The High Country Accord Trust

Response to the Crown’s Draft National Policy Statement for Indigenous Biodiversity

Hutia Te Rito

14 March 2020
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## Submission type

- [ ] Individual
- [x] NGO
- [ ] Local government
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- [ ] Central government
- [ ] Iwi

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Background to the Accord - kaitiakitanga

The High Country Accord is a trust established in 2003 for the purposes of promoting and protecting the rights of holders of pastoral leases under the Crown Pastoral Land Act 1998 ("CPLA") and the Land Act 1948 ("LA"), "with a view to ensuring the future economic, environmental and social sustainability of the South Island High Country."

The Accord represents the interests of more than 150 pastoral lessees who are collectively responsible for the stewardship of 1.2 million hectares of land in the South Island High Country.

We acknowledge the aspirations of the Crown and respect the draft NPS’s concept of Hutia Te Rito. It is a concept already central to the pastoral lease instrument.

Since 1948, pastoral lessees have had, and continue to accept, the responsibility for kaitiakitanga of their properties provided for by the Crown Pastoral Lease. Since the adoption of this tenure by the Land Act 1948, there have been steady, year by year, incremental gains in the overall condition and biodiversity of the South Island Crown pastoral estate. In many instances this stands in stark contrast to the management of adjoining public land.

Critical to those gains on pastoral leases has been a process of balancing the interests of indigenous biodiversity with the pastoral farming activity. That balance seeks to:

- preserve the ‘centre of the flax bush’, but at the same time
- provide the economic resources to manage the invasive exotic species (plant and animal) which are the predominant threats to indigenous biodiversity in the High Country.

Summary of position – avoid duplication of management regimes

Parallel to the Ministry for the Environment’s consultation process is a Government sponsored process within Land Information New Zealand under which the Crown is re-formulating its approach to its management of indigenous biodiversity on pastoral leases (the LINZ process). The objective is to enhance outcomes for indigenous biodiversity across the Crown pastoral estate.

The LINZ process arises from the Government’s decision to end tenure review and accept that it will be a long term lessor and manager of land in the South Island High Country.

That work is well-advanced. It has involved considerable consultation by the Accord with officials at Land Information New Zealand and with the Commissioner for Crown Lands. That consultation has:

- demonstrated the extraordinary complexity and diversity of issues encountered in the High Country
- drawn out how farming and sound environmental practices can co-exist for the benefit of all New Zealand

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1 Clause 4.1 of the High Country Accord Trust Deed dated 23 November 2003
illustrated that much of the anecdotes of adverse environmental outcomes on pastoral lease land lack a sound scientific and evidential basis

provided LINZ with greater insight into the way in which pastoral farming activities enhance indigenous biodiversity – sometimes in unexpected ways (such as the strong regenerative response of matagouri and manuka/kanuka to the light levels of fertilizer applied from time to time in the High Country)

resulted in the establishment of relationships between Ngai Tahu, the Crown and leaseholders which did not previously exist and a proposed statutory recognition of the interests of Ngai Tahu.

The outcome of the LINZ process will be a discrete highly targeted framework for the management of indigenous biodiversity and farm activities across the Crown Pastoral estate. This will take account of terrestrial and water values.

The LINZ regime is intended to preserve an appropriate balance between indigenous biodiversity and the farming proposition – recognising the property rights of the owners of pastoral leaseholders; their substantial historical investments; and their contribution to New Zealand and the environment.

To implement this framework LINZ is proposing that it increase the number and skills of its employees who can increasingly engage directly with leaseholders on farm in respect of the issues of each property.

The LINZ process is intended to result in higher levels of engagement by the Commissioner with lessees and a higher degree of oversight of land management practices, both generally and on the land of the specific leases.

With just 150 properties to manage, the LINZ processes will be much more property specific than regional councils will ever achieve across their territories.

It can therefore be assumed that within LINZ specialist knowledge and expertise in respect of High Country biodiversity values will develop which will be superior to that available to regional councils.

It therefore makes no sense for Crown pastoral land to be the subject of two regimes – one carefully targeted regime under the Crown Pastoral Land Act and the other more generic regime under the plans of regional councils.

Separate co-existing regimes for Crown Pastoral land will:

- raise the prospect of conflict under the separate regimes
- unnecessarily expose regional councils to regulatory cost for a function already assumed by central government
- unnecessarily expose the Commissioner of Crown Lands to costs of resolving conflicts between regimes
• un-necessarily expose lease holders to the costs of parallel regulatory processes

• diminish the pool of resources (time and money) available to the Crown, regional councils and leaseholders to deploy to the benefit of indigenous biodiversity

Process duplication is already an issue, and the NPS provides the opportunity to rationalise the management of Crown Pastoral lease land to the benefit of all.

It is therefore the Accord’s submission that the NPS should provide that the following requirements of the NPS do not apply in respect of Crown Pastoral Lease Land:

• Parts 3.2(2)(c) (obligation to take steps to maintain biodiversity)

• Part 3.8 (identifying SNA’s)

• Part 3.9 (managing adverse effects on SNA’s)

• Part 3.12 (existing SNA’s)

• Part 3.13 (rules outside SNA’s)

• Part 3.16 (restoration and enhancement)

• Appendix 1 (criteria for identification of SNA’s)

• Appendix 2 (tools for management of SNA’s)

• Appendix 3 (offsetting)

• Appendix 4 (biodiversity compensation)

We would be happy to work with Ministry officials in the same manner we have worked with LINZ officials to develop these mechanisms.

**The pastoral lease – legal and physical attributes**

The pastoral lease was devised by the Land Act 1948 to be a tool for the sustainable environmental management of the South Island High Country. It contemplates the shared stewardship of the land, recognising that the Crown was unable to achieve environmental and ecological outcomes on its own.

Since 1948 pastoral lessees have, as a rule, been steadily improving the quality and protection of the environmental values of the High Country. This includes the values associated with both land and water.

Pastoral lessees have been the ‘delivery agent’ for addressing the Crown’s concerns for the environment. This has occurred without tangible support from the Crown. There are numerous examples of lessees’ extensive covenancing in favour of QEII Trust, voluntary grazing management practices, wetland enhancement, and predator control programs; all designed to enhance our indigenous biodiversity and take account of water quality issues.

**Legally:** The pastoral lease instrument:
• Confers on lessees the exclusive right of possession and to pasturage over the entire area of the leased land.

• Contains contractual limits as to the type and numbers of stock which may be carried within the leased area. These limits may be altered by application to the Commissioner of Crown Lands.

• Requires activities involving anything other than the minor disturbance of soils to be approved by the Commissioner of Crown Lands.

Generally, lightly stocked: The combination of the stock limits and the nature of the leased land normally results in very light stocking practices at a farm scale compared to properties outside the pastoral lease estate.

Stock mix: Most pastoral lease properties run a predominance of sheep in combination with a smaller number of cattle. Deer also feature across the pastoral lease estate.

Impact of grazing: Pastoral grazing in many areas is an effective management tool for control of wilding pines, briar, broom, gorse, willow, ragwort, exotic grass species etc.

Impact of fertilizer: Fertilizer is applied relatively sparsely across the Crown pastoral estate. Where it is applied there is commonly a strong regenerative response by a number of indigenous species (notably matagouri and manuka/kanuka)

Geographic characteristics: Pastoral leases are usually relatively remote. Many properties are located in catchment headwaters. Many are already subject to an SNA designation and will also have numerous wetlands.

Limited infrastructure: Pastoral leases typically have poor road access and limited available infrastructure. Electricity networks typically end at the homestead; internet is often poor; stockwater is typically provided by streams.

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