

**TE
TUMU
PAEROA**

Office of the Māori Trustee



The Māori Trustee's submission on the Draft National Policy Statement for Indigenous Biodiversity

July 2022

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Summary of Position

1. The Māori Trustee administers, as trustee or agent, nearly 90,000ha of Māori freehold land on behalf of approximately 100,000 individual Māori landowners. Te Tumu Paeroa is the organisation that supports the Māori Trustee to carry out her functions, roles and responsibilities. Detailed information regarding the Māori Trustee and Te Tumu Paeroa is set out in Appendix 1. Additional information can be found on Te Tumu Paeroa's website, www.tetumupaeroa.co.nz.
2. The views expressed in this submission are those of the Māori Trustee as the single largest administrator of Māori land in Aotearoa. The sheer scale and varied nature of the Māori land we administer, for approximately 100,000 beneficial owners, necessarily means our views may not be shared by some of the owners of the land impacted by the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB). Further, and to labour the point, the Māori Trustee does not speak for or otherwise represent iwi, hapū or other holders of Māori land, some of whom are likely to submit on this exposure draft.
3. The Māori Trustee supports the intention of the proposed NPS-IB to protect, maintain and restore indigenous biodiversity in Aotearoa. However, The Māori Trustee considers that while the proposed changes are an improvement on the 2019 version of the NPS-IB, further amendments are required to reduce ambiguity and provide clear direction to those implementing the policy.
4. The Māori Trustee summarises the main points in her submission as follows:
 - a. The Māori Trustee strongly supports all the exclusions provided for Māori lands within the provisions of 3.18 of the draft NPS-IB. The Māori Trustee welcomes these exclusions considering the historic barriers placed on Māori land and Māori landowners in terms of the use and development of whenua Māori. However, to ensure that these clauses do not have unintended consequences on Māori land and Māori landowners, the Māori Trustee has proposed amendments to strengthen and provide clear direction to local authorities about their responsibilities when implementing these provisions in their planning documents.
 - b. The Māori Trustee supports how Māori lands have been defined in the interpretation of this policy. However, she considers that the definition needs to be extended to include lands subject to the Māori Reserved Lands Act 1955 and any other lands administered by the Māori Trustee under the Māori Trustee Act 1953 and any other enactment.
 - c. The Māori Trustee notes that the current resource management system does not require central and local government to directly consult with Māori landowners as they are not included in the definition of tangata whenua. Due to the significance that this policy will have on Māori land¹, it is critical that Māori landowners are included in the definition of tangata whenua so all consultation, engagement and partnership

¹ Based on the Māori Trustee's analysis of land cover in Aotearoa, approximately 43% of Māori land has some form of natural forest. This is particularly salient considering Māori land only makes up approximately 5% of total land area (excluding Crown land) in Aotearoa.



opportunities afforded to tangata whenua within this draft NPS-IB are extended to Māori landowners.

- d. The Māori Trustee considers that for the mana of Te Rito o te Harakeke to be upheld, there should be an express requirement for local government employees working in this space to undertake ongoing training and education to understand Māori values/mātauranga Māori. This will be critical in building positive and enduring relationships between tangata whenua and local authorities as well as for the purpose of giving effect to this National Policy Statement.
- e. The Māori Trustee supports the requirement on local authorities to ‘actively involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity’. However, the Māori Trustee does not believe that adequate support is being provided to ensure that Māori who want to be involved are ready to do so. The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building. This form of support will also need to go beyond passive engagement.
- f. The Māori Trustee considers the proposed incentive pilots, and the \$20 million dollars allocated through Budget 2022, to be underwhelming in its efforts to incentivise and implement the protection, maintenance and restoration of indigenous biodiversity by those who are most impacted by the policy – private landowners. The Māori Trustee considers that the three proposed pilots are likely to fail to motivate and encourage the average landowner to take proactive action towards protecting, maintaining and restoring indigenous biodiversity. The Māori Trustee therefore suggests that:
 - A similar ethos to that of Ngā Whenua Rahui and the QEII Trust should be applied to the incentive pilots, where funding is directly provided to incentivise the active protection, management and restoration of indigenous biodiversity. To ensure funding is equitable and being targeted in the right areas, funding criteria should not be based on first-come-first-served.
 - Government should consider supporting the establishment of a licensing programme, such as FernMark, for biodiversity which could provide on-going funding for the protection, maintenance and restoration of indigenous biodiversity.
 - Government should consider eco-systems based services and valuing natural capital. This approach would enable those with significant biodiversity on their land to be compensated, on an on-going basis, for the value of having indigenous biodiversity on their land. This approach would also recognise that Māori land is extremely valuable in a national biodiversity sense. It also recognises that historically, Crown policy has directly or indirectly facilitated native vegetation clearance and the drainage of wetlands, reducing national biodiversity and the Crown needs to come to the party to facilitate appropriate redress.



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- g. The Māori Trustee considers that immediate clarity needs to be provided about how national direction, such as the proposed NPS-IB, will be brought into the reformed resource management system.

 - h. The Māori Trustee does not believe that providing exceptions for extractive activities, at 3.11(ii) and (iii), aligns with Te Rito o te Harakeke or the intention of this national policy statement. If the activities are to be exempt from clause 3.10(2), the Māori Trustee does not support 'operational need' being used as a gateway test as it will likely result in the destruction of SNAs purely for economic reasons. A large percentage of our native species, that provide numerous ecological and cultural benefits, are threatened with extinction. Damage to them needs to be the exception, not the rule.

 - i. The Māori Trustee considers that Māori values need to be included in an express statement as part of any assessment of biodiversity values. This is particularly salient in Appendices 3(2) and 4(2) to ensure that Māori values are not disregarded when considering the appropriateness of biodiversity off-setting and compensation. The Māori Trustee therefore proposes that an express reference to the 'identified historical, cultural and spiritual relationship tangata whenua have with indigenous biodiversity and values identified by tangata whenua' is included in these sections.
5. The Māori Trustee would welcome the opportunity to discuss her submission with staff from the Ministry for the Environment.

 6. A summary of the major points that the Māori Trustee wishes to highlight are set out above. However, before turning to specific submissions on the document set out below, the Māori Trustee wishes to highlight three matters: involving engagement, incentive pilots and the status of the NPS-IB within the reformed resource management system.



General Submissions

Engagement

7. The Māori Trustee considers that the government needs to be cognisant of Māori communities, iwi, hapū and entities when undertaking consultation to ensure that the appropriate people, at the appropriate level, are being engaged. Similar to an organisation te iwi Māori, as a people, are made up of layers: Iwi, hapū and Māori landowners. In terms of whenua Māori:
 - **Iwi** tend to have a high-level of oversight and a broad depth of knowledge
 - **Hapū** tend to have a more detailed understanding of the whenua as this is where the owners of the land blocks are
 - **Māori landowners** 83% of whenua Māori is vested in landowning entities² that have their own individual governance teams who, together with advisors and engaged owners, are well placed to speak on direct impacts on their whenua.
8. The current resource management system does not require central and local government to directly consult with Māori landowners and therefore the level of detail Māori landowners hold regarding their whenua, and their interests, are often overlooked and not reflected in policy. The Māori Trustee considers that to ensure central and local government engage with all Māori stakeholders across all reforms, Māori landowners need to be included under the definition of tangata whenua in the current and reformed resource management system.

Incentive pilots

9. The Māori Trustee considers the proposed incentive pilots, and the \$20 million dollars allocated through Budget 2022, to be underwhelming in its efforts to incentivise and implement the protection, maintenance and restoration of indigenous biodiversity by those who are most impacted by the policy – private landowners. The Māori Trustee considers that the three proposed pilots, funding a regional biodiversity coordinator; developing and implementing a digital platform; and establishing an innovation fund, fails to motivate and encourage the average landowner to take any proactive action towards protecting, maintaining and restoring indigenous biodiversity. The Māori Trustee therefore suggests that the Government should apply a similar ethos to these incentive pilots that Ngā Whenua Rahui and the QEII Trust apply to their programmes, that being, funding is directly provided to incentivise the active protection, management and restoration of indigenous biodiversity. The Māori Trustee also notes that to ensure funding is equitable and being targeted in the right areas, funding criteria should not be based on first-come-first-served.
10. The Māori Trustee considers that Government should reassess the incentive pilots and instead reapportion funding towards establishing a programme like FernMark³ where businesses can pay for an annual license that directly goes towards a fund that provides grants for protecting, maintaining and restoring indigenous biodiversity.

² <https://maorilandcourt.govt.nz/assets/Documents/Publications/Maori-Land-Update-2021-ver-1.pdf>, p. 1.

³ [The New Zealand FernMark Licence Programme \(nzststory.govt.nz\)](https://www.nzststory.govt.nz/)



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11. The Māori Trustee also considers that the Government should look at eco-systems based services and valuing natural capital. This approach would enable those with significant biodiversity on their land to be compensated, on an on-going basis, for the value of having indigenous biodiversity on their land. This approach would also recognise that Māori land is extremely valuable in a national biodiversity sense. It also recognises that historically, Crown policy has directly or indirectly facilitated native vegetation clearance and the drainage of wetlands, reducing national biodiversity and the Crown needs to come to the party to facilitate appropriate redress.

Status of NPS-IB in the reformed system

12. The Māori Trustee considers that immediate clarity needs to be provided about how national direction, such as the proposed NPS-IB, will be brought in to the reformed resource management system. The draft implementation plan states that:

“as the review is currently underway, it is difficult to provide clarity about how biodiversity management and the NPSIB will fit into the future resource management system. However, it is intended that the policy intent of existing national direction will carry over to the new system, including the proposed NPSIB.”⁴

This is concerning considering the significant resources expended by both the public and private sectors to be engaged and responsive to national instruments that may or may not be included in the reformed system.

⁴ <https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-draft-implementation-plan>, p.6



Specific Submissions

Discussion Document Question Table

Part	Provisions	Questions	Position	Reason for position	Suggestions or recommendations
Part 1: Preliminary provisions	1.1 Title (1) This is the National Policy Statement for Indigenous Biodiversity 2021.		N/A	No comment.	No comment.
	1.2 Commencement (1) This National Policy Statement comes into force on [to come].		N/A	No comment.	No comment.
	1.3 Application (1) This National Policy Statement applies to indigenous biodiversity throughout Aotearoa New Zealand, other than indigenous biodiversity in the coastal marine area and aquatic indigenous biodiversity. (2) However: <ul style="list-style-type: none"> (a) geothermal ecosystems are covered by this National Policy Statement, whether or not they are or include water bodies (see clause 3.13); and (b) specified highly mobile fauna are covered by this National Policy Statement, whether or not they use the coastal marine area or water bodies for part of their life cycle (see clause 3.20); and (c) provisions relating to restoration extend to include wetlands (see clauses 3.21 and 3.22); and (d) regional biodiversity strategies may extend to include the coastal marine area and water bodies (see clause 3.23). 	1. Do you have any feedback on the workability of provision 1.3: Application? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.	N/A	No comment.	No comment.
	1.4 Relationship with New Zealand Coastal Policy Statement (1) Both the New Zealand Coastal Policy Statement and this National Policy Statement apply in the terrestrial coastal environment. (2) If there is a conflict between the provisions of this National Policy Statement and the New Zealand Coastal Policy Statement 2010 (or any later New Zealand Coastal Policy Statement issued under the Act), the New Zealand Coastal Policy Statement prevails.		N/A	No comment.	No comment.



<p>1.5 Fundamental concepts (1) The following are descriptions of terms that cannot adequately be described by a short definition. To give effect to this National Policy Statement it is important to understand these concepts fully.</p> <p>(2) Te Rito o te Harakeke</p> <p style="text-align: center;">Hutia te rito o te harakeke Kei hea te kōmako, e kō? Kī mai ki ahau He aha te mea nui o te ao? Māku e kī atu he tangata, he tangata, he tangata When the centre of the flax bush is picked Where will the bellbird sing? You ask me What is the greatest thing in the world? My reply is It is people, it is people, it is people.</p> <p>Te Rito o te Harakeke is a concept that 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.</p> <p>It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a</p>	<p>2. Do you have any feedback on the workability of provision 1.5: (2) Te Rito o te Harakeke? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>		<p>The Māori Trustee supports the kaupapa of Te Rito o te Harakeke and its inclusion as a fundamental concept of the NPS-IB. However, for Te Rito o te Harakeke to be realised, adequate training and education will need to be provided to local authorities to ensure the concept and its intended application is fully understood.</p>	<p>The Māori Trustee considers that there should be an express requirement for local government employees working in this space to undertake ongoing training and education to understand Māori values/mātauranga Māori. This will be critical in building positive and enduring relationships between tangata whenua and local authorities as well as for the purpose of giving effect to this National Policy Statement.</p>
	<p>3. Do you have any feedback on the workability of provision 1.5: (3) Maintenance of indigenous biodiversity? Please be specific about what aspects don't work, and why.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>



<p>responsibility to care for it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community.</p> <p>Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:</p> <ul style="list-style-type: none"> (a) the intrinsic value and mauri of indigenous biodiversity; (b) the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence; (c) the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity; (d) the connectivity between indigenous biodiversity and the wider environment; (e) the incorporation of te ao Māori and mātauranga Māori; (f) the requirement for engagement with tangata whenua. <p>(3) Maintenance of indigenous biodiversity The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following:</p> <ul style="list-style-type: none"> (a) the size of populations of indigenous species; (b) indigenous species occupancy across their natural range; (c) the properties and function of ecosystems and habitats; (d) the full range and extent of ecosystems and habitats; (e) connectivity between, and buffering around, ecosystems; (f) the resilience and adaptability of ecosystems. <p>(4) Effects management hierarchy The effects management hierarchy is an approach to managing the adverse effects of an activity. It requires that:</p> <ul style="list-style-type: none"> (a) adverse effects are avoided where practicable; and (b) where adverse effects cannot be demonstrably avoided, they are minimised where practicable; and (c) where adverse effects cannot be demonstrably minimised, they are remedied where practicable; and (d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and (e) where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided; and (f) if biodiversity compensation is not appropriate, the activity itself is avoided. <p>The terms 'biodiversity offset' and 'biodiversity compensation' are defined in clause 1.6, and the principles for their application are in Appendices 3 and 4.</p>	<p>4. Do you have any feedback on the workability of provision 1.5: (4) Effects management hierarchy? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers that the intention of the effects management hierarchy is not captured through using the term 'where practicable' in provisions 1.5(4)(a),(b) and (c). The Māori Trustee therefore suggests that alternative wording, such as 'as much as possible' be used in its place to ensure that people engaging with the effects management hierarchy explore all possible options at each step before sequentially moving through it.</p> <p>The Māori Trustee also considers that an 'appropriateness' qualifier needs to be added to provision 1.5(4)(d) and (e) as there will likely be instances where offsetting is possible but not appropriate.</p>	<p>The Māori Trustee considers that the following amendments need to be made to the policy.</p> <p>Amendments</p> <p>(4) Effects management hierarchy The effects management hierarchy is an approach to managing the adverse effects of an activity. It requires that:</p> <ul style="list-style-type: none"> (a) adverse effects are avoided where practicable <i>as much as possible</i>; and (b) where adverse effects cannot be demonstrably avoided, they are minimised where practicable <i>as much as possible</i>; and (c) where adverse effects cannot be demonstrably minimised, they are remedied where practicable <i>as much as possible</i>; and (d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible <i>and appropriate</i>; and (e) where biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible <i>or appropriate</i>, biodiversity compensation is provided; and (f) if biodiversity compensation is not appropriate, the activity itself is avoided.
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	<p>1.6 Interpretation</p> <p>Refer to pages 6 – 11: https://environment.govt.nz/assets/publications/NPSIB-exposure-draft.pdf</p>	<p>5. Do you have any feedback on the workability of provision 1.6: Interpretation? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6. This definition will need to state what qualifications and how much experience is required for an ecologist to be identified as 'suitably qualified'.</p> <p>The Māori Trustee considers a definition for ecotone should be provided in the interpretation section of the draft NPS-IB.</p> <p>The Māori Trustee supports how Māori lands have been defined in the interpretation of this policy. However, she considers that the definition needs to be extended to include lands subject to the Māori Reserved Lands Act 1955 and any other lands administered by the Māori Trustee under the Māori Trustee Act 1953 and any other enactment.</p> <p>The Māori Trustee notes that the definition of an SNA in this clause does not align with the definition of an SNA in the National Environmental Standards for Plantation Forestry (NES-PF). The Māori Trustee considers that the NPS-IB definition of an SNA should be amended to align with the NES-PF definition. This will enable SNAs to be protected once identified, through meeting significance criteria, rather than wait up to 10 years to formally be included in a plan change. This amendment to the definition will also strengthen clause 3.8(5) and achieve s 6(c) of the RMA.</p> <p>The Māori Trustee also notes that the current resource management</p>	<p>The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6. This definition will need to state what qualifications and how much experience is needed for an ecologist to be identified as 'suitably qualified'.</p> <p>The Māori Trustee considers the following definitions need to be added or amended in clause 1.6 of the draft NPS-IB.</p> <p>Amendments <i>ecotone, a transition area between two biological communities, where two communities meet and integrate. It may be narrow or wide, and it may be local or regional</i></p> <p>Māori lands means land that is any of the following:</p> <p>(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</p> <p>(b) any Māori reservation established under Te Ture Whenua Māori Act 1993 or its predecessors:</p> <p>(c) Treaty settlement land:</p> <p>(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:</p> <p>(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:</p> <p>(f) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a</p>
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				<p>system does not require central and local government to directly consult with Māori landowners as they are not included in the definition of <i>tangata whenua</i>. Due to the significance that this policy will have on Māori land, it is critical that Māori landowners are included in the definition of <i>tangata whenua</i> so all consultation, engagement and partnership opportunities afforded to <i>tangata whenua</i> within this draft NPS-IB are extended to Māori landowners.</p>	<p>Crown body, or a local authority with the intention of returning the land to the holders of <i>mana whenua</i> over the land:</p> <p><i>(g) land that has the status of reserved land under the Māori Reservation Land Act 1955 and any other lands administered by the Māori Trustee under the Māori Trustee Act 1953 and any other enactment.</i></p> <p>SNA, or significant natural area, means:</p> <p>(a) any area that, on the commencement date, is identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); and</p> <p>(b) any area that, after the commencement date, <i>is identified in a policy statement or plan, including by a map, a schedule, or a description of the area or by using significance criteria.</i> is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1.</p> <p><i>tangata whenua, in relation to a particular area, means the iwi, hapū, or Māori landowners, including the entities that represent them, that hold mana whenua over that area</i></p>
	<p>1.7 Incorporation by reference (1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy statement.</p> <p>(2) All material incorporated by reference in this National Policy Statement is available at [to come].</p>		N/A	No comment.	No comment.
Part 2: Objectives and policies	<p>2.1 Objective (1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:</p> <p>(a) recognises <i>tangata whenua</i> as <i>kaitiaki</i>, and people and communities as stewards, of indigenous biodiversity; and</p> <p>(b) provides for the social, economic, and cultural wellbeing of people and communities now and in the future.</p>	<p>6. Do you have any feedback on the workability of provision 2.1: Objective? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Partially support	<p>The Māori Trustee notes that the objective '<i>to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity</i>'⁵ has been removed in this version of the draft NPS-IB. The Māori Trustee considers that a sub-clause to 2.1 in the current draft</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 2.1 of the draft NPS-IB:</p> <p>Amendments (1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:</p>

⁵ <https://environment.govt.nz/assets/Publications/Files/draft-npsib.pdf>, s 2.1, p.15



			<p>NPS-IB needs to be added to ensure that, as part of the objectives, the principles of Te Tiriti o Waitangi are given effect. The Māori Trustee supports the strengthening of this clause from ‘take into account’ to ‘gives effect to’ as it aligns with how persons exercising powers and performing functions and duties in the reformed system must act with regards to Te Tiriti o Waitangi⁶. It is also imperative that the principles of Te Tiriti o Waitangi are woven into and expressed throughout the final NPS-IB.</p> <p>The Māori Trustee also considers that 2.1(a) and (b) could be better aligned with Te Rito o te Harakeke through adding ‘and respects’ and replacing ‘provides for’ with ‘takes into account’, respectively.</p>	<p>(a) recognises <i>and respects</i> tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and (b) provides for <i>takes into account</i> the social, economic, and cultural wellbeing of people and communities now and in the future; <i>and</i> (c) <i>gives effect to the principles of Te Tiriti o Waitangi</i></p>
<p>2.2 Policies</p>	<p>7. Do you have any feedback on the workability of provision 2.2: Policies? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>			
<p>Policy 1: Indigenous biodiversity is managed in a way that gives effect to Te Rito o te Harakeke.</p>		Support	No comment.	No comment.
<p>Policy 2: Tangata whenua are recognised as kaitiaki, and enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:</p> <ul style="list-style-type: none"> (a) enabling tangata whenua to manage indigenous biodiversity on their land; and (b) the identification and protection of indigenous species, populations and ecosystems that are taonga. 		Partially support	<p>The Māori Trustee considers the following policy could be strengthened through using more directive phrasing. Amending this will acknowledge that tangata whenua <i>are</i> kaitiaki and that they <i>will</i> exercise kaitiakitanga for indigenous biodiversity.</p>	<p>The Māori Trustee considers that the following amendments need to be made to policy 2 of the draft NPS-IB:</p> <p>Amendments Policy 2: Tangata whenua are recognised as kaitiaki, and enabled to will exercise</p>

⁶ <https://environment.govt.nz/assets/publications/Natural-and-Built-Environments-Bill-Exposure-Draft.pdf>, s 6, p.7



					kaitiakitanga for indigenous biodiversity in their rohe, including through: (a) enabling tangata whenua to manage indigenous biodiversity on their land; and (b) the identification and protection of indigenous species, populations and ecosystems that are taonga.
	Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.		Support	No comment.	No comment.
	Policy 4: Indigenous biodiversity is resilient to the effects of climate change.		Support	No comment.	No comment.
	Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.		Support	No comment.	No comment.
	Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach.		Support	No comment.	No comment.
	Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.		Support	No comment.	No comment.



<p>Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.</p>		Support	No comment.	No comment.
<p>Policy 9: Certain existing activities are provided for within and outside SNAs.</p>		Partially support	The Māori Trustee considers that the addition of ' <i>adjacent to</i> ' would provide additional clarity to the intention of this policy.	The Māori Trustee considers that the following amendment should be made to policy 9 of the draft NPS-IB: Amendments Policy 9: Certain existing activities are provided for within, <i>adjacent to</i> and outside SNAs.
<p>Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for.</p>		Oppose	The Māori Trustee considers that indigenous biodiversity has intrinsic value to Aotearoa and that the inclusion of this policy is inconsistent with the draft NPS-IB's fundamental concept of Te Rito o te Harakeke. The objective of this draft NPS-IB is to protect, maintain, and restore indigenous biodiversity and therefore providing policies that actively preclude this is not justifiable, as already noted in previous suggested amendments regarding clause 2.1(1)(b). The Māori Trustee also notes that there is no apparent hierarchy of when activities that contribute to New Zealand's social, economic, and environmental well-being take precedent over the protection of indigenous biodiversity. The Māori Trustee is therefore concerned that the ambiguity of this policy could be taken advantage of, inappropriately applied, and should therefore be removed.	The Māori Trustee considers that policy 10 should be removed from the draft NPS-IB.
<p>Policy 11: Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.</p>		Support	No comment.	No comment.



<p>Policy 12: Indigenous biodiversity is managed within plantation forestry.</p>		Support	No comment.	No comment.
<p>Policy 13: Restoration of indigenous biodiversity is promoted and provided for.</p>		Partially support	The Māori Trustee considers the term ‘promoted’ to be ambiguous and unlikely to be implemented consistently across local authorities. The Māori Trustee therefore proposes that the policy be clarified through removing the term ‘promoted’ and replacing it with ‘incentivised through economic and non-economic instruments’.	The Māori Trustee considers that the following amendments need to be made to policy 13 of the draft NPS-IB: Amendments Policy 13: Restoration of indigenous biodiversity is promoted <i>incentivised through economic and non-economic instruments</i> and provided for <i>in regional and local planning</i> .
<p>Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.</p>		Support	The Māori Trustee considers the term ‘promoted’ to be ambiguous and unlikely to be implemented consistently across local authorities. The Māori Trustee therefore proposes that the policy be clarified through removing the term ‘promoted’ and replacing it with ‘incentivised through economic and non-economic instruments’.	The Māori Trustee considers that the following amendments need to be made to policy 13 of the draft NPS-IB: Amendments Policy 14: Increased indigenous vegetation cover is promoted <i>incentivised through economic and non-economic instruments</i> in both urban and non-urban environments.
<p>Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved.</p>		Support	No comment.	No comment.
<p>Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.</p>		Support	No comment.	No comment.



	<p>Policy 17: There is improved information and regular monitoring of indigenous biodiversity.</p>		Support	No comment.	No comment.
<p>Part 3: Implementation</p>	<p>3.1 Overview of Part (1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the Objective and Policies in Part 2 of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to that Objective and those Policies. (2) Nothing in this Part limits a local authority's functions and duties under the Act in relation to indigenous biodiversity. (3) In this Part: (a) Subpart 1 sets out general approaches to implementing this National Policy Statement, and in particular how to give effect to Te Rito o te Harakeke: (b) Subpart 2 sets out provisions relating to the identification of SNAs, the management of adverse effects on SNAs, and the general management of indigenous biodiversity outside SNAs: (c) Subpart 3 sets out additional specific requirements relating to indigenous biodiversity.</p>		N/A	No comment.	No comment.
<p>Subpart 1 – Approaches to implementing this National Policy Statement</p>	<p>3.2 Te Rito o te Harakeke (1) Local authorities must engage with communities and tangata whenua to determine how to give effect to Te Rito o te Harakeke and its six essential elements in their regions and districts. (2) Giving effect to Te Rito o te Harakeke requires, at a minimum, that local authorities: (a) recognise and provide for: (i) te hauora o te kōiora (the health of indigenous biodiversity); and (ii) te hauora o te taonga (the health of taonga); and (iii) te hauora o te taiao (the health of the wider environment); and (iv) the interrelationships between those three hauora and te hauora o te tangata (the health of the people); and (b) recognise that the protection, maintenance, and restoration of indigenous biodiversity requires: (i) kaitiakitanga (including as provided for in clause 3.3) and stewardship; and (ii) identifying the local approach to giving effect to Te Rito o te Harakeke; and</p>	<p>8. Do you have any feedback on the workability of provision 3.2: Te Rito o te Harakeke? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Support	The Māori Trustee supports the kaupapa of Te Rito o te Harakeke and the strong directive that local authorities must engage with tangata whenua. However, the Māori Trustee again affirms that for Te Rito o te Harakeke to be realised, adequate training and education will need to be provided to local authorities to ensure the concept and its intended application is fully understood.	The Māori Trustee again considers that there should be an express requirement for local government employees working in this space to undertake training and education to understand Māori values/mātauranga Māori. This will be critical in building positive and enduring relationships between tangata whenua and local authorities as well as for the purpose of giving effect to this National Policy Statement.



<p>(iii) adopting an integrated approach ki uta ki tai (as provided for in clause 3.4); and</p> <p>(c) taking steps to ensure that indigenous biodiversity is maintained and restored for the health, enjoyment and use by all New Zealanders, now and in the future.</p>				
<p>3.3 Tangata whenua as kaitiaki</p> <p>(1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity, and in particular:</p> <p>(a) when identifying the local approach to giving effect to Te Rito o te Harakeke; and</p> <p>(b) in the processes (including decision-making processes) for managing the implementation of this National Policy Statement; and</p> <p>(c) when making or changing policy statements and plans that relate to indigenous biodiversity.</p> <p>(2) When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:</p> <p>(a) ensure that consultation with tangata whenua:</p> <p>(i) is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</p> <p>(ii) has regard to the different levels of whānau, hapū, and iwi decision-making structures; and</p> <p>(b) recognise and value the role of tangata whenua as kaitiaki of indigenous biodiversity; and</p> <p>(c) provide specific opportunities for the exercise of kaitiaki, such as, for example, by bringing cultural understanding to monitoring; and</p> <p>(d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.</p> <p>(3) Local authorities must work with tangata whenua to investigate the use of mechanisms available under the Act to involve tangata whenua in the management of, and decision-making about, indigenous biodiversity, such as:</p> <p>(a) transfers or delegations of power under section 33 of the Act;</p> <p>(b) joint management agreements under section 36B of the Act;</p> <p>(c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.</p> <p>(4) When a local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity the local authority must:</p> <p>(a) record the matters considered and the reasons for any decisions reached, or for not making a decision; and</p>	<p>9. Do you have any feedback on the workability of provision 3.3: Tangata whenua as kaitiaki? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee supports the requirement on local authorities to 'actively involve tangata whenua (to the extent they wish to be involved) in the management of indigenous biodiversity'. However, the Māori Trustee does not believe that adequate support is being provided to ensure that Māori who want to be involved are ready to do so. The Māori Trustee notes the intention from MfE to provide training to enhance iwi/Māori capacity to be involved with the NPS-IB, however this will need to go beyond passive engagement. The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p> <p>The Māori Trustee considers 3.3(2)(a) weakens the intent of 3.3(1) by reducing active involvement to mean consultation. The Māori Trustee's position, based on past and present experiences, is that tangata whenua are looking for more than just consultation out of this process and defining active involvement to mean just consultation will just reinforce and repeat the failings within the current resource management system for Māori. The Māori Trustee therefore proposes that the term consultation is replaced with engagement.</p>	<p>The Māori Trustee requests that any information regarding MfE's current intention to provide training to enhance iwi/Māori capacity to be involved with the NPS-IB be sent to Te Tumu Paeroa (the office of the Māori Trustee) so we can provide this information to Māori landowners through our own channels.</p> <p>The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p> <p>The Māori Trustee also proposes that a guidance document be created for local authorities to clearly state instances of when mechanisms identified in 3.3(3) should and should not be used for consistent application.</p> <p>The Māori Trustee considers that the following amendments need to be made in clause 3.3 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.3(2)When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:</p> <p>(a) ensure that consultation engagement with tangata whenua:</p> <p>(i) is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</p> <p>(ii) has regard to recognises and provides for the different levels of Māori landowners, whānau, hapū, and iwi decision-making structures; and</p>



<p>(b) publish those matters and reasons as soon as practicable, unless publication would be contrary to any legal obligation.</p> <p>(5) Local authorities must, with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, take all reasonable steps to incorporate mātauranga Māori relating to indigenous biodiversity when implementing this National Policy Statement.</p> <p>(6) Local authorities must develop processes for managing information provided by tangata whenua (including providing for how it may remain confidential if required by tangata whenua), particularly in relation to the identification and management of species, populations, and ecosystems as taonga (in accordance with clause 3.19).</p>			<p>The Māori Trustee also considers that 3.3(2)(a)(ii) needs to acknowledge and include Māori landowners as having their own level within Māori decision-making structures and that all levels are recognised and provided for within this provision.</p> <p>The Māori Trustee supports the use of mechanisms available under the RMA to involve tangata whenua in the management of, and decision-making about, indigenous biodiversity. However, the current wording of the provision does not appear to provide any certainty that the investigation in to such mechanisms will result in their use. The Māori Trustee therefore proposes that if it is practical to do so, local authorities must implement the use of such mechanisms; matters recorded must include the wishes of tangata whenua throughout the process and that a decision must always be reached. The Māori Trustee also proposes that a guidance document be created for local authorities to clearly state instances of when these mechanisms should and should not be used for consistent application.</p> <p>The Māori Trustee also proposes that the phrase ‘as far as practicable’ be removed from 3.3(5) to strengthen the provision.</p>	<p>3.3(4) When a local authority considers the use of mechanisms to involve tangata whenua in the management of indigenous biodiversity the local authority must:</p> <p>(a) <i>implement the mechanism’s use, if it is practical to do so; and</i></p> <p>(b) record the matters considered, <i>including the wishes of tangata whenua</i>, and the reasons for any decisions reached, or for not making a decision; and</p> <p>(c) publish those matters and reasons as soon as practicable, unless publication would be contrary to any legal obligation.</p> <p>3.3(5) Local authorities must, with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, take all reasonable steps to incorporate mātauranga Māori relating to indigenous biodiversity when implementing this National Policy Statement.</p>
<p>3.4 Integrated approach</p> <p>(1) Local authorities must manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:</p>		<p>Partially support</p>	<p>The Māori Trustee supports an integrated approach to the management of indigenous biodiversity and the effects on it from subdivision, use and</p>	<p>The Māori Trustee considers that to give effect to Te Rito o te Harakeke, a clear hierarchal approach and weighting system should be applied to this clause, with the protection,</p>



<ul style="list-style-type: none"> (a) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, freshwater, and the coastal marine area; and (b) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries; and (c) considering the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity. 		<p>development. However, the Māori Trustee considers that provisions 3.4(1)(a) and (c) could be more directive by removing ambiguous planning terms such as ‘recognising’ and ‘considering’.</p>	<p>maintenance and restoration of indigenous biodiversity put first.</p> <p>The Māori Trustee considers that the following amendments should be made in clause 3.4 of the draft NPS-IB:</p> <p>Amendments 3.4(1)(a) recognising <i>providing for</i> the interactions, ki uta ki tai (from the mountains to the sea), between the terrestrial environment, freshwater, and the coastal marine area; and</p> <p>3.4(1)(c) considering <i>aligning</i> the requirements of strategies and other planning tools required or provided for in legislation and relevant to indigenous biodiversity.</p>
<p>3.5 Social, economic, and cultural wellbeing (1) Local authorities must consider:</p> <ul style="list-style-type: none"> (a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and (b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and (c) that people and communities are critical to protecting, maintaining, and restoring indigenous biodiversity; and (d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and (e) the importance of respecting and fostering the contribution of tangata whenua as kaitiaki and of people and communities, particularly landowners, as stewards of indigenous biodiversity; and (f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity. 	<p>11. Do you have any feedback on the workability of provision 3.5: Social, economic, and cultural wellbeing? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>The Māori Trustee does not consider the intention of the provisions under this clause to be clear or consistent with Te Rito o te Harakeke. Te Rito o te Harakeke acknowledges the intrinsic value of indigenous biodiversity as well as the symbiotic relationship humans have with indigenous biodiversity: ‘our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity’. Clause 3.5(1)(a) seems to contradict this clear understanding.</p> <p>The Māori Trustee considers that to give effect to Te Rito o te Harakeke, a clear hierarchal approach and weighting system needs to be applied here, with the protection, maintenance and restoration of indigenous biodiversity put first. Development of land and environmental protection are not mutually exclusive kaupapa and there is a place to acknowledge that within</p>	<p>The Māori Trustee considers that the following amendments should be made in clause 3.5 of the draft NPS-IB:</p> <p>Amendments 3.5(1) Local authorities must consider <i>acknowledge</i>:</p> <p>3.5(1)(a) that the protection, maintenance, and restoration of indigenous biodiversity contributes <i>does</i> contribute to the social, economic, and cultural wellbeing of people and communities; and</p>



				<p>this policy. However in its current format it is unclear how these provisions will be implemented to ensure indigenous biodiversity is put first.</p> <p>The Māori Trustee also proposes that the ambiguous term 'consider' be replaced with 'acknowledge' in clause 3.5(1).</p>	
	<p>3.6 Resilience to climate change (1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by:</p> <ul style="list-style-type: none"> (a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; and (b) considering the effects of climate change when making decisions on: <ul style="list-style-type: none"> (i) restoration proposals; and (ii) managing and reducing new and existing biosecurity risks; and (c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes. 	<p>12. Do you have any feedback on the workability of provision 3.6: Resilience to climate change? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Support	No comment.	No comment.
	<p>3.7 Precautionary approach (1) Local authorities must adopt a precautionary approach toward proposed activities where:</p> <ul style="list-style-type: none"> (a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but (b) those effects are potentially significantly adverse. 	<p>13. Do you have any feedback on the workability of provision 3.7: Precautionary approach? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Support	No comment.	No comment.
<p>Subpart 2 – Significant natural areas</p>	<p>3.8 Assessing areas that qualify as significant natural areas (1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs. (2) The assessment must be done using the assessment criteria in Appendix 1 and in accordance with the following principles:</p> <ul style="list-style-type: none"> (a) partnership: territorial authorities seek to engage with tangata whenua and landowners early, and must share information about indigenous biodiversity, potential management options, and any support and incentives that may be available: (b) transparency: territorial authorities clearly inform tangata whenua and landowners about how information gathered will be used and make existing information, draft assessments and other 	<p>14. Do you have any feedback on the workability of provision 3.8: Assessing areas that qualify as significant natural areas? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Partially support	<p>The Māori Trustee considers that the current principle of partnership as drafted in clause 3.8(2)(a) needs to be amended to state that territorial authorities 'must take all reasonable steps to' engage with tangata whenua and landowners early. However, it is the Māori Trustee's preference that a common understanding of what partnership means for Māori and the Crown needs to be developed and applied consistently across national policy, so it can be</p>	<p>The Māori Trustee's recommends that a common understanding of what partnership means for Māori and the Crown needs to be developed and applied consistently across national policy, so it can be implemented correctly at a regional and local level.</p> <p>The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6.</p>



	<p>relevant information available to tangata whenua and relevant landowners for review:</p> <ul style="list-style-type: none"> (c) quality: wherever practicable, the values and extent of natural areas are verified by physical inspection: (d) access: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort: (e) consistency: the criteria in Appendix 1 are applied consistently, regardless of who owns the land: (f) boundaries: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified. <p>(3) If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment.</p> <p>(4) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (a) of the definition of SNA (ie, an area already identified as an SNA at the commencement date) if, within 4 years after the commencement date, a suitably qualified ecologist confirms that, and how, the area qualifies as an SNA under the criteria in Appendix 1.</p> <p>(5) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:</p> <ul style="list-style-type: none"> (a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and (b) if a new SNA is identified as a result, include it in the next plan or plan change notified by the territorial authority. <p>(6) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the SNA is a geothermal SNA.</p>		<p>implemented correctly at a regional and local level.</p> <p>The Māori Trustee considers that 3.8(2)(c) needs to be amended to allow landowners to request a physical inspection, at the council's expense, to verify the values and extent of natural areas. This should assist in mitigating disputes arising from the assessment. The Māori Trustee also considers that disputes would be mitigated if 3.8(4) required a physical inspection. Local authorities will also need to provide appropriate redress if an SNA was incorrectly identified on private land and as a result the use of that land had been restricted.</p> <p>The Māori Trustee also considers a definition of what a 'suitably qualified ecologist' is would provide consistency and clarity to the assessment process.</p> <p>The Māori Trustee does not consider that adequate protection is afforded to SNAs identified as part of clause 3.8(5). As it currently reads, an identified SNA (as a result of a resource consent application, notice of requirement or any other means) will not have protection until it is notified in a plan/plan change. This means that an SNA could go unprotected for up to 10 years and would likely encourage its destruction to avoid the restrictions associated with SNAs. This directly contradicts s 6(c) of the RMA and needs to be reassessed to ensure that the NPS-IB does not unintentionally promote the destruction of SNAs.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.8 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.8(2)(a) partnership: territorial authorities seek to must take all reasonable steps to engage with tangata whenua and landowners early, and must share information about indigenous biodiversity, potential management options, and any support and incentives that may be available.</p> <p>3.8(2)(c) quality: wherever practicable, the values and extent of natural areas are freely verified by physical inspection if requested by a landowner.</p> <p>3.8(4) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (a) of the definition of SNA (ie, an area already identified as an SNA at the commencement date) if, within 4 years after the commencement date, a suitably qualified ecologist confirms following a physical inspection, that, and how, the area qualifies as an SNA under the criteria in Appendix 1.</p> <p>3.8(5) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:</p> <ul style="list-style-type: none"> (a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and (b) if a new SNA is identified as a result, the area will be treated as an SNA until it is formally mapped and included it in the next plan or plan change notified by the territorial authority.
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<p>3.9 Identifying SNAs in district plans (1) A territorial authority must notify any plan or plan change to include each area in its district that is identified as qualifying as an SNA. (2) The notified plan or plan change must include: (a) the location of the SNA and a description of its attributes; and (b) a map of the area; and (c) specify whether the SNA is a geothermal SNA. (3) When a territorial authority does its 10-yearly plan review, it must assess its district in accordance with clause 3.8 (1) and (2) to determine whether changes are needed.</p>	<p>15. Do you have any feedback on the workability of provision 3.9: Identifying SNAs in district plans? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>
<p>3.10 Managing adverse effects on SNAs of new subdivision, use, and development (1) This clause applies to all SNAs, except as provided in clause 3.11. (2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods that require that the following adverse effects on SNAs of any new subdivision, use, or development are avoided: (a) loss of ecosystem representation and extent: (b) disruption to sequences, mosaics, or ecosystem function: (c) fragmentation of SNAs or the or loss of buffers or connections within an SNA: (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems: (e) a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle. (3) Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (2), must be managed by applying the effects management hierarchy. (4) Every local authority must make or change its plan to ensure that, where adverse effects on an SNA are required to be managed by applying the effects management hierarchy, an application is not granted unless: (a) the decision-maker is satisfied that the applicant has demonstrated how each step of the effects management hierarchy will be applied; and (b) any consent is granted subject to conditions that apply the effects management hierarchy.</p>	<p>16. Do you have any feedback on the workability of provision 3.10: Managing adverse effects on SNAs of new subdivision, use, and development? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>



	<p>3.11 Exceptions to clause 3.10</p> <p>(1) Clause 3.10 does not apply to the following, and adverse effects on SNAs of new subdivision, use, and development are managed instead as required by the clause indicated:</p> <ul style="list-style-type: none"> (a) SNAs on Māori Lands (see clause 3.18): (b) geothermal SNAs (see clause 3.13): (c) SNAs within a plantation forest (see clause 3.14). <p>(2) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4):</p> <ul style="list-style-type: none"> (a) if a new use or development is required for the purposes of any of the following; <ul style="list-style-type: none"> (i) specific infrastructure that provides significant national or regional public benefit; or (ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved domestically; or (iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved domestically; and (b) there is a functional or operational need for the new use or development to be in that particular location; and (c) there are no practicable alternative locations for the new use, or development. <p>(3) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4), if:</p> <ul style="list-style-type: none"> (a) a new use or development is associated with a single dwelling on an allotment created before the commencement date; and (b) there is no location within the existing allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in clause 3.10(2). <p>(4) Clause 3.10(2) does not apply to an SNA, and all adverse effects on the SNA must be managed instead in accordance with clause 3.10(3) and (4), or any other appropriate management approach, if:</p> <ul style="list-style-type: none"> (a) the use or development is for the purpose of maintaining or restoring an SNA (provided it does not involve the permanent destruction of significant habitat of indigenous biodiversity); or (b) the use or development: <ul style="list-style-type: none"> (i) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of indigenous biodiversity; and (ii) the losses are necessary to meet that purpose. 	<p>17. Do you have any feedback on the workability of provision 3.11: Exceptions to clause 3.10? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee supports exceptions listed in clause 3.11(1). However, the Māori Trustee does not believe that providing exceptions for extractive activities, at 3.11(ii) and (iii), aligns with Te Rito o te Harakeke or the intention of this national policy statement. If the activities are to be exempt from clause 3.10(2), the Māori Trustee does not support 'operational need' being used as a gateway test as it will likely result in the destruction of SNAs purely for economic reasons. A large percentage of our native species, that provide numerous ecological and cultural benefits, are threatened with extinction. Damage to them needs to be the exception, not the rule.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.11 of the draft NPS-IB:</p> <p>Amendments</p> <p>(2) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4):</p> <ul style="list-style-type: none"> (a) if a new use or development is required for the purposes of any of the following; <ul style="list-style-type: none"> (i) specific infrastructure that provides significant national or regional public benefit; or (ii) mineral extraction that provides significant national public benefit that could not otherwise be achieved domestically; or (iii) aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved domestically; and <p>The below amendment is only suggested if the above amendment is not made.</p> <p>3.11(2)(b) there is a functional or operational need for the new use or development to be in that particular location; and</p>
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<p>(5) Clause 3.10 does not apply to adverse effects on an SNA:</p> <ul style="list-style-type: none"> (a) from any use or development required to address a very high risk to public health or safety; or (b) if the SNA is solely because of the presence of a kānuka or manuka species that is threatened exclusively on the basis of myrtle rust; or (c) from the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga; or (d) from work or activity of the Crown on public conservation land, provided that the work or activity: <ul style="list-style-type: none"> (i) is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and (ii) does not have a significant adverse effect beyond the boundary of the public conservation land. (e) from work within Te Urewera of Te Urewera Board, the chief executive of Tūhoe Te Uru Taumatua, or the Director-General of Conservation, provided that the work: <ul style="list-style-type: none"> (i) is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with the Te Urewera Act and the management plan under that Act; and (ii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera. 				
<p>3.12 SNAs on Māori lands (1) SNAs on Māori Lands must be managed in accordance with clause 3.18, except that:</p> <ul style="list-style-type: none"> (a) geothermal SNAs on Māori lands must be managed in accordance with clause 3.13; and (b) SNAs within plantation forests must be managed in accordance with clause 3.14. 	<p>18. Do you have any feedback on the workability of provision 3.12: SNAs on Māori lands? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Support	No comment.	No comment.
<p>3.13 Geothermal SNAs (1) Every local authority that has a geothermal SNA in its region or district must work with tangata whenua to make or change its policy statements and plans to include objectives, policies, and methods that, in relation to any new subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) provide a level of protection of the geothermal SNA: <ul style="list-style-type: none"> (i) that: <ul style="list-style-type: none"> (A) reflects the vulnerability of the geothermal SNA to use or development; or (B) in the case of a local authority that has (at the commencement date) classified its geothermal systems, is consistent with the geothermal system classification in which the geothermal SNA is located; and 	<p>19. Do you have any feedback on the workability of provision 3.13: Geothermal SNAs? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	Support	<p>The Māori Trustee considers a definition of what a 'suitably qualified ecologist' is would provide consistency and clarity to the vulnerability assessment process.</p> <p>The Māori Trustee also considers that a physical inspection be required to confirm any assessments made as part of 3.13(2). This should assist in mitigating disputes arising from the assessment.</p>	<p>The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6.</p> <p>The Māori Trustee considers that the following amendments need to be made in clause 3.13 of the draft NPS-IB:</p> <p>Amendments 3.13(2) Any assessment of the vulnerability of a geothermal SNA must be undertaken by a suitably qualified expert <i>and confirmed through a physical inspection.</i></p>



<p>(ii) that has regard to the practicability of applying the approach in clause 3.10(2) and (3) to the geothermal SNA; and</p> <p>(iii) that, in the case of a geothermal SNA on Māori lands, provides for new occupation, use, and development that enables tangata whenua to use and develop geothermal resources in a manner consistent with the vulnerability of the geothermal SNA to use or development, or consistent with the geothermal system classification in which the geothermal SNA is located (as applicable), and in accordance with tikanga; and</p> <p>(b) require the decision-maker on any resource consent application to:</p> <p>(i) have particular regard to the adverse effects described in clause 3.10(2) when managing adverse effects on the geothermal SNAs; and</p> <p>(ii) consider any practicable measures for the restoration of the geothermal SNAs.</p> <p>(2) Any assessment of the vulnerability of a geothermal SNA must be undertaken by a suitably qualified expert.</p> <p>(3) Local authorities must publish:</p> <p>(a) the basis on which the objectives, policies, and methods relating to the management of each geothermal SNA was decided; and</p> <p>(b) the nature and extent of involvement of tangata whenua in developing those objectives, policies, and methods.</p> <p>(4) In relation to a geothermal SNA, this clause prevails over any other provision of this National Policy Statement that might apply to the SNA, other than clause 3.15 (about existing activities), which applies to geothermal SNAs in the same way as it applies to other SNAs.</p>				
<p>3.14 Plantation forests with SNAs</p> <p>(1) An SNA that is within a plantation forest must be managed over the course of consecutive rotations of production in the manner necessary to maintain the long-term populations of any Threatened or At Risk species in the SNA.</p> <p>(2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods to give effect to the requirements of subclause (1).</p>	<p>20. Do you have any feedback on the workability of provision 3.14: Plantation forests with SNAs? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>
<p>3.15 Existing activities affecting SNAs</p> <p>(1) Regional councils must identify in their policy statements the existing activities, or types of existing activities, that this clause applies to.</p>	<p>21. Do you have any feedback on the workability of provision 3.15: Existing activities affecting SNAs? Please be specific about what aspects don't work, and why. You can include</p>		<p>No comment.</p>	<p>No comment.</p>



<p>(2) Local authorities must make or change their plans to ensure that the existing activities identified in relevant regional policy statements may continue as long as the effects on any SNA (including cumulative effects):</p> <ul style="list-style-type: none"> (a) are no greater in intensity, scale, or character over time than at the commencement date; and (b) do not result in the loss of extent or degradation of ecological integrity of the SNA. <p>(3) If an existing activity does not meet the conditions described in subclause (2), the adverse effects of the activity on the relevant SNA must be managed in accordance with clause 3.10.</p>	<p>suggestions for possible solutions if you have any.</p>			
<p>3.16 Maintaining indigenous biodiversity outside SNAs</p> <p>(1) This clause applies to all areas outside SNAs, other than Māori lands (because clause 3.18 applies instead).</p> <p>(2) Local authorities must take steps to maintain indigenous biodiversity in areas to which this clause applies, including by making or changing their policy statements and plans to:</p> <ul style="list-style-type: none"> (a) apply the effects management hierarchy to any adverse effects on indigenous biodiversity of a new subdivision, use, or development that may be irreversible; and (b) providing appropriate controls to manage other adverse effects on indigenous biodiversity of a new subdivision, use and development. 	<p>22. Do you have any feedback on the workability of provision 3.16: Maintaining indigenous biodiversity outside SNAs? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>
<p>3.17 Maintenance of improved pasture</p> <p>(1) This clause applies to the maintenance of improved pasture where it may affect an SNA.</p> <p>(2) Local authorities must allow the maintenance of improved pasture to continue if:</p> <ul style="list-style-type: none"> (a) there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and (b) any adverse effects of the maintenance of improved pasture on an SNA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and (c) the improved pasture has not itself become an SNA; and (d) the land is not a depositional landform that has not been cultivated; and (e) the maintenance of improved pasture will not adversely affect a Threatened or At Risk (Declining) species. <p>(3) In this clause: maintenance of improved pasture includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals,</p>	<p>23. Do you have any feedback on the workability of provision 3.17: Maintenance of improved pasture? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Oppose</p>	<p>The Māori Trustee considers provisions under clause 3.17 to be very ambiguous and unlikely to be applied in any consistent manner by local authorities. The Māori Trustee suggests that the clause be removed or rewritten to provide a clear purpose for the clause, what existing problem it is trying to fix and instances of when it would be appropriately used. The Māori Trustee is concerned that, if it is left in its current format, it could be used in a variety of unintended ways that do not support the intent of this draft NPS-IB.</p>	<p>The Māori Trustee considers that clause 3.17 be removed or re-written to provide:</p> <ul style="list-style-type: none"> • a clear purpose for the clause; • what existing problem it is trying to fix; and • instances of when it would be appropriately used.



	<p>draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms</p> <p>depositional landform means a landform that is alluvial (matter deposited by water, eg, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, eg, talus), or glacial (matter deposited by glaciers, eg, moraines and outwash)</p> <p>improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.</p>				
<p>Subpart 3 – Specific requirements</p>	<p>3.18 Māori lands</p> <p>(1) Local authorities must work in partnership with tangata whenua and Māori landowners to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:</p> <ul style="list-style-type: none"> (a) maintain and restore indigenous biodiversity on Māori lands; and (b) protect SNAs and identified taonga on Māori lands. <p>(2) Objectives, policies, and methods developed under this clause must, to the extent practicable:</p> <ul style="list-style-type: none"> (a) enable new occupation, use, and development of Māori lands to support the social, cultural, and economic wellbeing of tangata whenua; and (b) enable the provision of new papakāinga, marae and ancillary community facilities, dwellings, and associated infrastructure; and (c) apply or allow alternative approaches to, or locations for, new occupation, use, and development that avoid, minimise, or remedy adverse effects on SNAs and identified taonga on Māori lands, and apply options for offsetting and compensation; and (d) recognise and be responsive to the fact that there may be no or limited alternative locations for tangata whenua to occupy, use, and develop their lands. <p>(3) The decision-maker on any resource consent application must, when considering matters affecting Māori lands, take into account all the matters in subclause (2).</p> <p>(4) Subclauses (2) and (3) do not apply to Māori lands to the extent that the land is set aside under legislation for full or partial legal protection for the purpose of protecting indigenous biodiversity on that land. 'Legal protection' includes covenants and land status such as are available under the Reserves Act, Conservation Act, National Parks Act (or equivalent)'. </p>	<p>24. Do you have any feedback on the workability of provision 3.18: Māori lands? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>		<p>The Māori Trustee strongly supports all the exclusions provided for Māori lands within the provisions of 3.18 of the draft NPS-IB. The Māori Trustee welcomes these exclusions considering the historic barriers placed on Māori land and Māori landowners in terms of the use and development of whenua Māori. However, to ensure that these clauses do not have unintended consequences on Māori land and Māori landowners, the Māori Trustee has proposed amendments to strengthen and provide clear direction to local authorities about their responsibilities when implementing these provisions in their planning documents.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.18 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.18(2) Objectives, policies, and methods developed under this clause must, to the extent practicable:</p> <p>3.18(2)(b) enable the provision of new papakāinga, marae, <i>pā</i> and ancillary community facilities, dwellings, and associated infrastructure; and</p> <p>3.18(3) The decision-maker on any resource consent application must, when considering matters affecting Māori lands, take into account <i>give effect to</i> all the matters in subclause (2).</p> <p>3.18(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on Māori lands.</p>



<p>(5) Local authorities must consider and realise opportunities to provide incentives for the protection and maintenance of indigenous biodiversity, and the protection of SNAs and identified taonga, on Māori lands.</p>				
<p>3.19 Identified taonga (1) Every territorial authority must work together with tangata whenua (using an agreed process) to determine the indigenous species, populations, and ecosystems in the district that are taonga; and these are acknowledged taonga. (2) Local authorities must recognise that tangata whenua have the right not to determine the indigenous species, populations and ecosystems that are taonga, and to choose the level of detail at which any acknowledged taonga, or their location or values, are described. (3) If tangata whenua agree, territorial authorities must identify acknowledged taonga in their district plans by: (a) describing the taonga and, to the extent agreed by tangata whenua, mapping their location and describing their values; and (b) describing, to the extent agreed by tangata whenua, the historical, cultural, and spiritual relationship of tangata whenua with the taonga. (4) Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga. (5) In managing effects on identified taonga, local authorities must recognise that the possible adverse effects on identified taonga include effects on: (a) the mauri of the taonga; (b) the values of the taonga as identified by tangata whenua; (c) the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua. (6) Local authorities must make or change their policy statements and plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for. (7) To avoid doubt, no species, population, or ecosystem in the coastal marine area, and no aquatic species or population in water bodies, can be determined to be taonga under this clause (see clause 1.3).</p>	<p>25. Do you have any feedback on the workability of provision 3.19: Identified taonga? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee supports the requirement on local authorities to 'work together' and 'involve tangata whenua (to the extent they wish to be involved) in the management of identified taonga'. However, the Māori Trustee again notes that she does not believe that adequate support is being provided to ensure that Māori who want to be involved are capable of doing so. The Māori Trustee considers that additional funding and work programmes, which go beyond passive engagement, will need to be allocated to support iwi/Māori capacity and capability building within this space.</p> <p>The Māori Trustee also considers that the section could be strengthened through removing the term 'as far as practicable' from 3.19(4) and requiring local authorities to 'actively' involve tangata whenua.</p> <p>The Māori Trustee also considers that 3.19(5) needs to go beyond just recognising that possible adverse effects on identified taonga include effects on Māori values. The Māori Trustee proposes that there be a requirement for local authorities to address these effects directly in their plans.</p>	<p>The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p> <p>The Māori Trustee considers that the following amendments need to be made in clause 3.19 of the draft NPS-IB:</p> <p>Amendments 3.19(4) Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and <i>actively</i> involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.</p> <p>3.19(5) In managing effects on identified taonga, local authorities must recognise <i>and address in planning documents</i> that the possible adverse effects on identified taonga includes effects on: (a) the mauri of the taonga; (b) the values of the taonga as identified by tangata whenua; (c) the historical, cultural, and spiritual relationship of tangata whenua with the taonga, as identified by tangata whenua.</p>



<p>3.20 Specified highly mobile fauna</p> <p>(1) Every regional council must record areas outside SNAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), territorial authorities in its region, and the Department of Conservation.</p> <p>(2) If it will help manage specified highly mobile fauna, regional councils must include in their regional policy statements (where possible) a map and description of each highly mobile fauna area in its region.</p> <p>(3) Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.</p> <p>(4) Local authorities must provide information to their communities about:</p> <ul style="list-style-type: none"> (a) specified highly mobile fauna and their habitats; and (b) best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their regions and districts. 	<p>26. Do you have any feedback on the workability of provision 3.20: Specified highly mobile fauna?</p> <p>Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers that, if the information is available, regional councils must include a map and description of each highly mobile fauna area in their regional policy statements. This will be critical in managing specified highly mobile fauna.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.20 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.2(2) If it will help manage specified highly mobile fauna, regional councils must include in their regional policy statements (where possible available) a map and description of each highly mobile fauna area in its region.</p>
<p>3.21 Restoration</p> <p>(1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas.</p> <p>(2) The objectives, policies, and methods must prioritise all the following for restoration:</p> <ul style="list-style-type: none"> (a) SNAs whose ecological integrity is degraded: (b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems: (c) areas that provide important connectivity or buffering functions: (d) wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna: (e) any national priorities for indigenous biodiversity protection. <p>(3) Local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on Māori lands, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.</p> <p>(4) Local authorities must consider imposing or reviewing restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration.</p>	<p>27. Do you have any feedback on the workability of provision 3.21: Restoration?</p> <p>Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee suggests that the ambiguous term 'promote' be removed from 3.21(1) and replaced with 'incentivise'. This aligns with the Māori Trustee's previous proposed amendment to policy 13.</p> <p>The Māori Trustee also suggests that the weak and ambiguous planning term 'consider' be removed from 3.21(3) and 3.21(4) and replaced with more directive alternatives.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.21 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.21(1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote <i>incentivise</i> the restoration of indigenous biodiversity, including through reconstruction of areas.</p> <p>3.21(3) Local authorities must consider providing <i>provide</i> incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on Māori lands, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.</p> <p>3.21(4) Local authorities must consider imposing or reviewing <i>review and/or impose (where appropriate)</i> restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration.</p>



<p>3.22 Increasing indigenous vegetation cover</p> <p>(1) Every regional council must assess the percentage of indigenous vegetation cover in:</p> <ul style="list-style-type: none"> (a) each of its urban environments; and (b) its non-urban environments. <p>(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities.</p> <p>(3) Regional councils must:</p> <ul style="list-style-type: none"> (a) set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and (b) consider setting targets of higher than 10% for other areas, to increase their percentage of indigenous vegetation cover; and (c) include any indigenous vegetation cover targets in their regional policy statements. <p>(4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:</p> <ul style="list-style-type: none"> (a) having regard to any targets set under subclause (3) by regional councils; and (b) giving priority to all the following: <ul style="list-style-type: none"> (i) areas referred to in clause 3.21(2); (ii) ensuring species richness; (iii) restoration at a landscape scale across the region. 	<p>28. Do you have any feedback on the workability of provision 3.22: Increasing indigenous vegetation cover?</p> <p>Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers there should be a requirement in 3.22(2) to use ground truthing in areas where dispute around the assessment process occurs.</p> <p>The Māori Trustee suggests that the ambiguous planning term 'consider' be removed from 3.22(3)(b) and replaced with 'assess and set' with the additional qualifier of 'where practical'. This will ensure that in circumstances where it is practical to set higher targets for increasing indigenous vegetation cover regional councils will.</p> <p>The Māori Trustee also suggests that the ambiguous term 'promote' be removed from 3.22(4) and replaced with 'incentivise'. This aligns with the Māori Trustee's previous proposed amendment to policy 14.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.22 of the draft NPS-IB:</p> <p>Amendments</p> <p>3.22(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities. <i>However, in instances where there is dispute, ground truthing must be used.</i></p> <p>3.22(3)(b) consider assess and setting targets of higher than 10% for other areas, to increase their percentage of indigenous vegetation cover, <i>where practical</i>; and</p> <p>3.22(4) Local authorities must promote <i>incentivise</i> the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:</p> <ul style="list-style-type: none"> (a) having regard to any targets set under subclause (3) by regional councils; and (b) giving priority to all the following: <ul style="list-style-type: none"> (i) areas referred to in clause 3.21(2); (ii) ensuring species richness; (iii) restoration at a landscape scale across the region.
<p>3.23 Regional biodiversity strategies</p> <p>(1) Every regional council must prepare a regional biodiversity strategy that complies with Appendix 5 in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders.</p> <p>(2) Local authorities must have regard to the relevant regional biodiversity strategy when developing restoration objectives, policies, and methods for inclusion in regional policy statements and plans.</p>	<p>29. Do you have any feedback on the workability of provision 3.23: Regional biodiversity strategies?</p> <p>Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>
<p>3.24 Information requirements</p> <p>(1) Every local authority must make or change its policy statements or plans to require that if a resource consent application is required in relation to an indigenous biodiversity matter, the application is not considered unless it includes a report that:</p>	<p>30. Do you have any feedback on the workability of provision 3.24: Information requirements?</p> <p>Please be specific about what aspects don't work, and why. You can include</p>	<p>Partially support</p>	<p>The Māori Trustee considers that for the purpose of consistency with the rest of the document, 3.24(1)(a) should refer to a 'suitably qualified ecologist'. In</p>	<p>The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6.</p>



<p>(a) is prepared by a qualified and experienced ecologist; and (b) complies with subclause (2); and (c) is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.</p> <p>(2) The report by the ecologist must:</p> <p>(a) include a description of the adverse effects of the proposal on indigenous biodiversity and how those effects will be managed using the effects management hierarchy; and (b) identify any effects on identified taonga; and (c) identify the ecosystem services associated with indigenous biodiversity at the site; and (d) include an assessment of the ecological integrity and connectivity within and beyond the site; and (e) include mātauranga Māori and tikanga Māori assessment methodology, where relevant; and (f) if biodiversity offsetting is proposed, set out:</p> <p>(i) a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and (ii) a description of how the relevant principles in Appendix 3 of the National Policy Statement for Indigenous Biodiversity have been addressed; and (iii) an assessment of the likely success of the plan in achieving a net gain in biodiversity values:</p> <p>(g) if biodiversity compensation is proposed, set out:</p> <p>(i) a detailed plan of what is proposed; and (ii) a description of how the relevant principles in Appendix 4 of the National Policy Statement for Indigenous Biodiversity have been addressed; and (iii) an assessment of the likely success of the plan in achieving its outcomes.</p>	<p>suggestions for possible solutions if you have any.</p>		<p>addition, a definition of what a 'suitably qualified ecologist' is would also need to be provided in this clause.</p> <p>The Māori Trustee supports the inclusion of mātauranga Māori and tikanga Māori assessment methodologies in 3.24(2)(d). However, the Māori Trustee considers the term 'relevant' needs to be replaced with 'available', to strengthen the actual use of these methodologies in practice. To ensure the appropriate use of these methodologies, there should be an explicit requirement for tangata whenua to agree to their use within the report. The Māori Trustee also considers that a guidance note should be included with this clause to ensure its application by local authorities is consistent.</p> <p>The Māori Trustee also considers that 3.24(2)(f)(ii) and 3.24(2)(g)(ii) should require a description of how principles listed in Appendix 3 and 4, respectively, have been 'achieved'.</p>	<p>The Māori Trustee also considers that a guidance note should be included with clause 3.24(2)(d) to ensure its application by local authorities is consistent.</p> <p>The Māori Trustee considers that the following amendments need to be made in clause 3.24 of the draft NPS-IB:</p> <p>Amendments 3.24(1)(a) is prepared by a <i>suitably</i> qualified and experienced ecologist; and 3.24(2)(e) include mātauranga Māori and tikanga Māori assessment methodology, where relevant available, and with the agreement of tangata whenua; and 3.24(2)(f)(ii) a description of how the relevant principles in Appendix 3 of the National Policy Statement for Indigenous Biodiversity have been addressed achieved; and 3.24(2)(g)(ii) a description of how the relevant principles in Appendix 4 of the National Policy Statement for Indigenous Biodiversity have been addressed achieved; and</p>
<p>3.25 Monitoring by regional councils (1) Regional councils must work with territorial authorities, relevant agencies and tangata whenua to develop a monitoring plan for indigenous biodiversity in their regions and each of their districts.</p> <p>(2) Every monitoring plan must:</p> <p>(a) establish methods and timeframes for monitoring:</p> <p>(i) the maintenance of indigenous biodiversity in, and the ecological integrity and physical extent of, SNAs; and (ii) the maintenance of identified taonga; and (iii) the achievement of restoration objectives established under clause 3.21; and (iv) the percentage of indigenous vegetation cover in urban and non-urban environments in its region, as required under clause 3.22.</p>	<p>31. Do you have any feedback on the workability of provision 3.25: Monitoring by regional councils? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers that 3.25(2)(c) could be strengthened and clarified by removing the qualifier 'to the extent possible'.</p>	<p>The Māori Trustee considers that the following amendments need to be made in clause 3.25 of the draft NPS-IB:</p> <p>Amendments 3.25(2)(c) to the extent possible, where tangata whenua agree, use scientific monitoring methods and mātauranga Māori and tikanga Māori monitoring methods equally; and</p>



	<p>(b) use best practice methods, or nationally agreed standards or methods, for monitoring areas that allow for comparability; and</p> <p>(c) to the extent possible, where tangata whenua agree, use scientific monitoring methods and mātauranga Māori and tikanga Māori monitoring methods equally; and</p> <p>(d) recognise the importance of long-term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and</p> <p>(e) establish methods, such as action plans, for responding to monitoring that indicates the objectives of this National Policy Statement will not be met.</p> <p>(3) Methods and timeframes may include different methods and timeframes relating to SNAs and identified taonga but, if national monitoring methods are available, must use those methods.</p>				
<p>Part 4: Timing</p>	<p>4.1 Time generally</p> <p>(1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.</p> <p>(2) Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this National Policy Statement within 8 years after the commencement date.</p>	<p>32. Do you have any feedback on the workability of the provisions under Part 4: Timing? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>		<p>The Māori Trustee considers the timeframe permitted for local authorities to give effect to this NPS-IB to be considerable. However, considering the requirements placed on tangata whenua and ecologists throughout this policy, it is understandable that time will need to be given to ensure both groups have the capability and capacity to complete the task. The Māori Trustee therefore reiterates her point in 3.3 that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p>	<p>The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p>
	<p>4.2 Timing for planning provisions for SNAs</p> <p>(1) Local authorities must publicly notify any policy statement or plan or changes to these necessary to give effect to subpart 2 of Part 3 (Significant Natural Areas) and clause 3.24 (Information requirements) within 5 years after the commencement date.</p>		<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>
	<p>4.3 Timing for regional biodiversity strategies</p> <p>(1) A regional council that, at the commencement date, has or is in the processes of preparing a regional biodiversity strategy must update or complete the strategy within 10 years after the commencement date.</p> <p>(2) A regional council that, at the commencement date, has not prepared or begun to prepare a regional biodiversity strategy must initiate</p>			<p>The Māori Trustee considers the timeframe permitted for local authorities to prepare a regional biodiversity strategy to be considerable. However, considering the requirements placed on tangata whenua and</p>	<p>The Māori Trustee considers that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p>



	<p>preparation of a strategy within 3 years after the commencement date, and must complete it within 10 years after the commencement date.</p>		<p>ecologists throughout this policy, it is understandable that time will need to be given to ensure both groups have the capability and capacity to complete the task. The Māori Trustee therefore reiterates her point in 3.3 that additional funding and work programmes will need to be allocated to support iwi/Māori capacity and capability building within this space.</p>	
	<p>4.4 Existing policy statements and plans (1) To the extent that policy statements and plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it. (2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement. (3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).</p>		<p>Support No comment.</p>	<p>No comment.</p>
<p>Appendix 1: Criteria for identifying areas that qualify as significant natural areas</p>	<p>1 Direction on approach (1) This appendix sets out the criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna in a specific area, so that the area qualifies as an SNA. (2) An area qualifies as a significant natural area if it meets any one of the attributes of the following four criteria: (a) representativeness: (b) diversity and pattern: (c) rarity and distinctiveness: (d) ecological context.</p>		<p>Support No comment.</p>	<p>No comment.</p>
	<p>2 Context for assessment (1) The context for an assessment of an area is: (a) its ecological district; and (b) in the context of the rarity assessment only, its land environment.</p>		<p>Support No comment.</p>	<p>No comment.</p>



<p>3 Manner and form of assessment</p> <p>(1) Every assessment must include at least:</p> <ul style="list-style-type: none"> (a) a map of the area; and (b) a description of its significant attributes, including for each criterion a description of the attribute (as specified below) that applies; and (c) a description of the indigenous vegetation, indigenous fauna, habitat, and ecosystems present; and (d) additional information such as the key threats, pressures, and management requirements. <p>(2) An assessment under this appendix must be conducted by a suitably qualified ecologist (which, in the case of an assessment of a geothermal ecosystem, requires an ecologist with geothermal expertise).</p>		Partially support	The Māori Trustee considers a definition of what a 'suitably qualified ecologist' is would provide consistency and clarity to the assessment process.	The Māori Trustee considers a definition of a 'suitably qualified ecologist' needs to be added to clause 1.6.
<p>A Representativeness criterion</p> <p>(1) Representativeness is the extent to which the indigenous vegetation or habitat of indigenous fauna in an area is typical or characteristic of the indigenous biodiversity of the relevant ecological district.</p> <p><i>Key assessment principles</i></p> <p>(2) Representativeness may include commonplace indigenous vegetation and the habitats of indigenous fauna, which is where most indigenous biodiversity is present. It may also include degraded indigenous vegetation, ecosystems and habitats that are typical of what remains in depleted ecological districts. It is not restricted to the best or most representative examples, and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.</p> <p>(3) Significant indigenous vegetation has ecological integrity typical of the indigenous vegetation of the ecological district in the present-day environment. It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.</p> <p>(4) Significant indigenous fauna habitat is that which supports the typical suite of indigenous animals that would occur in the present-day environment. Habitat of indigenous fauna may be indigenous or exotic.</p> <p>(5) The application of this criterion should result in identification of indigenous vegetation and habitats that are representative of the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform, and soil sequences. The ecological character and pattern of the indigenous vegetation in the ecological district should be described by reference to the types of indigenous vegetation and the landforms on which it occurs.</p> <p><i>Attributes of representativeness</i></p>	<p>33. Do you have any feedback on the workability of provision A: Representativeness criterion? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>			



<p>(6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:</p> <ul style="list-style-type: none"> (a) indigenous vegetation that has ecological integrity that is typical of the character of the ecological district: (b) habitat that supports a typical suite of indigenous fauna that is characteristic of the habitat type in the ecological district and retains at least a moderate range of species expected for that habitat type in the ecological district. 				
<p>B Diversity and pattern criterion</p> <p>(1) Diversity and pattern is the extent to which the expected range of diversity and pattern of biological and physical components within the relevant ecological district is present in an area.</p> <p><i>Key assessment principles</i></p> <p>(2) Diversity of biological components is expressed in the variation of species, communities, and ecosystems. Biological diversity is associated with variation in physical components, such as geology, soils/substrate, aspect/exposure, altitude/depth, temperature, and salinity.</p> <p>(3) Pattern includes changes along environmental and landform gradients such as ecotones and sequences.</p> <p>(4) Natural areas that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients, and sequences in the context of the ecological district, rate more highly under this criterion.</p> <p><i>Attributes of diversity and pattern</i></p> <p>(5) An area that qualifies as a significant natural area under this criterion has at least one of the following attributes:</p> <ul style="list-style-type: none"> (a) at least a moderate diversity of indigenous species, vegetation, habitats of indigenous fauna or communities in the context of the ecological district: (b) presence of indigenous ecotones, complete or partial gradients or sequences. 	<p>34. Do you have any feedback on the workability of provision B: Diversity and pattern criterion? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>The Māori Trustee considers a definition for 'ecotone' should be added to clause 1.6 of the draft NPS-IB.</p>	<p>The Māori Trustee considers the following definition for 'ecotone' should be added to clause 1.6 of the draft NPS-IB:</p> <p><i>ecotone, a transition area between two biological communities, where two communities meet and integrate. It may be narrow or wide, and it may be local or regional</i></p>
<p>C Rarity and distinctiveness criterion</p> <p>(1) Rarity and distinctiveness is the presence of rare or distinctive indigenous taxa, habitats of indigenous fauna, indigenous vegetation or ecosystems.</p> <p><i>Key assessment principles</i></p> <p>(2) Rarity is the scarcity (natural or induced) of indigenous elements: species, habitats, vegetation, or ecosystems. Rarity includes elements that are uncommon or threatened.</p>	<p>35. Do you have any feedback on the workability of provision C: Rarity and distinctiveness criterion? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>



<p>(3) The list of Threatened and At Risk species is regularly updated by the Department of Conservation. Rarity at a regional or ecological district scale is defined by regional or district lists or determined by expert ecological advice. The significance of nationally listed Threatened and At Risk species should not be downgraded just because they are common within a region or ecological district.</p> <p>(4) Depletion of indigenous vegetation or ecosystems is assessed using ecological districts and land environments.</p> <p>(5) Distinctiveness includes distribution limits, type localities, local endemism, relict distributions, and special ecological or scientific features. Attributes of rarity and distinctiveness</p> <p>(6) An area that qualifies as an SNA under this criterion has at least one of the following attributes:</p> <ul style="list-style-type: none"> (a) provides habitat for an indigenous species that is listed as Threatened or At Risk (Declining) in the New Zealand Threat Classification System lists: (b) an indigenous vegetation type or an indigenous species that is uncommon within the region or ecological district: (c) an indigenous species or plant community at or near its natural distributional limit: (d) indigenous vegetation that has been reduced to less than 20 per cent of its pre-human extent in the ecological district, region, or land environment: (e) indigenous vegetation or habitat of indigenous fauna occurring on naturally uncommon ecosystems: (f) the type locality of an indigenous species: (g) the presence of a distinctive assemblage or community of indigenous species: (h) the presence of a special ecological or scientific feature. 				
<p>D Ecological context criterion</p> <p>(1) Ecological context is the extent to which the size, shape, and configuration of an area within the wider surrounding landscape contributes to its ability to maintain indigenous biodiversity or affects the ability of the surrounding landscape to maintain its indigenous biodiversity.</p> <p><i>Key assessment principles</i></p> <p>(2) Ecological context has two main assessment principles:</p> <ul style="list-style-type: none"> (a) the characteristics that help maintain indigenous biodiversity (such as size, shape, and configuration) in the area; and (b) the contribution the area makes to protecting indigenous biodiversity in the wider landscape (such as by linking, connecting to or buffering other natural areas, providing 'stepping stones' of habitat or maintaining ecological integrity). 	<p>36. Do you have any feedback on the workability of provision D: Ecological context criterion? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Support</p>	<p>No comment.</p>	<p>No comment.</p>



	<p><i>Attributes of ecological context</i> (3) An area that qualifies as an SNA under this criterion has at least one of the following attributes:</p> <ul style="list-style-type: none"> (a) at least moderate size and a compact shape, in the context of the relevant ecological district: (b) well-buffered relative to remaining habitats in the relevant ecological district: (c) provides an important full or partial buffer to or link between, one or more important habitats of indigenous fauna or significant natural areas: (d) important for the natural functioning of an ecosystem relative to remaining habitats in the ecological district. 				
<p>Appendix 2: Specified highly mobile fauna</p>	<p>Refer to pages 35 – 37: https://environment.govt.nz/assets/publications/NPSIB-exposure-draft.pdf</p>	<p>37. Are there any species which should or shouldn't be on the specified highly mobile fauna list? Please explain why here.</p>		<p>No comment.</p>	<p>No comment.</p>
<p>Appendix 3: Principles for biodiversity offsetting</p>	<p>The following sets out a framework of principles for the use of biodiversity offsets. These principles represent a standard for biodiversity offsetting and must be complied with for an action to qualify as a biodiversity offset.</p> <p>1. Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress any more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.</p> <p>2. When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where biodiversity values cannot be offset to achieve a net gain outcome, and if biodiversity values are adversely affected, they will be permanently lost. This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in biodiversity values. Examples of where an offset would be inappropriate include where:</p> <ul style="list-style-type: none"> (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected: (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse: (c) there are no technically feasible options by which to secure gains within acceptable timeframe. <p>3. Net gain: The biodiversity values to be lost through the activity to which the offset applies are counterbalanced and exceeded by the proposed offsetting activity, so that the result is a net gain when compared to that lost. Net gain is demonstrated by a like-for-like</p>	<p>38. Do you have any feedback on the workability of Appendix 3: Principles for biodiversity offsetting? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers there is a need to expressly state that Māori values be included as part of any assessment of biodiversity values. This need is particularly salient in Appendix 3(2) to ensure that Māori values are not disregarded when considering the appropriateness of biodiversity offsetting. The Māori Trustee therefore proposes that explicit reference to the 'identified historical, cultural and spiritual relationship tangata whenua have with indigenous biodiversity and values identified by tangata whenua' are included in this section.</p> <p>The Māori Trustee also considers that any biodiversity offset actions undertaken as part of Appendix 3(6) must be within the same ecological district.</p>	<p>The Māori Trustee considers that the following amendments need to be made in Appendix 3 of the draft NPS-IB:</p> <p>Amendments Appendix 3(2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where biodiversity values, <i>including the identified historical, cultural and spiritual relationship tangata whenua have with indigenous biodiversity and values identified by tangata whenua</i>, cannot be offset to achieve a net gain outcome, and if biodiversity values are adversely affected, they will be permanently lost. This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in biodiversity values. Examples of where an offset would be inappropriate include where:</p> <ul style="list-style-type: none"> (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected: (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse:



<p>quantitative loss/gain calculation of the following, and is achieved when the ecological values at the offset site exceed those being lost at the impact site across indigenous biodiversity:</p> <ul style="list-style-type: none"> (a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and (b) amount; and (c) condition. <p>4. Additionality: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</p> <p>5. Leakage: Offset design and implementation avoids displacing activities that are harmful to indigenous biodiversity to other locations.</p> <p>6. Landscape context: Biodiversity offset actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district, and consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</p> <p>7. Long-term outcomes: Biodiversity offsets are managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity.</p> <p>8. Time lags: The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period.</p> <p>9. Science and mātauranga Māori: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori where available.</p> <p>10. Stakeholder participation: Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.</p> <p>11. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.</p>				<p>(c) there are no technically feasible options by which to secure gains within acceptable timeframe.</p> <p>Appendix 3(6) Landscape context: Biodiversity offset actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or <i>and</i> within the same ecological district, and consider the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</p>
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<p>Appendix 4: Principles for biodiversity compensation</p>	<p>The following sets out a framework of principles for the use of biodiversity compensation. These principles represent a standard for biodiversity compensation and must be complied with for an action to qualify as biodiversity compensation.</p> <p>1. Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse impacts, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.</p> <p>2. When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for, for example because:</p> <ul style="list-style-type: none"> (a) the indigenous biodiversity affected is irreplaceable or vulnerable; or (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or (c) there are no technically feasible options by which to secure proposed gains within acceptable timeframes. <p>3. Scale of biodiversity compensation: The values to be lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity, (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects on indigenous biodiversity.</p> <p>4. Additionality: Biodiversity compensation achieves gains in indigenous biodiversity that are above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</p> <p>5. Leakage: The design and implementation avoid displacing activities or environmental factors that are harmful to indigenous biodiversity in other locations.</p> <p>6. Landscape context: Biodiversity compensation actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The actions consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</p> <p>7. Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as long as the impacts, and preferably in perpetuity.</p>	<p>39. Do you have any feedback on the workability of Appendix 4: Principles for biodiversity compensation? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers there is a need to expressly state that Māori values be included as part of any assessment of biodiversity values. This need is particularly salient in Appendix 4(2) to ensure that Māori values are not disregarded when considering the appropriateness of biodiversity compensation. The Māori Trustee therefore proposes that explicit reference to the 'identified historical, cultural and spiritual relationship tangata whenua have with indigenous biodiversity and values identified by tangata whenua' are included in this section.</p> <p>The Māori Trustee also considers that any biodiversity compensation actions undertaken as part of Appendix 3(6) must be within the same ecological district.</p>	<p>The Māori Trustee considers that the following amendments need to be made in Appendix 3 of the draft NPS-IB:</p> <p>Amendments</p> <p>Appendix 4(2) When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values, <i>including the identified historical, cultural and spiritual relationship with tangata whenua and values identified by tangata whenua</i>, are not able to be compensated for, for example because:</p> <ul style="list-style-type: none"> (a) the indigenous biodiversity affected is irreplaceable or vulnerable; or (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or (c) there are no technically feasible options by which to secure proposed gains within acceptable timeframes. <p>(6) Landscape context: Biodiversity compensation actions are undertaken where this will result in the best ecological outcome, preferably close to the impact site or <i>and</i> within the same ecological district. The actions consider the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.</p>
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	<p>8. Time lags: The delay between loss of indigenous biodiversity at the impact site and gain or maturity of indigenous biodiversity at the compensation site is minimised.</p> <p>9. Trading up: When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity values gained are demonstrably of higher indigenous biodiversity value than those lost. The proposal also shows the values lost are not to Threatened or At Risk species or to species considered vulnerable or irreplaceable.</p> <p>10. Financial contributions: Financial contributions are only considered when there is no effective option available for delivering indigenous biodiversity gains on the ground. Any contributions related to the indigenous biodiversity impacts must be directly linked to an intended indigenous biodiversity gain or benefit.</p> <p>11. Science and mātauranga Māori: The design and implementation of biodiversity compensation is a documented process informed by science and mātauranga Māori where available.</p> <p>12. Stakeholder participation: Opportunity for the effective and early participation of stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.</p> <p>13. Transparency: The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.</p>				
<p>Appendix 5: Regional biodiversity strategies</p>	<p>1. The purpose of a regional biodiversity strategy is to promote the landscape-scale restoration of the region’s indigenous biodiversity.</p> <p>2. To achieve its purpose, the regional biodiversity strategy of a region must:</p> <ul style="list-style-type: none"> (a) set out a landscape-scale vision for the restoration of the region’s indigenous biodiversity; and (b) recognise and provide for Te Rito o te Harakeke; and (c) provide for resilience to biological and environmental changes, including those associated with climate change; and (d) recognise biological and physical connections within, and between, the terrestrial environment, water bodies, and the coastal marine area; and (e) support the achievement of any national priorities for indigenous biodiversity protection; and (f) record: <ul style="list-style-type: none"> (i) the actions and methods intended to promote the maintenance and restoration of indigenous biodiversity, and increase in indigenous vegetation cover, in the region; 	<p>40. Do you have any feedback on the workability of Appendix 5: Regional biodiversity strategies? Please be specific about what aspects don't work, and why. You can include suggestions for possible solutions if you have any.</p>	<p>Partially support</p>	<p>The Māori Trustee considers that regional biodiversity strategies should be required to give effect to Te Rito o te Harakeke. This will ensure that application of the NPS-IB and the implementation of regional biodiversity strategies align.</p> <p>The Māori Trustee considers that the term ‘taken into account’ is a weak planning directive in Appendix 5(4) and is inconsistent with other sections of the NPS-IB that require active involvement and partnership with tangata whenua.</p>	<p>The Māori Trustee considers that the following amendments need to be made in Appendix 5 of the draft NPS-IB:</p> <p>Amendments Appendix 5(2)(b) recognise and provide for give effect to Te Rito o te Harakeke; and</p> <p>Appendix 5(4) The following must be taken into account provided for when developing a regional biodiversity strategy:</p>



<p>(ii) actions that will be undertaken by local or central government;</p> <p>(iii) actions that the community, including tangata whenua, will be supported or encouraged to undertake; and</p> <p>(iv) how those actions will be resourced.</p> <p>(g) specify milestones for achieving the strategy’s purpose; and</p> <p>(h) specify how progress on achieving the strategy’s purpose is to be monitored and reported on and measures to be taken if milestones are not being met.</p> <p>3. A regional biodiversity strategy may also:</p> <p>(a) include measures that are intended to implement other objectives, such as biosecurity, climate mitigation, amenity, or freshwater outcomes, where those measures also contribute to protection and restoration of indigenous biodiversity; and</p> <p>(b) identify areas intended for restoration in accordance with clause 3.21; and</p> <p>(c) identify areas in which indigenous vegetation cover is proposed to be increased, in accordance with clause 3.22.</p> <p>4. The following must be taken into account when developing a regional biodiversity strategy:</p> <p>(a) opportunities to engage the community, including tangata whenua, in conservation and, in particular, to connect urban people and communities to indigenous biodiversity;</p> <p>(b) opportunities for partnerships with the QEII Trust, Ngā Whenua Rāhui and others;</p> <p>(c) considering incentive opportunities specific to Māori lands;</p> <p>(d) co-benefits, including for water quality and freshwater habitats, carbon sequestration and hazard mitigation;</p> <p>(e) alignment with strategies under other legislation.</p>				
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Conclusion

13. The Māori Trustee looks forward to discussing this submission with Ministry for the Environment officials.

14. Please contact [REDACTED]

Dr Charlotte Severne

Māori Trustee



Appendices

Appendix A – The Māori Trustee and Te Tumu Paeroa

Who We Are

15. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. The role of the Māori Trustee, is to provide accurate and timely administration and management of whenua and other client assets in compliance with the principles and obligations of trusteeship and agency, and in accordance with the Māori Trustee Act 1953, Trusts Act 2019, Te Ture Whenua Māori Act 1993 and other legislation. The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in September 2018 and was re-appointed for a five-year term in October 2021.
16. Te Tumu Paeroa is the organisation that supports the Māori Trustee to undertake her functions, duties and responsibilities.
17. The Māori Trustee administers around 88,000 hectares of Māori freehold land, as well as general land and other interests and investments, on behalf of approximately 100,000 Māori Land owners.
18. A primary objective of The Māori Trustee, is to protect, utilise and grow the assets of our Māori land owners. The organisation provides land administration and professional trustee and agency services to one third of all Māori land trusts (over 1,700 trusts), as well as targeted development and sector-specific expertise. The organisation is involved in the management of a number of Māori enterprises and development projects.
19. The Māori Trustee currently employs 124 staff across five offices throughout New Zealand, with the Māori Trustee located in Te Whanganui-a-Tara. Our organisation is made up of, but not limited to, trust and property management, law, client services, and other specialist teams. Our employees are focussed on protecting and enhancing the whenua Māori that we have the privilege to administer on behalf of its landowners and their tipuna.
20. Te Tumu Paeroa is unique, in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners.

Our Vision and Priorities

21. Our vision is: *Ko Te Tumu Paeroa tēnei, te tauawhi nei, te taunaki nei, te tiaki nei ngā whenua Māori mō naianei, mō āpōpō hoki. Ensuring Māori land is protected and enhanced, now and for generations to come.*
Our vision requires a careful balance between protection of the whenua and taiao and enhancement of the whenua through a range of pathways, including commercial development.



22. Our purpose is to be a dedicated professional trustee service for Māori.
23. Our strategic priorities assist us to deliver on our vision and purpose:
 - a. Ensuring consistent delivery of professional trustee services.
 - b. Building trust and confidence across all of our engagements.
 - c. Demonstrating leadership in meeting new challenges to governance and administration of whenua Māori.
24. Our responsibility as trustee in the context of the draft National Policy Statement for Indigenous Biodiversity, is to ensure that the voices of the whenua that we are responsible for, and those landowners who whakapapa to that whenua, are heard and understood.

Our Portfolio

25. Our portfolio currently⁷ consists of the following:
 - a. Number of trusts and other entities under administration – 1,751.
 - b. Number of hectares under management – 88,000.
 - c. Number of owner accounts maintained – 100,793.
 - d. Number of ownership interests – 252,580.
 - e. Number of leases administered – 1,732.
 - f. Client funds under management (market value) – \$ 133.2 million.
 - g. Māori Trustee equity – \$ 170.7 million.

Our Mahi

26. The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori land owners are advanced by Te Tumu Paeroa's mahi.
27. Our core services are:
 - a. Administering trusts as responsible trustee, custodian trustee, and agent
 - b. Convening, running and recording proceedings of meetings of beneficial owners
 - c. Responding to requests for information
 - d. Consulting with advisory trustees and owners
 - e. Leasing property on behalf of owners and administering leases
 - f. Collecting rent and managing arrears and bad debts
 - g. Managing contracts for service entered into by trusts
 - h. Managing and investing cash assets in the Common Fund
 - i. Reporting to beneficial owners
 - j. Acquiring and paying for goods and services

⁷ The Māori Trustee Annual Report 2021



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- k. Preparing financial statements and annual tax returns
 - l. Keeping records for trusts we administer
 - m. Making trust distributions to owners
 - n. Administering grants and scholarships
 - o. Making applications to the Māori Land Court
 - p. Reviewing land use and considering, where appropriate, alternative land use options
 - q. Developing and enhancing property and land management including Asset Management and Farm Environment Plans
 - r. Managing and providing support services for the General Purposes Fund

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