

BEFORE A HEARING PANEL: WHAKATĀNE DISTRICT COUNCIL AND BAY OF  
PLENTY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions and further submissions  
on Plan Change 1 (Awatarariki Fanhead,  
Matatā) to the Operative Whakatāne  
District Plan and Plan Change 17  
(Natural Hazards) to the Bay of Plenty  
Regional Natural Resources Plan

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STATEMENT OF EVIDENCE OF ROB WELSH  
ON BEHALF OF MATATA ACTION GROUP

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## 1. INTRODUCTION

1.1 My full name is Robert John Welsh.

My evidence is given on behalf of the Matata Action Group (**MAGNZ**) in relation to:

- (a) Proposed Plan Change 1 (Awatarariki Fanhead, Matatā) to the Operative Whakatane District Plan; and
- (b) Proposed Plan Change 17 (Natural Hazards) to the Bay of Plenty Regional Natural Resources Plan (a private plan change request from the District Council) collectively referred to as the **Proposed Plan Changes**

1.2 My evidence relates to highly questionable historical actions, omissions, procedural anomalies and inconsistencies, denials, systemic strategic practice of unlawful undue influence and abuse of those duties of care and those statutory obligations reasonably expected of the aforementioned authorities (and others) in relation to; stratagems of intentional marginalization, collusion, general dishonesty, breaches of trust, personal privacy rights, transparency, honesty and integrity of key personnel and 'experts' of those parties who have contributed to the development of the Bay of Plenty Regional Policy Statement (**RPS**) on the Proposed Plan Changes.

## 2. QUALIFICATIONS AND EXPERIENCE

2.1 I am the founder of Matata Action Group, Matata (dot) News and Eastern Bay of Plenty Media (EBOP Media (dot) com). Magnz was formed in August 2016. Matata News and EBOP Media are online media entities currently under construction and were formed 2019.

2.2 I have over 40 years of P2P and B2B Professional Consulting and Trouble-Shooting experience across a broad spectrum of industries and function including Publishing, Travel, Insurance, Financial Planning and Funds Management, Primary Industry Corporate Restructuring, Sales and Marketing, Advocacy, Life Coaching, Sports and Recreation, Graphic Design, Website Development, SEO, Content and Operational Programming.

2.3 I do not have, nor wish to have, major formal qualifications that could render me an industry specific 'expert' or potentially limit my ability to independently analyze and prudently understand all perspectives available. I am effectively 'self taught.' Objective Strategic Planning

2.4 In 1971, I had a near death experience, As a result of that, until 1978, I was left unable to even write my name or internally function naturally as a 26 year father of two children.

- 2.5 In 1979, I became aware of the process of Formal Strategic Planning for growth, problem solving and balanced decision making. From that point, I used the process for rehabilitation, regaining life skills and developing viable goal setting solutions that ultimately led to my career choices.
- 2.6 Throughout my career I have achieved the highest levels within my industry on numerous occasions. I have maintained a consultative roles and assignments in acting for private clients including The Airline Pilots Association, Funds Management of various Law and Accounting Practices and successfully restructured and brokered Multi Million Corporate entities.

### **3 RELEVANCE of FORMAL STRATEGIC PLANNING**

- 3.1 Perhaps the best way to understand and appreciate the immense power of Formal Strategic Planning is to consider how we in New Zealand, were forced into measurable change by Australian franchised businesses.

Kiwis seem to have just not noticed how reliant we have become in day to day life on those shopping malls etc. What happened from the early 1980s onwards in service industries, the retail sector and how we pay for car parking today, all came about when the Australian Government grew its entire economy on back of medium to large Australian companies. By providing them with a Formal Strategic Planning program they ensured our country (via those businesses) would subsidize that economy in the short, medium and long terms, albeit unwittingly.

- 3.2 Our Government also missed the opportunity to embrace a similar stance and help local businesses counter the invasion, or do the same in Australia. (Until Steven Tyndall did so). Our approach to such formal tools is, 40 years later, still not utilised in favour of planning shortcuts that fall short in their successful application.
- 3.3 The Regional Planning process is and has always been a 'flexible' hybrid of general industry based Formal Strategic Planning process referred to above. It allows incompetent tampering to occur under the guise of RMA compliance, while allowing failures and anomalies to occur that cost taxpayers dearly, merely because blatant honesty and transparency are not prerequisites of the process. The complexities that have been created at Matata over the absolutely ridiculous period of fifteen years, in my view, demonstrates the complete absence of genuine strategic planning in favour of questionable

stratagems able to create outcomes that best suit those parties with a vested interest in how their careers can benefit from the misery of others.

- 3.4 The process of Formal Strategic Planning was designed to create a measurable and sustainable **Win-Win-Win** outcome for businesses, their executive and staff, and their customers, irrespective of any situation, or set of problems facing the entity. It relies upon three primary factors and one key rule that must be adhered to at all time throughout and beyond the planning process.

**The Factors:**

- (a) The current position as it stands today
- (b) The desired future position
- (c) What must be done to achieve that result

**The Key Ingredient (Rule) to Every Strategic Plan**

**That at All** times throughout the planning process **Blatant Honesty MUST be adhered to**, irrespective of what that represents in relation to desired objectives, or negative factors that have led to, or impacted upon the current position.

- 3.5 Blatant Honesty provides the integrity required to ensure the planning process succeeds and associated analysis programmes within the process are robust and viable.
- 3.6 The Formal Strategic Planning process is designed to resolve any tangible or intangible problem by identifying the reality and viability of every option considered to be important in the overall makeup of the objectives.
- 3.7 Of note must be; that this aspect also specifically identifies and evaluates true and false input along with the realistic effect of all contributing internal influences, external influences and how third party involvement weighs up positively or contributes negatively against each aspect of those influences.
- 3.8 Because the entire process often requires a considerable amount of committed executive time and specialized professional guidance many organisations (including the aforementioned authorities) have adopted a 'short-form' approach to this integral process. Such practice allows honesty to become severely eroded, badly smudged or blatantly embellished, thus opening the process, potential outcomes and positive influences up to failure over time.

Given such latitude, any party able to negatively influence an outcome by taking shortcuts is fooling the world and themselves, if they purport to be attempting to mitigate a problem in a strategically planned manner. If failure over vast periods of time has occurred, then all that has been honestly applied to the situation is merely a Stratagem. A stratagem allows failure (among other negative things) to occur as opposed to a Strategic Planning approach which does not allow failure to occur; primarily because honesty is at the forefront and always acts as the foundation.

- 3.9 The very presence of the need to use and/or rely upon a stratagem provides any Strategic Planning professional or consultant, all the motivation needed to prudently ask **Why?** In the absence of any credible justification, one must then investigate the whole history, and the potential of any promoted and/or misleading component offered from a totally different perspective. For example: What is that party **Not** saying as opposed to what is said and/or acted upon in support of that stratagem.

This was the approach applied by Matata Action Group.

#### **4 A Few Very Relevant Omissions**

- 4.1 In all the time I have been involved in what I personally consider to be a SHAM created by WDC (and others), the local authority has denied that Log Jams existed in the Awatarariki Stream prior to the May 2005 flooding. Those dangerous dams had knowingly been allowed to develop over numerous years and contrary to statutory obligations under the BA, had not been assessed as to risk levels or need to issue certification that would ultimately draw unwanted public attention, expose the culpability of DOC and obviously, require mitigation funding.

BOPRC knew the stream flow had been severely impacted by the presence of Log Jams, as they had rightfully ensured stream inspections were done by Mr John Douglas on a regular basis. However, they also knew that WDC had an obligation and for whatever reason did not exert their authority on the issue.

Perhaps that was because they also knew that DOC had some time earlier conducted a pest eradication regime in which they cut down vast amounts of Wilding Pine trees and made absolutely no effort to remove that 'slash' from the Catchment, opting instead to allow the material to make it's way down into the stream and help in the

creation of the 20 plus dangerous dams, which were carried downstream decimating private property.

When challenged on this in a full Council meeting, WDC denied that any logging had ever occurred and while enforcing that denial hurriedly promoted other reasons for the presence of Wilding Pine within the 5500 cu m of debris still littering the property at 104 Arawa Street.

- 4.2 No witnesses on behalf of WDC and in support of the PPCs made any credible reference to the presence of dangerous damming of the stream prior to the rainstorm (said to be the trigger for landslides, rather than the flood that burst those dams through sheer weight of water). The admission finally occurred only after PC2 had become operative based on the evidence inaccurate reports etc. That admission only occurred after Mr Douglas was asked at a public consultative meeting to explain to the Matata Action Group members exactly why he had authored inspection reports that had not been acted upon by authorities.
- 4.3 The Admission came in the very questionable 'expert' 'peer reviewed' document authored by Mr Davies which effectively stated that the log dams within the Awatarariki Stream **did not** contribute significantly to the volume of and damage from, the 'debris flow'. This document merely endorsed the fact that the parties had collectively misled the public and done so knowingly perverting the course of natural justice. Clearly Mr Davies and his peer were happy to embellish the facts for a fee indirectly paid by the taxpayers. It was designed to play down the true relevance of the immense volume of trees. One must ask how any 'expert' after the fact could identify which Wilding Pine logs from DOCs pruning had caused which specific amount of damage (if any).
- 4.4 Other than the presence of the Minister at Matata, DOC has been conspicuous by their absence throughout the last 15 years and absolutely all and any evidentiary documentation (if any) has been withheld by authorities. One must assume that party had resource consent to cut and leave the slash. It would have been signed off by WDC and thus further supports the need for further investigation and credible justification for the anomaly.
- 4.5 It has only recently come to my attention that further logging of mature pines allegedly occurred in or about 2010, merely 5 years after the inundation of Matata. The contractors were Olsens who also must have had

resource consent. Over 20% of that harvest has been stated as having been left upstream as 'unrecoverable' stock. Perhaps that is what has helped the authorities establish their certainty that an 'unacceptable' level of risk exists for the still shell-shocked property owners?

4.6 The Instigator of proceedings was in charge of developing the Coastal Hazard directives in 1994 and maintained his role throughout the 9 year period that Central Government had prescribed to meet the criteria. In 2004 EBOP produced a status document documenting the Priority Hazards that existed in the BOP. Mr Farrell and his peers were well aware that Matata was listed as the fifth most importance natural risk site in the region. Ohiwa Spit was number one, followed by West End Ohope and Piripai (later developed by WDC) was the third. All three areas are a valuable source of income for the Council, whereas Matata has always been historically referred to as a dump. Interestingly, Mr Farrell also took his time remedying the his obligations on Coastal Hazards, as he has Strategically managed the Matata fiasco. One must ask how the top four hazards were dealt prior to turning focus onto Matata?

4.7 WDC have knowingly breached the privacy of residents and property owners on at least three known occasions. Their agent approached personal banks, insurers and power companies with the intention of creating a position for those people that removes their ability to conduct a trusting relationship with their providers and lenders.

For to this, he attempted to secure a copy of my own confidential report dated 30 August 2016 in which I had explained to members of the group exactly what their situational analysis had enlightened me to and what their options were in relation to dealing with the siege that they had been placed under by the Council. That document had already been acquired by Mr Farrell, who emailed Marilyn Pearce asking her to supply a copy of. He blatantly lied by stating he had attempted to ring her about it, as no record of any such call existed.

That document was disseminated to numerous parties by WDC, including the local MP Anne Tolley (and Others). WDC denied that they had secured a copy of my private report to residents, but later conceded formally when it became clear that I was not going to let it lie. I can not provide the documentation as evidence to the hearing as that would make it a 'public' document. The Privacy Commissioner will shortly assess a Formal Complaint on

the combination of all incidents where privacy has been breached as one part of the coercion regime conducted in the effort to secure privately owned properties.

- 4.8 The property owners of Awatarariki have bullied and coerced into relinquishing their properties under false pretences and extreme undue influence that has ensured they remain in extreme duress. Crucial information that would allow them to make legally informed decisions has been withheld and if signing away their homes, they have been forced into signing up to seven pages of disclaimers and gagging orders, including demands that they also relinquish their associations with other community members. This in itself provides adequate reason to fully investigate such issues before allowing unprecedented changes to New Zealand Law to occur without judicial challenge. In this case, Matata is of national significance and allow other authorities wish the PPCs to occur, the application of flawed process and intentional breaches of Human Rights (Privacy) should prudently be withheld until such time as both authorities start using honesty as a vehicle for progress. I do not believe the Environmental Court is the appropriate venue for all issues to be heard and ruled upon.

- 4.9 Section 240 of the Crimes Act relates to Fraudulent Acquisition and control of all property. We are currently considering submitting a Formal Complaint to the SFO.

The elements of Undue Influence to be proven are:

- (a) It must be demonstrated that the victim was susceptible
- (b) There must be an opportunity for undue influence to occur
- (c) There must be evidence the Defendant is inclined to exert undue influence
- (d) The record must reveal a suspicious transaction

In relationship both authorities (and others) who may or may not be attempting to avoid substantial past evidence of Negligence and used siege tactics against honest people who have been directly and indirectly affected by that negligence. It is my opinion that they have absolutely no credible defence whatsoever, whether or not that may require a peer review.