

Draft National Policy Statement for Indigenous Biodiversity SUBMISSION

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About us

The Hurunui District Landcare Group (HDLG) is a multi-catchment group in the Hurunui District (Canterbury) with a membership of 140 predominately unirrigated sheep & beef farms. Established as an incorporated society in 2017, the groups purpose is to promote on-farm Good Management Practice (GMP) whilst engaging with external stakeholders to help them better understand our farming systems.

Since its inception in 2016, HDLG has:

- in conjunction with Beef + Lamb NZ (B+LNZ), facilitated the development of Farm Environmental Plans (FEP) for our members farms. Over 80% of our members now have an FEP.
- Reviewed 1/3rd of our members FEPs to ensure they are quality plans that will deliver improved outcomes for the environment.
- Commissioned a detailed survey of all our members that has provided HDLG with an understanding of what our farmers are doing and the challenges they face.
- Provided a template for other catchment groups around the country to emulate; Sharing our learnings and experience.
- Significant input into regional plan processes

Our members farm 111,000ha of land across a full spectrum of topography and rainfall but can be stereotyped as extensive hill country, dryland (unirrigated), sheep and beef operations. 16% or 17,400ha of that private land is covered in indigenous flora.

Summary

- 1) The Hurunui District Landcare Group (HDLG) appreciates the opportunity to comment on the draft National Policy Statement for Indigenous Biodiversity (NPSIB)
- 2) The HDLG supports the intent of the NPSIB to better protect and enhance indigenous biodiversity (IB) but this comes at a cost and that the main threat now is weeds and pests.
- 3) The HDLG supports core concepts in the NPSIB that recognise the need to work with landowners in a partnership and seek to make IB an asset. Unfortunately, the NPSIB as written makes IB a liability and will lead to perverse outcomes.
- 4) The HDLG requests the NPSIB be withdrawn in its entirety as its approach is counterproductive to its intent and does not fulfil core concepts of partnership with landowners and making IB an asset not a liability.
- 5) The HDLG supports the NPSIB submission by the Rural Advocacy Network

General Comments

- 6) Historically agriculture, sanctioned and supported by successive governments had a dominant role in driving IB loss. Up until 1984 farmers were incentivised by government policies to clear native vegetation and drain wetlands.
- 7) In recent years there has been a huge attitude change among landowners towards recognising and valuing IB. Landowners have voluntarily undertaken thousands of projects each year fencing, protecting, enhancing, and restoring riparian margins, wetlands, native forests, and shrublands. This is exemplified by landowners on Banks Peninsula who have reversed native forest decline from 1% land cover to 16%.
- 8) The most recent national data on LAWA shows that the period 1996-2012 IB land cover is relatively stable. This is also reflected in our (the HDLGs) own analysis of IB on our members properties from 1996-2018.
- 9) “For much of the country recent decades have seen a change in the predominant threats from land clearance to plant and animal pests”¹
- 10) Surveys of IB were and are not needed to protect IB/SNA’s. The genesis of many retained areas of IB on farms today was the Catchment Boards (1940-1989) focus on building a custodianship ethos amongst farmers and implementing the key actions necessary to protect important IB. This approach also reflects how the QEII Trust operates; a focus on providing advice to landowners and help with resources necessary to protect IB. Neither of these approaches rely upon surveys.²
- 11) The fundamental proven components of both Catchment Boards and the QEII Trust are
 - a) Building relationships
 - b) Starting off and maintaining trust

¹ Willis, G. 2017: *“Addressing New Zealand’s Biodiversity Challenge; A Regional Council thinkpiece on the future of biodiversity management in New Zealand.”*

² McFadden, J. 2020: *“NPS Indigenous Biodiversity – analysis and implications for councils and landowners.”*

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- c) Training and supporting landowners (Empowerment).
- 12) The draft NPSIB mentions these concepts/approaches but then undermines them throughout the remainder of the document through a regulatory approach that is:
- a) Disempowering
 - b) Inherently distrustful
 - c) Undermines the building of relationships.
- 13) Regulation will not stop the “bad” landowners and in the process penalises 99% of landowners who recognise and value IB on their properties. The NPSIB as written turns IB into a liability which disincentives farmers to value IB.
- 14) If the NPSIB is implemented as written it will result in perverse outcomes for IB in New Zealand. Rather than having the required buy-in of landowners to manage weeds and pests, IB will be locked up and destroyed from the inside. Money that could have been spent protecting and enhancing IB will be wasted on endless surveys, documents, and litigation.
- 15) The NPSIB appears to be premised on the notion that today's landowners cannot be trusted to look after indigenous biodiversity and that a precautionary approach via mandatory regulation is necessary. There are five main problems with this approach. First, it is outdated. Second is it places a disproportionate burden of compliance on those landowners who have done the most to look after indigenous biodiversity. These landowners feel they are being unfairly penalised. Third, it shifts the focus away from protecting indigenous biodiversity to debates over map lines and rules. Fourth, it doesn't achieve the buy-in of landowners leading to strained relationships between councils and their most conservation minded landowners. The fifth problem with the NPSIB approach is that it devalues indigenous biodiversity turning it into more of a liability. This delivers perverse outcomes including:
- a) Landowners are less inclined to spend money and resources looking after indigenous biodiversity, especially where that work would now require a consent, triggers a survey requirement or other obligations.
 - b) Acts as a deterrent to restoration and enhancement for fear of new areas being designated an SNA and subject to more regulation.
 - c) Leads to loss of what is perceived low value indigenous biodiversity as landowners fear these areas becoming significant or attracting future restrictions. For example, some landowners are planting pines over native shrubland and are being incentivised to do this through Government climate change policies.

An alternative approach

- 16) The narrative needs to be changed from one of a distrust of landowners to one where relationship, empowerment, and trust is placed at the core. The end goal should be that every landowner or occupier has an environmental ethos that embraces the concepts of stewardship or kaitiakitanga, caretakers of the land.
- 17) The proven models of the previous Catchment Boards and the current QEII trust should be embraced, developed, and resourced to achieve the intent of the draft NPSIB. When landowners

are empowered as stewards of the land, and policy ensures IB is an asset not a liability, that is when we will see the greatest wins.

- 18) The solution for protecting and enhancing IB on private land is for it to be a part of a nationwide environmental advisory system that:
- a) Has trusted advisors working in partnership with landowners
 - b) Develops and nurtures the stewardship/kaitiakitanga ethos among landowners.
 - c) Takes a holistic, integrated approach to managing the natural environment
 - d) Focuses on identifying the key threats and priority actions to restoring, enhancing, and protecting IB, and taonga.
 - e) Works in collaboration with landowners, stakeholders, and existing initiatives
 - f) Acts as a comprehensive information resource of the different protection and funding options.³
- 19) Whatever environmental planning framework is used; Success will only be achieved with the buy-in of landowners.

Specific responses to the proposals

Hutia Te Rito (3.2)

- 20) The HDLG supports the concept of Hutia Te Rito which recognises the relationship between IB, people, and communities, and that conservation requires kaitiakitanga and custodianship.
- 21) We support provisions which recognise and empower ground up, landowner, and community led conservation actions and which prioritise non regulatory over regulatory management frameworks
- 22) The principle of partnership talked about in select parts of the NPSIB is not consistent throughout the document is undermined by the document as a whole.

Social, economic, and cultural wellbeing (3.7)

- 23) HDLG supports the recognition that the maintenance of indigenous biodiversity can occur while still providing for use and development.
- 24) HDLG supports the recognition that people and communities are critical to conservation actions and the protection and enhancement of indigenous biodiversity.
- 25) HDLG supports provisions which empower and support landowner and community conservation activities and local approaches.

Identifying Significant Natural Areas (3.8)

- 26) HDLG opposes this provision and seeks that this provision is removed in its entirety

³ This section is taken from McFadden, J. 2020: *“NPS Indigenous Biodiversity – analysis and implications for councils and landowners.”* – The HDLG fully supports this approach and believes this is the best chance of success for achieving the intent of the NPSIB.

27) The approach of identifying SNAs is counterproductive. It:

- a) Is extremely expensive. Appendix 1 estimates the cost to the Hurunui District Council to identify SNAs would be between \$5m - \$7m. This is just an administration cost and does not achieve any protection or enhancement on-the-ground. This is a significant opportunity cost and is equivalent to 250-350 fully established QEII covenants in the Hurunui District.
- b) Inherently implies a distrust of landowners. This is counter to the NPSIB principle of Hutia Te Rito. It is about relationships. A relationship built on the premise of distrust is doomed to fail from the beginning.
- c) In conjunction with rest of the NPSIB makes IB a liability. This disincentives landowner to protect and maintain IB.
- d) Focuses efforts on administration (surveys, consents, litigation) rather than enacting on ground protection and enhancement of IB.

Existing activities in SNA's

- 28) The HDLG supports the intent of this provision to provide for existing activities but is concerned that as it is written it does not do this. The HDLG therefore opposes the provision.
- 29) Existing activities should be 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.
- 30) The temporal and spatial nature of existing activities as part of pastoral based farming needs to be 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.

Closing comments

- 31) Thank you again for the opportunity to comment on the proposed changes. We welcome the opportunity to further discuss any of the points above with the Ministry for the Environment and the Department of Conservation, should you wish for more information.
- 32) For any inquiries relating to this feedback please contact Joshua Brown who will deal with any enquiries on 027 774 7778, josh@hurunuilandcaregroup.co.nz

Regards

Josh Brown

HDLG Coordinator

Appendix 1.

Follow pages are a report by Jamie McFadden.

Proposed National Policy Statement Indigenous Biodiversity (NPSIB) - analysis and implications for councils and landowners.

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Key messages

1. For the past 20 years councils and communities, under the Resource Management Act (RMA), had flexibility to design their own plans for protecting indigenous biodiversity. The proposed NPSIB removes this flexibility and requires councils to undertake actions that may not be in the best interests of their communities or biodiversity outcomes.
2. The proposed NPSIB will create conflict between councils and their most conservation minded landowners. Debate will focus on what is mapped and what are the rules rather than identifying and implementing the actions necessary to protect indigenous biodiversity.
3. The cost to councils (ratepayers) and individual landowners will be significant; money that would have been better spent on actions on the ground to help landowners and community groups restore, enhance and protect indigenous biodiversity.
4. The more landowners have done to protect and enhance indigenous biodiversity the more they will be burdened with unfair regulation, compliance obligations, additional costs and loss of property values.
5. The proposed NPSIB devalues indigenous biodiversity turning it into a liability. This will result in perverse outcomes and unintended consequences, including a disincentive to landowners restoring and enhancing indigenous biodiversity.
6. Recent data shows the significant attitude change among landowners is benefiting indigenous biodiversity. The NPSIB fails to acknowledge the efforts of landowners and build on this positive momentum.
7. Without the buy in of landowners the proposed NPSIB will fail to achieve the intended outcomes.

About the author.

For the past 20 years Jamie McFadden has been working as an environmental consultant, restoration practitioner and with his wife Linda Dodds owns and operates an eco-sourced native plant nursery. Most of Jamie's work is for farmers in the Canterbury region where he advises on and undertakes many environmental projects each year. This includes native bush, shrublands, wetlands and streams. Jamie's work has resulted in the protection of some outstanding remnants, including a new Southern Rata population he recently discovered and one of the best remaining lowland kanuka remnants on the Canterbury Plains.

Prior to starting this business Jamie was a hill country farmer where he had first hand experience with Significant Natural Areas (SNAs) with 120 hectares (15%) of the farm mapped in 1995 as proposed SNA. From 2001 Jamie served 6 years on the Hurunui District Council, 3 of those as Environmental Services Chair. Jamie continues to provide advice to landowner groups throughout New Zealand on matters relating to indigenous biodiversity and the Resource Management Act (RMA).

Jamie is currently chair of Rural Advocacy Network (RAN), a group based in Canterbury that advocates on a wide range of issues impacting rural people and communities. This report has been prepared to assist RAN in its efforts to ensure landowners and councils are well informed about the implications of the NPSIB.

Introduction.

Councils mapping and regulating indigenous biodiversity on private land has been a contentious issue ever since the RMA arrived in 1991. This has come at a significant cost, both financially and to community well being, and has been detrimental to indigenous biodiversity outcomes.

Unfortunately, the proposed NPSIB does nothing to remedy the failures of the RMA. Instead it delivers even more regulation that will have substantial cost implications for all councils and those landowners that have been proactive in retaining natural areas on their land.

This report will help readers, landowners and councils understand the practical implications of the proposed NPSIB. The analysis outlines why the proposed NPSIB is poorly designed legislation that will fail to deliver positive outcomes for our indigenous biodiversity. Readers are welcome to use and share this report and the writer welcomes any feedback or questions.

The main requirements in the proposed NPSIB on councils are:

1. Every territorial authority (district, city and unitary council) must undertake a district wide assessment to identify significant indigenous vegetation and significant habitats of indigenous fauna and classify areas as either High or Medium significance. Councils that already have SNAs mapped are exempt from this requirement if an independent ecologist

assessment proves the existing mapping substantially conforms with the new national significance criteria.

2. Councils are required to update SNA information every 2 years as new information comes to light from ongoing surveys, consent applications and other information.
3. Every regional council must work with territorial authorities and tangata whenua to agree to a process to identify, describe and map (or describe the location of) taonga, which are indigenous flora and fauna species treasured by Maori. Councils must manage taonga as necessary to protect them and their values.
4. Every regional council must work together with the territorial authorities in its region to survey and record areas outside SNAs where highly mobile fauna such as falcons or bats have been, or are likely to be, sometimes present.
5. Territorial authorities must identify degraded SNAs and areas that provide important connectivity or buffering functions and regional councils must record these areas in their Regional Policy Statements. Territorial authorities and Regional Councils must prioritise these areas, as well as former and degraded wetlands, for restoration and enhancement.
6. All councils (Regional and Territorial authorities) must take steps to maintain indigenous biodiversity outside of SNAs. "Maintain" is defined at Clause 1.7(3) as being "at least no reduction" in a broad range of attributes.
7. Councils are required to introduce new indigenous biodiversity regulations. There are some minimum requirements and many (probably all) councils will have to strengthen existing rules.
8. The NPSIB has a strong emphasis on Councils needing to involve tangata whenua in decision making associated with indigenous biodiversity.
9. Regional councils must, by working with territorial authorities, relevant agencies and tangata whenua, develop a monitoring plan for all indigenous biodiversity including SNAs, taonga and areas outside of SNAs.

What do the NPSIB requirements mean for landowners?

- 1) The district wide assessment means an ecological survey across all land, including private land. This includes surveying native and exotic vegetation and areas such as rocky outcrops, limestone ridges, wetlands, forestry blocks and historic braid plains. Councils have 5 years to complete this.
- 2) To be identified a SNA a site only has to meet 1 of 21 attributes across 4 national criteria: representativeness, diversity and pattern, rarity and distinctiveness and ecological context. Most indigenous vegetation and habitats would qualify as significant under these new criteria. Significance could be triggered by the presence of small plants or insects or it could

be a few scattered rare plants in a paddock. Many more landowners will have SNAs and the areas mapped will be substantially larger than the current mapping. Many landowners face the prospect of having a large % of their property identified as SNA.

- 3) Landowners will be required to provide access to council staff or their agents for surveys and ongoing biodiversity monitoring obligations.
- 4) The SNA surveys (and any other surveys done by councils) are public information. Landowners have no control over the future use of that information and there are no national protocols to protect the interests of private property information. As is now happening third parties can access and use this information without landowners knowledge. (A separate information sheet is available that explains the full implications of surveys.)
- 5) Where a landowner refuses access for survey a desk top assessment is to be undertaken and if necessary powers of entry under the RMA (Section 333) can be used.
- 6) Identified SNAs will need to be formally incorporated into Council district plans through publicly notified plan changes. Areas mapped and boundaries are likely to be contested by landowners, environmental lobby groups and other parties. Landowners need to be aware that additional areas could be introduced through the submission process.
- 7) There will be new rules and they will be stricter than what is currently in place. The full extent of the rules won't be known until councils have completed their planning processes but landowners can expect:
 - Stricter controls on new and existing activities within SNAs.
 - Buffer rules that regulate activities bordering SNAs and other identified areas.
 - A tougher compliance regime for clearance of regenerating native vegetation.
 - General controls on activities outside of SNAs in order to maintain indigenous biodiversity. This could include rules on activities like grazing, burning, cultivation, irrigation, spraying, earthworks and forestry.
- 8) There will be a greater onus on landowners to prove that their activities are not having a detrimental effect on indigenous biodiversity.
- 9) Consenting processes will require more information and become more time consuming. Landowners in a consenting process can expect more conditions in relation to indigenous biodiversity including requirements to undertake restoration or native plantings.
- 10) Landowners will be required to undertake actions to protect or maintain indigenous biodiversity, degraded SNAs and wetlands and former wetlands. This could include actions like fencing areas, removing stock and undertaking pest control.
- 11) Landowners may face requirements in areas identified as potentially being important for highly mobile species.

- 12) It is unclear what new obligations landowners face as a result of councils having to identify, restore, enhance and protect taonga and tangata whenua having a greater role in decision making. That will be decided through each council's planning process.
- 13) Farmers will bear the brunt of the NPSIB requirements. However, many urban and lifestyle property owners will be impacted, particularly in bush clad suburbs, coastal areas and subalpine settings such as Mt Lyford and Nelson Lakes.

What are the costs to landowners?

- The cost of SNA assessments on average hill country farms using existing criteria are currently \$1,000 - \$10,000 and much higher for large high country farms. Who bears the cost of SNA, taonga and highly mobile fauna assessments will be decided by each council but it is likely to be councils themselves i.e. the ratepayers.
- Landowners will spend time and incur costs associated with facilitating access to council staff/representatives for surveys and the on going monitoring required by regional councils.
- There are potential time and financial costs to landowners participating in plan changes that relate to areas mapped on their property(s) and the new rules.
- There will be costs as a result of new regulatory requirements, having to apply for consents and undertaking actions required by conditions of consents.
- Consenting processes will become more time consuming and costly with applicants having to undertake a lot more work to identify indigenous biodiversity and the effects from activities on their land.
- Landowners will face loss of development opportunities and restrictions on some existing activities.
- Property values will be impacted, particularly for those properties that have a large proportion of the property mapped as SNA.
- There will be additional costs for managing pest and animal incursions and disruption of indigenous biodiversity by people, pets and livestock where required by regional and district council provisions.
- There are potential additional costs for landowners who need to apply for consents to clear regenerating indigenous vegetation in improved pasture.
- Private property survey information in the public domain increases the risk of landowners being subject to costs from legal action, other regulations and people illegally accessing their land e.g. smugglers looking for lizards.

Case Study – Hurunui District.

In 1995 Hurunui District was one of the first councils to map and regulate SNA's in its District Plan. This caused widespread outrage that led to a protest march and extensive national media coverage. In 2001, Hurunui landowners received detailed information from West Coast Federated Farmers about the implications of surveys, but some landowners had already allowed surveys without realising the implications.

Since then, nearly all Hurunui landowners have refused access for any more SNA surveys.

In 2016, the Hurunui District Plan review was undertaken. Unchallenged evidence clearly showed the mapping and regulating of SNA's on private land was counterproductive, had turned biodiversity into a liability and did not lead to improved biodiversity outcomes. Evidence showed that many SNA's would continue to deteriorate or be lost if active management, particularly of pests, was not carried out.

As a result, the hearing commissioners agreed with the council's proposal to remove all SNA mapping from the District Plan and with no appeals the new plan (with no SNA's) became law. A range of initiatives benefiting biodiversity are now in place including funding support, QEII Trust, community groups (Land care groups, pest groups and the newly formed Hurunui Biodiversity Trust) and hundreds of individual projects.

Under the proposed NPSIB the Hurunui District Council would be required to survey the whole district for SNA's. Given the majority of landowners have to date refused access for surveys, the NPSIB will cause major controversy and disruption in the Hurunui community.

Challenging some of the myths

Myth 1: That biodiversity is in decline.

This depends on what timescale is being applied and the contributing factors. If looking at the period of human habitation in New Zealand there has been extensive biodiversity loss as a result of human activities. However, it is essential to also analyse recent trends. With the huge attitude change among landowners towards our natural environment there are thousands of projects each year across New Zealand fencing, protecting, enhancing and restoring riparian margins, wetlands, native forest and shrublands. The efforts of landowners on Banks Peninsula has helped reverse declining native forest now back up to 16% cover from a low of 1%. A comparison between the Culverden basin today to 10 years ago reveals there has been, and will continue to be, significant biodiversity gains in restoring wetlands and riparian zones. The most recent national data on LAWA shows that the period 1996 – 2012 indigenous vegetation land cover is relatively stable. On the flip-side pests continue as the major threat causing biodiversity loss.

Myth 2: That farming activities are the main cause of biodiversity loss.

Historically agriculture had a dominant role in causing biodiversity loss. However, much of that loss was sanctioned by successive governments where up until 1984 farmers were incentivised by government policies to clear native vegetation and drain wetlands. As noted above there has been a huge positive attitude change among landowners towards our natural environment. A recent report (2016) prepared by regional councils Addressing New Zealand's Biodiversity Challenge highlighted the changing threats to biodiversity and that *"for much of the country recent decades have seen a change in the predominant threats from land clearance to plant and animal pests."* To be effective in protecting indigenous biodiversity it is important that policy makers understand what the current threats are.

Myth 3: That surveys are needed to protect biodiversity/SNA's.

The genesis for retaining many areas of native bush on farms today was the Catchment Board era 1940 – 1989. There were no surveys. Instead the Catchment Board system focused on building a stewardship ethos among farmers and implementing the key actions necessary to protect important natural areas. This approach is in line with how the QEII Trust operates – a focus on providing advice to landowners and help with resources necessary to protect areas. Surveys are useful in understanding the biological diversity but not essential in achieving protection. A trained ecologist can quickly identify the biodiversity value of an area, key threats and appropriate actions from an initial observation. The millions of dollars councils and landowners will spend on NPSIB significance surveys would be better spent on identifying and implementing actions needed to protect biodiversity through mechanisms like the QEII Trust.

Myth 4: That regulation is needed to protect biodiversity.

Regulation cannot and does not physically protect biodiversity on private land – the actions or inactions of landowners are the key determinant, particularly in relation to management of pests. There is extensive evidence that rules forced onto landowners are counterproductive by alienating landowners and turning biodiversity into a liability. Conversely, rules agreed to by landowners through covenants and other voluntary protection mechanisms get a much higher degree of buy-in from landowners and positive outcomes for biodiversity.

Myth 5: That regulation is needed to stop the ‘bad’ landowners.

This outdated argument is often promoted by the environmental lobby during submission processes and hearings. Where are these ‘bad’ landowners today and how many are there? How often do New Zealand landowners of today clear native forest? It shouldn’t and doesn’t happen, unless it is an activity like sustainable harvest. Policy that tries to stop one or two bad landowners invariably leads to broad brush regulation that penalises all the good landowners and the rare bad landowner usually ignores the rules anyway. The role of policy makers is to focus on what will be the most effective policy overall rather than trying to stop one or two ‘bad’ landowners.

Analysis of proposed National Policy Statement Indigenous Biodiversity.

For the first 20 years of the RMA there were no National Policy Statements. Councils and communities had a degree of flexibility in designing their district and regional plans. In the last 10 years a number of NPS have been introduced, including forestry, freshwater and now indigenous biodiversity. This has shifted the policy making away from councils and communities to a more top down central government prescribed system. Regional and district plans are increasingly instruments of central government directives rather than community plans.

The NPSIB takes a strongly prescriptive approach. Councils still have to go through plan changes in consultation with their communities but the outcome is largely predetermined. Inevitably this will lead to controversial, costly battles between councils and their communities forced to adopt ineffective plans that neither want.

The need for a prescriptive NPSIB is based on the argument of consistency. The downside of more consistency at a national level is less flexibility at a local level. It appears the government doesn’t

trust councils to be capable of designing their own plans for addressing indigenous biodiversity issues.

The NPSIB appears to be premised on the notion that today's landowners also cannot be trusted to look after indigenous biodiversity and that a precautionary approach via mandatory regulation is necessary. There are five main problems with this approach. First, it is outdated. Second is it places a disproportionate burden of compliance on those landowners who have done the most to look after indigenous biodiversity. These landowners feel they are being unfairly penalised. Third, it shifts the focus away from protecting indigenous biodiversity to debates over map lines and rules. Fourth, it doesn't achieve the buy-in of landowners leading to strained relationships between councils and their most conservation minded landowners. The fifth problem with the NPSIB approach is that it devalues indigenous biodiversity turning it into more of a liability. This delivers perverse outcomes including:

- Landowners are less inclined to spend money and resources looking after indigenous biodiversity, especially where that work would now require a consent, triggers a survey requirement or other obligations.
- Acts as a deterrent to restoration and enhancement for fear of new areas being designated an SNA and subject to more regulation.
- Leads to loss of what is perceived low value indigenous biodiversity as landowners fear these areas becoming significant or attracting future restrictions. For example, some landowners are planting pines over native shrubland and are being incentivised to do this through Government climate change policies.

The NPSIB fails to acknowledge:

1. The positive change in landowner attitudes towards our natural environment;
2. The native forest clearance incentivised under previous government policies no longer occurs;
3. The reason an impressive 2.8 million hectares of native vegetation remains on sheep and beef farms is because landowners have chosen to retain it;
4. That protecting indigenous biodiversity has, and continues to be, a considerable cost to landowners;
5. People no longer need to be coerced to protect biodiversity and
6. For any biodiversity policies to be effective the buy in of landowners is critical.

Comparison between NPSIB and QEII Trust covenanting.

The following table compares the NPSIB approach with the QEII Trust covenant system.

Table 1: Comparison between NPSIB and QEII Trust covenanting.

	QEII	NPSIB
Landowner participation is voluntary	yes	no
Rules are agreed to by the landowner	yes	no
Rules can only be changed with agreement of the landowner	yes	no

Rules are tailor made to suit each site	yes	no
Private property rights of landowners are respected	yes	no ¹
Costs to landowner minimised	yes	no ²
Funding provided for fencing, weed and pest control	yes	maybe ³
Working in partnership with landowners	yes	no
Focus on actions to protect indigenous biodiversity	yes	no
Likely that biodiversity outcomes will be achieved	yes	no
Certainty for landowner	yes	no
Indigenous biodiversity – asset or liability	asset	liability

Notes

¹ The lack of confidentiality and protocols around SNA surveys has major implications for landowners and exposes them to a range of risks. Some SNA surveys have been conducted without landowners knowledge using binoculars from roadsides and neighbouring properties. There are examples where SNA information has been misused for other purposes without landowners knowledge or agreement. Under the QEII Trust model, basic surveys are done as a record of the main flora and fauna species present as opposed to the comprehensive, time consuming significance surveys envisaged under the NPSIB.

² QEII Trust covers administration, boundary survey costs and has funding available for fencing and weed and pest control. Under the NPSIB landowners will be subject to a range of costs including participating in plan changes, legal fees and consent costs. The NPSIB doesn't specify who bears the cost of surveys and monitoring and this will be determined by each council.

³ Some councils provide contestable funding for fencing, weed and pest control. The NPSIB itself doesn't provide any funding.

Table 1 shows why under the QEII Trust indigenous biodiversity is valued as an asset whereas under the proposed NPSIB (and the RMA) it is a liability.

Cost to implement the NPSIB requirements – Case study Hurunui District

The NPSIB section 32 cost benefit analysis estimates the cost to councils for district wide SNA surveys to be in the range \$595,000 - \$1,095,000. Undertaking plan changes is estimated at \$71,000 - \$247,000. Costs borne by landowners have not been quantified in dollar terms. It is unclear how these costs has been quantified relevant to the broader SNA criteria, the need to assess SNAs as medium or high and the number of anticipated SNA's.

The following provides an example using the Hurunui District. Hurunui is a large eastern South Island district of 864,640 hectares, much of which is hill country with extensive areas of subalpine vegetation, indigenous shrublands and native bush. Based on the criteria I conservatively estimate

at least 1,000 SNA's on private land. There are 500 farms over 100 hectares in Hurunui and this equates to an average of 2 SNA's each farm. Working on an average cost per SNA of \$5,000 - \$7,000 to survey and process them through a plan change would cost the Hurunui District Council (ratepayers) \$5,000,000 - \$7,000,000. This is just the administration cost and does not achieve any actions on the ground. What is the opportunity cost of this? 1,000 SNA sites mapped and progressed through a plan change is the equivalent cost of adding 250 – 350 fully established QEII covenants to the existing 75 in Hurunui district.

Taonga

One of the requirements in the NPSIB is for all councils to identify and map, or identify the location of, taonga (treasured species). Recently there has been a move to incorporate mahinga kai as a compulsory component of Farm Environment Plans in some areas of Canterbury. This has heightened landowner suspicions and many now view mahinga kai as something to be feared. Similarly, the gazetting of customary fishery mataitai reserves over 3 river catchments in the Kaikoura area has resulted in widespread landowner backlash and legal action is imminent. Forcing cultural values onto landowners through mandatory regulatory processes undermines these values, heighten peoples fears and causes more division among communities.

The way forward

When values like indigenous biodiversity, taonga and mahinga kai are forced onto landowners through RMA regulatory processes it changes the context of these values. This inevitably leads to perverse outcomes that devalue the very things we are trying to protect. We need solutions where these values are seen as assets and landowners are motivated and empowered to protect them.

Maintaining and protecting indigenous biodiversity is one of many environmental challenges that landowners face. A major problem with New Zealand's environmental legislation is the fragmented approach to policy making. A range of different policies that conflict e.g. climate change policies that undermine indigenous biodiversity and landscape values. Duplication is a financial drain on everyone, particularly landowners.

We need solutions that are integrated, empowering and enduring.

The end goal should be that every landowner or occupier (rural, urban and lifestyle) has an environmental ethos that embraces the concept of stewardship or kaitiakitanga, as caretakers of the land. The success of the Catchment Board, QEII Trust and Landcare models is their ability to develop and nurture the environmental ethos among landowners. When landowners are empowered as stewards of the land they are more willing to commit funding towards environmental projects and actively seek out opportunities to protect, restore and enhance indigenous biodiversity.

Some councils, notably Taranaki and Greater Wellington Regional Councils, have adopted this approach with great success. Fundamental to the success of this approach are trusted advisors working in partnership with landowners. Farm plans are tailor made and used as tools to drive actions rather than the one size fits all tick box compliance model used in some parts of the country.

The solution for protecting indigenous biodiversity on private land is for it to be part of a nationwide environmental advisory system that:

1. Has trusted advisors working in partnership with landowners.
2. Develops and nurtures the stewardship/kaitiakitanga ethos among landowners.
3. Takes a holistic, integrated approach to managing the natural environment.
4. Focuses on identifying the key threats and priority actions to restoring, enhancing and protecting indigenous biodiversity, taonga and other values.
5. Works in collaboration with landowners, stakeholders and existing initiatives.
6. Acts as a comprehensive information resource of the different protection and funding options.

While the failings of the proposed NPSIB are obvious, there needs to be further consultation about what the best solution looks like for all stakeholders. Discussion is needed to understand how the advisory system outlined above would align with existing council and community initiatives and other protection options like the QEII Trust covenants. One option is a significant increase in funding for the QEII Trust.

How Farm Environment Plans (FEPs) fit into the framework also needs discussion and there is an opportunity to develop these as an empowering tool similar to Taranaki rather than the tick box compliance model used in Canterbury.

Whatever environmental planning framework is used, success will only be achieved with the buy-in of landowners.

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