

## Significant Natural Areas: What are your rights?

Recently, some of our clients have been asking whether the Council has a **right to enter their property to assess and map significant natural areas?** The short answer is, no; Councils do not have a right to access your property to gather information to map new significant natural areas (SNAs).

Despite this, many rural properties will have areas of indigenous vegetation within them that will be subject to existing rules. Whilst these areas may not be specifically identified, they may already qualify as being significant. For those areas, the Council may enter your property if it has reasonable grounds to suspect you are breaching those rules.

## What is a Significant Natural Area?

SNAs are tracts of land that contain significant indigenous vegetation and/or significant habitats of indigenous fauna. SNAs are protected by the Resource Management Act 1991 (RMA) for their high ecological biodiversity value.

Many working farms and rural properties contain areas which meet the criteria of an SNA without knowing it. Think of that steep forested gully, river terrace edge or perpetual bog in the back paddock. Often these areas, which have been left alone for some time contain remnant and/or regenerating indigenous vegetation.

Councils are responsible for identifying SNAs and in many districts this work is well underway. The mapping provides clarity about the status of the area and the rules that apply to them. However, it may also impose stronger controls on how the land can be used in the future which can be of concern to landowners.

## When can a Council enter your property?

The provisions of the RMA enable Council enforcement officers to enter property to carry out inspections to determine compliance with the RMA, regulations, a resource consent, or rules in a plan. An enforcement officer requires "reasonable grounds" of non-compliance to access property. In those circumstances, you are not entitled to refuse access and it is an offence to do so.

Council's are not conferred a power of access for identification purposes and on that basis landowners are entitled to decline entry to officers who wish to assess a potential SNA.

## What might the future hold?

This is an area that may receive further attention in the new Natural and Built Environments legislation currently being drafted and in light of the upcoming National Policy Statement on Indigenous Biodiversity (NPSIB) due to be released in July 2021.

SNAs are not the only mechanism available to protect indigenous biodiversity on your property. QEII National Trust covenants can help protect important habitats. The Trust's approach is somewhat more constructive and bespoke so may be a good option for people who want to 'control their own destiny' on such matters.

The Resource Management Team would be happy to discuss these matters further with those who may have questions.

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