

Submission on the proposed National Policy Statement on Indigenous Biodiversity
For the Ministry for the Environment

Prepared by the New Zealand Planning Institute – 14th March 2020

INTRODUCTION

1. This submission is made by **the New Zealand Planning Institute**.
2. Established in 1949, the New Zealand Planning Institute (NZPI) is the home of planning in New Zealand and has 11 active branches both within New Zealand and overseas. Our growing membership of over 2000 members are involved in strategic planning initiatives and implementation of urban and rural plans. NZPI delivers extensive training, networking opportunities, advocacy, real time planning news, mentoring, professional standards monitoring, accreditation of tertiary planning education in NZ and good practice guidance through the Quality Planning resource.

SUBMISSION

3. This submission provides feedback on *He Kura Koiora \ hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*, including the draft National Policy Statement (NPSIB).

SUMMARY

4. NZPI's main concern is that the draft NPSIB is more of a National Environmental Standard (NES) than National Policy Statement (NPS) – but without commensurate support. NZPI submits the NPSIB should either focus on being a NPS, with policy that properly wrestles with and provides direction on resolution of conflicts with other NPS; OR, if it must direct implementation, then that is done in a comprehensive manner with a coherent response involving changes to National Planning Standards, resourcing of Councils, and assistance to landowners. At the moment it does both policy and implementation poorly.
5. NZPI generally supports National Guidance and Direction initiatives including NPSUD (NPS Urban Development), NPSHPL (NPS Highly Productive Lands), NPSFW (NPS Freshwater Management), NPSIB (NPS Indigenous Biodiversity) and other strategies that engage with issues New Zealanders want addressed.
6. It is critical that New Zealand's Resource Management regulatory system has clear, robust and practical National Planning Statements that give direction for central, regional and local government. However, the NPS's must effectively integrate to enable issues related to urban development, housing, freshwater, indigenous biodiversity, food production, climate change to be addressed in a coordinated manner, and in many cases their implementation needs to be supported with appropriate guidance and funding.

7. NZPI is also concerned at the consequences of focusing the NPSIB on terrestrial biodiversity considerations, and separating it from consideration of the biodiversity that exists in freshwater and coastal environments, despite ecosystem links and inter-relationships and dependencies across and between these environments.
8. NZPI submits that either the proposed NPSIB is substantially amended, or that its objectives and policies are incorporated into the fundamental review of NZ's planning framework that is presently under way, so that there is greater coordination and integration with other national direction, particularly urban development national direction. In either case NZPI is concerned at the likely cost of implementation of the NPSIB – particularly for smaller councils – because it appears to be more of an NES (National Environmental Standard) with an emphasis on implementation duties, rather than an NPS focused on objectives and policies.

Main Submission Points

9. The NPSIB is different in approach to the other existing National Policy Statements. The majority of the document does not contain objectives or policies, but directives to local authorities on what they must do to achieve the objectives of the NPSIB. NZPI considers that these implementation duties are large, uncertain at times (some noted above), and likely to be very costly and resource intensive – particularly for smaller councils.
10. The two most significant activities include identification of SNAs (Significant Natural Areas) and the avoidance of effects on those SNA's. NZPI generally supports those objectives, but has concern about the resourcing and delivery of this work in relatively un-populated parts of New Zealand (in contrast Auckland's large Unitary Authority is very well resourced and as part of its plan-making has already done much of the work required to comply with the proposed NPSIB).
11. All territorial authorities are expressly required to undertake, within 5 years, a district wide assessment to determine if an area is an area of significant indigenous vegetation and/or significant habitat of indigenous fauna and if it is, to classify those areas as either 'High' or 'Medium'. process to identify SNAs, requires at a minimum that every assessment must include a map of the significant natural area, a description of its attributes, a description of the indigenous vegetation, fauna, habitat and ecosystems present and additional information such as key threats, pressures and management requirements. This must be undertaken by a suitably qualified ecologist. Territorial authorities must notify the required plan or plan changes necessary to map the identified areas within 6 years of the NPSIB commencing.
12. Local authorities must then ensure that in relation to any new subdivision, use or development that takes place in or affects an SNA that specified effects are avoided.
13. In carrying out these duties, the NPSIB requires that local authorities:
 - Recognise and provide for Hutia Te Rito in implementing the NPSIB.
 - When making or changing policy statements and plans, Councils must involve tangata whenua by undertaking consultation that is early, meaningful and in accordance with tikanga Māori, collaborate with tangata whenua to identify taonga and develop objectives, policies and methods that recognise and provide for Hutia Te Rito, take all reasonable steps to incorporate mātauranga Māori and provide opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity and be involved in decision-making.

- Must manage indigenous biodiversity in an integrated way.
 - Must promote the resilience of indigenous biodiversity to climate change by at least providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems, considering the effects of climate change when making decisions on restoration and enhancement proposals and biosecurity risks, and maintaining and promoting the enhancement of connectivity.
 - Must adopt a precautionary approach where the effects are uncertain, unknown or little understood, but are potentially significantly adverse.
14. NZPI notes that the NPSIB discussion document outlines and draws on the process Auckland Council undertook in its Significant Ecological Areas overlay planning work which itself draws on work by the previous, and significantly resourced, Auckland Regional Council. NZPI notes the significant amount of work that will be required to deliver the work required to identify SNAs (Significant Natural Areas), map them, and protect them through mechanisms including statutory plans. NZPI considers that larger and in some cases unitary authorities (such as Auckland) may have the resources to give effect to these provisions, but smaller territorial authorities – many encompassing some of New Zealand’s most significant natural areas – will find it a challenge to fund such work.
 15. NZPI submits that implementation of the NPSIB across the country will require a significant level of national funding support (for smaller councils) and comprehensive guidance to ensure that the work is done. Alternatively, as was the case with the NPSUDC (Urban Development Capacity), greater focus and urgency could be imposed on councils with “high growth” (and greater risk to SNAs), and lesser priority imposed on the rest. NZPI notes that DOC (Dept of Conservation) has policies requiring it to support and enhance indigenous biodiversity (including outside the DOC estate). NZPI considers that DOC could have a role in partnership with Councils to deliver the objectives and policies of the NPSIB.
 16. Summarising the above points: This NPS crosses the boundary into being a NES in that it directs implementation rather than being a policy document. The cost of implementation for local govt will be significant. By way of example NZPI notes the preliminary analysis of Southland District Council which indicates 3000 sites for assessment (excluding the conservation estate). Assuming a starting figure of \$3k per site for the assessment stipulated in the NPS (which is considered light), equates to \$9 million, with less than 16,000 ratepayers. NZPI considers the resource implications of the NPS as drafted, and noting no funding support has been indicated, is unconscionable.
 17. Further points: NZPI has been consistent in making submissions called for integrating thinking and national guidance to address the tensions and pressures that exist – for example – between national direction in support of urban development, and national direction in support of protecting freshwater resources, and national direction protecting highly productive lands. The present initiative is no exception. Urban development does put pressure on indigenous biodiversity.
 18. NZPI has submitted in support of an over-arching planning policy framework, sitting over the growing cluster of separate issue NPS’s, whose purpose would be to provide national direction and guidance relating to conflicts over the use, protection and enhancement of natural resources. This would avoid reinvention-of-the-wheel activities at regional and local levels as territorial authorities wrestle in their different ways with conflicts at local level, at

considerable cost and with the risk that their plans will end up under challenge in the Environment Court.

19. The proposed NPSIB does not indicate how indigenous biodiversity should be managed in urban growth and development situations. For example, there could be a national direction requirement that urban development projects must consider indigenous biodiversity and enhance it, and this requirement could be set out in the NPSUD, or the NPSIB. Without such explicit national direction, urban development will inevitably be given priority, given the strong direction currently being given to urban growth.
20. The proposed NPSIB creates tensions and confusion arising from other national direction instruments relating to biodiversity, including the National Coastal Policy Statement and the NPS on Freshwater Management. NZPI notes the risk of implementation/policy failure at the boundary/crossover between different instruments – for example across environmental domain boundaries such as between terrestrial environments and coastal environments and between terrestrial environments and freshwater. Ecosystems are often continuous and contiguous across such boundaries and administratively convenient domains, and therefore require consistent and reliable protection.
21. NZPI submits that the NPSIB's scope – at a high level in any case – should include biodiversity across all domains and thus provide overall direction in RMA planning. In the absence of such an integrated approach, NZPI submits that the guidance that needs to accompany the NPSIB, should provide territorial authorities clear direction on how to resolve/integrate competing/differing biodiversity provisions relating to the ecological environments which are distributed across terrestrial, freshwater and coastal jurisdictions.

Ends

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