

NPS IB SUBMISSION

BEN ENSOR

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TO: MINISTRY FOR THE ENVIRONMENT
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Submitter's Name and Contact Details

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Introduction

I farm 1400 Ha of hill country on the coast to the east of Cheviot, and 120 Ha of irrigated land at Spotswood in the Hurunui District. We run breeding ewes and cows on the hill and finish the progeny on the irrigated flats. This business supports my family, as well as two permanent employees and their families, as well as additional casual employees on a seasonal basis.

I am the Chair of the Hurunui District Landcare Group, an incorporated society with 140 members and a purpose to encourage and support good environmental practice on farms in our district.

Biodiversity on my farm

We are fortunate to have a great deal of indigenous biodiversity (IB) on our property. The hill country gullies contain stands of coastal broad leaf forest, as well as totora and Matai. Higher up is predominantly tussock interspersed with Matagauri and carposma. 25 Ha of the forest is protected by a QE2 covenant, a further 8 Ha has been fenced off and stock excluded. Aerial photos show that the area of forest and scrub on the property is steadily increasing over the last 30 years. We have plans to fence off and exclude stock from another 30 Ha within the next five years. Native bush regenerates very quickly due to there being a plentiful local seed source. There are plentiful native birds, particularly Kearu, and bell birds. The irrigated property is intersected by several spring fed streams prior to us purchasing this property they had been completely overgrown with woody weeds. We have begun clearing the weeds and restoring these creeks. Through investigations with ECAN we have found Long and short fin eel, and several species of native fish.

In my time farming this land, the protection and continued enhancement of ID on these properties has come about from the sensible and conservative management, and well as our business providing significant financial resource. The biggest threats to ID on our farm currently is the increasing pressure we are facing in controlling invasive exotic woody weeds such as broom, gorse, hawthorn, barberry, and black berry, and predatory pests such as rats, opossums, cats, stoats and ferrets. We already spend a considerable amount of time and money keeping these threats at bay.

The ID on our farm is a source immense pride to us, our employees, and all involved in our farming business. We will continue to manage it as best we can.

How the NPS will impact my farm

The NPS ID will turn the ID on our Farm that we have worked hard to enhance into a liability, not the asset that it should be. The NPS ID will add another layer of cost, and compliance to our business, this will take our money, and energy away from works on the ground that will make a positive difference to ID.

The periodic clearing of some native vegetation in certain areas is critical to the continuing functioning of our farm as this vegetation regenerates relatively quickly. It is likely it will

become costly and onerous to continue to do this under the proposed NPS ID even though we are protecting significant areas of ID on other parts of our farm.

Conclusion

I support the intent of the NPS ID.

I strongly oppose the prescriptive regulatory approach that the NPS takes. In my opinion it will not work in a farming context. It will turn the ID that we all treasure into a liability and not the asset that it should be. I oppose the requirement for district councils to map SNAs, and the rigid land use rules that will govern them. Past history in the Hurunui District has shown this will be hugely damaging to the council farmer relationship, and actually deter many farmers from enhancing and protecting ID on their properties.

A much better approach I believe would be for councils to provide relevant expertise to firstly develop bespoke ID management plans for the property, then support the farmer over time in carrying out this plan.

Below are my detailed comments to selected provisions on the draft NPS.

I/We thank the Ministry for considering our views .

Detailed submission comments on the DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

Part 1 – Preliminary Section

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
1.7 Fundamental Concepts			
(1) Hutia Te Rito – stewards of indigenous biodiversity	<i>support</i>		
(2) Indigenous biodiversity			
(3) Maintenance of indigenous biodiversity			
(4) Adverse effects on indigenous biodiversity			
1.8 Definitions			
Biodiversity compensation & Biodiversity offset			
Effects management hierarchy			
Existing activity			
Highly mobile fauna			
Maintenance			
Plantation Forestry			

Part 2 – Objectives and Policies

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
Objectives			
6 objectives			
Policies			
Policy 1 – recognise the role of tangata whenua as kaitiaki of indigenous biodiversity (IB) within their rohe			
Policy 2 – ensure local authorities adopt a precautionary approach towards proposed activities			
Policy 3 – support the resilience of IB to the effects of climate change			
Policy 4 – improve the integrated management of IB within and between administrative boundaries			
Policy 5 – improve information on effects of existing and propose subdivision, use and development on IB			
Policy 6 – identify and protect areas of significant IB or	<i>Oppose</i>	<i>In the Hurunui District which has a small population and large area this mapping will</i>	<i>That councils work with individual, or groups of landowners to develop</i>

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significant habitat of indigenous fauna by identifying and managing them as SNAs		<i>cost the rate payers millions. Putting lines on maps does nothing to protect ID. The historical mapping of SNAs in the Hurunui has caused great conflict between farmers and the council. It has also led to ID being viewed as a liability, and in extreme cases to the lost of ID to prevent this.</i>	<i>bespoke management plans for the property, and then support land owners in implementing them.</i>
Policy 7 – manage subdivision, use and development outside SNAs as necessary to ensure IB is maintained			
Policy 10 - provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna	<i>support</i>	<i>If we are going to successfully manage ID it takes considerable amounts of money. In many cases the only place the money can come from is the farm where the ID is situated. These farms need to continue to function to generate these funds</i>	
Policy 11 - provide for the restoration and enhancement of specific areas and environments that are important for maintaining IB			
Policy 13 - identify possible presence of, and manage highly mobile fauna	<i>Oppose</i>		

Part 3 – Implementation requirements

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
<p>3.2 Local authorities must recognise and provide for Hutia Te Rito</p>			
<p>3.3 Local authorities must take all reasonable steps to provide opportunities for tangata whenua to be involved in decision-making relating to IB in implementing this National Policy Statement</p>			
<p>3.4 Local authorities must manage IB and the effects...of subdivision, use and development, in an integrated way</p>			
<p>3.5 Local authorities must promote the resilience of IB to climate change</p>			
<p>3.6 Local authorities must adopt a precautionary approach toward</p>			

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
proposed activities if the effect on IB are uncertain...those effects are potentially significantly adverse			
3.7 Social, economic and cultural wellbeing – all local authorities must recognise			
a) Maintenance of IB contributes to the social, economic and cultural wellbeing of people and communities	<i>Support</i>		
b) The maintenance of IB does not preclude subdivision, use and development in appropriate places...within appropriate limits	<i>Support</i>		
c) People are critical to maintaining and enhancing IB	<i>Support</i>		
d) Importance of forming partnerships between local authorities, tangata whenua, landowners...in maintaining and enhancing IB	<i>Support</i>		
e) Importance of respecting and fostering the contribution of landowners as stewards and kaitiaki	<i>Support</i>	<i>With out landowner buy in we will not make any progress, unfortunately the way this NPS is written alienate many land owners</i>	

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
f) The value of supporting people and communities in understanding, connecting to and enjoying IB	<i>Support</i>		
3.8 Identifying significant natural areas – every territorial authority must:			
(1)(a) undertake a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and /or significant habitat of indigenous fauna; <i>and if it is,</i>	<i>Oppose</i>	<i>In the Hurunui District which has a small population and large area this mapping will cost the rate payers millions. Putting lines on maps does nothing to protect ID. The historical mapping of SNAs in the Hurunui has caused great conflict between farmers and the council. It has also lead to ID being viewed as a liability, and in extreme cases to the lost of ID to prevent this. The criteria in appendix 1 is far too broad, it would easily include hundreds of thousands of Ha in the Hurunui District.</i>	<i>That councils work with individual, or groups of landowners to develop bespoke management plans for the property, and then support land owners in implementing them.</i>
(1)(b) classify areas...as either High or Medium, in accordance with Appendix 2			
(2) must use the following principles and approaches when undertaking the assessment and classification required by subclause (1)...			
3.9 Managing adverse effects on SNAs			

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
(1) except as provided in subclause 2, (3), (4), local authorities must ensure that (the following list of adverse effects on the SNA are avoided)			
(2) (for all other adverse affects, the following effects management hierarchy is applied)			
(3) apply the effects management hierarchy where a new use is proposed for an allotment of a single dwelling before the commencement date (of the NPS), subject to conditions			
(4) Exceptional circumstances where Clause (1), on avoidance, does not apply			
3.10 Managing adverse effects on plantation forestry where there is significant habitat for threatened or at-risk indigenous fauna			
3.12 Existing activities in SNAs – regional councils’ policy statements must provide for existing use activities that may adversely affect IB			

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
(3) ...local authorities must (a) ensure the continuation of an existing activity will not lead to the loss, including through cumulative loss, of extent or degradation of the ecological integrity of any SNA; and			
(b) ensure the adverse effects of an existing activity are of no greater character, intensity or scale than they were before the National Policy Statement commencement date.			
(4) (where pastoral farming is an existing activity) local authorities must ensure their policy statements and plans recognise:			
a) indigenous vegetation may regenerate in areas that have previously been cleared of indigenous vegetation and converted to improved pasture; and	<i>Support</i>		
b) as long as the regenerating indigenous vegetation has not itself become an SNA in the time since the last clearance event, the periodic clearance	<i>Oppose</i>	<i>An area that is in a regular cycle to maintain improved pasture or grazing shouldn't be able to become an SNA while still being maintained in this cycle</i>	<i>Areas identified in the farms management plan as improved pasture, or grazing areas should be able to be maintained for this purpose.</i>

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
of indigenous vegetation as part of a regular cycle to maintain improved pasture is unlikely to compromise the protection of SNAs or the maintenance of indigenous biodiversity; and			
c) consideration of effects...may be required in the following circumstances, to ensure the outcomes in subclause (2) are met:			
i) a proposed clearance is likely to have adverse effects that are greater in character, intensity or scale than the adverse effects of clearance that has previously been undertaken as part of a regular cycle to maintain improved pasture on the farm:	<i>Oppose</i>	<i>This is a grand parenting approach, further development than has happened in the past in certain areas on a farm may be the best approach if the ID in that area is less important than in another area of the farm where ID could be protected and enhanced, giving a better over all outcome.</i>	<i>The management of ID on a farm is based on a bespoke plan developed with suitable qualified expertise, and the input of the farmer. This plan would protect and manage the significant ID on the farm, while allowing the continued development and maintenance of other areas to maintain the farms economic viability.</i>
ii) there is inadequate information to demonstrate that a proposed clearance of regenerating indigenous vegetation is part of a regular	<i>Oppose</i>	<i>This is a grand parenting approach, it does nothing to address the importance of ID in the said area.</i>	<i>The management of ID on a farm is based on a bespoke plan developed with suitable qualified expertise, and the input of the farmer. This plan would protect and manage the significant ID</i>

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
cycle of clearances to maintain improved pasture:			<i>on the farm, while allowing the continued development and maintenance of other areas to maintain the farms economic viability</i>
iii) a clearance is proposed in an area that supports any threatened or at-risk species:			
iv) a clearance is proposed in an area that supports alluvial landforms that have not been cultivated (ie, the land as not been disturbed for the purpose of sowing, growing or harvesting pasture or crops).			
(5) Definitions for: Clearance Improved pasture Regular cycle			
3.13 general rules applying outside SNAs – local authorities must...maintain IB outside SNAs			
(1)(a) specify where, how and when controls on subdivision, use and development in areas outside			

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
SNAs are necessary to maintain indigenous biodiversity:			
(1)(b) apply the effects management hierarchy to adverse effects, except that biodiversity compensation may be considered as an alternative to biodiversity offsetting (and not only when biodiversity offsetting is not demonstrably achievable):			
(1)(c) specify where, how and when, for any area outside an SNA, the assessment and classification required by clause 3.8(1) is required.			
(2) If an area outside an SNA is assessed as significant indigenous vegetation and significant habitat of indigenous fauna following an assessment in accordance with Appendix 1, a local authority must manage the			

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
adverse effects on indigenous biodiversity in the area as if the area were an SNA.			
3.14 Identified taonga			
3.15 Highly mobile fauna			
<p>3.16 Restoration and enhancement</p> <p>This section applies to</p> <ul style="list-style-type: none"> • wetlands, • SNAs with degraded ecological integrity, • areas that provide important connectivity • former wetlands. 			
<p>3.17 Increasing indigenous vegetation cover</p> <ul style="list-style-type: none"> • Must be at least 10 per cent indigenous vegetation cover for urban. • If the rural area is less than 10 per cent, the regional council must include a target 	<i>Support</i>		

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
in its regional policy statement (in %...within a specified time) to increase cover.			
3.18 All regions must develop Regional biodiversity strategies			
3.19 (2) All local authorities must include, in their policy statements and plans, a requirement that the assessment of environmental effects...[as currently given in clause 7(1) of Schedule 4 of the RMA will include the following added requirements]			
3.20 All councils must develop a monitoring plan for IB in their regions and districts.			

Part 4 – Effectiveness review

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
The Ministry for the Environment should collect certain information to monitor the effect and implementation of the NPS.			

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

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
The four criteria for identifying significant indigenous vegetation or significant habitats of indigenous fauna, including key assessment principles and attributes			
(1) Representativeness			
(2) Diversity and pattern			
(3) Rarity and distinctiveness			
(4) Ecological context			

Appendix 2 – Tool for managing effects on significant natural areas

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
To support the implementation of Policy, and based on Appendix 1 and Policy 5, all district council must map SNAs and include a description of the specific attributes			
Use the management tool set out in this appendix to allocate 'High' or 'Medium' rating to each attribute			
An SNA will qualify as having a 'High' rating if it has one or more attributes that rate as 'High' in any one of the four criteria			

Appendix 3 – Principles for biodiversity offsetting

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
14 Principles for biodiversity offsetting; you must comply with 1 to 12, and meet the standards of 13-14, to qualify for a biodiversity offset			
(1) Adherence to mitigation			

hierarchy			
(2) Limits to offsetting			
(3) No net loss and preferably a net gain			
(4) Additionality			
(5) Like-for-like			
(6) Landscape context			
(7) Long-term outcomes			
(8) Time lags			
(9) Trading Up			
(10) Offsets in advance			
(11) Proposing a biodiversity offset			
(12) Science and matauranga Māori			
(13) Stakeholder participation			
(14) Transparency			

Appendix 4 – Principles for biodiversity compensation

Draft NPS reference section	Support, Oppose or Partially Support	Reasons Why	Suggestion or recommendation
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13 Principles for biodiversity compensation; you must comply with 1 to 11, and meet the standards of 12-13, to qualify for a biodiversity compensation			
(1) Adherence to mitigation hierarchy			
(2) Limits to biodiversity compensation			
(3) Scale of compensation			
(4) Additionality			
(5) Landscape context			
(6) Long-term outcomes			
(7) Time lags			
(8) Trading Up			
(9) Financial contributions			
(10) Biodiversity compensation in advance			
(11) Science and matauranga Māori			
(12) Stakeholder participation			
(13) Transparency			

Appendix 5 – Regional biodiversity strategies

Draft NPS reference section	Support, Oppose or Partially	Reasons Why	Suggestion or recommendation
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	Support		
2. A regional biodiversity strategy restoration and enhancement vision must:			
(a) provide a comprehensive record of all areas identified for protection, restoration and enhancement; and			
(b) provide a comprehensive record of all actions being undertaken and all methods available, to achieve protection restoration and enhancement...			
(d) provide for resilience to biological and environmental changes, including from climate change			
(e) recognise biological and physical connections within, and between, the terrestrial environment, freshwater and the coastal marine area; and support achievement of any national priorities for indigenous biodiversity protection.			
3. to achieve [the purpose of these regional biodiversity strategies] each region must:			
a. spatially identify the components of the region's landscape-scale enhancement and restoration vision			

<p>b. record:</p> <p>i. the actions and methods for achieving restoration and enhancement of identified areas;</p> <p>ii. actions that will be undertaken by local or central government;</p> <p>iii. actions that the community... will be supported or encouraged to undertake; and</p> <p>iv. how those actions will be resourced.</p>			
<p>c) specify milestones for achieving the strategy's purpose:</p>			
<p>d) specify how progress on achieving the strategy's purpose is to be monitored and reported on and measures to be taken if milestones are not being met.</p>			
<p>4. The following must be taken into account when developing a regional biodiversity strategy:</p>			
<p>a) opportunities to engage the community, including tangata whenua, in conservation and, in particular, to connect urban people and communities to indigenous biodiversity:</p>			
<p>b) opportunities for partnerships with the QEII Trust, Ngā Whenua Rāhui and others:</p>			

<p>c) co-benefits, including for water quality and freshwater habitats, d) carbon sequestration and hazard mitigation:</p>			
<p>e) alignment with strategies under other legislation.</p>			
<p>5. Regional biodiversity strategies may include measures...to implement other objectives, such as biosecurity, climate mitigation, amenity or freshwater outcomes, where those measures also contribute to protection, restoration and enhancement of indigenous biodiversity.</p>			