

Te Tai o Poutini Plan Proposed Plan

Submission form



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: Jamie Surname: McFadden

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

Organisation (if applicable): Groundswell NZ

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: PO Box 93, Gore, 9740

Email: hello@groundswell.org.nz Phone: 0273218747

Signature: [Handwritten Signature] Date: 11.11.2022

Your submission:

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

- Strategic Direction
- Historical and Cultural Values
- General District Wide Matters
- Appendices
- Energy Infrastructure and Transport
- Natural Environment Values
- Zones
- General feedback
- Hazards and Risks
- Subdivision
- Schedules

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.ttpn.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 document attached to email.

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.tpp.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.tpp.nz
0508 800 118



**Te Tai o Poutini
PLAN**

A combined district plan for the West Coast

Groundswell NZ

hello@groundswell.org.nz

11 November 2022

Submission on Proposed Te Tai o Poutini Plan

Introduction

1. Groundswell NZ was founded by Southland/Otago farmers in response to frustration with the National Policy Statement Freshwater Management. Since then, the Groundswell NZ campaign has grown to include a nationwide network of coordinators and a focus on unworkable regulations. The Resource Management Act (RMA) and associated Freshwater Management and draft Indigenous Biodiversity National Policy Statements, is one of the main concerns having unfair and detrimental impacts on people and property owners throughout the country.

Submission

2. One of the complaints Groundswell NZ has consistently received from across the country relates to private land being captured under various zones. The main ones include:
 - Significant Natural Areas (SNA)
 - Outstanding Natural Landscapes, Outstanding Natural Features and other landscape zonings coming under various names
 - Sites and Areas of Significance to Maori (SASM), cultural sites, and cultural landscapes
 - Wetlands
 - Riparian margins
3. Over the past 18 months we have identified major failings with the RMA approach to these zonings. This is causing considerable stress and financial hardship for thousands of property owners throughout NZ.
4. Principal concerns relating to these zonings include:

- Turns natural, cultural, and historic values into a liability rather than an asset. We are aware of landowners throughout the country removing these values not because they don't value them but because they live in fear of having them on their property.
 - Penalizes environmental endeavour with those property owners most proactive in protecting natural and/or cultural values penalized the most.
 - Impacts property values with, in some cases, substantial loss of property values for those that have most, or all their property captured under a zone(s). Many property owners are facing multiple regulatory zones on their properties.
 - Forces councils into conflict with their communities and their most conservation minded constituents.
5. Groundswell NZ is committed to seeing the unworkable regulations fixed. Our preference is to work with local government in addressing these issues and we have appreciated support from councils like Hurunui and Grey District in opposing zonings like SNA's. Hurunui District is the first in the country to remove all mapped SNAs from its district plan because of the failings of the SNA policy.
6. Groundswell NZ submits it is critical to have the buy in and support of property owners when developing policies relating to the protection of natural and cultural values on private land. Without that buy in, the policies will fail to achieve the desired outcomes and purpose of the RMA.
7. The current silo approach to environmental policy making and over reliance on regulation is leading to many perverse outcomes to the detriment of the environment. Groundswell NZ is promoting an integrated environmental policy framework and a more supportive and empowering approach when dealing with natural and cultural values on private land.
8. Specific concerns that have been raised by West Coast residents and property owners include:
- The fact that most (84%) of the West Coast is in natural state protection under DOC.
 - Extensive areas of native forest, wetlands, and riparian habitat that have been retained on private land are putting those property owners at risk of substantial loss of rights, land use opportunities and loss of property values.
 - Significant hardship for some property owners impacted by zonings that capture all or a large % of their land. Wetlands is a prime example.
 - Concern over having multiple zones applying to properties.
 - The poorly conducted process behind the Sites and Areas of Significance to Maori.

- Uncertainty relating to future implications of zonings, particularly the ability of the Government to change the requirements relating to zonings.
 - The increase in regulations (particularly impractical and unworkable rules), increased complexity, length of time and cost for consents.
9. A major travesty of the TTPP planning process was the committee's decision to have zonings and rules take immediate legal effect, without any prior consultation with affected property owners. This was particularly unfair for new policies such as the Sites and Areas of Significance to Maori. In taking this action the committee (and councils) have negatively impacted the values they were trying to protect and undermined councils' relationships with their constituents.
 10. One of the major failings of the RMA section 6 zoning approach is the impact it has on people that are unfortunate enough to have their land zoned. Once a property owner has their land identified through section 6, they become captured into the planning process that can take years to resolve and, in some cases, is never completely resolved. This places a significant burden on people from a single stroke of pen that captures their land into a zone.
 11. When the RMA was enacted, the Section 32 process placed a duty of care on councils to ensure that people were not unfairly or unnecessarily impacted by planning provisions. The original Section 32 guidelines stated that "If benefits and costs fall unevenly on individuals, then these should be assessed on an individual basis. For example, if a rule is proposed to protect Significant Natural Areas, then the cost to each individual landowner needs to be identified. To accurately reflect the economic cost to individuals, the impact on each property owner must be assessed" (page 28). Unfortunately the duty of care responsibility is now missing from many planning processes and the people suffer as a result.
 12. While the Te Tai o Poutini Plan must meet the requirements in the West Coast Regional Policy Statement, the use of the RMA zoning approach to protecting natural and cultural values is delivering worse outcomes for those values and failing to achieve the sustainable management purpose of the RMA. These zonings also conflict with councils' other obligations to their communities in terms of well-being and representation.
 13. For these reasons our first submission is for the Te Tai o Poutini plan to be paused until the failings of the RMA outlined in this submission are addressed, and there is clarity around the NPS Indigenous Biodiversity and the RMA replacement the Natural and Built Environment Act (NBA). As part of this pause, we submit the immediate legal effect applying to new zones such as SASMs be withdrawn.

14. If our submission for the TTPP plan to be paused is not accepted, then our submission would be the sections relating to the RMA Section 6 zoning issues outlined above be paused. Failing that submission, our third preference and submission would be for all Section 6 zonings, policies and related rules be removed altogether for failing to meet the purpose of the RMA. We submit natural, historic, and cultural values be protected through an alternative mechanism that is outcomes focused and supports and empowers property owners. We would like to discuss options. One of those options is an action plan that sits outside the formal plan but is referenced as meeting the councils RMA requirements.
15. We recognise our submission requests may be a challenge under current case law and we submit that the West Coast councils, on behalf of their constituents, highlight the failings of the RMA (particularly section 6 requirements) and lobby local and central government to make legislative changes to address these failings.

We wish to be heard.

Groundswell NZ contact for this submission: Jamie McFadden 027 3218747