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National Policy Statement for Indigenous Biodiversity

Local Government New Zealand's DRAFT submission on the draft NPS

March 2020

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by Dave Cull, President, LGNZ.

Key Points

- The Sector absolutely supports the Government's focus on biodiversity, and we share its ambition to maintain and restore indigenous biodiversity.
- The Sector strongly believes the NPSIB must sit within a broader strategic framework that provides clarity on what we want to achieve: What the action plan should look like? Who will provide the necessary leadership? How will we know we are succeeding? What systems and structures are needed to support success?

  Currently, New Zealand does not have answers to these questions, which presents a significant risk to successful implementation of the proposed NPSIB.
- Complimentary, non-regulatory measures that provide support to enable communities and councils to implement the NPSIB will be required. Without this, perverse outcomes are likely.
- We think that the NPSIB should focus on maintenance of indigenous biodiversity, not restoration. Maintenance in itself will be a significant step forward for biodiversity management. The Sector is very supportive of restoration in general, but we do observe that the focus on restoration initiatives and the funding these attract is currently detracting from the urgent and most critical work we need to do to protect our existing biodiversity.
- While local government is a major player in biodiversity, it is far from uniform in its current approach to biodiversity management. Reliance on the Sector to deliver improved outcomes for biodiversity will be unsuccessful unless there is meaningful government support to address capacity variability.
- Our case studies of existing council efforts on biodiversity (attached to this submission) illustrate the key themes of this submission. These include the following:
  - Many Councils are already investing heavily in multi-party and landscape-wide projects that, while expensive and time consuming, are delivering excellent results. There is a real risk that new and additional mandatory obligations under the NPSIB will require councils to refocus investment away from those 'active management' projects leading to poorer outcomes for biodiversity.

- Prioritisation will be important in recognition that different regions face very different issues and threats.
- Success in biodiversity requires engaging with landowners, enlisting their support and offering them support. A combative approach with landowners or a solely government-led approach will not deliver long-term, durable outcomes for biodiversity. The availability of resources to be able to support landowners is not 'a nice to have' but will be an essential part of a successful implementation of the NPSIB.
- Successful interaction with landowners requires building of trust. That can take some time and should not be rushed. It requires using the right process and the right people/attitude. In some parts of New Zealand, past experiences have resulted in low levels of trust and the effort and time required to rebuild that trust should not be under-estimated. Accordingly, councils need flexibility in the process and timelines they employ.
- Regional biodiversity strategies are a tool already widely used by regional councils. However, they are best community-led initiatives that will take different forms in different regions.

- Based on the sector's experience, we propose that the following key changes be made to the scope and direction of the NPSIB:
  - Councils not be required to identify SNAs on Crown land but that that task rest with Government.
  - Removal of restoration policies ensuring the maintenance of existing vegetation and habitat is the clear priority for councils.
  - Removal of councils' mandatory role in highly mobile fauna.
  - That template regional biodiversity strategies not be a mandatory requirement of the NPSIB but be a flexible mechanism encouraged under the New Zealand Biodiversity Strategy.
  - That the rigid five-year timeframe for identification of assessment and classification of SNAs should be removed in favour of a more flexible approach that reflects that particular challenges facing individual councils.
- We request that Government develops a comprehensive implementation plan to map out how the draft NPSIB will be implemented and how implementation support will be applied.
- In addition to the NPSIB, we propose that Government adopt a greater role as a funding partner in active biodiversity proactive management projects outside of public conservation lands.

Introduction

New Zealand's indigenous biodiversity is in decline.[1] The response by the wider biodiversity system to date has been inadequate. This challenge needs a strategic and coordinated response. The Sector absolutely supports the Government's focus on biodiversity, and we share its ambition to maintain and restore indigenous biodiversity.

Collectively, more must be done to arrest this decline. We need systematic change to the way our ecosystems and habitats are valued. This is a wicked problem that cannot be addressed or remedied by a single intervention. It requires a systematic and coordinated effort across all players.

Local government is one of the biggest investors in biodiversity management in New Zealand. Many councils are already doing good work for indigenous biodiversity – much of it in collaboration with other players, including mana whenua, central government, landowners and communities.

Delivering better outcomes for biodiversity is a complex challenge. Success is dependent on much more than just modified, or more intensive, management under the Resource Management Act (RMA). Similarly, RMA interventions do not occur in isolation but are part of a broader local government management framework that has both policy and operational dimensions. Hence, rather than commenting on the detailed wording of draft National Policy Statement on Indigenous Biodiversity (NPSIB) policies, this Local Government sector (the Sector) submission takes a strategic look at what is proposed and what we see as the likely consequences for local government and biodiversity outcomes.

In this context, the Sector acknowledges the need for a NPSIB. It will provide much needed clarification of councils' roles to 'maintain' biodiversity as prescribed by the RMA. We want to support the Government to deliver a workable NPS that, alongside a suite of other interventions, delivers better outcomes for our indigenous biodiversity.

The Sector appreciates the ongoing opportunity to provide input into and comment on the draft NPSIB. This submission is supported by a set of ten case studies that illustrate key points made in the submission.[2] These are provided in the attached document and referenced throughout the submission.

[1] Ministry for the Environment & Stats NZ (2019). New Zealand's Environmental Reporting Series: Environment Aotearoa 2019. Available from www.mfe.govt.nz and www.stats.govt.nz.

[2] Note that these case studies are separate from MfE-initiated 'NPSIB council road testing'

The Scale of the Challenge

The biodiversity of Aotearoa New Zealand is unique and irreplaceable. It has intrinsic value but is essential to our culture, identity, and well-being. However, introduced species and diseases, human activities, and changes to habitats from climate, landscape changes, and pollution are threatening our native species and ecosystems.

Since humans set foot in New Zealand, anthropogenic settlement has gone hand in hand with landscape change, the legacy of which challenges the long-term viability of ecosystems today. Some habitats and ecosystems may already be beyond tipping points and recovery will require significant positive interventions. However, many threats are on-going and evolving, with continued losses being experienced across ecosystem and habitat types. Worryingly, habitat types that are already the most depleted, having suffered the greatest historic clearance, and/or are naturally rare or uncommon, are particularly vulnerable to loss.

The LGNZ thinkpiece on the future of biodiversity management in New Zealand[3] broadly characterised the main threats to biodiversity as:

1. Threats not directly anthropogenic in nature (ie predation, grazing competition and disease associated with plant and animal pests – both from new species coming into the country, through border incursions or deliberate introduction, and from increases in the distribution and/or density of pests that are already here.)

2. Anthropogenic threats (ie habitat destruction, eg land clearance, drainage of wetlands; habitat deterioration, eg fragmentation and deterioration of remnant habitats; hunting and/or unsustainable use; and grazing of domesticated/farmed animals.)

While there is agreement that animal pests and weeds are by far the greatest threat to biodiversity in general, the relative significance of ongoing threats to biodiversity varies by region, environment type and over time. In areas that have experienced significant urban and coastal development pressure, such as Auckland, land development is likely to still be the greatest threat to local biodiversity values. Intensification of primary production systems, enabled by the land tenure/ pastoral release reform and increased access to irrigation, presents a major threat in areas, such as the Mackenzie Basin in Canterbury.

Context

The RMA gives councils a role to 'maintain' biodiversity. This is a broad mandate and something that councils have sought clearer definition of since its inclusion in the RMA in 2003. Considering that the RMA is a single piece of legislation – a single tool in a wider biodiversity system that contains limited powers and functions relative to the broad range of risks faced – this mandate is ambitious. We are conscious that, to see an improvement in our ecosystems, species and habitats, all other parts of the biodiversity system need to be working effectively.

[3] Enfocus, 2017. Addressing New Zealand's Biodiversity Challenge: A Regional Council think piece on the future of biodiversity management in New Zealand. Local Government New Zealand

The latest Convention on Biological Diversity (CBD) report[4] estimates that the 2017/18 spend on biodiversity management by regional and unitary councils is in excess of $1 billion. No estimates are available for territorial authorities, but it would be relatively safe to infer that the combined spend of the entire Sector would match or even exceed that spent by central government, which is estimated at $1.2 billion over the same period. In short, local government is committing considerable resource to the management of indigenous biodiversity.

Councils have done, and continue to do, a lot of good work to protect and restore biodiversity using a variety of regulatory and non-regulatory interventions. Case studies 1 and 2 highlight both landscape and smaller-scale projects that include activities such as pest management, fencing, restoration, and planting that are delivering excellent results in Canterbury, Taranaki and Hawkes Bay regions. But we recognise that this isn't enough, and more must be done to manage the pervasive threats that continue to endanger our ecosystems and habitats.

The LGNZ thinkpiece provided concise commentary on the challenge of managing New Zealand's indigenous biodiversity. It concluded that managing indigenous biodiversity in an effective way was a considerable challenge and recommended five key shifts to address New Zealand's biodiversity management:

1. The need for strong leadership and clarity of roles and responsibilities.
2. The need for agreement on where we should focus our efforts at national, regional and local level (prioritisation).
3. The importance of a strategic plan and delivering joined-up action across all players.
4. The need to understand what success looks like, and how to measure it.
5. The need for modern, fit-for-purpose frameworks, including legislation, to help to achieve our goals.

The key shifts remain at the heart of what the Sector believes are next steps if we really want to solve the crisis. This submission should be read with this in mind.

It is also important to note that there is variation between councils in terms of the extent to which they will need to alter their programmes and level of commitment as a result of the proposed NPSIB. Every council is different and faces its own challenges – in some cases quite unique challenges. Auckland Council in particular, being a unitary authority with very significant financial resources, the regulatory powers of both a regional and district council, a relatively modest land mass to manage, but with very substantial parks and reserves of its own, plays a different role in biodiversity management than any other region. For these reasons Auckland Council is generally supportive of most of the policies proposed in the draft NPSIB as it largely encapsulates what they already do. However, there is wide variation across the sector in terms of the nature of existing biodiversity work programmes and councils' readiness to respond to the draft NPSIB will vary.

[4] Department of Conservation 2019: New Zealand's Sixth National Report to the United Nations Convention on Biological Diversity. Reporting period: 2014–2018. Department of Conservation, Wellington, New Zealand. Page 123.

Some Fundamental System Challenges

Managing indigenous biodiversity in a strategic and joined-up way is the real challenge. There is no single organisation or agency with sole responsibility for managing indigenous biodiversity. Rather, this responsibility is split across many players who are given a mandatory role by one of many pieces of overlapping and poorly aligned legislation. Alongside this, there are also many non-mandated players who have an interest in the state of indigenous biodiversity and have voluntarily taken on a role to address the things that they care about. The absolute first priority to address the biodiversity crisis is to get the management system right. We are hoping that the revised New Zealand Biodiversity Strategy (NZBS) will provide strong strategic direction, system governance and accountabilities and clear roles and responsibilities across the system. Without this, we are likely to continue much as before.

One of the key obstacles for councils in biodiversity management is the lack of strong economic drivers for landowners to look after the biodiversity on their land. Coupled with few economic drivers, many perceive that the presence of biodiversity protection on their land will lead to penalisation and opportunity loss. Landowners are actual and potential stewards of New Zealand's biodiversity and there is a need for stronger economic drivers to support them to protect and maintain that biodiversity. Coercive powers have their place but if we are to rely on coercion as the sole driver to influence landowner behaviour, we predict little change in biodiversity outcomes.

There is no silver-bullet response to the loss of indigenous biodiversity to fix the problem. The Sector has long been an advocate of multiple responses: actions in the right place at the right time by the right player. We would like to see a package of interventions both policy – regulatory and non-regulatory to respond to the biodiversity challenge. While the NPSIB promotes the use of multiple tools, such as mapping, effects management and restoration, it is only a single tool affecting one part of the system and cannot address the challenge alone. An NPS will not galvanise community support, control pests or increase the scale and intensity of active management, and it is these very things that must be increased and accelerated across New Zealand if we are to be successful in maintaining biodiversity.

As part of the drafting of the NPSIB, the Biodiversity Collaborative Group (BCG) discussed and reported on complimentary and supporting measures that it considered essential in delivering better outcomes for indigenous biodiversity.[5] Its report "sets out the actions and resources that the Biodiversity Collaborative Group (BCG) consider are needed both to make sure the NPSIB is implemented well, and perhaps more importantly, to encourage the step change in how people care for and protect indigenous biodiversity." It was clear to the BCG that a range of interventions are necessary to achieve better outcomes and, while these do not fit within the NPSIB, are critical to sit alongside it. This has been a consistent theme by all that have looked at this issue going back to the first Ministerial Advisory Group report ("Bio-what?")[6] in 2000.

[5] Biodiversity (Land and Freshwater) Stakeholder Trust, October 2018. Report of the Biodiversity Collaborative Group Part 3: The Biodiversity Collaborative Group's Complementary and Supporting Measures for Indigenous Biodiversity. Available at http://www.biodiversitynz.org/

[6] Ministry for the Environment, 2000. *Bio-what? : Preliminary report of the ministerial advisory committee : addressing the effects of private land management on indigenous biodiversity*. Ministry for the Environment.

Non-regulatory support for landowners and communities, such as partnership, proactive projects, funding, positive acknowledgement, community support and facilitation, are proven to be effective when used in active management. This is the type of work that needs to be upscaled to drive good biodiversity outcomes alongside the NPSIB. Resources for this work need to be increased to ultimately enable landowners and communities to protect biodiversity values on their properties. Programmes and partnerships such as QEII Trust, Ngā Whenua Rāhui, councils' biodiversity funds and Predator Free 2050 Ltd are typically oversubscribed showing us that the will is there, but the means are not. Central Government could play a much greater role in this space by providing the biodiversity system with what it clearly needs: additional funding and resources to upscale efforts and halt the decline.

Alongside this, there is a plethora of national direction coming from Central Government, which is intended to be implemented in the next five years, including freshwater, urban development, highly productive land and air quality. This will come at considerable cost to our communities and we are conscious that, without prioritisation, it will be challenging to achieve everything in this time. The Government must prioritise what needs to be done first and support all aspects of implementation. Additionally, the NPSIB must work alongside wider government policy – we support an all-of-government approach.

It is very important that there is coherency between national direction and instruments, and they do not confuse, distract or provide contrary direction for councils and landowners. Of note is the decision to limit the draft NPSIB to terrestrial biodiversity and spreading requirements for freshwater and coastal biodiversity across the National Policy Statement for Freshwater Management (NPSFM) and the New Zealand Coastal Policy Statement. Central government must ensure that these tools are developed, and can be implemented, in an integrated way.

People and Partnerships: A Critical Ingredient for Biodiversity Management

The proposed NPSIB places a lot of emphasis on people and partnerships. We agree that this is at the heart of successful indigenous biodiversity management. In our experience, effective biodiversity maintenance is underpinned by working with others, building relationships and supporting landowners to get the job done – this is critical for success.

In order to address the challenge of improving the state of indigenous biodiversity in New Zealand, we will need strong and effective partnerships between all the parties involved. Our experience has shown us that the support and involvement of landowners is critical; they are the people on the ground looking after indigenous biodiversity. We cannot simply rely on regulatory obligations to obtain the involvement of landowners. It is important that landowners are part of the process, to foster a sense of ownership – we are all working together to achieve a common goal.

The protection and maintenance of indigenous biodiversity on private land is a public good and our actions should enable and support landowners to look after it on our behalf. A package of supporting measures and incentives is required to enable and support landowners to do this. Financial support is likely to be important in some circumstances to enable the best outcomes for biodiversity, although not always essential. It will be just as important to provide support through pro-active projects, facilitation, information and advice, as well as positive acknowledgement of good work.

The National Wilding Conifer Programme has successfully demonstrated the value of working collaboratively and inclusively. There is a clear national strategy that provides the 'game plan' using a range of methods to achieve the vision, there is funding and capacity across all players to deliver and there is collective governance that includes all the right players necessary to ensure success. It has achieved results that would have not been possible without the active support of landowners and other organisations. We encourage Government to build and maintain a strong dialogue with landowners, not just industry associations. Landowners are a part of the solution and should not be perceived as a barrier.

The Sector absolutely supports a more explicit role for Māori. Iwi and hapū are key partners for councils and involved in many projects that seek biodiversity outcomes, and we support this role being strengthened. It is important that the requirements of the NPSIB do not cut across already-established, good regional and local relationships with iwi and hapū. It is likely that iwi/hapū will need support to be able to deal with the increased requirements that will be placed on them through the draft NPSIB. As proposed,[7] we agree with the Hutia te Rito provision in principle, but further guidance will be needed to provide a sense of how councils make this work in reality.

The Focus of the NPSIB: Getting Our Priorities Right

Turning around biodiversity decline is a wider system issue that cannot be fixed by an NPSIB alone. The NZBS should play a key role in providing a strategic approach: clarifying roles and responsibilities and laying out a clear roadmap of what tools need to be deployed, for what purpose and when. The regional sector has articulated this during consultation on the NZBS and we are concerned that the development of a revised NZBS is happening in parallel to the NPSIB, despite its pivotal role in providing wider strategic direction. This appears to have resulted in a draft NPSIB that is trying to do too much in both maintenance and restoration of indigenous biodiversity.

A key consideration for the Sector is that all councils are at different stages of their biodiversity work programmes. This means that the proposed policies and timeframes in the proposed NPSIB will impact councils in different ways: for some it will be a significant change and for others it may be the next natural progression of their existing programme.

Prioritising what we do

Restoration is an essential part of indigenous biodiversity management and needs to be undertaken in conjunction with maintenance to achieve the wider outcomes we seek. However, while restoration is an important objective, we believe that our priority, and the priority of the NPSIB, should be protection and maintenance of remaining indigenous habitats – this is the core role of councils under the RMA. Efforts should not be made less impactful by trying to achieve everything all at once. Improving maintenance of biodiversity through the NPSIB will be a major step forward and we should focus on achieving that first and foremost.

[7] Draft NPSIB, sections 3.2-3.3

Councils are involved in a wide range of restoration initiatives across New Zealand. There is often a focus on restoration initiatives because communities and funders can more easily see what their efforts are gaining. Avoiding loss is not as visible. However, better protecting existing biodiversity is the most urgent and critical work we need to do.

It is the Sector's view that the proposed NPSIB should prioritise maintenance by setting minimum requirements for how biodiversity should be maintained as delegated by the RMA, ie what councils need to do to protect remaining areas of significant biodiversity. The reference to 'maintenance' should not be used to mandate councils to undertake all tasks necessary to address the biodiversity challenge – this is a wider system issue that councils, and the NPSIB, cannot resolve alone. We should focus on getting this done properly and getting it right.

We propose that restoration policies8 be removed from the draft NPSIB so that the Sector can focus on maintenance of areas of indigenous vegetation and habitats and do that well. Councils that are able to do more or see restoration as a critical part of their biodiversity programme can choose to do more without being directed through the NPSIB. A one-size-fits-all approach is not conducive to successful implementation.

We propose that restoration is strongly encouraged through the revised NZBS, by means of a National Indigenous Biodiversity Restoration Plan, which is implementation-focussed and administered by DOC. This should identify areas that should be prioritised for restoration efforts, focussing on landscape-scale restoration, and be implemented through partnerships with iwi/hapū, councils, private organisations, community groups and landowners.

Prioritising where we do it

The draft NPSIB proposes a one-size-fits-all approach, everywhere at once. The core of this is identification and mapping of Significant Natural Areas (SNAs). While we do not disagree with the use of SNAs, we are concerned about the impact of this in some areas with high proportions of indigenous vegetation and habitat. Case study 3 highlights this situation on the West Coast where indigenous land cover in the region is just under 89 per cent and a high level of protection already exists for most of these ecosystems on public conservation land. This is not to say that protection through an SNA process is not warranted in some cases, but the impact on landowners and councils throughout the region is likely to be significant as many more SNAs are likely to be identified on private land. In cases like this, further testing of the assessment criteria is needed to understand their full implications and further prioritisation may be needed if the cost of implementation outweighs the benefit.

A prioritised approach to implementation would allow councils to focus resources on areas that are most in need of protection. The identification and mapping of SNAs on Crown land is important to provide regional ecological context but is not a priority for councils – this is Government's role and should be undertaken concurrently to work being undertaken on private land by councils.9 We also note that the Government does not pay local government rates for this land, which makes it impossible to fund the implementation of this policy.

[8] Draft NPSIB, sections 3.16-3.17

[9] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Section E.4, pg. 81-84.

Excluding the need for councils to identify SNAs on Crown land would significantly reduce the cost of implementation for regions and districts with high proportions of this land.

Proposed Policies: More Specific Feedback

In addition to comments above, we offer the following feedback on a number of specific policies.

Protecting biodiversity in SNAs

In general, we accept that there is a need to identify and protect SNAs,[10] but in the context of our comments on prioritising this in areas where the need is greatest. We support the principles and approaches of working with landowners and the proposed ecological significance criteria.[11] There is a legacy of both successful and unsuccessful attempts at SNA processes around New Zealand as highlighted in case studies 4, 5 and 6 in the Timaru, Hurunui and New Plymouth districts, respectively. In these cases, the councils have, or have sought to, identify, map and schedule SNAs on private land in support of their district plan reviews. In the cases of Timaru and New Plymouth, while the district plan reviews are yet to be completed, the local communities appear to have generally accepted the process. However, the example from Hurunui shows that, in some cases, local communities do not support this process and, for this council, is likely to present pre-existing barriers to a new process and erode community relationships further. It may take considerably longer for Hurunui District Council to build sufficient trust with landowners in order to undertake an SNA process.

Some councils are concerned that the criteria and thresholds for identifying what is 'significant' could, in some places, potentially include a substantial area of land. When combined with the strict 'avoid' policy and effects hierarchy, this could result in very restrictive control on land use making these areas, in effect, legal covenants. For councils, this can cause significant tension due to the inevitable public concern about the potential impact on economic and social well-being. Where the control is highly restrictive at an individual property scale this could lead to challenge by landowners on the RMA Section 85 requirement to allow for reasonable use. The Section 32 evaluation[12] noted that it was difficult to quantify some impacts of the draft NPSIB (such as opportunity costs) and we request that this is reassessed by Government to get a better understanding of what the impact will be and what support needs to be given, especially to affected landowners.

There are mixed views amongst councils on the workability of tiered (high/medium) SNAs. The draft NPSIB changes the status quo and there is concern that this could create the perception that some SNAs are more valuable than others, which could be further reflected in weaker controls on land use in some cases. We request that this is tested further.

[10] Draft NPSIB, sections 3.8-3.12
[11] Draft NPSIB, Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna
[12] 4Sight Consulting and Market Economics, November 2019, Section 32 evaluation and cost-benefit analysis for the proposed National Policy Statement for Indigenous Biodiversity

Highly mobile fauna

We do not support the requirement for councils to survey for and protect highly mobile fauna.[13] [14] This presents a significant shift in role from DOC, who should be responsible for species conservation, to councils, whose functions and resources are best directed at habitat protection and maintenance. Councils do not have the expertise, information or capacity to undertake the species conservation role. Directing a role in highly mobile fauna represents a significant expansion of councils' functions. If more effort is needed to protect highly mobile fauna, it will more effectively implemented by central government.

Regional biodiversity strategies

We do not support the requirement for mandatory regional strategies.[15] [16] We acknowledge that regional strategies can be an effective tool to achieve cross-organisational direction, alignment and coordination, but the NPSIB is not the right tool to deliver this.

The NPSIB proposal for regional biodiversity strategies places the requirement for a broad, collaborative, non-statutory strategy into a narrow statutory framework. As a matter of principle, the Sector does not agree that NPSs are an appropriate vehicle to assign new and additional functions and duties. If regional councils are to be directed to produce regional biodiversity strategies, that should be represented in legislation and within the broader context of councils' functions (not just the RMA.)

Most regions have already developed regional biodiversity strategies voluntarily. Some have been led by regional councils, others by the community – every region is different and requires a different approach. The example from the Southland Region, discussed in Case Study 7, outlines how the regional biodiversity forum – a forum for agencies, organisations and individuals who have responsibilities or an interest in managing biodiversity in Southland – is driving the development of a regional strategy with the regional council leading the process on its behalf.

The draft NPSIB requires regional councils to take the lead in the process and ultimately be held accountable for achieving (or not) the delivery of a compliant strategy. This could potentially hinder the collaborative process by forcing what is essentially a consensus-based, sometimes community-led, approach into a standardised 'must do' RMA process driven by the regional council. In short, we consider that such strategies could be counter-productive and undo much existing good work and goodwill.

[13] Draft NPSIB, section 3.15
[14] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Section B.3, pg. 38-41.
[15] Draft NPSIB, section 3.18
[16] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Section D.3, pg. 73-76.

Monitoring indigenous biodiversity

The Sector is committed to playing its role in an effective biodiversity monitoring system for New Zealand and supports the need for monitoring to occur.[17] We consider it to be essential to 'tell the story' about both the national state of indigenous biodiversity and the impact of our interventions. As Case Study 8 shows, our experience gained through the development of standardised terrestrial biodiversity indicators for regional councils highlights a risk that development and implementation of monitoring programmes in isolation of each other, and without national leadership, could result in an expensive and fragmented monitoring system, producing data outputs that cannot be reliably used for decision-making.

Monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. As reinforced in the recent Parliamentary Commissioner for the Environment's (PCE) report,[18] there is a clear need for central government leadership and support to design and implement a coherent national system with standardised monitoring and reporting methods. Without specified (mandated) methods, there is a risk that data obtained through the required monitoring prescribed in the draft NPSIB[19] will be incompatible from one area to the next and fail to provide a complete picture across NZ. The development and implementation of a monitoring programme in each region is likely to be extremely expensive for councils so it will be important to get it right. Specificity is extremely important in this case.

We propose that Government undertakes further work on this part of the draft NPSIB with the wider need for an aligned and coordinated monitoring system in mind. Particular indicators and monitoring methods need to be specified in the draft NPSIB to deliver high quality and consistent data. There will need to be clear roles allocated to understand who monitors what and implementation of the monitoring system will need central government funding and support. The Sector would be happy to work in partnership with Government to co-design monitoring specifications and implementation support.

Implementation: Key messages

The effectiveness of the NPSIB will ultimately depend on implementation. The Sector is committed to making it work, but the NPSIB needs to be the right tool for the job, which we consider to be maintenance of indigenous biodiversity. If implementation is not carefully managed and supported, we are likely to see a lot of costly litigation and Environment Court processes, which is contrary to the intended purpose of the NPSIB. We may also see a lack of support by communities for councils to make large funding increases to pay for NPSIB implementation.

We would welcome working in partnership with the Government on various aspects of implementation and assisting in the development of a central government implementation support package.

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[17] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Section E.1, pg. 77-78.
[18] The Parliamentary Commissioner for the Environment (2019) Focusing Aotearoa New Zealand's environmental reporting system
[19] Draft NPSIB, section 3.20

1. NPSIB implementation will be difficult and costly for some councils, especially in the wider context of other national direction that will need to be implemented over the next five years. As Case Study 9 shows, the impact on the Southland District Council and its ratepayers will be considerable, costing over an estimated $10 million to implement the NPSIB over the first five years following gazettal. In the Manawatū – Whanganui region, the regional council and territorial authorities will need to re-establish roles and rebuild their entire biodiversity programmes to be compliant with the draft NPSIB, as discussed in Case Study 10. The financial impact on these councils and their ratepayers is likely to be significant.

   We are particularly concerned about the burden this will place on ratepayers in areas with smaller rating-bases, which also tend to have more areas of indigenous biodiversity to protect. This creates a situation that is untenable for these councils, where sufficient funding cannot be raised in the intended timeframes. This is especially the case in areas like the West Coast that have small rating bases and high proportions of unrateable Crown land. Financial assistance from central government will be essential in these cases alongside some flexibility on timeframes.

   The 2019 report by the New Zealand Productivity Commission (NZPC)[20] regarding local government funding and financing stated that national direction from central government, including National Policy Statements are, "a key cause of funding pressures on local government." It further expands on this, stating that, "local government should have a means to adequately fund its operations, either through recovering its costs from regulated parties; or, where there are national benefits, through a direct funding contribution from central government. Failing to give local government such means results in so-called unfunded mandates." The draft NPSIB seeks to provide national benefits and, therefore, should warrant national funds to help implement it.

   While the Sector acknowledges that system-wide management of indigenous biodiversity needs to improve, some councils simply do not have the funding and resources to be able to deliver the NPSIB alone in the timeframes proposed. If central government can provide strategic implementation support to those councils that need it, the Sector considers implementation to be feasible. Without this, the Sector is concerned that the outcomes we all want for indigenous biodiversity will not be achieved.

   The NZPC report also goes on to address the cumulative impacts and burden from, "the increasing tasks and responsibilities being placed on local government." The cumulative operational impact on councils is immense and puts some councils, particularly smaller councils, in a position where they are likely to be non-compliant with national direction. We request that Government builds a clear understanding and response to this or the outcomes it wants to achieve in many different policy areas will not be realised.

[20] New Zealand Productivity Commission. (2019). Local government funding and financing: Final report. Available from www.productivity.govt.nz

2. Councils will need Government to provide implementation support and guidance for the NPSIB to work. The BCG provided extensive detail on the measures it considered important to support implementation of the NPSIB, some of which we understand are being considered as part of the NZBS review.[21] While we believe that a full package of policy, regulatory and non-regulatory interventions are needed alongside the NPSIB, the Sector considers the immediate measures to enable councils to start implementing the NPSIB are:

    - Clear and comprehensive guidance – including what successful policy implementation looks like, how councils should implement policies and what standards councils must adhere to.
    - Central government funding – as discussed above, central government funding is needed to support implementation of the NPSIB for some councils.
    - Leadership on monitoring and reporting – detail specific monitoring methods in either the NPSIB or guidance and provide national leadership on development of the wider biodiversity monitoring system.
    - Ecological and planning expertise – for all councils to implement the NPSIB at the same time, it is likely that there will be a national skills shortage of ecologists and planners. Some councils report that sourcing these skills are already a challenge. This will need to be addressed at a national level and central government is best placed to respond.

    Iwi/hapū and landowners will also need considerable support in order to respond to the increasing requirements placed on them to engage with councils. Iwi/hapū, in particular, will have a far greater demand on their time and expertise and will, undoubtedly, need resourcing assistance to be able to respond. Central government need to ensure that sufficient budget is made available to provide this support.

    We request that Government develops a comprehensive implementation plan to map out how the draft NPSIB will be implemented and how implementation support will be applied. The implementation plan needs to accurately size each task, determine what resources are required, assess whether those resources exist (and if they don't, how long it will take to put them in place) and identify whose role it is to undertake the task. The Sector would be happy to work with Government in the development of this plan.

    Central government also needs to consider all the other instruments that councils are currently, or will be, dealing with over the next decade. Cumulative implementation impacts will be significant and require further consideration. This is something that could be developed as an integrated support package across both NPSIB and NPSFM.

[21] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity*. Wellington: Ministry for the Environment. Section E.7, pg. 87-88.

3. There is urgency, but timeframes for implementation must be realistic. Timeframes should be set with effective implementation in mind. The Discussion Document asks about implementation timeframes and tests an alternative timeframe for SNA identification and mapping,[22] which may be more appropriate for some councils that have a significant land area or are likely to face challenges to get their community on board. We support a staged and priority-based implementation approach and consider that timeframes should be assessed while developing a comprehensive implementation plan, as discussed above. Timing of implementation should reflect these priorities and consider capacity and capability of councils to implement. The proposed timeframes may be more adequate if the draft NPSIB refocuses on maintenance rather than restoration.

4. Government needs to take a stronger leadership role across the wider biodiversity system in order to drive significant change. The response to the biodiversity crisis is a national challenge, not just a local one. We are hoping that a revised NZBS will provide much needed and bold strategic direction and lay out a plan to address the fundamental challenges noted above, including getting the biodiversity system right.

Conclusion

New Zealand's biodiversity crisis needs a firm response. The Government's focus is positive, and we share its aspirations to help our indigenous biodiversity thrive once again. We firmly believe that it can be done, but our actions must be strategic and coordinated.

The need to do more is clear, but it is important to make sure that the responsibility to respond is strategic and system-wide, not just imposed on councils through a National Policy Statement for Indigenous Biodiversity. The NPSIB is part of the response, but it must not be seen as the sole solution – it won't be. The NPSIB needs to operate within a broader strategic framework, including much a wider policy and operational response across government, the private sector and civil society generally. This can work, but we must work together.

However, we still lack this strategic direction for the wider biodiversity system. The NZBS should play a pivotal role in this by providing a roadmap for system governance and accountability, clear roles and responsibilities, a suite of regulatory and non-regulatory tools, incentives, and a national system for monitoring and reporting. The Government needs to take a leadership role and broaden its impact beyond policy development and regulatory intervention by facilitating and funding more landscape-scale work, changing economic drivers for biodiversity protection and maintenance and providing incentives to enable more biodiversity outcomes. Central Government could play a much greater role in this space by providing the biodiversity system with what it clearly needs: the funding and resources to upscale efforts and halt the decline.

[22] Ministry for the Environment. 2019. *He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity.* Wellington: Ministry for the Environment. Section E.3, pg. 79-81.

The Sector is committed to making the NPSIB work, but we need to be strategic, prioritise and make sure the NPSIB is focussed on the right things. The draft NPSIB is trying to do too much and goes beyond what we believe to be the core role of councils. By scaling back the NPSIB to the maintenance of indigenous biodiversity and providing comprehensive implementation planning and strategic implementation support, the Government can provide a workable solution. Alongside other responses to be (hopefully) set out in the upcoming NZBS, this will enable the Sector to play its role and get the job done well.

Case studies to support LGNZ's Submission on the draft National Policy Statement for Indigenous Biodiversity

Contents

Case study 1: Working with landowners – Canterbury's Wilding Conifer Management Programme

Summary

Effective biodiversity protection is underpinned by building relationships and supporting landowners to get the job done – this is critical for success. Parallels can be drawn with the Wilding Conifer Control Programme, which relies on the active support and participation of landowners to tackle the spread of wilding species. Environment Canterbury have applied a non-regulatory, collaborative approach, bringing landowners into the tent early on, and this has helped them to achieve major progress. We encourage the Government to build and maintain a strong dialogue with landowners, not just industry associations.

Supporting landowners is also essential. The protection and maintenance of indigenous biodiversity on private land is a public-good and our interventions need to enable and assist landowners to look after it on our behalf. The Canterbury Wilding Conifer Management Programme (and later the national programme) has achieved huge success by providing partnership, proactive projects, funding, positive acknowledgement, community support and facilitation. A similar package of interventions, both regulatory and non-regulatory, as part of a wider programme, will be critical to address the biodiversity challenge. Central Government could play a much greater role in this space.

Background

Wilding conifers are a major pest in New Zealand. They threaten ecosystems by competing with native species for water and light, change iconic landscapes, reduce recreational access and enjoyment, and limit productivity of primary industries. Wilding conifers already have affected large areas of the country and are spreading at around 5 per cent annually, which is around 90,000 additional hectares infested each year.

Without decisive action the cost of control could escalate exponentially.[23]

Although management of wilding conifers is possible, it can be complex, with large, long-term control operations, often across land tenures, and involving a wide range of parties who have different drivers or objectives. It's a considerable challenge for New Zealand.

In Canterbury, the issue has been escalating for decades with large tracts of land infested by wilding conifers – easily the worst affected region in New Zealand. In 2015 the non-statutory Canterbury Wilding Conifer Management Strategy was launched with the aim of preventing the ongoing spread of wilding conifers. This non-regulatory approach was built around collaboration, coordination and action. It relied on relationships and partnerships, being in the interest of all parties to succeed, from central and local government to private landowners. Everyone was 'in the tent' and part of making the project a success.

In 2015, central government injected $16 million into national wilding conifer control and launched the New Zealand Wilding Conifer Management Strategy (2015-2030). The strategy was largely based on the Canterbury model – work with people and deliver on-the-ground action. Following this, operations were up-scaled, and the Canterbury group have successfully made landscape-scale changes, eliminating most of the wilding conifer spread from 2 million hectares, which is 43 per cent of the region's land area [Map]. The national programme was so successful, the Government injected a further $21M into the programme for 2019-2021.

Discussion

The success of the Wilding Conifer Control Programme has been due to the commitment of all involved (wilding tree management groups,

[23] Ministry for Primary Industries (2014) The right tree in the right place. New Zealand Wilding Conifer Management Strategy 2015-2030.

landowners, and central and local government), as well as the provision of support to landowners.

You need to take people with you

The programme recognises that a critical factor for success is building strong partnerships between landowners, community groups, industry, researchers, local and central government. At the centre of partnerships is buy-in and ownership; the desire to do it for yourself, not just because you are told that you must. Landowners are the ones doing the work on-the-ground, and they need to be part of the process from the beginning. The Wilding Conifer Control Programme achieve this by ensuring that all the players involved in implementation sit around the governance table. They have a shared vision, and all understand the role they play as well as gaining confidence that others are also fulfilling their roles.

Mackenzie Basin: Before and after wilding conifer control

The value of this approach can be seen in the results of the wilding conifer programme. In the Mackenzie Basin, landowners are actively engaged in wilding conifer control, and this has been absolutely critical to the success of their removal from the area, with 300,000 hectares now cleared.[24] Everyone understands that working together is key – there is little sense in removing wilding conifers on public land if there are still seed sources on private lands. Landowners in MacKenzie value these partnerships and feel proud of what they have achieved together[25]:

> < It's a pretty proud feeling to know the impact we've had. We feel like it's been a success story…. It's a true partnership. We've done our bit and the other agencies have done their bit as well…. It just goes to show when people work together, you can go about making real progress. >
>
> Hamish & Julia Mackenzie – Braemar Station Landowners

> < The real positive thing has been the partnerships. We've got all the organisations working for a common goal and without that, individually, we cannot handle the problem. Collectively it's do-able. >
>
> Andrew Simpson – Balmoral Station Landowner

The landowners provide a public good by controlling the wilding conifers on their land, but also benefit from removing the seed sources as early as possible, before the costs of control escalate rapidly.

You need to support people

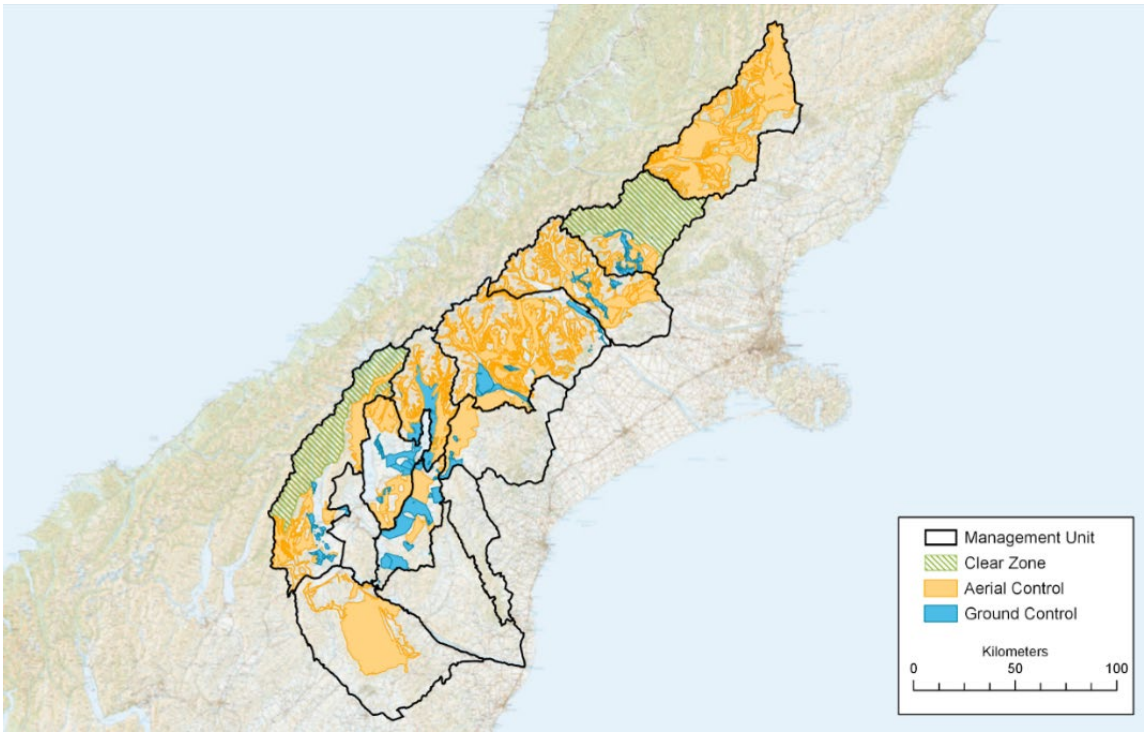
In addition to landowners wanting to help, they also need the appropriate support to do it.

A critical factor in the success of the National Wilding Conifer Control Programme has been the provision of funding up front to help landowners do the necessary work. Landowners in high priority control areas can receive up to 90 per cent funding for controlling wildings on their property. This has made a huge difference in areas such as the Waimakariri Headwaters, where previously the Crown and local stakeholders had been struggling to contain wilding spread from old erosion-control plantings. A funding boost of $2 million from the Wilding Conifer Management Programme in 2016-2018, adding to $800,000 worth of contributions from Environment Canterbury, Department of Conservation, Waimakariri Ecological and Land Restoration Alliance (WELRA) community group and landowners, has allowed them to turn the situation around.[26]

[24] LINZ website: Wilding Conifers Case study - Mackenzie Basin https://linz.maps.arcgis.com/apps/Cascade/index.html?appid=8a1820bfa516432a955ab5145c1952c4

[25] Environment Canterbury video "Managing wilding conifers" (February 2020) https://www.youtube.com/watch?v=40yoEXnp4xQ&feature=youtu.be

[26] LINZ website: Wilding Conifers Case study - Waimakariri Headwaters https://linz.maps.arcgis.com/apps/Cscade/index.html?appid=569faaa4db884fab9ebcbd4753cc0298



Wilding conifer control carried out in the Canterbury region (2016-2018)

Non-financial support is also important, and the Programme provides national coordination, information and good practice guidance to further enable landowners. For example, the Programme is now providing advice on which tree species to plant when replacing conifer shelter belts, to avoid replanting spread-prone species. Research programmes, such as 'Winning against Wildings and Wilding conifer control and beyond,' are undertaking integrated research and monitoring, to provide support in areas such as control regimes and how to minimise the wild spread of commercially important species. A tool has also been developed by Land Information New Zealand, in conjunction with the Department of Conservation and IT Company Eagle Technology ("Wilding Conifer Information System") to allow wilding conifer infestations to be mapped by people on the ground using GPS devices to aid in better planning of control work.

Conclusions

- The National Wilding Conifer Programme demonstrates the value of working collaboratively and inclusively with landowners. They have achieved results that would have not been possible without the active support of all involved.
- The provision of a package of regulatory and non-regulatory interventions has been fundamental in the success of the Wilding Conifer Management Programme in the Canterbury Region. The availability of funding, as well as non-financial support (eg pro-active projects, facilitation, information and advice), has been a key factor in enabling landowners to control wilding conifers over vast areas of land.
- Parallels can be drawn with the protection and maintenance of indigenous biodiversity on private land - landowners will play an important role. It is vital to bring them along with the process and help them to look after indigenous biodiversity on their land, in a way that is mutually beneficial to all.

Case study 2: Indigenous biodiversity management: good work that needs to continue

Summary

Councils are involved in a wide range of initiatives, ranging from small to landscape-scale, working alongside partners to protect, maintain and restore indigenous biodiversity across New Zealand. These include projects like the Towards Predator Free Taranaki project, Hawkes Bay's Cape to City project, Taranaki's Key Native Ecosystem Programme and Canterbury's Wilding Conifer Programme.

These types of projects involve a range of organisations utilising a suite of interventions to achieve real outcomes for indigenous habitats and ecosystems. They are costly and time consuming for councils, but they are well worth the investment.

It is important that the draft NPSIB does not cut across these. Councils have limited resources and, if focus is shifted towards implementing standardised policies in the NPSIB, there is a risk that councils' roles will change.

Background

Hawkes Bay's Cape to City project

The Cape to City project was initiated in 2015 as a collaborative partnership, led by the Hawkes Bay Regional Council (HBRC), including private landowners, the Aotearoa Foundation, Department of Conservation (DOC), Manaaki Whenua - Landcare Research and Cape Sanctuary. The $6 million project costs are shared across all the parties involved.

The project involves predator control and restoration works across 26,000 ha between Havelock North and Waimarama Beach. This area contains around 150 properties, many of which are sheep and beef farms, as well as areas of high value public conservation land and Cape Sanctuary – one of New Zealand's largest privately funded sanctuary areas.

Cape to City aims to develop and implement predator control at landscape scale in a financially and socially sustainable way. The approach must be acceptable to the community and retain its effectiveness for very low cost, which will ultimately make it sustainable. Alongside this, the project relies on landowner participation and integrates working farmland into a broad scale conservation management programme – something that is critical for delivering meaningful and enduring biodiversity gains.

As a result of the success of Cape to City, another project Whakatipu Māhia was initiated in 2018. Whakatipu Māhia is an additional 14,000 ha of ecological restoration, possum eradication and predator control in the Hawkes Bay region being delivered in close partnership with Iwi and the farming community.

Cape to City project area

Landscape scale pest management in the Taranaki region

Towards Predator Free Taranaki is a landscape scale pest management and biodiversity restoration programme, led by Taranaki Regional Council and supported by Predator Free 2050 Ltd. The programme's aim is to eradicate stoats, rats, and possums across the region by 2050.

Taranaki Regional Council describe it as a community project, as it relies on people getting behind the initiative by trapping pests in urban and rural areas on the Taranaki ring plain and coastal terraces. The programme works alongside the Taranaki Mounga project, another joint project, which aims to restore the ecosystems and habitats of the Mounga over 20 years. Both initiatives provide active biodiversity management and have the potential to deliver significant outcomes biodiversity across the entire region by 2050. Only launched 18 months ago, sustained predator control has already been achieved over approximately 750 properties, covering 14,000 hectares between Taranaki Mounga and New Plymouth.

Key native ecosystems in the Taranaki Region

Taranaki Regional Council has been running the Key Native Ecosystem (KNE) programme since 2006, providing free site assessments, advice and support to Taranaki landowners interested in managing natural areas on their properties. Eligible KNE sites are those identified as being regionally significant, either because they are representative of the original indigenous vegetation (which is now much depleted), are home to threatened or regionally distinctive flora and fauna, or because they connect or buffer other sites of value.

Through this non-regulatory programme, TRC staff work with landowners to prepare and implement biodiversity plans. The plan presents landowners with a clear idea of what is required to sustainably manage the site for biodiversity purposes. The Council are prepared to provide a range of ongoing support to willing landowners, which may include facilitation of the covenanting process, the initial control of invasive weeds and set up of pest animal control devices, financial assistance with fencing and revegetation planting, monitoring to identify new indigenous species and determine the effectiveness of management actions and improvements over time, and provision of ongoing advice and information on ecological restoration and invasive weed and animal control.

As of July 2018, 265 remnant native habitats had been identified within the KNE programme. Around 20 new biodiversity plans are prepared each year, in line with available funding support, and to date 117 of the KNEs in the region are covered by a biodiversity plan with management recommendations.

Discussion

The NPSIB must not cut across existing good work

These projects, and many others like them, draw on the expertise, resources and budgets of councils to participate meaningfully with partners. These are the projects that are likely to be the most effective at maintaining indigenous biodiversity in the long-term – undertaking actions on the ground, working with land occupiers to restore degraded ecosystems and building relationships in communities to make sure the work endures. Active protection works.

The NPSIB is trying to achieve the same outcome – to improve outcomes for indigenous biodiversity – but it may have the unintended consequence of diverting councils' focus and resourcing away from active protection and onto NPSIB implementation, which relies on rules and planning. The draft NPSIB should be facilitating the growth of projects like these, not constraining them. Councils are resource-limited and, as a sector, already spend a considerable sum on indigenous biodiversity management. Placing more requirements on top of the work that is already being done will force a reprioritisation of effort and may cut across projects and partnerships already providing invaluable biodiversity gains.

Conclusions

- There are an increasing number of biodiversity projects being undertaken by councils and partners that promote active management to achieve good biodiversity outcomes.
- Working with others is effective. The draft NPSIB must not cut across this and put pressure on councils to divert resources away from good work that's already happening.
- These projects are building in number and impact across the regions and the role of the NPSIB should be to facilitate that growth and not constrain it.

Case study 3: Prioritising the right actions in the right places

Summary

The NPSIB proposes a one-size-fits-all approach to protect, maintain and restore indigenous biodiversity across New Zealand. This assigns the same level of priority to all cities, districts and regions, placing the requirement to act in biodiversity-depleted, highly threatened environments on a par with biodiversity-rich environments, using the same interventions. Some areas, such as the West Coast which has 84 per cent of its land area administered by the Department of Conservation (DOC), already have high levels of indigenous vegetation and habitat across large areas of land. The management interventions required for this region will be different from elsewhere where indigenous vegetation cover is severely depleted. A priority-based, staged implementation that first focusses on where protection is needed most, would yield far better results and is a more efficient and effective approach to biodiversity protection.

It is also important to recognise that implementation is going to be expensive. This will particularly be an issue in regions and districts such as the West Coast, which have large areas of indigenous biodiversity but a small rating base to cover the costs. Councils will need financial support and assistance from central government; and a prioritised approach will additionally help to manage these costs over time.

Background

The West Coast region is the fifth largest region in New Zealand (2,327,600 ha). It has a very high level of remaining indigenous biodiversity compared to other regions: figures for 2012 showed the total percentage of indigenous land cover in the region to be 88.98 per cent.[27] One quarter of New Zealand's protected land is in the West Coast region, and the vast majority of land area (84.2 per cent) is on the public estate and managed by DOC (1,955,184 ha). Five of New Zealand's 14 national parks are wholly, or partly, located within DOCs West Coast conservancy. All DOC land south of the Whataroa River is in the Te Wāhipounamu South-West New Zealand World Heritage Area, identified as having international significance. Twelve wetlands and wetland complexes meet the criteria for international importance under Article 2 of the Ramsar Convention; most are managed by DOC.[28]

For the majority of indigenous land cover types in the West Coast, there has been either no reduction, or only a very small percentage reduction, in land cover area between 1996 and 2012. In general, habitat here is neither limited or in serious decline. There are a number of threatened or endangered species present throughout the West Coast region, including Okarito brown kiwi, Haast tokoeka, South Island kaka, whio/blue duck, Fiordland crested penguin, scarlet mistletoe and Powelliphanta land snails. White heron are the fourth most endangered bird species in New Zealand, and the only New Zealand breeding colony is at Whataroa on the West Coast.

Discussion

A prioritised implementation would allow focus on where needs protection most

Implementation of the draft NPSIB is going to be challenging and expensive for councils and landowners. In reality, local authorities must manage indigenous biodiversity alongside allowing for economic prosperity within their districts and regions, which is a considerable challenge in some areas. When combined with the strict 'avoid' policy and effects hierarchy, this could result in very restrictive control on land use in areas like the West Coast and may result in challenges from landowners under s85 of the RMA. Where a district or region has large areas with high levels of indigenous biodiversity, the benefit of further protection must be weighed against the cost. This has been undertaken at a national level, but not a regional or local one.

[27] Figure from the Land Cover Database via LAWA (Land, Air, Water Aotearoa): https://www.lawa.org.nz/explore-data/land-cover/

[28] West Coast Te Tai o Poutini Conservation Management Strategy, Volume I, Chapter 2 Context, 2.2 Overview of Conservation Values, Pgs. 18-21.

A prioritised approach to implementation would allow councils to focus resources on areas that are most in need of protection. In the West Coast, which contains an abundance of indigenous biodiversity, other activities, such as increasing the level of pest control, may offer a better cost to benefit impact. Similarly, the identification and mapping of SNAs on public conservation land by councils does not need to be prioritised. Excluding public conservation land would significantly reduce the cost of implementation in regions such as the West Coast.

Councils are going to need financial support to implement the draft NPSIB

If West Coast Councils are required to implement the draft NPSIB across the whole region as currently worded in the draft NPSIB and bear the full expense**,** the cost to ratepayers will be prohibitive. Given that the West Coast is the fifth largest region by size, and has significant existing indigenous biodiversity values, West Coast Councils would sit at the top end of the implementation costs.

Using figures from the Ministry for the Environment's Section 32/CBA report[29] and Regulatory Impact Statement[30] the cost of implementing the draft NPSIB across the whole region is estimated to be $2,254,000 - $4,172,000 in upfront costs and ongoing operational costs of $1,019,000 - $3,949,000 over the next 30 years.[31] However, West Coast Regional Council (WCRC) consider this to be an under-estimate.

The West Coast has a population of 32,000 and a small rating base (16 per cent of land area). The annual general rate collected is $2,400,000. Without central government funding support or a change to the requirements and/or priorities of the draft NPSIB, untenable rate increases would be required to cover this cost both immediately and for ongoing implementation.

Conclusions

- All regions must act to implement the NPSIB at the same pace and with the same level of rigour. That approach does not recognise that the need for such action does vary by region.
- A prioritised implementation would be more appropriate, to focus on areas that need protection first and ensuring that the benefit outweighs the cost.
- Implementation of the draft NPSIB will have large cost implications for councils, like the West Coast, that contain large areas with high levels of indigenous biodiversity, have a large proportion of public conservation land and small rating bases.
- Both applying a prioritised approach and implementation support from central government will support councils to achieve the outcomes for indigenous biodiversity that the NPSIB seeks.

[29] 4Sight Consulting and Market Economics, November 2019, Section 32 evaluation and cost-benefit analysis for the proposed National Policy Statement for Indigenous Biodiversity.

[30] Department of Conservation and Ministry for the Environment, November 2019, Impact statement: Improving indigenous biodiversity management under the Resource Management Act (1991)

[31] Note, this does not include the cost to landowners, iwi etc. These figures also do not include implementing the requirements to change the Regional Policy Statement, promoting resilience to climate change, identifying and mapping taonga, surveying and recording highly mobile fauna, promoting restoration and enhancement, and assessing the percentage of indigenous cover in rural and urban areas. The RIS and Section 32/CBA report does not quantify the lost opportunity cost to landowners, the impact on the rating agencies and their ability to implement other work steams and connection with other policy development.

Case study 4: running a successful Significant Natural Areas (SNA) identification and mapping process in the Timaru District

Summary

Timaru District Council (TDC) recently completed a SNA identification and mapping process to inform the biodiversity provisions in its next district plan. Over 770 sites have been identified as SNAs over nearly 11 years of work and all have been subject to on-the-ground surveys.

> < The process has been successful and there has been very little pushback from landowners, mainly due to the relationship-focussed approach taken. >

The council and the council's contracted ecologist have invested time in building support within the local community and dispelling any negative perceptions about what a SNA is and what it means for landowners. It is expected that, as a result of this process, moving biodiversity-related content through the district plan statutory process will be a positive experience.

The draft NPSIB outlines a strong set of principles and approaches when territorial authorities are undertaking a SNA identification and mapping process.[32] In TDCs case, the critical success factor was not that the process *was* completed, but *how* the process was completed, especially leading into the statutory district plan process. Under the draft NPSIB, a SNA identification and mapping process would need to be undertaken by 2025 (within five years of gazettal) and notified as part of a plan change by 2026 (six years after gazettal). The process used by TDC was successful, but it would not have met the proposed timeframes in the NPSIB. To complete the same process in five years, councils will need to apply a greater level of resourcing and will need clear guidance and support from central government.

In TDCs case, the time and effort spent building trust with its community will be beneficial in the bigger picture of indigenous biodiversity protection, maintenance and restoration beyond the draft NPSIB requirements – ultimately, this is what any biodiversity-related intervention should be striving to achieve.

Background

In 1995, TDC proposed a mandatory SNA process to gather information for their impending district plan review. The community pushed back against this, which led TDC to form a stakeholder group to find a different approach. This group worked through the issues and concluded that a voluntary SNA process was the best way to progress indigenous biodiversity provisions in the district plan. The group subsequently worked alongside TDC to socialise the approach and get the local community on board. Along with the engagement undertaken by their contract ecologist, this allowed TDC to get access to private land on a voluntary basis, although this took some time to secure and progress.

Discussion

Building trust is important

In the Timaru District, the way of working throughout the SNA process fostered cooperation and trust with landowners. For TDC, a critical factor was having access to a contract ecologist with strong local connections and a good understanding of landowner concerns. The contract ecologist worked slowly and patiently across the district, liaising with landowners and building understanding about the SNA process. The key part of this was being upfront with landowners about what having an SNA on private land means. This built the support needed from landowners to complete the process and build a more positive attitude towards indigenous biodiversity management and provides TDC with a strong platform to build their biodiversity work programme into the future.

[32] Section 3.8(2)

The practicalities of a SNA process

A SNA identification and mapping process must be well thought out. TDC needed specific expertise for this, including ecologists, planners and communications staff. Like many other territorial authorities, TDC doesn't have an in-house ecologist on staff, so had to contract in the expertise it needed. This may present a challenge in itself – finding enough ecological expertise in New Zealand to allow all territorial authorities to undertake SNA processes or update existing SNA schedules within the proposed five year timeframe. Sufficient to say, getting the right people and expertise involved is critical.

Gaining access to private property was both time and resource-hungry but was entwined with the critical relationship-building aspects of the process. Seasonal variability was a challenge, with some plants and fauna only being detectable at certain times of the year. Additionally, throughout the multi-year SNA process, there were also changes in land use and species classifications that forced a reassessment of some potential sites – reassessments might be needed along the way.

> < It is important to recognise that implementation will be challenging and may take time to do properly. >

TDCs process was successful but took 11 years. To meet proposed timeframes, councils will require the right guidance and varying degrees of resourcing support from central government to complete the process.

Conclusions

- Building relationships and trust with landowners is key to a successful SNA identification and mapping process.
- Aside from building community support, an SNA process can be challenging, and success is dependent on the right people and the right conditions.
- To achieve the five-year timeframe in the draft NPSIB, councils are going to need the right guidance and resourcing from central government.

Case study 5: Community opposition to Significant Natural Areas (SNAs) in the Hurunui District

Summary

The draft NPISB identifies the importance of building strong relationships with landowners, highlighting the principles of partnership and transparency.[33] However, it is vital that we recognise that in some cases this will be a challenging process, which may not fit into set procedures and timelines.

Hurunui District Council's (HDC's) experience of mapping SNAs highlights the strong opposition that councils can come up against. Some parts of the Hurunui community fear that having a SNA identified on their land will in effect lock this area away, leaving them no control over its management or even not owning it anymore. This has galvanised resistance to not only this method of protection, but against biodiversity-related regulation full stop. The lack of support from some landowners caused issues for HDC that made the SNA identification process difficult.

> < It will take time to build the relationships and trust necessary to facilitate the mapping of SNAs, particularly in districts like Hurunui. This will involve managing landowners' perceptions of this work, by providing clear information and a transparent process. >

Legacy issues, like in Hurunui, will make the implementation process different for all councils. Therefore, there is a risk in prescribing a one-size-fits-all policy in the NPSIB for the SNA mapping exercise that Councils will not have the flexibility to approach relationship-building with the time and methods needed to do it effectively.

Background

In Hurunui, the management of indigenous biodiversity has long been a contentious issue within the District. HDC ran a SNA mapping process in 2015 as part of the development of the second generation of the District Plan, with varying success. Although some landowners were comfortable with the formal identification and listing of sites, there was significant resistance from others. Some parts of the community organised themselves to strongly oppose the identification of significant indigenous vegetation and any regulations relating to biodiversity on private land. It was, and still is, their view that the protection of indigenous biodiversity and ecosystems should be voluntary, and they do not support a regulatory approach.

Areas of scattered bush amongst farmland in Hurunui are going to be particularly challenging to identify and map, particularly in the back country

HDC worked to foster collaboration and encourage dialogue over these issues by setting up a biodiversity working party in 2014, inviting a range of stakeholders to a series of meetings. The aim was to identify a range of ways and means to enhance and protect biodiversity within the Hurunui District, with the support and endorsement of landowners and the wider community. This group held a very diverse range of views and after five months of meetings there was general consensus, amongst those still attending, that identification, mapping and protection of SNAs was generally acceptable. Unfortunately, over time, attendance at these meetings had dwindled, with those in opposition withdrawing from the conversation early on, rather than being convinced that it was a good idea.

[33] Section 3.8[2]

Discussion

NPSIB implementation will be difficult

The draft NPSIB directs councils to adhere to the principles of partnership and transparency when undertaking the assessment and classification of SNAs, recognising the value of building relationships with landowners. However, it's important to recognise that the identification and mapping of SNAs can be highly contentious and building landowner support may be extremely challenging. Some communities in NZ will be more amenable to this than others – there is a history and baggage that needs to be overcome in some areas. All councils will be at different starting points and building a good relationship cannot be squeezed into a set timeframe.

The lack of support from some landowners created difficulties for HDC when trying to identify and map SNAs, due to issues with access to properties and the ability to obtain accurate ecosystem information in order to determine if sites meet the significance criteria. In the end, no SNAs were identified or listed in the second generation of the District Plan, as further research and consultation was not completed. Despite HDC setting up a process for stakeholder engagement, those in opposition simply withdrew from the conversation, without issues being resolved. This sets up potential challenges arising through the statutory process, with a high likelihood of opposition from those who opted out of stakeholder engagement.

The draft NPSIB policy therefore needs to be considered carefully – forcing through a one-size-fits-all policy may be unhelpful in circumstances such as these and will not provide Councils with the time and flexibility they may need to handle more difficult situations. In the case of HDC, some landowners have retained a feeling of distrust regarding biodiversity interventions towards the Council, which will require significant time and effort to rebuild. While having a national direction will strengthen the case for councils, it will not necessarily reduce the time, effort and cost of statutory processes and subsequent litigation.

<Landowners need to have a clear understanding of what the rules around SNAs are, and what it will mean for them>

A sticking point for some members of the Hurunui community was that "drawing lines on maps" would lead to substantial areas of their land being locked away from them, out of their control, with unduly, restrictive regulations imposed on them. It will be critical to manage these negative misconceptions and offer clarity on how the SNA process will affect landowners. This also needs to go hand-in-hand with the provision of information on what support and incentives will be available when SNAs are identified on private land. The NPSIB already states this, but it may be difficult to implement in the timeframes suggested, especially in districts like Hurunui.

Indigenous biodiversity amongst a quarry operation

Conclusions

- The process of implementing the policy on SNAs will be difficult for councils, especially those where there is a negative legacy associated with SNAs and biodiversity.
- HDC's previous experience of mapping SNAs demonstrates how challenging the process can be, and that building successful relationships with landowners is not a given.
- A one-size-fits-all policy will not provide the flexibility in methods and timeframes that may be needed to successfully build these critical relationships.
- Part of building landowner trust will be carefully managing misconceptions about what SNA identification and regulation will mean for landowners. We reinforce here the importance of transparency and the provision of information and support, as will allowing the time needed to do the job properly.

Case study 6: Working through an RMA process using SNAs: The New Plymouth District Council

Summary

New Plymouth District Council (NPDC) have already run a successful process of identification and mapping of SNAs, similar to that proposed in the draft NPSIB. NPDC has focused on transparency: landowners can easily find out about their SNA and what this might mean for them. Their informal approach of engagement provides information and multiple opportunities for discussion; and has generally been positively received. This is an example of a robust SNA identification process that brings landowners along for the journey. There needs to be enough time to do it well – it cannot be fast tracked or shortcut.

The Council has applied a package of supporting mechanisms. In addition to the regulatory implications of SNAs, they have also worked to promote a sense of pride in indigenous biodiversity protection and discuss voluntary protection options. A range of incentives (both financial and non-financial) are also offered to recognise the valuable role landowners play in protecting SNAs. Central government has a role to play here, supporting Councils with the funding and resources necessary to provide a range of support mechanisms to landowners.

Background

NPDC was taken to the Environment Court in 2005 and 2015 about the level of protection for native bush through the District Plan. In response to the Environment Court directives, the Council has undertaken a large project to identify additional SNAs and taken a stronger approach to halt the decline of biodiversity. This has involved significant landowner engagement and the introduction of both regulatory (rules in the District Plan to manage effects on SNAs) and non-regulatory methods (such as rating relief, information and support, and a fund for fencing). The Operative District Plan has approximately 30 unprotected SNAs subject to rules, whereas the Proposed District Plan (publicly notified September 2019) identifies 376 SNAs, covering approximately 24,000 hectares, over at least 1,000 properties. The District now has one of the highest rates of areas legally protected in the country, which is seen as a positive outcome of this good work over at least a decade.

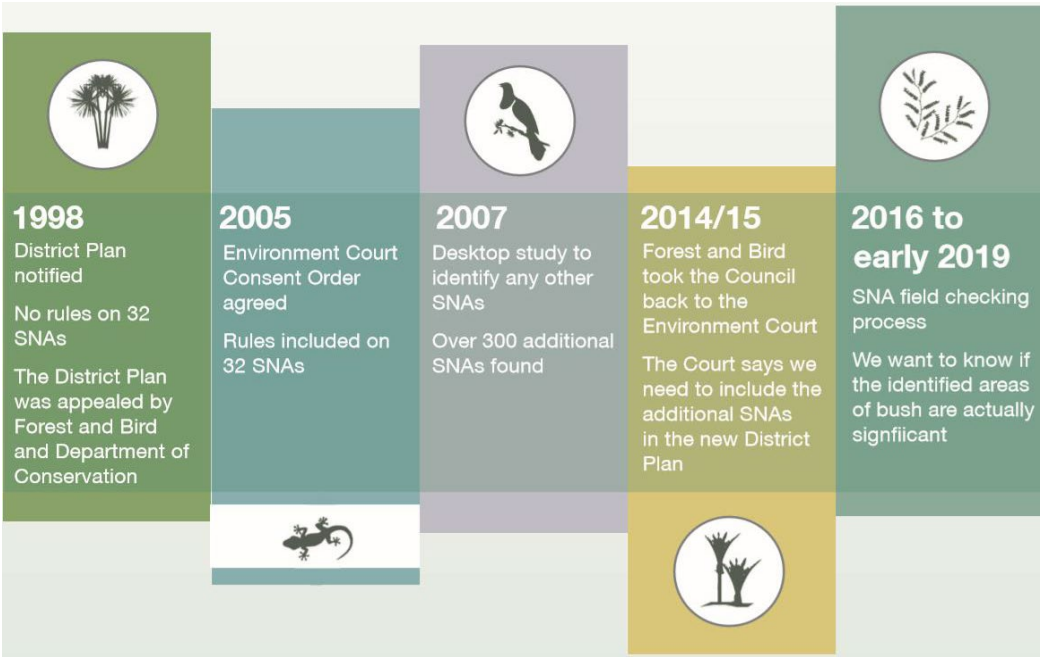
Discussion

A transparent process has been used to identify likely SNAs

In 2007, the Council, with the help of Wildland Consultants Ltd (Wildlands), began a project to determine if any other natural areas met the criteria for SNA, in addition to the 30 already listed in the Operative District Plan.[34] The process was run in stages, first involving a desktop exercise that used ecological databases (LENZ, LCDB2) and aerial photographs to identify 363 Likely Significant Natural Areas (LSNAs). The next stage was landowner liaison and field checks, which involved informing landowners and offering field checks to 'ground-truth' the desktop study findings. These additional SNAs were included in the online Draft District Plan (alongside the 30 operative SNAs), which was released on 5 February 2018 for public comment prior to the statutory plan review process. Further engagement and ground-truthing continued into 2019, with the preparation of an Urban SNA schedule and the late decision in early 2019 to include rules on urban SNAs in the Proposed District Plan (following direction indicated in the BCG report in respect of the need to focus on urban biodiversity). The entire process ran from 2007 until early 2019 [Image of timeline]. The field-checking phase took place over about 18 months and was an intensive, administrative and logistical period for planning staff, working with Wildlands, the local QEII representative, and elected members. Data management including GIS has been a key (and difficult) component requiring additional expertise.

NPDC are of the view that it would be difficult to complete this entire process of identification, mapping, field checking and socialisation for all likely SNA sites within a five year period, as

[34] New Plymouth District Council Ecosystems and Indigenous Biodiversity Proposed District Plan 2019. Appendix 2: Process Undertaken for the Identification of Significant Natural Areas



Timeline for SNA identification, mapping and field-checking by NPDC

prescribed in the draft NPSIB, if all SNAs need to be ground-truthed.

Consultation, open communication and information provided

The Council has worked to keep landowners informed and involved and made considerable effort to understand the concerns of landowners.

Between December 2016 and March 2019, 685 letters were sent to rural landowners with a 'Likely SNA' (LSNA) identified on their property. Landowners were invited to request a free ecological assessment and included with the letters were maps and a factsheet that listed what landowners could do without needing a consent and the type of activities that would require a resource consent. Overall, landowners responded positively to the listing of activities (based on existing uses) that they could do without needing to contact the Council. They were also informed about a public viewer of all LSNAs available on the Council website. This allowed landowners to view their properties and surrounds and see the additional LSNAs that are being considered in the Proposed District Plan.

All landowners were also invited to attend an Open Day held in their area, to discuss their property one-on-one with Council staff and the Council's contract ecologist. The Open Days were well received and allowed for landowners to have open discussions about their concerns. Council staff also gained significant insight into understanding individual landowner concerns about having a LSNA identified on their property. Approximately 25 per cent of all landowners took up the offer for the free field check, and they were invited to further Open Days to discuss the results of the assessments with Council staff and the ecologist who undertook the assessment. In a few cases the ecologists revisited the properties to address particular landowner concerns. In total, Wildlands completed 235 field check assessments, which involved 141 landowners. After landowner consultation and field checking, the number of LSNA were reduced to 343, covering 19,765 hectares. As a result of this landowner liaison, approximately one third of the 363 LSNAs identified in the desktop review were visited (or a part of the LSNA was visited) at the request of landowners.

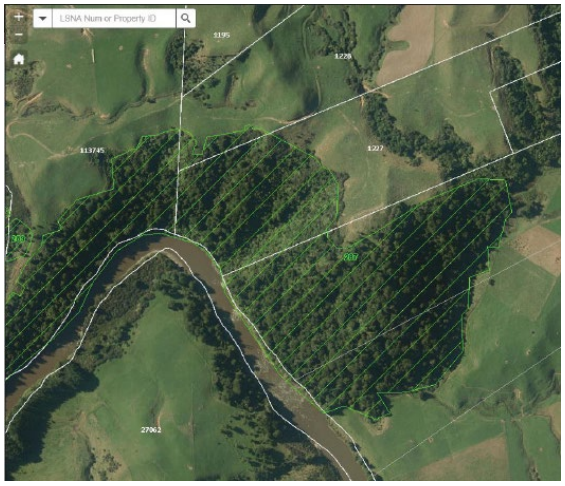
The landowner liaison project has also been used to provide landowners with information on the values of indigenous biodiversity with a face-to-face approach.

> <A sense of pride in indigenous biodiversity protection is promoted during the visit along with discussing voluntary protection options.>

The project is used to gather information and encourage proactive land management to address the main threats to indigenous biodiversity, which

are stock-browsing and pest-plants and animals. The more recent Environmental Court decision found that this is an important option to sit alongside the rules approach of the District Plan.

All of these measures have cost NPDC time and effort, but the results speak for themselves - landowners have been brought along with the process. There were no short-cuts when building relationships.



Photograph from online public viewer for likely SNAs

Incentives are important tools

NPDC view the Landowners as 'stewards' of indigenous biodiversity and acknowledge the principal role they play with a range of financial and non-financial incentives. The following are currently included for operative SNAs:

- Acknowledging that landowners play a principal role in sustainably managing native bush.
- Providing funding towards fencing when you covenant or formally protect an area.
- Providing rates remission for the proportion of your property in SNA (100 per cent if you have a covenanted SNA, or otherwise 50 per cent.)
- Waiving resource consent fees for minor consents.
- Connecting you with other agencies to promote pest control on a voluntary basis.
- Extra subdivision entitlement when you covenant or formally protect an area.

These incentives have helped to bring on board some landowners who were not initially supportive of the need for rules in the District Plan relating to SNAs. It is noted that these are costs that are borne by local rate payers for the advantage of biodiversity outcomes and will need to be reviewed for inclusion in future Long-Term Plan processes. Central government support for the provision of incentives would be of great benefit to councils.

Conclusions

- A successful SNA process requires Councils to invest time and effort to build strong relationships with landowners
- You cannot fast track the relationship-building process. There needs to be enough time to do this properly, as well as the necessary resources and funding available.
- NPDC's process was landowner-led and did not involve compulsory ground truthing. The costs and time to develop this process of identification, mapping and checking, for a third of the SNAs in the District took over 18 months. Taking into consideration the work involved, it would be difficult to complete the entire process for all sites within five years, as prescribed by the draft NPSIB.
- An important part of NPDC's approach was the support and incentives provided to affected landowners. A package of both regulatory and non-regulatory interventions is required during implementation of the NPSIB, and central government need to help councils to provide this.

Case study 7: Developing a regional biodiversity strategy for the Southland Region

Summary

Regional biodiversity strategies are an important tool to develop a shared vision and objectives for indigenous biodiversity management at the regional level. These strategies are non-statutory documents, developed voluntarily by the various players in each region. They are used to agree a common vision and sense of cooperation and ownership for mandated and non-mandated players, including iwi/hapū, central government, local government, community groups, Trusts, NGOs and landowners. Most regions have developed or are in the process of developing biodiversity strategies voluntarily.

Biodiversity Southland, a forum for agencies, organisations and individuals who have responsibilities or an interest in managing biodiversity in Southland, is currently developing a regional biodiversity strategy. The work is following a collaborative approach that is being facilitated by Environment Southland. The process so far has been positive but has had its challenges – every collaborative process does. Fortunately, the process has the benefit of time, flexibility and mutual accountability, which will allow the group to work through points of difference and hopefully agree a strategy that will pave the way for a more effective approach to indigenous biodiversity protection, maintenance and restoration for the future.

The draft NPSIB would direct regional councils to develop regional biodiversity strategies in a standardised way (Appendix 5 of the draft NPSIB) in set timeframes.[35] In the case of Southland, the regional council would be required to take the lead in the process and ultimately be held accountable for achieving (or not) the delivery of a compliant strategy. This could potentially hinder the collaborative process by forcing what is essentially a consensus-based, community-led approach into a standardised 'must do' RMA process driven by the regional council. The process would change as a result.

Background

The land use of the Southland Region is predominantly rural, particularly on the Southland Plains, with large areas of public conservation estate in the Fiordland National Park and on Rakiura. It is one of New Zealand's most sparsely inhabited regions with a population of just over 100,000. The Southland region has over 60 different native ecosystems spread across 3.1 million hectares of land and 3,400km of coastline. It is a region rich in indigenous biodiversity, but like other regions, Southland has seen an ongoing decline in native ecosystem quantity and quality.

Biodiversity Southland, a regional forum for players involved in biodiversity management, spanning iwi, central and local government, non-government organisations and local groups, initiated development of a regional biodiversity strategy in 2002 but were unable to finalise it. In 2017, the Southland Policy Statement became operative, specifying the development of a Regional Biodiversity Strategy as a key method for achieving biodiversity objectives. When Environment Southland (ES) started work on the strategy, it quickly realised that the complexity of biodiversity issues could not be fixed by a council-focused strategy and that a wider community approach was required. ES approached Biodiversity Southland and asked them to help. The forum agreed to revitalise the strategy development with support and facilitation from the regional council. The driver of developing the strategy was to help guide key stakeholders to effectively work together to manage biodiversity in the Southland region.

> < Each player is around the table on the same footing with no hierarchical structure in place – everyone has an equal say. They bring different mandated roles and non-mandated interests, but all share the same desire to improve the state of indigenous biodiversity across the region. >

[35] Initiation within 3 years, completion within 6 years for regions without a biodiversity strategy; completion within 6 years for region in the process of developing a strategy or to update a current biodiversity strategy

So far, the group has agreed a shared vision, goals and objectives (what needs to be done) and are currently in the process of identifying and agreeing methods and implementation (how it needs to be done). So far it has been challenging to arrive at an agreement. When considering the different roles of the players around the table and the variety of viewpoints on the best way forward - including resourcing, budgets, existing priorities – it is no surprise that it has, and continues to, take time, effort and patience. However, getting this part right is important as it sets accountabilities for each player to the others.

Discussion

The biodiversity management system is broad and encompasses a range of mandated and non-mandated players that have a range of tools and resources at their disposal: regional strategies aim to set a direction of travel and draw on this full spectrum of interventions through implementation. The strength of a regional strategy is the fact that it sits outside of an individual players' mandate and any specific framework, meaning it can 'think big', be representative of everyone involved and span all ecological domains – terrestrial, freshwater and coastal/marine.

Collaboration can't be forced

Collaboration has many benefits, but it is hard and takes time. It's important to arrive into a collaborative process on an even keel with other players around the table. Conflicting expectations need to be voiced. Different viewpoints and challenges need to be worked through. Relationships and mutual respect need to be cultivated. Ultimately, a common understanding needs to be achieved to sow the seeds for joined up, effective action. For Southland, this process has been incredibly important.

Placing the requirement for a regional biodiversity strategy into the draft NPSIB takes a collaborative process, where all players are accountable to each other, and makes it mandatory, with the regional council ultimately being accountable for making it happen. You are also changing the objectives of the collaboration - community group representatives are involved because they want more work on the ground, they don't necessarily want to be setting policy or making decisions that affect some else's private land. The Southland process was borne from a common desire to do better and, despite the challenges, all the players are still around the table working through the hard conversations to make it happen. Would a mandatory process achieve this?

We need to use the right tool for the job

Regional biodiversity strategies are currently non-statutory documents. They are not beholden to any specific piece of legislation, rather, complimentary to most. Inclusion in the draft NPSIB puts the process directly into the RMA framework and provides no additional incentive for non-council players to be involved. For Southland, players are involved because they *want* to be, not because they *must* be. As for most other regions who already have strategies, the inclusion of the requirement for regional strategies in the NPSIB provides no additional purpose, incentives, assistance or support for Southland's strategy development process. It may, however, change the collaborative dynamics and potentially morphs the strategy development process into a stricter RMA-based planning style process.

> < In Southland, the ability to be flexible and innovative when developing the strategy has been an advantage, and the strategy would likely look very different if it had been started under the draft NPSIB. >

In this case, nothing is broken so there's nothing to fix.

The draft NPSIB does not provide the best fit for regional biodiversity strategies because it compels councils to go beyond what the RMA provides for: effects management. Under the draft NPSIB, developing a strategy and monitoring its progress is mandatory, but implementing it is not. This instinctively places strategy implementation on shaky ground when compared to the other requirement of the NPSIB.

Regional biodiversity strategies would be better placed as being strongly recommended through the New Zealand Biodiversity Strategy – still non-statutory, voluntary and cross-domain, but with more non-regulatory support to make it happen.

Conclusions

- A collaborative approach has been important in the development of the Regional Biodiversity Strategy for Southland.
- The process has benefited from time, flexibility and mutual accountability, allowing the group to work through points of difference and towards an agreed strategy.
- The draft NPSIB would direct regional councils to develop regional biodiversity strategies in a standardised way in set timeframes – this may hinder the collaborative process.
- Regional biodiversity strategies would be better placed as being strongly recommended through the New Zealand Biodiversity Strategy.

Case study 8: A need to improve the national biodiversity monitoring system

Summary

Monitoring and reporting are important components of any biodiversity programme. We need to know that what we are doing is making a difference, or not. The draft NPSIB directs regional councils to develop a monitoring plan for indigenous biodiversity in each region and district. The expectation for the monitoring plan is that it would be tenure neutral and include monitoring for Crown and private land.

The experience gained through the development of standardised terrestrial biodiversity indicators for regional councils highlights the risk that this could result in an expensive and fragmented monitoring system, producing data outputs that cannot be reliably used for decision-making. We don't want to end up with isolated and incompatible monitoring regimes that provide little benefit.

> < Monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. >

As recommended in the 2019 Parliamentary Commissioner for the Environment (PCE) report,[36] there is a clear need for central government leadership and support to design and implement a coherent national system with standardised monitoring and reporting methods.

Background

Regional councils collectively developed a monitoring framework with Landcare Research, which took a number of years and was finally completed in 2016. This work developed 18 indicators that, when implemented, would give a much improved regional and national picture of the ecological integrity of terrestrial biodiversity on private land.[37] This work aligned with the Department of Conservation's (DOC's) tier 1 monitoring framework.

The sector initially attempted to implement the framework with each council providing technical and implementation leadership on one indicator. It soon became obvious that there were significant challenges associated with this - data storage/compatibility of systems and data, a lack of council resourcing, differing ideas and the need for central government involvement and leadership.

An alternative approach was trialled by splitting the indicators into plot-based (four indicators relating to the establishment of a network of permanent plots across the country) and non-plot-based (14 indicators ranging from indigenous vegetation extent to areas of pest animal and plant control) programmes of work. The regional sector engaged a consultant to bring DOC, the Ministry for the Environment (MfE), Stats NZ and Councils into a cross-organisational team to find a better solution for a plot-based programme. The group progressed the technical methodology for establishment of a plot network on private land but was stalled by the question of who should undertake what monitoring and how costs should be apportioned. Additionally, it became apparent that it was wise to also place any further implementation of the indicators on hold until such time monitoring provisions outlined in the NPSIB were clearer.

Fourteen of the indicators are non-plot-based indicators. Regional councils continue to develop these, but the more complex indicators require dedicated resource and leadership to implement consistently across the country. Securing this resourcing is a challenge.

Discussion

Development of a national biodiversity monitoring system needs to be led by central government.

[36] The Parliamentary Commissioner for the Environment (2019) Focusing Aotearoa New Zealand's environmental reporting system

[37] Bellingham PJ, Overton JM, Thomson FJ, MacLeod CJ, Holdaway RJ, Wiser SK, Brown M, Gormley AM, Collins D, Latham DM, Bishop C, Rutledge D, Innes J, Warburton B 2016. Standardised terrestrial biodiversity indicators for use by regional councils. Landcare Research Contract Report LC2109.

Indigenous biodiversity monitoring is critically important to understand the impact of our policy frameworks, interventions and to inform strategic decision-making. The regional sector has been working to improve the quality of regional and national biodiversity monitoring for a number of years. However, it is clear that monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. This challenge has meant that despite some councils investing in implementing robust monitoring programmes, limited progress has been made in implementing a coordinated and coherent regional and national monitoring network. Biodiversity data still lacks quality and consistency.

The recent report from the PCE focussed on environmental monitoring and reporting. The report broadly concluded that New Zealand's monitoring and reporting system needs some work. The report made a series of recommendations, which included that MfE be responsible for developing a comprehensive environmental monitoring system. In particular, that:

- A comprehensive and representative national monitoring network should be designed and implemented to ensure systematic, coordinated and consistent monitoring across the country.
- The development of a nationally coordinated monitoring system should be properly resourced.
- A standardised and consistent approach to collecting, managing and analysing data should be developed, made publicly available and made mandatory.

It also recommended that, the Minister of Finance, together with the Minister for the Environment and the Minister of Statistics, should determine the investment required to deliver the recommended improvements to New Zealand's environmental reporting system, the fair distribution of costs between central and local government and the time frame over which a multi-year funding proposal would need to extend to deliver them."

There is a clear need for central government leadership for indigenous biodiversity monitoring and reporting. Regional councils collectively advocated for this through the recent New Zealand Biodiversity Strategy (NZBS) consultation in September 2019 and believe that the NZBS is the tool to drive the development of a national monitoring framework.

The draft NPSIB[38] directs regional councils to work with others to develop a monitoring plan for indigenous biodiversity in each region and district. While the intent of this is positive, this sets the scene for each region to design a monitoring plan independent of the broader system. This will not work. The potential result is a high-cost, fragmented monitoring system with data outputs that lack consistency and cannot be used to provide a reliable basis for decision-making.

A significant amount of work needs to be undertaken by central government to design a coherent national system with standardised monitoring and reporting methods. On this basis, councils will be monitoring and reporting on the same indicators in the same way.

Conclusions

- The wider biodiversity system generally has poor knowledge of the state of indigenous biodiversity on private land. More needs to be done to respond to this.
- A much-improved monitoring and reporting system is needed and supported, but, through previous attempts, regional councils are aware of the challenge of designing only one part of the system in isolation.
- Central government must provide more leadership and resourcing for monitoring and reporting. A significant amount of work is required to design, implement and support a system that works and provides robust data on New Zealand's indigenous biodiversity.

[38] Draft NPSIB, Section 3.20

Case study 9: The cost implications of implementing the NPSIB in Southland District

Summary

The draft NPSIB will mean significant implementation costs for most councils and ratepayers. Southland District Council (SDC) is responsible for administering the largest (by area) district in New Zealand, at 11 per cent of New Zealand's land area. With a small rating base, funding the work to implement the draft NPSIB in the stated timeframes will be a considerable challenge and could mean sizeable rate increases for the district.

Background

Southland District has a land area of approximately 30,000 km^2. Two of New Zealand's largest national parks are within the boundaries of the district: Fiordland National Park and Rakiura National Park (which covers most of Stewart Island / Rakiura), which provide the district with a rich network of indigenous biodiversity. Fiordland National Park is the largest national park in New Zealand and a major part of the Te Wahipounamu World Heritage site.

Southland District has a population of approximately 31,800 (at 2018[39]) and is located at the bottom of the South Island. SDC currently has an operational budget of just under $80 million per annum, has a small planning team and no internal ecological capability – it uses consultant ecologists for any assessment work.

SDC currently has rules in its District Plan to control indigenous vegetation clearance. The community has previously shown strong opposition to mapping of SNAs. Currently, SDC funds a series of non-regulatory interventions as part of its biodiversity programme. These include funding voluntary ecological assessments through their High Value Area Programme (HVAP), support for the Toimata Foundation (Enviroschools), Waituna Partnership and the Hollyford Conservation Trust, and pest control on its own land.

In conjunction with the regional council and other district councils in the Southland region, some region-wide work has recently been completed that gives SDC a sense of all potential SNAs across the Southland district [map]. This has identified a potential 3,000 SNAs on private land in Southland District, covering approximately 94,000 ha: a considerable amount. This does not include the approximately 1,400,000 ha of potential SNAs on public conservation land.

Discussion

The financial costs will be significant

Southland District is large, containing a lot of both private and public land, with a small rating base. The draft NPSIB requires SDC to identify SNAs on both private and Crown land. This places a huge burden on the Council and ratepayers.

The analysis and checking of potential SNAs on private land alone (3,000 potential SNAs) could incur a cost of $9 million.[40] Based on proposed timeframes, this would mean approximately 12 SNAs would need to be assessed each week over the required five-year period. While this is likely to be a worst-case scenario, even assessing a small proportion of these potential SNAs is likely to cost a significant sum. The cost to assess SNA's on public conservation land has not yet been assessed, but it can be confidently assumed it will be sizeable, when considering the vast and biodiversity-rich areas involved.

With such a small rating base, this means that total rates in Southland District will need to increase by approximately 6.2 per cent over three years for SNA identification on private land alone. Staff have been unable to assess the likely impact on rates to fund SNA identification on public conservation land.

[39] From www.stats.govt.nz Infoshare tool

[40] Based on 3,000 sites requiring on-the-ground assessment at $3,000 per assessment

Other proposed provisions will require SDC to:

- Continue to engage with Ngāi Tahu on a more frequent basis to provide for Hutia te Rito and identify, map and understand taonga.
- Undertake work to understand climate change impacts on Southland District's ecosystems.
- Collaborate on the development of a regional biodiversity strategy.
- Contribute data to regional monitoring (possibly monitoring SNAs).
- Rework district plan provisions and taking the District Plan through a statutory process.

It is estimated that the total implementation cost of the draft NPSIB *on private land only* could be conservatively assessed as being in excess of $10 million for Southland District. This cost is already insurmountable, even without taking into consideration the cost of implementation on public conservation land. The responsibility to identify SNAs on Crown land would be better placed elsewhere, and not with councils, who will already be hard pressed to complete the job on private land.

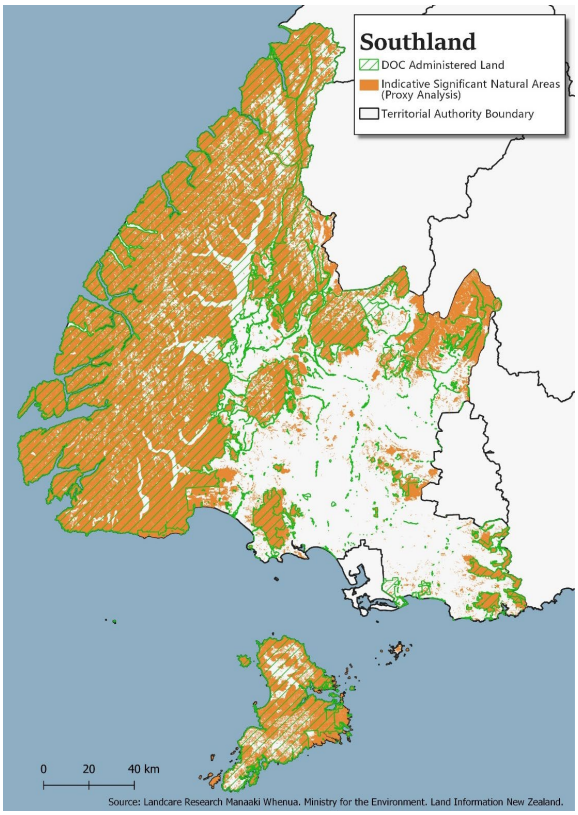
Central Government support will be needed

The need for better indigenous biodiversity protection is clear, but it is a national challenge, not just a local one. The draft NPSIB is a sizeable shift for councils and rate payers and it will be important that they are not left to deal with both the problem and the solution alone. The cost to Southland District is at a scale that cannot be shouldered solely by the ratepayers of Southland, especially considering that large parts of the district are public conservation land, administered by the Department of Conservation on behalf of all New Zealanders.

> < Central Government need to take some ownership of the problem and lead the solution by not only providing national direction, but also providing the means to implement it. >

Conclusions

- Southland DC faces a considerable challenge to implement the draft NPSIB. The effort required for private land alone is prohibitively expensive, if the cost must be shouldered solely by council and rate payers.
- Removing the responsibility for councils to identify and map SNAs on Crown land is going to be important, especially in districts like Southland.
- Implementation is going to be expensive, and councils are going to need extensive implementation support from central government.



Indicative Significant Natural Areas (Proxy Analysis) for the Southland District

Case study 10: A significant change to indigenous biodiversity management for the Manawatū – Whanganui region

Summary

The draft NPSIB identifies territorial authorities as the lead agencies for implementation of a suite of policies focussed on Significant Natural Areas (SNAs). Both the delegation of responsibilities and the planning approach taken by the draft NPSIB differ from the current approach taken in the Manawatū – Whanganui region, where indigenous biodiversity protection is provided through a centralised approach.

Horizons Regional Council (Horizons) has developed the "One Plan" for resource management planning in the region (notified in 2007), establishing them as the lead agency for indigenous biodiversity protection in the region. Through this plan, Horizons control activities in specified habitats, and work with landowners to protect and enhance these habitats, using a new and innovative adaptive management approach. Rather than having SNAs identified within the One Plan, a proactive approach is applied, to ensure that all indigenous biodiversity is protected prior to activities being undertaken, and council staff work alongside landowners and consent applicants to provide the best advice. Horizons has found this approach to be cost-effective, providing a service that may otherwise be difficult to resource for many TAs in the region.

It would be a considerable task to restructure this established regional approach and devolve responsibilities to TAs, as prescribed in the draft NPSIB.

> < All councils are at different starting points when approaching the implementation of the draft NPSIB, and face different regional and local challenges, which may not be best approached using 'one size fits all' policies. >

There are concerns that the methods suggested in the draft NPSIB will be a backwards step for the Horizons region, cutting across the good work they have achieved to date.

Background

The One Plan is the 'one stop shop' resource management planning document for the Horizons Region. Threatened indigenous biological diversity was highlighted by Horizons as one of the four keystone issues that was important to address within the One Plan. They have developed an approach to biodiversity policy that is unique in New Zealand, with two key aspects differing from how this is dealt with in other regions:

1. A regional approach: Horizons, through the One Plan, has established itself as a lead agency in the region to control activities in specified habitats and work with landowners to protect and enhance these habitats. The High Court confirmed that this allocation of responsibilities is appropriate and lawful under the Resource Management Act (section 62(1) (i) (iii)).

2. Regulation is based on an adaptive approach: SNAs are not identified or mapped in the One Plan; instead it sets out criteria to assess the significance of areas of indigenous vegetation or habitats,[41] and describes an extensive range of habitat types that are considered to be significant ie rare, threatened or at-risk.[42] Resource consent is needed for activities that adversely affect any area of indigenous biodiversity or habitat that meets the criteria of at-risk, rare or threatened.

Horizons houses a small specialist biodiversity team, and a combination of strong integrated and related functions across land management, freshwater management, biosecurity and science support the front facing role required to effectively manage indigenous biodiversity in the region. Horizons also uses non-regulatory measures to support its indigenous biodiversity work programme, providing voluntary methods to assist landowners and communities in the protection of indigenous biodiversity. Many of these non-regulatory functions have supported the

[41] Policy 13-5, One Plan
[42] Schedule F, One Plan

development of constructive relationships between council and landowners, often resulting in considerable good-will toward council in both the regulatory and non-regulatory space.

Horizons recognises that biodiversity, by its very nature, requires a 'whole of agency' approach and other programmes within Horizons also contribute to biodiversity outcomes. The Council has several existing programmes that work alongside the non-regulatory biodiversity programme delivering biodiversity outcomes on private land, rivers, streams and wetlands.

Discussion

A one-size-fits-all approach may not be the best solution for everyone

Horizons has established a way of working within the regulatory and non-regulatory biodiversity space, which it feels works best for the region. Its approach to indigenous biodiversity management, retention, restoration and enhancement was deliberately designed in the One Plan to suit the region. Specifically, the One Plan clarifies roles and provides for an adaptive policy approach to the identification, management, and regulation of indigenous biodiversity. In their view, this affords better protection for rare, threatened and at-risk habitats both within and beyond SNAs.

Rare, threatened or naturally uncommon ecosystems are amongst the most challenging to identify using current identification, mapping methods and technologies. The One Plan recognises that some ecosystems are unlikely, due to rarity, location or size, to have been mapped, and their adaptive management approach allows for the inclusion and protection of subsequent sites as they are discovered. Although the draft NPSIB accounts for continued discovery and regulatory protection of newly identified SNAs, there may be a risk associated with mapping and scheduling: landowners and applicants may assume the scheduled list is complete and may not engage with council to identify further sites prior to activities being undertaken. Additionally, the draft NPSIB would require new SNAs to be progressed through district plan updates every two years, which could be cumbersome and unnecessarily costly to smaller councils.

There is concern that the draft NPSIB could cut across the good work of council and landowners/occupiers in protecting indigenous biodiversity rather than capitalising on the good work to date. The current regulatory programme and the opportunities it provides to engage with, educate and work alongside landowners/occupiers prior to or during consent application would be at-risk.

It will be a challenge for territorial authorities to implement the NPSIB policy

In the Horizons region, there is an acknowledgement of the current limited capability and capacity of territorial authorities to identify and manage indigenous biodiversity. This is particularly the case for smaller councils that are resource-constrained but have large areas of indigenous biodiversity within their district. The regional approach to biodiversity management in the One Plan was developed by Horizons in response to this.

The One Plan approach acknowledges that while territorial authorities may in some cases have comprehensive knowledge of the biodiversity in their area, Horizons has a better understanding of the diversity and spatial extent of the regional biodiversity. The broad range of functions undertaken by territorial authorities does not easily lend itself to this level of specialisation, and mapping of sites may be difficult given the cost of undertaking the work, the national availability of suitably-qualified ecologists able to implement these policies and the proposed implementation timeframes.

If identifying, mapping and scheduling these areas is devolved to territorial authorities it will place high demands and costs on smaller resource-constrained councils. Horizons has heavily invested in relationships with landowners and is in the position to capitalise on these during the future identification of areas of significant indigenous biodiversity.

Conclusions

- All councils are at different starting points in their indigenous biodiversity work programmes.
- A one-size-fits-all approach may not be appropriate for all areas. Flexibility is needed to allow councils to work together if they choose to, and using methods that they feel will suit their communities.