

Submission Form

Draft National Policy Statement for Indigenous Biodiversity

Biodiversity Team
Ministry for the Environment
PO Box 10 362
Wellington 6143

Email: indigenusbiodiversity@mfe.govt.nz

Name or representative:	Fiona Black
Organisational name:	Real Journeys Limited
Address:	PO Box 1, Te Anau 9600
Business hours telephone:	03 249 9033
After hours telephone:	027 491 2087

A handwritten signature in blue ink, appearing to read 'F. Black'.

Signature:

Date: 9 March 2020

I do not wish to be heard in support of my submission.

REAL JOURNEYS LIMITED BACKGROUND INFO:

In 1954 Les and Olive Hutchins began operating the Manapouri-Doubtful Sound Tourist Company, running four-day excursions to and from Doubtful Sound. In 1966 Les and Olive acquired Fiordland Travel Ltd, with its Te Anau Glow-worm Caves and Milford Track Lake Transport operation and began trading as Fiordland Travel Limited. Continued expansion followed with the acquisition of the vintage steamship "TSS Earnslaw" in Queenstown in 1969 and with the establishment of cruises in Milford Sound in 1970. In 1974 a launch was relocated to Doubtful Sound and the company commenced operating coaches on the Wilmot Pass enabling Doubtful Sound cruises to recommence after the completion of the Manapouri Power Station. In 1984 a luxury coach service was introduced linking Queenstown to the company's Manapouri, Te Anau and Milford Sound excursions which over the decades has expanded to service both day and overnight excursions in Fiordland.

Since 2002 Fiordland Travel Ltd has operated all its tourism excursions under the 'Real Journeys' brand and in 2006 changed its company name to Real Journeys Limited. In 2004 Stewart Island Experience was established and the company commenced operating ferry services to Stewart Island. In 2013 Real Journeys launched the Go Orange brand, purchased Cardrona Alpine Resort and the 155-hectare property at Walter Peak which Real Journeys previously leased for over two decades. Then in 2015 Real Journeys purchased the International Antarctic Centre in Christchurch and in 2016 Real Journeys took over 100% ownership of Queenstown Rafting and purchased Kiwi Discovery which are now operated under the Go Orange brand. In 2018 Go Orange purchased Queenstown Water Taxis and Thunder Jet. In October 2018 the Wayfare group was established and each brand acquired by Real Journeys Limited now operates under its own General Manager as its own entity. In 2019 Cardrona Alpine Resort negotiated the purchase of the Treble Cone Ski-field assets.

The Wayfare group of companies remains in private, family ownership and is now the largest tourism operator in the region with operational bases in Christchurch, Milford Sound, Te Anau, Manapouri, Queenstown, Wanaka and Stewart Island. Real Journeys employs about 500 staff during the peak summer months and in excess of 1000 staff across the group; and 944,138 passengers travelled with Real Journeys in the last 12 months. Although this is a submission in Real Journeys' name, we will also be submitting on matters that affect the wider Wayfare Group including Cardrona Alpine Resort.

OUR SUBMISSION:		
The specific provisions of the proposal that our submission relates to are:	My submission is that:	I seek the following decisions:
Introduction	Real Journeys appreciates the opportunity to comment on the Draft National Policy Statement on Indigenous Biodiversity (NPSIB). Real Journeys supports the policy's intention to maintain and protect indigenous biodiversity in New Zealand.	
Development of NPS	Real Journeys Limited submits that NPS should be drafted and released for public notification as a cohort to the other national RMA policy instruments. This will enable all NPSs to be considered together to ensure that there are no conflicts and ensure overlapping policies are consistent. NPS affect national and local government planning frameworks, which will in turn affect the operation of the tourism industry in Aotearoa. Tourism is New Zealand's largest export earner and plays a vital role in the economy. It contributes 6.1% to the country's GDP and directly employs eight percent of New Zealand's workforce. ¹ Regular amendments to legislation and NPSs restrict the ability of the tourism industry to plan effectively for the future.	Develop NPS as a cohort with other national policy instruments, for instance the New Zealand Coastal Policy Statement, National Policy Statement on Highly Productive Land and the National Environmental Standard on Plantation Forestry.
Clarify roles of authorities	<p>Real Journeys Limited submits that the NPSIB should clearly define the roles of District Councils, Regional Councils and include the responsibilities of the Department of Conservation with respect to managing indigenous biodiversity, to avoid duplication.</p> <p>In accordance with the Wildlife Act 1953 the Department of Conservation is responsible for species management; including</p>	<p>Clearly define the roles of District Councils, Regional Councils and include the responsibilities of the Department of Conservation in the NPSIB.</p> <p>Ensure that Resource Consent holders will not be charged duplicate management and monitoring fees for activities on public land, as these are paid to the Department of</p>

¹ <https://www.nzte.govt.nz/about/news/news-and-features/investment-boost-for-nz-tourism>

	<p>protection and maintenance, accordingly Highly Mobile Fauna is the Department's responsibility.</p> <p>Approximately 57% of Southland and 19% of Otago² is protected land. The Wayfare Group has an established relationship with the Department of Conservation that includes but is not limited to: restoration initiatives; pest management programmes; infrastructure management and conservation programmes.</p> <p>The Wayfare Group pays leases, management fees, concession fees and monitoring fees to the Department of Conservation. As such;</p> <ul style="list-style-type: none"> • It is imperative that the NPSIB includes the work and role of the Department of Conservation. They are currently the nation's leaders in the management of indigenous biodiversity and have the mechanisms to support District and Regional Councils in improving New Zealand's indigenous biodiversity; and • The tourism industry should not be required to pay multiple agencies for management and monitoring fees for similar activities; and • Conservation initiatives with the Department of Conservation should be recognised by District and Regional Councils. 	<p>Conservation as concession activity fees and concession management fees.</p> <p>Recognise public / private conservation initiatives in Appendix 3: Principles for biodiversity offsetting.</p>
<p>Provide a nationally agreed standard of biodiversity</p>	<p>Real Journeys Limited submits that the NPSIB should include a nationally agreed standard for biodiversity. The Wayfare Group operates over three regions (Canterbury, Otago and Southland) in New Zealand and requires consistency to be able to plan for the Group. A nationally agreed standard of biodiversity will reduce the likelihood of the definition being amended when there are changes in national, regional and local leadership.</p>	<p>Provide a nationally agreed standard of biodiversity in the NPSIB.</p>

² <https://www.mfe.govt.nz/sites/default/files/media/legally-protected-conservation-land-snapshot.pdf>

<p>Technical expertise and funding</p>	<p>Real Journeys Limited submits that the technical expertise and funding required for the implementation of the NPSIB will require National Government funds. Local Government do not have the expertise to identify SNA nor the funds to effectively implement the NPSIB in their districts / regions.</p> <p>District and Regional Councils have competing priorities for resources including infrastructure investment and the implementation of other national policy documents. This must all be paid for through Councils' current sources of funding which is disproportionate throughout the country. Southland has 11% of New Zealand's total land area with approximately 15,800 rate payers, in comparison Wellington has approximately 3% of New Zealand's total land area with approximately 77,466 rate payers. As such, Local Governments cannot justly fund the implementation of the NPSIB.</p>	<p>National Government to fund the implementation of the NPSIB including adequately funding the Department of Conservation.</p>
<p>Fundamental concept of the Draft National Policy Statement for Indigenous Biodiversity (NPSIB).</p>	<p>The fundamental concept of the NPSIB is Hutia Te Rito. This empowers the people to be stewards or Kaitiaki of their land. Real Journeys Limited submits that the NPSIB should be drafted using a 'bottom up' planning approach to enable landowners to be stewards and Kaitiaki of their land.</p>	<p>Draft the NPSIB to direct the protection of significant indigenous vegetation and significant habitats of indigenous fauna using a 'bottom up' planning approach.</p>
<p>Meeting the purpose of the Resource Management Act 1991 (RMA)</p>	<p>Real Journeys Limited submits that the NPSIB should be revised and approached with a 'bottom up' planning approach. We are concerned that the NPSIB will not adequately enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while meeting s6(c) of the Act, which is to; protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>Real Journeys does not believe that it is the intent of the NPSIB, however as it is currently drafted NPSIB will likely curtail the ability of landowners to provide for their social, economic, and cultural well-</p>	<p>Draft the NPSIB to direct the protection of significant indigenous vegetation and significant habitats of indigenous fauna using a 'bottom up' planning approach.</p>

	being and for their health and safety. This is primarily because the NPSIB has been formulated using a 'top down' planning approach with the exception of s3.15 Highly Mobile Fauna.	
Land use restriction	<p>Real Journeys Limited submits that the NPSIB will restrict how landowners can use their property. Approximately one third of New Zealand's land is legally protected public conservation land³ leaving approximately two thirds as unprotected land. Approximately 87% of New Zealand's population are urban dwellers while 13% of the population are rural dwellers⁴. The unintended consequence of this NPS is that landowners will be severely restricted in how they can use their property; consequently, the NPSIB has the potential to impose substantial financial pressure upon our country's rural areas. That is, the 13% of the population who are currently experiencing financial and environmental reform pressure.</p> <p>Restricting land use activities on private property through the NPSIB has the potential to force land to be retired; accordingly this is not enabling to people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while meeting section 6(c) of the Act.</p>	Draft the NPSIB to direct the protection of significant indigenous vegetation and significant habitats of indigenous fauna using a 'bottom up' planning approach.
Cost effectiveness	Real Journeys Limited submits that the NPSIB has the potential to impose substantial financial pressure upon our country's rural sector and tourism sector based in rural areas. The cost associated with the implementation and management of this NPS will likely need to be absorbed through rates, application fees, management and monitoring fees, resource consent application fees including 'suitably qualified persons' consultancy fees. As such, the cost of the NPSIB is likely to be mainly worn by rural New Zealand or rural landowners or	<p>Maintain the current Resource Consent process with specific reference required to be made to s6(c) of the Act.</p> <p>Territorial Authorities should employ the 'suitably qualified person(s)' in an advisory role for the regions to assist in the implementation of the protection of indigenous biodiversity.</p>

³ <https://www.mfe.govt.nz/sites/default/files/media/legally-protected-conservation-land-snapshot.pdf>

⁴ New Zealand: An Urban/Rural Profile, Statistics New Zealand.

	<p>occupiers including tourism companies. The protection of indigenous biodiversity in New Zealand will benefit all New Zealanders; hence it is not appropriate for the cost associated with this NPS to be primarily incurred by 13% of the population.</p>	<p>Territorial Authorities should develop mapping software to advise land use operators on locations of indigenous biodiversity; the flora and fauna which is endemic to specific geographic areas to ensure the appropriate flora is maintained or re-established; and best practice methods to protect indigenous biodiversity in each area.</p>
<p>Definitions Section 1.8</p>	<p>Real Journeys submit that the NPS definition of existing activity is in conflict with section 10 of the Resource Management Act 1991 and that part b) of this definition should be removed:</p> <p style="text-align: center;"><i>b) not a land use covered by section 10 of the Act</i></p> <p>This definition has the ability to override lawfully established activity on public and private land and will not enable people to provide for their social, economic, and cultural well-being and for their health and safety.</p>	<p>Amend the definition of existing activity by removing clause (b).</p>
<p>Definitions Section 1.8</p>	<p>Real Journeys submit that the NPSIB definition 'effects management hierarchy' be amended to include an additional clause that will enable the government to financially invest in the opportunity cost of private land that the Government does not want to be used as intended by the landowner. This investment must reflect the financial loss the landowner incurs by not utilising their land on an ongoing basis and/or not developing their land.</p>	<p>Amend the definition of effects management hierarchy to include the following clause:</p> <p style="text-align: center;"><i>f) In agreement with landowner the government may pay opportunity cost to the landowner in exchange for private land to not be used as intended by the landowner.</i></p>
<p>Policy 14 and section 3.18 Regional biodiversity strategies</p>	<p>Real Journeys supports this policy which requires the development of regional biodiversity strategies to prevent any potential pest species from moving from one region in New Zealand to another. Regional biodiversity strategies should be comprehensive and written so the general public can understand them, to ensure that tourism operators are able to comprehend how to protect the indigenous biodiversity of their region.</p>	<p>Include Policy 14 and s 3.18 in the NPSIB</p> <p>Ensure that regional biodiversity strategies are written for the general public of the region.</p>

3.4 Integrated approach	Real Journeys submits that the definition of 'integrated approach' is amended to include a fourth clause which acknowledges and includes landowners as part of the integrated approach.	<p>Include a fourth clause in section 3.4;</p> <p><i>d) Coordinated management will include the knowledge of landowners and applied science farming practices must be provided for on directing the protection of indigenous biodiversity on land.</i></p>
3.5 Resilience to climate change	<p>Real Journeys submits that adaption for climate change will require future management of change facilitated at a national level using knowledge-based information before each region can develop policy statements, plans or strategies on how to promote the climate change resilience for indigenous biodiversity.</p> <p>NIWA has prepared climate change impact assessments and coastal / flood exposure reports⁵ that relate to the potential impact of climate change on New Zealand and the climate change adaptation technical working group have published an adapting to climate change in New Zealand report⁶. In order for local authorities to be able to address specific adaptations required for climate change, the government needs to initially plan for climate change adaptation in a national document that addresses: population distribution and land use for primary production in relation to the predicted effects of climate change on New Zealand. To ensure human welfare and just access to resources, a national document is initially required before local authorities can plan for adaptation at a regional level. This is because New Zealand's population distribution and primary production land may need to change in order for the country to adapt.</p>	<p>Develop a knowledge based national climate change adaptation plan for land use and a national scientific report on the resilience and ability of indigenous species to adapt to climate change.</p> <p>Amend section 3.5 to state: <i>In accordance with the national climate change adaptation plan utilise this knowledge at a regional level to plan for natural adjustments, restoration and enhancement proposals concerning indigenous biodiversity in relation to climate change.</i></p>

⁵ Southland Climate Change Impact Assessment, NIWA, August 2008; New Zealand Fluvial and Pluvial Flood Exposure, NIWA, prepared for The Deep South Challenge; and New Zealand Coastal Flooding Exposure under Future Sea-Level Rise for New Zealand, NIWA, prepared for The Deep South Challenge.

⁶ <https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/adapting-to-climate-change-stocktake-tag-report.pdf>

	<p>A national scientific study on the effects of climate change concerning the resilience and ability of indigenous species to adapt will also need to be undertaken to ensure that the future change facilitation of indigenous species is based on knowledge. Only once a national plan and scientific report have been developed can local authorities begin to more accurately plan for where to concentrate their efforts on natural adjustments, restoration and enhancement proposals concerning indigenous biodiversity in relation to climate change.</p>	
3.8 Identifying significant natural areas	<p>Real Journeys submits that 3.8(2)(a) be amended. This reads:</p> <p><i>partnership: territorial authorities must seek to engage with landowners early and share information about indigenous biodiversity, potential management options and any support and incentives that may be available:</i></p> <p>An amendment is requested to ensure that clear and meaningful consultation is undertaken with landowners. Private landowners require assurance that matters relating to their land will be discussed with them and not bypassed through a public notification process they may not be aware of. In most circumstances landowners will hold the solutions to meeting s6(c) of the Act and as such, a partnership approach between landowners and territorial authorities is imperative.</p>	<p>Amend Section 3.8(2)(a) to read;</p> <p><i>partnership: territorial authorities must engage with landowners early and consult about indigenous biodiversity, potential management options and any support and incentives that may be available. Territorial authorities must provide signed written evidence of consultation with landowners.</i></p>
3.12 Existing activities in SNAs	<p>Real Journeys submits that this section be removed from the NPSIB and that land use should be managed using a 'bottom up' planning approach.</p>	<p>Revoke Section 3.12</p>
3.15 Highly mobile fauna	<p>Real Journeys supports section 3.15 and the provision of best practice techniques offered to communities for managing adverse effects on any highly mobile species. This 'bottom up' planning approach empowers the people to be stewards and Kaitiaki of the land. This</p>	<p>Apply Section 3.15's 'bottom up' planning approach to the NPSIB.</p>

	section of the NPSIB may be more appropriately managed by the Department of Conservation.	Include the role of the Department of Conservation in the NPSIB.
3.16 Restoration and enhancement	Real Journeys submits that restoration initiatives should be non-regulatory and should focus on supporting landowners and community groups with their conservation efforts. Section 3.16 potentially gives legal grounds to territorial authorities to enforce the active management of pest species and other costly restoration actions. This cost will likely fall on 13% of New Zealand's rural population. Restoration and enhancement will be more effectively approached as a non-regulatory method.	Amend section 3.16 to be non-regulatory.
Improved land	Real Journeys submits that landowners must not have land use restrictions imposed on them if they improve the indigenous biodiversity on their land. Real Journeys submits that in these circumstances, landowners are stewards of their land and have proven the ability to utilise their land in accordance with s6(c) of the Act.	Add a clause to section 13.6 to provide for restrictions of land use not to be imposed on landowners who improve the indigenous biodiversity of their land.
3.17 Increasing indigenous vegetation cover	<p>Real Journeys submits that sections 3.17 (4) & (5) be revoked and that s 3.17(6) be amended. This reads:</p> <p><i>(6) For any urban or rural area where the assessment indicates the area already has 10 per cent or more indigenous vegetation cover, the regional council may include in its regional policy statement targets (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in the area.</i></p> <p>Indigenous biodiversity benefits all of New Zealand, as such; if landowners are requested to use their land to preserve indigenous biodiversity then they should be compensated for not using their property to meet their social, economic and cultural well-being.</p>	<p>Revoke sections 3.17 (4) & (5) and amend section 3.17(6) to;</p> <p><i>(6) For any urban or rural area the regional council may include in its regional policy statement targets (expressed as a percentage figure within a specified time) for increasing indigenous vegetation cover in the area. Opportunity cost incentives may be provided to landowners to increase the level of indigenous biodiversity on their land.</i></p>

	<p>That is protection of biodiversity on private land should be incentivised through initiatives such as:</p> <ul style="list-style-type: none"> • Increased funding for covenanting and/or purchase of land hosting significant habitats (including funding fencing and predator control); and • Once protected by covenant, then for example, enabling those landowners to participate in the Emissions Trading Scheme, or other future carbon sequestration programmes, as long as predator control measures are carried out to a certain standard. 	
<p>3.19 Assessment of Environmental Effects</p>	<p>Real Journeys submit that s3.19 of the NPSIB be revoked. Resource consent applications should continue to address indigenous biodiversity in an Assessment of Environmental Effects using the precautionary approach.</p> <p>Section 3.19(3) is not practical as the consent process enables the Council and other persons to contest who is considered a 'suitable qualified person' to undertake the assessments. Suitably qualified persons are rare, their assessments can be challenged, and if rather than a Council making the decision on an application, a consent application's decision is appealed through the court this will be burdensome to landowners.</p> <p>The cost of the SNA assessment is likely to fall on the applicant, many of whom will be inhibited from being able to meet their social, economic or cultural needs because their operation is small in scale and cannot absorb the cost of this requirement. A more practical approach is for Councils to provide information on indigenous biodiversity for the public to use in accordance with the current resource consent process, with specific reference made to s6(c) of the Act.</p>	<p>Maintain the current resource consent process with specific reference required to be made to s 6(c) of the Act.</p> <p>A 'suitable qualified person' should not be required to be employed to undertake an assessment of the indigenous biodiversity for 'standard' resource consent applications. An exception should be made for a proposal of national significance or when a considerable percentage of the land area to be developed, is significant indigenous habitat.</p> <p>Information on a region's indigenous biodiversity and methods to protect the indigenous biodiversity should be made freely available to the public by District and Regional Councils, as well as the Department of Conservation.</p>

Appendix 3: Principles for biodiversity offsetting

Real Journeys submits that the principles for biodiversity offsetting does not provide for tourism activities that are required to operate in the natural environment. As such, any required earthwork activity associated with the maintenance, repair or future development of infrastructure in the natural environment could be declined in a resource consent application. The Wayfare Group operates two ski fields; Cardrona and Treble Cone, both of these are located in Otago. At times earthworks are required and the effects of this work can be offset though conservation efforts on other areas of the mountains or in other areas in the region. Real Journeys submits that Appendix 3 be amended to provide for tourism activity in the natural environment.

Real Journeys submits that the principles for biodiversity offsetting do not provide for joint ventures between public and private enterprises to offset environmental effects. The Wayfare Group works collaboratively with the Department of Conservation to mitigate the effect of their activity on the environment in a positive manner. Public and private enterprise initiatives can have a greater positive impact on the environment than either entity could do alone, as such it is important that public and private enterprises are enabled to work together to offset effects of development proposals on the natural environment.

Real Journeys submits that clauses 11, 13 and 14 require further explanation and detail. There is no outline on what a 'specific offset management plan' is, who should be considered a stakeholder and how the public should be informed to be 'transparent'.

Including the requirement of 'specific offset management plans' inhibits collaborative joint venture projects between the public and private sectors, and it increases the regulatory paperwork required for activities that are considered by the Wayfare Group as typical

Amend Appendix 3 clause 1 to include;

Biodiversity offsetting should be applied to an activity that is required to operate in a specific location.

Biodiversity offsetting may include joint ventures between public and private enterprises.

Revoke clauses 11, 13 and 14 from Appendix 3. Require that the proposed biodiversity offset be in agreement with the Local Authority and be included as a Resource Consent Condition.

Enable stakeholder participation to occur through section 95 of the RMA.

Enable transparency to be communicated via District and Regional Councils public reports to the community.

	<p>activities. The intent of the Resource Management review in New Zealand is to improve RMA processes; this includes how to reduce the requirements of and processing of standard resource consents⁷. In seeking management plans for normative activities, the NPSIB adds complexity to the resource consent process. Such complexity also reduces the ability of the general public, such as New Zealand's primary producers, to be able to apply for consent. This is not a positive step forward in resource management in New Zealand.</p> <p>Including the requirement that 'stakeholders' and the 'public' be informed of normative activities is not practical and again adds to the complexity of the resource consent process. Informing and reporting to the public on resource consent applications is better dealt with through the current resource consent process and s95 of the Act.</p>	
Purpose of a planning framework	The purpose of the planning framework is to create a future for the many not the few ⁸ ; the proposed NPS empowers people to protect their indigenous vegetation and significant habitats of indigenous fauna while enabling the many to protect indigenous species in New Zealand while meeting section 5 of the Act.	Provide for the majority of New Zealand's population by following the recommended decisions in this submission.

⁷ Transforming the resource management system: Opportunities for Change, Issues and Options Paper, Resource Management Review Panel, November 2019, page 38 – 40.

⁸ The Evolution of Planning Thought, Lecture Series, Patsey Healey, Vienna University of technology, Austria, 2014, <https://www.youtube.com/watch?v=q4Xxkzst0jM>