

SUBMISSION ON THE PROPOSED NATIONAL POLICY STATEMENT ON INDIGENOUS BIODIVERSITY

Thank you for this opportunity to submit. I am submitting as an individual.

I oppose the Bill in its current form. It is expensive, onerous on councils, ratepayers and landowners, and risks being counter-productive. There is much potential for unintended consequences. The question that needs to be asked is 'do these provisions give the best bang for your buck?' I suggest they don't.

SPECIFIC COMMENTS

1.7 page 9 *Fundamental Concepts*

(4) Adverse effects on indigenous biodiversity.

This is a very comprehensive list which does not limit itself to the outcomes listed and suggests no form of land use or development can take place. In addition, (e) 'the degradation of mauri' is impossible to objectively ascertain or measure.

Recommend:

(e) is deleted and the ambitious nature of the Bill's goals be modified to something more realistic.

2.1 page 15 *Objectives*

I support Objective 1: to **maintain** indigenous biodiversity.

I oppose Objective 5 because, **to restore** indigenous biodiversity is an expensive and onerous ask for councils, ratepayers and individual landowners. I don't think it's understood what is being asked of them.

We have planted thousands of native trees on our property but I believe the Bill will be counter-productive and lead to a decrease in voluntary plantings of indigenous vegetation.

Objective 2 asks that the principles of the Treaty of Waitangi be taken into account. I cannot find any definition of the principles of ToW in the Definitions section. There were no principles attached to the 3 Articles of the Treaty.

Recommend:

That the relevant principles of the Treaty of Waitangi are defined or Objective 2 removed.

The deletion of Objective 5.

2.2 page 15 *Policies*

Policy 1 provides for tangata whenua involvement in the **management** of indigenous biodiversity. Tribal authorities are significant landowners and should not be involved in the council management of something in which they have a commercial interest. This will create a conflict of interest.

It is also discriminatory.

Recommend:

The deletion of Policy 1.

3.3 – pg. 17 *Tangata Whenua as Kaitiaki*

We consider ourselves to be the kaitiaki of our land. I am not sure why this Bill treats Maori as separate to the rest of the community, for they are not.

(3) a - Local authorities must provide opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity including by

a) bringing **cultural understanding** to monitoring.

This is discriminatory and imposes a set of cultural beliefs by one ethnic group upon the rest of the community.

Recommend:

The deletion of 3a).

3.3

(3) c - allow for the sustainable **customary use** of indigenous vegetation.

This clause is discriminatory and contradicts the intent of the Bill's objectives.

Recommend:

The clause be deleted.

3.3

(4) councils must provide tangata whenua with opportunities to be involved in decision-making relating to indigenous biodiversity.

Tribal authorities are significant landowners. Decision-making is the domain of elected councillors. This task should not be delegated to sectors of the community that have vested commercial interests. It risks conflicts of interest. It is also discriminatory.

Recommend:

That the clause be deleted.

3.9 – pg 21 & 22 *Managing adverse effects on Significant Natural Area (SNAs)*

(1) a – this clause states that those undertaking any new subdivision, use or development in or affecting a SNA shall **avoid** a number of adverse effects. **Avoid is** a very high bar.

Clause (2) on the other hand, says these fortunate applicants must only **manage** their adverse effects.

Included, and up there with nationally significant infrastructure, are :

d) iii

papakainga, marae and ancillary community facilities associated with customary activities on Maori land and

d) iv

the use of Maori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua.

What about the rest of the community's social, cultural and economic wellbeing?

d) iii and d) iv are discriminatory. They conflict with the Bill's objectives and with Maori's self proclaimed status as the kaitiaki of indigenous biodiversity.

Recommend:

That (2) d) iii and iv be deleted.

3.16 – page 26 *Restoration and enhancement*

1) this clause applies to wetlands, former wetlands, degraded SNAs, and areas that provide connectivity or buffering functions.

This section is extremely onerous. Not only does the landowner have to maintain current wetlands but also to restore former wetlands. This involves huge amounts of money and labour. On top of that, a degraded SNA, which by definition, is therefore not a SNA will have to be restored, and if there is no SNA but the land happens to be situated between other SNAs, the landowner will have to develop a SNA for connectivity. That captures everything. Who is paying for this public benefit?

Recommend:

3.16 (1) b, c, and d be deleted.

And that consideration be given to measures in this Bill being funded by the taxpayer rather than the ratepayer and the landowner.

3.20 pg 30 *Monitoring*

d) Use Science and matauranga Maori and tikanga Maori equally.

These two concepts are a contradiction in terms, and impossible to implement equally. Will councils have to accommodate the variations of tikanga Maori in each district? This promises to be an administrative nightmare and an unnecessary impost on the ratepayer.

Recommend:

Delete the words, 'and matauranga Maori and tikanga Maori equally.'

Appendix 1 – Criteria for identifying significant indigenous vegetation and habitat of indigenous fauna.

2 A significant natural area will be triggered if it meets any one of 4 criteria ie representativeness, diversity and pattern, rarity and distinctiveness, ecological context.

That just about covers everything. If its rare, its captured and if its typical, its captured.

Appendix 3: Principles for Offsetting

12 Offsets must be informed by **Science** and **matauranga** Maori.

A contradiction in terms.

Recommend:

Delete the words 'and matauranga Maori.'

Appendix 5 – Regional Strategies

3 b) iii says 'record actions that the community, including tangata whenua, will be supported to take' while 4 a) says 'provide opportunity to engage the community, including tangata whenua, in conservation.'

Is not tangata whenua part of the community? Throughout the Bill there is an implication that Maori are somehow separate to the rest of the community. This is discriminatory.

Recommend:

Delete all references in the Bill which imply that tangata whenua are separate to the rest of the community.

Appendix 5 – Regional Strategies

4 c)

When developing a regional strategy, councils must take into account ‘incentive opportunities specific to Maori land’.

This is discriminatory. The entire community should be incentivised to maintain biodiversity.

Recommend:

4 c) should read ‘incentivise the community to maintain biodiversity’.

SUMMARY

The Bill is surprisingly discriminatory. I recommend all discriminatory clauses be deleted.

It also provides the potential for conflicts of interest in that it proposes that tribal authorities, who are significant landowners with vested commercial interests, are also involved in managing and decision-making with regard to biodiversity on private property. These functions should be left to councils.

Many of the proposed measures are extremely onerous and likely to have unintended consequences for existing activities. Eg It is unclear how the proposed provisions for highly mobile fauna will affect activities such as harvesting and cropping. What happens if highly mobile fauna migrate to hay or crop paddocks as they are growing?

It is critical that these provisions do not impinge on existing use rights, and that farmers, growers and foresters are not caught in a time warp whereby they are locked into the activities, stocking rate, stock type etc. that prevailed the day that the Bill became operative.

I suggest that the use of incentives and non-regulatory methods is a more effective way to achieve the biodiversity objectives that this Bill is seeking.

I recommend that the Bill does not penalise those whose responsible guardianship has fostered and maintained indigenous biodiversity on their land.

I support Federated Farmers submission.

Thank you

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