



He Kura Koiora i hokia

A proposed National Policy Statement on
Indigenous Biodiversity
SUMMARY OF SUBMISSIONS

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Part 1: Introduction

Addressing the decline in New Zealand's indigenous biodiversity

Aotearoa New Zealand's indigenous biodiversity is at a crisis point. Despite progress in conservation management over the past 20 years, we have around 4000 species threatened or at risk of extinction. Our economic success relies on our natural environment. It gives us a competitive advantage that underpins our traditional top two export earners: tourism and primary production.

Our unspoilt nature is our brand, which is used to promote our exports. Indigenous ecosystems provide services such as clean water, nutrient cycling, pollination, and pest management. Safeguarding our indigenous ecosystems and the services they provide is important for New Zealand's future prosperity.

The provisions protecting and maintaining indigenous biodiversity under the Resource Management Act 1991 (RMA) are unclear, and subject to different interpretations, applications and monitoring by councils. Biodiversity is also indirectly managed by protecting natural character (section 6(a)) and outstanding natural features and landscapes (section 6(b)).

This has led to inadequate regulatory protection, repeated litigation costs, confusion and uncertainty, and an undervaluing of biodiversity in decision-making – and ultimately indigenous biodiversity loss.

A clearer regulatory approach is necessary, along with a wider programme to respond to the decline in indigenous biodiversity.

What the Government proposed

Summary of proposals

The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) is an instrument under the Resource Management Act 1991 (RMA). It provides direction to councils on their responsibilities for protecting and maintaining indigenous biodiversity under the RMA, mainly in terrestrial environments.

For more information, see the:

- [draft NPSIB](#)
- [discussion document](#)
- [proposed NPSIB summary](#).

The primary objective of the proposed NPSIB is to maintain indigenous biodiversity (Part 1.7(2) and (3) and Part 2.1 objective 1 of the proposed NPSIB). This is a core function of regional councils and territorial authorities under sections 30(1)(ga) and 30(1)(b)(iii) of the RMA. To support this, the proposed NPSIB contains a fundamental concept that maintaining biodiversity requires, at the least, no reduction in:

- the size of populations of indigenous species
- indigenous species occupancy across their natural range
- the properties and function of ecosystems and habitats
- the full range and extent of ecosystems and habitats
- connectivity between, and buffering around, ecosystems
- the resilience and adaptability of ecosystems.

The proposed NPSIB contains another fundamental concept called *Hutia te Rito*, after a *whakatauki* of the same name. This concept recognises the interconnectedness of indigenous biodiversity and communities, and that the health and wellbeing of nature is vital to our own health and wellbeing. It also guides decision-making from a *te ao Māori* perspective.

The NPSIB objectives also seek to:

- take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity
- recognise and provide for *Hutia te Rito* in the management of indigenous biodiversity
- improve the integrated management of indigenous biodiversity
- restore indigenous biodiversity and enhance the ecological integrity of ecosystems
- recognise the role of land owners, communities and *tangata whenua* as stewards and *kaitiaki* of indigenous biodiversity.

Table 1 sets out the core components of the proposed NPSIB as they were presented in the discussion document.

Table 1: Core components of the proposed NPSIB

Sections of the discussion document	Section description
Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi	<ul style="list-style-type: none"> shows how the proposed NPSIB recognises the principles of the Treaty of Waitangi and applies approaches from te ao Māori to improve the status of New Zealand’s biodiversity discusses Hutia te Rito, the proposed core concept and provisions designed to guide decision-making from a te ao Māori perspective
Section B: Identifying important biodiversity and taonga	<ul style="list-style-type: none"> outlines proposals that would require each territorial authority to identify and map areas of significant indigenous vegetation and habitat of indigenous fauna within its district, known as significant natural areas (SNAs) sets out measures for identifying and managing taonga species or ecosystems sets out measures for identifying and managing animals that are highly mobile or migrate
Section C: Managing adverse effects on biodiversity from activities	<ul style="list-style-type: none"> discusses proposals for managing adverse effects on indigenous biodiversity, both inside and outside SNAs, from activities and developments on land includes proposals on specific biodiversity issues relating to the developing Māori land, climate change, use of the precautionary approach, and use of biodiversity offsets and biodiversity compensation
Section D: Restoration and enhancement	<ul style="list-style-type: none"> looks at restoration and enhancement as essential to reversing the decline in New Zealand’s indigenous biodiversity tools proposed in this area include developing regional biodiversity strategies, restoration and enhancement of priority areas, and setting targets for increased indigenous vegetation cover
Section E: Monitoring and implementation	<ul style="list-style-type: none"> outlines requirements for monitoring the impact of the proposed NPSIB as well as implementation provisions, how this NPS works in the terrestrial part of the coastal environment, and what non-regulatory support is required
Section F: Statutory frameworks	<ul style="list-style-type: none"> sets out the statutory framework the proposed NPSIB sits within looks at other statutory and legislative documents that interact with the proposed NPSIB

How the proposals were developed

Drafting of the NPIB proposals by the Biodiversity Collaborative Group

A stakeholder-led Biodiversity Collaborative Group (BCG) was set up in 2017 to represent a range of strong interests in biodiversity management. The group spent 18 months, from March 2017 until October 2018, developing a draft NPSIB and recommendations for supporting measures. We consider this consensus-building process provided a strong platform for the successful development of the proposed NPSIB.

The BCG made the following remarks on this process when the discussion document was released for public consultation in November 2019:

This draft NPS is the result of two years' commitment by those with a major stake in managing our land and looking after indigenous biodiversity – industry, land owners, tangata whenua, and environmental non-governmental agencies.

The Biodiversity Collaborative Group (BCG) came together to agree on an NPS that will work for our country's interests. The BCG worked hard to make the right decisions on the best available information at the time and find consensus on the core parts of the NPS, wider recommendations, and ways to support its implementation. The Government has taken up the BCG's draft NPS and refined it into the proposed NPS that is now released for public submissions.¹

Engagement on the BCG's draft proposals before public release of the discussion document

From October 2018 to the release of the discussion document in November 2019, the Ministry for the Environment and DOC reviewed and revised the BCG's draft NPSIB. This process was informed by a programme of early engagement. Our engagement with iwi/Māori in early 2019 through over 20 hui nationwide emphasised the need for us to manage all indigenous biodiversity for its intrinsic value as an important part of whakapapa, as well as for the many benefits it provides us. At these hui we discussed biodiversity management more broadly, and the recommendations of the BCG for the draft NPSIB. Feedback from these hui was incorporated into the proposals for consultation in the discussion document. We also held meetings with councils, as the primary implementers of the proposed NPSIB, and with the BCG to discuss revisions to its draft.

How we consulted

We provided a [discussion document](#) on our [consultation page](#) and any member of the public could make a submission. Public consultation ran from November 2019 until March 2020, and included hui with iwi/hapū, stakeholder group meetings, an environmental non-government organisation workshop, council 'road testing' of proposals, and council engagement workshops. Further details on the public consultation process are set out below.

Policy proposals in the discussion document

The policy proposals in the discussion document were based on the BCG's draft NPSIB and policy intent. In the discussion document we made our key changes to the BCG's recommendations clear, along with the reasons for these changes. All content of the proposed NPSIB was designed to be broadly consistent with the intent of the BCG's draft NPSIB.

The discussion document included five sections that relate to the core components of the proposed NPSIB, which are summarised in table 1. The submissions in this summary of submissions report are analysed according to the same structure. The discussion document invited members of the public to respond to 62 questions.

¹ Ministry for the Environment. 2019. *He Kura Koiora i hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Page 8.

Engagement during the public consultation period, November 2019 – March 2020

Meetings were held with various individuals, groups and organisations on the proposed NPSIB between November 2019 and March 2020. Generally, meetings were attended by representatives from the Ministry for the Environment and the Department of Conservation (DOC).²

Hui with iwi/hapū

Ministry for the Environment and DOC staff attended hui across the country with iwi/hapū, meeting with approximately 200 attendees in February 2020. Feedback from this second set of hui is outlined in the section 'What we heard from iwi/Māori'.

These hui were held in Wanganui, Tauranga, Auckland, Gisborne, Napier, New Plymouth, Wellington, Dunedin, Whangārei, Taupō, Rotorua, Hamilton, and Nelson.

We also held a hui with Waikato Tainui.

Stakeholder group meetings

These meetings took place in different locations with the following groups:

- Beef + Lamb (including a separate workshop with land owners)
- QEII (including separate meeting with representatives from Taranaki, Auckland, Northland and Coromandel)
- Ngā Whenua Rāhui³
- Federated Farmers
- Aggregate & Quarry Association
- Local Government New Zealand
- agriculture sector
- Straterra
- forestry sector
- mining sector
- Environment Institute of Australia and New Zealand
- ecologists
- geothermal energy generation sector
- electricity generators.

Environmental non-government organisation workshop

This workshop took place in Wellington, and included representatives from World Wildlife Fund, and Fish & Game New Zealand. Additional engagement took place with environmental NGOs by telephone.

² A minority of meetings were attended by Ministry for the Environment representatives only.

³ The Ngā Whenua Rāhui Fund is a contestable Ministerial fund that facilitates the voluntary protection of indigenous biodiversity on Māori-owned land, while honouring the rights guaranteed to Māori land owners under the Treaty of Waitangi. For more information, see www.doc.govt.nz/ngawhenuarahui.

Council 'road testing' of proposals

Road testing in this context refers to the process of testing proposals from the draft NPSIB with councils in terms of hypothetical scenarios for how they might be implemented. A small group of councils provided costs, and feedback on the potential benefits and challenges associated with implementing the proposals. Road testing meetings were carried out in various locations with the following councils providing this information:

- Auckland Council
- Dunedin City Council
- Environment Canterbury
- Far North District Council
- Gisborne District Council
- Greater Wellington Regional Council
- Hamilton City Council
- Horizons Regional Council
- Kāpiti Coast District Council
- Napier City Council
- New Plymouth District Council
- Tasman District Council
- Waikato Regional Council.

Council engagement workshops

Workshops on the proposed NPSIB were carried out with 50 councils in proximity to the following locations:

- Auckland⁴
- Cromwell
- Dunedin
- Kāpiti
- Lincoln
- Napier
- Nelson
- Northland
- Palmerston North
- Southland
- Taranaki
- Waikato
- Whakatane.

⁴ This meeting included Auckland Council and Auckland Transport.

How to read this document

This summary document provides an overview of themes raised by submitters on the proposed NPSIB discussion document. Themes have been organised under proposal headings that correspond to subsections of the discussions document, and address responses to the questions in that subsection.

General approach to analysis

Submission points about a common theme have been aggregated so the range of views can be assessed together. Following that assessment, we have analysed and evaluated the merits of the points raised. Not all submissions, or submission points, have been addressed individually in this report. Submissions have been grouped into themes largely based on the topic and associated questions in the discussion document. Sometimes when grouping submissions, a general view was given that does not represent one absolute view.

In some instances, direct or paraphrased quotes have been used to illustrate key themes raised and some comments have been edited for clarity. Where a specific submitter viewpoint has been paraphrased or directly quoted, the individual submission is referenced by 'SR' (submitter reference) followed by the submission number. You can use this submitter number to look up individual submissions on the Ministry for the Environment website.

This document summarises views from different sectors represented by submitter categories. In many cases we have made a judgement on which category to group a submitter in. This provides an indicative assessment of group views.

Many submitters did not explicitly state their support, so the level of their support was assessed by the Ministry for the Environment and DOC. Submitters often requested changes to the proposed NPSIB while still supporting a proposal in part, so the interpretation of 'support' is somewhat subjective. For the purposes of this document, 'somewhat' includes support for the intent, if not the wording, of the policy. 'Unclear' means that the submitter addressed the question but may not have given a clear indication of position on the policy.

Submissions on the discussion document broadly come in two formats:

1. 'form submissions', or submissions using a pre-filled a template
2. 'unique submissions', or submissions that are not based on a template.

Both formats have been treated as individual submissions.

To provide readers with two analytical perspectives, overview statistics are provided for all submissions (form and unique), as well as for unique submissions only. At the beginning of each section, statistics are given about the number of unique submitters who responded to each question, and how many of those submitters provided free-text answers or direct positional responses. The direct positional responses are broken down by numbers of submitters and percentage.

What happens next

This document summarises feedback received by the Ministry for the Environment and Department of Conservation from consultation on the proposed NPSIB.

COVID-19 was not foreseeable at the time of NPSIB public consultation. However, we recognise the potential economic, social and wellbeing benefits of addressing the decline in indigenous biodiversity in New Zealand's response to COVID-19.

The statutory requirements for developing a national policy statement are set out in sections 45–55 of the Resource Management Act (RMA). Providing a summary of submissions report is not part of the statutory process, but the report will form part of the later report on submissions and recommendations under section 46A of the RMA.

We will use the consultation submissions as part of evidence to inform advice on the proposed NPSIB. We will then make recommendations to the Minister and proceed with refining the wording of the NPSIB. The proposals will then be subject to Ministers' decisions and Cabinet approvals before being finalised.

Part 2: General overview of submissions

Overview of submissions

Total number of submissions

This section provides a general overview of all submissions and their themes. Submissions are addressed in more detail in the relevant topic areas below.

In total, 7305 submissions were received. Of these, 6575 (or 90 per cent) were classified as form submissions that individuals completed using a submission template from Forest and Bird. There were also 730 (or 10 per cent) classified as 'unique' submissions, of which 184 were made using the online submission form, and 546 were emailed or written and posted submissions.

Categorising form submissions

As far as we are aware, the following organisations provided template submissions/submission guides for members of the public to draw on: Forest and Bird,⁵ Beef + Lamb New Zealand,⁶ and Federated Farmers.⁷ All three organisations also provided their own unique submissions, representing the views of their national and/or regional offices.⁸

The form submissions using the Forest and Bird information were uniform to a great extent. The submitters using the templates from Beef + Lamb and Federated Farmers had a high level of individual content.

Each submission based on a Forest and Bird template is considered an individual submission. However, due to the high level of uniformity and the large volume of these submissions, for purposes of analysis they have been separated into a distinct group (as opposed to unique submissions). For example, statistics on the overall support are shown first for all submissions, and secondly for unique submissions only.

Overall levels of support

To provide readers with two analytical perspectives, overview statistics are provided for all submissions (form and unique), as well as for unique submissions only. In both scenarios there is more overall support (either in full, or in part) for the NPSIB than there is opposition (either in full or in part).

⁵ www.forestandbird.org.nz/petitions/protect-our-native-wildlife

⁶ https://beeflambnz.com/npsbiodiversity2020?_cldee=cm93ZW5hLmh1bWVAYmVIZmxhbWJuei5jb20%3d&recipientid=contact-64f4cb762e2de61186af00155d835832-f5c688f7284b4ce2bc15f568160eda46&esid=18e00de9-a359-ea11-a811-000d3a79983b

⁷ www.fedfarm.org.nz/FFPublic/Policy2/Policy_Factsheets/Biodiversity_Writing_your_submission.aspx?WebsiteKey=00ff782d-8ff5-4a81-ae69-785972132c32&utm_source=October&utm_medium=EDM%20member%20offer&utm_campaign=Member%20offer

⁸ Note that Beef + Lamb New Zealand submitted a joint proposal with Deer Industry New Zealand.

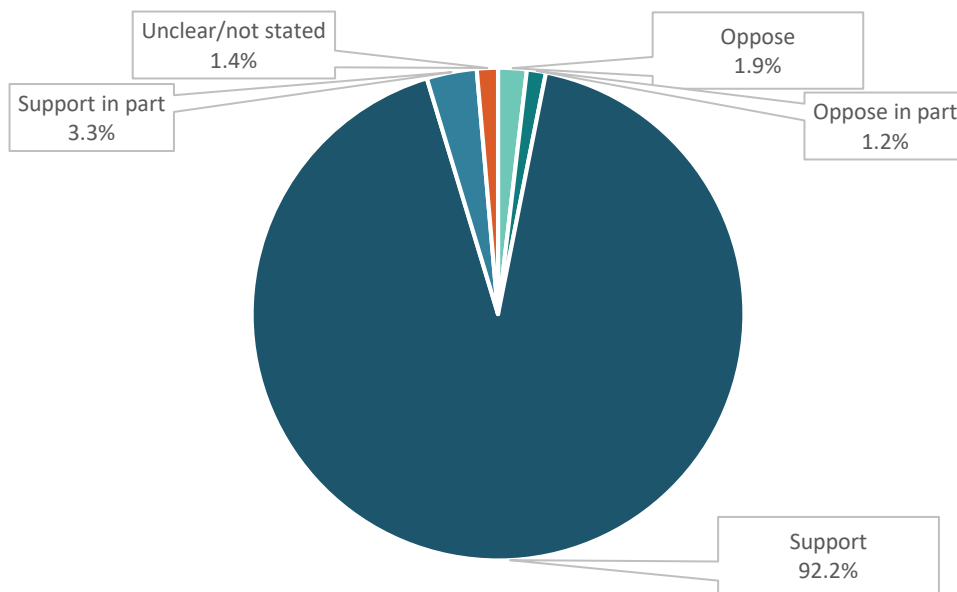
Overall support, support in part, opposition in part, or opposition to the proposal, was generally identified by the submitter themselves in response to a submission form question, or at the start of their submission. In some cases, where not explicitly stated by the submitter, Ministry for the Environment and DOC staff made a judgement of overall support or opposition based on the contents of the submission. 'Support in part' and 'oppose in part' indicate a general position but with some suggestions for amendments or improvements.

Overall levels of support by all submitters

Figure 1 shows overall levels of support by all submitters for the proposed NPSIB. This includes the Forest and Bird form submissions. This is broken down by percentage as follows:

- oppose: 1.9 per cent
- oppose: in part 1.2 per cent
- support: 92.2 per cent
- support in part: 3.3 per cent
- unclear/not stated: 1.4 per cent⁹.

Figure 1: Overall levels of support for the proposed NPSIB by all submitters



Overall levels of support by unique submitters

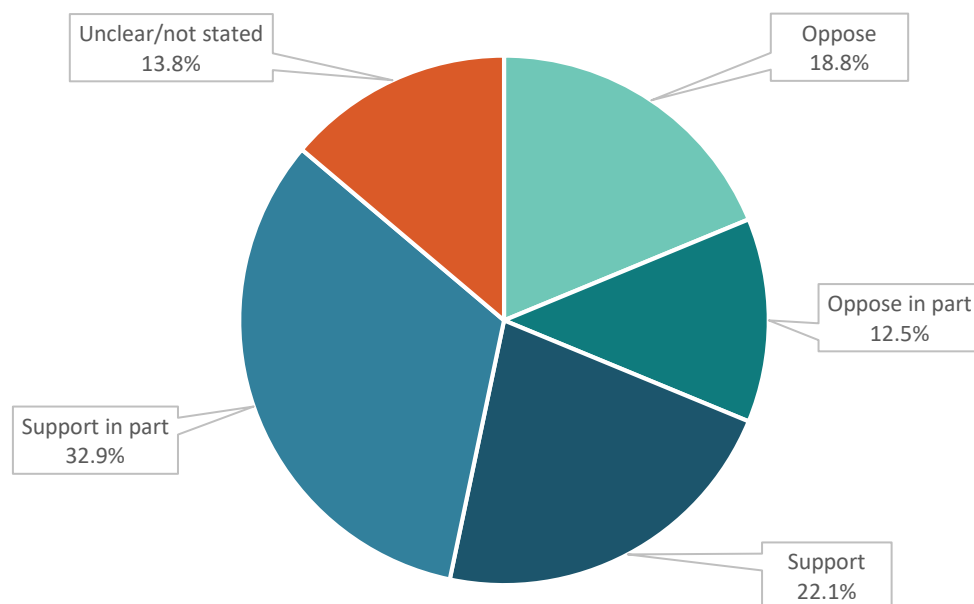
Figure 2 shows overall levels of support for the proposed NPSIB by unique submitters only. This is broken down by percentage as follows:

- oppose: 18.8 per cent
- oppose in part: 12.5 per cent
- support: 22.1 per cent

⁹ Percentages may not add to 100% as they have been rounded to one decimal place.

- support in part: 32.9 per cent
- unclear/not stated: 13.8 per cent.

Figure 2: Overall levels of support for the proposed NPSIB by unique submitters



Unique submissions represented interests from a range of sectors and perspectives. They had varying levels of support overall for the proposed NPSIB, as shown in table 2.

Table 2: Level of support by unique submitters for the proposed NPSIB (by submitter category)

Submitter category	Oppose	Oppose in part	Support	Support in part	Unclear/not stated	Total
Business/industry	38	29	7	33	17	124
Crown/public organisation	2	1	12	5	2	22
Individual (land owner)	65	33	21	125	38	282
Individual (other)	11	11	65	22	15	124
Iwi/Māori	12	4	9	10	4	39
Non-government organisation (NGO)	3	5	24	10	4	46
Professional body	2	3	6	7	7	25
Regional/unitary council	0	1	5	6	4	16
Science/research organisation	1	2	3	4	2	12
Territorial authority	3	2	9	18	8	40
Total	137	91	161	240	101	730

Key issues and themes raised by submitters

Key themes

The following section sets out general themes raised by submitters on the proposed NPSIB, and submitter feedback on specific theme areas. It looks at analysis of submitter responses to question 1 of the discussion document: “Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems?”

Common issues were raised by people and organisations in the same submitter categories, often in line with the impacts the proposed NPSIB would have for that category. For example, councils were generally concerned about implementation, and private land owners were commonly concerned about the impact or costs of new regulations to activities on their land.

General themes raised by submitters in support of the NPSIB

For unique submissions only, full support for the NPSIB had its greatest numbers in the individual (other) submitter category, followed by the non-government organisation category.

General reasons why submitters supported the proposed NPSIB included that it:

- will help address the decline of indigenous biodiversity in New Zealand, which is urgently needed
- will clarify council responsibilities for implementing section 6(c) of the Resource Management Act 1991 (RMA) requiring the maintenance of indigenous biodiversity
- has the potential to increase the ability of Māori to exercise their rights as kaitiaki.

General themes raised by submitters opposed to the NPSIB

For unique submissions only, full opposition for the proposed NPSIB had its greatest numbers in the individual (land owners) category, followed by the business/industry category.

General reasons why submitters were opposed to the proposed NPSIB include:

- risk of unintended consequences or perverse outcomes for indigenous biodiversity if the NPSIB is implemented
- concern that the NPSIB may unduly prevent activities relating to forestry, farming, and the provision of infrastructure and energy
- belief that the NPSIB will be too resource-intensive and costly to implement, and does not allow for regional variations in biodiversity, management approaches, and council resource
- concern about the process of engagement with Māori during the development of the NPSIB, and the impacts of implementation for Māori land
- concern that the NPSIB may breach private property rights
- belief that requiring restoration as well as protection is beyond the purpose of the RMA outlined for regional councils, and that protection should be prioritised.

Other general themes raised

Additional general themes raised by submitters include:

- different opinions about whether the management of indigenous biodiversity should take regulatory or non-regulatory approaches
- guidance and funding will be critical to support the implementation of the NPSIB
- it is important to consider integrated management and how the NPSIB will interact across national direction and other acts relating to environmental management.

Section themes raised by submitters

Table 3 sets out the range of feedback provided by submitters on specific policy areas of the proposed NPSIB. Note that these points do not reflect the proportion of submitters that commented on each topic.

Table 3: Feedback by submitters on the specific policy areas of the proposed NPSIB

Summary of submissions section	Range of points raised by submitters
Introductory section: scope, objectives and policies	<ul style="list-style-type: none"> • Some support for including coastal marine and freshwater environments in the scope of the NPSIB. • Suggestions for amendments to the objectives and policies of the NPSIB. • Lack of clarity around inclusion of highly mobile fauna, which use the coastal marine area and freshwater ecosystems.
Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi	<ul style="list-style-type: none"> • Some support for using the Hutia te Rito concept, but also concern about its clarity, whether it appropriately balances people and the environment, and how it is to be given effect to. • Evenly divided views about whether the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi, and concern it was not developed in partnership with iwi/Māori, does not provide for a partnership and a decision-making role for tangata whenua, and is inconsistent with the recommendations in <i>Ko Aotearoa tēnei</i>.¹⁰ • Diverse views about the appropriate role of kaitiaki, including concern the proposed NPSIB fails to recognise the importance of Māori land owners and their ability to be kaitiaki. • Evenly divided support for the provisions on customary use of indigenous vegetation, but some interest in ensuring limits, its extent (including whether it should be extended to fauna), and how it is monitored. • Both tangata whenua and councils need support for capacity, skills and resourcing to engage and implement the NPSIB.
Section B: Identifying important biodiversity and taonga	<ul style="list-style-type: none"> • Support for a collaborative approach to identify and map significant natural areas (SNAs). • Mixed views on which type of council plan should contain SNAs. • Support for most criteria in appendix 1 for identifying SNAs, as generally consistent with criteria in existing plans and with best practice.

¹⁰ Waitangi Tribunal. 2011. *Ko Aotearoa tēnei: a report into claims concerning New Zealand law and policy affecting Māori culture and identity. Te taumata tuatahi*. Wellington: Waitangi Tribunal. Retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf.

Summary of submissions section	Range of points raised by submitters
	<ul style="list-style-type: none"> • Concern around the expertise needed and costs to councils of identifying SNAs, and calls for a national mapping/database of potential SNAs. • Support for the approach to identifying and managing taonga, but concern about process for identification of taonga, and access to taonga on private land. • Support for a strengthened role for tangata whenua in decision-making over their taonga. • Support for the intention to provide for highly mobile fauna, but concern over the workability of the provisions and the expertise needed for implementation.
Section C: Managing adverse effects on biodiversity from activities	<ul style="list-style-type: none"> • Support for the use of the effects management hierarchy to manage adverse effects on indigenous biodiversity and maintain indigenous biodiversity. • Concern with the NPSIB creating two categories of significant natural area – ‘high’ and ‘medium’. • Concern that too much indigenous biodiversity will be identified as SNAs using appendix 1, and too much will be identified as high-value SNA using appendix 2 and that, in combination with the proposed effects management regime, this will overly restrict land use. • Concern with the definition of ‘nationally significant infrastructure’, with suggested amendments. • Mixed views about whether the specific management of indigenous biodiversity in plantation areas should only be dealt with under the National Environmental Standards for Plantation Forestry or whether there should also be requirements for this under the NPSIB. • Support for a separate way to manage significant indigenous biodiversity in plantation forest areas, but concerns about the way this is drafted in the NPSIB and the potential impacts on the forestry industry in costs, additional requirements and reduced profitability of operations. • Support for the proposals managing indigenous biodiversity outside SNAs, but concerns with the drafting of this proposal. • Mixed views on the new activities the NPSIB should provide for in SNAs, and within what parameters. • Support for the intent of managing existing activities and land uses, including pastoral, with suggestions to include other activities or better recognise costs to land managers. • Opposition to the provision for managing effects on SNAs on Māori land, because of potential for restricted development opportunities and perceived breaches of rangatiratanga. • Support for climate change to be included in the NPSIB, but concern about how to implement the provision and need for data or research. • Support for the option of a specific framework within the NPSIB for managing geothermal ecosystems. • Support for the frameworks for biodiversity offsetting and biodiversity compensation. • Incentives and financial compensation should be provided for loss of development opportunities and value.
Section D: Restoration and enhancement of biodiversity	<ul style="list-style-type: none"> • Protection provisions need to be favoured over restoration and enhancement. Restoration and enhancement provisions should be non-regulatory.

Summary of submissions section	Range of points raised by submitters
	<ul style="list-style-type: none"> • Focus of restoration and enhancement provisions need to include rare and threatened environments. • Further clarity needed for terms such as ‘former wetlands’, ‘degraded SNAs’ and for the scale of indigenous vegetation cover provisions. • Regional biodiversity strategies should be required under the proposed NPSIB, but the required contents need to be changed to reduce the prescriptiveness. • Regional biodiversity strategies need to be created with collaborative community input and should promote other biodiversity outcomes.
Section E: Monitoring and implementation	<ul style="list-style-type: none"> • Support for a monitoring system for the NPSIB, but calls for this monitoring system to be central government-led and nationally consistent. • Preference for implementation as soon as reasonably practicable for the identification, mapping, scheduling and notification of SNAs. • Support for public conservation land to be included in SNA identification, with a preference for public conservation land to be ‘deemed’ as SNA rather than site surveys done across all public conservation land. • Concern about potential areas of the tension and confusion between the proposed NPSIB and other areas of national direction. • Significant concern around costs to implement the NPSIB.
Section F: Statutory frameworks	<ul style="list-style-type: none"> • Mixed views over whether a planning standard is needed to support consistent implementation of some NPSIB proposals. • Concern about potential areas of the tension and confusion between the proposed NPSIB and other areas of national direction. • Some support for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity.

What we heard from iwi/Māori

Hui on the proposed NPSIB

In February 2020, the Ministry for the Environment held 13 hui with iwi/Māori across the country, with approximately 200 hapū and iwi participants. The proposed National Policy Statement on Indigenous Biodiversity (NPSIB), which was out for public consultation at this time, was one of the five topics discussed. Table 4 outlines some of the key themes raised in relation to the proposed NPSIB at many of these hui.

Table 4: Key themes raised by iwi/Māori at hui on the proposed NPSIB

Theme	Range of points raised by hui participants
Treaty of Waitangi	The Treaty has been compartmentalised in this and other national policy statements. It should be referred to throughout the NPSIB and not limited to a few provisions.
Involving tangata whenua	Effective consultation, including with iwi/hapū and 'on-the-ground people', and community-led decision-making processes are important. Māori should be included at the beginning of the plan development process. Funding and resource support is required from councils and Government to involve tangata whenua in the NPSIB.
Māori land	There are concerns about the impacts of the proposals on the future development of Māori land. Economic compensation and incentives are required for Māori to protect biodiversity within their land.
Implementation	Capability building and central government funding for Māori and councils is needed to implement the NPSIB.
Mātauranga Māori	Mātauranga Māori has been added to the policy without meaningful understanding. Mātauranga Māori comes from people at the local level and should be considered equally alongside western science.
Significant natural areas (SNAs)	There are concerns about SNAs, many of which are on Māori land. These included: <ul style="list-style-type: none">• SNAs are a western concept• there should be recognition that iwi are the kaitiaki of information concerning indigenous biodiversity• SNAs have the potential to limit development.
Taonga species	Clarification is sought about how taonga species are to be defined and the process for tangata whenua to identify and manage taonga species. There is also concern about the protection of property rights and the sensitivity of identifying certain sites.

Feedback from iwi/Māori submitters

There were 39 submitters in the category of iwi/Māori organisations. Those 39 submitters had varying levels of support for the proposed NPSIB:

- oppose: 12
- oppose in part: 4
- support: 9
- support in part: 10
- unclear/not stated: 4.

Some iwi/Māori organisation submitters had multiple interests (eg, business as well as iwi/Māori interests). Where this was the case, we made an assessment about which category to place the submitter in, based on the most predominant interest the submitter represented.

Key themes raised by submitters in the iwi/Māori group are set out in table 5, and are divided by report section.

Table 5: Key themes raised by iwi/Māori submitters

Summary of submissions section	Range of points raised by iwi/Māori submitters
Introductory section: scope, objectives and policies	<ul style="list-style-type: none"> • Support for including freshwater and coastal environments in the scope of the NPSIB. • Objectives should strengthen recognition of the Treaty and the role of Māori as Treaty partner, as well as the rights and interests of tangata whenua in relation to indigenous biodiversity.
Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi	<ul style="list-style-type: none"> • Mixed views on the use of the proverb Hutia te Rito as the underlying concept of the NPSIB, and clarification sought over how it would be implemented, monitored and reviewed. • Concern from most iwi/Māori that the proposed NPSIB does not adequately take into account the principles of the Treaty of Waitangi. • Concern that the proposed NPSIB was not developed in partnership with iwi/Māori and does not provide for a partnership or decision-making role for tangata whenua. • Concern the proposed NPSIB fails to recognise the importance of Māori land owners and their ability to be kaitiaki, and some concern over the provision for customary use.
Section B: Identifying important biodiversity and taonga	<ul style="list-style-type: none"> • Mixed views about the proposed approach to identifying and managing taonga species and ecosystems, but most sought a greater and clearer decision-making role for tangata whenua and resourcing to do so. • Mixed views about the proposals for surveying and managing highly mobile fauna. • Concern that significant natural areas (SNAs) will be affected by wāhi tapu and should be identified with tangata whenua. • Calls for a greater role for Māori in SNA identification. • Concern that the proposed ecological significance criteria fail to address Māori perspectives. • The partnership principle (which territorial authorities must consider when identifying and mapping SNAs) should explicitly include Māori.
Section C: Managing adverse effects on biodiversity from activities	<ul style="list-style-type: none"> • Concern with the NPSIB creating two categories of significant natural area – ‘high’ and ‘medium’ – including the extent and restrictiveness of ‘high-value’ SNAs, which could overly restrict the use and development of Māori land. • Some support for the effects that must be avoided and having a strong bottom line. • Clarification sought for how Hutia te Rito is to be implemented through these provisions. • Opposition to provision for new mineral and aggregate extraction. • Caution against the use of biodiversity offsets and biodiversity compensation. • Mixed views on whether geothermal ecosystems should be managed nationally through the NPSIB or regionally, but consensus that iwi/Māori should be part of developing the approach.

Summary of submissions section	Range of points raised by iwi/Māori submitters
	<ul style="list-style-type: none"> • Proposals on balancing existing activities in SNAs with maintaining indigenous biodiversity are unclear, and may be detrimental for the management of Māori land. • Most iwi/Māori submitters considered the proposed NPSIB does not adequately provide for the development of Māori land, and undermines rangatiratanga. • Support for the climate change proposals.
Section D: Restoration and enhancement of biodiversity	<ul style="list-style-type: none"> • No specific themes from iwi/Māori submitters.
Section E: Monitoring and implementation	<ul style="list-style-type: none"> • Monitoring, and in particular monitoring of mātauranga Māori, should be done in conjunction with or led by tangata whenua. • Preference for no SNAs to be identified on public conservation land.
Section F: Statutory frameworks	<ul style="list-style-type: none"> • No specific themes from iwi/Māori submitters.

These themes are expanded on in the following section of the report ‘responses by policy area’.

Part 3: Responses by policy area

Scope, objectives and policies of the proposed NPSIB

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 1	Q 2	291
Part 2	Q 3	455
	General comments about the policies	

This section summarises responses to questions 2 and 3 of the discussion document, on the scope and objectives of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB). It also provides a summary of comments on the policies.

Scope of the proposed NPSIB

Proposal information

The proposed NPSIB, as drafted, applies to terrestrial biodiversity across all land types in New Zealand (including public, private and Māori land). It would impact indigenous biodiversity management, particularly in lowland areas and on private and Māori land, where many of our threatened species, habitats and ecosystems are found.

Councils would still be required to manage indigenous biodiversity in other environments, such as freshwater and the coastal marine area (under national level instruments such as the National Policy Statement on Freshwater Management (NPS-FM) and the New Zealand Coastal Policy Statement 2010 (NZCPS)).

The proposed NPSIB also promotes the restoration of wetlands, recognising that wetlands are often part of, or next to, other areas of significant indigenous vegetation or significant habitat for indigenous fauna.

Overview

Question 2 states that the proposed scope of the NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. It asked submitters if they think there is a role for the NPSIB in coastal marine and freshwater environments.

There were 291 responses to question 2. Twenty-eight submitters (10 per cent) provided a free-text response without identifying a position. The majority of the respondents to this question supported expanding the scope of the proposed NPSIB. The positional responses were:

- 171 (59 per cent) yes
- 52 (18 per cent) no
- 28 (10 per cent) somewhat
- 12 (4 per cent) unsure.¹¹

¹¹ Throughout this section of the report, all overview statistics for specific questions include unique submitters only, and percentages given include free-text and direct positional responses.

A number of submitters also made specific suggestions about the scope of the proposed NPSIB. Some of these suggestions are discussed below.

The 6575 Forest and Bird form submissions supported increasing the scope of the proposed NPSIB to include marine and freshwater environments.

Support for expanding the scope

Submitters from a range of categories supported expanding the scope of the proposed NPSIB to apply to coastal marine and freshwater environments. Reasons included:

- management of indigenous biodiversity is fragmented, and a wider scope would lead to more cohesion (individual (land owner))
- freshwater and coastal environments need the same identification and protection as land-based significant natural areas (SNAs); they need restoration and enhancement and environmental bottom lines, and climate change will put greater demands on these areas as well (individual (land owner)).

Among iwi/Māori submitters, 60 per cent supported including freshwater and coastal environments in the scope of the NPSIB. Te Wai Māori Trust (iwi/Māori, SR #779) submitted:

Dividing the natural world into three areas in this way (terrestrial, freshwater, and marine biodiversity) is at odds with a Te Ao Māori worldview, and the way the natural environment works.

Similarly, Ngāti Tama ki Te Waipounamu Trust (iwi/Māori, SR #554) commented:

In Te Ao Māori, Ranginui and Papatūānuku and all elements in between are interconnected. Therefore indigenous biodiversity includes terrestrial, coastal and freshwater and should be managed holistically and under one National Policy Statement.

The QEII National Trust (Crown/public organisation, SR #591) submitted that the proposed NPSIB should “apply to all environments in Aotearoa New Zealand with indigenous biodiversity.” Other submitters thought the proposed NPSIB should include the sea, particularly with regard to management needs in the Hauraki Gulf, and that it should include links to achieving the Paris Agreement targets and implementing the goals of the Climate Change Response (Zero Carbon) Amendment Act 2019. One submitter supported the expansion of the scope only if the policies of the proposed NPSIB were cohesive and implemented in the form of a one-stop shop, including the Department of Conservation (DOC) and regional councils.

Nelson City Council (regional/unitary, SR #320) believed that, to promote clarity, all New Zealand’s indigenous biodiversity (terrestrial, coastal and freshwater) should be managed through one national policy statement, with input from councils and alignment with national planning standards.

Opposition to expanding the scope

Submitters who preferred to limit the scope of the proposed NPSIB to the terrestrial environment believed the coastal marine and freshwater environments are adequately covered by existing regulation, and an extension of the scope could create regulatory overlap. A joint submission by Hawke’s Bay Regional Council, Hastings District Council, Napier City Council, and Central Hawke’s Bay District Council (SR #447) considered “focussing on the

terrestrial environment is a helpful way to prioritise indigenous biodiversity and manage workloads". Fisheries Inshore New Zealand (professional body, SR #524) submitted that marine diversity is not comparable to terrestrial indigenous biodiversity. However, it was not opposed to the creation of an NPSIB for marine biodiversity. The Independent Electricity Generators Association (professional body, SR #449) was of the view that expanding the NPSIB's scope could have very serious implications for hydro-electricity generation; for example, trying to avoid all adverse effects of hydro power plants located in freshwater bodies that are the habitat of mobile freshwater species.

Importance of clarity

Some submitters raised concerns about the clarity of the NPSIB's scope, and the potential for conflicts and confusion with other national directions managing indigenous biodiversity. Real Journeys Limited (business/industry, SR #308) noted that this will have an impact on New Zealand's tourism industry. There was also concern among submitters that a lack of clarity could impact railway and oil refinery site operations. One submitter noted that new case law could be needed if the relationship between the NPSIB and other national direction, such as the New Zealand Coastal Policy Statement and the National Policy Statement for Freshwater Management, is not clarified.

A range of submitters expressed concern over the scope and clarity of the NPSIB on wetlands management. For example, Central Otago District Council (SR #327) submitted:

The separation of wetlands to a regional function may cause confusion with land owners, particularly around wetland margins. Coastal and freshwater plans can and should address indigenous biodiversity.

Submitter comments on this topic are also discussed in section D.1: Restoration and enhancement of degraded significant natural areas, connections, buffers and wetlands.

Scope and the prioritisation of national direction

A few submitters commented on the scope of the proposed NPSIB and how this relates to the prioritisation of national direction. For example, Straterra (business/industry, SR #440), supported including freshwater and coastal marine submitted:

If the NPS-IB is written to take precedence over the New Zealand Coastal Policy Statement, and the NPS for Freshwater Management, to avoid regulatory duplication.

J Swap Contractors Ltd (business/industry, SR #452) suggested that, for legal clarity, the NPSIB should take precedence over all other Resource Management Act 1991 (RMA) national direction in relation to biodiversity.

Objectives of the proposed NPSIB

Proposal information

The primary objective is to maintain indigenous biodiversity (Parts 1.7(2) and (3) and 2.1 objective 1). Part 2.1 sets out six objectives to achieve this:

Objective 1: to maintain indigenous biodiversity

Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity

Objective 3: to recognise and provide for Hutia te Rito in the management of indigenous biodiversity

Objective 4: to improve the integrated management of indigenous biodiversity

Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems

Objective 6: to recognise the role of land owners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity, by:

- b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and
- c) supporting people and communities in their understanding of and connection to, nature.

Overview

Question 3 asked whether submitters agree with the objectives of the proposed NPSIB.¹² There were responses from 455 submitters, with 76 (17 per cent) free-text responses and 379 responses with a direct position on the question. The positional responses were:

- 131 (29 per cent) yes
- 201 (44 per cent) somewhat
- 42 (9 per cent) no
- 5 (1 per cent) unsure.

Submitter responses are summarised below according to the overall objective of the proposed NPSIB, the six objectives as set out in Part 2.1, and additional objectives suggested by submitters.

Overall objectives

Statements supporting the overall objectives included that proposed objectives were well linked to the intended outcomes (eg, Fonterra (business/industry, SR #262)), and that the objectives remove the uncertainty around what is required of regional councils and local authorities to uphold their responsibilities under the RMA (Central South Island Fish & Game, North Canterbury Fish & Game, and Otago Fish & Game (Crown/public organisation), SR #537). Te Rūnanga o Ngāti Ruanui Trust (iwi/Māori, SR #536) broadly supported the objectives of the proposed NPSIB, but did not think they were strong enough in addressing te Tiriti and Māori rights and interests.

Some submitters felt the objectives of the NPSIB (and some of its policies) are inadequate for achieving the protection of biodiversity and threatened species. Environment Canterbury (regional/unitary council, SR #595) submitted the NPSIB objectives should be more ambitious and future focused.

¹² Submitter comments on the relationship between the objectives and policies are set out in [section E.7: Guidance and support for implementation](#), under the heading 'Drafting and structure feedback to help implementation of proposed NPSIB.'

A number of submitters expressed concern about the definition in the objectives of 'maintenance'. In terms of infrastructure, there were concerns that the definition could impose a 'no-effects' regime, which is likely to make it challenging to sustainably use and develop SNAs, and that this could have an impact on hydro and electricity distribution. Suggestions for amendments included that the definition of 'maintenance' of indigenous biodiversity should reflect both the importance of indigenous biodiversity and of essential infrastructure.

The Northland Conservation Board (Crown/public organisation, SR #845) expressed concern that 'maintaining' implies the policy is aiming for biodiversity levels to remain the same. It suggested that this should instead read:

The purpose of this National Policy Statement is to set out objectives and policies in relation to restoring, maintaining and enhancing indigenous biodiversity...

Another submitter suggested amending Part 1.7(3)(a) to refer to "the **overall quality** of populations of indigenous species".

Objective 1: Maintaining indigenous biodiversity

There were a range of views on the drafting of objective 1. One submitter suggested that this objective is too weak to prevent further biodiversity loss, while another thought it was too restrictive and would place limitations on land development or use. Buller, Grey and Westland district councils, and West Coast Regional Council (regional/unitary, SR #347) opposed objective 1 on the basis it is too open ended and does not provide clear direction for councils. Queenstown Park Limited (business/industry, SR #740) was concerned that the objective provides no scope to consider the minor or transitory nature of effects, nor positive social, economic and cultural wellbeing effects that may be enabled by those activities. Transpower (Crown/public organisation, SR #180) and Meridian Energy (business/industry, SR #609) expressed concern that objective 1 will be unworkable and have significant implications because it would apply to all indigenous biodiversity and not just significant indigenous biodiversity.

Some submitters provided suggestions for redrafting/replacing objective 1.

- Replacing 'maintain' with 'manage', to better reflect that biodiversity is constantly changing. The Aggregate and Quarry Association (business/industry, SR #385).
- "To protect, maintain and restore indigenous biodiversity." Te Ātiawa Manawhenua ki te Tau Ihu Trust (iwi/Māori, SR #394).
- "To maintain indigenous biodiversity and safeguard the integrity, form, functioning and resilience of terrestrial ecosystems." Waikato Regional Council (SR #796).
- "Maintain indigenous biodiversity should be "maintain, regenerate, restore and assist to recover..." Environment and Conservation Organisations of New Zealand Inc (professional body, SR #800) .
- "Recognise and acknowledge the indigenous people of Aotearoa-Māori as the Treaty partner" Pakirikiri Wananga (iwi/Māori, SR #108).

A few submitters from different categories noted the relationship between objectives 1 and 5. It was suggested that these two objectives conflicted, and that the difference between them needs to be clarified. Three submitters recommended combining these two objectives to emphasise maintenance and restoration activities.

Objective 2: Principles of the Treaty of Waitangi

A number of submitters made specific drafting recommendations relating to objective 2. For example, Waikato Regional Council (SR #796) suggested:

To take account of the principles of the Treaty of Waitangi, recognise and provide for Hutia Te Rito, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of indigenous biodiversity.

Similarly, Te Rūnanga o Ngāti Ruanui Trust (iwi/Māori, SR #536) recommended amending objective 2 to state “to take into account and implement the principles and articles of Te Tiriti o Waitangi in the management of indigenous biodiversity”. In their view, this would show that Crown legislation and regulation acknowledges Te Tiriti and that the NPSIB actively honours and implements it.

Go Eco (non-government organisation, SR #472) recommended that the NPSIB should not be limited to the principles of Te Tiriti o Waitangi as, in their view, these principles do not fully recognise the rights of Māori to self-determination. They suggested a co-governance relationship would be appropriate.

Environment and Conservation Organisations of New Zealand Inc (professional body, SR #800) suggested that objective 2 should include mention of “our international obligations relating to biodiversity”. One submitter suggested that objective 2 was unclear and could place a resourcing burden on iwi/hapū or local government. Another stated that the relevant principles of the Treaty must be defined, or objective 2 should be removed. One individual (land owner, SR #237) was of the view that this objective should apply to DOC estate, but should not be used to impose restrictions or impediments on private land owners.

Objective 3: Recognise and provide for Hutia te Rito

There were a range of submitter views on objective 3. A number of submitters were concerned that objective 3 is not clear, is intangible, and could therefore result in litigation. One submitter stated that it is not likely to be adopted in the mainstream because it is hard to pronounce. Bay of Plenty Regional Council (SR #344) supported the objective but recommended further guidance on how councils can operationalise Hutia te Rito, including in relation to other national policy statements.

Two submitters provided specific drafting suggestions for this objective. Waikato Regional Council (SR #796) suggested a different version:

To recognise the role of land owners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by enabling people and communities to provide for their social, economic, and cultural wellbeing now and in the future, and supporting people and communities in their understanding of and connection to, nature.

Te Rūnanga o Ngāti Ruanui Trust (iwi/Māori, SR #536) suggested adding an additional sub-objective under objective 3 that would state:

recognising the customary, proprietary and decision-making rights, interests and responsibilities of tangata whenua in relation to indigenous biodiversity.

Objective 4: Integrated management

Fonterra (business/industry, SR #262) supported objective 4 in that it provides clear direction to resource users and is “more efficient from a cost and time perspective than a fragmented local-authority-by-local-authority approach”. Auckland Council (SR #193) commented on the way objective 4 relates to integrated management across geographical areas and users, by suggesting that it should be reworded as: “Objective 4 to improve the integrated management of indigenous biodiversity in all environmental domains and between all relevant parties”. Another submitter suggested rewording the objective to “to provide for ecosystem-based and improved management of indigenous biodiversity.”

Northland Regional Council (SR #270) was concerned about objective 4 because of the limited scope of the NPSIB. Their feedback included:

Objective 4, Policy 4 and Section 3.4 are compromised given the limited scope of the NPS-IB in that it excludes the CMA [Coastal Marine Area] and fresh waterbodies.

Objective 5: Restoration of biodiversity; enhancement of ecosystems

A few submitters from different groups commented that objective 5’s scope is too broad; in particular the requirement ‘to restore’, which could apply to all indigenous biodiversity and not just significant indigenous biodiversity. These submitters were also concerned that there is no prioritisation or qualification on the stated goals, and the objective may lead to overly restrictive provisions in local planning requirements. On the other hand, one submitter thought this objective should be more aspirational, to achieve a sustained recovery of indigenous biodiversity.

Concern was raised by one submitter that there needs to be clarity about how the species managed by Fish & Game New Zealand fit in with the concept of ‘ecological integrity’ as defined in the document.

Objective 6: Stewards and kaitiaki of indigenous biodiversity

Objective 6 was subject of a large amount of feedback from submitters with a range of views. One who supported this objective thought it should become objective 1, and another said it was important to recognise the role land owners and tangata whenua have as stewards and kaitiaki of their land. Another supporter of the objective believed councils would be able to implement it if they recognise the role of land owners who have acted as good stewards of their land.

Of those submitters who opposed the objective, there was concern from an iwi/Māori submitter and an NGO submitter that it does not provide a distinction between kaitiaki and land owners/communities at large, which in their view shows a misunderstanding of the concept of kaitiakitanga. Two infrastructure providers were concerned that objective 6 does not sufficiently provide for maintenance, use and development, or for nationally significant infrastructure. One business/industry submitter was concerned that objective 6 has a very different outcome from objective 5 of the Biodiversity Collaborative Group’s draft NPSIB, because the presumption has shifted from enabling people to provide for their wellbeing to subservience to biodiversity outcomes. Another submitter expressed concern that objective 6 is open to abuse by land owners who may prioritise personal economic wellbeing over cultural and social interests, which could lead to degradation of biodiversity values.

Some submitters thought that objective 6 needed clarity on:

- jurisdictional boundaries and the roles of governmental and other parties
- the connection between stewardship and allowing people to provide for their wellbeing, in particular as economic wellbeing is often a reason for removing/degrading indigenous biodiversity.

Similarly, Ngāti Whātua Ōrākei (iwi/Māori, SR #40) suggested the inclusion of an environmental 'bottom line' to prevent objective 6 being used to override objective 1.

Some submitters suggested making additions to improve objective 6. These included:

- additional recognition of the role of private industry and infrastructure providers within New Zealand as stewards and kaitiaki of indigenous biodiversity. Lyttleton Port Company Limited (business/industry, SR #564)
- improve understanding of the social and biological interactions that support better outcomes for biodiversity on private land. Terrier Rural Consulting Limited (business/industry, SR #150).

There was also concern about the way objective 6 relates to other parts of the NPSIB, and that it is at odds with other parts of the NPSIB, or does not flow well into the management framework. Meridian Energy Limited (business/industry, SR #609) stated that 'to recognise' is a weak requirement when compared with the overall framework of NPS 'maintaining'. Forest and Bird (NGO, SR #599) was of the view that objective 6 is not consistent with the RMA's sustainable management purpose, because it does not recognise that use and development should occur within limits.

Additional objectives suggested by submitters

Some submitters commented on the draft objectives in Part 2.1, suggesting a seventh or additional objective. These proposed objectives were broadly focused on either the protection of biodiversity or peoples' interactions with it.

Submitters who suggested an additional objective focusing on biodiversity wanted this to protect significant indigenous vegetation and significant habitat of indigenous fauna. Some of these submitters saw this as a matter of national importance, aligning with section 6 of the RMA and supporting the proposed policy 6 of the NPSIB. Similarly, Genesis Energy (business/industry, SR #446) requested a new objective and subsequent policy or policies to target the decline of indigenous biodiversity due to predator, pest and weed invasion.

Submitters who suggested an additional objective focusing on people made the following recommendations:

- "Objective 7: to recognise and provide for the social, economic and cultural wellbeing, and the health and safety, of people, communities and tangata whenua, now and in the future, through their management of, and interactions with, indigenous biodiversity." Mercury NZ Limited (business/industry, SR #734)
- "A further objective should be to require people and communities to enhance biodiversity values where these have been lost and cause significant externalities to the wider community. An example of this and has subsequently resulted in the degradation of a biodiversity corridor, buffering, connections and the degradation of freshwater habitats". (individual (other, SR #243)).

- Objective 7: to enable land owners to freely clear or harvest areas of indigenous biodiversity that exist solely as a result of land retirement actions of the current or past land owner(s). (individual (land owner), SR #430).

Feedback on policies in Part 2.2¹³

Some submitters were of the view that some policies in the proposed NPSIB should be removed. Others suggested additional policies. Submitters who wanted to see extra policies suggested adding policies in areas including:

- developing and adopting a plan to change the status of indigenous species from threatened and at risk, to not threatened
- providing for community group involvement in managing indigenous areas
- identifying and considering the conservation status of terrestrial and aquatic indigenous species.

Two submitters submitted policies 1–12 should be deleted because they are repetitive or very similar to the objectives or implementation requirements, and do not give a clear course of action (Trustpower (business/industry, SR #806), and Tilt Renewables (business/industry, SR #429)).

¹³ There were no questions in the discussion document relating specifically to the 15 proposed policies, as these policies were referred to in the relevant topic areas. Accordingly, submitter comments about the 15 proposed policies in Part 2.2 are analysed in the relevant topic area.

A.1: Recognising te ao Māori and the principles of the Treaty of Waitangi

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 1.7(1)	Q 4	309
Part 2.1 objective 3	Q 5	143
Part 2.2 policy 1		
Part 3.2		

The concept of Hutia te Rito

Proposal information

This proposal applies Hutia te Rito as the fundamental underlying concept of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB), which recognises that the health and wellbeing of nature is vital to our own health and wellbeing. Hutia te Rito is the name of a whakataukī included at the start of this concept which underpins the proposed NPSIB. This concept is applied through:

- an objective to recognise and provide for Hutia te Rito in the management of indigenous biodiversity
- a policy to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, to provide for tangata whenua involvement in the management of indigenous biodiversity, and to ensure that Hutia te Rito is recognised and provided for
- requirements for local authorities to recognise and provide for Hutia te Rito in implementing the NPSIB.

Overview

Question 4 asked submitters whether they agreed with Hutia te Rito as the underlying concept of the proposed NPSIB. There were 309 responses; 26 (8 per cent) of these responses were free text and did not state a position. The positional responses were:

- 180 (58 per cent) yes
- 72 (23 per cent) somewhat
- 26 (8 per cent) no
- 5 (2 per cent) unsure.

The majority of submitters supported Hutia te Rito as an underlying concept, for a range of reasons including because:

- it emphasises the interdependence between people and nature
- they considered it allows for the expression of te ao Māori, rangatiratanga, mana whenua, mauri and the principles of the Treaty of Waitangi.

The largest number of submissions from one submitter type came from individual land owners, who mostly supported the concept, or supported but sought amendments. Within each submitter type, more supported than opposed the concept. Iwi/Māori were fairly evenly divided, with only a small number more of those supporting than opposing.

Few submitters were opposed to the use of Hutia te Rito. The main reasons given for opposing the concept were that the whakataukī is wrong for the NPSIB because of its anthropogenic focus or because of its meaning and history. A few who opposed it considered the concept should cover both indigenous and exotic biodiversity. Others were concerned that it provides too much emphasis on the Māori worldview, and they wanted both Māori and Pākehā views to be taken into account.

Question 5 asked submitters whether the proposed NPSIB provided enough information on Hutia te Rito and how it should be implemented, and whether anything else should be added to reflect te ao Māori in managing indigenous biodiversity. There were 143 responses to this, and 23 responses (16 per cent) were free text and did not identify a direct position. The positional responses were:

- 24 (17 per cent) yes
- 25 (17 per cent) somewhat
- 44 (31 per cent) no
- 27 (19 per cent) unsure.

Iwi/Māori views

Some iwi/Māori supported the concept because it includes mātauranga Māori and tikanga Māori, and recognises the intrinsic whakapapa connections between tangata whenua and the natural environment and ecosystems. The Te Arawa River Iwi Trust (SR #420) stated “This concept is fundamental to achieving an integrated and holistic approach to indigenous biodiversity.” Te Rūnanga o Ngāti Ruanui Trust (SR #536) was of the view that:

It is good that the framework is embedded in the NPSIB, with Part 3.2 requiring decision-makers to hold Hutia te Rito at the forefront of considerations when making decisions about biodiversity management.

However, most iwi/Māori who supported the concept also considered that changes would need to be made. Their main concerns were that:

- greater clarification is needed about how it is to be given effect to and implemented
- it needs to be better carried through into objectives, policies and methods
- it needs greater explanation about Māori rights, interests and responsibilities to indigenous biodiversity, and how they can be implemented in the policies
- iwi within their rohe should be empowered as kaitiaki to lead implementation
- the concept needs to recognise the ‘use’ relationship that Māori have always had with the land
- there should be a requirement for engagement in partnership with Māori land owners, as it will have a significant effect on them

Issues raised by iwi/Māori who opposed the concept included that the whakataukī was misappropriated for the NPSIB and should not be used, or that it was about whānau and

people not about nature. They also raised lack of clarity on how it will be put into practice and how it will be monitored and reviewed. For example, Te Rūnanga o Ngāi Tahu (SR #437) stated:

There is no guidance on how the concept will be monitored and reviewed, nor who will complete that monitoring and ensure that councils are applying the concept consistently.

Another view from iwi/Māori who opposed was that the provisions needed strengthening so that Hutia te Rito, the Treaty of Waitangi, and tangata whenua as kaitiaki are applied effectively and iwi are partnered and resourced. Iwi/Māori also sought recognition within the NPSIB of mahinga kai or the relationship of mana whenua with traditional food and resources. Other iwi/Māori sought recognition in the NPSIB of the rangatiratanga status of iwi in their rohe and in respect to the taonga within it.

Suitability of the whakataukī Hutia te Rito

A range of views were expressed about the suitability of the whakataukī Hutia te Rito as the underlying concept. These focused on two main issues:

1. the balance between people and the environment in the whakataukī
2. the appropriateness of the whakataukī.

The balance between people and the environment

Of the submitters who expressed a view on this, some considered that it provides too much emphasis on people to the detriment of the nature. Some asked for the balance to be changed so that the intrinsic value of nature has precedence over people. Others asked for a different proverb that does focus on the importance of nature. A few thought it was designed to provide for Māori customary use and they did not support an emphasis on nature providing services to people. The other viewpoint submitters expressed on this was that it fails to recognise the concept of mahinga kai or the relationship mana whenua have with interests in traditional food, natural resources, and the places where those resources are obtained.

A few submitters supported the concept because they interpreted the focus as being on people and their needs. Many supported it because they understood it to represent the balance and interconnectedness between humans and the environment.

Appropriateness of the whakataukī

A few submitters opposed the concept, considering its meaning inappropriate for the NPSIB because it was not about nature. They stated that it was about the importance of family and whānau and generational connections not biodiversity. A few others pointed out that historically it was about the sanctity of human life not about nature.

A few others opposed the concept because they considered it was misappropriated for use in the NPSIB.

Applying Hutia te Rito in practice

Question 5 asked submitters whether the proposed NPSIB provides enough information on Hutia te Rito and how it should be implemented. It also asked whether anything else should be added to reflect te ao Māori in managing indigenous biodiversity. One common theme raised was the uncertainty about how the concept of Hutia te Rito should be given effect, which could lead to difficulty in implementation and/or potential litigation. Issues raised by

submitters include the lack of clarity and vagueness of the whakataukī itself, the associated Māori words and concepts, and the potential for local authorities to not fulfil their obligations because of terms like ‘as far as practicable’ and ‘take all reasonable steps’.

Some submitters considered that more direction is needed in the NPSIB to strengthen how it will work in practice. General issues relating to the whakataukī included:

- Hutia te Rito as a fundamental concept should be followed through in objectives, policies and provisions
- a management hierarchy should be applied similar to that used for te mana o te wai in the proposed National Policy Statement for Freshwater Management, so that the health and needs of the ecosystem come first
- te reo terms require a definition or clarification, otherwise there could be litigation
- mātauranga Māori should be more clearly linked to Hutia te Rito.

Comments concerning the role of Māori in this process included:

- the decision-making role of tangata whenua should be strengthened in the rest of the NPSIB, including in implementation and the appendices
- the requirements for local authorities to engage or consult with iwi/Māori should be strengthened to ensure early and meaningful engagement
- iwi will need resourcing to enable them to participate in the process
- provisions of the NPSIB do not go far enough to recognise the status of mana whenua as rangatiratanga.

Kaitiakitanga and stewardship

Submitters expressed the following views on the role of kaitiakitanga and stewardship as it relates to Hutia te Rito:

- the link between the whakataukī and Māori land owners as rangatira and kaitiaki should be strengthened
- the role of mana whenua as kaitiaki should be clearly separated from their role as land owners, and elevated
- it is important to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity
- iwi will need to be empowered as kaitiaki to lead implementation in their rohe.

Many submitters, mainly individual (land owners), supported the concept of Hutia te Rito because it recognises the relationship between indigenous biodiversity and people and communities, and that conservation requires kaitiakitanga and stewardship or custodianship. They preferred the term ‘custodianship’ as they believed this more accurately reflected their family’s past, present and future relationship with their farms. For example, one individual (land owner, SR #281) said:

I seek that the term ‘stewardship’ is replaced with ‘custodianship’ which more correctly reflects the values I place on indigenous biodiversity within my farm and as part of my family's history and our future, and our relationship and ties to our land.

In general these submitters preferred non-regulatory approaches and those that incentivised land owner and conservation group leadership and actions.

Application to private land

A few submitters opposed the application of Hutia te Rito to private land, or sought incentives or non-regulatory methods instead. Others considered there needed to be more emphasis on the role of land owners as kaitiaki or stewards of their own land.

A.2: Providing for the principles of the Treaty of Waitangi and engaging with tangata whenua

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.1 objective 2	Q 6	150
Part 2.2 policy 1	Q 7	134
Part 3.3	Q 8	150
	Q 9	71

Taking the principles of the Treaty of Waitangi into account

Proposal information

This proposal sets out requirements for councils to meet Resource Management Act 1991 (RMA) obligations in relation to the Treaty of Waitangi when making decisions about indigenous biodiversity. Requirements are set out in:

- Objective 2, which is to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity
- Policy 1, which is to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity, and ensuring that Hutia te Rito is recognised and provided for
- Implementation provision 3.3, which sets out requirements for local authorities to work with tangata whenua when making or changing policy statements or plans, to ensure that tangata whenua are able to exercise kaitiakitanga, and that mātauranga Māori is incorporated when implementing the National Policy Statement on Indigenous Biodiversity (NPSIB), and to involve tangata whenua in decision-making for implementing the NPSIB.

Overview

Question 6 asked submitters whether they think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi. Submitter numbers were fairly evenly divided on this question. A slightly higher proportion of submitters considered that it did. Of these, some had reservations that the proposed NPSIB had done too much and others thought it had not done enough to take the principles into account. There were 150 responses to question 6; 15 submitters (10 per cent) answered through free text and did not provide a direct positional response. The positional responses were:

- 41 (27 per cent) yes
- 25 (17 per cent) somewhat

- 36 (24 per cent) no
- 33 (22 per cent) unsure.

Individuals (other) formed the largest submitter type agreeing that the proposed NPSIB appropriately takes into account the principles the Treaty of Waitangi. Only one iwi/Māori submitter agreed. Of those submitters who agreed, a range of reasons was given, including that the proposed NPSIB:

- recognises the special status of tangata whenua
- provides for consultation, collaboration and engagement with tangata whenua
- provides for tangata whenua to be involved in the plan-making process.

Some of these submitters referred to specific parts of the proposed NPSIB that particularly supported their view, including Hutia te Rito, the provisions recognising tangata whenua as kaitiaki, and providing for tikanga Māori, or requiring local authorities to work with tangata whenua to identify taonga.

Iwi/Māori were the largest submitter group of those who disagreed; their reasons are outlined below. A few, mainly individual submitters, considered that the NPSIB needs to provide for both Māori and Pākehā equally.

Partnership and engagement

Most iwi/Māori submitters did not feel the proposed NPSIB adequately takes into account the principles of the Treaty of Waitangi, believing the Crown did not develop the proposed NPSIB in partnership with them. A few supported the intent to recognise the Treaty of Waitangi and te ao Māori, and believed the proposed NPSIB takes positive steps towards doing so, but they also had concerns. Most considered that engagement should have been undertaken with them as mana whenua because they have a significant interest in the protection of indigenous biodiversity, and the proposed NPSIB affects their land, taonga within their rohe, and their role as kaitiaki. They considered that the lack of direct engagement fails to recognise their rangatiratanga, and sought direct engagement rather than the development of the proposed NPSIB through the Biodiversity Collaborative Group. Some requested a tangata whenua-led review of the NPSIB. Without direct and effective partnership and co-design, they considered the NPSIB would not be effective or appropriate.

Some iwi/Māori also considered the:

- design of the proposed NPSIB does not adequately provide for a partnership and decision-making role for tangata whenua
- obligations on local authorities are weak and not sufficiently specific.

They sought a clear direction in the NPSIB for councils to work with mana whenua as Treaty partners, with shared decision-making. Some referred to phrases used in the NPSIB such as 'involving', 'consultation', 'taking all reasonable steps' and 'providing opportunities', as inadequate and failing to recognise their rangatiratanga. A few suggested that the NPSIB provisions should spell out more clearly specific requirements on local authorities for partnership or engagement, and specific mechanisms that could or should be used, such as transfer of powers under section 33 of the RMA. A few sought the inclusion of more opportunities for independent decision-making by tangata whenua, and some emphasised the need for resourcing to enable this to occur.

Inconsistent with Wai 262

Some iwi/Māori submitters believed the proposed NPSIB did not take into account the principles of the Treaty of Waitangi because it was inconsistent with the wider recommendations in *Ko Aotearoa tēnei*.¹⁴ They referred to the recommendations in the report that address different levels of environmental management to be exercised by Māori in respect of taonga, depending on the extent of kaitiaki interest involved; in a scale from control, to partnership, and then influence. They considered that the NPSIB doesn't provide sufficiently for Māori rights and interests in biodiversity, or for a transfer of power, and therefore does not align with the report's recommendations for biodiversity management more broadly.

Implications for Māori land and other private land¹⁵

Some iwi/Māori submitters considered the proposed NPSIB does not take into account the principles of the Treaty of Waitangi because it will prevent the effective use and development of Māori land. Some submitted that more needs to be done in the NPSIB to ensure that this does not happen. A number also noted the need for more consultation with Māori land owners.

A few other land owners did not agree with the Treaty of Waitangi principles being applied to private land.

Challenges and opportunities in engagement requirements

Question 7 asked submitters what challenges and opportunities they saw for the way councils would be required to work with tangata whenua when managing indigenous biodiversity. There were 134 free-text responses to these questions. A few submitters identified opportunities in the proposals for councils and tangata whenua to share knowledge and strengthen community wellbeing. However, most submitters focused on the challenges.

Challenges for councils and tangata whenua managing indigenous biodiversity together

Many submitters, mainly councils, identified a key challenge in tangata whenua resources, capability and capacity, which are already stretched. The requirements in the NPSIB will further strain these resources. These views were also often coupled with a suggestion that tangata whenua should be provided with resourcing to enable them to participate in the processes required by the NPSIB. For example, Kāpiti Coast District Council (SR #869) stated that the resources of tangata whenua are already strained due to commitments such as resource consents and Treaty of Waitangi settlements. For this reason, they suggest central government should provide additional support to its Treaty partners for all national direction.

¹⁴ Waitangi Tribunal. 2011. *Ko Aotearoa tēnei: a report into claims concerning New Zealand law and policy affecting Māori culture and identity*. Te taumata tuatahi. Wellington: Waitangi Tribunal. Retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf.

¹⁵ See also C.6: Use and development of Māori land.

Hawke's Bay Regional Council, Hastings District Council, Napier City Council, and Central Hawke's Bay District Council (SR #447) made a similar statement:

Every iwi authority is at a different stage in their settlement and have different resourcing requirements. We recognise that councils are not the only organisations wanting to engage with iwi/hapū, and that indigenous biodiversity is not the only issue or perhaps the top priority for some iwi/hapū. For some tangata whenua in Hawke's Bay, this could result in three or more councils seeking their time and input into various documents, and that tangata whenua may need support to take up a greater consultation burden.

Additional challenges raised by submitters included:

- councils often lack the capacity and skills to provide effective Māori engagement or to incorporate te ao Māori worldview, mātauranga Māori, and tikanga Māori into plans (mainly iwi/Māori submitters, but also councils)
- the requirements of the NPSIB complicate existing relationships between tangata whenua and councils (a few councils)
- for councils, challenges include engaging with many different iwi/hapū, identifying the right groups to engage with, dissenting views within iwi/hapū groups, and the potential for conflicts of interest where tangata whenua are land owners or commercial entities (a few submitters, including individual submitters)
- incorporating mātauranga Māori into plans or identifying taonga without providing a system to protect against commercialisation of these (a few submitters).

A few submitters, mainly individuals, considered that there shouldn't be separate or different engagement requirements with tangata whenua, and that councils should work with all people.

Engagement requirements – the role of different groups in engagement

A number of Māori landholding entities made submissions seeking specific and clear recognition of Māori landholding entities (incorporations and trusts) so that engagement can occur with them. In their view, there is a focus on iwi and hapū and a failure to recognise Māori landholding entities as a group. A few other submitters sought recognition for hapū, not just iwi, as they considered that hapū held the on-the-ground knowledge to ensure best practice sustainability models for natural resources and the environment. They wanted co-design and co-management of indigenous biodiversity at a hapū level. Another submitter stated that the proposed NPSIB must respect the mana and rangatiratanga of iwi as accorded by its settlement act, and one sought recognition of tangata whenua as kaitiaki above the role of communities and land owners.

Engagement requirements should be strengthened or made more specific

A few submitters thought the requirements of the proposed NPSIB for engagement should be strengthened or made more specific. For example, one submitter was of the view that the proposed NPSIB should specify that indigenous biodiversity is to be jointly managed in accordance with section 36B of the RMA unless an iwi authority does not agree. A few submitters, including the Māori Trustee (iwi/Māori, SR #757), sought a mandatory requirement in the NPSIB for Māori land owners to be engaged in the processes.

Information and resources

Question 7 also asked submitters what information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management. Some submitters felt councils will need resources to ensure effective engagement with tangata whenua. Many submitters considered tangata whenua will need support and resourcing to participate in engagement and decision-making, and to enable them to meet the demands placed on them by the NPSIB.

Some submitters requested guidance in areas such as:

- good practice engagement and consultation processes, including which tangata whenua local authorities should engage with
- interpretation of uncertain terms
- consideration and weighting of different knowledge forms in decision-making and planning, for example, when considering mātauranga in environmental decision-making
- models for co-governance
- the decision-making hierarchy for taonga.

Opportunities for exercising kaitiakitanga and provision for sustainable customary use

Overview

Question 8 stated that local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. It asked submitters whether the proposed NPSIB appropriately provides for customary use, and 150 responses were received on this issue. There were 33 free-text responses (22 per cent), which did not identify a specific position on the question. The remaining 117 positional responses were:

- 22 (15 per cent) yes
- 31 (21 per cent) somewhat
- 30 (20 per cent) no
- 34 (23 per cent) unsure.

Submissions addressed two main matters: tangata whenua as kaitiaki, and customary use.

Relationship between land owners and kaitiaki

Of the submitters who commented on these provisions, a few thought these were appropriate. Most submitters on this matter disagreed with the provisions, or sought further clarification or amendments.

The main issue raised was the relationship between land owners and kaitiaki, with diverse views expressed. On this issue iwi/Māori submitters considered that the proposed NPSIB fails to recognise the importance of Māori land owners and their ability to be kaitiaki. Some iwi/Māori submitters expressed the view that their role as land owners cannot be separated from their kaitiaki role. One professional body submitter considered that the role of tangata

whenua as kaitiaki does not depend on land ownership, and the two should be separated so that land owners are referred to as 'stewards' and tangata whenua as 'kaitiaki'. Other submitters considered that land owners, communities and tangata whenua are all kaitiaki, or that non-Māori land owners should be recognised as kaitiaki of their land. One council submitted that the NPSIB should specify which takes precedence in the event of a conflict.

Customary use

Individual (other) had the highest number of submissions from one submitter type, but many of these respondents were unsure of their view on this question. The iwi/Māori submitter group had the highest number of submissions that disagreed that the NPSIB provision for customary use was appropriate. Individual land owners also had very similar numbers who disagreed.

Sustainable customary use

Some submitters considered the NPSIB should ensure that customary use is only allowed as long as it is sustainable, suggesting some limits should be placed on this, such as that customary use should:

- only apply where there is a net gain in biodiversity – individual (other)
- only apply to species with healthy populations – business/industry
- be restricted to non-threatened species – professional body
- be restricted until there is an abundance – individual (other).

Application to fauna

Of the submitters who expressed a view whether provision 3.3(3)c (referring to sustainable customary use of indigenous vegetation) should include fauna, most submitters considered that fauna should be included in this. Reasons given were that customary food sources are part of customary use and should therefore be included, or that it was illogical not to include fauna. Some of these submitters were of the view that such use can be, or is normally, managed. This view was expressed by Te Rūnanga o Ngāti Ruanui Trust (iwi/Māori, SR #536):

Point 3c should be also be amended to ensure that the NPSIB provides for whānau, hapū and iwi customary use of indigenous flora and fauna, not just vegetation. Customary take of indigenous species remains a central part of Ngāti Ruanui's culture and it maintains our connections to and responsibilities for biodiversity. Of course, it will not be possible to allow for customary take of certain species at certain times and in certain places, but this has always been true and a core part of mātauranga Māori when it comes to environmental protection and restoration. Ngāti Ruanui does not think the NPSIB is strong enough in relation to customary use of indigenous biodiversity by mana whenua.

One submitter considered that while it was not possible at present to include fauna in customary use due to species decline, the NPSIB should set an aspirational goal for the future.

A few submitters who opposed including fauna suggested the NPSIB should specifically refer to the Wildlife Act 1953 to recognise that indigenous wildlife are protected. One submitter contended kererū and other land and seabirds should not be included, but did consider that an exception could be made for tītī. One submitter stated that if fauna were the subject of customary take, this would disincentivise land owners from establishing habitats on their farms.

Clarify meaning, extent and process for customary use

A number of submitters considered the NPSIB should provide more detail about customary use, including what constitutes 'sustainable customary use', and the boundary between customary and commercial use. A few submitters pointed to the lack of guidance about the meaning and extent of sustainable customary use, and how it is to be determined or monitored. One council submitter suggested that a nationally agreed framework about how to determine the appropriate extent of customary use should be developed for use by councils.

Application to private land

Some submitters on this issue opposed customary use being applied to private land. Others queried how it would apply, or opposed access to private land for customary use. A few submitters raised concerns that these provisions had the ability to alienate private land owners. One submitter suggested procedures for entry and access, including notice to land owners.

Implementation information, support, and resources

Question 9 asked submitters what specific information, support or resources would help them implement the provisions in section A. There were 71 free-text submissions received on this issue. Submitters raised four main areas where implementation assistance would be useful:

1. training
2. resourcing and funding
3. guidance
4. information sharing.

Individual (land owners) comprised the highest number of submitters on this question, closely followed by individuals (other).

A few submitters suggested that knowledge sharing is important, including sharing of learnings, information tools, knowledge bases, and best practice by local authorities. One submitter stated that a national database of indigenous biodiversity would be useful for councils.

Training and upskilling

A few submitters suggested that training and upskilling on iwi/Māori as kaitiaki, tikanga, or mātauranga Māori in managing biodiversity would be useful for councils, communities, and developers.

Funding and resourcing

A few submitters believed funding and resourcing is required for both councils and tangata whenua to enable effective and timely implementation. Specific reasons for funding included enabling:

- councils and tangata whenua to develop good relationships
- iwi and hapū to participate effectively
- mana whenua to play a leading role in the identification of significant natural areas, and the protection and restoration of indigenous biodiversity.

A few submitters stated specifically that more staff are needed. Roles suggested included staff to work with mātauranga Māori experts, or a liaison person within iwi as a dedicated point of contact.

Guidance

A few submitters requested interpretation guidance to clarify the intent of the NPSIB, including best practice examples, clarification of roles and responsibilities, and what Hutia te Rito requires. Additional suggestions for guidance on implementation processes included:

- a co-governance model
- a decision-making tool for mātauranga Māori
- formal disputes resolution process
- required consultation processes
- protection and customary use
- next steps for iwi
- roles and responsibilities for iwi.

Other tools suggested by one submitter included a local government kaitiakitanga unit, to:

- enable [Mana Whakahono a Rohe](#)
- enable agreement between councils and iwi
- help Māori interests
- pilot a programme to enable local authorities and Māori land owners discuss and agree methodologies and required next steps (roadmap) for all involved.

B.1: Identifying and mapping significant natural areas

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.2 policy 6	Q 10	336
Part 3.8	Q 11	183
Appendix 1	Q 12	335
Appendix 2	Q 13	351
	Q 14	141
	Q 15	273

This section summarises submissions about how significant natural areas (SNAs) are identified and mapped (questions 10–15 of the discussion document). It includes the issues of who is responsible for mapping, how identification is carried out, and where the resulting schedules are placed.

Proposal information

SNAs are areas of significant vegetation, as well as significant habitats of indigenous fauna. They represent the range and diversity of indigenous vegetation, species, and habitats, and what is characteristic and rare of our remaining indigenous biodiversity. Their identification and management is driven by the requirements of section 6(c) of the Resource Management Act 1991 (RMA), which states that the protection of significant indigenous vegetation and significant habitats of indigenous fauna be recognised and provided for as a matter of national importance. Many councils already identify SNAs, but in different ways, and according to different ecological criteria.

Under the proposed National Policy Statement on Indigenous Biodiversity (NPSIB), territorial authorities will need to identify, map and schedule SNAs, collaborating with tangata whenua, land owners and communities. Appendix 1 proposes ecological significance criteria for identifying significant indigenous vegetation and significant habitat for indigenous fauna.

The proposed NPSIB also sets out six principles to be used by councils when assessing and classifying significant natural areas:

1. partnership
2. transparency
3. quality
4. access
5. consistency
6. boundaries.

These principles recognise that identifying SNAs has sometimes been a contentious process, but also that, if done well, it can lead to improved relationships between councils and land owners, as well as good biodiversity outcomes.

The proposal includes a timeframe of five years for the identification and mapping of SNAs by territorial authorities, and six years for scheduling SNAs in a district plan.

Mapping significant natural areas

Overview

Question 10 asked submitters what logistical issues they see with mapping SNAs, and what has limited this mapping to date. There were 336 free-text submitters on this question.

Logistical issues

The submitter types who primarily identified limitations to mapping SNAs were individual (land owners), business/industry, territorial authorities, regional councils/unitary authorities, non-government organisations (NGOs), and iwi/Māori.

There was support from a number of submitters (eg., Forest and Bird (NGO, SR #599), Fish & Game (Crown/public organisation, SR #537), Bay of Plenty Regional Council (SR #344), and Waikato Regional Council (SR #796)) for the NPSIB's requirement to map and schedule SNAs as an important step for protection. Fish & Game (Crown/public organisation, SR #537) was of the view that identifying, mapping and scheduling SNAs is "crucial for the protection of these [South Island] areas". They added:

Whilst mapping by territorial authorities has occurred in some districts, in others the process has been unsatisfactory due to lack of resourcing, expertise and the refusal of access to properties by land owners. These are all barriers that will need to be addressed at the outset so that there is a clear pathway for this important work to be undertaken.

The main logistical issues identified by submitters around identifying, mapping and scheduling SNAs were the costs and resources required for mapping, the lack of expert ecologists to undertake the work, and access to private land, as well as the need for engagement with land owners. These logistical issues are detailed below.

Costs and resources for mapping SNAs

A number of individual (land owners) identified what they believed will be follow-on costs from restrictions on farming businesses and compliance from implementing these provisions. One comment by Pukemata Station (business/industry, SR #655) was:

The compliance costs of the various proposals are likely to be significant and include the identification of these habitats and species, fencing of these habitats (could require deer fencing to manage wild populations), and ongoing pest management.

A number of councils and other submitters summarised their experience with mapping SNAs. Greater Wellington Regional Council (SR #399) described the identification and mapping of SNAs as a costly exercise requiring technical expertise and a lot of public engagement. The council added that a common logistical issue is getting access to land owner properties to ground truth desktop analyses. It also described what it sees as the political risks related to mapping SNAs: "the fact that it has been a risky proposition for local politicians – if you get it wrong, they vote you out". As a result, they conclude that "Poorly resourced districts, and districts with resistant land owners" have chosen to defer the identification and mapping of SNAs.

Other factors with significant cost and resource implications raised by councils about mapping SNAs include:

- lack of affordable technical expertise, including for ecologists, mapping, ground-truthing, scheduling, compliance and monitoring indigenous biodiversity
- no central accessible biodiversity database
- gaining access to private land
- debates with land owners over the extent and value of sites, including in litigation
- lack of financial incentives to encourage land owners to participate in SNA identification.

Several councils provided estimated costings for mapping of SNAs within the proposed timeframes.¹⁶ These councils expressed concern that these costs would greatly increase their annual spend on biodiversity.

A number of submitters (eg, Greater Wellington Regional Council (SR #399) and the New Zealand Planning Institute (professional body, SR #435)) were of the view that there needs to be a significant level of national funding support, in particular for smaller councils, and comprehensive guidance to ensure that the work is done.

Manaaki Whenua Landcare Research (science/research organisation, SR #897) recommended that the Ministry for the Environment play a lead role to ensure there are adequate resources and data products required for mapping SNAs. In their view, this should include:

data systems to simplify access to records of species distributions and their threat status, land environments and their threat status, and land cover classifications that are appropriate for NPS-IB purposes.

Lack of ecological expertise available

A number of submitters (eg, Mackenzie Guardians Inc (professional body, SR #52), Whanganui District Council (territorial authority, SR #314), Nelson City Council (regional/unitary council, SR #320), and New Zealand Ecological Society (professional body, SR #457)) noted that if the NPSIB is implemented there will be a shortage of ecologists to do field work and map SNAs, and that central government will need to provide funding to build capacity in this area.

The New Zealand Ecological Society (professional body, SR #457) suggested there is an opportunity for central government to proactively support vocational training for practical ecological assessment, and embed new field ecological capability to undertake SNA assessments in territorial authorities, as permanent staff, rather than employing external consultants. They were of the view that this would be more efficient, and may encourage the shift in culture necessary to implement the NPSIB.

Some submitters (eg, Catalyst Group (business/industry SR #240)) considered mapping SNAs at site level onerous on councils and unnecessary for policy purposes. However, other submitters (eg, Beef + Lamb New Zealand (business/industry SR #760) and Wakatū Incorporation (iwi/Māori, SR #590)) considered the significance of habitats needed to be verified or refined

¹⁶ As mentioned in the introduction of this report, we have been road-testing the implementation of the proposed NPSIB, including associated cost estimates, with councils.

through on-the-ground assessment, rather than through relying on spatial maps or desktop assessment.

Some territorial authorities (eg, Hutt City Council (SR #335) and Tararua District Council, (SR #584)) submitted that they don't have the expertise to map SNAs and that this should be undertaken by regional authorities instead. Hutt City Council (SR #335) considered that regional councils have relevant expertise, and this would also remove the:

perceived conflict of interest for territorial authorities of regulating development on significant natural areas that they themselves have determined.

Non-regulatory incentives for mapping SNAs

The Parliamentary Commissioner for the Environment (Crown/public organisation, SR #761) submitted that protection of indigenous biodiversity should not be achieved solely through regulation. In this submitter's view, active engagement is required by those closest to the sites and resources to fund that engagement. Achieving protection through collaboration and financial incentives was commonly raised by submitters as a key non-regulatory approach for mapping SNAs.

A number of submitters also expressed the view that there needs to be incentives provided to make it economically viable for land owners to protect SNAs on their properties.

Specific comments on this issue included:

- One of the key obstacles for councils in biodiversity management is the lack of strong economic drivers for land owners to look after the biodiversity on their land. Local Government New Zealand (professional body, SR #603).
- Funding and research assistance for local authorities, property owners, and iwi is required (Wellington City Council, SR #433), such as financial assistance with fencing, planting, and management plans. Otago Regional Council (SR #487).
- Providing financial support would help reduce the risk of land owners clearing significant natural areas in anticipation of the NPSIB, to avoid having it identified as an SNA. Parliamentary Commissioner for the Environment (Crown/public organisation, SR #761) and Waimakariri District Council (territorial authority, SR #597).

Ecological significance criteria

Overview

Question 12 asked whether submitters considered the ecological significance criteria in appendix 1 of the proposed NPSIB appropriate for identifying SNAs, and 335 submissions were received. Of those, 72 submitters (21 per cent) responded through free text without identifying a direct position, and 263 had a specific position on the topic. The positional responses were:

- 67 (20 per cent) yes
- 48 (14 per cent) somewhat
- 135 (40 per cent) no
- 13 (4 per cent) unsure.

Opposition to proposed criteria for SNA identification

The submitter types primarily opposed to the criteria were business/industry, individual (land owners), and iwi/Māori. These submitters considered the criteria too broad, and would identify virtually all indigenous biodiversity as significant. There was concern that large areas of farmland and plantation forest will be deemed significant. Business/industry submitters (eg, Waytemore Farms Limited (SR #744), Straterra (SR #440), and Federated Farmers (SR #450)) were concerned that the representativeness criterion includes commonplace species and ecosystems, and degraded areas where biodiversity is depleted. There was concern that the ecological context criterion will include almost all indigenous vegetation, and that the rarity criterion could include any exotic vegetation that is habitat for at-risk fauna. Some submitters requested that the criteria should be narrowed to habitats or species that are endangered or threatened, and some requested size limits on rare, threatened, and at-risk habitats.

The submission by Forest and Bird (non-government organisation (NGO), SR #599) suggested separating the different categories of at-risk species in the rarity criterion. The New Zealand Ecological Society (professional body, SR #457), however, was of the view that at-risk species should be addressed as well as threatened species. They stated:

The population declines that propel at-risk species into threatened categories in the NZTCS [New Zealand Threat Classification System] are a prominent and often irreversible feature of New Zealand's present biodiversity declines.

The Catalyst Group (business/industry, SR #240), Resource Management Law Association (professional body, SR #392) and Auckland Council (SR #193) submitted that the criteria should be clear and avoid subjectivity. In their view, the current drafting could result in inconsistent and inaccurate interpretation.

The Law Society (professional body, SR #398) suggested rarity and distinctiveness criterion would be more useful for testing representativeness in highly developed environments.

Some submitters (such as Queenstown Park Ltd (business/industry, SR #740)) were concerned about the potential wide coverage of the SNA attribute referring to indigenous vegetation reduced to less than 30 per cent of its former extent within the ecological district, region or land environment. However, there were also submissions (eg, Forest and Bird Hauraki Branch (NGO, SR #146)) supporting the 30 per cent threshold to ensure viability of indigenous ecosystems at the ecological district level.

Three councils that submitted (the West Coast councils (regional/unitary council, SR #347), Hurunui District Council (territorial authority, SR #545), and Tauranga City Council (territorial authority, SR #265)) did not support the criteria, or were concerned that they are too broad.

Alternatives proposed

A number of the submitters opposed to the proposed criteria (eg, Meridian (business/industry, SR #609), Federated Farmers of New Zealand (business/industry, SR #540), and the West Coast councils (SR #347)) wanted the criteria replaced by the original Biodiversity Collaborative Group criteria developed by an expert ecologist advising the group.

A number of submitters also suggested alternative criteria or a different focus for the criteria. Suggestions included:

- focusing only on the most significant sites
- reframing the representativeness criterion to reflect structure and composition reflective of an unmodified (pre-1840) state, or using the Singers and Rogers classification system for assessing representativeness
- including a tangata whenua criterion.

A number of iwi/Māori submitters were of the view that, under the proposed provisions, SNAs will be affected by wāhi tapu and must be identified with tangata whenua. Bay of Plenty Regional Council (SR #344) believed the NPSIB should enable use of non-technical criteria (eg, Māori, historical and community association values) when identifying and mapping SNAs.

Iwi/Māori submitters (eg, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, and Poutini Ngāi Tahu, SR #745) were concerned that the criteria fail to address Māori perspectives. Ngati Tama ki Te Waipounamu Trust (SR #554) requested including a cultural health indicator in the criteria.

The Resource Management Law Association of New Zealand (professional body, SR #392) recommended a minimum area for an SNA. Manaaki Whenua Landcare Research (science/research organisation, SR #897) and other submitters were concerned about the importance of small sites, including as habitats for fauna such as invertebrates.

Support for proposed criteria for SNA identification

Submitter types primarily in support of the proposed criteria were NGOs, territorial authorities, regional councils/unitary authorities, professional bodies, and individuals (other). These submitters considered the proposed criteria consistent with those used by a number of councils. Submitters supported creating a nationally-consistent set of core criteria across the country, as they perceive there to be too much variability within council plans at present (eg, Environmental Defence Society (professional body, SR #388)).

The majority of submissions from councils – both territorial and regional/unitary authorities – generally supported the criteria and considered that they more or less aligned with those in their plans, and are consistent with good practice.

The New Zealand Ecological Society (professional body, SR #457) considered it essential that the proposed criteria are not weakened, but are clarified and strengthened. Other submitters (eg, Fish & Game, (Crown/public organisation, SR #537), and the QEII National Trust (Crown/public organisation, SR #591) did not want the criteria watered down. The New Zealand Ecological Society supported the representativeness criterion addressing degraded indigenous vegetation and habitats typical of what remains in depleted ecological districts, and stated that this criterion should not be restricted to the best or most representative examples. They considered that protecting only a few discrete patches as SNAs will not maintain indigenous biodiversity.

Principles and approaches

Overview

Question 13 asked submitters whether they agreed with the principles and approaches territorial authorities must consider when identifying and mapping SNAs. There were 351 submissions on this question, with 264 providing direct responses; 87 submitters (25 per cent) provided a free-text response without identifying a direct position. The positional responses were:

- 72 (21 per cent) yes
- 75 (21 per cent) somewhat
- 108 (31 per cent) no
- 9 (3 per cent) unsure.

Overall, most submitters on this question did not address the principles directly, but instead discussed their position on SNAs in general.

Those submitters who supported the principles and approaches tended to refer to the underlying values behind the principles, such as land owner and community support and leadership. Others referred to relationships between land owners and local authorities. For example, Trustpower (business/industry, SR #806) stated:

Trustpower generally supports the principles identified in Part 3.8(2), as previous experience suggests that the assessment of significant natural areas for inclusion in regional and district planning documents can become problematic when land owners have distrust of local authorities.

A number of submitters suggested SNA mapping as part of the NPSIB needs to be a collaborative exercise with land owners. For example, Beef + Lamb New Zealand (business/industry, SR #760) stated that identifying and mapping SNAs should be done by experts working with communities, and verifying significance should be through on-the-ground assessment rather than relying solely on spatial maps.

Comments on individual principles

Partnership

Relationships with land owners were considered key to successfully identifying and managing SNAs, and KiwiRail (business/industry, SR #459) thought it was appropriate that this appears as the first principle in the list. One individual submitter (other, SR #661) commented:

Policies need to recognise that people are critical to maintaining and enhancing biodiversity while acknowledging, respecting and fostering the contribution land owners, as custodians and Kaitiaki, make to these habitats and species.

Several submitters believed the partnership principle should explicitly include Māori. For example, Te Rūnanga o Ngai Tahu (iwi/Māori, SR #437) stated:

Any approach to define and address these regional issues (or national) must be determined in partnership with mana whenua. Biodiversity is not evenly distributed across Aotearoa and local communities have differing needs and priorities.

Transparency

Few submitters addressed this principle directly, but those that did were generally supportive:

Open engagement with land owners and ecologists throughout the identification process will be absolutely critical to the success of this policy. Federated Farmers (business/industry, SR #450)

Quality

The requirement for physical site inspection 'wherever practicable' attracted the most comment. Many submitters felt that physical inspection was so important that it should be done by default, not just wherever practicable. Land owners discussed the significance of habitats being verified or refined through an on-the-ground assessment, rather than just through reliance on spatial maps. Reasons raised by these submitters included that the values apparent from aerial mapping may not exist on the ground, and that land-use implications of the SNA management approach to avoid certain effects meant that getting the boundaries right was vital.

Genesis (business/industry, SR #446) proposed that the quality principle should be strengthened so that the values and extent of potential SNAs *must* be verified by physical inspection. Another submitter recognised what it viewed as potential access issues, and suggested that onsite verification of a provisional SNA should only be required where there is land owner agreement (Waikato Regional Council (regional/unitary council, SR #796)).

Access

Some submitters thought the process set out by the access principle might create an incentive for land owners to deny access. One submitter suggestion was that if access was denied, an SNA should be presumed to exist unless there is expert evidence to the contrary (Scion, (science/research organisation, SR #469)). Another suggestion was that where access is not provided, the provisional data would be the default for inclusion into the district plan maps (Waikato Regional Council (regional/unitary council, SR #796)). Other submitters thought that the proposal to use section 333 of the RMA's power of entry for survey 'as a last resort' was too weak, and that the power of entry in section 333 should not be qualified in this way but should be more flexible (Auckland Council regional/unitary council (SR #193)).

Consistency

Submitters generally supported the NPSIB's requirement for consistency, but there were different views as to how it could be achieved. Individuals (land owners) tended to focus on consistent assessments as key to the principles and approaches territorial authorities must consider when identifying and mapping SNAs. Others felt central government mapping would be required to achieve consistency of identification and mapping. For example, Central Otago District Council (SR #327) stated:

The quality of SNA identification and mapping will be significantly better if done using a consistent nationwide process, avoiding duplication of processes across the country and region. A nation-wide process for SNA identification would also avoid potential inconsistencies in the interpretation of appendix 1 of the NPSIB.

Boundaries

The principle that SNA boundaries should be unaffected by property boundaries attracted some comment by submitters, on the basis that it would be impractical and lead to difficulties in pest management. It was suggested that the principle should be amended to allow for minor boundary adjustments, provided the integrity and the values of the SNA are not affected (New Zealand Farm Forestry Association (professional body, SR #364)).

Hutt City Council (SR #335) also did not support the SNA identification principle on boundaries, because they believed it would prevent pragmatic decisions to align SNA boundaries to a property boundary.

The proposed approach in the NPS-IB does not recognise the practical approach to spatially defining and applying provisions in District Plans where narrow slivers can result in significant administrative and compliance costs for limited benefit, in this case, biodiversity.

Responsibility for mapping SNAs

Overview

Question 11 asked submitters who they thought should be responsible for identifying, mapping and scheduling SNAs out of three options:

1. territorial authorities – A
2. regional councils – B
3. a collaborative exercise between territorial authorities and regional councils – C.

A clear majority of submitters chose option C. A total of 183 people responded to this question; nine (5 per cent) of the responses were free text and did not identify a direct position. The positional responses were:

- 14 (8 per cent) – A
- 22 (12 per cent) – B
- 78 (43 per cent) – C
- 60 (33 per cent) – other.

A few submitters thought responsibility for identifying and mapping SNAs should be flexible and could be done, for example, by the local authority with the most resources and greatest interest.

The 6575 submitters who responded using the Forest and Bird form submission indicated land owners should be involved in SNA identification. In their view, the knowledge that land owners have is important and can help communities to understand the value of local wildlife and habitats.

Shared responsibility: preference for option C

In their responses, those who supported option C emphasised people and partnerships as being central to this process. For example, Selwyn District Council (SR #463) said:

this is at the heart of successful indigenous biodiversity management. In our experience, effective biodiversity protection is underpinned by working with others, building relationships and supporting land owners to get the job done.

Others expressed this idea as “team up to make it happen” (individual (land owner) SR #95) or “sing from the same song sheet” (Envirohub Bay of Plenty (NGO, SR #179)). DairyNZ (business/industry, SR #532) added:

The collaboration with territorial authorities would support any effects-consideration work already done by district councils. It would also foster council/authority-land owner relationships which is critical for the implementation of a finalised NPS-IB.

Many submitters who supported option C saw it as allowing the strengths of each local government type to come together for a shared outcome. Submitters across most categories saw a collaborative approach as being accurate and efficient, and providing cost savings; with regional councils having scientific expertise and monitoring data that was not always available at district level. However, the Environmental Defence Society (professional body, SR #388) considered it important that capacity is not the main determinant: “Capacity is a separate issue, and one that can be addressed through the use of supplementary measures”.

Many submitters (eg, New Plymouth District Council (SR #359) and Palmerston North City Council (SR #408)) proposed a two-stage process where regional councils did the initial identification using databases, while district councils talked to land owners and ground-truthed the information. Additional suggestions for a collaborative approach included:

- Regional councils should have a more comprehensive view of which areas in their districts are significant, territorial authorities will have relationships with community and tangata whenua stakeholders” (Ngāti Whātua Ōrakei (iwi/Māori, SR #40)).
- Territorial authorities (TAs) could fund terrestrial SNA identification and management, and regional councils could have a coordinating role and be financially responsible for the wetland component of SNA identification and management (New Zealand Ecological Society (professional body, SR #457)).
- Regional councils use scientific expertise and GIS resources to do mapping in the first instance and then TAs take that work and do ground truthing (Waimakariri District Council (SR #597)).

Some district councils that had already identified SNAs found the regional council expertise helpful for that process.

Integrated management and other advantages of a collaborative approach

Submitters also mentioned what they saw as other advantages of a collaborative approach toward SNA identification. These included that it would promote high-quality planning and integrated management of adverse effects, and effective monitoring between local authorities (Ngāti Whātua Ōrakei (iwi/Māori, SR #40), and Far North District Council (SR #417)).

Collaborating was seen to aid biodiversity management across large areas of land, across environmental ‘domains’ such as freshwater and coastal ecosystems, and in relation to other management issues such as pest management. In the views of some submitters, collaboration on its own may not be enough for a successful SNA identification process. Go Eco (NGO, SR #472) observed that collaboration was necessary under the current framework and did not occur in practice, while an individual (land owner, SR #112) pointed to the need to ensure territorial authorities and regional councils don't end up getting into unnecessary disputes.

Encourage central government support

Many submitters, especially councils, believed central government support is essential for identifying and mapping SNAs, and one submitter thought a collaborative approach would enable more pressure to be put on central government to contribute to funding some of the work.

Single responsibility: options A and B

Some submitters thought only one type of council should be responsible for identifying SNAs, to:

- resolve confusion around roles and responsibilities
- have accountability for what is seen as continued poor performance.

Preference for option A – territorial authorities

Submitters from individual and business/industry categories expressed a preference for option A. Reasons for this included that territorial authorities:

- have a stronger local knowledge of the land and people, so are best placed to engaged with communities on how SNAs can contribute to wellbeing
- are better placed than regional councils to manage matters of national significance.

Preference for option B – regional councils

Submitters from individual and territorial authority categories expressed a preference for option B. This option received more support than option A. Reasons for this included that regional councils:

- are better resourced to support policies and programmes associated with SNAs
- have more relevant relationships with land owners, such as in relation to riparian planting support
- are better qualified and positioned to have responsibility for implementing SNAs.

Other options

The discussion document also asked for other suggestions for identifying, mapping and scheduling SNAs; that is, beyond the local government system. Some people directly responded to this with suggestions for alternative groups who could identify and map SNAs, and others discussed the groups or organisations they believed would be important to involve in a process led by territorial authorities and/or regional councils. For example, many submitters emphasised the important role of land owners, Māori and others alongside councils in terms of local knowledge, buy-in and enduring protection.

Māori

Some submitters called for a greater role for Māori in SNA identification. Reasons provided included: “ensuring the appropriate connection with whenua” (individual (land owner, SR #259)). Another submitter, Te Korowai o Ngāruahine Trust (iwi/Māori, SR #780), stated:

Currently the role for iwi/hapū is not provided in the SNA identification process nor any reference made to Māori interests (including taonga) to be taken into consideration as part of the identification process.

Central government

Most submitters believed central government should provide support for the spatial information used as a basis for SNA identification. For example, Taranaki Regional Council (SR #133) stated:

The government would be better off taking the lead [on mapping] with councils taking the lead in administering and monitoring the NPSIB.

Many submitters called for central government assistance with funding or expertise. Some councils (eg, Central Otago District (SR #327)) suggested there would also be benefit in a central government-run national mapping system for SNAs, particularly at the initial identification/mapping stage. In their view, this would ensure consistency in the methodology, and data application.

Some submitters said that SNAs should be identified by the Department of Conservation (DOC) to:

ensure consistency throughout the country, relieve and reduce friction between land owners and councils and increase collaboration between DOC and councils on biodiversity protection and restoration. (Kāpiti Coast District Council (SR #869))

Other submitters thought that the Ministry for the Environment could play a coordinating role, and councils were less equipped than a central government organisation to access resources such as smart technology and leading experts.

Independent body

Some submitters said that SNAs should be identified by an independent body that does not have financial or commercial interests. In their view, independence would mitigate the risks of vested interests, ensure a consistent approach nationally, involve appropriate experts, and allow for meeting the timeframes in the national policy statement. Submitters suggested that such a role could be played by Landcare Research (individual (other, SR #105)), the QEII Trust (individual (land owner, SR #218)), or a specially established independent body that includes councils, scientists, the public and tangata whenua (individual (other, SR #99)), and Resource Management Law Association (professional body, SR #392).

Options for including SNA schedules in plans

Overview

Question 14 stated the NPSIB proposal to schedule SNAs in a district plan. It asked submitters which of the following council plans should include SNA schedules:

- a. regional policy statement
- b. regional plan
- c. district plan
- d. a combination.

There were 141 responses, with 29 (21 per cent) providing a free-text response without identifying a position. The positional responses were:

- 10 (7 per cent) A – regional policy statement
- 8 (6 per cent) B – regional plan
- 25 (18 per cent) C – district plan
- 69 (49 per cent) D – a combination.

Preference for option A: regional policy statements (RPSs)

Around 7 per cent of submitters who responded to this question thought RPSs alone should include schedules of significant natural areas. The main reason for this support was consistency across activities regulated at district and regional level.

SNAs may be a consideration for a number of activities which are regulated in both regional and District plans. For this reason, it may be helpful to ensure that a schedule of SNAs is included in the RPS (as opposed to a regional plan or district plan) so that is given effect consistently in regional and district plans (Te Korowai o Ngāruahine Trust (iwi/Māori, SR #780), and Te Kāhui o Taranaki Trust (iwi/Māori, SR #445)).

It was also considered inefficient to duplicate provisions in both regional and district plans (Resource Management Law Association (professional body, SR #392)), and important that all authorities are aware of the SNAs and can coordinate plans (individual (other, SR #38)). Submitters supporting option B also felt it gives people outside the area the opportunity to have a say about an area to which they may have historical connections (individual (land owner, SR #113)).

Preference for option B: regional plans

Only a few submitters thought that SNAs should appear in regional plans only, for example to prevent areas falling within the jurisdiction of multiple territorial authorities (individual (other, SR #27)), or due to the wider natural resource management mandate of regional councils (Fulton Hogan (business/industry, SR #784)). Most people who favoured option A advocated for the mapping of SNAs to be done at a regional level, so they would be scheduled in regional plans (Central Otago District Council (SR #327)). Central South Island Fish & Game (Crown/public organisation, SR #537) considered that for a more comprehensive and consistent approach, regional councils should be responsible for managing SNAs, and if this approach were taken, the direction should be set in the regional policy statement and the SNA schedules included in the regional plan.

Regional mapping was also seen as a one-stop shop, where coastal/marine and freshwater/wetland SNAs would be included, and would cover all districts at once. Consent applicants would go to one place to determine if their property includes an SNA.

Some submitters also referred to aligning the response to this question with the current review of the RMA.

Preference for option C: district plans

The draft NPSIB proposes district plans contain SNA schedules. Some 18 per cent of submitters agreed, mostly on the basis that it aligns well with local government functions:

- “this falls within territorial authority functions under section 31(1)(b)(iii) of the RMA” (Porirua City Council territorial authority,(SR #286, Upper Hutt City Council territorial authority, SR #395)
- “the district plan is the land plan” (Brook Waimarama Sanctuary (NGO, SR #55), Northpower Limited (business/industry, SR #563))
- district plans are “a guiding document for that territorial area in relation to obligations on land use and management under the RMA” (individual (other, SR #210)).

Hawke’s Bay Regional Council (territorial authority, SR #447) stated:

It is assumed that land use, sub-division and development present the largest risk to terrestrial indigenous biodiversity. District Plans manage land use activities and are therefore the most appropriate place to house SNA schedules.

See also Federated Farmers (business/industry, SR #450).

Another submitter said using district plans would help with maintaining correct detail, which could then be referred to as the main reference for SNAs:

Adopting this approach means there is only one official and correct record so avoiding duplication and the problems that arise in trying to keep records up to date and consistent. (Te Hiku o te ika Conservation Board (Crown/public organisation, SR #14))

Hauraki District Council (SR #476) expressed a similar view:

It is most beneficial to Council, land owners, and users of the District Plan to have all land use provisions within the same document.

The ability to change a plan (and not an RPS) using a private plan change process was also considered important by submitters, because SNAs can be incorrectly identified if only desktop studies are used.

There should be no reference to the SNAs in Regional policy statements or Regional plans. District plans should be the sole reference point because they provide for a more flexible and appropriate ‘check and balance’ regime once classifications are made, allowing for review via a privately initiated plan change process. (Wolds Station Ltd (business/industry, SR #475))

Several submitters said that SNAs were needed at a district level to redress the repeal of ‘blanket tree protection rules’ (eg, East Harbour Environmental Association (NGO, SR #553)). A comment from another submitter was:

There has been a tremendous amount of effort and money spent through District Plans already. There is valuable experience and knowledge in District Councils on SNAs. Why bypass this? (individual (land owner, SR #93))

Preference for option D – combination

Most submitters (49 per cent) preferred to schedule SNAs in more than one plan. Key reasons given for this were that it would widely disseminate information, signal the need to work together, and ensure a consistent approach. Submitter comments in this area included:

- “If SNAs are in both regional and territorial plans and DOC Ecological Reports, it signals and shows we are all working together on this important mahi.” (individual (other, SR #175))
- “Should be shown on all relevant plans. The information should be available as widely as possible to prevent it being overlooked.” (Cato Bolam Consultants (business/industry, SR #191))
- “I think they need to be in both District and Regional Plans, so that they are visible in situations where consent is required through either authority.” (individual (other, SR #258))
- “SNAs should be in all plans... this is about presence and energy... making taiao real and living in day to day land management.” (individual (land owner, SR #259)).

Some submitters referred to landscape-wide approaches to biodiversity management as justification for scheduling SNAs across multiple plans. For example, one submitter said:

It needs to have a whole of landscape approach to ensure there are linkages and connections between SNAs for wildlife to move. (Upper Harbour Ecological Network (NGO, SR #162))

Another submitter stated:

Indigenous biodiversity knows no boundary. It is essential that for all stages of planning, via whatever territorial authority, biodiversity outcomes are central to strategic and operational decision making. There needs to be a multi-institutional approach to this. (Te Atiawa manawhenua ki te tau ihu Trust (iwi/Māori, SR #394))

Some submitters believed a combination of scheduling in both district and regional plans would be an ideal outcome to promote collaboration between local authorities. These submitters felt this would also likely result in a more comprehensive approach, since identification of SNAs may come from a variety of different channels, with differing responsible authorities (that is, the identification of an SNA through a subdivision process at a district level versus the identification of an SNA through a regional process).

One submitter said that a combination of regional plan and RPS would have the strongest outcome, “give it the most regulatory teeth” (individual (land owner), SR #154)). Another said that a district/regional combination would provide the best coverage:

so that ecologically significant wetlands are listed in the regional plans and policy statements as well as recognised as SNAs in district plans. (New Zealand Ecological Society (professional body, SR #457))

The Ornithological Society of New Zealand (professional body, SR #23) stated:

A combination of a regional policy statement, regional plan and district plan is preferable because this approach has the potential to provide effective coordination and a stronger basis for cooperation and implementation than do the alternatives.

Some submitters pointed to what they saw as the need for direct inclusion of SNA schedules across plans, regardless of where they were first mapped, to avoid repeating plan-making costs

(and possible associated litigation). For example, the Environmental Defence Society (professional body, SR #388) stated:

Currently the NPSIB only requires inclusion in district plans, and as such there is no ability for reference back to the mapped SNAs in interpreting the regional rules and policies. EDS considers that regardless of whether SNAs are mapped at the district or regional level, there should be one process for identification. For example if SNAs are included in regional plans (using the Schedule 1 process) EDS considers that incorporation into district plans should be enabled without contest.

Some councils pointed to the wider functions of regional councils as demonstrating what they saw as a need for scheduling across plans:

Regional councils' biodiversity function is not limited to any of its "control" functions but is a stand-alone function that can be given effect to through any methods (regulatory or non-regulatory). (Nelson Council, SR #320)

SNA identification timeframes

Overview

In response to question 15, 273 submitters commented on whether they think the timeframes for SNA identification, mapping and scheduling are reasonable and, if not, what they thought a reasonable timeframe would be. Of those submitters, 31 (11 per cent) provided a free-text response without a direct position identified, and 242 had a specific position on the topic. The majority of submitters disagreed with the timeframes proposed. The positional responses were:

- 49 (18 per cent) yes
- 26 (10 per cent) somewhat
- 156 (57 per cent) no
- 11 (4 per cent) unsure.

The responses to this question overlap with those to question 49 in section E.3: Timeframes and implementation approaches. While question 15 focused on submitter views of the reasonableness of one proposed timeframe, question 49 asked submitters their preference between the proposed and an alternative implementation approach. Question 49 asked submitters whether they preferred:

- a. implementation of the NPSIB as soon as reasonably practicable, including the requirement for SNAs to be identified and mapped in five years, and scheduled and notified in plans in six years
- b. a progressive implementation programme, with SNAs identified and mapped in seven years and scheduled and notified in plans in eight years.

The majority of submitters who responded to this question preferred option A. While responses to this question indicate that the majority of these submitters disagree with the timeframes proposed for SNA identification, mapping and scheduling as a question on its own, comparing this to the responses to question 49, submitters appear to prefer this proposed timeframe over the alternative option of a progressive implementation programme.

Opposition to proposed timeframes for SNA identification, mapping and scheduling

Some NGO, science/research, iwi/Māori, and Crown/public submitters were opposed to the timeframes because they believed the timeframes should be shorter. They considered that in many cases the information required for SNA identification is already available, and urgent action is needed given the current biodiversity crisis. Fish & Game New Zealand (Crown/public organisation, SR #418) recommended a regulatory backstop in the NPSIB to prevent the clearance of indigenous biodiversity before SNAs are able to be identified and mapped.

The submitter types primarily opposed to the proposed timeframes were individual land owners, business/industry, regional/unitary councils, and territorial authorities. These submitters commonly believed the proposed timeframes are too short, and likely to be unachievable for many councils, particularly the smaller, poorly resourced councils. The West Coast Councils (SR #347) considered:

A 5-year time frame for the identification and mapping will be insufficient given the scale of the exercise in our region and the need for adequate engagement with land owners that we expect will be a contentious process.

A few councils opposed or supported the timeframes based on where they are at in their district plan cycle. Those who recently finished their review tended to oppose the proposed timeframes because of consequential delay to the efficient delivery of their district plan. Kāpiti Coast District Council (SR #869) proposed councils should be able to rely on their existing provisions for SNA sites for 10 years from their operative district plan date.

Many councils emphasised the lack of ecological experts in New Zealand to undertake SNA identification. Some land owners and business/industry submitters were concerned that the short timeframes will mean the quality of SNA identification and mapping is compromised. These submitters believed longer timeframes are needed for robust SNA assessments to be carried out together with land owners and tangata whenua, and that this will ultimately lead to sound management of indigenous biodiversity.

Wolds Station Ltd (business/industry, SR #475) was concerned the proposed timeframes will result in rushed and inaccurate SNA assessments that, with the proposed precautionary approach in the NPSIB, will result in overestimation of SNAs. This submitter was concerned that the current datasets available to support SNA identification are out of date, and recommended central government look to the datasets produced under Tenure Review, where a high level of detailed information exists.

Alternatives proposed

Alternative timeframes proposed for SNA identification, mapping and scheduling ranged from six months from those who requested urgent action to address the decline in indigenous biodiversity, to 30 years for those who considered this the time needed to do the work thoroughly. Specific suggestions for the identification, mapping and scheduling of SNAs included:

- retain proposed timeframes if adequate guidance and resourcing is provided by central government (multiple submitters)
- a more flexible implementation approach specific to each council, the current status of their biodiversity work programme, and their district plan review, with central government resource and guidance (LGNZ (professional body, SR #603))

- including a provision equivalent to the National Policy Statement for Freshwater Management (NPS-FM) to enable councils to extend the timeframe for SNA identification, mapping and scheduling if they consider meeting the proposed date would be impractical, or result in lower quality planning (business/industry submitters)
- councils determine their own timeframes as part of reviewing their regional and district plans, as well as partnerships with land owners and communities to identify SNAs, understand their values and how they can be managed (Beef + Lamb New Zealand Ltd and Deer Industry New Zealand (business/industry, SR #760))
- require a minimum of 50 per cent of SNAs in a district/region to be identified and mapped within five years, focusing on quality of information (Waikato District Council (territorial authority, SR #871))
- establish a national steering group to allow experts and stakeholders to develop and advise appropriate timeframes (Balance Agri-nutrients Ltd (business/industry, SR #898))
- progress identification and mapping of SNAs through a national group, collaborating with councils and tangata whenua over five years (and at least another five years for SNAs to be incorporated into district plans) (Resource Management Law Association (professional body, SR #392)).

Support for proposed timeframes for SNA identification, mapping and scheduling

The submitter types primarily supporting the proposed timeframes were professional bodies, NGOs, science/research organisations, iwi/Māori, and individuals (other). These submitters believed the timeframes are reasonable, given:

- a lot of indigenous biodiversity information already exists
- there is a biodiversity crisis and urgency is needed
- they allow for the engagement of cultural expertise
- timeframes align well with some councils' district plan review cycles
- some councils have already done significant work to identify, map and schedule SNAs.

Submitters noted that resourcing and support from central government is vital, particularly for the smaller, less well-resourced councils. Submitters recommended that practice notes, centralised/combined procurement processes, and specific data sets will help councils meet the proposed timeframes. Greater Wellington Regional Council (regional/unitary council, SR #399) were of the view that the proposed timeframe is reasonable as the RMA has required the protection of SNAs since 1991, and the NPSIB will now compel this to be done. They considered that whether the proposed timeframe is reasonable needs to be assessed alongside the other national direction instruments councils are required to implement.

B.2: Recognising and protecting taonga species and ecosystems

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.2 policy 12 Part 3.14	Q 16	170

The process for identifying and managing taonga species and ecosystems

Proposal information

There is currently no clear Resource Management Act 1991 (RMA) process for iwi/Māori to proactively identify their kaitiaki interest in taonga species. This proposal sets out a process for considering and managing taonga species and includes:

- policy 12: to identify and protect indigenous species and ecosystems that are taonga
- implementation provision 3.14, which sets out a process for considering and identifying taonga.

Overview

Question 16 asked whether submitters agree with the proposed approach to identifying and managing taonga species and ecosystems; there were 170 responses. The positional responses were:

- 56 (33 per cent) yes
- 38 (22 per cent) somewhat
- 38 (22 per cent) no
- 12 (7 per cent) unsure.

There were 26 submitters (15 per cent) who provided a free-text response with no direct position. The highest proportion of submitters on this question agreed with the approach to identifying and managing taonga. The main reasons given for this were that it provides a:

- collaborative approach
- flexible process for tangata whenua to choose whether to identify taonga, their location or values.

Some of those who supported the approach also expressed that tangata whenua would need resources from central government to enable them to build capacity and participate in the process.

Individual (other) formed the largest group of those who agreed with the approach. Iwi/Māori were evenly divided on the approach; those who supported the approach did so because, in

their view, it recognises and protects taonga and ecosystems and provides flexibility for them to choose whether to identify taonga. Those iwi/Māori who opposed the approach did so mainly because of a lack of detail about how they would be decision-makers for their taonga. Individual (land owner) was the largest group who disagreed with the approach.

Roles and functions

Submitters had a range of views about the level of involvement by tangata whenua in the process for identifying or describing taonga, their location and values, and their management. Some submitters, mainly iwi/Māori, sought more detail about a stronger role for tangata whenua as decision-makers over their taonga. For example:

This policy also provides for tangata whenua to outline their taonga, but does not outline how Māori will become decision makers in the protection of these taonga – a right which is given to us in the articles of Te Tiriti. (Patuharakeke Te Iwi Trust Board Inc (SR #559))

A few submitters considered the requirements to work with tangata whenua too vague and don't provide sufficient detail about how tangata whenua would be the decision-makers to achieve the level of control envisaged by *Ko Aotearoa tēnei*.¹⁷ Suggestions for strengthening the requirements included co-governance with local authorities, or that the process should be led by tangata whenua. One iwi/Māori submitter sought a completely different system involving self-determination for Māori land owners to manage their special natural areas and taonga.

A few submitters wanted it made clear that some groups should be specifically included with those responsible for identifying taonga – with both iwi/hapū and Māori land owners being suggested. A few submitters (councils and iwi/Māori) believed the provisions should require the local authority functions for identification and management of taonga to be carried out in partnership with the Department of Conservation. One submitter questioned whether local authorities had the function to 'manage' taonga as is required by implementation provision 3.14 (4).

Taonga species and the Treaty of Waitangi

Some iwi/Māori submitters considered the proposed National Policy Statement on Indigenous Biodiversity does not appropriately take into account the principles of the Treaty of Waitangi, because it doesn't:

- recognise the iwi relationship with and kaitiaki over taonga species
- provide sufficient role for tangata whenua to be decision-makers to protect their taonga.

One council also expressed the view that the requirement to take into account the principles of the Treaty of Waitangi did not provide any stronger direction than already exists in the RMA, and so may be not be effective to ensure taonga are protected or be an improvement beyond current levels of protection.

¹⁷ Waitangi Tribunal. 2011. *Ko Aotearoa tēnei: a report into claims concerning New Zealand law and policy affecting Māori culture and identity*. Te taumata tuatahi. Wellington: Waitangi Tribunal. Retrieved from https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf.

Application to private land

A few submitters opposed the identification of taonga on private land. Reasons included that submitters thought it will cause division in communities, or that tangata whenua should only be able to identify taonga on their own and public land, not private land. A few submitters were opposed to the proposal on the grounds that they did not want to provide access to taonga on their land without express permission.

A few submitters, mainly professional agricultural industry bodies, considered that a more detailed process is needed to provide for land owner consultation and input into the identification, management and access to taonga on private land. These submitters suggested principles to guide these processes, and sought a more comprehensive process, along with guidance to ensure the provision is workable and provides certainty.

One submitter felt compensation should be provided if a land owner loses the ability to use parts of their land as a result of the taonga identification.

Relationship to management of SNAs

Submitters expressed views on the relationship between the identification and management of significant natural areas (SNAs) and the identification and management of taonga, including:

- there should be more clarity about whether taonga, once identified, are managed as an SNA (regional/unitary; Crown/public organisation)
- although taonga values and status need to remain distinct from SNA values, the two provisions (3.8 identifying significant natural areas and 3.14 identified taonga) should be amalgamated so the process is not compartmentalised (regional/unitary council; individual (other))
- the process for managing taonga should be clearer and specify that there should be community input through the process set out in schedule 1 of the RMA¹⁸ (business/industry).

One regional/unitary council submitter was opposed to including ecosystems in the definition of taonga, because this makes the scope of what could be considered too broad. They considered it could cover extensive areas such as a mountain. Conversely, a few submitters requested that the definition should be broader and extend to insects and fungi. One Science/Research organisation submitter believed criteria should be provided to select and prioritise taonga, given the broad way the concept is used. One NGO/professional body submitter queried the relationship between taonga that are tapu, and biodiversity taonga.

¹⁸ Schedule 1 of the RMA sets out the process for public notification and submissions on changes to policy statements and plans.

B.3: Surveying for and managing highly mobile fauna

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.2 policy 13	Q 17	363
Part 3.15	Q 18	119

Councils working together on identifying and managing highly mobile fauna

Proposal information

Highly mobile fauna are animals that move frequently between environments, often at a cross-district or regional scale. They may use areas for feeding, breeding or resting that would not be considered significant natural areas (SNAs), or they might only be in a significant area on a transient basis. This means that wider considerations are necessary to maintain their populations, especially for threatened or at-risk species.

Part 3.15 of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) guides the identification and management of highly mobile, at-risk or threatened indigenous fauna species that are likely to depend on habitats beyond identified SNAs, and whose presence in the environment might be difficult to detect.

Part 3.15 requires regional councils and territorial authorities to work together to survey and record areas outside SNAs to:

- identify the likely presence or absence of highly mobile indigenous fauna in their districts
- include maps in regional and district plans of areas where these species are likely to be present, where this will help protect them
- provide people and communities with information about these species and their habitat requirements, as well as how to protect them and their habitats
- include objectives, policies or methods in resource management plans for managing adverse effects on highly mobile fauna and for maintaining viable populations of these species across their natural range.

Overview

Question 17 stated that Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs, and asked submitters whether they agree with this approach. Most submitters supported the intent of the proposal (either in full, or somewhat) for managing highly mobile fauna. There were 363 responses to question 17. Fifty submitters (14 per cent) provided a free-text response without a direct position. The positional responses were:

- 102 (28 per cent) yes
- 107 (29 per cent) somewhat

- 85 (23 per cent) no
- 19 (5 per cent) unsure.

The 6575 Forest and Bird form submitters supported the provisions regarding highly mobile fauna. In the views of these submitters, it is important to improve protection of fauna that can travel large distances and to provide for them returning to areas where people live.

Stronger levels of support came from individuals (land owner and other), non-government organisations (NGOs) and science/research organisations. Business/industry and territorial authorities generally had higher levels of opposition to the proposal than submitters from other categories. Iwi/Māori and regional councils were evenly divided on their positions. Individual (land owners) generally supported the intention of the proposal but had significant concerns about what it might mean for how they use their land.

Part 3.15(1) of the proposed NPSIB states:

Every regional council must work together with the territorial authorities in its region to survey and record areas outside SNAs where highly mobile fauna have been or are likely to be sometimes present.

Most submitters raised issues with specific aspects, even where they supported the overall intention. The main concerns were with the scope of the requirements, who would be responsible for implementing them, and the costs of implementation. Other submitters expressed strong support for this provision and pointed out examples of where surveying and managing for highly migratory fauna have been lacking (eg, Ecological Society (professional body SR #457) and Fonterra (business/industry, SR #262)). The Environmental Defence Society (NGO, SR #388) supported including Part 3.15 if the implications for councils and land owners are manageable or better reflect the intent of the Biodiversity Collaborative Group.

Need for the provisions

More than half the submitters supported or somewhat supported the provisions for highly mobile fauna. For example, Forest & Bird Youth (NGO, SR #522) stated that Part 3.15 is essential to the success of the proposed NPSIB:

Native species don't understand the lines that humans draw on maps; highly mobile fauna move between habitats on Crown-owned and private land all the time. This is why the process of identifying SNAs is so important, as well as the proposed identification and management of highly mobile indigenous species.

Some submitters gave examples of fauna that move across council boundaries (eg, seabirds, (Auckland Council regional/unitary council, (SR #193)), or land uses (bats (individual (other, SR #244))). Other reasons for supporting these provisions centred on the limitations in traditional site planning concerning managing adverse effects on a species that is only temporarily present or uses a small resource, such as a single tree for roosting. Some submitters also pointed to the need to consider a range of legislative tools, for example, to control dogs where penguins nest (Mohua Blue Penguin Trust (SR #238)). The collaboration involved in implementing these provisions was also seen as a benefit (individual (other, SR #232)), as was improved access to nature (Forest and Bird Youth (NGO, SR #522)).

Effects on councils and land owners

Many councils and land owners submitted that the overall implications of Part 3.15, highly mobile fauna, would be too demanding. This was mostly due to a combination of wide-ranging survey requirements and uncertainty about the type of planning provisions needed to support highly mobile fauna areas. A number of individuals (land owners) expressed concerns similar to the following (SR #281):

The provisions could be interpreted as precluding the ongoing grazing of animals adjacent to and within these areas, which means that those that have done the most to protect indigenous habitats and species within their farming businesses could shoulder the greatest costs including restrictions to their farming businesses.

Suggestions were made to reduce the number of ‘musts’ in the provision and soften the language, for example by using the term ‘where practicable’.

Requirements and costs to ‘survey and record’ and the role of Department of Conservation (DOC)

Many submitters opposed the requirement for councils to survey and record areas used by highly mobile fauna. Most councils stated they had neither the expertise nor the resources to undertake this task. For example, Marlborough District Council (SR #346) submitted:

Placing an expectation on Councils for the identification of fauna habitat would place pressure on resourcing and expertise that we currently do not have.

Hamilton City Council (territorial authority, SR #289) also raised concerns about scale, complexity, expertise and costs – seeking greater clarity on the responsibilities for sourcing data.

Many submitters, including most councils, questioned whether the role of managing highly mobile fauna would sit better with DOC rather than councils, and pointed to the Wildlife Act 1953 as the appropriate statutory basis.¹⁹ Other submitters believed councils have a role in species management, such as responsibility for habitat protection, pest control, restoration, or consent conditions, and that responsibility for highly mobile fauna would be a logical extension of this. These submitters were also of the view the provisions should be implemented as being explicitly framed within a DOC/council partnership.

Definition of ‘highly mobile fauna’

There was much concern around the definition scope of ‘highly mobile fauna’. The main issue raised by submitters focused on what kinds of animals would be included. While the use of threat classification lists was seen as a good start, many submitters felt that uncertainty remained around the scope of fauna that could be included. Some submitters asked about the taxonomic scope, for example, whether highly mobile invertebrates would be included. Others looked at habitat use and questioned whether wetland fauna would be covered, given the scope exclusion in Part 1.5 (1)(b), or marine fauna such as sealions, in light of the coastal

¹⁹ For example, section 41 gives the Minister of Conservation explicit powers to prepare and carry out wildlife surveys, coordinate the policies and activities of local authorities in relation to protection and conservation, and disseminate wildlife information. See for example the submission by Taranaki Regional Council (SR #105).

marine exclusion (Part 1.5 (1)(a)). These submitters pointed out that other animals might cross domains, such as wading birds when feeding below mean high water springs. Several submitters suggested the definition should be made more certain by including a list of relevant fauna.

Areas where highly mobile fauna “have been, or are likely to be, sometimes present”

The other main issue raised by submitters was the ‘temporal’ aspect of the survey requirements. The phrase “have been, or are likely to be, sometimes present” drew concern around the potential breadth of its scope. For example, submitters sought clarification on the timeframe relating to “have been”, the kind of evidence needed for “likely” presence, and the threshold for “sometimes” (eg, whether it includes fleeting visits such as birds passing through). These submitters called for tighter boundaries around the scope of survey requirements and when they might be triggered.

Interaction with significant natural areas

Some submitters questioned the need for a separate provision around highly mobile fauna, given that an area providing habitat for threatened or at-risk species will be classified as an SNA (under criterion c – rarity and distinctiveness). Other submitters supported the need for both provisions, as habitat of highly mobile fauna have often not been identified as SNAs: “Fauna doesn’t distinguish between SNAs and other areas. It needs to be managed wherever it lives” (individual (other, SR #47)).

Collaborative and non-regulatory approach

The proposals for collaborative and non-regulatory approaches to managing highly mobile fauna were strongly supported by submitters. Many called for a collaborative approach *and* a greater role for central government. Suggestions included that central government should:

- provide a database or list of highly mobile fauna
- conduct or coordinate surveys
- establish national standards for managing adverse effects in highly mobile fauna areas
- disseminate information on best practice management.

Land owners also emphasised the value of working together:

Here is an opportunity to foster partnerships and use non-regulatory methods to help land owners manage highly mobile fauna, with resources and knowledge. (individual (land owner, SR #280))

There was a call to prioritise “non regulatory, partnership, and land owner led approaches to managing mobile species and their habitat” (eg, individual (land owner, SR #281)) and to co-design management frameworks that provide for mobile species through tailored farm or forestry plans.

Some submitters thought that council/land owner actions for managing highly mobile fauna would be better placed in regional biodiversity strategies). In their view, such strategies would be more flexible, easily updated, and better able to contain a range of methods. These

submitters also believed that a non-regulatory approach would be more successful in getting buy-in from land owners than a requirement in the NPSIB.

Information, support or resources to implement provisions of section B

Overview

Question 18 asked submitters what specific information, support or resources would help them implement the provisions in section B of the discussion document. Responses were received from 119 submitters in free text, across all submitter types.

Suggestions to support SNA identification and mapping

Submitters suggested different types of information, support or resources to help implement SNA identification and mapping. This included funding support (particularly for those councils yet to identify SNAs and with a small rating base and large area of private land to manage), funding for ecologists, and compensation for land owners' loss of property value as a result of SNA identification.

Information resources requested to support SNA assessment included:

- up-to-date lists of threatened species (with specific information by region and district)
- threatened environment classifications
- information on naturally uncommon (rare) ecosystem types
- maps of converted pasture and current and former wetlands throughout New Zealand
- satellite imagery for local authorities to undertake annual monitoring of vegetation clearance.

Submitters such as Tasman District Council (regional/unitary, SR #534), Baywatch Far North (NGO, SR #104), and a number of individual land owners, also recommended that there should be:

- training for new ecologists (independent)
- technical guidance on SNA assessment processes
- assistance from private ecological consultants and organisations such as Landcare Research and Manaaki Whenua.

A number of individual submitters suggested clarity and collaborative opportunities for land owners with regard to SNA identification and mapping. This included that councils should discuss with land owners the effect of SNAs on their property, and that councils should reassure land owners about the security of information on SNAs on their land. Individuals (other and land owner) also called for a focus on partnerships to map SNAs, and for using catchment teams of local land owners alongside council staff and technical experts to promote the best outcomes for each catchment. DairyNZ (business/industry, SR #532) called for clear messaging by councils regarding future engagement with land owners, rural lenders, and land agents as SNAs are identified and mapped.

There were two suggestions on timeframes for councils to carry out SNA identification and mapping. Kāpiti Coast District Council (territorial authority, SR #869) suggested timeframe requirements should be removed for councils that have already identified and protected SNAs.

The New Zealand Ecological Society (professional body, SR #457) suggested there should be an interim requirement for councils yet to identify SNAs to regard areas of grassland/shrubland not converted to pasture as interim SNAs, and develop interim clearance rules to prevent their loss and degradation until such time as SNAs are mapped.

Suggestions supporting protection of taonga species and ecosystems

The types of information, support or resources suggested by a range of submitters to help protect taonga species and ecosystems include:

- publicly available lists of taonga for local iwi
- a clear timeframe associated with the implementation requirement
- funding and support to help tangata whenua with taonga identification.

Suggestions supporting surveying and managing of highly mobile fauna

The types of information, support or resources suggested by submitters to help survey and manage highly mobile fauna included species information such as:

- a list of mobile fauna and the habitats they prefer, including the highly mobile bird species in the Ornithological Society of New Zealand's national bird atlas (once completed)
- the habitat needs of highly mobile fauna, how to identify them, and how to mitigate their loss
- a nationally-led approach to surveying and identifying highly mobile fauna habitat, including a national database of best practice guidance for each highly mobile fauna species that can be used and adapted by councils.

Submitters such as the Resource Management Law Association (professional body, SR #392) requested resourcing, support and adequate timeframes to implement any management measures for highly mobile fauna. This included support for councils, iwi groups, and iwi authorities to determine the best method to manage highly mobile fauna, and specialist ecological expertise to be provided by DOC or another organisation.

General suggestions

In their responses to question 18, submitters also suggested information, support or resources that would help implement the proposed NPSIB more broadly. The following suggestions were made about general funding to support implementation:

- financial support for the QEII Trust to expand its capacity and capability
- scholarships and training to add to number of suitably qualified ecologists
- contestable fund(s) to support biodiversity protection and management.

The following suggestions were made for support and incentives for affected land owners:

- financial, technical, and human resourcing to continue to protect and restore indigenous habitats and populations within their farming businesses and communities
- grants for biodiversity protection financial contributions
- rates relief
- carbon credits
- provision of technical expertise

- educational material provided through catchment field days
- farm mapping
- decision-making tools to integrate biodiversity values into farm decision-making
- use of farm environment plans
- training including targeted training for rural lenders and land agents
- pest control resources at cost.

The following suggestions were made for support to councils implementing the NPSIB:

- training for councillors and council staff
- direction and funding for the development of rates remission
- provision of technical and policy staff to provide direct support on how to integrate NPSIB provisions into planning and decision-making
- funding for councils to run educational seminars for land owners
- example plan provisions
- technical guidance
- clarified national priorities.

The following suggestions were made to support iwi implementing the NPSIB:

- IT infrastructure and processes to facilitate engagement
- iwi secondments with DOC
- training and capacity building.

Submitters also made specific comments regarding implementations roles. This included:

- having an emphasis on partnerships
- cross-sectoral relationships and collaborative approaches
- creating biodiversity 'champions' or kaitiaki to help promote responsible biodiversity management and the te ao Māori worldview.

Submitters provided the following suggestions to support implementation and monitoring:

- Data sharing/central database for all agencies to contribute to. This could contain biodiversity monitoring information, cross-boundary and organisational knowledge on indigenous biodiversity, a nationwide vegetation map. It would promote knowledge growth, prioritisation, investment, and consistent national monitoring. Potential open access to this database for public transparency.
- Government support for national remote-sensing tool to provide up-to-date monitoring of vegetative cover at detail useful to monitor state and trend and compliance.
- Guidance, including examples and definitions, to support implementation and monitoring.
- Specific guidance on appropriate buffering and management of SNAs in degraded landscapes to minimise degradation due to edge and surrounding landscape effects. Specific guidance on planted/regenerated buffer zones and unintended SNA expansion.
- Education programmes and easily accessible information on the state and trends of indigenous biodiversity.
- Developer contributions to monitoring.

Submitters such as Federated Farmers (business/industry, SR #450) and the QEII National Trust (Crown/public organisation, SR #591) commented specifically on the issue of covenants. These included the view that voluntary covenants should be promoted, and there should be flexibility for existing covenants that become SNAs, to allow for continuation of activities provided for under the covenant.

Additional suggestions by submitters to support NPSIB implementation were:

- encouraging the use of bylaws to control domestic animals
- managing privacy concerns regarding SNA and covenant location and information
- resolving conflicting council responsibilities, for example, drainage and biodiversity management
- amending NPSIB structure to enable councils to use section 55(2A) of the RMA²⁰ to update their district plans more efficiently
- clarifying compliance responsibilities and promoting training of compliance officers
- prioritising management of the conservation estate.

²⁰ Section 55(2A) of the RMA says: The local authority must—

- (a) make the amendments referred to in subsection (2) without using the process in Schedule 1; and
- (b) give public notice of the amendments within 5 working days after making them.

C.1 and C.2: Managing adverse effects on biodiversity within significant natural areas and providing for specific new activities

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.1 objective 6	Q 19	241
Part 2.2 policies 6, 8 and 10	Q 20	221
Part 3.7	Q 21	71
Part 3.9	Q 22	189
Appendix 2	Q 23	235
	Q 24	125

Section C.1 of the discussion document included three questions on how local authorities must manage adverse effects to protect significant natural areas (SNAs). For each of these questions, the number of submitters ranged between 71 and 241. Section C.2 included three questions on how specific new activities are provided for in SNAs. For each of these, the number of submitters ranged between 125 and 235.

Submissions have been summarised into the following six topics.

1. Protection of SNAs: question 19 asked submitters whether the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) provides the appropriate level of protection for SNAs.
2. Effects management hierarchy: question 20 asked whether submitters agreed with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity, instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group (BCG).
3. Adverse effects: question 21 asked whether submitters think there are any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs.
4. High/medium distinction: question 22 asked whether submitters agree with the distinction between high- and medium-value SNAs to ensure SNAs are protected while providing for new activities.
5. New activities provided for: question 23 asked whether submitters agree with the new activities the proposed NPSIB provides for and the parameters in which they are provided for (see Part 3.9(2)–(4) of the proposed NPSIB).
6. Nationally significant infrastructure definition: question 24 asked whether submitters agree with the proposed definition for nationally significant infrastructure.

Sections C1 and C2 have been combined because they are part of the same theme of effects management in SNAs. Submitter feedback often covered several of the topics. Note that plantation forestry, existing uses of land, and existing pastoral farming are covered in sections C.3 and C.4.

Protection of SNAs

Proposal information

The proposed NPSIB primarily protects SNAs through Part 3.9. This requires four adverse effects on SNAs to be avoided, and all other adverse effects to be managed through the effects management hierarchy. Part 3.9 balances protection and use by allowing for some specific activities to be managed more flexibly.

Overview

There were 241 submitters, who commented on whether they thought the proposed NPSIB provided the appropriate level of protection of SNAs; 185 of these had a specific position on the topic and 56 (23 per cent) provided free-text responses without a specific position. The positional responses were:

- 43 (18 per cent) yes
- 68 (28 per cent) somewhat
- 57 (24 per cent) no
- 17 (7 per cent) unsure.

The 6575 Forest and Bird form submissions expressed their support for strong environmental bottom lines to protect SNAs, stating that new developments must avoid negative effects on SNAs.

Responses to the question of whether the NPSIB provides the appropriate level of protection for SNAs covered a range of topics, many covered by other questions in this section (eg, effects management hierarchy, high/medium management, new activities provided for). This particular sub-section will focus on themes raised by submitters that are not covered elsewhere in this section.

Many submitters believed that the NPSIB provides enough/somewhat enough protection of SNAs. However, some submitters, primarily from the business/industry category, contended the NPSIB does not provide enough protection for SNAs and other measures are needed. The Rural Advocacy Network (business/industry, SR #464) for instance believed regulation does not protect indigenous biodiversity and rules are counterproductive, alienating land owners and turning indigenous biodiversity into a liability. They submitted that rules agreed to by land owners through covenants and other voluntary protection mechanisms get a much higher degree of buy-in from land owners and positive results for indigenous biodiversity.

Need for supporting measures

A wide range of submitters felt that, in addition to the NPSIB, the protection of SNAs depends on a package of supporting measures and incentives. Local Government New Zealand (professional body, SR #603) noted the importance of financial support in some circumstances as well as support through proactive projects, facilitation, information and advice, and positive acknowledgement of good work. Submitters such as the Surveying Company (business/industry, SR #352) and Predator Free New Zealand (NGO, SR #560) emphasised that proposals to protect SNAs should also include management options such as legal protection, fencing, and pest and weed control. Some submitters noted that simply identifying an area as an SNA does not protect it.

Effects that must be avoided on SNAs in Part 3.9(1) and language of Part 3.9

A few iwi/Māori submitters stated it is not clear how the protection of SNAs through Part 3.9 implements *Hutia te Rito* or the objectives of the NPSIB. Te Kāhui o Taranaki Trust (SR #445) would like the protection and restoration of the mauri of an SNA to be a specific outcome. Te Kotahitanga o te Atiawa Trust (SR #565) would like consent applicants to have to avoid adverse effects on tangata whenua relationships with SNAs, and for Part 3.9 to protect and enhance the historical, traditional, spiritual and cultural associations of tangata whenua to accord with *Tai Whenua, Tai Tangata, Tai Ao*.²¹

Much of the commentary focused on the four effects to be avoided on SNAs (Part 3.9(1)). Some non-government organisations (NGOs) and councils supported the list of adverse effects on SNAs to be avoided, with the view that they are evidence-based and consistent with Resource Management Act 1991 (RMA) sustainable management, and with maintaining indigenous biodiversity as per Part 1.7(3). The Environmental Reference Group (science/research organisation, SR #358) emphasised the need for these:

There are some biodiversity values which if lost, cannot be remedied, mitigated or offset, and at a time of biodiversity crisis, it is extremely important to realise this and reflect it in policy.

A few submitters pointed out that ‘at-risk’ species need to be added to 3.9(1)(a)(iv)²² to reflect the rest of the NPSIB.

Some territorial authorities and business/industry submitters considered the effects to avoid in Part 3.9(1)(a) too broad, difficult to quantify, and open to interpretation as to what scale they apply at (that is, project or SNA scale). A few business/industry submitters noted that the four effects to avoid include all adverse effects commonly represented by development that impact on indigenous biodiversity, and are essentially the same as saying ‘avoid all adverse effects’, which they consider unreasonable. Several councils raised concerns with the ‘avoid’ directive running counter to the ‘reasonable use’ test in section 85(2) of the RMA, and councils being subject to legal challenge. The primary concern among submitters was that most SNAs will be high value, and therefore new subdivision, use and development will be severely restricted due to the requirement to avoid the adverse effects listed in Part 3.9(1).

Another concern raised was that the avoid directive will conflict with other government direction (eg., the National Policy Statement on Urban Development, National Policy Statement for Highly Productive Land, infrastructure spending, and resource strategy²³). Another submitter concern was that the way Part 3.9(1) is drafted is considered inconsistent with the BCG’s intent, because the BCG required avoidance of the adverse effects it listed only in those SNA attributes deemed significant. Instead, we proposed this be applied to the SNA as a whole. Environment Canterbury (regional/unitary council, SR #595) and Environment

²¹ Te Atiawa. 2019. *Tai Whenua, Tai Tangata, Tai Ao: Te Kotahitanga o Te Atiawa, Taranaki* (Environmental Management Plan). Taranaki: Te Atiawa. Retrieved from <https://teatiawa.iwi.nz/tai-whenua-tai-tangata-tai-ao/>.

²² “avoid a reduction in population size or occupancy of threatened species using the SNA for any part of their lifecycle”.

²³ While the submitter did not specify which strategy is meant here, they may be referring to MBIE’s *Responsibly Delivering Value: Minerals and Petroleum Resource Strategy for Aotearoa New Zealand: 2019–2029* (retrieved from www.mbie.govt.nz/assets/nzpm-resource-strategy-multi-agency.pdf).

Southland (regional/unitary council, SR #267) both pointed out that the language in Part 3.9 needs to consider regional council functions.

Effects management hierarchy

Proposal information

The effects management hierarchy is defined in Part 1.8 of the proposed NPSIB. It refers to a set of steps to be applied sequentially to manage adverse effects and minimise risk to indigenous biodiversity. It is referred to in provisions for managing adverse effects on SNAs (in addition to the four effects that must be avoided as described above), and for managing adverse effects to biodiversity outside SNAs where a council deems it necessary.

Overview

There were comments from 221 submitters on whether they agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity, instead of the outcomes-based approach recommended by the BCG. Of those comments, 168 had a specific position on the topic and 53 (24 per cent) responded in free text without identifying a specific position. There was a fairly even spread in support, partially in support, or opposed. The positional responses were:

- 45 (20 per cent) yes
- 49 (22 per cent) somewhat
- 56 (25 per cent) no
- 18 (8 per cent) unsure.

Approximately half to all of each submitter type, with the exception of iwi/Māori and science/research organisations (who represented a very small sample size), supported or partially supported the use of the effects management hierarchy.

Hierarchy and alternatives

Those submitters in support believed the effects management hierarchy (EMH) follows best practice (here and overseas) and will provide certainty for consent applicants. Greater Wellington Regional Council (regional / unitary council, SR #399), while supportive, pointed out that international best practice²⁴ and the New Zealand Government guidance²⁵ set out the hierarchy as avoid-minimise-remedy-offset-compensate instead of avoid-remedy-mitigate-offset-compensate. They submitted that the avoid-minimise-remedy-offset-compensate hierarchy as a distinct advantage in terms of encouraging applicants to reduce the severity of adverse effects before considering actions to redress, and that the word *mitigate* has had a number of meanings and can cause confusion.

²⁴ Business and Biodiversity Offsets Programme (BBOP). 2018. *Working for Biodiversity Net Gain: An Overview of the Business and Biodiversity Offsets Programme (BBOP) 2004–2018*. Washington, DC: BBOP. Retrieved from www.forest-trends.org/bbop_pubs/overview2018/.

²⁵ Department of Conservation. 2014. *Guidance on Good Practice Biodiversity Offsetting in New Zealand*. Wellington: Department of Conservation. Retrieved from www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/.

While most business/industry submitters were supportive to some extent of the definition and application of the effects management hierarchy, some prefer an outcomes-based approach instead. Their view was that flexible, case-by-case management should be provided that allows tools such as biodiversity compensation to be more available, and that the RMA does not stipulate a hierarchy.

Where possible vs where practicable

A predominant view among business/industry submitters was that the use of 'where possible' in the effects management hierarchy definition is impracticable as it's always *possible* to avoid an adverse effect but it may be technically or financially infeasible. The concern is that 'where possible' used in conjunction with the term 'avoid', in light of the King Salmon²⁶ jurisprudence, will prevent applicants from stepping through the hierarchy. Phrasing such as 'where practicable' was proposed as an alternative to 'where possible'. The New Zealand Law Society (professional body, SR #398) recommended considering the alternative 'where reasonably possible'.

Discretion for councils to have a stronger approach

There was concern, among NGOs in particular, that the effects management hierarchy might equate to resource consents for subdivision, use and development always being granted. Forest and Bird (NGO, SR #599) and the Environmental Defence Society (professional body, SR #388) suggested all councils should be enabled to apply the effects management hierarchy for managing adverse effects, but should still retain the ability to apply a more stringent effects management approach or decline a consent. They recommended a stringency clause is added to Part 3.9.

Adverse effects

Proposal information

Part 1.7(4) is a list of adverse effects on indigenous biodiversity for councils to consider when consenting subdivision use and development, both in and outside SNAs. The list neither limits the effects councils can consider when making such consent decisions, nor does it compel councils to consider the effects on the list.

Overview

There were 71 submitters who provided free-text responses on whether there are adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs, as asked in question 21. Most of these submitters were individuals (land owner and other) and business/industry. Many submitters also commented on the appropriateness of Part 1.7(4).

²⁶ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38.

Support for Part 1.7(4)

Predominantly regional/unitary councils and territorial authorities considered Part 1.7(4) to be comprehensive. New Plymouth District Council (territorial authority, SR #359) noted that they currently seek to manage many of the listed adverse effects through consents. Forest and Bird (NGO, SR #599) noted that Part 1.7(4) is similar to policy D9.3(2) of the Auckland Unitary Plan²⁷ and that it is useful to specify a non-exhaustive list of adverse effects to consider when managing adverse effects on indigenous biodiversity.

Concerns and proposed amendments

Submitters who questioned the appropriateness of Part 1.7(4) focused on its intent and relationship to other parts of the proposed NPSIB, including the absence of effects thresholds linking to levels of the effects management hierarchy. They also questioned why it's necessary to provide an exhaustive list, the broadness of the list, and the many ways concepts such as 'size of populations', 'buffering and connectivity', 'disruption', 'loss', and 'occupancy across a full range' can be interpreted.

Some submitters noted a particular issue with (e) 'the degradation of mauri' and want this defined so it can be measured objectively or deleted. In addition, Environment and Conservation Organisations of New Zealand Inc (professional body, SR #800) wanted clarification on whether Part 1.7(4) applies to all indigenous biodiversity, including fungi, micro-organisms and genetic diversity. Business/industry submitters such as Federated Farmers (business/industry, SR #450) and Nelson Forests Ltd (business/industry, SR #794) wanted clarification concerning the intent of parts of Part 1.7(4) as it pertains to their industries.

Submitters suggested limiting Part 1.7(4) to major adverse effects, clarifying concepts in the list, and deleting the provision to include it instead as guidance.

Specific additions sought by submitters include:

- reduction in the population size or occupancy of at-risk species
- reduction in the intrinsic value of ecosystems, habitats and species
- disruption to migratory pathways and routes of highly mobile species
- increased risk of biosecurity threats
- release of toxins, odours, or light that significantly alters the behaviour of flora or fauna
- equitable sharing of genetic resources
- reduction in buffer size or clearance within the buffer zone that would degrade an SNA
- use of paper roads²⁸
- risk of natural hazards
- reduction in people's ability to exercise stewardship roles in relation to indigenous biodiversity

²⁷ This policy refers to adverse effects on indigenous biodiversity values in significant ecological areas that are required to be avoided, remedied, mitigated or offset.

²⁸ A road that legally exists in a plan but has not been developed.

- reduction in medicinal, health, aesthetic use values
- reduction in existence, option and bequest values.

High/medium SNA management

Proposal information

The proposed NPSIB creates two categories of significant natural area (SNA) – high and medium. This allows for a more ‘relaxed’ effects management regime for four specific activities:

1. significant infrastructure
2. mining
3. provision of marae/papakāinga
4. use of Māori land to contribute to the wellbeing of tangata whenua.

The effects of these activities can be managed using the effects management hierarchy (instead of having to avoid the effects in 3.9(1)) if they are in/or affect a medium-level SNA, provided that there is a functional or operational need for them, and there are no practicable alternative locations.

Overview

There were 189 submissions on whether the distinction between high- and medium-value SNAs (high/medium split) will ensure SNAs are protected while providing for new activities. Of those, 33 (17 per cent) did not have a specific position and responded in free text. The positional responses were:

- 27 (14 per cent) yes
- 27 (14 per cent) somewhat
- 85 (45 per cent) no
- 17 (9 per cent) unsure.

The majority of submitters with a positional response on the high/medium split opposed it. Business/industry submitters in particular opposed the split, with over three-quarters noting this as their position on the topic.

Concerns with the high/medium split

Submitters were opposed to the high/medium split for a number of reasons.

Subjectiveness of appendix 2

Some submitters considered appendix 2 to be subjective and open to interpretation, and legal dispute. There was a call from these submitters to refine and clarify what is a high- and medium-value SNA.

Concern that most SNAs will be rated as ‘high’, overly restricting land use

A range of submitters were concerned that appendix 2 results in most SNAs being rated as high value. Business/industry submitters, such as Oceana Gold New Zealand Ltd (business/industry, SR #614) and Mercury New Zealand Ltd (business/industry, SR #734), provided expert evidence to illustrate the extent of high- and medium-value SNAs and the consequent effect on their operations. Oceana Gold New Zealand Ltd noted that almost all greenfields future development potential at their mines is in areas assessed by expert ecologists as comprising high-value SNAs. This means they would not be able to use the effects management hierarchy, and would have to avoid the adverse effects set out in 3.9(1). They submit that this would effectively halt the operation and expansion of their mines.

Concern among submitters regarding the extent of SNAs potentially rated as ‘high’ is linked to concern regarding the ‘avoids’ listed in Part 3.9(1) that will need to be complied with.²⁹ Some individual submitters (all types) who support the high/medium distinction expressed that high-value SNAs should be limited to the most iconic and highly valued indigenous biodiversity. Other submitters note that, if the high/medium split remains, appendix 2 should be refined to lessen what is identified as high value.

Perception that medium SNAs are of lesser significance

Some submitters were concerned that the distinction between high- and medium-value SNAs will result in an interpretation that medium-value SNAs are of lesser significance. They were concerned that this might mean medium-value SNAs are less protected. Local Government New Zealand (professional body, SR #603) for instance are concerned that if people think medium-value SNAs are less significant than high-value SNAs, councils might be more permissive with the adverse effects allowed to occur on a medium-value SNA than on a high value one.

One land owner (SR #235) articulated that SNAs should be limited to those of high value; that to create a high/medium split will only create conflict and resistance from land owners who want certainty. Another individual (other, SR #548) noted that the RMA does not distinguish levels of significance in section 6(c); an area is either significant or not, and the term ‘medium-value’ lowers the qualifying bar. Their view is that if something is significant it has high importance by definition.

Pressure for SNAs to be rated ‘medium’ instead of ‘high’

A few submitters are concerned that the high/medium split will result in disputes over the ranking of SNAs, with pressure for SNAs to be ranked medium instead of high value. Submitters believed this would especially be the case in high-growth areas where there are competing pressures – near urban centres and on lowlands – where indigenous biodiversity is already most threatened. Their view is that the increased debate and litigation around the high/medium ranking will often come down to a battle of ecological opinion.

Static approach does not recognise changing nature of significance

The Waitakere Ranges Local Board (part of Auckland Council submission, SR #193) opposed the high/medium split partly because it considered the proposed approach does not recognise that some SNAs might transition between being high and medium value. Other submitters

²⁹ Submitter feedback on the effects that must be avoided is summarised under ‘Protection of SNAs’.

noted that some SNAs will consist of discrete areas that are high and medium value within the SNA. Their concern is this may lead to the splitting of a single SNA into several high- and medium-value SNAs, which could result in fragmentation of the SNA and degradation around the edges, increased management and/or compliance costs.

Complexity and costs to councils to reclassify SNAs into high and medium

Some regional/unitary councils and territorial authorities are concerned that the high/medium split is a new approach, as they are familiar with something either being significant or not. Marlborough District Council (regional/unitary council, SR #346) noted that further categorisation of SNAs by councils is only done to prioritise non-regulatory protection interventions.³⁰ Several territorial authorities submitted that the high/medium split will require SNAs that have already been mapped and identified to be resurveyed (either when required by the NPSIB, or at the consent stage). They were concerned that this will be expensive and impact on their relationships with land owners. They note that for those councils yet to identify SNAs, the task will now be more complex and costly.

Some territorial authorities expressed a preference, if the high/medium split is retained, for this assessment to be done at the time of consent, as part of the assessment of environmental effects process.

Perverse effects on restoration and enhancement

Some territorial authorities believe the proposed high/medium split may create a perverse outcome. These submitters stated that land owners may be discouraged from restoring and enhancing medium-value SNAs or indigenous biodiversity outside of SNAs. This restoration and enhancement could mean that these areas would be deemed high value, with a wider range of activities prohibited than for medium-value SNAs.

Support for the high/medium split

There was some support for the high/medium split, primarily from NGOs and individuals (land owner and other). Those in support noted that the high/medium split balances protection with use. Hawke's Bay Regional Council (regional/unitary council, SR #447) noted that the proposal provides more clarity for the protection of SNAs, and the Far North District Council (territorial authority, SR #417) considered it a "more nuanced approach in order to enable appropriate development in sensitive locations".

Alternatives to the high/medium split

Alternatives to the high/medium split were proposed by a number of submitters, primarily by regional/unitary councils and business/industry. Greater Wellington Regional Council (regional/unitary council, SR #399) and Bay of Plenty Regional Council (regional/unitary council, SR #344), both of whom opposed the high/medium split, noted that if retained it should be refined to 'outstanding natural areas' and 'significant natural areas', aligning with terms in the National Policy Statement for Freshwater Management (NPS-FM). Auckland Council (regional/unitary council, SR #193) proposed there should be no high/medium split. Instead, it suggested the effects management hierarchy is made available to manage adverse effects from any activities, with a strong emphasis on the 'avoid' part of the hierarchy. It also recommended a provision that specifically recognises that avoidance is not always possible for the activities listed in Part 3.9(2) and (3) of the proposed NPSIB. Auckland Council proposed

³⁰ Here, the submitter is likely referring to activities such as pest control or fencing.

that instead of the four effects to avoid listed in 3.9(1), the NPSIB should direct councils to identify no-go areas where a complete avoid imperative should apply. They were of the view that stakeholder involvement in this process would give councils greater confidence in applying a strict avoid imperative to these areas.

A number of different business/industry and regional/unitary councils proposed removing the high/medium split and either managing the adverse effects of activities listed in 3.9(2) and (3) on SNAs through the effects management hierarchy, or broadening this to managing the adverse effects of any activities on SNAs through the effects management hierarchy. These are perceived by submitters as more pragmatic approaches that are administratively simpler and align better with current council plans and with objective 6, policy 8 and Part 3.7 of the proposed NPSIB.

Some business/industry submitters noted that if the high/medium split is retained then they would prefer the management approach proposed by the BCG. In particular, they stated a preference for the effects management approach to centre on the attributes that determine an SNA as significant. This focus on significant attributes is supported by people from a range of other submitter types, including iwi/Māori and individuals (individual and land owner).

A number of business/industry submitters suggested strengthening the biodiversity offsetting and biodiversity compensation limits as an alternatives to appendix 2, negating the need for the high/medium split.

Several NGOs and individuals (land owner and other) expressed a preference for a single category of 'high-value' SNAs only and that no subdivision, use or development should be allowed to adversely affect these. Submitters such as the New Zealand Ecological Society (professional body, SR #457) believed no adverse effects should be allowed as there should be absolute protection of RMA section 6(c) areas.³¹

New activities provided for

Proposal information

The proposed NPSIB provides for certain new activities within SNAs. Instead of having to avoid the four adverse effects set out in Part 3.9(1), a more 'relaxed' effects management regime applies for:

- nationally significant infrastructure
- mining and aggregate extraction
- provision of marae/papakāinga
- use of Māori land to contribute to the wellbeing of tangata whenua (Part 3.9(2)).

This more 'relaxed' effects management regime also applies for a single dwelling on an allotment created before the commencement date of the NPSIB (Part 3.9(3)). Adverse effects of these activities on SNAs can be managed using the effects management hierarchy (instead of having to avoid the effects in 3.9(1)) if they are in, or affect, a medium-level SNA, provided that there is a functional or operational need for them and there are no practicable alternative locations.

³¹ This section of the RMA refers to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance.

Additionally, there are four circumstances where no-effects management regime applies to SNAs, as the adverse effects are considered minimal and can be managed flexibly (Part 3.9(4)):

1. actions to protect an SNA
2. if there are severe and immediate risks to health or safety
3. in an area with kanuka and manuka that is significant because of myrtle rust
4. in areas that are significant but were established for purposes other than biodiversity.

Part 3.7 of the proposed NPSIB sets out areas of social, economic and cultural wellbeing that local authorities must provide for.

Overview

Comments were received from 235 submitters on whether they agree with the new activities the NPSIB provides for, and the parameters in which they are provided. Of those submitters, 174 had a specific position on the topic and 61 submitters (26 per cent) did not identify a specific position and answered through free text. The positional responses were:

- 29 (12 per cent) yes
- 75 (32 per cent) somewhat
- 57 (24 per cent) no
- 13 (6 per cent) unsure.

Most submitters supported/somewhat supported the new activities provided for, and about a third did not. Business/industry and individuals (land owner and other) were by far the predominant submitter types who responded to this topic.

Submitter feedback is summarised by these parts of the proposed NPSIB:

- Part 3.7 – social, economic and cultural wellbeing
- general feedback on new activities provided for in Part 3.9
- provision for significant infrastructure, mining, marae/papakāinga, and use of Māori land to contribute to the wellbeing of tangata whenua (Part 3.9(2)).
- provision for single dwellings (Part 3.9(3))
- the circumstances where no-effects management regime applies (Part 3.9(4)).

Part 3.7 – Social, economic and cultural wellbeing

Most submitters on Part 3.7 supported its inclusion in the proposed NPSIB. They considered that Part 3.7 appropriately recognises that indigenous biodiversity can be maintained while still providing for use and development. They also considered that people and communities are critical to conservation actions and the protection and enhancement of indigenous biodiversity. Hawke’s Bay Regional Council (regional/unitary council, SR #447) stated that Part 3.7 appropriately supports Hutia te Rito. Fonterra (business/industry, SR #262) noted it “shows an inclusive and collaborative approach to implementation is intended.” They suggested their farm environment plan programme can be a way of supporting implementation of this part of the NPSIB.

Some submitters recommended amendments to Part 3.7 to reframe and reprioritise certain elements of this provision:

- Several land owners wanted Part 3.7 amended to acknowledge and prioritise non-regulatory measures and partnerships.
- Several submitters considered the provision should refer to/direct other groups, such as business, all land occupiers and other decision-makers under the RMA (that is, requiring and heritage authorities).
- Several submitters considered Part 3.7 should allow for people and communities to provide for their social, economic and cultural wellbeing through subdivision, use and development of natural and physical resources now and in the future, and for the operation, maintenance, upgrading and development of nationally significant infrastructure in locations that are identified as SNAs.
- Taupō District Council (territorial authority, SR #322) said it would like to see recognition of the role of land owners in managing SNAs.
- Two submitters (Mercury Energy business/industry, SR #734 and individual (other), SR #548) considered the provision should include a new point on the importance of people and communities providing for their health and safety, as in section 5 of the RMA.

Some submitters also suggested stronger direction or clarification in relation to Part 3.7:

- Auckland Council (regional/unitary council, SR #193) called for stronger direction on the importance of protecting and enhancing biodiversity in the context of subdivision, use and development.
- Several submitters wanted “appropriate limits” defined, with the view that this is a highly ambiguous term. Greater Wellington Regional Council (regional/unitary council, SR #399) were of the view that it should be the role of the NPSIB to determine what ‘appropriate’ is, and not for councils to have to judge this for each designation and consent.
- The New Zealand Law Society (professional body, SR #398) considered the reference to kaitiaki should be clarified to recognise the role of tangata whenua as kaitiaki, and that this does not depend on land ownership.

A number of submitters considered that Part 3.7 does not extend through the rest of the NPSIB sufficiently and/or that it does not align clearly with objectives 1 and 6. These submitters suggested amendments to those objectives instead of amending Part 3.7.

Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437) considered that Part 3.7 does not provide for their rangatiratanga. They called for a specific provision requiring local authorities to partner with mana whenua and to apply the Treaty principles. They believed this will ensure the social, economic and cultural wellbeing of mana whenua is achieved. They emphasised that only mana whenua can determine their social, economic and cultural wellbeing.

Several submitters called for guidance to support implementing Part 3.7, particularly in how much priority Part 3.7 should be given in relation to other NPSIB provisions when making decisions on indigenous biodiversity management.

General feedback on new activities provided for in Part 3.9

There were mixed views from submitters on the range of activities provided for under Part 3.9. Some believed the list is too narrow given the restrictiveness of Part 3.9(1), while others believed there shouldn't be any new activities provided for in SNAs if they are to be protected.

There was some concern with the language used in Part 3.9, and a call for terms to be defined and all definitions to be moved to Part 1.8.

Provision for significant infrastructure (Part 3.9(2)) and the associated definition (Part 1.8)

Proposal information

Nationally significant infrastructure (NSI) is defined in Part 1.8 to mean:

- a. state highways
- b. the national grid electricity transmission network
- c. national renewable electricity generation facilities that connect with the national grid
- d. major gas or oil pipeline services (such as the pipeline from Marsden Point to Wiri and high-pressure gas transmission pipelines from Taranaki)
- e. any railway (as defined in the Railways Act 2005)
- f. rapid transit
- g. airports that have a runway that is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 passenger seats
- h. commercial ports (as defined in Part A(6) of Schedule 1 of the Civil Defence Emergency Management Act 2002).

Part 3.9(2) sets out a more 'relaxed' effects management regime for any subdivision, use or development associated with any of the above defined nationally significant infrastructure, than for SNAs in general.

There were 125 submissions on the proposed definition for NSI. Of those, 107 had a specific position on the topic and 18 (14 per cent) did not identify a specific position and responded through free text. The positional responses were:

- 32 (26 per cent) yes
- 21 (17 per cent) somewhat
- 48 (38 per cent) no
- 6 (5 per cent) unsure.

Business/industry and individuals (land owner and other) were by far the predominant submitter types.

Submitters were split on whether they opposed or supported/somewhat supported the definition of NSI. Some submitters explicitly supported the NPSIB including a list definition, as this provides certainty for consent applicants. Other submitters opposed a list definition in the NPSIB on the basis that, in their view, it locks in certain infrastructure as significant and is not future proof. Many submitters, particularly business/industry, critiqued the definition for omitting various types of what they considered 'significant infrastructure'.

A number of submitters called for the definition to be expanded to include 'lifeline utilities' as defined in the Civil Defence and Emergency Management Act 2002. Many submitters called for specific lifeline utilities to be added. These included things like the electricity distribution

network, telecommunication facilities, three waters, drainage and flood control infrastructure, and ancillary infrastructure.

A range of submitter types recommended regional/local infrastructure should be included in the definition, and for the definition to align with other national direction (eg, the National Policy Statement for Renewable Electricity Generation and the National Policy Statement on Electricity Transmission) and legislation (eg, the Waste Minimisation Act 2008 and the Defence Act 1990).

Submitters favouring additions to the definition believed these were needed to ensure the definition was pragmatic and equitable. A few who opposed the definition were concerned that the proposed definition is a pragmatic compromise and will not maintain indigenous biodiversity as per objective 1. The need for the definition to support New Zealand's zero carbon goals was also articulated by a number of submitters.

Provision for mining and aggregate extraction (Part 3.9(2))

Many submitters also commented on the provision for mineral and aggregate extraction, with divided views on the topic. Business/industry submitters noted that the inclusion of mineral and aggregate extraction in Part 3.9(2) recognises these activities as locationally constrained. The Aggregate and Quarry Association (business/industry, SR #385) supported the provision. In their view this means the NPSIB recognises that aggregate extraction has a relatively small footprint, is temporary, of high value, and contributes to economic development and the supply of essential materials. Auckland Council (regional/unitary council, SR #193) also supported the direction for mineral and aggregate extraction, noting that it is similar to their established policy position in the Auckland Unitary Plan.

A range of submitter types opposed this provision. A few individuals (land owner and other) and iwi/Māori believe mineral and aggregate extraction should not be provided for at all in any SNAs, as these activities compromise indigenous biodiversity protection. Other submitters said the provision should be constrained to mineral and aggregate extraction essential for domestic supply, as recommended by the BCG, or confined to 'green' minerals only. Their view is that compromising the protection of SNAs for large financial interests or expert earnings is not justified.

Provision for marae/papakāinga, and use of Māori land to contribute to tangata whenua wellbeing (Part 3.9(2))

Many submitters commented on the provision for papakāinga, marae and ancillary community facilities associated with customary activities on Māori land, and on the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua. This feedback has been considered in compiling the summary under section C6 "provision for the development of Māori land".

Provision for single dwellings (Part 3.9(3))

Only a few submitters commented specifically on the provision for a single dwelling on an allotment created before the commencement date of the NPSIB (Part 3.9(3)). Nelson City Council (regional/unitary council, SR #320) supported the direction and the restriction to medium-value SNAs. The West Coast councils, in their joint submission (SR #347), considered Part 3.9(3) too restrictive and that the use or development of single dwellings

should be provided for in all SNAs, not just restricted to medium-value SNAs. A few councils echoed this concern with regards to the NPSIB providing for reasonable use (RMA section 85(2)). Other submitters considered there should be restrictions on the size of a single dwelling and on the timing associated with the provision.

Circumstances where no-effects management regime applies (Part 3.9(4))

A range of submitter types commented on Part 3.9(4). Most of the feedback was specific to the circumstances (a–d) provided for. A few submitters opposed Part 3.9(4) in its entirety. Christchurch City Council (territorial authority, SR #782) noted that it does not give local authorities any discretion to determine the circumstances or activities where exemptions from the effects management regime or permitted activity pathways apply in SNAs. They recommended that instead of Part 3.9(4), a sub-clause is added to Part 3.9 to provide local authorities with this discretion. Westpower (business/industry, SR #605) believed Part 3.9(4) should be effects based instead of activity based, in accordance with the RMA.

Feedback on the specific circumstances provided for included concern from several submitters that d, as drafted, creates a loophole for use and development if one can claim the SNA was established for a purpose other than maintaining, restoring or enhancing indigenous biodiversity. The view of these submitters is that this is an inappropriate blanket exception that will encourage and enable indigenous biodiversity loss. Several business/industry submitters, however, specifically support d.

Some submitters considered that c, the provision for an area of kānuka or mānuka that is identified as an SNA solely because it is at risk from myrtle rust:

- should be broader than just myrtle rust
- is inappropriate in regions like Canterbury where these species aren't widespread
- should be deleted as kānuka or manuka provide valuable habitat and should be afforded the same protection as other SNAs.

Waytemore Farms Ltd (business/industry, SR #744) recommended the review clause attached to this provision should be less than five years if there is new information on the impacts of myrtle rust.

Tauranga City Council (territorial authority, SR #265) were of the view that there is an inconsistency between a and appendix 1, where the latter recognises that some exotic vegetation may constitute habitat for threatened or at-risk species, however Part 3.9(4)(a) may enable it to be cleared (if described for the purpose of protecting, restoring or enhancing an SNA).

A few submitters also commented on b (addressing a severe and immediate risk to public health or safety), and that it should be broadened (for example to manage fire risk under the Defence Act 1990). A number of other reasonable uses to be provided for under Part 3.9(4) were also recommended. Another submitter suggested that health and safety considerations from the RMA should be carried through to the NPSIB because of the risk of bushfires from climate change.

C.3: Managing significant biodiversity in plantation forests

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 3.10	Q 25	168

Managing adverse effects in plantation forests

Proposal information

Significant biodiversity can be found in and around plantation forests. Where significant indigenous vegetation is next to a plantation forest this can be (and often currently is) managed as a significant natural area (SNA). However, indigenous biodiversity, particularly fauna, can also make habitat of the plantation forest itself as it grows, due to the length of time a plantation forest exists before harvest (typically around 25 years).

The National Environmental Standards for Plantation Forestry (NES-PF) contain some provisions regarding biodiversity, to prevent afforestation within existing SNAs, and to manage adverse effects to selected threatened bird species. Under the National Policy Statement on Indigenous Biodiversity (NPSIB) appendix 1 criteria ('criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna'), areas in plantation forests where threatened species establish habitats would be captured as SNAs, and this would restrict forest harvesting.

To prevent this outcome and allow ongoing forestry activity to continue, the proposed NPSIB introduces the concept of plantation forest biodiversity areas (PFBAs). PFBAs are plantation forests (whether indigenous or exotic) that are deliberately established and contain significant indigenous vegetation or habitat of indigenous fauna. PFBAs have different requirements than those for SNAs under the proposed NPSIB; they are not managed as SNAs under Part 3.9, having separate management requirements under Part 3.10 'managing adverse effects in plantation forests'. Part 3.10 sets out requirements to maintain long-term populations of threatened or at-risk indigenous fauna over the course of consecutive harvesting cycles, and to manage adverse effects on threatened or at-risk flora. This is much more flexible than SNA management in general, in acknowledgement of the NES-PF and the need for alignment, as well as the need for forestry harvest.

Overview

Question 25 asked if submitters agreed with the proposed approach for managing significant indigenous biodiversity in plantation forests, including specific management requirements being dealt with in the NES-PF. There were 168 responses. Of these, 36 (21 per cent) were free text and did not identify a direct position. The positional responses were:

- 44 (26 per cent) yes
- 25 (15 per cent) somewhat
- 54 (32 per cent) no
- 9 (5 per cent) unsure.

Submitters raised a number of concerns about Part 3.10, particularly forestry industry groups and businesses. Most submitters agreed there needs to be a separate way to manage significant indigenous biodiversity in plantation forest areas, but there was more opposition than support for the specific way this was drafted in the proposed NPSIB. Submitters expressed concerns about what they saw as the potential for additional costs and requirements for the forestry industry. Submitters also raised concerns about the proposed NPSIB reducing their ability to profitably operate as foresters, particularly for smaller areas of plantation forestry.

There was both opposition to and support for the specific management of indigenous biodiversity in plantation areas being dealt with only under the NES-PF. Some submitters suggested that this would be sufficient, while other submitters argued the NES-PF had weak biodiversity management tools, so there should also be requirements for addressing this issue in the NPSIB.

Partial form submission

There were approximately 30 submitters from various trusts, businesses and land owners who used a partial form submission to provide the basis for their response to question 25.³² A large number of these responses were identical, but there were also some individual submitter experiences. The key points raised in the form submissions were:

- support for the proposed NPSIB containing some recognition that plantation forests should be treated differently from indigenous forest remnants
- suggestions that Part 3.10 is limited in scope and the relationship between it and other parts of the NPSIB is unclear
- concerns about the requirements for managing effects on threatened and at-risk flora, and managing significant habitat for threatened and at-risk fauna in plantation forestry areas; submitters stated it is unclear how these values will be identified and what requirements there will be on plantation forest owners to manage and maintain them.

The form submissions also raised points about the implementation of the proposed NPSIB, including suggestions that:

- the proposed NPSIB will impose significant new requirements on plantation forestry
- non-regulatory measures and incentives should be used to support biodiversity outcomes in plantation forests
- plantation forests have a net-positive effect on biodiversity, well-managed harvesting practices present little threat to biodiversity values, and forestry owners often take active and voluntary steps to maintain and enhance biodiversity in their forests.

Submitters were concerned forest owners may be deterred from pursuing these voluntary initiatives if they perceive that improving biodiversity outcomes within plantation forest will lead to more onerous regulatory control over harvesting activities.

Some of these points, or similar ones, are raised in other submissions as set out below.

³² We identified that a form submission template had been used for forestry topics, but did not find the source for this.

Impacts on plantation forestry activity

Concerns were raised by some submitters about the effects the proposed NPSIB will have on forestry operations around New Zealand. In particular, a few submitters noted requirements imposed on the forestry sector by the proposed NPSIB seem harsher than those required of others, such as the farming sector. This was expressed:

The requirement is much more demanding, that is: “any increase in biodiversity that occurs as the result of your activities will become the new minimum standard which you will be required to meet.” The New Zealand Institute of Forestry (professional body, SR #374)

Submitters emphasised that plantation forests must be harvested to be financially viable, and that the proposal could limit harvesting. In their view, this means that while Part 3.10 is a positive step towards balancing harvesting with indigenous biodiversity protection, concerns remain over how much management responsibility will be put on forest owners for having indigenous biodiversity within their plantations. These submitters noted that habitat change/disruption is inevitable with harvesting at distinct local areas, but larger plantations may be able to mitigate this risk through overall habitat stability at larger scales:

For larger forests the intent of Part 3.10 is potentially workable, provided the requirements of Part 3.10 are applied pragmatically at a broad forest scale over a longer time frame. With ongoing planting, growing and harvesting, overall values will remain fairly static over the full forest with species moving around within the forest over time. However, for small woodlots where the only practical and economic means of harvesting is to harvest the whole woodlot in one go, this requirement will be difficult to give effect to, particularly if the forest is isolated from other vegetation. Forest Owners Association (professional body, SR #611)

By contrast, some submitters suggested the impacts on the forestry sector from implementing Part 3.10 were workable and pragmatic, and were particularly supportive of the increased biodiversity protection requirements in the provisions.

Some submitters supported even stronger biodiversity protections than those drafted, so that forestry industries would be required to design biodiversity protections into their operations. One submitter stated:

Some plantation forests could do much more to protect biodiversity in remnants and remnant buffers, especially during harvesting and replanting – and they should be pushed further and harder to do much better. Hapua Thrive (NGO, SR #227)

Managing significant indigenous biodiversity in plantation forests

There were several submissions, particularly from councils, that expressed concern for the proposed approach to managing indigenous biodiversity as ‘plantation forest biodiversity areas’. Christchurch City Council (territorial authority, SR #782) wanted to see direction on how to “maintain long-term populations of indigenous fauna species” over the course of consecutive rotations, particularly guidance on how much population fluctuation is acceptable to meet this criteria.

A number of these submitters stated that forestry operations provide useful habitat for indigenous species (even if the plantations aren’t made up of indigenous forest). They suggested that the increased practice of translocating animals and plants could be useful for locking in gains in indigenous biodiversity provided by forestry (eg, individuals (land owner, SR #31 and SR #37)).

A number of other councils suggested that Part 3.10, as currently worded, complicates the management of effects on indigenous biodiversity in these areas. For example, Northland Regional Council (regional/unitary council, SR #270) stated that Part 3.10 overcomplicates the management of indigenous biodiversity in plantation forests, and suggested clauses 2 and 3 add nothing beyond the provisions already found in the NES-PF. Both Porirua City Council (territorial authority, SR #286) and Upper Hutt City Council (territorial authority, SR #395) agreed that the NES-PF is sufficient for managing the effects of plantation forests on indigenous biodiversity. Another submitter echoed this sentiment, and suggested the NES-PF be named in the NPSIB as the main tool for managing indigenous biodiversity in plantation forests instead of the proposed NPSIB (Nelson Forests Limited (business/industry, SR #794)).

There were a small number of submitters who believed the proposal granted plantation forestry special treatment and that provisions regarding SNAs, including Part 3.9, should apply across all land uses. For example:

NCC does not agree that significant indigenous biodiversity within plantation forests should be excluded from 3.9, and considers that plantation forestry should be considered in the same way as any development or use in a SNA. Nelson City Council (regional/unitary council, SR #320)

Concerns about plantation forestry

A number of submitters opposed Part 3.10 on the basis that they oppose the forestry industry in general, or the environmental damage caused by pine forest plantations. A few of these submitters stated that they would rather see indigenous forests planted than any new pine plantations. As another option, some other submitters said that people planting pine forests should be required to plant an equal number of indigenous trees:

Plantation pine forests are one of the most environmentally damaging forms of the industry for this country. Often food-producing lands are planted as well as regenerating scrublands are cleared and planted in acidic pine plantations. (individual (land owner), SR #90))

The effort should be in protecting native forest so that indigenous biodiversity networks are maintained, and native species are not forced to persist in sub-optimal plantation forest that has replaced it. (individual (other, SR #196))

C.4: Providing for existing activities, including pastoral farming

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.1 objective 6	Q 26	369
Part 2.2 policies 8 and 10		
Part 3.10		
Part 3.12		

Providing for existing activities, including pastoral farming

Proposal information

Existing uses of land such as industry, farming, forestry and infrastructure are important for our social and economic wellbeing, and can also be important for indigenous biodiversity. The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) sets out how existing activities in general would continue to be provided for through council plans, while managing impacts to indigenous biodiversity. In recognition that pastoral farming is often an existing activity provided for, the latter part of the provision includes specific direction on “improved pasture”.

Overview

Question 26 asked submitters whether they agree with managing existing activities and land uses, including pastoral farming, as proposed in Part 3.12 of the proposed NPSIB. A total of 369 submissions were received; 93 submitters (25 per cent) answered through free text and did not identify a specific position, and 276 submitters had a specific position on the topic, with over half of these submitters opposing it. The positional responses were:

- 54 (15 per cent) yes
- 48 (13 per cent) somewhat
- 160 (43 per cent) no
- 14 (4 per cent) unsure.

In general, the intent of Part 3.12 was supported but changes were suggested to either extend the section from being focused on pastoral farming to other activities, or to better recognise the costs on land managers of protecting significant natural area (SNA) values.

Business and industry submitters were primarily concerned about the proposed policy being focused on pastoral farming, and sought that other activities be treated similarly. A majority of land owners opposed the proposal for managing existing activities in significant natural areas. Of particular concern was that the scope of Part 3.12 is not exclusively on the SNAs, but also on activities outside SNAs that may affect these values.

Iwi/Māori submitters expressed concern that Part 3.12 may be detrimental to the management of Māori land.

Iwi/Māori responses

In general iwi/Māori submitters supported the intent of Part 3.12, but were concerned the wording of the provision is unclear and that sub-clauses conflict with each other. In the view of these submitters, it may be difficult to prove existing activities in an SNA have occurred if these activities have not occurred for some time. Other concerns included that Part 3.12 does not take into account cultural values, mana whenua interests and values, nor the provisions of Tai Whenua, Tai Tangata, Tai Ao.³³ Additionally, there was a concern that there is no contemplation of NPSIB constraints on forests in Māori ownership as a 'contemporary injustice'.

Part 3.12 goes too far permitting existing activities in SNAs

Some submitters expressed the view that existing land uses should not be effectively exempted from ameliorating the four adverse effects listed in Part 3.9(1) that applied to new activities. Submitters suggested that not requiring this land to comply with SNA management in the NPSIB would effectively render most of New Zealand's biodiversity unprotected.

Scope too focused on pastoral farming

A number of submitters, including infrastructure providers, quarry and mining operators, and plantation forest companies, expressed the view that the scope of Part 3.12 is too focused on pastoral farming. These submitters believed its effect should be extended to other land uses, including forestry, infrastructure, power generation and transmission, and telecommunication facilities and other rural activities, such as mining and quarrying.

Business and infrastructure providers expressed concern that Part 3.12 only applies to existing uses and does not appropriately address activities that have resource consents, nor activities such as quarrying that extend their area of operation over time.

Westpower Ltd (business/industry, SR #605) expressed that the proposed NPSIB must recognise and enable critical utilities and nationally and regionally important infrastructure. In its view, there will be instances when it is unavoidable for this infrastructure to be located in areas of significant indigenous biodiversity and it is essential that utilities can be properly used, repaired, maintained, upgraded and developed where necessary. Of particular concern to Westpower is that existing and new access tracks are needed to ensure the assets can be maintained and upgraded as necessary. It added that the obligation to keep evidence of the scale of previous vegetation clearance to justify future vegetation clearance is not workable for a lines company.

³³ Te Atiawa. 2019. *Tai Whenua, Tai Tangata, Tai Ao: Te Kotahitanga o Te Atiawa, Taranaki (Environmental Management Plan)*. Taranaki: Te Atiawa. Retrieved from <https://teatiawa.iwi.nz/tai-whenua-tai-tangata-tai-ao/>.

Concerns about implications for sheep and beef farming

Submissions based on the Beef + Lamb New Zealand form included concern that a regulatory approach to managing existing activities within SNA could adversely impact on the economics of farming operations and management of SNAs. These submitters expressed concern that 'existing activities' as drafted fail to recognise that the burden of proof for the existence of these activities will fall on land owners and historical record-keeping (which may not exist), and that a strong regulatory approach could undermine existing and future conservation efforts.

Preference for the Biodiversity Collaborative Group (BCG) draft existing use provisions

A number of submitters preferred the approach to existing uses in SNAs as prepared by the BCG. They argued that the proposed NPSIB Part 3.12 is now formulated as a restraint on existing activities that require resource consents, and face additional regulation and control to prevent cumulative loss of values of SNAs where those effects have already occurred and are properly authorised.

Unnecessarily duplicates sections 10 and 20A of the Resource Management Act 1991 (RMA)

Auckland Council (regional/unitary council, SR #193) did not support Part 3.12, viewing it as an unnecessary duplication of existing use rights provisions in sections 10 (in relation to district plan rules) and 20A (in relation to new regional rules) of the RMA:

The provisions of Section 10 and 20A of the RMA provide sufficient direction as to how these should be managed. The Council is not clear how this approach will achieve the objectives of the NPS-IB; specifically, objective 3. 3.2 does not promote active remediation of indigenous biodiversity, rather legitimises current practises undermining the protection, care or restoration of indigenous biodiversity.

Concerns about clarity and consistency of drafting

A number of territorial authorities felt the wording of Part 3.12 is unclear, and sub-clauses conflict with each other. In their view this will result in an understandable precautionary approach taken by regional councils, with an outcome that existing activities will be unduly regulated.

C.5: Managing adverse effects on biodiversity outside SNAs

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 1.7(4)	Q 27	304
Part 2.1 objective 6	Q 28	119
Part 2.2 policy 7		
Part 3.13		

Protection for biodiversity outside SNAs

Proposal information

Significant natural areas (SNAs) only contain the most significant indigenous biodiversity. A lot of indigenous biodiversity exists outside SNAs, and this biodiversity can still be important. The discussion document set out the ways the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) would set a management framework to maintain indigenous biodiversity outside SNAs. The proposed NPSIB Part 3.13 requires:

- regional policy statements (RPSs) to specify where, how and when subdivision, use and development outside of SNAs should be controlled to maintain indigenous biodiversity
- adverse effects are controlled through the effects management hierarchy (except with no compulsion to consider biodiversity offsets before biodiversity compensation)
- councils must include in their plans where, how, and when an assessment of ecological significance (using appendix 1 of the proposed NPSIB) is undertaken (to determine new SNAs) and then manage these areas as SNAs.
- councils must have particular regard to the potential of Māori land to provide for the social, cultural, and economic wellbeing of Māori (see Part 3.13(3) outside SNAs).

Overview

Question 27 asked whether the NPSIB provides the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met. A total of 304 submitters responded. Of these, 238 gave a specific position on the topic and 66 (22 per cent) responded through free text without a specific position. The majority of submitters were in support or somewhat in support. The positional responses were:

- 25 (8 per cent) yes
- 115 (38 per cent) somewhat
- 66 (22 per cent) no
- 32 (11 per cent) unsure.

The majority of submitters agreed (fully or in part) that Part 3.13 provides the appropriate level of protection for indigenous biodiversity outside SNAs. On the whole, submitters

supported the intention of the proposal and the general importance of managing biodiversity outside SNAs. However, they expressed a range of concerns with the drafting of Part 3.13.

General support for the proposal

There was some level of support for the proposal from all submitter categories, except business/industry. The Ornithological Society of New Zealand Incorporated (professional body, SR #23) supported Part 3.13 and referred to it as “balanced, realistic and achievable”. The Environmental Reference Group (science/research organisation, SR #358) agreed with Part 3.13 as drafted, but also suggested including a timeframe for relevant plan changes. One individual (other) submitter said they believed the outcomes-based framework is a positive option rather than rigid implementation of a plan or hierarchy.

General opposition

Submitters opposed to the proposal for managing adverse effects on biodiversity outside SNAs expressed a range of concerns about how the proposal could have negative outcomes. Key themes raised by submitters included that the proposals could:

- prevent the productive use of land for pastoral farming and forestry
- impact the maintenance and development of infrastructure, including telecommunication facilities, electricity lines, roading, rail and power schemes
- impact costs of implementation for providers.

More specific submitter concerns regarding the proposal included that it:

- is not clear or workable
- lacks flexibility and fairness and will lead to conflict and litigation
- is not workable for the ecological values of particular regions
- does not have enough emphasis on the restoration and enhancement of degraded values
- will compromise the ability of line companies to undertake maintenance works, such as trimming, access tracks, and vegetation removal
- may have an impact on the financial viability of Māori-owned land.

Need for rangatiratanga

Three submissions from iwi/Māori submitters expressed that the proposal may be interpreted too broadly, unreasonably preventing the use and development of land. Further, it does not appropriately recognise iwi rangatiratanga for the biodiversity outside of SNAs. This is shown in the following quote from Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437):

Te Rūnanga supports the management of all adverse effects on indigenous biodiversity on all lands appropriately and acknowledges that environments and habitats evolve. As above however, there is no recognition of Ngāi Tahu rangatiratanga over the ‘biodiversity’, or taonga, outside of SNAs. Mana whenua must be partnered in the development of policy statements and plans, and the management of indigenous biodiversity outside of SNAs.

They added that it is also unclear how the proposed Part 3.13 will be implemented practically.

Costs to farming

Some submissions from individuals (land owners) were based on the Beef + Lamb New Zealand form submission. These included support for the intent of recognising areas that surround SNAs, but expressed concern that Part 3.13 is too broad and may compromise the financial viability of pastoral or forestry-based farming activities. An individual land owner submission (SR #478) sets out concerns on the costs and required support associated with implementing the proposal:

The compliance costs of the various proposals are likely to be significant and include the identification of these habitats and species, fencing of these habitats (could require deer fencing to manage wild populations), and ongoing pest management. As currently proposed, it is unclear where these costs fall. Financial, technical, and human resourcing support should be provided to assist land owners to continue to protect and restore indigenous habitats and populations within their farming businesses and communities. Support should be provided to not only areas where indigenous biodiversity is being restored, but also to where it currently exists.

Implications for local government

In general, council submitters supported the principle of managing biodiversity values outside SNAs, but had reservations about the detailed drafting proposed in the draft national policy statement. In the view of these submitters, this approach could require ecological assessments for all subdivisions and development no matter the location, adding a significant burden to resource consent applications. Another concern raised by these submitters was that if indigenous biodiversity is required to be maintained (whether or not it is in an SNA) this undermines the considerable cost and effort of identifying significant areas in the first place. On this point Tauranga City Council (territorial authority, SR #265) submitted:

A circular outcome might arise whereby Part 3.13 requires land outside SNAs to be made subject to controls to maintain indigenous biodiversity, while Part 3.16 simultaneously requires the same land – if constituting “degraded” SNAs – to be restored and enhanced.

Other concerns raised by councils included that the proposal:

- is not appropriate to some regions
- could set up contest between territorial authorities and land owners.

Environment Southland (regional/unitary council, SR #267) supported the proposal in principle because, in its view, managing the areas around the SNAs could result in better protection and maintenance outcomes in those areas. Other councils also expressed general support for the proposal to manage indigenous biodiversity outside of SNAs. This included Gisborne District Council (regional/unitary council, SR #425), which in particular supported the consideration of the potential of Māori land.

Considering biodiversity offsets and biodiversity compensation outside SNAs

Overview

Question 28 asked submitters whether it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs. There were 119 comments,

with 11 (9 per cent) of these in free text and not identifying a position. The remaining 108 submitters had a specific position on the topic, and many considered that consent applicants should be able to consider both impact management tools at the same time instead of considering them sequentially. The positional responses were:

- 44 (37 per cent) yes
- 21 (17 per cent) somewhat
- 30 (25 per cent) no
- 13 (11 per cent) unsure.

Submitter types predominantly in favour of the proposed approach were business/industry, iwi/Māori, and territorial authorities.

Support for proposed approach

Submitters in support of the proposed approach – to allow biodiversity offsets and biodiversity compensation to be considered equally instead of sequentially outside of SNAs – believed allowing the impact management tools to be considered equally is sensible and pragmatic. They considered that this provides flexibility, distinguishes management of adverse effects outside SNAs from management of adverse effects on SNAs, and may facilitate better outcomes for indigenous biodiversity.

A few submitters who supported the proposal believed biodiversity offsets are overly onerous and in some cases it may be less costly and more effective to prioritise biodiversity compensation. Auckland Council (regional/unitary council, SR #193) considered that for non-significant indigenous biodiversity, the proposed approach could provide for a broader range of management responses than might be achieved through application of the “like for like” principle for biodiversity offsetting in appendix 3 of the NPSIB.

A couple of submitters preferred the proposed approach because they consider it is in line with the Resource Management Act 1991 (RMA). They noted that section 104(1)(ab) of the RMA requires both environmental offsets or compensation measures to be considered equally by consenting authorities when proposed by consent applicants.

Opposition to proposed approach

Some submitters (25 per cent) opposed the proposed approach. Many of these were of the view that adverse effects should be managed sequentially using the effects management hierarchy, requiring consent applicants to consider biodiversity offsets before biodiversity compensation. These submitters believed this approach would align with international best practice, the New Zealand Local Government Guidance for biodiversity offsetting under the RMA, and the principles for biodiversity offsetting in appendix 3. Their view was that the sequential approach minimises harm to indigenous biodiversity. They also submitted that requiring no net loss and preferably net gain (as an offset does) is better than the uncertain gains achieved through biodiversity compensation (which does not require no net loss or net gain).³⁴

³⁴ See appendices 3 and 4 of the proposed NPSIB.

There was concern among submitters that the proposed approach would result in biodiversity offsets never being used as an impact management tool, and this would not be in line with the NPSIB objective to maintain indigenous biodiversity, as indigenous biodiversity gains are not guaranteed. Greater Wellington Regional Council (regional/unitary council, SR #399) considered that if adverse effects are worth managing to maintain indigenous biodiversity, then it is worth sticking to the effects management hierarchy and prioritising biodiversity offsetting before biodiversity compensation.

Other submitters opposing the proposed approach generally opposed biodiversity compensation and/or biodiversity offsets, and did not believe the NPSIB should include these impact management tools.

A few submitters advocated for the Biodiversity Collaborative Group's outcomes-based approach where councils are able to determine a management response tailored to the outcome of *controlling* adverse effects on indigenous biodiversity outside SNAs (with no specified effects management hierarchy).

C.6: Use and development of Māori land

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 3.7 Part 3.9 Part 3.13 Part 3.16	Q 29	118

Providing for Māori land

Proposal information

Providing for activities on Māori land is important for historic and cultural reasons, and because of the barriers to the full and optimal use of economic development of Māori land that have arisen throughout New Zealand's history. This proposal comprises implementation provisions that set out the approach to the use and development of Māori land when managing biodiversity:

- Part 3.9, which sets out a process for managing adverse effects on significant natural areas (SNAs) and requires that when preparing policy statements and plans, councils must have regard to opportunities for developing Māori land and the benefits of providing for papakāinga, marae, and ancillary community facilities.
- Part 3.13, which sets out requirements for managing biodiversity outside SNAs and requires local authorities to have regard to the potential of Māori land to provide for the social, cultural, and economic wellbeing of Māori when doing so.
- Part 3.16, which sets out a process for biodiversity restoration and enhancement and recognises that local authorities may provide incentives for this, in particular, on Māori land.

Overview

Question 29 asked if submitters considered the proposed National Policy Statement on Indigenous Biodiversity adequately provides for the development of Māori land. There were 118 responses; 22 of these (19 per cent) were free text and did not identify a direct position on the matter. The positional responses were:

- 23 (19 per cent) yes
- 10 (8 per cent) somewhat
- 36 (31 per cent) no
- 27 (23 per cent) unsure.

Those who considered the NPSIB does not adequately provide for the development of Māori land formed the largest proportion of submitters; the largest proportion of these were the iwi/Māori and individual (land owner) submitter types. The main reasons iwi/Māori gave were that the proposed NPSIB would unfairly restrict the development of Māori land, which would be the continuation of historical disadvantage, and that Government should provide

compensation for restricting development on Māori land for biodiversity protection. Individual (land owner) submitters gave diverse reasons for this response, ranging from the view that the proposed NPSIB would lead to conflict because it constrains Māori land, to the view that Māori land should not be treated differently from other land to which the NPSIB applies.

The submitter categories with the highest level of support regarding development of Māori land came from the categories individual (other) and individual (land owner). The main reason given was that it provides flexibility for the ways in which the NPSIB applies to Māori land as opposed to other land ownership types.

Development on Māori land restricted

Some submitters, mainly iwi/Māori, but also territorial authorities, regional/unitary councils, individual (other), science and research organisations, and business/industry, considered that the proposed NPSIB would restrict the development of Māori land. This is shown in the following comment by Te Orewai Te Horo Trust (iwi/Māori, SR #589):

Te Orewai Te Horo Trust has been prejudiced by the Crown through the raupatu of our whenua, the return with nil compensation nor capacity building to manage such a large block of whenua Māori. Our lands are undeveloped. We want to develop them and optimise use for the betterment of our beneficial owners. The draft NPS will undermine and undercut these efforts as well over half of our lands are scrub and native bush – our lands will be locked up from potential mixed land use – without our consent.

The Ngāti Hine Forestry Trust (iwi/Māori, SR #525) believed a large percentage of Māori land is undeveloped and would be deemed SNA through the NPSIB, inhibiting and undermining their ability to use their whenua according to their own tikanga and strategies. Similarly, Lake Taupō Forest Trust Lake Rotoaira Forest Trust Hautū Rangipō Whenua Ltd (business/industry, SR #336) stated that the burden of regulation will fall heavily and unequally on Māori, penalising Māori for retaining these areas in indigenous vegetation. They added “Māori are now required to lock these areas up as mitigation for those other land owners who have cleared their land previously”. Waikato District Council (regional/unitary council, SR #796) considered that these provisions may complicate development on Māori land rather than provide for it. This submitter stated:

The medium-value SNA may be appropriate for partial development of land, but more detail needs to be provided around the wording of ‘no practicable alternative location’.

Iwi/Māori submitters who expressed this also considered that the NPSIB restrictions on what they were able to do with their land were a breach of their rangatiratanga, and the provisions of the NPSIB were not sufficient to mitigate effects on tangata whenua. Iwi/Māori, business/industry, and science/research organisations noted that the proposed NPSIB would inhibit the use and development of plantation forestry on Māori land because of its potential to foster indigenous fauna habitat, and that the proposed NPSIB fails to provide for sustainable logging in indigenous forests.

Conversely, a few submitters submitted that management of SNAs should be the same irrespective of what land ownership or land use (forestry or farming) applied. One submitter also considered it was unclear what provisions applied to Māori land under plantation forestry.

One territorial authority felt the provisions should allow for the reasonable use of Māori land and offsetting of effects of activities on Māori land that show a net environmental gain.

On the other hand, a few submitters considered the approach to Māori land could lead to pressure on tangata whenua to develop land, because provisions are more lenient than those applying to other land.

Compensation or financial support should be provided

Many submitters also commented on the support that should accompany the proposed NPSIB to make up for the costs of the regulation to Māori land owners. Some submitters, mainly iwi/Māori but also a territorial authority and a regional council and individual (other), referred to the costs of the proposal to tangata whenua, and considered that if the provisions remained unchanged, central government should provide compensation to Māori land owners for loss of value and future development opportunities. Submitter comments on this issue included:

If the Proposed NPS-IB remains in its current state, it is the Māori Trustee's view that the Government needs to undertake a compensation assessment.... Of course, Māori Land owners will not be averse to protecting indigenous biodiversity but the reality is that the Crown needs to assume some responsibility for the loss of biodiversity over the years and the fact that a high proportion of it now sits on Māori Land. Historically, the Crown has been responsible for clearing large tracts of indigenous biodiversity. The Māori Trustee (iwi/Māori, SR #757)

Māori land and many other privately owned land blocks still retain high biodiversity. Protection of these lands will come at a cost, actual and or via economic loss due to restrictions, to those land owners including Māori owners. Subsequently the Crown should consider how it will compensate those land owners for their economic losses. Te Tira Whakamataki (iwi/Māori, SR #174)

Submitters made these suggestions for compensation for any disadvantage to the development of Māori land:

- rates relief
- Government purchase of the relevant land if tangata whenua wish to sell
- financial support to implement the NPSIB
- incentives to protect biodiversity habitat.

The Māori Trustee also suggested that the Government should consider ecosystems-based services or valuing natural capital, and that an ecosystem services-based approach could be used to financially compensate land owners on an ongoing basis.

Other submitters referred to the potential costs of applying for resource consents to use their land if the NPSIB is implemented as proposed, and the limiting effect of that:

... having regulations that on one hand state support for kaitiakitanga and appropriate sustainable and cultural resource management, but on the other hinder the reasonable use and management of their native forest resources (e.g., when consenting costs make such activities unviable, etc. Tāne's Tree Trust Northland Tōtara Working Group Tōtara Industry Pilot Project (NGO, SR #451)

Conducted case studies that show how existing activities established before the NPS comes into force can continue within limits are flawed. They don't take into consideration future land uses that iwi Māori could have been planning for years i.e. marae development on the West Coast, and they allow for additional costs to be incurred by already marginalised communities who may now need to seek costly resource consents to develop their own lands. Te Tira Whakamataki (iwi/Māori, SR #174)

Scope of 'Māori land' and inclusion in the NPSIB

A few submitters raised the issue of the definition of 'Māori land' in the proposed NPSIB. Most of these submitters considered the definition as drafted is too narrow, with Māori customary land and Māori freehold land as defined in Te Ture Whenua Māori Act 1993. Some considered it should also include land returned to iwi and hapū through Treaty settlements, and land held under the Public Works Act 1981. One iwi/Māori submitter considered all land acquired by tangata whenua should come within the definition of 'Māori land'.

One iwi/Māori submitter (Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437)) believed all land held by that submitter, its subsidiaries, and Papatipu Rūnanga, Māori land or otherwise, should be excluded from the NPSIB. One territorial authority thought landlocked Māori land should be excluded. An iwi/Māori land owner submitter raised the issue of how land owners would have input for Māori land not under the authority of either iwi or hapū, as iwi don't have authority for all Māori land. Relationships and Resource Management Act 1991 (RMA) agreements with councils, such as Mana Whakahono ā Rohe, were with iwi authorities – not hapū or Māori land owners – and these land owners should be involved in council processes as well.

C.7: Consideration of climate change in biodiversity management

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.2 policy 3 Part 3.5	Q 30	193

Climate change and the NPSIB

Proposal information

Climate change is having an impact on our native species and ecosystems. Section 7(i) of the Resource Management Act 1991 (RMA) requires decision-makers to have particular regard to the effects of climate change. However, there is currently no specific policy direction on how councils should do this in the context of biodiversity management. Part 3.5 of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change.

Overview

Question 30 stated that Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change, and asked submitters whether they agreed with this provision. There were 193 responses to this question; 30 (16 per cent) were through free text and did not identify a direct position. The positional responses were:

- 110 (57 per cent) yes
- 22 (11 per cent) somewhat
- 27 (14 per cent) no
- 4 (2 per cent) unsure.

The 6575 Forest and Bird form submissions felt climate change should be central to environmental planning and resource consents. They added that droughts and floods can decimate habitats and species.

The majority of submitters from most categories supported the proposal, except the individuals (land owners) group. Common issues raised by submitters from this group included the importance of addressing climate change issues, the complexity of assessing climate change effects, and the potential for the policy to halt development.

Climate change effects are complex

The most common issue raised by submitters was that climate change effects are complex, difficult to quantify, and often highly uncertain, making the policy difficult to implement. This issue was more often raised by those who responded 'no' or 'somewhat' to question 54, but those who responded 'yes' also raised the issue.

A few submitters across various categories suggested the policy was likely to increase prospects of litigation. For example, Bathurst Resources Ltd and BT Mining Ltd (business/industry, SR #377) submitted that the policy “opens up the prospect of litigation around what the climate change effects will likely be on particular proposals”. Similarly, Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14), while supportive of the policy, stated:

the spirit of Part 3.5 is admirable but the implementation [...] will be complex and create uncertainty and inevitably conflict.

More guidance and national-level implementation

Some submitters proposed that the difficult issue of dealing with climate change should have greater leadership from the national level. One individual land owner submitted:

This is something which would be very problematic to qualify or quantify [...] there are better ways to make this happen if it is a national goal.

Waikato District Council (territorial authority, SR #871), Environment Canterbury (regional/unitary council, SR #795), and Christchurch City Council (territorial authority, #782) requested clear guidance and implementation strategies from central government. Other submitters suggested that a national dataset, or a national body with the necessary technical expertise and capacity, would help councils implement the policy.

Restrict new development

A number of submitters believed Part 3.5 could restrict future development. For example, Wolds Station Ltd (business/industry, SR #475) stated:

The restrictions contained in the draft NPSIB will not only curtail any positive developments, but it will also act as a deterrent for farmers when looking towards being proactive in discovering and establishing new practices to better adapt to climate change.

The Far North District Council (territorial authority, SR #417) submitted:

The potential burden of the provisions, in particular Part 3.5(b)(c) could extrapolate into some unexpected costs and outcomes for council and communities.

They highlighted their local example of the brown kiwi and its ‘connectivity’, spanning peri-urban areas in the Far North district.

Some submitters from the renewable energy sector expressed concern that the proposed climate change policy did not address climate change issues outside of a biodiversity-centric view. For example, Part 3.5 of the proposed NPSIB has the potential to restrict the development of renewable energy infrastructure, which can contribute to lowering carbon emissions. Rotokawa Joint Venture Limited (business/industry, SR #488) stated they are:

concerned that policies in the draft NPSIB appear to clash with and could inadvertently override the NPSREG [National Policy Statement for Renewable Electricity Generation] current measured support for renewable electricity generation.

Transpower (Crown/public organisation, SR #180) was also of the view that “the draft NPSIB needs to enable new renewable energy projects”.

Difficult to prevent effects of climate change

Some submitters felt climate change effects are beyond our control and therefore effort should not be wasted on addressing these issues:

There is a lot of climate change that is outside the control of our country [...] need to ensure that the people are no overburdened by factors outside our control. (individual (land owner, SR #363))

Some submitters thought the focus of councils should be on management approaches that allow indigenous biodiversity to respond to the inevitable impacts of climate change rather than trying to prevent climate change effects altogether. For example, Scion (science/research organisation, SR #469) submitted “it is difficult to see how a council can do anything to prevent one indigenous ecosystem transitioning to a different one due to climate change”, and noted the importance of protection outside of significant natural areas (SNAs) to allow for species that migrate in response to climate change. Similarly, Forest and Bird – Hauraki Gulf Island (NGOs, SR #146), and Beef + Lamb New Zealand and Deer Industry New Zealand (business/industry, SR #760) said provisions need to provide for changes in the natural range of indigenous plants and animals as a result of climate change.

Role of biodiversity in climate resiliency and mitigation

A few submitters stated the proposed policy does not recognise the contribution of indigenous biodiversity to mitigating the effects of climate change. For example, Braided River Aid (NGO, SR #311) highlighted that Part 3.5 does not promote the role of biodiversity in developing climate resiliency through ecosystem services: “this is well documented in the literature and its absence on this document is glaring”. Greater Wellington Regional Council (regional/unitary council, SR #399) thought that additional amendments should be made to ensure local authorities recognise the contributions indigenous biodiversity make to mitigating climate change.

Provisions do not go far enough

All iwi/Māori submitters who responded to this question supported the policy, with some saying that climate change needed to be a bigger focus of the NPSIB. For example, Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437) supported the direction in Part 3.5, but believed stronger direction is needed to put a positive and imperative obligation on councils to address the impacts of climate change (as opposed to ‘considering it’).

Four individual (other) submitters were of the view that climate change should be a central consideration in decision-making, and the wording of the policy needed to reflect this. One individual (other) submitter (SR #258) stated “I would strongly prefer that it be more strongly worded”. A few submitters suggested that the term ‘promote’ in Part 3.5 should be strengthened.

Other legislation/government proposals

A small number of submitters mentioned the links between the proposed NPSIB and other government proposals. Beef + Lamb New Zealand and Deer Industry New Zealand (business/industry, SR #760) considered there are inconsistencies and tensions between current climate change policy and legislative proposals, for example the New Zealand Emissions Trading Scheme, which provides incentives for large-scale afforestation.

Nelson City Council (regional/unitary council, SR #320) discussed the link between the proposed NPSIB and the Biosecurity Act 1993, stating they would like to see increased alignment between the two to recognise that biosecurity risks to indigenous biodiversity are likely to increase as a result of the changing climate. In their view, there is a strong national focus on biosecurity risks related to economic activity; however, they would like to see an equal focus on identifying potential climate-change-driven biosecurity risks to indigenous biodiversity.³⁵

³⁵ See also the following section of this report: [The Biosecurity Act 1993 and interactions with the proposed NPSIB](#).

C.8: Applying a precautionary approach to managing indigenous biodiversity

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.2 policy 2 Part 3.6	Q 31	191

Precautionary principle

Proposal information

Decision-makers attempting to halt the decline of indigenous biodiversity are challenged by gaps in information about biodiversity trends, states and pressures. The need to take a precautionary approach in circumstances where there is uncertainty but potential for significant harm is implied, but not made clear, in the Resource Management Act 1991 (RMA). The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) includes a precautionary principle (Part 3.6) for managing indigenous biodiversity. Local authorities must adopt a precautionary approach to activities where there are threats of serious or irreversible environmental damage, and there is lack of full scientific certainty of those effects.

Overview

- Question 31 asked whether submitters thought including the precautionary approach in the proposed NPSIB is appropriate, and there were 191 responses. Of these, 16 (8 per cent) were free-text responses that did not identify a direct position. The positional responses were:
 - 95 (49 per cent) yes
 - 22 (12 per cent) somewhat
 - 52 (27 per cent) no
 - 6 (3 per cent) unsure.

The majority of submitters from most categories supported the proposal, except for the individual (land owners) and business/industry groups. Their 'no' response rates were 51 and 50 per cent respectively. Individual (other) and non-government organisations (NGOs) were the categories with the highest 'yes' response rates, with 79 and 80 per cent respectively.

Precautionary principle already inherent in the RMA

Some submitters in the business/industry group who submitted 'no' were of the view that the RMA already has sufficient measures to ensure proposed activities do not have unintended effects on indigenous biodiversity. For example, Tilt Renewables (business/industry, SR #429) stated:

There is no resource management need for a generic policy in the NPSIB advising local authorities to adopt approaches that are already inherent in the architecture of the RMA.

Central Otago District Council (territorial authority, SR #327) was the only council that shared this view.

A few submitters from a number of categories suggested that while the precautionary principle is inherent in the RMA, it should also be included in the proposed NPSIB. One individual (other) submitter (SR #210), said that they supported “making explicit something which is only implied in the RMA”. The Environmental Defence Society (professional body, SR #388) submitted:

It may be argued that the precautionary principle is already inherent under the RMA, or that [the precautionary principle’s] inclusion [in the proposed NPSIB] creates greater uncertainty. These are concerns that have been raised before in regard to prior documents and which were ultimately dismissed in favour of incorporation.

Precautionary principle restrictive

A number of submitters from all categories suggested the precautionary approach is overly restrictive in limiting activities. Some of these submitters also suggested that it removes certainty for applicants in being able to undertake particular activities.

Transpower’s (Crown/public organisation, SR #180) concern was that the inclusion of a precautionary approach may lead to “unnecessarily conservative outcomes due to the absence of information (as opposed to uncertainty about effects)”. Similarly, Development West Coast (NGO, SR #400) stated:

The easiest (and most cost effective) way for local authorities to give effect to such a policy would be to ban all ‘uncertain’ activities, or at the very least any new ones, where there is no robust science to prove impact on the biodiversity.

A few individuals (land owners) were concerned the precautionary approach could result in many consents being declined due to uncertainty of effects. These submitters felt the precautionary approach could halt progress on land development. An individual (land owner, #544) submitted that the precautionary principle would “impose a huge burden of proof on land owners”. Another individual (land owner, SR #786) expressed their view that applying a precautionary principle is problematic as “anything which adds to the complexity or difficulty of processing consents will further slow the economic development of regional economies”.

Further clarity required

A number of submitters commented on the ‘vagueness’ of the policy wording, which could lead to long consent processes and litigation. For example, Development West Coast (NGO, SR #400) stated:

DWC is also concerned that elements of the NPSIB are inconsistent with this objective and still open to a significant amount of interpretation, thereby lengthening processes, creating battles and curbing positive development.

A few individuals (other) submitted on the need for greater clarity. One individual (other) (SR #129) said “agree a precautionary approach should be included in the NPSIB, subject to clear definition”.

KiwiRail (business/industry, SR #459) also suggested that the proposal for a precautionary principle should be made clearer and used only in limited circumstances. They supported the

use of a precautionary approach for proposed activities when it comes to effect mitigation at the consent decision stage. However, they were also of the view:

The approach should be adopted neither in relation to the identification of SNAs [significant natural areas] or areas to be protected, nor in the rule framework such that there become no permitted activities.

Greater Wellington Regional Council (regional/unitary council, SR #399), Nelson City Council (regional/unitary council, SR #320), Waikato Regional Council (regional/unitary council, SR #796), and one individual (other) submitter (SR #210) highlighted that the precautionary principle already exists in national direction, and submitted that the wording for a precautionary principle in the proposed NPSIB should be consistent with the New Zealand Coastal Policy Statement 2010 (NZCPS).

Auckland Council (regional/unitary council, SR #193) submitted that the precautionary principle for managing indigenous biodiversity should be included in plans. New Plymouth District Council (territorial authority, SR #359) sought clarification as to whether the precautionary approach applied only to SNAs, or to all indigenous biodiversity.

Important safeguarding tool

Some submitters who responded ‘yes’ to the appropriateness including the precautionary approach in the proposed NPSIB reiterated the importance of the precautionary principle as an important safeguarding tool in managing indigenous biodiversity. These submitters believed the precautionary principle helps prevent the permanent loss of indigenous biodiversity if caution is not adopted.

A few submitters from a range of categories submitted the precautionary approach is sensible, given the lack of time to monitor and gather sufficient data for assessing impacts on indigenous biodiversity. Central South Island Fish & Game (Crown/public organisation, SR #537) submitted:

Collecting robust data can take a substantial amount of time and can span multiple years and may not be able to be completed during the prescribed RMA timeframes for resource consent applications.

Guidance

A few submitters mentioned implementation guidance is needed to give effect to the policy. Greater Wellington Regional Council (regional/unitary council, SR #399) stated “clarification or guidance will be required to ensure that local authorities understand what ‘significantly adverse’ effects are.” Similarly, Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437) expressed “concern at the lack of guidance and direction on what may be considered ‘uncertain, unknown or little understood’”. Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14) quoted the NZCPS policy 3 guidance note as a good example of precautionary principle guidance.

Policy needs to apply to more than local authorities

A couple of councils drew attention to the fact the policy refers specifically to local authorities. They suggested the scope for decision-makers applying a precautionary principle in certain circumstances in managing indigenous biodiversity should be extended beyond local authorities. In particular, Hawke’s Bay Regional Council (regional/unitary council, SR #447) said:

We support the inclusion of a precautionary approach but seek amendment to recognise that local authorities are not the only decision makers under the RMA. This provision should be widened in scope to include Water Conservation Order tribunals, hearings panels, Environment Courts etc. to ensure local government decisions are supported at all levels of RMA decision-making. We recommend amending Part 3.6: 'RMA decision makers must adopt a precautionary approach.'

C.9: Managing effects on geothermal ecosystems

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Placeholders in proposed NPSIB: Part 1.5(2)(c) Part 2.2 policy 9 Part 3.11 ³⁶	Q 32 Q 33	55 63

Proposal information

Section C.9 in the discussion document set out three options for managing geothermal ecosystems within the scope of the National Policy Statement on Indigenous Biodiversity (NPSIB). These were indicative options, to be refined to a preferred option following public consultation. The options were:

- 1: Status quo for all geothermal ecosystems, with geothermal ecosystems continuing to be managed under relevant policy statement and plan provisions, without NPSIB direction.
- 2: Status quo for geothermal ecosystems in the Taupō Volcanic Zone (TVZ)³⁷ only.
- 3: A specific framework in the NPSIB would apply to all geothermal ecosystems.
- 4: Alternative option.

These options recognise that a specific approach for geothermal ecosystems is required in the proposed NPSIB given:

- their rarity
- their importance for renewable electricity generation
- the requirements of the National Policy Statement for Renewable Electricity Generation (NPS REG)
- existing use and practice in council plans
- iwi/hapū aspirations.

Section C.9 in the discussion document included two questions on how local authorities must manage adverse effects on geothermal ecosystems. The number of responses ranged between 55 and 63.

Submissions have been summarised into the two topics covered by the questions.

- options for geothermal ecosystem management: question 32 asked submitters what their preferred option for managing geothermal ecosystems is

³⁶ This is where geothermal direction would go if it is incorporated into the NPSIB.

³⁷ Straddles the Bay of Plenty and Waikato regions, and is where the majority of geothermal ecosystems exist.

- definition of a geothermal ecosystem: question 33 asked if submitters agreed that geothermal ecosystems include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity.

Options for geothermal ecosystem management

Overview

Fifty-five submitters commented on their preferred option for managing geothermal ecosystems; 41 preferred a specific option, giving a direct response, and 14 (25 per cent) answered in free text without identifying a specific option. The positional responses were:

- 5 (9 per cent) option 1
- no submitters (0 per cent) option 2
- 24 (44 per cent) option 3
- 12 (22 per cent) alternative option.

Of those who preferred a specific option, the majority of submitters preferred option 3.

Preference for option 3

Regional/unitary council and territorial authority submitters with significant geothermal resources in their regions/districts preferred option 3 in principle. Those who preferred this option believed the NPSIB should facilitate consistent management of unique and rare ecosystems. Bay of Plenty Regional Council (regional/unitary council, SR #344) and Waikato Regional Council (regional/unitary council, SR #796) were concerned that carving out geothermal ecosystems from the scope of the NPSIB (option 1 and 2) would erode the value of the NPSIB, as it would not promote their consistent protection or sustainable management. Other reasons why submitters preferred option 3 included that it:

- ensures integrated management is extended to geothermal ecosystems (as directed by Part 3.4 of the proposed NPSIB)
- can ensure strong protection for remaining geothermal ecosystems
- allows for existing uses to continue
- ensures management of geothermal ecosystems will remain in place regardless of changes in regional and district planning processes.

Concerns and proposed amendments to option 3

A few submitters expressed concern that option 3, as currently proposed, fails to properly recognise the different characteristics of each geothermal resource across the country, and believed it should be developed together with local authorities, iwi/Māori, and business/industry with local knowledge and expertise. Ngati Tahu–Ngati Whaoa Runanga Trust (iwi/Māori, SR #116) considered iwi/Māori should be intimately involved in the geothermal systems classification process. Other submitters believed the geothermal system classification should be determined locally and not prescribed through the NPSIB. A few submitters were concerned option 3 will have limited value in protecting geothermal ecosystems, with similar outcomes to current Resource Management Act 1991 (RMA) processes.

While option 3 was preferred in principle by many submitters, submitters acknowledged that the option is still a proposal only and have recommended changes to it. Forest and Bird (non-government organisation (NGO), SR #599), for instance, supported a modified option 3 in which the significance of geothermal ecosystems is assessed using appendix 1 of the NPSIB (criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna). They considered the status quo assessments of geothermal ecosystem significance in the TVZ is out of step with current best practice. Bay of Plenty Regional Council (regional/unitary council, SR #344) and Waikato Regional Council (regional/unitary council, SR #796) recommended option 3 should be changed from the current wording, where all activities are exempt from having to avoid adverse effects within development systems. They recommend it be changed to only allowing extractive uses to be exempt from having to avoid adverse effects within development systems. They see the current proposal as inconsistent with the policy approach in the TVZ.

Several business/industry submitters jointly proposed drafting for all of the options. They considered that option 3 requires complex provisions, and the acceptability of the option depends on the extent to which it can enable the current approach in the TVZ and how it deals with development systems.

Feedback on option 1

Option 1 was favoured by a few iwi/Māori, business/industry, and individual (land owner) submitters. Te Rūnanga o Ngāi Tahu (iwi Māori, SR #437) preferred option 1, with the view that geothermal ecosystems should be managed regionally, in partnership with mana whenua and in a way that provides for their rangatiratanga. Other submitters preferred option 1 because it avoids conflict with the National Policy Statement for Renewable Electricity Generation, is the simplest and easiest option to implement, and provides for existing management frameworks in the TVZ that are well-developed and tested and agreed through the courts. Northpower Ltd and Top Energy Ltd (business/industry, SR #563), which operate the Ngāwhā geothermal field in Northland, supported option 1 on the basis that geothermal ecosystems are already appropriately managed on a site-, ecosystem- and development-specific basis. These companies believed the status quo is sufficient and option 1 provides for it to continue.

Bay of Plenty Regional Council (regional/unitary council, SR #344) submitted that if option 1 or 2 is progressed then it should be applied only to geothermally influenced biodiversity that is adversely affected by the take, use and discharge of geothermal energy and water, and are in systems identified as development systems in a regional policy statement or regional plan. However, Horticultural New Zealand (business/industry, SR #436) and Eastland Generation Ltd (business/industry, SR #444) submitted the option progressed should apply to all activities impacting on geothermal ecosystems, not just abstraction. Rotokawa Joint Venture Ltd (business/industry, SR #488) proposed that, for regions with geothermal ecosystems outside of the TVZ, the NPSIB could enable those councils to opt in or out of the NPSIB provisions.

Feedback on option 2

While no submitters expressed a preference for option 2, several business/industry submitters operating in the TVZ noted that this option has similar advantages to option 1 with respect to geothermal ecosystems in the TVZ (eg, would not undermine existing well-developed management frameworks, and would provide for regional flexibility based on geothermal

system classifications). They were concerned, however, that it would require councils to duplicate work. In their view, geothermal systems currently managed through geothermal policies in the Waikato or Bay of Plenty Regional Policy Statements but located outside the TVZ would have to be reassessed under the proposed NPSIB as part of option 2. They considered this has little benefit and significant potential costs to participants. Northpower Ltd and Top Energy Ltd (business/industry, SR #563) specifically oppose option 2 because they believe it treats geothermal resource development in the TVZ differently from the development of other geothermal resources, including the Ngāwhā field in Northland.

Alternative options

Submitters who preferred an alternative approach for geothermal ecosystem management tended to either convey a:

- specific approach was needed to managing geothermal ecosystems
- preference for geothermal ecosystems to be included in the NPSIB and managed as significant natural areas (SNAs).

Business/industry submitters emphasised their view that the NPSIB as drafted does not recognise and provide for geothermal electricity generation, and that it's critical the NPSIB either exclude geothermal ecosystems from its scope (option 1 or 2) or include specific provisions that reflect existing regional management (as intended by option 3). They said geothermal electricity generation is locationally constrained and important for New Zealand's renewable energy and zero carbon goals.

A few individual and NGO submitters believed geothermal ecosystems should be treated the same as other ecosystems, and that the NPSIB and NPS REG can be implemented together if geothermal sites are included as SNAs. These submitters were of the view that bringing geothermal ecosystems into the scope of the NPSIB will ensure indigenous biodiversity is maintained, and that existing approaches need to be updated. Scion (science/research, SR #469) considered that the way geothermal ecosystems are currently governed and managed is unclear and this needs to be clarified before determining any management options through the NPSIB.

Definition of a geothermal ecosystem

Proposal information

Section C.9 in the discussion document proposed that geothermal ecosystems include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. This definition will determine the scope of what is managed in terms of geothermal ecosystems.

Overview

Sixty-three submitters commented on the proposed definition of a geothermal ecosystem. Of those, 50 had a specific position on the topic and 13 submitters (21 per cent) responded without identifying a specific position. The majority of direct responses supported/somewhat supported the proposed definition. The positional responses were:

- 37 (59 per cent) yes
- 4 (6 per cent) somewhat
- 2 (3 per cent) no
- 7 (11 per cent) unsure.

Several submitters emphasised that the definition should be decided by experts. The Proprietors of Taheke 8C & Adjoining Blocks Incorporation (iwi/Māori, SR #868) believed geothermal ecosystems should be defined locally and questioned whether “geothermally influenced habitat” could be interpreted to extend to exotics, noting that this is likely not the intent behind the definition.

Suggestions for definition

Some submitters made other suggestions for what should be included in the definition, such as remnant geothermal features, taxa from all kingdoms, and that thermo-tolerant flora should be specified. From a Māori perspective, submitters suggested the definition should recognise the distinct whakapapa (or taxonomy) of the geothermal system and vegetation ecosystem and how they interact. Far North District Council (territorial authority, SR #417) noted that implementing a policy framework to protect micro-organisms may add complexity. A range of electricity generators (SR #734, #612, #488, #444) proposed an alternative definition:

Geothermal ecosystems means a dynamic life-supporting system made up of a group of living organism (including plants and animals) that has adapted to, and is reliant on, geothermal resources within a geothermal system.

They noted that this is sourced from the Bay of Plenty Regional Policy Statement, and is more recent than the definition in the Waikato Regional Policy Statement. They preferred this definition to the one proposed for the NPSIB, noting it clearly states that geothermal ecosystems are a response to geothermal geology, and describes this dependency relationship. These submitters have also volunteered several other definitions they consider necessary, including ‘geothermal system’, ‘geothermal SNA’ and the ‘TVZ’.

C.10: Biodiversity offsetting and biodiversity compensation

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 3.9	Q 34	161
Part 3.13	Q 35	111
Part 3.19	Q 36	104
Appendices 3 and 4		

Section C.10 in the discussion document included three questions about biodiversity offsets and biodiversity compensation; 104 to 161 submitters responded to each question.

Submissions have been summarised as:

- Biodiversity offsetting: question 34 asked whether submitters agreed with the framework for biodiversity offsets set out in appendix 3 of the National Policy Statement on Indigenous Biodiversity (NPSIB).
- Biodiversity compensation: question 35 asked submitters whether they agreed with the framework for biodiversity compensation set out in appendix 4 of the NPSIB, and to explain if they considered the limits to biodiversity compensation use set out in the Environment Court's decision *Oceana Gold (New Zealand) Limited v Otago Regional Council* [2020] NZHC 436 a better alternative.
- Level of residual adverse effects: question 36 asked submitters what level of residual adverse effects they considered biodiversity offsets and biodiversity compensation should apply to (more than minor, all or other).

Proposal information

The proposed NPSIB sets out frameworks for the use of biodiversity offsets and biodiversity compensation in appendices 3 and 4 respectively. These frameworks are intended to support the appropriate use of both impact management tools in practice, minimising risk to indigenous biodiversity.

Biodiversity offsetting (appendix 3)

Overview

- Comments were received from 161 submitters on whether they agree with the proposed framework for biodiversity offsets set out in appendix 3. Of those, 135 had a specific position on the topic and about half either supported or partially supported the framework. A further 26 submitters (16 per cent) responded in free text without identifying a specific position. The positional responses were:
 - 36 (22 per cent) yes
 - 41 (25 per cent) somewhat

- 43 (27 per cent) no
- 15 (9 per cent) unsure.

The highest level of support came from regional/unitary councils and territorial authorities, with most of these councils supporting the proposed framework for biodiversity offsets.

Support for biodiversity offsetting framework

Submitters supporting the proposed framework believed the principles in appendix 3 reflected widely accepted best practice, and provided what they saw as much-needed clarity and consistency around appropriate use of biodiversity offsets. Many submitters supported the principles closely reflecting the Local Government New Zealand 2018 guidance,³⁸ the New Zealand Government guidance,³⁹ and the international Business and Biodiversity Offsets Programme (BBOP) guidance.⁴⁰

Opposition to biodiversity offsetting framework

A quarter of submitters opposed the biodiversity offsetting framework, primarily because they believe biodiversity offsets should not be used as an impact management tool as they pose too great a risk to indigenous biodiversity. The New Zealand Conservation Authority (Crown/public organisation, SR #287) and Environment and Conservation Organisations New Zealand (professional body, SR #800) opposed biodiversity offsets on the basis that offsets assume indigenous biodiversity is replaceable and imply it is acceptable to destroy indigenous biodiversity. Business/industry submitters opposing the biodiversity offsetting framework considered it too prescriptive. A few business/industry submitters preferred appendix 4 in the Biodiversity Collaborative Group's (BCG) draft NPSIB. They considered the BCG's principles for biodiversity offsets to closely reflect the principles in the Auckland Unitary Plan, which they saw as simpler and more practical.

Suggested amendments

Overall, principles 1–8 and 12 in appendix 3 were widely supported by submitters if minor changes are made, while submitters criticised the necessity, wording and strength of the other principles.

A range of submitters suggested minor amendments to the principles of the framework, for clarification and workability. Two common themes were:

- clarifying the apparent conflict between principle 5 (like-for-like) and 9 (trading up)
- amending the limits set out in principle 2 (limits to offsetting).

³⁸ LGNZ. 2018. *Biodiversity Offsetting under the Resource Management Act: A guidance document*. Wellington: LGNZ. Retrieved from www.lgnz.co.nz/assets/Uploads/7215efb76d/Biodiversity-offsetting-under-the-resource-management-act-full-document-....pdf.

³⁹ Department of Conservation. 2014. *Guidance on Good Practice Biodiversity Offsetting in New Zealand*. Wellington: Department of Conservation. Retrieved from www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/.

⁴⁰ Business and Biodiversity Offsets Programme (BBOP). 2018. *Working for Biodiversity Net Gain: An Overview of the Business and Biodiversity Offsets Programme (BBOP) 2004–2018*. Washington, DC: BBOP. Retrieved from www.forest-trends.org/bbop_pubs/overview2018/.

Concerning limits to offsetting, Te Runanga o Ngāi Tahu (Iwi/Māori, SR #437) suggested principle 2 should also include 'degradation of mauri of any area or taonga' as a limit. Many business/industry submitters wanted 'socially acceptable options' deleted from principle 2(ii), as they view this as ambiguous and already covered by the consent process. A few business/industry submitters suggested alternatives to principle 2 which they say would remove the need for appendix 2 and the high/medium significant natural area (SNA) split.

Most submitters supported the definition of 'biodiversity offset' in the proposed NPSIB, with a few minor amendments.

Another point raised by business/industry submitters was whether appendix 3 applies to geothermal ecosystems, and, if so, how. These submitters emphasised the importance of offsets as a management option, and noted that, because geothermal systems are irreplaceable, they are unable to use biodiversity offsets due to principle 2 of appendix 3.

Biodiversity compensation (appendix 4)

Overview

There were 111 comments on the framework for biodiversity compensation set out in appendix 4. Of those, 90 had a specific position on the topic and just under half of these either supported or partially supported the framework. The remaining 21 submitters (19 per cent) provided a free-text response and did not identify a position. The positional responses were:

- 20 (18 per cent) yes
- 23 (21 per cent) somewhat
- 28 (25 per cent) no
- 19 (17 per cent) unsure.

The highest level of support for the proposed framework for biodiversity compensation came from all regional/unitary councils and most territorial authorities. Over half of business/industry submitters were somewhat in support and two-thirds of iwi/Māori either support or partially support appendix 4.

Support for biodiversity compensation framework

The large amount of support for the principles in appendix 4 was based on the view that the principles and definition of biodiversity compensation align well with widely accepted best practice and provide clarity. A key benefit of incorporating biodiversity compensation in the proposed NPSIB, according to Christchurch City Council (territorial authority, SR #782), is that this direction will ensure biodiversity compensation is not misapplied as a form of biodiversity offsetting.

Opposition to biodiversity compensation framework

About a quarter of submitters who responded opposed the proposed framework for biodiversity compensation. These were mostly individual land owners, as well as some business/industry and other submitter types. Reasons for opposition included:

- biodiversity compensation perceived as an inappropriate impact management tool, with unacceptable risk to indigenous biodiversity
- that it does not align with NPSIB objective 1 – to maintain indigenous biodiversity
- that the principles are too stringent and will limit net-beneficial approaches to addressing the impacts of projects that have been endorsed by the Environment Court.

Alternative approach based on *Oceana Gold*

Several submitters commented on whether they considered the limits on the use of biodiversity compensation set out in the Environment Court decision *Oceana Gold (New Zealand) Limited v Otago Regional Council* as better than those in appendix 4 of the NPSIB. The Environmental Defence Society (professional body, SR #388) believed it is appropriate for the NPSIB to set limits for biodiversity compensation, as this is now required by the Environment Court (*Oceana Gold (New Zealand) Limited v Otago Regional Council*). A few submitters preferred the specificity of the *Oceana* limits, believing this provides demonstrable bottom-lines. Other submitters were of the view that the *Oceana* limits are unworkable.

Suggested amendments

Specific amendments sought to appendix 4 closely reflected those sought to appendix 3, with many submitters noting their comments apply to both appendices. The West Coast councils (regional/unitary councils, SR #347) suggested an alternative framework for biodiversity compensation that could be combined with appendix 3. A few submitters wanted the language around limits to biodiversity compensation tightened to ensure it is not used in these instances. However, a few business/industry submitters wanted reassurance that principle 2 (limits to biodiversity compensation) will not operate upfront as a 'locked gate test', and noted revising the limits in a way that would mean both biodiversity offsetting and biodiversity compensation could not be considered in certain circumstances is not in line with Resource Management Act 1991 (RMA) section 104(1)(ab).⁴¹

Level of residual adverse effects

Overview

Question 36 sets out three options for the level of residual adverse effect biodiversity offsets and biodiversity compensation should apply to:

- a. more than minor residual adverse effects
- b. all residual adverse effects
- c. other – please explain.

There were 104 submitters who commented; 94 had a specific preference for an option, with the remaining 10 (10 per cent) responding in free text without a specific preference. The positional responses were:

- 27 (26 per cent) option A
- 48 (46 per cent) option B
- 19 (18 per cent) option C.

⁴¹ This part of the RMA is about considering applications, and the things a consent authority must consider when considering an application for a resource consent and any submissions received.

All iwi/Māori who responded supported option B. Most individuals (other) and non-government organisations (NGOs) supported option B. Many regional/unitary councils and most business/industry preferred option A.

Of those who preferred some other level of residual adverse effect, individuals (land owner and other) tended to pick this option based on general opposition to biodiversity offsetting and biodiversity compensation as impact management tools. Business/industry submitters who picked option C tended to prefer the level of residual adverse effect to be 'significant'.

Those in support of option A were concerned about cumulative effects if all adverse effects were not required to be addressed, or because they disagreed with biodiversity offsetting and biodiversity compensation as impact management tools. Some submitters were concerned with the different ways in which 'more than minor' can be interpreted. Those supporting option B believed this is in line with the RMA, which is not a no-adverse-effects statute.

Information, support or resources to implement the provisions of section C

Overview

Question 37 asked submitters whether specific information, support or resources would help them implement the provisions in section C of the discussion document. Free-text submissions were received on this question from 47 respondents, including all submitter types except science/research organisations. The highest number of responses were from business/industry and individual (land owner) submitter types.

Support suggestions

Specific information, support or resources sought by submitters included:

- guidance and criteria for councils and consent applicants on the use of the effects management hierarchy in practice
- guidance, case studies, and workshops for councils and consent applicants on the use of biodiversity offsetting and compensation.

Submitters have also expressed a need for information on climate change impacts on indigenous biodiversity, and identifying climate-resilient habitat for species.

The rest of the information, support or resources sought by submitters could also apply to other areas of the implementation of the proposed NPSIB, and include technical and financial assistance for:

- councils, especially those with small rate bases and large districts/regions (eg, guidance, training, ecological expertise, GIS and data-gathering support, information sharing, case studies, clear definitions)
- land owners (eg, protection incentives, support with pest/weed control, advice for integrating indigenous biodiversity into farm plans)
- Treaty partners.

Some submitters advocated for the supporting measures outlined in the [BCG's report](#),⁴² and would like to see the Government implement these. Specific measures submitters asked for include:

- amendments to the Local Government Act to provide the option of rates relief for QEII covenanted land
- carbon credits paid to land owners for climate change mitigation provided by protecting indigenous vegetation
- tax incentives to encourage biodiversity protection efforts on private land
- central government support with council compliance, monitoring and enforcement
- a focus on partnerships and collaboration between central and local government, Treaty partners, land owners, and community
- funding support for land owner-facing entities such as the QEII Trust and New Zealand Landcare Trust
- product branding to support products where land owners/managers are protecting indigenous biodiversity
- a contestable national biodiversity fund for land owners/community groups
- a youth advisory group to inform the NPSIB process and implementation
- economic valuation of indigenous biodiversity and ecosystem services to ensure its appropriately taken into account in decision-making
- independent peer review of NPSIB provisions
- the Aotearoa New Zealand Biodiversity Strategy (completed before the NPSIB).

⁴² See Part 3: The Biodiversity Collaborative Group's Complementary and Supporting Measures for Indigenous Biodiversity.

D.1: Restoration and enhancement of degraded significant natural areas, connections, buffers and wetlands

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.1 objective 5	Q 38	243
Part 2.2 policy 11	Q 39	84
Part 3.16		

Restoration and enhancement requirements

Proposal information

Restoration and enhancement is an important part of maintaining New Zealand's indigenous biodiversity. Some ecosystems have suffered so much loss that the only way they can be maintained is through restoration and enhancement. Part 3.16 promotes the restoration and enhancement of three priority areas: degraded significant natural areas (SNAs), important connectivity and buffering areas, and wetlands, ensuring action is focused on areas that need it most.

Overview

Question 38 stated that the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) promotes the restoration and enhancement of three priority areas: degraded SNAs, areas that provide important connectivity or buffering functions, and wetlands. It asked submitters whether they agree with these priorities; there were 243 responses. There was varying support for and against the priorities; 182 of the responses were direct positional responses and the remaining 61 responses (25 per cent) were free text, without identifying a position. The positional responses were:

- 86 (35 per cent) yes
- 50 (21 per cent) somewhat
- 39 (16 per cent) no
- 7 (3 per cent) unsure.

The 6575 Forest and Bird form submissions expressed the view that it is important to restore and enhance nature to make up for past loss, and to build climate change resilience.

A large number of submitters supported the provisions promoting the protection of existing indigenous biodiversity over restoration. Another key theme for potential changes to the provisions was the desire to see the priority areas for restoration altered.

Question 39 asked submitters whether they see any challenges in wetland protection and management being driven through the Government's Action for Healthy Waterways

programme, while wetland restoration occurs through the NPSIB. This received 84 free-text responses.

Prioritise protection over restoration

Submissions from a number of regional councils and territorial authorities stated a preference for protection policies over restoration ones. Many councils pointed to factors such as resource constraints and the underlying costs of restoring indigenous biodiversity for prioritising protection over restoration. These councils were of the view that protecting existing indigenous biodiversity is cheaper, less risky, and provides more short-term benefits than habitat restoration:

Current resourcing does not provide for adequate protection and maintenance of remaining indigenous habitats. The priority of a regional council is to protect and maintain these areas this is the core role of councils under the RMA Horizons Regional Council (regional/unitary council, SR #820).

“Restoration” as an overarching objective is beyond the scope of this NPS or the capacity of councils... At worst, restoration may draw scarce funds away from the areas where they are most needed for maintenance. This is inefficient as restoration is an enormously riskier, resource intensive and drawn out process than maintenance. Greater Wellington Regional Council (regional/unitary council, SR #399).

The councils from the West Coast called for a change to the provisions to accurately reflect existing indigenous biodiversity in regions and the different priorities that restoration may have:

This IR [implementation requirement] needs to be amended to reflect the differences between regions where restoration or enhancement is very necessary, due to a low level of indigenous biodiversity in their region, and where conversely there is a high level of remaining biodiversity and a reduced priority for restoration and enhancement. West Coast Councils (regional/unitary council, SR #347)

A number of submitters believed the restoration provisions are too strong as currently drafted. These submitters did not support restoration and enhancement becoming a mandatory requirement, on par with protection requirements. A number of submitters suggested restoration and enhancement goals should instead be promoted as non-regulatory requirements, which would shift the focus to promoting outcomes through regional biodiversity strategies and community work, loosening requirements as drafted in the NPSIB.

The proposed NPSIB provided a mix of regulatory and non-regulatory means to reach restoration goals. Some submitters suggested non-regulatory approaches helped bring land owners on board, rather than regulatory approaches, which typically created further resistance from land owners. For example:

Restoration and enhancement has become a mandatory requirement whereas the BCG intended that it be strongly supported by non-regulatory measures which were set out in some detail in Part 3 of the BCG report. Mercury (business/industry, SR #734)

Adopting purely regulatory-focused solutions to protect indigenous biodiversity can lead to land owner resistance and opposition to indigenous biodiversity protection and enhancement efforts. King Country Energy Limited (business/industry, SR #376)

Two submitters commented about implementing objective 5, “to restore indigenous biodiversity and enhance the ecological integrity of ecosystems”. One concern was that if

an area meets only one of the SNA attributes, applicants may still be required to restore or enhance all aspects of the SNA. Another submitter believed restoring indigenous biodiversity is an expensive and onerous task for councils, ratepayers and individual land owners.

Focus of restoration priorities

A few submitters, largely representing councils (such as Environment Southland and Bay of Plenty Regional Council), wanted to see the priorities for restoration changed. These submitters were of the view that the provision as drafted does not lead to the restoration of the full range of ecosystems. These submitters want to see regionally threatened species and ecosystems prioritised for management, and for this to be determined at a regional level. Environment Southland and Bay of Plenty Regional Council made the following suggestions:

Prioritisation should focus on threatened and originally rare ecosystem types (not just wetlands) and on maintaining and restoring the full range of ecosystems. NPSIB could refer to the national priorities for protection of rare and threatened biodiversity on private land⁴³ – which includes wetlands, sand dunes, originally rare ecosystems and indigenous vegetation associated with land environments with less than 20 per cent remaining in indigenous cover. Bay of Plenty Regional Council (regional/unitary council, SR #344)

Implementation of restoration priorities

A range of submitters sought clarification on the terms and intent of Part 3.16 (promoting the restoration and enhancement of priority areas). Terms such as ‘degraded SNAs’ and ‘former wetlands’ were commonly referenced by submitters as causing confusion. Submitters – including individual land owners, business/industry, and territorial authorities – sought definitions for these terms, to provide clarity for implementing the provisions. Questions included: “how far back in time did ‘former wetlands’ extend as this could impact current land uses, including farming and forestry?” And “aren’t all SNAs degraded to some extent?” Numerous submitters noted that, as currently drafted, the provisions were open to interpretation and could cause legal challenges or perverse outcomes for land owners with SNAs on or near their land. A number of submitters (particularly individual (land owner) category) expressed their view that the reference to ‘buffering’ needs to be further explained, or removed as a requirement altogether.

Wetland management

There were contrasting answers to question 39 about the potential challenges created by requiring protection and management of wetlands through the Action for Healthy Waterways programme and the proposed NPSIB requiring wetlands be prioritised for restoration. Submitters identified that as long as the two proposals were well aligned, there would not be an issue. However, other submitters suggested conflicts were inevitable as long as there were two sets of provisions regarding wetlands:

⁴³ Refer to: Ministry for the Environment. 2007. *Protecting our places: Information about the statement of national priorities for protecting rare and threatened biodiversity on private land*. Wellington: Ministry for the Environment. Retrieved from www.doc.govt.nz/Documents/getting-involved/volunteer-or-start-project/funding/biodiversity-funds/protecting-our-places-priorities-detail.pdf.

Yes there will be real challenges for private land owners if we are running with conflicting sets of parameters, which will be the set that prevails? (individual (land owner, SR #237))

There are likely to be both overlaps and gaps. Overlaps causing conflict; gaps causing lack of necessary action. (individual (other, SR #254))

A number of submitters preferred a single set of provisions regarding protection, management and restoration of wetlands. In the view of these submitters, at the very least, there should be a statement that sets out a clear hierarchy of provisions where these come into conflict. One submitter suggested the NPSIB should take precedence over the Action for Healthy Waterways programme:

I believe that wetland protection, management and restoration are inseparable. The provisions of both initiatives should be combined and the wetland provisions of the Action for Healthy Waterways package should reflect those of the NPSIB. In case of conflict between the two, the NPSIB would apply. (individual (other), SR #70)

D.2: Restoring indigenous vegetation cover in depleted areas

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.1 objective 5 Part 2.2 policy 11 Part 3.17	Q 40	209

Restoration targets for urban indigenous vegetation cover

Proposal information

Indigenous biodiversity is depleted where there is low indigenous vegetation cover. This is particularly the case in urban environments. Increasing indigenous vegetation cover across the landscape, such as bush in parks and gullies, is essential to maintaining indigenous biodiversity. Ecological advice concludes that when ecosystems are reduced to 10 per cent or less of their original extent, their persistence in the landscape is threatened. Part 3.17 of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) requires regional councils to set targets for increasing vegetative cover in their regional policy statements for both urban and rural areas. Methods to achieve those targets are not specified.

Overview

Question 40 stated that Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover, and separate indigenous vegetation targets for non-urban areas. It asked submitters whether they agree with this approach.

There were mixed views from submitters concerning the indigenous vegetation cover targets included in Part 3.17 of the proposed NPSIB. Submitters were polarised in their views, with some strongly supporting indigenous vegetation cover targets, while others argued that increasing vegetation cover should be the lowest priority of councils. There were 209 responses, with 175 direct positional responses. The remaining 34 (16 per cent) were free-text responses that did not identify a direct position. The positional responses were:

- 61 (29 per cent) yes
- 54 (26 per cent) somewhat
- 51 (24 per cent) no
- 9 (4 per cent) unsure.

The 6575 Forest and Bird form submissions supported the inclusion of vegetation cover targets to bring back natural areas in cities and rural areas.

Prioritising protection over restoration, and level for a target

In a similar way to the submitter responses to Part 3.16 (proposals for restoration and enhancement), submissions from a number of regional councils and territorial authorities stated a preference for protection policies over restoration policies. Feedback from councils suggested that protecting existing indigenous biodiversity is cheaper and easier than restoring biodiversity. Some councils were of the view that increasing vegetation cover targets should be the lowest priority of councils, or are not needed at all. A submission from Local Government New Zealand (LGNZ) reiterated this:

We propose that restoration policies be removed from the draft NPSIB so that the Sector [local government] can focus on maintenance of areas of indigenous vegetation and habitats and do that well. LGNZ (professional body, SR #603)

Some larger councils, for example, Auckland Council, expressed support for directions and requirements to increase indigenous vegetation cover in urban and rural areas. It stated: "The Council would support a target higher than 10 per cent, particularly for urban areas". By contrast, smaller councils, such as Marlborough District Council, identified increasing indigenous vegetation cover targets as "Not a priority for our limited resources". There was both support and opposition for a target of 10 per cent specifically for indigenous vegetation cover in urban areas. There were submitters who expressed a preference for a higher percentage as well as those who wanted it lower, or gone, as shown in the following quotations:

Arbitrary percentage without any evidence of benefit. Inappropriate. Anglesea Agriculture Ltd (individual (land owner, SR #59))

The target should be higher say 15 per cent for urban environments. More Biophilia designed buildings. Increased vegetation cover will help keep cities cooler... etc. (individual (other, SR #101))

10 per cent is insufficient. The Auckland Council Urban Ngahere Strategy 2019 states that the objective for Auckland for average canopy cover should be 30 per cent average over the city and with no local board below 15 per cent. The NPSIB is not consistent with that. Upper Harbour Ecology Network (NGO, SR #162)

Change focus of increasing vegetation cover targets

There were submitters who wanted to see a change in focus of the indigenous vegetation cover targets, specifying that the proposed cover targets do not focus on threatened and rare ecosystems. These submitters believed if we are going to be restoring indigenous vegetation, the vegetation that needs it the most should be prioritised because fragmentation and species loss accelerate when ecosystems reduce below 10 per cent of their original extent. This view was expressed by an individual (land owner, SR #112):

The provision needs to be reworded to "indigenous vegetation from the relevant ecological district". Otherwise we could see indigenous species being planted well outside of their natural range e.g. kauri forest being planted in Southland. Such a result would be a detriment to the ecological integrity of the area.

In a similar vein, a few submitters wanted to see indigenous vegetation cover target priorities include relevant and representative ecosystems based on ecological districts data and Land Environments of New Zealand (LENZ) classifications. This view was expressed by an individual (other, SR #356):

I support the requirement to set indigenous vegetation cover targets through regional policy statements... However, ensure targets make sense ecologically by covering all ecosystems based on Ecological Districts Data and LENZ classifications.

A number of submitters supported changing the focus of the indigenous vegetation cover from a 'target', to a minimum bottom line. These submitters suggested it would improve uptake and results from the provisions, prevent regions setting targets and then stopping when they hit these targets, or clearing vegetation down to a target level. For example, one iwi/Māori submitter, Te Ātiawa Manawhenua ki te Tau Ihu Trust (SR #394) stated:

A minimum baseline would be more appropriate than a target. A target suggests that whether above or below, that is what should be aimed for. A baseline however sets the minimum, and anything above is increasingly favourable/desirable.

Clarity of indigenous vegetation cover targets

Submitters made a number of suggestions for ways the indigenous vegetation cover targets could be made clearer to improve implementation. Submitters described the need to clearly define terms such as 'peri-urban', 'urban' and 'rural'. Submitters also expressed a desire to see a clear 'scale' added to the implementation measure, which addresses whether the provision operates at a catchment, district or regional level. Additionally, submitters questioned how the indigenous vegetation cover targets are to be calculated:

Does an area need to be 100 per cent indigenous cover to quantify as 'indigenous vegetation'? Nelson City Council (regional/unitary council, SR #320)

No parameters within this clause about how vegetation should be quantified, how percentage cover should be assessed, or at what scale it should be measured.
Environment Canterbury (regional/unitary council, SR #595)

There were a number of individual land owner submitters who believed the way the indigenous cover targets, and the associated requirements, are drafted are wholly inappropriate, unclear, not evidence-based, or disproportionately impact rural areas:

This is not acceptable because urban locations (cities and towns) will not be able to meet this 10 per cent requirement and therefore any shortfall burden will be pushed into the rural domain, which by my calculation will increase a requirement from 10 to 20 per cent land. Would this mean that on our 168Ha farm we would be required to put aside land for indigenous biodiversity in the order of 18 to 36Ha. This is an unfair burden to us.
(individual (land owner, SR #530))

A number of these responses express that requiring land owners to put aside 10 per cent of their land for indigenous cover is unfair. Other submitters supported the proposed approach, but that it shouldn't be working at an individual land owner level, as shown in these two quotes:

Needs to be an overall approach, not expect each individual land owner to increase cover by a certain percentage. How it is worded at present disadvantages those land owners who have already preserved bush, etc, and advantages those who have cleared everything. (individual (land owner, SR #316))

The 10 per cent target does not (and should not) apply to individual land holdings. Neither is it a "clear down to" target. The BCG received advice that when ecosystems persist at 10 per cent or less of their original extent, a decline in many species may be triggered, with severe fragmentation effects. Forest and Bird (NGO, SR #599)

D.3: Regional biodiversity strategies

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.1 objectives 5 & 6	Q 41	129
Part 2.2 policy 14	Q 42	114
Part 3.18	Q 43	108
Appendix 5	Q 44	92
	Q 45	40

This section of the report summarises submitter responses to questions 41–45 of the discussion document on regional biodiversity strategies.

Regional biodiversity strategies and national priorities

Proposal information

Regional biodiversity strategies (RBS) are strategic documents that align a community behind a shared set of priorities. They can set milestones, assign roles, encourage collaboration, create funding avenues, and provide a link to the Aotearoa New Zealand Biodiversity Strategy (ANZBS). RBSs as proposed through Part 3.18 and appendix 5 of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) will ensure regional alignment with national priorities, identification of areas targeted for protection, restoration and enhancement, and identification of actions being undertaken to maintain biodiversity.

Overview

There was a wide variety of feedback on the questions relating to the NPSIB provisions for the creation and implementation of RBSs. There was support both for and against provisions requiring strategies and the content of these strategies. There was a slight majority of submitters who favoured the provisions for RBSs as currently drafted, rather than changing or deleting them. A slight majority of submitters favoured requiring RBSs under the proposed NPSIB instead of the ANZBS. A slight majority of submitters disagreed that the proposed timeframes for initiating and completing the development of RBS are achievable. The 6575 Forest and Bird form submissions expressed their support for community involvement in restoration plans through RBSs.

Question 41

There were 129 free-text responses to question 41, which asked if submitters preferred RBS to be required under the NPSIB or promoted under the ANZBS.

Question 42

Question 42 asked if submitters agreed with the proposed principles for RBSs as set out in appendix 5 of the proposed NPSIB. This received 114 responses, with 95 direct positional responses and the remaining 19 responses (17 per cent) being free text, which did not identify a direct position. The positional responses were:

- 50 (44 per cent) yes
- 14 (12 per cent) somewhat
- 22 (19 per cent) no
- 9 (8 per cent) unsure.

Question 43

Question 43 asked submitters if RBS have a role in promoting other biodiversity outcomes. This received 108 free-text responses.

Question 44

Submitters were asked if they agreed with the proposed timeframes for initiating and completing the development of RBSs. This received 92 responses in total with 84 direct positional responses and the remaining 8 responses (9 per cent) being free text, and did not identify a direct position. The positional responses were:

- 28 (30 per cent) yes
- 10 (11 per cent) somewhat
- 34 (37 per cent) no
- 12 (13 per cent) unsure.

Question 45

Question 45 asked submitters if there was any information, support or resources that were needed to help implement the provisions in section D. This received 40 free-text responses.

Regional biodiversity strategies under the NPSIB or the ANZBS

Submitters were divided on whether RBSs should be required by the proposed NPSIB or instead be promoted by the (non-regulatory) ANZBS.

A large proportion of those submitters who favoured promotion under the ANZBS pointed to the systems in place in the Taranaki region. These submitters, including iwi/Māori trusts and councils in the region, note that the Taranaki Regional Council already has an RBS being implemented effectively alongside other non-regulatory collaborative initiatives. These submitters were of the opinion that requiring councils and communities to create RBSs through regulatory changes will undo or duplicate good work already underway. Other submitters pointed to the flexibility of this option, and thought it would lead to fewer constraints on RBS content:

There is a need to avoid strategy duplication and to acknowledge the existing programmes and structures already established in the regions. Mandatory requirements for strategies that are focused on an RMA context may limit the wider context of biodiversity management. TKONT note the effectiveness of the Biodiversity Strategy for Taranaki and of other non-regulatory and collaborative initiatives such as Wild for Taranaki which coordinate the region's biodiversity efforts. Te Korowai o Ngāruahine Trust (iwi/Māori, SR #780)

Those submitters who favoured RBSs being required under the proposed NPSIB suggested this would lead to greater uptake by councils, and would ensure RBSs are implemented. They noted the proposed NPSIB has more planning weight than the ANZBS. They also suggested that by requiring RBSs under the NPSIB, greater alignment would be seen with the Resource Management Act 1991 (RMA) plans and frameworks under which the proposed NPSIB will be operating:

The NPSIB has more planning weight than the [A]NZBS and regional councils will not be able to avoid the obligation if was to sit in the NPSIB [...] The NPSIB should provide clear direction that regional strategies cannot be a mechanism for agencies to further devolve their statutory obligations. The Catalyst Group (business/industry, SR #240)

Content requirements for RBS

A majority of submitters expressed their support for the general idea of RBSs and requirements for their creation as set out in Part 3.18 and appendix 5. However, most of these submitters also wanted specific changes to the provisions. Submitters frequently mentioned the prescriptiveness of the RBS requirements set out in appendix 5, and noted that as currently drafted, a lot of the content that must be included in RBSs is predetermined, which imposes a “one size fits all” approach to developing RBSs. A number of council submitters suggested that greater flexibility needs to be provided for. In their view this would enable regional variation, while meeting general strategy requirements. What these submitters see as extensive prescriptiveness in current drafting also increases, in their view, the potential for duplication between regional and territorial councils in implementing the proposed NPSIB. From Chatham Islands Council (regional/unitary council, SR #321):

A number of clauses under the NPSIB require regional councils and territorial authorities to detail the same indigenous biodiversity information within their respective plans. This poses an issue for councils with both regional and territorial authority functions. For these Councils, duplication in requirement exists between regional council duties of Part 3.18 (Regional Biodiversity Strategies) and Appendix 5, and territorial authority duties under:

- 1) Part 3.8 requirement to map SNAs;
- 2) Part 3.14(3) requirement to amend their plans to identify and describe taonga and their values, and map their location where agreed by tangata whenua;
- 3) Part 3.16(2) requirement to amend their plans to identify and describe areas identified for restoration and enhancement. Chatham Islands Council.

Some submitters suggested reducing the comprehensive provisions in appendix 5 by removing requirements such as identifying all actions being taken to improve biodiversity, and recording and listing all areas promoted for protection and restoration. This would decrease the time needed and the costs for councils producing RBSs.

Collaborative input to RBS

Another strong theme coming through in submitter responses was the need for RBSs to be collaboratively developed and implemented. A number of submitters included personal experiences of collaborative development, and how this increases the quality of the final document. Echoing submitter views in the previous section, submitters noted that if requirements are too prescriptive and detailed, community input and buy-in will be harder to achieve. A number of submitters see RBSs as the critical document for promoting on-the-ground action to provide for biodiversity outcomes. Submitters noted that if land owners and

local communities have greater participation in developing RBSs, they are also more likely to participate in implementing the goals within it. The following two quotes demonstrate this:

QEII particularly supports principle 4 of Appendix 5 regarding the importance of engaging the community for regional biodiversity. We reiterate our support for the use of biodiversity hubs to bring together land owners, pest management agencies, tangata whenua, community groups, local authorities, and NGOs to co-ordinate biodiversity action. Queen Elizabeth II National Trust (Crown/public organisation, SR #591)

A shift toward closer collaboration with others is needed to deliver joined up action. RBSs have the potential to become a core component of the NZ biodiversity management system. Waikato Regional Council (regional/unitary council, SR #796)

Promoting other biodiversity outcomes and linking with biosecurity management

A large number of submitters agreed in their free-text answers to question 43 that RBSs should promote other biodiversity outcomes beyond those required by the proposed NPSIB. These responses largely centred on the importance of biosecurity management in providing for positive biodiversity outcomes.⁴⁴ Submitters noted that predator control and pest and pathogen management are some of the biggest issues faced by biodiversity in New Zealand, and integrating this into RBSs will reduce the fragmentation of environmental goals:

Indigenous biodiversity cannot thrive in isolation. Strong emphasis on pest and weed control and control of pathogens are critical and require funding streams for communities and individual land owners. Strategies for wilding pines, tahr and wallaby control to name a few, need to be aligned and linked to the NPSIB Upper Waimakariri Group. (individual (other), SR #66)

Greater recognition of the link between biosecurity and biodiversity is needed. Biosecurity incursions can pose serious threat to indigenous biodiversity. Indigenous landscapes are also required to be managed for pests and weeds that pose biosecurity risks. DairyNZ (business/industry, SR #532)

The smaller number of submitters who did not agree with RBSs promoting other biodiversity outcomes noted that biosecurity and pest management matters are already managed under existing legislation such as the Biosecurity Act 1993, as well as regional policies and plans.

Change timeframes for creation of regional biodiversity strategies

A little over 10 per cent of submitters responded to question 44, whether the timeframe for initiating and completing the development of an RBS was appropriate. Views were polarised between submitter categories. A slight majority disagreed with the timeframes. A number of regional council submitters disagreed with the proposed timeframes and stated current resourcing would not allow for RBSs to be completed in the proposed six years. Nelson City Council, Gisborne District Council, and the West Coast Councils all suggested 10 years as an appropriate alternative timeframe.

⁴⁴ See also analysis of question 61.

Submitters from other categories, such as individuals (other) and non-government organisations (NGOs), preferred timeframes be brought forward. Reasons included that the timeframes proposed were far too long and would only lead to more biodiversity being lost while waiting for the strategies to be completed:

No, the proposed timeline (6 years) is ridiculously slow. Regional biodiversity strategies must be completed by the end of 2021. Most councils already have some kind of strategy. If we wait 6 years, more Threatened species will become locally extinct in some regions! Baywatch Far North (NGO, SR #104)

This seems like far too long a time period during which considerable loss of biodiversity could occur. (individual (other, SR #129))

Information, support and resources for implementing section D provisions

Submitters were asked in question 45 what information, support and resources would be the most useful to ensure effective and timely implementation of the provisions outlined in section D. Due to the huge variety of submitters in various situations and regional contexts, there were wide-ranging responses to this question.

The most common suggestion was for increased funding. Funding was suggested to help with:

- improving tangata whenua involvement in the development of strategies and plans
- supporting the use of ecologists and increasing the number of onsite visits to important biodiversity areas
- supporting smaller councils' overall resourcing due to low ratepayer bases
- A number of submitters requested increased input from central providing money to underfunded NGOs, which hold a wealth of expertise and could help with on-the-ground implementation.

government generally to help implement the proposed NPSIB, in various forms from funding through to technical assistance and dedicated staff resource, to providing existing examples of effective regional biodiversity strategies. Another suggestion was greater public education. Submitters suggested this would increase the public's understanding of the significance of the biodiversity crisis and improve compliance with the proposed NPSIB.

Technical support will be vitally important for smaller councils, as will funding. The implementation of this section should not impact on ratepayers, who will then be more likely to buy into it. (individual (land owner), SR #70)

We would like to see more dedicated central government staff and resourcing to run these processes which are extremely resource consumptive. Greater Wellington Regional Council (regional/unitary council, SR #399)

E.1: Monitoring and assessment of indigenous biodiversity

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 2.2 policy 15	Q 46	173
Part 3.20	Q 47	104
Part 4.1		

Monitoring frameworks and effectiveness reviews

Proposal information

Monitoring is essential to measuring the success of policy. It also helps us better understand and value the environment. Nationally consistent information allows us to assess whether indigenous biodiversity is improving, remaining the same, or degrading. It helps inform future management decisions.

Part 3.20 covers regional council-led monitoring. It requires regional councils to develop a monitoring plan to monitor the maintenance of indigenous biodiversity managed under the National Policy Statement on Indigenous Biodiversity (NPSIB) within their region. It must consider mātauranga Māori monitoring methods alongside Western science methodologies.

Part 4.1 is about effectiveness monitoring led by the Ministry for the Environment. It requires the Ministry to monitor and review the effectiveness of the proposed NPSIB in achieving the purpose of the Resource Management Act 1991 (RMA).

Overview

Question 46 asked if submitters agree with the requirements for regional councils to develop a monitoring framework for indigenous biodiversity in their region and districts, and for what the monitoring plan should contain. There were 173 responses; 24 of these (14 per cent) were free text, and did not identify a specific position on the question. The remaining 149 responses identified specific positions. The positional responses were:

- 94 (54 per cent) yes
- 26 (15 per cent) somewhat
- 25 (14 per cent) no
- 4 (2 per cent) unsure.

More submitters responded yes than no. Of those who responded yes, many thought monitoring was a crucial component of the proposed NPSIB, but did not agree that councils should be responsible for monitoring, and there was a desire for nationally consistent monitoring. The other main issue raised was concern around the cost and ability to resource a monitoring programme.

Question 47 asked submitters whether the Ministry for the Environment should be required to undertake an effectiveness review of the NPSIB. There were 104 responses to question 47; six responses (6 per cent) were free text, and did not identify a specific position. The remaining 98 responses identified specific positions. The positional responses were:

- 66 (63 per cent) yes
- 16 (15 per cent) somewhat
- 11 (11 per cent) no
- 5 (5 per cent) unsure.

The most common concern about the proposal was that a frequency of every 10 years would be too long.

Resourcing and implementation cost

The cost and resource required for a monitoring programme were the key concerns raised by submitters across all categories.

Comments made by individuals (land owners) included that the implementation of a monitoring programme will be highly expensive and a “huge burden on councils”. Most regional councils mentioned cost and resourcing issues of implementing a monitoring programme; territorial authorities (TAs) did not raise this issue as much as regional councils. Buller, Westland and Grey district councils (regional/unitary councils, SR #347) stated that national monitoring should be funded by taxpayers, not ratepayers.

Nationally agreed monitoring methodology

A key theme in responses to question 46 was a desire for a nationally agreed monitoring methodology. This was a common theme across a range of submitter categories, including Crown/public organisations, councils, non-government organisations (NGOs), and professional bodies. Reasons given included having the ability to compare datasets and to save resources.

Most regional councils recommended having a central government-led, nationally consistent monitoring framework; this theme was also raised by TAs. For example, South Taranaki District Council (territorial authority, SR #277) stated that without a nationally consistent approach, “data obtained through monitoring will be incompatible from one area to the next”. Waikato District Council (territorial authority, SR #871) questioned the benefits of regional councils designing monitoring programmes and devolving responsibility to TAs. They asked: “would it not be more appropriate to have a national monitoring system developed with input from councils setting out a template monitoring system?” In contrast, Matamata-Piako District Council (territorial authority, SR #793) said:

The monitoring plan should be developed by Regional Councils in conjunction with local councils [...] however [we] recognise... that [this] could lead to inconsistency throughout the country.

Northland Regional Council (regional/unitary council, SR #270) said Part 3.20 provides no clear objective for monitoring and questioned whether the provision aims for reporting at a national, regional or on individual site scale. They said Part 3.20 should also “explicitly allow for use of ‘representative sites’ rather than requiring every SNA [significant natural area] site to be monitored”.

The Parliamentary Commissioner for the Environment (Crown/public organisation, SR #761) submitted that data storage infrastructure needs to be resourced by central government:

Investing in federated data infrastructure – to create interoperable, national-level biodiversity databases, and leverage existing, but dispersed datasets – is worthwhile from many perspectives.

Mātauranga Māori

There was general support across all submitter categories for including mātauranga Māori in the proposed monitoring requirements. One individual (other, SR #210) said seeing mātauranga Māori in monitoring provisions was ‘heartening’. Balle Bros Group (business/industry, SR #403) supported the concept but questioned:

the measurability of mātauranga Māori for monitoring/reporting [...] ensure that mātauranga Māori principles are measurable if to be used equally with scientific monitoring.

Kaipatiki Project (NGO, SR #515) supported the provisions in the NPSIB around using mātauranga Māori and tikanga Māori monitoring methods equally with scientific monitoring. Te Tira Whakamataki (iwi/Māori, SR #174) said that “monitoring (as well as implementation and enforcement) of the NPSIB should be led by Māori.”

Bay of Plenty Regional Council (regional/unitary council, SR #344) was the only regional council who raised this issue. They sought a more coherent approach to the way mātauranga Māori is used in monitoring, and expressed concerns mātauranga Māori indicators are likely to be variable across the Bay of Plenty region. Similarly, Ngāti Tahu–Ngāti Whaoa Runanga (iwi/Māori, SR #116) said that mātauranga Māori differs between iwi and it may be difficult to establish nationally agreed standards that include this component.

Many iwi/Māori submitters supported including mātauranga Māori in monitoring programmes for the proposed NPSIB. Some of these submitters believed this requires a strong partnership with iwi/Māori. For example, Te Kotahitanga o te Atiawa (iwi/Māori, SR #565) said that monitoring must be underpinned by mātauranga Māori, and designed alongside tangata whenua. Similarly, Ngāti Hine Forestry Trust (iwi/Māori, SR #525) said they seek meaningful engagement with tangata whenua, Māori land owners, whānau, and/or hapū in relation to mātauranga Māori.

Ministry for the Environment effectiveness review

The most common concern across many submitter categories regarding the proposal for the Ministry for the Environment to conduct an effectiveness review of the NPSIB was that 10-yearly reviews were too far apart. Some submitters suggested including a requirement to undertake an assessment more frequently than 10 years after the commencement of the NPSIB. Submitters also recommended strengthening the wording from ‘should’ to ‘must’, to better align with the monitoring policy 3.20 and strengthen the requirement for central government to undertake effectiveness monitoring. Greater Wellington Regional Council (regional/unitary council, SR #399) also suggested changes to the wording of the monitoring policy by removing “as far as practicable” from sub-clause 4.1(1)(a), as “this implies that some of the data collected may not be fit for purpose”.

Transpower (Crown/public organisation, SR #180) and Genesis Energy Limited (business/industry, SR #446) said that a review of the NPSIB should be done alongside a review of other national policy statements. Transpower suggested that a rolling review of all national direction could be undertaken by a Board of Inquiry to “consider integration across national direction documents, and recommend consequential amendments where necessary.”

Other submitters suggested the policy should require the Ministry to check if councils are effectively reporting and enforcing. Waimakariri District Council (territorial authority, SR #597) suggested that the effectiveness review should also include a review of how effective relevant central government agencies are in implementing the NPSIB.

Other issues

One submitter (individual (land owner, SR #224)) mentioned that monitoring should not occur on private land, as it could present a health and safety issue.

The Far North District Council (territorial authority, SR #417) asked for the breakdown of clarified responsibilities, to avoid duplication and maximise the collection and sharing of knowledge and resources between TAs and regional councils.

E.2: Assessing environmental effects on indigenous biodiversity

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.2 policy 5 Part 3.19	Q 48	197

Increasing information requirements for assessments of environmental effects (AEEs)

Proposal information

It is important councils receive adequate information about consent application decisions on activities that may adversely affect indigenous biodiversity. It is also important that this is considered by councils before these activities take place. An assessment of environmental effects (AEE) must accompany any application for resource consent (other than a 'fast track application'⁴⁵) under the Resource Management Act 1991 (RMA). In some cases, AEEs don't fully identify impacts on indigenous biodiversity or demonstrate effective implementation of the effects management hierarchy. The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) builds on aspects of schedule 4 (information required in applications for resource consent) of the RMA by detailing what is required in an AEE when there are impacts on indigenous biodiversity.

Overview

Question 48 asked submitters whether they agreed with the proposals to increase information requirements within AEEs for activities that impact on indigenous biodiversity. There were 197 responses to this question; 55 submitters (28 per cent) provided free-text responses and did not identify direct support for or opposition to the proposals. There were 142 direct positional responses. The positional responses were:

- 63 (32 per cent) yes
- 27 (14 per cent) somewhat
- 41 (21 per cent) no
- 11 (6 per cent) unsure.

The submitter category with the greatest opposition to Part 3.19 was business/industry submitters. The submitter category with the greatest support for Part 3.19 was individual (other) submitters.

⁴⁵ Fast track applications are a process introduced as a new part of the RMA in 2017 to create a straightforward consent application process for district land use activities in specific circumstances. See the [New consent exemption and fast-track processes fact sheet](#) on the Ministry for the Environment website for further detail.

There was a lot of feedback on Part 3.19, with submitters polarised in their views. There was a slight majority of submitters who agreed with Part 3.19 as set out in the proposed NPSIB. However, a number of concerns were consistently raised across the submitter categories. These included:

- Part 3.19 is too broad and onerous and will be costly to implement for councils and for those who need to apply for a resource consent
- there is not enough ecological expertise in New Zealand to implement the requirements
- a scale needs to be added to the provision to ensure that AEEs are not needed for every resource consent.

Some submitters suggested that Part 3.19 was not needed, and should be removed from the proposed NPSIB. Conversely, there were other submitters who supported the provisions because there would be an immediate improvement in biodiversity outcomes, and councils would be able to make more informed decisions through AEEs.

Provisions will improve biodiversity outcomes

There were a number of submitters who expressed their support for Part 3.19. Some of these were of the view that this provision would be key to achieving the main objective of the proposed NPSIB, because Part 3.19 would result in immediate improvements to biodiversity outcomes (while other provisions would take longer to have an impact):

This [Part 3.19] will enable the NPS and its provisions to have immediate effect, at least in situations where a resource consent is required. Waiting until all SNAs have been identified and publicly notified could precipitate widespread damaging development.
Forest and Bird Hauraki Gulf Islands Branch (NGO, SR #146)

Some submitters also supported including minimum requirements in AEEs as required by Part 3.19, as this would provide more certainty within and between regions on the information needed for an AEE. Many of these submitters gave examples of what they saw as current shortfalls in data and assessments of biodiversity values provided with AEEs and how this, in their view, has led to inadequacies in the resource consent process. Submitters also noted that minimum requirements in AEEs would improve biodiversity monitoring and the information base held by councils on biodiversity in their area. These submitters suggested that this would enable decision-makers to make more informed decisions that will uphold the requirements of the RMA:

Policy 3.19 sets out the requirement that information about indigenous biodiversity is included in the assessment of environmental effects. This policy recognises that councils need good information to adequately make decisions about resource consents and requires that this be provided before decisions are made, thereby strengthening the information base for management. Environmental Defence Society (professional body, SR #388)

... Assessments of Environmental Effects (AEE) more often than not lack appropriate and robust assessments of biodiversity values. Ensuring better information on biodiversity values in AEEs will help decision makers decide if a proposed activity is appropriate or not in terms of upholding the requirements of the RMA. Central South Island Fish & Game, North Canterbury Fish & Game, and Otago Fish & Game (Crown/public organisation, SR #537)

Provisions too broad and onerous

A large number of submitters said that the provisions set out in Part 3.19 are too onerous and will be expensive to implement. These submitters believed that implementing the proposal would have negative effects on land uses such as farming and forestry. A number of submissions from the forestry sector used the same text from a form submission in response to this question,⁴⁶ outlined in the example below from The Marlborough Forest Industry Association Inc (business/industry, SR #283):

When a resource consent application is triggered by indigenous biodiversity controls, policy 3.19 contains onerous requirements for assessment of potential adverse effects which would be very expensive to complete in the context of largescale land use such as plantation forest harvesting activities.

A large number of submitters also suggested that the wording in Part 3.19 is very broad, which would lead to a larger number of extensive assessments being needed and undertaken by experts to identify if the indigenous biodiversity concerned is significant or not. Submitters suggested that the overall increased need for substantial AEEs with resource consents and associated costs would be disproportionate to the effects on indigenous biodiversity. These submitters suggested the provisions will oblige councils to undertake full ecological assessments on almost every resource consent application, as there are very few sites that don't have some form of indigenous vegetation on them, which would become a barrier to current work or future development:

The objectives of clause are unclear, as practically all consents for work outdoors will affect some native vegetation or fauna. The costs of having to undertake an assessment for all consents will likely be a barrier to work being undertaken, and cannot be justified by any expected benefits. New Zealand Farm Forestry Association Incorporated (professional body, SR #364)

Under Part 3.19, it appears that anytime there is native vegetation or fauna on a site, councils would be obliged to request a full ecological assessment of the area to confirm if it was/was not an SNA. If this is the case, it would mean that every resource consent application in the country would require an assessment by an ecologist, as the vast majority of sites in New Zealand have some form of native vegetation. There would be significant financial implications for land owners and developers. Porirua City Council (territorial authority, SR #286)

There were some submitters who suggested Part 3.19 should be removed altogether. These submitters suggested that Part 3.19 does not provide any extra clarity or certainty beyond the existing RMA requirements and associated guidance for managing indigenous biodiversity and information requirements for AEEs (eg, Bathurst Resources Ltd and BT Mining Ltd (business/industry, SR #377) and Genesis Energy Limited (business/industry, SR #446).

Lack of expertise to carry out AEEs

A few submitters expressed concern about the resources and availability of experts needed to meet the requirements of the AEE provisions. These submitters suggested that there are currently not enough highly skilled ecologists available in New Zealand to complete the work the proposed NPSIB will require, particularly in relation to Part 3.19. One submitter specifically

⁴⁶ We identified that those submitters using a template from a form submission appear to be the same as those that did for the plantation forestry topic.

identified this as a problem in the Far North District, stating that currently AEEs are completed to a sub-par standard by planners or surveyors, rather than an ecologist. Some councils expressed concern about resourcing for, and the current lack of, in-house ecologists at many councils:

There are very few consultant ecologists on the West Coast, which means that resource users need to pay additional costs for an ecologist outside of the region to travel to undertake a site assessment. IR [implementation requirement] 3.19 is all encompassing, and treats all indigenous species and assemblages as having equal, or nearly so, value, none of which can be afforded to be lost. West Coast Councils (regional/unitary council, SR #347)

Suggestions for changes to the provisions

Some submitters supported the provisions regarding AEEs set out in Part 3.19, but suggested improvements. Many submitters suggested that adding an appropriate scale to the AEE requirements would help to differentiate between projects that are small, with small-scale effects, and large projects with associated larger scale effects. These submitters suggested that adding a scale will ensure gathered information is proportionate to the size and significance of the activity:

Needs to be scale dependent. i.e. clearance of 300m² for a house site should be treated differently to a proposal that has larger scale impacts. Cato Bolam Consultants Ltd (business/industry, SR #191)

A couple of council submissions suggested that the provisions in Part 3.19 duplicate the requirements of Schedule 4 of the RMA, which sets out what information is required in applications for resource consents. These councils suggested that requirements from Part 3.19 (particularly point (3)) should not be needed in TA plans in addition to schedule 4, as guidance is already adequate in schedule 4 itself.

E.3: Timeframes and implementation approaches

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Part 1.5	Q 49	114
Part 3.8	Q 50	130
Part 3.18		

Preferred option for the identification, mapping, scheduling and notification of SNAs

Proposal information

Timely and effective implementation is essential to deliver the objectives of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) and realise positive outcomes for indigenous biodiversity. Councils would need to implement the proposed NPSIB as soon as reasonably practicable but no later than 2028 (Part 1.5). They would have six years to develop a regional biodiversity strategy (specified in Part 3.18). For identifying and mapping significant natural areas (SNAs), we sought submitter views on two proposals for implementation:

1. option A, implement the proposed NPSIB as soon as reasonably practicable
2. option B, a progressive implementation programme.

Overview

Question 49 asked submitters' preferred option for implementation of the proposed NPSIB:⁴⁷

- implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years
- progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

There were 114 responses; 30 (26 per cent) of these were free text, and did not identify a preferred option. The positional responses were:

- 64 (56 per cent) option A
- 20 (16 per cent) option B.

While the majority of submitters preferred option A (implementation as soon as reasonably practical), there was still some divergence of opinion, including within submitter categories. For example, one individual (land owner) stated: "As a private land owner we want certainty the sooner the better", while another stated "neither [option], leave my land alone". Some submitters thought that shorter timeframes were preferable given the current pressures on indigenous biodiversity. A few of these submitters were concerned that delays to

⁴⁷ See also SNA identification timeframes.

implementation could lead to people removing indigenous biodiversity from private land. Others were of the view that longer timeframes would be better, given the resources required and the need for councils and communities to adapt to the changes.

Preference for option A: implementation as soon as reasonably practicable

Non-government organisation (NGO) submitter East Harbour Environmental Association (SR #553) supported option A and submitted that there should be a central government mechanism to ensure compliance. The Auckland Conservation Board (Crown/public organisation, SR #747) believed there would be some resistance to a shorter timeframe in Auckland, but that the practical changes are straightforward. QEII National Trust (Crown/public organisation, SR #591) submitted that option A would minimise further loss of biodiversity, but was also concerned about availability of adequate resourcing and support to achieve a high standard of implementation.

Nelson City Council (regional/unitary council, SR #320) noted that due to the surveying and mapping of SNAs already completed in the Nelson area, it was in good position to implement the proposed NPSIB requirements within five years. Similarly, Greater Wellington Regional Council (GWRC) (regional/unitary council, SR #399) felt many councils have already identified SNAs or are in the process of doing so. For other councils GWRC suggested Government assistance, rather than extending timeframes.

Preference for option B: progressive implementation

Submitters who preferred option B believed a longer timeframe would allow for better implementation. As did those who supported option A, government resourcing to assist with implementation was commonly raised. For example, iwi/Māori submitter Te Korowai o Ngāruahine Trust (SR #780) commented that a longer timeframe would allow more time to raise funds. In this organisation's view, as currently proposed the NPSIB will place an additional burden on Māori, whose available resources are already stretched. Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14) felt that while a shorter timeframe was technically feasible, a longer timeframe was needed for iwi and the community to adapt to the changes.

Preference for neither option

Some submitters preferred neither option A nor option B. Two submitters said that neither timeframe is preferable because they are dissatisfied with the proposed NPSIB in general. An individual land owner thought it did not matter for Crown or conservation land but that the proposed NPSIB should not apply to private land.

Waikato District Council (territorial authority, SR #871) called for a flexible implementation approach. It considered that option A may put undue pressure on councils, particularly if areas are appealed in a statutory processes.

Some submitters thought the timeframes could be shorter, such as implementation by the end of 2022, or another proposal of four years to complete the SNA identification and notification process. Iwi/Māori submitter Te Rūnanga o Ngāi Tahu (SR #437) was concerned that further degradation of indigenous biodiversity would occur in its takiwā if implementation steps are not taken immediately. Conversely, Kāpiti Coast District Council (territorial authority, SR #869) suggested a longer timeframe than option B. It stated:

Neither [option A nor option B] are appropriate for districts, such as Kāpiti Coast, that have recently identified and protected biodiversity in their District Plans. A 10-year timeframe from operative date of the current biodiversity provisions would be more appropriate for many councils. The timeframes suggested in the NPS would appear appropriate for Councils that do not currently protect SNAs.

Requirements for updating the schedule of SNAs

Proposal information

The proposed NPSIB includes a provision for territorial authorities to update their schedule of SNAs every two years, to ensure SNA identification, mapping and scheduling is not a point-in-time process every 10 years as plans are revised, but are updated regularly to keep information fresh.

Overview

Question 50 asked if submitters agree with the proposed implementation timeframes, including the requirement to refresh SNA plan schedules every two years. There were a number of views in the 130 responses. Fourteen submitters (11 per cent) responded through free-text and did not provide a direct positional response. Most submitters opposed the proposed timeframes. The positional responses were:

- 39 (30 per cent) yes
- 15 (12 per cent) somewhat
- 57 (44 per cent) no
- 5 (4 per cent) unsure.

South Taranaki District Council (territorial authority, SR #277) pointed out that the proposed NSPIB does not align with its long-term plan processes and associated budgeting timeframes. Business/industry submitter King Country Energy (SR #376) made drafting suggestions that would allow local authorities to extend the timeframes in specific circumstances, such as implementation being impracticable, or the quality of planning being lower as a result of the implementation timeframes drafted. It was also of the view that regulated timeframes should factor in the availability of the necessary technical expertise across the country, and the opportunity for land owner and community engagement and involvement.

The remainder of the analysis focuses on the proposed requirement to refresh SNA schedules in plans every two years.⁴⁸

Support for refreshing SNA plan schedules every two years

Submitters who supported refreshing SNA schedules in plans every two years provided reasoning such as:

- it is logical to keep the information relevant

⁴⁸ For submitter views on other implementation timeframes associated with the proposed NPSIB refer also to section D.3 – [Regional biodiversity strategies under the NPSIB or the ANZBS](#) and question 49 in this section.

- 10 years would be too long
- it should not be an onerous process because any new areas will be realised as part of other processes
- it should be done quickly to avoid the destruction of SNAs.

A need for resourcing to provide for capability building, clear guidance, auditing, and underpinning information was identified as critical to achieving this proposal. One submitter believed areas with high amounts of change relating to SNAs are where resource and assistance should be targeted.

Matamata-Piako District Council (territorial authority, SR #793) was of the view that because it has already carried out SNA identification, the timeframes shouldn't cause concern. It added: "the short-term costs of implementation are necessary to realise long-term, intergenerational benefits to biodiversity". Another submitter believed the proposal is appropriate because it deals with living systems, and our knowledge of them is constantly evolving.

Opposition to refreshing SNA plan schedules every two years

Submitters opposed to this proposal described it as cumbersome, a waste of resources and unnecessarily costly to smaller councils. Tauranga City Council (territorial authority, SR #265) felt the requirement "is likely to result in overlaps between plan changes, given the length of the process". Four, five or 10 years were suggested as alternative timeframes, and Crown/public organisation submitter Transpower (SR #180) pointed out that most of its projects require a lead time of many years.

A few councils submitted that the proposal to refresh SNA schedules should be amended to align with existing council planning processes. Bay of Plenty Regional Council (regional/unitary council, SR #344) submitted that the timeframe should be changed to every 10 years as part of 10-yearly Resource Management Act 1991 (RMA) section 79 reviews.⁴⁹ Similarly, Whakatāne District Council (territorial authority, SR #115) suggested that every 10 years territorial authorities should notify areas identified as SNAs as a plan change, where practicable.

Flexible approaches for updating SNA schedules

Some councils called for a flexible approach for updating SNA schedules. These councils noted this would save on costs and maximise the efficiency of resources. Christchurch City Council (territorial authority, SR #782) suggested that the requirement for two-yearly plan changes 'where practicable' to update SNA mapping should be changed to five-yearly intervals 'wherever practicable'. It was of the view that this would:

still provide assurance that information on the values and extent of newly assessed sites will be made available to land owners and agencies in a timely fashion.

Similarly Northland Regional Council (regional/unitary council, SR #270) thought these timeframes should be left to the discretion of councils, because:

If the SNA were identified during a consent or designation, conditions can be applied to protect it in the interim – and the policies of the NPS-IB would also apply.

⁴⁹ Section 79 of the RMA concerns the review of policy statements and plans.

E.4: Significant natural areas (SNAs) on public land

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
N/A	Q 51	133
	Q 52	282

Options for identifying and mapping SNAs on public conservation land

Overview

People from all submitter categories responded directly to question 51, which asked submitters their preference of three options to identify and map SNAs on public conservation land (PCL), or their suggestion for an alternative option. These were:

- option A: territorial authorities identify and map all SNAs including public conservation land
- option B: public conservation land deemed as SNAs
- option C: no SNAs identified on public conservation land
- option D: other – please explain.

There were a total of 133 responses to question 51. Nineteen responses (14 per cent) were free text that did not identify a preferred option. The positional responses were:

- 27 (20 per cent) option A
- 57 (43 per cent) option B
- 10 (8 per cent) option C
- 20 (15 per cent) option D.

Of those who responded, 57 per cent were categorised as individuals (land owner and other). The 6575 Forest and Bird form submissions expressed support for SNAs being included on public land. These submissions suggested it wasn't necessary to map all conservation land but to deem it as ecologically significant unless shown not to be.

Option B: PCL deemed as SNAs

Individual (land owners) and non-government organisation (NGO)/professional bodies expressed a strong preference for option B, with 50 per cent of individual (land owners) and 54 per cent of NGOs/professional bodies choosing this option. Of those who expressed reasons for choosing this option B, some submitters mentioned cost as a factor. Some were of the view that identifying SNAs on PCL would be an expensive and resource-intensive exercise for councils. Similarly, some submitters mentioned that PCL is already significant due to its nature as conservation land, and so does not need to be identified as significant a second time. A similar number suggested that while PCL should be deemed to be significant, there should be an ability to reassess whether it is significant on a case-by-case basis when required.

Option A: Territorial authorities identify and map all SNAs including on PCL

Of those who responded to question 51, 20 per cent preferred option A. The business/industry group was the only submitter category that preferred option A over the other options, with 31 per cent of this category choosing option A. Submitters' reasons for choosing this option included a desire for certainty.

The Greater Wellington Regional Council (regional/unitary council, SR #399) was the only regional council (out of five who responded) that supported option A, stating a preference for all land to be assessed in the same way, regardless of tenure, with central government responsible for funding the assessment on PCL. The Far North District Council was one of two territorial authorities who preferred option A, also indicating a preference for all land to be assessed consistently, allowing for better integrated management of SNAs.

Option C: No SNAs identified on PCL

Across most submitter categories, option C was the least preferred option. However, three out of the four iwi/Māori respondents preferred option C. Two of these respondents suggested that PCL is already given protection through other legislation, such as the Conservation Act 1987, and having SNAs on PCL adds another level of restriction. They stated that this may conflict with partnerships afforded under section 4 of the Conservation Act. Te Rūnanga o Ngāi Tahu (iwi/Māori, SR #437) suggested that SNAs on PCL is a breach of Treaty rights and their Deed of Settlement.

Other submitters who chose option C also expressed the view that existing legislation already affords protection to conservation land, so additional protection under the Resource Management Act 1991 (RMA) is not required. One submitter was concerned that classifying areas of PCL as 'medium' SNAs would expose them to more use and development than would be acceptable under the current conservation legislation. Only one regional council and one territorial authority chose option C.

Identifying and mapping SNAs on public land that is not PCL

Overview

Question 52 asked submitters what they think of the approach for identifying and mapping SNAs on other public land that is not PCL. This received 83 free-text responses.

Consistency in SNA identification

Responses to this question were similar to question 51, with general support for a tenure-neutral and consistent approach to identifying SNAs regardless of land ownership type. There was also support for central government assistance to identify SNAs on public land. Submitters described different types of non-PCL public land that would warrant SNA protection, such as Crown riverbeds and other unalienated Crown lands.

One council proposed a case-by-case approach that reflects the land base and population of the council. Hawke's Bay Regional Council (SR #447) suggested that for councils with large land bases and small populations, it may be most appropriate for the organisation responsible to undertake the SNA assessment and provide the results to the relevant councils, or to undertake assessment as the need arises through resource consent applications.

E.5: Integrated management of indigenous biodiversity

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 2.1 objective 4 Part 2.2 policy 4 Part 3.4	Q 53	164

Proposal information

Integration is about how people and policy work with and alongside each another. To be successful, there needs to be alignment in how indigenous biodiversity is managed across natural physical boundaries, like land, rivers, lakes and the ocean, ecosystem types, and jurisdictional boundaries between local authorities and central government.

Objective 4 of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) aims to improve both general integration across jurisdictional boundaries, and integration of information collected by councils to manage indigenous biodiversity. The proposed NPSIB Part 3.4 requires local authorities to provide for coordinated management with other councils and central government agencies, and encourage joint resource consent processes between territorial authorities and regional councils to ensure decision-making is linked up. It also requires local authorities to consider the interactions between the terrestrial, freshwater and coastal environments.

Requirements for local authorities to manage indigenous biodiversity in an integrated way

Overview

Question 53 stated that Part 3.4 of the proposed NPSIB requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. It asked submitters whether they agree with this provision. Most respondents agreed with the inclusion of Part 3.4. There were 164 responses; 28 (17 per cent) were free-text responses that did not identify a direct position. The positional responses were:

- 104 (63 per cent) yes
- 11 (7 per cent) somewhat
- 17 (10 per cent) no
- 4 (2 per cent) unsure.

Of those who supported integrated management, some emphasised that to date it has been difficult to achieve integrated management under the Resource Management Act 1991 (RMA). A few submitters also suggested that the proposed NPSIB provides an opportunity to improve how integrated management can be achieved.

Some submitters highlighted what they saw as inadequacies concerning the way Part 3.4 is currently drafted. These included a lack of clarity around what integrated management requires local authorities to do, and a desire for clearer direction on the roles of councils. There was also a desire for more guidance on how integrated management could be achieved.

More clarity on what integrated management requires of local authorities

Only a small number of submitters said that Part 3.4 provided enough clarity on the requirements of integrated management. A couple of submitters suggested that Part 3.4 as written is not prescriptive enough, and is more like a guidance note than a national direction requirement. A greater number of submitters suggested that best practice guidance would benefit local authorities in their interpretation of this policy as drafted.

Clearly defined roles

Regional councils and territorial authorities who responded to this question generally supported integrated management of indigenous biodiversity. However, many local authorities also voiced concern around the clarity of roles. Only a small number said that Part 3.4 provided enough clarity. Christchurch City Council (territorial authority, SR #782) noted:

This component of the NPSIB is outcome focused as opposed to providing clear direction to local authorities on what actions should be taken, or which local authority is responsible.

Christchurch City Council's recommendation is that the:

regional policy statement should include clear direction on how adverse effects should be managed by considering the SNA as a whole. In their view, this could be achieved, for example, by requiring territorial authorities to have similar provisions in their plans [...] and by encouraging joint resource consent decision making processes.

New Plymouth District Council (territorial authority, SR #359) requested further clarity on the roles, with the example of "determining who has jurisdiction along water bodies".

Integration between different types of environments

Some submitters felt an integrated approach allows for more consistent links between terrestrial, freshwater and coastal environments. However, others mentioned there may be some difficulty in achieving this. A small number of submitters mentioned that achieving integration across the three domains could be a considerable task for territorial authorities, particularly smaller ones. Kaipātiki Project (NGO, SR #515) stated:

Limited experience and expertise will be a challenge, particularly in terms of comprehending the links between land and freshwater ecosystems.

Integration across national direction tools

Waikato Regional Council (regional/unitary council, SR #796) submitted it is difficult to deliver on the integrated management provision due to the splitting of national direction policy for indigenous biodiversity into three separate documents – the NPSIB, New Zealand Coastal Policy Statement 2010, and National Policy Statement for Freshwater Management). Others

mentioned what they see as possible conflict with pieces of national direction, such as the National Policy Statement on Urban Development. Straterra (business/industry, SR #440) suggested that 3.4 include a part d) that states “the NPSIB takes precedence in relation to biodiversity over every other RMA instrument of national direction”.

Other tools to sit alongside Part 3.14

A number of submitters mentioned other important tools for achieving integrated management alongside 3.14, such as catchment plans, harbour management plans and biodiversity management plans. Nelson Marlborough Conservation Board (Crown/public organisation, SR #588) outlined the links to be made between Part 3.14 and the tools available under conservation legislation and the tools under it. A few submitters suggested amending the wording that requires councils to integrate these other strategies and tools into their RMA planning.

E.6: Managing indigenous biodiversity within the coastal environment

Proposed NPSIB reference	Discussion document question	Number of submitters responding to question
Part 1.5 Part 1.6 Part 2.1 objective 4 Part 2.2 policies 4 and 6 Part 3.4 Part 3.8 Part 3.9	Q 54	86

National direction in the coastal environment

Proposal information

The proposed National Policy Statement on Indigenous Biodiversity (NPSIB) includes proposals for protecting areas of significant indigenous biodiversity on land (the terrestrial environment). Management areas could include land that is also part of the coastal environment, overlapping with where the New Zealand Coastal Policy Statement 2010 (NZCPS) applies. The criteria in the proposed NPSIB is not the same as NZCPS Policy 11 criteria, which relate to managing indigenous biodiversity in the coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between these instruments, the NZCPS prevails.

Overview

Question 54 asked whether the proposals in the NPSIB are clear enough for local authorities to adequately identify and protect significant natural areas (SNAs) in the landward coastal environment given that both the NPSIB and the NZCPS would apply in the landward coastal environment. There were 86 responses to the question. Of these, 11 (13 per cent) were free-text responses that did not identify a direct position. The positional responses were:

- 24 (28 per cent) yes
- 10 (12 per cent) somewhat
- 16 (19 per cent) no
- 25 (29 per cent) unsure.

Overlap between the NZCPS and NPSIB

A number of submitters proposed that all indigenous biodiversity in the coastal environment should be managed under the proposed NPSIB and not the NZCPS. A portion of these submitters said their reasoning was that the NZCPS is older, and drafted in the absence of an NPSIB. Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14) stated:

The overlap created by the biodiversity section covering the terrestrial areas in the coastal marine environment in the NZCPS should be removed next time the NZCPS is reviewed. All that is required is a transition process along the lines outlined in the discussion document.

Whangārei District Council (territorial authority, SR #896) also submitted that the NZCPS is out of date, and that management of indigenous biodiversity in the coastal environment should be informed by the more recent NPSIB to ensure consistency between these documents. This would be so coastal terrestrial biodiversity is not given a higher level of protection than non-coastal terrestrial biodiversity.

Part 1.6 of the proposed NPSIB says the NZCPS prevails over the NPSIB if there is a conflict between provisions. A few submitters agreed with this provision. For example, Christchurch City Council (territorial authority, SR #782) supported it, because they thought the NZCPS Policy 11 (which concerns indigenous biological diversity) provides greater protection to indigenous biodiversity than the policy wording of the NPSIB.

A few submitters suggested the overlap between the jurisdiction of the NZCPS and the proposed NPSIB would not present significant issues for managing indigenous biodiversity in the coastal terrestrial environment. One submitter suggested that territorial authorities (already deal with overlapping national direction and the NZCPS/NPSIB overlap is no different to the current situation.

A few submitters proposed solutions for addressing tensions arising due to the overlap between the NPSIB and the NZCPS. These solutions included ensuring drafting is as close as possible to the NZCPS, strong guidance, and a clear hierarchy that sets out how national direction tensions are to be balanced and reconciled.

New Plymouth District Council (territorial authority, SR #359) did not support duplication of national direction in the coastal environment. They requested that “where a Coastal Environment is identified, this area could be ‘land not covered’ by the NPSIB”.

E.7: Guidance and support for implementation

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
Throughout	Q 55	190
	Q 56	83
	Q 57	34
	Q 58	282 ⁵⁰

This section of the report summarises submitter responses to questions 55–58 of the discussion document.

Implementing the proposed NPSIB

Proposal information

Implementing the proposed National Policy Statement on Indigenous Biodiversity (NPSIB) has resource and financial implications, in particular for councils, iwi/Māori, and land owners with indigenous biodiversity on their land. Key costs to territorial authorities include mapping and identifying significant natural areas (SNAs), time and resource from tangata whenua to be involved in council indigenous biodiversity management processes, and costs to land owners to manage the effects of their activities on indigenous biodiversity. The section 32 report has some further detail on these costs.

Transferable development rights (TDRs)

The Biodiversity Collaborative Group recommended TDRs as a supporting implementation measure for incentivising restoration and enhancement of indigenous biodiversity. TDRs allow a developer to ‘buy’ the development rights from another land owner who will then protect the biodiversity on their land instead of developing it. We recommended not including TDRs in the NPSIB, but instead include this option in guidance.

Overview

This section asked submitters questions on the implementation of the proposed NPSIB.

Question 55 asked whether submitters thought the figures in the section 32 report were accurate.⁵¹ Some responses were about general implementation issues of the NPSIB, while others discussed what they believed was missing from the section 32 report.

⁵⁰ Question 58 asked submitters choose options around support that would be useful to implement the proposed NPSIB. Submitters were able to choose from more than one option. The breakdown of options selected was as follows: guidance 51; technical expertise 114; scientific expertise 67; financial support 124; all of the above 101; other 69. Submitters who selected ‘other’ specified other tools that would be useful.

⁵¹ Department of Conservation. 2019. *Draft Report: National Policy Statement on Indigenous Biodiversity – Section 32 Evaluation and Cost Benefit Analysis*. Retrieved from www.mfe.govt.nz/publications/biodiversity/section-32-evaluation-and-cost-benefit-analysis-proposed-national-policy.

Question 56 asked if the proposed NPSIB should include a provision on the use of TDRs. There were 83 responses to this question; six submitters (7 per cent) responded in free text and did not provide a position. The positional responses were:

- 28 (34 per cent) yes
- 25 (30 per cent) no
- 24 (29 per cent) unsure.

Question 57 was an open-ended question about support or resources that would be useful in implementing the provisions in section E. This received 34 free-text responses. A number referred to information, support and resources to implement the overall NPSIB (not specifically section E). Many of the responses reflected issues also discussed in question 58 responses.

Question 58 asked what type of support submitters would require to implement the proposed NPSIB. Individuals (land owners) thought that technical expertise and financial support was of the highest importance. People from most submitter categories preferred “all of the above” – that is, all of the implementation support mentioned in the question, rather than having a preference for one particular kind of implementation support.

Section 32 report

Many councils provided examples of where they thought the figures used to estimate costs in the section 32 report were inaccurate, with most indicating actual costs would be greater than those suggested. One of Greater Wellington Regional Council’s (GWRC) (regional/unitary council, SR #399) examples was on the cost of a regional biodiversity strategy, which the section 32 report estimated at \$60,000–\$112,000. In contrast, GWRC estimated the cost of producing a regional biodiversity strategy in their region at \$750,000. Similarly, the report set out estimates for the average cost of additional indigenous biodiversity monitoring by regional councils at \$0.955–\$3.82 million over the next 30 years. In contrast, GWRC estimated the additional monitoring costs at \$55.71 million over that period.

Many individuals (land owners and other) also expressed concern that the section 32 report underestimates actual costs.

Others suggested that the report fails to consider some other areas that will incur costs. Bay of Plenty Regional Council (regional/unitary council, SR #344) said the section 32 report had a:

Lack of insight and feedback from tangata whenua, land owners or other stakeholders [...] this valuable information may have provided a different focus or direction for implementation.

Hauraki District Council (territorial authority, SR #476) said the proposed national policy statement and its requirements and costs need to be considered in the context of all of the national direction coming from central government that requires implementation in the next five years.

Minerals West Coast (business/industry, SR #756) requested “a new section 32 report taking into account the impacts on all regions and districts [rather than the small selection of case studies]”.

Transferable development rights (TDRs)

Support for the inclusion of a provision on TDRs

All submitters from the business category that responded to this question were in favour of including TDRs in the NPSIB. A couple of business category submitters discussed the importance of protecting productive areas. Hira Bhana and Co Limited (business/industry, SR #421) supported the use of TDRs in rural areas to avoid fragmentation of productive land, while promoting and financially supporting the protection, enhancement and management of indigenous biodiversity. Balle Bros Group Limited (business/industry, SR #403) said that they support:

enabling transferable development rights (TDRs) to incentivise the protection of indigenous vegetation in the rural environment while avoiding fragmentation of productive areas.

Submitters from other categories also discussed the benefits of TDRs. The Parliamentary Commissioner for the Environment (Crown/public organisation, SR #761) said “transferable development rights or bio-banking could represent novel instruments that relieve local government of direct contributions from ratepayers”. One submitter (individual (other, SR #743)) mentioned that TDR-type provisions can also meet other policy objectives, for example, avoiding the amalgamation of historic titles created on high-class soils. The two territorial authorities who supported a TDR were of the view that the feasibility of TDRs will depend on local land markets, and therefore TDRs must be an option for councils to use.

Opposition to including a provision on TDRs

Three regional councils were opposed to including a provision on the use of TDRs. One of these regional councils mentioned the complexity of administering them, and two others said that the use of TDRs is already provided for by the Resource Management Act 1991 (RMA).

Most territorial authorities also responded ‘no’ to question 56, for reasons including the complexity of administering and monitoring a TDR system, and that TDRs can hinder achieving other objectives of a district plan (such as retaining rural productive land).

Those who were not in support of TDRs were of the view that that TDRs may result in further loss of indigenous biodiversity, and can be open to misinterpretation or abuse. Other submitters, such as Cato Bolam Consultations Ltd (business/industry, SR #191), mentioned that TDRs have worked in the Auckland context, but there is room for improvement in how they are used and administered.

Desired implementation support

Financial

Submitters from a range of categories mentioned that financial support is vital to implementing the NPSIB. Wolds Station (business/industry, SR #475) indicated they would need all implementation support listed in the discussion document, with financial support being ‘imperative’. Similarly, Kāpiti Coast District Council (territorial authority, SR #869) also selected ‘all of the above’, but stressed the importance of funding for territorial

authorities to ensure the significant cost of implementation did not fall on ratepayers and land owners.

Buller, Grey and Westland district councils (regional/unitary council, SR #347) were of the view that regions and districts with high biodiversity values will be economically punished compared to those areas where values have already been lost. They stated: “If protection of indigenous biodiversity is considered to be a matter of national importance, national funding for its purchase, and ultimate protection, is essential”.

One submitter said that implementation support is hugely important, but the figure proposed in the section 32 report is nowhere near enough to implement the proposed NSPIB. This submitter also proposed establishing and funding biodiversity catchment groups, and involving land owners to help educate and inspire communities about the importance of biodiversity.

Cultural expertise

A number of submitters from different categories discussed the need for cultural expertise to support implementation. Scion (science/research organisation, SR #469) stated: “support must be given to mana whenua to enable them to exercise their role as kaitiaki”.

Three territorial authorities (Manawatu District Council (territorial authority, SR #732), Selwyn District Council (territorial authority, SR #463), and Far North District Council (territorial authority, SR #416)) discussed a need for funding for iwi, so they can respond to the increasing requirements to engage with councils.

Other national direction and government incentives

Hawke’s Bay Regional Council (regional/unitary council, SR #447), the Resource Management Law Association (professional body, SR #392), and Greater Wellington Regional Council (regional/unitary council, SR #319) all mentioned the huge effort required to implement many central government directions (both under the RMA and other legislation), which are to be implemented in similar timeframes. They asked for further guidance on how these should be prioritised. The Resource Management Law Association added “there is very little guidance anywhere as to how to apply conflicting documents or where priorities might lie between them.”

Other recommendations from the councils included that an implementation programme similar to that supporting the release of the National Policy Statement on Urban Development Capacity is necessary (this included guidance, workshops, technical advice from staff, and models).

Waimakariri District Council (territorial authority, SR #597) said that government-funded incentives should be for natural regeneration and restoration that work **with** other biodiversity projects, rather than against them – for example, the billion trees scheme should provide more funding for natural regeneration where appropriate than for plantation forestry.

COVID-19 impacts on implementation

One submitter (Environment and Conservation Organisations of New Zealand Inc (professional body, SR #800)) discussed the impact of COVID-19:

Given COVID-19, it may be that some of the stimulus package could be deployed now to help land owners/the unemployed to do fencing, weeding and other biodiversity-friendly activities.

Community led, not government led

Local Government New Zealand (professional body, SR #603) discussed the importance of community in their submission:

Non-regulatory support for land owners and communities, such as partnership, proactive projects, funding, positive acknowledgement, community support and facilitation, are proven to be effective when used in active management.

A couple of submitters mentioned that while government support is needed, it is important that the NPSIB is led by communities and avoids appearing 'top-down'. For example, Environment and Conservation Organisations of New Zealand Inc stated:

Striking the wrong note and coming across as too top down and bossy will make the implementation of this NPS-IB more difficult. It will be essential to have community - trusted advocates for the policy, and to have "champions" for it from the affected sectors and the community at large [...] Working on social buy-in and social licence for this will be really vital for its success.

Similarly, Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14) said that all support is desirable, but to 'avoid centralised control'.

Implementation of monitoring policies

A few submitters mentioned a desire for greater monitoring support. The Far North District Council (territorial authority, SR #427) mentioned they would need more in-house ecological expertise to be able to achieve monitoring requirements. Moutere Station Ltd (business/industry, SR #535) and Horticulture NZ (business/industry, SR #436) requested more focus on incentivising existing effort in monitoring and protecting biodiversity, rather than strong regulatory provisions. Upper Harbour Waterways Collective (Crown/public organisation, SR #542) indicated a desire for national-level biodiversity monitoring system.

Drafting and structure feedback

Overview

This section provides an overview of specific submitter comments relating to the drafting structure of the NPSIB and the policies in Part 2.2. The discussion document did not contain any direct questions for submitters on the drafting structure of the NPSIB, but submitters provided a number of comments.

Drafting structure

Graymont (business/industry, SR #738) believed the proposed NPSIB contains a large amount of duplication, disjointedness, and lack of clarity, leaving it open to litigation, and preventing its objectives being achieved. The New Zealand Planning Institute (professional body, SR #435) commented that the structure of the NPSIB is more like a national environmental standard

than a national policy statement. They recommended the NPSIB should be substantially amended or otherwise integrated into the fundamental review of New Zealand's planning framework. Wellington City Council (WCC) (territorial authority, SR #433) and Marlborough District Council (MDC) (SR #346) requested that the NPSIB should be reviewed and amended to better align with other national direction under the RMA.

Both WCC and MDC also raised concerns about the implementation requirements (Part 3). WCC recommended greater flexibility in the implementation requirements, so councils can manage and balance development and effects on indigenous biodiversity. MDC submitted that the status of implementation requirements is not clear under section 55 of the RMA (local authority recognition of national policy statements) regarding giving effect to national policy statements. Similarly, the Law Society (professional body, SR #398) commented there is a lack of clarity in the legal status of Part 3 of the draft NPSIB. It submitted:

In terms of the matters a National Policy Statement may contain under Section 45A of the RMA [Contents of national policy statements], it is not clear what category these "implementation requirements" fall under.

Relationship between the policies and objectives

Another common theme among submitters commenting on the drafting structure related to the relationship between the policies and objectives. The Law Society stated that, in its view, the drafting of objectives and policies do not clearly differentiate between desired outcomes (objectives) and courses of actions (policies). It suggested the objectives should be reframed to more clearly specify desired outcomes. Two district councils commented there is little difference between the policies and objectives as currently drafted. MDC recommended:

The objectives and policies could be combined and framed more constructively to be objectives, and some of the implementation requirements could be included as policies.

Similarly, Whangārei District Council (territorial authority, SR #896) requested amendments to some objectives that read as policies, and that councils should be provided with guidance to how they should give effect to the implementation measures. Auckland Council (regional/unitary council, SR #193) submitted that the provisions of Part 2, particularly the policies, should be redrafted to provide more explicit direction, including drawing on the provisions in Part 3. It added that there should be better linkages between objectives, policies, and the methods in Part 3 so that the relationship between them is clear.

F.1: The proposed NPSIB and other government priorities

Proposed NPSIB reference	Discussion document questions	Number of submitters responding to questions
N/A	Q 59	78
	Q 60	164
	Q 61	88

Using planning standards to support implementation

Proposal information

Planning standards create national consistency across resource management plans and support the implementation of national policy statements under the Resource Management Act 1991 (RMA).

Overview

Question 59 in the discussion document asked for submitter views on whether a planning standard is needed to support the consistent implementation of some of the proposals. Submitters had a range of views on this question. There were 78 responses, with nine submitters (12 per cent) providing a free-text response without identifying a specific position. The remaining 69 submitters provided a direct positional response. The positional responses were:

- 32 (41 per cent) yes
- 14 (18 per cent) no
- 23 (29 per cent) unsure.

This included support for the proposal, opposition to it, or not knowing because the submitter is of the view that there is not enough information supplied in the discussion document to be able to form a view.

Support for a planning standard

People from a wide range of submitter categories supported the inclusion of a planning standard. They saw benefits such as:

- improved mapping and classification
- help for councils to develop significant natural areas (SNAs)
- improvement in national consistency and implementation
- clear national indigenous biodiversity 'bottom lines'.

Some territorial authorities who supported the proposal identified what they saw as benefits of a planning standard for their planning processes:

A mapping convention would assist in standardising the significant natural areas GIS mapping. As well as this, integrating definitions of terms used in the NPSIB [National Policy Statement on Indigenous Biodiversity] into the planning standards would be useful to create standard uses of definitions across different pieces of legislation. Far North District Council (territorial authority, SR #417)

Of those submitters who supported including a planning standard, some had specific suggestions for how it should be implemented. These included that:

- the tool should be based on SNA thinking
- the community should be involved in its development
- standards should be part of the monitoring and review of the proposed NPSIB.

One submitter from the individual (other) category suggested the development of a planning standard for a rural lifestyle zone (or similar peri-urban zone) that cannot be subdivided unless a transferable title right (TTR) is purchased.

Opposition to a planning standard

Of the submitters who opposed the inclusion of a planning standard, many stated that the indigenous biodiversity they manage (examples included moss harvesting and managing wetlands) is better dealt with at a regional level. Two submitters pointed out what they see as potential perverse outcomes if a planning standard was introduced. This included the view that planning standards can restrict or suppress innovation, and complicate development of local solutions to local problems (Te Hiku o Te Ika Conservation Board (Crown/public organisation, SR #14)).

Buller, Grey and Westland District, and West Coast Regional Council (regional/unitary council, SR #347) raised a similar point:

The Planning Standards for Regional and District Plan Structure already requires a chapter on ecosystems and indigenous biodiversity. Therefore, we see little benefit in having a specific biodiversity planning standard. It could have the perverse outcome of being appropriate for regions with little indigenous biodiversity remaining, but inappropriate for the West Coast region which has high levels of indigenous biodiversity.

Submitters from the extractive industries were of the view that an NPS is enough on its own, and a planning standard would not add any value. Auckland Council (regional/unitary council, SR #193) believed guidance and support would be more useful than further prescription about the nature of provisions included in plans.

Using a national environmental standard rather than a planning standard

Kāpiti Coast District Council (territorial authority, SR #869) submitted that a regulation is needed to enable councils to withdraw any conflicting provisions or make consequential amendments without formality to their plans. However, they stated that this could take the form of either a planning standard or a national environmental standard. Transpower New Zealand (Crown/public organisation, SR #180) considered that a national environmental standard would be a better tool for ensuring consistent implementation, and that this would align with the approach taken to freshwater.

Alignment with other national direction under the RMA

Proposal information

Local authorities are required to give effect to all national policy statements through planning documents and must consider any relevant national policy statements and the interactions between them when making decisions on resource consents. The proposed NPSIB is developed with both the implementation and objectives of existing and proposed national direction tools in mind.

Overview

Question 60 asked submitter views about potential areas of tension or confusion between the proposed NPSIB and other national direction. There were 164 responses; 44 (27 per cent) were free text and did not provide a specific position on the question. The other 120 submissions identified a specific position. The positional responses were:

- 87 (53 per cent) yes
- 18 (11 per cent) somewhat
- 5 (3 per cent) no
- 10 (6 per cent) unsure.

Submitters from a range of categories expressed concern about the potential areas for confusion. One individual (other) submitter was of the view that the large amount of national direction being implemented will all be complementary and “restore the natural values of New Zealand”, while another thought that “they are all over the place at present”. Other submitters questioned how the interactions between different pieces of national direction sit alongside the comprehensive review of the resource management system.

Many submitters expressed concern about potential interactions between the proposed NPSIB and other specific pieces of national direction, including the National Policy Statement for Renewable Electricity Generation (NPS REG), the National Policy Statement on Urban Development, the New Zealand Coastal Policy Statement 2010 (NZCPS),⁵² the National Policy Statement for Freshwater Management (NPS-FM), the National Environmental Standards for Plantation Forestry (NESPF), the National Policy Statement for Highly Productive Land, as well as the planning hierarchy rules between the different instruments. These submitters were concerned about planning decisions, potential costs for councils and ratepayers, the potential for increased litigation, and the need for comprehensive guidance.

Specific submitter concerns

Submitters provided specific examples of areas of potential concern between the NPSIB and other pieces of national direction. An energy provider said that there has been a failure to apply the mandatory provisions of the NPS REG in the development of the proposed NPSIB. Other submitters believed clarification was needed on the overlap between the NZCPS and the proposed NPSIB in the terrestrial coastal environment. One submitter commented that the proposed approach of the NPSIB will not achieve policy coherence with the NESPF, which

⁵² See also E.6: [Managing indigenous biodiversity within the coastal environment](#).

contains regulations controlling plantation forestry activities within SNAs. Tauranga City Council (territorial authority, SR #265), echoed the view of a number of councils:

There is a significant tension between the NPS-UD directions for urban growth and the NPSIB directions for indigenous biodiversity maintenance.

Northland Regional Council (regional/unitary council, SR #270) expressed the view that managing conflicting direction or overlap, for example, wetland requirements in both NPS-FM and NPSIB, creates an extremely difficult 'policy landscape' for councils to navigate in plan-making and consenting, and that this will also be the case for land owners, Māori and industry.

The Aggregate and Quarry Association (business/industry, SR #385) submitted that specific concepts in different pieces of national direction relating to healthy waterways were in tension: the Te Mana o te Wai framework (NPS-FM) conflicts with Hutia te Rito (proposed NPSIB), and with ki uta ki tai/integrated management.

An iwi/Māori submitter, Te Tira Whakamataki (SR #174), believed the proposed NPSIB needs to be better aligned with other national policy statements and to have a holistic approach that reflects a te ao Māori view of the environment.

Tension or confusion between NPSIB and related areas that are not national direction

Many submitters suggested there are areas of tension and conflict between the proposed NPSIB and related areas that are not national direction. Suggested areas for closer examination included:

- the emissions trading scheme
- Predator Free 2050
- One Billion Trees
- the Native Plants Protection Act 1934
- the Wildlife Act 1953
- the Reserves Act 1977
- the Government's Provincial Growth Fund priority areas
- the Government's reform of Te Ture Whenua Māori Act 1993.

The Biosecurity Act 1993 and interactions with the proposed NPSIB

Proposal information

The Biosecurity Act 1993 provides the legal framework for the Ministry for Primary Industries and other organisations to keep harmful organisms out of New Zealand. It also provides the framework for how we respond to and manage organisms that make it into the country, including regional pest management plans that regional councils develop.

Overview

Question 61 asked submitters whether it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993. There were 88 responses to question 61, with 13 (15 per cent) coming through free text without identifying a direct position. The remaining 75 responses provided direct positions. The positional responses were:

- 55 (63 per cent) yes
- 5 (6 per cent) somewhat
- 13 (15 per cent) no
- 2 (2 per cent) unsure.

Although most submitters supported this proposal, overall submitters had different views on this question. On the one hand, the Central Otago District Council (territorial authority, SR #327) said “These [biosecurity issues] should be adequately managed through regional pest management plans”. On the other, the Waimate District Council (territorial authority, SR #114) submitted: “RMA plans can address only some of the human related activities so the more tools available the better.”

Some submitters thought that the proposal could be appropriate for regional authorities but not territorial authorities, while others mentioned it should be applicable to territorial authorities.

Some submitters raised the need for significant investment in pest control, and strategic cross-boundary coordination and enforcement of it to achieve the objectives of the proposed NPSIB.

Support for RMA plans working with relevant rules under the Biosecurity Act 1993

Some submitters commented it is essential for indigenous biodiversity planning under the RMA to be integrated with national and regional pest plans. Auckland Council (unitary/regional council, SR #193) stated that it “sees no conflict between using both RMA and Biosecurity Act tools to respond to one of the most significant threats to indigenous biodiversity.” Fulton Hogan (business/industry, SR #784) believed both these tools must be used if the objectives of management and enhancement are included in the proposed NPSIB. In its view:

The RMA plays a role through the consenting process and any follow up actions that might arise in ensuring compliance to RMA conditions related to biodiversity objectives as proposed within the NPSIB.

In a similar view, Greater Wellington Regional Council (regional/unitary council, SR #399) stated: “This gives us the backing we need to enforce rules in our regional pest management plan that may otherwise be difficult to get land owner buy-in on”.

Environment and Conservation Organisations of New Zealand Inc (professional body, SR #800) noted:

It is crazy to have all controls on biosecurity issues that affect biodiversity locked up in the Biosecurity Act processes and not to also consider land uses, activities and developments that can spread invasive species or encourage their spread.

Scion's (science/research, SR #469) reasoning for support was:

Certain SNAs may become more or less important in the context of pest threats depending on their spatial vulnerability, genetic diversity or pest resistance.

Forest and Bird Youth (NGO, SR #522) saw the following benefit to using both tools for biosecurity management:

It will also be extremely beneficial to take an approach where minimising harm in one area (for example, climate change) has flow-on effects which minimise harm in other areas (for example, biodiversity loss).

Opposition to RMA plans addressing biodiversity in conjunction with the Biosecurity Act 1993

Of those submitters who were opposed to RMA plans addressing biodiversity issues, some were concerned about the potential for inconsistent approaches or duplication, for example, because of the viewpoint that "the Biosecurity Act already does this and RMA allows for it too if councils deem it necessary" (individual (other), SR #94). These submitters were concerned that there was no need for additional rules or regulations, and there could be unnecessary effort and costs involved, for example, costs related to monitoring. Federated Farmers (business/industry, SR #450) submitted that the effectiveness of biodiversity management would be compromised through a muddling of roles and that duplication results in implementation gaps. KiwiRail (business/industry, SR #459) suggested that in their experience, pest management can be achieved through existing approaches and tools. They added:

The concern is that there could be inconsistent rule frameworks, uncertain consenting and approval pathways, and conditions imposed that are not appropriate for the scale of the works proposed.

Commonly used acronyms

AEE	assessment of environmental effects
ANZBS	Aotearoa New Zealand Biodiversity Strategy
BCG	Biodiversity Collaborative Group
DOC	Department of Conservation
LGNZ	Local Government New Zealand
NESPF	National Environmental Standards for Plantation Forestry
NGO	non-government organisation
NPS	national policy statement
NPSET	National Policy Statement for Electricity Transmission
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPSIB	National Policy Statement for Indigenous Biodiversity
NZCPS	New Zealand Coastal Policy Statement 2010
PCL	public conservation land
RMA	Resource Management Act 1991
RBS	regional biodiversity strategy
SNA	significant natural area