



EVANS HENDERSON
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BARRISTERS & SOLICITORS

230803/14
JCH:KJY

8 November 2022

TTPP Submissions
P.O. Box 66
GREYMOUTH 7840

E-MAILED

EMAIL: info@tpp.nz

Dear Sir/Madam

**RE: TE TAI O POUTINI PLAN SUBMISSION – J. HUGHSON, I. HUGHSON AND J. NITSCHKE -
75 THE STRAND, OKARITO**

We act for the owners of 75 The Strand, Okarito.

We have been instructed by our clients to make a submission regarding the impact of the Te Tai O Poutini Plan on their land at 75 The Strand, Okarito. Please find that submission attached herewith.

Yours faithfully

EVANS HENDERSON WOODBRIDGE

JACK HENDERSON

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Encl.

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Te Tai o Poutini Plan Proposed Plan

Submission form

Te Tai o
Poutini Plan
Proposed
Plan

Have
your
say!

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

Your details:

First name: John Surname: Hughson

Are you submitting as an individual, or on behalf of an organisation? Individual Organisation

Organisation (if applicable): _____

Would you gain an advantage in trade competition through this submission? Yes No

If you **could** gain an advantage in trade competition through this submission please complete the following:

~~I am /am not directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.~~

Postal address: C/o Evans Henderson Woodbridge, P.O. Box 326, Marton 4741

Email: jack@ehw.co.nz Phone: 06 327 7159

Signature: _____ Date: _____

Your submission:

The specific provisions of the proposal that my submission relates to are:

- | | | |
|--|--|--|
| <input type="checkbox"/> Strategic Direction | <input type="checkbox"/> Energy Infrastructure and Transport | <input type="checkbox"/> Hazards and Risks |
| <input checked="" type="checkbox"/> Historical and Cultural Values | <input type="checkbox"/> Natural Environment Values | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> General District Wide Matters | <input type="checkbox"/> Zones | <input type="checkbox"/> Schedules |
| <input type="checkbox"/> Appendices | <input type="checkbox"/> General feedback | |

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

I wish to speak to my submission I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes, I would consider presenting a joint case No, I would not consider presenting a joint case

Public information - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.

Want to know more?

www.tppp.nz

0508 800 118



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

My submission:

(Include whether you support or oppose the specific provisions or wish to have them amended, reasons for your views and the decision you seek from us).

As per the documents attached.

Please attach more pages if required.

How to send in your submission form

▶ Did you know you can complete this submission form online?



Online submission form:
[**www.ttpp.nz**](http://www.ttpp.nz)

▶ Or post this form back to us:



**TTPP Submissions, PO Box 66,
Greymouth 7840**

Submissions must be made by 5pm, Friday 11th November 2022

Want to know more?
[**www.ttpp.nz**](http://www.ttpp.nz)
0508 800 118



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

SUBMISSIONS

Te Tai o Poutini Plan

Affected property: 75 The Strand, Okarito

Owners: J. Hughson, I. Hughson and J. Nitschke

Evans Henderson Woodbridge

Solicitors

MARTON

SUBMISSION

TE TAI O POUTINI PLAN – 75 THE STRAND, OKARITO

Owners of 75 The Strand, Okarito

1. The owners of 75 The Strand, Okarito are the Hughson family. The registered proprietors of the land are John Hughson as to a one half share. He is the father of the other registered proprietors.

The other half share is owned by Ian Hughson, John Hughson and Julie Nitschke who are the trustees of their late mother's estate.

2. John Hughson is currently in occupation of the property.

The property

3. There is an old house, perhaps 100 years old, which is situated on the property. The balance of the property is occupied for residential purposes.
4. John Hughson is 95 years of age and it may well be the case that the family is faced in the near future with a question of whether the property should be sold or retained for family purposes.
5. It is understood by the family that the property has been used in the past as a Police house, Court and gaol.

The proposal

6. It is understood that the property is within a site and area of significance to Maori under the Te Tai o Poutini Plan (TTPP) specifically SASM135 which shows the land as being Wāhi Tapu.

It is also understood that this area is of significant cultural and spiritual importance to Iwi and it is for this reason that the file on the land is silent.

7. Because it is not clear as to what part of the property is of significant cultural and spiritual importance, the owners are not able to suggest any means by which the future use of the land might be curtailed in a way which would give proper acknowledgement to cultural and spiritual concerns. For example it might be possible to have one particular area of the land delineated and reserved as an acknowledgement of the cultural and spiritual importance or it might be that some particular use of the land could be curtailed.

The owners are willing to consider such possibilities but are not able to assist in the dialogue because they are in need of further information.

8. It is understood that should the plan change be approved, the owners would need to obtain a resource consent or written approval from Poutini Ngai Tahu to undertake grazing, minor earthworks, demolition, removal or alteration of structures, indigenous vegetation clearance, temporary activities, earthworks and building and structures. It is respectfully submitted that this requirement is very restrictive. It may be noted that the use as a residential property would seem to be permitted without approval and that there may be existing use rights but of course, it must be acknowledged that the present dwelling is near the end of its useful life and that some removal or alteration and rebuilding might well be required in the near future. The owners usual rights to use the land are, if the proposal is adopted, to be subject to severe restrictions with no defined exemptions. The justification for such severe restrictions is not defined.

Secret file

9. The owners would like to engage in a constructive dialogue to work out what would be appropriate for the property.

Dialogue is however inhibited by the "silent" nature of the file on the property. With respect, it is hard to see how proper submissions can be made in respect of a proposal when important aspects of the proposal are kept secret. The word "silent" seems to be inappropriate. The fact is that the file is "secret" and should be properly named as such.

Until all aspects of the proposal and the classifications for it are properly made known, the calling for submissions is an empty gesture.

Criteria to be applied

10. The criteria to be applied in a resource consent application are not clear.

Under Section 59 of the Heritage New Zealand Pouhere Taonga Act 2014 there are criteria which must be applied by the Environment Court on an appeal under that Act. These criteria are intended to weigh the competing considerations.

Similarly, under the same Act (Section 68) any person may apply to the Council to enter a Wāhi Tapu area on the New Zealand Heritage List/Rarangi Korero. An application must inter alia specify the general nature of the Wāhi Tapu and certain criteria must be applied (Section 66). There are then procedures specified which enable the decision to be made.

11. There appear to be no such criteria or procedures set forth in the present proposal. It would seem that a resource consent may be decided on a whim. All matters that may

be of relevance are kept secret, which means that nothing is capable of being challenged.

With respect this is no way to deal with an issue in an open society governed by the rule of law. The proposal is too vague, and is probably able to be challenged by judicial review.

Conclusion

The owners regret that they must oppose the proposal notwithstanding their desire to work constructively to take account of the objectives of the proposals.

The way ahead would involve a proper explanation of the concerns relating to this specific property.

Evans Henderson Woodbridge
Solicitors
Marton

Solicitors for the owners