

# **Albert-Eden Local Board feedback on proposed National Policy Statement for Indigenous Biodiversity (NPSIB)**

This feedback starts with general comments from the Albert-Eden Local Board (the Board) and continues with responses to some of the questions for consultation in MFE's discussion document *He Kura Koiora i hokia* (G.5, p 95-99).

## **1. General comments from the Board**

- 1.1. We acknowledge that Aotearoa New Zealand's biodiversity is unique, has been declining and needs processes in place to provide protection to prevent further loss.
- 1.2. We note the need for adequate resourcing to enable implementation of the proposed policies and we support resourcing iwi/Māori for the implementation of NPSIB, including the involvement of both mana whenua and mataawaka.
- 1.3. We ask Auckland Council to commit to using its role as unitary authority to create integrated management plans for the protection of indigenous biodiversity within its existing protection, restoration and enhancement programmes.
- 1.4. We believe there needs to be an increased emphasis on consideration of climate change and climate resilience throughout the NPSIB, beyond Part 3.5.

## **2. Responses to MFE's questions**

### **2.1 Question 1: Do you agree a NPSIB is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Why/why not?**

Yes. The Board supports the creation of a nationally applicable NPSIB given its significant role as kaitiaki and holder of landowner status for 102 parks, coastal environments, several Significant Ecological Areas and two streams. A NPSIB is required to strengthen our role in commenting on RMA matters when responding to development and infrastructure projects.

Our reasons for wanting to move in this direction include the significance of irreversibility of loss of indigenous biodiversity to the environment of New Zealand (s 45 (2)(g) RMA) and a desire to work towards meeting obligations to Māori.

Albert-Eden Board has for many years actively supported protection of indigenous biodiversity, for example, through its financial support for restoration of waterways in shared infrastructure projects in the area. However, there are some circumstances where policy direction would extend the potential range of protective activity.

Further, the Board suggests the Resource Management Act (RMA) itself needs increased requirements to actively protect and maintain indigenous biodiversity.

### **2.2 Question 2: The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Why/why not?**

Yes. Despite separate NPS's for coastal and freshwater management, we think there should be an NPS that has an over-arching function and specifically focusses on indigenous biodiversity across habitats. To make this work, it will of course be necessary to align the mechanics of the NPSIB and all other NPS's (including the proposed NPS on highly productive land) and instruments of national direction (including the New Zealand Biodiversity Strategy). Clause 1.6 may therefore need amendment.

2.3 Question 3: Do you agree with the objectives of the proposed NPSIB? (see Part 2.1 of the proposed NPSIB) Why/why not?

Yes. However, we would also like to see an increase in the clarity of provisions relating to assessing output of the proposed NPSIB. We support Part 4 'Effectiveness Review', but suggest that this may need to include more detailed provisions about methodology that will prove useful.

Objective 1 is 'to *maintain* indigenous biodiversity'. However, we believe that there needs to be a positive gain in indigenous biodiversity given the significant reduction in biodiversity in our area. (As noted in our paragraph 2.5 below, we also note that, for consistency, clause 1.7 (3) should go further than 'at least no reduction').

2.4 Question 4: Hutia te Rito recognises that the health and well-being of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Why/why not?

Yes. It is important that it is explained, as in the draft, that it will benefit all communities' wellbeing in addition to kaitiaki obligations to provide for the health of indigenous biodiversity, species and ecosystems that are taonga.

2.5 Question 5: Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Is there anything else that should be added to reflect te ao Māori in managing indigenous biodiversity?

Clause 1.7 (3) should go further than 'at least no reduction' (see paragraph 2.3 above).

2.6 Question 6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Why/why not?

We believe that restoration is important for Treaty obligation reasons, and that therefore the benchmark of requiring 'at least no reduction' is too weak.

2.7 Question 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? Please explain

As in our general comment 1.2 above, we note again here the need for adequate resourcing to enable implementation of the proposed policies. We support resourcing iwi/Māori for the implementation of NPSIB, including the involvement of both mana whenua and mataawaka.

Iwi Management Plans should have status when RMA matters are considered.

Further, we believe there is a very widespread deficit in understanding of ecological principles about protection and restoration of indigenous biodiversity. This creates challenges when community engagement and consultation are required. National level support for formal and informal education and resources to address this deficit is required since it is unreasonable to rely on local government and iwi to fill the gap on an ad hoc basis.

2.9 Question 9: What specific information, support or resources would help to implement the provisions in this section?

**Section A**

See answer to question 7 in paragraph 2.7 above.

Section B: Identifying important biodiversity and taonga (pgs 32 - 41)

The Board supports the general principles in Appendix 1 because they seem to provide a desirable level of flexibility, for example, to include areas within the wider ecological context that support indigenous biodiversity.

The Board believes that section 76(4A) of the RMA needs to be reviewed and brought into line with the proposed NPSIB.

**2.10 Question 10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?**

This is a significant undertaking and needs adequate resourcing to ensure community consultation and personnel to do the work. This has been completed in the Auckland region.

**2.11 Question 11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling SNAs? Why?**

Auckland Council is a Unitary Authority and should remain responsible.

**2.12 Question 12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Why/why not?**

Yes, for reasons in paragraph 2.9 section B above.

**2.14 Question 14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?**

Not applicable - Auckland has a Unitary Plan.

**2.16 Question 16: Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Why/why not?**

Yes.

**2.17 Question 17: Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Why/why not?**

Yes. Highly mobile fauna need protection across their ecosystems.

**2.21 Question 21: Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.**

Increased risk of other biosecurity threats and detrimental environmental factors.

**2.22 Question 22: 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? If no, do you have an alternative suggestion? Please explain**

We do not support a more lenient approach to facilitate mineral or aggregate extraction except where required for domestic, as opposed to export, supply.

**2.27 Question 27: Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Why/why not?**

It is not sufficient or reasonable to rely on SNA's alone.

**2.29 Question 29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Why/why not?**

We support provision for development of Māori land to redress historic disadvantage and consequently some leniency. However, in the case of the most vulnerable species, in principle Māori should be compensated for the costs of resulting development limitations. This may require more resources than are available to local government, and as a matter of national significance should be funded at a national level. (We acknowledge this may be beyond the scope of this NPSIB).

**2.30 Question 30: Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Why/why not?**

Yes, because it is one of the relevant factors.

**2.31 Question 31: Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Why/why not?**

Yes, this is the best approach adopting a risk management approach: the consequences of 'getting it wrong' in the ecological context can be irreversible.

**2.36 Question 36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?**

Compensation should apply to all residual adverse effects where associated with business activity. Business should not be permitted to externalise any 'costs' to the environment that are adverse impacts, whether less or greater than 'minor'. On the other hand, effects which are less than minor associated with construction of a single residential dwelling may be outside the system. As a proviso, this exception should only apply to the extent that proposed construction will result in a dwelling with a value that is equal to or less than the median value of a dwelling at the time in Aotearoa New Zealand.

**Section D: Restoration and enhancement of biodiversity (pgs 68 - 76)**

**2.38 Question 38: The proposed NPSIB 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 NPSIB). Do you agree with these priorities? Why/why not?**

Yes. Because they cover all the important areas.

**2.40 Question 40: Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Why/why not?**

For urban areas, we believe that overall a percentage target may well have some limited use as a baseline for a jurisdictional area, such as a local board area. However, we also believe that other measurements connected with the objectives of the NPSIB and lived experience of residents may be more meaningful for smaller areas within a jurisdictional area.

To explain further: we are concerned that the effect of averaging out across too broad a geographic area could be yet another way in which deprived areas are disadvantaged. For example, smaller areas in which social and lower cost residential development is set to be intensified within the Albert-Eden local board area will hopefully all gain the benefits of an

assured level of indigenous vegetation cover. It would be a poor outcome if these 'sub-areas' were to miss out because other areas well beyond the scope of residents' walking range include double the amount targeted.

Also, the creation of wildlife corridors depends on different aspects of distribution of cover as well as the total cover that can be counted.

**2.41 Question 41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain**

There seems to be a number of options for how to organise the inter-workings of these national documents. For example, perhaps the New Zealand Biodiversity Strategy should become an NPS and incorporate the NPSIB?

From our perspective, the most important outcome is that the national guidance is clear, easy to follow, and kept up to date as knowledge grows.

**2.42 Question 42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Why/why not?**

Yes because of the potential benefits in Table 5.

**2.43 Question 43: Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain**

Yes. These ecological outcomes are only achievable when applied over a landscape approach.

**2.48 Question 48: Do you agree with the proposed additional information requirements within Assessments of Environmental Effects (AEES) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB) Why/why not?**

Yes.