still being captured as SNAs.

There is an abundance of these species on the West Coast, and in some cases its growth is like a weed as it rapidly re-generates. Giving these species SNA status is a disincentive to replant them if they are depleted by disease. Landowners will not want to plant, or replant, manuka or kanuka on their property, or let it naturally regenerate, when there is the risk that the vegetation will then be classified as a SNA. Giving these species ‘significant’ status will not necessarily protect them from Myrtle Rust.

**Outcome sought:**

1. Delete this provision.

#### **4. Additional Comments on Discussion Document accompanying the proposed NPSIB**

In this section, we mostly only comment on matters that are not already covered in the main part of our submission, although we reiterate the key issues for West Coast Councils with implementing the proposed NPSIB.

**Section B: Identifying important biodiversity and taonga**

**B.1 Identifying and mapping Significant Natural Areas**

Question 10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

Many landowners will not want Council staff or other experts on their properties to undertake assessments. This is because they will be concerned that their property, or portions thereof, will become an SNA, limiting their land use options. Landowners will want compensation, namely the land purchased, or rates relief at a very minimum. However, rates relief is something that the West Coast Councils cannot afford to provide, given the small rating bases.

We expect to encounter significant landowner resistance due to our regional setting, whereby most of the public conservation estate comprises indigenous vegetation. Hence, many landowners are likely to be of the view that the SNA process is unwarranted.

The Buller District Council (BDC) undertook a preliminary desktop exercise to identify SNAs several years ago. Due to concerns over landowner engagement, and the extent and cost of the task, the process of identification was not progressed.

WCRC has recently undertaken a plan change process to correct errors in Schedule 1 and 2 wetland boundaries<sup>19</sup>, which generated a substantial level of stress amongst private landowners who had a scheduled wetland on their land. Some wetland owners refused to allow DoC and Council staff on their property to review the wetland boundary. Others were confused about what the exercise involved, thinking it was to review the significance of their wetland, rather than simply determining if areas were wetland or not. It will significant time, and staff patience and resources, to build trust with West Coast landowners, about identifying potential SNAs on their land.

Identifying and mapping SNAs will require significant financial and technical support as none of the West Coast Councils have in-house expertise, and all have very limited resources. It is worth noting that the size of the District and Regional Council's consents/planning teams are small, for example, each of the District Councils have between 1-3 consents staff with no dedicated policy planner, so all work would need to be out-sourced.

Question 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.

These options do not include DoC who should be undertaking this activity given the large proportion of public conservation land on the West Coast region, due to the scale of the exercise in the region and potential duplication of information.

For private land on the West Coast, WCRC has already identified significant wetlands through an Environment Court process, and mapped and added these to the Regional Land and Water Plan. It would be inefficient for territorial authorities to duplicate this work. Territorial authorities should be responsible for identifying terrestrial SNAs on private land that are not wetlands.

Question 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. a combination.

The District Plan as this is a district council process. Inclusion of criteria for identifying an SNA is more appropriately located within an RPS.

A 5-year time frame for the identification and mapping will be insufficient given the scale of the exercise in our region and the need for adequate engagement with landowners that we expect will be a contentious process. We have very few ecologists based on the West Coast so this advice will need to be contracted from outside the region.

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<sup>19</sup> These boundaries were drawn based on topographical maps and contained a number of errors.

### **B.3 – Surveying for and managing highly mobile fauna**

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

Data about locations of highly mobile fauna, the times of year that they are at these locations, and what can councils reasonably do to reduce impacts on these fauna. If central government requires West Coast councils to survey and record highly mobile fauna then they should fund it accordingly. The provisions are beyond the capacity of our Councils to fulfil. We also have concerns around the provision of information to our communities about highly mobile fauna given the lack of capacity and in-house expertise in this area.

## **Section C**

### **C.2 – Providing for specific new activities within SNAs**

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

We do not agree. There is no recognition of regionally significant infrastructure identified by local authorities in RPS's and plans. On the West Coast, there is renewable electricity generation and transmission/distribution infrastructure, and telecommunications and radio communications facilities which play an important role in providing electricity and communications to remote communities. Much of this infrastructure is located on public conservation land, or road or rail reserve that runs through public conservation land, and has minimal or no impact on indigenous biodiversity. The West Coast RPS definition of regionally significant infrastructure also includes seawalls, stopbanks and erosion protection works, community sewage treatment plants; public water supply intakes and stormwater management systems, and community solid waste storage and disposal facilities. These are all important infrastructure for small settlements surrounded by public conservation land on the West Coast. The meaning of "rapid transit" is unclear, but it should include road networks classified in the One Network Road Classification Sub-category as 'strategic'. Refer to the "Outcomes sought Nos 1 and 2" under IR 3.9 seeking changes to the definition of "nationally significant infrastructure", and to IR 3.9 clause (2)d)i, to add reference to regionally significant infrastructure.

### **C.5 – Managing adverse effects on biodiversity outside SNAs**

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

We agree with a more flexible approach to the management of adverse effects outside SNAs which allows use of biodiversity offsets and/or biodiversity compensation rather than the sequential assessment for SNAs. The West Coast RPS has a policy framework agreed to through recent Environment Court mediation that is appropriate for the West Coast context.

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

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

a. More than minor residual adverse effects

b. All residual adverse effects

c. Other. Please explain.

None of these options. The IRs for offsetting and compensation do not need to refer to residual effects which may limit or hinder options for offsetting or compensation. Instead, the approach could be taken that where the adverse effects on a SNA cannot be avoided, remedied or mitigated, then consider biodiversity offsetting that meets nationally recognised criteria. This approach is appropriate in the West Coast context.



If the NPSIB does refer to residual adverse effects, our view is that ‘more than minor’ is the appropriate threshold to trigger biodiversity offsets and compensation. Minor residual effects should not trigger the mitigation hierarchy.

## **Section E: Monitoring and implementation**

### **E.4 – SNAs on public land**

**Table 7: Options for identification and reassessment for SNAs on Crown land** **Options for SNA identification and reassessment for SNAs on public conservation land** **Factors to consider**

**Option 1:** Territorial authorities keep responsibility for identifying and mapping all SNAs on public conservation land.

This option may be most efficient for council RMA processes and mean SNA criteria would be applied consistently across the district.

It could be resource intensive, especially for districts with high distributions of public conservation land, or for those districts who have not yet carried out the identification of SNAs on public conservation land.

In some cases, it may be appropriate for the Crown to contribute to the identification and mapping.

**Option 2:** Public conservation land could be deemed as SNAs. This could apply to all public conservation land, or to higher-value areas (such as national parks, conservation areas, scientific reserves, or nature reserves). For other public conservation land that contains fewer biodiversity values, this option could be an interim or default measure until an assessment is done using the SNA identification criteria (such as by a council, government agency, or a consent applicant).

This option could create efficiencies and reduce costs to territorial authorities.

Where conservation values are already legally protected (eg, public conservation land) the reduced benefit of SNA identification and mapping, as well as a lower risk of biodiversity loss from activities on this land, also needs to be considered.

This option may also provide a transitional approach that would allow territorial authorities to spread costs for the identification of SNAs on public conservation land over time, by first doing field assessments in the rest of the district.

**Option 3:** SNAs are not identified on public conservation land.

This recognises that public conservation land has legal protection already and removes the cost of identifying SNAs on this land.

Question 51: Which of the three options to identify and map SNAs on public conservation land do you prefer? Please explain.

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

b. Public conservation land deemed as SNAs

c. No SNAs identified on public conservation land

We support option c, no SNAs identified on public conservation land. This will allow the West Coast Councils to focus on assessing SNAs on non-public conservation land and save ratepayers money. Plan rules still apply on DoC land, so a proposed development that may adversely affect indigenous biodiversity on DoC land can be assessed on a case by case basis.

We fail to see the justification for identifying SNAs on public conservation land which is already subject to legal protection.

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

a. Guidance material

b. Technical expertise

c. Scientific expertise

d. Financial support

e. All of above.

f. Other (please provide details).

We consider all of the above support to be appropriate. The NPSIB will have serious financial implications for our Councils. The identification and mapping of SNAs will be a massive task let alone meeting all of the other requirements of the NPSIB. We will require significant support on all levels to implement the NPS.

### **Section F: Statutory Frameworks**

Question 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?

No. The Planning Standards for Regional and District Plan Structure already requires a chapter on ecosystems and indigenous biodiversity. Therefore, we see little benefit in having a specific biodiversity planning standard. It could have the perverse outcome of being appropriate for regions with little indigenous biodiversity remaining, but inappropriate for the West Coast region which has high levels of indigenous biodiversity. This NPSIB, as currently written, is a case in point.

## **5. Conclusions**

- The NPSIB, as currently worded, does not 'fit' with indigenous biodiversity protection and maintenance in the West Coast context. This is because of the abundance of indigenous biodiversity remaining on the West Coast, and the existing protection of indigenous biodiversity in public conservation land (which makes up 84.2% of all land on the West Coast) under the Conservation Act.
- Substantial change is needed to the NPSIB so that it is either applicable to all regions, or it adds exemptions for areas with high proportions, at least 50 or 70% (a figure that can be determined by the Select Committee) of remaining indigenous biodiversity. A 'cookie cutter' approach to policy development will not work with the NPSIB and it makes the outcomes sought unachievable.
- SNA identification on public conservation land, and particularly on the West Coast, should not be required of West Coast Councils.
- The proposed effects management approach is impractical on the West Coast and will have adverse economic and social outcomes, as well as longer term reductions in gains currently only attainable through consent offsetting processes.
- The over-emphasis on regulatory changes to regional policy statements and plans will not encourage West Coast landowners and communities to maintain indigenous biodiversity. Non-regulatory measures should be prioritised.
- The proposed Implementation Requirements around highly mobile fauna, restoration and enhancement, regional biodiversity strategies and others will not make a difference to indigenous biodiversity maintenance on the West Coast.
- The extremely high costs to West Coast Councils and ratepayers to implement the proposed NPSIB is inefficient and will achieve little in securing the outcomes sought by the policy.

**Appendix 1: Map of public conservation land (shown in green) in West Coast region**



 **THE WEST COAST REGIONAL COUNCIL**

The information displayed has been derived from the West Coast Regional Council's GIS database and maps. It is made available in good faith, but its accuracy or completeness is not guaranteed. Positions of property boundaries are INDICATIVE only and must not be used for legal purposes. Cadastral information sourced from Land Information New Zealand. Crown Copyright Reserved. This map is not to be reproduced without permission of WCRRC. © Copyright Reserved West Coast Regional Council.

**DOC Conservation Land West Coast**



- Legend**
-  West Coast Region
  -  DOC Public Conservation Land

0 23,212.5 46,425 92,850  
Metres

Date created: 24/01/2020, 1453  
Author: alexc

Scale at A3: 1:1,900,000

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**Appendix 2: List of NPSIB Implementation Requirements for regional policy statements, regional plans and district plan**

***Plan changes to the West Coast Regional Policy Statement: (for an indicative comparison, it has cost the West Coast Regional Council approximately \$404,000 for decisions and mediating appeals on its proposed RPS from 1 July 2018 - 31 December 2019, not including the drafting, notification or hearing stages)***

Implementation Requirements to add matters to regional policy statements are:

IR 3.5: Promote the resilience of indigenous biodiversity to climate change.

IR 3.12: Specify where, how and when plans must provide for existing activities that may adversely affect indigenous biodiversity in a SNA.

IR 3.12: Provisions for and limiting regenerating indigenous vegetation being cleared as part of existing, ongoing farm activities.

IR 3.13: Provisions specifying where, how and when controls on development outside SNAs are needed to maintain indigenous biodiversity.

IR 3.14: Develop a process with the District Councils and mana whenua for identifying taonga indigenous biodiversity.

IR 3.15: Jointly survey outside SNAs and record where highly mobile fauna, for example, native birds, have been or are likely to be present.

IR 3.15: Provisions to manage adverse effects of development on highly mobile fauna areas.

IR 3.16: Record the location of wetlands, degraded SNAs, areas that provide connectivity or buffering, and former wetlands identified by the District Councils, in RPS's;

IR 3.16: Promote the restoration and enhancement of the areas recorded in the RPS;

IR 3.17: Assess the percentage of urban and rural areas that have indigenous vegetation cover; where an area has less than 10% indigenous cover, add targets for increasing vegetation cover.

IR 3.19: Add a requirement for an assessment of environmental effects where a proposed development may adversely affect indigenous taonga biodiversity, ecosystem services, and the maintenance of ecological integrity and connections.

***Regional Plan Change: \$211,000 - \$247,000 (could be light)***

Implementation Requirements to add matters to regional plans are:

IR 3.5: Promote the resilience of indigenous biodiversity to climate change.

IR 3.9: Add provisions requiring that any new development in SNAs must avoid adverse ecological effects, and can only use the mitigation hierarchy to remedy, mitigate, offset or compensate for other adverse effects.

IR 3.12: Provisions for and limiting regenerating indigenous vegetation being cleared as part of existing, ongoing farm activities.

IR 3.13: Provisions specifying where, how and when controls on development outside SNAs are needed to maintain indigenous biodiversity.

IR 3.14: Develop a process with the District Councils and mana whenua for identifying taonga indigenous biodiversity, and add these to the District Plan.

IR 3.15: Provisions to manage adverse effects of development on highly mobile fauna areas.

IR 3.16: Promote the restoration and enhancement of wetlands, degraded SNAs, areas that provide connectivity or buffering, and former wetlands that are recorded in the RPS.

IR 3.19: Add a requirement for an assessment of environmental effects where a proposed development may adversely affect indigenous taonga biodiversity, ecosystem services, and the maintenance of ecological integrity and connections.

***District Plan change across three districts: \$213,000 - \$528,000***

Implementation Requirements to add other matters to the District Plan are:

IR 3.5: Promote the resilience of indigenous biodiversity to climate change.

IR 3.9: Provisions requiring that any new development in SNAs must avoid adverse ecological effects, and can only use the mitigation hierarchy to remedy, mitigate, offset or compensate for other adverse effects.

IR 3.12: Provisions that provide for the continuation of existing activities in a SNA and ensure that the activity does not lead to the loss of extent or degradation of the SNA, etc

IR 3.12: Provisions for and limiting regenerating indigenous vegetation being cleared as part of existing, ongoing farm activities.

IR 3.13: Provisions specifying where, how and when controls on development outside SNAs are needed to maintain indigenous biodiversity.

IR 3.14: Develop a process with the Regional Council and mana whenua for identifying taonga indigenous biodiversity, and add these to the District Plan.

IR 3.15: Provisions to manage adverse effects of development on highly mobile fauna areas.

IR 3.16: Identify the location of wetlands, degraded SNAs, areas that provide connectivity or buffering, and former wetlands.

IR 3.16: Promote the restoration and enhancement of wetlands, degraded SNAs, areas that provide connectivity or buffering, and former wetlands that are recorded in the RPS.

IR 3.19: Add a requirement for an assessment of environmental effects where a proposed development may adversely affect indigenous taonga biodiversity, ecosystem services, and the maintenance of ecological integrity and connections.

### Appendix 3

#### West Coast Regional Policy Statement Mediation version – ecological criteria for identifying significant natural areas

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]