

10 March 2020

Ministry for Environment  
Indigenous Biodiversity  
PO Box 10362  
Wellington 6143

**Digitally Delivered**

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Dear Madam/Sir

**SUBMISSION ON MFE'S PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY**

Waipa District Council appreciates the opportunity to make a submission on the Ministry's proposed National Policy Statement for Indigenous Biodiversity. Please find attached a copy of the Council's submission electronically submitted on 10 March 2020. Key aspects of the proposed National Policy Statement for Indigenous Biodiversity in New Zealand, were discussed at a Council workshop on 4 February 2019.

You are welcome to make contact with Waipa District Council with regards to any of the points made in our submission. In this regard and in the first instance David Totman can be contacted either via email at [david.totman@waipadc.govt.nz](mailto:david.totman@waipadc.govt.nz) or telephone 07 872 0030 extension 7048.

Yours sincerely



Garry Dyet  
**Chief Executive**

**Attachment:** Waipa District Council submission on the proposed National Policy Statement for Indigenous Biodiversity

# SUBMISSION ON THE PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

By: **Waipa District Council**

## INTRODUCTION

Waipa District Council (the Council) welcomes the opportunity to provide comment on Ministry for the Environment's proposed National Policy Statement for Indigenous Biodiversity. However, we note that the tight timeframes for public feedback have not enabled us to proactively engage with the communities of Waipā District on the proposed National Policy Statement for Indigenous Biodiversity.

## GENERAL COMMENTS

1. Waipa District Council supports the intent of the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) and the outcomes sought in the proposed NPS-IB. However, the Council does not support the NPS-IB in its current form. The Council notes that the implementation requirements of the NPS-IB fall mainly on councils and have to be considered in conjunction with the other recent national direction on water, highly productive land and urban development that also have to be implemented in the next five years. Further, most of the costs of implementation will fall on local councils, and thus ratepayers. The Council is not supportive of the consequential cost impacts relating to implementation of the NPS-IB.
2. The Council is in support of the Local Government New Zealand (LGNZ) submission on the proposed NPS-IB. As pointed out in the LGNZ submission, it would have been advantageous for the proposed NPS-IB to have been prepared as part of the strategic delivery of the New Zealand Biodiversity Strategy rather than being written in parallel with it under the RMA's broad mandate in Section 6(c) to councils to 'maintain' biodiversity.
3. As pointed out in the Impact Assessment report that accompanied the proposed NPS-IB, and referred to in paragraph (1) above, most of the costs of implementation will fall on local councils. This point is highlighted in the LGNZ submission which notes that these costs must be considered in the context of the other national direction that will need to be implemented by Councils in the next five years. We concur with that submission and further submit that we are not supportive of the NPS-IB's current approach with respect to local councils bearing most of the costs relating to implementation. On that basis, we do not support the NPS-IB in its current form.

4. In regard to implementing the NPS-IB, the Waipa District Council is probably more fortunate than most other district councils in New Zealand, in that considerable work has already been undertaken by the Council and the Waipā communities in the area of indigenous biodiversity. When the District Plan was reviewed between 2009 and 2012, the Council introduced a mixture of statutory (an incentive provision in the District Plan for environmental benefit lots) and non-statutory measures (including having an Environment Strategy). Together, these measures have established a good platform in support of the vitally important role landowners play in protecting and enhancing the remaining indigenous biodiversity in the district's significant natural areas.

The Council benefits from having a positive collaborative relationship with both the Waikato Regional Council (WRC) and the regional office of Department of Conservation (DoC). More importantly though, the Council and the Waipā District as a whole, is fortunate in having very proactive groups of landowners, iwi and residents that have initiated a number of significant projects that have gained Council, WRC and DoC support for the restoration and enhancement of indigenous biodiversity. These projects are centred on:

- The District's three prominent forest clad volcanic mountains, Pirongia, Kakepuku and Maungatautari<sup>1</sup>;
- its peat lakes, between Te Awamutu and Hamilton;
- its two major river corridors, the Waipā and Waikato; and
- the remnant restiad peat bog, Moanatautua.

In addition there are many other initiatives in the Waikato Region that are contributing to fulfilling the aim of promoting indigenous biodiversity. The Local Indigenous Biodiversity Strategy (LIBS) pilot, otherwise known as Source to the Sea Te Puna o Waihou ki Tikapa te Moana, demonstrates a new approach to co-operatively managing indigenous biodiversity at a regional scale, and deals with the issue of biodiversity decline.

The Waikato Regional Council is currently leading a programme to identify areas of significant indigenous vegetation and significant habitats of indigenous fauna throughout the region and including the Waipā district. The Regional Council administers several funds such as the Environmental Initiatives Fund, and the daily work of Land Management Officers helps landowners with pest control. It also undertakes biodiversity restoration on land owned by Waipa District Council and offers funding incentives to fence priority sites, among other projects.

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<sup>1</sup> The Maungatautari Mountain Sanctuary at 3,400ha forms one of the largest pest-proof fenced projects in the world and was begun in 2001 by the Maungatautari Ecological Island Trust a collaboration between landowners, local iwi and residents.

As described in Section 24 of the Waipā District Plan on Indigenous Biodiversity, the district is largely a transformed landscape which only has 7.5% of its original indigenous vegetation cover remaining. This is substantially less than the nationally recommended standard of 20% (Land Environments of New Zealand (LENZ)) needed to sustain indigenous biodiversity. In particular, primary forests and wetlands are particularly underrepresented within the District at only 3.1% and 0.2% of their original estimated extent<sup>2</sup>.

5. As further noted in the same section of the Waipā District Plan, the District contains large areas of highly productive soils that are the basis of the District's very economically productive farming industry. This farming activity is a vital foundation for the district communities' ability to provide for social and economic wellbeing. A careful balancing act is therefore required in the District between retaining productive farming; and promoting and enhancing the interests of indigenous biodiversity.
6. There needs to be greater clarity provided in terms of the roles of regional councils, territorial authorities and DoC, regarding enforcement following destruction of SNA areas.
7. One of the more philosophical aspects of protecting indigenous biodiversity and Significant Natural Areas (SNAs) is recognising that they are not 'museums' for preserving the natural environment as static protected 'islands'. The work of councils, communities and landowners with SNAs takes place in the context of a wider natural environment that is inherently dynamic. It also seems likely that the rate of change in the natural environment in New Zealand will accelerate due to the impact of climate change. It is against this background, and as advocated in the LGNZ submission, that the need for good strategic direction from the revised New Zealand Biodiversity Strategy, is advocated.
8. As currently written, the draft NPS-IB is highly aspirational and there is a real question as to how it will be implemented practically at a local level by many tightly resourced territorial authorities.

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<sup>2</sup> Section 24.1.4 of the Operative Waipā District Plan

## SPECIFIC COMMENTS

### 1. The following comments relate to specific proposals in the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB)

<i>Proposal</i>	<i>Comment</i>
<p>3.2 <i>Te Hutia Rito and</i> 3.9 <i>Managing effects on SNAs</i></p>	<p>The wording of these sections should be checked for alignment and potential conflicts with the requirements of the proposed NPS-UD, NPS-FM, NPS-HPL and National Planning Standards.</p> <p><u>Change sought:</u> If there is conflict, It is recommended that it is made clear that the proposed NPS - IB takes precedence.</p>
<p>3.3 <i>Tangata whenua as kaitiaki</i></p>	<p>The proposed provisions for local authority consultation with tangata whenua are couched in mandatory but very broad and sweeping terms that don't align particularly well with current local resources and practices regarding consultation and decision making for plan changes.</p> <p><u>Change sought:</u> Allowance for a greater level of local level flexibility with regard to consultation and involvement of tangata whenua is considered important as is abiding with existing and future Treaty settlement arrangements. It is worth noting here also that time constraints mean that we have not been able to engage with tangata whenua in preparing this submission.</p>
<p>3.5a) <i>Resilience to Climate Change</i></p>	<p>As noted in the Council's general comments, it would be desirable to have high level strategic direction in place with regard to biodiversity and climate change in New Zealand prior to finalising this NPS-IB.</p> <p>Proposed provision 3.5a) directs Councils to provide for '<i>maintenance of ecological integrity through natural adjustments of habitats and ecosystems</i>'. The meaning of this wording is uncertain.</p>

<b>Proposal</b>	<b>Comment</b>
	<p><u>Change sought:</u></p> <p>Greater clarity of intent and direction is required for the role of local authorities and RMA plans.</p>
3.8 Identifying significant natural areas	<p><u>Change sought:</u></p> <p>It is recommended that where a district wide assessment has been undertaken and existing SNAs have already been assessed by a qualified ecologist, the proposed requirements for reassessment within 3 years of commencement of the NPS-IB, are avoided.</p>
3.12(4)c)i Existing activities in SNAs	<p>It will be difficult, if not impossible, for most local authorities to monitor and implement the proposed directive that a resource consent may be required where a proposed vegetation clearance on a pastoral farm is regarded to have adverse effects greater than previous vegetation clearances as part of the regular farm pasture management cycle.</p> <p><u>Change sought:</u></p> <p>Delete this requirement.</p>
3.13 General rules applying outside SNAs	<p>It is considered that the commands in this provision are misdirected and not helpful. The promotion of indigenous biodiversity outside SNAs will depend very much on having strong relationships between councils, iwi, landowners and residents. Any positive benefits are most likely to derive from joint efforts rather than a council seeking to simply impose new restrictions on subdivision and landuse through RMA plans.</p> <p><u>Change sought:</u></p> <p>Withdraw or rewrite or these provisions</p>
3.14 Identified taonga	<p>It is questionable whether this proposed directive to local authorities to jointly identify and map indigenous species and ecosystems that are taonga, is a matter for local authorities.</p> <p><u>Change sought:</u></p> <p>We consider that this role falls to DoC working with tangata whenua</p>
3.15 Highly mobile fauna	<p>Again, it is questionable whether this proposed directive to local authorities to jointly survey, record and map areas where highly mobile fauna</p>

<b>Proposal</b>	<b>Comment</b>
	<p>have been or are likely to be sometimes present, is a matter for local authorities. We would also query if surveying and recording highly mobile fauna is part of the function of the Department of Conservation, and whether DoC should be the lead agency. Secondly, regional councils should be considered as better placed than territorial authorities to work with DoC in leading this work since they are generally better resourced with expertise and the capability to work across large areas that traverse territorial authority boundaries.</p> <p><u>Change sought:</u> We consider the survey and recording of highly mobile fauna outside SNAs to be a DoC and Regional Council lead function.</p>
<i>3.16 Restoration and enhancement</i>	The intention of this directive is supported and is likely to be pursued where there is support from local landowners, iwi, residents and interest groups. However the current directive reads as a top down driven mechanism for restoration that really needs to take place on the back of joint community support and work to be successful.
<i>3.19 Assessment of environmental effects</i>	<p><u>Change sought:</u> This directive needs to align with National Planning Standards, and worth consideration is whether this section should be written into the RMA</p>