

Submission to Hearing Panel in relation to the Proposed Natural Resources Plan for the Wellington Region

1. This submission relates to the overall framework or structure of the proposed plan.
2. The proposed plan fails to advise users of their legal rights because, amongst other reasons, it does not contain an essential element in the form of a comprehensive set of planning maps.
3. As the proposed plan fails to advise plan users of their legal rights, it is NOT fit for purpose. To be fit for purpose it MUST as a minimum advise plan users of their legal rights.
4. River and lake beds are spaces of land. They are definable spaces of land, each of them and all of them. Rivers and lakes are defined by their beds for planning and enforcement purposes.
5. Regional Councils have exclusive jurisdiction over those definable, but as yet undefined spaces of land.
6. This proposed plan proves conclusively and unambiguously that those definable spaces of land, the river and lake beds, have not yet been defined for the purposes of this proposed plan, rendering this proposed plan UNFIT FOR PURPOSE.
7. To be fit for purpose this plan MUST include a comprehensive set of planning maps covering the region this Regional Council has jurisdiction over, showing the true extent of those spaces of land, the river and lake beds, over whom this Regional Council has exclusive jurisdiction.
8. The spaces of land which constitute the beds of rivers and lakes MUST be shown two dimensionally on planning maps to clearly and unambiguously show the shape factor, the length and the breadth. The spaces of land need to be distinguishable from the neighbouring spaces of land, that is the land which is NOT under the exclusive jurisdiction of the Regional Council.
9. The planning maps MUST be produced at a scale which enables those spaces of land, the beds of rivers and lakes, to be easily identifiable in relation to legal property boundaries by all plan users, in particular all affected private property owners.
10. The planning maps MUST define the spaces of land, the river and lake beds, to a high standard of accuracy due to the fact that it is a STRICT LIABILITY CRIMINAL act to do many things in relation to those yet to be defined spaces of land over which the Regional Council has exclusive jurisdiction.

11. Astonishingly, the most elementary principle of land planning has NOT been followed in the preparation of this proposed plan, which is the accurate identification and definition of the specific spaces of land the proposed plan relates to. The Regional Council MUST follow the same elementary, tried and tested methods adopted by District and City Councils in preparation of their planning documents.
12. Most of the confusing, contradictory and ambiguous definitions relating to rivers would be completely unnecessary if there were instead the requisite set of comprehensive planning maps showing amongst other things the true location of river and lake beds.
13. All plan users have a legal right to know precisely where any specific space of land is actually located and where it extends to for planning purposes. In its present form this proposed plan makes no attempt whatsoever to meet that minimum requirement.
14. I am simply asking to be advised of my legal right to know, by the Planning/Enforcement Authority, nothing more. Anything less will not do. Asking to be advised of my legal rights should not even be necessary. The Enforcement Authority ought to be able to demonstrate unambiguously that it has done so, and is doing so, to the requisite high standard of disclosure.
15. I say, the panel should stop wasting everybody's time and put a stop to this nonsense here and now and tell the Regional Council to produce a plan which includes the requisite planning maps to enable its proposed plan to meet the minimum standard and in the process inform plan users of their legal right to know.
16. This proposed plan is FATALLY FLAWED in its present form and should be either withdrawn or in the alternative re-developed. Furthermore, the essential maps ought to have been prepared a quarter of a century ago, immediately following the introduction of the RMA in 1991.
17. As it is, this proposed plan unambiguously proves that it has NOT been developed by competent planners as they have omitted to follow an elementary land planning principle. The consequence of that incompetence is this FATALLY FLAWED proposed plan.

To conclude:

The bed of a river or lake is a space of land which is definable for planning purposes. This proposed plan proves unambiguously that not one of the beds of rivers and lakes in the Wellington Region have been defined for planning purposes. 26 years after the RMA came into effect, that is appalling. If the Regional Council chooses to commence a policy of advising plan users of their right, the Regional Council will define those spaces of land. This plan will not be fit for purpose until it does so.

It is an elementary aspect of land planning that when writing objectives, policy and rules which relate to specific spaces of land, that the specific spaces of land be defined, at the same time as the objectives, policy and rules are developed.

That time is now.

Alan Jefferies

2nd June 2017