



## **Submission on the proposed National Policy Statement for Indigenous Biodiversity**

Sent via email to [indigenousbiodiversity@mfe.govt.nz](mailto:indigenousbiodiversity@mfe.govt.nz) on 14 March 2020.

### **Introduction**

1. The Hurunui District Council thanks the Ministry for the Environment for the opportunity to comment on the proposed National Policy Statement for Indigenous Biodiversity. The Hurunui District Council considered the proposal at a workshop on 4 February 2020.
2. The Hurunui district is located in North Canterbury. We have approximately 12,558 residents and cover an area of 8,646 km<sup>2</sup> spanning from the east coast across to the Main Divide. The Hurunui district is predominantly rural land interspaced with small service towns. Our economy is primarily reliant on primary production and tourism.
3. We are happy to discuss any points in our submission further if this would be useful to Ministry for the Environment officials.

### **The proposed National Policy Statement for Indigenous Biodiversity ('NPSIB') - General comments**

4. We agree maintenance and enhancement of indigenous biodiversity is an important goal for New Zealand. We also agree national direction to identify goals and priorities for indigenous biodiversity maintenance and enhancement is valuable.
5. We strongly disagree with the extent to which the NPSIB focuses on significant natural areas ('SNA') as the means to maintain and enhance indigenous biodiversity; with the mandatory requirement to map and list SNAs in regional or district plans. This is the focus of our submission.
6. The purpose of a national policy statement as set out in section 45 of the Resource Management Act 1991 ('RMA') is to state objectives and policies on matters of national significance that are relevant to achieving the purpose of the RMA. The NPSIB has objectives and policies, but the policies are focused on mapping and listing SNAs and preventing removal of indigenous vegetation.
7. We submit the NPSIB is underpinned by an approach to managing indigenous biodiversity by splitting land into 'production land' and 'protection land' and requiring land which meets the criteria for protection as an SNA or otherwise contains indigenous vegetation, be removed from use. There are two issues with this approach. Firstly, it disregards the ability to maintain indigenous biodiversity through conservative use of land which maintains the integrity of indigenous biological ecosystems, such as extensive dryland pastoralism. Secondly, we believe it acts as a disincentive to landholders to allow indigenous vegetation regeneration or restoration on their land in case the land then becomes 'locked' into protection and can no longer be used.
8. Private landholders are the custodians of New Zealand's indigenous biodiversity outside of the conservation estate, and we submit the NPSIB ignores the substantial contribution many of those landholders have made to protecting, maintaining and enhancing New Zealand's indigenous biodiversity over generations. Much is made of the land clearance and indigenous biodiversity loss that has occurred by landholders over time, and rightly so, but the NPSIB is not balanced by recognising what has been achieved by landholders in maintaining and restoring indigenous biodiversity, especially in the last 20 years, and the successful ways in which it has

been done. While the important contribution of mana whenua as kaitiaki is recognised in Policy 1, there is no equivalent recognition of the work done by family farmers and other intergenerational landholders.

9. We also question why the NPSIB is not recognising the success programmes such as the Queen Elizabeth II Trust ('QEII Trust') covenant process have had with protecting sites and enhancing indigenous biodiversity, and why it is choosing to promote the model of identifying and mapping SNAs – a model with a history of cost and conflict, over processes which have proven successful. For example, since the QEII Trust was established in 1977, over 4 600 farmers in New Zealand have entered into QEII Trust covenants to voluntarily protect over 189 000ha of conservation sites on private farmland (<http://qeitrust.org.nz>). Since its inception in 2001, the Banks Peninsula Conservation Trust has covenanted 1 460ha of farmland on Banks Peninsula/Te Pātaka o Rakaihautu and manages another 13 500ha of farmland to provide habitat for sea birds (<http://www.bpct.org.nz>).
10. The appropriateness of mapping and listing SNAs in district plans compared with other methods to recognise and protect SNAs or to maintain and protect indigenous biodiversity generally, are not considered in the Section 32 evaluation and cost benefit analysis ('Section 32 Report'). Rather the Section 32 Report focuses on the 'costs' of declining indigenous biodiversity before making a leap that mapping and listing SNAs in regional and district plans as the best method to do this.
11. We do not think the NPSIB and accompanying Section 32 Report justifies how compulsory mapping and listing of SNAs is essential to halting the ongoing decline in indigenous biodiversity. The Section 32 Report states 39% of councils have not mapped SNAs. That means 61% of councils, the majority, have, yet biodiversity is still reported as declining. There is no evidence to suggest indigenous biodiversity is no longer declining in those districts which have mapped SNAs or whether the SNAs which have been mapped and listed are actually 'protected' on the ground.
12. We consider the NPSIB is trying to achieve too much at once: in terms of the mandatory requirement to map and list SNAs, the breadth of criteria used to measure significance; the timeframe within which this work must be done; and the failure to consider alternative methods.
13. We also consider the NPSIB is too focussed on words on paper, rather than the facilitation of on the ground action.
14. Our submission explains the Hurunui district context and the basis for our concerns with regard to mandatory SNA mapping. We propose what we consider could be a workable alternative solution.

### **The Hurunui context**

15. There is agreement in our district from both Council and landowners that biodiversity is important and needs to be managed not only to halt further decline but to achieve regeneration. The 'how' is contentious and has been the subject of much discussion, particularly around SNA mapping on private land and the value of regulation in achieving biodiversity outcomes; words on paper versus actions on the ground.
16. In the first generation Hurunui District Plan (operative August 2003) one hundred and seventeen SNA were mapped and 35 were classified as potential SNAs. The mapping of SNAs was useful in terms of identifying that a SNA may exist on a property, but the level of inaccuracy

of the mapping meant the Council used general indigenous biodiversity clearance rules, rather than rules specific to the SNAs.

17. In the second generation Hurunui District Plan (operative June 2018) Council liaised with the community through a collaborative process, on a range of ways to enhance and protect biodiversity within the Hurunui district, while giving effect to the Canterbury Regional Policy Statement.
18. The group held a diverse range of views and some attendees withdrew early in the process, so their issues with the process were not able to be resolved. Ultimately, no further research and consultation was completed and no SNAs were identified or listed in the second generation Hurunui District Plan. The plan has general rules for indigenous vegetation clearance and where an application is made to breach those rules the significance of the site can be assessed in the resource consent process and sites managed using biodiversity management plans.
19. Staff have received enquires around indigenous biodiversity clearance, but no resource consent applications have been made. This situation indicates that either indigenous vegetation clearance is not happening, or it is occurring without permission. Either outcome is indicative of the limitations of managing and enhancing indigenous biodiversity using rules and regulations.
20. We understand why some councils may wish to map and list SNAs, particularly in urban and peri-urban areas where there is little indigenous biodiversity left and the landscape is underdevelopment pressure. To that end mapping and listing SNAs is one tool to manage indigenous biodiversity but it is not always the best tool.
21. In districts such as Hurunui where nature still dominates the landscape, large areas of people's farm land meet the criteria as being a SNA or otherwise contains indigenous vegetation, particularly in the hill and high country. We believe there are other more efficient and effective ways to both protect the ecological values of SNAs and to take advantage of that remaining indigenous biodiversity base to support land uses that maintain or enhance it. In these extensive environments, indigenous biodiversity needs to be actively managed to protect it from being overrun by exotic pests (plants and animals). This requires active on-site grazing (at appropriate densities) and pest management, as suits each individual site.
22. These districts are likely to be the ones with a large land area and a small ratepayer base from which to fund indigenous biodiversity work and Hurunui district is one of these. Our budget is constrained by having a large land area and a small population base to rate. The reality is we have competing priorities and funds are first allocated to core services and key infrastructure, for example, \$18 million towards meeting drinking water standards by 2025. The remaining budget is divided up against other priorities, leaving a limited budget to spend on indigenous biodiversity. If we spend our indigenous biodiversity budget on regulation, this means we cannot offer any funding to landowners for practical assistance such as fencing or pest control.
23. The section 32 notes the spatial identification of SNAs "*can be very contentious among landowners and the community*"<sup>1</sup>. This is true for the Hurunui. We have legacy issues of distrust for some landowners towards indigenous biodiversity interventions by council, and relationships are still being repaired from the last attempt to map SNAs in the 1990's during the development of the first generation Hurunui District Plan. As such, landowners are unlikely to react positively to regulation. However, goodwill is still present and we know landowners are

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<sup>1</sup> NPSIB Section 32 evaluation, pg. 32

still prepared to work with council on initiatives which focus on protecting indigenous biodiversity through works on the ground and more information about how to manage landscapes to provide for both their productive use and maintaining their indigenous ecosystem functioning and integrity.

24. We note the section 32 recognises some councils have had positive experiences where relationships with landowners have improved. We ask you to consider the time and cost these councils went through. Based on the experiences of other Council's highlighted in the Local Government New Zealand (LGNZ) submission, we are hesitant we would be able to afford such a process or deliver within the proposed timeframes. In general, the councils in the LGNZ submission are better resourced than us, and their processes took the better part of ten years.
25. The section 32 goes on to identify a correlation between good methodology and good outcome, suggesting *"the quality of methodology to identify SNAs and engage with landowners is critical to get buy-in and reduce the risk of landowner and community opposition."*<sup>2</sup> We agree a good methodology is critical to success. However, in the next paragraph we are essentially told a good methodology is 'beyond our capacity' because the investment required is beyond that of a small district like the Hurunui: *"a district-wide exercise to identify SNAs takes considerable time, requires a high level of expert input and landowner engagement, and is resource intensive. This is beyond the capacity of some councils, especially those that have a small ratings base and large land area."*
26. Given the legacy issues outlined above, we cannot afford to run anything other than a quality process. Anything less risks jeopardising all that has been achieved in the 20+ years since the last attempt to map SNAs in the Hurunui district. We are concerned to note in the high level cost/benefit table in the section 32 that this risk, described as *"potential damage to existing community relationships as a consequence of the NPSIB particularly where SNA criteria and mapping will change (is more stringent or less stringent to that previously applied). Potential undermining of work completed to date. Reduced trust in local governance"*<sup>3</sup> is of low significance. We strongly disagree with this assessment. Relationships and trust between council and landowners is of critical importance. If we do not have the trust of landowners, we do not have anything. This is an issue of high significance to Hurunui and we are sure this is true for other councils.

**Our proposal: an alternative route to 'maintaining biodiversity'**

27. Taking the context outlined above, and our opinion a 'one size fits all' approach does not necessarily work, we submit the NPSIB is amended to direct local authorities to use the most appropriate methods to protect SNAs and to maintain and enhance indigenous biodiversity, according to their evaluations of their regional and district situations.
28. Councils with small budgets cannot do everything and our Council firmly believes we are better spending our indigenous biodiversity budget on practical help and support to our landowners and community groups, rather than entering the costly and conflict-ridden process of trying, yet again, to identify and map SNAs.
29. To that end we ask the NPSIB retain the ability of local authorities to choose either to identify and map SNAs if that is the best option in their area or an alternative approach whereby councils

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<sup>2</sup> NPSIB Section 32 evaluation, pg. 32

<sup>3</sup> NPSIB Section 32 evaluation, pg. 165

commit to funding (through annual and long term planning processes) on the ground conservation action and advocacy work.

30. We understand this alternate approach needs to be measurable and councils utilising this approach will need to be held accountable. There also needs to be some sort of minimum budget spend, so it does not become a token gesture of a few thousand dollars in a contestable fund or similar. Therefore an alternative 'actions on the ground' approach could be regulated through a requirement for councils to submit a detailed project plan to the Ministry for the Environment ('the Ministry') for approval. The Ministry would undertake regular monitoring and/or auditing to ensure councils are delivering on the project plan.
31. Councils would still be required to retain or include in their district plan provisions around indigenous vegetation clearance.
32. A 'fall-back' clause could be included so if the Ministry is not satisfied (for valid reasons) the alternative 'actions on the ground' approach is maintaining or enhancing indigenous biodiversity, that within a reasonable timeframe, the council will be required to map SNAs.
33. We consider our alternative is an empowering approach to indigenous biodiversity. This approach gives both a mandate and government support to landowners and community based conservation groups that their contribution is essential. It also signals maintenance and enhancement of biodiversity requires partnership between all interested parties, and in particular between councils and landowners. Most importantly, we consider this alternative 'actions on the ground' approach actually achieves results on the ground in halting indigenous biodiversity decline, not just words on paper.
34. We also consider this approach would take full advantage of voluntary initiatives such as the [Post Quake Farming project in North Canterbury](#). This project has developed a programme for biodiversity farm environment plans that seek to build on the interest of quake-affected landowners to better understand how their farming practices affect the environment. However, they need fiscal help to implement them on the farm.

### **Relief sought**

35. We have considered our proposed alternative against the objectives of the NPSIB and believe no amendments are required, however some amendments are required to policies and Part 3 Implementation. We propose the following amendments as listed below:

#### ***Policy 2***

36. Delete Policy 2 as it is nonsensical. It is unclear how a council can adopt a precautionary approach to managing the effects of a site where there is little or no information. However missing from the policies is a policy of a similar tenor to Policy 1, that recognises the role and supports the work of landholders in maintaining and enhancing indigenous biodiversity on their land. This new policy will also give effect to Objective 6.

37. Introduce a new Policy 2 which reads:

*To recognise the role of landholders in the management of indigenous biodiversity on their land and encourage and support landholder initiatives and land use practices which maintain or enhance indigenous ecosystems or biodiversity on their land.*

#### ***Policy 6***

38. Delete Policy 6 and replace with:

*To recognise and protect the values of significant indigenous vegetation and significant habitats of indigenous fauna using methods appropriate to the site and the surrounding lawfully established land uses.*

**Policy 12**

39. Delete Policy 12. Our understanding is that all indigenous species are taonga to Ngāi Tahu and that those values need to be understood in a cultural context, which is already provided for in sections 6(e), 7(a) and 8 of the RMA and in regional and district plans. It is unclear what is achieved from a policy to recognise taonga species divorced of this cultural context.

**Policy 13**

40. Delete Policy 13. It is unclear how and why a separate policy is included to identify the habitats of highly mobile species from the general policies to protect significant habitats of fauna, and how that is to be done if they are highly mobile.

**Policy 14**

41. Delete Policy 14. It is unclear what status a Regional Biodiversity Strategy would have, as it is not a regional plan, or what value another layer of 'words on paper' will make to halting biodiversity decline. Section 62(1)(i) of the RMA already directs that regional policy statements must identify:

*the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land—*

*(i) to avoid or mitigate natural hazards or any group of hazards; and*

*(ii) [Repealed]*

*(iii) to maintain indigenous biological diversity; and*

**Part 3 implementation requirements**

42. Delete implementation requirements sections 3.8 to 3.10. These implementation requirements have the effect of directing rules in regional and district plans relating to both what constitutes an SNA and the activities that will and will not be allowed in plans.
43. This is an inappropriate level of direction from a national policy document where at a national level the effects of such specific and directive provisions on specific sites and landholders is unable to be assessed. Therefore the Minister cannot be satisfied that such detailed directions at a national level will achieve the purpose of the Act in every case.
44. Section 6(c) is subject to achieving the purpose of the RMA. Given regional and district councils must give effect to a national policy statement we submit there is a strong requirement to ensure that any directions at a national level have been thoroughly assessed and deemed to achieve the purpose of the Act in all cases.
45. We submit the Ministry does not have sufficient information to be satisfied these implementation practices are necessary to achieve the objectives of the NPSIB and are the most appropriate methods.
46. Any criteria for determining significance and more importantly the nature and type of restrictions on activities in or near those SNAs is most appropriately determined in regional and district planning processes where assessments can occur at a site-specific level.

Yours sincerely,

*Marie A Black.*

Marie Black  
Mayor (on behalf of Hurunui District Council)

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