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SUBMISSION ON "Draft National Policy Statement for indigenous Biodiversity"

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About this organization. The Association represents people who own small-scale private forests and/or are interested in the many values of trees. Currently we have over 2000 members representing a good cross-section of the approximately 15,000 entities owning private forests in New Zealand. Small forest owners are managing about 25% of the national plantation forest resource, and have generally also sizable areas of indigenous vegetation growing on their land, with some managed under the sustainable forest management provisions of the Forest Act.

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Background & Summary

The Ministry for the Environment has issued a draft National Policy Statement on Indigenous Biodiversity. The document includes the identification of biodiversity using very loose criteria which would in effect protect any indigenous vegetation. It also proposes to identify and protect biodiversity inside plantation forests. Most land owners are good custodians of their land, and many of the areas that will become SNA's only exist, because land owners have actively managed and protected them. Forests, both indigenous and exotic, are beneficial

for biodiversity and by removing land owners management rights, reducing their land values and increasing ongoing management costs, the policy will create unintended consequences such as reducing afforestation, and more frequent clearing of farmland from native vegetation. While in Objective 6, the policy states that it wants to recognise the role of landowners as custodians by allowing them to provide for their wellbeing, it will often achieve the opposite.

We support the protection of indigenous biodiversity, but suggest that there is too much focus on blanket regulation, penalising those land owners who actively create and protect biodiversity and too little focus on incentives for good management or pest control. Examples of what we do/don't support are contained in Appendix A.

Key Issues

1) The criteria for significant natural areas (SNA) are very wide and will potentially include all native vegetation. There are four relevant criteria, and only one of those needs to be met, to designate an area as an SNA. One of those is "Representativeness", which "includes commonplace indigenous vegetation and the habitats of indigenous fauna…it includes degraded indigenous vegetation, ecosystems and habitats.. ". Using this criterion alone, any area with native vegetation, such as a hillside with bracken, will qualify as an SNA. By implication, the land area available for afforestation will shrink.

   Another effect is that planting native species will become less attractive due to the loss in management rights and the restrictions imposed.

2) It is proposed to identify Plantation Forestry Biodiversity Areas. Those areas would need "to be managed over consecutive rotations to maintain long-term populations of the species present". This would potentially make harvesting or replanting impossible. As a forest grows from freshly planted seedlings to a mature forest, the habitat inside the forest changes, and so do the species which live in it.

   This policy is impractical, and will be a major barrier to planting more trees. While for a corporate forest company, species could migrate inside their forest holdings, this is not applicable to woodlot owners. Most afforestation will be undertaken by farmers, who will not be able to comply with the proposed policy, especially if they only want to grow a forest for one rotation.

3) Many of our members harvest selected native trees using a sustainable logging plan under the Forest Act. The proposed policy will make this impossible. This is mainly an issue in the "provinces", where it is an important source of income. Our Association has a special Indigenous Forest Section and all those members and their forests - spread across the whole length of New Zealand – will be affected. There will also be downstream effects on the availability of high quality timber for furniture making etc, which is likely to lead to higher imports.

4) The policy does not address one of the key reasons for the decline in biodiversity – the lack of pest control. This is as much a challenge for local government as it is for national government agencies. Many of our members spend significant amounts on pest control, and will now be faced with the loss of management rights over large areas of developing indigenous vegetation, just because they have looked after them. This has happened already in the Kapiti district, where a number of landowners have had indigenous vegetation with no outstanding features - covering from 60% to 90% of their land - declared as ecological sites. This policy will discourage people from undertaking pest control and penalise them for being good custodians of their land. It does nothing to change the current, inadequate approach to pest control by local and national government.

5) Biodiversity is a public benefit. Land owners establish and maintain biodiversity by planting forests, undertaking pest control, and protecting indigenous vegetation. The resultant ecosystem services are a benefit to all New Zealanders. It is not equitable, to expect land owners, to bear all the costs and restrictions associated with the proposed policy. In this context, the policy ignores any historic positive contribution land owners have made to protect and create biodiversity. There needs to be some recognition of this in district plans (enforced via the NPIB), to ensure that such landowners are not unduly penalised. To no do so will incentivise land owners to destroy biodiversity, rather than nurturing it.

6) The Section 32 analysis is inadequate. The designation of most of our indigenous vegetation as SNAs will reduce the capital value of such land, and given that such land is only worth a fraction of the value of unencumbered land, the total loss in value across New Zealand could easily exceed a billion dollars. This cost is not included in the S32 report.
   The costs associated with ecological assessments will be an ongoing burden for both, land owners and councils. As every resource consent will require some kind of assessment, those costs have been significantly underestimated. The costs of measures to ensure that a consent will comply with the policy have not even been costed, and neither have the potential costs to be incurred by foresters been considered.

7) The Discussion Document is in several instances at variance with the proposed policy. An important example concerns the type of area which will be covered. The Discussion Document states on page 31 that “SNAs represent the most iconic and highly valued indigenous biodiversity”, yet the assessment principles say that “commonplace indigenous vegetation is included” and “It is not restricted to the best or most representative examples”.
   There are other examples and we suggest that submissions focussed just on the Discussion Document may be based on misleading information.

Part 1 Preliminary provisions:

The concept of Hutia te Rito is not well defined. It is not clear what it is trying to express and will lead to different interpretations by different people.

There are numerous Maori words used in draft policy. While some of them are explained, many are not. Examples are “whakautaki”, or “mauri”. The majority of both, pakeha and Maori, does not speak Maori. Given that the document cannot be properly understood without constantly looking up the meaning of Maori words, it is difficult to access and excludes many New Zealanders from using it.

Relief sought:

1) Hutia te Rito needs to be defined more precisely
2) Provide a version of the policy in Maori, as well as a proper English version

1.7.(3): Maintenance of indigenous biodiversity: The clause expresses a requirement that indigenous biodiversity must not be reduced. However, there are events completely outside of human control, which will affect biodiversity, such as a volcanic eruption. The policy should exclude such events, and focus on the effect of human activities.

Relief sought: Following the words “requires at least no reduction” insert the words “caused by human activities”.

1.7(4)e Degradation of mauri: mauri is undefined, and therefore the statement is meaningless.

Definitions - SNA: In the policy, an SNA is defined as an area that is either included in a district plan, or, in clause (c), an area that has been identified as part of an assessment, but not included in a district plan. The issue is that, while there may have been an assessment, this may well be in dispute. And what happens, if a “second opinion” assessment differs from the first assessment. A mere assessment, e.g. commissioned by a neighbour, cannot create an SNA. Unless the landowner and other affected parties agree, or the Environment Court settles a dispute, such an area cannot be covered by the provisions of the policy (and district plans).

Relief sought: Either remove clause (c), or add the end of the clause the words: “where such assessment has been agreed by the landowner and other stakeholders”

Policy 1: The policy is unclear. Especially the meaning of “kaitiaki” requires a concise definition. Is this an exclusive role? And if so what about the role of landowners and local communities

Relief sought: clarify the policy, so that it can be understood

Implementation requirements:

3.3 (2) The meaning of “matauranga Maori” is not clear. It is noteworthy, that the Greater Wellington Regional Council ran a workshop, to “explore what Mautaurangi

Maori means to each member of the group". To use a term that requires a workshop to be understood, is not god policy.

Relief sought: define "matauranga Maori" in a concise way

3.3 (3) The meaning of "kaitiakitanga" is not clear. Is this an exclusive role? And to what extent will this affect private property rights?

Relief sought: define the above including any effect on private property rights.

3.3 (3)c: This could be interpreted as providing access to indigenous vegetation on private land.

Relief sought: add at the end of the sentence "on public land".

3.7 Social economic and cultural wellbeing: Clause 3.7a twists the requirement of the RMA to cater for the social, economic and cultural wellbeing of communities and people. Just stating that the policy achieves this, does not make it so. Here are two examples: Many communities and people rely on the on the extraction of timber under sustainable logging plans. This is especially important in more remote locations. The proposed NPIB makes this impossible, as any such areas will be defined as SNAs. Sustainable logging is not catered for in anywhere in the policy and will have a significant negative effect on the wellbeing of such communities.

The large-scale designation of land as SNAs will have a major negative effect on the value of such land. This will impact on the wellbeing of most rural communities.

Relief sought: In clause 3.7a replace "must recognise" with "must ensure".

Policy 3.8c: We fully support that assessments should be undertaken by physical assessment – yet the costings in the section 2 assessment seems to be undertaken by assuming that the bulk of the assessment will be undertaken as a desktop exercise. We have seen many assessments of SNAs based on statements such as "could provide habitat" or " species x may be present". To ensure that assessments are of a high quality, we expect that all assessments need to be evidence based.

Relief sought: Add at the end of policy 3.7c: All assessments must be evidence based.

Policy 3.7f: We agree with the intent of clause 3.7f, but there are often situations, where a large area -sometimes thousands of hectares - is identified as an SNA, with hundreds of land owners. On such area is K047 in the Kapiti district, covering more than 40,000 hectares. In such situations, there can be small parcels of land part of an SNA, that are e.g. just outside of a fence line, a boundary, or on the other side of the road. Not taking boundaries into consideration will generally lead to difficulties in pest management and be impractical. As long as the integrity and the values of an SNA are protected, we believe that some consideration needs to be given to the practicality of boundaries.

Relief sought: We request to add ”It is recognised that minor adjustments can be made to SNA boundaries to cater for property boundaries, geographical features or land owners operational requirement, provided that the integrity and the values of the SNA are not affected.”

Policy 3.8.8: The policy assumes that SNAs will be identified as part of resource consent applications. It is not clear, whether all resource consents will require an ecological assessment, and to so would have astronomical costs for New Zealand. Are land owners expected to pay for an ecological assessment, every time they need a resource consent? The policy is so loose, that a farmer who wants to increase the size of his storage shed or a lifestyle block owner who wants to build a chicken coop would be required to undertake an ecological assessment.

Relief sought: Policy 3.8.8 needs to be reworked to clarify the situations when it applies, who is expected to pay, and reassess the total costs required for the Section 32 report. It also needs to take into account resourcing requirements for territorial authorities.

3.9.2b(iv): The clause is specific to Maori land. Policy should be written on the basis of need, and not race. The environment does not care about our origins. There is no reason to treat non Maori land differently, and under the RMA there is a requirement for provide for the social, cultural and economic wellbeing of all New Zealanders, not just Maori.

Relief sought: Remove the word “Maori” and replace “tangata whenua” with the word “communities”.

3.9.4b Subclause 1 should not just be ignored, when there is a risk to <u>public</u> health and safety. A land owner should be able to remove a risk to his family or his own health, without having to through a resource consent process. This is essential in situations where urgency is required.

Relief sought: Remove the word “public” from clause 3.9.4b.

3.10: Plantation forestry is following the definition used in the NES-PF. This implies that an area of less than a hectare does not qualify as a plantation forest. Many of our members, especially farmers, have small woodlots of less than a hectare, often with species other than radiata pine. These areas are environmentally very beneficial, and will inevitably develop over time a native understorey. They are likely to qualify as a normal SNA, rather than a plantation forest biodiversity area. As a consequence it is likely that these areas will not be able to be harvested, and further, land owners will reduce the amount of afforestation going forward. Another area of concern is that the NES-PF only covers trees which have been planted for the purpose of harvesting. It does not include e.g. a block of chestnut trees grown for the nuts, or a plantation of olive trees. In many situations, especially on organic farms, such land could easily become an SNA, making it impossible to continue with the intended operation

Relief sought: Include woodlots smaller than 1 hectare in the definition of a plantation forest, and ensure that plantations where the trees are not grown for the purposes of harvesting, are also included in the definition of a plantation forest.

3.10.2 &3.10.3: Plantation Forestry Biodiversity Areas would need "to be managed over consecutive rotations to maintain long-term populations of the species present". This would potentially make harvesting or replanting impossible. At the beginning of a rotation, there are wide open dry and sunny areas, which over time are covered by a cool damp and dark mature forest. Over time, the habitat changes, and so are the species which live in it. Another issue is that forests are often planted for one rotation. At the end of that period, land use will change. But to "maintain long-term populations of the species present" over consecutive rotations is not possible under this scenario. The increase in biodiversity during the time when land is in plantation forestry is clearly a bonus, but to require land owners to maintain such biodiversity will lead to undesirable outcomes.

This policy is impractical, and will be a major barrier to planting more trees. While for a corporate forest company, species could migrate inside their forest holdings, this is not applicable to woodlot owners. Most afforestation will be undertaken by farmers, who will not be able to comply with the proposed policy.

Relief sought: To remove clause 3.10.2 & clause 3.10.3

3.12: Without a change in wording, this clause will override clause 3.10. SNAs will be identified inside plantation forests. Plantation forestry is an existing activity. Clause 3.12 requires councils to ensure, that such activities do not lead to a loss or degradation of biodiversity. This would make harvesting a forest with indigenous biodiversity inside the forest impossible to harvest.

Relief sought: Change 3.12.1 by adding at the end of this clause: "This clause does not apply to plantation forest biodiversity areas".

3.12.4 On rural land, periodic clearing does not just happen on pastoral farms, but also on forest land. It takes place not only to improve pasture, but for reasons such as keeping fence lines free, to maintain access tracks, roads, and other infrastructure, or for health and safety reasons. For farming and forestry, it is essential to enable this to continue.

Relief sought:

Replace "pastoral farming" with "pastoral farming and forestry".

In 3.12.4a remove "and converted to improved pasture"

In 3.124b remove "to maintain improved pasture"

Remove the words "in place for the purpose of maintaining improved pasture"

3.13: The implications of the policy are a reduction of the options land users have to manage their land. They may e.g. not be able to build a house on their land or to subdivide it. We suggest that in those circumstances existing council rules should become less stringent to alleviate the most severe impact on landowners. E.g some councils require a minimum of size 20ha for a rural subdivision. If –because of the size of an SNA – this cannot be achieved, then minimum size required should be modified in such cases.

3.13.1c: The clause will require every council to have its own rules as to when and how assessments will be required. This will lead to a proliferation of different standards and processes and will undermine the objectives of this policy. It also means less certainty for land owners. The policy should spell out where, how and when assessments are required. It should also address who will pay for the costs of the necessary assessments.

Relief sought: this clause needs to be much more specific and prescriptive, in order to guarantee a minimum of standardisation and the equal treatment of land owners.

Clause 3.13.2: See my comment re the definition of an SNA. Such an assessment needs to be undisputed, and agreed by the land owner, in order to have an effect under this policy

Relief sought: Insert following the words following “Appendix 1”: “and where such an assessment is has been agreed by the landowner and other stakeholders”

Clause 3.13.3: The clause provides for a different level of protection of biodiversity on Maori land in comparison to other private land. Endangered species do not care who owns the land, There is no reason to treat non Maori land differently, and under the RMA there is a requirement for provide for the social, cultural and economic wellbeing of all New Zealanders, not just Maori

Relief sought: Either delete clause 3.13.3, or make it applicable to all land

Clause 3.14.2: Where taonga are identified on private land, then a sufficient level of detail must be provided to enable such taonga to be verified or challenged.

Relief sought: Alter clause 3.14.2 as described above

Clause 3.14.5: The policy requires local authorities to manage taonga as necessary to protect their values. The clause can be seen to override any private property rights or e.g. the requirement to manage our national infrastructure.

Relief sought: The clause needs to be altered to ensure the consideration of existing property and use rights as well as the development and maintenance of important infrastructure.

Clause 3.16.5 There is neither a need nor a justification, to incentivise Maori land owners over and above other land owners.

Relief sought: remove the words “and in particular on Maori land”

Clause 3.17.5: The clause states that where ” an area has less than 10%...the regional council...”. In the interests of clarity, the statement should read “the total rural area has less than 10%...”.

Relief sought: change the wording as requested.

Clause 3.17.7: the requirement for all regional councils to increase its indigenous vegetation cover is misguided. It ignores, that many councils are not even able to undertake basic pest control measures on the land they own – and this is also true for the Department of Conservation. In this situation, it would be much more effective to improve biodiversity by undertaking better pest control rather than to create more indigenous vegetation, which will then also become degraded.

Another concern is that some regional councils have already a very high indigenous vegetation cover. Conversely, they have very little land available to support rural and other economic activity. It would be inappropriate and inequitable to expect those councils to reduce their economic base to meet the stipulated requirements.

Relief sought: the wording should be changed to require councils to develop plans to improve biodiversity, and only to require an increase in indigenous vegetation cover, where this is below 10%.

Clause 3.19.1 The wording of the clause is unclear. It requires for all resource consents an assessment of the environmental effects , and further some information on whether an activity e.g. affects an area of native vegetation or fauna. The objectives of clause are unclear, as practically all consents for work outdoors will affect some native vegetation or fauna. The costs of having to undertake an assessment for all consents will likely be a barrier to work being undertaken, and cannot be not been justified by any expected benefits.

Relief sought: the policy needs to focus on risk areas, such as wetlands, and should not be applied where the effect of work to be undertaken is minor.

Appendix 1

Direction and Approach: The assessment principles for the criteria should not just provide guidance on what is included, but should also include details on what is <u>not</u> included. This will lead to less variation and better quality of assessments.

There should also be some parameters as to the minimum size of an SNA, e.g. for indigenous vegetation a minimum size of 1 hectare or a minimum width of 30 meters could be required, as smaller areas will rarely be viable long term. These parameters should also take into account the practicability of assessments, management, and council's ability to monitor and identify such sites.

We also request, that areas of indigenous biodiversity, that have established themselves and are incidental to a permitted activity, are excluded from the policy and should not be assessed as an SNA. This would address many of the issues addressed in our submission.

Relief sought: To better delineate what is and what is not covered by the policy and to identify some basic minimum requirements for SNAs.

Direction and Approach Clause 4: where different criteria apply in different parts of an SNA, then these subareas need to be identified in the map. This is important to ensure that the values requiring protection are clearly understood by all stakeholders. Further, all evidence used in the assessment must be referenced or included.

Relief sought: amend clause 4 as requested.

Representativeness A2: The assessment principles are in direct contradiction to the Discussion Document on the proposed policy. The assessment principles say that "commonplace indigenous vegetation is included" and "It is not restricted to the best or most representative examples". The Discussion Document states on page 31 that "SNAs represent the most iconic and highly valued indigenous biodiversity". If the assessment principles are not changed to reflect the Discussion Document approach, then it seems that the Discussion Document is misleading to the extent that it undermines the credibility of the submission process. We also would like to point out, that in the Kapiti district– using criteria that were narrower than what is proposed – more than 60 % of the district were designated as SNAs (ecological sites), including almost all native vegetation on private land. Much of this land has no special conservation values and is commonplace such as hillsides with bracken or a narrow strip of roadside vegetation. We do not believe that this should be the intent or the outcome of the proposed policy.

Relief sought: change the assessment principle to ensure that only the most iconic and highly valued indigenous biodiversity is included in SNAs.

Representativeness A3: the assessment says that "Significant indigenous fauna habitat is that which supports the typical suite of animals..". In the interests of clarity, it should be stated that to qualify for this criterion, it needs to be established that such fauna actually exists on site. From experience we know, that ecologists will at times assume that just because the flora is suitable for such fauna, it qualifies as meeting the requirements of this criterion.

Relief sought: To change the assessment principle to ensure that there is evidence that the fauna to be protected exists on site.

Diversity and Pattern – B5: the required attribute to qualify is "diversity of indigenous species, vegetation, habitat of indigenous fauna..." This is far too loose. Any place will have some biodiversity and even the median strip on a motorway would qualify using the proposed wording.

Relief sought: better define the requirements, to ensure that only the most iconic and highly valued indigenous biodiversity is included.

Rarity and Distinctiveness C3: we suggest that there need to be some constraints around the definition of rarity, such as "there are less than 20% of a species remaining" This is the approach that has been used by the greater Wellington Regional Council and gives at least some more specificity to the definition. We are concerned that the definition of rarity, i.e. the creation of district and regional lists is devolved to territorial authority level, and may even be determined by ecological advice on a case by case basis. This will lead to inconsistencies, provide uncertainty for landowners, and should be avoided.

Relief sought: The definition of rarity needs to be more specific and prescriptive. We also request that whether a species is rare at a national or regional level is managed centrally, e.g. by DOC, rather than devolved to territorial authorities.

Rarity and Distinctiveness C6: The criteria are too loose. Under C6c, an indigenous plant grown and nurtured in a private garden, at the outside of its normal edge of its distributional limit (e.g. a pohutakawa tree in Wellington) would meet the requirement and become an SNA. In C6d, it is not clear what the "former extent" means. Is this the land cover pre 1900, pre –Maori, or at some other time? Even less clear is what is meant by "former extent in the land environment".

Relief sought: The attributes required need to be much better defined to ensure that only the most iconic and highly valued indigenous biodiversity is included in SNAs.

Ecological Context: The proposed attributes are a prime example as to how not write a policy. Only one of the attributes is required to meet a criterion, and that is sufficient to declare an area to be an SNA. In D3a, all that is required is a "moderate to large size and compact shape". "Large" is undefined, so several hectares of bracken in a completely degraded environment would, just on the basis of the shape and size, qualify.

Relief sought: The attributes required need to be much better defined to ensure that only the most iconic and highly valued indigenous biodiversity is included in SNAs.

Appendix 2: District councils should be required to map not just the total SNA, but also the areas were specific criteria and attributes apply, E.g. if there are different rare species, then their habitats should be mapped, both, in the interests of clarity and to

ensure that these areas can be managed and protected properly. The process for an assessment seems to be that a value of low, medium or high is associated with an attribute. Yet the text in the policy says:" that each attribute is allocated a "medium " or "high" value.

Relief sought: change the policy to ensure mapping is undertaken at least at criterion level, and for rare species at the extent of their distribution. Further, better describe the rating process.

APPENDIX A

1) Example of what we do support:

Here is an example of one of our members experience on the West Coast, going through the Grey District Council's original SNA Evaluation and Designation Process:

Four potential SNA's were identified to the Grey District Council on the large Ferguson Farming/Forestry Property at Waipuna in the Grey Valley (Three from the aerial survey and one identified to the Ecologist by the ownwer). Additionally, the ownwer has been protecting natural regeneration of forest and fencing off stands directly along the Grey River riverbank edge for a large number of years. This now forms another protected area. However the main forest area on the property is 800 hectares Of Sustainable Indigenous Management Forest, being managed on a 100 year working plan, under the Forests Act. Within this large matrix the SNA process identified three small to medium areas of

(i) lowest alluvial terrace beech,
(ii) beech with a regenerating totara component.
(iii) a kahikatea dominant area on wetter ground within beech forest.

In negotiations with the Council, the owner happily agreed to separate these out as SNA (now designated further as QEII covenant areas), and to have his Forest Manager recalculate and reduce his permitted Sustainable Cut, registering this with The Indigenous Forest Unit of the then Ministry of Forestry. He additionally with the help of the Council was able to obtain substantial fencing assistance for these areas by application to the Biodiversity Fencing Fund. As a result he now continues to manage the majority of the remaining several hundred hectare of tall Beech Forest sustainably for native timber production on his 100 year plan, without any further SNA impediments.

Every native forest owner in NZ deserves the right to be able to do the same. The entire process above (apart from about a 40% share of fencing cost paid by Ken) was supported and paid for by the Biodiversity Fund! There is no way land owners, Councils and their ratepayers can afford the cost of planning and ecologists without substantial Government assistance!

The proposed NPSIB is in direct contrast to the existing Biodiversity Policies, for example those which Grey District Council successfully implemented in the 2010's, where the Government paid for the original potential area mapping and then through the Biodiversity Fund paid for Ecologists to write detailed Ecological reports for each site. The reports were then discussed confidentially and negotiated with owners by the Council's Environmental manager and staff. Positive outcome were: large areas purchased at market value directly by the Governments Biodiversity Fund, or in one case directly by DOC using Mining Fund Royalty Reserves. Owners volunteered some areas directly as QEII Open Space Covenants, or agreed to sign the Councils' own SNA Retention Documents. A big opportunity for all owners was the potential to fence off recognised areas with fencing funded

partially again from the Biodiversity Fund. Field inspections were all part of the process, and some areas of insufficient quality (modified, gorse re-growth etc) were equally excluded.

The Section 32 report completely underestimates the costs of the proposed policy, and the capacity of local government, to implement a solution that will deliver real benefits to the environment.

2) Examples of what we do not support

None of our members on the Kapiti coast were advised by Council, that some of their land was going to be designated as an SNA, and only found out by chance, that this was happening. One of our members had 70% (= 140ha) of his land designated "by stealth" as an SNA. There was neither any ground-truthing nor consultation, and the assessment included areas of plantation forest. The indigenous vegetation in this case consisted of low value, secondary growth, which had been nurtured and protected by the land owner, who has now been penalised for being a responsible custodian of the land.

Another land owner was provided with the following justification for designation part of his land as an SNA: "20.34 Advice from Dr Astrid van Meeuwen-Dijkgraff included as part of the closing statement for Chapter 3 Natural Environment is that "*much of the indigenous vegetation on Mr Wallace's property* ***appears to be*** *tall scrub or low forest and hence is of a more advanced stage than would be excluded under K017 protocols 1 and 2.*" There was no ground-truthing carried out (even on the pilot properties that the Kapiti Coast District Council asked the ecologists (Wildlands) - contracted to asses biodiversity – to ground-truth) so the outcome was that KCDC/Wildlands simply needed to assert that something "appears to be" important for property rights to be removed.

To avoid the above outcomes, it is essential to have **a transparent and robust evidence-based process**. This needs to include consulting and collaborating with land owners. The process should be as prescriptive and standardised as possible to ensure that we use the same biodiversity assessment process across the country, rather than one driven by different councils perspectives local ecologist's views.