Dear Sir/Madam

Otago Regional Council:


Introduction

1. The continued and ongoing loss of Aotearoa’s indigenous biodiversity is an issue of national and international significance that detracts from the wellbeing of all New Zealanders. Addressing and reversing the decline requires a strategic, long term approach that enables partnerships across all levels of government, and with tangata whenua and communities. This approach needs to consider the strengths, capabilities and access to resources available to iwi and different sectors, and how these strengths can be leveraged in a coordinated way. It also needs to consider where the costs and benefits of successfully implementing a National Policy Statement for Indigenous Biodiversity (NPSIB) would lie and align the responsibility for regulation and resourcing accordingly. As indigenous biodiversity is a public good of national significance, Central Government has a clear role, not just in regulation through an NPSIB, but also in resourcing its implementation both directly and through councils. This role is not clearly articulated or committed to in the draft NPSIB.

Part 1 – Key Messages

Overall support for the principles, intent and general content of the draft NPSIB

2. The Otago Regional Council (ORC) wishes to commend and support the significant work and extensive cross-sector engagement undertaken by Central Government to develop the draft NPSIB. The collaborative process on which it was based, and the imminent publication of our first NPSIB, are significant steps toward improving the management of indigenous biodiversity, particularly on private land. ORC does note that the proposed NPSIB may have an impact on extractive industries.
3. ORC’s Biodiversity Action Plan (BAP)\(^1\) sets out a programme of work to be undertaken in partnership with others. This work programme aligns well with the draft NPSIB and its implementation will support ORC to give effect to a NPSIB. The BAP has 5 key components:

1. *Active management based on ecological prioritisation and local aspirations*
2. *Regional leadership and coordination*
3. *Better information for better management*
4. *Education and community engagement*

**Roles and strengths of different government sectors need to be leveraged**

4. ORC supports Hutia Te Rito as the fundamental concept underpinning the draft NPSIB, which recognises that the wellbeing of our indigenous biodiversity, our people and the wider environment are closely linked. These relationships mean that engaging tangata whenua and communities as kaitiaki and stewards is essential to improving indigenous biodiversity outcomes. Community engagement is a strength of local government, which can be leveraged for this purpose.

5. As emphasised in the *Report of the Biodiversity Collaborative Group*, which informed the draft NPSIB, Central Government investment in non-regulatory measures will be an essential part of any package to improve indigenous biodiversity outcomes.

6. The respective roles and strengths of government sectors within the biodiversity management system that can enable successful implementation of the NPSIB are outlined below.

**Central Government**

ORC supports:

7. *National level investment in coordinating data management and IT infrastructure*

   This would enable:

   - a consistent national monitoring programme - for regional data and assessments to wrap up into national data sets and reporting, a common data platform, standards and criteria are required.
   - a common data platform that can be contributed to, accessed and used by all relevant sectors – this could form the platform for identifying regional priorities for land/seascape scale restoration programmes.

8. *Identification and management of Significant Natural Areas (SNAs) on Crown Land*

   The Department of Conservation (DoC) has the mandate, data and expertise to undertake this.

---

9. **Expert advice**

Ecology expertise to assist in identifying SNAs, particularly:

- for territorial authorities with a small rating base and a large area of private land to manage; and
- if all SNAs are to be identified within 5 years.

10. **Public engagement**

Engagement with the public about:

- the value of our unique biodiversity
- why we need an NPSIB
- the benefits that are intended from the NPSIB, and
- the support that will be provided to landowners and managers to implement it.

11. **Financial incentives**

For protection of indigenous biodiversity on private land, for example towards fencing, planting and management plans.

12. **Investment in capacity, capability, IT infrastructure and processes to facilitate iwi engagement in biodiversity management**

While councils can support joint forums (e.g. Biodiversity Otago) for engaging with tangata whenua, iwi/hapū/whānau are still likely to require additional resourcing to meaningfully participate in the processes proposed in the draft NPSIB.

**Regional councils**

13. Regional councils are best placed to:

- Facilitate regional level partnerships and coordination for biodiversity management across iwi and agencies to enable:
  - integration of the protection of biodiversity values as part of implementing regional statutory roles and functions under the RMA; and
  - collaboration to identify and manage regional priority areas for land/sea-scape scale restoration projects.
- Coordinate active biodiversity management on private land at a regional scale.
- Facilitate regional level partnerships and coordination across iwi and agencies to identify priority areas for land/sea-scape scale restoration projects.
- Engage with and advise land owners on biodiversity management.
Map regional biodiversity values to inform tenure-neutral ecological prioritisation.\(^2\)

**Territorial authorities**

14. Territorial authorities are best placed to:

- Engage with communities on how they can contribute to biodiversity management in a way that improves community wellbeing.
- Identify and regulate Significant Natural Areas (SNAs)\(^3\) (Noting that Central Government investment in technical support, e.g. ecological expertise would be required to map SNAs nationally within proposed timeframe).

**Support for regional biodiversity strategies being included in the NPSIB**

15. ORC supports the inclusion of regional biodiversity strategies in the NPSIB because it is unclear how they would otherwise be mandated. The inclusion of Policy 3.18 will help to ensure that all regions have a regionally relevant and nationally consistent approach to biodiversity prioritisation and restoration. We note that the policy is consistent with the approach to regional strategies that most regions, including Otago, are already taking.

16. **Case study: Biodiversity Otago Iwi and Interagency Group**

ORC has initiated a process of regional coordination with Kai Tahu and public sector agencies (including DoC, LINZ and Otago TAs) to advance the implementation of its Biodiversity Action Plan.

The purpose of this work is to identify priority areas for, and work together on, land/seascape scale biodiversity restoration projects. The group has identified that to be most effective its work requires strategic coordination across iwi and agencies, and effective engagement with landowners and communities.

To support this process, ORC has contracted mapping of potential/original ecosystems and the habitat of threatened and at-risk species. To facilitate and enable integrated management, this mapping is being undertaken across terrestrial, freshwater and coastal environments.

This work has identified a clear need for cross agency partnerships, which include Central Government agencies, and a data-commons to support successful implementation of the NPSIB.

**ORC supports the balance of protection and restoration in the draft NPSIB**

17. Protecting remaining indigenous ecosystems and species should be the priority, but restoration projects particularly in urban environments, are essential to engage the hearts, minds and hands of citizens. Connecting people and places is critical to garner the

---


\(^3\) SNAs as defined in section 6(c) of the Resource Management Act (1991).
understanding, awareness and long-term political support for indigenous biodiversity protection and restoration that is required to address its decline. The draft NPSIB reflects the need for a higher priority based on protection/maintenance. However, overtime an increased focus on restoration will likely be required. It is therefore helpful to include restoration policies at this stage to signal the long-term action required to engage communities and land managers.

**Integrated management is frustrated by multiple national direction documents**

18. The objectives and policies of the draft NPSIB aim to improve the integrated management of indigenous biodiversity. However, currently the responsibility for such integration would rest solely with Local Government, while national direction on indigenous biodiversity will be split across at least four separate documents.4

19. Protecting indigenous biodiversity on private land has proved a challenging task and one that as a nation, we have not yet come to grips with. Partly this is because the roles and responsibilities of regional councils and territorial authorities in relation to indigenous biodiversity management have been poorly defined. While an NPSIB will help to address this, the levers for change sit with multiple agencies and under multiple and separate pieces of legislation. This implies that until and unless the legislative framework for the protection of indigenous biodiversity is rationalised to enable, rather than frustrate, integrated management across agencies and land tenures, truly effective and integrated management will remain elusive.

20. While we appreciate that Government would like to get the NPSIB gazetted in this electoral term, and support the terrestrial component being advanced in this timeframe, recognition is required that integrated management requires coordinated policy frameworks at Central as well as Local Government levels. A commitment is required from Central Government that it intends to work towards improved integration of biodiversity policy at national level.

**Part 2 - Comments on Specific Provisions**

21. ORC is supportive of the intent, fundamental concepts, objectives and policies of the NPSIB. However, the wording of objectives and policies would generally benefit from further consideration. Our specific comments focus on the implementation requirements in Part 3, and on how central government can best support, enable and incentivise successful implementation of the NPSIB and improved outcomes for indigenous biodiversity.

**3.3 Tangata whenua as kaitiaki**

22. ORC supports the intent of this policy and notes that the existing Biodiversity Otago collective provides a forum for Otago councils and iwi to engage that is more efficient for iwi/hapū/whānau than bilateral engagement with councils. ORC also has two iwi representatives on its Policy and Strategy Committee to enable tangata whenua involvement in decision-making. However, we consider that the process for iwi

---

4 The NPSIB, the National Policy for Freshwater Management, the proposed National Environmental Standard for Freshwater and the New Zealand Coastal Policy Statement.
engagement would add greater value if additional resourcing were provided to iwi for this purpose. This is an area where Central Government investment would add value.

3.5 **Resilience to climate change**

23. To be most effective, resilience to climate change requires integrated management across fresh water, terrestrial and coastal environments. Rivers provide natural corridors for links between the mountains and the sea. Adaption to climate change in coastal environments requires space for landwards migration of indigenous coastal ecosystems and species. This is problematic when coastal land is highly developed. Therefore, an integrated approach across land, water and the coast is essential and this needs to be enabled rather than frustrated by siloed national policy frameworks.

3.7 **Social, economic and cultural wellbeing**

24. In implementing this National Policy Statement, local authorities must recognise –

   d) **the importance of forming partnerships between local authorities, tangata whenua, landowners, people and communities in maintaining and enhancing indigenous biodiversity**;

Consistent with Central government seeking to embed partnerships and collaboration in the NPSIB, it also needs to identify its own need to participate in that process and be included among the partners here.

3.8 **Identifying significant natural areas**

**SNA identification on private land**

25. ORC is supportive of clear and consistent national criteria for SNAs being included in the NPSIB. In principle, we support that territorial authorities are best placed to engage in this process with communities and landowners. If done well, SNA identification is an opportunity to invest in long term relationships and collaboration. We note however, that the 5-year timeframe will be challenging, particularly for territorial authorities with a small rating base and a large area of private land to manage. Central Government support and investment, particularly in providing technical support and ecological expertise, will be vital for such councils to successfully implement this policy. ORC notes that an area of significant indigenous biodiversity to Otago in the shape of a regional park may be identified and established by the Council, possibly in partnership with a TLA or mana whenua.

26. ORC has mapping underway to identify habitat of threatened and at-risk fauna across Otago. Once complete this data will be shared with territorial authorities in Otago. IT infrastructure is required to enable such data sharing and integration.

**SNA identification on Crown land**

ORC considers that SNA identification on Crown land is clearly the responsibility of Central Government, led by DoC, which has the existing expertise and data.
3.10 Managing adverse effects in plantation forests

27. As drafted, it is unclear whether regional councils or territorial authorities would be responsible for this policy – this needs to be clarified.

3.13 General rules applying outside SNAs

28. ORC supports the proposal that the Regional Policy Statement can set the policy framework for managing the effects of activities on indigenous biodiversity when outside of a SNA.

3.14 Identified taonga

29. See comments above on Policy 3.3 (paragraph 22).

3.15 Highly mobile fauna

30. ORC supports the identification and protection of highly mobile fauna through the NPSIB but considers that a list of ‘highly mobile fauna’ needs to be included to clarify this policy. ORC has work underway to map the habitat of threatened and at-risk fauna (see paragraph 25). This includes mapping the habitat of long tailed bats, which we understand is the key (but currently unstated) concern of this policy.

3.16 Restoration and enhancement

31. ORC supports the intent of this policy, but notes identifying former wetlands will be problematic. It is unclear who would make this determination and against what criteria.

3.17 Increasing indigenous vegetation cover

32. As currently drafted, ORC does not support the policy on regional targets. We consider this needs further work and that there are more effective ways to achieve the restoration of threatened ecosystems (i.e. with less than 10% remaining). The tenure neutral ecological prioritisation process that regional councils have, or are currently undertaking, across the country is more likely to achieve the intended outcome.5

33. More detailed comments on the drafting of this policy are in Appendix 1 to this submission.

3.18 Regional biodiversity strategies

34. As noted in paragraph 15 above, ORC supports the inclusion of regional biodiversity strategies in the NPSIB. The proposed purpose of regional strategies is to promote a landscape-scale restoration and enhancement vision for the region’s indigenous biodiversity. This is consistent with the approach underway to promote regional biodiversity enhancement in Otago.

Table 1. Draft criteria to identify sites for regional restoration projects (rankings still to be discussed):

<table>
<thead>
<tr>
<th>Question</th>
<th>Criteria</th>
<th>Description</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why?</td>
<td>Treaty partners</td>
<td>Project gives effect to the principles of the Treaty of Waitangi (kaitiakitanga, tikanga Māori, mātauranga Māori) and directly involves iwi/hapu/whanau.</td>
<td></td>
</tr>
<tr>
<td>Why?</td>
<td>Environmental co-benefits</td>
<td>Project presents co-benefits to other spheres of environmental management e.g. freshwater quality, climate change mitigation or adaptation, improved urban development</td>
<td></td>
</tr>
<tr>
<td>Why?</td>
<td>Biodiversity priority</td>
<td>Immediacy of threats to indigenous biodiversity and level of threatened and at-risk species and ecosystems present in the landscape. Threatened Environments Classification.</td>
<td></td>
</tr>
<tr>
<td>Why?</td>
<td>Benefit for local communities</td>
<td>The project's potential to contribute to the wellbeing of the local communities.</td>
<td></td>
</tr>
<tr>
<td>Who?</td>
<td>Range of agencies and land tenures</td>
<td>Project applies across a range of land ownership e.g. public conservation land, private land, leasehold land, local government land, Māori land; and strategically benefits a range of agencies.</td>
<td></td>
</tr>
<tr>
<td>Who?</td>
<td>Involvement of local private landowners</td>
<td>The potential or actual involvement of local landowners who have ‘skin in the game’ and the potential to improve ecological sustainability.</td>
<td></td>
</tr>
<tr>
<td>Where?</td>
<td>Building on existing initiatives</td>
<td>The presence of other biodiversity and environmental initiatives in the project area that can be leveraged to build a larger project and achieve scale.</td>
<td></td>
</tr>
<tr>
<td>Where?</td>
<td>Equitable geographic distribution</td>
<td>Does the project add to the spread of projects across the region or further concentrate them in one area?</td>
<td></td>
</tr>
<tr>
<td>When?</td>
<td>Partner and project readiness</td>
<td>The extent to which there is political and social appetite, and resourcing for the project.</td>
<td></td>
</tr>
<tr>
<td>When?</td>
<td>Outcome horizon</td>
<td>How quickly can we expect to see measurable benefits?</td>
<td></td>
</tr>
</tbody>
</table>

Rank: 1 = low; 2 = medium; 3 = high

3.19 Assessment of environmental effects

35. ORC supports the inclusion of this policy in the NPSIB, however, we note that:

- IT infrastructure to enable information sharing across agencies will be essential to support its implementation;

- guidance on standard assessment methods will be required; and

- additional resourcing will be required to identify and map the attributes that need to be assessed.

3.20 Monitoring by regional councils

36. ORC supports the Local Government New Zealand position on this policy and considers that Central Government needs to invest in, and support, this process for the following reasons:
• To ensure nationwide comparability of results and long-term trends, the same methods, measures and nomenclature, analysis and interpretation of results must be developed and set at a national level.

• Methods and time frames for monitoring need to be standardised between councils and nationally to ensure robust nation-wide analysis can be undertaken.

• Resourcing at local government level will be severely constrained, both within Local Government and for iwi. There will be insufficient trained people to collaborate and to undertake this task.

• An adaptive management process is required to respond to monitoring results and put in place action plans – this will need to be co-designed with local government to ensure biodiversity targets are met.
Appendix 1.

Comments on the drafting of Policy 3.17 Increasing indigenous vegetation cover

While ORC does not support the inclusion of this policy in the NPSIB for the reasons outlined in paragraph 32 of its submission, our comments on issues with the current drafting are below.

While the purpose of this policy is to restore ecosystems that are depleted below 10% of their original extent, the Policy 3.17 itself focuses on increasing indigenous vegetation cover (IVC). These two concepts are not equivalent.

While IVC may be a proxy and a good start, pittosporum hedges or sedge planted traffic islands are not ecosystems, but they are vegetation cover and will likely be part of the accounting (as councils will want to ensure they are seen to contribute, and are likely to have this data to hand).

ORC suggests that the difference between the two terms be clarified and also explicitly identify that cover is a start, i.e. 10% IVC may be functionally 1% of an ecosystem.

A definition is needed for a number of terms which are bolded below.

Policy 3.17 Increasing indigenous vegetation cover

(1) Every regional council must assess the percentage of the urban and rural areas in its region that have indigenous vegetation cover

This sentence is poorly worded. Suggest “Every regional council must assess the percentage of indigenous vegetation cover within urban, Rural, and other non-urban areas in its region”

The definition of ‘areas’ also needs some serious consideration because there may be a number of urban areas in a region, the space between them will be one large contiguous rural area.

The ‘chopping up’ of areas will significantly impact the percentage cover resulting (a textbook modifiable area unit problem), and therefore requires guidance in the NPSIB. Urban Areas should also be able to be split up.

ORC suggests ecological district/catchments or former ecosystem type (or a combination thereof) be used to subset urban, rural and other areas into usefully functional ecological sub areas.

(2) The regional council must specify which areas it will treat as urban for the purposes of this clause (which must be predominantly urban in character) and which it will treat as rural, (which must be predominantly rural in character) and non-urban (which must be predominantly non-urban and non-rural in character).

Again, this sentence is poorly worded. ORC suggests the term urban be retained, but the opposite of urban is NOT rural, rural covers farming landscapes not natural ones. There needs to be three categories to separate urban, rural and other (which will be the conservation estate and therefore near 100%), reflecting that rural areas should not be ‘carried’ by the conservation estate.

(3) The assessment of the percentage of indigenous vegetation cover may be done by a desktop analysis, by ground truthing or both.
(4) For urban areas, if the assessment indicates an area has less than 10 per cent indigenous vegetation cover, the regional council must include in its regional policy statement a target (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in that area to at least 10 per cent of the area.

(5) For rural areas, if the assessment indicates an area has less than 10 per cent indigenous vegetation cover, the regional council must include in its regional policy statement a target (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in the area.

Given the suggested separation between urban, rural and other areas, ORC does not agree with the distinction – rural area ecosystems less than 10% are by definition highly degraded – should they not also contribute to rectifying the problem?

Yours sincerely

Gwyneth Elsum
General Manager Strategy, Policy & Science