



STAFF REPORT

TO: Environment & Planning Committee

FROM: Lindsay Vaughan, Policy Planner

REFERENCE: B120

SUBJECT: **INVESTIGATION INTO SIGNIFICANT NATURAL AREAS IN TASMAN DISTRICT - REPORT EP07/06/03** - Report prepared for 20 June 2007 Meeting

1. PURPOSE

The paper provides Council with an outline of the proposed investigation into significant natural areas. It also contains a Memorandum of Understanding (attached) that has been prepared by the parties following the adoption of a side agreement associated with a Consent Memorandum. The parties include Federated Farmers, the Department of Conservation, the Royal Forest and Bird Protection Society, and Friends of Nelson Haven and Tasman Bay. The Memorandum of Understanding is recommended for signing.

2. BACKGROUND

This report was signalled in an earlier report (EP07/05/04), presented to the Environment & Planning Committee at the 9 May meeting. That report described the biodiversity work being undertaken by the Council and outlined its legislative responsibilities and the background in relation to Plan appeals. It also noted that the TRMP recorded (in Methods of Implementation 10.1A.20 b (i)) that an investigation into remnant areas of indigenous vegetation would be undertaken to assess their significance. After several years of negotiations on the Plan rules that included the protection of indigenous vegetation, a Consent Memorandum was signed. This was assisted by the adoption of a side agreement in which the parties agreed to complete and sign a Memorandum of Understanding by 30 June, outlining the investigation process to be followed. This report describes the key features of the proposed SNA investigation process, as contained in the MOU, and its implications for Council resources.

3. PROPOSED INVESTIGATION INTO SIGNIFICANT NATURAL AREAS

The key features of the investigation are:

1. A voluntary approach to selected landowners to invite them to participate in the programme and receive an ecological report on the biodiversity values on their land. Suitable areas of indigenous vegetation administered by the Council will also be included; land administered by the Department of Conservation will be excluded. Terrestrial sites and freshwater wetlands will be assessed; riverine and estuarine ecosystems will be excluded.

2. Developing a Landowner Assistance package to encourage landowner participation and assist with the ongoing management of important sites. As well as a report containing recommendations for ongoing management, the proposed package will provide the landowner with advice on funding, legal protection, fencing assistance, plant and animal pest control, and rates relief.
3. Preparing a Communication Strategy to ensure that information on the programme is provided through appropriate media, through letters to landowners, and then through contact with the landowner. It will also be used to heighten community awareness of the biodiversity values that exist on private land and encourage community involvement to work with willing landowners to enhance biodiversity values.
4. Contracting one or more persons of standing in the local community to liaise with landowners, communities and with the management team and implement the Communication Strategy They will be responsible for ensuring any concerns about the process are promptly answered and encouraging landowners to actively manage significant sites.
5. The active participation of MOU parties in a management team to oversee the programme and, where appropriate, to advocate to their members and to landowners to participate in the process, and to publicly support the investigation process.
6. Prioritisation of sites to be visited using ecological criteria to focus scarce resources on the more important sites.
7. Contracting one or more experienced ecologists to assess and report on the site's values and its significance.
8. Developing a framework for assessment and criteria for significance that are consistent with those that have been used by other councils using a technical committee reporting to the management team.
9. Developing protocols for use and management of the information in the landowner's report by Council, using a technical committee reporting to the management team.
10. Applying for co-funding of the reporting programme from the Biodiversity Advice fund.
11. Applying for co-funding of the Landowner Assistance programme from the Biodiversity Condition fund.
12. Ongoing contact with participating landowners to provide advice and encouragement and monitor progress.
13. An annual review of the programme and its achievements by the programme manager, reporting to the management team.
14. Oversight of the programme by Council through participation by ward councillors in management team meetings.

4. RESOURCING OF THE PROPOSED INVESTIGATION PROCESS

At present, the Council has \$30,000 allocated to Biodiversity advisory work being undertaken by Council in providing advice and reports to landowners. Much of the assessment work is currently co-funded by the Biodiversity Advisory fund. In some situations, it has been possible for landowners to receive assistance with fencing materials when their proposals match the existing criteria. Undertaking an investigation into Significant Natural Areas within Tasman District is a significant challenge and will require additional resourcing to ensure most of the work can be done within a reasonable time frame e.g. the next five – ten years. The programme is planned to start part-way through the next (2007/08) financial year and the existing level of funding will be sufficient to get the programme underway. It is desirable that the Council's biodiversity contribution be increased from \$30,000 to \$70,000 from 2008/09 onwards to fund contract work (ecologists and liaison personnel) and a landowner assistance package (fencing, herbicides, and traps). The increase is not currently within the LTCCP and will have to be raised as an extension in the next bidding round. The Council will apply to the Biodiversity Advisory Fund for co-funding to match this level of contribution. The annual review of the programme will allow for regular reporting to council of its achievements and resource use.

5. RECOMMENDATIONS

It is recommended that the Committee:

1. **agree** to sign the Memorandum of Understanding
2. **note** that there will be a request to increase funding for biodiversity work by a further \$40,000 from 2008/09 onwards.

Lindsay Vaughan
Policy Planner

Attached: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF CONSERVATION
AND
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NZ INC.
AND
MINISTRY OF AGRICULTURE & FORESTRY
AND
FEDERATED FARMERS OF NZ (NELSON) INC.
AND
FRIENDS OF NELSON HAVEN & TASMAN BAY INC.

AND

TASMAN DISTRICT COUNCIL

PARTIES

BETWEEN DEPARTMENT OF CONSERVATION; AND ROYAL FOREST & BIRD PROTECTION SOCIETY OF NZ INC.; AND MINISTRY OF AGRICULTURE & FORESTRY; AND FEDERATED FARMERS OF NZ (NELSON) INC.; AND FRIENDS OF NELSON HAVEN & TASMAN BAY INC. ("the parties")

AND **TASMAN DISTRICT COUNCIL** as unitary authority pursuant to the Local Government Act 2002 ("the Council")

BACKGROUND

1. The parties have agreed to resolve appeals to the Proposed Tasman Resource Management Plan (the Plan) concerning the management of indigenous biodiversity and other ecological values of natural areas on privately owned land in Tasman District.
2. A consent order decision of the Environment Court dated 18 May 2007 has made amendments to the Plan in accordance with this agreement.
3. As a result of these amendments, the Plan contains a statement (in Plan Method 10.1A20(b)(i)) that describes a collaborative process of investigation into ecological values of remnant natural areas, assessment of their significance, and development of priorities and methods for the protection of significant natural values. The Consent Order also commits the Council within three years of the TRMP becoming operative to a review of the vegetation protection provisions.
4. In accordance with the Plan, the Council wishes to pursue this investigation in a timely and appropriate manner to take up the opportunities for enhancing biodiversity and other ecological values on private land in the Tasman District.
5. The parties have agreed to develop a Memorandum of Understanding to record their collective agreements on the scope, outcomes, actions, methods, resourcing, and timing of this process that will implement the methods in this Plan provision.
6. The following agreements constitute collective understandings by all the parties to this Memorandum.

TERMS OF AGREEMENT

7. The parties and Council agree that the following provisions of this Memorandum constitute the collective understanding by all the parties of the scope, outcomes, actions, methods, resourcing, and timing of the process of investigation into significant natural areas that is necessary and desirable to implement Plan Method 10.1A20(b)(i). To that end, the provisions also record the resources, and commitment to actions, that would be necessary in respect of each of the parties.

SCOPE

8. The investigation is to include all natural areas on lands outside land administered by the Department of Conservation (although some assessment of values on the conservation estate will be necessary to evaluate comparative criteria such as representativeness). For the avoidance of doubt, the investigation is to include Council lands.
9. The investigation is to include areas of all indigenous terrestrial plants and indigenous animal habitat, including freshwater wetlands above MHWS but excluding riverine and estuarine ecosystems. Some assessment of values within riverine and estuarine ecosystems may be necessary in order to evaluate adjoining terrestrial areas.

OUTCOMES

10. The parties seek to achieve the following outcomes from the investigation into natural areas in the Tasman District:
 1. Voluntary engagement by landowners in the investigation process and participation in the enhancement of biodiversity values on their land.
 2. A comprehensive ecological profile of indigenous natural areas on private land in Tasman at an individual site level, an ecosystem level and an ecological district level.
 3. A comprehensive package of measures for active management by landowners is developed and is available in an ongoing way. Any such package may include a free biodiversity report, funding advice for biodiversity management, rates relief, fencing assistance, pest advice, possible community assistance, monitoring advice and legal protection advice.
 4. Increased levels of formal protection of indigenous natural areas in Tasman District e.g.covenanted or long-term management agreements. .
 5. Adequate protective management of representative indigenous communities.
 6. Heightened community awareness and appreciation of biodiversity values on private land, and greater voluntary community involvement in active management of sites by agreement on private land.
 7. Ongoing monitoring and assessment capability for protective management results.

ACTIONS

11. The sequence of actions intended to be carried out by the parties acting collaboratively is as follows:
 1. Develop an appropriate framework including criteria, methods, and reporting, for assessment of the ecological significance of any natural area.

2. Assess existing ecological information and develop an appropriate framework for storage and management of information, including restrictions on access to reports for landowners.
3. Set priorities for ecological assessment on a geographic basis within each ecological district.
4. Advise Government and Council on funding requirements for the investigation.
5. Develop and implement an appropriate communications strategy with affected communities and landowners in areas to be surveyed, both about the overview of the investigation process, its goals and methods, and about the voluntary process of on-property investigation.
6. Carry out surveys of indigenous natural areas through field contact and investigation.
7. Provide reports on each natural area surveyed, including in reports, information and advice on ecological management and protection of ecological values, to landowners and Council and address the storage and access of this information.
8. Collaborate in the provision and delivery of packages of measures for active management of the ecological values and risks to those values on private land.
9. Monitor results of active management of individual natural areas and profile examples of achievements.
10. Monitor annually the results of the actions in Clause 11, and measure or assess progress in achieving the outcomes in Clause 10.

METHODS

12. The parties agree that the following are technical or other methods that will be used in the carrying out of the actions under 10 above:
 1. Assessment framework
Form a technical group to seek agreement on the appropriate framework, and consider the assessment criteria used by other councils, and those used by the Council's review group in 1996.
 2. Assessment of existing ecological information
Develop a system to record information from the review of existing ecological data that effectively assists in the setting of priorities, and the establishment of the scope and extent of field survey.
Ensure that this system supports the person employed as the direct contact point with landowners, and allows the upgrading of information as surveys progress.
 3. Information storage and management
Form a working group to agree on restrictions to access of natural area survey information, including situations where information may or must not be used, and what happens to information when a property changes hands.

Develop a protocol to record agreements on all aspects of security of access to survey reports and ensure that this can be easily communicated during consultation and property survey, and after completion of the report.
Identify appropriate storage, processing and retrieval systems for electronic and print copies of survey information, such as a spatial database.

4. Communication

Contract at least one competent communicator who is independent from Council or government bodies, and who has a good standing in the local community, to be the first direct point of contact. Ensure that the communications strategy accounts for this person's role and skills.

Consider staging communications across the District in relation to priorities set for the investigation, and deployment of the communicator accordingly.

Provide direct meetings with landowners as required.

Consult with other stakeholders as required.

Provide ongoing communication between working group of parties, Council, other councils, the Tasman-Nelson biodiversity forum, and landowners.

Provide general information to the public on the purpose and benefits of the investigation via TDC newsletters, TDC website and other media.

5. Provision of management measures

Provide for integrated active management measures, including pest management, and maintain ongoing communication with landowners to assist in the delivery of measures including protection options.

RESOURCING

13. The Council will provide professional staff and financial resources to support the investigation, and will contract ecological and communications service providers.
14. The Department of Conservation will provide technical advice and assist with collation of existing ecological information. The Department also administers Central Government's contestable Biodiversity Advice and Condition Funds; this provides significant opportunities for co-funding biodiversity projects.
15. Federated Farmers of NZ (Nelson) Inc., Royal Forest & Bird Protection Society of NZ Inc., Friends of Nelson Haven & Tasman Bay Inc., and Ministry of Agriculture and Forestry will actively participate in the undertaking of actions, subject to resources, including involvement in working groups and advocating for resources to be provided by relevant agencies.
16. Federated Farmers of NZ (Nelson) Inc. and the Royal Forest & Bird Protection Society of NZ Inc., in addition to their commitments in Clause 15, will actively communicate to their members and support communication to landowners at large, about the investigation, the outcomes, actions, and methods; and will advocate to their members and support advocacy to landowners at large, that they participate in the investigation process.
17. The parties will seek to gain the support of the Queen Elizabeth II National Trust to provide assistance with active management of natural areas.

TIMING

18. The parties recognise that the investigation process is likely to take between five and ten years and will be undertaken in a geographically-staged manner, commencing with the highest-priority areas.
19. The parties will collaborate in setting and reviewing timeframes and will ensure ongoing communication with landowners and other stakeholders in Tasman over timeframes and stages.

REVIEW

20. The parties will collaborate in annual reviews of progress in undertaking actions and in achieving outcomes set out in this Memorandum.
21. When the parties are satisfied that there has been substantial achievement of the outcomes, the parties will collaborate in a review of the appropriateness and adequacy of the measures to enhance and protect biodiversity and other ecological values of natural areas on private land in the District, including Plan provisions, that may be in place at that time.

SIGNED on behalf of)
DEPARTMENT OF CONSERVATION)
)

SIGNED on behalf of)
ROYAL FOREST & BIRD)
PROTECTION SOCIETY OF NZ INC.)

SIGNED on behalf of)
MINISTRY OF AGRICULTURE)
& FORESTRY)

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