General responses to the proposals:

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Attn – Mr. C B Garland

BakerAg supports
- the objective of protecting indigenous biodiversity.
- clear principles, where indigenous biodiversity is integrated within pastoral land and where the two can co-exist for mutual benefit.
- frameworks that empower landowners and communities to work together at a local and regional level.

However, we are concerned that the proposed frameworks, rules, and standards:
- Would expand “significant areas” to capture most indigenous vegetation and exotic vegetation that hosts indigenous animals. The effect of this could be for bush that is already fenced to have pastoral land included as part of the “significant area” if this is a corridor for indigenous animals, or buffer for indigenous species. The effect of this would be to:
  a. Unfairly grandparent existing land users who have protected and encouraged regeneration of native species. As a result of previous protection initiatives to encourage indigenous biodiversity and regeneration, the proposals could now extend SNAs to cover most, or entire, sheep and beef farms in some areas. Applying such a broad-brush approach against those who have already protected indigenous biodiversity would result in significant cost as well as potential limitations to the ongoing use of their land.
  b. Even if 1(a) above did not occur, the proposed range of measures in the statement could severely restrict activities farmers could undertake within or adjacent to those SNAs which could make food production unviable.
- Would require authorities to adopt a precautionary approach towards proposed activities where the effects on biodiversity are uncertain, unknown or little understood; but potentially significant. This could result in protection of areas that are not necessarily significant due to a lack of facts. In addition, the proposals
  a. do not give Local Councils a realistic time period (within five years) to map all significant natural areas (SNAs) against a new standard criterion,
  b. nor do they allow Local Councils and their communities the flexibility to define criteria for identifying SNAs within their own region,
  c. assume there is the required level of expertise in New Zealand to identify and assess the effects of land use strategies and the impact this may have on indigenous biodiversity. In fact, the lack of expertise in New Zealand is likely to highlight the unknown effects of an activity. This is likely to impose significant unnecessary costs on landowners as they prove the effects and mitigation strategies.

The combination of a precautionary approach with unrealistic timeframes and lack of flexibility will result in decisions made in haste and without basis in fact.
- Will make getting resource consents more difficult and more expensive as landowners will have to prove how they will impact the species/habitat and how they can mitigate the activity.
• Are either ill-defined or not defined in critical aspects. For example, Councils are to promote restoration targets for indigenous vegetation cover for urban/rural areas. For urban areas, a minimum indigenous vegetation cover of 10% would be required. However, for rural/conservation areas, a target has not been defined.

• Do not take account of the practical challenges for implementing this national policy on farm and provide no incentives for voluntary compliance. For example, an assessment of the costs of implementing the legislation has not been included and there are no incentives for farmers at this stage. In fact, costs will be borne by the landowner, for example:
  a. all fencing of SNA’s would be at a cost to the landowner,
  b. fencing of these habitats could require deer fencing to manage wild populations, and ongoing upkeep and pest management will be costly. It is unclear where these costs fall.
  c. having no minimum area required when identifying SNA could enforce fencing of minor areas which will be costly and time consuming.

In addition, there is no appropriate recognition of custodians with existing indigenous areas that have already been protected.

Our assessment of the proposals therefore is that they are ill-conceived with unprecedented and unrealistic timeframes for local councils, but also that they significantly disadvantage farmers and proactive custodians of the land who have already sought out and encouraged indigenous biodiversity improvements.

Further, many farmers who have been proactive in protecting indigenous biodiversity will be unable to cost-effectively fence off or continue to run the same farming system. This could make the businesses unviable with significant unintended consequences including loss of rural jobs, threatening our rural communities.

Finally, we are critical of the process by which these proposals have been developed and the timeframe allowed for consultation. BakerAg wrote to Senior Government Ministers in September 2019 outlining our concerns that this government’s approach to environmental policy is undermining the mental health and well-being of the pastoral sector. At that time, we were commenting on the National Freshwater Policy proposals and the Zero Carbon Bill, since then we have the proposal on Indigenous Biodiversity. Any one of these proposals would have placed significant pressure and stress on farmers and rural communities, collectively they have caused a lot of unnecessary angst, confusion and consternation.

We urge the Government to listen to farmers, acknowledge the widespread concern that there is in the community, both rural and increasingly urban, and allow a process that is more consultative. Extensive farm businesses will be badly affected, and rural communities would be isolated and socially impoverished.

Specific comments

Expansion of “Significant areas”

When identifying SNA’s, a strong regulatory or stick approach to the recognition and ongoing management of indigenous biodiversity could, if not carefully constructed, undermine existing and future conservation efforts.

The establishment of a consistent approach to determining whether or not a habitat is significant is supported. However, the broad reach of the currently proposed criteria is likely to capture all
remaining indigenous habitats irrespective of whether they are significant i.e. they are rare, threatened, or at risk.

Management frameworks should be tailored to the level of risk that the habitat faces and the attributes that underpin the habitats significance. Otherwise they are likely to severely impact the effective farming area, resources and farming system used on the property.

Having no minimum area required when identifying SNA could enforce fencing of minor areas which will be costly and time consuming. Ideally the following criteria should also be used when identifying SNAs:

- A habitat that is identified as “threatened” is only included if it is 0.25ha or greater and contiguous.
- A habitat that is identified as “rare” is only included if it is 0.5ha or greater and contiguous.
- A habitat that is identified as “at risk” is only included if it is 1ha or greater and contiguous.

Precautionary approach and Time Frames for Councils

The timeframe for Local Councils to have all assessments and mapping completed within 5 years will push councils to adopt a broad-brush approach. This is because it is unlikely that the technical expertise is available within New Zealand to assist regional and district councils to identify SNA’s and mobile species across their territorial areas, within the timeframe and while working alongside the stewards of the land.

The requirements on regional and district councils, including timeframes, should ensure that the identification of these habitats and species is robust, with on the ground verification of the significance of the habitats. Having work undertaken appropriately and in a way which engages landowners and communities, builds understanding and knowledge, and also empowers local conservation efforts.

A more realistic timeframe would enable local authorities to undertake this work in a robust manner. The ability for experts to work with landowners to identify these habitats and inform of ongoing management of these habitats within pastoral based land uses and activities, is an essential element to providing successful and enduring conservation outcomes.

Practical Challenges and Incentives

Provisions which seek to ‘lock up indigenous biodiversity’ will penalise those landowners who have done the most to protect indigenous biodiversity. The proposal is likely to constrain existing activities and likely to preclude new/future activities within and adjacent to these SNA’s. Instead changes to the policy should recognise existing efforts to preserve/enhance biodiversity, ensure that indigenous biodiversity is integrated within pastoral based land uses and activities and should recognise these can co-exist for mutual benefit.

Indigenous biodiversity should be considered as an asset to the farming business, and community. There is a risk that the suggested approach will have it regarded as a liability. Subtle but significant changes to the NPSIB are required to ensure that existing conservation efforts are rewarded, and ongoing conservation is supported and incentivised. The recognition of the values of indigenous biodiversity as part of pastoral based landscapes will be necessary to ensure indigenous biodiversity is sustainably managed.
There are a number of potential impacts to areas being identified as Significant Natural Areas (SNA’s). This includes land adjacent to SNA’s, along with the identification of highly mobile species, which could also impact pastural land use and the viability of a business. The provisions could be interpreted as precluding the ongoing grazing of animals adjacent to and within these areas, which means that those that have done the most to protect indigenous habitats and species within their farming businesses could shoulder the greatest costs including restrictions to their farming businesses.

The compliance costs of the various proposals are likely to be significant and include the identification of these habitats and species. The fencing of these habitats could require substantial fencing if, for example, wild population of deer are to be managed. Ongoing upkeep and pest management will be costly. As currently proposed, it is unclear where these costs fall. Financial, technical, and human resourcing support should be provided to assist landowners to continue to protect and restore indigenous habitats and populations. This support should not only include areas identified for inclusion in SNA’s, it should include areas where indigenous biodiversity already exists.

Specific criticism of the process to date

Time frames for consultation and implementation are too short.

MfE has been unable to answer a number of key questions to clarify what is proposed, evidence that the detail has not been thought through.

There should have been a clear economic study to cost the impact of the proposals on the agriculture sector, including the cost of compliance.