

**ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD ON WEDNESDAY 18 MAY 2011 IN MEMORIAL
HALL SUPPER ROOM, ESPLANADE, KAIKOURA.**

AGENDA

1. Apologies

2. Matters of Importance to be raised as Urgent Business

3. Matters Arising from the Report of 20/04/2011

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4. Minutes Action & Issues List Update

MEETING	ACTION REQUIRED	BY	DATE ACTIONED
	<i>20 APRIL 2011</i>		
Environmental Services	Check a submission has been made to the Environment Canterbury Annual Plan regarding the Kaikoura Harbour	District Planner	Report included in Council agenda.

5. Environmental Services Report

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- *Dog/Stock/Noise Control & Security*
- *Building*
- *Resource Planning*
- *Resource Consent Update List*
- *District Planning & Environmental Planning*
- *Environmental Health*
- *Environmental Services Budget Report*

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6. Submission Proposed Natural Policy Statement on Indigenous Biodiversity.

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7. Urgent Business

• **Dog/Stock/Noise Control & Security**

Dog Control

1. April was a quiet month with only fifteen calls being received regarding dogs. Most were for lost or roaming dogs. No dogs were impounded or located.
2. There is a property on Torquay Street which has been an issue for neighbours regarding the smell from kennels located on the boundary. The issue has remained unchanged since last month regarding the location of the kennels on the property. However, at the time of this report, the dog involved will no longer be present on the property. Further details will be reported at a later date.
3. There have been complaints regarding a dog on Killarney Street rushing people. The dog is being monitored to ensure it is properly controlled and restrained. The owner is still in the process of fencing and has kept the dog tied up. But one other complaint was received when the owner had the dog loose to take it for a walk.
4. The incident regarding a penguin has resulted in the dog being permanently relocated to Christchurch to a family there. The Department of Conservation are happy that no further action is required and as previously mentioned are not going to take any action themselves against the owner. Consideration was given to issuing an infringement notice for the dog not being under proper control. The problem being the dog was not intentionally loose, it had escaped, and was not in the presence of the owner at the time to be deemed not under control.

Stock Control

1. No stock calls were received.

Noise Control

1. Seven complaints were received, all from Whitby Place. All related to band practices on Churchill Street. No action has been taken on these calls except for noise levels checked. I believe that the band is not causing an issue as they always finish at a reasonable hour being between 9pm to 9.15pm.

• **Building**

There were 8 Building Consents with a combined construction value of \$72,100 issued for the month of April 2011. These consents were for:-

Freestanding fire x 5
Farm shed
Pergola with roof
Barn with shower and toilet

There were 14 Code Compliance Certificates and 14 Land Information Memorandums issued for the month of April 2011.

We currently have 14 building consent on hold waiting for further information. Most of these are in relation to new dwellings. The article on education for builders/architects regarding lodging complete applications the first time is still in the pipe line. Last month we sent our first copy of the Building Sector news out by group email. There are only 6 people who still receive the information by post. This will save a lot of time and money avoiding the printing and posting process. We are also using the emails to get vital information out to all the builders which is working really well.

We continue to maintain our statutory requirements in issuing compliant applications within the specified time frames.

The Senior Building Control Officer has been handling all enquiries, inspections and processing on his own since Tony left for England in March. Things have been busy and over the last week. Quite a few building consents have been received for processing and inspections have been busy as well.

The Senior Building Control Officer is on leave for a month from 6th May (first date of leave) to the 7th of June (first day back at work). The week of the 9th of May inspections will be covered by Marlborough District Council on Tuesday 10th and Thursday 12th. From the 16th onwards Steve Dale will be here full time for processing and inspections until the Senior Building Control Officer returns.

The auditors from IANZ were here on the 27th, 28th and 29th of April reviewing our building control systems and procedures for our accreditation. The review went really well. We came out with only 4 minor corrective actions and a page of very useful recommendations. The report is available for anyone to view if they wish, just ask the Building Administration Officer for a copy.

• **Resource Planning**

Resource Consent Update: From 11 April 2011 to 9 May 2011.

Five new applications have been lodged; three applications for land use consent and two applications for subdivision.

Notified Consents

Marine Hotels Ltd, 191 Beach Road. Land use – addition of accommodation units. Notification has closed with 3 submissions received in opposition. The application is on hold pending payment of fees for a notified consent.

Dolphin Encounter, 22 Moa Rd. Land use consent to undertake a commercial activity in a residential zone, a workshop and storage area supporting Encounter Kaikoura. This application was notified on a limited basis. A prehearing meeting is being arranged.

Monitoring

Monitoring of consent applications and complaints is ongoing. Council staff are currently working with property owners to obtain resource consents for non-consented visitor accommodation.

• Resource Consent List Update

RESOURCE CONSENT UPDATE LIST FOR THE PERIOD FROM 11 APRIL 2011 TO 9 MAY 2011.

Resource consent decisions issued:

Type of Consent	Applicant	Address of Activity	Number of New Lots / Guests
Build dwelling in flood zone	Earl & Yvonne King	95 Harnetts Road	
2 Lot Subdivision	AD Penman & MC Scott	792 Shwy 1, Hapuku	1
Build shed -Non Complying Boundary	Wayne Anderson	63 South Bay Parade	
4 Lot subdivision	Cedar Properties Marlborough Ltd	State Highway 1, Mangamaunu	3
Subdivision/Land use	Matt Chambers	184, 186, 188 190 192 & 194 Beach Road	5

Active consent applications currently in process:

Type of Consent	Applicant	Address of Activity
2 Lot subdivision	Homewood Homes Ltd	593 Kincaid Road
Land use consent visitor accommodation 5 people	Sarah Guthrie & Hamish Fraser	51 Deal Street
Visitor Accommodation 4 and under	Pat Maguire – Kit Fitzgibbon	2 Fyffe Avenue
Land use for commercial activity in residential zone	Dolphin Encounter Partnership	22 Moa Rd
Subdivision consent 2 lot subdivision	R J Stumm	19 McInnes Road
Land Use – Visitors Accommodation for 8	H & D Developments	4 McCrae Gardens
Land use- Hotel & retail commercial/tourist services	Kaikoura Wharf Developments Ltd	Wakatu Quay New Wharf
Subdivision and Land use Lot 2 DP 43343 Inland Road	Saxonlea Investments	Inland Road

Consent applications awaiting receipt of further information requested from applicant or on hold:

Type of Consent	Applicant	Address of Activity
Land use to exceed height for dwelling	Stephen J & Lynotte Rita Wilks	306 Scarborough St
Land Use -Visitor Accommodation up to 8 guests	R D Hughes Developments	5 McRae Gardens
Subdivision 2 extra lots	McKenzie & Saint Martins Trustee Services Ltd	1370 Shwy 1
Land Use -Visitor Accommodation up to 8 guests	BC Horne & TCM Candy	11 McRae Gardens
Land Use -Visitor Accommodation up to 8 guests	Bruce & Pam Ayres	22 Greenburn Way
Land use – addition of accommodation units	Marine Hotels Ltd	191 Beach Road
10 Lot Subdivision & Land Use	2 Crush NZ Ltd	Mt Fyffe Road
Land use- Visitor Accommodation 4 & under	The Gardners Limited	5 Brighton Street
2 lot subdivision	Tormar Holdings Ltd	Cnr Margate & Torquay Streets
Subdivision- Boundary adjustment	Kaikoura District Council	Maui Street
Sign Consent	The Woolshed - Davidson	Beach Road
Signs Consent	Wilson*	State Highway 1, Hapuku
Subdivision- Separation of existing title	Matariki Farms	State Highway 1 Clarence
Subdivision: 2 lot subdivision & dwellings	Reardon SJ & AR	19 Old Beach Rd
Land Use- Visitor accommodation 2 guests and non-compliance with height standard	N Mitchell	13 Swyncombe Place

Consent applications subject to appeal under sections 120 and 358 of the Resource Management Act:

Type of Consent	Applicant	Address of Activity
NONE		

Consent applications subject to objections under section 357 of the Resource Management Act:

Type of Consent	Applicant	Address of Activity
NONE		

Consent Applications declined:

Type of Consent	Applicant	Address of Activity
NONE		

Consents withdrawn:

Type of Consent	Applicant	Address of Activity
NONE		

Consents returned as incomplete:

Type of Consent	Applicant	Address of Activity

NONE		
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Consent applications subject to application for declaration under section 311 of the Resource Management Act: Nil

* Denotes Retrospective Consent

• **District & Environmental Planning**

District Plan & Environmental Planning Report Covering 12th April to 10th May 2011

National Policy Statements

Draft New Zealand Energy Strategy and Draft New Zealand Energy Efficiency and Conservation Strategy

This submission has been lodged but no date for a hearing has been set.

National Policy Statement for Renewable Electricity Generation 2011

On the 14th April the National Policy Statement for Renewable Electricity Generation (NPS REG) was gazetted and will take effect on 13th May 2011. NPS REG recognises that New Zealand's energy demand has been growing steadily and is forecast to continue to grow. The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. The government has determined that 90 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2025.

What this means for Kaikoura District Council is that within 24 months from 13 May 2011 we must include objectives, policies and methods in our District Plan to the extent applicable in our district to provide for the development, operation, maintenance, and upgrading of new and existing:

1. renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources
2. hydro-electricity generation activities
3. wind energy generation activities
4. electricity generation activities using geothermal resources.

The NPS REG is currently being discussed at a staff level and input is welcomed from Councillors.

Canterbury Regional Council

Natural Resources Regional Plan (NRRP)

Training on the NRRP has been postponed due to the Christchurch earthquake. Councillors will be kept informed of any future training opportunities.

Regional Coastal Environment Plan

There has been no progress on this as no date has been given from Environment Canterbury to when the change will be made operative. The fuel company will be applying for the resource consent.

Regional Land Transport Strategy (RLTS)

Nothing has been heard on this item.

Canterbury Regional Policy Statement (CRPS)

A meeting for release of the Proposed Canterbury Regional Policy Statement is to be held on the 13 May 2011.

New Zealand Transport Agency (NZTA)

Beach Road and West End Intersection

Feedback has been provided to NZTA giving support for a walking cycling bridge. Funding approval will be required by NZTA before this project can proceed.

Current Plan Changes

Business/ Industrial Zone

No further movement has occurred on this project.

Rugby World Cup

Sites are being refined for the Information/Welcome Boards for the North and South of the town. Transit approval is required then final site plans will be prepared.

Funding has now been approved for Kaikoura to get two additional recycling stations before the Rugby World Cup. These will be placed on Beach Road and around the West End intersection at high use areas. There has been a reshuffle of some of the recycling stations in town to make the existing bins more effective. There is now a recycling bin in the West End Car Park at the end of the road to Whale Watch.

Te Korowai

A draft strategy has been put to the group for discussion it is hoped the strategy will be ready by June for public release.

Zero Waste

Options are being considered for funding of a collection crate for household recycling. No external funding was available and external funding sources have now allocated most of the additional funds to Christchurch following the earthquake.

Green Globe/Earthcheck

Kaikoura is now benchmarked and is awaiting certification documentation.

Green Ribbon Awards

No results have been given on the Ministry for the Environment Green Ribbon awards. Nominees will be contacted in early May and informed whether or not they have been chosen as a finalist for an award. Finalists will be invited to attend the awards ceremony held at Parliament on June 9th.

Coastal Management Strategy

The Lions Club are keen to complete the next section of walkway that will link Jimmy Armers Beach to the completed walkway at the Seal Colony. Funding is being secured for the materials and the Lions Club has agreed to carry out the work free of charge.

• **Environmental Health**



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DRINKING WATER MONITORING AND COMPLIANCE REPORT

FOR THE MONTH OF: April 2011

WEEK: 1 DATE: Monday 4th April 2011						
Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
FEY0455	KAI004KU	16:10	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block	<1	<1	n/a
			Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road			
FEY0456	KAI004SB	16:15	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay	<1	<1	n/a
			South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station			
WEEK: 2 DATE: 10 April 2011						
Reference Number	Winz Code	Time	Sample Site and Code	Total Coliforms	E.coli	FAC
FEY0459	TP00217		Kaikoura Suburban KAIWS (1) @ Brunnels Road	3.1	<1	0.37
FEY0460	TP00217		Kaikoura Suburban KAIWR (1) @ Postmans Road	<1	<1	0.32
FEY0458	TP02772		Kaikoura Township Source KAINMB (1) Main Bore @ Mt Fyffe Road (Mackle Bore)	17.8	<1	0.33
	KAI004KU		Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block			
FEY0457	KAI004KU		Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road	<1	<1	0.25
	KAI004SB		South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay			
FEY0467	KAI004SB		South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station	<1	<1	0.32
FEY0461	TP01001		Kincaid Source (KINS (1) @ Grange Road Bridge	<1	<1	0.64
FEY0462	KIN003KI		Kincaid Reticulation KINR (1) @ Hapuku School	<1	<1	0.38
FEY0472	TP01000		Peketa Source PEKS (1) @ Bore R Hails, Rakauni Road	<1	<1	

FEY0471	PEK002PE	Peketa Reticulation PEKR (1) @ hydrant tap pn Bullens Road	<1	<1	0.22
FEY0469	TP01002	Fernleigh Source FERN (1) @ Dairy Farm Inland Road Junction	<1	<1	0.24
FEY0470	FER003FE	Fernleigh Reticulation FERNR (1) Alt @ R Jones: Lake Hills	>200.5	1	0.25
	FER003FE	Fernleigh Reticulation FERNR (2) Alt @ Kowleigh Inland Road			
FEY0474	TP00998	Oaro Source OARNS (1) @ New Bore: Oaro River	<1	<1	
FEY0473	OAR001OA	Oaro Reticulation OARNS (1) Alt @ T Smith: Oaro M	8.7	<1	
	OAR001OA	Oaro Reticulation OARNS (2) Alt @ K Semmens: North Side			
FEY0465	TP01003	East Coast System Source CLECS (1) @ Wellhead at pumpshed	3.1	<1	
FEY0464	KAI021EA	East Coast System Reticulation CLECR (1) @ hydrant behind Woodbank School	<1	<1	

WEEK: 3 **DATE: 19 April 2011**

Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
FEY475	KAI004KU	16:30	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block	42.9	<1	0.26
			Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road			
FEY476	KAI004SB	16:45	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay	<1	<1	0.27
			South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station			

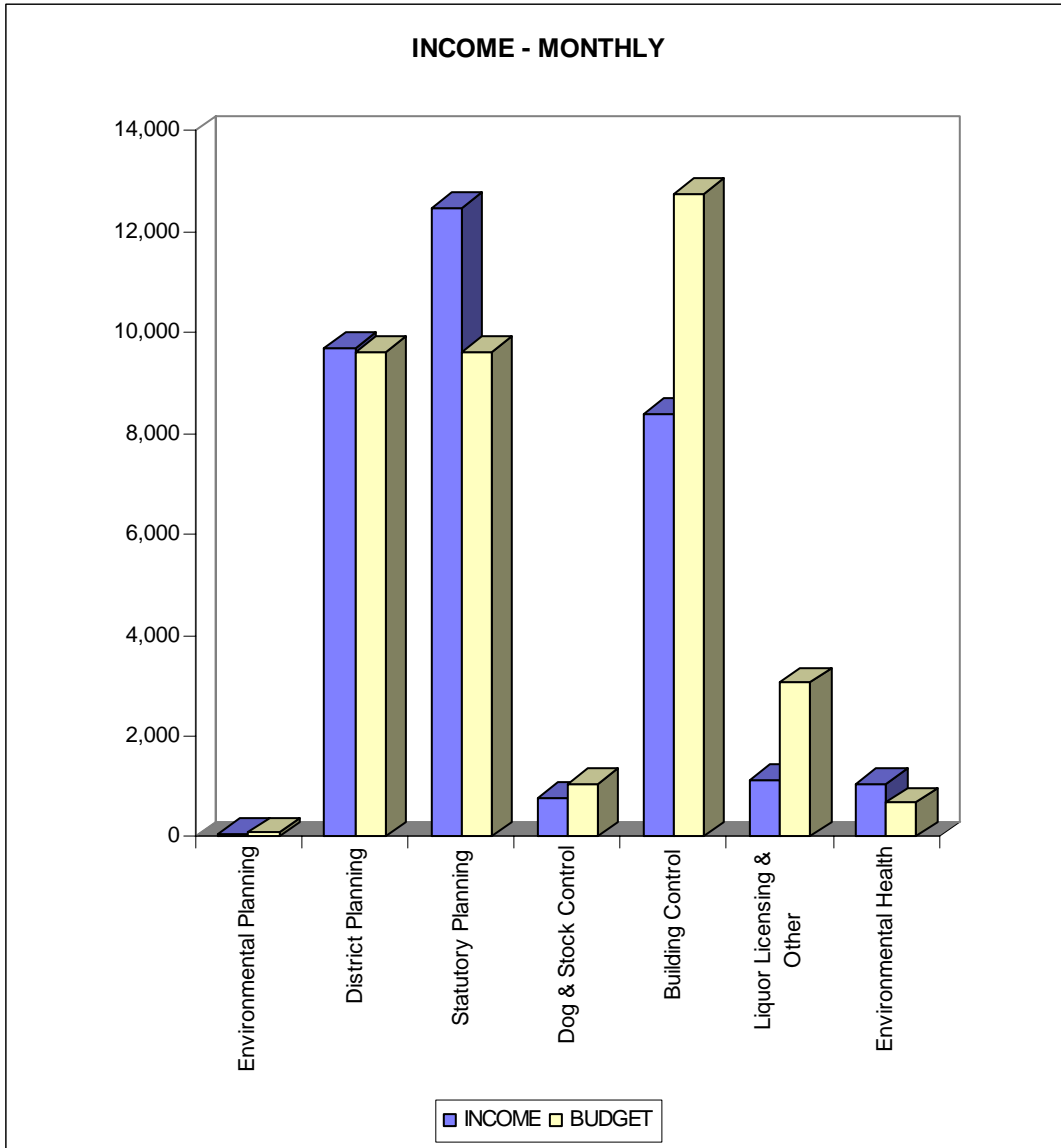
WEEK: 4 **DATE: 27 April 2011**

Reference Number	WINZ code	Time	Sample Site and Code	Total Coliforms	E.Coli	FAC
			Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block			
FEY480	KAI004KU		Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road	<1	<1	n/a
			South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay			
FEY481	KAI004SB		South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station	1	<1	n/a

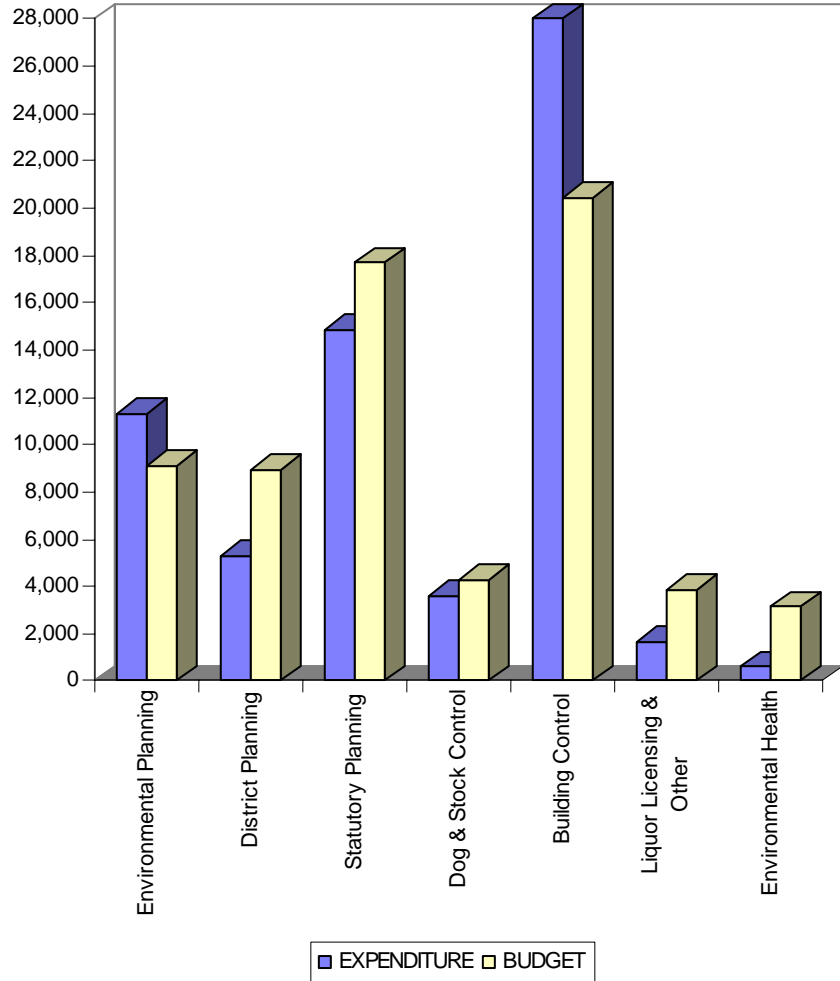
Water Monitoring Monthly Report – 11 January 2011

Winz Code	Sample Site and Code	Reference Number	Time	Total Coliforms	E.coli	FAC
TP00217	Kaikoura Suburban KAIWS (1) @ Brunnels Road					
TP00217	Kaikoura Suburban KAIWR (1) @ Postmans Road	FEY002	1340	<1.1	<1.1	0.65
TP02772	Kaikoura Township Source KAINMB (1) Main Bore @ Mt Fyffe Road (Mackle Bore)	FEY001	1330	<1.1	<1.1	0.60
KAI004KU	Kaikoura Township Reticulation KAIUR (1) Alt @ Jimmy Armers Beach Toilet Block	FEY009	1625	<1.1	<1.1	0.38
KAI004KU	Kaikoura Township Reticulation KAISR (2) Alt @ O Woods: Mt Fyffe Road					
KAI004SB	South Bay Reticulation KAISBR (1) Alt @ DOC Toilets: South Bay	FEY010	1635	<1.1	<1.1	0.36
KAI004SB	South Bay Reticulation KAISBR (2) Alt @ Coastguard: Sewer Pump Station					
TP01001	Kincaid Source (KINS (1) @ Grange Road Bridge	FEY003	1355	<1.1	<1.1	1.01
KIN003KI	Kincaid Reticulation KINR (1) @ Hapuku School	FEY008	1545	<1.1	<1.1	0.95
TP01000	Peketa Source PEKS (1) @ Bore R Hails, Rakauni Road	FEY014	1730	<1.1	<1.1	N/A
PEK002PE	Peketa Reticulation PEKR (1) @ hydrant tap pn Bullens Road	FEY015	1740	<1.1	<1.1	0.31
TP01002	Fernleigh Source FERNS (1) @ Dairy Farm Inland Road Junction	FEY013	1715	<1.1	<1.1	0.49
FER003FE	Fernleigh Reticulation FERNR (1) Alt @ R Jones: Lake Hills	FEY012	1700	<1.1	<1.1	0.70
FER003FE	Fernleigh Reticulation FERNR (2) Alt @ Kowleigh Inland Road					
TP00998	Oaro Source OARNS (1) @ New Bore: Oaro River	FEY017	0	<1.1	<1.1	N/A
OAR001OA	Oaro Reticulation OARNS (1) Alt @ T Smith: Oaro M					
OAR001OA	Oaro Reticulation OARNS (2) Alt @ K Semmens: North Side	FEY016	0	<1.1	<1.1	N/A
TP01003	Clarence / East Coast System Source CLECS (1) @ Wellhead at pumpshed	FEY005	1500	<1.1	<1.1	N/A
KAI021EA	Clarence / East Coast System Reticulation CLECR (1) @ hydrant behind Woodbank School	FEY004	1445	<1.1	<1.1	N/A
	Hapuku Café/Lodge	FEY007	1530	<1.1	<1.1	N/A
	Ocean Ridge	FEY011	1650	<1.1	<1.1	N/A

Environmental Services Budget Report



EXPENDITURE - MONTHLY



PROPOSED NATIONAL POLICY STATEMENT ON INDIGENOUS BIODIVERSITY

A submission has been prepared and sent. Since sending the submission staff have been advised “*Submissions close 5:00pm on 20 May 2011 (for those in Canterbury only).*” Given this extension of time if the Council require any material changes this can now occur.

Key aspects of the submission are:

1. Kaikoura District Council is a smaller rural council with limited resources.
2. Over 50% of our district is either Crown or Department of Conservation land.
3. Central Government needs to lead by example with regard to protecting biodiversity on Crown property.
4. Kaikoura has successful biodiversity projects.
5. The National Policy Statement places too much emphasis on regulation.
6. Mapping and scheduling of land does not equal protection of land.
7. Alternative methods of protecting biodiversity require further consideration.

If no changes are material it is recommend that the submission is endorsed by Council, the full submission is attached.

Recommendation:

That Council endorse the attached submission on the Proposed National Policy Statement on Indigenous Biodiversity.

SUBMISSION ON THE PROPOSED NATIONAL POLICY STATEMENT ON INDIGENOUS BIODIVERSITY

1.0 Background – The Kaikoura District (KDC)

The KDC has the smallest population for any Mainland Council in New Zealand. With a total population of 3621 people (2006 Census) we have to be innovative to be effective. The super cities may have their place, but the Local Government Commission in 2008 found that abolition of the Kaikoura District Council “...*would not promote good local government of Kaikoura District or Hurunui District.*” We are here to stay. We are small but we are effective.

We pride ourselves on being a sustainable community and our council undertakes a number of actions to reinforce our commitment to the environment. Our key projects are; Zero Waste, Communities for Climate Protection, Trees for Travellers, Significant Natural Areas Programme, Green Globe, Fantastic No Plastic and Public Places Recycling Bins more details on each of these projects can be found at <http://www.kaikoura.govt.nz/>.

Our district covers 2048 square kilometres. We have a little over 2600 rateable properties. Based on our population we have 56.5 hectare per person (0.017 people per hectare). We therefore have a limited rating base for any projects within our district. KDC's total rates take is approximately 4.4 million, an average of \$1692.30 per property. Every \$44,000 Council spend represents a 1% increase to Kaikoura's general rate.

Department of Conservation (DoC) and other Crown Land accounts for over 50% of Kaikoura district, such land is non-rateable. We have 1010 square kilometres of DoC land and 20 square kilometres of Crown Land, these figures are based on our rates data base.

2.0 What we do for Biodiversity

Chapter 9 of the Kaikoura District Plan (KDP) addresses matters outlined in Section 6(c) of the Resource Management Act 1991 (hereon the RMA). The KDP is based on education and advocacy and relies on consultation. In addition to this the KDP rules to set standards for earthworks and vegetation clearance.

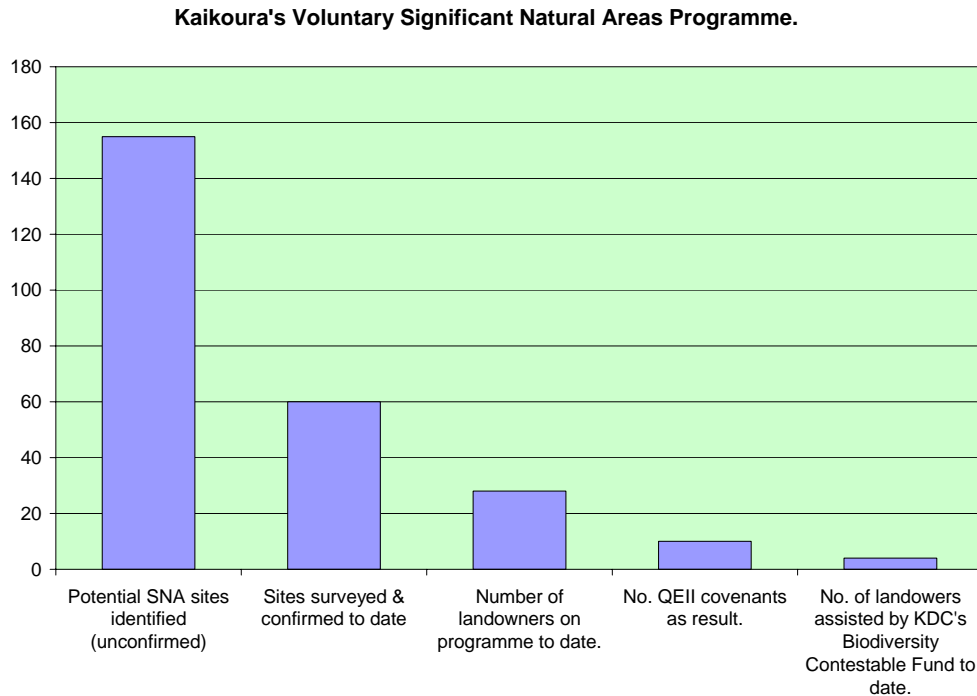
We have a biodiversity fund of \$15,000.00 per year. Any landowners may make application to the fund and it is typically over subscribed. Funding this year has been given for wetland restoration and fencing.

Over the last three years we have employed a Biodiversity Officer which has resulted in significant promotion of the importance of biodiversity in our community. Identification of Initial assessments have been based on the Department of Conservation 1997 report (which even at this time had revised criteria for what areas were important). This report provides a starting point for identification of areas of biodiversity and includes 152 sites ranging from 9200ha to 1ha in area. Some of the larger sites have been reduced by DoC purchases. The process involves consultation with landowners making them aware of the importance of biodiversity values on their property. If the landowners are receptive we pay for an ecological assessment to be undertaken by an independent ecologist. Copies of the reports are provided to the landowners free of charge, to increase awareness. If required we will make applications for funding on behalf of the landowners and encourage protection. As a result of ongoing consultation with landowners

934.02ha of land has been protected by various mechanisms including the Queen Elizabeth II National Trust (QEII). In addition Council offers rates relief for protected land.

The graph below highlights the scale of the project this is based on the number of sites as opposed the size of sites:

Table 1 – Potential Number of SNA Properties Kaikoura District



3.0 What does the NPS mean for KDC?

A NPS is an opportunity for a tool to be put in place to support our current biodiversity projects. It gives the Kaikoura Community the ability to show that biodiversity is important at a national level and provides support for the inclusion of biodiversity related policies and rules within planning documents. We do not see an NPS to be a silver bullet rather a backstop to aid and support our biodiversity projects. Any NPS should assist the community and allow for meaningful informed local decisions to be made. We do not want an NPS which results in increased costs to the community with limited benefits. We do not want an NPS which results in enforcement being seen as the only method of protection.

4.0 What does the Proposed NPS on Indigenous Biodiversity do?

KDC have reviewed the NPS and the s32 report, and see that the intention of the document is to provide:

1. a better (more uniform) level of biodiversity protection
2. reduced administrative churn for local government (and participants in RMA processes relating to biodiversity)

3. flexibility in the management approaches adopted at local and regional levels to ensure sensible decision-making in the overall best interests of New Zealand.

| The intent of the document is therefore very worthy, however, the document has missed its mark.

5.0 Specific Policy Concerns:

5.1 **Application**

The NPS does not apply to DoC or Crown Land. The RMA provides that activities undertaken by the Crown on land held or managed under the Conservation Act are specifically excluded from the requirements of the RMA. The Proposed NPS takes this one step further and results in work undertaken by anyone (not just the Crown) on Crown Land not having to comply with the NPS. This raises equity issues. If a company was to mine both Crown Land and private property the approval of both landowners would be required. Under the Proposed NPS, the biodiversity would have to be assessed on the private landowners land but not the Crown Land. Simply because it is Crown Land it does not mean that the biodiversity is adequately protected. Perhaps the NPS could be renamed to “NPS on Private Indigenous Biodiversity” to better reflect the intent of the document. Such an approach can be perceived by landowners as a method to grab land or an additional form of tax on landowners. As biodiversity is nationally important it should apply to the nation.

Biodiversity is not constrained by landownership. The existence of biodiversity values does not respect property or administrative boundaries. If the NPS does not apply to DoC or Crown Land no consideration can be given connectivity between private and public property. Identification of biodiversity hotspots on DoC or Crown Land would highlight the potential for cross boundary issues to be identified.

The decision requested is to remove the phrase under “4. Application” “except that it does not apply to public conservation land”

5.2 **Policy 1**

Policy 1 is an interpretation statement as opposed to a policy; the use of the term ‘maintenance’ creates further uncertainty as various level of maintenance can exist. The intent of Policy 1 appears to be captured by Policy 2. Policy 1 is unnecessary.

The decision requested is to delete Policy 1.

5.3 **Policy 2**

The Kaikoura District Council has no in house ecologist and relies on external consultants. Given costs constraints we have not had the criteria in Policy 2 reviewed by ecologists. The criteria for ‘biodiversity’ appears to be constantly changing, it is accepted that overtime a greater understanding allows for more refined projects, however this does result in confusion for the general public.

Policy 2 looks to provide greater certainty but results in a number of common terms being used which are not defined. Many coastal villages are located on ‘sand dunes’. The terms ‘sand dunes’ and the ‘wetlands’ provides no certainty as to the sizes which are appropriate before these areas shall be seen as significant indigenous vegetation or significant habitat of indigenous fauna.

The decision requested is that the terms ‘sand dunes’ and ‘wetlands’ are defined within Section 3 interpretation.

5.4

Policy 4

The policy relies on maps and or schedules to indentify areas within 5 years of the date of the NPS being operative. This requires public plan changes to be initiated at a local level and open to public submission. Any classification or mapping of areas will have to be sufficiently robust to avoid any appeals on changes to the District Plan. In theory this concept may be acceptable, however in practice, lines on paper (mapping) will result in significant resourcing issues for small councils.

Putting Kaikoura population and size into perspective, for comparison Wellington City has a 2006 census population of 179,466 people and a land area of 289 square kilometres. The largest single site identified for review in DoC December 1997 report is 92 square kilometres (9200ha), that is 31% of the area of Wellington city. This area has since been reduced as part of the area has been purchased by DoC. The smallest site we have listed in DoC Report is 1.0ha. The smallest site we have protected by QEII is 0.02ha. The total area we have identified within our district (excluding recent DoC purchases) is 408 square kilometres (40838ha), this is 41% larger than Wellington City. These areas are prior to the new criteria being considered.

As a small council we simply do not have the staff or the financial resources to ensure accurate mapping or scheduling of biodiversity to a level acceptable to undertake a Plan Change. If hostility exists from landowners it becomes very difficult to accurately identify areas. To make a five year time frame effective we would need either additional national resources (to reflect that biodiversity is a national issue) or to have landowners on board. For KDC and the Kaikoura Community rating base, simply some of the sites are just too big and too isolated to effectively manage without landowner support.

If a perception by landowners exists that Councils are locking up areas, this will encourage landowners to act quickly and convert to another land use. This paradox is recognised in Page 43 of the Section 32 analysis:

"The existence of biodiversity values does not respect property or administrative boundaries. Often the benefit of protection is national or regional but the cost is at the individual property or local level. Paradoxically, those who are 'penalised' through restrictions on land use are those who have retained vegetation and maintained habitat. Those that escape the cost of restrictions do so because they (or previous owners) have already exacted the benefits from vegetation and habitat loss or modification."

In KDC's experience, incentives, education and advocacy are the most effective methods of really protecting biodiversity. Mapping or scheduling of land does not result in the actual protection of biodiversity. Effective protection of biodiversity requires a sense of ownership resulting in a willingness to undertake active management. Pest and weed control is fundamental to protection of biodiversity.

If biodiversity is truly a natural treasure then the responsibility of protecting it shall fall on the nation. The concept of a NPS therefore fits well however the reliance of protection falls back to local government and it is often the small less populated councils (with less ability to generate income) which the burden falls heavily on.

The decision requested is to move away from a strong regulatory approach and remove the requirement for mapping areas and habitats in District and Regional Plans. In addition the suggested five year time frame is unreasonable for small councils with limited resources.

If mapping and or scheduling of areas are seen to be important because councils are seen to be underperforming. Mapping and scheduling shall be undertaken within the NPS at a scale to allow Councils the ability for this information to be directly included in their District Plans as per Section 55 of the Resource Management Act.

6.0 Other Alternatives?

Stepping away from the NPS framework and the objective and polices the real issue in the development of a mechanism for the protection of biodiversity. Largely, the remnant areas of biodiversity remain due to Crown ownership or the willingness of landowners to protect or decisions not develop certain areas. The Section 32 is clear:

*“Overall, the data suggest that public awareness and education, voluntary protection, Resource Management Act (1991) provisions, and **formal legal protection of remaining indigenous biodiversity have not halted the removal and/or displacement of vulnerable indigenous biodiversity** in much reduced and poorly protected ecosystems and habitats.”.*

| Page 35, Section 32 Evaluation on NPS Biodiversity. Emphasis added.

The Proposed NPS framework seeks to implement more legislation, while the Section 32 assessment states **formal legal protection will do little to halt the removal and/or displacement of vulnerable indigenous biodiversity**. The Section 32 analysis goes on to explain that 80% of respondents believe the Government should pass laws to make businesses protect the environment. Yet the Section 32 analysis has only examined seven alternatives before the decision has been made that an NPS is the preferred option.

If New Zealanders truly believe biodiversity is a national issue worthy of protection then for the sake of fairness, the costs of protection shall fall with the nation. It is unfair for a national issue to be a cost the private landowner, or a cost to ratepayers in a small district. Landowners who have encouraged biodiversity on land shall be rewarded in a fair system and ratepayers of small rural districts shall not be burdened. Biodiversity is of national benefit and it is a cost the nation must face.

KDC supports Waimakariri District Council’s submission that:

“Broad scale national decline in biodiversity appears to be unequivocal. A significant omission from the proposed NPS is the central government’s role in arresting this. Rather than putting the burden of responsibility on local government and private land holders, the central government could firstly, legislate to manage indigenous biodiversity across all tenures, and secondly, provide a leadership role in demonstrating that the central government’s stewardship of public land in maintaining biodiversity is in order.”

| Has a tax related system or tax relief system to ensure the protection of biodiversity been considered?

No recognition or consideration is given to such a concept in the Section 32 assessment. The assessment skims over increased funding for biodiversity, however this does not address providing a genuine reward system for parties to protect biodiversity. Such a concept may seem unusual however New Zealand is currently rewarding forestry owners for the capture of carbon

(carbon farming may in fact be resulting in a loss of biodiversity as marginal land is converted from “scrub” to production or carbon forestry) and there is no reason why a scheme similar to the Emissions Trading Scheme (ETS) could not work with regard to biodiversity. Landowners could be rewarded for biodiversity and increasing biodiversity on their properties. Such an approach results in not just the protection of land but real biodiversity gains.

In today’s society people respond well to financial incentives. A good example is Auckland City Council spent a significant amount to promote the use of public transport, however it was not until fuel prices spiked that real changes occurred to the modes of transport. There must be willingness for people to change and economics costs and incentives provide this. Biodiversity is currently seen as an externality despite tourism being NZ second highest gross domestic product earner.

Without any mechanism of reward – there is little incentive for the landowner to protect biodiversity. Rules can be legislated, but these are ineffective without the resources to police.

An NPS on Biodiversity may be one way to help reduce the decline of biodiversity however it not seen as the most effective way to halt the decline.

The outcome sought is that the Proposed NPS for biodiversity be revoked and reconsidered to alongside the ETS.

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(On behalf of the Kaikoura District Council)