Groundswell NZ

Dear Mike

I'm emailing to update you about the unbelievable resource planning overreach in Gore and the major win for food producers with Parliament's banking inquiry including emissions in its terms of reference.

Gore District Council RMA Section 6 madness

The Gore District Plan, now out for consultation, proposes to classify the entire Gore District under the *Sites and Areas of Significance to Maori* part of Section 6 of the Resource Management Act. You may recall our ongoing campaign to repeal Section 6, and this is precisely the sort of overreach that it enables.

This might sound like an issue in just one part of the country, but this sort of thing is being pushed across the country and the stakes are enormous. Your council could, and quite possibly will, be next.

Once land is classified under Section 6, it becomes subject to counterproductive, unworkable, and intrusive bureaucracy. Landowners can spend years and fortunes on applications and legal costs just figuring out what they're allowed to do on their land, all while the mortgage doesn't go away. The most well-known way this has been a problem is with Significant Natural Areas (SNAs), which make caring for the land a liability for the owner, rather than an asset – getting the incentives completely around the wrong way.

Other parts of the RMA's Section 6 are:

- Outstanding Natural Landscapes (ONL)

- Outstanding Natural Features (ONF)
- Significant Natural Features (SNF)
- Rural Scenic Landscapes (RSL)
- Rural Scenic (RS)
- Sites and Areas of Significance to Māori (SASM)

It is a longstanding Groundswell NZ position to get rid of Section 6 and have the RMA (or its replacement) treat landowners and their property rights with respect by working with them to protect the land, rather than against them.

In this case, rather than pick out the bits of land that have particular significance to Maori, Ngai Tahu's local branch in Gore, Hokonui Runanga, have said that everywhere in the district is significant to them. Then, rather than ask them to go back and pick out specific places, like in earlier district plans, the Gore District Council have gone along with that and applied the Section 6 rules to the whole district in the proposed plan.

We've seen the head of Hokonui Runanga claim in local media that this isn't the whole district getting classified, saying that the district-wide approach would reduce the burden on farmers. We find that hard to believe, as now any landowner is left not knowing whether use of their land could be subject to a test against Ngai Tahu's values listed in the plan, which includes statements like:

"The overuse, depletion, or destruction of natural resources leads to a diminishment of mauri. This is unacceptable to us. Any alteration of the natural environment, including impacts on flora and fauna, water, or earth will have an effect on their mauri." (Section 1.5, page 4, Proposed District Plan Provisions)

Now, to be clear, we aren't so much having a go at Ngai Tahu and Hokonui Runanga here. They have a view on how things should be done and they've advocated for it. We disagree with that view, but we also think changes need to be made to the system so that a proper balance is struck between the property rights of landowners and the other interests in the mix.

The real problem is two-fold:

1. RMA Section 6 allows this kind of overreach from councils, when resource management law should include limiting principles to stop maximalist interpretations.
2. Gore District Council has gone along with this ridiculous idea and only consulted with the Runanga on it – and then got them to co-draft the bits of the district plan that cover this.

And the solutions are clear as well. First, we get Gore District Council to remove this from their district plan before it gets finalised. Second, we get the RMA changed.

On the second count, the Coalition Government has said that they will be bringing in new legislation next year and we're going to keep at them on these issues, so they don't just copy over the completely unworkable status quo.

On the first, we'll be stepping up our campaign to make the council see the error of its ways. This is bigger than just Gore – we need the rest of the councils in New Zealand to understand that their residents and ratepayers won't stand for wholesale assaults on landowners' rights, budgets, and peace of mind.

Mike, we can't accept a regulatory system that has food producers and other landowners looking over their shoulder at all times for someone arbitrarily deciding that their land is now subject to some undefined set of rules. Regulations need to be clear and known in advance if anyone is to get their affairs in order to comply with them.

There's plenty more to come on this.

Banking inquiry includes emissions policy

Parliament's Finance and Expenditure Committee released the terms of reference for their banking inquiry this week and we were pleased to see it includes the emissions policy issues we were calling for. (For the keen-eyed, the Primary Production Committee we were sending your emails to are working with the Finance Committee on this one).

To quickly recap, banks are becoming de facto enforcers of the kinds of emissions

policies that the Coalition Government was elected to get rid of. Between the 2% average premium on rural lending that we pay and the credit squeeze hitting farmers, the emissions policies the Reserve Bank and the retail banks are running need some scrutiny. Banks can't hope to keep up with the developing science on agricultural emissions like the methane cycle and should stick to their knitting.

We told MPs that they'd only be getting half the story if they didn't include the emissions end of the story and they've done the right thing this time.

This banking inquiry is a real chance to get some change in how banking is regulated in New Zealand and especially on how emissions reporting and risk is handled by the Reserve Bank and the Mandatory Climate-related Disclosure rules.