SUBMISSIONS ON NATIONAL POLICY STATEMENT ON INDIGENOUS DIVERSITY

To: Ministry for the Environment
    indigenousbiodiversity@mfe.govt.nz

For: Lowe Corporation Limited
     Taurapa Trust
     Hill Country Pastoral Limited
     Ocean Beach Wilderness Property Limited

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1. The Submitter

Lowe Corporation Limited (LCL) is a privately held company with businesses, subsidiaries and partnerships in the rendering, hides & skins, farming industries and conservation. LCL and its partners export hides, skins and other animal by-products throughout the world and is the largest processor of animal hides and skins in New Zealand.

LCL invests millions of dollars into the local community, especially in the Hawkes Bay. For example, LCL is the principal sponsor of the Lowe Corporation Rescue Helicopter.

Andrew Lowe, Managing Director of LCL, jointly owns and manages New Zealand’s largest privately funded wildlife sanctuary on 2,500 ha at Cape Kidnappers and Ocean Beach in Hawkes Bay. The vision for Cape Sanctuary extends beyond 50 years to restore the coastal communities of land and sea birds, reptiles and invertebrates that would once have existed on the peninsula. The project aims to achieve nationally significant species conservation gains within a highly modified farming and multi-use landscape including forestry, tourism and recreation. The project includes a 10.6 km predator-proof fence stretching across the neck of the peninsula from coast to coast. It is also a fundamental part of the Cape to City biodiversity project.

Taurapa Trust is a landholder of over 1,200 ha in the Hawkes Bay. The farm is large scale sheep, beef breeding and finishing station. Taurapa is well fenced and subdivided with smaller paddock sizes on the productive areas of the farm and larger paddocks on the steeper lower productive areas. Taurapa
has engaged in planting and fencing an esplanade strip along waterways for the purposes of conservation.

Hill Country Pastoral Limited is also a landholder of 21ha land in the Hawkes Bay. Hill Country Pastoral Limited has been in discussions with the local council in relation to permitting and developing public use of the private land and the registration of [QE II covenants].

We welcome the opportunity to submit on the National Policy Statement on Indigenous Diversity (NPS ID).

2. **General**

The Submitter is already demonstrably active in the practice of indigenous biodiversity protection. It is important that the NPS IB does not inadvertently discourage landowners wishing to undertake conservation projects. The Submitter is concerned that the NPS IB as drafted does this as it potentially overrides the conservation project’s planned use of land and also may lock away additional neighbouring land. Better outcomes could be driven by working on a macro level with farmers and potentially providing tax or rates relief to encourage the right behaviours.

The compliance costs of the various proposals are likely to be significant and include the identification of these habitats and species, fencing of these habitats (could require deer fencing to manage wild populations), and ongoing pest management. 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 within their farming businesses and communities. Support should be provided to not only areas where indigenous biodiversity is being restored, but also to where it currently exists.

3. **Hutia Te Rito - Section 3.2**

As is evident from the Submitters development of its own private land, legislating for Indigenous Diversity is not necessary as landowners are already self-motivated by their sense of custodianship.

It is the submitter’s opinion that a recognition system would be a better motivator for landowners rather than a complex regulatory system. This would allow landowners to consider their property as a whole and determine use that would best benefit several different interests including Indigenous Biodiversity. A recognition system such as tax or rates relief is likely to drive better behaviors.

4. **Social, economic and cultural wellbeing – Section 3.7**

The Submitter supports section 3.7 with amendments and requests that this section be retained and referred to in the context of other Council obligations. Indigenous biodiversity can occur while still providing for use and development for social, economic and cultural wellbeing. It is important that indigenous biodiversity protection should be considered in the context of the whole of the land itself.

A conservation project, such as the ones undertaken by the Submitters, would not be promoted under the regulatory regime proposed by the NPSID. Each Significant Natural Areas (SNA) is considered in isolation and on a micro level and not in context as part of the whole of a farm or a region. It is not clear whether such conservation projects are recognised under the regime at all potentially leading to landholders being penalised for conservation actions previously taken as project land may become a SNA and additional nearby land is put at risk of being ‘locked’. This is likely to discourage landowners to undertake such projects. It is submitted that conservation projects should be recognised as such
and the projects themselves, or the land surrounding it, should not necessarily become SNA if not intended in the conservation project plan.

5. **Identifying Significant Natural Areas (SNA) - Section 3.8**

The Submitter is concerned about breadth and the complexity of the criteria for identifying SNA. It seems unlikely that Councils will be able to access appropriate experts to identify SNA within the time frames. This will put farmers in limbo as, due to the complexity or the regime, farmers are unlikely to have the ability to accurately assess this themselves.

This could be partially alleviated by identifying a minimum area for SNA. The Submitters notes the submissions of Beef and Lamb NZ recording the following limits and supports these:

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

In identifying SNAs, consideration should also be given to the origin of the biodiversity. If a landowner has undertaken a conservation project in a particular manner, this should be taken into account. It would be discouraging to these types of projects if landowners were at risk of permanently locking up this land and also neighboring buffering land. The Submitter seeks changes to provision 3.8 so land already subject to a conservation project is not affected.

The Submitter seeks changes to provision 3.8 so that the significance criteria are narrowed so that only habitats or species which are endangered, or threatened, are identified. Management frameworks can then be tailored to the level of risk that the habitat faces and the attributes that underpin the habitats significance.

6. **Managing adverse effects on SNA’s – Section 3.9**

The Submitter seeks that 3.9 is amended so that the effects management hierarchy is based on the level of the habitats significance e.g. “endangered” or “threatened”, and is tailored to the values which underpin the habitats significance.

Under section 3.9, there seems to be no ability for Councils to turn their minds to the other considerations for the Council required in sections 3.1 to 3.7 in the NPS IB. Section 3.9 seems to be absolute in its application. There should be reference to the other considerations or requirements stated in sections 3.1 to 3.7. The Submitter seeks an amendment to section 3.9 to provide that the Council must consider these other factors.

There is no sense of scale in the adverse effects that must be avoided or managed. For example, if these adverse effects were considered no more than minor the Council should be able to balance this against the benefits of the new subdivision, use or development. The Submitter seeks an amendment to recognise the importance of this balancing. Amendments should also ensure provisions are aligned in identifying and then establishing management frameworks specific to the risk status of the habitat e.g. “rare”, “threatened”, or “at risk”.

The Submitter also seeks that 3.9 is amended so that the provision relates to consent applications and the assessment of effects, and requirements to avoid, remedy, or mitigate the effects. New activities should be provided for where the effects of the activity on the attributes that underpin the
habitats significance (such as representativeness, rarity, and distinctiveness) can be avoided, remedied, or mitigated.

7. **Existing activities in SNA’s – Section 3.12**

Again under section 3.12, there seems to be no ability for Councils to turn their minds to the other considerations for the Council required in sections 3.1 to 3.7 in the NPS IB. The Submitter seeks an amendment to section 3.12 to provide that the Council must consider these other factors stated in sections 3.1 to 3.7.

The submitter seeks that 3.12 be amended so that the temporal and spatial nature of existing activities as part of pastoral based farming are recognised. Specifically, vegetation clearance, cultivation, or pastoral renewal, that may occur within a 7-year rotational basis, along with the pastoral grazing of livestock that also may be temporal in nature for example during drought periods.

The submitter seeks that 3.12 be amended so that existing activities are provided for as a permitted activity. Where consents are required, then the effects of an activity should be assessed in relation to the attributes which underpin the significance of the habitat such as representativeness, rarity, and distinctiveness.

8. **General rules applying outside SNAs – Section 3.13**

Again under section 3.13, there seems to be no ability for Councils to turn their minds to the other considerations for the Council required in sections 3.1 to 3.7 in the NPS IB. The Submitter seeks an amendment to section 3.3 to provide that the Council must consider these other factors stated in sections 3.1 to 3.7.

The Submitter is concerned that 3.13 as proposed may result in areas of land around SNA’s being ‘locked up’ from pastoral based farming activities. This could result in significant areas of land being impacted which ultimately would significantly impact farm viability and resilience.

Thank you again for the opportunity to comment on the proposed changes. The Submitter welcomes the opportunity to further discuss any of the points above with the Ministry for the Environment and the Department of Conservation, should more information be required.