SUBMISSION NATIONAL POLICY STATEMENT

FOR INDIGENOUS BIODIVERSITY

GRAY DISTRICT COUNCIL SIGNIFICANT NATURAL AREA (SNA)


SHE STATES THAT SECTION 6(C) OF THE RESOURCES MANAGEMENT ACT 1997 REQUIRES THE GRAY DISTRICT COUNCIL TO IDENTIFY SITES WITHIN THE DISTRICT WHICH POTENTIALLY MAY BE AREAS OF SIGNIFICANT INDIGENOUS (NATURAL) VEGETATION AND OR SIGNIFICANT HABITATS OF INDIGENOUS FAUNA. THIS PROPERTY DISCUSSION ABOVE HAS BEEN IDENTIFIED AS A POSSIBLY CONTAINING AN SNA.

SECTION 6(C) MATTRES OF NATIONAL IMPORTANCE MEANS;

6. IN ACHIEVING THE PURPOSE OF THIS ACT ALL PERSONS EXERCISING FUNCTIONS AND POWERS UNDER IT IN RELATION TO MANAGING THE USE, DEVELOPMENT AND PROTECTION OF NATURAL AND PHYSICAL RESOURCES SHALL RECOGNISE AND PROVIDE FOR THE FOLLOWING MATTERS OF NATIONAL IMPORTANCE.

6(C) THE PROTECTION OF AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA.

I REFER TO SUE HARKNESS LETTER ON THE 7 DAY OF MARCH 2007 EXPLAINING THAT I HAD A SUSTAINABLE FOREST MANAGEMENT PERMIT WHICH THE DEPARTMENT OF CONSERVATION HAD INSPECTED AND THEY GAVE THEIR APPROVAL TO THE SUSTAINABLE FOREST PERMIT AS THIS WAS INCLINED TO THE FOREST WHICH WAS A NATURAL SIGNIFICANT AREA.

THAT SHOULD HAVE ADOPTED FIRST AND OF THAT REQUIREMENT FROM THE COUNCIL AS THIS WAS NO SIGNIFICANT INDIGENOUS FOREST ON MY LAND. THIS FOREST HAS BEEN MULLED THREE TIMES THAT I KNOW OF.
I received another letter from [REDACTED].

I have had no contact with [REDACTED] since 2007. There has been no contact with the Grey District Council from the 5th of August 2007 until the 2nd of November 2010.

On the 2nd of November 2010, I received a letter from [REDACTED], a new Environmental Services Manager for the Grey District Council. This letter included:

1. SNA Plan Changes - Explanation for Stakeholders and Landowners
2. Draft New Part F - Policies and Objectives
3. Draft New Rule 14.2.5
4. Amended Utilities Rule
5. Amended Subdivision Rule
6. SNA Map

On the 18th of February 2011, I received another letter from [REDACTED]. They stated that the SNA located on my property had been altered by the Grey District Council where determined that they were taking away my rights to extract timber from my forest under section 6(c) of the Resource Management Act 1991 and that is exactly what the council have done.

I no longer have the right under the Sustainable Forest Management Permit to extract timber. I no longer have the right under the Resource Consent from the Westcoast Regional Council. The council have curtailed the certificate of consultation from the Department of Conservation dated 5th day of March 2000.

The Grey District Council now have full control of my forest under section 6(c) of the Resource Management Act 1991. I have lost all my rights to this forest, which now means compensation is to be paid.

THE MEANING OF "HERITAGE ORDER" AND HERITAGE PROTECTION AUTHORITY

A HERITAGE ORDER MEANS A PROVISION MADE IN A DISTRICT PLAN TO GIVE EFFECT TO A REQUIREMENT MADE BY A HERITAGE PROTECTION AUTHORITY UNDER SECTION 189 AND 193 A AND —

A HERITAGE PROTECTION AUTHORITY MEANS —

(8) A LOCAL AUTHORITY ACTING EITHER ON ITS OWN MOTION OR ON THE RECOMMENDATION OF AN IWI AUTHORITY.

THE GREY DISTRICT COUNCIL HAVE —

A. SERVED NOTICE OF ITS REQUIREMENT UNDER SECTION 6 (c) OF THE RESOURCE MANAGEMENT ACT 1991
B. SERVED NOTICE OF THE LEGAL TITLE TO THE PROPERTY OF THE SIGNIFICANT INDIGENOUS VEGETATION IN SECTION 6 (c)
C. SERVED A PLAN MARKING THE BOUNDARY OF THE SNA;
D. THE GREY DISTRICT COUNCIL HAVE PRODUCED A SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA DOCUMENT FOR THE GREY DISTRICT PLAN.

THE GREY DISTRICT COUNCIL HAVE TAKEN AWAY MY LOCAL RIGHTS TO THE FOREST OF WHICH THEY NOW CONTROL AND SECTION 193 (c) OF THE RESOURCE MANAGEMENT ACT 1991 STATES

193 (c) THE HERITAGE ORDER OR REQUIREMENT RENEWALS OR WILL REMOVE THE LAND IN RESPECT OF WHICH IT APPLIES INCAPABLE OF REASONABLE USE.

IN THE STATUS REPORT ON 28 FEBRUARY 2007 SHE STATES — BECAUSE THE LAND DESCRIBED ABOVE HAS BEEN IDENTIFIED AS A POTENTIAL SNA VEGETATION CLEARANCE ON THIS SITE IS NOT PERMITTED WITHOUT A RESOURCE CONSENT." A RESOURCE CONSENT WOULD NOT BE ISSUED AS SECTION 6 (c) OF THE RESOURCE MANAGEMENT ACT 1991 STATES THAT THE SIGNIFICANT INDIGENOUS VEGETATION MUST BE PROTECTED.
This renders the land in respect of which it applies incapable of reasonable use.

At the end of a letter the states: “Council remains committed to its initial decision to identify SNA in consultation and with the full involvement of land owners.”

If the landowner agrees with the consultation with the Council, they are in fact agreeing with the acquisition by agreement which is section 17 of the Public Works Act 1981.

Section (3) of section 17 states: “The vendor under any such agreement shall not be entitled to claim compensation under Part V or Part VI of this Act.”

Any landowner who agrees to the terms that the Council have produced as to section 6(c) of the Resource Management Act 1991 will not be entitled to any compensation.

A tree is a tree that only has two uses, one as firewood and the other is as sawn timber, and under section 6(c) of the Resource Management Act 1991 the tree is protected but at the same time it cannot be used as firewood or sawn timber. It is either one or the other but not both.

Under section 198 of the Resource Management Act 1991, planning tribunal may order land taken etc.

Section 198 (c)

“The heritage order or requirement renders or will render the land in respect of which it applies incapable of reasonable use, the planning tribunal may make an order giving the heritage protection authority the option of either withdrawing the requirement or causing the heritage order to be removed as the case may be or taking the land under the Public Works Act 1981.”

The Grey District Council have taken away my social right.
TO BARACT MY TREES THEREFOR NO RATES WILL BE PAID ON THIS LAND UNTIL MY LEGAL RIGHTS ARE RETURNED TO ME MEANING THE GRAY DISTRICT COUNCIL WILL WITHDRAW THEIR REQUIREMENT OVER MY LAND AND PAY ALL COSTS OR THEY CAN PURCHASE ALL OF THE FOREST PLUS THE REMAINING LAND AS IT WOULD NOT BE A ECONOMIC UNIT UNDER THE PUBLIC WORKS ACT 1981

THE NATURAL SIGNIFICANT AREAS FIRST STARTED IN A LETTER FROM ON THE 28 FEBRUARY 2007

I RESPONDED TO THIS LETTER ON THE 7 DAY OF MARCH 2007 STATING I HAD A RESOURCE CONSENT FROM THE WESTCOAST REGIONAL COUNCIL AND A SUSTAINABLE FOREST MANAGEMENT PERMIT AND THE DEPARTMENT OF CONSERVATION CAME TO THE APPEAR TO EXTRACT LOGS FROM THE FOREST AS THERE WAS NOTHING OF ANY NATURAL SIGNIFICANT

THE GRAY DISTRICT COUNCIL IS DETERMINED TO TAKE AWAY MY LEGAL RIGHT TO MAKE A LIVING ON THIS LAND

ON THE 12 OCTOBER 2011 I RECEIVED A LETTER FROM HE SAYS: "I SUGGEST THAT YOU RATHER DISREGARD THE COMMISSIONED REPORT AND TALK TO THE PERSON WHO WILL BE INVOLVED IN THE ISSUE WITH HIM"

AS I HAVE ALREADY ATTACHED A COPY OF MY SUSTAINABLE FOREST MANAGEMENT PLAN AND THE ISSUE WITH HIM"

AS I HAVE ALREADY ATTACHED A COPY OF MY SUSTAINABLE FOREST MANAGEMENT PLAN AND A COPY OF THE DEPARTMENT OF CONSERVATION APPEAL TO EXTRACT LOGS WAS ISSUED TO THE GRAY DISTRICT COUNCIL WITH MY LETTER OF THE 7 DAY OF MARCH 2007

IN MY AFFIDAVIT OF THE 8 SEPTEMBER 2011 I ALSO ENCLOSED A COPY OF MY FOREST PERMITS MARKED AS J. J. AND K. BUT THE COUNCIL STILL CAN NOT UNDERSTAND MY FOREST PERMIT.

THAT'S TWO COPIES OF MY FOREST PERMITS, HOW MANY DO THEY REQUIRE.
NEW ZEALAND PRINCIPLES GOVERNING COMPULSORY ACQUISITION OF LAND BY THE CROWN ARE FOUNDED IN THE MAGNA CARTA OF 1215. THIS TREATY WAS FORCED UPON KING JOHN BY THE BARONS OF ENGLAND TO CURB THE EXCESSSES OF A TYRANT KING.

IN NEW ZEALAND THE PUBLIC WORKS ACT 1981 RECOGNISES A LAND OWNERS RIGHT TO BE PAID FULL COMPENSATION WHEN HIS OR HER LAND IS ACQUIRED (VOLUNTARILY) OR TAKEN (COMPULSORILY) FOR A PUBLIC WORK.

ESSENTIALLY COMPENSATION LAW AND PRACTICE INVOLVES BALANCING A SATISFACTORY BALANCE BETWEEN THE VALUE OF LAND ACQUIRED OR TAKEN AND THE MONETARY PAYMENT TO BE MADE FOR TAKING THE LAND.

NEW ZEALAND PRINCIPLES GOVERNING COMPULSORY ACQUISITION OF LAND BY THE CROWN ARE FOUNDED IN THE MAGNA CARTA OF 1215. THIS TREATY WAS FORCED UPON KING JOHN BY THE BARONS OF ENGLAND TO CURB THE EXCESSSES OF A TYRANT KING. THIS TREATY PROVIDES THAT THE KING COULD ONLY TAKE A CITIZEN'S LAND BY THE RULE OF LAW AND THEN ONLY BY PAYMENT OF COMPENSATION.

THE DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY IS THE ACTION OF A TYRANT GOVERNMENT TAKING LAND OWNERS LAND UNDER COMPULSORY ACQUISITION AND ONLY LAND ACQUIRED FOR ESSENTIAL WORKS MAY BE COMPULSORY TAKEN.

THE DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY IS NOT ACQUIRED FOR ESSENTIAL WORK.