

Indigenous Biodiversity Team
Ministry for the Environment
PO Box 10362
Wellington 6143
New Zealand

Dear Sir/Madam,

National Policy Statement for Indigenous Biodiversity Submission

1. Introduction

Horowhenua District Council (HDC) appreciate the opportunity to provide feedback on the Proposed National Policy Statement for Indigenous Biodiversity. HDC recognise the importance of indigenous biodiversity and the contribution it makes to social, environmental, and cultural wellbeing. However, HDC emphasise the importance of ensuring that policy regulation actually contributes to improved outcomes. This can be delivered through clear and tailored policy arrangements combined with non-regulatory methods.

While HDC supports the intent of the NPS-IB to improve indigenous biodiversity outcomes, we have some concerns over the content, timeframes, and roles and responsibilities proposed under the NPS-IB. HDC also support the intention behind making the important role of tangata whenua in the biodiversity decision making process explicit. HDC value the partnership we have been working to build with our Treaty partners and welcome further opportunities to build this relationship. However, many iwi/hapū do not have resources or capacity required to participate in these processes. Therefore, HDC strongly urge central government to find means of enabling iwi/hapū, particularly those who are pre-settlement, to participate in these processes.

2. Background and Context

HDC support Local Government New Zealand's (LGNZ) submission point that a major challenge in indigenous biodiversity management is the general lack of incentive for landowners to protect biodiversity on their land. Regulatory control, combined with a lack of financial support or incentive, creates a situation whereby many landowners feel penalised for having and maintaining biodiversity on their land. Therefore, a package of biodiversity interventions and strategies, not just policy regulation, will be required to support the outcomes sought by the NPS-IB.

In addition, HDC note a lack of capacity and capability within territorial authorities to manage biodiversity, which is why the Horizons Regional Council have taken a strong lead on biodiversity management in the Manawatu-Whanganui Region. This is likely to be a very significant issue under the current proposal of tasking territorial authorities with identifying and mapping significant natural areas (SNAs). We see a very real chance that this could result in worsened biodiversity outcomes.

HDC also support the LGNZ's submission point that the draft NPS-IB that is trying to do too much by tackling both protection and restoration of indigenous biodiversity. HDC support LGNZ's position that priority of the NPS-IB should be protection and maintenance of remaining indigenous habitats and that restoration policies should be removed. This would not prevent Councils who are more advanced in their biodiversity management from undertaking restoration activities but allow territorial authorities, who largely lack resource and capability to manage biodiversity, to focus their biodiversity action where it matters most – preventing further loss.

Manawatu-Whanganui Regional Context – Biodiversity Management

The NPS identifies territorial authorities as the lead agency for managing indigenous biodiversity, tasking them identifying and mapping 'significant natural areas' (SNAs) within five years of the NPS's gazettal and with

notifying a plan change to protect these areas within six years. The NPS further directs territorial authorities to notify a plan changes every two years after this to add any newly identified SNAs. This will result in significant and ongoing implementation costs that have the potential to be unaffordable for our community as this is drastically different approach to the regime currently in place in the Manawatu-Whanganui region.

Under the One Plan, Horizons Regional Council takes responsibility for the maintenance of indigenous biodiversity across the region, with territorial authorities responsible only for identifying and protecting notable trees. This means that District Plans within the Manawatu-Whanganui region do not identify significant indigenous biodiversity areas and do not contain objectives, policies or rules to protect indigenous biodiversity. In our case, and likely to be the same for other Councils in the region, specific steps were taken to formally amend our District Plan and remove indigenous biodiversity provisions and schedules to support the Horizons approach.

Such a change in approach will result in a costly identification and mapping exercise, followed by plan changes to give effect to the identified SNAs. This may not necessarily lead to better biodiversity outcomes.

Therefore, HDC recommend that the NPS-IB makes provisions for region-specific approaches that seek to defer or share biodiversity responsibilities to an authority that is better equipped to manage biodiversity effectively.

Other Matters

HDC echo LGNZ's submission point regarding the sheer extent of national direction being heaped on Councils at present. This includes freshwater reform, urban development, highly productive land and national planning standards, combined with the uncertainty about what is coming with wider resource management reform. In addition, Councils need to respond to other localised resource management issues. All of this comes at a cost to the community. HDC is seriously concerned that the cost of undertaking this work will be simply unaffordable for our community, who are also responding to rapid population growth. Affordability aside, HDC have serious concerns that there are not enough experts nationwide to do the work that central government are requiring. Therefore, HDC strongly urge the government to be clear about what its priority is and amend its national direction programme accordingly so Councils can deliver focused and meaningful action.

3. Submission Points Relating to Policy Matters

Identifying Significant Natural Areas

HDC support LGNZ's submission point that the proposed process of identifying and mapping all SNAs within five years is a 'one size fits all', everywhere at once approach. We share their concern that this will not give priority to the areas where indigenous biodiversity is most under threat. We also question whether there is sufficient expertise in the country to undertake this process within the proposed timeframe. HDC also support LGNZ's position that assessment of Crown land is the responsibility of the Government, not of Councils.

In addition to the above, HDC are also concerned about the proposition that territorial authorities undertake this identification process. As outlined above, Councils within the Manawatu-Whanganui region have a unique, region-wide arrangement for managing biodiversity which sees the Horizons Regional Council take all responsibility for managing biodiversity. The One Plan does not identify and map SNAs and instead manages biodiversity through an adaptive management approach, based on a site's assessment against criteria identified in the One Plan. HDC do not have a position on whether identifying and mapping SNAs is more or less effective than Horizons' current adaptive management regime, however if identifying and mapping SNAs is the preferred approach, HDC do not believe it is desirable or practical for territorial authorities to be responsible for doing this because:

- Territorial authorities do not have the capacity and capability to identify and manage biodiversity. This is particularly true for smaller territorial authorities that tend to have the largest areas of indigenous biodiversity. This risks inconsistency in approach across the country.
- Insufficient capacity and capability within territorial authorities may actually result in additional loss of indigenous biodiversity.
- There is a nationwide lack of experts capable of carrying out the assessments required under the NPS and it is therefore inefficient to undertake these assessments at a city/district level.
- The costs of such a drastic change of approach within the Manawatu-Whanganui region potentially directs resources away from 'on the ground' biodiversity work.

HDC also note the expense involved in undertaking these assessments and the logistical challenges in doing so. Horizons Regional Council have estimated it would take one person 100 years just to assess the areas within the Manawatu-Whanganui region that are already known about.

HDC is not in a position to comment on the appropriateness of proposed identification criteria, as we do not have any in house biodiversity expertise. However, we understand some Councils have advised the criteria are quite high and could result in very large areas of land needing to be assessed and protected. This could introduce tensions with other RMA requirements and obligations under Part 2.

Highly Mobile Fauna

HDC support LGNZs submission point regarding highly mobile fauna. We agree that this is a significant shift in role from DOC, who are currently responsible for species conservation, to councils, who are currently responsible for habitat protection and maintenance. Councils do not have the expertise, information, or capacity to do this effectively. HDC therefore recommend that this responsibility remains with Central Government.

Effects Management Hierarchy

HDC do not support specific inclusion of the 'effects management hierarchy' in the NPS-IB. Not only does this represent a different and more directive approach to the existing suite of national direction, HDC echo the views of the Biodiversity Collaborative Group that this could result in resource consent applications being declined on the basis that effects cannot be 'avoided' when in fact offsetting or compensating would have offered a better environmental outcome. HDC believe it is important that national direction recognises the overall broad judgement principle of resource management decision making.

Effects Outside of SNAs

HDC has some concern about proposed provisions to control effects on biodiversity outside of SNAs. The NPS-IB provides for both medium and high value SNAs. HDC questions what level of regulation is appropriate to apply to biodiversity areas that are of less than medium significance, and notes likely challenges in clearly identifying and determining these areas consistently. HDC also questions the appropriateness of treating areas outside of an SNA that have since been deemed a significant indigenous vegetation or habitat of indigenous fauna as though they were an SNA, prior to a plan change process. This in effect circumvents the plan change process and will result in landowners missing the opportunity to make submissions on regulations that impact on their land. Such an approach may undermine public confidence in RMA processes.

Outcomes Sought

HDC support the intent behind the NPS-IB, but question whether the proposed restoration approach of setting targets contains sufficient clarity to be effective. As already stated, HDC supports LGNZ's position that the NPS-

IB should focus on protection and maintenance at this stage. However, if restoration provisions remain in the NPS-IB, HDC request that further clarity is provided. For example, HDC request a definition for both 'urban area' and 'indigenous vegetation cover' to ensure consistent interpretation and application. It is important that the definition of indigenous vegetation cover (in the context of setting targets to increase coverage) is of a size and shape that will enable eco-systems to be established. In regard to a definition for 'urban area' the Ministry could consider being consistent with other national direction.

4. Submission Points Relating to Implementation Matters

The NPS-IB represents a significant shift in terms of roles and responsibilities for managing biodiversity, particularly for Councils within the Manawatu-Whanganui region. HDC are of the opinion that regional councils should remain the lead local authority in biodiversity management. Regional councils are more likely to have the capability and capacity to play this role.

The cost of identifying and mapping SNAs, undertaking a bi-annual review and subsequent plan changes has the potential to result in significant and unaffordable implementation costs for our communities. These changes may also worsen indigenous biodiversity outcomes due to lack of capacity and capability within territorial authorities to take on this role, as well as from resources being directed away from on the ground biodiversity work and on to policy changes.

The timeframes for identifying and mapping SNAs and undertaking subsequent plan changes are too short. HDC have serious concerns about the availability of expertise to undertake this work within the specified timeframe. The proposed review period will add significant, ongoing implementation costs. HDC do not believe there is sufficient justification to legislate a biannual review and instead recommend that SNA reviews are aligned with policy statement and plan review processes.

In addition, HDC believe there is a significant role for central government in biodiversity management, particularly in relation to crown land, highly mobile fauna, and providing support (including financial) to Councils, iwi/hapū, and affected landowners. This will be critical if the government is serious about achieving meaningful change in the biodiversity space.

5. Key Changes Sought

HDC recommends the following key changes to the proposed NPS-IB:

- Focus on maintenance in the first instance, removing restoration provisions.
- Reconsider roles and responsibilities of the agencies involved including:
 - o Regional Councils to remain the lead agency in managing biodiversity (for example, if mapping SNAs is the preferred approach the Regional Council should be responsible for this, with District Plans giving effect to the identified areas. At the least, the NPS-IB should provide scope for responsibilities to be deferred to the regional council to enable a region-wide approach to managing biodiversity).
 - o Central government to take responsibility for identifying and mapping SNAs on crown land, and for highly mobile fauna.
- Create a tailored policy response that requires SNA mapping in the highest priority areas first (i.e. based on an assessment of species rarity and threat of loss), with longer timeframes for areas that are under less pressure or are lower value habitats.
- Provide a package of non-regulatory interventions, including financial support and potentially expert input, for all parties involved, including to Councils, iwi/hapū, and land owners.

- Consider the costs and timeframes of all current national direction, including potential impact of RMA reforms, to determine whether the suite of national direction can feasibly be delivered within the proposed timeframes (e.g. affordability to the community, availability of experts). HDC are of the opinion that local authorities are being handed an impossible task and strongly urge the government to tailor the national direction programme accordingly.

The table below summarises some of the key national direction work programmes required by local authorities over the next 5-6 years. This is not a comprehensive list and does not take into account need to respond to local issues, scheduled plan/policy statement reviews, heightened resource consent activity, or the potential impact of RMA reforms.

	2020	2021	2022	2023	2024	2025	2026	Beyond
National Planning Standards – Regional Policy Statements	Regional Councils	Regional Councils	Regional Councils					
National Planning Standards – District Plans (excl. definitions)	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities			
National Planning Standards – Definitions	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	
E-Plan	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils			
	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities			
Identify Highly Productive Land	Regional Councils	Regional Councils	Regional Councils	Regional Councils				
Plan Change – Highly Productive Land	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities		
Essential Freshwater Programme	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils
NPS-Urban Development – Strategies/information to inform LTP	Regional Councils	Regional Councils						
	Territorial Authorities	Territorial Authorities						
NPS-Urban Development Plan Changes	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils
	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities
Urban Development Monitoring	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities
	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils
Identify and map SNAs	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities		
Biodiversity Plan and Policy Statement Changes	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	Regional Councils	
	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	Territorial Authorities	



Regional Councils



Territorial Authorities

6. Conclusion

In conclusion, HDC would like once again thank the Ministry for the opportunity to provide feedback on the proposed NPS-IB. HDC would be more than happy to discuss any of the submissions points above further. HDC also invite the Ministry to come and visit our district to better understand our local context and the potential impact of this NPS.

If you have any questions about this submission, please contact us via email at growth@horowhenua.govt.nz.

Kind Regards,

David Clapperton
Chief Executive Office