

**NATIONAL POLICY STATEMENT
ON INDIGENOUS BIODIVERSITY**

SUBMITTER: GREY DISTRICT COUNCIL
February 2020

"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."

SUBMISSION

Introduction

Grey District Council supports the broad principles of the Biodiversity Strategy for New Zealand and that of the National Policy Statement. On the same basis, it supports the Strategy Vision of "*Nature in Aotearoa is healthy, abundant and thriving. Current and future generations connect with nature, restore it and are restored by it*".

Having said that, Council points out that modern society requires a healthy balance between social, economic, cultural and environmental wellbeing noting that all four have to be considered especially in a Region where 84% of available land area is already under environmental protection. Against this background, the concept of sustainability is strongly supported by Council. As a consequence, Council has, over the years established itself as a strong proponent of the Resource Management Act 1991 and its focus on sustainability and we invite scrutiny of Council's performance in relation to implementation of the Act and its principles.

Council will join the West Coast Region in a combined submission in relation to the NPS and makes this individual submission focused primarily on the SNA provisions. In this respect it is important to understand that it is reasonably common to find areas of natural bush and other features on private land on the Coast, not because the land owners have been forced to retain it but rather because such land owners have been responsible over the years. We object that this sense of responsibility may now be the basis for great commercial disadvantage to them and that their land now serves as the object for national environmental compliance. We focus on two broad issues:

The intensified environmental focus of the NPS ignores important realities, including:

- With 84% of the Coast already under some form of conservation management, the further intensification of the focus on the environment in the NPS may well result in a further 6% of our land area be withdrawn from development. This has serious implications for the economic future of our Region.
- Council and our community have been successful in providing for its S.6 RMA responsibilities with 74 SNAs protected leaving 15 yet to do. This success has been based on good faith collaboration with land owners (and the cooperation of DoC). The NPS will affect more land which represents an effective repudiation of this cooperative approach. We strongly suggest that any changes proposed should exclude any land where our current processes have determined matters.
- Despite our success, land owners generally have little confidence in the process. This is also reflected in the market. Any land with existing SNAs on it are commercially "unpopular" with potential buyers cautious as to what it means for the future optimisation of the land. Land with stands of trees or wet/damp areas enjoy little if any buyer attention and as such is deemed as having no value. Similarly Banks do not provide mortgages on land with any features that may make them into SNAs into the future.

The above is exacerbated by perverse outcomes of the process. In one case, a 20 ha farm has an SNA (indigenous trees) over 70%-80% of its entire area. Apart from the restrictions this imposes on the land owner and his use of the land, the land would normally have a commercial value of \$300,000 (excluding future earning potential and the value of the trees) but is now worthless. To add insult to injury, the land had been bought from the ex NZ Forest Service and the land owner had to pay additional for the trees! At 84 he finds it difficult to deal with the issue. In another case, the land owner purchased a block of land with strong development potential after having done due diligence and having been given the assurance that no features on the land fall within S.6. He secured a high mortgage with the bank. Since then a review of the land indicated the existence of a potential wetland on the land bringing an end to any development initiatives and rendering the land worthless. The land owner is facing financial ruin.

On the whole, we are of the opinion that the NPS should be withdrawn and that a fundamental and careful assessment be made of all the implications of any changes.

S.6 of the RMA looks at protecting special natural characteristics on private land in the national interest. That being the case, provision must be made to pay compensation to private land owners where their rights and interests are being compromised.

Our Submission:

We submit:

- 1. That the Crown acknowledges that intensification of environmental protection provided for in the NPS is likely to reduce the land area for active optimisation to as little as 10% only. This has severe implications for the economic future of the Region.**
- 2. That the Crown acknowledges that the Coast has become the de facto "environmental conscience" of New Zealand and that the impact of environmental protection initiatives impact the Coast more for the simple reason that we have more to protect.**
- 3. That the Crown, in writing the NPS failed to undertake any impact assessment for it. Rather, it displays a disconcerting lack of provision for/understanding of key impacts which should have been considered. These include:**
 - **It is respectfully suggested that there are more potential SNAs on private land on the Coast than in most Regions of the Country. This is not due to legislative constraints to logging or draining wetlands but rather thanks to the land owners deciding to retain such features. The SNA process and its proposed intensification acts as a penalty to those land owners, given the constraints it places on them and the impact it has on them financially and otherwise.**
 - **The market on the Coast has already responded to the ongoing uncertainty as to the future SNA status of land with trees/wet areas etc. Such land enjoys negligible buyer interest whilst banks will not fund the purchase of such land. The impact of the Regional economy and on land owners has already been established.**
 - **There are existing perverse manifestations of the SNA process that need to be attended to before the Crown looks to impose restrictions that further exacerbate the matter. The two examples quoted herein are real and underline the rather disappointingly superficial Ministerial consideration that resulted in the "no compensation" announcement.**
 - **The successes achieved in relation to SNAs on the Coast is based on good faith and mutual goodwill. The NPS has every potential to change this and destroy the productive association Council has with land owners. We currently have community leaders calling for land owners to cut trees and dig up potential wetlands in order to avoid them suffering the impacts of their land being made into an SNA.**
 - **On that basis, and until the impacts of the NPS are clearly identified and provided for, it should be withdrawn.**
- 4. That, if the decision is to continue with the NPS, provision has to be made for exemption from its provisions in cases where Regions, Districts or land owners can reasonably prove disadvantage. A one size fits all approach is inappropriate as circumstances from Region to Region, District to District vary, in cases significantly. In this respect, attention is drawn to various other examples where the Crown differentiates between different Regions based on differences between the Regions, i.e. whitebait regulations.**
- 5. That the Crown acknowledges that the SNA process as an action in the national interest, already has negative commercial, social and other impacts on private land owners, some of it profoundly so. The market reaction as outlined shows this impact to be widespread. The Crown must, in accordance with International Convention, New Zealand Common Law and existing Crown legislative principles i.e. used in the Public Works Act accept**

responsibility for compensation to land owners where Crown action in the national interest impact negatively on the rights and interests of land owners.



Tania Gibson
Mayor



Paul Pretorius
Chief Executive Officer

14 February 2020