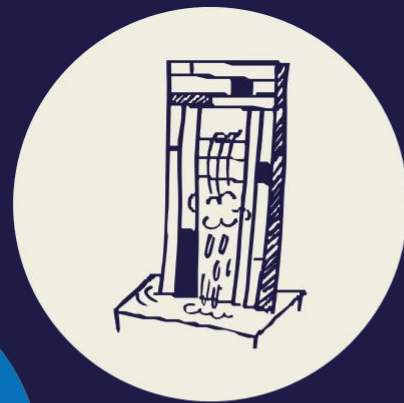


HAMILTON CITY COUNCIL STAFF SUBMISSION

Exposure Draft of the National Policy Statement for Indigenous Biodiversity and Draft Implementation Plan

Ministry for the Environment



26 July 2022



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority '**A green city**'.

The focus of this priority is to become a more sustainable city by challenging the way we grow our city and how we live within it. To achieve this, we want to take a thoughtful and city-wide partnership approach between Council, businesses, organisations, and community groups to tackle how the city responds to its indigenous biodiversity.

Council Approval and Reference

This staff submission was approved by Hamilton City Council's Chief Executive on 26 July 2022.

Hamilton City Council Reference D-4304023 - submission # 697.

It should be noted that the following submission is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

Key Messages and Recommendations

1. Hamilton City Council staff support development of a National Policy Statement for Indigenous Biodiversity (NPS-IB) to:
 - (a) Clarify the roles and responsibilities of regional councils and territorial authorities under the Resource Management Act 1991 (the RMA); and
 - (b) Halt decline and degradation of indigenous biodiversity nation-wide.
2. Hamilton City Council staff support retention of the following provisions in the Exposure Draft of the National Policy Statement for Indigenous Biodiversity (the Exposure Draft):

Provision	Subject
1.5 (4)	The effects management hierarchy
Policy 5	Embedding Hutia te Rito as a fundamental concept in the management of indigenous biodiversity
Policy 15	Protection of specified highly mobile fauna
Method 3.11 (2) (a) (i)	Exemptions for specific infrastructure that provides significant national or regional public benefit
Method 3.11 (2) (b)	Exemptions for new use or development: <ul style="list-style-type: none"> • Where there is a functional or operational need for it to be in a particular location
Method 3.11 (2) (c)	<ul style="list-style-type: none"> • For which there is no practicable alternative location
Method 3.11 (5) (a)	<ul style="list-style-type: none"> • Required to address a very high risk to public health or safety
Method 3.22	The proposed minimum 10% indigenous vegetation target

3. Hamilton City Council staff have concerns and seek relief summarised as follows.

Provision	Hamilton City Council Staff Concerns	Relief Hamilton City Council Staff Seek
Policy 3	The need to protect indigenous biodiversity could create barriers to consenting erosion protection and slope stabilization works.	Add new provisions or guidance to allow these works to be consented.
Policy 9	No policy provides for the maintenance, renewal, and upgrading of infrastructure in Significant Natural Areas (SNAs), and reference to “outside SNAs” is too broad.	Amend Policy 9 to remedy these matters.
Method 3.6 (1) (a)	The meaning is unclear.	Clarify what it means.
Method 3.8 (4)	Each existing SNA will have to be re-assessed using the Criteria in Appendix 1, leading to the need for additional plan changes and re-litigation of all existing SNAs.	Add a note stating that evaluation of the methodology used to identify existing SNAs will be sufficient.
Method 3.8 (5)	It will be more appropriate and efficient to assess a new SNA as part of a suitable plan change or plan review, rather than doing it “as soon as practicable” after the territorial authority becomes aware of it.	Amend the method accordingly.

Provision	Hamilton City Council Staff Concerns	Relief Hamilton City Council Staff Seek
Method 3.16	<ul style="list-style-type: none"> It is not clear how district plans would manage indigenous biodiversity outside of SNAs. Method 3.16 has the potential to conflict with statutory drivers for urban intensification. 	<p>Amend the method or provide further guidance to clarify how:</p> <ul style="list-style-type: none"> District plans would manage indigenous biodiversity outside of SNAs. These conflicts should be resolved.
Method 3.19	Territorial authorities should not be made responsible for identifying taonga species, populations, and ecosystems.	Make this a regional council responsibility.
	It is not clear what territorial authorities would be expected to do to protect and manage taonga species.	The Ministry for the Environment (MfE) to provide guidance on this, including possible methods that could be included in district plans.
Method 3.20	The relationships between the Wildlife Act 1953 and the RMA are unclear. It is not clear who is responsible for identifying areas of specified highly mobile fauna and who is responsible for delivering this information to communities.	With respect to specified highly mobile fauna, clarify in the NPS-IB or associated guidance the roles and responsibilities of the Department of Conservation, regional councils, territorial authorities, and tangata whenua.
Method 3.22	The Exposure Draft provides no guidance on how to measure indigenous vegetation cover.	MfE to provide guidance on this.
Appendix 1, Criterion 6 (a)	This criterion could result in low value habitat being deemed an SNA.	Limit the criterion to "significant" habitat.
Tangata whenua involvement	Tangata whenua have limited capacity to engage with Councils.	Central Government financial support to enable tangata whenua involvement in the management of indigenous biodiversity
Draft Implementation Plan, p12, Table 13	The \$19M proposed to support NPS-IB implementation for Iwi/Maori, private landowners, and councils will be insufficient.	Additional Central Government funding, including to complement local biodiversity restoration programmes.

Introduction

4. Hamilton City Council staff thank the Ministry for the Environment (MfE) for the opportunity to make a submission to the National Policy Statement: Indigenous Biodiversity (NPS-IB) Exposure Draft.
5. Hamilton City Council staff support the intent of developing an NPS-IB to clarify the roles and responsibilities of territorial authorities and regional councils in relation to biodiversity management under the Resource Management Act 1991. Hamilton City Council staff agree that a consistent approach is essential to halt the decline and degradation of indigenous biodiversity throughout the country. Halting this decline is a matter of national importance directly related to delivering social, economic, environmental, and cultural outcomes for communities.
6. To help readers comprehend the discussion in this submission, sections of the Exposure Draft are reproduced in this submission. They are included as italics within text boxes.

Effects Management Hierarchy

1.5 Fundamental concepts

(4) *Effects management hierarchy*

The effects management hierarchy is an approach to managing the adverse effects of an activity. It requires that:

- (a) adverse effects are avoided where practicable; and*
- (b) where adverse effects cannot be demonstrably avoided, they are minimised where practicable; and*
- (c) where adverse effects cannot be demonstrably minimised, they are remedied where practicable; and*
- (d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and*
- (e) where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided; and*
- (f) if biodiversity compensation is not appropriate, the activity itself is avoided.*

7. Hamilton City Council staff support adoption of the effects management hierarchy.

Policies

8. Except as outlined below, Hamilton City Council staff support the policies and consider they will help achieve the NPS-IB's objectives.

Policy 1

Policy 1: *Indigenous biodiversity is managed in a way that gives effect to Te Rito o te Harakeke.*

1.5 Fundamental concepts

(2) *Te Rito o te Harakeke*

....

Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:

- (a) the intrinsic value and mauri of indigenous biodiversity:*
- (b) the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence:*

- (c) *the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity:*
- (d) *the connectivity between indigenous biodiversity and the wider environment:*
- (e) *the incorporation of te ao Māori and mātauranga Māori:*
- (f) *the requirement for engagement with tangata whenua.*

9. Hamilton City Council staff support embedding Hutia te Rito as a fundamental concept in the management of indigenous biodiversity. The recognition of the interdependence between people and nature is a critical aspect of indigenous biodiversity management. It also embeds Maatauranga Maaori into the policy framework for maintaining and restoring indigenous biodiversity.

Policy 3

Policy 3: *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

10. Hamilton straddles the Waikato River, which is naturally entrenched in the landscape. Multiple stream and gully systems drain to the Waikato River within the city, and these are subject to erosion. Hamilton City Council has an ongoing programme of works to manage erosion in the gullies to protect the health and wellbeing of the streams, the Waikato River, and residents and to protect property.
11. These erosion management works may include grading back stream banks to a stable slope, armouring stream banks or beds with rock riprap, gabion baskets, or reno mattresses, and establishing suitable planting on stream banks and berms to bind the soil, shade the streams, and provide habitat. These works can have both temporary adverse effects, and positive long-term effects, on indigenous terrestrial and aquatic biodiversity. These types of works will often form part of restoring and protecting the health and wellbeing of the Waikato River as required by Te Ture Whaimana o Te Awa o Waikato.¹
12. Hamilton City Council staff are concerned that the need to protect indigenous biodiversity creates barriers to consenting the essential works noted above.
13. To address these concerns, Hamilton City Council staff seek additional provisions or guidance to be included in the NPS-IB for regional councils and territorial authorities to allow these essential works to be consented.

Policy 9

14. In Hamilton, sections of the Waikato River corridor, tributary gully systems, and elsewhere have been identified as SNA. Often, infrastructure for stormwater, wastewater, water, transportation, energy supply, and communications must be, and has been, located within these areas because of functional or operational need.
15. The policies in the Exposure Draft do not explicitly provide for the maintenance, renewal, and upgrading of this vital infrastructure. Hamilton City Council staff seek for Policy 9 to be amended as set out below to remedy this.
16. In addition, Hamilton City Council staff consider the reference in Policy 9 to “outside SNAs” is too broad; it suggests this be amended to “within areas of indigenous biodiversity value outside SNAs”.
17. Accordingly, Hamilton City Council staff seek for Policy 9 to be amended as follows:

¹ See Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Policy 9: Certain existing activities, including the maintenance, renewal, and upgrading of specific infrastructure, are provided for within SNAs and within areas of indigenous biodiversity value outside SNAs.

Policy 15

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved.

18. Hamilton City Council staff support the intent of Policy 15 but are concerned about the uncertainty associated with how it will be implemented. See below the discussion about Implementation Method 3.16.

Implementation Method 3.6

3.6 Resilience to climate change

(1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by:

- (a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; and
- (b) considering the effects of climate change when making decisions on:
 - (i) restoration proposals; and
 - (ii) managing and reducing new and existing biosecurity risks; and
- (c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes.

19. It is not clear what Implementation Method 3.6 (1) (a) means; it should be clarified.
20. If Method 3.6 (1) (a) means “do nothing; let nature take its course”, then this conflicts with Implementation Methods 3.6 (1) (b) and (c) which requires interventions in the environment – restoration and management works and maintenance and enhancement of connectivity between ecosystems.
21. Sub-clauses (a), (b), and (c) are linked by “and”. If (a) conflicts with (b) and (c), then Hamilton City Council staff suggest that 3.6 (1) (a) should be amended as follows:
- (a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; ~~and~~ or

Implementation Method 3.8

3.8 Assessing areas that qualify as significant natural areas

(1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs.

....

(4) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (a) of the definition of SNA (ie, an area already identified as an SNA at the commencement date) if, within 4 years after the commencement date, a suitably qualified ecologist confirms that, and how, the area qualifies as an SNA under the criteria in Appendix 1.

22. Hamilton City Council is currently partway through a district plan change² that identifies SNAs and amends planning provisions to protect them.
23. Hamilton City Council staff propose that the confirmation from a suitably qualified ecologist required by Clause 3.8 (4) should be restricted to consideration of the methodology only, and not involve confirmation, or reassessment, of each individual SNA. Requiring the latter would impose a significant cost on councils and could result in having to undertake an additional plan change that may then open all SNAs up for re-litigation.
24. Accordingly, Hamilton City Council staff seek for the following note to be added immediately after Clause 3.8 (4):

Note: Confirmation by a suitably qualified ecologist that the methodology used to identify the existing SNA will yield a similar result to that achieved by the criteria in Appendix 1 will be sufficient to satisfy this requirement.

3.8 Assessing areas that qualify as significant natural areas

- (5) *If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:*
 - (a) *conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and*
 - (b) *if a new SNA is identified as a result, include it in the next plan or plan change notified by the territorial authority.*

25. Rather than requiring a territorial authority to assess, “as soon as practicable”, whether an area qualifies as an SNA, Hamilton City Council staff suggest that the original ecological assessment that supports the consent application or notice of requirement could be relied upon for this purpose for an interim period, subject to review through the resource consent or designation process.
26. It would be more appropriate and efficient for the territorial authority to assess whether the site is an SNA when preparing the plan change to incorporate the new SNA within the district plan.
27. Also, it may not be appropriate or efficient to identify only a single or small number of new SNAs as part of a council-initiated plan change that is otherwise unrelated to SNAs.
28. Hamilton City Council staff recommend that the NPS-IB be amended to provide for new SNAs to be included in the next suitable plan change, or within a certain time, e.g., 5 years, which is midway through the required 10-year plan review timeframes.
29. Accordingly, Hamilton City Council staff seek for the following amendments to 3.8 (5):
 - (5) *If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:*
 - (a) *conduct an assessment of the area in accordance with subclause (2) ~~as soon as practicable~~ **within 5 years**; and*
 - (b) *if a new SNA is identified as a result, include it in the next plan or **suitable** plan change notified by the territorial authority.*

² Plan Change 9 to the Hamilton City District Plan

Implementation Methods 3.10 and 3.11

3.10 Managing adverse effects on SNAs of new subdivision, use, and development

- (1) *This clause applies to all SNAs, except as provided in clause 3.11.*
- (2) *Local authorities must make or change their policy statements and plans to include objectives, policies, and methods that require that the following adverse effects on SNAs of any new subdivision, use, or development are avoided:*
 - (a) *loss of ecosystem representation and extent:*
 - (b) *disruption to sequences, mosaics, or ecosystem function:*
 - (c) *fragmentation of SNAs or the or loss of buffers or connections within an SNA:*
 - (d) *a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:*
 - (e) *a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle.*
- (3) *Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (2), must be managed by applying the effects management hierarchy.*
- (4) *Every local authority must make or change its plan to ensure that, where adverse effects on an SNA are required to be managed by applying the effects management hierarchy, an application is not granted unless:*
 - (a) *the decision-maker is satisfied that the applicant has demonstrated how each step of the effects management hierarchy will be applied; and*
 - (b) *any consent is granted subject to conditions that apply the effects management hierarchy.*

3.11 Exceptions to clause 3.10

-
- (2) *Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4):*
 - (a) *if a new use or development is required for the purposes of any of the following;*
 - (i) *specific infrastructure that provides significant national or regional public benefit; or*
 -
 - (b) *there is a functional or operational need for the new use or development to be in that particular location; and*
 - (c) *there are no practicable alternative locations for the new use, or development.*
-
- (5) *Clause 3.10 does not apply to adverse effects on an SNA:*
 - (a) *from any use or development required to address a very high risk to public health or safety; or*
-

30. As stated above³, infrastructure must often be located within SNAs in Hamilton because of functional or operational need.

31. Furthermore, slope stabilisation works are often required in these areas to protect property and people's safety.

³ Paragraph 14

32. Indigenous vegetation restoration and enhancement are typically integral with infrastructure provision in SNAs. Therefore, infrastructure provision can be a catalyst to achieving indigenous biodiversity gains.
33. Because of this, Hamilton City Council staff support retention of the following implementation methods in the NPS-IB:
 - (a) 3.11 (2) (a) (i)
 - (b) 3.11 (2) (b)
 - (c) 3.11 (2) (c)
 - (d) 3.11 (5) (a).

Implementation Method 3.16

3.16 Maintaining indigenous biodiversity outside SNAs

- (1) *This clause applies to all areas outside SNAs, other than Māori lands (because clause 3.18 applies instead).*
- (2) *Local authorities must take steps to maintain indigenous biodiversity in areas to which this clause applies, including by making or changing their policy statements and plans to:*
 - (a) *apply the effects management hierarchy to any adverse effects on indigenous biodiversity of a new subdivision, use, or development that may be irreversible; and:*
 - (b) *providing appropriate controls to manage other adverse effects on indigenous biodiversity of a new subdivision, use and development.*

34. Implementation Method 3.16 applies everywhere, except in an SNA. Because the scope of 3.16 is so broad, Hamilton City Council staff are concerned that it could have unintended consequences for territorial authorities with highly urbanised areas, such as significant reduction in development potential.
35. It is not clear how district plans would manage effects on indigenous biodiversity outside of SNAs while also providing for the many other varied activities permitted or consented to take place in those areas.
36. Implementation method 3.16 has the potential to conflict with giving effect to the National Policy Statement on Urban Development (2020) and the Medium Density Residential Standards prescribed in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (2021).
37. Further guidance and/or amendment to Implementation Method 3.16 is required to clarify how:
 - (a) District plans would manage effects on indigenous biodiversity outside of SNAs; and
 - (b) Conflicts with statutory drivers for urban intensification should be resolved.

Implementation Method 3.19

3.19 Identified taonga

- (1) *Every territorial authority must work together with tangata whenua (using an agreed process) to determine the indigenous species, populations, and ecosystems in the district that are taonga; and these are acknowledged taonga.*
- (2) *Local authorities must recognise that tangata whenua have the right not to determine the indigenous species, populations and ecosystems that are taonga, and to choose the level of detail at which any acknowledged taonga, or their location or values, are described.*
- (3) *If tangata whenua agree, territorial authorities must identify acknowledged taonga in their district plans by:*
 - (a) *describing the taonga and, to the extent agreed by tangata whenua, mapping their location and describing their values; and*

- (b) *describing, to the extent agreed by tangata whenua, the historical, cultural, and spiritual relationship of tangata whenua with the taonga.*
- (4) *Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.*
- (5) *In managing effects on identified taonga, local authorities must recognise that the possible adverse effects on identified taonga include effects on:*
 - (a) *the mauri of the taonga:*
 - (b) *the values of the taonga as identified by tangata whenua:*
 - (c) *the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua.*
- (6) *Local authorities must make or change their policy statements and plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for.*
- (7) *To avoid doubt, no species, population, or ecosystem in the coastal marine area, and no aquatic species or population in water bodies, can be determined to be taonga under this clause (see clause 1.3).*

- 38. Identifying taonga species, populations, and ecosystems and their locations in accordance with Implementation Method 3.19 will be a huge job.
- 39. Hamilton City Council staff anticipate that tangata whenua will regard ***all*** indigenous species as taonga.
- 40. Furthermore, these taonga species are likely to be found throughout the entire city.
- 41. Although territorial authorities are responsible under the Resource Management Act 1991 for controlling any effects of the use, development, or protection of land for the purpose of the maintenance of indigenous biological diversity, its functions do not extend to management of the taonga species themselves. Therefore, Hamilton City Council staff question whether it is appropriate that territorial authorities should be made responsible for identifying taonga species, populations, and ecosystems. This responsibility is beyond territorial authorities' remit.
- 42. Besides territorial authorities, other stakeholders in this matter are tangata whenua, the Department of Conservation, and regional councils.
- 43. Hamilton City Council staff suggest that this function best sits at a regional level. A regional approach would achieve regional consistency and would align with the approach to Regional Biodiversity Strategy development and monitoring outlined in the Exposure Draft.
- 44. Hamilton City Council staff are concerned about what it would be expected to do to protect and manage taonga species, i.e., to comply with implementation method 3.19 (4). Hamilton City Council staff seek greater MfE guidance on this, including possible methods that could be included in district plans.

Implementation Method 3.20

- 1.6 Interpretation**
- (1) *In this National Policy Statement:*
- highly mobile fauna area*** means an area outside an SNA that is identified under clause 3.20 as an area used by specified highly mobile fauna
- specified highly mobile fauna*** means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2
- 3.20 Specified highly mobile fauna**

- (1) *Every regional council must record areas outside SNAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), territorial authorities in its region, and the Department of Conservation.*
- (2) *If it will help manage specified highly mobile fauna, regional councils must include in their regional policy statements (where possible) a map and description of each highly mobile fauna area in its region.*
- (3) *Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.*
- (4) *Local authorities must provide information to their communities about:*
 - (a) *specified highly mobile fauna and their habitats; and*
 - (b) *best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their regions and districts.*

45. Hamilton City Council staff are concerned about the uncertainties associated with Method 3.20. More detailed information is needed to inform the implementation of the method so that territorial authorities will know exactly what they need to do to comply with it.
46. Clause 3.20 (1) requires regional councils to record areas outside SNAs that are highly mobile fauna areas, but it does not say who is responsible for first identifying the locations of these areas so that they can be recorded. This should be clarified in the NPS-IB.
47. Hamilton City Council staff assume that identifying where highly mobile fauna are located will require extensive surveys, because existing information about this is limited. Hamilton City Council staff request that the MfE considers the practicalities and workload involved in carrying up these surveys.
48. Most highly mobile fauna are threatened species subject to the Wildlife Act 1953, which the Department of Conservation administers. The management of wildlife is not territorial authorities' responsibility.
49. The Wildlife Act applies to the species themselves but does not manage effects on their habitat. The relationship between the Wildlife Act 1953 and the Resource Management Act 1991 is unclear. It would help all parties if this were clarified.
50. Clause 3.20 (4) requires territorial authorities to provide information to their communities about specified highly mobile fauna and their habitats, and best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats. While territorial authorities and regional councils have existing communication channels with their communities which could be used to deliver information, the knowledge and expertise on the matters listed in Clause 3.20 (4) currently resides in the Department of Conservation and regional councils. Hamilton City Council staff suggest the NPS-IB is amended to clarify who is responsible for developing the information and who is responsible for delivering it.
51. With respect to specified highly mobile fauna, the NPS-IB should be amended to clarify the roles and responsibilities of the Department of Conservation, regional councils, territorial authorities, and tangata whenua.

Implementation Method 3.22

3.22 Increasing indigenous vegetation cover

- (1) *Every regional council must assess the percentage of indigenous vegetation cover in:*
 - (a) *each of its urban environments; and*
 - (b) *its non-urban environments.*
- (2) *The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities.*

- (3) *Regional councils must:*
- (a) *set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and*
 - (b) *consider setting targets of higher than 10% for other areas, to increase their percentage of indigenous vegetation cover; and*
 - (c) *include any indigenous vegetation cover targets in their regional policy statements.*
- (4) *Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:*
- (a) *having regard to any targets set under subclause (3) by regional councils; and*
 - (b) *giving priority to all the following:*
 - (i) *areas referred to in clause 3.21(2):*
 - (ii) *ensuring species richness:*
 - (iii) *restoration at a landscape scale across the region.*

52. Hamilton City Council staff support the proposed minimum 10% Indigenous Vegetation target requirement for urban areas and rural areas. It has set a *10% indigenous vegetation cover target as part of its Nature in the City Programme*.
53. However, there is no guidance on how to measure indigenous vegetation cover. Leaving it to regional councils, in consultation with others, to determine the method could result in a lack of national consistency.
54. Because of the constant threat of exotic weed invasion of urban habitats with native species dominance, it may be appropriate to adopt a different method for measuring indigenous vegetation in urban and rural areas.

Appendix 1: Criteria for Identifying Areas that Qualify as SNAs

- (6) *An area that qualifies as an SNA under this criterion has at least one of the following attributes:*
- (a) *provides habitat for an indigenous species that is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System lists:*

55. Hamilton City Council staff are concerned that criterion (6)(a) is the mere presence of a Threatened or At Risk (Declining) indigenous species in an area.
56. This could result in low value habitat for these species being deemed an SNA. In Peacocke, Hamilton, e.g., long-tailed bats have been observed to range from their roosts over areas of pasture as well as over the gully systems and the Waikato River corridor which have indigenous vegetation cover.
57. In addition to identifying the SNAs in Peacocke, Hamilton City Council has also proposed in Plan Change 5 ecological buffers and corridors to benefit long-tailed bats. However, if all pasture areas were deemed SNA, then the area available for urban development and growth to give effect to the NPS-UD would be significantly reduced.
58. Hamilton City Council staff recommend that Clause (6)(a) in Appendix 1 be amended as follows:
- (a) *provides **significant** habitat for an indigenous species that is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System lists:*

Tangata Whenua Involvement

59. The Exposure Draft includes many references to providing for tangata whenua's role as kaitiaki, including engaging with them, and involving them actively in processes.

60. However, tangata whenua have limited capacity to engage with councils.
61. Hamilton City Council staff consider that central government should provide financial support to enable meaningful involvement of Tangata Whenua in the management of indigenous biodiversity.

Funding

62. It appears that only \$19M is proposed nationally to support NPS-IB implementation for Iwi/Maori, private landowners, and councils.⁴ This won't go very far. Additional interventions and Government funding for this purpose will be required.
63. Hamilton City Council has recognised the importance of biodiversity restoration to wellbeing with a funding commitment of \$29 million over 10 years to its Nature in the City Programme. A variety of tools will be employed to meet this ambitious target. Having a stable baseline of existing SNAs identified and protected is a critical component.
64. Hamilton City Council staff would like to see complementary funding commitment from central government via implementation of the NPS-IB (and the New Zealand Biodiversity Strategy) to extend the effectiveness of local biodiversity restoration programmes.

Further Information and Opportunity to Discuss our Submission

65. Should the Ministry for the Environment require clarification of any points in this staff submission, or additional information, please contact **Jamie Sirl** (Team Leader - City Planning) on 07 929 2714 or email jamie.sirl@hcc.govt.nz.
66. Staff would welcome the opportunity to discuss the content of this submission in more detail with the Ministry for the Environment.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

⁴ Draft Implementation Plan, p.12, Table 13

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