

**Statement to the Hearings Panel of Commissioners, 22nd November 2024
West Coast Penguin Trust**

TTPP HEARING – ECOSYSTEMS AND BIODIVERSITY

My name is Inger Perkins and I am the Manager of the West Coast Penguin Trust.

A quick recap:

Our Vision: Sea and shore birds and their habitat of the West Coast Te Tai Poutini are healthy and thriving.

Our Mission is to achieve this Vision through research, education, awareness, advocacy and practical projects, founded on strong science. Penguins and other sea and shore birds are a treasure or taonga, and we strive to protect and conserve them and the wider marine and coastal environment.

Where there is a perceived risk to sea and shorebirds and their habitat, the Trust will advocate to remove that risk. I'm here as an advocate, not an expert, I am not a planner or a lawyer.

The key focus for the West Coast Penguin Trust in relation to the s42A report and this chapter of TTPP are:

1. Support for stringent protection measures for indigenous biodiversity.
2. Support for specific policies and rules that enhance protection for penguins, seabirds, shorebirds, and their habitats.
3. Opposition to submissions that seek to reduce such protection.
4. Recognition of the importance of protecting habitats of indigenous fauna, including those comprising non-native vegetation.

We have comments in relation to several of the paragraphs in the section 42A report as follows:

148. We appreciate the inclusion of a reference to the National Policy Statement – Indigenous Biodiversity.

A point I have made several times through this very long process is that little penguins, kororā, a species classified as At Risk – Declining, may nest in areas of non-native vegetation, often under weeds such as gorse and blackberry. Provided that this fact – that threatened indigenous species could be nesting in areas of non-native coastal vegetation - is incorporated into TTPP in an appropriate way in appropriate chapters, and then that a requirement exists to check such areas before any clearance or development occurs, permitted or otherwise, and that the areas will be protected if found to include penguins, our concerns on this point will be met.

201. While we understand the desire to ensure consistency with the WCRPS, I couldn't find a rule that District Plans must be limited or diminished by providing such consistency. Consistency with the NPS-IB is also mentioned. I understand there may be changes ahead that could affect the application of the policy statement, but for now, the NPS-IB is relevant and important.

I refer you to NPS-IB section 1.7(1)(b), which includes the option to restore and enhance ecosystems and habitats, the Objective at 1.2(1)(b)(iii) includes restoring indigenous biodiversity to achieve its overall maintenance and no overall loss, and section 3.21 – *Restoration*, where “Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas”, and various further sub-clauses add detail to that requirement. In addition, section 3.22 - *Increasing indigenous vegetation cover*, includes at clause (4) “Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans.”

And of course, s6(c) of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is of national importance and underlies this chapter.

I believe there is an expectation that TTPP will do more than ensure consistency with the WCRPS, and there is room for far-sighted improvement and strengthening of the plan. And that is why we are all here, to create a better District Plan. I understand that the effects-based approach of the RMA is enabling while managing adverse effects. Policy statements will provide a framework to manage adverse effects – and I believe the Proposed TTPP needs to be updated to meet the requirements of the NPS-IB. In addition, the opportunity if not requirement remains with the territorial authorities to enable positive effects as well as manage adverse effects.

I therefore ask you to consider improving upon ECO-O4 so that the objective is: To maintain, protect and enhance the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.

Extreme caution needs to be applied in relation to permitted activity rules.

267. We appreciate the extension of ECO-P3 to include significant indigenous fauna habitat and understand that to include nesting areas for little penguins or kororā, classified as At Risk – Declining.

299. We appreciate the amendment to ECO-P6 to include At Risk species but note that it is restricted to the sub category Declining. Our submission (S275.004) requested the inclusion of all At Risk classifications. We would like to see the sub-category ‘Declining’ removed and note that the Westland petrel or tāiko is At Risk – Naturally Uncommon. In this way, the three species of most interest to the West Coast Penguin Trust and, we hope, of interest to all Coasters, kororā, tawaki and tāiko, all classified as At Risk, will be included, as they should be in this policy, and as they are elsewhere, such as ECO-R2, and as they are in other policies such as the NZCPS.

300. We are generally supportive of the amendments recommended for ECO-P6 proposed by DOC and note that the sub category of the At Risk classification Declining is used here but the policy is extended to include any reduction “in the population size or occupancy of locally endemic species”. We trust this would include the Westland petrel or tāiko, but again would prefer to see the removal of the restrictive sub-category ‘Declining’.

314. For clarity, and if not adequately covered by the term ‘significant indigenous habitat’, we suggest that ECO-P7 includes At Risk species at clause (i.), i.e. “The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened or at risk species ...”

355. We had asked that TTPP include reference to Te Mana o te Taiao – Aotearoa, the New Zealand Biodiversity Strategy, but the planner advised that, while an important document, “it principally drives the direction of the Department of Conservation and Conservation Boards in their approach to managing the lands and activities under their responsibility”. I do not believe this is the case.

On the strategy webpage hosted by DOC, the first line is: “The strategy is for all New Zealanders and outlines how we’ll protect, restore and sustainably use biodiversity in New Zealand between 2020 and 2050.” It is designed to drive conservation action at local, regional and national level. While DOC leads the strategy and its implementation, it is designed to guide us all to address the biodiversity crisis. The page explains: “It was built on the advice and ideas of Treaty partners, whānau, hapū, iwi, Māori organisations, communities, individuals, stakeholders, non-governmental organisations, industry organisations, and central and local government. They’re all vital to its success.” Under a review of the implementation plan, DOC notes that all those organisations are vital to achieve the vision of the strategy.

I believe Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy does have a place in TTPP, and this chapter in particular, alongside the NPS-IB.

365. We support the planner’s recommended amendments to ECO-P10 incorporating references to Policy 11 of the NZCPS.

Thank you for the opportunity to speak.

This has been an exhausting and expensive process for our tiny charitable trust but we believe we have a responsibility to speak up in processes such as these to ensure that sea and shore bird species and their habitats are healthy and thrive.

We do not have the resources to go to even greater lengths to contribute to the process, and so endorse relevant statements made by others who seek the same outcomes, including Forest & Bird.

Thank you.