

**Further Submission from Basil Graeme to the draft National Policy statement on Indigenous Biodiversity**

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**Submission:**

**Part I**

**S1.2. Purpose and Matter of national significance**

We recommend that ‘**restoration**’ or ‘**enhancement**’ is added to both the Purpose and to Matters of national significance. This would give effect to the drafted objective 5 in Part II, and the drafted policy 11, and be consistent with the language used in RMA s6 (d) for public access.

**S1.7 Fundamental concepts**

The explanation and definition under proposed s2 of the terms ‘nature’ or ‘natural’ versus ‘indigenous’ must be clearly delineated to avoid unnecessary litigation and potential perversion of Parliament’s intentions.

When defining ‘natural character’ under the previous Town and Country Planning Act, the Courts decided that ‘natural’ meant ‘formed by the forces of nature’, of which mankind was one of these forces. Thus, farmed and plantation landscapes were part of the ‘natural character’ of NZ. The same argument could be established under the proposed definitions of indigenous biodiversity when a term such as ‘naturally occurring anywhere in NZ’ is used when establishing the effects of say deer or Asian rats in our indigenous ecosystems, and the biodiversity definition is not specifically tying the species and their ecosystem to those that have evolved in NZ, or which have migrated here without the intervention of humans.

We request an amendment to the definition of ‘Indigenous biodiversity’ in (2), to:

**Indigenous biodiversity** is biodiversity ~~that is naturally occurring anywhere in New Zealand.~~ of **species that has evolved in or migrated to NZ without the aid of human activity and includes all indigenous** ~~New Zealand’s~~ ecosystems, indigenous vegetation, indigenous fauna and the habitats of indigenous vegetation and fauna **now native to NZ.**

We support the criteria for explaining: ‘(3) the maintenance of Indigenous biodiversity’

## S2. Definitions

(i) We suggest that the requested definition above of 'indigenous biodiversity', is included in this section too.

(ii) We recommend the inclusion of an acceptable RMA definition, such as that below, with the following addition pertaining particularly to biodiversity management:

'The precautionary principle is a strategy for approaching issues of potential harm when extensive scientific knowledge on the matter is lacking. It emphasizes caution, pausing and review before leaping into new innovations that may prove disastrous. Where inaction may lead to an irreversible effect such as extinction, a higher degree of risk will be more acceptable while adopting a precautionary approach'.

The reason for this suggestion is that a risk-free precautionary approach can lead to irreversible adverse effects. The amendment tempers the potentially one-way constraint of 3.6 in Part III on the use of new technologies to achieve eradication of pest species. It is our view that dealing with the effects of climate change and an aging and expanding population will soon lead to a relative diminution of funding for the maintenance and recovery of indigenous biodiversity. Funding will become less rather than more for sustained pest control such as aerial 1080 or trapping, and eradication will become the priority focus for sustaining biodiversity. This requires risk assessment of new technologies including the risk of not acting.

### **Part II. Objectives and Policies**

We recommend the following amendments:

- (i) Objective 1: to maintain **and enhance** indigenous biodiversity:
- (ii) New Policy 2A: to ensure authorities in planning or in consenting activities consider the risk to indigenous species and habitats vulnerable to extinction, the risk to them of:
  - a) inaction from addressing extinction threats, or
  - b) inefficient use of management resources

The reason for this suggestion (a) is that there may be a greater risk from not adopting a new technology with some risk that is viewed with precaution, than the risk to the species or habitat from not using the new technology. The amendment provides the balance required in a precautionary approach to risk.

The reason for this suggestion (b) is that resources for biodiversity management are constrained and management options that ineffectively or inefficiently consume these limited resources pose an avoidable threat to biodiversity.

- (iii) Policy 9 We recommend the following policy in regard to surface geothermal features and ecosystems:

‘To protect surface geothermal features and ecosystems from further degradation and loss and ensure new geothermal energy extraction is from deep sources that will not adversely affect these features and ecosystems.’

The reason for this suggestion is that the loss and modification of these internationally significant resources from NZ has been excessive and further loss or degradation should be halted

### **Part III Implementation and Requirements**

#### **3.2.(2) c)**

We recommend the following amendment:

c) take steps **including rules** to ensure indigenous biodiversity is maintained and enhanced for the health, enjoyment and use by all New Zealanders, now and in the future.

The reason for this suggestion is that rules are the only method that provides certainty.

#### **3.3.(3) c)**

We recommend the following amendment:

a) **allowing for sustainable customary use of indigenous vegetation where consistent with other legislation and planning documents.**

The reason for this suggestion is to make more transparent the interplay between legislation such as the Wildlife Act, National Parks and Reserves Acts and the RMA and the Plans under the RMA

### **Appendices 3 and 4- offsetting and compensation**

We are totally opposed to the introduction of offsetting and compensation provisions. The continued erosion of biodiversity values has occurred through the Courts use of mitigation provisions in the RM Act. By making biodiversity maintenance (and recovery), a matter of national importance, the ability for Judges to undermine maintenance will be diminished. Providing for offsetting and compensation is just going to lead to an acceleration of biodiversity erosion.

Thank you for the opportunity to comment on the draft.

ENDS