Established in 1987, the Tairua Environment Society is a ‘grassroots’ group representing the interests of a small local community. Almost all the issues we have been involved in have been RMA issues.

We represent ordinary people with virtually no knowledge of the Act, what it controls and the effects it has on our community. At the same time, we ourselves really struggle to understand the jargon, the processes, and complexities of the Act.

We have a core group of paid members and a particularly large supporter base that we can (and do) call upon for funding when and if necessary.

With the help of numerous experts generous with their time, and other environmental groups, we have had several successes.

Notable is the up zoning of Te Karo Bay, an iconic beach and surrounding bush clad landscape highly valued by the community that Council had zoned with the intent it would be a beach suburb with 800m² average lot size development. We also have made submissions on numerous proposals, achieving greatly improved conditions of consent in most cases. We have opposed (and occasionally filed appeals on) several ‘inappropriate’ subdivision proposals all of which were eventually withdrawn. We have been active in the most recent 10 yearly review of the TCDC District Plan now just about complete.

We have learnt a huge amount about the RMA and how it operates at a local body level where all the ethereal objectives and intent of the RMA become actual decisions and actions.

We have seen the RMA start out as a great piece of legislation to protect the environment and provide community consultation, become a high-priced weapon for development at the cost of communities and the environment.

Our experience ‘at the coal-face’ leads us to have concerns.

We would presume most have already been aired. But after a reading of the ‘Issues and Options Paper’, we are not sure if they have all been considered or addressed. At the risk of stating what you have already heard we offer the following:

Consultants - Expert reports/evidence
(Planners, Landscape Architects, Ecologists, Engineers, Forestry, Traffic etc.)

- Private consultants generally provide reports/evidence that supports the interests of those commissioning them. Beneficial aspects are accentuated; negative aspects are ignored, downplayed or avoided and untruths are disguised as opinion.
- Professionals develop reputations. A pro-development reputation will mean work for a private consultant. This applies to:
  1. Those in private practice writing commissioned reports;
  2. Public employees (Council etc) and the decisions they make before setting up their own private practice;
  3. Those employed by Councils as contractors or consultants because staff have left to set up private practice – often, the same people.
  4. Those employed for peer reviews of reports.
- Developers will engage many consultants in the same field and are then able to choose the most favourable report, and, also remove others from being able to peer review or work for those in opposition.
• The private-public interface needs to be resolved because it is creating less than desirable outcomes, unnecessary delays and possibly corruption.

Cost to Local Authorities
The local body politicians who get elected are generally the ones who promise lower rates or no rate increases. There are huge costs for Councils in administering the RMA and most electors have no understanding of the RMA or its relevance in their lives. Accordingly, most Councils work to spend as little as possible on RMA affairs.
• The developer presents an outlandish proposal which Council turns down. The developer threatens (or even files) an appeal. They go into mediation. Council’s defence of their decision will mean spending rates with true costs not recoverable. For a pro-development Councils, compromise is far more important than environmental outcome and the developer gets what he secretly intended.
• Ten yearly review. This must be a huge cost for any Council and with most appeals (as is the case with the current TCDC review) being from developers or those with particular vested interests, the need to resolve and find compromise becomes more important than a achieving a forward thinking progressive District Plan.
• The developer can fund his position from income when the development is realised; or alternatively go bankrupt and start again in a few years. (All costs tax deductible). Council must spend public money.

Cost to (and the difference between) business and private individuals.
• For developers and other businesses, this is their occupation, they do it full-time. The RMA is part of their field of knowledge and gaining expert knowledge and reports to advance their business is a tax-deductible business expense. For the private individual, the RMA is a nightmare they do not understand and resent; and the required expert advice is not only essential but costly and non-deductible.
• Maybe to absolve Council of personal responsibility, Council planners are increasingly requiring reports for just about everything and this is increasing costs and delays.

The imbalance between Business and private interest, and those protecting or promoting the interests of the public.
• Businesses (particularly developer landowners) are involved with the RMA process as part of their intent to make profit. This is their occupation. Costs can be paid from previous profits made or from profits still to be realised. All costs including wages they pay themselves are tax deductible.
• Those involved to protect and advance environmental and community values are occasionally individuals but more usually community groups. For these people this is not their occupation, time spent is ‘after hours’ – part time and for free.
• Costs (which are often enormous) must be paid from money raised in the community which is mostly comprised of people with next to no understanding of the RMA processes and how their lives and environment are affected. Issues without emotional public appeal that are still critically important are unlikely to gain sufficient support.
• On numerous occasions our evidence has been disregarded, not because it is not factual or relevant, but because we do not have the qualifications the hearing has decided are required. Community groups are priced out of their right to speak for their community and their
environment because they are not considered as experts and must pay for an expert to speak on their behalf. And their local knowledge is made irrelevant.

- MoE support for community groups taking Environment Court action is not always available and covers far less than actual costs. The success of funding applications is never known until well after the community group has had to commit to action or withdraw.
- Court filing fees are relatively high for cash strapped community groups.

**Consent conditions/Covenants – Monitoring and penalties**

From the report it would seem this is an area well canvassed. It is critically important, and it is a surprise it has not been addressed before now.

Our comments;

- The authority issuing the consent (and conditions) needs to be the one doing the monitoring and enforcement with costs being fully recoverable from the consent holder. The issuer can ensure the monitoring and enforcement they will be responsible for is practical and achievable.
- We would like to see an independent office (like an ombudsman) policing all consents and issuing authorities with the ability to impose penalties when monitoring and enforcement is not done or not adequately done.
- We see many consents issued with conditions that must be next to impossible to monitor and then enforce, particularly when conditions require long term monitoring. Consent authorities should be able to refuse an application if the consent conditions proposed to make the proposal viable cannot be reasonably monitored and enforced. Too many ‘dogs’ are given wings to fly when they never will.
- Mitigation planting. This is one of the bigger rorts of the system. We regularly see new titles approved with the building site on the most prominent position. The screening planting proposed is usually native and will require decades to achieve its purpose. While planting is young and there is no effective screening, the altered landscape becomes the norm and sets a new benchmark for what the landscape is and precedent for further development. Monitoring of planting is usually only for the first year or two. The planting is able to be cut down or removed at any time and even if the perpetrator is proven and there are penalties etc., the replacement planting will then take further decades. Consents need to be viable without the need for mitigation planting.
- Penalties for noncompliance need to be severe and indexed to inflation. Consents should be able to be revoked and development removed when there is a continued refusal to comply.

**Political Influence**

Observations in our area.

- A previous administration of our Local Council worked with the Regional Council to determine a spatial plan for the area (The Coromandel Blueprint). This encouraged development in the three main towns of the area and limited growth elsewhere. It was done at considerable cost and gained widespread public approval. It is still contained in the Regional Plan but has been removed from the District Plan in the current 10 year review overseen by the current Council. Planners involved in developing this plan no longer work for Council. While still part of the Regional Plan, it seems to have no weight when subdivision consent applications are considered.

- There has been high staff turnover in Council’s planning department with those staying and being promoted being those more attuned to the current Council’s pro-development stance.
• Political influence at a local authority level seems to attract little or no criticism especially in RMA issues where few of the population understand or care.