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14 March 2020

Biodiversity Team
Ministry for the Environment, PO Box 10 362
Wellington 6143
Email - indigenousbiodiversity@mfe.govt.nz

Tēnā koutou,

RE: DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

Te Kāhui o Taranaki Trust welcomes the opportunity to submit on the draft National Policy Statement for Indigenous Biodiversity (NPS-IB). Our iwi environmental management plan – Taiao, Tairora sets the basis for the position of Taranaki Iwi on resource management matters. Terrestrial indigenous biodiversity is specifically addressed in the Tāne chapter of [Taiao, Tairora](#) (attachment 1). In general, the provisions of the NPS-IB align to the outcomes sought in Taiao, Tairora; our specific comments in response to the questions raised in the discussion document are included as attachment 2 below.

Noho ora mai



Wharehoka Wano
Tumuwhakarito /CEO
Te Kāhui o Taranaki Iwi

Attachment 1

Chapter 11.6 Tāne, Taiao Taiora

11.6 Tāne

The rohe is characterised by areas of indigenous vegetation and habitat for indigenous species including tall woody vegetation, shrubland (Haumia-Tiketike), wetlands and coastal vegetation etc. The environment on the slopes of Kaitake, Pouākai and Taranaki mouna is fertile, and near the coast there is a wide stretch of nearly level land. This flat area was historically covered with dense forest and wetlands, and the Taranaki territory was celebrated for its immense quantities of ngāi tipu me ngāi kīrehe (such as prized varieties of harakeke). Taranaki was renowned as an Iwi with superior knowledge in cultivating, processing and utilising harakeke in a wide range of products. So much so that obtaining this resource became the focus of a large number of raids and warlike expeditions made into the region by Northern tribes.

Taranaki's endemic vegetation ranged across diverse environments from alpine herb fields to temperate rainforests, to coastal turf and dune vegetation. Like most of New Zealand, Taranaki was once covered in thick and diverse forest and shrubland, with large areas of wetland vegetation and cultivated open areas.

Throughout New Zealand, much of the land cleared for development was in low-lying and coastal areas. Such is the case in Taranaki where approximately 60% of the pre-human native forest and wetlands has been cleared. The remnants of vegetation on the ring plain and marine terraces are fragments of what they once were. They remain highly valued for what they provide in the form of biodiversity. The largest concentrations of native forest remaining in the region are confined to Egmont National Park, the steeper parts of north Taranaki and the eastern hill country.

Between 2008 and 2012, Taranaki saw a net loss of around 3,700 hectares of native forest and shrubland, despite around 430 hectares of new shrubland being regenerated. Most of the lost vegetation area was converted to grassland. By comparison, between 2001 and 2008 a total of 2,370 hectares of forest and shrub was lost in the region.

Just over half of Taranaki's land area has less than 20% of its original native vegetation remaining. The native habitats that remain in these areas are considered acutely or chronically threatened.¹

The coastal area of Taranaki is also home to many important native species. Their habitat is often under threat from a range of natural and human-based threats. The species under threat include penguin and seal colonies at Ngā Motu and the dotterel colonies at Kōmene and Kāhui Roads etc. While some of these areas are actively managed by the Department of Conservation, they will still benefit from input from local communities, including whānau, hapū and marae/pā who are able to more effectively monitor the wellbeing of the wildlife in these areas.

¹Taranaki as One – Taranaki Tāngata Tū Tahī

11.6.1 Ngā Take – Issues

The current Tāne issues within the Taranaki rohe are:

1. Human actions have and continue to degrade the mauri of Tāne in the Taranaki Iwi rohe;
2. Native plant and animal species are in decline due to the removal of native bush, invasive plant and animal pests, land use changes and modification of landscape and freshwater systems;
3. Translocation of native species, if not undertaken appropriately, can impact on the local populations of those species and harm the species being translocated;
4. Administrative barriers can limit and constrain Taranaki Iwi in our continued use of native plants and animals for customary purposes;
5. The potential for negative and unforeseen outcomes resulting from the introduction of genetically engineered plants, animals and organisms is a strong concern for Taranaki Iwi;
6. Changing lifestyles means that whānau are having less contact with our local environment and natural resources which means there is a reduction in the level of appreciation and value placed in them by our people; and
7. Climate change is causing temperature rise pushing species further inland and increasing exposure to disease, pest species and greater stress on plants and animals. In some cases this can lead to the extinction of vulnerable alpine plant species.

11.6.2 Objectives

The following statements describe Taranaki Iwi Objectives for Tāne:

1. The mauri of Tāne in the Taranaki Iwi rohe will be protected, cared for and restored;
2. All waterbodies in the rohe will be planted with native species at least 5-20 m wide on either side and fenced to exclude livestock by 2030, with a focus on providing natural corridors of vegetation for extending habitat territory for fauna and enhancing biodiversity;
3. Remnant forest patches within the rohe will be protected from serious threats, and their value will be recognised and enhanced so that they thrive and flourish;
4. A network of native vegetation zones will form corridors radiating out from Taranaki mouna to Ngā Tai a Kupe, re-establishing connections and cultural relationships with thriving ecosystems of Tāne;
5. Important habitats for wildlife will be protected from external threats so they are sustained and are able to flourish;

6. The Taranaki Iwi rohe will remain GE organism free; and

7. Within the limits of what the forest is able to provide sustainably, Taranaki Iwi uri and descendants will have uninhibited access to traditional plant and animal species for cultural purposes. This could include, but is not limited to, the following:

- i. unearthing of native timber for cultural purposes;
- ii. sourcing natural materials for weaving, structures and cultural items;
- iii. access to plants as wai rākau and for the purposes of rongoā; and
- iv. access to plants and animals for cultural purposes.



11.6.3 Policies

1. Taranaki Iwi will oppose:

- a. Any action or activities that will result in the degradation of the mouri of Tāne;
- b. The clearance of native vegetation within the rohe unless it is for defined cultural purposes;
- c. Animal and plant gene manipulation, gene banking or appropriation;
- d. Any GE field trials;
- e. Activities that will result in increased threats to habitat of indigenous species; and
- f. A reduction in the protection or active management of important areas of biodiversity on Crown land.

2. Taranaki Iwi will support initiatives that will lead to greater protection, enhancement and expansion of indigenous biodiversity within the Taranaki rohe;

3. Decision makers should consider the effects of an activity on the mouri of Tāne when making decisions on applications and developing management and planning documents;

4. Taranaki Iwi will progressively assemble a biodiversity information resource for marae and whānau to access for research and practical application purposes;

5. Taranaki Iwi will support and facilitate marae and papakāinga to develop eco-nurseries and biodiversity restoration projects within the rohe;

6. Taranaki Iwi will actively promote species restoration that provides for sustainable cultural harvest when appropriate levels are reached;

7. Taranaki Iwi will play an active role in managing and protecting habitat for important wildlife; and

8. Translocation of native species from within our rohe should not take place without express permission from, and engagement with, Taranaki Iwi.

Attachment 2

Te Kāhui o Taranaki Trust responses to questions from the discussion document - He Kura Koiora i hokia – The nurturing of our treasured species

Introduction: Addressing the Decline in New Zealand's indigenous flora and fauna

1. **Do you agree a National Policy Statement for Indigenous Biodiversity (NPS-IB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?**

Yes, clarity in the requirements to protect indigenous biodiversity, as well as recognising and providing for the relationship of tangata whenua with these areas. The role of tangata whenua as kaitiaki will be expressly provided for and will reduce the time/resource invested in arguing those points resulting in a more efficient focus on restoring indigenous biodiversity/ecosystems.

2. **The scope of the proposed NPS-IB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPS-IB within coastal marine and freshwater environments? Yes/no? Why/why not?**

The management of indigenous biodiversity in the coastal marine environment should remain a focus of the New Zealand Coastal Policy Statement (NZCPS). The management of indigenous biodiversity in freshwater environments should be a focus of the National Policy Statement for Freshwater Management (NPSFW); duplication and inconsistency between NPS's must be avoided. This approach would take into account the Atua approach adopted in Taiao, Taiora.

3. **Do you agree with the objectives of the proposed NPS-IB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPS-IB)**

Objective 1 (*to maintain indigenous biodiversity*) and Objective 5 are in conflict. It is not clear how each can be achieved. Objective 5 – *to restore indigenous biodiversity and enhance the ecological integrity of ecosystems* takes into account the provisions of Taiao, Taiora; Objective 1 does not.

Similarly, Objective 1 is in conflict with Objective 3 - *to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity*. Humans have degraded indigenous biodiversity across our rohe – from clearance, the introduction of exotic pest plants and animals, and the ongoing modification of ecosystems through use and development. Recognising and providing for Hutia Te Rito requires deliberate and urgent intervention to restore the mauri of indigenous biodiversity. The maintenance of status quo does not achieve this.

TKoT recommends the removal of Objective 1 in its entirety, as maintaining status quo regarding the health of indigenous biodiversity in our view will not achieve the purpose of the NPS-IB.

Section A: Providing for the principles of the Treaty of Waitangi and engaging with Tangata Whenua

4. **Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPS-IB. Do you agree? Yes/no? Why/why not?**

TKoT support the inclusion of Hutia te Rito as the concept that underpins the NPS-IB; however, it is not immediately clear how this concept is given effect to throughout the NPS. How this concept applies within the rohe of TKoT will require the empowerment of kaitiaki to lead the implementation of the NPS-IB in our area – further comments are made on this in the implementation section below.

5. Does the proposed NPS-IB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?

Clause 1.7(1) provides a good explanation of the Hutia te Rito whakatauki but does not provide much guidance on the implementation of the concept or on how to operationalise it.

Objective 3, Policy 1 and Policy 3 of the Draft NPS-IB provide a high-level requirement to recognise te ao Māori in terms of tangata whenua and their kaitiaki role within their rohe, providing for tangata whenua involvement, and the identification and protection of taonga species and ecosystems.

The implementation requirements in Clause 3.2 (Hutia Te Rito), 3.3 (tangata whenua as kaitiaki) are not directive in terms of the “how”, but rightly allow tangata whenua to play a central role within their rohe, requiring meaningful consultation and opportunities to be involved in decision making, and with flexibility to participate in accordance with their unique tikanga/mātauranga Māori.

Clause 3.14 (identified taonga) is clear on implementation requirements and the respective roles of tangata whenua, territorial authorities and regional councils. There would potentially be great variability as to what ecosystems and taonga might be identified by different iwi/hapū. We submit it is more appropriate for iwi/hapū to identify taonga species, but note that the timeframes to achieve this are tight. We encourage the Government to fund councils and iwi/hapū to generate this work.

6. Do you think the proposed NPS-IB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?

The NPS-IB takes positive steps toward taking into account the principles of the Treaty of Waitangi but falls short of enabling independent decision making by tangata whenua and in this regard fails to recognise rangatiratanga as guaranteed in te Tiriti o Waitangi. A specific requirement for councils alongside mana whenua to identify opportunities for the transfer of powers (s.33 of the RMA) in regards to the management of taonga species, particular areas of indigenous biodiversity (in the case of TKoT our tupuna Mounga) or similar should be included as a provision in the NPS-IB.

7. What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management?

TKoT are supportive of the deliberate focus on introducing te ao Māori, mātauranga Māori and tikanga into the resource management system for indigenous biodiversity. However, as noted above the NPS-IB falls short of taking into account the principle of rangatiratanga, and in that regard does not address the challenges TKoT face in truly exercising kaitiakitanga within our rohe. Consultation requirements and early engagement are commendable, but in our experience have not resulted in the outcomes sought in relation to the restoration of te taiao in our rohe.

Introducing a presumption within the NPS-IB that indigenous biodiversity will be jointly managed (s.36B-s.36E of the RMA) unless an iwi authority opts out is recommended.

8. **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. Do you think the proposed NPS-IB appropriately provides for customary use? Yes/no? Why/why not?**

This approach takes into account the provisions of Taiao, Taiora.

Section B: Identifying important biodiversity and Taonga

9. **Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why?**
- a. **territorial authorities**
 - b. **regional councils**
 - c. **a collaborative exercise between territorial authorities and regional councils.**

TKoT support option c, and recommend that this is extended to include iwi authorities. A coordinated mapping approach to identifying SNA should be extended to include areas managed under the NZCPS and the NPS-FM would best achieve Objective 4 (and associated policies) of the NPS-IB.

10. **Do you consider the ecological significance criteria in Appendix 1 of the proposed NPS-IB appropriate for identifying SNAs? Yes/no? Why/why not?**

No. Criteria are completely silent on mātauranga Māori, and related information which should inform ecological significance of an area.

11. **Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPS-IB) Yes/no? Why/why not?**

No. The principles and approaches completely exclude tangata whenua. This is out of step with the objectives and policies of the NPS-IB.

12. **The NPS-IB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?**
- a. **regional policy statement**
 - b. **regional plan**
 - c. **district plan**
 - d. **a combination.**

TKoT support option a. Inclusion of these areas within an RPS will enable consistency across lower order planning documents tasked with implementing the RPS.

13. **We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no? What do you think is a reasonable timeframe and why?**

Taiao, Taiora recognises that changes/improvements will occur over generations. 2030 is a date that is included in our iwi management plan; the dates proposed in the NPS-IB align with this approach.

14. **Do you agree with the proposed approach to identifying and managing taonga species and ecosystems? (see Part 3.14 of the proposed NPS-IB) Yes/no? Why/why not?**

Yes. Determining a process must include allocation of resourcing to enable this. Identification of taonga species prior to the mapping of SNA (Part 3.8) should occur first, and inform that process.

Section C: Managing adverse effects on biodiversity from activities

- 15. Do you think the proposed NPS-IB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPS-IB)**

It is not clear how this part implements Hutia te Rito, or the objectives of the NPS-IB. Part 3.9(a) must be amended to reference the protection and restoration of the mouri of a SNA as a specific outcome to take into account the provisions of Taiao, Taiora.

- 16. Do you agree with the distinction between high-and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/unclear? Please explain. If no, do you have an alternative suggestion?**

TKoT do not support the distinction between high and medium value SNAs. This is unnecessarily complicated and will be difficult to apply with the effects management hierarchy (Part 3.9), and is particularly difficult to implement when there is a paucity of data regarding a particular SNA, highly mobile species or similar. There is the risk of inconsistent application of the categories, and it may 'water down' how medium value areas are managed. Through the consent process, information on significance of values can be explored as part of the information requirements to assess the application, at the cost of the developer, in the event there is a threat to the protected item.

- 17. Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPS-IB? Yes/no? Why/why not?**

This is a duplication of the existing use rights provisions (Sections 10 and 20A) of the RMA. It is not clear how this approach will achieve the objectives of the NPS-IB; specifically objective 3. This provision does not promote the active remediation of indigenous biodiversity, rather looks to legitimise current practises which undermine the protection, care or restoration of indigenous biodiversity. This approach does not take into account the provisions of Taiao, Taiora.

- 18. Do you think 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? Yes/no? Why/why not?**

Yes, they can be considered as part of an 'overall effects' management package on a case by case basis. For particular species it is near impossible to calculate offsets, due to their size, hiding abilities and with some terrain being too technical to access to complete studies; and in these instances offsetting or compensation should not be available to an applicant.

- 19. Do you think the proposed NPS-IB adequately provides for the development of Māori land? Yes/no? Why/why not?**

No. Please refer to discussion regarding rangatiratanga above. Further the definition of Māori land is too narrow and doesn't include Treaty Settlement Land or land held under the Public Works Act 1981.

- 20. Part 3.5 of the proposed NPS-IB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?**

Yes. Indigenous biodiversity is not static. Our understanding of climate change (as a society) has advanced in recent years where it is commonly acknowledged that our environment is changing, and that this will impact on indigenous biodiversity. The opportunities and challenges for the protection/restoration of indigenous biodiversity are going to change over time, and the opportunity for native species to adapt (through corridors, intact and contiguous landscapes etc) must be considered through resource management processes. This issue is identified in Taiao, Taiora (Tāne - Para, 11.6.1.7).

21. Do you think the inclusion of the precautionary approach in the proposed NPS-IB is appropriate? (see Part 3.6 of the proposed NPS-IB) Yes/no? Why/why not?

Yes, in general the level of knowledge of specific ecosystems (including mātauranga Māori) is not sufficient to inform resource management processes; until such time as a more complete data set is available for indigenous biodiversity in the rohe of Taranaki Iwi a precautionary approach must be applied.

22. Do you agree with the framework for biodiversity offsets set out in Appendix 3? Yes/no? Why/why not?

23. Do you agree with the framework for biodiversity compensation set out in Appendix 4? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court Decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.

Offsets and compensation mechanisms are complex to apply; as noted above these should only be available to an applicant when there is sufficient data on the particular ecosystem. The process of considering the limits of an offset or compensation in Appendix 3 and Appendix 4 must specifically include the recommendation of any advice received from tangata whenua as to how these tools may apply on a case by case basis.

24. What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?

- a. **More than minor residual adverse effects**
- b. **All residual adverse effects**
- c. **Other. Please explain.**

TKoT support option b. Introducing value-based qualifiers (more than minor) will result in inconsistent implementation of these tools. TKoT note that assessments for less than minor, minor and more than minor are made to determine an affected party, as opposed to the acceptability of an adverse effect on the environment; and in the context proposed in the NPS-IB is not appropriate.

25. The proposed NPS-IB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPS-IB) Do you agree with these priorities? Yes/no? Why/why not?

Yes. The restoration of these areas aligns with the provisions of Taiao, Taiora.

26. Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPS-IB? Please explain.

No, providing the identification of these areas is set out in the RPS, and implemented by lower order planning documents consistency should be achieved. Challenges will arise if this information is separated across different plans and strategies.

27. **Do you think regional biodiversity strategies should be required under the proposed NPSIB, or promoted under the New Zealand Biodiversity Strategy? Please explain.**
28. **Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPS-IB? Yes/no? Why/why not?**
29. **Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (e.g. predator control or preventing the spread of pests and pathogens)? Please explain.**
30. **Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPS-IB) Yes/no? Why/why not?**

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. TKoT 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. Linking in with other landscape scale projects such as Restore Taranaki, Taranaki Mouna and Towards Predator Free Taranaki have a significant impact on biodiversity outcomes in the region.

Regulatory responses and tools should be implemented in the context of these higher level, more broadly focussed strategies.

Section E: Monitoring and Implementation:

31. **Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?**

Monitoring and reporting are fundamental to the development of policy and methodologies, as well as the implementation of current rules. Without specified methods, there is a risk that data obtained through monitoring will be incompatible between regions and fail to provide a complete picture across NZ. Any monitoring must be underpinned by mātauranga Māori, with the scope/planning etc designed alongside tangata whenua.

32. **Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPS-IB. Do you agree with the requirements of this effectiveness review?**

Yes, agree.

33. **Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact indigenous biodiversity? (see Part 3.19 of the proposed NPS-IB). Yes/no? Why/why not?**

TKoT generally agree but note that this list is not definitive, and that case by case assessment must still be made. AEE should also implement any advice set out in an iwi planning document, or advice received from tangata whenua with regard to an SNA, taonga species or indigenous biodiversity generally.

- 34. Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?**

TKoT supports the principle of ki uta ki tai/integrated management across agencies, particularly where there are joint functions as with biodiversity.

- SUBMISSION ENDS -