9 March 2020

Ministry for the Environment
PO Box 10362
Wellington 6143

By email: indigenousbiodiversity@mfe.govt.nz

DRAFT NPS ON INDIGENOUS BIODIVERSITY

1. The New Zealand Defence Force (NZDF) wishes to provide feedback on the Draft National Policy Statement for Indigenous Biodiversity (draft NPS). At this stage, this feedback is not intended to be a formal submission, but NZDF wishes to align with the public consultation phase. NZDF would welcome the opportunity to discuss its feedback with the Ministry for the Environment.

Background

2. NZDF operates a number of Defence facilities across New Zealand. These facilities are nationally important infrastructure and they play a significant role in both military training and civil and/or national defence operations. Many of these facilities are located on or adjacent to areas that have been identified as significant indigenous vegetation, or significant habitats of indigenous fauna, under current policy statements and plans. It is likely that these areas, as well as a number of other parcels of NZDF-owned land, will be considered as significant natural areas (SNAs) under the draft NPS.

3. This feedback discusses NZDF’s interests in relation to the draft NPS, particularly regarding potential implications on Defence operations and activities. NZDF constantly seeks to manage its land sustainably, particularly those areas that are high in biodiversity value. Notwithstanding this, it also needs to ensure that its activities are not unduly constrained, in that it is still able to meet its obligations under the Defence Act 1990.

4. NZDF’s feedback on specific provisions in the draft NPS is provided in Table 1 attached to this letter (Attachment 1). A summary of that feedback is set out in the body of this letter.

Recognition and protection of Nationally Significant Infrastructure

5. NZDF requests that Nationally Significant Infrastructure is appropriately recognised and provided for in the draft NPS and any documents prepared under it. Appropriate recognition includes a definition for Nationally Significant Infrastructure that explicitly includes ‘Defence facilities’. It is noted that the
Discussion document on a proposed National Policy Statement for Indigenous Biodiversity (Discussion Document) sets out that the definition of Nationally Significant Infrastructure in the draft NPS is consistent with that proposed in the Essential Freshwater Package and the Kainga Ora – Homes and Communities Bill. NZDF has also provided feedback on these documents requesting that the definition of Nationally Significant Infrastructure include ‘Defence facilities’.

6. The Draft NPS requires a policy framework and associated rules that recognise the importance of new and established Nationally Significant Infrastructure and the need for it to locate in areas where it may have an effect on an SNA, in certain circumstances. Policy 8 seeks to recognise the locational constraints that apply to specific subdivisions, uses and development. Notwithstanding this, the effect of Clause 3.9 is that certain adverse effects, such as ‘any loss of ecosystem representation and extent’, must be avoided on SNAs classified as high. This would likely preclude nationally significant infrastructure from ever being able to locate in a high SNA area, despite there being a functional or locational need for it to do so.

7. Further, Clause 3.12(3)(a) sets out that the continuation of an existing activity must not lead to a loss of extent, or degradation of the ecological integrity, of any SNA. NZDF’s camps and bases are designated for Defence Purposes and allow activities to take place in order for NZDF to fulfil obligations under the Defence Act 1990. Although all attempts are made to protect and maintain indigenous biodiversity wherever possible, in certain circumstances it may be necessary to manage indigenous vegetation in controlled zones or training areas for safety reasons, in order to meet mandatory outputs. This should be recognised and provided for.

Fire risk and pastoral management

8. From time to time NZDF is required to control vegetation fuel loadings in order to manage fire risk, particularly around Explosive Store Houses and other fire sensitive infrastructure. As the bar to being designated a SNA in the draft NPS is low, as soon as vegetation in these areas has regenerated to include indigenous species, it may meet the requirements in Appendix 1 and therefore be considered to be an SNA by the relevant local authority. Clause 3.12 therefore needs to recognise and provide for the clearance of indigenous vegetation for the purposes of managing fire risk, even where that clearance may lead to the loss of extent or degradation of the ecological integrity of an SNA.

9. The predominant tool employed by NZDF to manage vegetation around these sensitive areas is pastoral grazing. Although Clause 3.12(4) provides for the ability to clear indigenous vegetation as part of a regular cycle to maintain improved pasture, it does not explicitly allow for grazing as an activity in itself, or allow for periodic vegetation clearance to occur where the vegetation has become an SNA in the time since the last clearance event. Further, in certain circumstances, pastoral farming is undertaken on a short-term or irregular basis, and not all clearance is carried out as part of a routine procedure. The draft NPS should expressly allow for clearance of vegetation and the grazing of livestock to occur where pastoral farming is an existing management activity, even when
these activities are not part of a regular cycle or where the indigenous vegetation has become an SNA since the last clearance or grazing event.

10. One of the exclusions in Clause 3.9(4), which sets out the exemptions to avoiding adverse effects on SNAs from new activities in certain circumstances, applies to circumstances where “the adverse effects arising from a use or development that addresses a severe and immediate risk to public health or safety”. “Immediate” in this context should be defined in a way that includes a future risk that is not imminent or likely, so that it is clear that this exemption applies to the clearance of indigenous vegetation in order to control fuel loadings and manage fire risk.

Temporary Military Training Activities

11. NZDF undertakes TMTA in a range of locations throughout New Zealand, in order to fulfil its statutory obligations under the Defence Act 1990. There is potential for TMTA to be undertaken in areas classified as SNAs under the draft NPS. The draft NPS should therefore include provision for TMTA in a way that provides certainty that such activities can take place when required.

Connections with other National Policy Statements and national direction

12. NZDF considers it essential that the national policy documents currently under development are consistent with and complement each other.

Closing comments

13. NZDF wishes to engage with the Ministry for the Environment further in relation to the development of the draft NPS prior to it being finalised and released. Please contact Lucy Edwards on 021934270 or by email at lucy.edwards@nzdf.mil.nz.

Yours faithfully

Lucy Edwards
Senior Environmental Officer
Defence Estate and Infrastructure
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<tr>
<th>Point</th>
<th>Provision</th>
<th>Comments / feedback</th>
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<tbody>
<tr>
<td>1.</td>
<td>Definition of Nationally Significant Infrastructure</td>
<td>The definition of Nationally Significant Infrastructure should include Defence facilities.</td>
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<tr>
<td>2.</td>
<td>Policy framework</td>
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<td>3.</td>
<td>Clause 3.9</td>
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<td>4.</td>
<td>Clause 3.9(4)(b)</td>
<td>It should be clarified that this exemption applies to the clearance of indigenous vegetation in order to manage fire risk.</td>
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<td>5.</td>
<td>Clause 3.12(3)(a)</td>
<td>This clause should allow for existing activities to continue where they will lead to the loss of extent or degradation of the ecological integrity of an SNA, where those activities are required for the operation or maintenance of Nationally Significant Infrastructure.</td>
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| 6.    | Clause 3.12(4) | This provision should expressly allow for the grazing of livestock or the clearance of indigenous vegetation to occur where pastoral farming is an existing activity, even where:  
  - these activities are not part of a regular cycle;  
  - the indigenous vegetation has become an SNA since the last clearance or grazing event. |