

Response to Ministry for the Environment – proposed changes to the National Policy Statement for Indigenous Biodiversity (March 2024).

Introduction

We appreciate the opportunity to provide feedback on the proposed changes to the National Policy Statement for Indigenous Biodiversity (NPSIB) to suspend, for three years, the direction to councils to assess their districts and include areas qualifying as SNAs in their plans. We note that this feedback is based on the views of staff only on a technical basis. It has not had input from Auckland Council's elected members due to inadequate timeframes.

Auckland Council has had equivalent provisions to SNAs (named Significant Ecological Areas (SEAs)) within the Auckland Unitary Plan (Operative in part) since 2016, and in many cases much longer under Auckland's legacy councils. The process used to identify Auckland's SEAs is similar to that described within the NPSIB.

Auckland Council's feedback

Auckland Council staff feedback is summarised as follows:

- **Proposed changes do not impact existing obligations, including existing SNAs** – we note and support the position that any proposed amendments to the SNA provisions within the NPSIB do not impact the existing obligations under the Resource Management Act 1991, including existing SNAs and biodiversity protection rules. Auckland Council will continue to operate and manage its existing SEA provisions under the Auckland Unitary Plan (operative in part).
- **Auckland Council is committed to existing strategic and regulatory direction in protecting our indigenous biodiversity** – protection of our indigenous biodiversity is embedded within Auckland Council's strategic direction and regulatory provisions. Examples where direction for protecting our indigenous biodiversity exists include the Auckland Plan 2050, Auckland Council's Indigenous Biodiversity Strategy (2012), the Auckland Water Strategy (2022), and Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan (2020). This direction complements and informs our regulatory provisions through the Auckland Unitary Plan (operative in part), as well as Auckland Council's operational programmes.
- **Local government is currently confirming Long-term Plans for 2024-2034** – the timing of these proposed changes has significant impacts on the preparation, consultation and finalisation of Long-term Plans (LTPs) for 2024-2034. This is an important process for councils to plan for and secure budgets for future work programmes. Auckland Council's LTP is currently out for public consultation (closing on 28 March) and includes bids to support biodiversity programmes. Local government requires significant lead time to ensure funding and resources are available to develop and support work programmes to support the implementation of the NPSIB.
- **Impacts on the review of the Auckland Unitary Plan** – related to the above point, work is underway at Auckland Council in preparation for reviewing the Auckland Unitary Plan (the 10-year review required under the Resource Management Act needs to begin in 2026). Updated mapping of SEAs will need to be part of this review. Auckland Council has planned for the fieldwork required to inform this review to start before 2026. The timing of amendments to SNA requirements under NPSIB will impact this fieldwork if identification criteria currently within the NPSIB were to significantly change.

- **Balance of individual rights versus public benefit and ecosystem services** – we have concerns about the notion of individual property rights overriding the general public benefit of indigenous biodiversity, and the ecosystem services it provides to both property owners and the general public. Examples of these ecosystem services include ecosystem stability and resilience (including ecosystem health), cultural values (particularly for Māori), erosion control, flooding and stormwater management, and amenity and recreational value. A healthy and biodiverse environment also has significant economic benefits, such as ecosystem health supporting primary production, and the value to our tourism sector who rely on our unique natural environment.
- **Coordinated, integrated approaches needed to improve biodiversity outcomes** - we fully agree and support the notion put forward by Ministers that many landowners already undertake significant beneficial work on their properties to support indigenous biodiversity. Auckland Council already supports landowners in this regard, through technical advice and grant schemes to support biodiversity protection and restoration projects for example. However, given the steep decline of indigenous biodiversity over recent decades, more work needs to be done to protect indigenous biodiversity. A coordinated and integrated approach at a landscape scale is needed to reduce fragmentation, ensure best practice and advice is used, and improve the resilience of indigenous biodiversity for current and future generations. There needs to be a combination of top-down (such as strategic direction and regulation) and grassroots (supporting private landowners) initiatives to support and protect our indigenous biodiversity. This will require central government, local government, and landowners to work in partnership to achieve better outcomes for indigenous biodiversity.
- **Value and efficiency of a regulatory approach to ensure bottom lines are met** - relying predominantly on landowners 'doing the right thing' only goes part-way to halting the decline of our indigenous biodiversity. A regulatory approach is still required to help direct and provide enforcement to individuals and activities that may choose to ignore indigenous biodiversity values and undermine those already undertaking biodiversity protection voluntarily on their properties. The legal protection provided by SNAs is also a useful basis to give confidence to communities and councils investing in protection efforts, such as pest control on private land, will not be undermined by landowner activities in future. Effective regulatory protections also help New Zealand to meet existing international commitments, such as the Convention on Biological Diversity
- **Clarity on other provisions within the NPSIB** – we request further clarity from MfE and/or Ministers as soon as possible if other amendments (outside those identified relating to SNAs) to provisions within the NPSIB are intended. Councils can only respond to existing legislation, not signalled legislation, therefore more certainty is requested around any NPS-IB amendments and the potential impact on councils. We also request clarity that the implementation timeframes for the remaining provisions for the NPSIB still stand, and that councils are still expected to implement these remaining provisions within the timeframes currently stated in the NPSIB.
- **Offer to help in the review of operational SNAs** – we reiterate our offer for Auckland Council staff to support MfE staff in the proposed review of operative SNAs, and to help inform any further amendments to the NPSIB.