

BIO-WHAT?

SUMMARY OF SUBMISSIONS

A report to the Ministry for the Environment
summarising submissions made on the
preliminary consultation report of the
Ministerial Advisory Committee on Biodiversity
and Private Land

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Hill Young Cooper Ltd

Bio-What?

Summary of submissions

Addressing the effects of private land management on biodiversity

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Also in this series: *Biowhat? The preliminary report of the Ministerial
Advisory Committee*

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1. INTRODUCTION

The Ministry for the Environment has commissioned David Hill of Hill Young Cooper Ltd to prepare a summary of submissions made on the Ministerial Advisory Committee's consultative preliminary report entitled *Bio-What?*

The report (*Bio-What?*) was released for public submission on 6 March 2000 with a closing date for submissions of 16 June 2000. A total of 346 submissions were received.

The commission required the generation of a database (including basic geo/demographic information) and a summary report.

The summary report (this report) contains:

- A general analysis of the number and type of submissions, type and geographic distribution of submitters and applicable other information;
- key issues raised by submissions;
- suggestions for changes to the Committee's proposals;
- summary of responses to questions outlined in *Bio-What?* pages 78-81 where these are not covered otherwise in the summary.

2. GENERAL ANALYSIS

The following summary report is not intended to provide a rigorous statistical analysis of submissions. This is because responses are patchy in their geographic and institutional distribution (very evident from Table 1). It is also because many individual submissions (which constituted some 60 percent of the total) were clearly influenced by prepared formulae – around both ideological “poles” of what has been termed the landowner rights debate.

The purpose of the submission phase (both written and orally presented through the many meetings held by the Ministerial Advisory Committee (the MAC)) was to inform MAC about additional issues or directions (including corrections to the same where these have been incorrectly or inadequately conceived). As such this summary is not required to exhaustively analyse the weight of submissions received. The following report is a summary of the matters raised. The MAC has been directed to the detailed submissions where substantive issues of interest are raised.

Furthermore the analysis does not attempt to characterise the first two questions (‘Your contribution’, pg 23 of *Bio-What?*). These were designed to provide useful anecdotal material of involvement and aspirations for biodiversity work and outcomes, and a wider view on the stock take of local government and community goals, processes and measures for biodiversity management undertaken by Tonkin & Taylor Ltd in September 1999.

Of the 346 formal submissions received, the following responses were received to the ten main questions raised in *Bio-What?* As many submitters did not respond to every issue, and their views on them cannot therefore be deduced, a sense of approval or disapproval is about as accurate as one can get. As noted above submitters were not constrained to the questions raised and therefore a referendum-type analysis is considered to be inappropriate.

Indications of active support for, and therefore implicit approval rating of *Bio-What?*, out of a possible 346 were as follows:

1. The eight Management Issues identified 208

2.	The seven broad Principles	200
3.	The three-pronged Approach	248
4.	The specific package of Measures proposed	181
5.	The National Accord	171
6.	The Aotearoa Accord	123 ¹
7.	The Local and Sectoral Accords	167
8.	The National Policy Statement	271 ²
9.	The need for Non-statutory Guidance	217
10.	The Additional Actions required	197

From the above it can be seen that the majority of submissions concentrated on the “active” end of the debate, regarding the *form* that any intervention should take. Almost without exception submitters agree that a package of measures is necessary to deal with such a complex issue as biodiversity. The devil, as always, is in the detail of how and how far Government should intervene. It must also be acknowledged that a small number of submissions raised questions as to whether the state of New Zealand biodiversity is in fact a legitimate cause for concern. These submissions contend that the issue is a political rather than a scientific matter, and that the process of policy formulation has serious flaws.

Submissions, as indicated above, are not distributed in proportion to the normal population demographics of New Zealand. Approximately 57 percent came from the North Island and 37 percent from the South Island. Responses from iwi, professional bodies, private companies, and the nation’s territorial authorities were particularly weak. Not surprisingly the majority of submissions came from individuals, often passionately straddling the divide between hands-on regulatory initiatives and *laissez-faire* voluntary mechanisms (more about this below). Curiously, consider the numerous anti-Auckland asides (usually from South Island submitters) claiming that it has disproportionate influence. Auckland is significantly under-represented in submissions as a proportion of the population.

¹ This is a measure of support only if it is the national accord incorporating Maori issues.

Approximately 50 form submissions were received, which can be summarised as making four common points:

- They are strongly supportive of a National Policy Statement (NPS) on biodiversity.
- There should be a national policy goal of no net indigenous biodiversity loss.³
- Funding should be provided to assist landowners/holders with fencing and pest control where this is directly related to an undertaking to protect biodiversity.
- Regional councils should be given capacity building assistance for their enlarged role with respect to biodiversity.

² Support ranges from the unstinted to the heavily qualified. The degree of support, particularly from local authorities and productive land owners, rises considerably if the NPS is not a detailed prescription.

³ What this means in terms of area, extent or time is not explained in any submissions.

Table 1: Bio-What? Submissions Profile														
	Central Govt	Company	Individual	Iwi	NGO	Other Public Body	Professional Body	Sector Group	Territorial Authority	Regional Council	Unitary Authority	Totals	Island Share	Total Share
North Island Submitters														
Auckland	0	3	32	0	7	3	0	2	6	1	0	54	27.0%	15.3%
Bay of Plenty	0	1	5	0	3	1	0	0	4	1	0	15	7.5%	4.3%
Gisborne	0	0	6	0	1	2	0	1	0	0	1	11	5.5%	3.1%
Hawkes Bay	0	1	13	0	1	1	0	1	0	1	0	18	9.0%	5.1%
Manawatu-Wanganui	0	0	7	0	0	1	0	2	2	1	0	13	6.5%	3.7%
Northland	0	0	13	0	1	3	0	4	1	1	0	23	11.5%	6.5%
Taranaki	0	0	8	0	0	1	0	0	1	1	0	11	5.5%	3.1%
Waikato	0	0	8	0	2	2	0	0	2	1	0	15	7.5%	4.3%
Wellington	1	1	15	1	9	3	2	7	1	1	0	40	20.0%	11.4%
Sub-Totals	1	5	107	1	24	17	2	17	17	8	1	200	100.0%	56.8%
Proportions by type	0.5%	2.5%	53.5%	0.5%	12.0%	8.5%	1.0%	8.5%	8.5%	4.0%	0.5%	100.0%		
South Island Submitters														
Canterbury	0	3	16	1	0	3	0	3	9	1	0	36	27.9%	10.2%
Marlborough	0	0	0	0	1	0	0	0	0	0	0	1	0.8%	0.3%
Nelson	0	1	25	0	2	0	0	1	0	0	1	30	23.3%	8.5%
Otago	0	0	16	0	4	0	0	3	2	1	0	26	20.2%	7.4%
Southland	0	0	12	0	1	1	0	0	1	1	0	16	12.4%	4.5%
Tasman	0	0	5	0	2	1	0	0	0	0	1	9	7.0%	2.6%
West Coast	0	1	5	0	0	1	0	0	3	1	0	11	8.5%	3.1%
Sub-Totals	0	5	79	1	10	6	0	7	15	4	2	129	100.0%	36.6%
Proportions by type	0.0%	3.9%	61.2%	0.8%	7.8%	4.7%	0.0%	5.4%	11.6%	3.1%	1.6%	100.0%		
Not identifiable	0	0	21	0	0	0	0	0	0	0	0	21	91.3%	6.0%
Overseas	0	0	2	0	0	0	0	0	0	0	0	2	8.7%	0.6%
Sub-Totals	0	0	23	0	0	0	0	0	0	0	0	23	100.0%	6.6%
Proportions by type	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
TOTALS	1	10	209	2	34	23	2	24	32	12	3	352		100%
Proportions by type	0.3%	2.8%	59.4%	0.6%	9.7%	6.6%	0.6%	6.8%	9.1%	3.4%	0.9%	100.0%		

3. KEY ISSUES

Few submitters raised issues not addressed or referred to in *Bio-What?* However, a number of general themes emerge from the submissions. These are clustered for convenience and discussed under the following headings and key sub-issues:

The Scientific Debate (relating to biodiversity facts):

- General biodiversity versus indigenous biodiversity
- The extent and adequacy of existing knowledge
- A proper scientific framework
- Access to information and intellectual property rights.

The Ideological Debate (relating to legal policy):

- Landowner property rights and the Crown's right of pre-emption
- Compensation for land development controls
- Leadership and the role of government
- Indigenous values rights and intergenerational duty.

The Implementation Debate (relating to achieving practical outcomes).

- Pest control/biosecurity on Crown land
- National biodiversity competence
- Need for capacity building in public authorities
- Financial and cost implication of options.

THE SCIENTIFIC DEBATE

While this aspect did not receive a great deal of attention in terms of numbers of submissions, it lies at the heart of a number of subsequent concerns.

A first and principal concern raised by the scientific and production forestry community (see for example submissions 118, 206, 277 and 297) is “why only *indigenous* biodiversity?”

It is pointed out that the International Convention on Biological Diversity (ICBD) stresses the value of the totality of biodiversity, while according a special place to localised, indigenous biodiversity where that is warranted. Furthermore it is pointed out that exotic vegetation is capable of providing beneficial habitat to indigenous species – examples of positive invertebrate habitats are specifically mentioned. New Zealand Fish and Game submissions (eg #234 from North Canterbury) were particularly concerned that this deficiency might affect our salmon and trout fishery and associated wetland habitats.

This has led some submitters to level a charge of intellectual dishonesty at the *Bio-What?* process – a charge which reaches its most pointed, as discussed below, on the question of landowner property rights.

A second objection from the scientific community is that the emphasis on site identification and protection, the backbone of the Protected Natural Areas Programme (PNAP), is flawed methodologically. It is argued that the reservation approach, very much a methodological creature of its time, will not achieve sustainable biodiversity in the long term and that an ecosystems approach is required if we are to meet the goal of arresting biodiversity decline. Apart from acknowledged methodological challenges that continue to underlie such an ecosystem orientation, the key point of this approach is the recognition that it is the protection and availability of “patches” (ie sites/locations within defined corridors) within the general “mosaic” of significant areas that is the crucial element with respect to long-term sustainability. It is argued that if we simply ring-fence large tracts of land without any attention to linkages to other biodiversity “reservations”, then the net effect will be a continued reduction in that biodiversity because of the artificial creation of isolated gene pools. The important implication of this is that areas which may have relatively low significance for existing intrinsic values can be incredibly significant in the context of a wider protection canvas and genetic invigoration.

Those who propose this more contemporary understanding of ecological science as the underlying policy framework therefore argue for a serious enhancement in standards of data collection and analysis. They also appear to agree that because this framework accepts change as an essential ingredient of biodiversity maintenance, we should not be

so frightened by the concept of sustainable resource use – a position held to be in line with the ICBD.

Whether the current state of knowledge/information is considered sufficient to conduct reasonable assessments is a matter of continuing debate. There appears to be an acceptance that the PNAP and other surveys of the 1980s (eg Wetlands of Ecological and Representative Importance and Sites of Special Scientific Importance) and more recently under the Nature Heritage Fund and Nga Whenua Rahui, while needing reappraisal of the older parts, has provided a significant amount of robust information. Perhaps of more concern to some submitters is the way in which the loss of freely available public good science, and the consequent cost of purchase, is perceived to compromise the national ability to integrate this information. While this issue is touched upon, it is not analysed by submitters and its significance is therefore uncertain. On the other hand, many submitters made the call for an integrated database with clearly defined intellectual property rights (eg #124). This included landowners who reasonably believe that they hold those same rights.

An emerging issue in this debate is the value of *ecological* landscapes (eg #233, 261 and 277). Submitters note how vital this concept of landscape is to a sustainable biodiversity. Of course submitters also remind us of the trauma created over the too enthusiastic application of spatial analysis to district plan delineations of significant natural areas!

The key issue raised by this debate, and it will have to await a different forum for its resolution, is whether the “casualising⁴” of protection through the more passive means of voluntary agreements/covenants can provide us with biodiversity advances. It is also submitted that the assumption held by many that because a significant proportion of the country is held in public conservation estate, our biodiversity account must be alright, is too simplistic. A number of submitters note that the public conservation estate biodiversity tends to be “clumped” in common ecological terrains, and does not adequately span the appropriate spectrum. Numerous submitters draw attention to the

⁴ That is, the process of acquiring biodiversity in a random manner based on what comes forward voluntarily rather than the more systematic securing of protection.

absence of concern for marine ecosystems, for example, even though that matter lies outside the MAC terms of reference.

Of course all this is no comfort to the primary production sector, which sees this “problem” expanding before their eyes – and at their potential expense. Talk of an ecosystems approach is likely to exacerbate this concern. However, most submitters do not go quite as far as #118 with its elegant polemic disputing the existence of the problem. Nonetheless, the point is well made that until, or unless, the science has credibility, the policy will lack community support.

While it is perhaps unfortunate that the scientific community has not entered this particular debate more robustly, other submissions suggest that the NPS process could assist greatly in clarifying the proper scientific framework.

THE IDEOLOGICAL DEBATE

In reading the submissions it is evident that a significant part of the public debate over biodiversity has become side-tracked into a two-dimensional tussle around the poles of property rights and the place of regulation.

Whether this debate was waiting for an opportunity to be had or not, *Bio-What?* certainly reaped the whirlwind. Text Box 7, a brave attempt to condense (as submitters such as the erudite chartist #3 are quick and thorough to remind us), 800 years of doctrinaire English constitutional law into as many words, comes in for some spirited savaging. No matter that a land law specialist defends this box (#218). The damage was done (compounded by an interpretation regarding existing use rights taken by some from Text Box 10) and many of the submissions launch their arrows from a reading of the whole text based on a perceived egregious error in law – the so-called right of the Crown to alienate private land without due compensation. Having construed the report generally, and biodiversity in particular, to have a sub-text based on a presumption about the Crown’s right to compulsory alienation without compensation (and thereby also the extinction of existing use rights), any rational debate about the merits of degrees of regulation becomes very difficult. Perceiving an iron fist behind the soft

down of biodiversity, submissions from the productive rural sector rage against anything of a non-voluntary, non-compensatory ilk.

That is clearly unfortunate. More moderate heads from within the same community, such as the High Country farmers (submitters #173, 174 for example), acknowledge that a measured approach to biodiversity involving regulation is not untoward provided that:

- a) It is contained within an acceptable package of initiatives which recognises the landholders ongoing role in the business of farming, and
- b) It seeks to work with the landowner/holder to facilitate the ongoing commercial viability [presumed] of the property.

The evoked reaction (it is not clear from other submissions that this was *provoked* by *Bio-What?*), most ardently pursued by the New Zealand Business Roundtable (NZBR #118) and Mr Howard (#3), concerns a perception – at this stage neither real nor entirely imaginary – that if landowners accept that the Crown has any power (let us not stray into the use of that term “right”) of compulsory acquisition/alienation without compensation in the name of biodiversity, then agents of the Crown⁵ will seek to exercise such power summarily and without proper restraint. No evidence is provided in submissions that this is or has been the practice to date, but the concern is quite evident.

In mitigation of this position there is ample evidence in the submissions of a view that comes perilously close to advocating the alienation of significant biodiversity private land for the greater good – and presumably with minimal compensation. That is not a position advocated or even suggested in *Bio-What?*

However these extremes are just that. The middle ground of submissions, including that from the central office of the Royal Forest and Bird Society of New Zealand

⁵ Presumably the Department of Conservation – clearly not the first-choice friend of farmers from the tenor of submissions

(#337) for example, is well aware that neither of these “property right” poles are defensible either in the public arena or in the long term.

Judging from the passionate articulation of positions in many submissions, this debate has such momentum that it does need to be resolved. Some have suggested that this could be worked through the NPS process. Indeed, the NZBR submission (#118) comes very close to this suggestion at one point, as does the combined Forestry Industry and Forest Owners submission (#206). Certainly the NPS process could be used to clarify this matter, but that is not necessarily the best or most efficient means and may distract the debate further.

Apart from this *first principles* debate, the question of when to compensate (and thence how and how much), is one that taxed many submitters – particularly local authorities concerned about the direct legal and fiscal implications of this issue (eg #269). There appears to be widespread acceptance that somewhere there is a thin wavy line between what might be termed one’s “duty to biodiversity” on one side and the public’s “duty to compensate” on the other. Those who emphasise the former tend to support a strong NPS; those who emphasise the latter tend to oppose an NPS, demonstrating particular concern about the perceived inadequacies of the section 85 provision of the Resource Management Act 1991 (RMA) – the compensation payable mechanism – and concerned about the lack of progress with the this issue in the Resource Management Amendment Bill 1999.

The NZBR, and New Zealand Minerals Industry Association (NZMIA, #235) argue that a pro-development rather than a pro-tection led strategy is more likely to be effective in achieving biodiversity goals. They argue this could occur through providing the proper incentives to use resources sustainably, creating revenue and corporate opportunities thence for reinvestment in biodiversity protection. The NZMIA, for example, argues that opportunities to mine in parts of the conservation estate of “low conservation value” could provide much needed revenue for other biodiversity activities – similar to the way in which concessions are used.

Much is made of the so-called failure of trust in the rural community as far as government is concerned. Frequent reference is made to the West Coast Forestry

Accord – indeed the notion of Accords suffers significantly from the negative halo effect of that political decision (whose announcement came within the period leading up to the closing of submissions on *Bio-What?*).

Hence the development of that other polarity in submissions between voluntary and prescriptive measures. There is little doubt from a reading of the submissions that the clear majority of submitters would favour voluntary measures if there were confidence that these devices might succeed alone in achieving whatever biodiversity goal is established. Many submissions are eloquent in noting the effectiveness with which the Queen Elizabeth II National Trust operates – and the Trust’s own submission (#186) contains impressive evidence of the growing acceptance of this form of voluntary contract. However, and notwithstanding support for organisations such as the QEII Trust, for many the doubt remains that such mechanisms alone will not ensure the protection of the “right” biodiversity, dependent as these are on participant self-selection.

Expectations regarding the proper role of central government are clouded by this debate. Submitters want clear leadership but this means quite different things ranging, for example, from the desire for clearly articulated national directions (Council of Outdoor Recreation Associations New Zealand (CORANZ) #344) and the development of unspecified national biodiversity standards (Royal Forest and Bird Society #337), to supporting the rights of landowners and existing law (NZBR #118).

One resolution of this debate probably finds itself in the plea from those pragmatic submitters who incline toward clearer government intervention but argue that any biodiversity strategy should clearly permit ecosystem uses, provided that:

- they avoid degradation (Gillman #297);
- harvesting and active management of ecosystems can facilitate a more robust indigenous ecology (NZIF #239);
- biodiversity must relate to the 21st century, not some Arcadian past (CORANZ #344); and
- the concept of transferable biodiversity/mitigation rights be examined further (Genesis #213).

And this takes the discussion back into the scientific debate.

THE IMPLEMENTATION DEBATE

The key issues raised in the context of implementation related to consistency, competency, costs, priorities, and partnerships.

Consistency: Two issues in particular emerge from submissions:

1. The needs of national organisations for consistency across the country in the way in which biodiversity issues are defined and managed (eg Genesis Power #213).
2. The need for the Crown to ensure that pest control on its land, particularly where this adjoins potential areas of biodiversity significance on private land, is pursued so that the costs for remedying reinfestations are not a burden on the private landowner/holder (eg Federated Farmers of New Zealand #313).

Competency: Three key competency issues emerged from submissions.

1. The need to recognise that not all sectors are equally competent in terms of biodiversity issues and management. In particular the forestry sector claims particular and specialised competence (eg NZIF #239).
2. Local authority competence in this area is patchy – especially among territorial authorities. Not only would this require significant capacity building but also partnerships need to be formed – particularly with the community (eg May #277).
3. The need for a competent and accessible national biodiversity inventory as the basis for objective assessment and prioritisation is repeatedly made (eg Federated Farmers #313).

Costs: Three general areas of cost concern are expressed in submissions.

1. Submissions uniformly call on central government to make appropriate provision for the costs associated with biodiversity initiatives. These costs include incentive provisions for fencing and pest management (MAF #300).

2. Local authorities note that costs will be associated with any required changes to statutory plans and policy statements arising from any NPS, and that these need to be borne in mind in setting any terms of reference (eg Local Government New Zealand #293).
3. A number of individual submissions express concern that the direct (and indirect) costs of investigating, setting up and defending an NPS would better be spent directly in effecting biodiversity gains. However, no submitter actually proposes how this opportunity cost money is to be collected, from whom, how it might be distributed, and to what particular end.

Priorities: One particular concern emerges from submissions.

1. A large number of submissions express concern about how the process for prioritising biodiversity initiatives is to be done. This is deemed to be an essential and inevitable requirement given the dimensions of the task and the presumed limited resources available (eg Federated Farmers #313, which rests its conditional support for an NPS solely on this matter). In the absence of some sort of nationally derived priority/ranking criteria, it is widely believed that the participation costs to individuals will be significant.

Partnerships: Submitters generally agree that to make serious on-the-ground progress on the question of our indigenous (and some argue, total) biodiversity, all manner of partnerships, formal and informal, will need to be developed and reinforced. This point is so widely accepted that reference to individual submissions is superfluous.

Some commentators (eg World Wide Fund for Nature #327) accept that in view of the need for immediate policy action to halt the decline both a short-term and long-term approach need to be put into effect. As such the short-term may therefore be more public policy rather than science orientated – the distinction being the need to do something in the absence of good science (and probably involving regulatory and incentive mechanisms) while the scientific programme, which will eventuate in the robust criteria sought, is refined and pursued.

In this regard the majority of submitters see that the Department of Conservation (information and science) and the Ministry for the Environment (public policy formulation) must spearhead the Government's approach, with regional councils supporting territorial authorities with respect to delivery. However, most submitters seem to agree that none of this should disturb the excellent work being undertaken by the QE II National Trust, Nga Whenua Rahui, and the Nature Heritage Fund. Indeed, these latter should be better resourced as a priority.

4. SUGGESTIONS FOR CHANGES

DEFINITIONS

- a) **Indigenous biodiversity** – confusing; use words of s6(c) as these are becoming better understood (Otago Regional Council #221)
- b) **Conservation** – redefine differently from that in Conservation Act ie, include use as per ICBD (May #277)
- c) **Natural ecosystems** means: *ecosystems containing largely indigenous species and ecosystems containing rare, endangered, or threatened indigenous species.* (Gillman #297)
- d) **Evolutionary and ecological processes** means: *all natural processes including: disturbance regimes, nutrient cycles, hydrological processes, edaphic processes and gene flow.* (Gillman #297)

MANAGEMENT ISSUES

- Add three further issues:
 - *Funding methodology*
 - *Inventory/ monitoring*
 - *Crown land management* (Barton #109)
- b) Add:
 - *Lack of local authority consistency*
 - *Lack of acknowledgement of effects of agriculture*
 - *Lack of integration between levels of government*
 - *Lack of general ecological understanding*
 - *Politicisation of issues* (Davis #257)
- c) Add: *lack of priority setting* (MAF #300)
- d) Add:

- *Failure of landowners to recognise what has been lost*
- *Failure of central government to give a clear direction*
- *Ecological illiteracy (RF&B #337)*

PRINCIPLES

- Add one further principle:
 - *The State must lead by example and maintain a much higher level of biodiversity protection on their own lands than they do at present.*
(Barton #109)
- Add further key guiding principle – *precautionary principle* (Conning #115)
- Add three further principles:
 - *Regulation can lead to change by ensuring activities unduly damaging to biodiversity do not occur*
 - *A flexible system of incentives and assistance to landowners must be devised*
 - *Biodiversity as a critical element of all Government policies relating to marine and terrestrial environments* (Advisory Committee for Regional Environment #119)
- Add one further principle:
 - *Provide a bottom line against which the actions of those landowners who do not respond to other more positive options can be managed.*
(Wellington Regional Council #122)
- Add one further principle:
 - *If a biodiversity outcome is to be imposed on a landowner, then there must be compensation.* (Otago Conservation Board #131)
- Amend #7: “... need to take a learning *and adaptive* approach.” (RDC #224)

- Amend #2 : “*Te kahanga Maori* have a distinct relationship” (Barber #267)
- Add further Principle recognising our societal relationship between societal production and consumption, and biodiversity. (Barber #267)
- Amend #5 reactive management – qualified by words of “*specific to the particular environmental context*” (MAF #300)
- Rewrite seven Principles as outcome - not process-orientated, recognising
 - *Irreversibility of indigenous biodiversity loss*
 - *Biodiversity does not recognise administrative boundaries*
 - *Retention of ecosystem biodiversity*
 - *Ensuring focus is on a range of indigenous biodiversity*
 - *Addressing all threats to indigenous biodiversity*
 - *Recognising long terms effects on biodiversity*
 - *Recognising international biodiversity obligations* (RF&B #337)

NATIONAL GOAL

- Additional National Goal: *Increasing biodiversity within the human landscape* (Advisory Committee for Regional Environment #119)
- Amend National Goal as follows:
 - *Maintain and ~~restore~~ enhance a full range of remaining natural habitats and ecosystems to a healthy functioning state*
 - *Enhance critically scarce habitats*
 - *Sustain more modified ecosystems in production and urban environments*

to maintain and ~~restore~~ enable viable populations of indigenous species and subspecies to exist across their natural range and maintain their genetic diversity. (Genesis #213)

- Amend National Goal as follows:
 - *Maintain ~~and restore~~ and/or enhance a full range of...; and*
 - *Enhance critically scarce habitats*
 - *~~Sustain more modified ecosystems in production and urban environments to maintain and restore~~ provide viable populations of habitats for all indigenous species and subspecies across their natural range and ~~maintain~~ preserve their genetic diversity. (ORC #221)*

- Include goals relating to:
 - Ensuring biodiversity sustainability for future generations
 - Education of people regarding importance of biodiversity (Burdon/Hawker #251)

- Page 30, third paragraph – need to expend effort *at every identified site* even if not every point on land. (May #277)

- Rewrite National Goal as follows:
 - *Maintain and enhance New Zealand’s existing total area of natural ecosystems*
 - *Protect and restore indigenous ecosystem types across their natural range of variation*
 - *Maintain evolutionary and ecological processes*
 - *Manage natural ecosystems over periods of time long enough and areas large enough, to maintain the evolutionary potential of species and ecosystems*
 - *Maintain and restore viable populations of all indigenous species and sub species across their natural range*
 - *Protect New Zealand’s natural ecosystems from weed and pest species*
 - *Accommodate human use and occupancy within these constraints (Gillman #297)*

- Amend to read: to maintain and restore viable populations of all indigenous species and subspecies across *as much of* their natural range *as practical* and maintain their genetic diversity. (MAF #300) – and amend NPS text box Policy 1 accordingly.
- New Policy 3: *Central and local government will work together to provide funding to achieve biodiversity outcomes on private land.* (MAF #300) – renumber Policy 3 to Policy 4.
- Modify last sentence to read “... maintain genetic diversity *in balance with land use requirements.*” (VegFed #338)
- Redraft National Goal as follows:
 - *Maintain and restore ~~a full range of~~ all remaining ~~natural~~ indigenous habitats and ecosystems to healthy functioning state;*
 - *Enhance ~~critically~~ scarce habitats, such as tall tussock grasslands, freshwater and coastal wetlands, lowland forest, and coastal forest and shrublands;*
 - *Sustain and enhance indigenous habitat and ~~more modified~~ ecosystems values in production ~~modified natural environments~~ and in urban environments. (RF&B #337)*

SPECIFIC MEASURES

- a) Reject proposed package and substitute
 - Strong NPS underpinned by
 - Rules in plans
 - National standards
 - Ministerial Advisory Group with balanced representation to advise Ministers
 - Extra funding to Nga Whenua Rahui and Nature Heritage Fund
 - Realignment of Biosecurity Act with Resource Management Act
 - Overhaul of Forest Act

- Regional councils have pivotal role (RF&B #337)

NPS CONTENT

- An NPS should contain separate statements for all the major habitat types (National Wetland Trust #74)
- An NPS should set out basic approach to regulation as follows:
 - *Modification of indigenous habitats to be regulated under RMA*
 - *Section 6(c) significant indigenous habitats not restricted solely to elite sites*
 - *Existing use rights adversely affecting biodiversity to have a finite length*
 - *Use of pests to be regulated under RMA*
 - *Major biodiversity threats [eg subdivision and drainage] subject to national standards*
 - *Clear definition of responsibilities*
 - *Streamlined process for NPS implementation (Conning #115)*
- If an NPS is proceeded with, and the submitters strongly oppose this, then it should contain:
 - *Non-prescriptive provisions*
 - *Support for local decision making*
 - *Recognition that landowners can be trusted to protect biodiversity through voluntary mechanisms*
 - *Be consistent with existing processes*
 - *Be open to non-regulatory methods (the four West Coast local authorities #116)*
- Ensure that the concept of *stewardship* is an essential part of the debate within the NPS process (Advisory Committee for Regional Environment #119)
- An NPS should contain **policies** covering:
 - *appropriate subdivision, use and development;*

- *nature of adverse effects;*
- *integration with other resource management matters such as erosion;*
- *appropriate planting;*
- *precautionary approach;*
- *significance evaluation criteria.*

and **methodologies** covering:

- *regulatory/ non-regulatory balance;*
- *importance of role of education;*
- *monitoring; and*
- *information dissemination. (RDC #224)*
- An NPS should include:
 - *Identification of agency for national co-ordination*
 - *Prescriptive requirements based on principles of NZCPS*
 - *Voluntary methods aided by incentives*
 - *Sunset clause for voluntary methods if not achieving goal*
 - *Existing use rights (Davis #257)*
- Include specific **Objectives** on:
 - *Green energy production and consumption*
 - *Increasing hectareage under indigenous regeneration*
 - *Reducing loss of manuka/scrub regeneration through farm/forest production*
 - *Weed eradication*
 - *Sewage treatment to ensure viable waterways*
 - *Biological pest controls*
 - *Appropriate demographic strategies*
 - *Promote New Zealand green technologies*
 - *Reduce commercial dependence on Pinus radiata*
 - *Biosecurity (Barber #267)*
- The five key priorities for an NPS are:

- *The concept of “no net loss”*
- *Diversified agro-ecology to protect habitats for non-pest insects and birds*
- *Cessation of use of broad-spectrum chemical pesticides*
- *Fencing and planting of stream sides*
- *Strengthening landowners’ abilities to protect and enhance biodiversity by strengthening rural economies. (Soil and Health Association of New Zealand #278)*
- An NPS should include:
 - *Acknowledgement that commercial tourism operations will play an important part in the subsequent implementation*
 - *The development of recognised environmental management tools are crucial*
 - *A clear understanding of public/private roles is required, as well as appropriate funding mechanisms for future research and infrastructure*
 - *Consultation with key stakeholders should be fundamental. (Tourism Industry Association of New Zealand #330)*
- An NPS should include:
 - *General principles for including indigenous biodiversity issues in policies, plans and resource consents*
 - *Implementation of international obligations*
 - *Principles for maintenance of indigenous forests and other vegetation types*
 - *Means to conserve indigenous biodiversity*
 - *Provisions to be included in statutory instruments under RMA*
 - *Matters to be included in district plans – including criteria for rules*
 - *Matters of special significance to tangata whenua*
 - *Procedures and methods to be used to review policies and their effectiveness (RF&B #337)*
- Amend **policies** as follows:

- *Policy 1 – wider reference to indigenous biodiversity*
- *Policy 2 – include precautionary principle requirement*
- *Policy 3 – too limited; expand to include:*
 - * *cumulative effects on biodiversity*
 - * *measures to avoid, remedy or mitigate adverse effects*
 - * *restoration of indigenous areas*
 - * *precautionary approach*
 - * *threats from natural hazards*
 - * *maintenance and enhancement of water, soil or air quality*
 - * *guidelines on implementing relevant Conventions*
 - * *financial contributions*
- *Policy 4 – monitoring can only relate to activities under the NPS (RF&B #337)*

ADDITIONAL ACTIONS

a) Also include:

- *Realistic funding to Nature Heritage Fund, Nga Whenua Rahui, and QE II National Trust to:*
 - * *ensure truly representative public reserve system*
 - * *assist landowners*
 - * *promote restoration of depleted habitat types*
- *Properly funded Department of Conservation to*
 - * *manage biodiversity*
 - * *educate and inform the public*
 - * *advise and assist the public*
- *Competent local government*
 - * *informed on biodiversity issues and responsibilities*
 - * *accountable for poor environmental management*
 - * *assistance to provide incentives for voluntary protection*
- *Effective national environmental education system*
- *Review of Biosecurity Act (Conning #115)*

- b) Funding assistance and/or other encouragement to the following:
- *Cost of fencing materials*
 - *Provision of trees for revegetation*
 - *Provision of bait for pest control at reduced cost*
 - *Offers of help from local conservation corps*
 - *Involvement of local schools*
 - *Formation of land or stream care groups*
 - *Availability of sound advice*
 - *Adoption of non-aggressive and consultative attitudes by “authorities”*
 - *Ownership of projects by local people*
 - *Funding for school involvement in district biodiversity activity.*
(Advisory Committee for Regional Environment #119)

- c) Also include:

- *Extra funding for Nga Whenua Rahui and Nature Heritage Fund*
- *Establish Ministerial Advisory Group on Biodiversity*
- *Develop an incentive regime for fencing of natural areas, riparian protection and pest control (RF&B #337)*

OTHER

- a) Non-statutory guidance especially in:

- *environmental education*
- *information collation*
- *co-ordination of science budgets.* (Advisory Committee for Regional Environment #119)

- b) Alternatives to secure additional resources including:

- *national development levy creating a central biodiversity fund*
- *departure tax, a component of which is leveraged to biodiversity initiatives.* (Far North District Council #201)

- c) Amend RMA section 30(1)(c) to provide explicit role for regional councils in halting the decline of indigenous biodiversity (ORC#221)
- d) Amend the Forests Amendment Act 1993 to:
- *require the maintenance, and verifiable monitoring of the forest structure, its regenerative capacity, and its plant and bird species diversity;*
 - *require adequate pest control and pest monitoring to achieve the above;*
 - *require minimal adverse effects on the forest ecosystem and its processes (including soil and water bodies);*
 - *prescribe harvest techniques that better reflect the natural regeneration strategies of the harvested species;*
 - *require 20% protection areas to be applied to all plans and permits;*
 - *provide public submission rights on proposed plans and permits and appeal rights to the Environment Court. (Gillman #297)*

5. RESPONSES TO QUESTIONS

Bio-What? posed a series of questions as a guide to submitters. The majority of submitters accepted that guidance and chose to answer some or all of these questions. In the following a general flavour of comment is provided for each batch of questions.

YOUR CONTRIBUTION

1. What contribution do you see you or your organisation being able to make to help halt the decline of New Zealand's biodiversity?
2. How would you, or your organisation, like to see New Zealand's biodiversity in 15 years' time? What do you think would have improved? What changes would have been made?

Comment:

The detailed responses to these two questions have not been summarised as they reflect many and varied individual initiatives and capabilities. Suffice to record that the clear majority of submitters are optimistic about our potential for medium-term biodiversity protection provided the approach(es) they individually favour is/are implemented and not the ones they oppose.

ISSUES

3. The Committee has identified eight key management issues that create difficulties for sustaining biodiversity:
 - A lack of common focus
 - Uncertainty over who is responsible
 - Different perceptions about the nature of “property rights”
 - A lack of comprehensive or consistent information
 - Particular threats including plant and animal pests
 - Scarce resources

- A shortfall in tools to do the job
- Insufficient consultation.

What emphasis would you or your organisation place on these, or other, issues?

Comment:

Many submitters accepted this general range but sought to reorder or add the odd item. There was widespread agreement about matters of focus, responsibility, pests and consultation.

The issues that raised most comment were:

- *Property rights – especially how these have been characterised/assumed in the Report, and the relationship to existing use rights and compensation.*
- *Information – there is disagreement over:*
 - a) whether we currently have enough accurate and undisputed information,*
 - b) whether the real problem is that access to New Zealand’s total information base is inappropriately controlled or effectively unavailable because of intellectual property rights.*

This gives rise to questions about the merits of re-creating an extension service similar to the pre-1980s agricultural and forestry extension services; the role of public good information and whether this needs to be re-examined; the need for specialised information brokers who can work with individual landowners/holders; and so forth.

- *Tools – little comment was evoked on matters of methodology, but considerable comment was focused on the lack of technical and practical biodiversity expertise in New Zealand, let alone in specific agencies such as individual local (especially territorial) authorities.*

- *Consultation – while the MAC team was generally applauded for its efforts in getting around the country, many submitters commented on the need for considerably more public consultation before the biodiversity initiatives, whether NPS or Accords or whatever, are put in place.*

PRINCIPLES

4. Consideration of the issues led to the recognition of seven broad principles:
- Sustaining biodiversity affected by private land management relies on individual commitment of landowners
 - Maori have a distinct relationship to biodiversity
 - Sustaining biodiversity requires a strategic approach
 - Effectively sustaining biodiversity requires co-ordination and collaboration
 - There is a need for active management
 - Those with responsibilities for biodiversity have variable capacity to respond and
 - We need to take a learning approach.

Do you or your organisation consider these principles are helpful in generating solutions to better sustain biodiversity?

Comment:

These principles were generally accepted – with variants. Some submitters pointed out that not all of the above are in fact principles and sought to reframe them. Others had problems with the implications of words like “strategic”, seeing this as a way to spend lots of money on “eggheads” with little practical advance on-the-ground.

Many rural submitters point out that it takes more than individual commitment; it also needs public and community support (including monetary).

The distinct Maori relationship was frequently disputed, with a number of submitters citing SILNA forest clearing as demonstrating a disregard for biodiversity and therefore an example of the problem. Others noted that the nature of multiple land

ownership itself gave rise to particular issues, which required a different pathway for resolution.

Many submitters stressed the need for active management ahead of a concern that a strategic approach may result in too little on-the-ground results while the heads “talk”.

The fact of variable capacity is accepted – although some local authorities imply that they do not have a problem in that regard. No submissions sought to analyse what that variability is or means, and what needs to be done to change that fact.

Many submissions took a process-orientated approach to the solution, stressing the need for significant educational and curricula development, and taking the longer route of developing a bottom-up groundswell of support through children and the community in order to achieve the goal.

PROPOSED APPROACH

5. The overall approach proposed by the Committee involves:
- Establishing a national goal
 - Clarifying roles and responsibilities
 - Providing the guidance, support and flexibility for local solutions.

Do you or your organisation consider the national goal proposed in Chapter 6 provides direction and guidance for biodiversity management?

Comment:

Many submitters either wanted to tinker with the national goal or were concerned that it be strictly in accordance with the New Zealand Biodiversity Strategy (NZBS) and the International Convention on Biological Diversity (ICBD). Some wanted to revise it completely because they do not like the stated goal in the NZBS.

There is considerable debate as to where the national goal should sit structurally – ie above or below the proposed NPS. This is less problematic if it mirrors the NZBS and/or ICBD exactly.

Many submitters are concerned that the proposed goal stresses indigenous biodiversity (because of the NZBS and the consequently restricted brief), and the fact that this is therefore at variance with the ICBD – which speaks of sustainable use and the fair and equitable sharing of the benefits arising ... This difference creates significant opportunity for debate in submissions.

Submitters also contend that the NZBS goal of halting the decline might be at variance with a goal seeking to maintain and restore that biodiversity, and seek to reduce the emphasis placed on the word “restore”. Other submitters want to remove the perceived passive word “maintain”, and substitute the word “protect”.

There is little support for the alternative goal.

The notion of local solutions was generally endorsed – although this meant different things to submitters. To some it meant development and implementation of the policy locally; to others it meant simply developing local implementation solutions to nationally defined and established policy.

Every submitter accepted the need for greater clarification of responsibilities – including, for many, the responsibility of landowners. Numerous submitters indicated that this was a proper matter for the NPS process to define.

6. Do you agree that regional councils should play a lead role in sustaining biodiversity affected by private land management? If not, what are your views on roles and responsibilities?

Comment:

Submitters generally agree with a significant role for regional councils, while seeking to limit the amount of control that regional councils might be able to exercise in this role.

There is concern that territorial authorities not be distanced too much from the implementation side of things as it is these organisations that perceived to be closest to the land use elements and their communities. Territorial authorities, while not alone in expressing this, are particularly concerned.

Others variously seek to insinuate the Ministry for the Environment, Department of Conservation, and the Ministry of Agriculture and Forestry in order to ensure proper Crown involvement.

7. How should public funding for programmes to promote private landowners protecting biodiversity on their land be apportioned between different levels of government? What commitment should be required from landowners who receive public funds?

Comment:

Numerous mechanisms are suggested but all agree that some form of legal enforcement is required for land in receipt of public money. Submitters are agreed that additional resources are fundamental. Mechanisms include contestable funds; direct grants; cross-subsidies, proportionate cost sharing, and rating relief. There is a measure of support for apportioning any public funds to regions or parts of the country where the biodiversity needs are determined to be greatest.

SPECIFIC MEASURES

8. The 'package' of specific measures proposed by the Committee includes:
 - development of an accord between key parties at a national level;

- a separate Maori accord;
- a brief national policy statement (NPS);
- a suite of non-statutory guidance;
- additional Crown actions.

Do you or your organisation consider that the proposed approach will assist in sustaining biodiversity affected by private land management?

9. What changes to the approach proposed here would be required to enable you or your organisation to act more effectively on biodiversity matters?
10. Would you like to comment on the balance between the elements in the proposed package?

Comment:

Submitters agree that a package is required but there is considerable variance regarding the content and priorities within the package.

Submissions demonstrate widespread distrust of National Accords; little support for a separate Maori Accord; mixed support for a National Policy Statement (more if the NPS is non-prescriptive); general support for supplementary guidance; and a resounding cry for additional central government resources.

Improved pest control on public conservation lands is a repeated demand.

The National Accord model is generally dismissed due to difficulties perceived in getting the right representative range of parties into the accord and then trying to negotiate an acceptable outcome that has substance. The halo effect of the Government's withdrawal from the West Coast Forestry Accord has also influenced submitters' confidence about the political durability and therefore long term effectiveness of such a mechanism.

While there is broad acceptance of the desirability of a voluntary mechanisms approach, many submitters are critical of the Committee's treatment of regulation and see the need for a regulatory underpinning to voluntary mechanisms.

The concept of a duty of care has support – depending on how that duty is framed.

The need for additional \$NZ resources is continually stressed.

Few comments were directed specifically to questions 9 and 10. These tended to be implied in the preferences expressed among the measures on offer.

ACCORDS

Two accords between key parties at a national level are proposed as a first step to recognising differing perspectives and common concerns.

NATIONAL ACCORD ON BIODIVERSITY AND LAND MANAGEMENT

11. Do you or your organisation consider the National Accord should cover any other issues?

Comment:

Submitters who support this tend to pick from the list. A large number of submitters who are not supportive of the Maori Aotearoa Accord would, nevertheless, like to see an Aotearoa Accord which would incorporate elements from the proposed National and Aotearoa Accords. As noted above there is neither widespread nor committed support for a National Accord for some quite practical reasons.

12. Which parties should sign the National Accord?

Comment:

A wide list of parties is offered. Generally these include the expected Crown departments and local authorities, national sector groups, national NGOs, various

Trusts, iwi authorities etc. The guiding principle seems to be broadly democratic ie the National Accord should be signed by those who should sign a National Accord.

AOTEAROA ACCORD ON BIODIVERSITY AND LAND MANAGEMENT

13. Do you or your organisation consider a separate Maori Accord is necessary?
14. Do you consider the Aotearoa Accord should cover any other issues?
15. Who do you think should sign the Aotearoa Accord, given difficulties in some areas in determining who are mandated representatives of iwi groups?

Comment:

As indicated above, there is very little support among submitters for a Maori Aotearoa Accord.

Those that do support the option have little to add by way of substance.

Reasons for support include the Treaty of Waitangi; sensitivity to a more effective vehicle for incorporating Maori perspectives; and reference to the particular difficulties created for Maori by multiple land ownership.

An Aotearoa Accord that included Maori and Pakeha would have a greater measure of support – although those who propose this have little of substance to add as to content.

Local accords are proposed to provide a level of detail that cannot be achieved at the national level.

16. Do you or your organisation agree with the concept of local accords?
17. Who, or which organisations, should be responsible for facilitating local accords?
18. Do you or your organisation think sectoral accords (eg New Zealand Forest Accord) and local accords could work together?

Comment:

Local accords are widely supported as a means of bringing to earth higher order policies. Flexibility and review opportunities are frequently suggested as ways of ensuring that currency/ relevance is maintained, and providing a process by which parties can renegotiate their accords. Submissions express little in the way of substantive comment on content or status. There appears to be agreement generally that accords without formal status are pointless and, even with formal status, are far from certain long term.

Sectoral accords are infrequently mentioned but then generally supported. Most accept that sectoral and local accords can and should work together.

Local government, QEII Trust, Landcare Trust, and MfE are mentioned as possible facilitators.

NATIONAL POLICY STATEMENT

A brief national policy statement (NPS), which defines roles and establishes a methodology for local government, is proposed to follow the Accord process.

19. Do you or your organisation consider specific objectives are needed to translate the national objective into meaningful priorities? If so, what do you think the specific objectives should include?
20. Do you think the methodology outlined in Policy 3 will assist us in achieving the national objective? What changes to the methodology do you suggest?
21. Do you consider that a guide to selecting methods is best covered in non-statutory guidance?
22. Do you think the NPS should set out the nature of stewardship? If so, should the NPS promote a basic level of regulation that requires landowners to minimise harm to biodiversity?
23. Are there other important areas on which an NPS should provide guidance?

24. Do you think the proposed roles for regional councils are likely to assist us in achieving the national objective?
25. Which agency do you consider should carry out an analysis of threats?
26. Should regional councils have a role in controlling land use for the purposes of sustaining indigenous biodiversity?
27. What transitional matters should be addressed to provide for the effective implementation of an NPS?

Comment:

As noted earlier this was the most supported proposition – either outright or with qualification – and there are a number of detailed submissions on this matter. However there does not appear to be any sectoral consistency in attitude toward the prospect of an NPS – local authorities are divided (although most accepted some sort of role for an NPS), and the primary “productive” sector, while generally opposed to an NPS, has some significant supporters.

Local authorities cover the range but most would seem to accept a limited scope NPS. The major apparent concern is the time and cost that might be implied by an NPS in statutorily undoing the progress made to date through plans and policies on these and related matters. There is a common refrain in the local authority submissions to the effect that the debate between biodiversity/special natural area protection and sustainable management has moved on. (This is seriously disputed by other submissions).

Many pro-biodiversity submissions are strongly supportive of national guidance through the NPS – but supported by the other elements of the package. NGOs are generally critical of the performance of local authorities in this area and point to perceived lack of knowledge and technical expertise coupled with a lack of on-going political support for the issues. It is also noted that the issue of biodiversity is not an urban:rural divide and many urban authorities lack competence in this area. For this reason a strong prescriptive NPS is generally suggested.

Providing a clearer direction on the nature of stewardship is generally supported – but not if it is too prescriptive.

There is widespread agreement that either the regional council or the Department of Conservation should be responsible for the threat analysis – with generally strong support for the former. MAF is also mentioned. Unitary authorities generally note their special role as both a regional and territorial authority and point out that this is particularly felicitous.

Regional councils generally agree that they should have more land use controls; territorial authorities generally disagree. Other submitters distribute themselves around this polarity. Landowners generally support their territorial authority.

There is general agreement that institutional matters and funding are pre-requisites.

It is acknowledged that a transition period will be required for statutory policies. Some submissions suggest a trial period of voluntary measures before commencing the NPS.

NON-STATUTORY GUIDANCE

The document proposes some areas in which non-statutory guidance may be needed.

28. Do you or your organisation think the non-statutory guidance covers the right and/or full range of issues? What would you like to see changed? Do you think guidance on regional and district policies and methods to address threats and opportunities would be useful, and if so what form should they take?

Comment

This is supported. However the weight to be accorded in the package varies. One “side” sees this as the crux of the issue and the other as a support to policy and regulation.

ADDITIONAL ACTIONS

The document proposes additional actions (such as the provision of information, research and incentive schemes) to support local measures.

29. Do you or your organisation think these actions cover the right and/or full range of measures? What would you like to see changed?
30. What information would you find most useful in more effectively managing for biodiversity?
31. What is your view on the relationship between the Forests Act 1949 and the Resource Management Act 1991? Which option (based on the assumptions discussed in Chapter 10) do you favour and why?

Comment

The additional actions are widely supported invariably with the qualification that central government resourcing is adequate for the goal. The public availability of good reliable information, and the correct identification of significant biodiversity are matters generally sought.

Those who responded to Q31 generally supported a review of the legislation, better integration between the respective statutes and/or subsuming the indigenous forestry sections under RMA. The crucial issue of the availability of expertise in sustainable forest management was repeatedly raised.

32. What is your view on the relationship between the Biosecurity Act and the Resource Management Act? Do you think this relationship needs to be clarified by legislative amendment?

Comment

There was general agreement that the relationship needs to work better.

Many submissions suggested that, as pest management is so critical to the biodiversity goal(s), pest management strategies/ plans should be mandatory, and that the protection of biodiversity should be a criterion.

TOWARDS IMPLEMENTATION

33. Do you consider there are other matters that could make a significant difference in halting the decline in New Zealand's biodiversity?

Comment

Central government funding was repeatedly stressed in this regard.

Many submitters see clarifying the nature of property rights with respect to biodiversity as being of prime importance. From the passionate way in which many submissions are written it is clear that this remains a significant psychological barrier.

Clarifying the options for statutory compensation is also seen to be highly desirable.

A proposal is advanced to consider the development of a protected landscapes structure (cf UK model) for private and public lands as a protection category “bridge” between reserved public land and unencumbered private land.

OTHER MATTERS

34. Are there any other legislative barriers to sustaining New Zealand's biodiversity?
If so, what changes do you think need to be made?

Comment

A number of submissions raise issues of aquatic and marine biodiversity – even though the brief was essentially limited to private land – noting that biodiversity does not segment the environment. Legislative overlaps therefore need to be addressed. By implication it can be inferred that the NPS should cover more than just terrestrial biodiversity.

APPENDIX 1: LIST OF SUBMITTERS

Submission	Name	Organisation
1	Tony Quickfall	Kaikoura District Council
2	Roy McCormick	Nelson Group 8 Horticulture Ltd
3	John Howard	Heartland New Zealand
4	John Howard	
5	SFY Hamilton	Queen Elizabeth II National Trust
6	Molly Anderson	Individual
7	Stuart Shaw	Individual
8	Noeline Gannaway	Individual
9	Dan McGuire	Individual
10	R.D. Hyndman	Individual
11	Faith J Read	Individual
12	Raewyn Solomon	Te Runanga O Kaikoura
13	Mairi Jay	Individual
14	Frank Waldens	RAFA
15	E. Odinot	The Eastern Bays Little Blue Penguin Foundation (Inc)
16	Noeline Gannaway	Individual
17	Mike Morrison	Federated Farmers Hauraki
18	A E Turner	Waikato District Council
19	Jim Moffat	Individual
20	PT Barry	Individual
21	RN Simmons	Individual
22	David Webster	QEII National Trust (Regional Rep)
23	Paul Elwell-Sutton	Individual
24	Mr WG Potter	Individual
25	Lorraine F Barnes	Individual
26	Jo-Anne Vaughan	Individual
27	VE Harper	Individual
28	DTS Riddiford	Individual (interim submission)
29	L West	Individual
30	M Riegstra	Individual
31	John M Burkett	Individual
32	Margaret Jeune	Individual
33	Terisha Luxford	Individual
34	Matthew Wilkins	Individual
35	D and St T Wakefield	Individual
36	Mrs WN Payne	Individual
37	Gisborne District Council	Gisborne District Council
38	Clive Anstey	New Zealand Institute of Landscape Architects
39	Andre de Haan	Individual
40	JR Purey-Cust	Individual
41	Derek Keene	Conservation Board
42	Mona E Randall	Individual
43	Bruce Halligan	Southland District Council
44	DJ Panckhurst	Individual
45	Marjori Orr Mackintosh	Individual
46	Gordon Griffin	Individual
47	Michael Winch	Individual
48	Brian Croad	Tauranga District Council
49	Malcolm H Piper	Individual/QEII National Trust
50	Norma Bush	Individual

51	Frits Visser	Individual
52	Helen Clarke	QEII Regional Rep
53	Lewis Metcalfe	Individual
54	Sarah Coady	Ruapehu District Council
55	Robb Macbeth	Individual
56	Brian Simms	Far North Branch NZ Farm Forestry Association
57	DA Young	Individual
58	Murray Hawkes	Individual
59	John Stanley	Individual
60	Veronica Friedlander	Individual
61	Stephen Knight	Individual
62	BG Chamberlain	Taranaki Regional Council
63	GJ Batten	Individual
64	Jolyon Manning	Individual
65	Guy and Davida Mead	Individual
66	Peter Frawley	New Zealand Planning Institute
67	Marie Taylor	QEII Regional Representative
68	Robyn McGregor	Individual
69	Ewan McGregor	Individual
70	VJ Mackereth	Hauraki Coromandel Federated Farmers
71	Anne McLeod	Kaipara District Council
72	Cr Gwen Bull	Auckland Regional Council
73	Pam Richardson	North Canterbury & Banks Peninsula Federated Farmers
74	Gordon Stephenson	National Wetland Trust of New Zealand
75	Done Coles	Property Right in New Zealand Incorporated
76	Alan Totty	Foothills Landcare Group
77	Robert McGregor	Individual
78	Howard Dixon	Landcare Group
79	Philip Lissaman	Individual
80	The Hon Sir Rodney Gallen	Individual
81	A Stewart Gray	Individual
82	Peter Hair	NZ Farm Forestry Association
83	Lois Riddell	Individual
84	Iris Scott	Individual
85	Ki Morgan	Forest and Bird
86	Ken Catt	Forest and Bird
87	Murray and Rita Dymock	Individual
88	Kelvin Dymock	Individual
89	Richard E Cox	Individual
90	Peter and Nichola(s) Rodgers	Individual
91	Neil Phillips	Individual/QEII National Trust
92	John D Talbot	Environment Canterbury
93	LA Norton	Individual
94	Scott Stocker	Individual
95	Barry Keating	Industry
96	IB Brickell	Individual
97	Delamere Woods	Individual
98	Hibiscus Coast Branch	Royal Forest and Bird Society
99	Royal Forest and Bird Protection	Royal Forest and Bird Society
100	Marlborough Branch	Royal Forest and Bird Society
101	Rosalind Wilton	Franklin District Council
102	Lionel West	Property Rights in New Zealand
103	Murray Gavin	Royal Forest and Bird Society
104	WD Ross	NZ Landcare Trust
105	Mike North	Individual

106	Brent Cowie	Horizons.mw (formerly Manawatu-Wanganui Regional Council)
107	PJ Ealam	Individual
108	JL Ealam	Individual
109	Ian Barton	Individual
110	Dr Michael Taylor	NZ Native Forests Restoration Trust
111	Bronwen Ropiha	Bay of Plenty Conservation Board
112	Gillian M Pollock	Individual
113	Suzanne A Willmott	Individual
114	Alan & Louise Knewstuff	Individual
115	Linda Conning	Individual
116	Henk Stengs	Joint submission: West Coast District and Regional Councils
117	Dawn Mills	Women's group
118	RL Kerr	New Zealand Business Roundtable
119	Gordon Stephenson	Advisory Committee for Regional Environment
120	Sue Thomson	Buller District Council
121	Stan Winter	Southern Chemical Consultants Ltd
122	Tim Porteous	Wellington Regional Council
123	Jeff Jones	Environment Bay of Plenty
124	Murray Parrish	Carter Holt Harvey
125	AMD Rennes	Environment Waikato
126	Manfred von Tippelskirch	Individual
127	Aubrey Temara	Conservation Board
128	Sue Twigg	Hawkes Bay Regional Council
129	Marjorie Miller	Individual
130	Arthur Borrell	Individual
131	Alan Mark	Conservation Board
132	EA Millar	Individual
133	Gaye Payze	District Council
134	Patrick Willock	Individual
135	Richard Turner	Industry
136	AJ Dunn	Individual
137	Neil Cullen	Individual
138	Brian Rance	Individual
139	Martin Workman	Tasman District Council
140	Franklin District Council	Franklin District Council
141	Russell and Parani Gibbs	Individual
142	Greg Blunden	Landcare Trust/Aroha Island Ecological Centre/Kiwi foundation/individual
143	DR Hall	Otorohanga District Council
144	Allan Baldock	Individual
145	Gerry Brackenbury	Form (Ecologic Foundation)
146	Louise Savage	Individual
147	Rainer Huebner	Form (EF)
148	Susan Forbes	Iwi
149	Mona Candy	Individual/Form (EF)
150	Piers Maclaren	Individual
151	Malcolm Todd	Individual/Form (EF)
152	Ernest New	Form (EF)
153	Ben Van Dyke	Form (EF)
154	Clive Lamdin	Form (EF)
155	Bruce Philpott	Individual/Form (EF)
156	Nicola Legat and Bruce Middleton	Form (EF)
157	Bruce Treeby	Individual
158	Hans van der Voorn	Industry/Form (EF)

159	Sam McClatchie	Individual/Form (EF)
160	Heather Bull	Individual/Form (EF)
161	Gay Munro	Individual/QEII
162	Kelvin Walls	Form (EF)
163	Fred Overmars	Individual/ Form (EF)
164	Peter Mawson	Form (EF)
165	David Chilvers	Form (EF)
166	Taffy Pedersen Grant	Individual/Form (EF)
167	Laurel Stowell	Individual
168	Richard Bowman	Environment Southland
169	Brian Currie	Individual/Form (EF)
170	Nick Miller	Form (EF)
171	Andrew Fenemor	Individual
172	John Alexander	Form (EF)
173	RS Emmerson & Trust	Individual
174	High Country TrusteesC/- J Emmerson	High Country Trustees
175	Paul Butler	Individual/Form (EF)
176	Bryan Pulham	Form (EF)
177	Andrew Earlam	Form (EF)
178	Kris Ericksen	Form (EF)
179	Liz Hicks	National Council of Women
180	Rod Stace	Forest and Bird
181	Katherine Stoney	Individual/Form (EF)
182	Oliver Hoffmann	Individual
183	Beatrice A Tennyson	Individual/Form (EF)
184	Mike Vine	Rotorua District Council
185	SW Minty	Individual
186	Tim Cossar	Queen Elizabeth II National Trust
187	Geoffrey Thomson	Individual
188	Duncan Harvest	Form (EF)
189	Rachel Jane Keedwell	Form (EF)
190	David Kershaw	Form (EF)
191	John Tweedie	Individual/Form (EF)
192	David Hill	Auckland Conservation Board
193	Juliet Hickford	Palmerston North City Council
194	Rob Fenwick	Form (EF)
195	WA Simpkin	Individual
196	Katerina Seligman	Individual/Form (EF)
197	Susan Newell	Form (EF)
198	N Selvarajah	Individual/Form (EF)
199	Lauri Burdett	Individual
200	Annette Beasley	Form (EF)
201	Yvonne Sharp	Far North District Council
202	Danny Wrigley	Individual/Form (EF)
203	Paul Sheldon	Nelson City Council
204	Trecia Smith	Individual/Form (EF)
205	MA Longuet-Higgins	Individual
206	New Zealand Forest Owners' Association Inc	Forestry industry
207	Grant Vincent	Individual
208	Valeri Campbell	Individual
209	Jenny Parker	Northland Regional Council
210	Neil Deans	Fish and Game
211	Nick Hamilton	Form (EF)
212	Colin W Bull	Federated Farmers
213	Andrea Marshall –	Genesis Power

	Environmental Strategy Manager	
214	John Buckeridge	Form (EF)
215	Riet Jansen	Rural Women New Zealand
216	Valma and Murray Bycroft	Individual/Form (EF)
217	Rosemary Bold	Form (EF)
218	Barry Barton	Individual
219	Bruce Gilkinson	Form (EF)
220	Alistair Ensor	Federated Farmers
221	Tony Avery	Otago Regional Council
222	Alan Happy	Industry
223	WD Smellie	Individual
224	Peter Winefield	Rodney District Council
225	JW Hughes	Farm Forestry Association
226	Sue Wright	Forest and Bird
227	Jamie McFadden	Individual
228	Diana Annandale	Farm Forestry Association
229	Hugh Fraser	Individual
230	Cynthia Roberts and Roz Heinz Bushwise Women	Form (EF)
231	John Clayton	West Coast Regional Council
232	June Rowland	Kapiti Environmental Action Inc
233	Gary Taylor	Environmental Defences Society Inc
234	Wayne McCallum	Fish and Game
235	Douglas B Gordon	Industry (NZ Minerals Industry Association)
236	J Espie	Individual
237	Graeme McArthur	Individual
238	Midge Minot	Individual/Form (EF)
239	Chris Perley	New Zealand Institute of Forestry
240	Bette Cuthbert	NZ Federation of University Women
241	Wayne Hennessy	Form (EF)
242	Katja Buerckstuemmer	Individual
243	Ross Russell	Individual
244	Melanie Scott	Individual/Form (EF)
245	Erin Salmon	Form (EF)
246	Leonie Rousselot	Form (EF)
247	Damien Roddis	Form (EF)
248	Zelka Grammer	Individual
249	ANW Ryder	Form (EF)
250	Lawre Taylor	Individual/Form (EF)
251	Richard Burdon & Sarah Hawker	Individual
252	Peter and Queenie Balance	Individual/Form (EF)
253	Judy Mills	Individual
254	Paul Schimmel	Individual
255	Sandra Dymock	Individual
256	Tim Vallings	Individual
257	Mark Davis	Individual
258	Helen Atkins	Resource Management Law Association
259	Beverley and Max Blanche	Individual
260	Andrew Dennis	Forest and Bird
261	David Given	Individual
262	Basil Graeme	Individual
263	Phillip Crossland	Rayonier NZ Ltd
264	Peter Anderson	Individual
265	Ray Cleland	Individual
266	Peter Miller	Individual

267	Rick Barber	Individual
268	Murray Parrish	Carter Holt Harvey
269	Ciaran Keogh	Clutha District Council
270	John & Ginny Foster	Individual
271	VG Waldron	Individual
272	Joe Taylor	Individual
273	Heather Fleming	Individual
274	JG Dryden	Christchurch City Council
275	Tim Thorpe	Timberlands West Coast
276	Richard Simpson	Westland District Council
277	Roger May	Individual
278	Merial Watts	Soil and Health Association of NZ Inc
279	Kathy Perreau	Joint submission by 7 District Councils
280	Claire Gregory	Wellington City Council
281	Peter Wardle	Individual
282	Gweny Davis	Individual/Form (EF)
283	PJ Karam	Individual
284	Elizabeth Lee	Individual
285	Ron Kratz	New Plymouth District Council
286	Richard Drake	Individual
287	Stephen Woodhead	Clutha Agricultural Development Board Inc
288	Philip Wrigley	Form (EF)
289	Syd Brown	Dunedin City Council
290	Andrea Julian	Auckland City Council
291	Jenny Winter	Save the Otago Peninsula
292	Peter Nagels	Individual
293	Pippa Player	Local Government New Zealand
294	Mark Bellingham	Individual
295	Vicky Forgie	Individual
296	Chris Peterson	Individual
297	Len Gillman	Auckland University of Technology
298	Hon Rob Storey	Individual
299	Mike Halliday	NZ Farm Forestry Association
300	Michael Jebson	Ministry of Agriculture and Forestry
301	Members of the Rodney community	Individual
302	Moira Parker	Individual
303	Craig Batchelar	Tauranga District Council
304	Peter J Beaver	Form (EF)
305	David le Marquand	Bluegreens
306	OW Horton	Individual
307	Jocelyn and Paul Bieleski	Anti Economist League
308	Thora Blithe	Form (EF)
309	Adele Smail	Individual
310	Beverley Turner	Individual
311	Lorna Patricia Fraser	Ecologic Foundation (Waikato Branch)
312	DW Smith	Individual
313	Catherine Petrey	Federated Farmers of New Zealand Inc
314	WB Johnson	Fish & Game New Zealand
315	Nan Pullman	QEII National Trust Regional Rep
316	Carol Patricia Shand	Form (EF)
317	Martin Kennedy	Grey District Council
318	Jeanette McLennan	Individual
319	Melissa K Whiting	Individual
320	Sue Murray	Yellow-Eyed Penguin Trust
321	Barry Rumble	Individual
322	Brian Swale	Individual

323	Roger Haisman	Federated Farmers
324	A Blackadder	Individual
325	Royal Forest and Bird Protection Society of NZ	Forest and Bird
326	Sue Thomson	Conservation Board
327	Eric Pyle	World Wide Fund for Nature
328	Gregory Maitland	Individual
329	Grant Vincent	Individual
330	Sifa Taumoepeau	Tourism Industry Association NZ
331	JE Fahey	Individual
332	Sandra Goodwin	Conservation Board
333	Jim Sinner	Individual/Form
334	Lindsey Britton	Manukau City Council
335	Duncan McMullin	NZ Conservation Authority
336	FEE Williams	Individual
337	Barry Weeber	Forest and Bird (National)
338	Peter Silcock	Vegfed
339	Professor Haikai Tane	Watershed Systems
340	Michael Sleigh	Meridian Energy Ltd
341	Dougal and Di McIntosh	Individual
342	Loyd, and Joan Kenyon	Individual
343	The Secretary	Forest and Bird Protection Society
344	Tony Orman and Hugh Barr	Council of Outdoor Recreation Associations
345	G.F.Arthur	Individual
346	Gavin Rodley	Conservation Board