

19/3/2024

Speaking Notes for TTPP Hearing – Hadley Mills.

1. Thank you for your time and I appreciate the opportunity to talk to my submission on the TTPP.
2. I'll break my presentation down into 3 parts:
 - a) Introduction. Introduce myself, my background and my motivation for being here today,
 - b) Summary of key points in Submission,
 - c) Highlight support for submission between November 2022 and now.

Introduction

3. Firstly, I'd like to introduce myself. My name is Hadley Mills, I was the Planning, Science and Innovation Manager for the West Coast Regional Council from 2017-2021. Approx 4.5 years. In my time there, our small planning team delivered many successful feats including:
 - Getting the West Coast Regional Policy Statement over the line in environment court mediation, keeping it out court hearing, saving rate payers hundreds of thousands of dollars, if not millions of dollars,
 - working closely with Poutini Nga Tahu and Francoise Tumahi, spearheading the Mana Whakahono A Rohe (Iwi Participation Arrangement) from the councils side, signed in October 2020. This gained a NZ Planning Institute award of *Best Practice Award in Consultation and Participation Strategies and/or processes* in 2023,
 - Successfully delivering two other plan changes,
 - Gained LiDAR for 90% of the coast,
 - Wrote tens of submission on national policy changes, one of which was on changes to the Resource Management Regulations 2020 of which we had our permitted activity for sphagnum moss harvesting inserted word for word; and
 - And many other smaller achievements.
4. I'm a registered landscape architect and am an RMA Making Good Decision Certificate holder.
5. I have a Bachelor of Landscape Architecture from Lincoln University, a Diploma of Management and a Certificate of Outdoor Recreation from Tai Poutini Polytech in Greymouth.
6. Most importantly though, I was born and raised on the Coast, and am a fifth-generation coaster, and our family still own part of the family farm up Nelson Creek, where I grew up and plan to retire. For those of you who don't know Nelson Creek, it's a small village 20 minutes up the Grey Valley, with a rich history of Gold mining.
7. Currently I'm the Manager for Vector and Biosecurity for the Gold Coast City Council in Queensland.
8. While I'm currently living in Brisbane, my motivation for submitting on the plan and speaking at this hearing comes from my deep love of the West Coast and its people, and my passion for enhancing its, economic, environmental, social and cultural balance.

9. For all of the above reasons, I believe I'm in a very good position to understand the underlying sentiment of Coasters, with enough knowledge in RM planning to understand what works for the West Coast.
10. I have no conflicts of interest in the matter of the TTPP.
11. I have prepared my submission and hearing notes in a personal capacity and have not received any means of remuneration or compensation for my time.
12. Lastly, before I go on to my submission summary, having organised these types of hearings in the past, I acknowledge the very difficult job you have.

Summary of key points in Submission

13. I will take my submission as read.
14. In my summary, I would like to focus on the two main areas of my submission:
 - a. Outstanding Natural Landscapes (ONLs); and
 - b. permitted activity rule for multi-use tracks
- 15. Outstanding Natural Landscapes**

The West Coast region is approximately 2.3m ha spanning over 600km from Big Bay to north of Karamea.
16. Approximately 1.8m ha of that is being proposed to be classified as Outstanding Natural Landscapes (ONL). That is 78% of our entire region, approx. 7% of New Zealand's land area. That is... **7%** of New Zealand's land area.
17. The Brown reports do not provide enough evidence to support ONL classification over 1.8m ha. Forget proper ground truthing, the overlay doesn't even appear to have had a desktop truthing done. This has been evidenced by some of the landowners that contacted me. The outlines of the ONLs appear to have been derived from a map layer following an inaccurate and unchecked vegetation layer and not re-checked by a human. This is totally unacceptable for such an important planning document, which has real impact on people's lives, and will apply to 78% of the West Coast.
18. In July 2022 the NZILA released the Aotearoa NZ Landscape Assessment Guidelines. Page 187 of the guideline outlines the "Meaning of "Outstanding"" (item 8.05)
19. 'Outstanding' encapsulates both quality and relativity: for instance, "conspicuous, eminent, especially because of excellence"..... "It is a matter of reasoned judgement"..... "An ONF or ONL will often be obvious"
20. Further in the guidelines at 8.08

"An ONF or ONL is considered outstanding in the context of a region or district. ONFs and ONLs do not have to be nationally outstanding. Rather, it is a matter of national importance to protect such regional or district ONFs and ONLs. The values of ONFs and ONLs are specific to their context." Refer sub note 187

Sub note 187. "Assessing an ONL in the context of a region means more than simply applying a regional comparator. It means assessing whether the landscape is outstanding in its context. See 'Man O'War Bay' [2015] NZHC 767, paragraph 47. "...I am not persuaded that it is necessary to incorporate a 'national' comparator (or even a regional or district one) into the consideration of 'outstandingness'. The Courts in which the jurisprudence has been developed have not been asking 'is this a nationally significant outstanding natural landscape?' They have been asking simply 'is this an outstanding natural landscape'. That is the issue that they are required to consider, under the RMA."

21. Therefore, taking items 17 and 18 (guidelines and case law) into consideration it is clear we need to assess "outstanding" in the "context" of the West Coast and can think of it in terms of its excellence in that context.
22. The Brown report references various case law relating to assessing outstanding e.g. outstanding "is considered on a regional basis" (Brown Report March 2021, Page 8, Item 2.2.3)
23. However I would argue that the Brown reports haven't assessed ONLs at a regional context, rather a national or international basis or context which is totally inappropriate.

The Brown Report also references case law (Brown Report March 2021, Page 8, Item 2.2.3) under the heading "When Is a Landscape 'Outstanding'?"

"Paragraph 135 of the Environment Court's decision in Waiareka Valley Preservation Society Inc versus Holcim NZ Ltd & Ors (C058/2009) includes the following statement: **"It is still necessary to stand back and ask the question "does this landscape or feature stand out among the other landscapes and features of the district?"**"

24. So now the following things are clear based on case law and the latest NZILA guidance:
 - a. **we need to assess "outstanding" in the context of the West Coast and not nationally or internationally; and**
 - b. **ONLs must stand out among the other landscapes of the district or in this case region.**
 - c. **"Outstanding" can be thought of as excellence in the context of the district or region**
25. Does 78% of the West Coasts native forested, and mountainous areas stand out from the region as a whole, the answer is an obvious no, because the whole region is effectively made up of this landscape typology. We must remember the current NZILA Landscape Assessment Guidelines when considering the matter of Outstanding, i.e. "It is a matter of reasoned judgement". And "An ONF or ONL will often be obvious". In the context of the West Coast, it is not obvious that forest clad mountains are outstanding as there is simply no place on the West Coast you can't see them. Mountainous forest clad landscapes on the west coast are absolutely ubiquitous. It follows that the proposed ONLs on the West Coast are ubiquitous. Therefore, the proposed ONL layer has not been prepared with "reasonable judgement" that the NZILA guidelines directs us too.
26. We must remember too, we must assess ONLs from a West Coast context, not a Canterbury context, not an Otago context, not a national context and not an international context. However this is clearly what has transpired.

27. If the proposed ONL layer, or even a fraction of it is adopted, in this plan, outstanding” will have a similar meaning to ubiquitous. This is not “reasonable judgement” that the NZILA guidelines require.
28. It is highly improbable that 78% of anything can be considered outstanding. Save, apparently Queenstown Lakes District natural landscapes. Which I will briefly touch on.
29. 97% of the Queenstown Lakes District has been classified as ONL. This is an example of a perverse outcome. The result of which has been the pit of many jokes. Many RM professionals have joked to me about this decision over the years.
30. In an article in the Otago Daily Times, dated 5/6/2022, the outgoing mayor Jim Boulton was quoted in an article referencing ONLs. I will read an extract.

Whoever the next Queenstown mayor is, they will be contending with “massive” issues for the district major issue he sees is the Resource Management Act reform, which will, essentially, move to a one-size-fits-all model — potential problems arise for the Queenstown-Lakes given “97% of the land in our area is outstanding natural landscape”. “My worry there is that we will trade a bad dream for a nightmare.”

Otago Daily Times

News	Sport	Life & Style	Entertainment	Business	Regions	Fe
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referendum.

“What’s the point?

“Government won’t take any notice of that and they’ve got time to push it through in their current term, and they’re going to do it.”

The third major issue he sees is the Resource Management Act reform, which will, essentially, move to a one-size-fits-all model — potential problems arise for the Queenstown-Lakes given “97% of the land in our area is outstanding natural landscape”.

“My worry there is that we will trade a bad dream for a nightmare.”

As he counts down to the day he hands back the mayoral chains, Boulton is frank about the demands of the job for whoever holds the office next, and the personal toll it takes.

“When you become the mayor, you effectively give your life to the community for the period you are elected.

“It is 24 hours a day, 365 days a year

31. Isn’t it concerning that the highest public figure in the district, the mayor, who was mayor for two terms (2016-2022) and effectively oversaw all District RM matters in the Queenstown Lakes District, considers it a “bad dream” to have the majority of the district as an ONL. And he is willing to state this publicly. Now the TPP is proposing to classify the majority of our whole region into the same overlay that’s considered to be a “bad dream”.
32. So clearly, in New Zealand, in the past, it has been possible for the majority of a district to be classified as ONL, through a schedule 1 process, however now we have the new NZILA

guidelines, in my view it would be considered as not practicing “reasonable judgement” to do it now.

33. The veracity of the brown reports is highly questionable, ground truthing has been conducted on a tiny fraction of the 1.8m ha and woefully underdone. The reports represent a very small proportion of the 1.8m ha that they claim to have assessed.
34. As mentioned during my introduction, I led the planning team through the RPS mediation in 2019. During mediation we being the WCRC, and supporting proponents, reluctantly agreed to make the commitment in the RPS to direct the district plans to identify and map ONLs. When we agreed, we did on the basis that ONLs would be assessed in a reasonable and practical fashion I.e. each site would actually properly ground truthed. However, what we have here is a complete perverse outcome. Don’t get me wrong, I know this is the easiest way for planning officers to tick a box, and satisfies the outspoken “lock it up” pundits, however, it is not in the spirit of striking a good balance between, environmental, economic, social and cultural values for the people of the West Coast.
35. Further to the points mentioned above, there is also a very valid argument that because the majority of the ONL layer is within the DOC estate the ONL areas and their values are already protected under the Conservation Act.
36. One of the guiding principles of the LGA is effective and efficient means of carrying out statutory obligations, this includes good policy that doesn’t duplicate existing policy. This ONL layer, most certainly duplicates the protection of ONL values, that are already protected under the Conservation Act.
37. The only thing this proposed layer serves to do, is to add unreasonable cost (cost of an ONL landscape assessment) to future applicants that will already have to do a full assessment of environmental effects under the Conservation Act.
38. As proposed in my submission, the options moving forward are:
39. remove the ONL overlay and relevant policy framework and add a new policy outlining how the Conservation Act already provides for RMA S6(b) protection. A guidance note will need to be added to state that due to this fact, the RPS requirement to Identify and Map ONLs is considered satisfied.

Or

40. Remove the ONL overlay (keeping the relative policy framework) and insert a new policy that simply states - ONLs will be assessed, identified and mapped, strictly within the context of the West Coast, using a robust (including appropriate site by site ground truthing) methodology. This assessment, identification and mapping will occur within 5 years of when this plan comes into effect or when the West Coast Regional Council, who must fund the TTPP, has the appropriate resources to do so.
41. Restrictive environmental policy disproportionately affects the West Coast due to the share amount of our natural areas. Therefore, we have to so careful when applying it. Not like most other regions where it might affect a few percent.

42. I accept that a decision to throw out a whole layer, is a difficult one, however, the hardest decisions usually have the greatest outcomes. I can say with confidence, that if the majority of Coasters knew about this layer there would be another 5000 strong protest similar to the one on the Taramakau bridge in 2018, against the proposal of “No New Mines on Conservation Land” by the Ardern Government.

43. Permitted activity rule for multi-use tracks

I propose a series of permitted activity rules be written to allow for future bush clearing, earthworks, waterway culverts, bridge building and any other activities and land use associated with the development, use and maintenance of multi-use recreation trails (similar to the West Coast Wilderness Trail).

44. These permitted activities should cut across all overlays except for perhaps wetlands layers. Permitted activities should have strict environmental conditions regarding things like, clearance width, earthworks volume limits /km etc.

I note, this was formally supported by the TTPP planning team. I look forward to seeing the regenerative tourism and recreation benefits of these rules to Coast. Thanks

Highlight support for submission between November 2022 and now.

45. A number of organisations have formally supported my submission points regarding removal of the ONL layer including:

- MBD Contracting
- TiGa Minerals and Metals Limited (TiGa)
- Birchfield Coal Mines Ltd
- WMS group

46. Further, I've had a number of private land holders approach me highlighting their discontentment with the ONL layer and ask me to raise their concerns at this hearing.

47. I will read out the emails I have received.

48. Email from Sophia Carlson received 8/3/2024 :

Nerissa Sophia Carlson
(Trustee of The Sanctuary Trust)
1300 Haupiri Road
Haupiri
Grey District
LOT 2DO 1396 BLK VIII KOPARA SD
AREA 17.7101 ha

I support Submission#534-Hadley Mills

The Sanctuary Trust Land zoned ONL2 cannot be regarded as a pristine natural Environment as it is home to over 3000 non native species, and has been for a number of years. It is a food forest, nursery and rare herb sanctuary and sculpture garden.

There is a house, Water Tank, sheds, raised beds, fenced areas and a glasshouse. It also has a Wisconsin Mound.

This property should not have been captured In ONL32

I support the following points By Hadley Mills

4.1 point 26 (The blanket approach to classifying ONLs is totally inappropriate with no rigor or appropriate ground validation involved. It would be irresponsible to classify this vast area as ONL. There are vast valley systems, plateaus, mountains, lakes within most of the ONL units that will not have been viewed or visited. It is "painting with the same brush" to say the sum of their parts makes them outstanding. We could say and argue this point for anything.)

4.2 point 31 (It is dangerous to cast restrictive policy across a vast area of landscape with limited ground) assessment.

4.3 point 35

(Either remove the ONL overlays and relevant policy framework and add a new policy outlining how the Conservation Act already provides for RMA S6(b) protection, or;)

4.4 point 36

(Remove the ONL overlay (keeping the relative policy framework) and insert a new policy that simply states - ONLs will be assessed, identified and mapped, strictly within the context of the West Coast, using a robust (including appropriate site by site ground truthing) methodology. This assessment, identification and mapping will occur within 5 years of when this plan comes into effect or when the West Coast Regional Council, who must fund the TTPP, has the appropriate resources to do so.)

Kind regards

Sophia Carlson



49. Email from David Pugh received 11/3/2024 :

Hello Hadley,

I understand my neighbour Sophia Carlson has been in contact with you regarding TTPP **ONL** zoning affecting a number of her neighbours (including myself) in the Haupiri area.

As no written notification was received by us, we have only recently become aware of this zoning over our land.

As submissions are now closed, Lois Easton advised us to contact an existing submitter who is yet to present at a TTPP hearing, with a view to including our supporting information alongside their submission.

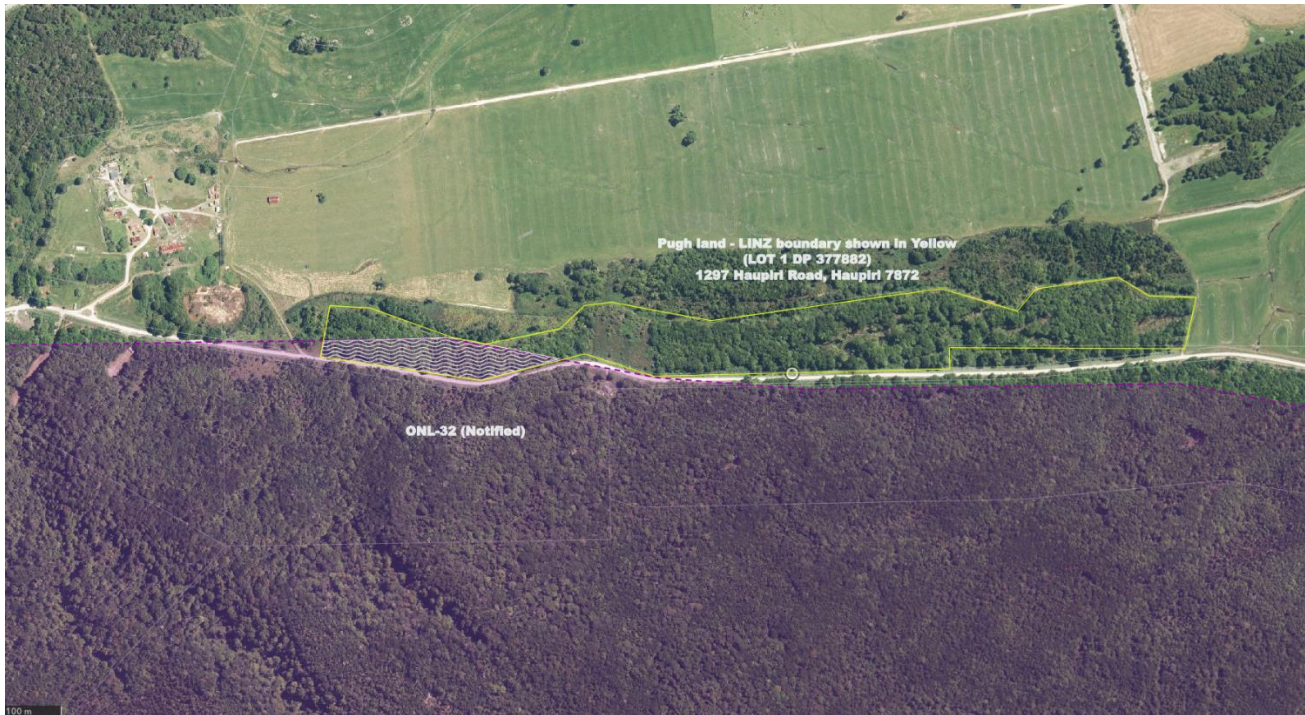
Attached please find the following documents:

1. DPugh-Background.pdf
- my initial email to TTPP and response from Lois Easton
2. DPugh-TTPP-Submission.pdf
- my observations from a data science perspective in support of your submission
3. ONL32-1297_HaupiriRd.png
- annotated area of the TTPP arcGIS map to support my observations

The two main issues I see are:

- Lack of written advice to affected landowners.
Many people will be unaware that their land is affected by these ONL zonings and possible future impact on property rights.
- Inaccurate maps which become legally binding, and are used as an enforcement tool in future.

Thanks and regards,
Dave



50. David sent me a detailed assessment of the problems with the ONL overlay which are very compelling. He makes a very good point in his conclusion statement:

“If a 2 km² section of the map contains such obvious errors, how can we have confidence in the map overlays created via the same methodology covering the remaining 2.3m Ha of the West Coast Region?”

I will happily make David’s assessment available to the panel if helpful.

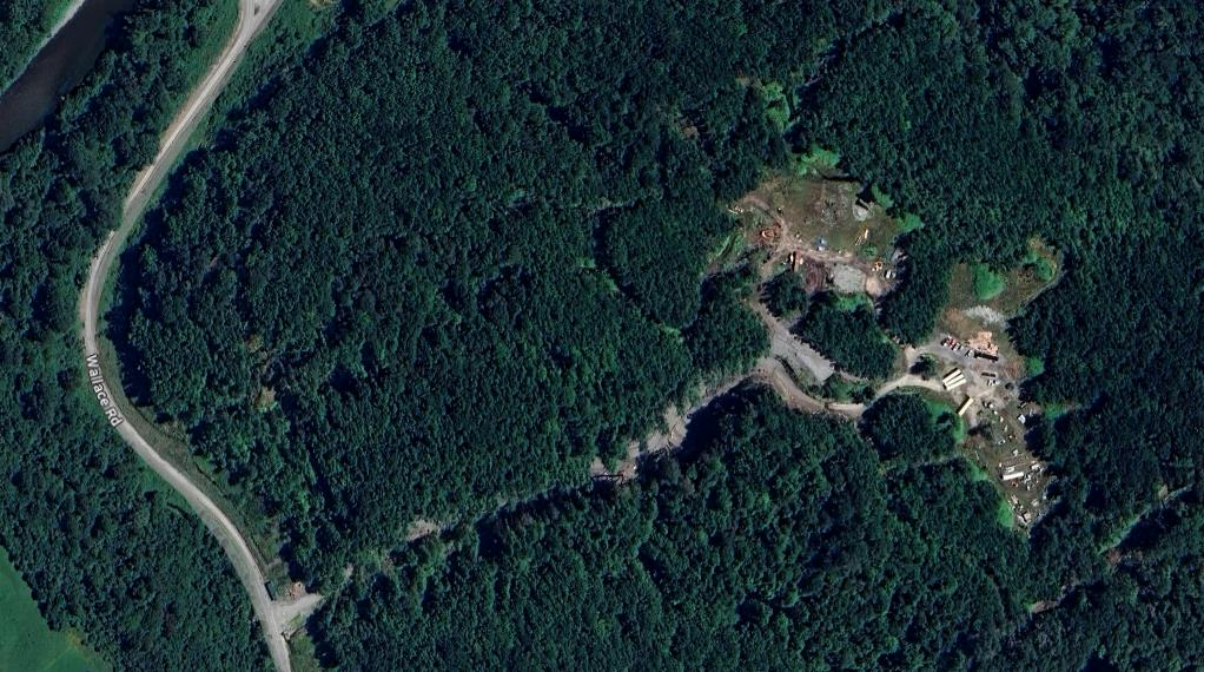
51. Email from Heather Daikee received 16/3/2023 :

Our properties are prime example of how the blanket rule approach used by Mr Brown has failed rate payers /residents, we believe that the current system to determine which properties should be within the ONL as badly flawed and needs to be reviewed before properties can be categorized correctly

3 examples in ONL 32:

Title number. 871668

This property has a bush perimeter but the property contains cleared grazing land and an ex-contractor's yard with multiple shipping containers, sheds several tunnel houses fruit trees, a house site with a landscape garden and lawns along with plantings of rhododendrons and camellias



Title number 871667

This title contains three rifle ranges two of these been police certified along with multiple sheds visible from the road and a cleared house and garden site



Title number WSSD/1195

This title is only 0.4047 ha a large section for a house and garden clear and open to the road, opposite the Kopara Village

None of the above would categorize as pristine bush

52. Thank you for listening and I am happy to take questions if any.