



18 September 2019

NZBS Consultation
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Dear Biodiversity Consultation Team

Discussion Document on Proposed Biodiversity Strategy for Aotearoa New Zealand

Thank you for the opportunity to submit on the Discussion Document on Proposed Biodiversity Strategy for Aotearoa New Zealand. Attached is the West Coast Regional Council's submission.

Yours faithfully

Michael Meehan
Chief Executive

West Coast Regional Council Submission on the Discussion Document on Proposals for a Biodiversity Strategy for Aotearoa New Zealand September 2019

Introduction

The West Coast Regional Council (the Council) supports in principle the vision and proposals for thriving indigenous biodiversity in New Zealand, as outlined in the Discussion Document for a Biodiversity Strategy for Aotearoa New Zealand. Based on the contents of the Discussion Document, the Strategy will provide high level, broad and aspirational direction about what the Department of Conservation (DOC) is seeking to achieve in restoring and enhancing indigenous biodiversity throughout New Zealand. As a non-mandatory, stand-alone document, the Strategy will not directly affect the West Coast. Our concern, however, is that it is unclear from the Discussion Document who will implement the priority actions in order to determine how it will affect our region. The Strategy will provide guidance for the National Policy Statement on Indigenous Biodiversity (NPSIB) which is prepared under the Resource Management Act (RMA). Councils will have to give effect to the NPSIB in their RMA policy statements and plans. Due to the characteristics of our region, the NPSIB it is likely to have a considerable impact on West Coast communities and businesses.

The Council is also concerned that implementing the Strategy will require considerable extra resourcing (funding and time) from councils and the community. The Council questions how the Strategy is to interact with other national legislation such as the Resource Management Act 1991 and that it appears to require a higher level of biodiversity protection, restoration and enhancement, beyond what the RMA potentially requires for indigenous biodiversity protection and maintenance.

Our submission outlines the aspects of the Discussion Document that are supported for inclusion in the Strategy as well as the issues identified in implementing the goals and priority actions.

Vision

The Council supports the vision in principle that *“Nature in Aotearoa is healthy, abundant, and thriving. Current and future generations connect with nature, restore it, and are restored by it”*. It is aspirational but Council has no issue with this outcome. The Council does not want to see indigenous species become extinct, and recognises that rare and threatened species are particularly at risk. However, the Council questions how measurable the vision is, and how the long term outcomes are to be achieved.

Council also supports the Strategy looking forward to 2070, as improving biodiversity throughout New Zealand will take time. The Strategy should clearly acknowledge that improving biodiversity will take time, requiring changes in technology and the way people think.

Principles and Values

Council supports the principle of prioritising the conservation of indigenous species over non-indigenous species as it is the former species that makes New Zealand biodiversity unique. Council strongly supports the third point under the principle of biodiversity management where it states:

“Sustainable use – Conserving species, habitats and ecosystems is a priority, but does not preclude use or activities that would impact on them where this is ecologically sustainable and does not result in their long-term decline.”

There are substantial areas of stewardship land within the conservation estate with low or no conservation value (particularly on the West Coast where 84% of the region is administered by DoC). Stewardship land is land held for conservation purposes, are areas that are not a marginal strip or watercourse, and does not hold any additional specific protection or preservation requirements. DoC

manages stewardship areas under the Conservation Act 1987 to protect their natural and historic values. A number of areas were allocated to DoC when it was formed in 1987 and are managed as stewardship land. They were former State Forest and Crown land areas considered to more appropriately managed for their conservation values by DoC. The intention was that DoC would act as a steward of these areas until their future purpose, or ownership, was determined. In addition to the above areas, there is other land that is held under the Conservation Act 1987 (for example land that has been acquired, transferred, exchanged or gifted) that is also managed as stewardship land.

The Commissioner for the Environment noted in her 2013 report that stewardship land comprised approximately 850,000 hectares on the West Coast (the correct total is 836,000ha).

It is widely acknowledged that parts of stewardship land have significant ecological values, and as such they should be reclassified as either land protected in Schedule 4 of the Crown Minerals Act or included within the relevant National Park. Equally, there is stewardship land that is being poorly managed and/or has little or no ecological value in comparison. Separating these land parcels would ensure the protection of these values while enabling a region with currently just 16% of land in private ownership to realise the potential of having over double this amount of land in the future to achieve true economic, cultural and social resilience and success. Enabling this will provide additional income for councils to implement the Strategy and further manage biodiversity values on the West Coast.

The Council supports the principle of using a mix of regulatory and non-regulatory tools to achieve the best outcome, recognising that incentives can be an effective means of encouragement. Our communities often raise concerns that regulations take away their property rights. Therefore, Council believes that the principle about respecting property rights is very important to achieve biodiversity goals. If landowners believe that their property rights are being ignored, then they may be less inclined to undertake steps to protect or enhance biodiversity on their properties.

Legislative framework

Council acknowledges that the Discussion Document considers the various legislation for managing biodiversity throughout New Zealand, including the Resource Management Act 1991. However, managing biodiversity is not the sole purpose of the RMA. Section 5 clearly promotes the sustainable management of natural and physical resources, which includes biodiversity protection and maintenance, as well as providing for the economic, social and cultural wellbeing of people. The Strategy needs to acknowledge that biodiversity management is not the only role of Councils.

Roles of agencies

The Discussion Document mentions local councils preparing biodiversity strategies a number of times, but does not discuss the relationship between council biodiversity strategies and the Department's Conservation Management Strategies. On Page 20, it states that *"On-the-ground action will be guided by local, district and regional plans or strategies"*. We understand that this is becoming more common practice for Councils with highly developed regions and a substantial loss of indigenous biodiversity. However, we have concerns that this will impose substantial additional costs (time and funding) on this region beyond our resourcing capability. The Council is also unclear on the purpose of having a Biodiversity Strategy when biodiversity can be managed through regional and district plans.

The Strategy needs to set out the roles of Conservation Management Strategies, district and regional plans for managing biodiversity, including how these interact with each other. On the West Coast, DoC manages the largest proportion of land, so the Conservation Management Strategy has a key role to play in biodiversity management.

Implementation of the Strategy

The purpose of section 2.6 of the Discussion Document is to set out how the Strategy is to be implemented. However we have found that the content of this section provides very little detail on this, with all it really saying is that “A more detailed implementation plan will be developed collaboratively” (page 34 of the Discussion Document). Council questions how a strategy can be written when there appears to have been little consideration on how it is to be implemented. Council recommends writing the implementation plan at the same time as the Strategy to ensure that they are clearly linked. The other option is for the Strategy to include the implementation plan. Council does not have a preference so long as the Strategy clearly documents how it is to be implemented.

We are unclear whether the implementation plan will have legal status and statutory requirements that must be implemented by councils. Will it give direction to DOC primarily in their biodiversity management role, or will it also give direction to other organisations? This needs to be clarified in the Strategy.

Reporting and Monitoring

We support in principle regular reporting and monitoring as it is useful to be kept up to date on the state of indigenous biodiversity. However, Council is unclear which central government department will be undertaking the reporting requirements. The scale of reporting required could impose considerable time and cost on our Council, and is not a task we would be likely to undertake. Support for Councils to provide reporting information has to be considered when writing the Strategy.

Public consultation

The document is unclear on whether the draft strategy will be open to public consultation or not. Council believes that it should be open for public submissions as the Strategy may change from what is outlined in the Discussion Document. In the section “How to use this discussion document/ Pēhea te whakamāhia i tēnei tūhinga korero” it states “*The development of a new biodiversity strategy for Aotearoa New Zealand is being led by the Department of Conservation (DOC) on behalf of all New Zealanders.*” Given that it is for all New Zealanders, and will impact all New Zealanders, in some cases quite significantly, then the public should have the opportunity to make submissions.

Goals

Many of the goals under section 2.5 will require local councils to undertake the work to achieve these. An example of this is the first goal under the year 2025 in section 2.5 which states that “*No further decline in the number and extent of coastal and freshwater wetlands*”. Council is unclear how this goal can be achieved through non-regulatory options. Currently the Resource Management Act 1991 requires councils to protect wetlands from inappropriate subdivision, use and development. This is largely achieved by councils adding provisions to their plans, mapping the areas and then undertaking compliance work to ensure the extent and values of the wetland areas are maintained. Another example is the second goal under the year 2025 that states “*All areas of significant biodiversity on land are mapped and protected*”. Local Councils will have to undertake this work to ensure these areas are protected. These are just two of the goals where councils will be required to undertake the work.

Clearer guidance would be useful, and it would be better if the strategy indicated a clear willingness by DoC to collaborate with councils and provide assistance to work together rather than adding extra costs to ratepayers as a submitter and appellant.

Consideration needs to be given in the strategy of the West Coast situation when setting guidance around the protection of wetlands. The goal for wetlands of an increased number and extent of wetlands by 2050 is potentially inconsistent with the principle of respecting property rights where wetlands occur on private land on the West Coast. There appears to be no consideration of compensating land owners for loss of use of their land in a region with slow or no economic growth.

Many of the other goals within this section are unclear about who is going to undertake the work. For example the second goal under the year 2030 that states “*Ten key freshwater pest species and ten key land-based weed species are reduced or controlled to a level that does not diminish ecological integrity*”. The document does not state who will decide the species to be reduced or controlled. Will DoC or the Ministry for the Environment be making this decision, or will local councils be required to pick their top 10 species? The remainder of the Discussion Document does not go into detail for how these species are to be managed. The Strategy and/ or Implementation Plan needs to set out how a decision is to be made on the ten species, and who will have the role of managing these species to meet this goal. The Strategy or Plan will also need to set out how these species will be managed to meet this goal. Many other goals, including goals around Marine Protected Areas, are unclear about who has the role of achieving these.

Priority actions under the five system shifts

Many priority actions under the five system shifts in section 2.7 of the Discussion Document are unclear about who is to implement them and how they are to be implemented. They also try to put a large amount of responsibility on councils, and various organisations and local communities to undertake these.

Shift 1

Council questions why DoC is reviewing natural resource legislation. Natural resource legislation covers the Conservation Act, the RMA, Minerals Act, Reserves Act etc., and so it is wider than the legislation that DoC generally works under. However, it may be more efficient and effective if DoC makes it a priority to improve co-ordination with organisations who also have responsibilities for other areas of biodiversity management. Who will provide the governance?

Council is also unclear as to why the priority action for delivering freshwater policy reform, as worded, will be included in the national Strategy. It reads as though DoC will be reviewing freshwater policy and suggesting changes. This is the role of the Ministry for the Environment under the RMA, however the wording blurs the boundaries of the RMA and the Conservation Act. The Priority action should read that the Department will collaborate with regional councils to implement national fresh water policy for freshwater biodiversity within public conservation land.

Shift 2

Council considers this shift as very important and will need to be developed in collaboration with iwi.

Shift 3

Council supports empowering communities to take action on biodiversity but have concerns that the priority actions under Shift 3 will require a substantial amount of input by local communities, councils and iwi. This is of particular concern to the priority action regarding biodiversity hubs. We like the idea of biodiversity hubs because they appear to be about coordinating community groups who have projects that relate to biodiversity management. However Council has concerns that these will be expensive to run and so question who is going to fund these. The priority action appears to anticipate that councils, iwi or other relevant organisations will run these. We feel that DoC should run these with input from local councils, iwi and other key organisations, particularly on the West Coast. This action also appears to assume that everywhere has local community groups that undertake biodiversity projects, or that relevant organisations will set up a community groups to undertake biodiversity projects. Setting up and managing community groups is not a role of a council. The Strategy and/or Implementation Plan needs to clearly define what a biodiversity hub is and who will manage the hub.

Agree in principle with the provision of incentives to encourage private landowners to maintain significant indigenous biodiversity on their land. However, it is unclear who will pay for and deliver the incentives.

Under the sub-heading “Mainstreaming nature”, paragraph 1 states that “*There is currently a perception that legal protection of private land for its biodiversity values negatively impacts on land value*”. This is incorrect as it is currently the reality rather than perception. In a market for agricultural land where land transactions are occurring, land values, in reality, will be affected by legal protection. Council is currently undertaking Plan Change 1 to the Regional Land and Water Plan which focusses on amending the boundaries of several designated wetland areas. Through the process a large number of wetland landowners have raised concerns that having the wetland designation has decreased the value of their property.

The Council is concerned about the priority action of implementing a national approach to rates relief for covenanted and other protected private land. A national approach to rates relief can be an incentive to encourage landowners to protect areas of significant biodiversity on their property. However, the impact of rates relief will be felt by councils in areas such as the West Coast where there is already limited rateable land. One option that the Council would like considered, to counterbalance the impacts of providing for rates relief on covenanted land, is for DoC to pay rates on the land that they administer. Land administered by DoC comprises approximately 84% of the West Coast. If some form of rating model was established for this land then this would assist Council to potentially undertake considerable more work across the biodiversity space.

As protecting significant indigenous biodiversity is a matter of national importance in the RMA, the nation should pay for such protection, rather than individual landowners. Increased central government funding should be made a priority in the national Biodiversity Strategy. Greater funding assistance should be provided to compensate Councils that are unable to rate large areas of their region/district such as where the land is national park.

Shifts 2 and 3 are largely about supporting community involvement in the protection and management of biodiversity. However neither shift has priority actions regarding funding for community groups or private landowners to undertake biodiversity projects. Shift 2 has a priority action regarding rates relief, which could encourage landowners to undertake biodiversity actions on their property, although this is not guaranteed. We believe the Strategy and/or Implementation Plan should consider options for providing funding for both community groups and landowners to undertake projects to protect and manage biodiversity. Protecting biodiversity is for the benefit of all people in New Zealand.

Shift 4

The idea of connecting ecosystems from the mountain tops to the ocean depths raise concerns similar to those mentioned previously in this submission. Priority action 2 is unclear about who will implement this action. Council would assume that DoC will establish projects that consider these requirements. However, this action could also be interpreted as requiring local community groups to consider these when setting up and managing projects, especially if they are applying for funding. Council also has concerns that the priority actions under this section will require a significant amount of input from local communities which could cause individuals and/or community groups to burn out, and not complete their projects. The Strategy and/or Implementation Plan needs to consider how individuals and community groups can be supported in the delivery of such projects.

Shift 5

The priority actions under Shift 5: innovating for the future, do not clearly set out how these actions are to be implemented. Again, the Strategy and/or Implementation Plan will need to set out the roles and responsibilities of the various organisations that are to implement these actions.

This ends our submission.

