

27 July 2022

Via email: indigenousbiodiversity@mfe.govt.nz

To whom it may concern

**SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT ON THE NATIONAL POLICY STATEMENT FOR
INDIGENOUS BIODIVERSITY — EXPOSURE DRAFT**

Thank you for the opportunity to present our submission on the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB). Queenstown Lakes District Council (QLDC) welcomes national direction to support ongoing protection and restoration of native biodiversity across Aotearoa.

QLDC would also like to thank the Ministry of the Environment for the deadline extension to provide our submission.

QLDC is extremely active in the ecological and climate change space. Part of Council's 2019 Climate Action Plan was the action to form an independent, multi-disciplinary Climate Reference Group. This submission has been prepared with the input and support of the Climate Reference Group, contributing significant knowledge and expertise on the strategic priorities for protection and restoration of indigenous biodiversity.

Council agrees with the need for national direction to protect indigenous biodiversity and supports Te Rito o te Harakeke as a fundamental concept to the NPS-IB that refers to the need to maintain the integrity of indigenous biodiversity. This submission focuses on making recommendations to improve the implementation and workability of the NPS-IB.

Due to the timeline of the process, this submission will be ratified by full council retrospectively at the next council meeting.

Thank you again for the opportunity to comment.

Yours sincerely,



Jim Boulton
Mayor



Mike Theelen
Chief Executive

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1.0 Context of the NPS-IB in relation to the Queenstown Lakes District

- 1.1 Queenstown Lakes District is a district with an average daily population of 63,9300 (visitors and residents) and a peak daily population of 99,220 in 2021.¹
- 1.2 QLDC declared a climate and ecological emergency in 2019, and has just released its second three-year Climate and Biodiversity Plan.² The plan has three goals, under which sit six outcomes related to leadership, transport, built environment, communities, business, and the natural environment:
 - **Biodiversity** - The mauri (life force or essence) of the district's ecosystems is protected and restored. Indigenous biodiversity is regenerated.
 - **Adaption** - Queenstown Lakes is a place that is ready and prepared to adapt to a changing climate.
 - **Mitigation** - The district reduces its greenhouse gas emissions by 44% by 2030³ and achieves net-zero greenhouse gas emissions by 2050.
- 1.3 QLDC has mapped Significant Natural Areas (SNAs) as part of the Proposed District Plan. These are maintained through the implementation of the objectives, policies, and rules in Chapter 33⁴ (treated as operative). The Proposed District Plan has identified 189 unique SNAs with a combined total area of approximately 32,815 Ha⁵. The majority of these are on privately managed land or are part of pastoral leaseholds.
- 1.4 QLDC supports the acknowledgement of SNAs in the NPS-IB. Council notes that the Proposed District Plan provisions may need to be refined to increase alignment with the NPS-IB, but that this will be achievable in the proposed implementation timeframes. For efficiency this would likely occur once the Otago Regional Council's Proposed Regional Policy Statement is amended to align with the NPS-IB.
- 1.5 This submission is divided into feedback on different parts of the NPS-IB, with a summary of recommendations at the end of each section.

2.0 Reference, hierarchy, and detail should be included with regard to relevant national guidance instruments, and the systems approach to indigenous biodiversity from a mātauranga Māori perspective followed

- 2.1 **Clause 1.4** – The release of the proposed NPS-IB separate from other national planning guidance reflects the continued management of natural resources in isolation. It is Council's position that the NPS-IB should better integrate and address these other instruments and their requirements (e.g., the National Policy Statement (NPS) for Freshwater 2020, the NPS on Urban Development, National Environmental Standards (NES) for Plantation Forestry 2017, NES for Freshwater 2020).
- 2.2 The reference to some of these instruments in the proposed NPS-IB Draft Implementation Plan does not give sufficient guidance on the interaction between these guiding documents and how to address any tensions between them.
- 2.3 For example, the NPS on Urban Development requires councils to intensify development within existing urban areas. It is likely that the NPS-IB will create a policy tension with the NPS on Urban Development in urban environments as development density increases over time, that will need to be addressed. It is important that the need to protect biodiversity is tempered with the need to enable logical development,

¹<https://www.qldc.govt.nz/community/population-and-demand>.

² <https://www.qldc.govt.nz/2022/june/22-06-30-qldc-launches-climate-and-biodiversity-plan>

³ Against a 2019 baseline and aligned with the 1.5 degree science-based target pathway outlined in the 2020 Emissions Reduction Roadmap.

⁴ <https://www.qldc.govt.nz/media/puwdbtlq/pdp-chapter-33-indigenous-vegetation-biodiversity-feb-2022.pdf>.

⁵ <https://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=351874446400431d87e633a304927c96>

and that there are processes and procedures in place that allow different agendas and priorities to be weighed and assessed.

2.4 There is also no direction on the NPS-IB in relation to the ongoing resource management reform process. It is unclear on the hierarchy and how the NPS-IB will be integrated into the proposed National Planning Framework, that will provide the overarching direction to the Regional Spatial Strategies and the Natural and Built Environment Act plans.

2.5 **Clause 1.5** - A systems approach to the management of indigenous biodiversity is lacking in the NPS-IB. The incorporation of te ao Māori and mātauranga Māori recognises the interconnectedness and interdependencies of the natural and human worlds. However, the NPS-IB provides little detail on managing this interconnectedness of systems (e.g. hydro-cycles, nutrient cycles), and how these affect indigenous biodiversity.

Recommendations

R.1 – Include reference of other relevant national guidance instruments and how they interact with the NPS-IB (clause 1.4).

R.2 – Ensure that there are appropriate processes and procedures to allow the tensions between development and biodiversity protection to be assessed.

R.3 – Include information on how the NPS-IB will be integrated into the proposed National Planning Framework that will provide direction to the Regional Spatial Strategies and the Natural and Built Environment Act plans.

R.4 – Provide more detail on a systems approach to the management of indigenous biodiversity (clause 1.5).

R.5 – The definition of ‘indigenous biodiversity’ should be expanded to include other indigenous microflora such as prokaryotic bacteria, algae, and diatoms (clause 1.6).

3.0 The inclusion of partnership with iwi and the resilience of biodiversity within the NPS-IB is significant, however, further emphasis and definition is recommended

3.1 **Clause 2.1** – QLDC welcomes partnership with iwi in managing indigenous biodiversity and the recognition of responsibility of care that tāngata whenua have as kaitiaki. Emphasis on the responsibility of all New Zealanders in caring for our indigenous biodiversity to ensure the successful implementation of the NPS-IB should be included.

3.2 **Clause 2.2** – Council agrees with Policy 4, “Indigenous biodiversity is resilient to the effects of climate change”. However, a policy recognising the importance of the role of indigenous biodiversity in mitigating and supporting adaptation to climate change should be included (i.e., nature-based solutions), once the provisions of ss.70A, 70B, 104E and 104F of the Resource Management Act 1991 have been repealed.

Recommendations

R.6 – Include direct reference to the responsibility held by all New Zealanders to care for indigenous biodiversity (clause 2.1)

R.7 – Add a policy to recognise the importance of the role of indigenous biodiversity in mitigating and supporting adaptation to climate change (clause 2.2).

4.0 Implementation of the NPS-IB needs to acknowledge the role of Central Government, as well as describe the interconnectedness of systems and the precautionary approach

- 4.1 **Clause 3.2** – This clause requires local authorities to engage with communities and tangata whenua to determine how to give effect to Te Rito o te Harakeke and its six essential elements in their regions and districts. It is Council’s position that engagement requirements should not rest solely with local authorities. Central Government has an important role to play in coordinating and implementing the NPS-IB through the Ministry for the Environment, Department of Conservation and Manaaki Whenua (Landcare Research).
- 4.2 **Clause 3.4** – Further to the comment in relation to clauses 1.4 and 1.5 of the NPS-IB above, Council recommends that this section provide more detail on managing the interconnectedness of systems, and further direction on how to implement the NPS-IB in conjunction with other relevant national requirements.
- 4.3 **Clause 3.7** – Council recommends that more guidance be provided as to what the adoption of a precautionary approach by local authorities looks like in the context of this clause.

Recommendations

- R.8 – Acknowledge the role of Central Government in coordinating and implementing the NPS-IB.
- R.9 – Include reference to Central Government’s role in coordinating and implementing the NPS-IB (clause 3.2).
- R.10 – Provide further detail around the meaning of the precautionary approach in relation to clause 3.7.

5.0 A national review of identifying Significant Natural Areas should be considered and clarified to ensure a co-ordinated approach

- 5.1 Council is concerned with how well the changes proposed will be supported by effective tools to enable enforcement of the rules and standards in the NPS-IB. QLDC seeks assurance that there will be appropriate prioritisation and resourcing to uphold the rules and standards in the NPS-IB.
- 5.2 **Clause 3.8** – The identification of SNAs across territorial authorities has not been consistent. SNA identification is being undertaken over varying time periods, and with a lack of robust information (both scientific and cultural). The identification of further SNAs through the resource consent process is likely to be complicated and result in protracted appeals. A national review of indigenous ecosystems and clarification of SNAs is required to ensure a consistent national approach to identification and the true status of Aotearoa’s indigenous biodiversity. For example, a Territorial Authority may not have identified a particular ecosystem as a SNA if it does not meet the required attributes at a local level, but it may have attributes that are considered nationally significant. Territorial Authorities may not have access to regional or national data to be able to make this assessment.
- 5.3 **Clause 3.11** – In identifying exceptions to clause 3.10 (Managing adverse effects on SNAs of new subdivision, use, and development), care must be taken to ensure that unique ecosystems with irreplaceable ecological values are not lost. This should be reinforced through reference to the fundamental concepts in clause 1.5 of the NPS-IB. There may be some natural areas that are simply not suitable for development because of their significance.
- 5.4 **Clause 3.15** – This clause only considers the assessment and management of cumulative effects in relation to SNAs, not in relation to indigenous biodiversity in general. Cumulative minor effects on indigenous

biodiversity may result in more natural ecosystems meeting the assessment criteria for SNAs in Appendix 1. Nationally, there needs to be an understanding of the characteristics, extent and vulnerabilities of our indigenous ecosystems, and a means of tracking cumulative impacts at a local, regional, and national level. A significant amount of data has been collected historically that could be reviewed through remote sensing (with ground truthing where required) with a national database to track cumulative impacts.

Recommendations:

R.11 –QLDC seeks assurance that there will be appropriate prioritisation and resourcing to enable the rules and standards in the NPS-IB to be enforced effectively.

R.12 - A national review of indigenous ecosystems and clarification of SNAs is required to ensure a consistent national approach to identification of SNAs and the true status of Aotearoa’s indigenous biodiversity (clause 3.8).

R.13 - In identifying exceptions to clause 3.10, care must be taken to ensure that unique ecosystems with irreplaceable ecological values are not lost (clause 3.11).

R.14 – Ensure that assessment and management of cumulative effects is considered in relation to indigenous biodiversity in general, not just SNAs (clause 3.15).

6.0 Guidance on genetic integrity and ecosystem restoration needs to be added to ensure positive outcomes are achieved

- 6.1 **Clause 3.19** – The NPS-IB is silent on the protection of the genetic integrity of identified taonga. It is recommended that further guidance be provided on eco-sourcing (e.g., for re-vegetation), and protection against biosecurity threats.
- 6.2 **Clause 3.22** – It is Council’s position that reference to retaining or restoring indigenous vegetation cover to at least 10% of an area is an arbitrary measure. It focuses on vegetation only and does not reference ecosystems that would have been present prior to human arrival (e.g., prior extent of wetlands), or what influence climate change may have on ecosystems (e.g., range extension of some species, wildfire risk). It is easy for re-vegetation projects to focus on what grows well, what is available, or what people like to see, rather than what ecosystems need to thrive. It is recommended that additional guidance (beyond “ensuring species richness”) is provided for restoring ecosystems (not just vegetation assemblages) with reference to the pre-human terrestrial and aquatic environments, climate change and future resilience.

Recommendations:

R.15 – Provide further guidance on eco-sourcing (e.g., for re-vegetation) and protection against biosecurity threats for identified taonga (clause 3.19).

R.16 - Additional guidance (beyond “ensuring species richness”) should be provided for restoring ecosystems (clause 3.22).

7.0 Given the urgency outlined in Te Mana o te Taiao, further consideration on the timing proposed in the NPS-IB is needed

- 7.1 **Clauses 4.1 and 4.2** – These clauses require that local authorities give effect to the NPS-IB as soon as reasonably practicable and publicly notify any planning provisions for SNAs within five years of the commencement date of the NPS-IB. These timeframes are not consistent with the urgency outlined in Te

Mana o te Taiao: Aotearoa New Zealand Biodiversity Strategy 2020 (at page 43). Council questions how biodiversity loss can be reversed without more accelerated timeframes.

Recommendation:

R.17 – Accelerate the timeframes for implementation of the NPS-IB (clauses 4.1 and 4.2) to align with the urgency outlined in Te Mana o te Taiao.