

SUBMISSION ON THE DISCUSSION DOCUMENT ON A PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

March 2020

Introduction

The Aggregate and Quarry Association (AQA) is the industry body representing Construction Material companies which produce an estimated 45 million tonnes of aggregate and quarried materials consumed in New Zealand each year.

The AQA has a mandate to increase understanding of the need for aggregates to New Zealanders, improve our industry and users' technical knowledge of aggregates, and assist in developing a highly skilled workforce within a safe and sustainable work environment.

Background

Accessing, extracting, processing and transporting aggregate (crushed rock, gravel and sand) is needed for the construction of infrastructure in New Zealand. A wide range of industrial minerals are also produced in New Zealand including clay, limestone, perlite, halloysite, bentonite, zeolite, silica, dolomite and serpentine.

It is therefore vital that local aggregate resources throughout the country are identified, understood and effectively managed. Quarrying is a high value and temporary land use, with site restoration a critical element to ensure that land is available for future generations. In many cases, site restoration can result in the delivery of valuable new habitats, contributing towards national biodiversity targets and wider 'net gain' ambitions.

We make the following submission in relation to the discussion document on proposed National Policy Statement for Indigenous Biodiversity (NPS-IB).

Overview and objectives

We generally agree that the proposed NPS-IB should provide direction to councils on their responsibilities for protecting and maintaining indigenous biodiversity under the RMA. The NPS-IB should ensure that significant biodiversity values are maintained, while allowing for existing uses of land and certain activities.

While there is evidence that many species are under threat and populations in decline, the evidence that habitats and ecosystems are in decline is not true of all habitats in all areas.

Managing adverse effects on biodiversity within Significant Natural Areas

We are extremely concerned that the four main effects which territorial authorities would be required to ensure are “avoided” in any subdivision, use and development within an SNA, will preclude quarrying over a large proportion of New Zealand.

Currently 45% of aggregate potential land is classified “indigenous vegetation” and 14% of aggregate potential land is classified “exotic vegetation”. It is likely that almost all of New Zealand will be classified as “significant and of high value”, in terms of biodiversity under the proposed NPS-IB. If quarrying was to be avoided on this land, the demand for aggregate for infrastructure, housing, natural disaster repairs, and climate change mitigation would be impossible to meet from domestic supply.

The fact that territorial authorities will be required to “avoid” development within such SNA's ignores the fact that activities can, and do, operate while preserving and often enhancing indigenous biodiversity. The creation of artificial wetlands to manage water run-off and biodiversity offsetting and compensation are common requirements for modern quarrying.

As an example of this, Meremere Quarry in collaboration of the Waikato Regional Council, a local farmer and the Waikato Catchment Ecological Enhancement Trust, constructed an internationally award winning 4ha wetland to act as a buffer and natural filtration for quarry runoff, protecting the precious Whangamarino Wetland. More than 32,000 native trees and shrubs have been planted in total, with the five-pond system and central island providing a viewing area for the public to observe the now-flourishing populations of ducks, swans, fish, frogs and birds.

In Canterbury quarry operators have recently collaborated to develop a Code of Practice which enables quarrying to be undertaken in a manner which addresses both environmental effects and wider community concerns. The adoption of this Code demonstrates that the sector is responsive to the communities in which it operates and is actively working to mitigate its impacts on the environment and restore biodiversity for the benefit of nature, community wellbeing and the economy.

We support the effects management hierarchy (EMH) which we believe should be applied to all adverse effects in any SNA, eliminating the need for them to be classified as high or medium. This would make it simpler for councils by eliminating the need to ascertain whether or not the four main effects are present by applying the EMH regardless of the SNA attributes present. The EMH should be reviewed however for workability, as part of managing biodiversity, noting that biodiversity cannot be maintained – it is in a state of constant change.

Providing for specific new activities within SNAs

We welcome the inclusion of extractive industries in the specific activities for which a more lenient management approach is proposed. We believe however, that the high and/or medium distinction between various SNA's will create confusion, complexity and additional work for councils that will inevitably result in them adopting “high” as a default

and therefore put them in a position of avoiding all development. This will severely impact on nationally important activities such as aggregate extraction.

We believe that all reference to medium value in relation to significance should be removed, as applying the EMH to all SNA's would adequately protect and maintain indigenous biodiversity while providing for existing and new activities that are important to New Zealand's social, cultural and economic wellbeing.

Providing for existing activities

Commitments have already been made by central government on several occasions that existing rights to continue production or exploration activities will be protected. This commitment was also captured by Principle 10 of the Minerals and Resource Strategy. It is essential that any changes proposed by this NPS-IB do not affect those rights.

This must also include the rights of entities to subsequent approvals. That is, it needs to consider the natural extension of consented areas should aggregate deposits be expanded through quarrying works, and the ability to extend the duration of these consents subject to consent conditions established through use of the EMH.

Biodiversity offsetting and biodiversity compensation

While we acknowledge that biodiversity offsets and biodiversity compensation may pose a higher risk for indigenous biodiversity, they do address the loss of biodiversity values associated with the activity by generating biodiversity gains elsewhere. We do not agree that a successful outcome for indigenous biodiversity is less certain in such cases, as the area of offset and level of compensation generally well exceed the loss of biodiversity associated with the activity. Offsets and compensation typically result in a net gain in overall indigenous biodiversity outcomes for the district or region.

As an example, approximately 25,000 native plants were funded by Winstone Aggregates for a restoration site in Belmont Regional Park. The key outcome was to achieve the revegetation of approximately 10 hectares within the Regional Park as a first step in establishing a self-sustaining, successional native forest in this area. This initiative was part of a larger mitigation package for the loss of native forest as a result of extending Belmont Quarry's operations. At the same site Ngahere Geckos were discovered during pre-consent surveys. In an initiative involving, Iwi and DOC, the translocation of geckos to predator-free Mana Island is an excellent example of how to use the EMH to preserve and improve indigenous fauna.

Significant and high value hard rock aggregate resources can often be developed by disturbing a comparatively small amount of indigenous vegetation. This is possible as the aggregate resource extends a considerable distance below the ground. In these instances, offsetting can achieve similar outcomes to avoidance, as the areas to be offset are often larger than the area to be disturbed. Such an approach would be consistent with Section 5 of the RMA in balancing the importance of significant resources, with the removal and replacement of limited areas of indigenous vegetation.

Restoration and enhancement of biodiversity

We support the restoration and enhancement of areas that align with national priorities for restoration and enhancement, together with areas identified under targets for increased vegetative cover. Quarries and other extractive industries currently make a substantive contribution to the restoration, enhancement and reconstruction of areas identified in resource management plans and regional biodiversity strategies. We also support the use of incentives to promote restoration and enhancement of land.

Statutory frameworks

The proposals within this discussion document requiring territorial authorities to “avoid” any subdivision, use and development within an SNA containing the four main effects are inconsistent with the Government’s Resource Strategy, and other current initiatives around urban development, use of highly productive land, infrastructure spending, and climate change.

Rather than taking an integrated approach to resource management, it appears that officials across government departments are acting in their separate silos creating unnecessary duplication and imposition of additional costs and restrictions, all with similar stated goals.

Planning needs to be enabling so that resource consents are quicker to obtain and less costly. Our concern is that the proposals within the NPS-IB will add unnecessary additional cost, complexity and duplication to an already time consuming and costly development approval process.

Even where appropriate planning zones, SNAs, and controls exist – the time and cost for obtaining consents to a quarry can be significant. In the event of a favourable decision, it is often more than 3 to 5 years from commencement of the consenting process before many quarries will ever deliver their first tonne of aggregate. This timeframe does not always allow for the industry to respond quickly to demands placed on it by natural disasters, large infrastructure projects, housing growth, riverbank protection and other climate change mitigation.

Recommendations

We make the following recommendations to changes in the proposed Draft NPS-IB:

Recommendation 1: Retain sect 3.9 (2) (b), (c) and (d), and sect 2.2 Policy 8, which recognise the importance of, and special characteristics of certain activities, including “mineral and aggregate extraction” (3.9 (2) (d) (ii)), and appropriately provides for them, in the RMA context. Aggregate extraction, along with mineral extraction, is the highest-value use of land and over time is a temporary use of land which is repurposed following quarry closure.

Recommendation 2: Delete sect 3.9 (2) (a) because little or no significant biodiversity will in reality meet a classification of “medium value” under the NPS-IB, and this will all but nullify the intent of sect 3.9 (2), which is to provide a carve out from sect 3.9 (1) for certain activities (as per Recommendation 1).

Recommendation 3: Delete all reference in the NPS-IB to high and medium-value, in relation to significant biodiversity (3.8 (1) (b); 3.8 (5); and 3.8 (8) (c)), and delete Appendix 2, also because almost all significant biodiversity will be classified as high value, making the distinction largely redundant or irrelevant.

Recommendation 4: Delete Policy 7; sect 3.13; and sect 3.15, on managing activities outside SNAs, and Policy 13; and sect 3.19 (d) in relation to highly-mobile fauna, because these provisions are unnecessary, on the basis that almost all biodiversity will meet a classification of significant, or are covered elsewhere.

Recommendation 5: Delete all reference to the precautionary approach (Policy 2; and sect 3.6) because it could be interpreted in a way that prevents all land use and economic development in New Zealand outside of urban boundaries, which is not the intent of the NPS-IB, and because it is unnecessary to achieve the objectives of the NPS-IB.

Recommendation 6: Replace “maintain indigenous biodiversity” and similar text everywhere it occurs with “manage indigenous biodiversity” or similar text because the nature of biodiversity is one of constant change, meaning this objective (“to maintain”) is impossible to achieve by any means and at any cost, as well as being meaningless.

Recommendation 7: Provide for all extractives proposals to be considered under the effect’s management hierarchy, as the appropriate management mechanism.

Recommendation 8: Establish a working group of experts to peer review and fine tune the Definition of the “effects management hierarchy”, and Appendices 3 and 4 for workability, e.g. to reconcile the conflict in Appendix 3 between Principle 5 (like-for-like swaps only), and Principle 9 (trade-ups subject to conditions).

Recommendation 9: Strengthen monitoring, compliance and enforcement of resource consent conditions via reforms, e.g. to the Local Government Act, and resourcing those councils that need it to adequately discharge these functions (relevant to sect 3.20).

Appendix 1: Answers to questions

Discussion document questions	AQA answers
<p>Q1. Do you agree a National Policy Statement for Indigenous Biodiversity (NPS-IB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)?</p>	<p>Yes, but not in its current form.</p> <p>Refer to AQA's primary submission for an explanation of the problems with the draft, and our recommendations for fixing these problems to achieve the NPS-IB's objectives.</p> <p>Refer also to submission points below.</p>
<p>Q2. The scope of the proposed NPS-IB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPS-IB within coastal marine and freshwater environments?</p>	<p>Yes, but only if the NPS-IB is written to take precedence over the New Zealand Coastal Policy Statement, and the NPS for Freshwater Management, to avoid regulatory duplication. The reason is that applications for resource consent could result in new case law being required to resolve conflicts between these two instruments of national direction.</p>
<p>Q3. Do you agree with the objectives of the proposed NPS-IB?</p>	<p>Yes, except for Objective 1. It is not possible to "maintain" biodiversity because biodiversity, by its nature, is in a state of constant change. Refer to our primary submission for a more detailed explanation. Replace "maintain" with "manage".</p> <p>It is noted that in all text relating to Maori interests, the word "manage" is used, not "maintain", a point in support of our argument.</p>
<p>Q4. Hutia te rito recognises that the health and wellbeing of nature are vital to our own health and wellbeing. This will be the underlying concept of the NPS-IB. Do you agree?</p>	<p>Yes, in principle. There is a concept of reciprocity to consider – that if the people have wellbeing, we will be in a better position, economically, socially and culturally, to better manage biodiversity in Aotearoa / New Zealand.</p> <p>The statement in NPS-IB, "people are part of and dependant on the natural environment and ecosystems" supports this argument.</p>
<p>Q5. Does the proposed NPS-IB provide enough information on Hutia te rito and how it should be implemented? Is there anything else that should be added to reflect te ao Maori in managing biodiversity?</p>	<p>See above.</p> <p>We have a general concern around terms in te reo Maori being introduced into the RMA system without adequate definition or clarification. This risk is of litigation being required, at private sector expense, to resolve the issue.</p>
<p>Q6. Does the NPS-IB appropriately take into account the principles of the Treaty of Waitangi?</p>	<p>Yes, in principle, subject to the above comments.</p>

<p>Q7. What opportunities and challenges do you see for the way in which councils would be able to work with tangata whenua ... ?</p>	<p>Not answered.</p>
<p>Q8. Local authorities will need to consider opportunities for tangata whenua ... customary use.</p>	<p>Not answered.</p>
<p>Q9. What specific information, support or resources would help you implement the provisions in this section?</p>	<p>The approach is supported, in principle. Note that, strictly speaking, "Western science" does not exist. Science is by definition universal and transcends cultures and languages. For example, if matauranga Maori is science done by Maori, then it is science.</p>
<p>Q10. Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?</p>	<p>The problem is that almost all indigenous biodiversity in New Zealand will meet a classification of significant under the NPS-IB. That being the case, there is no need to require councils to map it because no benefits to biodiversity or society would be created.</p> <p>AQA suggests considering the issue of significance in the context of resource consent applications, when project proponents will have to identify the biodiversity, their impacts on it, and propose ways of managing those impacts to meet the sustainable management purpose of the RMA.</p> <p>This approach is provided for in the effects management hierarchy, with a review of the detail needed for workability. We elaborate on this point later in our answers to questions, and in our primary submission.</p>
<p>Q11. Of the following three options, who should be responsible for identifying and mapping and scheduling of SNAs ... ?</p>	<p>See the above answer. It is unnecessary to map SNAs because almost all biodiversity will be significant under the NPS-IB.</p>
<p>Q12. Do you consider the ecological significance criteria in Appendix 1 of the proposed NPS-IB appropriate for identifying SNAs?</p>	<p>The key issue AQA raises within our primary submission is that almost all indigenous biodiversity in New Zealand will meet a classification of significant.</p>
<p>Q13. Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs.</p>	<p>As answered above, there is no need to, or any benefit to be gained in identifying and mapping SNAs.</p>
<p>Q14. The NPS-IB propose SNAs are scheduled</p>	<p>See above.</p>

<p>Q15. We have proposed a timeframe of five years for the identifying and mapping of SNAs ...</p>	<p>See above.</p>
<p>Q16. Do you agree with the proposed approach to identifying and managing taonga species and ecosystems?</p>	<p>Not answered.</p>
<p>Q17. Part 3.15 of the proposed NPS-IB requires regional councils and territorial authorities to work together and manage highly-mobile fauna outside of SNAs. Do you agree with this approach?</p>	<p>No. It is not necessary to make special provision for highly mobile fauna because almost all indigenous biodiversity will meet a classification of significant. Project proponents applying for resource consent will have to deal with highly mobile fauna, as they would with any other aspect of indigenous biodiversity. Policy 13 and Part 3.15 should be deleted.</p>
<p>Q18. What specific information, support or resources would help you implement the provisions in this section?</p>	<p>See above.</p>
<p>Q19. Do you think the proposed NPS-IB provides an appropriate level of protection of SNAs?</p>	<p>No. Part 3.9 will lead to almost no development or land use outside of urban boundaries, because almost all biodiversity will be significant, and of high value, and almost all adverse effects on biodiversity will have to be avoided, with no ability to access the effects management hierarchy. That is still the case even for sectors for which a carve out is intended to be provided, including minerals and aggregate extraction.</p> <p>That being the case, less private sector-funded biodiversity conservation will occur than otherwise might. Public resourcing of exotic animal pest and weed control will always be insufficient to prevent ongoing decline in biodiversity caused by this threat. In this way, the NPS-IB will lead to economic contraction in New Zealand, but without adequately protecting biodiversity. That is at odds with the Hutia te rito framework.</p> <p>The solution is to delete Appendix 2 of the NPS-IB and delete all reference to high value and medium value significance in the NPS-IB, because in practice almost all significant biodiversity will be of high value, according to Appendix 2.</p>
<p>Q20. Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group?</p>	<p>Yes. This should be the tool used for considering development and land use outside of urban boundaries. AQA proposes independent peer review of the effects management hierarchy for workability. For example, Principle 5 in relation to biodiversity offsets in Appendix 3 is in conflict with Principle 9. The first restricts biodiversity offsets to like-for-like swaps, while the second provides for trade-ups, subject to criteria.</p>

<p>Q21. Are there any other adverse effects that should be added to Part 1.7 (4) to be considered within and outside of SNAs?</p>	<p>No.</p> <p>We raise a question on how “degradation of mauri” would be measured objectively. Consider an Environment Court hearing in which there is cross-examination of expert witnesses. The question is whether degradation of mauri is capable of being discussed or debated in a spirit of open enquiry, and subject to peer review, testing and challenge. These principles underpin the New Zealand legal system.</p>
<p>Q22. Do you agree with the distinction between high and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities?</p>	<p>As proposed above, there is no need to identify and map SNAs because almost all biodiversity will be significant, and the distinction between high value and medium value should be removed, because almost all significant biodiversity will be of high value, under Appendix 2 of the NPS-IB.</p> <p>The effects management hierarchy should be the mechanism for the management of adverse effects that are more than minor. Conceptually, this is a robust and logical framework. As recommended above, this framework should be independently peer reviewed for workability.</p>
<p>Q23. Do you agree with the new activities the NPS-IB provides for, and the parameters within which they are provided for?</p>	<p>Yes. Aggregate resources have special characteristics that need to be recognised in the NPS-IB, and under the RMA, generally. They include: location-constrained, relatively small footprint, temporary use of land, highest-value use of land, contribution to regional development, and supply of essential materials for the domestic market.</p> <p>No, in relation to the parameters. A carve out for mineral and aggregate extraction is intended, however, in practice is not provided. As argued above, and in our primary submission, almost all biodiversity will meet a classification of significant, and almost all of this biodiversity will meet a standard of high value. That will prevent mining and quarrying projects being able to access the effects management hierarchy. This is contrary to the intent of the draft NPS-IB.</p>
<p>Q24. Do you agree with the proposed definition for nationally-significant infrastructure?</p>	<p>Not answered.</p>
<p>Q25. Do you agree with the proposed approach ... plantation forests?</p>	<p>Not answered.</p>
<p>Q26. Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPS-IB?</p>	<p>No. For existing mineral and aggregate extraction activities, an expansion of footprint subject to resource consent conditions is usually an integral part of mine / quarry planning. This needs to be provided for. We suggest extending the application of the effects management hierarchy to existing activities in relation to mineral and aggregate extraction, being consistent with the intent in the NPS-IB to provide a carve out for these activities in Part 3.9 (2).</p>

<p>Q27. Does the proposed NPS-IB provide the appropriate level of protection for indigenous biodiversity outside SNAs with enough flexibility to allow other community outcomes to be met?</p>	<p>As argued above, almost all biodiversity in New Zealand will meet a classification of significant, so there is little distinction to be made between areas within an SNA, and areas outside of an SNA.</p> <p>For minerals and aggregate extraction, the effects management hierarchy is the appropriate framework.</p> <p>We do not comment on other types of activity, and how they might be impacted by the NPS-IB.</p>
<p>Q28. Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs?</p>	<p>Yes, noting that AQA sees little or no distinction between biodiversity within an SNA and outside of an SNA – almost all biodiversity will meet a classification of significant.</p> <p>This issue is best resolved via an independent peer review of the effects management hierarchy, as submitted above.</p> <p>At issue is that for any ecosystem to be disrupted by development, there will be elements that are amenable to biodiversity offsetting, and other elements that are not, and better addressed via compensation. Inevitably, the best outcome for biodiversity in such cases will be a combination of management approaches, delivered as a package.</p>
<p>Q29. Do you think the proposed NPS-IB adequately provides for the development of Maori land?</p>	<p>Not answered.</p>
<p>Q30. Part 3.5 of the proposed NPS-IB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision?</p>	<p>Not answered.</p>
<p>Q31. Do you think the inclusion of the precautionary approach in the proposed NPS-IB is appropriate?</p>	<p>No. The problem is that the precautionary approach could be interpreted by councils to prevent all development in areas outside of urban boundaries. It could also be used to prevent biodiversity enhancement because it is always possible to have more information about biodiversity being affected than there is available.</p> <p>The precautionary approach, as defined in the Rio Declaration (Principle 15), has a global audience in mind, and it is not an appropriate construct in the New Zealand context, in which we have the rule of law.</p> <p>AQA recommends the deletion of all reference to the precautionary approach in the NPS-IB.</p>
<p>Q32. What is your preferred option for managing geothermal ecosystems?</p>	<p>Not answered.</p>

<p>Q33. We consider geothermal ecosystems to include ...</p>	<p>Not answered.</p>
<p>Q34. Do you agree with the framework for biodiversity offsets set out in Appendix 3?</p>	<p>Yes, in principle.</p> <p>We note a conflict between Principle 5 and Principle 9, the first providing only for like-for-like swaps, and the second, providing for trade-ups, subject to criteria.</p> <p>As recommended elsewhere in this submission, AQA proposes an independent peer review by an advisory group of the effects management hierarchy for workability. The advisory group should include the authors of the LGNZ-commissioned guidance, Forest and Bird, and Environmental Defence Society.</p>
<p>Q35. Do you agree with the framework for biodiversity compensation set out in Appendix 4?</p>	<p>Yes, in principle.</p> <p>It is noted there can be, and are occasions, in which adverse effects on biodiversity are appropriately managed under the effects management hierarchy with a combination of biodiversity offsets and compensation to address different elements of the ecosystem. This is not inconsistent with the principle of sequential application of offsets followed by compensation.</p> <p>As submitted above, we recommend independent peer review of the effects management hierarchy, including of the detail.</p>
<p>Q36. What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?</p>	<p>More than minor residual adverse effects.</p> <p>That is because the procedure of avoid, remedy and mitigate will have achieved its purpose, under the RMA, if residual effects are no more than minor.</p> <p>Therefore, the consideration of biodiversity offsets and compensation only come into play if residual adverse effects are more than minor, after application of the first part of the effects management hierarchy.</p>
<p>Q37. What specific information, support or resources would help you implement this section?</p>	<p>As submitted above, independent peer review of the effects management hierarchy, including on biodiversity offsets and compensation.</p>
<p>Q38. The proposed NPS-IB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity of buffering functions; and wetlands. Do you agree with these priorities?</p>	<p>No. This is applying a blunt instrument to all of New Zealand. The biodiversity enhancement priorities in the Waikato region will be very different to those of the West Coast region, for example.</p> <p>The requirement to prioritise ecological restoration of "former wetlands" is deeply problematic. For example, much of the Hutt Valley near Wellington was wetlands. One can also imagine tectonic activity both creating new wetland habitats and removing others. This priority should be removed.</p> <p>There needs to be more flexibility in Part 3.16 to provide more explicitly for stakeholders, local government and iwi to work together to achieve priority biodiversity outcomes in regions.</p>

<p>Q39. Do you see any problems in wetland protection and management being driven through the Government Action for Health Waterways package while wetland restoration occurs through the NPS-IB?</p>	<p>Yes. In AQA's view, parts of the freshwater package are unimplementable in any practical sense. For example, the requirement for councils to identify every wetland of at least 22 metres x 22 metres (0.05 hectares) will be all but impossible for regional councils such as West Coast, and Southland.</p> <p>There are numerous conflicts between the freshwater package and the NPS-IB, and also the proposed Biodiversity Strategy. For example, the guiding frameworks are Te Mana te Wai, Hutia te rito, and te ao Maori, respectively. It is not clear how these different concepts connect with each other, or even, with clarity, what they mean. It will take multiple litigations to resolve this tension alone between the freshwater package and the NPS-IB.</p> <p>A general issue is a lack of integration between the biodiversity and freshwater packages. The inevitable result is numerous inconsistencies between the two policy streams. This is a serious flaw in New Zealand's resource management system.</p>
<p>Q40. Part 3.17 of the proposed NPS-IB requires regional councils to establish a 10 per cent target for indigenous, urban vegetation, and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach?</p>	<p>In general, yes. Note the flexibility provided in Part 3.17, which is appropriate, in contrast to Part 3.16. Refer to the above submission points.</p>
<p>Q41. Do you think regional biodiversity strategies should be required under the proposed NPS-IB, or promoted under the New Zealand Biodiversity Strategy?</p>	<p>The latter option. Strategies for biodiversity management and protection may not need to be at a regional scale for example and may not be needed in every region of New Zealand.</p>
<p>Q42. Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPS-IB?</p>	<p>No. Appendix 5 would need editing to be consistent with our submission points around the lack of necessity or usefulness of identifying, mapping and scheduling SNAs.</p> <p>As well, there should be specific mention of the roles of landowners, land users, and developers of land, recognising that a vision for biodiversity in a region or part of a region needs to take into account the role of economic development, consistent with the purpose of the RMA.</p>

<p>Q43. Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (e.g. predator control or preventing the spread of pests and pathogens)?</p>	<p>Yes, it could do.</p> <p>We question the limitation to predator control, which, incidentally, includes trout. Biodiversity at places in New Zealand is also suffering from the effects of deer, goats, and pigs.</p> <p>To be consistent with the Objectives of the draft NPS-IB, the fish and game councils and their associated systems should be abolished, and deleted from the Conservation Act, and all reference to trout and salmon removed from the RMA.</p> <p>In the same vein, the ability, subject to Ministerial authorisation to shoot individuals of three species of indigenous shag provided for in Schedule 3 of the Wildlife Act 1953 should be removed.</p> <p>The above goes to show that some legislation in the resource management system is outdated and obsolete, and should be addressed.</p> <p>Some threatened indigenous species are subject to predation by other indigenous species, among threats, e.g. kōwaro / Canterbury mudfish is predated on by tuna / eels. Physical separation of one species from another would help protect the kōwaro, in this case.</p>
<p>Q44. Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy?</p>	<p>Not answered.</p>
<p>Q45. What specific information, support or resources would help you implement the provisions in this section?</p>	<p>Not answered.</p>
<p>Q46. Do you agree with the requirement for regional councils to develop a monitoring plan ... ?</p>	<p>Not answered.</p>
<p>Q47. Part 4.2 requires the Ministry for the Environment to undertake an effectiveness review ...</p>	<p>Not answered.</p>
<p>Q48. Do you agree with the proposed additional information requirements within Assessments of Environmental Effects for activities that impact indigenous biodiversity?</p>	<p>Yes, in principle.</p> <p>Editing of Part 3.19 would be needed for consistency with other recommendations. For example, the presence of highly mobile fauna (species of flying bird and of bat) would be considered in any event in an AEE.</p>

<p>Q49. Which option for implementation of the proposed NPS-IB do you prefer?</p>	<p>None of them. As submitted above, there is no need for, or benefit in councils identifying, mapping and scheduling SNAs.</p>
<p>Q50. Do you agree with the implementation timeframes in the proposed NPS-IB, including the proposed requirement to refresh SNA schedules in plans every two years?</p>	<p>As above.</p>
<p>Q51. Which of the three options for identifying and mapping SNAs on conservation land do you prefer ... ?</p>	<p>As above.</p>
<p>Q52. What do you think of the proposal for identifying and mapping SNAs on other public land that is not conservation land?</p>	<p>As above.</p>
<p>Q53. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development in an integrated way. Do you agree with this provision?</p>	<p>Yes.</p>
<p>Q54. If the proposed NPS-IB is implemented, then two pieces of national direction – the NZCPS and the NPS-IB – would apply in the landward coastal environment. Part 1.6 of the proposed NPS-IB states if there is a conflict between these instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward coastal environment?</p>	<p>No. The NPS-IB should be the instrument of national direction where biodiversity matters reside. The NPS-IB should take precedence over the NZCPS, in regards to biodiversity.</p>

<p>Q55. The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain, and please provide examples of costs/benefits if these proposals will affect you or your work.</p>	<p>No. As the text stands, almost all land use and development in New Zealand will be prevented outside of urban boundaries, in our view, so the costs will far outweigh the benefits of the NPS-IB.</p> <p>Therefore, the premises on which the Section 32 report are based are incorrect, and the consideration of areas of New Zealand is incomplete. On this basis, the Section 32 report should be rescinded.</p>
<p>Q56. Do you think the proposed NPSIB should include a provision on use of transferable development rights?</p>	<p>Yes. This is connected to text around integrated management.</p>
<p>Q57. What specific information, support or resources would help you implement the provisions in this section?</p>	<p>In light of the wholly inadequate Section 32 report, there should be a further round of consultation on an updated text of the NPS-IB, armed with a new Section 32 report.</p>
<p>Q58. What support in general would you require to implement the proposed NPSIB? Please detail. a. Guidance material b. Technical expertise c. Scientific expertise d. Financial support e. All of above. f. Other (please provide details)</p>	<p>AQA seeks the adoption of all of our recommendations as an integrated package, aimed at consistency with Hufia te rito, and guidance material prepared in light of a new text.</p>
<p>Q59. Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?</p>	<p>No. The purpose of the NPS-IB is to provide national direction. It is not clear what additional direction a national planning standard would provide. The answer would depend on the level of detail the national planning standard would go into.</p> <p>The problem here is illustrated by the example of councils developing monitoring plans. If this is done in collaboration with tangata whenua, these may be slightly different from one region to another. If a national planning standard were to prevent these differences from occurring, there may be a breach of the Treaty principles.</p>

<p>Q60. Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction?</p>	<p>Yes. Some are more manageable than others.</p> <p>If the NPS-IB were amended as submitted above, it would generally be consistent with the NPS for highly productive land.</p> <p>The NPS-IB must clarify that it takes precedence over the NZCPS in relation to biodiversity management and protection.</p> <p>The healthy waterways package is fraught with difficulty, as submitted above. In particular, the Te Mana o te Wai framework is in conflict with Hutia te rito, and it is in conflict with ki uta ki tai / integrated management. A plain reading of the different concepts suggest they all mean different things. This conflict would need to be resolved.</p>
<p>Q61. Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993?</p>	<p>Not answered.</p>

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