

SUBMISSION ON THE NATIONAL POLICY STATEMENT – INDIGENOUS BIODIVERSITY DISCUSSION DOCUMENT

To: Ministry for Environment indigenusbiodiversity@mfe.govt.nz

Submitter: Fulton Hogan Limited.

Background

Fulton Hogan Limited

Fulton Hogan is proudly locally owned and operated and one of New Zealand's largest roading and infrastructure construction companies, employing close to 4800 staff.

Fulton Hogan undertakes numerous activities including:

- Gravel extraction, both within river beds and within land-based quarries/pits;
- Aggregate processing and storage;
- Land use and infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State Highway on behalf of the NZ Transport Agency, and local roads on behalf of the territorial authority);
- Asphalt and bitumen manufacture and bulk storage;
- Pre-cast concrete manufacture and storage;
- Hazardous substance use, transport and storage; and
- Workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water).

Fulton Hogan recognises that our broad range of activities and projects affects the natural environment in trying to achieve a balance in the sustainable management of resources that support and maintain infrastructure for building communities.

Where aggregates and aggregate-based products are not available (including at a reasonable cost), this has a fundamental effect on the ability of communities to provide for roading, building and other infrastructural requirements vital to their needs.

General submission points

We make the following submission in relation to the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB).

Context

In 2018, the New Zealand aggregate and quarrying sector produced 45 million tonnes of aggregates, including limestone and other products, with an economic contribution to New Zealand estimated at \$3 billion. Fulton Hogan currently own or operate a large number of quarry and aggregate extraction sites across New Zealand, on private and public land and rivers.

Fulton Hogan has strong ties to the conservation of our natural environment through support to the DOC Takahe Recovery Programme, supporting Predator Free NZ and other conservation based activities.

We also recognise the many values of the conservation estate and that within the estate itself the degrees of ecological and biodiversity values that exist and the variable management requirements to manage the crown estate.

Key points:

- We generally agree that the proposed NPS-IB should provide direction to councils on their responsibilities for protecting and maintaining indigenous biodiversity under the RMA.
- The NPS-IB should ensure that significant biodiversity values are maintained, while allowing for existing uses of land and certain activities, including quarries or extraction activities.
- Clear, consistent and alignment across New Zealand is essential and must be supported by technical and general guidance material for any new government direction to be implemented – primarily for councils, but also for communities and landowners to clearly and easily understand.
- The proposed NPSIB needs to recognise the cultural significance and role of te ao Māori in managing Indigenous Biodiversity – however it also needs to avoid unnecessary duplication of other legislative processes.
- Strong and open engagement and collaboration in the identification process of indigenous biodiversity is required to enable trust throughout any process.
- Avoid confusion and only have one classification value and we support an effects management hierarchy as it provides a relatively simple ability to balance ecological and economic outcomes.
- We broadly support the proposed frameworks for biodiversity offsets and compensation provided it be consistently applied across New Zealand.
- A strategic vision at regional levels will help landowners understand the objectives for areas recognised as depleted and how they can contribute.
- There needs to be a simple and cost effective way to monitor progress and this should also include public lands.
- Clarity in the legislative hierarchy and where this policy document sits, plus alignment across councils and agencies on how it is implemented.

We now provide our submission points as they relate to chapters and aggregated questions:

Introduction

Q1.-3.

We agree national-level guidance on biodiversity is needed for a consistent and joined up approach for councils, communities and industry. Biodiversity management requires coordination across multiple council boundaries – the approach & mechanisms must be consistent. Equally alignment with ongoing development of the National Planning Standards would be supported to ensure consistent planning development and language.

We recognise that biodiversity management by definition spans legislative and ecosystem boundaries and there is a role within coastal and wetland enhancement, however we do not want to see a policy or planning conflict occur that further complicates any consenting processes.

Broadly speaking we agree with the objectives of the proposed NPS-IB - providing wording is consistent throughout and clear definitions (maintain and manage are currently used interchangeably, and sustainable use has multiple meaning). We support the NPS objectives recognising current land use and activity and should not unnecessarily constrain industrial or commercial activity. We also recognise landowners need to work towards the national biodiversity objectives and where able enhance and improve ecosystems and their services.

Section A: Recognising te ao Māori and the principles of the Treaty of Waitangi

Q4.-Q9.

Yes, we broadly support the inclusion of Hutia te Rito as the underlying concept and we recognise that tangata whenua and councils will need to work closely to ensure that regional policy and plans reflect te ao Māori in managing Indigenous Biodiversity. This is a significant undertaking that will require resource and time on the parties involved – this will put pressure on aligned timing of regional abilities to give effect to any NPS-IB timeframes. There are existing mechanisms for enacting the principles of the Treaty of Waitangi – duplication should be avoided.

Primary opportunities and challenges sit around information about indigenous land, cultural values and making these visible for councils, communities and industry would need to be carefully considered. Online GIS mapping tools are very useful for parties to be able to access key information and the more complete this information is the better to measure and manage outcomes.

Section B: Identifying important biodiversity and taonga

Q10- 18

A high level of engagement and discussion with landowners is required in significant natural area (SNA) identification, the concern is always the pending impact of the identification – so upfront transparency will remain vital to getting accurate data. To date desktop exercises have been divisive in communities and council relationships with landholders.

Time, resources and funding will be key constraints that need to be overcome given a collaborative process with multiple interests is involved – a five year deadline seems appropriate, however given the need for ecologists assessments for site identification is this realistic.

Regional Councils have a mandate for natural resource management, and that is where this responsibility should primarily continue to lie, along with current plan hierarchical framework. As an industry we already are required to engage with the Department of Conservation on Resource Management Act (RMA) and Wildlife Act requirements – alignment in the NPS-IB objectives and those of the RMA transformation should be considered.

Section C: Managing adverse effects on biodiversity from activities

Q19-37

Having two levels of SNA's (medium, high) will lead to confusion and the biodiversity value should be assessed on its established merits vs. the relevance of the proposal (i.e. RMA principles), and considered against the policies of this particular proposed NPS-IB.

Considering this NPS-IB needs to operate within the context of sustainable development as guided by the RMA, the wording in Section 3.9 should point to the RMA.

We do agree with the effects management hierarchy (figure 4) as it provides a relatively simple ability to balance ecological and economic outcomes.

The land uses mentioned seem appropriate and provide guidance – specifically we acknowledge the mention of aggregate resources as their location is determined by geological attributes and they are not readily relocatable.

We broadly support the use of the existing NPSPF legislation.

Management and any change in land where quarrying occurs is subject to RMA processes and an extension of the effects management hierarchy would seem a logical addition, this would apply to the protection of indigenous biodiversity outside of SNA's. Biodiversity offsets should be the first consideration, and if this approach will not mitigate local effects, then sequentially compensation can be considered – as a package.

Sufficient mechanisms are in place for now for consideration of climate change, any future revisions of the RMA maybe more explicit on this matter. The precautionary approach here will only further the case for confusion and differing interpretation. There is room in the RMA to allow for development where it is appropriate, and it is an acknowledged failing of the current legislation that it is already too restrictive in some situations.

We are in broad agreement of the frameworks for biodiversity offsets in appendix 3 and compensation in appendix 4 provided it is consistently applied across New Zealand, supported by a peer review of the applications/ proposals.

A more than minor approach with a robust and collaborative process to address residual adverse effect. That is because the procedure of avoid, remedy, mitigate will have achieved its purpose, under the RMA, if residual effects are no more than minor.

Section D: Restoration and enhancement of biodiversity

Q38-45

In principle, the habitats selected make sense, with freshwater management in particular, however it should be recognised there might have been historical acts that have modified the environment already. The primary issue is in the implementation of this approach and the impact on current activities, given the differing ecological and biodiversity across the country. The preference is for a collaborative (landowners, councils and iwi) approach to achieve outcomes under one piece of leading legislation to refer to; having multiple requirements under two different regulations could lead to implementation issues.

General support for restoring indigenous vegetation cover in depleted areas given the 10% threshold is consistent for regional authorities to apply - the urban ability to meet this threshold might be problematic.

We recognise that having a strategic vision for biodiversity at a regional level (e.g. habitat corridors) can provide stakeholders an understanding of how they can contribute to local biodiversity outcomes. The issue around full understanding of a regions biodiversity state is still problematic. A regional strategy would complement other outcomes such as the pest management objectives and freshwater outcomes – with the inclusion of wetlands. The regional strategy timeframe is consistent with the earlier timeframe proposed in section B1, provided guidance is provided to councils for a consistent approach in strategies and implementation of a national approach.

Section E Monitoring and implementation

Q46 - 58

Some form of monitoring plan is required and will require access to information, this would need to be communicated upfront with any landowner engagement and is a large task at a local, regional and national level. The process needs to be efficient as the cost of doing the reporting will potentially be significant and would lie with landowner as a ratepayer and taxpayer and consent applicant. Consenting processes are not cheap exercises and cover many aspects currently depending on the location of a proposal, any rural based activity would under this proposed option add more expert ecological cost to an application and ongoing reporting costs (potentially disproportionate to urban activity). This approach could detract from or avert funds from any ecosystem service or habitat enhancement considerations.

Any implementation pathway selected needs to apply a collaborative approach and will be resource intensive and as outlined also add complexity to consent processes. Given the timescale to achieve any change we question the need for two yearly refresh timeframes and would suggest a longer term approach aligned to planning cycles.

SNA's on public land - an option to consider is the responsible government entity assess what biodiversity and SNA status on their land, this would then show any changes in how the land is managed to support indigenous biodiversity.

In our opinion, an integrated management approach is the only realistic way to achieve long-term results in terms of biodiversity. In principle we support the proposed direction of managing indigenous biodiversity within the coastal environment and we reiterate we do not want to see a policy or planning conflict occur that further complicates any consenting processes.

As mentioned previously we believe there will be current potential costs to predominantly any rural based development from the proposed NPS-IB. This indigenous biodiversity cost is borne by the applicant who is applying for an activity extension, change or establishment of an activity provided for in that location by local planning provisions. In the case of aggregate access and production, any upfront additional costs will be handed on through the supply chain that includes local and national infrastructure.

The proposed NPS-IB should include a provision for transferable development rights, as the overall goal here is biodiversity maintenance and integrated management.

We would suggest guidance documents from MfE, specifically on the interaction between the proposed NPS-IB and NZCPS and technical support in collection and analysis of the data, and wider consideration of the cost benefit analysis from the position of a consent applicant/ landowner.

For the required technical support we recommend all of the proposed material and expertise. The goal being consistent application of the NPS-IB nationally. Observations from the implementation of the NPS-PF & the consequence was significant cost and delay in results for operators and councils across the country.

Section F: Statutory frameworks

Q59- 61

Primarily any National Planning Standard alignment or support would be on definitions of words and phrases and accessibility of planning documents – to provide consistency and certainty across regions in any reference to the NPS-IB outcomes.

There are potential areas of tension or conflict with other legislation as mentioned with other existing NPS, but also others currently in development such as High Productivity Soils. If there is conflict between them, a ranking of priority needs to be clearly established.



In our opinion, there is a connection between the NPS-IB and the Biosecurity/ pest management objectives if the objectives of management and enhancement remain – the RMA plays a role through the consenting process and any follow up actions that might arise in ensuring compliance to RMA conditions related to biodiversity objectives as proposed within the NPS-IB.

Further Discussion

Fulton Hogan acknowledges the significance of this proposed NPS-IB and the complexity of the issues raised and the role that ecosystems and their services have in the cultural, natural and economic settings.

Address for Service of Submitter:

Fulton Hogan Limited
PO Box 39185
Harewood
Christchurch 8545

Attn: Don Chittock

Phone (027) 687 6247
Email don.chittock@fultonhogan.com