



Proposed District Plan submission form



Clause 6 of the First Schedule, Resource Management Act 199.

Feel free to add more pages to your submission to provide a fuller response.

RECEIVED
06 AUG 2021

To: Central Hawke's Bay District Council

1. Submitter details

Full Name	Last Zant	First Curt & Tricia
Company/Organisation (if applicable)		
Contact Person (if different)		
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2. This is a submission on the Proposed District Plan for Central Hawke's Bay

3. I could I could not – gain an advantage in trade competition through this submission (Please tick relevant box)

If you could gain an advantage in trade competition through this submission please complete point 4 below:

4. I am I 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. (Please tick relevant box if applicable)

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

5. I wish I do not wish – to be heard in support of my submission in person (Please tick relevant box)

6. I will I will not – consider presenting a joint case with other submitters, who make a similar submission, at a hearing. (Please tick relevant box)

7. Do you wish to present your submission via Zoom? Yes No

8. Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the plan that my submission relates to:

SNA SLA Coastal

ECOR1 - R6

Do you: Support Oppose Amend (Please tick relevant box)

What decision are you seeking from Council? **NO SNA OR SLA ON MY FREEHOLD LAND**

Reasons:

To be discussed at this meeting further. Also see attachment labeled "The Great RMA takeaway of Hawke's Bay."

Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box.



The Great RMA Takeaway of Hawkes Bay

The draft plan prepared by Central Hawkes Bay District Council has been proposed as a requirement to satisfy the resource management act of 1991. The RMA of '91 is possibly one of the most aggressive and controversial pieces of legislation ever introduced into a free nation that uses law to usurp private property and property rights from individual ownership into that of the district, regional, and national government. It has allowed for the legal theft of individual rights of ownership since its institution although it has been altered and challenged repeatedly. Property prices and property viability are almost always negatively affected, and many legal battles have therefore resulted. The RMA which was once heralded by politicians as visionary legislation many times sees to much anguish, division, and upheaval. It troubles me deeply to see my local district council is now entangled in its dirty grip with what I now call the great takeaway in the Bay by the RMA. I fear this newest usurpation of property rights by our local council could destroy the hard won, fragile peace as it is certain to stir up negative feelings from State led land grabs of the past. This plan is already resulting in divisions, animosity, and anguish for those property owners negatively affected. However it could next catapult our sleepy Bay into an array of negative media attention both national and global. But even worse than negative media will be extensive and costly legal battles that will certainly follow this proposed controversial plan. I have come to suggest a better way than invoking the RMA, which could result in the same desired effect without taking away personal property rights.

Personal property ownership, and the exclusive management thereof, is the single most essential element that determines a free society. As far back as the Magna Carta of 1215, English society and law has determined the importance of privately owned property. Even communists nations allow and acknowledge the essence of personal ownership of land and property. With said ownership comes certain alienable rights, one of which is exclusive management without State intervention, unless poor stewardship is proven. If such poor stewardship of private property detrimentally effects the rights of others, then it becomes the responsibility of local or state government to intervene. Supposedly, for this reason was the RMA of 91 passed. However, because NZ has limited property rights laws addressed in the Bill of Rights, the RMA has at times been a weapon to legally take property and the rights thereof from non offending owners. The RMA has therefore lead to many legal battles and caused trouble and divisions within communities, Iwi, and their representitives.

What should be addressed before invoking the RMA is how many times it can be applied, and then reapplied, even over the same areas and properties. Our farm a good example of this dilemma, as a significant area was identified in the original application of RMA of 1991. Today we are being told that somehow that area previously identified has now dramatically multiplied and we will now lose the exclusive management rights over these areas next. The RMA today is like a thief who stole a dime returning to the place of his crime. This time to take a dollar. Nothing will really change, you say, just come in and pay for a permit. But effectively you now would own my management rights. What's worse is you are not required under this RMA takeaway to have to pay for my rights. The ancient rule of law says that there can not be confiscation without compensation. But if you don't pay, isn't that theft, Aye? But in all seriousness, how many times can this same law of RMA repeatedly and systematically be used to erode away more of my property rights? We are just naming it you say. But actually you are taking it away. As the rate paying landowner I recon this environmental plan as it stands is yet another "name it and claim it", governmental land grab.

Another possible detrimental future effect of this naming of Significant Areas is the very real possibility of following legislation. Once an area is named and effectively claimed, what is to keep you or future councils from wanting to allow public access to these named Significant areas? It would certainly be a natural progression of legislation to allow the public to enjoy these little pieces of paradise deemed significant. I'm sure the general public would support and thrive, but can a country boy survive without his country? Therefore, the current plan in all its seemingly innocents is very possibly gateway legislation that sets the precedence of taking the first property right of exclusive management, and then a

following reapplication of the RMA to takeaway my exclusive right of access. The only right that remains would be the right of disposal. However, it is a given that when management rights and access rights are stripped from a property, then the result is certain to be a decreased value at disposal.

Another negative effect of your proposed environmental plan would be the resulting limitations of future development on these named areas. Being a grandfather of 5 granddies so far, your plan would be a scar on my families future needs. It is an unfair act that disembodies me from the natural ability of expansion and future development for me and my own. I humbly remind the council members that this proposed plan effects more than just one this man. This plan would be a scourge on my land from hence forth and forever more. I bought this fee simple, freehold land with all the implied and unimplied rights thereof, and do not intend to allow you to take these rights without a fight. My children and grandchildren deserve that I preserve these rights.

Truthfully, the RMA was not designed to identify landscapes, or even regenerative bush, but primary was instituted for the protection of resources such as water, air and soil. Therefore the main role of the RMA is to manage resources, not landscapes or regenerative bush on private property. It has been our stewardship and our personal management, without state regulation, that has resulted in a significant regeneration of bush on our farm that you have now identified as a significant natural area. If you were to name and claim this area now, you would be punishing us for good stewardship. In addition, your addition of the significant landscapes classification is over and above legislation that likely cannot be validated when challenged legally. Unless the actual minister of environment has personally required this new classification, then it should be removed from the proposed plan, to prevent any further harm or legal battles. Even if the minister of environment were to require this new classification of significant landscapes, she is first required to consider the use of economic instruments to achieve the same ends before legislation can be used. The RMA also requires regional and local administrators to have regard unto alternatives including the provision of education, services or incentives based on the likely benefits and costs of each alternative. To my knowledge this has not been done.

But perhaps there is a better way. I recon most landowners today would welcome the chance to improve their little patch. There is already a growing trend among farmers towards eco friendly stewardship. But heavy hand government intervention and regulation is not usually welcomed. If the public and the councils are serious about wanting to protect and improve our regions environment, they must work in support of landowners in a manner that is acceptable and preferred by the private property owners. A voluntary scheme would seem to be much more user friendly, where councils could work with, not against, property owners. If resources are actually to be protected, then the council must empower the landowner with support, not opposition. A plan that offers education and compensation, in leu of regulation would certainly be much more acceptable and likely produce the same or better outcomes without the hostilities and loss of property rights. The Council of Hutt City in Oct 2018 did the exact same thing, and backed away from proposed and opposed legislation to implement a voluntary scheme instead. I for one would support a voluntary process that respects landowners property rights and actually encourages and empowers owners to do more on their freehold lands to protect significant areas and more. I realize this would mean you would lose all the money and time you have heretofore spent, but please remember who pays the bills. As a rate payer I officially reject your property rights assault via your proposed environmental plan and demand you fundamentally rethink the newly identified significant natural areas and the significant landscapes areas on our private property. Other councils have relented and recognized that the best way to protect significant areas is by engaging in good faith and empowering the property owners through education and incentives via a voluntary approach. Thank you for your time today and your service as our representatives.

Sincerely,

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