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Submission
To the Registrar
Environment Court
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I Sean O'Shea submitted many submissions to the Hauraki Gulf Islands section of the District plan 2006 process complete with many further submissions and appeared at the hearings.

I am generally pleased with how the planning Commissioners have tried to correct the inaccurate land form zones and address sites of ecological designations.

However I am not happy with the strategy in the plan to limit private land owners from enjoying their properties with freedom to create a livelihood without constant Council monitoring

Being mindful that the Island is a rugged landform with very little pastoral land

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It is saddening² that the appeal process falls into the price rise as we do have sixty days to appeal, however we only have today to lodge an appeal at \$55.

So I ask the Court please bear with me as I have not been able to totally research the voluminous amount of material to see what changes have taken place.

Also I ask the court to please allow me to be slightly brief with my evidence at this stage as it will take time to present a robust case.

Firstly to understand my pleadings I ask you to imagine being a land use type of person who is indeed in love with wildlife, landscapes, the environment and protectionism.

I feel in many ways we live in a style almost akin to pre European times.

We have a beef farming enterprise which my father purchased in 1961 from another farmer.

During our time here, if anything we

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- have lost some ³ 40 hectares to manuka regeneration.

Our land is a hard farm with the great seasonal variations and many land forms many vegetation types, and many issues

- We farm it hard in the fact that we carry maximum number of breeding cows. Costs have increased a lot and there is little capital for improvements, consents or compliance.

- Often much work is done by hand tools - things change slowly. Many concerned individuals believe that this type of farming is non compliant with the laws, rules and regulations.

- The predicament is that it is hard to obtain existing use rights, it is hard to obtain consents from an authority whose culture is against ones land use activity.

- It is hard to collate all ones evidence to show you have been involved in various activities for a number of years. It is hard when your farm or any Barrier land is spoken of as an ecological wonderland.
- I feel that our bundle of rights as

A land owner, in fee simple has been eroded enough in the name of resource management and I wish the Court to try and give the land owners back some credibility, before we all end up in legal action with complainants, compliance officers Council officers, and consultants.

We purchased the land, we love the land, we respect others. However we are very aware that monitoring and compliance and lengthy legal consent applications are very much a part of life in the future, because everyone deems themselves to be an affected person.

My appeal has many issues:-

- * Land use activity and development consents
- * The land form zoning system and its failings.
- * Subdivision
- * Compliance procedure and complaints monitoring
- * Existing use rights and establishing them
- * Over protectionism and over involvement of Council
- * Significant Ridge line
- * O'Shea Road - verbal presentation.

Landform Zonings⁵

The idea of environmentally based land form zones is workable for most people, but it is not workable when it is grossly inaccurate and virtually placed to hinder any land use right and open up vast opportunity for lobby groups to channel opposition and complaints about primary land use activity.

When in the past zonings reflected the uses of the land it was much more clear what could or could not happen on that land.

Now we have a situation where we have many landform zones on our farm, and we farm them all as in the Boundary fence.

OK you can farm legally in PL and AF landforms, great, but all our land is productive land and always has been.

The land form policies and landform strategies often do not allow for much of our day to day practise.

Do we stop. Do we go for compensation. Do we rely on existing use rights, do we go for consent, do we subdivide.

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and sell because its too controversial

Surely a farm is a farm, it always has been. We can adopt better farm practises, we can mix ideas. We can pursue compliance, but sadly the only real safety is to obtain a farming zone, or some written consent because these land form zones have made it very hard to work on a half bush, half pasture land farm.

Development Controls.

I seek earth movement quantities to be enlarged for farming practises 50m² is not a big volume.

I seek vegetation clearance of manuka under six metres high to be at the owners discretion in regenerating slopes. The evasive nature of manuka and the low return from landuse activity in my mind will equate to manuka winning the battle in the long term. There is no fear of too much manuka clearance as it is hard work generally for no money.

The vegetation controls work for ~~restricted~~ residential properties but not for back block farmers. We lose more land to scrub each year even

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Though we vigilantly maintain our pasture from invasion.

The problem is our efforts often become compliance issues as learned concerned individuals believe it is best to grow manuka.

I support vegetation clearance in forest and bush zones to be discretionary especially if it is genuinely an area where true characteristics of Bush exist like areas of Broadleaf and an under growth strata.

Trouble is much of Forest and bush is actually under grazed manuka with no real characteristics of Bush it is really scrub - not bush.

Subdivision: -

I believe that the Council have a copy of my subdivision submission from the Hearings in Claris.

I wish to re-submit the same document as my submission on subdivision however if that does not concur with due process. The summary of my concerns are that the limitations placed on subdivision are too high. Namely the minimum lot sizes are too high there is little or no regard for

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- allowing for rural subdivision.

The Barrier is unique and it is attractive. Often people want peace and solitude. Not everyone wants to live in a settlement area.

- I submit that in PL and RS zones subdivision should have a minimum lot size of 4 hectares with provision to create environmental enhancement as conditions of consent.

- The landforms can integrate form at that size. There is only twenty odd per cent of land in private ownership.

- The rural nature of the land is vanishing with all the laws and change more than anything, I believe values have changed the land and peoples interaction with it and each other.

The Island is not relaxed and rural its now restricted and monitored and many properties are zoned residential in our valley so we are changing into a lifestyle block area and four hectare is the perfect lifestyle block size.

- We need rural subdivision of 4 ha in R.S. F.B. and P.L zones.

I submit that when a Council Officer or Compliance Officer comes to inspect a property on the strength of a concerned complaint then that Officer should contact the landowner to meet with them also at that time.

I say that because it seems that Officers can become unprofessionally involved with the Complaints issues. In any complaint or dispute, there are always two sides, two sets of circumstances and two sets of rational or thinking.

Often the Compliance Officer does not obtain the full story. Often the Compliance officer does not consider existing use rights. Often the big picture is not considered.

Often once challenged or events disputed the compliance Officer complaint falls apart as it is unsustainable and the whole dispute is only of nuisance value.

To avoid ill will and unnecessary bad feeling the Council need to recognise that people live within the landform and do have ongoing rights to do so.

The fact is that ¹⁰ many of the laws like vegetation clearance earth movement, do not make sense to some and on that basis they will be challenged and presumably broken.

It is sad that some land owners feel that breaking the law is more fruitful than applying for consents through an Authority which only wants to limit any land use. As much as can be done without consultation privately or with Council is the most cost effective and time efficient.

Compliance seems to be a nuisance sometimes as it takes a long time, costs a lot and the outcome was achievable without all the headache.

The broad knowledge of existing use rights, should in theory nullify any worry I have with the District Plan as our practises are ongoing.

However

WHAT I seek about Compliance is:-

- * That the landowner be given the courtesy to meet with the Officer on site at the first visitation. The need to protect the Complainants identity is not

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a concern as "mostly they are known as there are only ten families in our valley.

* I promote the culture of the concerned party to contact the environmental William if they have any concerns that more neighbourly and Community building than going straight out for fines and litigation.

* There be balance and fairness. The interpretation of the Resource Management Act 1991 or District Plan has to work for the people and not be used to stop all hope of future or growth. Change is a natural part of any bright future.

* There needs to be more communication between Council and land owners. This would be easy as there are only a small number of landowners who are active in their landform on the Great Barrier. With communication and negotiation Council objectives may be more achievable. Working alongside the people that is almost the people power and they will work for you. The theory that much of what you do is non compliant just alienates people and create longterm

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planned and deliberate legal action.

* We do have existing use rights. The Council should give us the rights, not make it a very hard issue to work out.

VEGETATION CLEARANCE.

- there needs to be an increase in the manuka vegetation clearance limits especially in R.S zone. IF the manuka area does not demonstrate characteristics of forest and Bush Zone i.e. no subcanopy no Broadleaf species much and pockets of pasture or noticeable under grazing then it has to be R.S or P.L. There needs to be accuracy in the zoning classification or is it a fraud

A - To promote sensible land use where specific landforms should be recognised to knowingly allow regeneration in appropriate vegetation enhancement e.g. South facing slopes around waterways in areas of ecological importance.

B - To provide for firewood harvesting there may need to be some relaxation on the 6 metre height restriction as most manuka in valleys is that height and

often it is the ¹³ same age as the short manuka in exposed areas.

C - Broadleaf Trees native trees having a 3 metre height restrictions acceptable, however, there needs to be common sense where if a tree is in a position where activity is hindered, then the landowner should have the right to plant say, 3 or 10 such young purchased trees to replace it and get on with the activity.

D - Minimise Councils involvement in vegetation clearance so that compliance complaints are minimised.

EXISTING USE RIGHTS.

A Farm is a farm. The activity of farming within the boundary should not be challenged by landform provisions - if by way of landform zoning possibly inaccurate zoning a landowner loses their ability to work land use rights or the real ability to utilise their land as they had prior, then I believe the Council should go to the site and check the land use and supply a certificate of land use existing use right

Concerned community members^{IA} are often misled by other people's land use, and complain to the Compliance Officers without understanding the land owner's existing use. This is brought on by the ecological groups' presence and emotional pretence that this Island is an Ecological habitat.

Productive activity needs to be fostered and nurtured.

The broad spectrum of activities which are part of any farming practise in a mixed landform farm where the challenge of invasive vegetation and other natural hazards mean the land owner has to run a dangerous edge along being a compliant or not need to be included in the existing use right of a beef farmer here on the Barrier.

A beef farmer here is often involved with vegetation clearance, drainage, earth movement, track maintenance, mixed land uses

Bush work, flood stop banks, creek clearing and unblocking etc. Much of these activities are day to day, and many of them are asking for Council involvement and monitoring.

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The hard truth¹⁵ is the Council want the land to revert and when the scale of activity is so low with low capital and production the land is constantly reverting in that case it is hard to obtain a workable land use Farm management plan not all farms are equal. Some land is very hard to maintain and bring into production.

Existing use rights have to be more obtainable. More broad Spectrum including all activities. Almost given at time of District plan the limitations are given the E.U.R. should be part of the plan also.

There should be a distinction between residential controls and farm controls. I feel the plan applies to residential property well, but it does not work for rural farm owners.

* SIGNIFICANT RIDGELINE FROM AWANA FLATS TO HARATAONGA CROSSROADS: —

The ridgeline centre does not follow the true ridge, it follows the road which is on our side of the ridge

This ridgeline is justifiable from

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Harataonga Crossroads South for 200 metres, but then the ridge is very broad and is only a minor ridge and should not be on the maps.

The point is that the Omata Road Ridge looks down on the Aotea Road Ridge.

The complex landform absorbs this ridge as seen from most valley floor vantage points. The Aotea Road Ridge line has other land or hills behind it, therefore, it does not form a skyline from the South or the North or the East or the West unless you are on the A.F. Valley floor, which you cannot build on anyhow.

So I submit that there are very few opportunities to be an affected party by ridgeline development.

The 100m side area taken over sloping land means much of our property is under the designation much of the area is open PL and even a fair quantity of valley floor flats.

We feel the 100m ridgeline ridge side area with its controls is a burden on our land use activity. It is a minor ridge. No skyline activity is going to happen in the area.

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Please remove the Aotea
significant ridgeline designation
off the farmland east of Aotea
Road on our place as it is
a minor ridge

Last Page of Appeal.

Sean M O'Shea