

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the proposed Te Tai o Poutini Plan
AND
IN THE MATTER of a submission by the
Dean van Mierlo

Hearing Statement for the
Natural Features and Landscapes Topic

Dated: 18 March 2024

1. I am speaking today in a personal capacity, in relation to a personal submission.
2. I understand this topic is dealing with the mapping of outstanding natural landscapes (ONLs), including ONLs in the coastal environment.¹ But that a subsequent coastal topic or topics will consider the mapping of high coastal natural character (HNC) and outstanding coastal natural character (ONC) overlays, the rules applicable to activities within the ONL, HNC and ONC overlays in the coastal environment, and the coastal hazard setback proposed.
3. Accordingly, there is only one submission point in my submission being heard today, and which I will be speaking to.

Mapping issues, Lot 2 DP 307444, Blk V Brighton SD, Pahautane.	Amend the maps to remove the “Outstanding Natural Landscape” from the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD.	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
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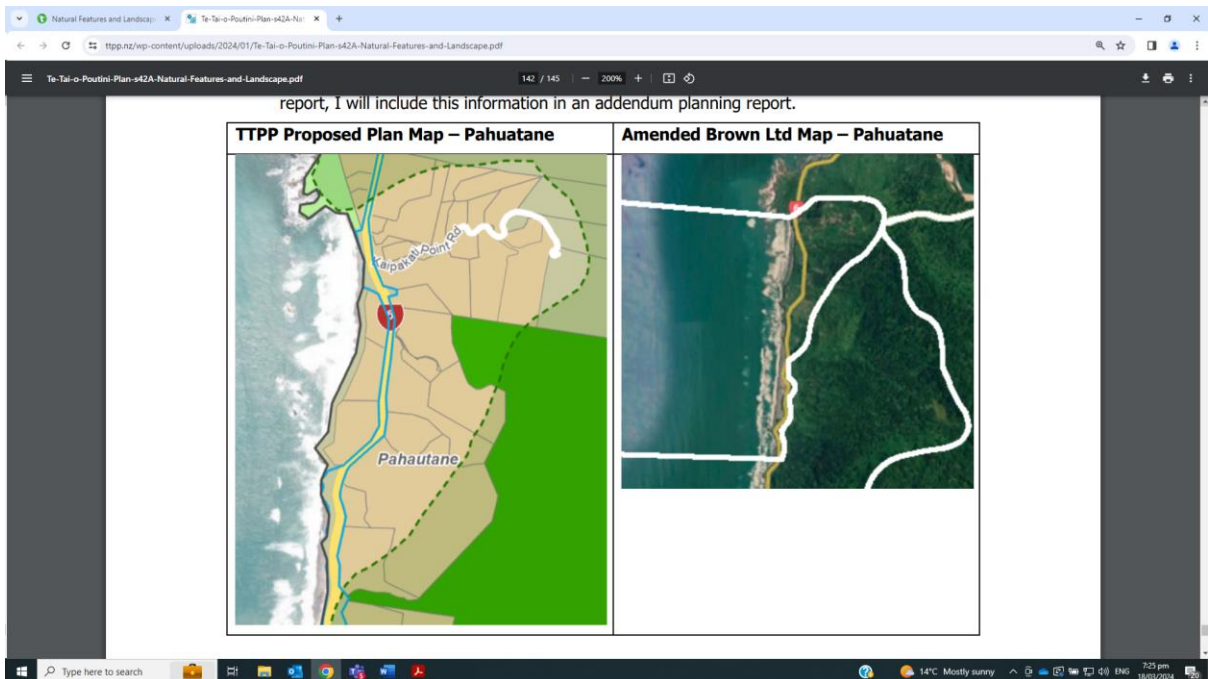
¹ The hearing administrators have advised “We are dealing with all submissions on mapping of the ONLs at the hearing on Natural Features and Landscape.”

		adjoins Paparoa National Park.
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4. There are two key points which I wish to discuss.
 - The mapping as recommended by the s 42A report writer.
 - The evidence as to ONL values.

The mapping as recommended by the s 42A report writer.

5. I have had great difficulty trying to understand the recommended mapping of the proposed ONL in relation to our property at Pahautane.
6. When the pTTPP was publicly notified, the proposed ONL was as shown in the image on the left. (screen shot from pg 142 of the s 42a report)



7. On the right of the image above is the Amended Brown Ltd Map, Pahautane. I understand this was prepared after public notification of the pTTPP. I further understand this is the map that the TTPP committee refers to in its submission.
8. Following the close of submissions several things occurred.
9. The Amended Brown Ltd Map was “digitized”. I have not been able to locate any information about who did this digitizing, whether Mr Brown or another qualified landscape architect was involved in the process, and how decisions were made to convert the broad white lines (10’s of meters in width) in the Amended Brown Ltd Map, into a scaleable GIS dataset which can be zoomed in to the detail of a meter or two.
10. The s 42A report was prepared, and this noted that Ms Gilbert, a qualified landscape architect, would be reviewing some locations by field assessment to confirm the location of ONLs. An addendum planning report was foreshadowed.
11. Ms Gilbert’s assessment included the following

ONL 44 Relying on the updated ONL mapping (January 2024) and field work, the general extent and configuration of ONL 44 in the vicinity of Pahautane (and on the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD) is considered to be correct. In particular, the ONL captures the elevated and contiguous bush-clad land in the area (and on the submitter’s land). For completeness, the updated ONL Mapping (January 2024) excludes the parts of the local area where dwellings and other modifications are a dominant landscape element as a consequence of their spatial arrangement, scale, and/or prominence. No change to updated ONL mapping (January 2024) required.

12. Ms Gilbert also made more general comments about the “updated ONL mapping (January 2024)” and its accuracy.

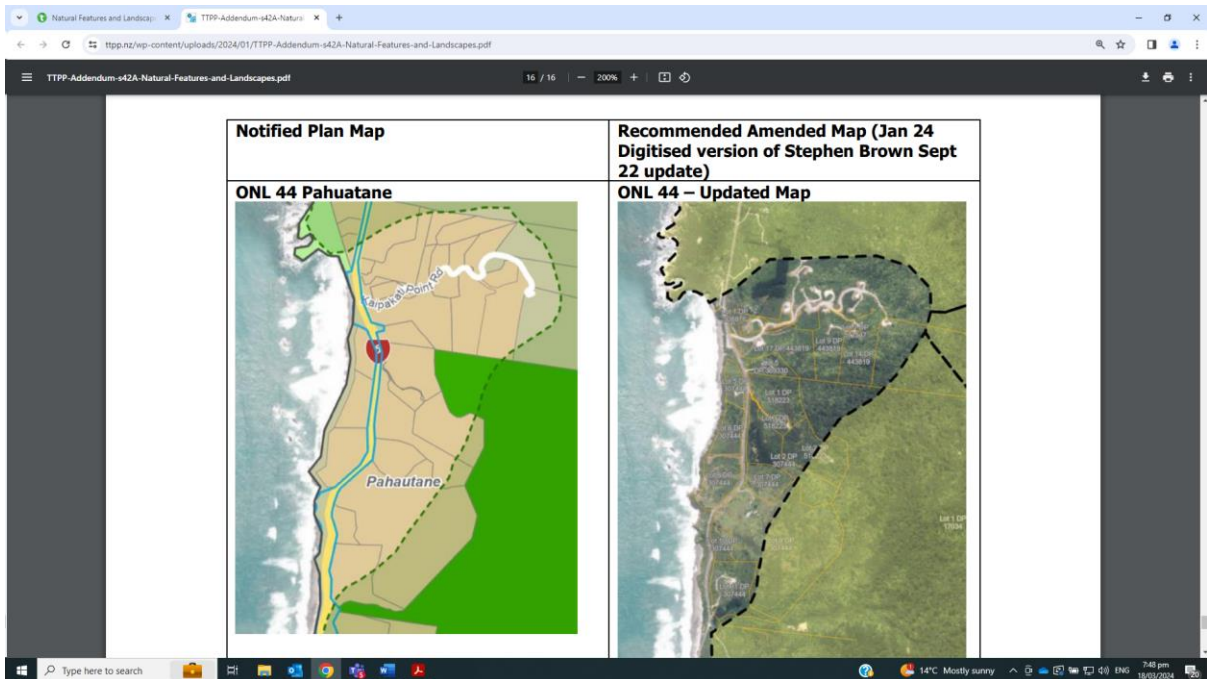
Clear guidance is included in the TTPP (perhaps by way of a Preamble to TTPP Part 4: Schedule Five: Outstanding Natural Landscapes), that explains:

- iv. the reasonably high-level nature of the ONL Schedules;
 - v. that the landscape values identified relate to the ONL as a whole, rather than specific sites; and
 - vi. that other landscape values may be identified as part of an application-specific landscape assessment, including landscape modifications that are an accepted part of the landscape (e.g. infrastructure, buildings) and more negative landscape attributes (e.g. pests).
- i) The updated ONL mapping (January 2024) is carefully reviewed by a landscape/GIS expert to ensure the following areas are excluded from the mapped ONLs:
- Sizeable pastoral areas.
 - Sizeable plantation forestry areas, particularly on the edges of ONLs.

- Areas where the arrangement, scale, and/or prominence of built development exerts a dominant influence on landscape character.

v. ONL linework is ‘clipped’ to obvious landform and or contiguous native vegetation cover edges in the immediate vicinity of the mapped ONL.

- An addendum s 42A report was prepared. This now included a non-interactive shot of the digitised map. This is understood to be the “updated ONL mapping (January 2024)” referred to by Ms Gilbert. The addendum s 42A report included the image below. The notified ONL map is still on the left, the updated ONL mapping (January 2024) is on the right. Note that the map on the right is labelled “Recommended Amended Map”.



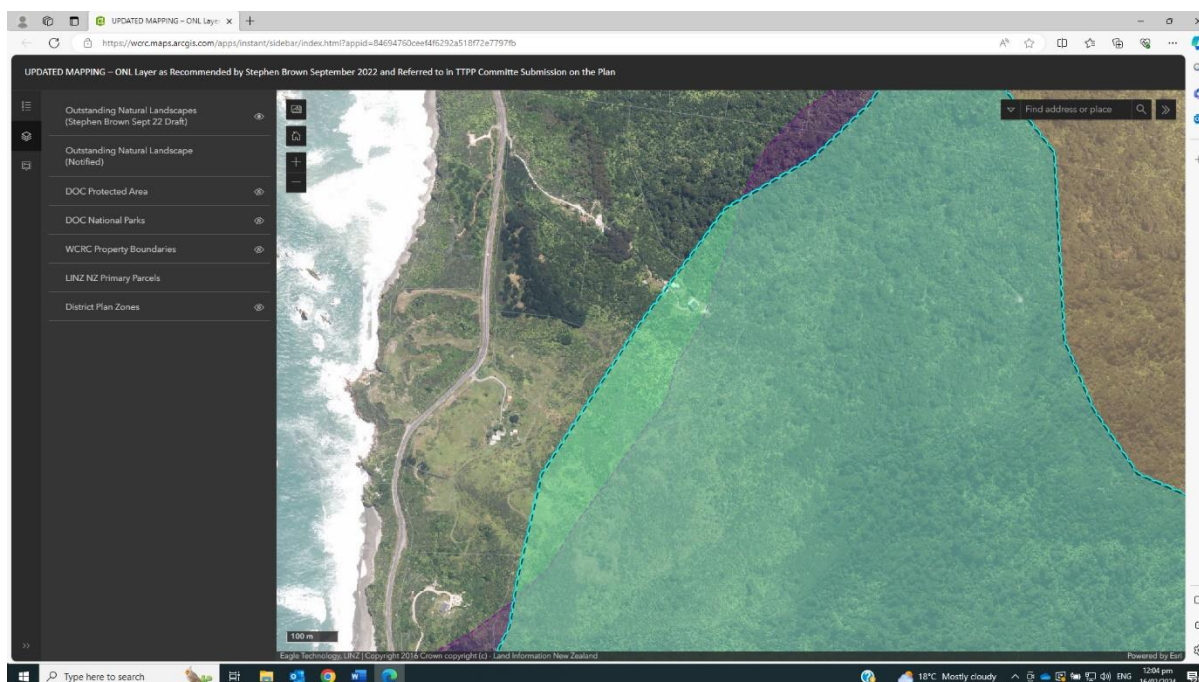
- So the ONL mapping recommended by the s 42A report writer is shown in the map on the right.

- The addendum s 42A report states

I acknowledge the poor quality of the updated Stephen Brown maps in the s42A report. Now that they have been digitised onto the GIS, I include updated maps for the relevant parts of the ONLs discussed in Section 11 of the s42A Report. If submitters would like a detailed map of their property for use at the hearing, please contact the TTPP team and we will be able to provide you with this.

- As invited, I requested a detailed map of the recommended ONL boundary for our property at Pahautane. I was provided with a link. [Link to GIS map showing the notified Plan Outstanding Natural Landscape maps and the draft updrafted September 2022 maps](#)

- The link doesn’t refer to the updated January 2024 mapping. But the map that it takes you to (below) does appear to show the notified ONL boundary (purple shading), and the “ONL layer as recommended by Stephen Brown Sept 2022 and referred to in TTPP Committee submission on the Plan.” (teal shading)



18. In essence, what this map is showing, is that the “recommended” ONL boundary at Pahautane (and elsewhere) includes a substantially larger area of freehold land, than the ONL boundary as originally notified.

19. Concerningly, the succession of maps that have been used through the notification, submission and s 42A reporting process have been of such poor quality that it is very difficult to discern the moving boundary. It is only by requesting access to the GIS database that it has been possible to identify the extent of movement, from what was notified, to what is now described as “recommended”.

20. The question arises, is there scope for this recommended movement of the ONL boundary? The revised mapping, and s 42A reports refer to the updated mapping being “referred to in the TTPP Committee submission on the plan”. So this appears to be the submission relied on in recommending the revised mapping.

21. However, the Te Tai o Poutini Committee’s submission on this point was as follows; (my emphasis)

The Committee submit that the updated Brown Ltd work from the 2022 resurvey (dated September 2022 and appended to this submission) be used to form the basis of the boundaries of these overlays **where this identifies that the boundaries should be reduced from the Proposed Plan mapped boundaries. The Committee does not support an increase in land area covered by the Outstanding Natural Landscape overlays.**

Relief Sought: That the extent of the area of Outstanding Natural Landscape overlays in the Plan be amended to reflect the updated boundaries for the Outstanding Natural Landscape **where these cover a lesser land area, as identified in the Brown Ltd September 2022 mapping.**

22. In my submission, there is no scope for increasing the ONL overlay on our property at Pahautane, as appears to be the recommendation of the s 42A report writer, and Ms Gilbert. Such an increase in ONL boundary, from that notified, is beyond the submission and relief sought by the TTPP committee. And no other submission seeking such relief has been identified.

The evidence as to ONL values.

23. As noted above, Ms Gilbert's landscape report includes a very substantive caveat as to the accuracy and reliability of the mapping undertaken. This is unfortunate, as it inevitably calls into question the accuracy and reliability of the mapping as a whole, particularly around contested boundaries.

24. It also raises questions as to whether the mapping in the coastal environment gives effect to the requirements of the WCRPS (Chapter 9, Obj 1(a), Pol 1(a), Method 1) and NZCPS (Obj 2, Pol 15(d)).

25. In my submission, the community is entitled to a high degree of certainty when overlays are mapped and rules imposed, as is the case with ONLs. It is not appropriate for these matters to be determined at the consenting stage.²

Conclusion

26. There does not appear to be any scope to extend areas of ONL, in reliance on post notification revised mapping, so as to *increase* or *enlarge* the ONL areas as originally notified.

27. At Pahautane, the original notified ONL area is the maximum extent that can be included as ONL in the TTPP.

28. The substantive caveats acknowledged by the landscape architect as to the accuracy of the ONL mapping support the removal of the eastern upper area of our property at Pahautane from the proposed ONL overlay.

Dean van Mierlo

18/3/2024

² "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.