

Submission on notified proposed Te Tai o Poutini Plan
Clause 6 of Schedule 1, Resource Management Act 1991

To Te Tai o Poutini Plan Team
Te Tai o Putini Plan Submission
By email: info@tppp.nz

Name of submitter: Dean van Mierlo

This is a submission on the proposed Te Tai o Poutini Plan. (the **Proposal**)

I could not gain an advantage in trade competition through this submission.

My submission on the Proposal is as set out in the attachment.

The specific provisions of the Proposal that my submission relates to are set out in the attachment in the column 'provision/section'.

I seek the decisions from the local authority as set out in the attachment to this submission in the column 'relief sought'.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Dean van Mierlo
Signature of submitter

11/11/22

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Attachment

General

1. This submission focusses on two properties which we own along the Coast Road, north of Punakaiki. Unfortunately there are some substantial errors in the mapping of values in the notified pTTPP. This has been confirmed by WCRC staff working on the TTPP project. (see **annexed** email)
2. Other issues raised in the submission focus on ensuring that the proposed rules are workable, and do not create a significant hinderance to persons living in this area. In some respects., proposed rules are considerably more stringent than existing rules under the operative Buller District Plan that apply to the Paparoa Character Area.¹ These existing plan provisions have largely served the community well, to protect the special character of this area while enabling the community to live and reside here. No justification has been provided for imposing more stringent rules on the Coast Road community.

Relief Sought

3. I seek the following amendments (amendments to text shown as additions underlined or deletions ~~striketrough~~ in the column “relief sought”) to the proposed Te Tai Poutini Plan (pTTPP)

Provision/section	Relief sought	Reasons
Mapping issues, Lot 2 DP 307444, Blk V Brighton SD, Pahautane.	Amend the maps to remove the high natural character in the coastal environment overlay from the mapping of section Lot 2 DP 307444, Blk V Brighton SD.	The high natural character in the coastal environment overlay shown on Lot 2 DP 307444, Blk V Brighton SD, is a mapping error. The 2022 Brown report (which is the landscape and natural character assessment on which the pTTPP mapping relies) did not map Lot 2 DP 307444,

¹ For example in relation to building setbacks applicable to the general rural zone under the TTPP.

		Blk V Brighton SD, as high natural character in the coastal environment, and has been incorrectly and erroneously reflected in the pTTPP maps at this location.
Mapping issues, Lot 2 DP 307444, Blk V Brighton SD, Pahautane.	Amend the maps to remove the “coastal setback” from the mapping of Lot 2 DP 307444, Blk V Brighton SD. The coastal setback should end at state highway 6, and not extend across the highway into Lot 2 DP 307444, Blk V Brighton SD. Alternatively, credible modelling should be provided that demonstrates the coastal setback area mapped on Lot 2 DP 307444, Blk V Brighton SD, is at real risk of coastal processes.	The coastal setback overlay “has not been modelled”, and “is a precautionary approach”. ² The area on Lot 2 DP 307444, Blk V Brighton SD, mapped as coastal setback overlay is approx. 50m above mean sea level, located on a limestone strata, and is separated from the ocean by approx. 140m including the state highway, and another freehold title. There is no realistic threat from coastal processes to activities in this area. Current NZ Govt guidance is that the likely rise in sea level by 2100 is less than 1m. ³

² pTTPP pg 111.

³ <https://environment.govt.nz/assets/Publications/Files/coastal-hazards-guide-final.pdf> at pg 97.

<p>Mapping issues, Lot 2 DP 307444, Blk V Brighton SD, Pahautane.</p>	<p>Amend the maps to remove the “Outstanding Natural Landscape” from the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD.</p>	<p>Part of Lot 2 DP 307444, Blk V Brighton SD has been mapped outstanding natural landscape. There is no evidence provided as to why this area is considered outstanding, in the context of the wider Paparoa Coastal Environment, Buller District and West Coast Region.⁴ The ONL boundary would more appropriately follow the eastern boundary of this property, where it adjoins Paparoa National Park.</p>
<p>Mapping Issues, Lot 43 DP 3558 Blk IX Brighton SD, Te Miko.</p>	<p>Amend the maps to remove the “Outstanding Coastal Natural Character” overlay from Lot 43 DP 3558 Blk IX Brighton SD. Instead, Lot 43 DP 3558 Blk IX Brighton SD should be either excluded from the coastal natural character overlays, or zoned high</p>	<p>Lot 43 DP 3558 Blk IX Brighton SD, Te Miko is a small residential section. It is fully developed for residential purposes. Inclusion within the outstanding coastal natural character overlay fails to recognise the presence and impact of existing lawful uses on</p>

⁴ “‘Outstanding’ encapsulates both quality and relativity: for instance, “conspicuous, eminent, especially because of excellence” and “remarkable in”. It is a matter of reasoned judgment. An ONF or ONL will be obvious”. -Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022, at pg 87.

	coastal natural character.	the natural character of this property.
Permitted activity building setbacks applicable to Lot 43 DP 3558 Blk IX Brighton SD, and other small lot sections in the general rural zone.	Amend permitted activity building setbacks applicable to small lot GRUZ sections (less than 1000m2), so that they are consistent with residential zone rules, and in particular, are; <ul style="list-style-type: none"> • 4.5m from road boundaries • 1m from other site boundaries • Not required where neighbouring property owners written approval is provided. 	The GRUZ includes small sections (such as to Lot 43 DP 3558 Blk IX Brighton SD). Permitted activity setbacks for the GRUZ are appropriate for medium and large size rural parcels, but are inappropriate and overly restrictive for small rural sections. For rural zoned land sections below 1000m2, the residential zone setbacks are appropriate, and will enable more efficient utilisation of small rural land parcels
Permitted Activities within the Outstanding Coastal Environment Area ⁵ . Rule CE – R8	Amend permitted activity standard 2 for additions and alterations to buildings as follows; Either, The maximum height of building and structures above ground is 5m <u>or</u> <u>the height of the existing</u>	The rule provides for limited additions or alterations to buildings and structures as a permitted activity. However, along the Coast Road, within the Paparoa Character Area maximum permitted building height

⁵ It is noted that this title appears to be an error. There is no “Outstanding Coastal Environment Area” identified in the pTTPP. Presumably this rule is intended to refer to “Outstanding Coastal Natural Character Area”.

	<p><u>building (whichever is the greater).</u></p> <p>Or</p> <p>The maximum height of building and structures above ground is 5m <u>7m</u>.</p>	<p>under the operative BDP is 7m, and consequently, many existing buildings in the “outstanding coastal environment area” are greater height than the 5m specified in this performance standard.</p>
<p>Permitted Activities within the Outstanding Coastal Environment Area⁶.</p> <p>Rule CE – R10</p>	<p>Amend permitted activity standard 5 as follows;</p> <p>5. For agricultural pastoral and horticultural activities, <u>or residential activities</u>, or an accessory building ...</p>	<p>The rule provides for limited buildings or structures as a permitted activity. However, it appears to be focussed only on agricultural activities, and utilities. It is unclear what “accessory buildings” relates to, - accessory to what? The “Outstanding Coastal Environment” includes residential properties and residential curtilages, and this rule should provide for limited structures accessory to permitted residential uses, such as garden sheds, carports etc.</p>

4. In addition to the specific reasons set out elsewhere in this submission, the relief sought;

⁶ It is noted that this title appears to be an error. There is no “Outstanding Coastal Environment Area” identified in the pTTPP. Presumably this rule is intended to refer to “Outstanding Coastal Natural Character Area”.

- Enables more efficient and effective use of natural and physical resources by people and communities
- Better gives effect to the West Coast Regional Policy Statement 2020
- Better gives effect to Part 2 of the Resource Management Act 1991 and the District Councils' functions.

5. I seek such further, alternative or consequential relief as may be appropriate to give effect to this submission.

Annex 1 Email correspondence regarding error in notified natural character mapping at Pahautane.