Submission

21 July 2022

TO THE

Ministry for the Environment

ON THE

National Policy Statement for Indigenous Biodiversity: Exposure Draft

BY

Beef + Lamb New Zealand and Deer Industry New Zealand

SUBMISSION ON THE NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY (NPSIB): EXPOSURE DRAFT

To: Ministry for the Environment

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Beef + Lamb New Zealand (B+LNZ) and Deer Industry New Zealand (DINZ) could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that this submission relates to, and the decisions sought from the Ministry for the Environment (MfE) are as detailed on the following pages.

B+LNZ and DINZ request the opportunity to present and discuss this feedback with Ministry officials as part of this consultation process.

Submission

A. Introduction

1. B+LNZ and DINZ New Zealand Ltd welcome the opportunity to make a submission on the National Policy Statement for Indigenous Biodiversity (NPSIB) exposure draft.

2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand.

3. B+LNZ's vision is 'Sustainable and profitable farmers, thriving rural communities, valued by New Zealanders'. An important part of B+LNZ's role is investing in building capability and capacity to support a vibrant, resilient, and profitable sector based around thriving communities. Protecting and enhancing New Zealand's natural capital and economic opportunities through a holistic approach to environmental management is fundamental to the sustainability of the sector and to New Zealand's wellbeing for current and future generations.

4. DINZ is a levy funded industry-good body established by the Deer Industry New Zealand Regulations (2004) under the Primary Products Marketing Act 1953. Its vision statement is 'To promote and assist the development of the New Zealand deer industry. A strong, stable, profitable industry for all participants.'

5. DINZ's levy payers are producers and processors of venison and velvet. There are roughly 1,400 deer farmers and 7 venison processing plants with approximately one million animals on farms.

6. The deer industry is the youngest pastoral-based industry in New Zealand (the first deer farm licence was issued in 1970) but provides complementary land use, diversified markets and additional revenue to other pastoral farming industries. Indeed about 80% of deer farmers also farm other livestock species.

7. The deer industry has particular affinity with the sheep and beef industry as:
   (i) Deer farms tend to be multi-species (i.e. deer are farmed along with sheep and/or beef cattle);
   (ii) products derived from deer farms are similar (venison alongside beef and lamb, annual velvet harvesting alongside wool);
   (iii) deer farms occupy the same land classes and run similar production systems (breeding, venison finishing/velvet) and have similar levels of inputs.

8. Both B+LNZ and DINZ are actively engaged in environmental management, with a particular emphasis on building farmers' capability and capacity to support an ethos of environmental stewardship, as part of a vibrant, resilient, and profitable sector based around thriving communities. Maintaining and where degraded enhancing the health of freshwater, aquatic habitats, and biodiversity across the region is important to the people of New Zealand, it is important for our economy, and it is important to our farmers.

9. The specific provisions of the proposal that this submission relates to and the decisions it seeks from the Ministry for the Environment are overviewed below and detailed in the table in Section B.

B. Feedback

General

10. Our farmers care about the land and the biodiversity it contains and already play a large role in protecting existing indigenous biodiversity as well as undertaking restoration or conservation activities.

11. Sheep and beef farmers manage 2.8 million hectares of native habitat, including 1.4 hectares of native forest. This makes up 24% of New Zealand's remaining native vegetation habitat and makes farmers the second largest stewards of native bush, exceeded only public conservation land.[1] This has been done in the context of losing some of their most productive land to other land uses (a total of four million hectares over 30 years). Sheep and beef farmers are proud kaitiaki of the land and, while recognising more can still be done, are proud of their sector's sustainability and environmental integrity.

12. A recent survey of sheep and beef farmers highlighted the many things that are being done on farms to enhance and protect indigenous biodiversity and the values farmers place on it. Several examples are given throughout the Feedback section below.

13. B+LNZ and DINZ recognise the importance of indigenous biodiversity and agrees it is important to protect, enhance and maintain this across all land tenures, including as part of integrated land use on sheep and beef farms and deer farms. It is crucial that policy settings recognise the ecosystem services provided by landowners with indigenous biodiversity on their properties and enable, incentivise and reward the protection and enhancement of this biodiversity that benefits all New Zealanders.

14. B+LNZ and DINZ submitted extensively on the 2019/2020 consultation regarding indigenous biodiversity, and while we recognise some minor changes have been made in the current exposure draft, we still oppose the overall approach of the NPSIB to managing indigenous biodiversity, as well as hold significant concerns about many of the provisions as currently drafted.

15. We note the intent of the policies as expressed through supporting material produced alongside the exposure draft, and that has been expressed through meetings and correspondence with Ministers and officials, which is to make more workable regulations and capture only the most significant vegetation. However, this intent is not clearly reflected in the wording of the exposure draft.

[1] Norton, D. & Pannell, A., 2018. Desk-top assessment of native vegetation on New Zealand sheep and beef farms, University of Canterbury and Auckland University of Technology

16. The NPSIB exposure draft contains provisions that B+LNZ and DINZ fundamentally opposes, and that will not result in improved outcomes for indigenous biodiversity. B+LNZ and DINZ oppose the NPSIB's (exposure draft) approach to halting the decline of indigenous biodiversity, which is to maintain and increase land area in native vegetation through regulation of private land use, particularly pastoral land use, through Significant Natural Areas (SNAs). The provisions disincentivise and penalise farmers, rather than rewarding them for restoring and maintaining indigenous biodiversity which will produce outcomes that are contrary to the policy intent of the NPSIB as we understand it.

17. The NPSIB's SNA-centric approach fails to recognise the main drivers of habitat and species loss in New Zealand and would therefore fail to achieve the policy's goals, as the greatest threat to indigenous biodiversity comes from pests and weeds. Furthermore, it overlooks the value of integrated pastoral systems as habitat for both indigenous fauna and flora, and the essential role of landowners and communities in understanding, valuing, and willingly engaging and investing in the conservation of indigenous habitats.

18. The on-the-ground effects of that type of policy framework are:
    - The loss of productive land through the exclusion of stock and fencing off of biodiversity that previously coexisted with the system as part of an integrated farming landscape.
    - Corresponding loss of production and income, resilience in the farm systems, and flexibility in land use practices.
    - Increased costs incurred due to fencing and pest control requirements, as well as restoration obligations implied by the NPSIB.
    - Loss of land value – even where a farmer was not planning to develop the land or change land use type, having a SNA declared over the property affects its land value.
    - The grandparenting of land use, along with its inherent consequence of penalising farmers who have tried to do the right thing. Farmers who have invested in indigenous biodiversity on their farm and provided a space for native species to coexist within their system will effectively be penalised for doing so through the losses described above. Farmers who have eliminated indigenous biodiversity from their property, or not allowed its regeneration on their properties, will be unaffected.
    - This sends a message to other farmers that biodiversity on farm is a risk to their livelihood, and indigenous vegetation that has not been classified as a SNA may be targeted for clearance for fear that it might become a SNA, either through regeneration or through the broad classification system that the NPSIB proposes.

19. The NPSIB remains flawed and will not contribute towards sustaining native biodiversity or meeting the objectives of Te Mana o te Taiao, the Aotearoa New Zealand Biodiversity Strategy.

20. Furthermore, the NPSIB is not well integrated with other environmental policy including climate change and freshwater policy. It is imperative that policies integrate well and

allow farmers to make practical, on the ground change, and manage their land in a holistic way that integrates climate, biodiversity and freshwater outcomes.

21. B+LNZ and DINZ's key concerns are outlined in the following paragraphs by topic:

Criteria for Identification of SNAs

22. The proposed criteria for identification of SNAs are particularly problematic, and B+LNZ and DINZ are extremely concerned about this fundamental piece of the NPSIB. These criteria will not result in the outcomes we understand are sought for this policy.

23. B+LNZ and DINZ's submission on the consultation draft (attached as Attachment 1) raised several issues with the SNA criteria. B+LNZ and DINZ's significant concerns remain, based on independent reviews of the SNA criteria (refer to Attachment 2, and the summary below). In summary, these concerns are as follows:

i. Simply declaring an area as a SNA in a district or regional plan does absolutely nothing to look after the significant values that it might contain.[2] Whilst B+LNZ and DINZ acknowledge the need to protect significant indigenous biodiversity, e.g.: remnants of original ecosystems (old growth forests), actions such as weed and pest control are also important and need to be enabled and incentivised so that areas identified as significant are able to persist, with appropriate management, into the future. See comments on biodiversity incentives below.

ii. The criteria proposed for identifying SNAs in the NPSIB are so broad as to include virtually all areas of indigenous biodiversity in Aotearoa New Zealand. This seriously dilutes the value of the NPSIB. We understand that the intent of changes has been expressed as intending to only capture the most significant, or truly significant biodiversity, however the wording of the draft does not reflect this intent. For the record the submitters support the intent to only capture the most significant, or truly significant biodiversity, however the biodiversity captured under the NPSIB is broad and extensive and no cost benefit analysis of the application of the current criteria has been provided.

Given the broad nature of the proposed criteria, they will be open to interpretation by territorial authority ecologists. In our view, these criteria need to be refined so that only the areas of truly significant indigenous biodiversity are captured. Potential criteria to achieve this is discussed later in this submission.

iii. By including virtually everything within the definition of "significant", the NPSIB downplays the significance of those areas that are genuinely significant. We agree with the view of Emeritus Professor David Norton, in identifying SNAs, we should be focusing on the areas that are truly significant – e.g., remnants of original ecosystems (old growth forests) and areas that enhance landscape level conservation (e.g.: connectivity, buffering etc).

iv. This then acts as a massive disincentive to landowners who will end up with large areas of SNAs and will have no confidence around the integrity of the

[2] Emeritus Professor David Norton, University of Canterbury, pers.comm.

system or any idea of what areas are most important. Norton and Roper-Lindsay have addressed this issue previously (Norton DA & Roper-Lindsay J 2004. *Assessing significance for biodiversity conservation on private land in New Zealand.* NZ Journal of Ecology 28, 295-305). The arguments made then are still valid today. Changes to the Criteria for determining SNAs need to be made so that only habitats which are 'threatened', 'at risk', or 'rare' are identified, and which provide for management responses which can be tailored to the values of the habitat in ensuring their ongoing sustainable management.

v. The expected result of the application of the broad criteria described above is the effective exclusion of large areas of productive land from pastoral or other land uses (such as carbon sequestration through strategic exotic forestry plantings integrated into farming systems). This possibility is likely to cause widespread stress for rural communities and impacts on farmer wellbeing brought about by uncertainty on which areas might be captured and financial impacts of reduced land value and costs of maintaining these areas.

vi. Landowner cost of ecological assessments and consent applications will be high. Landowners accept the responsibility of caring for indigenous biodiversity. However, the costs associated with identifying SNAs should not fall on the landowner (i.e., landowners having to challenge desktop SNA assessments) and the management of SNAs on private land incentivised given it is essentially funding a public good.

vii. Delays in obtaining ecological assessments and in consents being processed will hold up farming activities both long-term investments eg, development, subdivision fencing, planting and short-term tactical decisions such as grazing management, fertiliser application, weed spraying etc.

viii. Lack of ground truthing by councils may mean areas mapped incorrectly are inadvertently captured as SNAs and this will result in lengthy planning processes (including appeals)

24. The following comments and examples developed by Professor Norton illustrate the issues and potential implications of applying the SNA criteria, as currently proposed.

25. **Representativeness** has several problems with it. Amongst other things, the assessment principles for representativeness say:

- *It is not restricted to the best or most representative examples, and it is not a measure of how well that indigenous vegetation or habitat is protected elsewhere in the ecological district.*
- *It includes seral (regenerating) indigenous vegetation that is recovering following natural or induced disturbance, provided species composition is typical of that type of indigenous vegetation.*

26. By specifically excluding any reference to how much indigenous vegetation and habitat is already protected in an area, it fails to focus on the best remaining examples and instead captures everything. For farmers, the challenge with this criterion is with how it deals with regenerating woody vegetation, especially as most regenerating woody

vegetation is typical of its type. This criterion would then capture most regenerating woody vegetation including mixed shrublands and mānuka/kānuka stands (but see below) There is a strong emphasis on this criterion capturing "the full range and extent of ecological diversity across all environmental gradients in an ecological district, such as climate, altitude, landform, and soil sequences", so again this has the potential to be broadly interpreted to achieve this, thus capturing much of what is out there in rural NZ.

27. This criterion would be much better if it focused on protected the best remaining examples of indigenous ecosystems that have been most reduced through past vegetation clearance rather than being a grab-bag for everything. For example, an area could be considered significant if it supports an ecosystem (even if regenerating) that has less than a set percentage of its former extent remaining within an ecological district. This would be a lot more objective and focused on the values that have been most impacted by human settlement. An example of this is actually included in the NPSIB under the Rarity and Distinctiveness criterion, which would be better used as the basis for the Representativeness criterion

28. The attributes for **diversity and pattern** are very poorly defined and could be applied to almost any native vegetation. What does "moderate" diversity mean, and how are "indigenous ecotones" and "complete or partial gradients or sequences" to be defined? These are incredibly ambiguous concepts and could be used to justify a wide range of situations being regarded as significant. It is difficult to understand how diversity and pattern can be assessed in any objective manner. The comment that "*natural areas that have a wider range of species, habitats or communities or wider environmental variation due to ecotones, gradients, and sequences in the context of the ecological district, rate more highly under this criterion*" is also ambiguous as the test for significance is a Yes/No test, and there is no discussion in the NPSIB about different levels of significance. An induced native shrubland-grassland mix on a South Island hill country farm could be ranked as significant under this criterion.

29. **Rarity and distinctiveness** is also a very wide-ranging criterion. The inclusion of At Risk Declining species as a trigger for this includes matagouri, a widespread species across South Island hill and high country that grows well in areas subject to fertiliser application. The common mānuka species (*Leptospermum scoparium* subsp. *scoparium*) is also ranked as At Risk Declining. However, the other parts to this criterion are also of concern (and it only takes one of these to trigger significance) and are again poorly defined. For example, what does "*uncommon within the region or ecological district*" mean or what is a "*distinctive assemblage or community of indigenous species" and how is "a special ecological or scientific feature*"?

30. The final criterion **ecological context** is again poorly defined, and in many ways should be a qualifier for the other criteria, rather than a stand-alone criterion. For example, the implication is that any area of indigenous vegetation that is of "*at least moderate size and a compact shape, in the context of the relevant ecological district*" would be considered significant. Using this criterion, the suggestion would be that all of the tussock grassland throughout the South Island high country would be considered significant as its all of more than moderate size and compact shape. This would seem

to capture much of the extensive very lightly-stocked high country stations that graze merino, deer or cattle at rates as low as one stock unit per hectare (i.e. one ewe per hectare or equivalent). The second attribute here is meaningless ("*well-buffered relative to remaining habitats in the relevant ecological district*"). However, the third and fourth attributes make more sense, although poorly defined, and should lead to identifying significant sites.

31. The core concerns with all these criteria are:

- As written, they are very broad and poorly defined.
- Interpretation is left open to the people doing the assessments.
- No consideration is given to the potential viability of the areas identified – will they actually persist into the future?

32. In terms of this last point, a site should only be considered significant if:

- Key ecological processes remain viable and will persist into the future.
- The key ecosystems within the site are known to be or are likely to be resilient to existing or potential threats under some realistic level of management activity.

33. Without this caveat, we are likely to end up with sites being identified as significant that have little hope of surviving into the future.[3]

34. These concerns will affect the workability of the policy, lead to perverse effects and do not, in our view, reflect the policy intent of the NPSIB.

35. The Department of Conservation commissioned a Cost-Benefit (s32) analysis[4] to support the development of the NPSIB consultation draft in 2019. This s32 analysis identified a risk that the then proposed approach to SNA assessment had the potential to 'undermine existing approaches to identify SNA using criteria only, which has been found to be a valid method to support regulatory protection (e.g. Horizons One Plan approach).'[5] The currently proposed approach to identification of SNA criteria in the exposure draft is largely unchanged from the consultation draft, despite the risks identified by the Department of Conservation analysis.

36. The authors of the s32 analysis considered that the benefits of using the approach proposed in the consultation draft were:

- *'An improved understanding of the location and extent of SNAs enables more strategic oversight and proactive protection of SNAs.*
- *Provides a more robust, nationally consistent process to identify SNAs which will help improve their protection. Greater protection of SNAs will help to maintain New Zealand's indigenous biodiversity.'*[6]

[3] Norton, pers.comm. July 2022.
[4] Department of Conservation, 2019. National Policy Statement for Indigenous Biodiversity – Section 32 Evaluation and Cost Benefit Analysis.
[5] For Horizons approach see Horizons One Plan, Schedule F Indigenous Biological Diversity
[6] *Ibid*

37. In our view, the above benefits could be achieved through the adoption of a criteria-only approach, such as the Horizons approach, as supported by B+LNZ and DINZ in its submission on the consultation draft. As highlighted by the authors of the Horizon's approach, this was the first time in New Zealand a region-wide habitat type approach had been undertaken and was subsequently accepted by the Environment Court.[7] As stated in the s32 report, this approach was found, through the Environment Court process, to be a valid method to support regulatory protection.

38. B+LNZ and DINZ continue to support the use of an alternative approach to that currently proposed, such as the approach adopted in the Horizons One Plan, for the identification of SNAs. The current SNA criteria are inappropriately broad, and their application will capture areas not originally intended for classification of SNAs.

39. B+LNZ and DINZ support the protection of our precious natural heritage, and our farmers will continue to rise to the challenge of caring for our indigenous biodiversity. However, farmers are likely to become unengaged should the currently proposed criteria form part of this policy. There is a significant risk that the acceptance of the need to improve environmental practices and momentum built over recent years to achieve this will be eroded should these criteria be given legal effect.

40. Additionally, wide-sweeping restrictions through inappropriately broad assessment criteria will not lead to practice change and may lead to perverse outcomes. The criteria, as currently drafted, need to be reviewed and revised to ensure they capture only our special or significant natural areas so that farmers have confidence in the system and can understand the justification for any constraints on use of these areas.

41. Lastly, we expect that there will be significant delays in SNA identification, given the limited availability of ecologists. This will be further exacerbated by overlapping implementation timelines, i.e.: SNA understanding is scheduled to happen concurrently with development of biodiversity strategies. The same people are likely to be involved in these two workstreams, which may lead to difficulties meeting implementation timelines.

Outcomes sought by B+LNZ and DINZ:

- A review of the SNA assessment criteria to ensure only our truly significant indigenous biodiversity is captured as SNAs.
- Ideally, adopt assessment criteria already tested and accepted through the Environment Court such as during the Horizons One Plan process. MfE to work with B+LNZ, DINZ and farmers to scenario-test the criteria, and potentially application of other provisions, across a sample of farms.

[7] Maseyk Fleur J. F. and Gerbeaux, Philippe, 2014. Advances in the identification and assessment of ecologically significant habitats in two areas of contrasting biodiversity loss in New Zealand. Published in the Journal of New Zealand Ecology.

Integrated management of indigenous biodiversity

42. To safeguard the future of New Zealand's indigenous biodiversity on farms, it is essential to give our farmers the ability to integrate indigenous biodiversity within their pastoral systems. Indigenous species should be a natural and functional part of agricultural farm systems, where the anthropogenic and indigenous components of the farm environment coexist and mutually thrive. These integrated farming landscapes could offer indigenous biodiversity habitat and networks, a better representation of New Zealand ecosystems, as well as a genetic and spatial buffer against the disruptions indigenous biodiversity will experience because of climate change. In this reciprocal relationship, farmers would benefit from the ecosystem services, greater wellbeing, as well as economic benefits from this relationship.

43. A recent survey[8] of approximately 290 sheep and beef farmers provides examples of farmers integrating indigenous biodiversity with their farm systems. The survey found that:

- A number of farmers incorporate indigenous biodiversity into their farm systems through rotational grazing (66)
- Many farmers (79) have mixed plantings of native and exotic plant species.
- Many farmers undertake weed and pest control in these areas (151)

"We ran a rotational grazing system on our extensive sheep and beef property, indigenous vegetation thrives under this grazing management."

"We graze lightly and infrequently around regenerating bush to keep it open for access for pest control, particularly wallabies that would otherwise become a big problem"

44. B+LNZ and DINZ have previously submitted that there is a need for investment and management of indigenous biodiversity, and the enabling of this investment and management through strategic grazing. We acknowledge and support the enhanced provisions in the NPSIB Exposure Draft to enable strategic grazing. However, B+LNZ and DINZ suggest some additional minor changes to provide clarity and ensure this policy achieves its policy intent (see Existing Use section below and Section B).

45. Many farmers surveyed have seen gains from integration of indigenous biodiversity with their farm systems. Gains identified include:

- Enhanced biodiversity (194)
- Benefits for stock (survival and shelter) (105)
- Enhanced natural aesthetics and improved personal wellbeing (49)
- Improved water quality (32)
- Improved soil quality (reduced erosion and increased pasture growth) (42)

[8] Carried out by B+LNZ in June/July 2022.

"The bush is recovering quickly and significantly. The pests have reduced a lot too. It is very rewarding to know we are looking after such a beautiful asset."

"The gains we get from our bush are lamb survival, shelter for newly shorn sheep, and shade during hot periods.

46. Policy 3.4 of the NPSIB puts integrated management at the core of local authority management of indigenous biodiversity. Policy 3.4 refers to integrated management as:

- Recognising the interactions between the terrestrial environment, freshwater and the Coastal Marine Area
- Providing for coordination of management and control of subdivision, use and development as it affects indigenous biodiversity
- Considering other strategies and planning tools.

47. B+LNZ and DINZ support the wording above as a good start to how integrated management might be achieved. However, there is an important omission in this policy, namely the integrated management of biodiversity, freshwater, climate change, economic, farming, social and cultural outcomes within a farming context.

48. Policy 3.5 directs local authorities to consider guidance set out in the policy on achieving social, economic and cultural wellbeing. This includes a requirement for not precluding subdivision, use or development. However, this statement is an either-or statement. Policy 3.4 and 3.5 together with the consenting requirements in section 3.10 presents a missed opportunity to truly integrate farm systems with indigenous biodiversity under a farm planning framework rather than through a prescriptive regulatory approach.

49. A farmer driven integrated farm planning approach (such as provided by B+LNZ and DINZ farm environment plans) would allow flexibility over time to achieve biodiversity outcomes whilst enabling social, economic and cultural outcomes. It would also allow other methods for managing indigenous biodiversity to be considered and implemented, for example, progressive planting and implementation of weed and pest management regimes and integration of biodiversity outcomes with freshwater outcomes. It could also set up a clear pathway to identify and obtain funding for biodiversity enhancement activities through government-funded biodiversity incentives.

50. Further an integrated approach could be supported by funding initiatives that achieve multiple outcomes, e.g.: water quality, greenhouse gases, social and cultural outcomes. Part of this incentive funding could include funding ecologists and farm planning professionals to provide advice on how to manage biodiversity within farm systems, as opposed to ecologists being used to used solely to assess biodiversity and effects on biodiversity. Given the limited availability of ecologists, their time will be focused on the latter efforts, thereby limiting availability of ecologists for advisory purposes.

Outcome sought by B+LNZ and DINZ:

- Ensure the NPSIB provides pathways for the integration of biodiversity outcomes with farm systems.

Management of existing activities within SNAs

51. B+LNZ and DINZ agree that it is important that existing use of areas with indigenous biodiversity are enabled under this policy. B+LNZ and DINZ support the intent of the policy which is to allow farming to continue in areas where it has always occurred, providing there are no overall changes in impact on those areas.

52. Indigenous species occur in these farmed areas because farmers have recognised the benefits of indigenous species for shelter and because farmers value biodiversity. However, the NPSIB will mean that farmers will not be encouraged to enhance biodiversity and allow areas to regenerate, for fear that they will become SNAs and that long-standing use of the land will not be possible. The wording of current provisions will mean that farmers will instead be encouraged to keep these areas in pasture, to avoid any regeneration and future inability to use that land.

53. The key issue is that, if the effects of an existing activity increase, consent is required. This approach makes sense in freshwater policy where, providing the activity remains the same, effects of the activity should also remain the same. However, biodiversity is dynamic and will regenerate over time. This means that, even if the activity stays the same, effects may increase.

54. An example is extensive grazing. Stock will be grazed in different blocks according to a rotational regime, climatic conditions and farming priorities. Blocks may not be grazed for weeks or months, and regeneration of indigenous biodiversity may occur during this time. Blocks may also only be grazed lightly, so that regeneration is occurring while those blocks are being grazed. To allow continued use of these areas, farmers may need to periodically clear vegetation to allow stock access. Under the proposed regime, this could be expected to trigger the need for consent as effects on indigenous vegetation will increase in the short-term. We request to discuss livestock management practices with MfE officials so that they can gain an understanding of the degree of impact that these may have on biodiversity (e.g. fawning blocks versus crop grazing).

55. Another issue is in the wording of Clause 3.15, which does not appear to reflect the policy intent to allow existing use to continue, providing the activity hasn't changed. 3.15(2)(b) continuation of existing use relies on no loss of extent or degradation of ecological integrity. However, it is unclear what this means, where the burden of proof would lie and whether an ecological assessment would be required to demonstrate 3.15(2)(b) is being met. Wording should be strengthened to clearly articulate the ability for existing uses to continue.

56. Another example relates to clause 3.17(2)(c) where an issue has been raised by Professor Norton. This clause states that (2) Local authorities must allow the maintenance of improved pasture to continue if:

(c) the improved pasture has not itself become an SNA;

57. This clause will be problematic, unless there is an ability to exempt areas of improved pasture with matagouri present. Additionally, Subclause (e) suggests that it might not be possible to control woody cover in improved pasture with matagouri.

58. From a hill and especially high country perspective, subclause (d) is also likely to be problematic as it restricts improved pasture maintenance to "land [that] is not a depositional landform that has not been cultivated". Depositional landforms are defined as including alluvial, colluvial and moraine landforms, which includes much of the best improved aerial over sown and top dressed pastures on high country farms, many of which also contain reasonable amounts of matagouri and require regular woody vegetation control to maintain the right pasture-shrubland balance.

59. Where regenerating shrubland has developed over the last 30-40 years, especially since the removal of subsidies in the 1980s, and there has not been a history of regular clearance (even when there might have been ongoing seed and fertilizer application), then if the area is identified as a SNA it is unlikely to qualify under this clause as any clearance will result in "the loss of extent or degradation of ecological integrity of the SNA". Examples of this would be mixed shrublands on Banks Peninsula which include matagouri, Coprosma species, various climbers, korokia etc, and regenerating mānuka, kānuka, tōtara vegetation in Northland and East Cape.

60. Section 3.11.5(b) does provide an exemption for kānuka and mānuka with regard to the existing use provisions (Section 3.15.2). However, this clause specifically states that this applies only when the SNA has been identified because of the presence of a kānuka or mānuka species that is threatened exclusively on the basis of myrtle rust – it may well be that the area has been identified as significant for other reasons (e.g. representativeness or ecological content) and then this exemption would not apply.

Outcome sought by B+LNZ and DINZ:

- Amend the policy to state that increased effects due to regeneration of indigenous biodiversity do not limit existing use.
- Ensure the intent of the policy is explicit in the wording to enable existing farming activities to continue. This could be achieved by amending and clarifying the following matters:
    - Delete clause 3.15(2)(b) to allow existing use to continue providing the nature of the activity hasn't changed.
    - Specify that regeneration of vegetation in these areas does preclude existing use.
    - That the definition of existing use is that set out under the RMA, and this definition requires any discontinuation of use to be no more than two years. This provision does not seem to fully encapsulate the intent of allowing existing us in relation to farming activities under the NPSIB.

- Clarifying what existing use in a farming sense means and ensuring that it provides for the variety of use (such as changing stock classes and long term rotational use) that exists on farm.

New or changed activities within SNAs

Note B+LNZ's position outlined in this section relies on SNA criteria being revised to only include truly significant areas, as discussed above.

58. B+LNZ and DINZ acknowledges a need to carefully manage new activities, or activities where there is a potential for increased effects on indigenous biodiversity in SNAs.

59. Clause 3.10 of the NPSIB directs local authorities to develop objectives, policies and methods to:

    1. Ensure listed effects are avoided
    2. Apply an effects management hierarchy to effects other than those listed under the above point.

60. B+LNZ and DINZ notes that the consenting framework for new or changed activities is not specified, and that local authorities will have the discretion to choose consent status, preferably only requiring consents where there are really needed. B+LNZ and DINZ submit that councils must provide permitted activity pathways where possible.

    Outcome sought by B+LNZ and DINZ: Explicitly state that Councils have a variety of options, and these should include non-consenting pathways as much as possible.

Management of indigenous biodiversity outside SNAs

61. B+LNZ and DINZ acknowledges and supports the need to manage indigenous biodiversity across whole farm systems, not just within SNAs. Indigenous biodiversity can be integrated into farm systems so it benefits those farm systems while enhancing indigenous biodiversity or minimising impacts on it.

62. Clause 3.16 directs local authorities to take steps to maintain indigenous biodiversity outside SNAs. These steps include:
    1. Applying an effects management hierarchy to managing effects that may be irreversible.
    2. Providing other controls to manage other adverse effects.

63. We note that, under this framework, local authorities have the ability to align consent status to risk, and to consider permitted activity pathways where risk is low. Local authorities can also use farm plans as tools to manage risk. We support local authorities having the ability to be flexible in design of consenting frameworks, and to have the ability to consider farm plans and catchment plans to manage effects on indigenous biodiversity. The B+LNZ and DINZ Environment resources[9] provide

[9] Managing native biodiversity on your farm | B+LNZ and DINZ New Zealand (beeflambnz.com)
Farm Plan: Environment module | B+LNZ and DINZ New Zealand (beeflambnz.com)
BT5-our-plan-template-risk-assessment-biodiversity.pdf (beeflambnz.com)

examples of Farm Environment Plan modules for biodiversity, that could be added to freshwater farm plan and greenhouse gas modules. These comments are also relevant in the consideration of new activities.

Outcome sought by B+LNZ and DINZ: Clarity that Councils have a variety of options and preferably non-consenting pathways should be utilised.

Management of Highly Mobile Fauna

64. B+LNZ and DINZ are pleased to note that Highly Mobile Fauna have been specified in the NPSIB, as this was requested by B+LNZ and DINZ in its original submission. However, this policy still is highly problematic, and may well erode the significant efforts farmers have made in caring for our indigenous fauna on their land.

65. The mapping of Highly Mobile Fauna will be extremely challenging and resource intensive to achieve. As well as this, areas containing exotic species will be captured during this mapping. The result being that large areas of land, not intended for inclusion under this policy, will be restricted from use. We are extremely concerned the possibility for additional restrictions over large areas of land and this being over and above the broad SNA criteria. We expect that these combined policies will result in farmer disengagement and will not achieve desired outcomes.

Outcome sought by B+LNZ and DINZ:

- Given the significant challenges, and potential farmer disengagement from this policy, B+LNZ and DINZ submits that non-regulatory methods such as advice, encouragement and funding will be far more effective at achieving practice change and continuing to protect our indigenous fauna.

Using a Precautionary Approach to Assess Effects where effects are uncertain

66. The NPSIB requires a precautionary approach to be adopted when considering effects on indigenous biodiversity. This is expressed in Section 3.7 by the requirement for local authorities to adopt a precautionary approach when:

(a) Effects on indigenous biodiversity are uncertain, unknown or understood but,
(b) Those effects are potentially adverse.

67. B+LNZ and DINZ stresses the need for both of the two prongs above to apply if this approach is to be applied and hold significant concern about the potential application of this policy.

68. In ecology, there is often uncertainty in assessing effects, due to the complexity of ecosystems and how they respond to pressures. It could be argued that uncertainty exists in every Assessment of Environmental Effects. This means that a precautionary approach will always be applied. Since the SNA classification criteria are extremely broad, it effectively means a precautionary approach is applied on top of an existing precautionary approach in using wide criteria to classify SNAs.

69. B+LNZ and DINZ suggest that the test should be removed or reworded to a substantially higher test to appropriately allow for application of this policy.

Outcome sought by B+LNZ and DINZ:

- Remove, or amend 3.7 as follows:

(a) Effects on indigenous biodiversity are uncertain or unknown ~~or understood~~ and,
(b) Those effects are highly likely adverse and irreversible.

Invasive species and climate change

70. Our earlier comments refer to the need to manage weeds and pests as well as respond to climate change. Currently, the NPSIB ignores the threats to indigenous biodiversity (aside from a vague reference to climate change), focusing on mapping and rules, yet maps and rules do nothing to address threats which relate primarily to invasive species and climate change. As stated above, simply deciding that an area is significant and imposing rules around how this area is used, does nothing to address the factors that threatened indigenous biodiversity. This is a totally reactive approach rather than a proactive one and will not result in sustainable native biodiversity. Greater provision for catchment and land owner led integration with biosecurity policy and actions, as well as access to funding for pest and weed control efforts, is needed.

Outcome sought by B+LNZ and DINZ:

- Biodiversity incentives eligibility criteria include provision for pest and weed control outcomes

Management of indigenous biodiversity across land tenures

71. The NPSIB exempts work or activity of the Crown on public conservation land, providing criteria are met. Native biodiversity and the threats to it occur independent of land tenure and if we are to sustain our native species, then the NPSIB should apply to all land tenures and to all people managing land including government agencies. Good examples of the importance of this for biodiversity are birds like kārearea or North Island brown kiwi, whose habitat includes both public and private land, and management of these species requires integrated management across all land tenures. The same applies to key threats to biodiversity like invasive plants (wilding conifers, banana passion vine) and invasive animals (deer, pigs, mustelids, cats) whose dispersal and habitat use occurs independently of land tenure.

72. While B+LNZ and DINZ acknowledge the NPSIB has provided slightly different pathways for some activities, and understand the reasoning put forward for this, overall, an integrated approach must prevail where indigenous biodiversity is appropriately managed regardless of land tenure.

Outcome sought by B+LNZ and DINZ:

- The NPSIB should apply to all land tenures, including public conservation land.

Cost of regulatory processes

73. Landowners are already required to manage effects on indigenous biodiversity under resource management processes. These costs are expected to increase markedly through the local authority identification of SNA areas and additional policies, objectives and rules for the management of these SNAs, as well as other areas of indigenous biodiversity. The following additional costs include:
    - Given the broad SNA criteria, large tracts of land are likely to be captured as SNAs and activities in these areas are expected to require consent in many instances. Consenting processes for activities in these areas will need ecologist assessments, as well as consultant planning support. Consenting processes can run into the tens of thousands where hearings are required as part of public notification.
    - Farmers may need to challenge identification of SNAs in instances where they do not agree with the ecologist's assessment. This could result in costly processes for both landowners and councils. This is why it is crucial that landowners are involved in the SNA identification process from the start, and potential SNAs are ground truthed before they are included in planning maps.
    - Stock exclusion may become a regulatory requirement in some cases (i.e., through plan rules) and fencing costs can be significant. Weed and pest control will also be needed in these areas to maintain their ecological health and prevent spread onto the rest of the farm.
    - Farmers will need to invest a significant amount of time in the above, which can add up to a significant financial cost as well as negatively impact on farmer well-being.

74. Another issue is that regulatory processes are often protracted. This could cause significant challenges for farmers needing to make decisions in situations where they do not have the luxury of time.

75. Government support is needed to assist territorial authorities to assess SNAs and to assist landowners with the costs of managing SNAs. The cost of these activities will be high, and these costs will otherwise be borne by individuals and smaller typically less-resourced rural communities.

Funding and support for Biodiversity Incentives

76. The support package outlined in The NPSIB Draft Implementation Plan represents a first step in providing the resources needed to support farmers in looking after biodiversity for the good of all New Zealanders. However, support for landowners appears out of proportion to the total new funding available. B+LNZ notes that out of the new $546M in new funding available for indigenous biodiversity initiatives, only $19M of new investment will be available to support NPSIB implementation for iwi, private landowners and councils. For example, the $19m spread across approximately 20,000 of sheep, beef, deer and dairy farmers would be $950 per farm. This would buy around 300m of fencing. Analysis should be provided outlining the costs to farmers and how this investment proposed by the government compares to the assessed benefit for New Zealand and New Zealanders?

77. Many farmers already undertake actions to integrate indigenous biodiversity into their farm systems. This includes exclusion of stock in some places, managed grazing and weed and pest control.

78. However, there is a clear willingness by farmers to undertake new activities, or continue activities that enhance indigenous biodiversity, and that this activity would be enabled by biodiversity incentives. B+LNZ carried out a survey of approximately 290 farmers and found that farmers might undertake the following new or extended activities:

- Expand protection of indigenous forest (stock exclusion, fencing, pest control) (112)
- Increase native plantings (66)
- Tourism (16)
- Improve personal and public recreational areas (walking track, wetlands, picnic) (18)

"There is always the intention to fence out erodible/ regenerating land as my budget allows

"Develop the tourism side of the business to include accommodation and showing them the indigenous biodiversity on the farm.

"More trapping, planting diversity, provide environmental education with school groups and enhance walking tracks"

79. B + L and DINZ are concerned that farmers may be discouraged from carrying out these new or extended activities if consent is required to do them. These consents may be required for minor works to enable the above activities, which may discourage farmers from doing these activities. These minor activities would be best managed through permitted activity pathways and/or through farmer driven Farm Environment Plans.

80. It is imperative that landowners are recognised for the work they do on behalf of the New Zealand public in protecting and maintaining indigenous biodiversity and biodiversity incentives can play a key role in achieving positive outcomes for indigenous biodiversity. Key types of biodiversity incentives that farmers surveyed said would help are:

- Funding for planting, fencing, weed and pest control (208)
- Biodiversity or Carbon credits (119)
- Rates relief (78)
- Assistance with funding applications (40)
- Ability to mill native timber (25)

"Funding of any type to help with creating and protecting these indigenous areas would make a huge difference.

"Grants for increasing biodiversity, subsidized ecological surveys of farms to establish a biodiversity score of a property

"We are excited about being kaitiaki of our land but need financial support."

81. We acknowledge the need to support agencies involved in implementing this policy. However, it is landowners whose land will be affected, and landowners who will be carrying out the daily actions on farm to look after biodiversity values. A greater amount of funding is needed to support these landowners. Even if agencies receive further funding, they are unlikely to be able to attract all the necessary staff to provide support to landowners.

82. Funding could be made available to catchment groups and sector-good bodies to provide training and support to farmers wanting to enhance biodiversity, as well as through financial incentives for farmers such as biodiversity credits. There is a need to recognize the limitations of regulation, and ultimately enforcement of policy on private land versus non-regulatory methods such as provision of advice and funding. B+LNZ and DINZ note these non-regulatory provisions have been strengthened in the exposure draft but submit that there are substantial further opportunities to strengthen these provisions to improve outcomes for indigenous biodiversity.

Outcomes sought by B+LNZ and DINZ:

- Introduce a system that provides biodiversity credits for landowners protecting and maintaining indigenous biodiversity on their land. There are opportunities for this to integrate with climate policy, particularly in relation to sequestration.
- Ensure funding is made available to councils, catchment groups and sector-good bodies to provide training and support to farmers wanting to enhance biodiversity.
- Increase the amount of funding available to landowners for management of indigenous biodiversity, including through control of pests and weeds.
- Consider farmer representation on biodiversity funding boards
- Farmer/sector input into development of funding criteria,
- Provide for the opportunity to leverage greater funding if multiple benefits achieved, e.g.: Freshwater quality, carbon sequestration, soil conservation, biosecurity, animal health and welfare

Biodiversity Strategies

83. Under the NPSIB, regional councils must prepare a regional biodiversity strategy in collaboration with territorial authorities, iwi, communities and other stakeholders. Regional councils must then have regard to these strategies when developing objectives, policies and methods in plans. Given these biodiversity strategies will guide priorities for spending on biodiversity, and will set the direction on how indigenous biodiversity will be managed it is critical that the right people are around the table to provide advice to decision-makers. It is also important that these strategies are flexible enough to reflect or adopt catchment biodiversity strategies where they are available.

Outcomes sought by B+LNZ and DINZ:

- Biodiversity strategies should enable catchment-scale initiatives and achievement of multiple benefits.
- Councils should consider adopting or reflecting catchment group goals
- Councils could consider targeted consultation with rural communities for efficiency purposes, e.g.: with catchment collectives such as Taranaki Catchment Community, Mid-Canterbury Catchment Collective, Thriving Southland.

84. Further details on specific points, including workability of provisions and suggested solutions is provided in Table 1 attached. Note that not every provision has been commented on.

C. Summary

85. While B+LNZ and DINZ acknowledge there have been some minor changes to the NPSIB, there remain fundamental issues with the NPSIB and B+LNZ and DINZ oppose the NPSIB as currently drafted.

86. A critical flaw is that all areas of indigenous biodiversity could potentially be classified as SNAs under the criteria, as currently written. This possibility of all areas being captured will cause uncertainty, significantly erode farmer confidence, and likely result in impacts on farmer wellbeing and disengagement from the government's goals for indigenous biodiversity. It may well slow or stop the community momentum built by farmers and catchment groups on improving biodiversity outcomes over recent years.

87. It is critical that land owners are involved from the start in the SNA identification process, and SNAs must be ground-truthed before being included in planning maps.

88. The policy as proposed does not integrate well with other policies affecting land use and farming such as climate and freshwater policy and does not promote the integrated management of biodiversity withing farming systems and as part of holistic environmental outcomes.

89. The policy around existing use is unclear. The NPSIB must clearly articulate the ability for existing pastoral use to continue and provide for flexibility within farming systems in relation to existing use.

90. B+LNZ and DINZ hold significant concern about the burden of cost falling on individual landowners and small communities. Landowners should be incentivised not penalised for maintaining indigenous biodiversity on their land.

Table 1: Further Specific Points on the NPSIB

Provision number	Provision	Workability	Proposed Solution/s
1.5 (3)	**Maintenance of indigenous biodiversity** The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the following: (a) the size of populations of indigenous species: (b) indigenous species occupancy across their natural range (c) the properties and function of ecosystems and habitats: (d) the full range and extent of ecosystems and habitats: (e) connectivity between, and buffering around, ecosystems: (f) the resilience and adaptability of ecosystems.	This clause appears to consist of another suite of criteria that should be applied to management of indigenous biodiversity. It is not clear if these criteria apply to all indigenous biodiversity or, biodiversity within SNAs. We assume it is the former. If this is the case, SNA-esque criteria are being applied to all indigenous biodiversity through this interpretative clause, which reads like a policy. It risks being contradictory and confusing for both councils and landowners as the effects management hierarchy allows for reduction of indigenous species where effects can be mitigated, offset or compensated for. Additionally, requiring at least no reduction is challenging for species that have expanded their range as a result of human activities - matagouri or grass grub beetle are two examples. This is especially a concern with species rather than ecosystems.	Amend provision to, the maintenance of indigenous biodiversity refers to the maintenance of Significant Indigenous Values identified during assessment of SNAs.
Definitions			

Provision number	Provision	Workability	Proposed Solution/s
Ecological integrity	means the extent to which an ecosystem is able to support and maintain its: (a) composition (being its natural diversity of indigenous species, habitats, and communities); and (b) structure (being its biotic and abiotic physical features); and (c) functions (being its ecological and physical processes)	This is difficult to define given 800 years of human history.	
Existing activity	means a subdivision, use or development that is: (a) lawfully established at the commencement date; but (b) not a land use covered by section 10 of the Act	Clarify whether this refers to s10 RMA.	
Functional need	Means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment	Support provision for functional need, in relation to specific infrastructure. See definition of specific structure.	NA
Improved pasture	Improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed, for livestock grazing	Support this definition.	NA
Natural range	in relation to a species, refers to the geographical area within which that species can be expected to be found naturally (without human intervention)	This is interesting for species like matagouri or short tussocks and their associated species. Many are far outside their natural range using this definition.	
Significant Natural Area	SNA, or significant natural area, means: (a) any area that, on the commencement date, is identified in a policy statement or plan as an area of significant	'Before the commencement date' removed, just refers to on commencement date. Gives more clarity. B+LNZ and DINZ supports this change.	NA

Provision number	Provision	Workability	Proposed Solution/s
	indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); and (b) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1	Areas identified through AEE's removed. Now needs to be included in District Plan first. B+LNZ and DINZ supports this change as it will give more clarity and certainty to farmers.	
Specific infrastructure	Specific infrastructure means any of the following: (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002): (b) regionally significant infrastructure that is identified as such in a regional policy statement or regional plan: (c) any public flood control, flood protection, or drainage works carried out: (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or (ii) for the purpose of drainage, by drainage districts under the Land Drainage Act 1908: (d) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990	B+LNZ and DINZ supports amendment from nationally significant infrastructure to specific infrastructure, which includes works for flood control and drainage. These activities are critical for preventing and remediating damage from natural events.	NA
Specified highly mobile fauna	Specified highly mobile fauna means the Threatened or At Risk species of highly mobile fauna that are identified in Appendix 2	B+LNZ and DINZ supports the species now being listed, as this reduces uncertainty for farmers. However, there is still significant uncertainty, and potential capture	Manage highly mobile fauna through education, rather than regulation. B+LNZ and DINZ support 3.20(4), which requires local authorities providing information to their

Provision number	Provision	Workability	Proposed Solution/s
		of large areas, and areas that otherwise have no indigenous values. This will have practical implications for management of those areas.	communities about HMF and how to manage adverse effects. Farmers are known for having considerable pride and an ethic of stewardship in the care of native fauna, once they are aware of their presence and how they can protect them. B+LNZ and DINZ supports the inclusion of provisions to protect HMF in its strategies, policy statements and plans, but considers that methods for implementation should be non-regulatory.
Threatened, **At Risk**, and **At Risk (Declining)**	have, at any time, the meanings given in the *New Zealand Threat Classification System Manual* (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008, Science & Technical Publishing, Department of Conservation, Wellington), available at: https://www.doc.govt.nz/globalassets/documents/science-and-technical/sap244.pdf, or its current successor publication.	Confusing to separate Declining out as they are included in At Risk by Townsend et al. 2008.	
Objective and Policies			
2.1	Objective (1) The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that: (a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and (b) provides for the social, economic, and cultural	B+LNZ and DINZ supports this objective, as it seeks a reasonable balance of outcomes. However, there is no reference to supporting landowners in the	Insert the following clause, <u>(c) supports landowners to managing indigenous biodiversity on their land through financial incentives</u>

Provision number	Provision	Workability	Proposed Solution/s
	wellbeing of people and communities now and in the future.	management of indigenous biodiversity. This is critical.	and access to advice and information.
2.2	Policy 1: Indigenous biodiversity is managed in a way that gives effect to Te Rito o te Harakeke. Policy 2: Tangata whenua are recognised as kaitiaki, and enabled to exercise kaitiakitanga for indigenous biodiversity in their rohe, including through: (a) enabling tangata whenua to manage indigenous biodiversity on their land; and (b) the identification and protection of indigenous species, populations and ecosystems that are taonga. Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity. Policy 4: Indigenous biodiversity is resilient to the effects of climate change. Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries. Policy 6: Significant indigenous vegetation and significant habitats of indigenous fauna are identified as significant natural areas (SNAs) using a consistent approach. Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.	Policy 2: B+LNZ and DINZ supports the recognition of the special relationship of tangata whenua with culturally significant indigenous species. However, this policy needs to be complemented by one that enables landowners as stewards of biodiversity on their land. Otherwise, farmers may feel alienated. This is an opportunity to acknowledge the key role that landowners have, particularly when council resources will be insufficient to enforce regulations or provide advice everywhere. B+LNZ and DINZ would prefer that one term, kaitiaki, is used for all. Policy 3: Precautionary approach to be adopted when considering adverse effects on indigenous biodiversity. Beef and Lamb is concerned that the precautionary approach could arguably be applied in more instances than not.	Insert new policy, Policy x: *'Landowners are recognised as kaitiaki and stewards, and are enabled to exercise kaitiakitanga and stewardship, including through (a) enabling landowners, to manage indigenous biodiversity on their land through financial incentives and access to advice and information.'*

Provision number	Provision	Workability	Proposed Solution/s
	Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for. Policy 9: Certain existing activities are provided for within and outside SNAs. Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for. Policy 12: Indigenous biodiversity is managed within plantation forestry. Policy 13: Restoration of indigenous biodiversity is promoted and provided for. Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments. Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of specified highly mobile fauna is improved. Policy 16: Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale. Policy 17: There is improved information and regular monitoring of indigenous biodiversity.	Policy 5: Needs to be clear that policy applies across land tenures as well as across administrative boundaries. New Policy 6) requires **consistency in SNA** identification. This adds additional clarity over and above need for consistency originally specified in 3.8, Identifying SNAs'. However, B+LNZ and DINZ is unsure how consistency will be achieved. New wording: Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development. Makes need for avoidance of effects more explicit, but also creates confusion about when the effects hierarchy (which considers options other than just avoiding and managing). Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for. This is more problematic as need to think carefully what "maintaining"	Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries and land tenures. Develop/adopt a standard approach to SNA identification and insert it as an appendix to the NPSIB. Amend to: SNAs are protected by managing effects in accordance with the effects management hierarchy.

Provision number	Provision	Workability	Proposed Solution/s
		means – e.g. in context of induced native shrubland such as matagouri	
		New Policy 9) Certain **existing activities** are provided for within and outside SNAs. Replaces Policy 10: to provide for appropriate existing activities that have <u>already modified indigenous vegetation and habitats of indigenous fauna</u>. Beef and Lamb supports this amendment. However, the definition of "certain" is important. And the reference to outside is everywhere, so this seems unnecessary.	Policy 9: ~~Certain~~ Existing activities, <u>including those specified in x.xx</u>, are provided for ~~within and outside SNAs~~
		New Policy 10) Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for. B+LNZ and DINZ supports this addition, was just in objectives previously.	
		New Policy 12) Indigenous biodiversity is managed within **plantation forestry.** It is reasonable to require	SNAs should be a minimum size and clearance of non-significant indigenous biodiversity should be

Provision number	Provision	Workability	Proposed Solution/s
		management of indigenous biodiversity within plantation forestry, providing it doesn't disincentivise restoration or make harvesting impractical.	allowed for harvesting purposes.
		Original Policy 11: to provide for the **restoration and enhancement** of specific areas and environments that are important for maintaining indigenous biodiversity changed to Policy 13: Restoration of indigenous biodiversity is promoted and provided for. B+LNZ and DINZ supports this change.	No change.
		New Policy 14: **Increased indigenous vegetation cover** is promoted in both urban and non-urban environments. B+LNZ and DINZ supports this change.	No change
		Policy 13: to identify possible presence of and manage **highly mobile fauna** changed to Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of	Use non-regulatory methods to promote understanding and protection of Highly Mobile Fauna. See Section 3.20.

Provision number	Provision	Workability	Proposed Solution/s
		specified highly mobile fauna is improved. Now specifies outside SNA's – which may have been original policy intent. B+LNZ and DINZ has concern about implementation – local authorities must include objectives, policies or methods in their regional plans to manage effects on HMF. This creates considerable uncertainty for farmers.	
3.1	Overview (1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the Objective and Policies in Part 2 of this National Policy Statement, but nothing in this Part limits the general obligation under the Act to give effect to that Objective and those Policies.	This is vague - does it mean they are expected to do more? Since it refers to must, remove 'non-exhaustive list'	Amend as follows: (1) This Part sets out a ~~non-exhaustive~~ list of things that local authorities must do to give effect to the Objective and Policies in Part 2 of this National Policy Statement,
3.5	Social, economic, and cultural wellbeing (1) Local authorities must consider: (a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and (b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and	B+LNZ and DINZ strongly supports this provision, particularly the recognition of the role of people in fostering and respecting the contribution of landowners. We note and support the inclusion of non-regulatory approaches and partnerships as part of the overall package. The provision needs to recognise that the care of indigenous	Insert new provision (g), the importance of enabling landowners to care to indigenous biodiversity on their land through biodiversity incentives and technical advice.

Provision number	Provision	Workability	Proposed Solution/s
	(c) that people and communities are critical to protecting, maintaining, and restoring indigenous biodiversity; and (d) the importance of forming partnerships in protecting, maintaining, and restoring indigenous biodiversity; and (e) the importance of respecting and fostering the contribution of tangata whenua as kaitiaki and of people and communities, particularly landowners, as stewards of indigenous biodiversity; and (f) the value of supporting people and communities in understanding, connecting to, and enjoying indigenous biodiversity.	biodiversity comes with a time and monetary cost and land owner support is needed.	
3.6	Resilience to climate change (1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by: (a) providing for the maintenance of ecological integrity through natural adjustments of habitats and ecosystems; and (b) considering the effects of climate change when making decisions on: (i) restoration proposals; and (ii) managing and reducing new and existing biosecurity risks; and (c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes	B+LNZ and DINZ supports the intent of this provision but previously sought that this provision be given substantive effect. However, no substantive changes have been made. The provision implies that local authorities will be making decisions on restoration projects being done by landowners. This should be the landowners prerogative not something that councils regulate. Arguably, it could be appropriate for councils to make decisions on funding restoration proposals. However, the decision-making process, and by extension, the application process, could become overly complex and off-putting for farmers.	Consider whether the provision has been given substantive effect in the NPSIB. Amendments sought: (1) Local authorities must promote the resilience of indigenous biodiversity to climate change <u>across all land tenures</u>, including at least by: (b) considering the effects of climate change when making decisions on: ~~i. restoration proposals; and~~

Provision number	Provision	Workability	Proposed Solution/s
		This provision needs to include land under all tenures.	i. managing and reducing new and existing biosecurity risks; and
3.8	Assessing areas that qualify as significant natural areas (1) Every territorial authority must undertake a district-wide assessment of the land in its district to identify areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as SNAs. (2) The assessment must be done using the assessment criteria in Appendix 1 and in accordance with the following principles: (a) partnership: territorial authorities seek to engage with tangata whenua and landowners early, and must share information about indigenous biodiversity, potential management options, and any support and incentives that may be available: (b) transparency: territorial authorities clearly inform tangata whenua and landowners about how information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review:	B+LNZ and DINZ supports the changes to create clearer wording and to make the need for consistency of assessment more explicit in this provision. B+LNZ and DINZ strongly opposes the SNA assessment criteria in Appendix 1. Refer to summary of key points and the attached independent review of SNA criteria.[10] (a) The partnership principle is supported. However, but the NPSIB needs to be far more explicit about this and needs to require local authorities to directly inform all affected landowners when SNA ID work is going to occur, how it will occur, and the process that will be followed.	Refer to summary of key points and the attached independent review of SNA Criteria. [11] Insert or add to the appendix on how SNA's will be identified by explaining the details outlined.

[10] Element Environmental, 2022. NPSIB: Review of SNA Criteria.
[11] *Ibid*.

Provision number	Provision	Workability	Proposed Solution/s
	(c) quality: wherever practicable, the values and extent of natural areas are verified by physical inspection: (d) access: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort: (e) consistency: the criteria in Appendix 1 are applied consistently, regardless of who owns the land: (f) boundaries: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified. (3) If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment. (4) A territorial authority need not comply with subclause (1) in respect of any SNA referred to in paragraph (a) of the definition of SNA (ie, an area already identified as an SNA at the commencement date) if, within 4 years after the commencement date, a suitably qualified ecologist confirms that, and how, the area qualifies as an SNA under the criteria in Appendix 1. (5) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous	History shows us that Councils have in the past just landed this information on farmers without any prior warning. (b) The transparency principle is supported. However, it should start from the beginning and inform landowners what is planned to be done. (c) Quality: No site should be considered as a SNA in a plan without an on-the-ground inspection and this will only occur if councils adopt the right approach and bring landowners in at the very beginning of the project. This whole process is back to front in the NPSIB. (e) Consistency: Agree, this should apply regardless of land tenure (f) Boundaries: This makes sense from an ecological point of view.	(c) quality: ~~wherever practicable~~, the values and extent of natural areas are verified by physical inspection:

Provision number	Provision	Workability	Proposed Solution/s
	fauna that qualifies as an SNA, the territorial authority must: (a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and (b) if a new SNA is identified as a result, include it in the next plan or plan change notified by the territorial authority. (6) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the SNA is a geothermal SNA.		
3.10	Managing adverse effects on SNAs of new subdivision, use, and development (1) This clause applies to all SNAs, except as provided in clause 3.11. (2) Local authorities must make or change their policy statements and plans to include objectives, policies, and methods that require that the following adverse effects on SNAs of any new subdivision, use, or development are avoided: (a) loss of ecosystem representation and extent: (b) disruption to sequences, mosaics, or ecosystem function: (c) fragmentation of SNAs or the or loss of buffers or connections within an SNA: (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems:	Provision states specified adverse effects of new subdivision, use or development must be avoided. The specified effects could occur in many instances, which would preclude any activities occurring. For example, a) loss of ecosystem representation and extent, (d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems. 'Important habitats' is not defined. B+LNZ and DINZ note the removal of other at risk species and supports this.	Remove clauses (a) and (d)

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	(e) a reduction in the population size or occupancy of Threatened, At Risk (Declining) species that use an SNA for any part of their life cycle. (3) Local authorities must make or change their policy statements and plans to require that all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (2), must be managed by applying the effects management hierarchy. (4) Every local authority must make or change its plan to ensure that, where adverse effects on an SNA are required to be managed by applying the effects management hierarchy, an application is not granted unless: (a) the decision-maker is satisfied that the applicant has demonstrated how each step of the effects management hierarchy will be applied; and (b) any consent is granted subject to conditions that apply the effects management hierarchy		
3.11	Exceptions to clause 3.10, Managing effects (1) Clause 3.10 does not apply to the following, and adverse effects on SNAs of new subdivision, use, and development are managed instead as required by the clause indicated: (a) SNAs on Māori Lands (see clause 3.18): (b) geothermal SNAs (see clause 3.13): (c) SNAs within a plantation forest (see clause 3.14)	B+LNZ and DINZ supports the addition of the reference to specific infrastructure (includes drainage & flooding).	No change.

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	(2) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (3) Clause 3.10(2) does not apply, and all adverse effects on an SNA must be managed instead in accordance with clause 3.10(3) and (4), if: (a) a new use or development is associated with a single dwelling on an allotment created before the commencement date; and (b) there is no location within the existing allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in clause 3.10(2). (4) Clause 3.10(2) does not apply to an SNA, and all adverse effects on the SNA must be managed instead in accordance with clause 3.10(3) and (4), or any other appropriate management approach, if: (a) the use or development is for the purpose of maintaining or restoring an SNA (provided it does not involve the permanent destruction of significant habitat of indigenous biodiversity); or (b) the use or development: (i) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of indigenous biodiversity; and (ii) the losses are necessary to meet that purpose.		(b) the use or development: (i) is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed

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	(5) Clause 3.10 does not apply to adverse effects on an SNA: (a) from any use or development required to address a very high risk to public health or safety; or (b) if the SNA is solely because of the presence of a kānuka or manuka species that is threatened exclusively on the basis of myrtle rust; or (c) from the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga; or (d) from work or activity of the Crown on public conservation land, provided that the work or activity: (i) is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and (ii) does not have a significant adverse effect beyond the boundary of the public conservation land. (e) from work within Te Urewera of Te Urewera Board, the chief executive of Tūhoe Te Uru Taumatua, or the Director-General of Conservation, provided that the work: (i) is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with the Te Urewera Act and the management plan under that Act; and (ii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera.	(4)(b) How is naturally regenerating tōtara in Northland that is being managed for sustainable timber production treated under this? The same would apply to any planted native forest that is being managed for timber production. Even though either might be considered signficant, the activity will not impact them and should be allowed. (5)(b) This is supporting though matagouri should be treated in the same way. This is the issue with the definition including Declining species. (5)(d)(ii) PCL should not be exempt from adverse effects on SNAs as this is inequitable.	primarily for a purpose other than the maintenance or restoration of indigenous biodiversity but including naturally regenerating forest being managed for sustainable use. (b) if the SNA is solely because of the presence of matagouri or a kānuka or manuka species that is threatened exclusively on the basis of myrtle rust;
3.15	Existing activities – SNAs	B+LNZ and DINZ is concerned that existing uses could require consent if regeneration occurs, but the farming activity is	Require councils to establish farming reference groups to provide technical guidance and to assist in identifying

Provision number	Provision	Workability	Proposed Solution/s
	(1) Regional councils must identify in their policy statements the existing activities, or types of existing activities, that this clause applies to. (2) Local authorities must make or change their plans to ensure that the existing activities identified in relevant regional policy statements may continue as long as the effects on any SNA (including cumulative effects): (a) are no greater in intensity, scale, or character over time than at the commencement date; and (b) do not result in the loss of extent or degradation of ecological integrity of the SNA. (3) If an existing activity does not meet the conditions described in subclause (2), the adverse effects of the activity on the relevant SNA must be managed in accordance with clause 3.10.	unchanged. This incentivises farmers to ensure areas remain unchanged, and no regeneration occurs. See summary of key points section. No guidance on consent status. Consent applications likely to be expensive as an ecologist would be needed to assess the matters specified in 3.10. However, it no longer states that a resource consent application will be required to assess whether effects unchanged. B+L and DINZ supports this latter change.	types of farming activities this clause could apply to. Amend provision to allow existing activities to occur if the activity itself is unchanged, regardless of whether regeneration occurs and effects have changed. This would capture the intent of the policy to enable existing farming activities to continue.
3.17	Maintenance of improved pasture (1) This clause applies to the maintenance of improved pasture where it may affect an SNA. (2) Local authorities must allow the maintenance of improved pasture to continue if: (a) there is adequate evidence to demonstrate that the maintenance of improved pasture is part of a regular cycle of periodic maintenance of that pasture; and (b) any adverse effects of the maintenance of improved pasture on an SNA are no greater in intensity, scale, or character than the effects of activities previously undertaken as part of the regular cycle of periodic maintenance of that pasture; and	Still need to provide evidence of pasture maintenance cycle and effects being unchanged. This is workable if from the NPSIB commencement date, and if recording reporting requirements are clear and simple. Clause (c) contradicts the intent to provide for existing uses to continue. Farmers should not be penalised if regeneration of an area they have previously used for grazing has occurred. E.g.: Tall tussock example. Can be used for shelter, but when	Create guidance on recording pasture maintenance cycles for farmers and councils. ~~(c) the improved pasture has not itself become an SNA; and~~

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	(c) the improved pasture has not itself become an SNA; and (d) the land is not a depositional landform that has not been cultivated; and (e) the maintenance of improved pasture will not adversely affect a Threatened or At Risk (Declining) species. (3) In this clause: maintenance of improved pasture includes the removal of indigenous vegetation for the purpose of maintaining the improved pasture, whether the removal is by way of cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species, mob stocking, or making changes to soils, hydrology, or landforms **depositional landform** means a landform that is alluvial (matter deposited by water, eg, fans, river flats, and terraces), colluvial (matter deposited by gravity at the base of hillslopes, eg, talus), or glacial (matter deposited by glaciers, eg, moraines and outwash) **improved pasture** means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing	becomes too dense difficult. May be considered best to just clear and not allow to partially regenerate. Maintenance of improved pasture in the South Island hill and high country will affect matagouri which is currently ranked as Declining. The definition of depositional landform is very problematic for many high country farmers where improved pastures on alluvial surfaces and fans that are subject to AOSTD have matagouri which requires periodic control. These sites are usually not cultivated. This clause will encourage farmers to clear, just in case. Should instead be able to keep using for grazing if has been previously, but advice should be available on how best to do so this to minimise effects on indigenous values.	~~(d) the land is not a depositional landform that has not been cultivated; and~~ Provide free access to farm environmental advisor on how to best manage farming operations alongside indigenous values
3.20	Specified highly mobile fauna	B+LNZ and DINZ supports the change in the NPSIB to specify Highly Mobile Fauna, which was	Use non-regulatory methods, such as advice, education and incentives to promote

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		requested by Beef and Lamb in its feedback on the consultation draft. It notes that this provision still requires new objectives, policies in Regional Policy Statements to flow through to regional plans and consents. We suggest these provisions should instead be non-regulatory as it is difficult to determine where Highly Mobile Fauna are located, and the extent of areas that could be captured. Consent conditions would be unlikely to meet the certainty test from an enforcement point of view. Additionally this task would be immense for regional councils, when councils resources are already stretched.	understanding and protection of Highly Mobile Fauna.
3.21	Restoration (1) Local authorities must include objectives, policies, and methods in their policy statements and plans to promote the restoration of indigenous biodiversity, including through reconstruction of areas. (2) The objectives, policies, and methods must prioritise all the following for restoration: (a) SNAs whose ecological integrity is degraded:	B+LNZ and DINZ supports the positive change from may to must in Clause (1). Reconstruction has not been defined. Biodiversity incentives in clause (3) do not appear to extend to	No change. Amend clause (3) to Local authorities must consider

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	(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems: (c) areas that provide important connectivity or buffering functions: (d) wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna: (e) any national priorities for indigenous biodiversity protection. (3) Local authorities must consider providing incentives for restoration in priority areas referred to in subclause (2), and in particular where those areas are on Māori lands, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land (4) Local authorities must consider imposing or reviewing restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration.	management of existing biodiversity, which B+LNZ and DINZ requested. We suggest this does not reflect the original intent of the policy. B+LNZ and DINZ does not support the change from may to must in Clause (4), which may result in restoration conditions being imposed on consents. This appears to be *ultra vires,* as conditions may not be directly related to those needed to avoid, remedy or mitigate adverse effects. Additionally, the areas prioritised for restoration are currently unknown therefore B+LNZ and DINZ is unable to be clear about the significance of this provision.	providing incentives for restoration and maintaining existing biodiversity in priority areas referred to in subclause (2), Delete this clause and provide information on advice and information on restoration and incentives when consent documents are issued.
3.22	Increasing indigenous vegetation cover (1) Every regional council must assess the percentage of indigenous vegetation cover in: (a) each of its urban environments; and(b) its non-urban environments.	B+LNZ and DINZ sought a target of up to 10 per cent of the area. However, minimum 10% target & targets to be prioritised remains with no cap. Clause (4) does not specify whether methods used to promote an increase in indigenous biodiversity should be regulatory or non-regulatory. B+LNZ and DINZ consider a target of up to	Non-regulatory methods such as education and incentives should be used to achieve biodiversity targets.

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	(2) The assessment may be done by a desktop analysis, by ground truthing, or both, and must be done in collaboration with relevant territorial authorities. (3) Regional councils must: (a) set a target of at least 10% indigenous vegetation cover for any urban or non-urban environment that has less than 10% cover of indigenous vegetation; and (b) consider setting targets of higher than 10% for other areas, to increase their percentage of indigenous vegetation cover; and (c) include any indigenous vegetation cover targets in their regional policy statements. (4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans: (a) having regard to any targets set under subclause (3) by regional councils; and (b) giving priority to all the following: (i) areas referred to in clause 3.21(2): (ii) ensuring species richness: (iii) restoration at a landscape scale across the region.	10% is realistic, particularly if public conservation land is included. However, it believes that these targets should be promoted via non-regulatory methods. Regulatory methods are already required for the protection, offsetting or compensation for effects on biodiversity. Requiring an increase in biodiversity via regulatory targets contravenes the effects management hierarchy in other NPSIB provisions. Additionally, this clause is flawed. It is not the amount of indigenous vegetation that is present (remnant or restored) that is important, but how it is distributed across the landscape. This should be stated in here. The assessment needs to include public conservation land (4)(b)(ii) Species richness is an irrelevant concept here. Species richness depends on the ecosystem. A raupo wetland has very low species richness compared to a cushion bog, yet both are equally as important/significant.	Delete this clause

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3.24	Information requirements	Added requirement for assessment report to be commensurate to scale and significance Added requirement for ecologist's report to describe how effects will be managed using effects management hierarchy B+LNZ and DINZ support the addition of the link to scale and significance, however submits that an ecologist assessment may not always be needed.	No change
Timelines			
4.2	Timing for planning provisions for Notify plan changes within 5 years.	B+LNZ and DINZ sought a longer timeframe as mapping is a significant exercise that should not be rushed, needs to ground-truthed, and needs to account for the limited availability of ecologists to do the mapping.	
Appendix 1:	Criteria for identifying areas that qualify as significant natural areas	Refer also to Criteria for Identification of SNAs in the Key Points section and in the attached independent review of the SNA Criteria. [12]	

[12] Element Environmental, 2022. NPSIB: Review of SNA Criteria.

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		(2)(1)(a) This is appropriate to use as the basis for assessing significance. This NPSIB should require DOC to update (including scientific peer review) the Ecological District framework. There have been some unreviewed changes to the original framework made by DOC staff. A Representativeness Criterion *Key Assessment Principles* (2) This is so broad it could apply to almost all indigenous habitat in an area. (4) This is also problematic. Wilding conifer forest around Lake Pukaki provides habitat for kārearea (Nationally Vulnerable) yet these wildings are a threat to natural values. (5) This is an Incredibly broad definition. *Attributes of diversity and pattern* The problem with these criteria is that while they make total sense	

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		ecologically, they can be interpreted very broadly. (5)(a) Undefined (5)(b) Undefined *Attributes of rarity and distinctiveness* (6)(a) B+LNZ and DINZ has concerns with including declining species here - these are not threatened but defined as "'Declining' taxa do not qualify as 'Threatened' because they are buffered by a large total population size and/or a slower decline rate. However, if the declining trends continue, these taxa may be listed as 'Threatened' in the future." (6)(b) Undefined and could be interpreted very broadly (6)(g) Undefined (6)(h) Undefined	
Appendix 2:	Specified highly mobile fauna	Given that many/most of these species primarily occur on PCL the requirements of this NPSIB must also apply to PCL and councils should require that DOC	

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		are also meeting everything in here. Threat category: For birds these are out of date as the threat classification has been updated. B+LNZ and DINZ query whether kiwi are "highly mobile" species? This is not what the science is telling us. If there was one kiwi species that we know is mobile, then that is the North island brown kiwi, yet that is not included in this list. See also 3.20	
Appendix 3:	Principles for Biodiversity Offsetting	B+LNZ and DINZ considers the following are reasonable changes, which it supports. <u>Principles for offsetting</u> Added when biodiversity offsets not appropriate - where biodiversity values cannot be offset to achieve a net gain outcome, and if biodiversity values are adversely affected, they will be permanently lost. Added 'where available' to use of Matauranga Maori. B+LNZ and DINZ support this addition.	

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Appendix 4:	Principles for Biodiversity Compensation 3. Scale of biodiversity compensation: The values to be lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity, (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects on indigenous biodiversity. 4. Additionality: Biodiversity compensation achieves gains in indigenous biodiversity that are above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity. 5. Leakage: The design and implementation avoid displacing activities or environmental factors that are harmful to indigenous biodiversity in other locations.	B+LNZ and DINZ support these provisions.	