

Proposed National Policy Statement for Indigenous Biodiversity



Kāpiti Coast District Council Road Testing Report

February 2020

Purpose

Kāpiti Coast District Council has been asked to provide technical feedback on the implementation implications and support requirements of the draft National Policy Statement for Indigenous Biodiversity (NPSIB). This feedback will assist the Ministry for the Environment (MfE) in drafting the proposed NPSIB.

The draft NPSIB is currently open for public consultation, and Councils have the opportunity to make submissions on the purpose, intent and overall matters of the NPSIB. Kāpiti Coast District Council intends on making a submission, which will be separate to, but draw on some of the matters contained within this report. In contrast to the formal Council submission, this road testing report is purely a technical review document. It covers matters relating to costs, impacts, challenges for implementing specific policies, unintended consequences, and support required for effective implementation.

The Proposed NPSIB and supporting document can be found on the MfE website at <https://www.mfe.govt.nz/consultations/nps-indigenous-biodiversity>.

Background

Kāpiti Coast District Council has recently reviewed the District Plan and has just settled all appeals related to terrestrial indigenous biodiversity. The Proposed District Plan is on track to become operative in late 2020. The indigenous biodiversity provisions were some of the most difficult provisions to settle including resolving appeals from Federated Farmers of New Zealand and Royal Forest and Bird Protection Society which attracted 13 section 274 parties. Resolving these appeals took over 150 hours of planner resources and cost over \$100,000 in legal fees.

The indigenous biodiversity provisions were one of the significant topics of the District Plan Review, attracting 131 submissions, making 316 decision requests and 52 further submissions. The majority of these submissions sought that the strength of the Proposed District Plan provisions to protect significant indigenous biodiversity be reduced or removed.

Responding to the Significant Natural Area (SNA) submissions required 20 site visits to SNA's (ecological sites) for further fieldwork by an ecologist.

Section 1: Implementation of NPSIB policies

The policies in the Proposed NPSIB span a range of topics including biodiversity protection, effects management, the role of tangata whenua as kaitiaki, resilience, restoration and monitoring. MfE has asked a series of questions around challenges for implementing the policies within the district. These questions are answered below.

Question 1 - Which policies present implementation challenges or risks to your Council?

The draft policies (Part 2) are written in a way that is open to interpretation and therefore could present implementation difficulties. Challenges also occur with Part 3 of the Proposed NPSIB, which specifies how the objectives and policies are to be implemented. In general, these implementation requirements read as if they are 'policies' and use very directive verbs, more so than the policies themselves.

Specifically, we have identified the following requirements that present implementation challenges:

3.2 Hutia Te Rito and 3.3 Tangata whenua as kaitiaki

Wel request resourcing is provided to assist the Council's iwi partners in giving effect to the NSPIB.

3.5 - Resilience to climate change

We consider aiming to promote resilience to climate change is a good (and necessary) aspiration if the objectives of the NPSIB are to be achieved in the long term. However the meaningful implementation of part (a) presents a challenge for councils as "providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems" appears to require Councils to understand and identify how ecosystems may change in the future. This requires research of complex ecosystems to be undertaken by experts, which would be costly and resource intensive.

We consider it would make sense to incorporate information on resilience to climate change to Clause 3.17, so regional councils consider resilience more directly in giving effect to the 10% coverage identification process and response. We consider the assessment under Clause 3.17 should not just be about a 10% coverage calculation. The assessment should also consider the vulnerability of the ecosystem types within those areas to climate change, and prioritise increasing them in areas where they will be more resilient in the future. This information could also be used to guide applicants and decision makers on applications which propose compensation and offsetting though requiring the creation of new areas at appropriate locations to improve ecosystem resilience to climate change.

Part (b) requirements need to be inserted into clause 3.19 so applicants must consider resilience to climate change effects when preparing resource consent applications that propose restoration, enhancement, offsetting and compensation. Resilience to climate change should also be considered for activities that affect connectivity between, and buffers around SNAs. If these matters are not added as information requirements for

applicants, Councils will need to employ suitably qualified experts to provide advice to decision makers to ensure the NPSIB is being implemented as required. We strongly consider the onus should be on applicants to provide information to support their own application. It is the decision maker's role to consider it, not source it.

3.8 – *Identifying significant natural areas*

The timing requirement and implications of this implementation requirement will be challenging for the Kāpiti Coast District Council. Inserting maps into the district plan which identify SNAs on private land is a highly contentious process which is time consuming and expensive due to the need for expert ecological advice, the costs associated with the Schedule 1 process and the resulting appeals. As Clause 3.9 (1) of the draft NPSIB sets out the effects which are to be avoided within identified areas, this will make the identification process even more contentious as the term *avoid* under case law¹ means to “not allow”, or to “prevent the occurrence of”.

The Kāpiti Coast already has 186 SNA sites mapped and included in the District Plan. The challenges we experienced in mapping these sites included getting access to private land to assess the sites, the cost for ecologists to complete this fieldwork, the accuracy of GPS equipment when in forest canopy areas, debates with landowners over the extents and values of these sites, and the extent of the rules and standards that were applied to the identified sites (including Environment Court appeals).

We support the long-term biodiversity goals underpinning the reasoning for proposing a management hierarchy which categorises sites as either high or medium value. However, the additional requirement to categorise the sites as either high or medium will result in significant additional cost for Councils like ours that already have SNAs protected in their district plans, unless this cost is deferred until the next review of the district plan.

The advice from Council's consultant ecologist is that our SNAs cannot be simply updated to split between medium/high from a desktop review, determining high and medium status would require significant field work. Furthermore, all landowners would need the opportunity to request a site visit by an ecologist, as it would only be fair to give them the chance to refine the assessment as it relates to their property (especially with the regulatory implications of the high category). This extra field work would take significant time and resources. We consider that additional time to resource and fund this re-work should be given to Councils which already protect SNAs within their district plans.

We suggest that the identification and mapping should be carried out by DoC. This would ensure consistency throughout the country, relieve and reduce friction between landowners and councils by deflecting it to a central government agency less susceptible to local pressure and influence, and draw DoC into collaborating with councils on biodiversity protection and restoration. One of the more significant current problems with biodiversity management is the lack of collaboration between the various agencies involved. Mapping and scheduling of identified sites in plans should be done by both regional and territorial authorities to promote a collaborative approach and a more holistic understanding of the environment.

We also request the relationship between the NPSIB and the requirements of RMA section 76 (4A) -(4D) is clarified. Currently the protection of trees within an *urban*

¹ Supreme Court – *Environmental Defence Society Incorporated versus The New Zealand King Salmon Company Limited*, [2014], NZSC 38, at [96]; and High Court - *Environmental Defence Society v Otago RC* [2019] NZHC at [109].

*environment allotment*² is difficult and costly. Is it the expectation that the identification of specific trees within SNA's identified under the NPSIB will still need to meet the requirements of these sections of the RMA?

3.9 - Managing adverse effects on SNAs

- a) The use of the term *avoid* in this clause does not enable any activity to happen in a 'high value' site if it would result in any of the listed effects. Therefore the construction of a single dwelling or the upgrading, repair or provision of infrastructure within any high value site will need to be a non-complying or prohibited activity in a plan due to the use of the word *avoid* in relation to high value sites in the requirement.

We note that existing resource management case law³ on the use of the term *avoid* requires the Council to "not allow", or to "prevent the occurrence of". This current wording would require the use of non-complying or prohibited activity status for the effects identified in Clause 3.9 (1)(a). We note some of the listed matters are very much open to interpretation as they are not defined, such as the extent of buffering. When applied to a typical scenario where an SNA is surrounded by exotic vegetation, gardens or weed species, the implications of the *avoid* direction may make the management of buffers very difficult under the existing wording. We recommend giving careful consideration to the legal meaning of *avoid* under resource management case law when considering the list of effects which are to be avoided.

- b) On the Kapiti Coast we are aware of 4 residentially zoned sites and 12 rural zone vacant sites which have an 'ecological site' (SNA) over so much of the site, many of these are likely to be a high value SNA due to their rarity (lowland forest remnants), so that it would not be possible to construct a dwelling on any of these allotments under this implementation requirement. These property owners will have a current expectation they can seek a resource consent to construct a dwelling within their property. Under the proposed wording (to avoid), any resource consent application would be unlikely to be successful.

This would mean that in implementing this NPS (through a plan change) the Council would be highly likely to be making land incapable of reasonable use on these properties and would need to compensate the landowners for loss of use under section 85 of the RMA.

Further, the requirement to *avoid* will mean that any new, upgraded or repaired infrastructure works within a 'high' value SNA could not be carried out if any of the adverse effects listed in a) would occur. We consider that it is likely that many of the 186 existing Kāpiti Coast sites will be determined to be high value, as only one 'high value attribute within the ecological site means the site is 'high'. Figure

² RMA Section 76(4C):

urban environment allotment or **allotment** means an allotment within the meaning of [section 218](#)—

(a) that is no greater than 4 000 m²; and

(b) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and

(d) that is not reserve (within the meaning of [section 2\(1\)](#) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the [Conservation Act 1987](#) or the [Reserves Act 1977](#).

³ Supreme Court – *Environmental Defence Society Incorporated versus The New Zealand King Salmon Company Limited*, [2014], NZSC 38, at [96]; and High Court - *Environmental Defence Society v Otago RC* [2019] NZHC at [109].

1 below shows an example of existing Council infrastructure which pass through SNAs:

- Green areas = ecological sites/SNAs
- Red lines = waste water main
- Solid green lines = storm water main
- Dashed green lines = storm water open channel
- Green dots = stormwater inlet/outlet
- Blue lines = stream managed for stormwater purposes



Figure 1

If these sites are determined to be High value, the upgrading and repair of this infrastructure within these SNAs will likely be extremely difficult due to the proposed requirement to *avoid* the adverse effects listed in Clause 3.9(1).

The likely adverse effects that may result from the repair or replacement of this infrastructure within the SNAs may include the clearance of indigenous vegetation along the length of, or portions of, the infrastructure to enable them to be removed and replaced. It is unclear how this activity would be provided for under Clause 3.12 – *Existing activities in SNAs*. This uncertainty arises from the length of time much of this infrastructure has been in place (decades), and how much the SNA vegetation has matured since that time. Because of this time delay, the character, intensity and scale of the effects that would be likely to result from the repair or upgrading of this infrastructure would likely be greater than before the commencement date of the NPSIB. This would mean these existing activities are not provided for under Clause 3.12 of the NPSIB, and it therefore follows the activities would be subject to the avoidance requirement of Clause 3.9. The potential cost implications of this are significant (re-routing infrastructure can cost millions of dollars).

We also believe there is a conflict between requirements 3.7 and 3.9. While we can appreciate that there will always be a tension between allowing development and protecting SNAs, there appears to be little ability to consider any form of urban development and the provision and maintenance of three waters and road infrastructure by Councils in any identified Significant Natural Areas.

We suggest that the use of the effects management hierarchy be allowed for truly essential activities in high SNAs, and for other activities in medium SNAs which meet the *no practicable alternative / functional operational need* tests. No net loss would still need to be achieved and the purpose of the NPS would still need to be maintained.

3.12 - Existing activities in SNAs

The implementation of subclause (3) of this requirement is problematic because there is duplication with the restrictions of clause 3.9 and section 10 of the RMA. The protection of ecological integrity within SNAs is already provided for through clause 3.9, and the assurance that existing rights can operate without extending their adverse effects is already given in section 10 of the RMA.

The only real change to existing use rights through subclause (3) appears to be the difference between the wording *same or similar (in extent, character... s10)* and *no greater (character, intensity... NPSIB)*. The NPSIB cannot override section 10, and the use of *no greater*, seems at best, to marginally increase the restriction on existing use rights beyond section 10. This leaves councils in a position where officers must make decisions between differing provisions of the RMA and NPSIB, ultimately leaving the council open to legal challenge.

We also have concern over the implications of subclause 3.12 (3) if councils are required to monitor all existing activities for loss to ecological integrity of all SNAs. Our compliance, monitoring and enforcements resources are already stretched to capacity and such requirements above those already established by the RMA would incur significant resourcing costs to council. If this is not the intention of the Proposed NPSIB, this should be made clearer in this implementation requirement.

Subclause 4 of the implementation requirement is challenging, as a resource consent may be required to remove vegetation on a regular basis to maintain pasture and an assessment is needed based on 4 criteria (with a lot of information on the vegetation to be cleared), to determine whether the clearance is a permitted activity or not. The information requirements are likely to cause difficulty for both the applicant and processing officers, and monitoring for the removal of regenerating vegetation will be difficult for small councils and councils with large areas of SNA's.

It is worth noting that the Kāpiti Coast Proposed District Plan has a relatively simple approach to regenerating vegetation (outside of SNAs) in that all vegetation can be regularly cleared (no assessment needed) unless the trees within the area to be cleared are a locally indigenous species (listed) and have reached a substantial size (specified per listed species) typically of 4m or more. This approach to existing pastoral activities is, in our opinion, more efficient and effective as costly information requirements are avoided while landowners can still regularly clear vegetation without compromising ecological integrity.

3.13 - General rules applying outside SNAs

The implementation of this provisions presents difficulty for council as the broad range of rules that could fall under the requirement to “maintain indigenous biodiversity” leaves council open to litigation over what is ‘necessary to maintain indigenous biodiversity’.

To undertake the steps required by clause 3.13, council would first need to undertake extensive surveys of the biodiversity in the district outside SNAs to determine a baseline. Decisions would then need to be made about what vegetation or habitats should be maintained, and therefore what controls on subdivision, use and development are required. This will be a highly costly process for councils, and would require significant ecological advice over a long time period. A potential alternative which would solve this issue is for a consistent national survey to be undertaken which provides more detailed information (at a district level) of biodiversity to be maintained.

If all indigenous biodiversity (insects, birds, lizards and vegetation, including species such as tutu, rushes or bracken) is to be maintained there will be problems with the interaction of this Proposed NPS with the NPS-Urban Development Capacity and the Proposed NPS-Urban Development as the consequential restrictions may inhibit the use of vacant land for urban development.

3.15 - Highly mobile fauna

The implementation of this requirement will incur costs associated with the collection and distribution of the information about the fauna is attached to ‘best practice methods’ for managing adverse effects on these species. A significant amount of guidance is required about what this will mean in practice. A national species management guide would potentially make this possible.

This policy could have a very unfortunate unintended consequence of discouraging gardeners from planting native species, or bird attracting species at all in their gardens or worse yet removing existing vegetation before the survey is carried out or before proposed district plan rules are publicly notified. Although we note it is an offence to disturb nesting habitat for threatened species under the Wildlife Act, enforcement powers sit with DoC.

Question 2 – Can you effectively implement the NPSIB in the proposed timeframes?

The proposed timeframes and funding implications will be challenging for Kāpiti Coast District Council. Many (if not all) of the above requirements have significant cost implications. These costs need to be considered in wider planning budgets and the proposed timeframes for the NPSIB may cause other priorities to be pushed back or lost. The sheer volume of national policy statements about to be gazetted will place an enormous funding burden on councils. In the case of our Council, we have already identified and protected areas of indigenous biodiversity, and have also listed and identified many thousand significant indigenous trees under RMA section 76. The requirement to undertake a second review of Proposed NPS Indigenous Biodiversity related matters and identify more trees under RMA section 76 requirements may come

at the cost of reviewing other district planning issues which have not been reviewed for some time (e.g. heritage, flood hazards).

Further, the detailed assessments for implementation requirements 3.8 (Identifying significant natural areas), 3.13 (General rules applying outside SNAs), and 3.15 (Highly mobile fauna) will need to occur across the whole country over the same time period. This will result in ecologist resources being stretched significantly nationwide, creating flow on implications for implementation of this NPS.

It is unclear how the requirements of the NPSIB relate to the limitations of RMA sections 76(4A) - (4D). If the requirements of these provisions of the RMA remain in place it will make the identification process and plan changes significantly more expensive, complicated and time consuming. We recommend the relationship between these requirements is clearly addressed in the NPSIB.

Question 3 – Will NPSIB implementation align with implementation of other national direction (existing or proposed, e.g. NPS Freshwater Management)?

No, it would appear that there will be significant clashes with other NPS including the NPSUDC, Proposed NPSUD, NPS FM, the Proposed NSP HPL, and Proposed NPSFM. The issue is these different pieces of national direction do not 'talk' to each other. It would make sense if each new piece of national direction included clear statements on how it relates to other existing national direction.

These clashes occur because of the wording in each of the national direction which prioritises their particular activities above all else. The NPSIB talks about avoiding any loss of indigenous biodiversity' while the NPSUDC says talks about providing for housing and business land everywhere there is a demand for such land, then the NPS freshwater says 'prioritise water for river ecology'.

It does not seem possible to achieve all of these on the same area of land. For example, land adjacent to an existing town is generally the best place to provide for additional housing capacity but this will require additional water resources (less for the river), and may result in some loss of productive land. If the land is less productive it may have indigenous vegetation or provide habitat for indigenous fauna, or it may be highly productive but contain significant SNAs. The competing requirements of the existing and emerging national direction will cause significant implementation issues unless their relationship to each other (hierarchy) is not clarified.

The NPS FM requires all wetlands to be mapped by Regional Councils, and the NPSIB requires the promotion of the restoration of wetlands which are degraded. We note this requirement to identify degraded wetlands is likely to capture large areas of land which have not traditionally been considered to be wetlands. This will likely further conflict with the objectives of the NPS-UDC and proposed NPS-UD.

Question 4 – *Would you implement the required changes through a single plan change or multiple plan change? What would be your target year for notifying plans to comply with the NPSIB?*

Ideally through a single plan change as this is most efficient, however the complexity and resources required may mean that two or more plan changes are required – particularly if the Council must continue to comply with the requirements of RMA section 76(4A) – (4D).

Question 5 – *Is there any other implementation related feedback you would like to provide?*

It would be helpful if District Plans which identified SNAs prior to the gazettal of this NPS could be exempt from full compliance with this NPSIB until their 10-year plan review. Ideally such councils would be identified in the same way as they are in the National Planning Standards.

Section 2: Cost implications and impact

The NPSIB proposed to strengthen requirements for the protection, management and restoration of biodiversity. MfE has asked what the cost implications and community impact of the NPSIB implementation will be.

Question 6 – *How much do you expect implementation of the NPSIB to cost your council:*

- a) *As a total cost for NPSIB only activities, and*
- b) *As a total biodiversity programme cost, which may include non-NPSIB biodiversity activities you already undertake?*

Table 1: Cost estimates for NPSIB activities.

Requirement	Existing	New	Cost estimate
Identify SNAs	Identified using Wellington RPS criteria which are very close to Appendix 1	Assessment of 'high and medium for approx. 235 SNAs in the District	\$100,000 of ecologist consultants based on the cost for the 2008-2015 work done for KCDC.
Identify trees within urban area allotments within identified SNA's, map and schedule them in the district plan to meet requirement of RMA sections 46(4A) – (4D)	Many trees within urban area allotments are already identified and protected via Variation 1 to the PDP – however only those trees with a biodiversity value of 9 out of 10 or higher were included.	Assessment of all other trees within urban area allotments will need to be identified as 'high' or 'medium value, and then specifically identified and mapped in the PDP.	Variation 1 – Urban Trees costs: Ecological survey and advice: \$61,555 Planning consultant: \$170,000. Total \$231,555 (excludes hearing

Commissioners and administration)	
Consultation with affected landowners	\$50,000 planner and facilitator
Iwi involvement in implementing the NPS	\$80,000 based on \$140 an hour remuneration for iwi time (or alternatively 1 FTE) including time to identify taonga species and develop objectives, policies and rules to recognise Hutia Te Rito
Hearing Commissioners	\$80,000 assuming a panel of 3 commissioners
Appeals on plan change	\$100,000 - \$300,000 for legal costs to resolve all appeals
Total for part a)	Total Estimate of \$561,555 – \$761,555

Table 2: Additional costs for biodiversity program.

Requirement	Existing	New	Cost estimate
Hutia te Rito	N/A	Socialise and embed Hutia te Rito within the organisation, and communicate to public as underpinning new approach	Combination of external consultant for socialisation and internal biodiversity, policy and communications staff time plus communications costs - \$25,000
Clauses 3.4,3.5,3.6,3.7, 3.9, 3.10,3.12.3.13, 3.15,3.16,3.17,3.19	N/A	Implementing these provisions would require councils to develop and maintain a high level of awareness of, and expertise in administering, biodiversity protection policies. Achieving this	\$80-100,000 per year ongoing at least until the first round of necessary policy and plan changes were completed.

	culture change would require recruitment of at least 1 suitably qualified FTE to coordinate and facilitate implementation through the planning, policy, partnership, communications and compliance departments
--	---

Impact

With the above information presented, it is a timely reminder that these additional costs need to be recuperated through the mechanisms available to local government. In the absence of external funding of these costs, the additional costs to ratepayer's will justifiably incur scrutiny from elected members and costs to existing budgets will come at a cost to other council operations. For context, in the Kapiti Coast District every additional \$690,000 in expenses represents a 1% rise in rates to the community. The outcome of these costs will inevitably be a balance of the following possibilities:

- a) NPSIB implementation requirements are adequately funded through increased costs to ratepayers.
- b) NPSIB implementation requirements are adequately funded through changes to existing budgets.
- c) NPSIB implementation requirements are not adequately funded and desired outcomes are not achieved.

In order to achieve the first two possibilities, councils need to be able to demonstrate to elected members the value which NPSIB implementation adds to their local communities. The associated documents which have been released alongside the Proposed NPSIB have helped and will help to do this. However, for councils who have already undertaken SNA identification, the value added from NPSIB implementation will be less obvious if we are required to redo existing SNA identification work within the short timeframes proposed.

Question 7 - Does your Council have the existing capacity and capability to implement the NPSIB? If not what expertise are you missing?

No. Kāpiti Coast District Council will need to implement the NPSIB at the same time as other national direction including the NPSUD(C) NPSHPL and NPSFM as well as National Planning Standards. We estimate that a minimum of one additional full time senior/principal policy planner would be needed.

Kāpiti Coast District Council does not have an in-house ecologist available to undertake the assessments required and would likely require this capability.

It is difficult to estimate capacity implications for resource consent and Compliance, Monitoring and Enforcement operations. However, the Council may be required to employ an ecologist to peer review and provide independent advice on ecological assessments supporting resource consent applications.

Question 8 - Which of the following FTE's are included in your response to question 7?

Table 3: FTE Requirements.

	Existing	Needed
Policy Planners	3.5	4.5
Scientists/ecologists	0	1
Iwi engagement staff	3	3
Biodiversity staff	1	1
Consents	5	6
Monitoring and compliance	1	3
Other (communications & engagement)	1	1
Total	14.5	19.5

Question 9 - What external expertise will you need to bring in to implement the NPSIB? Any information on FTE of these is useful but not essential.

Council will need help from a specialist terrestrial ecologist over a period of several years. Ideally this would be as an employee however the reality of Council salaries is that it will be very difficult to recruit a suitably qualified and experienced ecologist when they will be highly in demand. It is likely that Council will need to contract a consultant ecologist for the necessary assessments, fieldwork evidence to hearings and appeals required.

Experienced planners are also currently scarce across the country with most Council's in the Wellington Region having a senior or principal planner vacancy at the current time.

Question 10 - How do you think the NPSIB will impact the different parts of your local community, eg iwi, landowners? How do you think this will affect implementation?

The NPSIB will be likely to place a significant resourcing burden on the Council's iwi partners.

The landowners and other stakeholders who have been involved in the recently completed biodiversity related District Plan changes are unlikely to be pleased with going through similar matters in a plan change process within the proposed timeframes.

The imposition of new biodiversity requirements on a community that has only recently settled the indigenous biodiversity debates will not be welcomed by the 'ratepaying' community due to the high cost and likelihood of substantial litigation on plan changes.

Section 3: Support required.

The proposed NPSIB provisions will require most councils to do more than identified in the guidance material (for example having to comply with RMA section 76(4A) – (4D).

The support needed is MfE to ensure the NSPIB provides sufficient clarity and addresses the implementation issues, uncertainty, and unintended consequences identified in the Council's submission and this road testing report.

Question 11 - Across all policies, what kind of support would be required for you to effectively implement the NPSIB?

1. **Plan making process** – We request the NPSIB includes a very clear and directive policy which makes it clear territorial authorities are absolutely required to give effect to the NPS-IB. The Council also requests the policy lists the types of plan provisions that will be necessary to give effect to the NPS-IB e.g. restrictive rules and standards. This would greatly assist with section 32 preparation and appeal management by potentially minimising some of the implementation costs (including legal costs).
2. **Research** – We suggest that DoC are best placed to undertake research into highly mobile species and their habitats including the survey work required by clauses 3.5 (resilience to climate change) and 3.15 (highly mobile fauna) at a level sufficient to be used in District Plans.
3. **Guidance** – Many of the implementation requirements have phrases that are open to interpretation such as “*necessary to maintain indigenous biodiversity*” which it would be very helpful to have clarified (ideally in the NPS but if this is not possible) in guidance material. Any guidance needs to be available when the NPS comes into effect, or very soon after as otherwise it will be useless to assist implementation. Preferably the NPSIB itself will contain sufficient clarity to render guidance material unnecessary.
4. **Financial** – Funding for the additional requirements described above for councils and iwi authorities would ensure more effective and meaningful implementation of this NPS.
5. **Timeframes** – Removal of the arbitrary timeframes in the NPS to make implementation less onerous for Councils that already protect ‘significant indigenous vegetation’ in their District Plan. This includes the initial 5-year timeframe and subsequent 2-year review requirement. These timeframes (especially the 2-year requirement) are too short and will result in constant plan changes for SNAs (including the appeals process).

Question 12 - If your district has a large area of public land, what supporting measures will you need to implement the relevant policies?

The Kāpiti Coast district has approximately 50,000 hectares of DoC estate and most of this is already identified as ‘significant indigenous vegetation’ with protection in the District Plan. If the further assessments (such as high/medium assessment or highly mobile fauna) were required for this land it would be helpful if DoC could provide the necessary resources for this assessment.