

Summary of the proposed National Policy Statement for Indigenous Biodiversity (December 2019)

The following provides a summary of directions proposed by the National Policy Statement for Indigenous Biodiversity. Refer to the discussion document and draft wording for the NPSIB for further detail.

1. **Objectives and policies**

- a. The primary objective of the NPSIB is to maintain indigenous biodiversity. This has been defined as at least no reduction in certain functions and properties of indigenous biodiversity.
- b. Other objectives include taking into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity, restoring indigenous biodiversity and enhancing ecological integrity of ecosystems, and recognising the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity.
- c. Policies require councils to adopt a precautionary approach towards proposed activities and their effects on indigenous biodiversity and to recognise the contribution maintenance of indigenous biodiversity makes to social, economic and cultural wellbeing.
- d. Policies also require that councils promote resilience of indigenous biodiversity to climate change, including through considering effects of climate change when making decision on restoration and managing new biosecurity risks, promoting connectivity to enable migration of species.

2. **Recognising te ao Māori and principles of the Treaty of Waitangi**

- a. The objectives and policies require recognition of and provision for *Hutia te Rito* in implementing the NPSIB. *Hutia te Rito* recognises that the health and wellbeing of indigenous biodiversity in the terrestrial environment is also vital for the health and wellbeing of our freshwater, coastal marine area and all our communities. *Hutia te Rito* as a fundamental concept to achieve an integrated and holistic approach to maintaining indigenous biodiversity.
- b. Policies require that councils must recognise the role of tangata whenua as kaitiaki within their rohe and provide opportunities for tangata whenua involvement in the management of indigenous biodiversity.
- c. The NPSIB specifies how local authorities are to collaborate with tangata whenua when giving effect to the NPSIB. This includes requirements to take reasonable steps to provide opportunities to exercise kaitiakitanga over indigenous biodiversity, be involved in decision making relating to indigenous biodiversity and incorporate mātauranga Māori.

3. **Application of NPS**

- a. It applies to all land tenures and will mainly be used in relation to new land uses or activities.
- b. The NPSIB does not apply to indigenous biodiversity in the coastal marine area or in waterbodies and freshwater ecosystems, except for the requirements relating to regional biodiversity strategies which can take a broader view, and, wetland enhancement and restoration. Freshwater ecosystems, including effects on wetlands, are otherwise covered by the proposed NPS Freshwater Management 2019.

4. **Identifying important biodiversity and taonga**

Identifying significant natural areas

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- a. The NPSIB specifies the process councils must take to assess and identify significant natural areas (areas with significant vegetation and habitats of indigenous fauna). The assessment criteria are identified in the NPSIB. The Auckland Unitary Plan currently identifies such areas as Significant Ecological Areas (SEAs) – although note that the criteria for identifying such areas proposed in the NPSIB are not identical to those used in the Unitary Plan.
- b. Councils must undertake a district wide assessment to determine whether areas meet defined ecological significance criteria.
- c. A set of principles and approaches must be followed by councils when assessing and classifying SNAs. Principles include partnership, access, consistency and transparency. In relation to access, where access is not voluntarily given then councils must undertake desktop assessments.
- d. SNAs must also be classified as either high or medium value (based on the criteria specified in the NPSIB). This distinction is used to manage effects.
- e. For councils that already have identified SNAs in their plans, such as Auckland Council's SEAs, a qualified ecologist can provide an assessment to demonstrate whether the SEAs meet the NPSIB criteria.
- f. Requires updating of SNA lists every 2 years to allow for additions of SNAs that arise through resource consent applications or designations. A full update is required every 10 years.

Identifying taonga and highly mobile fauna

- g. Requires identification of taonga subject to working together with tangata whenua to determine if they wish to identify taonga and if what is the process and level of detail.
- h. Where identified taonga must be managed to protect their values.
- i. Requires surveying and recording of likely and known locations for highly mobile fauna outside of SNAs

5. *Managing effects on biodiversity*

Managing adverse effects on SNAs

- a. Specifies, and defines, what adverse effects on SNAs are to be avoided and the use of the effects management hierarchy is to be applied to all other adverse effects. This is intended to clarify how SNAs should be protected.
- b. For SNAs classified as medium value a more lenient management approach is proposed for specific activities which have locational constraints. This includes nationally significant infrastructure, mineral and aggregate extraction, and Māori land.
- c. Exceptions are provided for adverse effects relating to protecting, restoring or enhancing an SNA, risks to public health and safety, kānuka or mānuka identified because of myrtle rust risk, and indigenous vegetation established for specific uses/ purposes.
- d. The effects management framework includes biodiversity offsetting and biodiversity compensation. A framework of criteria is set out in the NPSIB for the use of biodiversity offsets based around widely accepted principles that must be met and those that should be met to qualify as a biodiversity offset.
- e. Specific direction is given around the management of plantation forests to maintain biodiversity values

Existing activities in SNAs

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- f. Plans must specify where, how and when to provide for existing activities in SNAs.
- g. Need to ensure that continuation of the existing activity does not lead to loss or degradation of any SNA and adverse effects do not change character, intensity or scale as at date of NPS
- h. Provides for recognition where pastoral farming is existing activity and indigenous vegetation may regenerate in areas previously cleared and converted to improved pasture

Rules applying outside SNAs

- i. Requires councils to take steps to maintain indigenous biodiversity outside of SNAs through specifying controls on activities, when assessment is required, and apply effects management hierarchy to adverse effects.

6. Restoration and enhancement

- a. Councils must identify and promote restoration and enhancement (including through reconstruction) opportunities through plan provisions and other methods, including incentives.
- b. This applies to degraded wetlands and SNAs, areas providing important connectivity or buffering functions and former wetlands that could be reconstructed.
- c. Regional councils must assess percentage of urban and rural areas in region that have indigenous vegetation cover, and where less than 10% cover:
 - A target must be set to increase cover to at least 10% for urban areas;
 - A target must be set to increase cover for rural areas; and
 - For areas already with 10% or more cover targets may be set to increase cover.
 - Targets to be included in regional policy statements along with objectives, policies and methods to achieve it.

7. Regional biodiversity strategies & monitoring

- a. Requires regional councils to prepare a regional biodiversity strategy through a collaborative approach with stakeholders, which is specified in the NPSIB.
- b. Strategies are intended to promote landscape-scale restoration and enhancement vision for the region's indigenous biodiversity. They must recognise various aspects of the NPSIB including spatially identifying SNAs, identified taonga, areas for restoration and enhancement and other areas for protection.
- c. Regional policy statements and plans must have regard to any regional biodiversity strategy in relation to restoration and enhancement.
- d. For councils with an existing strategy, this must be updated within six years of NPS commencement date.
- e. Regional councils must develop a monitoring plan for indigenous biodiversity, establishing methods and timeframes.