

Submission

to the

NZ Productivity
Commission

On

**Local Government Regulatory
Performance**

From

John Mellars

August 31 2012

1. I welcome and thank you for the opportunity to contribute to the review of local government regulatory performance.
2. My comments are limited to the performance of regulatory functions afforded territorial authorities by the Resource Management Act and promulgated via District and Regional Plans.
3. My experience is based on a lifetime of Auckland living including 35+ years of urban business and productive rural land ownership; 12 years as a Community Board Member; 6 as chairman and 3 as deputy. I served as a planning commissioner for 12 years.
4. I became aware of the commission and this project today and therefore lack the time to prepare evidence to support my claims. Please note that written evidence by affidavit or other means can be provided if necessary.
5. The recent focus of regulatory effort is keyed to council's assumption that every activity has actual or perceived environmental effect and must therefore be authorised by resource consent. When it is considered that the activity is often as simple as removing a tree or fixing a track and that the consent will cost thousands of dollars, take weeks to process, with the outcome by no means certain, you will understand that the process is costly for all concerned and not likely to achieve anything at all. What it has achieved in my area is a complete loss of new economic activity, a 50% reduction in population since amalgamation in 1989 and a continuing steady decline across the board.
6. The problem is simply defined, in my view. Whereas the RMA and LGA refer 'social, economic, environmental and cultural', council, in this area, focus solely on their perception of 'environmental'. Further, council ignore the LGA 'purpose' of 'enabling local decision-making'. Proof of this is evident in a current district plan review where 1000 local submissions were lodged with well over 90% being disposed of without meaningful, or any, consideration.

7. The effect of the council attitude is to create a district plan that is foreign to the community it is meant to serve. Not a good starting point for an efficient regulatory process !
8. The district plan is offensive to traditional local values and provides no practical support to the aspirations of residents, ratepayers, taxpayers and citizens.
9. The district plan details restrictive and prescriptive rules which deny land owners basic rights to use their property as their own. The strong feeling given by the district plan is that people are inferior to environmental values and should be discouraged, persecuted, prosecuted and driven away.
10. Recent events suggest that regulatory staff at Auckland Council are out of managerial control. We have experienced surprise assaults on private property by up to 6 staff plus police to execute search warrants based on alleged complaints of environmental harm. The latest assault included chartered aircraft, rental vehicles, contract professionals and a terrifying experience for a farming couple in their 70's. No infringement has been notified. The cost of thousands was unnecessary and the issue could have been solved for the price of a telephone call.
11. This is not an isolated incident. There are many. This is not a war story. This is becoming standard bullyboy practice. If left unchecked the end game will involve violence. The cost must be enormous.
12. I am available to provide any further information and evidence the commission may require. We would also welcome your visiting our area.

Yours sincerely,

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