

Past proposals for national direction on biodiversity

2011 – Proposed National Policy Statement on Indigenous Biodiversity

In January – May 2011, the Government consulted on the Proposed National Policy Statement on Indigenous Biodiversity. We received 426 submissions. The consultation identified a number of issues and the summary of submissions document presents the main issues and themes raised. See [Proposed National Policy Statement on Indigenous Biodiversity: Summary of submissions](http://www.mfe.govt.nz/node/2994/) <http://www.mfe.govt.nz/node/2994/>

Developing the proposed National Policy Statement on Indigenous Biodiversity

<http://www.mfe.govt.nz/more/biodiversity/protecting-nzs-biodiversity/proposed-national-policy-statement-indigenous>

This page has information on the development of the proposed National Policy Statement on Indigenous Biodiversity. It is provided as background to the development of a new National Policy Statement on Biodiversity.

About the proposed National Policy Statement on Indigenous Biodiversity

The proposed National Policy Statement on Indigenous Biodiversity (NPS) sets out the objective and policies about managing natural and physical resources to maintain indigenous biological diversity (biodiversity) under the Resource Management Act 1991.

It is intended to provide clearer direction to local authorities on their responsibilities for managing indigenous biodiversity. It outlines policies and decision-making frameworks for identifying and managing indigenous biodiversity found outside the public conservation estate.

The proposed NPS would require district and some regional plans to identify areas of significant biodiversity within five years of the NPS taking effect. It contains criteria for identifying areas of indigenous vegetation and habitats of indigenous animals that have been recognised as being rare and/or threatened at a national level.

These criteria are based on the Government's Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land (see 2007 section below).

Local authorities would be required to manage the effects of activities through district and regional plans and resource consent decisions (or be satisfied that effects are managed by other methods) to ensure there is no net loss of significant indigenous biodiversity.

The proposed NPS seeks to promote the maintenance of indigenous biodiversity while recognising the rights and responsibilities of landowners and the interests of Māori.

The proposed NPS has not passed as legislation, and as such does not have legal effect.

The following links contain further information on the proposed NPS:

- Read the Minister's media release announcing consultation [Beehive website]
<https://beehive.govt.nz/release/new-policy-proposed-protect-biodiversity>
- Read the explanation of each of the proposed NPS's eight policies [read PDF, 70 KB or DOC, 57 KB]
<http://www.mfe.govt.nz/sites/default/files/publications/about/publications/biodiversity/indigenous-biodiversity/nps-eight-policies.pdf>
- Read the section 32 report evaluates the proposed NPS (as required under section 32 of the Resource Management Act). <http://www.mfe.govt.nz/publications/biodiversity-land/proposed-national-policy-statement-indigenous-biodiversity-section-32>
- See the November 2010 draft Regulatory Impact Statement here
<http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/regulatory-impact-statements/ris-options-improving>
- See the Cabinet paper <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/cabinet-papers/biodiversity/proposed-national-policy> and minute proposing to release the NPS for consultation <http://www.mfe.govt.nz/more/cabinet-papers-and-related-material-search/cabinet-minutes/cabinet-minute-proposed-national>

2007 Statement of National Priorities

<http://www.mfe.govt.nz/more/biodiversity/protecting-nzs-biodiversity/statement-national-priorities-biodiversity/about>

On 26 April 2007, the Minister of Conservation and Minister for the Environment issued a Statement of National Priorities for protecting rare and threatened native biodiversity on private land.

This statement provides local authorities, communities and private landowners with information about the types of ecosystems and habitats on private land that from a national perspective are most threatened and in need of protection. The information about the national priorities can be used by local and central government agencies and landowners to co-ordinate their decisions and on-the-ground actions in relation to biodiversity.

- [Media release announcing the Statement](https://www.beehive.govt.nz/release/biodiversity-private-land-crucial-all-kiwis-0) [Beehive website]
<https://www.beehive.govt.nz/release/biodiversity-private-land-crucial-all-kiwis-0>

2003-2004 A snapshot of council effort to address indigenous biodiversity on private land: A report back to councils

<http://www.mfe.govt.nz/publications/land-biodiversity/snapshot-council-effort-address-indigenous-biodiversity-private-land>

Executive summary

Towards the end of 2003 the Minister for the Environment challenged local government to demonstrate how council activities and expenditure is addressing the loss of indigenous biodiversity. The Ministry for the Environment, Department of Conservation and Local Government New Zealand embarked on a joint project to collect information to respond to this and inform decisions on the National Policy Statement.

This project reports back on the key findings, which are summarised below.

Financial

- Regional councils surveyed in specific case studies are spending considerable amounts of money on biodiversity. This includes both direct and indirect spending. Much of this is not identified as 'biodiversity' but is spread across a number of functions of council work. We consider this result representative of regional councils in general.
- We have insufficient information to build a national picture of district and city council expenditure (both direct and indirect) on biodiversity in this report. However, contestable fund data indicates that many councils are spending significant amounts on work that directly benefits biodiversity.

Plans

- Some district plans have comprehensive and detailed provisions for the identification of significant sites and habitats. These provisions are backed up by a range of methods to protect the significant sites and habitats identified.
- Other district plans, however, have minimal (or no) identification of sites and lack adequate provisions to ensure protection.
- Most district plans fall into an intermediate level - neither particularly strong nor particularly lacking. A significant proportion of these contain general clearance rules but have no criteria for determining significance.

Capacity

Many regional councils are working with landowners and communities to protect and restore biodiversity values. This is evidenced by:

- the significant investment in contestable funds (\$4.26 million per annum) by regional councils alone
- partnerships with the Queen Elizabeth II National Trust to increase the area under covenant.
- For many district and city councils, capacity remains a significant issue. By capacity we mean financial and human resources, which must be spread at times over considerable geographical areas and often a broad range of functions.

Policy tools

There is a wide range of policy tools available to councils. Most councils support on-the-ground activities (e.g. covenants, landcare groups, education and advice to landowners) while also using regulations (e.g. subdivision controls).

Biosecurity

Biosecurity programmes account for a large amount of council expenditure that impacts both directly and indirectly on biodiversity, including work funded through the Regional Pest Management Strategy and Animal Health Board.

Information/identification

An issue that has emerged is the lack of good-quality information on biodiversity across the country. Some areas are information rich, but many others lack adequate information on biodiversity in their areas.

Enforcement action

There is wide variance in the instruments being used to enforce rules relating to significant indigenous biodiversity. The results show that while some councils have taken a regulatory approach to biodiversity preservation, others still favour a voluntary approach and do not enforce regulation. The figures show that among those councils using regulation there is a wide range of both the frequency and type of enforcement action undertaken.

Legally protected areas for indigenous biodiversity

- Using Land Environments New Zealand Level II, we can see that 37 of 100 environments have less than 20% indigenous vegetation remaining. Of these 37 environments, 24 have less than 10% indigenous vegetation remaining.
- Only one of these 37 environments has more than 10% (11.8%) of its original extent under legal protection.
- The full range of New Zealand's remaining natural habitats and ecosystems is not fully represented on public conservation land.
- Queen Elizabeth II, Nga Whenua Rahui and Department of Conservation covenants on private land cover 0.6% of New Zealand's total area and often protect environments that are under-represented in public conservation land. For this reason they make an important contribution to New Zealand's effort to maintain and restore the full range of New Zealand's remaining natural habitats and ecosystems.

2000 Bio-what? Summary of submissions

<http://www.mfe.govt.nz/publications/land-biodiversity/bio-what-summary-submissions>

Publication date: December 2000

Publication reference number: ME 368

A report summarising submissions made on the preliminary consultation report of the Ministerial Advisory Committee on Biodiversity and Private Land.

Overarching findings – page 5 of the above document:

Approximately 50 form submissions were received, which can be summarised as making four common points:

- They are strongly supportive of a National Policy Statement (NPS) on biodiversity.
- There should be a national policy goal of no net indigenous biodiversity loss.
- Funding should be provided to assist landowners/holders with fencing and pest control where this is directly related to an undertaking to protect biodiversity.
- Regional councils should be given capacity building assistance for their enlarged role with respect to biodiversity.

Proposed NPS – pages 24-27 of the above document:

Suggestions for changes to NPS content

- An NPS should contain separate statements for all the major habitat types (National Wetland Trust #74)
- An NPS should set out basic approach to regulation as follows:
 - Modification of indigenous habitats to be regulated under RMA

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- Section 6(c) significant indigenous habitats not restricted solely to elite sites
- Existing use rights adversely affecting biodiversity to have a finite length
- Use of pests to be regulated under RMA
- Major biodiversity threats [e.g. subdivision and drainage] subject to national standards
- Clear definition of responsibilities
- Streamlined process for NPS implementation (Conning #115)
- If an NPS is proceeded with, and the submitters strongly oppose this, then it should contain:
 - Non-prescriptive provisions
 - Support for local decision making
 - Recognition that landowners can be trusted to protect biodiversity through voluntary mechanisms
 - Be consistent with existing processes
 - Be open to non-regulatory methods (the four West Coast local authorities #116)
- Ensure that the concept of stewardship is an essential part of the debate within the NPS process (Advisory Committee for Regional Environment #119)
- An NPS should contain **policies** covering:
 - appropriate subdivision, use and development;
 - nature of adverse effects;
 - integration with other resource management matters such as erosion;
 - appropriate planting;
 - precautionary approach;
 - significance evaluation criteria.
- and **methodologies** covering:
 - regulatory/ non-regulatory balance;
 - importance of role of education;
 - monitoring; and
 - information dissemination. (RDC #224)
- An NPS should include:
 - Identification of agency for national co-ordination
 - Prescriptive requirements based on principles of NZCPS
 - Voluntary methods aided by incentives
 - Sunset clause for voluntary methods if not achieving goal
 - Existing use rights (Davis #257)
- Include specific **Objectives** on:
 - Green energy production and consumption
 - Increasing hectareage under indigenous regeneration
 - Reducing loss of manuka/scrub regeneration through farm/forest production
 - Weed eradication
 - Sewage treatment to ensure viable waterways
 - Biological pest controls
 - Appropriate demographic strategies
 - Promote New Zealand green technologies
 - Reduce commercial dependence on Pinus radiata

- Biosecurity (Barber #267)
- The five key priorities for an NPS are:
 - The concept of “no net loss”
 - Diversified agro-ecology to protect habitats for non-pest insects and birds
 - Cessation of use of broad-spectrum chemical pesticides
 - Fencing and planting of stream sides
 - Strengthening landowners’ abilities to protect and enhance biodiversity by strengthening rural economies. (Soil and Health Association of New Zealand #278)
- An NPS should include:
 - Acknowledgement that commercial tourism operations will play an important part in the subsequent implementation
 - The development of recognised environmental management tools are crucial
 - A clear understanding of public/private roles is required, as well as appropriate funding mechanisms for future research and infrastructure
 - Consultation with key stakeholders should be fundamental. (Tourism Industry Association of New Zealand #330)
- An NPS should include:
 - General principles for including indigenous biodiversity issues in policies, plans and resource consents
 - Implementation of international obligations
 - Principles for maintenance of indigenous forests and other vegetation types
 - Means to conserve indigenous biodiversity
 - Provisions to be included in statutory instruments under RMA
 - Matters to be included in district plans – including criteria for rules
 - Matters of special significance to tangata whenua
 - Procedures and methods to be used to review policies and their effectiveness (RF&B #337)
- Amend policies as follows:
 - Policy 1 – wider reference to indigenous biodiversity
 - Policy 2 – include precautionary principle requirement
 - Policy 3 – too limited; expand to include:
 - cumulative effects on biodiversity
 - measures to avoid, remedy or mitigate adverse effects
 - restoration of indigenous areas
 - precautionary approach
 - threats from natural hazards
 - maintenance and enhancement of water, soil or air quality
 - guidelines on implementing relevant Conventions
 - financial contributions
 - Policy 4 – monitoring can only relate to activities under the NPS (RF&B #337)

Submission summary - pages 39-41 of the above document:

A brief national policy statement (NPS), which defines roles and establishes a methodology for local government, is proposed to follow the Accord process.

As noted earlier this was the most supported proposition – either outright or with qualification – and there are a number of detailed submissions on this matter.

However there does not appear to be any sectoral consistency in attitude toward the prospect of an NPS – local authorities are divided (although most accepted some sort of role for an NPS), and the primary “productive” sector, while generally opposed to an NPS, has some significant supporters.

Local authorities cover the range but most would seem to accept a limited scope NPS.

The major apparent concern is the time and cost that might be implied by an NPS in statutorily undoing the progress made to date through plans and policies on these and related matters. There is a common refrain in the local authority submissions to the effect that the debate between biodiversity/special natural area protection and sustainable management has moved on. (This is seriously disputed by other submissions).

Many pro-biodiversity submissions are strongly supportive of national guidance through the NPS – but supported by the other elements of the package. NGOs are generally critical of the performance of local authorities in this area and point to perceived lack of knowledge and technical expertise coupled with a lack of on-going political support for the issues. It is also noted that the issue of biodiversity is not an urban: rural divide and many urban authorities lack competence in this area. For this reason a strong prescriptive NPS is generally suggested.

Providing a clearer direction on the nature of stewardship is generally supported – but not if it is too prescriptive. There is widespread agreement that either the regional council or the Department of Conservation should be responsible for the threat analysis – with generally strong support for the former. MAF is also mentioned. Unitary authorities generally note their special role as both a regional and territorial authority and point out that this is particularly felicitous.

Regional councils generally agree that they should have more land use controls; territorial authorities generally disagree. Other submitters distribute themselves around this polarity. Landowners generally support their territorial authority.

There is general agreement that institutional matters and funding are pre-requisites.

It is acknowledged that a transition period will be required for statutory policies. Some submissions suggest a trial period of voluntary measures before commencing the NPS.