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NPS IB Submission

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Christchurch City Council submission on the *National Policy Statement for Indigenous Biodiversity – Exposure Draft June 2022*

Introduction

1. Christchurch City Council (referred to hereafter as ‘the Council’) thanks the Ministry for the Environment for the opportunity to provide comment on the *National Policy Statement for Indigenous Biodiversity – Exposure Draft June 2022* (NPSIB).
2. The Council provides the overall key submission points below as a summary of the Council’s submission on the NPSIB. Its full submission is attached as Appendix 1.

Overall Key Submission Points


3. The policy direction in the proposed NPSIB establishes a policy and implementation framework that should assist in halting the decline of indigenous biodiversity. The concept of Te Rito o te Harakeke is an integral component in achieving these outcomes and the Council welcomes its inclusion in the NPSIB.
4. However, the Council considers the NPSIB could be strengthened to ensure that economic considerations do not trump protection of indigenous biodiversity. The National Policy Statement for Freshwater Management (NPS FM) does this better for freshwater than the current exposure draft for indigenous biodiversity. The NPS FM includes a hierarchy of obligations under the fundamental concept that specifies priorities; with the health and well-being of water bodies and freshwater systems having the highest priority. A similar priority statement/concept is needed for the NPSIB in our view.
5. The Council supports the requirement to implement nationally consistent criteria for the assessment and identification of Significant Natural Areas (SNAs), and further supports this revised exposure draft which removes the high and medium classifications for SNAs required in its earlier draft.
6. The Council considers the proposed timeframe for completion of identification and mapping of SNAs is unrealistic with the resources available in Aotearoa New Zealand.
7. The Council considers that the requirement for identification of SNAs and their inclusion in District Plans should be subject to increased funding and support from Central Government to enable its completion within 5 years. If there is further delay, there will be the further loss of indigenous biodiversity. However, failing appropriate funding, an increase in the timeframe to 10 years is considered appropriate given the amount of work required.
8. The Council also considers that in order to successfully implement the NPSIB, financial and other incentives will be required to support actions by landowners.

9. The Council supports the approach of identifying SNAs through mapping and considers that this approach provides certainty and robustness to the Council, landowners and other stakeholders; that is the approach to be preferred. However, the Council is open to flexibility being built in to explore and implement other alternative methods where that would achieve similar outcomes.
10. Exemptions to Part 3.10 Managing adverse effects on SNAs, are supported, however there are activities including infrastructure important to the Christchurch District that may not qualify as 'significant national or regional public benefit' (this term is not defined) that the NPSIB needs to provide for. These activities can be subject to the effects management hierarchy without the requirement to avoid the subset of adverse effects.
11. The Council seeks a formalised requirement in the NPSIB to ensure regional councils collaborate with territorial authorities in setting targets for increasing indigenous vegetation cover in its regional policy statement.
12. The Council has considerable concerns in relation to the policies provided in the NPSIB, as many have been drafted as objectives, this will ultimately undermine the effectiveness of the NPSIB, particularly when tested through council hearings and Environment Court proceedings.

Conclusion

13. The above matters are of significant concern to the Council with regard to implementing the NPSIB. Please note that the points above should be read as a summary only. Details of the Council's full concerns are included as Appendix 1.
14. For any clarification on points within this submission please contact Mark Stevenson, Manager Planning (Mark.Stevenson@ccc.govt.nz).

Yours sincerely



Lianne Dalziel
Mayor of Christchurch

Appendix 1: Christchurch City Council Submission on the Proposed *National Policy Statement for Indigenous Biodiversity – Exposure Draft June 2022*

Structure and Scope of Submission

1. The Council’s submission on the NPSIB includes submission points on the NPSIB, Parts 1¹, 2², 3³ and 4⁴, and Appendices 1⁵, 2⁶, 3⁷, 4⁸ and 5⁹.
2. The Council has not provided any submission points on the requirements to manage adverse effects on geothermal SNAs as required by Part 3.13 as this is not relevant in the context of the Christchurch District.
3. The Council supports the NPSIB and its overall intent to protect indigenous biodiversity throughout Aotearoa New Zealand. The following submission points indicate specific areas of support but also highlights some concerns in implementation. The Council considers that the NPSIB will assist in halting the decline of indigenous biodiversity through the proposed framework to identify and manage effects on indigenous biodiversity both within and outside SNAs.

Submission Points

Part 1: Preliminary Provisions

Part 1.3 - Application

4. The Council supports the geographic application of the NPSIB as it applies to indigenous biodiversity throughout Aotearoa New Zealand, other than indigenous biodiversity in the coastal marine area and aquatic indigenous biodiversity. The Council further supports the exceptions under sub clause (2) in respect to specified highly mobile fauna, geothermal systems, wetlands and the jurisdiction of regional biodiversity strategies.

Part 1.4 - Relationship with New Zealand Coastal Policy Statement

5. The Council supports the provisions of the New Zealand Coastal Policy Statement (NZCPS) taking precedence in the terrestrial coastal environment where conflict exists between the provisions of the NPSIB and the NZCPS. This is particularly important for managing adverse effects on SNAs in the coastal environment given the differences that exist between the effects management hierarchies in the two documents.

1.5 - Fundamental Concepts

(2) Te Rito o te Harakeke

6. The Council supports the concept of *Te Rito o te Harakeke* as an overarching framework that underpins the implementation of the NPSIB. The Council also supports the six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity.
7. The concept of *Te Rito o te Harakeke* is important given the Council’s responsibilities under the Act to recognise and provide for our relationship with Ngāi Tahu, their culture, and taonga; having particular

¹ Preliminary provisions

² Objective and Policies

³ Implementation

⁴ Timing

⁵ Criteria for identifying areas that qualify as significant natural areas

⁶ Specified highly mobile fauna

⁷ Principles for biodiversity offsetting

⁸ Principles for biodiversity compensation

⁹ Regional biodiversity strategies

regard to kaitiakitanga; and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) as required by sections 6(e) 7(a), and 8. The Council also supports the fundamental concept that indigenous biodiversity has intrinsic value and mauri, that people have a responsibility to provide for the health of indigenous biodiversity, taonga, and the wider environment and that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity.

(3) Maintenance of Indigenous Biodiversity

8. In terms of maintenance of indigenous biodiversity, the Council supports the NPSIB requirement for no reduction: in size of populations of indigenous species; occupancy across their natural range; properties and functions of ecosystems and habitats; the full range and extent of ecosystems and habitats; connectivity between, and buffering around ecosystems; and resilience and adaptability of ecosystems.
9. However, the Council considers that the NPSIB *should recognise* that achieving the overall maintenance of indigenous biodiversity in all circumstances will not be possible in the context of the current RMA. The continuation of existing activities as provided for by section 10¹⁰ of the RMA, even in the absence of intensification, will be incompatible with maintenance of indigenous biodiversity – as defined in 1.5 (3) – over long (ecological) time scales, particularly in terms of cumulative effect.
10. The Council supports the removal of the words “*The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats*” which was included in clause 1.7 (Fundamental concepts) of the November 2019 draft. This clause has now been included in a separate new section (3.21) in the exposure draft and is supported.
11. At least no reduction “in the properties and function of ecosystems and habitats” and “resilience and adaptability of ecosystems” will be heavily reliant on ecological expert input and the Council has some concern that an element of subjectivity with these terms and concepts could hamper implementation efforts.

(4) Effects Management Hierarchy

12. The Council generally supports the consistent/shared use of terminology, such as the effects management hierarchy, across various RMA documents, such alignment is considered helpful from an implementation perspective. However, it is noted that the NPSIB functions without the hierarchy of obligations provided for in the NPS FM, which sets the priorities in managing freshwater. The Council has considerable concern that this lack of a hierarchy of obligations will diminish the effectiveness of the NPSIB.
13. The Council agrees that “where practicable” as now proposed instead of “where possible” will assist in implementation.
14. The Council has some concern for the use of the word ‘minimised’ in the effects management hierarchy. This word means “reduce as small as possible” and is generally considered a high bar, and in some cases amounts to ‘avoid’ in terms of the realms of what is actually possible and whether the cost is justifiable. However, to make as small as possible, ‘where practicable’ as per the wording in clause 4 (b), may indicate that ‘minimise’ is not the correct word for this occasion. The words “where practicable” undermines the meaning of ‘minimise’ (noting that ‘where possible’ in the previous draft is a redundancy). The Council supports reverting to use of the word ‘mitigate’ in the effects management hierarchy provided in the 2019 draft, but notes it is not a synonym of minimise.
15. If minimise is reverted to mitigate, or another word, it will result in the need for similar replacements in the definitions of biodiversity offset and biodiversity compensation and elsewhere in the NPSIB exposure draft.
16. The Council supports that the effects management hierarchy requires that biodiversity offsetting and biodiversity compensation are “provided” in situations where adverse effects could not be demonstrably avoided, minimised, or remedied.

¹⁰ Certain existing uses in relation to land protected

17. The Council notes that this requirement may mean that any resource consenting pathways introduced into its District Plan that gives effect to the proposed NPSIB could be more costly and time consuming. Resource consent applicants will be required to commission ecologists to confirm whether or not adverse effects have been avoided, minimised, or remedied, “where practicable”, to satisfy the requirements of this and components of the proposed NPSIB.

Part 1.6 Interpretation

18. The Council’s previous submission to the November 2019 draft addressed many of the concerns with terms, many of which have now been resolved.
19. Outstanding recommended amendments to terms in the interpretation section in the NPSIB are included below. These suggested amendments should be read in tandem with the Council’s submission points and recommendations included in this submission.

Biodiversity offset

20. It is noted that this definition now requires a measurable net gain, and has moved away from “no net loss” so will potentially be more difficult to comply with. The Council has no other issues with this definition but notes that in Aotearoa New Zealand biodiversity offsets have a poor track record from an implementation perspective, and considerable guidance will be required to effect good outcomes.

Improved pasture

21. The Council supports the proposed definitions of improved pasture and maintenance of improved pasture being included in the NPSIB and notes that it is a significant component as it relates to the continuation of pastoral farming activities.
22. Some minor amendment to clarify the definition of improved pasture may assist in ensuring the intent of Part 3.17 is not misapplied is proposed as follows:

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

In addition, it is considered that the word ‘deliberately’ needs to be qualified and limited to the act of introducing pasture seed by direct drilling, over-sowing, cultivation, irrigation or topdressing.

23. The NPSIB exposure draft’s new definition of “maintenance of improved pasture” clearly describes which pastoral farming activities constitute “maintenance” in the context of improved pasture. The Council is supportive of these changes which were the subject of our previous submission.
24. The conditions for allowing the maintenance of improved pasture to continue in clause (2) are also supported, particularly the exclusion of depositional landforms that have not been cultivated, the exclusion of improved pasture that has not itself become an SNA and the additional exclusion of maintenance of improved pasture that may have adverse effects on threatened and at-risk ecosystems and/or species. This is necessary to “hold the line” and prevent further clearance from occurring as a result of existing pastoral farming activities.

Part 2: Objectives and policies

Objective

25. The Council in general supports the proposed wording of the proposed Objective and Policies subject to minor amendments as set out in Attachment 1.
26. However, there is concern, as mentioned in the comments above, that no priorities are established in the NPSIB. The Objective seeks to protect, maintain and restore indigenous biodiversity in a way that would

appear to put some primacy on providing for the social, economic, and cultural wellbeing of people and communities now and in the future (notwithstanding part 3.5). The Council considers that it should be clear, in either Part 2 or Part 1.6, what the priorities are for managing indigenous biodiversity. Without this, many assessments are likely to focus on balancing economic, social and cultural wellbeing with protection of indigenous biodiversity. It is considered that the intent of the NPSIB is to give priority to protecting, maintaining and restoring indigenous biodiversity for their intrinsic value and mauri of indigenous biodiversity, therefore clause 1.5 needs to flow through into the objective in a similar fashion as the NPS FM.

Policies

27. Overall, it is noted that the policies are worded more like objectives, setting out outcomes to be achieved. Two examples:
 - Policy 4:** Indigenous biodiversity is resilient to the effects of climate change.
 - Policy 17:** There is improved information and regular monitoring of indigenous biodiversity.
28. Each of the policies should be reworded to illicit a policy action/direction (i.e., a verb indicating the “how”. It may be that in doing this more than the one objective already provided for will result, and the policies (redrafted as policies) will provide more direction for the implementation section.
29. Policy 10 provides the policy support for many of the exceptions to Clause 3.10 in clause 3.11, such as specific infrastructure and mineral extraction. However, it can easily be construed to provide exceptions generally. It is considered that policy 10 should be elaborated on to provide the ‘how’ and that would include statements that establish which activities have exceptions under 3.11 where they provide significant national or regional benefit.
30. The proposed rewording of policy 10 is provided in Attachment 1.
31. Note that it may also be appropriate to provide an additional policy for a single dwelling on an existing title to justify clause 3.11 (3).

Part 3: Implementation

Subpart 1 - Approaches to Implementing this national policy statement

Part 3.2 - Te Rito o te Harakeke

32. The Council supports the concept of Te Rito o te Harakeke as an overarching principle to protect, maintain, and restore indigenous biodiversity as required by Objective 1. The Council acknowledges the need and importance to incorporate Te ao Māori (Māori world view), mātauranga (Māori knowledge and history), and tikanga (customs) Māori into RMA decision making as an important component of successfully implementing Te Rito o te Harakeke.
33. The Council understands that successful implementation of Te Rito o te Harakeke could include, but not be limited to: early consultation with tangata whenua in identifying SNAs and other important indigenous biodiversity; including taonga species; using cultural health indicators when drafting plan provisions; and potentially entering into an Iwi Participation Arrangement (Mana Whakahono ā Rohe) under sections 58L – 58U of the RMA. While these are examples of how Te Rito o te Harakeke could be implemented, the Council recognises that successful implementation of this concept will be achieved through early engagement with tangata whenua prior to, and during, the implementation the NPSIB.
34. The Council notes that other components of the proposed NPSIB are likely to complement the successful implementation of this concept, including the requirement to recognise tangata whenua as kaitiaki, identifying taonga species for protection, providing for social, economic, and cultural wellbeing as specified in clause 3.5, and in applying an integrated approach (clause 3.4) to managing indigenous biodiversity.
35. While we support this component of the proposed NPSIB, we recommend that central government provide further guidance, developed in collaboration with tangata whenua, to assist local authorities in meeting their obligations to successfully implement Te Rito o te Harakeke.

Part 3.3 - Tangata Whenua as Kaitiaki

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

Part 3.4 - Integrated approach

37. The Council supports, subject to further clarity and amendments, the requirement to manage indigenous biodiversity, and the effects of any subdivision, use or development, in an integrated way within and across administrative boundaries as required by Policy 5. The Council understands that this is to be achieved through the coordinated management of the use of land across administrative boundaries where indigenous biodiversity traverses local authority boundaries, traverses public and private land, and where it intersects tangata whenua rohe boundaries.
38. The Council considers that in circumstances where significant indigenous biodiversity traverses administrative boundaries, regional councils should be given the responsibility to act as lead agency. In the Council's view, the regional policy statement would be an appropriate place to include clear direction on how adverse effects should be managed across boundaries by considering the SNA as a whole. Territorial authorities would then be required to have similar provisions in their plans to protect the integrity of the SNA as a whole and by encouraging joint resource consent decision making processes. The Council considers this would better recognise the purpose of regional policy statements as provided for by section 59 of the RMA to achieve the integrated management of natural and physical resources across a region.

39. This component of the NPSIB also requires local authorities to apply the principle of “ki uta ki tai”. The Council again notes that this requirement is outcome focussed rather than providing direction on how this is to be achieved. However, the Council considers that given the scope of the NPSIB being primarily focussed on terrestrial biodiversity, the fact that the National Policy Statement for Freshwater Management (NPSFM) addresses aquatic biodiversity and ecology, and the proposed relationship between the NPSIB and NZCPS, ki uta ki tai will be provided for through collaboration between local authorities.

Part 3.5 - Social, Economic and Cultural Wellbeing

40. The Council supports Part 3.5 particularly in respect to the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity.
41. While Part 3.5 implements Policy 10, the Council is concerned that the current drafting of Part 3.5 attempts to place a ‘gloss’ on Policy 10 (particularly Part 3.5 clause (a)). If there is a need to specify a hierarchy for consideration of social and economic and cultural wellbeing, then it needs to be made clearer and more transparent, within the fundamental concept or in the objective itself.

Part 3.6 – Resilience to climate change

42. The Council supports the intent that indigenous biodiversity is resilient to the effects of climate change as required by Policy 4.
43. The Council notes that while section 7¹¹(i) of the RMA requires particular regard to be had to the effects of climate change, this component of the NPSIB may be met with implementation challenges due to the lack of guidance on how to implement it. However, the Council notes that there appears to be recognition of these potential challenges, and the wording “promote” in Part 3.6 is likely intentional in this respect.
44. However, and with respect, Policy 4 does not say ‘promote’, but requires indigenous biodiversity to be resilient to climate change (policy intent is assumed given the objective focussed wording of the policy already mentioned earlier in this submission). There is a clear relationship between objectives, policies and implementation, that the NPSIB drafters appear to misunderstand. Implementation cannot wag the tail of the objective and policies dog.
45. The Council also considers there is an opportunity to expand Policy 4 and Part 3.6 to consider the role of indigenous biodiversity in assisting in both adaptation and mitigation to reduce the effects of climate change.

¹¹ Other matters

Part 3.7 - Precautionary Approach

46. The Council supports the principle of adopting a precautionary approach as required by Policy 3 in circumstances where the effects on indigenous biodiversity from any subdivision, use or development are uncertain, unknown or not understood, and when those effects are potentially significantly adverse.

Subpart 2 – Significant natural areas

Part 3.8 - Assessing areas that qualify as significant natural areas

47. The Council supports the removal of high and medium categories for assessing SNAs as per the November 2019 draft which was the subject of its previous submission. The Council considers that removal of the need to distinguish between high and medium has removed an unnecessary layer of subjectivity and potential contention. Distinguishing between high and medium classifications on the ground would also be an inefficient use of time and resources.
48. The Council supports the requirement to identify and assess areas where significant indigenous vegetation is present in accordance with Policy 6 and Appendix 1 of the NPSIB and classify these as SNAs. The Council notes that there are alternatives to mapping SNAs but considers a schedule approach which identifies types of habitats as SNAs will result in greater uncertainty for landowners and consent authorities and will be less robust overall. Identifying the SNAs geographically removes ambiguity as to what is to be protected. In the Christchurch District Plan, a schedule contains vegetation and habitat types and thresholds for clearance, above which resource consent is required. Concerns have been expressed, anecdotally, with the reliance on resource consenting and the associated costs for landowners.
49. The Council therefore supports the principle of determining SNA boundaries on the basis of extent and ecological integrity of the indigenous vegetation and habitat as a whole. However, the Council notes that many areas of indigenous vegetation and other habitat within the district cross multiple properties, and in many cases, multiple catchments. The resulting assessments may cover such large and diverse areas that it will be difficult for landowners to identify which values apply to their property. Councils can overcome this by creating property-specific reports for individual landowners, but this is a significant task, resource intensive and time consuming.
50. The Council notes that Part 3.8 (3) provides for territorial authorities to request the assistance of the relevant regional council in undertaking its district-wide assessment. The Council supports this provision. As indicated in this, and other sections of this submission, identification and mapping of SNAs will be a time consuming and costly exercise. The Council considers it may be appropriate for this section of the NPSIB to set out more clearly what support regional councils will be required to provide to territorial authorities to undertake the district-wide assessment. Currently, the word “assist” is open to interpretation but is likely to become an important aspect in giving effect to the NPSIB within the timeframes set. Issues relating to the timeframes for completing this work will be discussed further in comments under Part 4 Timing.
51. Clause 5 (b) requires any new SNA identified to be notified by the territorial authority in the next plan or the next plan change. This clause is ambiguous. It is not clear if the Council can choose to leave it to the next plan review, or must include it with any future plan change to be notified by the Council.

Part 3.9 - Identifying SNAs in district plans

52. The Council supports the requirements under Part 3.9 to identify and map SNAs, as per the above discussion, and the requirement to review its SNAs in its 10-yearly plan review. However, the Council considers that to reassess all the SNAs every ten years is unnecessary and proposes an alternative which would require a ‘rolling’ reassessment of SNAs. This is discussed further under comments on Part 3.25.

Part 3.10 - Managing Adverse Effects on Significant Natural Areas

53. The Council supports, subject to amendments, the requirement to manage the effects of any subdivision, use or development of land in SNAs in accordance with a defined set of criteria that applies nationally as required by Policy 6. This requirement aligns with section 6(c) of the RMA as a matter of national importance.
54. As an overall comment, the proposed effects management regime in the NPSIB is much more restrictive than the regime contained in the Council’s District Plan. The Council notes this is likely to result in more positive outcomes for indigenous biodiversity. However, the Council is concerned that such a restrictive regime may have unintended economic consequences as well as challenges for some land uses that are important for a region or district. The Council reiterates that its support for the proposed management regime is contingent on the relief sought in this section being incorporated into the NPSIB.
55. The Council supports the intent of requiring certain adverse effects associated with subdivision, use and developments on SNAs to be avoided.
56. The Council notes that the word “avoid” has been used intentionally because of its interpretation and application that has been inferred from relevant case law¹². That interpretation requires the word “avoid” to be applied as having its literal meaning of not allowing, or preventing the occurrence of. The word “avoid” should therefore be used with caution, and only in circumstances where it is absolutely necessary to avoid adverse effects, given the potential implications.
57. In this context, it is noted that Policy 10 provides for activities that contribute to New Zealand’s social, economic, cultural, and environmental well-being to be recognised and provided for and is applied in Part 3.11 to specific infrastructure. The exceptions to clause 3.10 are discussed below. The Council considers it important and supports the NPSIB recognition of the need to provide pathways for exceptions given the avoid directive of clause 3.10 (2). The Council further supports the implementation of the effects management hierarchy when this is the case to ensure appropriate measures are imposed as conditions of consent.
58. The Council notes that Subclause (2) (c) requires the avoidance of:

c) fragmentation of SNAs or the or loss of buffers or connections within an SNA:

While acknowledging that under 3.10 (1) Part 3.10 only applies to SNAs, the Council queries whether clause (2) (c) should be referring to buffers or areas adjoining or contributing to an SNA? In other sections of the NPSIB there is an assumption that buffers and connections may be outside the SNAs (see Part 3.21 (2) (c)).

Part 3.11 – Exceptions to clause 3.10

59. The Council acknowledges changes made to the November 2019 draft NPSIB to provide for specific infrastructure and other exceptions to clause 3.10, noting that Policy 10 provides for activities that contribute to New Zealand’s social, economic, cultural, and environmental well-being to be recognised and provided for. The new definition of specific infrastructure includes stormwater basins, flood protection structures and other utilities and is supported by the Council. The exceptions in clause 3.11 (2) (a) (i) for specific infrastructure is supported but it is noted that many of the Council’s assets might not reach the threshold to provide ‘significant national or regional public benefit’. Consequently, while an improvement on the November 2019 draft, the Council remains concerned that the proposed avoid requirements of the effects management framework will apply to land uses that may be important for a district. This concern is

¹² *Environmental Defence Society Inc. v New Zealand King Salmon Company Ltd* [2014] NZSC 38

also increased because there is no guidance in the NPSIB as to what would be considered significant national or regional public benefit.

60. The Council's District Plan includes exemptions and permitted activity pathways for upgrades and relocation of utilities, maintenance of access tracks associated with utilities, network infrastructure operated by a network utility operator, flood protection and drainage works undertaken by a local authority, park management activities, removal of pest plants and animals, conservation activities, or for maintaining firebreaks within SNAs (beyond that provided by section 10 of the Act). Further, features such as stormwater basins, and constructed wetlands for the purpose of managing stormwater are or may become SNAs in the future. All of these activities are practical examples of where the Council, through its District Plan, recognises that there are circumstances where it may not be feasible to avoid certain adverse effects.
61. The proposed management regime under the NPSIB provides for the relevant regional council to identify in the RPS existing activities (Policy 9 and Part 3.15 (1)) and this may go some way to alleviating the Council's concerns with respect to existing activities. However, this will have to be undertaken in collaboration with territorial authorities who understand which existing activities are required to be provided for. This will be discussed further under comments on Part 3.15.
62. The Council therefore requests that Part 3.11 be further amended to include a sub clause that provides territorial authorities discretion to determine circumstances when and where it may be appropriate to include exemptions and/or permitted activities, and circumstances where there are activities that are significant at a district level that can be appropriately managed in accordance with the effects management hierarchy, rather than part 3.10 (2).
63. With regard to the subset of effects that are required to be avoided, the Council considers that, from an ecological perspective, they are appropriate as they are focused on measurable ecological characteristics with well supported impacts on biodiversity. They are also effects that are difficult, if not impossible, to undo once they have occurred. Subject to the relief above, the Council supports the requirement for any subdivision, use or development to avoid these adverse effects.

Part 3.15 - Existing Activities in Significant Natural Areas

64. The Council supports the requirement for local authority plans to provide for existing activities not provided for by section 10¹³ of the RMA as required by Policy 9.
65. The Council agrees that in providing for existing activities, an effects-based approach will still be necessary in order to achieve the overall objective of maintaining indigenous biodiversity, and addressing the potential for cumulative effects to increase over time. The Council's interpretation of this component of the NPSIB is that local authorities will provide for existing activities through permitted activity rules in their plans in circumstances where regional councils have provided for these existing activities in the Regional Policy Statement (Part 3.15 (1)).
66. It is possible that there will be few activities for which permitted activity rules can be lawfully framed that meet the requirements for existing activities. Those requirements relate to, for example,

Part 3.15 (2)

(b) do not result in the loss of extent or degradation of ecological integrity of the SNA.
67. In order for a permitted activity rule to be legally valid, the requirements and standards need to be stated with sufficient certainty so that compliance is able to be determined readily without reference to discretionary assessments¹⁴. Permitted activity rules must also not reserve a council, or a third party, the discretion to decide by subjective formulation whether a proposed activity is permitted or not¹⁵. While

¹³ Certain uses in relation to land protected

¹⁴ *Carter Holt Harvey v Waikato Regional Council* EnvC Auckland A123/2008, 6 November 2008 at [116].

¹⁵ *Twisted World Limited v Wellington City Council* EnvC Wellington W024/2002, 8 July 2002 at [63].

changes have been made to the NPSIB in the exposure draft, the Council considers that the wording for existing activities to pass 3.15 (2) (b) for inclusion in an RPS requires assessment and is likely to encounter the issues described above.

Part 3.16 – Maintaining Indigenous biodiversity outside SNAs

68. The Council supports the management of adverse effects on indigenous biodiversity outside of SNAs as required by Policy 8 and Part 3.16. Policy 8 is a key policy in that it will take many years to incorporate all significant indigenous biodiversity within SNAs. These provisions will enable implementation of the effects management hierarchy to avoid irreversible adverse effects and implement controls on indigenous vegetation clearance to be included in policy statements and plans.

Part 3.17 – Maintenance of improved pasture

69. The Council supports the revised provisions in the exposure draft in relation to maintenance of improved pasture. In particular the Council supports the exclusion of depositional landforms that have not been cultivated from the definition of improved pasture.

Subpart 3 – Specific Requirements

Part 3.18 – Māori Lands

70. The Council supports the requirement to protect taonga species in consultation with, and at the discretion of tangata whenua as required by Policy 2. This is an important consideration to assist local authorities in meeting their obligations under section 6(e), 7(a) and 8 of the RMA.

Part 3.20 - Highly Mobile Fauna

71. The Council supports, subject to further direction being provided, the requirement to manage adverse effects of any subdivision, use and development on highly mobile fauna and their habitat as required by Policy 15. The Council notes that the Christchurch District provides essential habitat for many migratory species, including long-distance migratory shorebirds.
72. Detailed information on the behaviour, historical occupancy patterns, habitat preferences, and habitat availability will be required to identify target areas for protection and/or surveillance. As a result of the wide-ranging nature of these species, collection of this information in the Council's view should be coordinated at a regional level, and at some cases at a national level.
73. Adequate coordination will require development and maintenance of a regional (minimum) or national (preferable) database to facilitate data-sharing and effective and efficient monitoring.

Part 3.21 - Restoration

74. The Council supports the requirement of promoting the restoration and enhancement of indigenous biodiversity as required by Policy 13. The Council notes that under the RMA, landowners cannot be compelled to partake in restoration and enhancement projects, but such measures can be promoted through local authority plans, and non-statutory documents such as biodiversity strategies. The Council understands that the proposed wording in the NPSIB to “promote” the restoration and enhancement of these features recognises this limitation and is intentional, and will largely be achieved through non-statutory work programmes, voluntary actions by landowners, and through the regional biodiversity strategy.
75. The Council also supports the list of priorities in Part 3.21 (2)(a)-(e) to include objectives, policies and methods in plans and policy statements to prioritise areas for restoration as required under Part 3.21(2), particularly SNAs with degraded ecological integrity and threatened or rare ecosystems.

Part 3.22 - Increasing indigenous vegetation cover

76. The Council supports the requirement that regional councils include in their regional policy statements a 10% target for indigenous vegetation cover where it has been degraded to a level of less than 10% in urban and a specified target in rural areas as required by Policy 14. In addition to the ecological benefits of increasing indigenous vegetation cover in depleted environments, there is a growing recognition of psychological, social, and cultural benefits.
77. The Council supports clause (3)(b) which requires regional councils to consider setting targets of higher than 10% for areas not degraded to below 10% of indigenous cover. The Council considers that this will lead to better overall outcomes of increasing the percentage of indigenous vegetation cover. The Council also considers it appropriate to include a requirement to increase the targets over time.
78. The requirement to assess the percentage of indigenous vegetation cover in urban and rural areas and establish targets (including timeframes for achievement) sits with regional councils. The Council notes that territorial authority plans must give effect to the relevant regional policy statement¹⁶. In addition, the NPSIB places considerable responsibility on territorial authorities in implementing the NPSIB. While in practice it is likely that regional councils will consult territorial authorities on the determination of the required target for vegetation cover, the Council considers that a requirement for regional councils to consult with territorial authorities on setting targets for increasing indigenous vegetation cover should be formalised in the NPSIB.
79. The Council therefore recommends that Part 3.22 (3) of the NPSIB be amended to:
- (3) Regional councils must, in collaboration with territorial authorities in their region:
- (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.

Part 3.23 - Regional Biodiversity Strategies

80. The Council supports the requirement for regional councils, in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders to prepare a regional biodiversity strategy that supports the restoration and enhancement requirements of the proposed NPSIB in accordance with Policy 16.
81. The Council notes that the Canterbury Regional Council has prepared a non-statutory biodiversity strategy that the Council has committed to implementing within the functions of a territorial authority set out in section 31 of the RMA¹⁷. We note that the existing biodiversity strategy may not conform to the criteria contained in Appendix 5 of the NPSIB. For any changes that may be required to that strategy, or preparation of a new strategy, under the requirements of the NPSIB, the Christchurch City Council, tangata whenua, communities and other stakeholders will be partners to its development.
82. This is particularly important as the Council's District Plan will then need to be consistent with the content of the strategy.

Part 3.24 - Information Requirements

83. The Council supports the intent of the requirements under 3.24 for local authority plans to improve the information required to be provided in applications for resource consents that occur within, or have the potential to affect indigenous biodiversity as required by Policy 17. The Council, in particular, supports the requirement to include provisions requiring reports to be prepared by a qualified and experienced ecologist

¹⁶ Section 75 of the RMA

¹⁷ Functions of territorial authorities under this Act

where the application includes issues related to indigenous biodiversity. In some proposals the issues may be small, in others significant, but costs will be incurred regardless to ensure the application is complete under s88. The Council supports 3.24 (1) (c) which provides for such reports to be commensurate with the scale and significance (to indigenous biodiversity) of the proposal. The resulting reports will be able to be assessed and peer reviewed by the Councils own ecologists to ensure that they are not deficient.

Part 3.25 - Monitoring by Regional Councils

84. The Council supports the strong directive provided in Part 3.25 (1) for regional councils to work with territorial authorities, relevant agencies and tangata whenua, to develop a monitoring plan. This is particularly important given territorial authorities' role in implementing SNAs and other provisions under the NPSIB. Monitoring plans will also assist the effectiveness review that will be undertaken by Part 4 of the NPSIB. The Council notes that such an approach is likely to assist local authorities in meeting their obligations under section 35 of the RMA and establish an efficient and consistent approach for monitoring indigenous biodiversity outcomes.

Part 4: Timing

85. The Council supports the requirement to give effect to the NPSIB as soon as reasonably practicable.
86. However, the requirement in clause 4.1 (2) to give effect to the NPSIB by notifying changes to their policy statement and plans within 8 years after the commencement date is likely to prove onerous and difficult to achieve given the current and anticipated Council workloads through other changes to the Act (such as the Enabling Housing Supply amendments) and overall RMA reform.
87. The requirement under clause 4.2(1) for local authorities to publicly notify plan changes to give effect to subpart 2 or Part 3 (Significant Natural Areas) and clause 3.24 (information requirements) within 5 years of the commencement date also underestimates the time that will be required to undertake and finalise this work for notification, particularly given the extensive engagement with iwi and communities that will be needed to support the plan changes. The Council considers up to 10 years may be more appropriate to complete identification of SNAs given current resourcing and engagement requirements, but agree that this will result in further delay and potentially further loss of biodiversity.
88. In the Christchurch District, for example, the process will involve assessment of 500-700 potential SNAs covering more than 20,000ha. The Council notes that the work can be done relatively quickly and reliably using desk top analysis of satellite and aerial imagery, in terms of initial identification, but field surveys and verification of boundaries requiring owner access is more problematical.
89. The Council considers that with greater government funding some of the issues with the timeframe for identifying SNAs can be addressed and could enable the completion of the work within 5 years. However, there is still an outstanding concern that there are a limited number of suitably qualified ecologists available to carry out the surveys, and to produce written assessments that determine whether each significance criterion has been met.
90. As discussed earlier the Council also notes that clause 3.8(2) requires verification by physical inspections “where practicable”. The Council would technically be able to assess and notify plan changes within the proposed timeframes by forgoing physical verifications. However, the Council questions the longer-term efficiency of foregoing physical inspections in a Schedule 1 plan change process.
91. The Council supports the intent of requiring the reassessment of SNAs every 10 years, as both natural and human-induced changes will inevitably occur, leading to changes in the values and extent of SNAs. However, because of the large number of sites within the district, it will be necessary to rely primarily on aerial imagery and remote sensing data for reassessment.
92. The Council suggests that the NPSIB only requires that individual sites be reassessed every 10 years, rather than requiring a District-wide reassessment every 10 years. Continuously reassessing a sample/subset of sites every year, and notify any required changes on a rolling basis is considered a more practical approach.
93. The Council notes that, even with some form of relief provided, funding support from central government will be needed in order to accommodate the significant amount of work required to implement the NPSIB and to reduce the burden on ratepayers. This will be particularly important for territorial authorities with small rating bases and extensive land areas.
94. Further, the Council considers that financial and/or other incentives will also need to be provided to successfully implement the NPSIB by supporting actions by landowners to protect these values. In this regard, the NPSIB should provide the ability for territorial authorities to propose incentives e.g., a higher density of development where a SNA is protected.
95. The Council considers that in addition to providing financial support and/or other incentives to support landowners’ changes to land use activities, the Government will need to boost support for voluntary actions landowners can take to protect biodiversity, such as fencing to exclude stock from SNAs, and will need to facilitate entry of regenerating and restored indigenous forest into the Emissions Trading Scheme to further benefit both biodiversity and landowners.

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

1 Direction on approach

96. The Council generally supports the criteria proposed in Appendix 1, and notes that these criteria are generally well-aligned with those currently used by the Council and set out in the Canterbury Regional Policy Statement (CRPS).
97. The Council also supports SNAs qualifying as significant if they have ‘any one of the attributes’ of the four criteria.

3 Manner and form of assessment

98. Some amendments have been proposed to Appendix 1 and are included in Attachment 2 to this submission. These changes are largely to provide clarity, reduce ambiguity or subjectivity and includes removal of the words:
- ‘may’ (A Representativeness criterion - clause 2)
 - ‘has ecological integrity’ (A Representativeness criterion - clause 3)
 - ‘important’ (subjective (D Ecological context criterion – clause 3 (c)(d))
 - ‘declining’ (Attributes of rarity and distinctiveness clause 6 (a))
99. Some additional words are also proposed in Attachment 2, also to improve clarity including:
- Loss and depletion...(C Rarity and distinctiveness criterion clause(4))
 - at least a typical moderate diversity of species (B diversity and pattern criterion clause 5 (a))
100. It is noted that the Council supports the original proposed 30% threshold for Clause C Rarity and distinctiveness criterion (6) (d). The Council considers that it is essential that this criterion be set at 30%, not 20% as now proposed, to ensure no more losses of at-risk ecosystems. The 20% cover is the minimum amount of habitat required to maintain common species, consequently the rare species have typically gone by the time habitats have been reduced to 20%.
101. Further the Council considers that there is some confusion/overlap between clause 6 (a), (b) and (d) of Attributes of rarity and distinctiveness. The At Risk category includes two subcategories – Declining and Naturally Uncommon. Naturally uncommon ecosystems are those that fall within the At Risk (<30% cover) land environment classification that forms the basis for attributes a, b and d. The confusion could therefore be addressed by tweaking (a) and (d) to recognise this, and then deleting (b). The suggested rewording has been proposed in Attachment 2.

Appendix 3: Principles for biodiversity offsetting

102. The Council supports the incorporation of biodiversity offsetting into the effects management hierarchy to offset any residual effects on SNAs, and to ensure there is a measurable net gain of indigenous biodiversity. Its inclusion in the hierarchy and its definition will ensure that biodiversity offsetting is not misapplied as a form of mitigation or compensation.
103. The NPSIB specifies two limits to offsetting (2)(b and c) that are additional to those currently in the Christchurch District Plan; the Council supports the addition of these limits.

Appendix 4: Principles for biodiversity compensation

104. The Council supports the inclusion of biodiversity compensation to address any residual effects on SNAs that cannot be demonstrably offset. Its incorporation in the hierarchy and its definition will ensure that biodiversity compensation is not misapplied as a form of biodiversity offsetting. The Council’s offsetting framework in its District Plan includes elements of biodiversity compensation as set in the NPSIB which highlights the need for these two mechanisms to be clearly defined. The Council considers that the revised

principles of biodiversity compensation will better achieve the objectives and policies of the NPSIB as it will ensure that biodiversity compensation is only used in limited circumstances and as a last resort.

105. The Council in particular supports the addition of clause (f) in the effects management hierarchy which requires the activity to be avoided if biodiversity compensation is not appropriate. The principles for biodiversity compensation in Appendix 4 tie in with this requirement of the effects management hierarchy at clause 2 and satisfies the Council's original submission on this matter on the November 2019 draft.

Attachment 1 – Recommended Amendments to Part 2 – Objective and Policies

Objective

The objective of this National Policy Statement is:

(1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:

- (a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
- (b) provides for the social, economic, and cultural wellbeing of people and communities now and in the future.

Policies

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

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

Policy 2: Tangata whenua are recognised as kaitiaki, and enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- (a) enabling tangata whenua to manage indigenous biodiversity on their land; and
- (b) the identification and protection of indigenous species, populations and ecosystems that are taonga.

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

Policy 4: Indigenous biodiversity is resilient to the effects of climate change.

Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.

Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.

Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

Policy 9: Certain existing activities are provided for within and outside SNAs.

Policy 10: Recognise and provide for specific infrastructure, mineral extraction and aggregate extraction activities Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for.

Provide an additional policy for single dwelling on an existing title.

Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.

Policy 12: Indigenous biodiversity is managed within plantation forestry.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.

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.

Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity

Attachment 2

Recommended Amendments to Appendix 1: Criteria for identifying areas that qualify as significant natural areas

1 Direction on approach

- (1) This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna in a specific area, so that the area qualifies as an SNA.
- (2) An area qualifies as a significant natural area if it meets any one of the attributes of the following four criteria:
 - (a) representativeness:
 - (b) diversity and pattern:
 - (c) rarity and distinctiveness:
 - (d) ecological context.

2 Context for assessment

- (1) The context for an assessment of an area is:
 - (a) its ecological district; and
 - (b) in the context of the rarity assessment only, its land environment.

3 Manner and form of assessment

- (1) Every assessment must include at least:
 - (a) a map of the area; and
 - (b) a description of its significant attributes, including for each criterion a description of the attribute (as specified below) that applies; and
 - (c) a description of the indigenous vegetation, indigenous fauna, habitat, and ecosystems present; and
 - (d) additional information such as the key threats, pressures, and management requirements.
- (2) An assessment under this appendix must be conducted by a suitably qualified ecologist (which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).

A Representativeness criterion

- (1) Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna in an area is typical or characteristic of the indigenous biodiversity of the relevant ecological district.

Key assessment principles

- (2) Representativeness ~~may~~ include commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It may also include degraded indigenous vegetation, ecosystems and habitats that are typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples, and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.
- (3) Significant indigenous vegetation ~~has ecological integrity is~~ typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.
- (4) Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.
- (5) The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform, and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described by reference to the types of indigenous vegetation and the landforms on which it occurs.

Attributes of representativeness

- (6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:
 - (a) indigenous vegetation ~~that has ecological integrity~~ that is typical of the character of the ecological district:
 - (b) habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains at least a moderate range of species expected for that habitat type in the ecological district.

B Diversity and pattern criterion

- (1) Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components within the relevant ecological district is present in an area.

Key assessment principles

- (2) **Diversity of biological components** is expressed in the variation of species, communities, and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature, and salinity.
- (3) **Pattern** includes changes along environmental and landform gradients such as ecotones and sequences.

- (4) **Natural areas** that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients, and sequences in the context of the ecological district, rate more highly under this criterion.

Attributes of diversity and pattern

- (5) An area that qualifies as a significant natural area under this criterion has at least one of the following attributes:
- (a) ~~at least a~~ **typical moderate** diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district:
 - (b) presence of indigenous ecotones, complete or partial gradients or sequences.

C **Rarity and distinctiveness criterion**

- (1) Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.

Key assessment principles

- (2) **Rarity** is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation, or ecosystems. Rarity includes elements that are uncommon or threatened.
- (3) **The list of Threatened and At Risk species** is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally listed Threatened and At Risk species should not be downgraded just because they are common within a region or ecological district.
- (4) **Loss and Depletion of indigenous vegetation or ecosystems** is assessed using ecological districts and land environments.
- (5) **Distinctiveness** includes distribution limits, type localities, local endemism, relict distributions, and special ecological or scientific features.

Attributes of rarity and distinctiveness

- (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:
 - ~~(b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district:~~
 - (c) an indigenous species or plant community at or near its natural distributional limit:

- (d) indigenous vegetation that has been reduced to less than ~~20~~ 30 per cent of its pre-human extent in the ecological district, region, or land environment:
- (e) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems:
- (f) the type locality of an indigenous species:
- (g) the presence of a distinctive assemblage or community of indigenous species:
- (h) the presence of a special ecological or scientific feature.

D Ecological context criterion

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

Key assessment principles

- (2) Ecological context has two main assessment principles:
 - (a) the characteristics that help maintain indigenous biodiversity (such as size, shape, and configuration) in the area; and
 - (b) the contribution the area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas, providing ‘stepping stones’ of habitat or maintaining ecological integrity).

Attributes of ecological context

- (3) An area that qualifies as an SNA under this criterion has at least one of the following attributes:
 - (a) at least moderate size and a compact shape, in the context of the relevant ecological district:
 - (b) well-buffered relative to remaining habitats in the relevant ecological district:
 - (c) provides ~~an important~~ a full or partial buffer, corridor, stepping stone, or link between, one or more ~~important~~ habitats of indigenous fauna or significant natural areas:
 - (d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district.