

L Lever and G Tinney (S320)

Notes for Hearing Commissioners Hokitika 31st October 2024

Seeking removal of the NCA 33 Overlay and relocation of the Coastal Environment Overlay Boundary to the “terrace edge” for the mid Chesterfield Terraces

Thank you for the opportunity to be heard.

We live on a 4-hectare woodlot at 1298 C Kumara Junction Highway and have owned this property for 28 years and along with others have become increasingly concerned regarding the process, mapping, identification and inconsistencies of both the coastal environment and HNC 33 overlays and the impact they will have on freehold private land.

The overlays are intrusive & there is considerable concern they are a form of “backdoor” SNAs & there will be unnecessary micromanagement of private freehold land now and going forward.

Locally there were 8 submissions (including 2 further submissions) directly opposed or requesting amendments to the Coastal and HNC 33 overlays in the Chesterfield Terrace area.

Ref: L Lever & G Tinney (S 320), John and Helen Hadland, Brett Hadland (S 318), Del Broadbent (S 319), Tony and Emi Schroder (S 343 & 369), Greg Maitland (S 571 & also present at the hearing), Gordon Ferguson (FS 47), Rob Nicholl (FS 50)

The Hadland family and the Schrodgers also asked to be heard but owing to a combination of logistics and other commitments were not available to speak today.

We did, however, discuss a joint hearing and they are fully supportive of this presentation. We all continue to seek the removal of the HNC 33 overlay, and the relocation of the Coastal Environment overlay boundary to a more realistic location, so it aligns with the coastal terrace edge. G Ferguson has also reaffirmed that he supports the above.

Like to add that what we are saying is not meant to be critical of the TTPP team, committee or their consultants, they were given a huge task on a limited budget and some significantly tight timeframes. Our focus is on getting it right.

Orientation

The WDC GIS aerial (provided at hearing and attached) shows the mid-section of an area TTPP has named “Chesterfield Terraces”. The gold asterisk shows the position of 6 properties where landowners have put in submissions.

The WDC background aerial (approx 2015) does not show all buildings or proposed building platforms (approx. location of these is indicated by a black circle) however the landowner boundaries appear to be up to date which is not the case with the TTPP mapping.

Mapping & Overlay Identification

The CE & HNC overlay mapping and identification for Chesterfield Terraces is not right.

TTPP map (provided to hearing and attached) highlights an overextended CE overlay and some obvious basic mapping errors including HNC overlays that extend outside CE overlays

Submitters estimate 70 – 100% of their properties are affected by the CE & HNC overlays.

Affected property size in the mid Chesterfield Terrace area variable, approx. 4 - 22 hectare.

Not one of the submitting affected landowners were aware the Regional Council was undertaking this identification and overlay process even though it had apparently been happening since 2013 and was likely to have significant effect on private freehold land.

We also don't recall the original planning and subsequent designations of the coastal and natural character overlays being highlighted in local press or council newsletters.

Even after the July 2022 TTPP notification no one was aware of the overlays. The TTPP website was not functioning properly and unlike other landowners affected by overlays e.g. Sites of significance to Māori, who were advised by mailout letters, it was left to the landowner to stumble across the overlays and not everyone has good rural IT connectivity.

Once aware there was considerable local concern about the extent and impact of the overlay boundaries and lack of ground truthing.

Whilst desktop studies and SH6 drive-bys may be helpful for initial assessment and visual appreciation they should not be relied on as the dominant accuracy factors where there are mapping issues and private freehold land is affected.

Landowners, rate payers, families who have invested in and cared for their properties and communities and livelihoods deserve better.

Not one of the affected landowners has ever had anyone involved in the identification process step foot on our properties. As impact and inconsistencies became increasingly obvious, we asked for a site visit. This did not happen.

HNC 33 Overlay

There are issues with the initial 2013 identification process on the 1-5 classification spectrum but owing to time constraints will skip comment and highlight that in 2014 Mr Brown was asked by WCRC to review and withdraw the HNC ranking for the Chesterfield Terrace area. (ref Brown 2021 West Coast Region ONC & HNC Assessment Report section 4.2 pages 24,25, 26)

Mr Brown subsequently removed beachfront and farmland areas as well as the southern terrace between Stafford Road and Stafford Loop Road, including the "Havill" terrace area, (ref section 4.2 page 26, Unit 33) but left the mid and northern terraces scheduled despite obvious areas of modification, gorse, roading, infrastructure, exotics etc. which were then included in the notified July 2022 plan.

When we came across Mr Brown's 2014 decision it was difficult to understand the consistency and fairness associated with that decision. It made no sense to give relief to one section of the community and not the other.

We also bring to your attention a further review in Mr Brown's West Coast Landscape Review High and Outstanding Character March 2022 report (Pages 76- 78 provided to the hearing) This highlights technical mapping problems and lack of field work.

Mr Brown made an express recommendation for council to review his map to ensure that the HNC area terminated on the crest of the fore-slopes. (aka terrace edge, a distinct feature on the ground but not always obvious from contour and aerial mapping)

This did not happen. The boundaries do not stop at the terrace edge and still extend well inland, and landowners continue to be subjected to the hassle of re-addressing mapping errors.

Earlier this year TTPP contracted Ms Gilbert to reassess the coastal environment overlays and submissions. In Ms Gilberts S 42A evidence she twice acknowledges technical issues with overlay mapping but has also ignored Mr Browns March 2022 recommendation to terminate the HNC 33 boundary at the terrace edge.

Owing to the scale and resolution of the “2024 mapping” referred to in Ms Gilberts report and shown on page 187 of Lois’s section 42A report it is difficult to interpret the detail of some minor changes Ms Gilbert recommends in her expert evidence but in essence it appears she has done the opposite of what Mr Brown recommended in his 2022 report.

It is also difficult to have good faith in good process when a HNC listing with similar terrace features has also been recommended for removal from private terrace land at Arahura (NCA area 32) yet again the same relief has not been afforded to the similar areas just to the north.

Coastal Environment Overlay

We do not accept the CE overlay boundaries to have been correctly located.

The majority of our lands that have been blanketed by the CE overlay **do not** have the features listed as being characteristic of the coastal environment in the NZCPS.

Our land does not have coastal islands, lagoons, estuaries, coastal wetlands, salt marshes or intertidal zones. We do not have specific coastal flora or fauna species resident on our land species. We are not at risk from coastal erosion/ hazards, nor do we have items of cultural or historic heritage or coastal type buildings or facilities.

The broad-brush approach, obvious and acknowledged mapping problems throughout the region as well as local identification inconsistencies are a problem and not at all fair to the private landowner.

The CE boundaries appear to be in a state of considerable movement between reports, plans and consultants. In several areas of similar terrain, the coastal environment boundary has been considerably reduced or terminated at SH 6 both in the notified plan (e.g. Takutai terrace) and in Ms Gilberts “2024” mapping recommendations (e.g. North of the Arahura/ Stafford terrace and Paroa Ref Ms Gilberts expert evidence -Coastal Environment Mapping pages 26 and 27).

We can, however, accept that the front/ face of the middle Chesterfield terrace has a degree of coastal environment connection and some 25-year-old windswept regenerating native vegetation, although interspersed with general infrastructure, modifications, gorse and exotics could have a visual amenity value for SH 6 but that “public amenity” value stops at the terrace edge.

Most of our CE blanketed land is not visible from any public road and only a small portion of the affected land has a visual connection with the sea and that is basically connected to the terrace edge.

Tony Schroder (S343) was encouraged in Ms Gilberts expert evidence to provide further info on the preferred boundary (ref page 31). We are not sure why other submitters were not included in that request, but we will take it as a representative comment for the group.

Access to good mapping has been problematic for the task of defining the terrace edge and like Mr Brown we also struggled to come up with good contour mapping to enhance detail.

We did ask TTPP for access to more detailed “2024 mapping” but that did not happen either.

In the absence of access to good mapping we have drawn a simple red line on the WDC aerial to indicate the approx. location of the terrace edge on our property.

If these overlays remain unchanged landowners will be forced into extremely expensive resource consent processes and ecological assessments even for the smallest and most basic of activities. It will create an additional workload for already overloaded council staff, properties will be devalued and become harder to sell, or they will create succession management problems with young families and low-income earners potentially locked out.

We also note that,

The Regional Council submitted on landscape and environment values opposing some of the provisions in the plan and seeking that the plan is refined to ensure there are no adverse effects on the social and economic wellbeing of West Coast people and communities and no undue burden is placed on the West Coast community from the proposed plan provisions. (Ref Spage 27 section 3)

Buller District Council (S 538 page 58) supports the principle of the CE but was concerned about the inland extent of the overlays and requested that careful consideration is given to any individual submission regarding accuracy of the CE boundaries

Whilst Grey District Council supported the need to give effect to the NZCPS they also submitted on the accuracy of the overlays and wanted all overlays removed, reviewed and reassessed. They must be correct to be effective and beneficial to users. (Ref S 608 page 205)

Ultimate message. If we must live with government-imposed overlays, then they need to be correct and not detrimental to the folks that have to live here.

Although there was no time at the hearing to address our submission on CE Rules 5 and 7 we do acknowledge the small changes and recommendations noted in Lois's report.