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NPS IB Submission

Biodiversity Team, Ministry for the Environment

PO Box 10 362

Wellington 6143

Email: indigenousbiodiversity@mfe.govt.nz

Christchurch City Council Submission on the Proposed *National Policy Statement for Indigenous Biodiversity*

Introduction

1. Christchurch City Council (referred to hereafter as 'Council') thanks the Ministry for the Environment for the opportunity to provide comment on the proposed *National Policy Statement for Indigenous Biodiversity* (NPSIB).
2. The Council provides overall submission points below that should be considered as an executive summary of the Council's submission on the NPSIB. Its full submission is attached as Appendix One.

Overall Submission Points

3. The policy direction in the proposed NPSIB establishes a platform that should assist in halting the decline of indigenous biodiversity, particularly as it seeks to promote the restoration and enhancement of degraded ecosystems. The concept of *Hutia te Rito* is an integral component in achieving these outcomes and the Council welcomes its inclusion in the NPSIB.
4. The Council supports the requirement to implement nationally consistent criteria for the assessment and identification of Significant Natural Areas (SNAs). The criteria proposed for assessment and identification of SNAs are somewhat broader than, but generally well-aligned with, the criteria currently used by the Council in accordance with the Canterbury Regional Policy Statement.
5. The Council seeks changes to the requirement to classify SNAs as either "high" or "medium" in accordance with Appendix 2 to better align it with the significance criteria in Appendix 1 to the NPSIB.
6. While the Council supports assessment and identification of SNAs, the proposed timeframe for completion is unrealistic with the resources available unless the process relies primarily on desktop assessments. While the Council could technically meet the timeframe on the basis of desktop assessments, it would greatly reduce the opportunity for collaboration with landowners, which is an important component of *Hutia te Rito*, and may result in the process remaining contentious despite the provision of clear and nationally consistent criteria. The Council requests either an extension of the timeframes in the NPSIB, or that the NPSIB contains a more efficient process for the assessment and notification of SNAs.

7. The Council considers that funding support from central government to assist Councils in resourcing to complete the district wide assessments will be critical to ensure the successful implementation of the NPSIB. This will be particularly important for territorial authorities with small rating bases.
8. The Council also considers that in order to successfully implement the NPSIB, financial and other incentives will be required to support actions by landowners.
9. The Council supports the proposed effects management regime to manage adverse effects of any subdivision, use or development subject to amendments being made to provide discretion to local authorities to determine circumstances where:
 - There are activities that are important to a region or district that should be provided for through exemptions to indigenous biodiversity provisions, or as permitted activities subject to suitable standards and terms to manage adverse effects;
 - There are activities that are important to a region or district that can be subject to the effects management hierarchy without the requirement to avoid a subset of adverse effects.
10. The Council supports exceptions to the requirement to avoid certain adverse effects on medium SNAs where nationally significant infrastructure is concerned, opposes mineral and aggregate extraction qualifying for this exception, and considers that for activities on Māori land and single residential dwellings, the exception should be extended to apply to High SNAs.
11. While the NPSIB provides a clear framework for managing new activities that impact indigenous biodiversity both within and outside of SNAs, it is less clear that the impacts of existing and ongoing activities will be addressed sufficiently to prevent further long-term losses. The Council requests that the NPS acknowledge this potential limitation in the explanatory note to the NPSIB.
12. The Council supports the requirement to provide for existing activities, including pastoral farming. However, the Council is concerned that it may not be able to provide for existing activities through permitted activity rules that are legally valid. It is important to ensure that local authorities can still take an effects based approach to managing these activities. Therefore, the Council requests that the NPSIB reflect more clearly that there may be circumstances where existing activities can only be provided for through a resource consenting pathway.
13. The Council supports the inclusion of a definition of “improved pasture” as it relates to providing for the continuation of pastoral activities. However, the Council requests that further consideration be given to what pastoral farming practices constitute “maintenance” in the context of improved pasture, to recognise the seasonal variation of pastoral farming activities. Without such consideration, there is risk that this definition is inadequate in determining the scope of existing pastoral farming activities that local authorities must provide for.
14. The Council supports the requirements relating to general clearance rules outside SNAs in order to achieve the overall maintenance of indigenous biodiversity. However, the Council is concerned that it potentially lacks certainty for landowners, particularly when a district wide assessment may have already been undertaken to identify SNAs. The Council requests that this Part of the NPSIB be amended to specify methods to achieve its implementation.
15. The Council supports the requirements relating to restoration and enhancement, increasing vegetation cover, and regional biodiversity strategies. The Council has requested minor amendments with regard to increasing vegetation cover to provide certainty that regional

councils collaborate with territorial authorities in undertaking assessments and in establishing any targets.

16. The Council supports the requirement to include a framework for managing highly mobile fauna, but requests that further information and/or guidelines are produced by central government to guide local authorities on how to prioritise species for protection.
17. Accompanying these concerns, the Council has requested amendments to Appendices 1-4 of the NPSIB, as well as the definitions, and objectives and Policies. These are attached to the Council's submission as Attachments 1 – 6 respectively. These requested amendments are intended to address the Council's concerns and improve their application within the NPSIB.

Conclusion

18. The above matters are of significant concern to the Council with regard to implementing the NPSIB. It is reiterated that the points above should be read as an executive summary only. Details of the Council's full concerns is included as Appendix 1.
19. For any clarification on points within this submission please contact Laura Molles, Advisor – Natural Environment (Laura.Molles@ccc.govt.nz), or Craig Davison, Senior Policy Planner (Craig.Davison@ccc.govt.nz).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lianne Dalziel', with a horizontal line underneath it.

Lianne Dalziel

Mayor of Christchurch

Appendix One: Christchurch City Council Submission on the Proposed *National Policy Statement for Indigenous Biodiversity*

Structure and Scope of Submission

1. The Council’s submission on the NPSIB includes submission points on the explanatory note to the NPSIB, Parts 1¹, 2², and 3³, and Appendices 1⁴, 2⁵, 3⁶ and 4⁷. Substantive submission points have been provided on Parts 1.4 – 1.7, and Parts 3.2 – 3.10, and 3.12 – 3.20. Substantive submission points on Section 1.8, Part 2 and Appendices 1 – 4 are contained in Attachments 1 – 6 respectively.
2. The Council has not provided any submission points on the requirements to manage adverse effects on geothermal ecosystems as required by Part 3.11 as this is not relevant in the context of the Christchurch District.

Submission Points – Explanatory Note to the NPSIB

3. The Council broadly supports the narrative provided by the explanatory note to the NPSIB. However, the Council requests that it be amended to more explicitly acknowledge the extensive losses that have already occurred due to human impacts. This provides a stronger context for understanding why what remains is so precious, and strengthens support for policies focused on restoration and enhancement of vegetation and habitats that have been degraded and lost.
4. It is particularly important to acknowledge previous losses given that several significance attributes and targets in the NPSIB involve percentages of land environments with indigenous vegetation. The “threshold” of 20% indigenous cover is based on a well-supported model of the relationship between habitat reduction and species loss. However, it is crucial to appreciate that 20% of original extent is an approximate level at which species loss *accelerates*, not at which species loss *begins*. Furthermore, the model assumes that habitat loss is not compounded by impacts such as fragmentation, degradation, and invasive pest species, all of which are ubiquitous in New Zealand ecosystems. The Council requests that the NPS includes a summary of these concepts to support its overall implementation.

Submission Points – Preliminary Provisions

Matter of National Significance – Part 1.4

5. The Council acknowledges that the stated matter of national significance the NPSIB is addressing is the maintenance of indigenous biodiversity. The Council notes that the maintenance of indigenous biological diversity is a function of territorial authorities under Section 31 of the RMA. While there is scope under Section 45⁸ of the RMA to prepare a NPS that addresses indigenous biodiversity, the Council considers that the importance of the maintenance of indigenous biodiversity is better supported in all decision making under the

¹ Preliminary provisions

² Objectives and Policies

³ Implementation requirements

⁴ Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna

⁵ Tool for managing effects on significant natural areas

⁶ Principles for biodiversity offsetting

⁷ Principles for biodiversity compensation

⁸ Purpose of national policy statements

Act if the maintenance, enhancement and restoration of indigenous biodiversity was also included as a matter of national importance under Section 6 of the RMA.

6. This addition to Section 6 of the RMA has been suggested by the Council in its comments on the Resource Management System Review Issues and Options Paper provided to the Resource Management Review Panel dated 28 January 2020.

Application – Part 1.5

7. The Council supports the geographic application of the NPSIB as it applies to indigenous biodiversity throughout New Zealand. The proposed application is in accordance with the functions of territorial and regional councils as set out in Sections 30 and 31 of the RMA respectively.
8. With regard to the temporal application of the NPSIB of full implementation by 2028, and the interim implementation requirements by 2026, the Council requests either that the NPSIB provides for a more efficient process for the assessment and notification of Significant Natural Areas (SNAs), or an extension of timeframes for implementation. In the Christchurch District, for example, the process will involve assessment of 500-700 potential SNAs covering more than 20,000ha. The Council estimates the assessment of SNAs alone could take in excess of ten years to complete. A possible alternative and more efficient process is provided by the Council in its submission points on the identification of SNAs in proceeding sections.
9. The Council notes that, even with some form of relief provided, funding support from central government will be needed in order to accommodate the significant amount of work required to implement the NPSIB and to reduce the burden on ratepayers. This will be particularly important for territorial authorities with small rating bases and extensive land areas.
10. Further, the Council considers that financial and/or other incentives will also need to be provided to successfully implement the NPSIB by supporting actions by landowners to protect these values. In this regard, the NPSIB should provide the ability for territorial authorities to propose incentives e.g. a higher density of development where a SNA is protected.

Relationship with New Zealand Coastal Policy Statement – Part 1.6

11. The Council supports the provisions of the New Zealand Coastal Policy Statement (NZCPS) taking precedence in the terrestrial coastal environment where conflict exists between the provisions of the NPSIB and the NZCPS. This is particularly important for managing adverse effects on SNAs in the coastal environment given the differences that exist between the effects management hierarchies in the two documents, and the more restrictive regime that applies in the coastal environment under the NZCPS.
12. Where additional SNAs are identified in the coastal environment as a result of implementing the NPSIB, it will be critical to ensure that adverse effects on those SNAs are managed in accordance with the NZCPS. The NZCPS seeks that adverse effects of all subdivision, use and development are avoided on threatened, or at risk, coastal species and ecosystems. Biodiversity offsets or biodiversity compensation are also not included as mechanisms to address any residual adverse effects on indigenous coastal biodiversity that cannot be avoided, remedied or mitigated. The Council notes that while biodiversity offsetting and compensation are enabled under the proposed NPSIB, they are not components of the NZCPS. The Council supports Part 1.6 of the proposed NPSIB as it will ensure the requirements of the NZCPS with regard to managing adverse effects are not undermined by the NPSIB.

Fundamental Concepts – Part 1.7

(1) Hutia te Rito

13. The Council supports the concept of Hutia Te Rito as an overarching framework that underpins the implementation of the NPSIB. This concept is particularly important given the Council's responsibilities under the RMA to recognise and provide for our relationship with Ngāi Tahu, their culture, and taonga; have particular regard to kaitiakitanga; and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) as required by Sections 6(e) 7(a), and 8. The Council also supports the fundamental concept that indigenous biodiversity has intrinsic value, and that people have a responsibility to provide for the health of indigenous biodiversity, taonga, and the wider environment.

(2) Indigenous Biodiversity

14. The Council supports the definition of indigenous biodiversity and the explicit inclusion of migratory species.

(3) Maintenance of Indigenous Biodiversity

15. The Council considers that the NPSIB will assist in halting the decline of indigenous biodiversity through the proposed framework to identify and manage effects on SNAs. The Council also considers that the acknowledgement that the maintenance of indigenous biodiversity also requires restoration and enhancement, and management outside SNAs, will also assist in maintaining indigenous biodiversity.
16. However, the Council considers that the NPSIB should recognise that achieving the overall maintenance of indigenous biodiversity in all circumstances will not be possible in the context of the current RMA. The continuation of existing activities as provided for by Section 10⁹ of the RMA, even in the absence of intensification, will be incompatible with maintenance of indigenous biodiversity – as defined in 1.7 (3) – over long (ecological) time scales. A lack of seedling recruitment in grazed forest fragments, for example, may prevent canopy renewal and lead to loss of species richness. Similarly, identification of, and prevention of clearance, in SNAs may not be sufficient to prevent loss if sites are severely impacted by pest species. These and other challenges mean it may not be practicable to protect SNAs sufficiently to ensure long-term maintenance of biodiversity.
17. The Council considers that in addition to providing financial support and/or other incentives to support landowners' changes to land use activities, the government will need to boost support for voluntary actions landowners can take to protect biodiversity, such as fencing to exclude stock from SNAs, and will need to facilitate entry of regenerating and restored indigenous forest into the Emissions Trading Scheme to further benefit both biodiversity and landowners.
18. While the NPSIB addresses "existing activities" by including requirements that compel local authorities to provide for their continuation, this applies only to activities not covered by Section 10 of the RMA. The Council requests that the NPSIB acknowledge this potential limitation of its ability to achieve the overall maintenance in all circumstances in the explanatory note to the NPSIB.
19. Further, it is highly likely that considerable areas of significant indigenous biodiversity, habitats and ecosystems, will be overlooked by SNA surveys alone, despite good intentions,

⁹ Certain existing uses in relation to land protected

experienced practitioners, and thorough processes. Maintaining indigenous biodiversity will likely remain problematic, particularly in districts with highly fragmented (or naturally patchy) habitats and sparsely distributed native plants. In such areas, maintaining the whole is more important than protecting fewer, but more tightly defined, SNAs. This highlights the important role of general rules that apply outside of SNAs. As addressed in proceeding sections, the Council supports this requirement of the NPSIB.

(4) Adverse Effects on Indigenous Biodiversity

20. The Council supports, subject to an amendment, the non-exhaustive descriptions of adverse effects on indigenous biodiversity that are proposed to be managed under the NPSIB. However, the Council recommends that Part 1.7 4(d) should be amended to provide consistency with the Significance Criteria in Appendix 1 as follows:
“the reduction in population size or occupancy of threatened **or at risk** species”
21. The Council notes that this component of the NPSIB is interlinked with the effects management hierarchy concept. The Council has provided further comment on the appropriateness of this aspect in proceeding sections.

Definitions – Part 1.8

22. To support the Council’s recommendations made on each component of the NPSIB, Attachment One includes recommended amendments to the proposed definitions in the NPSIB. These suggested amendments should be read in tandem with the Council’s submission points and recommendations included in this submission. For completeness, the Council’s rationale for the requested amendments in Attachment One are set out below:

Biodiversity compensation: The definition of biodiversity compensation should be amended to better align with the definition of the “effects management hierarchy” to:

- remove the word “appropriate” with regard to the avoidance, remediation, and mitigation measures that have been applied as this word is not used in the ‘effects management hierarchy’ definition;
- insert the words underlined “in accordance with the effects management hierarchy” to clarify that the two definitions are interlinked.

Biodiversity offset: The definition of biodiversity offset should be amended to better align with the definition of the “effects management hierarchy” by:

- removing the word “appropriate” with regard to the avoidance, remediation, and mitigation measures that have been applied as this word is not used in the ‘effects management hierarchy’ definition;
- inserting the words underlined “and demonstrably applied in accordance with the effects management hierarchy” to clarify that the two definitions are interlinked.

Buffer: The definition of buffer should be amended to remove the word “core” as it is redundant. The purpose of a buffer is to protect the ecosystem as a whole from detrimental edge effects. “Buffer” should apply beyond the edges of the existing vegetation or habitat,

and not be restricted to outer edges of sites, which may comprise relatively young and/or degraded habitat relative to more central areas.

Clearance: The definition of clearance should be amended to include other land uses that constitute clearance. For example irrigation is considered a method by which vegetation can be cleared. In many dryland ecosystems such as those on the Canterbury Plains, hardy indigenous species may be dominant, or at least persist, within a mixed exotic-indigenous species community, as they are able to remain competitive with exotic species. Irrigation can dramatically change the irrigated area in a way that strongly favours exotic species, leading to their overtopping and competitively eliminating indigenous species.

Effects management hierarchy: The definition of effects management hierarchy should be amended to:

- delete the word “managing” and replace it with “sequentially manage” to clarify that the avoidance, remediation, mitigation, offset and compensation are to be sequentially applied;
- in clause (d), clarify that biodiversity offsetting may be used only where all adverse effects have been demonstrably avoided, remedied or mitigated where possible, and where it can achieve “no net loss” of indigenous biodiversity.
- in in clause (e), clarify that biodiversity compensation may be used only where all adverse effects have been demonstrably avoided, remedied, mitigated, or offset to clarify that it is a last resort within the effects management hierarchy.

Existing activity: The definition of existing activity should be amended to include reference to Section 20A of the Resource Management Act 1991 with regard to existing activities.

Highly mobile fauna: The definition of highly mobile fauna should be amended to include, in clause (c), the wording “and species that migrate both within New Zealand and internationally”. Many long-distance international migratory species in particular are subject to intense negative ecological pressures in multiple countries, so warrant enhanced protection during the portion of their life cycle that is spent in New Zealand.

Improved pasture

The Council supports a definition of improved pasture being included in the NPSIB and notes that it is a significant component as it relates to the continuation of pastoral farming activities. However, the Council is concerned that in its current form it is potentially too narrow and will be open to interpretation as to its application.

The Council notes that the overall activity the NPSIB is seeking to provide for that relies on this definition is the “maintenance of improved pasture” as it relates to **pastoral farming** [our emphasis added]. Pastoral farming and associated practices are seasonally variable but are often undertaken within the same overall footprint of the pastoral farming activity. The NPSIB contains no guidance as to what practices associated with pastoral farming are directly related to “maintenance” or “management for” livestock grazing. For example, different methods of deliberately re-sowing crops, different pasture species, or the use of different crop types, for livestock grazing.

Without clearly defining what is considered “maintenance” in the context of “improved pasture” there is a risk that this definition will be misinterpreted and misapplied, and create contention between landowners and local authorities in establishing the overall scope of pastoral farming activities that are required to be provided for.

The Council requests that the definition of “improved pasture” either clearly define what activities constitute “**maintenance**” in the context of pastoral farming, or that a new definition of “maintenance of improved pasture” (or similar) be introduced that clearly describes what pastoral farming activities constitute “maintenance” in the context of improved pasture. The Council also requests that any changes made in response to this relief sought are made in consultation with the Biodiversity Collaborative Group.

Further, the Council considers that the definition should include a “sunset clause” from the commencement date of the NPSIB with regard to areas that have previously been cleared of indigenous vegetation and converted to improved pasture. This is necessary to “hold the line” and prevent further clearance from occurring outside of existing pastoral farming activities.

Natural range: The Council has no recommended amendments to the definition of natural range, but seeks clarity on its intent.

Natural range is defined as the area where a “species can be expected to be found naturally (without human intervention)”. The definition should clarify whether “human intervention” includes the negative impacts that have severely restricted occupancy, particularly through land use change. The definitions should also state whether species previously extirpated from an area (due to human impacts), and subsequently reintroduced (via direct human intervention) would be considered as being within their “natural range”. An unintended consequence of a vague definition could be that local authorities lack directive to maintain populations of reintroduced species.

New subdivision, use or development: The definition should be amended to better align with the definition of “Act” by replacing “RMA” with “Act”, which refers to the Resource Management Act 1991.

Reconstruction: The definition of reconstruction should be amended to change the word “recreate” to “approximate”. A human-reconstructed ecosystem will inevitably lack components of a healthy, naturally-occurring system. It is important to highlight this as it emphasises the value and necessity of protecting existing vegetation and habitats.

Regular cycle: The Council has not made any recommended amendments to the definition of regular cycle. However, no direction is provided in the NPSIB as to what timeframe constitutes a “periodic” or “consistent” regime of clearance for maintenance of improved pasture. The Council recognises that differing environmental and ecological conditions mean that indigenous vegetation will regenerate at different rates, making it impractical to define a universally-appropriate timeframe. The Council requests that further consideration be given to this definition. Additionally, as this definition is directly interlinked with the definition of “improved pasture” in the context of pastoral farming, consideration needs to be given to the varying nature of pastoral farming activities as outlined in the Council’s submission points on the definition of “improved pasture”. The Council considers that in terms of “periodic” and “consistent”, a range (in the order of years) should be considered for inclusion in this

definition. However, any amendments made should be in consultation with the Biodiversity Collaborative Group.

Sequence: The definition of sequence should be amended so it reads (additions underlined) “means a series of ecosystems or communities, including plant communities, often physically connected across landforms or altitude, that replace one another through space” to better align with the significance assessment criteria in Appendix 1; “landform” incorporates geological and topographical characteristics that strongly influence communities and ecosystems.

Species: The definition of species is not clear in that “taxa” can apply to both narrower classifications (e.g. subspecies or even population) and much broader groups (e.g. phyla). Explicitly stating that “taxa” are included may be meant to indicate that some indigenous species have not yet been identified to the species level, or to include finer classifications such as subspecies. The Council requests that the definition be expanded to provide clarity; for example, the definition could state that “species” includes finer taxonomic distinctions, such as subspecies, and also applies to organisms which have not yet been formally described or given a species name.

Objectives and Policies – Part 2

23. The Council supports the proposed wording of the proposed Objectives and Policies subject to minor amendments to Objective 5 and Policy 11 as set out in Attachment Two. To better align with the wording used in Part 3 of the NPSIB of “promoting” the restoration and enhancement of indigenous biodiversity, it is requested that the objective and policy wording be amended for consistency.

Submission Points – Implementation Requirements

Hutia Te Rito – Part 3.2

24. The Council supports the concept of Hutia Te Rito as an overarching principle to achieve the maintenance and enhancement of indigenous biodiversity as required by Objective 3 and Policy 1. The Council acknowledges the need and importance to incorporate Te ao Māori (Māori world view), mātauranga (Māori knowledge and history), and tikanga (customs) Māori into RMA decision making as an important component of successfully implementing Hutia te Rito.
25. The Council understands that successful implementation of Hutia te Rito could include, but not be limited to; early consultation with tangata whenua in identifying SNAs and other important indigenous biodiversity; including taonga species; using cultural health indicators; when drafting plan provisions; and potentially entering into an Iwi Participation Arrangement (Mana Whakahono ā Rohe) under Sections 58L – 58U of the RMA. While these are examples how Hutia te Rito could be implemented, the Council recognises that successful implementation of this concept will be achieved through early engagement with tangata whenua prior to, and during, the implementation the NPSIB.
26. The Council notes that other components of the proposed NPSIB are likely to complement the successful implementation of this concept, including the requirement to recognise tangata whenua as kaitiaki, identifying taonga species for protection, providing for social, economic,

and cultural wellbeing, and in applying an integrated approach to managing indigenous biodiversity.

27. While we support this component of the proposed NPSIB, we recommend that central government provide further guidance, developed in collaboration with tangata whenua, to assist local authorities in meeting their obligations to successfully implement Hutia te Rito.

Tangata Whenua as Kaitiaki – Part 3.3

28. The Council supports the requirement of recognising tangata whenua as kaitiaki as required by Objective 2 and Policy 1 of the NPSIB in any RMA plan change and resource consent process that will be required to give effect to the NPSIB. The will ensure that the Council meets its obligations under Sections 6(e), 7(a), and 8 of the RMA. The Council notes that the specificity provided in this section as it relates to consultation and collaboration with tangata whenua, the reference to tikanga Māori, mātauranga Māori, and kaitiakitanga, and direction around cultural health and monitoring, is particularly useful. The Council considers that the implementation of this section will contribute greatly to successfully implementing the overarching concept of Hutia te Rito.

Integrated Management – Part 3.4

29. The Council supports, subject to further clarity and amendments, the requirement to manage indigenous biodiversity, and the effects of any subdivision, use or development, in an integrated manner as required by Objective 4 and Policy 4. The Council understands that this is to be achieved through the coordinated management of the use of land across administrative boundaries where indigenous biodiversity traverses local authority boundaries, traverses public and private land, and where it intersects tangata whenua rohe boundaries.
30. The Council notes that this component of the NPSIB is outcome focussed as opposed to providing clear direction to local authorities on what actions should be taken, or which local authority is responsible, for directing how these outcomes will be met. The Council recommends that in circumstances where significant indigenous biodiversity traverses administrative boundaries, the regional policy statement should include clear direction on how adverse effects should be managed by considering the SNA as a whole. For example, by requiring territorial authorities to have similar provisions in their plans to protect the integrity of the SNA as a whole and by encouraging joint resource consent decision making processes. The Council considers this would better recognise the purpose of regional policy statements as provided for by Section 59 of the RMA to achieve the integrated management of natural and physical resources across a region.
31. This component of the NPSIB also requires local authorities to apply the principle of “ki uta ki tai”. The Council again notes that this requirement is outcome focussed rather than providing direction on how this is to be achieved. However, the Council considers that given the scope of the NPSIB being primarily focussed on terrestrial biodiversity, the fact that the National Policy Statement for Freshwater Management (NPSFM) addresses aquatic biodiversity and ecology, and the proposed relationship between the NPSIB and NZCPS, ki uta ki tai will be provided for through collaboration between local authorities.

Resilience to Climate Change – Part 3.5

32. The Council supports the intent of promoting the resilience of indigenous biodiversity to the effects of climate change as required by Objective 1 and Policy 3. The Council notes that while Section 7¹⁰(i) of the RMA requires particular regard to be had to the effects of climate change, this component of the NPSIB may be met with implementation challenges due to the lack of guidance on how to implement it. However, the Council notes that there appears to be recognition of these potential challenges, and the wording “promote” is intentional in this respect.
33. For completeness, the Council notes that approaches which provide ecological resilience in general are likely to improve resilience to climate change specifically. In practice, “providing for... natural adjustments of habitats and ecosystems” (3.5(a)) requires increasing (as appropriate) the extent, connectivity and/or buffering of existing systems well beyond that required simply to maintain biodiversity under current environmental conditions.

Precautionary Approach – Part 3.6

34. The Council supports the principle of adopting a precautionary approach as required by Policy 2 in circumstances where the effects on indigenous biodiversity from any subdivision, use or development are uncertain, unknown or not understood, and when those effects are potentially significantly adverse. The Council notes that while the circumstances when the precautionary principle should be applied are detailed in Part 3.6, no direction is provided as to how it should be used. How the Council and other local authorities implement the precautionary approach in relation to indigenous biodiversity may vary, given the requirements of Hutia te Rito and integrated management. The Council considers this to be appropriate.

Social, Economic and Cultural Wellbeing – Part 3.7

35. The Council supports the requirement to incorporate social, economic and cultural wellbeing considerations into the maintenance of indigenous biodiversity as required by Objective 6, and Policies 8 and 10. The Council notes that is already a statutory requirement local authorities must adhere to under Section 5 of the RMA. The Council considers that this component of the proposed NPSIB will assist local authorities in meeting this obligation in an indigenous biodiversity context.

Identifying Significant Natural Areas – Part 3.8

Identifying Significant Natural Areas

36. The Council provides comment on the requirement to identify significant natural areas as set out below:
 - The Council’s overall submission points and requested changes;
 - A discussion to support the requested changes; and
 - The Council’s requested changes to Appendix 1.

¹⁰ Other matters

Overall Submission Points and Requested Changes

37. The Council supports the requirement to identify and assess areas where significant indigenous vegetation is present in accordance with Policy 6 and Appendix 1 of the NPSIB and classify these as Significant Natural Areas (SNAs). However, the Council cannot meet the requirement to complete the technical work associated with the identification of SNAs and notify plan changes by 2025 and 2026 respectively unless this work is completed primarily by desktop analysis. The Council notes that the NPSIB requires verification by physical inspections “where practicable”. The Council would technically be able to assess and notify plan changes within the proposed timeframes by forgoing physical verifications as it wouldn’t be practicable in consideration of the timeframes. While feasible in this respect, the Council is concerned about the longer term efficiency of this approach in a Schedule 1 plan change process. Further, the Council considers that there may well be more efficient approaches that can be undertaken for SNA assessment and notification of plan changes and that achieve better outcomes.
38. The Council also supports the requirement to identify and assess SNAs in accordance with a defined criteria that is based on the ecological characteristics of a site. To improve its application, the Council has requested changes.
39. In summary, the Council requests that:
 - Part 3.8 be amended to include a more efficient approach that only requires SNAs to be verified by physical inspections where this is necessary for ecological reasons (e.g. absence of existing information and/or sufficiently detailed remote sensing data, likely presence of low-statured or cryptic flora or fauna), or in cases where landowners request physical inspection, rather than “wherever practicable”. This does not diminish the importance of engagement with property owners; and/or
 - That the timeframes specified in Part 3.8 be amended to require assessment and notification of SNAs by 2030 and 2032 respectively; and
 - The changes to Appendix 1 as set out in Attachment Three are incorporated into the NPSIB.

Discussion

40. In the Christchurch District, there are an estimated 500-700 potential SNAs requiring assessment, covering a total area of more than 20,000ha. Sites typically involve multiple property owners, and landowner engagement involves at least two, and sometimes several, meetings with each landowner. There are a limited number of suitably qualified ecologists available to carry out the surveys, and to produce written assessments that determine whether each significance criterion has been met. With the current level of resourcing, the Council would require upwards of 10 years to complete physical inspection and verification of all potential SNAs that have been identified.
41. The NPSIB states that the values and extent of SNAs should be verified by physical inspection “wherever practicable”. The Council notes that physical inspection of all potential sites within the Christchurch District within the timeframe proposed in the NPSIB will not be practicable within the Council’s current resourcing. The only way the Council could meet the timeframes is by undertaking the district wide assessment by desktop analysis. Forgoing physical inspection and verification then creates a risk whereby landowners contest the level of assessment that has been undertaken during a plan notification and hearing process. While it will be feasible to determine whether many sites meet at least one significance criterion using

remote sensing data, aerial photography, and other existing information, this will not be sufficient to accurately assess all significance criteria or all sites.

42. A more efficient approach may be to require physical inspection where this is necessary for ecological reasons (e.g. absence of existing information and/or sufficiently detailed remote sensing data, likely presence of low-statured or cryptic flora or fauna), or in cases where landowners request physical inspection. For example, in a land environment with less than 30% indigenous forest cover remaining, remote data can easily be used to identify areas with indigenous forest cover, meaning that the site is certain to meet at least the Rarity and Distinctiveness criterion of Appendix 1. Physical inspection of such a site could be considered a lower priority than for forest habitat in a land environment with more than 30% remaining in indigenous cover, or for vegetation types and habitats that are more difficult to identify with certainty based on aerial images. Prioritising sites where values are more cryptic, or where there is less existing, reliable information, would avoid the need to carry out extensive surveys of easily-recognised sites, and allow councils to focus resources on sites that will have the greatest benefit.
43. The Council notes that all remaining indigenous vegetation within the Christchurch District will meet the Rarity and Distinctiveness Criterion; 99% of the District comprises Land Environments with less than 30% of indigenous vegetation cover remaining nationally. Approximately 1% of the District comprises Land Environments with >30% indigenous cover nationally; however, within the District less than 10% of land in this category has indigenous cover. Therefore, site visits in the Christchurch District could be restricted to the circumstances described in paragraph 42 above.
44. Carrying out fewer, but more detailed physical inspections may also provide a means of incorporating meaningful baseline ecological monitoring into the inspection process. The inspection requirements for assessment of significance criteria do not provide sufficiently detailed data for monitoring purposes.
45. The Council requests that the requirement for two yearly plan changes “where practicable” to update SNA mapping be changed to five yearly intervals “wherever practicable” to reduce costs on local authorities. This request still provides assurance that information on the values and extent of newly-assessed sites will be made available to landowners and agencies in a timely fashion.
46. The Council supports the intent of requiring the reassessment of SNAs every 10 years, as both natural and human-induced changes will inevitably occur, leading to changes in the values and extent of SNAs. However, because of the large number of sites within the District, it will be necessary to rely primarily on aerial imagery and remote sensing data for reassessment.
47. The Council suggests that the NPSIB only requires that individual sites be reassessed every 10 years, rather than requiring a District-wide reassessment every 10 years (e.g. reassessment of all sites in 2035). In the Christchurch District, for example, it would not be feasible to physically reassess all sites within a one-year period. A more practical approach will be to continuously reassess a sample/subset of sites every year, and notify any required changes on a rolling basis. While adopting a rolling reassessment approach will make the ongoing workload more manageable, it will still require substantial and permanent additional resourcing, and will need to rely heavily on desktop analysis for most reassessment in order to be financially sustainable.
48. The Council supports the principle of determining SNA boundaries on the basis of extent and ecological integrity of the indigenous vegetation and habitat as a whole. However, the Council notes that many areas of indigenous vegetation and other habitat within the district cross multiple properties, and in many cases, multiple catchments. The resulting assessments may cover such large and diverse areas that it will be difficult for landowners to identify which

values apply to their property. Councils can overcome this by creating property-specific reports for individual landowners, but this will require additional resourcing.

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

49. Attachment Three includes recommended amendments to the proposed criteria for determining significance provided in Appendix 1 of the NPSIB. The Council supports, subject to amendments, the criteria proposed in Appendix 1, and notes that these criteria are generally well-aligned with those currently used by the Council and set out in the CRPS. For completeness, the Council's rationale for the requested amendments in Attachment Three are set out below.
50. The Council supports the explicit inclusion of degraded and relatively commonplace vegetation and habitats, and the clear direction that assessment is based solely on the ecological characteristics of a site.
51. The Council notes that the Representativeness criteria incorporates the concept of indigenous vegetation or habitat being "typical" of an ecological district, and this includes degraded habitats in depleted ecological districts. This inclusion is essential to ensure that the full range of remnant indigenous biodiversity is identified as significant, and is especially pertinent to highly modified, lowland ecological districts.
52. The Council requests deleting "...has ecological integrity..." from the second paragraph of assessment principle A2, as this could create confusion. Many SNAs in highly modified ecological districts will have relatively low ecological integrity, but are still significant. An alternative suggested wording is "Significant vegetation is typical of the indigenous vegetation of the ecological district in the present day environment...". For greater clarity on this important issue, it would be helpful to add "...In highly modified ecological districts, it can include extremely depleted indigenous vegetation or remnant ecosystems".
53. Similarly, "...has ecological integrity..." should be deleted from attribute A4 (a).
54. The Diversity and Pattern criterion is benchmarked to the "expected" range of components within an SNA. The wording of this criterion should be amended to clarify that "expected" relates to the present-day environment, including with regard to current levels of depletion and degradation. This criterion should also explicitly acknowledge that a site can be considered significant despite diversity and pattern being at least partially degraded or interrupted, as is the case for the Representativeness criterion.
55. The Diversity and Pattern criterion should ensure that ecosystems that are naturally of low diversity are not excluded; for example, ecologically significant kānuka-dominated forest typically has very low species diversity, but is highly natural in its composition. The Council recommends either incorporating Naturalness as an additional attribute, as was the case in foundational assessment protocols for New Zealand, or by explicitly stating in the Diversity and Pattern guidance that "...low diversity is the natural state for some ecosystems..." and that this should be taken into account when assessing a site.
56. The Diversity and Pattern assessment principle B3 (Pattern) should be amended to read "Pattern includes changes along environmental gradients *and landforms*, such as ecotones and sequences". "Landform" incorporates geological and topographical characteristics that strongly influence communities and ecosystems, and this change provides better alignment with criterion A3.

57. To align with Appendix 2, Diversity and Pattern attribute B5 (a) should be amended to read “at least a moderate diversity of indigenous species...”. In the absence of the “moderate” qualifier the attribute could apply to nearly any site.
58. The Council supports the Rarity and Distinctiveness benchmark of <30% remaining indigenous cover relative to former extent.
59. The Council also supports the inclusion of at risk species and land environments, in addition to threatened species and land environments, in the key assessment principles for Rarity and Distinctiveness.
60. For consistency with the key assessment principles and attributes for the criterion, Rarity and Distinctiveness C1 should be altered to read “Rarity and distinctiveness is the presence of *threatened, at risk, rare or distinctive indigenous taxa...*”.
61. Ecological context attribute D3 (f) should include additional activities of particular relevance for migratory birds, e.g. “provides critical habitat for indigenous fauna, including for feeding, breeding, refuge, resting, moulting, migration staging, post-breeding flocking, and wintering”.

Classification of Medium and High Significant Natural Areas

62. The Council seeks changes to the requirement to classify SNAs as “Medium” or “High” in accordance with Appendix 2, including substantial revisions to the criteria and rating process to improve its application.
63. A key issue with the framework is that it counteracts the aim of maintaining biodiversity within areas assessed as having significant value for biodiversity. The Council understands its intent, but considers that there are several potential issues with the approach.
64. One potential issue is that the Medium/High assessment will interact poorly with the ecologically sensible requirement to assess boundaries on the basis of vegetation/habitat extent and integrity. Within the Christchurch District, areas of vegetation that may potentially be assessed as “Medium” if considered in isolation will often be a component of a sequence, buffer, or mosaic that includes areas with “High” attributes. This is the nature of ecological systems.
65. Because terms such as sequence, buffer, and mosaic are open to some degree of interpretation, an unintended result could be the splitting of some sites into separate, adjacent SNAs on the basis of “Medium” versus “High” attributes. Doing so could lead to clearance within “Medium” sites that substantially impacts the broader ecological system.
66. In the Representativeness guidelines, the setting of “Medium” and “High” benchmarks against the “typical” range of species for an ecological district is also problematic. It is not apparent what the difference would be between habitats that support a majority of the typical species expected at a site (“High”), and habitats that support a moderate range of the typical species expected at a site (“Medium”). “Typical,” “moderate” and “expected” are not precisely determined characteristics, and the difference between a “moderate range” and a “majority” could be a single species.

Appendix 2: Tool for managing effects on significant natural areas

67. Attachment Four includes recommended amendments to the proposed criteria for determining whether a SNA should be classified as high or medium in accordance with Appendix 2 of the NPSIB. If the High/Medium rating system is retained, the Council requests the following amendments.

68. For the Diversity and Pattern attribute, the requirement to achieve a “high level of ecological integrity” is ambiguous and introduces a standard higher, and incompatible with, the key requirement of Representativeness (which is that a site is a “typical” example). This is especially problematic for SNAs that occur in highly modified ecological districts, where severe depletion/degradation of ecological integrity is “typical”.
69. For the Rarity and Distinctiveness attribute: this attribute as written includes arbitrary thresholds that are inconsistent with the fundamental concepts of the NPSIB. For example, the presence of one at risk species (Medium) versus two (High) undermines the idea that a single at risk species has intrinsic value and is worthy of protection.
70. For the Ecological Context, the word “very” should be deleted from attribute 4. Being “important” should be sufficient for a site to rate highly. In tandem with amending attribute 4, attribute 9 should be deleted.
71. The Council considers that it is counterproductive to retain the two remaining Medium-rated attributes in the Ecological Context attribute. Facilitating clearance of vegetation in sites classified as “Medium” would increase disruption of sites already vulnerable due to incomplete/impeded ecological functioning, and conflicts with the NPSIB requirement to identify and restore such sites.
72. The Council recommends amending attribute 6 to identify a greater range of functions for which habitats are important, and recommends adding two additional attributes to highlight the national and international importance of habitats used by highly mobile bird species.
73. The Council notes that approximately 81% of remaining indigenous vegetation within the Christchurch District would qualify for a “High” rating on the basis of the Land Environment alone. For these sites, requiring assessment of all criteria against “High” versus “Medium” ratings would be an inefficient use of time and resources.
74. Furthermore, as many of the descriptions for “High” versus “Medium” ratings involve terms that are relative, or subject to some level of interpretation, they may be considered contentious and challenged during a plan change or consenting process.
75. The Council suggests that if the “High” and “Medium” rating system is retained, consideration is given to accepting a hierarchical approach to determining whether an SNA qualifies for a “High” rating in at least one attribute.
76. We suggest initially evaluating SNAs based on the “indigenous vegetation that has been reduced to less than 20% of its former extent in the ecological district, region or land environment” attribute; this attribute can be assessed cost-effectively, even in the absence of detailed physical inspection. It is likely to be widely accepted as clear-cut and entirely objective.
77. For sites that would not be rated as “High” based on this attribute, a proposed second step would be evaluating other attributes within the Rarity and Distinctiveness criterion. Attributes in this criterion are straightforward to evaluate, particularly when a site has been physically inspected. These characteristics are also likely to be widely accepted as entirely objective.
78. Only sites which either do not warrant a “High” rating for one or more Rarity and Distinctiveness criteria, or for which the relevant data are not available, would require rating of other attributes as “High” or “Medium”. Most of the remaining attributes require assessment against contextual standards, which means they will be more time-consuming and costly to assess and may be perceived as relatively subjective.

Managing Adverse Effects on Significant Natural Areas – Part 3.9

79. The Council supports, subject to amendments, the requirement to manage the effects of any subdivision, use or development of land in SNAs in accordance with a defined set of criteria that applies nationally as required by Policy 6 and Policy 8. Managing effects on SNAs is required under Section 6(c) of the RMA as a matter of national importance.
80. As an overall comment, the proposed effects management regime in the NPSIB is much more restrictive than the regime contained in the Council’s District Plan. The Council notes this is likely to result in positive outcomes for indigenous biodiversity. However, the Council is concerned that such a restrictive regime may have unintended economic consequences as well as challenges for some land uses that are important for a region or district. The Council reiterates that its support for the proposed management regime is contingent on the relief sought in this section being incorporated into the NPSIB.
81. The Council provides comment on the components of the management regime as set out below:
- The requirement to “avoid” certain adverse effects;
 - The use of an effects management hierarchy;
 - Exceptions for activities with locational constraints in SNAs classified as medium.

The Requirement to “Avoid” Certain Adverse Effects

82. The Council supports the intent of requiring certain adverse effects associated with subdivision, use and developments on SNAs to be avoided. However, the Council cannot support its application to all subdivision, use or development activities in all circumstances (other than the subset of activities that are provided for in medium SNAs). The Council is concerned that this requirement will result in some subdivision, use and development activities being unable to occur due to an inability to demonstrate that those adverse effects can and will be avoided.
83. The Council notes that the word “avoid” has been used intentionally because of its interpretation and application that has been inferred from relevant case law¹¹. That interpretation requires the word “avoid” to be applied as having its literal meaning of not allowing, or preventing the occurrence of. The word “avoid” should therefore be used with caution, and only in circumstances where it is absolutely necessary to avoid adverse effects, given the potential implications.
84. In this context, the Council is concerned that the proposed effects management framework does not provide for activities such as maintenance associated with existing land uses, or any other land uses that may be important for a district or region. For example, the Council’s District Plan includes exemptions and permitted activity pathways for upgrades and relocation of utilities, maintenance of access tracks associated with utilities, network infrastructure operated by a network utility operator, flood protection and drainage works undertaken by a local authority, park management activities, removal of pest plants and animals, conservation activities, or for maintaining firebreaks within SNAs. Further, features such as stormwater basins, and constructed wetlands for the purpose of managing stormwater are or may become SNAs in the future. All of these activities are practical examples of where the Council, through its District Plan, recognises that there are circumstances where it may not be feasible to avoid certain adverse effects. Accordingly, the District Plan subjects these land uses to an effects management hierarchy as there is a greater need for those activities to be enabled and/or

¹¹ *Environmental Defence Society Inc. v New Zealand King Salmon Company Ltd* [2014] NZSC 38

occur in Christchurch District in a manner that allows them to function both as SNAs and utilities.

85. The Council acknowledges that the NPSIB does not require the complete avoidance of adverse effects with regard to activities that are for the purpose of protecting, restoring or enhancing a SNA. However, this still suggests a resource consent pathway is needed to manage adverse effects using the effects management hierarchy. The Council considers that for such activities, there may be suitable standards that can be included for permitted activities to manage these adverse effects, and remove a potential barrier for restoration and protection activities.
86. The proposed management regime under the NPSIB does not afford any discretion to local authorities to determine circumstances or activities where it may be appropriate to include exemptions, or permitted activity pathways within SNAs, or determine on a case by case basis whether there are any activities that are important to a region or district that should be managed in accordance with the effects management hierarchy without the requirement to avoid certain effects.
87. The Council therefore requests that Part 3.9 be amended to include a sub clause that provides local authorities discretion to determine circumstances when and where it may be appropriate to include exemptions and/or permitted activities, and circumstances where there are activities that are significant to a region or district that can be managed in accordance with the effects management hierarchy (and without the requirement to avoid certain effects) in their plans.
88. With regard to the subset of effects that are required to be avoided, the Council considers that, from an ecological perspective, they are appropriate as they are focused on measurable ecological characteristics with well and broadly supported impacts on biodiversity. They are also effects that are difficult, if not impossible, to undo once they have occurred. Subject to the relief above, the Council supports the requirement for any subdivision, use or development to avoid these adverse effects.
89. Further, the Council notes that 3.9 (1)(a)(iv) should be reworded to include at risk species, while permitting a distinction between impacts on resident and highly mobile species. The Council suggests altering the wording to (additions are underlined) “a reduction in population size or occupancy of at risk or threatened species resident in the SNA, or of threatened highly mobile species using the SNA for any part of their life cycle”. The Council also recommends that clause 1.7 (4)(f) “a reduction in the richness, abundance or viability of species in habitats and ecosystems” be added to the effects that must be avoided in 3.9(1)(a) as this is an effect that occurs in tandem with the effects listed in clause 1.7 (4)(a-d).

The use of an Effects Management Hierarchy

Avoiding, Remedying or Mitigating Adverse Effects “Where Possible”

90. The Council supports the requirement to, sequentially, avoid, remedy, or mitigate “where possible”, adverse effects of any subdivision, use or development on SNAs outside the subset of effects that are required to be avoided. The Council again highlights that this approach is more protective and restrictive than the approach currently in its District Plan, particularly through the inclusion of the wording “where possible”.
91. The Council notes that this requirement may mean that any resource consenting pathways introduced into its District Plan in giving effect to the proposed NPSIB could be more costly and time consuming. Resource consent applicants would likely have to commission ecologists to confirm whether or not adverse effects have been avoided, remedied, or mitigated “where possible”, to satisfy the requirements of this and components of the proposed NPSIB.

92. The Council notes that the effects management hierarchy requires that biodiversity offsetting and biodiversity compensation are “considered,” and it is not clear whether one or both would ultimately be required, where practicable or possible, in situations where adverse effects could not be demonstrably avoided, remedied or mitigated. As outlined in our submission points on the proposed definitions, we have recommended changes to the definition of the effects management hierarchy to clarify the circumstances when biodiversity offsetting and compensation may be used as a mechanism to offset or redress (respectively) any remaining adverse effects.

Biodiversity Offsetting

93. The Council supports the incorporation of biodiversity offsetting into the effects management hierarchy to offset any residual effects on SNAs, and to ensure there is no net loss of indigenous biodiversity. Its inclusion in the hierarchy and its definition will ensure that biodiversity offsetting is not misapplied as a form of mitigation or compensation.

Appendix 3: Principles for biodiversity offsetting

94. Attachment Five includes the Council’s recommended changes to the proposed biodiversity offsetting framework in the NPSIB. For completeness, the rationale for these requested changes is outlined below.
95. The Council notes that the concept of “trading up” appears to be a form of “biodiversity compensation” as described in Appendix 4, and contradicts the principle of “like-for-like”; hence it may be appropriate to remove “trading up” from the biodiversity offsetting section.
96. The NPSIB specifies two limits to offsetting (2)(ii and iii) that are additional to those currently in the Christchurch District Plan; the Council supports the addition of these limits.
97. The Christchurch District Plan’s biodiversity offsetting framework provides more stringent specifications for offset proposals, including explicit guidance that offsets in relation to SNAs should be undertaken within, or as close as possible to, the SNA. The Council encourages the addition of a similar guideline to the NPSIB. Specifically, the Council encourages amending the “landscape context” principle in both Appendix 3 and Appendix 4 to indicate a preference for offsetting or compensation to occur within or immediately adjacent to the affected SNA, not just “close to the location of development or within the same ecological district”.

Biodiversity Compensation

98. The Council supports, subject to the requested amendments to the effects management hierarchy definition, the inclusion of biodiversity compensation to address any residual effects on SNAs that cannot be demonstrably offset. Its incorporation in the hierarchy and its definition will ensure that biodiversity compensation is not misapplied as a form of biodiversity offsetting. The Council’s offsetting framework in its District Plan includes elements of biodiversity compensation as set in the NPISB, which highlights the need for these two mechanisms to be clearly defined. The Council considers that its requested amendments to the effects management hierarchy definition will better achieve the objectives and policies of the NPSIB as it will ensure that biodiversity compensation is only used in limited circumstances and as a last resort.

Appendix 4: Principles for biodiversity compensation

99. Attachment Six includes the Council's recommended changes to the proposed biodiversity compensation framework in the NPSIB. For completeness, the rationale for these requested changes is outlined below.
100. In Principle 2, an additional clause (clause (d)) is needed to mirror that in the offsetting appendix: "In these situations, a compensation would be inappropriate. This principle reflects a standard of acceptability for compensation and a proposed compensation must provide an assessment of these limits that supports its success". It is noted that if any of the proposed limits to compensation apply, the activity should not have moved past the offsetting stage of the hierarchy, and compensation should not be an option, but including the additional item provides consistency and clarity.

Exceptions for Activities with Locational Constraints in SNAs Classified as Medium

Nationally Significant Infrastructure

101. The Council supports exceptions to the avoidance of adverse effects in medium SNAs for nationally significant infrastructure proposals due to its necessity at a national level.

Mineral and Aggregate Extraction

102. The Council opposes the exception to the avoidance of adverse effects for mineral and aggregate activities in medium SNAs. The Council considers that including mineral and aggregate extraction activities in the exceptions to avoid adverse effects is potentially inequitable relative to other land uses.

Activities on Māori Land

103. The Council supports in part, the exception to the avoidance of adverse effects for the use of land associated with papakāinga, marae, community facilities associated with customary activities, and any use of land that significantly contributes to enhancing the social, cultural, or economic wellbeing of tangata whenua applying to Medium SNAs. The Council requests that this exception be extended to apply to High SNAs to the extent agreed to by tangata whenua. The Council considers that such amendments will empower tangata whenua as decision makers and kaitiaki and will better achieve the overarching principle of Hutia te Rito.

Single Residential Dwellings

104. The Council opposes the exception to the avoidance of adverse effects for single residential dwellings applying only to use and developments that occur on allotments located within Medium SNAs that were created before the commencement date. The Council requests that this exception be extended to apply to High SNAs and that the reference to the commencement date be removed as a qualifier for the exception to apply. The Council considers that, relative to other land uses, the scale and significance of single residential dwellings is small, and the inclusion of a "sunset clause" date, is inequitable in contrast to other land uses that the exception will continue to apply to (e.g. mineral and aggregate abstraction) post gazettal.
105. While the Council supports the requirement to manage the effects of any subdivision, use or development of land on SNAs in accordance with a defined effects management regime,

which includes specific adverse effects that must be avoided, the Council opposes its application to single residential dwellings.

106. The Council therefore requests that Part 3.9(3) be amended as follows:
- Include an exception to the requirement to avoid certain adverse effects for single and residential dwellings irrespective of whether they are located within High or Medium SNAs and irrespective of when the allotment that they are on was created; and
 - remove the commencement date of the NPSIB as a qualifier for whether a single residential dwelling is exempt from the avoidance of adverse effects.

Other Exceptions

107. The Council supports exceptions to the avoidance of adverse effects applying to any use or development of land that contributes to, protects, restores, or enhances a SNA, or addresses health and safety risks to the public. The Council notes that this component of the proposed NPSIB is likely to contribute to achieving the restoration and enhancement outcomes required by the NPSIB.

Managing Adverse Effects in Plantation Forests – Part 3.10

108. The Council supports the intent, subject to further clarification and amendments, of introducing a specific definition and effects management regime for significant indigenous biodiversity that exists in plantation forests as required by Policy 7.
109. The NPS requires that where any SNAs exist within plantation forests, they be defined as “Plantation Forest Biodiversity Areas” (PFBAs), rather than SNAs. PFBAs are then required to be managed to maintain long-term populations of indigenous fauna species over the course of consecutive rotations.
110. The Council understands that these requirements are intended to provide local authorities the discretion to develop provisions to protect PFBAs outside the effects management hierarchy that applies to all other subdivision, use and developments to protect their economic viability.
111. The Council notes that the NPSIB does not define, or provide direction on, how to “maintain long-term populations of indigenous fauna species” over the course of consecutive rotations. The Council recommends that the NPSIB be amended to provide greater clarity regarding the magnitude of fluctuation in population size that would be permissible. Depending on the timeframe, extirpating a species from an area, then reintroducing it and allowing the population to expand to pre-extirpation levels, could technically qualify as maintaining a long-term population despite the severity of the impact. Less dramatic fluctuations will still have negative genetic impacts (repeated “bottlenecking”) for long-lived species such as kiwi. The Council queries whether such impacts have been contemplated when determining how to manage PFBAs.
112. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF) includes rules in situations where plantation forestry is located within ten metres of a SNA. The Council understands that the purpose of this component of the proposed NPSIB is to prevent these areas of indigenous biodiversity being subject to the requirements of the NES-PF, and instead be managed by the NPSIB.
113. SNAs are defined in the NES-PF as (underlining is our emphasis):

“significant natural area means an area of significant indigenous vegetation or significant habitat of indigenous fauna that:

- a. *is identified in a regional policy statement or a regional or district plan as significant, however described; and*
- b. *is identified in the policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria.*

114. Plantation forest biodiversity areas are defined in the NPSIB as:

“Plantation forest biodiversity areas are deliberately established plantation forests which have been identified as containing significant indigenous vegetation and significant habitat or indigenous fauna using Appendix 1”

115. The Council considers that the proposed definition of a plantation forest biodiversity area in the NPSIB will not preclude the requirements of the NES-PF from applying to those areas given that these areas will still be identified in a plan as significant, albeit not as a SNA, and by using significance criteria. This suggests these areas could still meet the definition of SNA as provided for under the NES-PF.

116. A restricted discretionary resource consent is required under the NES-PF in circumstances where deliberately established plantation forestry is located within ten metres of a SNA. In the context of managing effects on the SNA, the exercise of discretion includes consideration of the effects of the plantation forestry activity on the values of the SNA.

117. The Council notes that under Section 104(1)(b)¹² of the RMA, decision makers on applications for resource consent are required to consider any relevant objectives and policies in a plan and any relevant higher order documents. Therefore, where resource consent is required under the NES-PF, the direction contained in a plan that gives effect to the NPSIB, or the NPSIB itself, will be able to be considered with regard to effects management.

118. The Council understands that the NES-PF is currently being reviewed with a particular focus on the indigenous biodiversity components. The Council recommends that both instruments contain consistent outcomes for indigenous biodiversity to avoid conflict. The Council notes that Regulation 6 of the NES-PF could be amended to provide for plan rules being more stringent than the requirements of the NES-PF to better give effect to any relevant objective and policies of the NPSIB in accordance with Section 43B(1)¹³ of the RMA. Therefore, the Council considers that the inclusion of a specific definition is redundant.

Existing Activities in Significant Natural Areas – Part 3.12

119. The Council supports the requirement for local authority plans to provide for existing activities not provided for by Sections 10¹⁴ and 20A¹⁵ of the RMA that have already modified indigenous biodiversity as required by Policy 10. The Council’s support is contingent on local authorities having the discretion to take an effects based approach in providing for such activities.

120. The Council understands that the rationale underpinning this component of the NPSIB is the presumption that land use activities often contain periodic components where parts of an activity have ceased for a period of more than 12 months. The Council understands that there is case law authority for the proposition that where a land use activity contains periodic components that are cyclical in nature but occur less frequently than at 12 month intervals, it

¹² Consideration of application

¹³ Relationship between national environmental standards and rules or consents

¹⁴ Certain uses in relation to land protected

¹⁵ Certain existing lawful activities allowed

is still part of the activity as a whole. This authority demonstrates that the activity has not ceased for a period of more than 12 months and is eligible for existing use rights. On this basis, the Council supports its inclusion and considers it will provide certainty for existing land uses.

Providing for Existing Activities and Pastoral Farming

121. Council reiterates that in providing for existing activities, including pastoral farming, an effects based approach will still be necessary in order to achieve the overall objective of maintaining indigenous biodiversity. The Council's interpretation of this component of the NPSIB is that local authorities will provide for existing activities through permitted activity rules in their plans.
122. It is possible that there will be few activities for which permitted activity rules can be lawfully framed that meet the requirements for existing activities, including pastoral farming. Those requirements relate to no further loss, including cumulative loss, of the extent of SNAs; continuation at the same scale and character as previously; and determining the extent to which regenerating vegetation has become a SNA or not. In order for a permitted activity rule to be legally valid, the requirements and standards need to be stated with sufficient certainty so that compliance is able to be determined readily without reference to discretionary assessments¹⁶. Permitted activity rules must also not reserve a council, or a third party, the discretion to decide by subjective formulation whether a proposed activity is permitted or not¹⁷.
123. It is likely that site specific expert assessment will be needed in most cases to assess whether the requirements of the NPSIB can be met in relation to determining whether allowing the continuation of an existing activity will result in further loss or cumulative loss of the extent of a SNA, and determining whether vegetation has regenerated to the point of meeting the criteria for significance. The Council cannot envisage generic descriptions of types of permitted activities, in types of environments, for which permitted activity standards can be stated with comfort that the NPSIB aims will be met in the context of existing activities and pastoral farming.
124. The NPSIB appears to address this issue, stating that consideration of effects (under Schedule 1 of the Act or through a resource consent application) may be required to determine whether the outcomes relating to no further loss, cumulative loss or extent of a SNA, or whether regenerating vegetation has become a SNA, have been met. However, the circumstances described in the NPSIB relate to potential inadequacies with discretionary assessments to determine compliance.
125. The Council recommends that consideration be given to the limitations of permitted activity rules (as determined by case law) as a tool to implement Part 3.12. The Council considers this distinction is important to manage expectations at the outset as to how existing activities, including pastoral farming, can be provided for in local authority plans. The Council requests that:
 - Part 3.12(2) be amended as follows (additions are bolded):

“Regional councils must make or change their policy statements and plans to include **objectives, policies and methods that** specify where, how and when plans must provide for existing activities that may adversely affect indigenous biodiversity”
 - Part 3.12(4) be amended as follows (additions are bolded):

¹⁶ *Carter Holt Harvey v Waikato Regional Council* EnvC Auckland A123/2008, 6 November 2008 at [116].

¹⁷ *Twisted World Limited v Wellington City Council* EnvC Wellington W024/2002, 8 July 2002 at [63].

“In regions and districts where pastoral farming is an existing activity, local authorities must ensure their policy statements and plans **include objectives, policies and methods** that recognise that...”.

126. For completeness, the Council also notes that the wording of Part 3.12 (3)(a) relating to the loss, including cumulative loss of extent or degradation of a SNA, is unclear. To be more consistent with Section 31¹⁸ of the RMA and for greater clarity, this clause should focus on maintenance (as defined in 1.7 (3) (a-f)) rather than “...will not lead to the loss...”. The Council recommends Part 3.12 (3)(a) be amended as follows:

“ensure that the continuation of an existing activity will not lead to the loss, including through cumulative loss, of extent or degradation of the ecological integrity of any SNA achieves the maintenance of indigenous biodiversity of any SNA and will not lead to the loss of ecological integrity of any SNA”

General Rules Applying Outside Significant Natural Areas – Part 3.13

127. The Council supports, subject to further specificity being provided and an amendment, the requirement to manage adverse effects on indigenous biodiversity outside of SNAs as required by Policy 7. The Council considers it essential that the NPSIB requires robust general clearance rules to be included in its District Plan for areas outside of SNAs as the vast majority of significant indigenous vegetation and remnant habitats/ecosystems in the Christchurch District have not been assessed, and it is likely to be several years before initial assessments of most sites are completed. In this context, the Council notes that it may be necessary to require territorial authorities to adopt general clearance rules that prevent clearance of sites that would meet the significance criteria in Appendix 1, at least until the initial assessment and plan change notification process have been completed, essentially acting as a placeholder.
128. Outside the concept of using general clearance rules as a placeholder until SNA mapping has been completed, robust general rules are also needed to facilitate protection of habitats, including ephemeral habitat, of cryptic fauna (such as lizards and invertebrates), which may be overlooked during the initial process of identifying and assessing potential SNAs. Many indigenous species occur in habitats dominated by exotic vegetation, and this kind of vegetation is unlikely to be identified as a potential SNA requiring assessment unless occupied by relatively large, conspicuous species such as nesting seabirds. Populations of cryptic species may be discovered by chance, during investigations for an AEE, or even during site development. Cryptic species may be threatened or at risk, meaning that the sites they occur at would meet significance criteria.
129. The Council notes that this part of the NPSIB lacks direction on situations when general clearance rules should be used to maintain indigenous biodiversity, but affords full discretion to local authorities to determine where, how and when, indigenous biodiversity outside SNAs should be provided. However, in areas outside SNAs, it also requires local authorities to determine when an assessment in accordance with Appendix 1 is required to determine if an area meets the criteria for significance. In circumstances where a district wide assessment has been undertaken, and all SNAs identified, the Council considers that such an approach lacks certainty for landowners in making decisions regarding any subdivision, use or development as it is an additional requirement that applies over and above the district wide SNA identification obligation.

¹⁸ Functions of territorial authorities under this Act

130. The Council recommends that Part 3.13 be amended to specify methods to achieve its implementation. For example, by requiring the identification and mapping of any areas of indigenous vegetation that have the potential to meet the significance criteria in the future, but not requiring these areas to be treated or managed as SNAs until there is a proposed subdivision, use, or development whereby further assessment and/or assessment is warranted (i.e. through the use of general clearance rules). The Council considers that this method (or similar) would provide greater certainty to landowners.
131. Further, the Council notes there is a typographical error in in Part 3.13(2) and recommends an amendment as follows:
- “significant indigenous vegetation and significant habitat” should be changed to “significant indigenous vegetation *or* significant habitat” to align with the definition of Significant Natural Area.

Identified Taonga – Part 3.14

132. The Council supports the requirement to protect taonga species in consultation with, and at the discretion of tangata whenua as required by Policy 12. This is an important consideration to assist local authorities in meeting their obligations under Section 6(e), 7(a) and 8 of the RMA. While it is preferable and beneficial from a policy perspective to have as much information as possible on the description of the taonga species, its location and its values, in order to protect it through provisions in plans and conditions of resource consent, we recognise and respect the direction provided in the NPSIB that empowers tangata whenua to disclose this information at their discretion.

Highly Mobile Fauna – 3.15

133. The Council supports, subject to further direction being provided, the requirement to manage adverse effects of any subdivision, use and development on highly mobile fauna and their habitat as require by Policy 13. The Council notes that the Christchurch District provides essential habitat for many migratory species, including long-distance migratory shorebirds.
134. The Council notes that the intended outcome of this component of the NPSIB is to “maintain viable populations of highly mobile fauna across their natural range. Doing so will require a range of measures, as highly mobile species may require protection of sites that are used predictably but only seasonally (e.g. sites important for international migratory shorebirds), and sites that may be occupied unpredictably but still be essential for a species’ lifecycle (e.g. nesting sites for birds that typically breed on braided river beds).
135. Protecting species that use areas predictably may be more straightforward in terms of identifying areas of importance and providing information to communities; however, measures required to protect species during temporary occupancy – in particular minimising disturbance – are likely to require temporary restriction of public access to areas, careful design of walkways and landscaping, and/or enforcement measures that may be costly and unpopular with some members of the community.
136. Adequate protection for species that use sites unpredictably presents the further challenge of detecting occupancy (e.g. incipient breeding colonies) and rapidly implementing monitoring and/or protective measures. These measures may also include restrictions on access that could be difficult and costly to put in place and enforce.
137. Detailed information on the behaviour, historical occupancy patterns, habitat preferences, and habitat availability will be required to identify target areas for protection and/or

surveillance. As a result of the wide-ranging nature of these species, collection of this information should be coordinated at a regional level, and at some cases at a national level.

138. Adequate coordination will require development and maintenance of a regional (minimum) or national (preferable) database to facilitate data-sharing and effective and efficient monitoring.

Restoration and Enhancement of Indigenous Biodiversity – Part 3.16

139. The Council supports, subject to amendments, the requirement of promoting the restoration and enhancement of indigenous biodiversity as required by Policy 11. The Council notes that under the RMA, landowners cannot be compelled to partake in restoration and enhancement projects, but such measures can be promoted through local authority plans, and non-statutory documents such as biodiversity strategies. The Council understands that the proposed wording in the NPSIB to “promote” the restoration and enhancement of these features recognises this limitation and is intentional, and will largely be achieved through non-statutory work programmes, voluntary actions by landowners, and through the regional biodiversity strategy.
140. The Council acknowledges the flexibility and discretion afforded to local authorities to determine which SNAs, wetlands, and other areas of biodiversity are degraded, and to establish what methods and incentives can be promoted through local authority plans to promote their restoration and enhancement. However, the Council is concerned that requiring the identification and recording of these areas in regional policy statements as locations prioritised for restoration and enhancement is likely to be contentious, particularly with regard to areas identified as providing connectivity and buffering and former wetlands. These areas may have little if any indigenous vegetation at the point they are identified, and the listing of specific sites in a regional policy statement is likely to be contested.
141. With regard to the areas that are listed for restoration and enhancement, the Council recommends that the areas described in Parts 3.16(1) and 3.16(4) be amended to align for consistency, and that “areas that provide important connectivity or buffering functions” (as specified in 3.16(1)(c) and 3.16(4)(c)), be amended as follows (additions underlined):

“areas that provide important connectivity or buffering functions for existing SNAs (or other vegetation or habitat that meets the significance criteria in Appendix 1)”
142. These amendments would help direct restoration and enhancement effort to areas where it is likely to have the greatest ecological benefit by building on and expanding existing remnant sites and relatively advanced regeneration. Doing so facilitates reduction of fragmentation and edge effects, reinstatement of ecological sequences, and allows recolonisation of restored areas by species already present in existing sites. Creating new, small, isolated patches of indigenous vegetation fails to take advantage of these benefits.

Increasing Indigenous Vegetation Cover – Part 3.17

143. The Council supports, subject to amendments, the requirement that regional councils include in their regional policy statements a 10% target for indigenous vegetation cover where it has been degraded to a level of less than 10% in urban and a specified target in rural areas as required by Policy 11. In addition to the ecological benefits of increasing indigenous vegetation cover in depleted environments, there is a growing recognition of psychological, social, and cultural benefits. However, the Council has some concerns with the proposed approach in the NPSIB.

144. The requirement to assess the percentage of indigenous vegetation cover in urban and rural areas and establish targets (including timeframes for achievement), and the determination of what constitutes urban and rural areas for the purposes of this assessment, as proposed, sits with regional councils.
145. While in practice it is likely that regional councils will consult territorial authorities on both the determination of vegetation cover, and what areas and/or zones are urban and rural, this is an important component given that territorial authority plans must give effect to a regional policy statement¹⁹.
146. The Council also considers it important that the targets also explicitly incorporate Land Environments and habitat types, to ensure that the targets are locally specific, ecologically appropriate, and of maximum potential benefit to the existing, naturally occurring remnant biodiversity in the area.
147. The Council recommends that Part 3.17 of the NPSIB be amended to:
- Include requirements that the targets incorporate land environment requirements to ensure they are locally specific; and
 - Require regional councils, in collaboration with territorial authorities, to determine the percentage cover of indigenous vegetation, the determination of urban and rural areas, the targets and timeframes for achievement, and any objectives, policies and methods introduced into a regional policy statement to achieve the targets.

Regional Biodiversity Strategies – Part 3.18

148. The Council supports the requirement for regional councils, in collaboration with territorial authorities, to prepare a regional biodiversity strategy that supports the restoration and enhancement requirements of the proposed NPSIB in accordance with Policy 14.
149. The Council notes that the Canterbury Regional Council, in collaboration with all affected territorial authorities in the Canterbury Region, including the Christchurch City Council, has prepared a non-statutory biodiversity strategy that Council has committed to implementing within the functions of a territorial authority set out in Section 31 of the RMA²⁰.
150. We note that the existing biodiversity strategy may not conform to the criteria contained in Appendix 5 of the NPSIB. That assessment is the responsibility of the Canterbury Regional Council. For any changes that may be required to that strategy, or preparation of a new strategy under the requirements of the NPSIB, the Christchurch City Council will be a partner to its development. This is a particularly important as our District Plan will then need to be consistent with the content of the strategy.

Assessment of Environmental Effects – 3.19

151. The Council supports the intent of the requirement for local authority plans to include more specificity on the information provided in applications for resource consents that occur within, or have the potential to affect, SNAs as required by Policy 5. However, the Council is concerned that if this requirement is included in territorial authority plans verbatim, any changes to this Part of the NPSIB will also require changes to plans to ensure the two instruments remain aligned. In accordance with Clause 2 of Schedule 4 of the RMA, there is a requirement for applications for resource consent to take into consideration the requirements

¹⁹ Section 75 of the RMA

²⁰ Functions of territorial authorities under this Act

of any other requirements in a document, including national policy statements. Therefore, the Council requests that this Part of the NPSIB is not required to be reflected in territorial authority plans, and notes that the outcome Part 3.19 is seeking with regard to the information supplied with applications for resource consent will still be achieved.

152. For completeness, the Council notes that there is a typographical error in 3.19 (3): “...area of significant indigenous vegetation *of* significant habitat...” should read “...**or** significant habitat...”. The Council recommends this be 3.19 (3) be amended for consistency.

Monitoring by Regional Councils – 3.20

153. The Council supports the requirement for regional councils, in collaboration with territorial authorities and tangata whenua, to develop a monitoring plan as required by Policy 15. The Council understands that the purpose of this requirement is to support the effectiveness review that will be undertaken by Part 4 of the NPSIB. The Council notes that such an approach is likely to assist local authorities in meeting their obligations under Section 35²¹ of the RMA and establish an efficient and consistent approach for monitoring indigenous biodiversity outcomes.

²¹ Duty to gather information, monitor, and keep records

Attachment One – Recommended Amendments to Part 1.8 – Definitions

Definitions

(1) In this National Policy Statement:

Act means the Resource Management Act 1991

administrative boundaries includes all the following:

- a) regional and district jurisdictional boundaries and functions:
- b) land administered by central government and land administered by local authorities:
- c) boundaries between public land and private land:
- d) where tangata whenua boundaries of rohe cross local authority boundaries

biodiversity compensation means a conservation outcome resulting from actions that comply with the principles in Appendix 4 and compensate for [more than minor] residual, adverse biodiversity effects from subdivision, use or development after all ~~appropriate~~ avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied **in accordance with the effects management hierarchy**.

biodiversity offset means a measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to:

- a) compensate for [more than minor residual] adverse biodiversity effects arising from subdivision, use or development after ~~appropriate~~ all avoidance, remediation and mitigation measures have been sequentially **and demonstrably** applied **in accordance with the effects management hierarchy**; and
- b) achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.

buffer refers to the space around ~~core~~ areas of ecological value that help to reduce external pressures; and buffering has a corresponding meaning

Clearance refers to the removal of indigenous vegetation by cutting, crushing, application of chemicals, drainage, burning, cultivation, over-planting, application of seed of exotic pasture species, mobstocking and/or changes to soils, hydrology or landforms, **or irrigation**.

commencement date means the date on which this National Policy Statement comes into force

connectivity refers to the links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats or ecosystems

ecological district means the ecological districts as shown in McEwen, W Medium (ed), 1987. *Ecological regions and districts of New Zealand*. Wellington: Department of Conservation

ecological integrity means the extent to which an ecosystem is able to support and maintain its –

- a) composition (being its natural diversity of indigenous species, habitats and communities); and
- b) structure (being its biotic and abiotic physical features); and
- c) functions (being its ecological and physical processes)

ecosystem means the complexes of organisms and their associated physical environment within an area (and comprise: a biotic complex, an abiotic environment or complex, the interactions between the biotic and abiotic complexes and a physical space in which these operate)

ecosystem functions are the abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem

ecosystem services are the benefits obtained from ecosystems such as –

- a) supporting services (eg, nutrient cycling, soil formation, habitat creation);
- b) provisioning services (eg, food, freshwater, wood, fibre, fuel);
- c) regulating services (eg, water purification, climate regulation, flood regulation, disease regulation); and
- d) cultural services (eg, aesthetic, spiritual, educational, recreational)

effects management hierarchy means an approach to ~~managing-sequentially manage~~ the adverse effects of subdivision, use and development that requires that –

- a) adverse effects are avoided where possible;
- b) adverse effects that cannot be demonstrably avoided are remedied where possible;
- c) adverse effects that cannot be demonstrably remedied are mitigated;
- d) ~~in-relation-to~~ if adverse effects ~~that~~ cannot be demonstrably avoided, remedied or mitigated, biodiversity offsetting ~~is-considered-may be used as a mechanism to address any residual~~

remaining adverse effects to achieve no net loss of, and preferably a net gain to, indigenous biodiversity values; ~~and~~

- e) ~~if~~ where any remaining residual adverse effects cannot be demonstrably offset after all steps to avoid adverse effects where possible, remedy adverse effects where possible, and mitigate adverse effects where possible have been implemented, and where biodiversity offsetting is not demonstrably achievable for any indigenous biodiversity attribute on which there are residual adverse effects, biodiversity compensation ~~is~~ may be considered as a mechanism to redress any remaining residual adverse effects.

existing activity, in this National Policy Statement, means a subdivision, use or development that is

- a) lawfully established at the commencement date; but
- b) not a land use ~~covered by~~ subject to section 10 or Section 20A of the Act

fragmentation, in relation to indigenous biodiversity, refers to the fragmentation of habitat that results in a loss of connectivity and an altered spatial configuration of habitat for a given amount of habitat loss

[**geothermal ecosystems** – see [discussion document He Kura Koiora i hokia](#) for options relating to geothermal ecosystems]

habitat means the area or environment where an organism or ecological community lives or occurs naturally for some or all of its life cycle, or as part of its seasonal feeding or breeding pattern

highly mobile fauna means species that –

- a) are highly mobile;
- b) where some individuals move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions; and
- c) for the purposes of this National Policy Statement, include only threatened or at-risk species and species that migrate both within New Zealand and internationally.

Hutia Te Rito has the meaning given in clause 1.7(1)

identified taonga means indigenous species, populations or ecosystems that are identified by tangata whenua as taonga, as provided for in clause 3.14

Improved pasture means an area of land, **at the commencement date**, where exotic pasture species have been deliberately sown ~~or~~ **and** maintained **in those species** for the purpose of pasture production, and species composition and growth has been modified and is being managed, for livestock grazing

indigenous biodiversity has the meaning in clause 1.7(2)

indigenous vegetation means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located

land environment means a land environment identified in the Land Environments of New Zealand (LENZ) classification system (Leathwick et al, 2003, as maintained by Manaaki Whenua Landcare Research)

maintenance, in relation to indigenous biodiversity, has the meaning in clause 1.7(3)

Māori land means Māori customary land and Māori freehold land as defined in Te Ture Whenua Māori Act 1993

mātauranga Māori means Māori customary knowledge, traditional knowledge or intergenerational knowledge

mosaic means a pattern of two or more interspersed ecosystems, communities or habitats that contribute to the cumulative value of ecosystems in a landscape

nationally significant infrastructure means any of the following:

- a) state highways:
- b) the national grid electricity transmission network:
- c) national renewable electricity generation facilities that connect with the national grid:
- d) major gas or oil pipeline services (such as the pipeline from Marsden Point to Wiri and high-pressure, gas transmission pipelines from Taranaki):
- e) any railway (as defined in the Railways Act 2005):
- f) rapid transit:
- g) airports that have a runway that is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 passenger seats:

- h) commercial ports (as defined in Part A(6) of Schedule 1 of the Civil Defence Emergency Management Act 2002):

natural range, in relation to a species, refers to the geographical area within which that species can be expected to be found naturally (without human intervention)

new subdivision, use or development means a subdivision, use or development that is not an existing activity nor an activity **subject to** section 10 of the **RMA Act**

plantation forest has the meaning in the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017

plantation forest biodiversity areas are deliberately established plantation forests which have been identified as containing significant indigenous vegetation and significant habitat of indigenous fauna using Appendix 1

policy statements and plans includes regional and district plans, proposed plans and regional policy statements and proposed regional policy statements

Regular cycle means the periodic clearance of regenerating indigenous vegetation that is demonstrated to be part of a consistent management regime in place for the purpose of maintaining improved pasture

reconstruction means re-introducing and maintaining appropriate biota to **recreate approximate** an ecosystem that would not regenerate or recolonise even with best practice restoration interventions

resilience, in relation to an ecosystem, means the ability of the ecosystem to recover from and absorb disturbances, and its capacity to reorganise into similar ecosystems

sequence means a series of ecosystems or communities, **including plant communities**, often physically connected **across landforms or altitude**, that replace one another through space

SNA or significant natural area, means –

- a) an area identified as an SNA in a district plan or proposed district plan in accordance with clause 3.8;
- b) an area identified, before the commencement date, in a policy statement or plan or proposed policy statement or plan, as an area of significant indigenous vegetation or

significant habitat of indigenous fauna, regardless of whether the area is referred to as a SNA or in any other way; or

- c) an area identified as an area of significant indigenous vegetation or significant habitat of indigenous fauna as part of an assessment of environmental effects

species includes taxa

[**Taupō Volcanic Zone** – see [discussion document *He Kura Koiora i hokia*](#) for options relating to geothermal ecosystems]

terrestrial environment means land and associated natural and physical resources, above mean high-water springs, excluding land covered by water, waterbodies and freshwater ecosystems (as those terms are defined in the National Policy Statement for Freshwater Management 2019) and the coastal marine area

threatened or at-risk species are taxa that meet the criteria specified by Townsend et al. (2008) for the categories Threatened or At-risk (*Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Medium Miskelly, Janice Molloy and David A Norton (2008). The New Zealand Threat Classification System Manual, available at: <https://www.doc.govt.nz/globalassets/documents/science-and-technical/sap244.pdf>.*

Attachment Two – Recommended Amendments to Part 2 – Objectives and Policies

Objectives

The objectives of this National Policy Statement are:

Objective 1: to maintain indigenous biodiversity:

Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity:

Objective 3: to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity:

Objective 4: to improve the integrated management of indigenous biodiversity:

Objective 5: to promote the restoration and enhancement of ~~restore~~ indigenous biodiversity and to enhance the ecological integrity of ecosystems:

Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by:

- a) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and
- b) supporting people and communities in their understanding of and connection to, nature.

Policies

The policies that this National Policy Statement is intended to achieve are as follows:

Policy 1: to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for:

Policy 2: to ensure that local authorities adopt a precautionary approach towards proposed activities with effects on indigenous biodiversity that are uncertain, unknown, or little understood but potentially significant:

Policy 3: to support the resilience of indigenous biodiversity to the effects of climate change:

Policy 4: to improve the integrated management of indigenous biodiversity within and between administrative boundaries:

Policy 5: to improve information on the effects of existing and proposed subdivision, use and development on indigenous biodiversity:

Policy 6: to identify and protect areas of significant indigenous vegetation or significant habitat of indigenous fauna by identifying and managing them as SNAs:

Policy 7: to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained:

Policy 8: to recognise the locational constraints that apply to specific subdivisions, uses and developments:

[**Policy 9:** see [discussion document *He Kura Koiora i hokia*](#) for options relating to geothermal ecosystems]

Policy 10: to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna:

Policy 11: to ~~provide for~~ **promote** the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity:

Policy 12: to identify and protect indigenous species and ecosystems that are taonga:

Policy 13: to identify possible presence of, and manage highly mobile fauna:

Policy 14: to require the development of regional biodiversity strategies:

Policy 15: to require the monitoring and assessment of indigenous biodiversity

Attachment Three – Recommended Amendments to Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna

Direction on approach

1. This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna.
2. A significant natural area will meet any one of the attributes of the following four criteria:
 - a) representativeness:
 - b) diversity and pattern:
 - c) rarity and distinctiveness:
 - d) ecological context.
3. The context for any assessment of a significant natural area is the ecological district and, as part of the rarity assessment, the land environment in which it is located.
4. Every assessment must include at least –
 - a) a map of the significant natural area; and
 - b) a description of its significant attributes, including for each criterion a description of the attribute (as specified below) that applies; and
 - c) a description of the indigenous vegetation, indigenous fauna, habitat and ecosystems present
 - d) additional information such as the key threats, pressures and management requirements.
5. An assessment under this appendix must be conducted by a suitably qualified ecologist.

A Representativeness

A1 Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna is typical or characteristic of the indigenous biodiversity of the ecological district.

Key assessment principles

A2 Representativeness includes commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It includes degraded indigenous vegetation, ecosystems and habitats that are typical of what remains

in depleted ecological districts. It is not restricted to the best or most representative examples and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.

Significant indigenous vegetation ~~has ecological integrity~~ is typical of the indigenous vegetation of the ecological district in the present-day environment. *In highly modified ecological districts, it can include extremely depleted indigenous vegetation or remnant ecosystems.* It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.

Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.

- A3 The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described in terms of the ecological unit(s) present, which are a combination of the indigenous vegetation types present plus the landform it occurs on.

Attributes

- A4 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:
- Vegetation*/ecological unit(s) present ~~which has ecological integrity~~ that is typical of the indigenous character of the ecological district;
 - Habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and the range of species expected for that habitat type in the ecological district *and in the present-day environment.*

B Diversity and pattern

- B1 Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components is present in the significant natural area, for the relevant ecological district.

Key assessment principles

- B2 **Diversity of biological components** is expressed in the variation of species, communities, *ecological units* and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature and salinity.
- B3 **Pattern** includes changes along environmental gradients *and landforms*, such as ecotones and sequences.
- Bx Significant indigenous vegetation and habitat of indigenous fauna includes systems in which low species diversity is the natural state.*
- Bx Significant indigenous vegetation and habitat of indigenous fauna can include systems in which diversity is degraded and/or pattern is interrupted.*
- B4 **Natural areas** that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients and sequences in the context of the ecological district, rate more highly under this criterion.

Attributes

- B5 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:
- at least a moderate* diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district:
 - presence of ecotones, complete or partial gradients or sequences:

C Rarity and distinctiveness

- C1 Rarity and distinctiveness is the presence of *threatened, at risk*, rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

Key assessment principles

- C2 **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation or ecosystems. Rarity includes elements that are uncommon and things that are threatened.

- C3 **The list of threatened and at-risk species** is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally-listed threatened and at-risk species should not be downgraded just because they are common within a region or ecological district.
- C4 **Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.
- C5 **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions and special ecological or scientific features.

Attributes

- C6 **Significant Natural Areas** that qualify under this criterion will have at least one of the following:
- provides habitat for an indigenous species that is listed as Threatened or At-risk in the New Zealand Threat Classification System lists:
 - an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:
 - an indigenous species or plant community at or near its distributional limit:
 - indigenous vegetation that has been reduced to less than 30 per cent of its former extent in the ecological district, region or land environment:
 - indigenous vegetation or habitat of indigenous fauna occurring on sand dunes:
 - indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:
 - the type locality of an indigenous species:
 - the presence of a distinctive assemblage or community of indigenous species:
 - the presence of a special ecological or scientific feature.

D Ecological context

- D1 Ecological context is the extent to which the size, shape and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity.

Key assessment principles

- D2 **Ecological context** has two main attributes:
- the characteristics that help maintain indigenous biodiversity (such as size, shape and configuration); and

- b) the contribution the natural area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas; providing 'stepping stones' of habitat or maintaining ecological integrity).

Attributes

D3 **Significant Natural Areas** that qualify under this criterion will have at least one of the following attributes:

- a) moderate to large size and compact shape, in the context of the ecological district:
- b) well-buffered relative to remaining habitats in the ecological district:
- c) provides a full or partial buffer to or link between, other important habitat(s) of indigenous fauna or significant natural area(s):
- d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district:
- e) supports large numbers of indigenous fauna:

provides critical habitat for indigenous fauna, including *for* feeding, breeding, refuge, ~~or~~ resting, *moulting, migration staging, post-breeding flocking, and wintering* ~~habitat~~.

Attachment Four – Recommended Amendments to Appendix 2: Tool for managing effects on significant natural areas

General

This appendix supports the application of Policy 7 of this National Policy Statement.

Pursuant to Appendix 1 and Policy 5, district councils are required to map Significant Natural Areas and include a description of the specific attributes that contribute to the areas qualifying as Significant Natural Areas. That description must include the relevant attribute from the ‘attribute list’ under each criterion.

This management tool allocates a ‘High’ or ‘Medium’ rating to each attribute. The rating applying to a particular Significant Natural Area will determine whether it is a Significant Natural Area where the limited exception to Policy 6 for specifically identified new activities applies.

A Significant Natural Area qualifies as having a ‘High’ rating if it has one or more attributes that rate as ‘High’ in respect of any one of the four criteria.

Mānuka and kānuka

The recent arrival of myrtle rust (*Austropuccinia psidii*) in New Zealand (April 2017) is anticipated to have significant, negative consequences for all New Zealand Myrtaceae taxa. However, precisely what those impacts will be is not yet known. As a result, a precautionary approach has been taken in the most recent New Zealand Threat Classification System lists for vascular plants and all Myrtaceae taxa have been classified as Threatened. However, some Myrtaceae taxa are relatively common in some areas, in particular mānuka and kānuka would classify as Threatened only due to the risk of myrtle rust.

If a Significant Natural Area is identified only because of the presence of mānuka and kānuka that is considered Threatened only because of the threat posed by myrtle rust, it should not be managed as if it is a Significant Natural Area. Assessment against the other criteria in Appendix 1 must also determine whether it is a Significant Natural Area. If it qualifies as significant for any other reason, then it should be managed as a Significant Natural Area.

This exception must be reviewed within five years of gazettal.

Management framework

Representativeness

Attributes	Rating
<i>Any vegetation/ecological unit(s) present within the overall SNA that is representative of the typical of the indigenous character of the ecological district and which retains a high level of ecological integrity in the context of what remains in the ecological district.</i>	High
Habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains the majority of species expected for that habitat type in the ecological district.	High
<i>All vegetation/ecological unit(s) present within the overall SNA are that is poor examples of the typical of the indigenous character of the ecological district and which retains a moderate level of ecological integrity in the context of what remains in the ecological district.</i>	Medium
Habitat that supports a <i>some of the</i> typical suite of indigenous taxa that is characteristic of the habitat type in the ecological district and retains a moderate range of species expected for that habitat type in the ecological district.	Medium

Diversity and pattern

Attributes	Rating
A high diversity of indigenous species, vegetation, habitats of indigenous fauna, or communities within the context of the ecological district	High
Presence of important ecotones and/or complete gradients or sequences.	High
A moderate diversity of indigenous species, vegetation, habitats of indigenous fauna, or communities within the context of the ecological district	Medium
Presence of ecotones and/or partial gradients or sequences.	Medium

Rarity and distinctiveness

Attributes	Rating
Provides habitat for a nationally Threatened, or two or more At Risk indigenous species as identified in the New Zealand Threat Classification System lists.	High
An indigenous species or plant community at its distributional limit.	High
Indigenous vegetation that has been reduced to less than 20% of its former extent in the ecological district, region or land environment.	High
Indigenous vegetation or habitat of indigenous fauna occurring on sand dunes.	High
Indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystem types.	High
The type locality of an indigenous species	High
Provides habitat for an At Risk indigenous species as identified in the New Zealand Threat Classification System lists	Medium
An indigenous species or plant community near its distributional limit.	Medium
An indigenous vegetation type or an indigenous fauna species that is uncommon within the region or ecological district.	Medium High
Indigenous vegetation that has been reduced to between 20% and 30% of its former extent in the ecological district or land environment.	Medium
The presence of a distinctive assemblage or community of indigenous species	Medium High
A special ecological or scientific feature	Medium

Ecological context

Attributes	Rating
Large size and a compact shape in the context of the ecological district.	High
Well-buffered relative to remaining habitats in the ecological district.	High
Provides a full buffer to, or link between, other important habitats of indigenous fauna or Significant Natural Areas.	High
Is very important for the natural functioning of an ecosystem, relative to remaining habitats in the ecological district.	High
Supports large numbers of indigenous fauna.	High
Provides critical habitat for indigenous fauna <i>and/or migratory species</i> , including <i>habitat</i> important for feeding, breeding, refuge, or resting, <i>moulting, migration staging, post-breeding flocking, and wintering habitat</i> .	High
Moderate size and a compact shape in the context of the ecological district.	Medium
Provides a partial buffer to, or link between, other important habitats of indigenous fauna or Significant Natural Areas.	Medium
Important for the natural functioning of an ecosystem, relative to remaining habitats in the ecological district.	Medium
<i>Habitat that supports more than 1% of the national or international population of a species or sub-species of indigenous or migratory bird.</i>	High
<i>Habitat that regularly supports more than 10,000 waterbirds or seabirds.</i>	High

Attachment Five – Recommended Amendments to Appendix 3: Principles for biodiversity offsetting

The following sets out a framework of principles for the use of biodiversity offsets. Principles 1–12 must be complied with for an action to qualify as a biodiversity offset. Principles 13–14 should be met for an action to qualify as a biodiversity offset.

1. **Adherence to mitigation hierarchy:** A biodiversity offset is a commitment to redress [more than minor] residual adverse impacts. It should only be contemplated after steps to avoid, remedy and mitigate adverse effects have been demonstrated to have been sequentially exhausted and thus applies only to residual indigenous biodiversity impacts.
2. **Limits to offsetting:** Many biodiversity values cannot be offset and if they are adversely affected then they will be permanently lost. These situations include where:
 - i. residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected
 - ii. there are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes
 - iii. effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.

In these situations, an offset would be inappropriate. This principle reflects a standard of acceptability for offsetting and a proposed offset must provide an assessment of these limits that supports its success.

3. **No net loss and preferably a net gain:** The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity so that the overall result is no net loss and preferably a net gain in biodiversity. No net loss and net gain are measured by type, amount and condition at the impact and offset site and require an explicit loss and gain calculation.
4. **Additionality:** A biodiversity offset must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, including that gains are additional to any remediation and mitigation undertaken in relation to the adverse effects of the activity. Offset design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations.
5. **Like-for-like:** The ecological values being gained at the offset site are the same as those being lost at the impact site across types of indigenous biodiversity, amount of indigenous biodiversity (including condition), over time and spatial context.

6. **Landscape context:** Biodiversity offset actions must be undertaken where this will result in the best ecological outcome **and within the same ecological district**, preferably ~~close to the location of development and~~ within or immediately adjacent to the affected SNA ~~or within the same ecological district~~, and must consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections and ecosystem function.
7. **Long-term outcomes:** The biodiversity offset must be managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity.
8. **Time lags:** The delay between loss of indigenous biodiversity at the impact site and gain and maturity of indigenous biodiversity at the offset site must be minimised so that gains are achieved within the consent period.
9. ~~**Trading up:** When trading up forms part of an offset, the proposal must demonstrate that the indigenous biodiversity values gained are demonstrably of higher value than those lost, and the values lost are not indigenous taxa that are listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.~~
10. **Offsets in advance:** A biodiversity offset developed in advance of an application for resource consent must provide a clear link between the offset and the future effect. That is, the offset can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.
11. **Proposing a biodiversity offset:** A proposed biodiversity offset must include a specific biodiversity offset management plan.
12. **Science and mātauranga Māori:** The design and implementation of a biodiversity offset must be a documented process informed by science, including an appropriate consideration of mātauranga Māori.
13. **Stakeholder participation:** Opportunity for the effective participation of stakeholders should be demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, and implementation and monitoring. Stakeholders are best engaged early in the offset consideration process.
14. **Transparency:** The design and implementation of a biodiversity offset and communication of its results to the public should be undertaken in a transparent and timely manner. This includes transparency of the loss and gain calculation and the data that informs a

biodiversity offset.

Attachment Six – Recommended Amendments to Appendix 4: Principles for biodiversity compensation

The following sets out a framework of principles for the use of biodiversity compensation. Principles 1–11 must be complied with for an action to qualify as biodiversity compensation. Principles 12–3 should be met for an action to qualify as biodiversity compensation.

1. **Adherence to mitigation hierarchy:** Biodiversity compensation is a commitment to redress [more than minor] residual adverse impacts. It must only be contemplated after steps to avoid, remedy, mitigate and offset adverse effects have been demonstrated to have been sequentially exhausted and thus applies only to residual biodiversity impacts.
2. **Limits to biodiversity compensation:** In deciding whether biodiversity compensation is appropriate, a decision-maker must consider the principle that many indigenous biodiversity values are not able to be compensated for because:
 - a) the indigenous biodiversity affected is irreplaceable or vulnerable
 - b) there are no technically feasible or socially acceptable options by which to secure proposed gains within acceptable timeframes
 - c) effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.

In these situations, compensation would be inappropriate. This principle reflects a standard of acceptability for compensation and a proposed compensation must provide an assessment of these limits that supports its success.

3. **Scale of biodiversity compensation:** The values to be lost through the activity to which the biodiversity compensation applies must be addressed by positive effects to indigenous biodiversity that are proportionate to the adverse effects on indigenous biodiversity.
4. **Additionality:** Biodiversity compensation must achieve gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, including that gains are additional to any remediation and mitigation undertaken in relation to the adverse effects of the activity. Compensation design and implementation must avoid displacing activities harmful to indigenous biodiversity to other locations.
5. **Landscape context:** Biodiversity compensation actions must be undertaken where this will result in the best ecological outcome, preferably ~~close to the location of development and~~ within or immediately adjacent to the affected SNA or, *if this is not possible*, within the same ecological district. The actions must consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections.

6. **Long-term outcomes:** The biodiversity compensation must be managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity.
7. **Time lags:** The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the compensation site must be minimised.
8. **Trading up:** When trading up forms part of biodiversity compensation, the proposal must demonstrate the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal must also show the values lost are not indigenous taxa that are listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or considered vulnerable or irreplaceable.
9. **Financial contributions:** Financial contributions must only be considered when there is no effective option available for delivering indigenous biodiversity gains on the ground. These contributions must be related to the indigenous biodiversity impact. When proposed, financial contributions must be directly linked to an intended indigenous biodiversity gain or benefit.
10. **Biodiversity compensation in advance:** Biodiversity compensation developed in advance of an application for resource consent must provide a clear link between the compensation and the future effect. That is, the compensation can be shown to have been created or commenced in anticipation of the specific effect and would not have occurred if that effect were not anticipated.
11. **Science and mātauranga Māori:** The design and implementation of biodiversity compensation must be a documented process informed by science, including an appropriate consideration of mātauranga Māori.
12. **Stakeholder participation:** Opportunity for the effective participation of stakeholders should be demonstrated when planning for biodiversity compensation, including evaluation, selection, design, implementation and monitoring. Stakeholders are best engaged early in the process.
13. **Transparency:** The design and implementation of biodiversity compensation and communication of its results to the public should be undertaken in a transparent and timely manner.