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**We are.
LGNZ.**
Te Kāhui Kaunihera o Aotearoa.

 **Taituarā**
Local Government Professionals Aotearoa

‘Our dependence on the natural environment comes with responsibility to protect it.’



Feedback on the National Policy Statement for Indigenous Biodiversity

Joint LGNZ and Taituarā submission on the draft 2022 NPSIB

July 2022

We are. LGNZ.

We are. LGNZ. Local Government New Zealand (LGNZ) provides the vision and voice for local democracy in Aotearoa, in pursuit of the most active and inclusive local democracy in the world. LGNZ supports and advocates for our member councils across New Zealand, ensuring the needs and priorities of their communities are heard at the highest levels of central government. We also promote the good governance of councils and communities, as well as providing business support, advice, and training to our members.

What is Taituarā?

Taituarā is an incorporated society of nearly 1,000 members drawn from local government Chief Executives, senior managers, and council staff with significant policy or operational responsibilities. We are an apolitical organisation. Our contribution lies in our wealth of knowledge of the local government sector and of the technical, practical, and managerial implications of legislation.

Our vision is:

Professional local government management, leading staff and enabling communities to shape their future.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, to the less glamorous but equally important supporting activities such as election management and the collection of rates.

Summary

Local government supports the Government's focus on biodiversity, and we share its ambition to protect and restore indigenous biodiversity.

In principle, we support the Government's updated National Policy Statement for Indigenous Biodiversity (NPSIB). In particular:

- We welcome the recognition of Māori as kaitiaki. We support the expanded and more effective partnering mechanisms in the NPSIB to achieve this. Adequate and appropriate resourcing for iwi/hapū to be genuine partners in decision-making will be critical to supporting them to be kaitiaki of the land.
- We consider the 10% indigenous vegetation cover target is appropriate, though further work is needed to clarify what 'each environment' and 'non-urban environments' mean.

However, aspects of the draft NPSIB (and its associated implementation plan) require further work. Firstly, substantial resourcing is required across all aspects of implementing the NPSIB as well as supporting physical work on the ground. We acknowledge that the Government has allocated \$19 million to support councils to identify significant natural areas (SNAs) and include them in district plans, but this is unlikely to meet the true costs for councils and must be increased. The Government should also consider less resource intensive approaches to identifying SNAs, including directly supporting councils' work to identify SNAs or extending the length of time for councils to meet some of their requirements under the NPSIB.

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Secondly, we are concerned about the lack of detail on how the NPSIB will integrate with the Government's resource management reform programme. Both territorial authorities and regional councils have raised concerns with us around what their responsibilities will be under the NPSIB should the reforms be progressed. While we understand that the NPSIB will be incorporated into the proposed National Planning Framework (NPF), some councils are concerned about:

- who will be responsible for identifying SNAs and including these within plans in the future resource management system
- how regional biodiversity strategies will relate to both the proposed Regional Spatial Strategies (RSSs) and Natural and Built Environment plans (NBA plans).

Lastly, the NPSIB and integration plan are unclear on what transitional arrangements will exist for regions that already provide for, or protect, indigenous biodiversity and SNAs. We recommend that the Government work with councils to understand the different arrangements that have already been established to understand what a suitable pathway forward for each region may look like. Failure to do so risks the existing protections for indigenous biodiversity being undermined and may damage the relationships that councils have built with landowners in their communities.

If we all work together, we can make the biggest possible difference for biodiversity. All stakeholders, including the Government, local authorities, iwi/hapū and landowners, will be essential to ensuring indigenous biodiversity is protected and restored around the country.

This submission

LGNZ and Taituarā thank the Ministry for the Environment for the opportunity to provide feedback on the draft National Policy Statement for Indigenous Biodiversity (NPSIB).

Our submission focuses on the implementation and workability of the NPSIB and identifies where unanticipated outcomes may arise. This submission has had input from Te Maruata Roopu Whakahaere, Ngā Kairapu, Te Uru Kahika and a number of regional, unitary and territorial authorities.

Local government agrees that national direction is required to protect indigenous biodiversity

The indigenous biodiversity of Aotearoa New Zealand is unique and irreplaceable. Biodiversity faces a global crisis and Aotearoa is not immune.

There has been a major decline, both in quantity and quality, in many of our indigenous species. Some habitats and ecosystems may already be beyond tipping points and recovery will require significant positive interventions. This is particularly important for those areas that have a legacy of failing to prioritise the environment and indigenous biodiversity when making land-use decisions.

The relative significance of threats to biodiversity varies across the county, by environment type and over time. The state and trends of land-based biodiversity have been heavily affected by:

- invasive species
- the impact of predators and herbivores
- converting land – mostly for agriculture, plantation forestry, and urbanisation
- harvesting resources, such as timber.

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There are also emerging and increasing threats presented by climate change, new diseases and biosecurity incursions. Ongoing research into the impacts of these challenges will be needed to understand the implications for protecting our indigenous biodiversity.

We acknowledge the Government seeks in part to address this through the NPSIB. We see the NPSIB giving effect to *Te Mana o te Taiao, the Aotearoa New Zealand Biodiversity Strategy*, as an important first step to address the decline in biodiversity and provide direction for the protection, restoration and sustainable use of indigenous biodiversity.

Councils have done, and continue to do, a lot of good work to protect and restore biodiversity

Local government has been proactively involved in protecting and restoring native biodiversity for many years.

LGNZ's previous submission on the 2019 draft NPSIB highlighted both landscape and smaller-scale projects supported by councils that include activities such as pest management, fencing, restoration and planting that are delivering excellent results in Canterbury, Taranaki and Hawke's Bay regions.¹ We would be happy to share further council experiences with the Ministry if it would be helpful.

But we recognise that this is not enough, and that more must be done to halt indigenous biodiversity decline. As such, we welcome national direction to support ongoing protection and restoration efforts across the country.

Te Rito o te Harakeke is an essential framework for indigenous biodiversity protection and restoration

Te Rito o te Harakeke is a fundamental concept to the NPSIB that refers to the need to maintain the integrity of indigenous biodiversity. Te Rito o te Harakeke comprises six essential elements to guide the planning and implementation of the NPSIB, which recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with Papatūānuku and te taiao.

We support this fundamental concept of the NPSIB and the strengthened recognition and status of tangata whenua as kaitiaki in their rohe. We welcome the acknowledgment of their leadership role in protecting and enhancing indigenous biodiversity and taonga in a way that enables the interactions of people within the environment to positively impact on the wellbeing of Papatūānuku.

New Zealand's prosperity is built on our natural environment, but not always in partnership with it. Pakeha values and relationships with the environment and our indigenous biodiversity have not always been holistically considered in our nation's efforts to house and develop the land to drive our economic, cultural and social wellbeing. This current approach is detrimental to our natural taonga and its te kōiora through the way in which decisions are made, with the environment deprioritised in favour of economic factors. This must change if we are to protect the health and wellbeing of the whenua, the water and te taiao. A healthy environment is not mutually exclusive of people and their prosperity.

¹ LGNZ, March 2020, 'LGNZ Submission on the Draft National Policy Statement on Indigenous Biodiversity'. Retrieved from: <https://www.lgnz.co.nz/assets/Uploads/LGNZ-Final-Submission-NPSIB-13-March-2020.pdf>

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The NPSIB must be about people, the interactions, and consequences of people within the environment that impacts on the wellbeing of te taiao. The implementation of the NPSIB must focus on the reconnection of people to the environment.

We support the Government's updated NPSIB

There is improved clarity around roles and responsibilities

The updated NPSIB and its associated implementation plan improves clarity around the roles and responsibilities of territorial authorities, regional councils, Māori and landowners. The implementation plan makes clear the actions territorial authorities and regional councils will have to take, when they need to take them and how they need to engage tangata whenua.

While we appreciate the improved clarity around roles and responsibilities, there are a few outstanding areas that require further clarification (particularly how some of the different structures and plans integrate with one another). These areas are highlighted throughout this submission and in **Appendix One**.

We welcome recognition of mana whenua as kaitiaki

We fully support the strengthened recognition and status of tangata whenua as kaitiaki in their rohe, and the central role they play in protecting indigenous biodiversity and taonga. It is important local and central government work in partnership with tangata whenua to make intergenerational decisions, so that rangatahi, mokopuna and their children inherit a whenua where they, te taiao and customary practices can thrive.

We support greater emphasis on a partnership approach with tangata whenua, and the clear direction for the treatment of SNAs and indigenous biodiversity on Māori land alongside the occupation, use, and development of that land.

While there is a commitment to partnership with Māori, little detail is provided about how tangata whenua will be involved in articulating, designing and delivering policy. It is for iwi and hapū partners to comment on the workability of this and on whether it goes far enough to enable mana motuhake. We do however strongly encourage the Government to support iwi/hapū/runanga to share their knowledge and concepts of indigenous biodiversity te koiora and whakapapa. This will ensure that the NPSIB, and local plans and policies, consider local kaupapa Māori solutions and deliver better decision-making structures for tangata whenua.

Recommendation one

The Government must provide adequate funding and capacity building for tangata whenua so that tangata whenua aspirations for articulating, designing, and delivering indigenous biodiversity policy can be met.

We support the indigenous vegetation cover target (Clause 3.22(3))

In principle, we consider the 10% indigenous vegetation cover target for urban and non-urban environments is appropriate. This is because there must be a minimum level for protecting and restoring indigenous vegetation particularly in our towns and cities.

We agree that it is appropriate for regional councils to set higher targets in certain circumstances. For example, some councils have advised us that their district already meets the 10% target across

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urban and non-urban environments. For the NPSIB to be meaningful and result in biodiversity preservation gains, higher targets may be necessary for these districts. However, other districts have been extensively cleared of native forests and developed. These districts may have thousands of pockets of bush remnants which are seen as significant but would probably not rate a mention in other districts.

We consider that the Government should provide guidance and support to local authorities to understand the different scenarios and environments where differential targets could be set to achieve enhanced biodiversity outcomes.

Recommendation two

The Government should provide guidance and support to councils to understand the different scenarios where differential indigenous forest cover targets could be set.

Regional councils should work with territorial authorities and tangata whenua to develop higher indigenous cover targets

We consider the Government should change the language of clause 3.22(3) to require regional councils to develop higher targets in consultation with territorial authorities and tangata whenua. While regional councils are likely to do this in practice, it may be helpful to include this in the NPSIB as:

- Territorial authorities will be responsible for “having regard to any targets set by regional councils” when promoting the increase of indigenous vegetation cover in their regions and districts (Clause 3.22(4)(a)).
- It reflects the role that tangata whenua have as kaitiaki within their rohe. This is particularly important when considering how local authorities “Must actively involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity” (Clause 3.3(1)).

The Government must also clarify what constitutes urban and non-urban environments. While urban environment is defined through reference to the 2020 National Policy Statement for Urban Development, non-urban environment is not. The scale to which the 10% indigenous cover applies – either at the specific land environment level or across all non-urban environment in a region – is therefore unclear.

Recommendation three

Clause 3.22(3) should require regional councils to engage with territorial authorities and work in partnership with tangata whenua if considering indigenous vegetation cover targets higher than 10%.

Recommendation four

The Government should include a definition for non-urban environments within the NPSIB.

What requires further work

The Resource Management Act 1991 (RMA) gives councils a role to ‘maintain’ biodiversity. This is a broad mandate and something that councils have sought clearer definition of since its inclusion in

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the RMA in 2003. Considering that the RMA is a single tool in a wider biodiversity system that contains limited powers and functions relative to the broad range of risks faced, this mandate is ambitious. We are conscious that to see an improvement in our ecosystems, species and habitats, all other parts of the biodiversity system need to be working effectively. The following sections set out the points where we think further work is required.

The Government must be clearer on how the NPSIB integrates with its resource management reform programme

We are concerned that the only comment the NPSIB and implementation plan make on how the NPSIB will be integrated into the reform of the resource management system is:

“This Government is undertaking a comprehensive review of the resource management system. This review is examining the broader and deeper changes that are needed to support the transition to a more productive, sustainable and inclusive economy. As the review is currently underway, it is difficult to provide clarity about how biodiversity management and the NPSIB will fit within the future resource management system. However, it is intended that the policy intent of existing national direction will carry over to the new system, including the proposed NPSIB.”

The Government intends to replace the Resource Management Act 1991 (RMA) with a Natural and Built Environments Act (NBA) and Spatial Planning Act (SPA) this parliamentary term. These reforms propose transferring the existing resource management plan-making functions of councils to regional joint committees.

Our main concern is that the implementation of the NPSIB will require significant changes to both current regional policy statements and plans, and district plans, and there is a lack of clarity around the extent to which the resource management reforms will incorporate these changes into the new system or not. For example, it is unclear:

- how and when Regional Spatial Strategies (RSSs) and Natural and Built Environment plans (NBA plans) should give effect to the NPSIB
- who is responsible for identifying SNAs and including them in the proposed RSSs and NBA plans (once joint committees have been established)
- what this means for existing land uses and their ability to continue and under what restrictions
- whether regional councils will still be required to develop regional biodiversity strategies (and what the status of these will be relative to the proposed RSSs and NBA plans), or the extent to which these will be incorporated into the new system
- what occurs if local authorities are partway through the process of meeting their requirements under the NPSIB when the new resource management structures and responsibilities are in place.

It is essential that the Government develop a transition plan (either within or separate to the NPSIB implementation plan) that makes it clear what the legislative requirements, roles and responsibilities for councils will be once the RMA has been repealed and replaced with the NBA and SPA. Failure to do so risks council (and ratepayer) resources and time being wasted, and confusion amongst stakeholders at best, and at worst, risks doing little to halt the loss and decline of our ever-degrading indigenous habitats and wildlife. Both LGNZ and Taituarā can assist the Government to develop a transition plan.

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Our initial thinking is that some of these concerns (as well as our concerns around system capacity to implement the reforms) may be addressed through phasing in the identification of SNAs and inclusion of these in district plans. We encourage the Government to consider an approach that requires to identify SNAs within a five-year period and include these in district plans within 10 years. This could then provide a valuable input into the future resource management system, without the risk of duplicating plan-making processes. It would also allow those councils that wanted to identify and include SNAs in district plans earlier to do so.

Similarly, we consider that Regional Biodiversity Strategies could be incorporated into Regional Spatial Strategies, so that needs of indigenous biodiversity are considered when making spatial planning and investment decisions. Failure to do so both risks marginalising the biodiversity strategies that will be developed and delivering on the Government's reform objective to *protect and restore the environment and its capacity to provide for the wellbeing of present and future generations and better enable development within natural environmental limits*.

Recommendation five

The Government must work with LGNZ and Taituarā to develop a transition plan for the NPSIB (and other national direction) before the NBA and SPA are enacted.

It is unclear what the transitional arrangements are for existing council plans that refer to SNAs

The draft NPSIB and implementation plan is silent on what transitional provisions apply to SNAs where they currently exist in regional or district plans, or how existing provisions for indigenous biodiversity outside of SNAs apply until such time as the NPSIB requirements are implemented.

This creates a risk of rolling back protection and maintenance of indigenous biodiversity, as well as enabling perverse outcomes (by allowing landowners to undertake activities that have adverse effects on indigenous biodiversity prior to the scheduling of SNAs through district plans, or through the removal of SNA vegetation prior to being formally identified and protected through district plans). The lack of transitional provisions may particularly impact on regions where the management of SNAs (or their equivalent) currently sits as a regional function.

We encourage the Government to work with councils in each region to identify what transitional provisions may be required to ensure indigenous biodiversity continues to be protected in those regions where SNAs are already protected through local authority plans. This could include, for example, providing stop gap measures for identified SNAs by requiring councils to consider them (and the impacts of planned activity on them) when processing resource consents.

However, if existing council plans do provide sufficient protection of SNAs until the provisions of the NPSIB take effect, we encourage the Government to make this clear.

Recommendation six

The Government must provide clarity on how existing local authority plans that protect SNAs and indigenous biodiversity are to be treated before councils meet their new plan-making requirements under the NPSIB.

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Councils must be supported to identify SNAs and include them in district and regional plans (Clause 3.8, Appendix 1)

The NPSIB sets out a prescriptive, resource-intensive approach that territorial authorities are required to follow when identifying SNAs within their area.

Our March 2020 submission on the previous version of the NPSIB stated that:

“NPSIB implementation will be difficult and costly for some councils, especially in the wider context of other national direction that will need to be implemented over the next five years... We are particularly concerned about the burden this will place on ratepayers in areas with smaller rating-bases, which also tend to have more areas of indigenous biodiversity to protect. This creates a situation that is untenable for these councils, where sufficient funding cannot be raised in the intended timeframes”.²

We acknowledge that the Government has, in part, sought to address some of these concerns through its introduction of a \$19 million fund that will support NPSIB implementation for councils, iwi/Māori and landowners. While this funding is welcomed by LGNZ and Taituarā, the cost of identifying SNAs and making plan changes to give effect to the NPSIB will far exceed the \$19 million set aside by the Government – let alone supporting iwi/Māori to engage as partners in the design and delivery of biodiversity management with councils. Our previous submission made it clear that for some territorial authorities it would cost over \$10 million to implement the NPSIB over the first five years following gazettal.³

We strongly encourage the Government to significantly increase the funding available to implement the NPSIB. The Government should also make clear how much funding will be allocated to iwi/Māori, councils and landowners (through councils), and how central government funding will be prioritised. This will help provide certainty to councils and ratepayers. It will also support social licence for change, particularly if the funding from central government is more equitable than expecting smaller, remote communities having to meet all the costs of protecting and restoring indigenous biodiversity, which all New Zealanders benefit from.

The timeline for implementation is ambitious

Councils are facing considerable capacity and capability pressures. Particular resourcing concerns we have with the NPSIB are the ability of councils to identify SNAs and include these in district plans within five years of the NPSIB taking effect, and the ongoing resource required for compliance and monitoring. We also understand there is a shortage of both consultant ecologists to undertake reporting for consenting requirements and council staff to assess and evaluate ecological reports.

Smaller councils are concerned they will have to compete with other larger councils to recruit specialist staff or consultants to meet the requirements of the NPSIB, including plan-making. This will hamper councils' ability to meet these requirements.

As mentioned earlier, our recommendation that the Government provides councils with five years to identify SNAs and ten years to include them within their district plans may assist councils to address capacity issues when identifying SNAs (including access to ecologists). It may also help to better integrate the NPSIB within the new resource management framework, while balancing the

² <https://www.lgnz.co.nz/assets/Uploads/LGNZ-Final-Submission-NPSIB-13-March-2020.pdf> page 15

³ <https://www.lgnz.co.nz/assets/Uploads/LGNZ-Final-Submission-NPSIB-13-March-2020.pdf> page 15

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need to make some progress within the next 5 years. Councils should, however, be given the ability to operate earlier under the NPSIB if they wish to do so.

But, as above, there's still the need for clarity around how any work done now is incorporated into the future resource management system (or not).

Recommendation seven

The Government must assess whether there is sufficient planning and ecological expertise available to undertake the mapping of SNAs in the specified timeframes, prior to changes being Gazetted.

The Government should explore alternative approaches to identifying and including SNAs in plans

The Government must consider permitting more cost effective and less resource intensive approaches to identifying SNAs, provided such an approach also incorporates the NPSIB significance criteria. Some councils currently choose to schedule habitat types as SNAs rather than listing site-specific SNAs. Detailed field assessment (in addition to those associated with significance criteria, which are already known) is then undertaken as a part of any consent application. This approach would help address some of our concerns around the feasibility of the five-year period for territorial authorities to identify and include SNAs in district plans. However, councils should still retain the ability to use the prescriptive approach set out in the NPSIB, if their community desires this.

We also think that the Government should further explore who is responsible for identifying SNAs. Some regional councils already manage the identification and treatment of SNAs (or their equivalent) as a regional function. While we recognise the benefits of including SNAs within district plans for the purposes of placemaking and urban design, it may help for the Government to consider and specify how regional councils and unitary authorities can deliver SNA requirements (in full or in part) as opposed to territorial authorities. This could allow, for example, councils to identify SNAs through regional policy statements or regional biodiversity strategies that territorial authorities then give effect to through district plan and consenting processes.

The Government could also explore introducing a nationally consistent approach to SNA (and habitat) mapping. For the National Seismic Hazard Modelling (NSHM) programme, the Government has funded and coordinated researchers and technical advisors from across government agencies, local government and the private sector. Taking a similar approach to SNA mapping would:

- help to deliver the mapping within timeframes
- make optimal use of limited technical experts
- identify priority sites for SNA surveys and balance the need for urgency
- support equity across councils and districts without or with limited resource, funding or political will
- provide national consistency and a high quality approach
- help report to MfE annually on SNA outcomes.

Such an approach is aligned with the greater emphasis on territorial authorities and regional councils working together that is proposed in the new resource management system.

LGNZ and Taituarā could work closely with councils and the Government to ensure greater consistency and collaboration, and that councils are provided with the tools needed to plan for and include SNAs through the district plan and consenting processes.

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Recommendation eight

Councils must be adequately supported to identify SNAs within their region and include these in district plans. This could be achieved through:

- increasing the funding available to councils to identify and include SNAs in plans
- providing territorial authorities five years to identify SNAs within their district and ten years to include it in their district plan
- permitting alternate approaches to identifying SNAs; and or
- introducing and supporting a nationally coordinated approach to the identification of SNAs.

Regional council support for territorial authorities to identify SNAs (Clause 3.8(3))

The NPSIB states that “*the relevant regional council must assist the territorial authority in undertaking its district-wide assessment*” of SNAs. The extent of this assistance is unclear. Regional councils’ role needs to be clarified before the NPSIB takes effect. We consider it may be appropriate for this support to include both the identification of SNAs and how these are to be protected through district plans.

Recommendation nine

The Government should clarify what support a regional council must provide to a territorial authority, if requested, to assist with the identification of SNAs and the inclusion of them within district plans and policy statements.

Continuation of consented activities (Clause 3.15(2))

While we support the clause that permits existing consented activity on SNAs to continue (under certain circumstances), we are concerned at how this clause could be interpreted differently by councils and consent holders. There is an inherent tension with currently consented activities being able to continue “*as long as the effects on any SNA are no greater in intensity, scale or character in time than at the commencement date; and do not result in the loss of extent or degradation of ecological integrity of the SNA.*” This is because cumulative impacts, by their nature, will often continue to increase. This could result in differing interpretations of this clause by existing consent holders and councils, and across regions, and could lead to decisions being litigated through the Environment Court.

For the avoidance of doubt, it may be helpful for the Government to specify in guidance (which local government should be involved in the development of) what types of consented activity are likely to be able to continue, and what types of consented activity are likely to need to be managed under the requirements of the NPSIB.

Recommendation ten

The Government should clarify what types of existing consented activities can continue and what types of activity will need to be actively managed under the requirements of the NPSIB.

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Focus should be on the protection and restoration of indigenous biodiversity, equally (Clause 3.21, Clause 1.6)

The NPSIB has a priority focus on restoration of indigenous biodiversity. For example, Clause 3.21 states that:

“Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas”.

While we support the restoration of our indigenous biodiversity, when making decisions around the future of a district, efforts to restore indigenous habitats can often be done at the expense of protecting existing indigenous biodiversity. Often the most gain for indigenous biodiversity can come when protecting threatened indigenous biodiversity and SNAs. As such, we consider that that the Government should support protection activities to be as viable as restoration. That way councils will know where to prioritise efforts and what to consider when making planning decisions for a district.

Recommendation eleven

The NPSIB should provide equal weighting to both the restoration and protection of indigenous biodiversity.

Improving alignment with other national direction and strategies

The role of regional biodiversity strategies must be better integrated with Te Mana o Te Taio and district plans (Clause 3.23, Appendix 5)

Regional biodiversity strategies provide a valuable opportunity to set out the regional vision and approach for ensuring the restoration and protection of indigenous biodiversity. Much of the proposed content for inclusion within a regional biodiversity strategy seems sensible, particularly around detailing and monitoring the actions and methods of different stakeholders to promote the maintenance and restoration of indigenous biodiversity.

However, we think there is a missed opportunity in linking how regional biodiversity strategies integrate with *Te Mana o te Taiao (the Aotearoa New Zealand Biodiversity Strategy)*. This lack of clarity is acknowledged in the implementation plan:

Where implementation actions need to be modified, this will be undertaken following the review. Other reviews may be needed when appropriate – for example, to improve alignment with other significant work programmes, such as the ANZBS (page 17).

This is a missed opportunity as it risks a disconnect between national priorities and frameworks and how these are reflected at the regional level.

It is also unclear how district plans and regional biodiversity strategies integrate. The NPSIB states that *“Local authorities must have regard to the relevant regional biodiversity strategy when developing restoration objectives, policies and methods for inclusion in regional policy statements and plans (Clause 3.23(2)).”* This could be interpreted as applying only to ‘regional policy statements and plans’ prepared by regional councils. If the intention is for there to be better

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integration across regional biodiversity strategies and district plans, the Government should make this explicit.

Recommendation twelve

The Government must make it clearer as to how regional biodiversity strategies can integrate with Te Mana o te Taiao and district plans.

The NPSIB could better align with the Government's climate adaptation programme (Clause 3.6, Appendix 5)

Lastly, we think that there are missed opportunities to better promote how protecting and restoring our native biodiversity will lead to climate resilience for our communities. Restoring indigenous biodiversity and habitats (including wetlands), and planting on private and public conservation land and along waterways, are examples of how restoring our indigenous biodiversity can mitigate climate change impacts. The NPSIB presents a good opportunity to give the protection, restoration and sustainable use of indigenous biodiversity recognition as a primary tool to proactively manage the impacts of climate change.

Recommendation thirteen

The Government should consider reflecting that indigenous biodiversity is a key tool in mitigating and protecting communities from the impacts of climate change in the NPSIB.

Other issues councils have raised with us

Enabling behaviour change

Some regions need to build the political will and mandate with their community to achieve change. A key focus on the NPSIB must be about people and reconnecting people to the environment. Several councils raised community concerns that supporting indigenous biodiversity would come at the expense of economic prosperity. It is imperative that people understand the consequences that actions and choices have on the environment, and the necessary steps that are required to fund, maintain and restore the natural environment. We see this being the responsibility of both central and local government in building public awareness and understanding around the benefits of indigenous biodiversity.

We also recommend that the Government further explores what funding is available to support households, communities, and businesses to reconnect and understand the benefits of our natural environment. We would like to see more focus on opportunities for collaboration and more innovative initiatives to raise awareness of the benefits and opportunities of positive interactions of people within the environment and on the wellbeing of Papatūānuku.

Supporting indigenous biodiversity is expensive

Several councils raised examples of how supporting indigenous biodiversity is expensive and costly for communities. Maungatautari, as an example, is a contiguous 3400ha lowland podocarp forest in Waipā District that is administered on behalf of council and iwi by a Trust. The capital cost to provide a pest proof fence and eradicate all mammalian pests was in the order of \$14 million and now requires an annual operating budget of between \$1.2 and \$1.5 million. Waikato Regional Council and Waipā District Council fund approximately half of the operating costs with the balance from the community and fundraising efforts of a voluntary trust. The scale of this project is

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sufficient to provide self-sustaining populations of all species that would once have been found in this forest ecosystem.

This case study provides a useful example of why it is essential for central government to provide sufficient investment into indigenous biodiversity protection and restoration – only it has sufficient resourcing to be able to provide investment at scale across the country.

Clarity around existing land uses and their ability to continue and under what restrictions

Several councils have noted that some members of their farming communities have articulated their fears around the implications of having their privately owned land deemed an SNA. This includes potential loss of value of their property due to restrictions associated with SNA and biodiversity protection, loss of income arising from restrictions on business-as-usual farming, and financial expenses in maintaining SNAs.

While most farmers appreciate and value native forests, the Government is introducing a range of stricter policies and regulations that impact on our rural communities that will be difficult and costly for farmers to comply with all at once. There is also potential to further inflame relations with private landowners if the level of control over private property rights causes a negative backlash within the community. As mentioned earlier in our submission, we recommend that the Government be clear on the implications of the proposals on rural communities and farmers so that any risk of misinformation or backlash towards to the NPSIB is mitigated.

Restoration of habitats may no longer be possible for some communities and areas

Circumstances such as climate change and urban development mean that for some areas, it is not practicably possible to restore our indigenous biodiversity. For example, climate change will cause some coastal zones to become permanently sub-tidal, and some historic wetland areas will never be viable if 'restored', as the underlying hydrological regime (including rainfall) has changed. As such, the Government should consider how a suitable 'amount' of ecosystems can be protected/restored but for this to not necessarily occur in the same area or location where it is currently located.

Next steps

We welcome the opportunity to work with the Government on the recommendations and issues raised in our submission. For further information or if we can be of any assistance, please contact us at info@LGNZ.co.nz and info@Taituara.co.nz.

Appendix one: Assessment of prior local government feedback on indigenous biodiversity

Table one sets out our assessment on whether the updated draft NPSIB addresses LGNZ’s March 2020 recommendations to the Government

LGNZ recommendation on 2019 draft NPSIB	Government position in 2022 NPSIB	Our assessment
<p>We propose that the following key changes be made to the scope and direction of the NPSIB:</p> <ol style="list-style-type: none"> 1. Councils not be required to identify SNAs on Crown land but that that task rest with Government. 	<p>Territorial authorities will still bear primary responsibility for identifying SNAs, with the support of regional councils (if requested).</p>	<p>Partially addressed</p> <p>We do not believe that councils should solely bear the responsibility and cost of mapping SNAs on Crown land and the conservation estate. The \$19m fund to support councils and iwi/hapū to meet some of their responsibilities under the NPSIB, including the identification of SNAs, is welcomed but is unlikely to meet the actual cost of identifying SNAs.</p> <p>We consider the Government must:</p> <ul style="list-style-type: none"> • Increase the amount of funding available to councils to identify SNAs • Allow councils to use alternative methods (such as habitat mapping) to identify SNAs; and/or • Fund a programme involving researchers and technical advisors from across government agencies, local government and the private sector approach to identify SNAs.
<ol style="list-style-type: none"> 2. Removal of restoration policies ensuring the maintenance of existing vegetation and habitat protection is the clear priority for councils. 	<p>There is a 10% indigenous vegetation cover target for urban environments and non-urban environments. The target must be promoted, which policies/plans must ‘have regard’ to.</p>	<p>Target no longer an issue – but greater clarity needed</p> <p>The 10% target is probably achievable. However, it is unclear how the target is to be applied to non-urban environments (which are not defined).</p> <p>The 10% minimum cover should restrict the clearance of native vegetation in a district. However, this</p>

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		<p>is just a minimum for protecting remnant forest and restoring native vegetation to this minimum, rather than recreating wholesale coverage or a pristine environment.</p> <p>The target may be challenging for some cities and lowland areas, including farming, but converting productive land use for biodiversity offsetting (and potentially earning ETS credits) should be achievable and is likely necessary for the challenges New Zealand is facing in the future.</p>
<p>3. Removal of councils' mandatory role in highly mobile fauna.</p>	<p>See clause 3.20</p> <p>Local authorities must state what they will do to manage those mobile fauna in terms of habitat protection.</p>	<p>Not addressed</p> <p>Most highly mobile fauna are threatened species and covered as a function of the Wildlife Act 1953 (the Wildlife Act) administered by the Department of Conservation. It is not a function of, or for, councils.</p> <p>The Wildlife Act applies to the species themselves but does not manage effects on habitat. This raises questions of how the Wildlife Act functions interact with the NPSIB (in terms of what is delivered by the Department of Conservation and what is delivered by councils).</p>
<p>4. That template regional biodiversity strategies not be a mandatory requirement of the NPSIB but be a flexible mechanism encouraged under the New Zealand Biodiversity Strategy.</p>	<p>See Clause 3.23 and Appendix 5.</p>	<p>Local Government no longer considers this an issue</p> <p>However, the Government should be clear on the relationship of regional biodiversity strategies with the broader resource management reform programme, who prepares them, and the relationship with <i>Te Mana o te Taiao-the New Zealand Biodiversity Strategy</i>, other national policy statements and district plans.</p>
<p>5. The Government needs to develop a national Biodiversity Strategy that provides strong strategic direction.</p>	<p>The Government produced <i>Te Mana o te Taiao</i>.</p>	<p>Addressed</p> <p>However, as mentioned above there could be greater connections between the scope of the NPSIB and:</p> <ul style="list-style-type: none"> • The National Policy Statement for Freshwater Management

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		<p>(NPSFW), especially in the recognition, protection and enhancement of wetlands.</p> <ul style="list-style-type: none"> • Regional biodiversity strategies and how they could give effect to Te Mana o te Taiao. • Any partnership with the Department of Conservation (if required).
<p>6. The Government needs to undertake further work on the role of monitoring implementation of the NPSIB and indigenous biodiversity. Particular indicators and monitoring methods need to be specified to deliver high quality and consistent data. There will need to be clear roles allocated to understand who monitors what. Implementation of the monitoring system will need central government funding and support.</p>	<p>Now a requirement of regional councils.</p>	<p>Partially addressed</p> <p>The Government has developed a comprehensive implementation plan.</p> <p>However, the implementation plan is light on detail with regards to council roles and responsibilities should the resource management reform progress.</p> <p>It is also possible that regional councils (with the support of tangata whenua and territorial authorities) will produce different methods of measuring progress against the actions taken to protect and restore indigenous biodiversity.</p> <p>This extends to differences around how councils maintain and protect indigenous biodiversity.</p>