

Submission

by Westland Milk Products to the Ministry for the Environment

Draft National Policy Statement for Indigenous Biodiversity – Proposals for Consultation November 2019

Background:

- Westland Milk Products (Westland) appreciates the opportunity to submit on the “Draft National Policy Statement for Indigenous Biodiversity”¹ (NPSIB). It operates in two distinctly different regions in terms of indigenous biodiversity considerations - Canterbury and the West Coast. The local and territorial authorities involved that encompass Westland’s supply base are:

Local Authority	Territorial Authority
Tasman District Council	N/A
West Coast Regional Council	Buller District Council
	Grey District Council
	Westland District Council
Environment Canterbury	Waimakariri District Council
	Selwyn District Council
	Ashburton District Council

- Westland acknowledges the need to identify and manage areas of significant indigenous vegetation and significant habitats of indigenous fauna where these areas are nationally important. This submission includes and represents farming activities of 410 Westland suppliers².
- Westland would also remind the Government of their intent to impose other significant statutory legislative changes (re: climate change and fresh water) within the same general timeframe. The economic outcome of these combined impositions will need to be carefully managed and led, or the risk is that goals will not be achieved.
- Westland iterates the statement, and that it requires careful consideration, pertaining to the West Coast contained in the ‘National Policy Statement For Indigenous Biodiversity – Section 32 Evaluation And Cost Benefit Analysis’ report commissioned by the Ministry for the Environment and Department of Conservation being: *“Overall, the national approach required under the NPSIB is likely to have a disproportionately high negative impact on the West Coast compared to the rest of New Zealand. Limited benefits are also expected*

¹ Ref: Draft National Policy Statement for Indigenous Biodiversity – November 2019. *Ministry for the Environment, New Zealand Government, Wellington, New Zealand.*

² Westland supplier numbers as at 19/2/2020.

from the NPSIB as there is limited growth/development pressures and this is unlikely to change in the near future”.³

Westland endorses and supports the submission by the joint Councils of the West Coast (West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council).

1.0 General Submission:

- 1.1 Westland supports the Ministry for the Environment and the local and territorial authorities within whose area boundaries Westland’s supply base is contained, to develop and maintain a workable environmentally sustainable action plan for the maintenance and improvement of indigenous biodiversity under a sustainable management approach that is consistent with the purpose of the Resource Management Act 1991 (RMA 1991)⁴.
- 1.2 Westland reinforces this purpose (sustainable management) and requests careful consideration of it in all deliberations and final National Policy Statement content and its implications, given RMA (1991) Section 5 (2) states: *“In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*⁵
- 1.3 Westland appreciates that areas of indigenous vegetation and habitat of indigenous fauna may be identified on some of the private landholdings comprising its supply base. Such identifications, made consistent with the intent of the RMA (1991) Section 6(c) being: *“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: ... the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”*⁶ imply these areas are being recognised as significant to New Zealand (i.e., are of national importance).
- 1.4 Where areas are being recognised as significant to New Zealand i.e. areas of national importance there are expected to be constraints on land use options and concomitant economic disadvantage to affected landowners. This is a limitation on the ability of people and communities to provide for their social, economic, and cultural well-being – consistent with sustainable management as it is defined in the RMA (1991) Section 5 (2). In this case,

³ Ref: National Policy Statement For Indigenous Biodiversity – Section 32 Evaluation And Cost Benefit Analysis (V1-14.10.2019), (p. 148). *Report commissioned by the Ministry for the Environment and the Department of Conservation. 4Sight Consulting, Auckland, New Zealand.*

⁴ Ref: www.legislation.govt.nz/act/public/0069/latest/DLM230265.html

⁵ Ref: www.legislation.govt.nz/act/public/0069/latest/DLM230265.html

⁶ Ref: www.legislation.govt.nz/act/public/0069/latest/DLM230265.html

given the areas are identified as nationally significant, Westland contends that in order to satisfy that component of sustainable management, while also meeting the parameters of the RMA (1991) Section 5 (2) (a – c):

- i) The nation should compensate affected landowners by way of Government purchase of such areas at fair market rates for the national good. To be equitable this needs to be retrospective to cover any significant natural areas already designated prior to the National Policy Statement for Indigenous Biodiversity 2019 coming into effect.

Outcome sought - A mechanism to achieve (i) is for Government to ensure an entity such as the Nature Heritage Fund is adequately resourced to cover land purchases and all costs associated with this (e.g. landholder negotiations, surveying, legal fees, land transfer) with purchase of any significant natural areas not being subject to contestability i.e. being a mandatory requirement of the entity.

- ii) If there is to be imposed monitoring of indigenous biodiversity in these significant natural areas, the resourcing to do so is also provided by Government and is not a burden on ratepayers, as it will be if it is required of councils without Government (national) financial support. This is particularly relevant to the West Coast situation where there is a very limited rating base combined with likely high monitoring effort, if the current proposals (or any variations of these) are adopted.

Outcome sought – Any entity made responsible for monitoring indigenous biodiversity in significant natural areas must have adequate resources provided by Government for this purpose.

- iii) Costs of maintaining or reversing any decline in indigenous biodiversity that is identified by monitoring within significant natural areas are likely to be significant and recurring over extended periods. This will impose an inequitable cost on ratepayers unless all costs are met by Government e.g. the ongoing costs of introduced predator control and weed control.

- iv) **Outcome sought** – Any entity made responsible for maintaining or reversing any decline in indigenous biodiversity in significant natural areas must have adequate resources provided by Government for this purpose.

- v) Where significant natural areas are identified within or immediately adjacent to land being farmed or intended to be farmed, there will be a requirement to exclude stock. This can involve significant cost in materials, time, machinery and labour for landowners. Government should fully fund the fencing of any SNA's and associated ongoing maintenance.

Outcome sought – If fencing of any significant natural areas is required, that Government fully fund the cost of this fencing and of its ongoing maintenance.

2.0 Further Specific Items

This section sets out Westland's position on specific implementation requirements contained in Section 3 of the Draft National Policy Statement for Indigenous Biodiversity"⁷. These are of extreme concern because the majority of the focus on the implementation requirements is on land use outside (i.e., additional to) areas identified as significant natural areas (SNA's). These implementation requirements will:

- i. Significantly constrain land use activities (concomitant with increased costs incurred via the resource consenting process).
- ii. Impose inequitable costs on ratepayers.
- iii. Negatively impact Westland's supplier farmers (and thereby Westland's business), and their communities through lost opportunities for land use.

N.B: While Westland is concerned with impacts on its business and the individual businesses of each of its supplying farms because of the implementation requirements discussed, the same concerns will apply in varying degrees to land users nationally.

Westland iterates the position that if any of these specific implementation requirements or variations of them are necessary as a national good and/or national benefit, then all resourcing/structures required to implement them needs to be provided by Government initially and on an ongoing basis.

- 2.1 **3.15 Highly mobile fauna areas** – Adoption of this concept/implementation requirement has potential consequences for land use restrictions to apply over large areas of all types of land/land use outside significant natural areas i.e. provides for additional 'land capture' and land use restrictions. It imposes significant costs on councils in undertaking identification work, and subsequent management in respect of any adverse effects. The rationale for identifying significant natural areas is because of their national importance as significant indigenous vegetation and significant habitats of indigenous fauna as intended by RMA (1991) Section 6(c). Westland contends this does not provide a mandate to add areas of 'lesser' status and strongly opposes the concept of highly mobile fauna areas – if such areas are deemed nationally important they should be classed as significant natural areas subject to the criteria for identifying these (and Westland's position stated in Section 1.4 to then apply) and if not, then no other consideration should be afforded them.

Outcome sought – Remove all content pertaining to highly mobile fauna areas from the Draft National Policy Statement for Indigenous Biodiversity.

- 2.2 **3.16 Restoration/Enhancement requirements for wetlands/former wetlands, SNA's and areas that provide important connectivity/buffering functions** – Westland holds the same concerns over this implementation requirement as it has stated for 3.15, for all components except its application to SNA's.

Requiring territorial authorities to identify areas for restoration/enhancement on land not classed as nationally important i.e. significant indigenous vegetation and significant habitats of indigenous fauna having been identified subject to appropriate significant natural area-determining criteria consistent with intent of RMA (1991) Section 6(c), is contrary to it. Westland contends this does not provide a mandate to add areas of 'lesser' status e.g. the: *'wetlands/former wetlands ... and areas that provide important [not*

⁷ Ref: Draft National Policy Statement for Indigenous Biodiversity – November 2019. *Ministry for the Environment, New Zealand Government, Wellington, New Zealand.*

important enough to be classed a SNA] *connectivity/buffering functions*' to the national policy statement.

Westland opposes the restoration/enhancement area identification requirement of territorial authorities, and that local authorities be required to record such locations in their regional policy statements and be required to promote restoration/enhancement, for land not formally identified as a SNA. As currently stated, this implementation requirement puts onus on local authorities to provide (and pay for) incentives for restoration and enhancement and on territorial authorities to identify and describe such areas and incorporate this material in regional policy statements. This will impose an inequitable rates burden on landowners and workload and demand on resources of councils (that most will not have access to, at least in the short to medium term) in particular in an area like the West Coast, for a process that is inconsistent with the intent of RMA (1991) Section 6(c). *N.B: Westland certainly supports indigenous biodiversity restoration/enhancement in any situation where this is undertaken voluntarily by a landowner or other entity.*

Outcome sought - Remove all content pertaining to restoration/enhancement from the Draft National Policy Statement for Indigenous Biodiversity where this is not specific to a SNA. Where any restoration/enhancement requirement is retained re SNA's, Government needs to ensure adequate funding is provided to councils to cover its implementation. **Or**, if this is not done, and Government assigns councils, or any other entity responsibility for implementing this concept (identification of, and subsequent promotion or incentive provision for restoration/enhancement), Government must provide all the funding and resources needed by any assignee to implement the requirement, given it is deemed a national good. Furthermore, any such implementation must then be subject to landowners' voluntary uptake and not imposed by conditions on resource consents or be the subject of designations.

- 2.3 **3.17 Increasing indigenous vegetation cover** - Adoption of this concept/implementation requirement has potential consequences for land use restrictions to apply over areas outside significant natural areas i.e. provides for additional 'land capture'. This implementation requirement will impose significant costs on local authorities in undertaking indigenous vegetation cover assessment/identification work, and in setting targets for their regions. It is an inequitable and unwarranted cost on ratepayers.

Then, in circumstances where a deficit of indigenous vegetation cover compared to the required target is identified by a local authority, the implication of this implementation requirement is that constraints on current or future land use will be necessary to achieve said target. Landowners' opportunities are likely to be compromised – the incidence and level and stricture will vary by region; however, it will detract from landowners' business opportunities, their community viability and potentially, Westland's business.

The rationale for identifying significant natural areas is their national importance as significant indigenous vegetation and significant habitats of indigenous fauna as intended by RMA (1991) Section 6(c). Its intent is to provide for sustainable management of what is currently present and does not include any requirement for increased area. Westland contends there is no mandate to include provisions in a National Policy Statement to increase area of indigenous vegetation (and considering an increase in area does not necessarily equate to an increase in biodiversity) in any region or any sub-unit of a region (e.g. ecological district, rural area, urban area). Therefore, Westland strongly opposes the concept of requiring increasing indigenous vegetation cover area on privately owned land, the sole exception being where this is a voluntary initiative by the landowner.

Outcome sought - Remove all content pertaining to increasing indigenous vegetation cover from the Draft National Policy Statement for Indigenous Biodiversity.

- 2.4 **3.20 Monitoring by regional councils** – Westland believes that indigenous biodiversity monitoring to ascertain attainment of sustainable management (or otherwise) that is the purpose of the RMA (1991), represents monitoring that is of significance to New Zealand i.e. is provision of a national good. Requirement for monitoring plan development by regional councils and all ongoing costs of monitoring (field data acquisition, database management etc.) for this purpose is a cost imposition on regional councils which without Government funding costs, are expected to be borne by the regions' ratepayers.

This is inequitable for a national good/service provision in any region and especially the West Coast with a limited rating base vs. likely monitoring requirement imposed. Westland opposes any indigenous biodiversity monitoring requirement of regional councils for national purposes unless this is fully funded by Government.

Outcome sought – If Government requires indigenous biodiversity monitoring by regional councils (or any other entity e.g. district councils, the Department of Conservation) to satisfy any component of a finalised National Policy Statement for Indigenous Biodiversity, then Government provides adequate funding to the responsible entity or entities to ensure such monitoring never becomes a cost to ratepayers.

3.0 Request To Be Heard

If any hearing is to be a component of the Draft National Policy Statement for Indigenous Biodiversity consultation process, Westland requests the opportunity to speak to its submission.

Date: 3 March 2020



Toni Brendish Chief Executive