



# National Policy Statement for Indigenous Biodiversity

## Exposure draft summary

This document supports the release of an exposure draft National Policy Statement for Indigenous Biodiversity (NPSIB). It provides background about why we need the NPSIB, how the NPSIB has been developed and changed since consultation, and also provides a high-level summary of the provisions contained within the NPSIB. Those wishing to gain a deeper understanding of the NPSIB should read the full exposure draft.

## Why does indigenous biodiversity matter?

Indigenous biodiversity is all the living organisms that occur naturally in Aotearoa New Zealand, and the ecological complexes of which they are a part. Indigenous biodiversity includes mountain forests, regenerating bush, native scrub and grasslands, and native animals that make their homes there and in our productive landscapes and cities.

As New Zealanders, biodiversity is part of our identity. However, the indigenous plants and animals of New Zealand are in decline. Thousands of our native species have been identified as threatened with, or at risk of, extinction. Some of these native plants and animals will disappear forever if we don't work together to increase our national efforts to reverse the decline and restore what has been lost.

We have flora and fauna with unique qualities that are irreplaceable and found nowhere else in the world. This makes our indigenous biodiversity important, not only nationally, but internationally. Indigenous biodiversity is our inheritance and our responsibility.

Iwi, hapū and whānau have distinct and special connections to their land and the environment in their rohe. In te ao Māori, identity, wellbeing, knowledge and how the culture is nourished, are indivisible from the health of Papatūānuku (Earth mother). Humans are embedded in the environment, not distinct from it.

Our economic success also relies on our natural environment. It gives us a competitive advantage that underpins two of New Zealand's key industries, tourism and primary production. Indigenous biodiversity contributes to the success of farming, forestry and horticulture through ecosystem

services such as clean water, nutrient cycling, pollination, and protection from flooding. Safeguarding ecosystems and the services they provide is important for our future prosperity. Maintaining indigenous biodiversity and promoting its restoration has a positive impact on climate change adaptation and mitigation.

## The need for a National Policy Statement

The Resource Management Act 1991 (RMA) provides the main framework for maintaining and protecting indigenous biodiversity from adverse effects on private land (through sections 5, 6, 7, 30 and 31).

However, these provisions don't provide detailed direction and are often subject to different interpretation, application and monitoring by councils. This has led to repeat litigation costs, confusion, uncertainty and an undervaluing of biodiversity in decision making. We continue to lose our indigenous biodiversity and taonga – regardless of current efforts to protect and restore them.

The objective of the NPSIB is to protect, maintain and restore indigenous biodiversity in a way that:

- a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
- b) provides for the social, economic and cultural wellbeing of people and communities, now and into the future.

Managing Significant Natural Areas (SNAs) and other provisions in the NPSIB will ensure indigenous biodiversity is maintained overall, including no reductions in:

- the size of populations of indigenous species
- indigenous species occupancy across their natural range
- the properties and function of ecosystems and habitats
- the full range and extent of ecosystems and habitats
- connectivity between, and buffering around, ecosystems
- the resilience and adaptability of ecosystems.

The NPSIB is consistent with the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. The NPSIB contains provisions which require:

- the identification of SNAs, consistently and comprehensively, using a set of ecological criteria which are well known to councils already. This will follow a robust process which involves partnering with landowners early, and the transparent sharing of information
- landowners to be recognised as stewards, and tangata whenua as kaitiaki, of indigenous biodiversity
- a nationally clear and consistent approach for managing and protecting indigenous biodiversity, which provides certainty and supports landowners' efforts to protect indigenous biodiversity
- a management approach for protecting SNAs focussed on managing the adverse effects of new subdivision, use and development
- existing uses to be provided for, where appropriate
- a consenting pathway for specific new uses where effects on indigenous biodiversity can be managed

- councils to work together with tangata whenua to identify and protect taonga species to the extent that tangata whenua would like this to occur
- the establishment of a more flexible regime for use and development of Māori land. This includes direction for councils to work in partnership with Māori landowners when developing resource management provisions to maintain and restore indigenous biodiversity and enable development and papakāinga (housing).

## Creating a National Policy Statement

The need for a National Policy Statement for Indigenous Biodiversity has been recognised since as early as 2000. The most recent attempt to create a National Policy Statement was in 2011, but was not progressed due to a lack of stakeholder agreement.

The first draft of the current proposed NPSIB was developed by the Biodiversity Collaborative Group between March 2017 and October 2018. The group comprised Forest and Bird, Federated Farmers, an iwi advisor to the Iwi Chairs' Forum, New Zealand Forest Owners' Association, Environmental Defence Society, and infrastructure industries.

The Ministry for the Environment and the Department of Conservation have worked together to further develop the Biodiversity Collaborative Group's draft National Policy Statement.

## Changes to the proposed NPSIB from feedback

Consultation was held on a proposed NPSIB between November 2019 and March 2020, including two series of nationwide hui. During this time, over 7000 submissions were received with a majority supporting the intent of the NPSIB. Support for the policy outlined that it will:

- help address the decline in indigenous biodiversity in New Zealand
- clarify council responsibilities for implementing section 6(c) of the RMA, which requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- likely increase the ability of tangata whenua to exercise their rights as kaitiaki.

Read the [summary of the submissions](#).

Changes have been made to the proposed NPSIB in response to public consultation, what we heard at hui, and the submissions received. Changes were made as a result of specific submitter concerns about certain policies as well as to better translate original policy direction. This has culminated in the creation of the Draft National Policy Statement for Indigenous Biodiversity exposure draft which has been publicly released.

Changes have been made in response to feedback to ensure that the NPSIB:

- adequately provides for activities which are important for peoples' economic wellbeing, such as farming, forestry and the provision of infrastructure and energy
- identifies indigenous biodiversity which is significant, and clearly outlines the process for managing effects on it without requiring SNAs to be split into 'high' and 'medium' categories
- recognises tangata whenua as kaitiaki and allows for development of Māori land in partnership with tangata whenua, including Māori landowners
- outlines management for geothermal areas and public land which previously only had placeholders.

# Policy summary

## Te Rito o te Harakeke

The NPSIB has Te Rito o te Harakeke as a fundamental concept to achieve an integrated and holistic approach to maintaining indigenous biodiversity. Te Rito o te Harakeke refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with it.

It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for our indigenous biodiversity. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community.

It acknowledges the status of iwi and hapū as kaitiaki in their rohe and the central role they have in protecting our indigenous biodiversity. It connects to all parts of the NPSIB and how it would be implemented by councils and communities on the ground.

Councils will work with tangata whenua to develop a local approach for giving effect to Te Rito o te Harakeke, identifying and protecting taonga species, and recognising te ao Māori in biodiversity management.

## All land tenures are covered

The NPSIB will affect the management of biodiversity on all types of land including public, private and Māori land. Much of New Zealand's indigenous biodiversity is on privately owned and managed land.

This includes ecosystems that are poorly, if at all, represented within public conservation land, such as lowland ecosystems. The NPSIB seeks actions from councils and landowners to show the vital role we all play in ensuring indigenous biodiversity is maintained.

Many farmers and other landowners all over the country are already doing outstanding work either voluntarily, in partnership with organisations such as the Queen Elizabeth II Trust (QEII) and Ngā Whenua Rāhui, or in partnership with their local council. Partnering with organisations such as QEII allows landowners to protect land with important biodiversity values through legal covenants in perpetuity, regardless of future changes in ownership. These covenants are similar to SNAs identified through the NPSIB, but there are some key differences. Covenants:

- may be used to help protect significant natural areas, but can also protect cultural values
- can protect biodiversity which is not yet significant, but has potential to be
- have strict restrictions on future use and development
- frequently require fencing and pest control.

Partnerships and collaboration between landowners, tangata whenua, communities, councils and public agencies is critical to the success of this National Policy Statement.

Regional councils will need to implement regional biodiversity strategies from mountains to seas to align communities behind a shared set of priorities and provide a strong link to [Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020](#).

## **Significant Natural Areas**

The NPSIB requires councils to consistently identify areas with significant vegetation and habitats of significant indigenous fauna. Councils will need to manage their protection through regional and district plans, and consent processes under the RMA. The intent of these provisions is not to identify all indigenous biodiversity but to ensure the indigenous biodiversity that is most significant and precious is identified and protected.

SNAs would be identified by councils and ecologists working with landowners, using standard significance criteria outlined in the NPSIB and which are already widely used by councils. The NPSIB includes principles for councils to follow when identifying SNAs, such as: partnership and transparency. Councils will need to be clear about how information will be used, involve landowners early in the process, and outline support that is available to those with SNAs.

The NPSIB includes provisions to avoid and manage adverse effects from new activities that impact on the identified Significant Natural Areas. The intent is not to stop any new development from occurring, but to ensure that new uses and developments are able to avoid and manage any adverse effects they may have on significant indigenous biodiversity.

## **Identified taonga species**

Previously there has not been a clear RMA process for hapū and iwi to proactively identify their kaitiaki responsibility to taonga species and ecosystems. The NPSIB sets out a framework to enable councils and tangata whenua to work together to identify ecological taonga by describing and mapping, or simply describing the taonga and its values. They can then work together to develop appropriate management controls which involve tangata whenua in managing these taonga to the extent they wish to be involved.

It is up to tangata whenua to determine at each stage of the process the extent of information provided, or its inclusion in plans. The NPSB also requires councils to develop processes to manage information provided about taonga species and to ensure confidentiality where required. Provision is made for the sustainable customary use of identified taonga species according to tikanga and consistent with their protection.

## **Other important biodiversity**

Indigenous biodiversity that exists outside of SNAs is also important. Councils will be required to maintain indigenous biodiversity and manage adverse effects of new activities on indigenous biodiversity outside of SNAs.

The NPSIB also requires regional councils to record areas outside of SNAs that are highly mobile fauna areas, working together with tangata whenua, territorial authorities, and the Department of Conservation. This will increase knowledge of specified highly mobile fauna which are often difficult to detect, or only spend certain parts of the year in an area, but are threatened or at risk and impacted by land-use activities.

## **Managing particular land-use activities**

For the following activities, the NPSIB has some specific management approaches that are different from SNAs in general.

For pastoral farming, some areas may be identified as SNAs (eg, gullies with indigenous forest, shrubland remnants, and grasslands with threatened species present). Farming will continue and councils will work with landholders to advise and support them on how to best manage SNAs to protect their values. Where maintenance of improved pasture is required, it will be able to continue within some parameters.

Some areas in plantation forests also have the potential to be identified as SNAs, as threatened or at-risk fauna may establish populations in these plantations. These areas of the productive forest must then be managed over the course of consecutive rotations so populations of these threatened or at-risk species are maintained. This ensures harvest is still able to occur. Areas of indigenous vegetation that are within the bounds of a plantation forest but do not constitute part of the harvestable forest and have been identified as SNAs, must be managed according to the standard SNA management approach.

Māori land, which includes treaty settlement land, has specific management provisions for local authorities to work in partnership with tangata whenua and Māori landowners to develop objectives, policies and rules which balance the maintenance and protection of indigenous biodiversity on Māori land, with the development of that land. This recognises the historic limitations to development on this land, as well as the prevalence of existing indigenous biodiversity on Māori land. However, these provisions do not apply to land that is also subject to legislation to protect indigenous biodiversity such as the Reserves Act 1977 or the National Parks Act 1980.

Mining and aggregate activities, as well as specified infrastructure, have a more permissive effects management regime which recognises their importance as an economic activity, as well as the fact they are often locationally constrained.

Geothermal SNAs also have a specific management regime. Councils will be required to develop plan provisions that provide a level of protection for a geothermal SNA that reflects the vulnerability of a geothermal SNA to use and development, or that reflects geothermal system classification where councils already have this management approach in place.

## **Restoring indigenous biodiversity**

Restoration is an important part of maintaining New Zealand's indigenous biodiversity. Some ecosystems in New Zealand have suffered so much loss the only way they can be maintained is through restoration and reconstruction. In 2014, there were 71 identified rare ecosystems, with 45 of them threatened with collapse. Wetlands are now only about 10 per cent of their pre-human extent.

The NPSIB will require councils to promote restoration of degraded SNAs, threatened and rare ecosystems, important buffering or connectivity areas, wetlands, urban areas or other areas that align with national priorities.

# Timeline

