

# HE KURA KOIORA I HOIKIA: A DISCUSSION DOUCMENT ON A PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERISTY

**To: Ministry for the Environment**

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## INTRODUCTION

- 1 The Wolds Station is located 18km south of Lake Tekapo. We are the second and third generations of farmers on The Wolds Station and the fourth and fifth generations in the Murray family to farm in the Mackenzie Basin.
- 2 The Wolds Station is a freehold 6740ha sheep and beef farm and has been operated by our immediate family since 1957. Some 1600 Ha of land that would have SNA status was retained by the Crown. Like most farmers, we have a great affinity for the land. We value our land and the biodiversity that it fosters, and consider it important that it is protected. However, biodiversity and indigenous biodiversity must be managed in a way that does not impede our ability to make a living from the land. This income funds our ability to look after the land in other ways, such as pest eradication (wilding pines, haeracium and rabbits) which is a major issue in the Mackenzie Basin and the South Island high country.
- 3 We support the acknowledgement made by the Associated Minister for the Environment that private landowners, iwi, community groups and local government all have a responsibility to look after and nurture our indigenous biodiversity. For many years New Zealand (**NZ**) has lacked national policy direction on how to manage indigenous biodiversity and during this period it has fallen to landowners to preserve the indigenous biodiversity that remains on land in private ownership. Given that a high proportion of this property is likely to be identified, and that we are simply just 'caretakers' of the land (the Crown ultimately owns the land) costs must be shared and not all loaded on to the titleholder.
- 4 The purpose of the Resource Management Act (**RMA**) is to promote sustainable management of New Zealand's natural and physical resources for ecological, economic, cultural and social outcomes. The draft National Policy Statement for Indigenous Biodiversity (**NPSIB**) must balance protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna alongside providing a pathway for existing uses of land that support the New Zealand economy. Not only are existing uses of land critically important to provide for landowners social and economic wellbeing but more often than not indigenous biodiversity

present on private land exists as a result of landowner stewardship. Much of the indigenous biodiversity that remains in the Mackenzie Basin has been maintained under traditional pastoral farming practices including top dressing and grazing.

- 5 We hope to leave our interest in the Wolds Station to our children, so it is of fundamental importance to us that environmental controls do not extend to such a level that it makes farming the land unviable for them and for future generations. Sites of Natural Significance have been mapped and included in the Mackenzie District Plan since its inception and various overlays in the District Plan serve to preserve landscape values. We estimate that 80% of the mapped areas are classified as having high landscape values.
- 6 This submission is a hybrid in that it covers some of the questions posed in the discussion document and also comments on other matters of concern – including definitions and concepts detailed in the NPSIB.

### **QUESTIONS POSED BY THE DISCUSSION DOCUMENT**

#### **Question 3**

- 7 The draft NPSIB, fails to strike a balance between achieving environmental outcomes and providing a pathway for development and use of land in accordance with the concept of sustainable management; as specified under the Resource Management Act 1991 (the RMA).
- 8 The definition of indigenous biodiversity is incorrect and too imprecise for National implementation. The definition incorporates all biodiversity anywhere in NZ, which is inappropriate.
- 9 Indigenous biodiversity does not include all New Zealand ecosystems. It only applies to biodiversity of organisms endemic to New Zealand. Inclusion of habitat is redundant, as this is already included in the RMA definition of biological diversity subsumed under ‘ecosystems’.
- 10 There is no distinction between indigenous biodiversity that is significant due to it containing areas of significant indigenous vegetation and significant habitats of indigenous fauna, and indigenous biodiversity that is naturally occurring within NZ but where flora and fauna are well populated and future use and development pose no risk.
- 11 We propose the following accurate definition for ‘indigenous biodiversity’:
  - 11.1 *Indigenous biodiversity is the biological diversity of organisms endemic to New Zealand.*
- 12 Section 5 of the RMA provides for the “safeguarding the life supporting capacity of ecosystems” only. It does not go as far as objective 1.

- 13 Section 6 of the RMA provides for preservation and/ or protection of some natural features and areas of significant vegetation and fauna however it does not require that all biodiversity in NZ is “maintained” at the expense of people and communities ability to provide for their social, economic and cultural wellbeing.
- 14 The definition of maintenance of Indigenous Biodiversity is problematic and introduces concepts that are not specified by the RMA. We are concerned that the definition of maintenance requires at least no reduction in:
- 14.1 size of population of indigenous species;
  - 14.2 indigenous species occupancy across their natural range;
  - 14.3 the properties and function of ecosystems and habitats;
  - 14.4 the full range and extent of ecosystems and habitats;
  - 14.5 connectivity between and buffering around ecosystems; and
  - 14.6 the resilience and adaptability of ecosystems.
- 15 Maintenance is not intrinsically coupled to population size. Species with large populations may be viably maintained at lower population sizes.
- 16 In extensive and diverse climates like the Mackenzie Basin, the ability to ensure “no net reduction” will be incredibly costly and difficult to achieve; even where no development is proposed due to the scientifically well-established indigenous decline in biodiversity from competitive effects of introduced species. This concept must be assessed at an Ecological Region, or District scale rather than on a per property basis.
- 17 We are also concerned about how the directives contained in the draft NPSIB will be introduced into the Regional and District Council planning framework. Objective 5 requires the restoration of indigenous biodiversity and the enhancement of the ecological integrity of ecosystems. In our view, the directives that come out of 3.16 and 3.17 of the NPSIB leave too much discretion to the Regional and District Councils and there is a very real risk that these concepts may be interpreted differently at a regional level. A nationally consistent policy framework is critical.
- 18 We are concerned that the draft NPSIB shifts the goal posts so that restoration initiatives could now be considered part of Councils’ legal obligation to maintain biodiversity. We consider that all restoration initiatives should be non-regulatory and should focus on supporting landowners and community groups with their conservation efforts.

- 19 We support Objective 6, which recognises the role of landowners as stewards of biodiversity. We consider that this objective is an accurate reflection of the concept of sustainable management and s5 of the RMA.

#### **Question 10**

- 20 Given the restrictions that an SNA classification will have on landowners, it is imperative that these assessments are undertaken on the ground with collaboration between biodiversity experts and landowners. Desktop assessments are not appropriate.
- 21 Some parts of NZ contain vast undeveloped areas, and in order to accurately define what constitutes an SNA it will be fundamental for all areas to be assessed. The discussion document mentions that some regions that contain large areas of land in Crown ownership ought to be afforded lenience in mapping of these areas. This is entirely inappropriate. Without a complete assessment of all NZ biodiversity, it is not possible to identify which areas/land ought to be classified as high and medium SNAs. It is our understanding that if 39% of NZ's land area that is in Crown ownership has not been consistently assessed in the same way as private land, that assessments and evaluations of SNAs will be skewed.
- 22 Landowner support is fundamental to provide for the SNA mapping to occur. It goes hand in hand that there must be a pathway for existing land uses and appropriate development if a collaborative approach between territorial authorities (who have been tasked with completing the mapping exercise) and landowners is to occur.
- 23 To align with the discussion throughout this submission, landowners needs be given the resources and assurances that they will not be unduly restricted and stripped of their ability to develop, adapt, and even continue current practices - should an SNA classification be identified on their land. In its current form, the draft NPSIB does not sufficiently address this, and to that, there will be a lot of reluctance from landowners. This needs to be addressed and the uncertainty needs to be mitigated to ensure landowners are able to trust the process and trust that their interests are also taken into account.

#### **Question 11**

- 24 SNAs of same or similar criteria, and of a same or similar kind will likely be present across different districts. This could provide an opportunity to develop more uniform approaches and processes across districts and within regions. The ability to share understanding and resources would also soften the blow and could lead to a cost sharing regime, whereby the associated costs are spread throughout a greater pool of urban ratepayers.

## Question 12

- 25 The discussion document explains that the proposal does not intend to capture all indigenous biodiversity in an area, but to identify the SNAs that need protection.<sup>1</sup> We are concerned that this key concept does not appear to have been transposed through to the wording of the draft NPSIB. Additionally, the proposed criteria fundamentally alter and negate the RMAs focus and requirement for delineation of significant as opposed to non-significant indigenous values.
- 26 The Ecological criteria for identifying and mapping SNAs is summarised as follows:
- 26.1 Representativeness – where indigenous vegetation or habitat of fauna is typical or characteristic of the indigenous biodiversity of the ecological district; this can include commonplace vegetation/ habitats where it is representative, depending on the wider natural environment;
  - 26.2 Diversity and pattern – the extent that the expected natural range of diversity of flora and fauna and physical aspects are present in the area;
  - 26.3 Rarity and distinctiveness – where there are rare, depleted or distinctive flora or fauna, habitats or ecosystems, such as threatened and at-risk species, and naturally uncommon ecosystems; and
  - 26.4 Ecological context – how the size, shape and configuration of the area contributes to the wider surrounding landscape and ability for biodiversity to be maintained.
- 27 While the key assessment principles for determining an SNA correctly note that degraded examples of indigenous vegetation and habitat should be included in the biodiversity assessment, they omit naturalness (previously included as a fifth criteria in the Department of Conservation's designation of significance evaluation).
- 28 Other factors that the criteria fail to adequately consider are as follows (not exhaustive):
- 28.1 The degree of modification is a critical factor for evaluating significance. Less modified examples of vegetation of habitat have greater significance than more modified examples.
  - 28.2 The distinction between significant and non-significant indigenous vegetation is blurred. For example, regenerating or recovering vegetation is considered significant (Appendix 1 A2) but this evaluation can only be made after comparison against other examples of the same vegetation type, and the extent of its occurrence in protected areas.

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<sup>1</sup> He Kura Kōiora I Hoikia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity, at 34.

- 28.3 The adequacy of existing protection is a fundamentally important criteria for assessing significance that is omitted in the proposed criteria.
- 28.4 As a single example of how broad the attributes triggering the designation of a SNA are, the presence of a single threatened species in a habitat, qualifies it as a SNA. Thus, a black stilt foraging on developed pasture under a centre pivot, would qualify under this criterion (C6).
- 28.5 As mentioned above, this is not an exhaustive list of the problematic shortcomings that the criteria foster, many of the other proposed attributes and criteria are also problematic and require revision.
- 29 There are large tracts of land within the Mackenzie Basin that have been identified as containing areas of significant indigenous vegetation and significant habitats of indigenous fauna – a number of these species are found only in the Mackenzie Basin so when adopting the Appendix 1 criteria they automatically meet the rarity and distinctiveness criteria regardless of whether the species or habitat is found in abundance within the Mackenzie Basin. This is an obvious concern for us at the Wolds Station. We are already subject to extensive environmental controls and we fear that identification of SNAs will introduce another blanket/ generalised assessment to indigenous biodiversity our property and more costs.
- 30 We have spent significant resources – both financial and time – to make sure that any mapping completed on our property is an accurate reflection of the relevant values on the ground. High country stations in the Mackenzie Basin are by nature vast tracts of land that can foster unique micro-climates within a single property. Great care will be needed both when mapping SNAs and when determining boundaries between high and medium SNAs.
- 31 The criteria for assessing SNAs is too broad. As noted in the discussion document, SNAs represent the most iconic and highly valued indigenous biodiversity, the criteria should not capture anything wider than that. Question 13 – Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (See Part 3.8(2) of the proposed NPSIB)
- 32 Care must be taken to ensure that NZ ends up with a nationally consistent planning framework. Consistency is required in definitions and strategic objectives, but flexibility must be retained for Regional policy statements, Regional plans and District plans to be tailored to their specific environments where a one size fits all approach is not appropriate.
- 33 We do not agree with (d) that a desktop assessment ought to be relied upon. This type of haphazard approach will not produce quality information.

#### **Question 14**

- 34 There should be no reference to the SNAs in Regional policy statements or Regional plans. District plans should be the sole reference point because they provide for a more flexible and appropriate 'check and balance' regime once classifications are made; allowing for review via a privately initiated plan change process. Where there are inaccuracies, there must be a pathway open to the landowner to correct any indigenous biodiversity overlay on their property. The introduction of SNAs at District Plan level must be subject to a robust submission and hearing process.

#### **Question 15**

- 35 The requirement on District Councils to map SNAs within 5 years is too ambitious and could lead to a rushed and inaccurate level of assessment. Given the precautionary approach that is prescribed within the proposal, it seems that an overly cautious tactic will also be taken to identification of SNAs. This could lead to SNAs covering vast areas of land where a blanket precaution is adopted rather than on the ground assessment to verify that all areas of land meet the relevant criteria.
- 36 We are concerned that there are insufficient numbers of appropriately trained/ educated professionals to undertake the mapping exercise. In the Mackenzie Basin for example, there are perhaps 2 or 3 individuals that have the credentials to undertake the task.
- 37 Though the principles embedded in the draft NPSIB discourage desktop assessments unless access to private land is denied, it would appear that in order to keep within the timeframe and manage under the current state of resources, territorial authorities will need to rely on national maps and inventories. We have no confidence in these databases. From our experience these databases are inaccurate and out of date.
- 38 The Government should consider using the data-sets that have been produced under Tenure Review as a starting point for properties where this level of detail exists – particularly in the scenario where gaining access to private land is difficult. Properties that have been through Tenure Review have been subject to rigorous assessments. Areas of significant inherent value (including biodiversity, ecology, landscape, and conservation) have been identified and either returned to the Crown/ DOC or protected through conservation covenants on any land freeholded.

#### **Question 17**

- 39 We consider that identification and protection of highly mobile fauna would be particularly problematic. We are concerned that the aims go beyond what council resourcing and expertise can handle. We are not certain whether any of the Mackenzie Basin species will fall within the category of "highly mobile fauna". There is no list of what species are considered

highly mobile and it has been left to Councils to elect how to manage land use against maintaining viable populations of highly mobile fauna across their natural range.

#### Question 20

- 40 It is not appropriate for the NPSIB to set the effects management hierarchy. This direction fetters the discretion reserved to Councils when assessing a particular resource consent application. There will likely be cases where a proposal does not fit within the effects management hierarchy but where any adverse effects can be avoided, remedied or mitigated. The NPSIB must provide a pathway for flexible and tailored approaches to managing adverse effects to SNAs.

There is a risk that if the entire Mackenzie Basin is identified as a SNA (which we understand may be possible) then the effects management hierarchy has the potential to curtail all development moving forward. Further, it is not appropriate for the methodology for assessing effects to be finalised in advance of any mapping – which will ultimately identify the reach of the effects management hierarchy.

- 41 An outcomes based approach would be simpler, and less cumbersome to implement. Adequate consideration of significance is essential to avoid inclusion of non-significant areas that include natural vegetation.

#### Question 22

- 42 In the Mackenzie Basin “Sites of Natural Significance” have already been identified and recently reassessed and these represent plant and animal communities and habitats which are *presentative, rare and unique within the District, or otherwise considered to be significant* in terms of s6(c) of the RMA. Other Councils in NZ have also identified SNAs (or similar under different terminology). These earlier assessments have focussed on protecting matters of significance as required by s6 of the RMA. What is now proposed by the NPSIB is to direct Councils to identify indigenous biodiversity in two categories - high and medium SNAs. A great deal of investment will be required to convert SNAs already identified to a new two tier criteria. It will not be possible to make a distinction from a desktop review. The proposed two tier approach will require significant additional field work.
- 43 The high and medium classification system is particularly problematic in areas like the Mackenzie Basin where most land is at risk of being classified as an SNA. Even if some land does not meet the criteria for an SNA it may still be considered important for ecological context i.e. for providing ecological connectivity pathways or as a buffering function around other high category SNAs.
- 44 The distinction between high and medium SNAs as set out in Appendix 2 is complex and will promote debate between territorial authorities and landowners. The technical nature of the management framework is unlikely to facilitate a collaborative approach. In particular, there is



likely to be a strong difference in opinion between the ecologists and the landowners as to whether in the Mackenzie Basin is representative of a high level of ecological integrity.

### Question 23

- 45 There needs to be flexibility here for the farming community (and the emerging tourism industry) to move with the times. The wording of 3.9 in the draft NPSIB seeks to require resource consents to be obtained for all subdivision, use or development within SNAs. This approach is entirely inappropriate in the Mackenzie Basin where large tracts of land (including potentially entire properties) may be classified as SNAs.
- 46 It will be impossible for the Mackenzie Basin community to operate within the draft NPSIB framework.

### Question 26

- 47 Existing activity is defined in the NPSIB as:

*Means a subdivision, use or development that is –*

- a) *lawfully established at the commencement date; but*
- b) *not a land use covered by s10 of the Act*

- 48 This definition is contradicted by the information note included at section 3.12 of the NPSIB which states that sections 10 and 20A of the Act apply according to their terms. It is unclear how the draft NPSIB proposes to deal with existing use rights under the RMA. It is important that existing use rights are provided for and that the subsequent Regional and District plans that must give effect to the NPSIB continue to acknowledge those rights.
- 49 At the Wolds Station, our ability to over sow, top-dress, cultivate, and spray out land is in some cases reliant on our existing use rights i.e. it is not authorised by resource consent or by an existing use certificate. We consider that our existing use rights are lawfully established, however, due to the nature of pastoral farming, maintenance cycles, and constant plan development, it is well known that proving existing use rights can be a challenge.
- 50 Further, with respect to cyclic farming maintenance methods, it will be difficult to show that these activities do not lead to the loss (including the cumulative loss), of extent or degradation of the ecological integrity of any SNA – this will be particularly difficult in the Mackenzie Basin where large tracts of land are likely to fall within the SNA identification criteria.
- 51 3.12 (3)(b) appears to introduce an additional requirement on Regional Councils to identify the current character, intensity, and scale of all existing activities at the date of commencement of the NPSIB. This level of detail does not exist. There is no “existing use rights” database and

the history of a particular practice (particularly farming methods) is known only to the land owner.

- 52 While 3.12(4) goes some way towards recognising the aforementioned difficulties when assessing existing use rights in a farming context, we do not consider that (4)(b) is clear. “Periodic clearance” is not defined, neither is “part of a regular cycle”. In any event, traditional farming practices like over sowing, top-dressing, and cultivation in an environment like the Mackenzie Basin are likely to be incompatible with maintenance of indigenous biodiversity.
- 53 The provisions in 3.12 contradict each other, and do not provide a clear pathway for existing use rights to continue. The integrity of existing use rights as per s10 and 20A of the RMA must be preserved. The preservation of existing use rights is imperative, any loss of those rights will have devastating financial implications for farmers (and other industries).
- 54 An example of how these provisions will impact farming can be found in the clearance of pest species Matagouri. Matagouri is native to NZ and under the draft NPSIB, will need to be maintained i.e. no reduction of the size of populations of indigenous species under Objective 1. We rely on existing use rights to clear Matagouri. Matagouri takes many years to establish and it is only necessary (and cost efficient) to clear this as it becomes a nuisance. These acts of clearance are unlikely to be considered periodic or regular – mostly due to the sporadic manner in which Matagouri populates and the length of time between clearance cycles. Under the draft NPSIB provisions, landowners will may need to obtain resource consent to undertake clearance; an activity that they have been carrying out for decades.
- 55 The proposed provisions will penalise those who have protected and retained biodiversity on their land to date. Landowners will be deterred from being proactive and continuing to protect these areas (and other establishing areas) into the future on the basis that having an SNA “tag” on your property may put you in the category of being required to obtain resource consent – a costly and lengthy process.

### **Question 30**

- 56 In order to improve practices to allow for climate change, we need to be able to move with the times. The restrictions contained in the draft NPSIB will not only curtail any positive developments, but it will also act as a deterrent for farmers when looking towards being proactive in discovering and establishing new practices to better adapt to climate change.
- 57 There is no explanation of what “promote the resilience of indigenous biodiversity to climate change” means, however we presume that 3.5(c) will feature in an assessment of effects in any application for resource consent. For example, if a property may serve as a potential ‘future connectivity pathway’ to enable species migration so that species can find viable niches as the climate changes, this may be reason enough for the application to be declined; even though the effects of extent of climate change are yet to be determined.

### **Question 31**

- 58 The proposed NPS prescribes that a precautionary approach must be adopted by Councils towards proposed activities where effects on indigenous biodiversity are uncertain, unknown, or little understood but potentially significantly adverse. This will mean a higher burden on applicants to produce comprehensive assessments of biodiversity effects. The proposed NPS also specifically directs Councils to include requirements in their plans considering indigenous biodiversity in assessments of environmental effects.
- 59 This generates great uncertainty for landowners and it will be critical to ensure that the precautionary approach does not become the status quo when under experienced and under resourced authorities are making land use consent decisions.
- 60 Adequate assessment of the extent of SNAs already in designated conservation areas is necessary before invoking the precautionary principal.

### **Question 34**

- 61 The principles for biodiversity offsets and compensation, as set out in Appendices 3 and 4 are unachievable in the Mackenzie Basin subzone. There is limited ability to provide for a net-gain in biodiversity due to the nature of the environment and the fact that a large number of species are present only in the Mackenzie Basin; so any loss is likely to be considered irreplaceable or vulnerable. Further, like for like species replacements, as required under the off-set scheme, cannot be obtained due to the lack of commercial availability of such species.
- 62 It is inappropriate to provide for a biodiversity off-set package that can only operate within some areas of NZ. Biodiversity off-sets should only be required where there is an adverse effect of a proposed land use on significant indigenous biodiversity when assessed across an Ecological District or Region.
- 63 The off-set regime needs to be flexible to accommodate different regions with different pressures. A more practical approach would be to assess the appropriateness of any potential biodiversity off-set on a case by case basis. For example, in the Mackenzie Basin where the spread of wilding pines is an increasing problem, a biodiversity off-set may include steps taken by an applicant to eradicate wilding pine populations – on the development property or elsewhere in the same district.
- 64 Another more practical approach would be to implement the principle of off-set parity, i.e. to maintain equivalence in ecological values, rather than require additional species.

### **Question 38**

- 65 The three priority focus areas for restoration and enhancement are not well defined. The term “connectivity” is subjective and with respect to “buffering functions” there is no direction on what buffer setback distance may be appropriate. It is also unclear whether “buffering

functions” relates to all SNAs, wetlands, and former wetlands only, or also includes connectivity areas. Given the way these aspects have been dealt with in the past, and the lack of guidance that the draft NPSIB provides, we are concerned that the buffer setback in relation to these aspects will be overly precautionary and cover an overly onerous area of land.

- 66 The benchmark for restoration and enhancement in the priority areas is unclear. The examples included in the information note to 3.16 are likely to be interpreted and applied very differently across the country. This approach leaves it open to territorial and regional Councils to identify these areas at their discretion. Tight guidance and controls are required to promote national consistency.

#### **Question 39**

- 67 We suspect that the draft NPSIB biodiversity outcomes may be incompatible with some of the new obligations under the Healthy Waterways package. For example, additional fencing obligations on land owners may be frustrated by the requirement to maintain indigenous biodiversity. Also, given the lack of direction as to what buffer setback may be appropriate (as discussed at para 55), the current setback prescriptions, could be wholly overturned. Fencing where directed by other Government higher order directives ought to be specifically excluded from assessment under the NPSIB provisions.

#### **Questions 41 - 43**

- 68 We have reservations about the purpose of developing regional biodiversity strategies, and costs that would be associated with that. We do however see merit in there being regional direction to provide the territorial authorities with guidance on identification of development of restoration and enhancement projects within their district. Development of regional biodiversity strategies is an extra cost and an unnecessary burden on communities – the national biodiversity strategy ought to suffice; particularly given the non-statutory nature of the documents.

#### **Question 44**

- 69 The date for implementing regional biodiversity strategies should be later. If regional biodiversity strategies are to be required these should be developed after the initial assessments have taken place, and a better understanding of what land will fall under each classification (high and medium SNAs, areas that provide important connectivity and buffering functions, SNAs whose ecological integrity is degraded, pathways of mobile fauna etc.) are confirmed. This way, they can be better tailored to the environment and areas of focus within each region.

#### **Question 46**

- 70 In general, we are supportive of the proposed monitoring plans. Monitoring is essential for both regional and territorial authorities to understand whether the objectives in the NPSIB are being met and to consider whether the provisions are achieving the desired outcomes. Costs should not be borne by landowners, Costs per ratepayer will be much higher in rural districts.

#### **Question 51**

- 71 In order to ensure landowner buy-in, there needs to be fairness and uniformity. This means, SNAs need to be mapped at the same time across NZ and all land (including public conservation land) needs to be mapped.
- 72 As discussed at paragraph 17 above, it is crucial that all SNAs (including those on public land) are accurately mapped so that the picture of NZ's biodiversity is accurately informed. It would not be appropriate to map a high SNA on private land where these same characteristics may be found in public conservation land thus reducing the status of high to medium. Landowner cooperation is likely to be reduced if all of NZ is not mapped at the same time. The land not freeholded on The Wolds, contains land very similar to that freeholded and must be included.

#### **Question 55**

- 73 The proposal does not adequately address the costs of the proposed provisions including the following cost to landowners:
- 73.1.1 Obtaining expert peer review of identification of SNAs assessments, including boundary disputes and/or disputes over medium vs. high SNA classification;
  - 73.1.2 Any active steps required such as fencing or weed control;
  - 73.1.3 Positive actions and monetary contributions required to facilitate enhancement and/ or restoration in priority areas if identified on private property;
  - 73.1.4 Loss of productive land where classified as a SNA, areas of connectivity or providing buffering functions or an area where species may migrate due to climate change;
  - 73.1.5 Loss of the ability to develop or change has a financial cost which is not recognised;
  - 73.1.6 Impracticality of managing SNAs on productive farm land i.e. inability to locate critical infrastructure (irrigation or stock water pipelines etc.) through an SNA or other priority area and costs associated with providing an alternate route;

- 73.1.7 Additional resource consenting requirements and related costs such as external reports;
- 73.1.8 Potential costs associated with obtaining existing use certificates and addressing challenges to existing use rights;
- 73.1.9 Great financial loss if existing use rights are lost or diminished;
- 73.1.10 Involvement in various regional and territorial plan changes where the NPSIB outcomes are incorporated; and
- 73.1.11 Participation in ongoing 5 yearly assessments of new SNAs in the district and associated peer review of Council determinations.

### **Question 58**

- 74 We would need all listed support, with financial support being imperative. It goes without saying that every incentive to effect change comes at a cost to the landowner. This submission is an example of just that.
- 75 Substantial costs will be involved in implementing the provisions of the draft NPSIB. The lack of provision and guidance as to where those costs will fall is concerning and unacceptable. There needs to be a clear understanding to provide certainty to landowners and businesses as well as the district and regional authorities. Further detail on where costs will lie is required and landowners should not be required to fund implementation of the NPSIB provisions. The cost implications are critical in areas like the Mackenzie Basin that are likely to hold all encompassing SNAs.
- 76 Financial support will be imperative. We estimate the initial cost to fence waterways and wetlands on The Wolds (and provide alternative water access to stock) at \$1.7Million to \$1.9Million (excluding the maintenance costs) under the Healthy Waterways proposal. We cannot afford that, let alone the potential costs involved in the implementation of this draft NPSIB.
- 77 Loss of land tagged as an SNA will be hugely felt within our business. Our earning potential and income will be severely impacted. Farms are tightly run operations which mean that if we have to retire land, or parts of it whilst also paying to eradicate weeds and pests, the pendulum could very easily tip and require an entire overturn of our farming operation and processes to just be able to break even.
- 78 A collaborative approach, whereby more flexible strategies can be developed should be pursued. We are experts within our own parts of the country and can assist to develop tailored solutions that are more palatable and workable within the different environments that we operate. For example, the speed of biodiversity loss under wilding pines on non-grazed land is

immense. The costs that landowners bear when working to control wilding pines is huge and should bear some relevance.

## Final Concerns

- 79 The foundational premise of the draft NPSIB is founded on the determination that the decline in indigenous biodiversity is in crises. This is incorrect, and the evidence to support that premise is also incorrect.
- 80 The discussion document states that some 20% of NZ's ecosystems are not protected in the conservation estate held in private ownership. This figure to include the extent of such ecosystems protected in QEII covenants. We also understand that almost the entire range of lowland and coastal terrestrial ecosystems are protected. This also applies to genuinely rare and threatened species and habitats. The threatened and at-risk species classification is grossly misused and overrated as a supporting factor.
- 81 The draft NPSIB also fails to acknowledge the following important points:
- 81.1 the positive change in landowner attitudes towards the natural environment;
  - 81.2 the fact that the only reason so much native vegetation remains on sheep and beef farms is because landowners have chosen to retain it;
  - 81.3 people don't need to be coerced into protecting biodiversity;
  - 81.4 that protecting biodiversity is, and continues to be considered a cost to landowners; and
  - 81.5 for any biodiversity policies to be effective, it is imperative that there is landowner buy in.
- 82 This entire regime would be a lot more palatable if the above points were considered and further reflected throughout the draft NPSIB. It is imperative that the impacts of the NPSIB are identified, appreciated, and genuinely quantified on a level playing field. We are incredibly concerned that the full extent of the NPSIB provisions will be felt most by primary industry and the provisions will be particularly onerous within specific communities where large SNAs are likely to be mapped. The Mackenzie District is a prime example of this.
- 83 While it is appreciated that we need be proactive, and adopt change to adhere to government regulations and the external environment, there needs to be a level of understanding and an amount of flexibility. Changes in government policy have had a major impact on the process of restructuring in the rural sector to achieve positive environmental changes in the way we operate. In this case however the draft NPSIB goes too far and places an undue burden on land owners in rural environments.

84 The consequence that the draft NPSIB will have on the majority of our community and their ability to bring in a livelihood, provide for their families, and continue farming will be immense. Not to mention the mental stresses and anxieties that are already a huge concern within the industry.

### **Going Forward**

85 The failings of the draft NPSIB are clear, there needs to be further consultation about what the best solution would look like for stakeholders, and a collaborative approach on achieving desired outcomes.

86 The environmental protection of NZ's indigenous biodiversity is among the best in the world. The focus must be on maintaining or enhancing populations already in conservation management, rather than seeking to expand the area by the mechanism of the draft NPSIB, with private landholders and the nation bearing the majority of the direct and opportunity cost.

87 Whatever methods are used, success will only be achieved where landowner buy in is achieved and more appropriate directives are put in place.

Dated 13 March 2020