

**Napier City Council submission on Draft Exposure National Policy Statement:
Indigenous Biodiversity**
July 2022

Background and context

Napier City Council wishes to thank the Ministry for the Environment for the opportunity to provide feedback on the National Policy Statement for Indigenous Biodiversity exposure draft. Napier City Council is currently in the process of reviewing its District Plan, having released a Draft, and now working towards notifying it Proposed District Plan in May 2022. An assessment of significant natural areas has been carried out as part of this review process, and new provisions have been included in both the Draft and the Proposed District Plans for their identification and protection.

Napier is primarily an urban district, encompassing the city itself and its suburbs, as well as a small number of closely located smaller settlements, such as Bay View and Meeanee. The majority of its rural land is located on the flat and has highly productive characteristics, being typically used for intensive horticultural purposes. The remaining rural land is located on the hills that surround the city and is used for rural lifestyle purposes.

Napier City Council submission

In principle, Napier City Council supports the direction that the NPS: Indigenous Biodiversity takes with regards to identifying and protecting Aotearoa's indigenous biodiversity. In particular:

- We welcome the recognition of Māori as kaitiaki, and support Te Rito o te Harakeke as an underlying principle of this national direction. We support the expanded and more effective partnering mechanisms in the NPS: IB to achieve this, and the ability for mana whenua to have more decision-making power in the management of these natural resources.
- We appreciate and commend the guidance the NPS provides in terms of where responsibilities lie with regards to the identification and protection of these ecosystems and species. Direction on how assessments should be carried out is also useful and will ensure a consistent approach across the mōtu.

In addition to the above, Napier City Council would like to provide the following feedback:

1. The use of the term 'tangata whenua' throughout the NPS:IB, for example "*the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity*". The advice given from Councils Māori Partnerships team is that the responsibilities for kaitiakitanga lie with mana whenua, not tangata whenua. Our recommendation is that consideration is made as to the appropriate use of tangata whenua/mana whenua throughout the document.
2. The responsibilities placed on mana whenua under this NPS in relation to partnering with Council's on the identification, protection and management of ecosystems and species; on identifying taonga species and ecosystems; and on playing an active

kaitiaki role, will place significant resourcing demands on them. It is important that sufficient resources are provided to mana whenua entities if they are to have an opportunity to effectively engage in the process.

3. The minimum target of 10% indigenous vegetation cover for all districts doesn't provide for the differences in the urban/rural nature characteristics that exist within them, or consider the quality of, or contribution to indigenous biodiversity of these areas. As stated above, Napier is a predominantly urban district, with limited available open space for indigenous vegetation cover. Given this, achieving such a target would be difficult. Council would be better placed to focus on ensuring the indigenous ecosystems that it can deliver contribute to the health and wellbeing of ecosystems to the greatest possible extent, as opposed to simply trying to achieve a target. Considerations for quality over quantity are important and should be accommodated.
4. The NPS:IB requires Councils to ensure indigenous ecosystems are resilient to the effects of climate change. Whilst this is an honourable goal, it requires a significant amount of scientific understanding on how climate change will impact on identified species and ecosystems at a very local level in order to provide for the natural adjustments of habitats that will result. Obtaining this science alone will be a significant undertaking for Councils, let alone the task of providing for these adjustments, which may involve property purchase or a considerable imposition on private property rights.
5. The definition of 'Māori lands' in the NPS:IB is considerably broader than the definition used in District Plans for activities such as papakāinga. An example is demonstrated below:

Draft Napier District Plan Papakāinga chapter

Under Rule PKA-R2(2) Papakāinga is a Controlled Activity if the development is located on:

- a) Land declared Māori land pursuant to the Te Ture Whenua Māori Act 1993 (Māori customary land and Māori freehold land); or
- b) Land which was given a declaration of status to General Land under the Māori Affairs Amendment Act 1967, provided the applicant can demonstrate that the land has remained in ancestral ownership continuously from the date the status declaration occurred.

NPS:IB Definition of Māori lands means land that is any of the following:

(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

(b) any Māori reservation established under Te Ture Whenua Māori Act 1993 or its predecessors:

(c) Treaty settlement land:

(d) former Māori land or general land (as defined in Te Ture Whenua Māori Act 1993) owned by Māori that has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Māori owners or their successors and remains in their ownership:

(e) general land (as defined in Te Ture Whenua Māori Act 1993) owned by Māori that was previously Māori freehold land, has ceased to have that status under an order of

the Māori Land Court made on or after 1 July 1993 or under Part 1 of the Māori Affairs Amendment Act 1967, but remains in the ownership of the same whānau or hapū:
(f) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land

This difference in the way Māori lands is defined will likely cause some confusion or inconsistencies to how District Plan provisions are applied. Is there an expectation that District Plan will adopt the NPS:IB definition of Māori lands for all the activities it regulates?

6. It is not clear how this NPS:IB is expected to be given effect to within the Regional Spatial Strategies and the Natural and Built Environments plans. Some guidance on this would be appreciated.

We welcome the opportunity to work with the Government on the recommendations and issues raised in our submission. For further information or if we can be of any assistance, please contact Richard Munneke at rmunneke@napier.govt.nz.

Ngā mihi,



Richard Munneke

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