

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
Coastal Hearing re Natural Character Mapping.

Dated: 22 October 2024

1. This statement is in relation to the mapping of “high natural character in the coastal environment” in relation to Lot 2 DP 307444, Blk V Brighton SD.
2. This rural section is approx. 6 ha in area.
3. The western part of the property is gently sloping with a northwesterly aspect, and is the only part of the property that can feasibly be developed and utilized. Within this western part of the property there is an existing consented hut, and resource consent has also been issued for a 100m² pole shed. These structures form part of the existing environment. As do the existing formed vehicle tracks.
4. The eastern part of the property is steep, and includes areas of regenerating bush. It is unlikely to ever practically be able to be utilized due to the topography.
5. I am concerned that part of the gently sloping western part of this property has been included within the high natural character in the coastal environment overlay in the TTPP.
6. I can see no evidential basis for including any of the western part of this property as high natural character. The area in question is covered in gorse and wilding pine trees. It does not have high natural character.
7. It appears that part of the western part of this property was originally included within the notified high natural character overlay as a mapping error. See **attachment 1** email with TTPP planners confirming error in mapping of high natural character overlay at Pahautane.
8. Subsequently, revised mapping reduced the extent to which the western part of this property is included within the high natural character in the coastal environment overlay.
9. However, the broad scale and lack of digitization of the pTTPP natural character mapping has meant that it remains unclear as to exactly what extent the high natural character overlay includes the south western part of this property.

10. **Attachment 2** is a comparison of the most recent high natural character overlay in this area, with notified plan screenshot.
11. TPPP planners were asked to show the overlay in relation to property boundaries but advised that they were unable to do so. **Attachment 3** shows relevant correspondence.
12. The HNC boundary line has been drawn at a broad scale. The dashed 'line' is approx. 20 or 30m wide on the ground. It has not been digitized and has not been overlaid on cadastral boundaries. In essence it is the equivalent of a blunt felt pen line drawn on a high altitude aerial photo. The line and associated mapping is not scalable, leaving the precise location of the HNC overlay in relation to potential building sites highly uncertain.
13. I see no evidential justification for including any of the western part of Lot 2 DP 307444, Blk V Brighton SD within a high natural character overlay. The area in question is covered in gorse, and pine trees. See **Attachment 4**. It is not an area of high natural character.
14. I request that the boundary of the HNC overlay be aligned with the southern boundary of Lot 2, and northern boundary of Lot 7 DP 37444, so that the HNC overlay does not intrude into south western part of Lot 2.

Dean van Mierlo

22/10/23

Attachment 1 email with TTPP planners confirming error in mapping of high natural character overlay at Pahautane



Re natural
character mapping r

From: Lois Easton <Lois.Easton@wrc.govt.nz>
Sent: Monday, 29 August 2022 2:24 pm
To: Edith Bretherton <edithb@wrc.govt.nz>; Dean van Mierlo <dean@environmentalbarrister.co.nz>
Subject: Re: natural character mapping, notified Tai Poutini Plan

Hi Dean

Thanks for the email.

I've had a careful look at Stephen Brown's recommendations and the mapping and I think you're correct it is not quite right - it seems to include a bit of an area that should have been excluded from the HCNC based on Stephen's recommendations and that this is a mapping error.

I think if this affects your property I would recommend that you put a submission in on the plan about this - I have taken a note of it as an error in the Plan, but I generally recommend people submit also.

Best regards

Lois

From: Edith Bretherton
Sent: Thursday, 25 August 2022 1:44 PM
To: Lois Easton
Subject: FW: natural character mapping, notified Tai Poutini Plan

Please see below, can you please confirm if Pahuatane has already been reviewed, or is in the second tranche.

Thanks

From: TTPP Info
Sent: Thursday, 25 August 2022 1:43 PM
To: 'Dean van Mierlo' <dean@environmentalbarrister.co.nz>
Cc: TTPP Info <info@tppp.nz>
Subject: RE: natural character mapping, notified Tai Poutini Plan

Thanks for your query, Dean, I'm sorry it's taken me a couple of days to get back to you.

I will need to double check with Lois, as she has been leading the work for this topic. I had understood that the boundaries in your area had been reviewed, and amended, and that slippage and errors had been corrected. If that is the case, then yes, it would be the March 2022 Brown report being relied on as evidence.

However, some areas were not reviewed, and Mr Brown is currently undertaking further work for us. The committee asked for this work to be done as some private property had not been reviewed during January 2022, and this wasn't deemed to be equitable. This work is still underway, and we are expecting it to be delivered at the end of September. We are currently working through with our Committee including that in a submission so that there is scope to update the extents.

I will double check with Lois and confirm with you.

Best regards

Edith Bretherton

Senior Planner – Te Tai o Poutini Plan

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From: Dean van Mierlo <dean@environmentalbarrister.co.nz>
Sent: Tuesday, 23 August 2022 9:53 AM
To: Edith Bretherton <edithb@wrcr.govt.nz>
Subject: natural character mapping, notified Tai Poutini Plan

This email is from an external sender. Please be careful with any links or attachments.

Good morning Edith.

There has been discussion in the media about errors or 'slippage' in the mapping associated with the proposed Tai Poutini Plan.

You will recall earlier this year I raised concerns about this issue in the pre consultation exposure draft of the plan, in relation to our property at Pahuatane.

I have been comparing the area of high natural character mapped in the March 2022 Brown report (first screen shot below) with the mapping of high natural character in the notified TPP (second screen shot below).

The Brown report excluded the lower slopes of our property from the HNC overlay, however the notified TPP includes a HNC overlay over some of these lower slopes.

I am assuming that the plan committee are relying on the March Brown report for the identification of HNC overlays in the proposed TPP?

Can you advise whether this is another example of a mapping error or slippage?

If the mapping of HNC overlay on the lower slopes of our property is intended, could you clarify what landscape evidence is being relied on to support the mapping that has been notified.

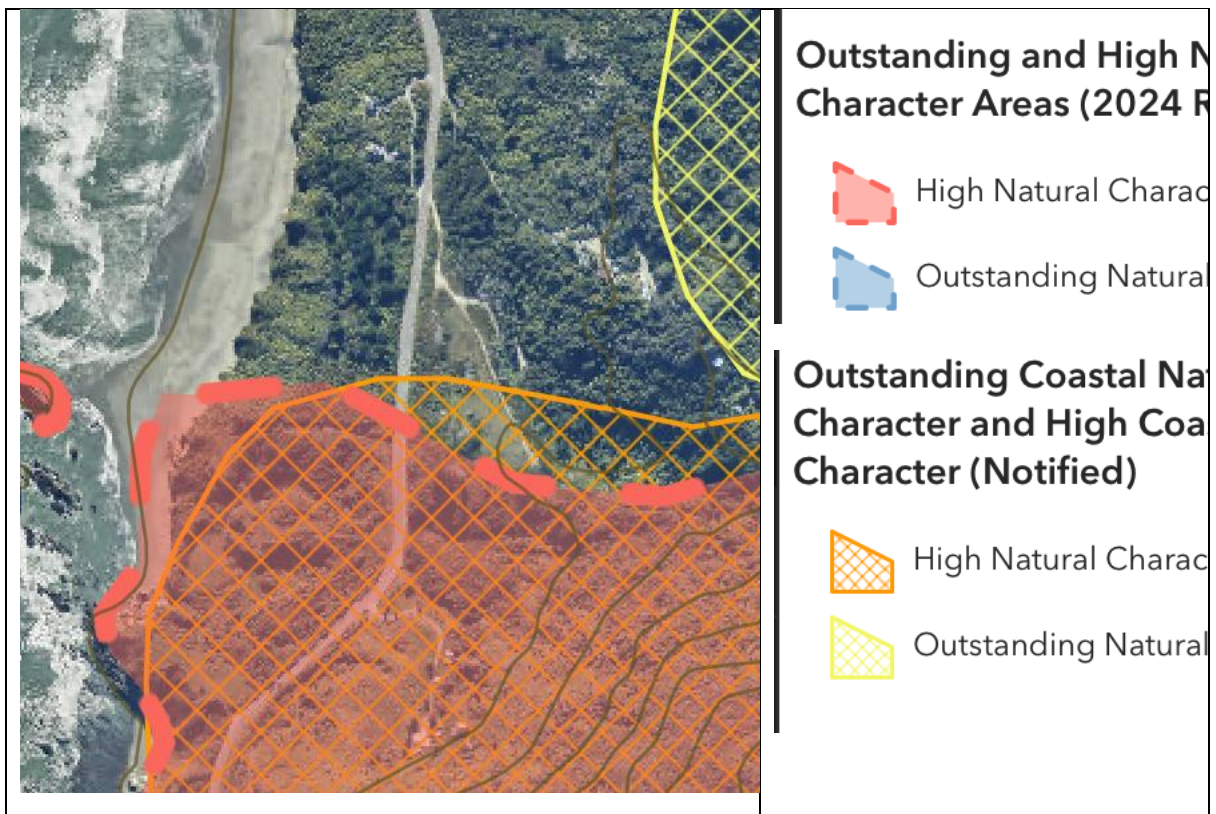
Thanks in advance for any assistance or clarification you can provide.

Kind regards

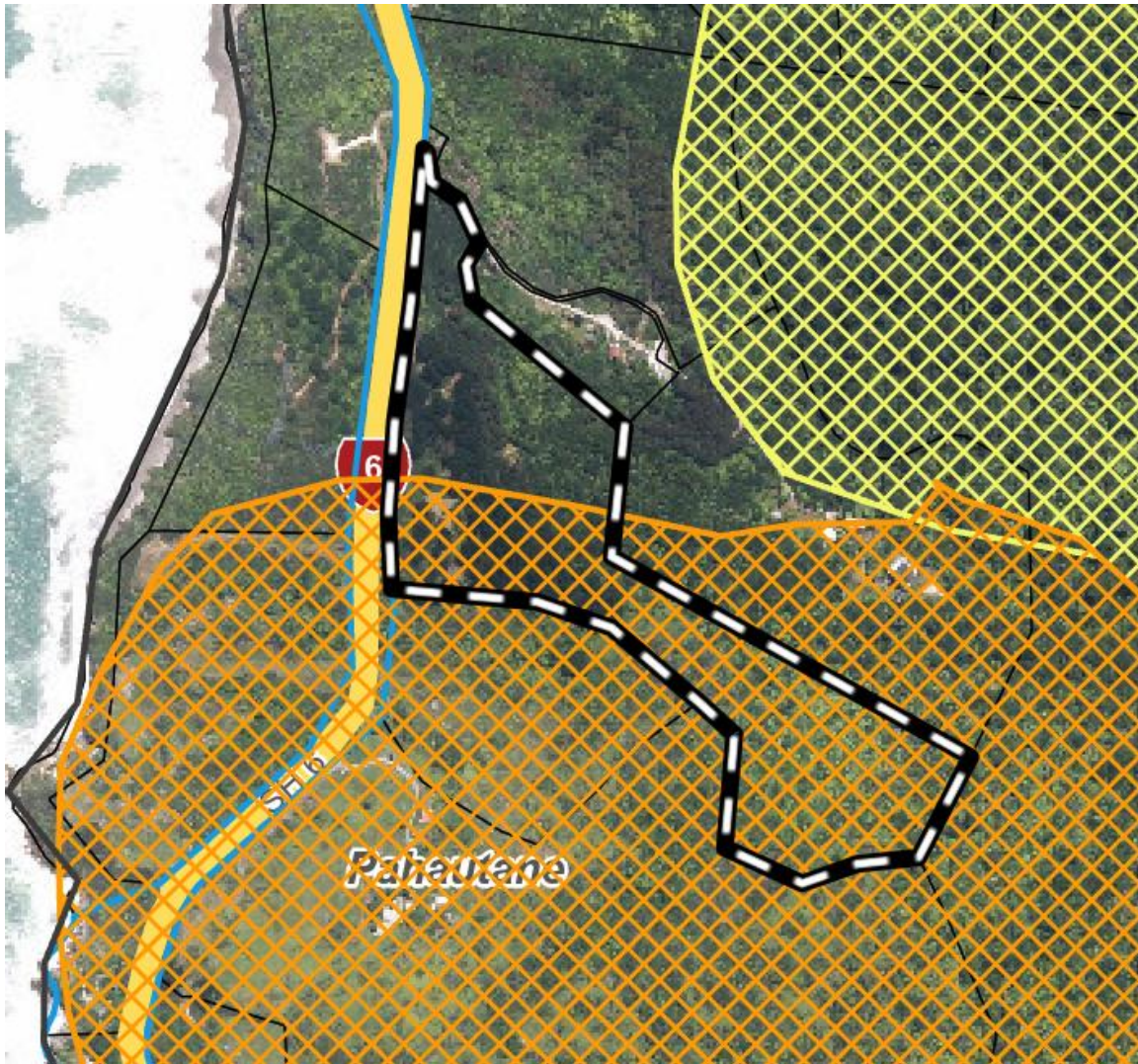
Dean

Attachment 2 Comparison of the most recent high natural character overlay in this area, with notified plan. (Source TTPP Reporting Officer)

Comparison between Recommended (Sept 2024) and proposed Plan High and Outstanding Natural Character boundaries Pahautane.



Notified Plan – High and Outstanding Natural Character Boundaries as affect Lot 2 DP 30744
Nelson District



Attachment 3

From: Chu Zhao <chu.zhao@wrc.govt.nz>
Sent: Tuesday, 15 October 2024 3:57 pm
To: deanvmnz@gmail.com
Subject: Re: Coastal Environment s42A report

Good afternoon Dean

I have passed your request to reporting officer, here is her response:

Unfortunately I can't produce a map with the property boundaries on – I can only overlay the amendments onto an aerial photo.







But I did a separate property search and compared the maps. There is a slight reduction in the area covered by the HCNC in the updated mapping, but most of the property is still covered.

The attached map shows the difference on the aerial photo.

Regards

Chu Zhao

Planning Technician - TTPP | West Coast Regional Council

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Attachment 4

The pine trees, and possibly part of the gorse paddock, has been included in the “high natural character in the coastal environment” overlay.

