

Title of Submission: Consultation on National Policy Statement on Indigenous Biodiversity (NPS-IB)

Submitter: Southland Conservation Board

Chairperson: John Whitehead

Postal Address:

C/ Department of Conservation—Te Papa Atawhai

PO Box 743

Invercargill, 9810

Role of the Southland Conservation Board

The Southland Conservation Board (‘the Board’) is a statutory body appointed by the Minister of Conservation and established under the Conservation Act 1987.

Its functions are set out in section 6 of that Act and in the National Parks Act 1980.

The Board’s jurisdiction is Southland and its functions include advocacy in regard to all conservation matters at any public forum or in any statutory planning process.

The Conservation Act 1987 defines conservation as:

“the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.”

The Board has adopted the further guiding principle of preservation which states:

“Decisions of the Southland Conservation Board shall be based on the principle of the preservation and protection of the conservation estate and all its natural and historic resources. Activities on the conservation estate, and any effects on its whenua and its indigenous flora and fauna, shall be considered in the context of this principle.”

The Board supports the rationale for the necessity of the NPS-IB; particularly the detail about the inadequacies of the Resource Management Act (RMA) since its enactment in 1991, and the subsequent consequences for Indigenous Biodiversity (IB). Inadequate protection and inconsistent application of rules has resulted in an ongoing loss of biodiversity on private land throughout NZ.

The Board supports the ‘all land tenures’ approach and the concept of communal care for our IB. This holistic approach rightly ignores cadastral boundaries on maps and is necessary to achieve the objectives of the NPS-IB. However, the Board is also aware of the immense and IB rich nature of the Southland region compared to its small rating base and would be very disappointed to see burden being carried solely by the region’s rate payers.

The Board strongly supports the focus on restoring and enhancing IB but is in agreement with the Royal Society that the definition should be widened. To be meaningful, NPS-IB needs to cover invertebrates, microbiota (e.g. nematodes), fungi, lower plants (mosses, liverworts, lichens) and algae, as well as indigenous birds, other vertebrates and plants.

The Board is of the view that much thought needs to be given to how to protect the vast area of important habitats on private land; incentives will be required to achieve protection of IB in a short time

frame. Southland contains many such areas. It will also be crucial to have a close eye on developments while the NPS-IB is being introduced. If it ends up that unscrupulous people use the lead in time as an opportunity to rid themselves of indigenous vegetation in areas they are concerned may be designated SNAs then the net effect of the NPS-IB may be worse than having retained the status quo. How is it proposed that this gap be bridged? Landowners need certainty to operate their businesses and it is the Board's view that the balance in the NPS-IB is too far towards disincentives as opposed to providing incentives to land owners.

The Board submits that incentives for the protection of IB on private land are required and agrees with the suggestions contained in the NZCA submission for the following incentives:

- a) Increased funding for covenanting and/or purchase of such areas (including fencing and predator control),
- b) Once protected by covenant, for example, then enabling those landowners to participate in the Emissions Trading Scheme, or other future carbon sequestration programmes, as long as predator control measures are carried out to a certain standard.

#### SECTION C: Managing adverse effects on biodiversity from activities

The Board is concerned about the concept and definition of biodiversity offsets.

The NPS-IB Appendix 3: Principles for biodiversity offsetting do not place enough emphasis on the conservation status of species that would be destroyed in the act of offsetting, or on the concept of ecosystem linkages and connections. Pockets of IB are important in terms of ecological corridors, connections, and seed sources. These pockets will become increasingly important as ecosystems are restored and Predator Free comes to fruition. The NPS-IB must be visionary in this respect. The Board suggest that if the decision is made to retain this tool, that the requirements in Appendix 3 be strengthened, particularly 6. Landscape context. The phrase, 'preferably close to the location of development or within the same ecological district' not stringent enough. The Board would prefer to see a stronger alternative, which might read, 'as close as practicable to the location of development and within the same ecological district.'

The Board submits that: offsets are detrimental to retaining habitat that may have great value when it comes to attaining the objectives of Predator Free NZ.

#### SECTION D: Restoration and enhancement of biodiversity/

The Board is concerned that the NPS-IB does not include freshwater biodiversity. The Board strongly advocates for its inclusion, and that consistency with the other NPS' be given full consideration beyond inclusion in the Regional Biodiversity Strategies and the restoration and enhancement of wetlands.

Loss of wetland habitat is a major concern in Southland. The extent of this loss is detailed in: Robertson, Ausseil, Rance, Betts, Pomeroy (2019) Loss of wetlands since 1990 in Southland, New Zealand. *New Zealand Journal of Ecology* 43(1). In regard to wetlands the NPS-IB only applies to enhancement and restoration (3.16) on the grounds that (in the information note at the bottom of 3.16): "Regional councils would be required by the draft National Policy Statement for Freshwater Management (proposal for consultation September 2019) to identify and map inland natural wetlands as defined by the NPSFM." While there are protections in the draft NPSFM around wetlands, particularly section 3.15 of the 2019 draft NPSFM, the Board thinks there is a good argument for specific protections in the draft NPS-IB. It is concerning to the Board that while there appears to be quite strong protection in the NPS-IB for terrestrial SNAs (avoid effects in most instances) the same protections do not seem to be extended to their wetland equivalents - 3.15(4) of the draft NPSFM requires the effects hierarchy to be applied - avoid, remedy then mitigate, a much less stringent requirement than simply 'avoid'.

Around waterbodies more generally (including wetlands) there is the requirement for regional councils to consider indigenous biodiversity in waterbodies when preparing their mandatory Regional Biodiversity Strategies. However, this is a fairly weak requirement in the Board's opinion given the rather loose requirements of the Biodiversity Strategy outlined in Appendix 5 (both in terms of content and process), and the fact that Councils must only 'have regard to' the Biodiversity Strategy when preparing Policy Statements and Plans under the RMA - not a particularly onerous requirement. As a minimum, Appendix 5 could usefully be strengthened and the Regional Councils required to, 'give effect to' their Biodiversity Strategies in their Regional Policies and Plans. This would significantly increase the regulatory importance of the Regional Biodiversity Strategies, and consequently a more thorough engagement process for the preparation of Biodiversity Strategies in Appendix 5 would be appropriate.

The Board's argument for freshwater bodies to be included more explicitly in the NPSIB rather than NPSFM comes down to an issue of focus, in the NPSFM the focus is water quality and quantity, primarily for ecosystem health and human health. While complementary, this is not the same as a focus on indigenous biodiversity. The Board's concern with the draft NPS-IB is that without a particular focus on indigenous biodiversity in the freshwater space we risk overlooking it, even if protection of biodiversity does happen to be a side-effect of some of the NPS-FM provisions.

The Board submits that: freshwater biodiversity and specific protections for wetlands should be included in the NPS-IB.

The Board submits that (for the reasons detailed in the NZCA submission): part 3.16(1) requires a new clause:

e) Fresh water and estuarine ecosystems and their riparian margins.

Alternatively, an addition to 3.16(1)(c) would suffice:

c) areas that provide important connectivity or buffering functions, including freshwater and estuarine ecosystems and their riparian margins.

The Board submits that: 3.16(4)(c) requires the same addition, to read:

c) areas that provide important connectivity or buffering functions, including freshwater and estuarine ecosystems and their riparian margins.

## SECTION E: Monitoring and implementation

The Board supports the approach to monitoring and reporting.

### E4 -SNAs on Public Land

The Board supports some combination of Option 1 and 2 for identifying and reassessing SNAs on Crown Land (Table 7, page 82, Discussion document on a proposed National Policy Statement for Indigenous Biodiversity).

The Board submits that: it would be unfair for the small rating base in Southland to carry the cost of assessing the many SNAs contained in the large tracts of Crown land in the region.

The Board submits that: central government resourcing will be required to achieve the objectives of the NPS-IB, irrespective of the financial position of the smaller councils.