Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar

Environment Court

Auckland, Wellington, and Christchurch

We, Curt and Tricia Zant, appeal against a decision of Central Hawke's Bay District Council Hearing Panel on the following policy statement:

Proposed District Plan ONF-7

We made a submission on that policy statement.

We are not a trade competitor for the purposes of section 308D of the Act.

We received notice of the decision on May 25, 2023.

The decision was made by CHBDC Hearing Panel.

The decision that we are appealing against is:

The decision that the hearing panel made was "Reject" and no explanation was given.

The reasons for the appeal are as follows:

We are attaching a letter to further explain what this hearing panel of "Reject" includes and excludes for us personally and for the PDP and further explains the reason for our appeal.

I seek the following relief:

The relief we seek is the remediation of the Hearing Panels decision to reject our submission.

I attach the following documents to this notice:

(a) a copy of my submission to the hearing panel.

(b) a copy of the relevant decision from Central Hawke's Bay website.

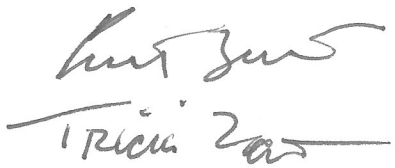
(c) letter stating reasons for appeal and relief sought.

(d) a list of names and addresses of persons to be served with a copy of this notice.

Central Hawkes Bay District Council
PO Box 127
28-32 Ruataniwha Street
Waipawa 4210

Date: July 4, 2023

Signature of appellant:



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Contact person: Curt Zant

To the Hearing Panel

We came to NZ seeking a society that was at peace within itself, from both the government and the people. When we moved here in 2015, the NZ government had been recently voted one of the least corrupt in the world. Having family ancestry back to the American Cherokee Indians, I also appreciated the efforts of the NZ government and people to have brought Treaty settlements to Maori for the injustices of previous generations in regards to cultural usurpation, and the outright theft of lands from the indeginious. In 1838, US president Andrew Jackson passed a law confiscating the lands of the Cherokee east of the Mississippi, and led them out on what became known as the Trail of Tears. But do people and governments ever really learn from the tears of the past? That wrong has never been made right, but NZ seemed to be on a righteous path, attempting to right the wrongs of the era of colonization. At least until recently. Central Hawkes Bay District and Regional Councils are very close to making the same historical mistakes of previous colonist governments and are not only set to grab land from the indeginous, but this time, from all its legal owners. But this is not only happening locally. The buzz word up and down these two islands from the titled land owners is: these SNA's, SLA's and other designations are governmental land grabs. I am not the only one saying this, as a District Council member has previously said I was. It is the voice of many land owners. But is

this council willing to listen to these voices that are saying, **You are stealing our land**? Especially when you have invested some much time and resource to come to this moment.

Nevertheless allow me to define this word: **Theft**: **Wikipedia says - it is the taking of another person's property without that person's permission or consent with the intent to deprive the rightful owner of it.** I for one do not consent to these designations on my private property and agree with other landowners that this is an obvious modern day land grab. Once these designations are effectively placed upon the property they will become a perpetually deeded exclusion to my property that will limit my rights of ownership and steal my *executive* rights theron and thereof. But not just from me, but from all my future prodigy. My children and their children will be restricted from the natural progression of expansion of their families, upon these designated areas. Thus this Proposed District Plan (PDP) is not only taking away from us in the present, but is reaching into the future and stealing from these future generations.

Democratic Socialism: The current Labour administration has self described herself as a democratic socialist. Democratic Socialism is simply the process of converting a nation from capitalism into socialism by a democratic process, rather than all out revolution. If socialism is fully implemented, we could see land ownership, and the rights thereof, fully eroded. It seems difficult to stop this process of socialism when done democratically. Effectively, these

government socialist leaders simply ask or poll the public if they would like to see privately owned property and businesses become more public via the government process of usurpation. Of course the public says yes and these socialists leaders make catchy little slogans, like "*Together We Thrive*." But what we the landowners hear is Take from me and give to them so they can thrive. I have found it upsetting that our council have even asked the community if they want these designations placed upon private lands. Sure they want it. It is a win for them. Everyone wants something for free. However, no one legally has a right or entitlement to steal land or land rights from others. Neither is it the right of government to play Robinhood. You have even allowed the environmental extremists entity of Bird and Trees to place a submission. It isn't their land that is being impacted. They don't own it and their opinion is therefore irrelevant as far as these designations are concerned on private lands. This is like asking a thirsty person in hell if they want a drink of water. Of course they do. Only the land owners of the named areas of significance have a place to be opinionated therein. No one else has any legal rights or financial interests at stake, or the right to make any submission thereon. CHBDC has treated this PDP like it is a poll. This is obviously democratic socialism in all its passive aggressive effectiveness polling and enticing the public with the offer of privately owned property. The obvious intention is to capture these property rights via these environmental designations from the few and redistributed to all, for the greater public good. I have been

very aware of this agenda from day one as you quietly enlisted the most aggressive environmental experts to find any and all lands within our area that might be significant enough to take away from exclusive private control, to convert into restricted areas of named significance. This is obviously the first step into the outright claiming of all those areas.

Name it and Claim it: It is our belief and concern that the naming of these vast amounts of lands within our region and upon our farm are a modern day governmental act of land confiscation not seen since the days of colonization. However, this time the government aggression is not limited to the indegenous only, but to all land owners respectfully. Unlike that time of the colonization aggression, we are now experiencing an attempted shift from capitalism into socialism via the passive aggressive form of democratic socialism. Instead of aggressive bearded colonizers with muskets and cannons, we now are facing environmental aggression that convinces and uses the public opinion to take away private ownership of lands and/or the rights thereof. However, the greater public is said to benefit at our expense. Once these areas are officially named, the government has the exclusive right to determine how or who can use these areas. Therefore, these named areas of significance will be significantly limited in their usage by the owner thereof. Unlike the laws of imminent domain detailed in the Public Works Act, by using a liberal interpretation of the RMA, the local governments can effectively name and claim these lands even *without compensation* due to the land owners. A

further benefit for the public and the government is that the landowner (who is stripped of their rights on named areas) is still required to pay rates upon those lands. It is a win/win for government who will also need to expand in order to manage and police these new government areas of interest, all at the expense of the private land owner. This is the reason the RMA has always been so controversial, and why local councils have been ineffective at renewing their district plans. But with the recent events of the last years, there has never been a more opportune time to reactivate and retry these aggressive land grab measures via the controversial RMA. With Jacinda's self declared socialist government, and the backdrop of a global pandemic, private lands stand to be sacrificed for the greater public good without much resistance, and possibly no compensation required. This democratic socialist action of naming and claiming private property as significant may seem politically correct, but it is just a democratic means of theft. As wikipedia defines, the taking of personal property without consent or compensation is theft, regardless of what a poll shows. I see this whole issue like a wolf in sheep's clothing. Helen has said it is supported by her liberal interpretation of the RMA, but the land owners say it is a modern day land grab. Plainly stated: Theft by a personal liberal interpretation of the RMA by environmental extremists. The vast amount of areas you have named proves that this is a very liberal and an extreme interpretation and application of the RMA. It seems Council has crossed the line from being environmentalist over into enviromental extremism and even

terrorism. Like Andrew Jackson, they could become known in history as the face of a modern land grabbing government. It will be hard for the land owners to forget the names and faces of all involved. Like generations past, we may next tell our children, That was the day our culture died when they raised the banner of "*Together We Thrive."*

Keep Out -Private Property I'm sure you all have seen one of these signs. At initial glance you may feel this sign is a bit abrupt or harsh. However, this sign carries the proof that you are living in a free nation where individual citizens can own their own home or property. In fact, a free society is determined by the amount of private ownership which is allowed and even encouraged within. There is no greater instrument of government than to protect and encourage the entrepreneurialism of private ownership. From farms to factories, the efficiency of private ownership is unparalleled in performance, profitability, and sustainability. In contrast, the more a country falls into socialism, the less private ownership is allowed, and government inefficiency fills the void. When a society is fully enveloped in socialism, the state controls nearly every aspect of the society inclusive of services, products, religion and even the media. However, private ownership is usually limited or omitted. Another interesting reality is that the natural resources of socialist nations are almost always detrimentally affected and eventually looted. Our local Council stands at the verge of setting a dangerous precedent with this PDP by allowing or approving a massive shift towards socialism via these significant designations on private property.

Instead of working with private owners of these areas of significance, this Council is aggressively seeking to sever the rights from private owners via these designations on freehold lands. I have attempted to explain property rights to Helen and crew to no avail. I came away realizing that these planners had an insufficient knowledge of property rights, and the effect this PDP proposes on private property. I do have extensive understanding via a long history and experience in Real Estate in several nations, states, regions. I have personally been a licensed real estate professional for over 30 years and have been involved in thousands of private property transactions and dealings. My son now is a Licensed Real Broker and owns a Real Estate Brokerage Company that sponsors other licensed Real Estate agents. What I am saying is that I am not misinformed about how this PDP negatively effects my property rights, and the devaluation that will result. Our Council team apparently needs informing, so I am attaching a working paper that explains how property rights are defined by NZ Treasury. Effectively there are four types of property: Private, Common, Public, and Open Access. (Please reference chart on Addendum A.) Notice that the private ownership is distinguished by four given rights: *Access, Withdrawal, Management, and Exclusion.* In order for property to fit under the banner of *Private*, it must have these four rights in tact. Your Significant designations (what I call name it and claim it) propose to take away the *Management* right from the owners, and transfers that right to the State. This has drastic meaning for all owners thereof. It immediately makes us subservient to

government regulation and interpretation thereof on said lands since the State would control the *management* right. To simply cut a gorse would require a permit from council who is now the legal owner of that *management* right of our property. Its a very tricky way to take away private property, and is Democratic Socialism is action. In fact, as the *management* right is severed, private property actually starts to be identified as *common* or even *public* property. (Again see chart). Effectively, if Council can simply control the *management* right, then they can decide and determine who can or can not even have access to these areas. This in turn takes away two other rights called *Access* and *Exclusion.* I wish I had been allowed more time today, as I requested on three occasions. In fact, I would like to insert a written request here requesting more time at a later date to properly address this one issue of NZ property rights. (Call it Request 4, for more time). The potential loss of private property rights in this PDP is very real. I feel that very few people (the planners included) have considered the consequences of these designations on private property. This is that proverbial wolf in the chicken house moment and scenario. You must not proceed with these designations on private property, or at minimum, push pause until more evidence can be shown and known. Actually, my official suggestion is omit all designations and instead offer assistance to empower land owners while protecting the foundations of our free society. I strongly believe much more effectiveness could be seen in these areas of environmental concern if this council learned to use the carrot instead of the stick. Simply

said, **education instead of regulation**. But this PDP does the opposite. It steals that right, and offers it to the greater public via government control of the *management* right. But it won't end there. This is gateway legislation. As soon as these areas are named and claimed officially, and the public becomes aware of these areas of significance, a new wave of regulation will begin to be discussed to allow public access onto these areas. This seems to be a common concern for most of the affected land owners of which I am hearing. I am attaching a recent article from the Hawke's Bay Today (See addendum B.) of which Federated Farmers has asked this Council to clarify if the public will have access to these newly designated areas. This is obviously a gray area for most. However, I have shown you in black and white (on the addendum A) how the severing of the *Management* right begins to change *Private* property into *Common* or even *Public*. The planners have said, this plan does not give the public access to these areas *at present.* However, the public is already licking their lips and as Addendum B shows, no one really knows. Effectively, Council will not guarantee that public access will not result. In fact, there is nothing to prevent public access to these areas if Council decides, since they will hold the *Management* right thereon. Effectively by taking the Management right they also have the right to manage *Access*. So even without the need of future legislation these designations are already gateways that can allow public access into and through what once was private property. Therefore, if Council is successful in naming these areas as significant, the old sign, *Private Property- Keep Out*

will become a relick of a past free nation where private property ownership was its foundation.

Who will Pay? If council really believes that these lands are so significant that they need to be protected for the greater public good, then you must be willing to pay us for our loss. Otherwise it is theft. If you go forward with the PDP, these areas will forever be restricted from our usage and even from any future development or right of expansion. As a long time Real Estate professional and investor, I say this will have a huge impact on the subjected land's values. Are you willing to pay for that induced loss of value? I am attaching an article (see addendum C) written by Frank Newman one of NZ's foremost experts of property matters and politics.

Frank is the author of numerous books on money matters including a number of best sellers here and overseas. His formal qualifications include a management degree from Waikato University and a masters degree (with distinction) in property studies from Lincoln University.

He has extensive experience in property matters: as a successful property investor, part-time lecturer in property investment at Massey University, and has a mediator and arbitrator specialising in ground lease matters.

His work experience includes management accounting, sharebrokering, local body politics, and campaign management. Frank has long served as an associate director of the New Zealand Centre for Political Research.

In this article Frank describes the situation our Council now faces as it attempts to sever *Management r*ights from private property owners. Effectively, Frank asks this same question: Who is going to pay for the loss of these property rights and values? Have the legal land owners been shown negligent or deficient in their stewardship? If not, then someone will have to pay us for the loss of rights and usage thereof. Anything less than compensation of our loss of rights and land usage would be considered theft. But as your PDP currently stands, no compensation is considered and the designated areas, although greatly restricted, will still require annual rates to be paid to council. I also predict the council rates will increase as they will need much more staff and infrastructure to patrol all these newly designated areas on what was freehold land.

Three Laws Decrecrated Coming to NZ I have found this nation very interesting and unique in that effectively two separate rules of law are considered by government. As the Treaty of Waitangi was signed, effectively Maori were granted separate governance under said treaty. Unlike any other nation in our world, both this Treaty and the English based laws are now simultaneously established. Therefore, when local or national governments attempt to propose laws or plans such as your PDP, both standards must be honored and legally adhered. Certainly, I am not an expert in regards to the laws and/or rights detailed under the Treaty of Waitangi. However,

I fully respect and expect these to be applicable when looking at the PDP. Having purchased a property that adjoins the local Iwi of our region, I have become more aware of the importance of Maori culture and governance under said Treaty. Whereas the Maori culture is on the rebound and being restored, this PDP is in danger of agitating an old wound from the colonization era. The cold hard reality of a new modern day land grab cannot set well with any land owning Iwi. By placing these designations upon Iwi land, this council is awakening an old fight and risks discrediting decades of Treaty settlement efforts. The last thing we want to see in this society is the re-agitation of bad feelings, cultural divisions and suspicions. Our farm is significant with history of Maori culture and sites, and given its shared property lines, we are committed to the Treaty mandates. Some of the designations within the PDP placed upon our farm directly affect our local Iwi and stand in defiance of the Treaty. I will find it potentially hypocritical if this Council approves a land grabbing PDP all while speaking Te Reo at each opening meeting. If this council really wants to show support and solidarity for Maori, and honor the Treaty, then stop the land grab. Council says these designations upon these lands are needed to protect the fauna, but you are actually harming the whanau. These designations will limit any future ability of Maori to expand, use, or enjoy their lands, which is in violation of the principles found in the

Treaty of Waitangi. A Quote from the 1987 Land Case says :"the duty of the Crown was not just passive but extended to active protection of Māori people in the use of their lands and waters 'to the fullest extent practicable." Again, the empowerment of the legal owner of said lands are the better option. Education and compensation instead of regulation is the better way forward. Anything short of that coming out of this PDP will be a flagrant risk to the shaky peace that has been won by Treaty settlement efforts, and in my view breaks the Treaty too. Effectively, NZ stands to lose more ground than this land grab would ever gain.

English Law In 1215 a group of oppressed Englishmen converged on the castle of the king John demanding personal rights inclusive of freehold property rights. The result of this day was the establishment of a list of governing rules that set in order how the people of England were to be governed by their kings. The cry of the people of that day became penned as the infamous statement to the oppressive king that **every man's home is his castle.** This Magna Carta set of rules and standards become the foundational set of laws within all English colonies. The NZ parliament still recognizes the Magna Carta as the foundational set of rules that are absolutely applicable today. Many of which are enshrined within NZ's Bill of Rights. The Magna Carta of 1297 states, **"No freeman shall be taken or imprisoned, or be disseised of his freehold,**

or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed." Effectively the Magna Carta gives place to freehold property ownership and further protects those rights from government oppression. Under this standard of English law, no freehold property can be taken, nor the liberty thereof. It seems very obvious to a long time land owner, that the kings of our moment needs a refresher course on English law. My home, my land, that is my castle. By law, no one has rights to my freehold except me. This PDP seeks to usurp my freehold property rights, my liberties, and my custom, and offers it upon the public altar of socialism. This is obviously an out of control measure by extreme environmentalists in government that are obviously ignorant of the laws of the land. This PDP not only stands in defiance of the Treaty of Waitangi, but also is in flagrant opposition of NZ English law under the Magna Carta and the NZ Bill of Rights. But the third Law that this PDP stands to break is for me personally the most concerning and dangerous.

The Law of God Over 3400 years ago, long predating the Magna Carta, and centuries before the Treaty of Waitangi, a set of laws were given to a man named Moses. Upon a mountain top called Sinai, the book of Exodus records that the Creator of humanity wrote ten laws upon two stone tablets, that would give governance for all of mankind. This set of laws which became known as the

Mosaic Law or the Ten Commandments has historically found its place in every nation and people group where the rule of civil law is establish. Even enshrined in stone over the top of the Supreme Court of the United States, these laws of Moses have been a guide for people and governments since that historical day on Mt Sinai. Within these ten simple laws are these statements: **Thou shalt not lie, thou shalt not kill, and thou shalt not steal.** This brings me full circle back to where I began. I strongly believe this PDP with its many new designations on freehold land is a modern day governmental land grab. Simply said: This is theft. Just as Wikipedia defines, it stands to take my personal property without my consent and even without compensation. Now this is where it gets more complex. I strongly believe God told me to come here and buy the proverbial farm that is set to be the most harmed and to thus sound this alarm. You might say, I was divinely set up in this way. I recon God put me here to either be bait in the trap, or wake you up with this slap. Either way I'm at peace today. But please try to open your ear and hear what the Spirit might be saying. **Don't take it away, there is a better way.** I am attaching a photo from the Hawkes Bay Today that announced our God ordered arrival and property purchase. (Addendum D). I have done my very best to care and appreciate this great opportunity granted to me by my Deity, and to understand the people and the

culture of this great nation. I believe I have the experience and the God-given right to speak into this situation. I am the author of two books that define God's laws in regards to land rights. So here goes: This PDP with all its newly designated areas on private owned land is wrong and simply immoral. I have tried to see the good intentions of the people assigned to create of this plan. It is obvious that most have an honest desire to see lands conserved and protected. Whereas this idea honorable, it does not take into account the issues I have presented. The erosion of private property rights on freehold land is extremely more dangerous for this society than any environmental issue. There is obviously more at play here than just the environment and the conservation of resources. There is another agenda at work here that aims to destroy the foundations of NZ's freedoms and replace them with socialism's darkness. When treaties and laws are broken, bad events follow. But theft under the laws of Moses brings even more dire consequences. Another prophet named Zechariah was shown what to expect when these ancient standards are disregarded.

Zechariah 5:3 This is the curse for everyone that steals, they shall be cut off, and it will enter into the house of the thief and consume the timbers and the stones thereof.

There becomes a very personal accountability under the Mosaic Law. Only God can judge each person, both affected and connected. My greatest responsibility before God is to sound this warning. I believe that is why I am here today. Unlike the Treaty of Waitangi and English based laws of NZ, these higher laws of God have a very predictable outcome if broken. They are written in stone and therefore are not flexible and call for accountability on all levels. I pray you each individually try to hear my concern for this nation and our region, and the curse land grabs have and can initiate. Please consider cause and effect before you neglect to protect these Laws and the Treaty before making any decisions on these designations on freehold property. Just because you have an opportunity under the current administration and the backdrop of covid does not mean it is the right thing, nor the moral thing to do.

There is a Better Way As the landowner we are not in opposition to making better our environment and protecting the resources thereof on our own freehold. I believe most owners are keen to do the right thing. Most owners are already engaged in great resource protecting schemes, of which you are neglecting to admonish. This PDP effectively punishes these personal efforts and snatches the land from our hands in aggression. I personally am more than willing to listen and respect advise regarding these areas you believe are significant and how I can better protect the resources

thereon for my future use and enjoyment. A win/win scenario could be achieved that leaves all freehold rights in place, without a name it and claim it designation that forever severs these areas from privatization. We alone are the stewards of our lands and on our lands, but would welcome your assistance. Unlike governments, we can efficiently achieve much better outcomes than you can. Perhaps we could become willing volunteers in such a worthy task, but we are not willing to surrender property rights. If all the money Council has already spent trying to pry away our property rights had been allotted to preservation work, then something good could have already been achieved. **Why not work with us instead of against us? Why not use education instead of regulation**? Other councils are going that route and this is a viable option of our Council too. I am attaching a recent article from the Far North District Council (see Addendum E) for your consideration that confirms an option of pushing pause on these land designations within the PDP. Perhaps the PDP could proceed if these designations were removed. But so far this council is not listening to us say: We simply do not want these designations. Perhaps this hearing will hear us (the land owners that stand to lose so much) and recommend for Council to make different inroads to achieving the same ends. An alliance could be formed where Council respects property rights, and the property owners respect the aspirations of

the Council and the greater public interest. But we will not quietly be railroaded into a state of socialism where we surrender our property rights over to be comingled into the greater community at our expense. Please do not allow Council to proceed and become the latest and greatest land grabbing government of our times. Remember, the indigenious flora and fauna are important, but the whanau are too. There is much more at stake here then just these significant areas. If property rights are stolen without even the consideration of compensation, then the dark day of socialist rule has officially began. This PDP is therefore threatening the very rule of civil law within this society. If approved, this PDP, and others like it, could become the very curse that destroys the foundations of this nation. Hopefully, this socialist experiment will end soon, and a new time will begin where we can all be friends and work together again. Until then, please respect our concerns and listen to us the land owners.

In conclusion We oppose the PDP with all its newly identified areas of land designations on our privately owned property. We also support all other opposing landowners of privately owned property who do not want these areas identified on their freehold. Whereas we understand council has spent years of time and lots of money on the planning process, it is us, the rate payers that pay the bills and

employ your time. Therefore, we absolutely reject this PDP because of all the new designations on our privately owned property.

Thank you for your time,

Curt and Tricia Zant

Addendum A

P1 of (1)

TE TAI ŌHANGA
THE TREASURY

Working paper

Property Rights and Environmental Policy: A New Zealand Perspective (WP 03/02)

Issue date: Saturday, 1 March 2003

Status: Current

Author: **Guerin, Kevin (/tsy-author-person/guerin-kevin)**

VIEW POINT: PERSONAL (OPINION) (/TSY-VIEW-POINT/PERSONAL-OPINION)

More publication details

2.1 Private, common, public and open access property

The terms private, common and public are often based on the concepts of excludability (who can determine who benefits from the resource) and rivalness (whether use is affected by the number of users). These concepts apply across a range of rights associated with property, such as access, withdrawal, management and exclusion (Schlager and Ostrom, 1992).

Taken together, these concepts and rights can be used to address the confusion often apparent in discussions of types of property, particularly between terms such as common and open access, which are sometimes used interchangeably. Broadly, the difference is that for common property, use is limited to members of the common group (although within that group constraints on use may or may not exist and their nature can vary widely), while for open access property there is no constraint on who can use it; ie, exclusion is impossible or costly (Cole, 1999).

Table 1 – Private, common, public and open access property

	Owner	Example	Access	Withdrawal	Management	Exclusion
Private	Private	Fee simple title to land.	Controlled by owner.	By owner.	By owner.	By owner.
Common	Group	Common land.	Controlled by joint owners.	By joint owners.	By joint owners.	By joint owners.
Public	State	National park.	Controlled by state.	None.	By state.	By state.
Open access	No one	Ocean fishery.	Uncontrolled.	Uncontrolled.	None.	None.

This difference is illustrated in the break-down in Table 1 of types of property into private property (generally excludable and rival), common property (group members have the right to exclude non-members), public property (owned by all, but with access and use controlled by the state), and open access property (where no one has the right to exclude anyone).[2]

Open access property may exist because ownership has never been established, because the state has legislated it, or because no effective controls are in place, or feasible, ie, the costs of exclusion outweigh the benefits (Ostrom, 1999). The state can sometimes effectively convert open access property into private, common or public property by legislating to define rights and enforce them.

Most newly defined property rights regimes tend to involve former common or open access property since private and public property tend to already be covered by generic regimes, having generally been converted from common or open-access property in the past.

Addendum B 1 of (1)

Coastal farmland is still private

BY RHEA DASENT
Senior regional policy adviser for Federated Farmers

Federated Farmers has asked the Central Hawke's Bay District Council to make it clear that public access is not available across private land, unless with permission from the landowner.

The CHB District Plan review has mapped a Coastal Environment zone which extends well beyond high tide and into terrestrial land that is mostly privately owned and used for farming.

We do not want readers of the District Plan to think they can wander at will over the Coastal Environment.

It is imperative to Federated Farmers that any policies and rules about public access over this mapped zone comes with the caveat that it excludes private land.

Sometimes private land will extend right down to the water or further, depending on the certificate of title. Sometimes esplanade reserves will not be continuous but be interspersed with private land. Both of these situations mean that the public will want to cross private land, thinking that a continuous 'Queen's Chain' exists. They might not realise they are crossing onto private land and need permission from the owner.

The landowner can't be compelled by the District Plan to provide access; it is entirely up to the landowner. Farmers will want to limit access when it is unsafe or will disrupt farming activities, such as when tree felling or earthmoving is work is being done, or during harvest or lambing activities.

Federated Farmers has advised CHB Council that the desire to have continuous strip of public access can't be solved by taking esplanade reserves either, for a couple of reasons — time and money.

For time: an esplanade can only be taken by a council if a subdivision occurs, and rural subdivision is so sporadic it might take decades to accumulate esplanade reserves along a coast or river.

As for money: the council might not have the resources to pay the required compensation to the owner when the subdivided lots are larger than 4ha. It also takes resources to maintain the reserves, and we don't want the council to become absentee landowners. The CHB District Plan needs to be clear where public access is freely available, and where it is not.

■ Rhea Dasent is a regional policy adviser for Federated Farmers

PUBLIC NOTICE

TEMPORARY CLOSURE OF ROAD TO ORDINARY VEHICULAR TRAFFIC

Pursuant the Tenth Schedule of the Local Government Act 1974, NOTICE IS HEREBY GIVEN that it is proposed to temporarily close to ordinary vehicular traffic a section of Pukeora Scenic Road from property number 209 to SH2 Takapau end for the purpose of the CHB

RMA a failure – especially on property rights, compensation

COMMENT The Resource Management Act is about to get another makeover, the 21st since the legislation became law in 1991.

By **Frank Newman**
Fri, 31 May 2013

The Resource Management Act is about to get another makeover, the 21st since the legislation became law in 1991. The new changes are to be announced within the new few weeks and expected to take up to three years to put into effect.

Twenty-one changes in 22 years is a clear admission that the Act is not working, and never has.

I recall in 1991 the Act was heralded by the politicians of the day as a visionary piece of legislation; one that would allow communities to enhance their future well-being while protecting what we have for future generations.

It was also at the forefront of what would be a number of effect-based acts.

In simple terms, it replaced a bunch of Acts that prescribed what you could do, with one that said a landowner could do petty much anything on their property, provided the effects on the environment were no more than minor or could be avoided, remedied or mitigated.

Some 22 years later it is clear this utopian vision was a false hope. The RMA has become disabling and a very large gravy train for council staff, expert report writers, iwi and the commissioners who preside over hearings.

I would like to say these people have made a positive contribution to the well-being of our society but I believe the opposite is true.

By happily extracting what they can from the process they have drained the spirit and resources of those with initiative and deprived society of all of the positive things that would have flowed from an enterprising society (like jobs!).

Even worse, the RMA has handed radical activist organisations (like the Environmental Defence Society) a weapon of mass destruction which they have cleverly used to promote their own selfish agendas.

In Auckland, the shortage of greenfields land for development and the obstacles objectors have put in the way of progress has caused inevitable delays and costs – so much so that central government is introducing special legislation to get the job done (the Housing Accords and Special Housing Areas Bill).

The effects of the new legislation would be immediate. I am advised by a developer of a large housing project in Auckland that he expects his consents would be through within three months under the special legislation, against three to four years under the RMA process.

Huge saving in holding costs

That time saving represents a huge saving in holding costs and he avoids becoming the main course in the RMA gravy train. As a result, thousands of people will be in housing three to four years sooner and at a cost of the houses will be substantially less than would otherwise have been the case – probably $100k less!

That's great news for Auckland, but what about the rest of us? Why do we still have to put up with the RMA nonsense?

Sure Auckland has problems, but so too does Northland. We are at the wrong end of all economic indicators – the lowest average income in the country and the highest unemployment rate. We, too, need the urgency that Auckland has been given.

Why do we still have to entertain exaggerated concerns from environmental activists? Why should we have to pay for photocopied cultural assessment reports and for blokes to apparently sit around during site works just in case pipi shells are unearthed?

Why do we have to engage various consultants to state the obvious then pay again to have a second opinion done when the first does not suit council staff? And so it goes on.

New Zealanders everywhere face the same urgency that Auckland faces. It's time to be honest about the real impact the RMA has had on our communities.

In my view, the single most important thing the inevitable changes to the RMA should address is the issue of compensation when the property rights are taken from a landowner.

There is a blatant inconsistency at present that if property is taken for public works then compensation is paid under the Public Works Act.

But is the land use is taken from a property owner under the RMA (eg, it is designated an outstanding natural area) then no compensation is given, even though the landowner may not be able to undertake their business activity on that property. That's wrong, and needs to be addressed.

Clearly, if rights are taken from a landowner for the "public good" then it is good enough for the public to pay for the benefit they have received. If councils had to pay when taking a private property right from one person to give to "the community", they may be less enthusiastic about taking it in the first place.

Frank Newman is an associate director of the New Zealand Centre for Political Research.

By **Frank Newman**

Farm Focus

OIO gives okay to HB land purchases

BY PATRICK O'SULLIVAN

A "prophet" and a professor have gained approval for Hawke's Bay land purchases from the Overseas Investment Office.

Curt and Tricia Zant have been given approval to purchase 492ha of Central Hawke's Bay land in Kairakau for $1.7 million.

The office said the couple intended to immigrate to New Zealand and operate the sheep and beef-breeding farm.

The former Texas rancher and Oklahoma goat trader said he was directed to New Zealand by God.

He is the founder of internet radio station restoreradio.net.

On the station's internet blog he wrote the US currency would crash after a 2014 earthquake centred near Eketahuna "relayed a very important prophetic message from heaven" when a giant eagle sculpture designed by Weta Workshop fell from a ceiling at Wellington airport.

The second land-purchase approval was to London-born Rufo Quintavalle, a professor of creative writing at New York University's MA programme in Paris.

Mr Quintavalle is a director of Agro-EcologicaL Investment Management (NZ), which is transforming 16ha of Clive land into an organic operation growing grapes and gold kiwifruit. Mr Quintavalle's Mill Rd purchase was for $1.2 million.

Agro-EcologicaL founded Eucalis, a Brazilian sustainable-forestry firm selling timber products to both local and international markets. Agro-EcologicaL Investment Management website says it offers investors future-proofed farms "better adapted to coping with the impacts of macro issues such as global climate change, increasing resource constraints and the rapid growth of the under-supplied organic food market".

The would-be Chinese buyers of Lochinver Station, the $88 million 14,000ha sheep and cattle station near Taupo, are seeking a High Court judicial review of the Government's rejection of the sale after it was approved by the OIO.

Zant2

MISSION: Former Texas ranchers Curt and Tricia Zant have received Overseas Investment Office approval to buy a Central Hawke's Bay farm.

Addendum D

Addendum E

Council services at 'Red' - Reduced hours

Due to staff shortages caused by the Omicron outbreak we are operating some services at reduced hours. The link below has more information. Customers contacting us by phone times.

My Vaccine Passes are required for Far North libraries and Museum @ Te Ahu.

COVID-19 guidelines still apply to customers accessing service centres, i-SITES and libraries.

Reduced opening hours (https://www.fndc.govt.nz/Your-Council/Contact-us/Reduced-opening-hours)

Close announcement

Far North District Council
Te Kaunihera o Tai Tokerau ki te Raki

What next for SNAs?

Published on 17 June 2021

Last Friday, an estimated 2000 people joined a hīkoi to Council headquarters in Kaikohe to deliver a very clear and emphatic objection to land being designated as Significant Natural Areas (SNAs). This protest was the largest seen in the Far North for many years and demonstrated the passion landowners feel. I want to thank the organisers and all those involved for ensuring the protest was peaceful.

I have been criticised for not welcoming the hīkoi in person. It was not an easy decision, but I believe it was important to take your concerns directly to Associate Environment Minister James Shaw in Wellington. I was confident my fellow councillors, the CEO Shaun Clarke and senior staff members could represent the Council and receive the petition from organisers on my behalf.

As it turned out, I had a positive meeting with the Minister, and can I assure you that the Government is now well-aware of the unique issues facing our district. To further underline their understanding, I have invited Minister Shaw and officials to visit the Far North so they can see first-hand why SNAs have sparked such concern. Te Tai Tokerau MP Kelvin Davis and Northland MP Willow-Jean Prime have been invaluable, and I thank them for their help. I also want to acknowledge the perspectives shared with officials by two staunch Far North advocates, Dover Samuels and Shane Jones.

So, what makes our district unique? The Far North covers 682,200 hectares and 42% of that land has been assessed as having high ecological value. Fifty-eight per cent is in private ownership, while 42% is publicly owned. This is mostly Department of Conservation land, but some is reserve held by the District Council. What makes our district truly unique is that 17% of the district's land is Māori-owned. That is the highest percentage in the country and five times more than Gisborne, which has the second highest rate. Of the 115,974 hectares of Māori-owned land in the Far North, approximately 52% has been mapped as a SNA.

I recognise that the mapping process for SNAs has caused anger. It did not adequately acknowledge Māori as kaitiaki of their whenua. Nor did it acknowledge the concerns of the farming community. Minister Shaw understands this, and he supports a pause in the SNA process. Our aim now is to use this time to talk again with landowners and to listen more closely to your concerns.

Ideally, we will talk to all affected landowners to learn more about their land and how we can work together to ensure both your rights and our most precious taonga are protected. That will be a massive undertaking and we will be seeking input from the Government on how we can achieve that with our current resources. In the meantime, I want to assure you that the District Council, Northland Regional Council and the Government have heard you and we will continue to listen to what you have to say

Submitter Details

Submitter No.	S99
Submitter Name	Curt & Tricia Zant

Submission Points

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report
S99.001	NATURAL ENVIRONMENT VALUES	ECO-SCHED5	Oppose		Remove SNA from my freehold land [SNA-241 on land at Te Apiti Road].	Reject	6B

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report
				The RMA 1991 is possibly one of the most aggressive and controversial pieces of legislation ever introduced to a free nation that uses the law to usurp private property rights from individual ownership. What should be addressed before invoking the RMA is how many times it can be applied and then reapplied over the same areas. Our farm, for example, had a Significant Natural Area (SNA) identified in its original application of the RMA but today are being told that this area has somehow dramatically multiplied and we will now lose exclusive management rights to this area without compensation. As a rate paying landowner this environmental plan as it stands is yet another name for governmental land grab. Additionally once a SNA has been			

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report
				identified what is stopping future Councils wanting to allow public access to these SNAs. The current plan is possibly gateway legislation, first taking the right of exclusive management to taking the right of exclusive access. The Plan would also result in limitations of future developments of these named areas. Being a grandfather, your plan would prevent expansion and future development for me and my own. Lastly, the Plan punishes landowners for good stewardship as it has been our own management that has resulted in significant regeneration of bush on our farm that has been identified as a SNA. Heavy handed government regulation is not welcome. A voluntary scheme would be much more user friendly.			

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report
S99.002	NATURAL ENVIRONMENT VALUES	NFL-SCHED6	Oppose		Remove ONF [ONF-7] from my freehold land.	**Reject**	1A

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report

Submission Point Number	Plan section	Provision	Support/Oppose	Reasons	Decision Requested	Decision	Decision report
				The RMA 1991 is possibly one of the most aggressive and controversial pieces of legislation ever introduced to a free nation that uses the law to usurp private property rights from individual ownership. We will now lose exclusive management rights to this area without compensation. As a rate paying landowner this environmental plan as it stands is yet another name for governmental land grab. Additionally what is stopping future Councils wanting to allow public access to these areas. The current plan is possibly gateway legislation first taking the right of exclusive management to taking the right of exclusive access. The Plan would also result in limitations of future developments of these			

named areas.

Being a grandfather your plan would prevent expansion and future development for me and my own.

Lastly, the addition of significant natural landscapes classification is over and above legislation that likely cannot be validated when challenges legally. Unless the actual Minister for the Environment has personally required this new classification then it should be removed from the Plan.

Even if this new classification was required, first you are required to consider the use of economic instruments to achieve the same ends before legislation can be used. The RMA also requires Councils to have regard to alternatives including education, services or incentives based on the likely benefits and costs of each alternatives.

To my

				knowledge this has not been done. Heavy handed government regulation is not welcome. A voluntary scheme would be much more user friendly.				

This letter is to ask the Court for an appeal and consideration of remediation of the "Reject" decision from the hearing panel of CHBDC in regards to the ONF-7 identification on our private property at 414 Te Apiti Rd, Central Hawkes Bay. We ask the Court to consider and review our original submission to the hearing panel, and overlook the deficiencies within given the circumstances and era of its submission. We believe we could later prove that this decision to "reject" our submission was prejudice in several areas.

First, we were denied a fair and balanced discovery and preparation process. Secondly, we experienced prejudice via the selected hearing panel. These two fouls, if left unaddressed will result in our loss of private property, the rights thereon, and will certainly negatively effect value and cause further personal disenfranchisement and loss. Therefore, our appeal is as a remedy and result of how the CHBDC used the era of Covid to shroud their PDP which identified a massive amount of private property as areas of Significance which will limit and omit certain property rights therein. If this PDP had not been pushed through during this Covid era, it could have been much more opposed as the overreach it represents in the identification of ONF within our farm and others within the district. Because we personally were unvaccinated, we were denied access to meetings and interactions with CHBDC, which left us unaware and under-prepared to defend against this extensive identification of ONF-7 on our private property. I repeatedly asked for a pause given the covid outbreak, the risk it posed to us, and the hindrances it caused. These request and concerns were never considered. This era of Covid furthermore prevented us and others from being able to research, employ, and prepare an adequate defense against an extreme PDP that was identifying a enormous amount of significant areas within our district. I believe, I was told by a PDP team member that around 10% of the land in Hawkes Bay was being named within this PDP as significant areas. With such a massive expansion of these identified and named areas of significance, the Council at very least owed us a fair and due process to remediate such an expansion. My claim today is partially that this Appeal would consider how CHBDC used Covid as a tool to see their PDP succeed in the ONF-7 identification on our property. At very least, in this appeal for remediation, it should consider that CHBDC may have unawares and untimely proceed in the PDP process during the highly strange and disruptive period of Covid. Nevertheless, I repeatedly made them aware to no avail. These emails can be provided upon request. For us personally, who remained unvaccinated because of health and religious convictions, we found ourselves ostracized and hindered in our fair and due process of discovery and preparation against this PDP ONF-7 on our property. For this reason we believe a Representative Action can prove prejudice and the potential for financial reparations by CHBDC is real.

My third point within this for appeal to remediate has to do with a conflict of interest within the selected hearing panel that heard our under-prepared submission. As it came time to present our submission (still within the covid restrictions era), we discovered that CHBDC had selected a hearing panel that had an obvious conflict of interest. Three of the panel persons were actually CHB District Councilors. This was obviously a conflict given they had skin within this PDP that identified these ONF-7 on our lands. I sent written request asking for these 3 councilors to be dismissed and replaced with persons without prejudice. These requests were denied. To me, it stands to reason that the CHBDC wanted to protect their time and efforts to name 10% of the District as Significant and therefore allowed three Councilors to sit on the hearing panel. Albeit they declared no conflict of interest, there was and is obvious prejudice from the view of property owners who have found rejection to our submissions. Therefore the hearing process was tainted and obviously unfair to us, and proves further prejudice.

Another fourth reason, for this appeal is a result of a planning change during the submission process in which the areas originally identified as significant were altered and increased. There was even added a coastal area or estuary parts that was not in the original identification area. Obviously, the identification of ONF-7 on our farm has been increased sometime during or after the process of the hearings. Even today we remain confused as to which map of ONF-7 or significant areas are the final identification of which we were and are today asking to oppose and clarify via appeal. We asked the planning people at Council to clarify this discrepancy, of which they were non responsive.

Lastly, or our fifth reason for appeal, is simply due to the fact that the hearing panel did not address or respond to all the issues we presented. I request appeal to address each issue present please.

For these reasons stated, I ask this Appeals Court to look at, and remediate the decision of the hearing panel to “Reject” our opposition of ONF-7 on our 492ha farm. For us on Waimoana Station, we stand to lose much asset and value of asset if the CHBDC PDP is approved with the decision to “Reject” our submission. As made in our personally prepared submission, this identification of ONF-7 severs our management rights from these named areas of our beautiful farm which we purposely purchased this land for. It will likewise prevent any future developement and therein and thereby devalue our asset. Within our submission we presented that this PDP gives us no consideration of compensation for our losses, which is morally and legally classified as theft. The very least we should be granted at this time is a fair and impartial appeal process that is truly willing to consider our original submission in all its inadequacies given the unusual circumstances that was the Covid era and how it hindered our process to obtain counsel, information, and fair process of time. Furthermore, the unfair stacking the hearing panel with three CHBD

Councillors was unjust and can prove prejudice in future Court decisions or Representative Actions of which we are committed to both organize and ensue as potential compensation for these prejudices and questionable practices by CHBDC. We therefore ask this Court to remediate the decision of “reject” given by CHBDC’s hearing panel.

Attached to our appeal is form 38, application for waiver or directions.

List of submitters notified of Appeal from Curt & Tricia Zant

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