

From : GE & CJ Coates

Acting on behalf of Nikau Deer farm Ltd

RD1 Runanga 7873

To: The Independent Commissioners for the TTPP

We are requesting that the outstanding coastal natural character (OCNC) on our property be removed. Point 510 (in the section 42A report) requested more information on our submission point 415.014.

The NCA40 is on title number RS 3250. Please refer to Appendix 1 and a more detailed version appendix 2

The reasons for this OCNC NCA40 being decided upon as being identified are in Appendix 3. However, there are some points from that appraisal that we would like to refer to that we feel are inaccurate for the area on our land. We need to point out we are farmers not landscape architects, so the information below is written from a laypersons point of view.

Points from the appraisal

1. Sequence of rolling to steep coastal hills and valleys

The area we own is flat. In fact, all the area to the west of SH6 is flat.

We disagree with this point.

2. Varied amalgam of exposed landforms, very strong elevated relief

A layperson would not expect to see exposed landforms and elevated relief.

We disagree with this point.

3. Windswept vegetation

The vegetation is not windswept. It is upright growing white pine Kahaitea.

We disagree with this point.

We feel that the mapping has been inaccurate. Such as including modified humped and hollowed land and including DOC land.

Points of inaccuracies

4. Humped and hollowed land.

If you look at the photo in Appendix 2 you will see an area that has been humped and hollowed, that should have been excluded from the OCNC. There is nothing natural about it. If our land had been properly physically assessed this area on our land may not have been included.

5. DOC land

All the rest of the land between Lawsons creek and Burke rd. on the Western side of SH6 that has the NCA40 over it is under the administration of DOC. We are of the

understanding that the study that identified Outstanding Landscapes and Natural Features was located in areas outside of public conservation lands administered by the Department of Conservation (which are already offered some protection). This clearly demonstrates more inaccuracies with the mapping.

It has been suggested, by a TTPP planner, that you the commissioners, may require us to get “comment” from a landscape architect to support/justify our request. We disagree with this idea.

Using a Landscape Architect

6. Cost

We got a quote from a landscape architect to do this work, and it would cost up to \$20,000 to get this work done. Please see Appendix 4 for this quote.

7. Who should bear this cost

It would appear to us that the work done to decide on making NCA40 has been inaccurate. It would seem unusual to us that the cost would then fall on the private landowner to rectify this mistake.

Other assessments of this area

8. Wetland assessments:

This area was originally identified as a significant natural wetland SNW. The regional council expert came and examined this and decided it was not a SNW. Then it went through the environment court and a desktop review from DOC resulted in it being back in again and the regional council had to get experts out again to review it. It was again decided that it was not SNW.

9. SNA assessments

The GDC decided it may be a Significant natural area SNA (PUN-Wo34). So we decided to get the nature heritage fund and DOC involved. DOC got their experts out and assessed it (please find the report in Appendix 5). From a laypersons point of view it said it was not worth purchasing or buying, but possibly good enough to be a SNA.

To me what DOC are saying is because they can get control of it for free, they won't buy it. Dr Muriel Newman sums this up nicely in her document Private property rights, and wrongs. “My prediction is that the confiscation of property rights without compensation, under the guise of conserving the environment for future generations, will continue unabated until a ‘no regulation without compensation clause is introduced into the resource management act.”

10. Formal request

We formally request that this area of NCA40 be removed from our title RS 3250. This will be in the best interests of the rate payers, so that they do not need to pay for more expert assessments of this area.

Appendix 1



Appendix 2



Appendix 3

Outstanding Coastal Natural Character Area (OCNCA) 40, being the Paparoa Foothills. This is a sequence of rolling to steep coastal hills and valleys, forming the foothills to the Paparoa Range. This is described in Schedule Eight of the Proposed Te Tai o Poutini Plan (TTPP) as follows:

- *Varied amalgam of exposed landforms, very strong elevated relief, windswept vegetation which impart a strong sense of naturalness.*
- *Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.*
- *Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness.*
- *The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.*

Appendix 4

Hi George,

Thanks for touching base yesterday, it was good to catchup with you. As requested, I've had a look at the TTPP requirements for your property this morning, both the online maps and the schedules.

Yes, there is an Outstanding Coastal Natural Character (OCNC) located on your property. This is listed as NCA40. According to Schedule 8 of the TTPP, this area has the following natural character values:

Schedule Eight: Schedule of Outstanding Coastal Natural Character

NCA40 - Paparoa Foothills

- *Sequence of rolling to steep coastal hills and valleys that form the foothills to the Paparoa Range.*
- *Varied amalgam of exposed landforms, very strong elevated relief, windswept vegetation which impart a strong sense of naturalness.*
- *Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.*
- *Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness.*
- *The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.*

One would assume that these values have been drawn from the work associated with the Brown Landscape Study commissioned by the Grey District Council. The study identified Outstanding Landscapes and Natural Features located in areas outside of public conservation lands administered by the Department of Conservation (which are already offered some protection).

Brown delivered the following documents:

- West Coast Landscape Study: Maps, Photos and Schedules, Brown NZ Ltd, May 2013.
- West Coast Landscape and Natural Character Study 2012 and 2013.
- Explanation of Assessment Methodologies, Brown NZ Ltd, March 2021.
- West Coast Landscape Study, Review of Outstanding Natural Landscapes and Areas of High and Outstanding Natural Character, Brown NZ Ltd, March 2022.

Brown also translated Policy 1 of the New Zealand Coastal Policy Statement (NZCPS) into criteria that were meaningful 'on the ground' that he could use to assess the extent of the coastal environment.

As the Brown Study itself is non-ratified, it has little weighting. However, it has likely informed the identification of areas for protection in the TTPP.

An Outstanding Coastal Natural Character (OCNC) area is an overlay spatially identified on the plans (and in this case on your property) as area with distinctive values, risks or other factors which require management in a different manner from the underlying rural zone provisions. Usually in such areas, natural character dominates over human endeavours.

Moving forwards, there are two things worth checking:

1. **That the OCNC area identified, and the values assigned to it are a true and correct representation of the actual landscape.**

As the OCNC area has likely been determined by a desktop study and from views experienced from SH6, it is possible that the extent, contents, maturity, and quality of vegetation have not been fully understood. In addition, from an aerial it can be difficult to ascertain, is it cut over bush or is it mature forest.

Without actually physically visiting the (privately owned and managed) area it is difficult to ascertain what the values are, and therefore what should be preserved or protected.

This is potentially where an assessment from a Landscape Architect would come in, as an independent reviewer. To complete something like this would be in the realm of approximately \$10-20K as along with conducting a physical site visit and reviewing the Brown report, other OCNC areas would also need to be considered to see how your area sits alongside them (benchmarking).

2. **What the implications of this area are for you as the landowner.**

My understanding (after a quick review) is that the provisions of the District Plan (rules) etc. related to the OCNC area are limited to within the boundary of the mapped OCNC and should not affect activities being carried out on the remainder of your property.

However, if you wished to conduct an activity, development, shed, fence etc. within the OCNC area itself, there would be rules that would need to be met and one of these would likely be getting a Landscape Assessment from a Landscape Architect. The cost for this would roughly be \$15-25K depending on what the application was for.

At a high level, the Council want reassurance that any proposed activity/development would preserve the Outstanding Coastal Natural Character of the area identified on your property.

Moving forwards, it would be worth you and Caryl considering what the chances are of you wanting to utilise/develop this particular area of your property.

If I am planning a trip over to the West Coast, I'll let you know, and we can catch up face to face.

Kind Regards,
Naomi Crawford

Director
BDes (Landscape Architecture) Hons, NZILA Registered
My usual days of work are Monday to Thursday.

M +64 (0)27 317 6200
P +64 (0)3 365 4599



| LANDSCAPE ARCHITECTURE
| URBAN DESIGN
| LAND PLANNING

Glasson Huxtable Ltd, 149 Victoria Street, Christchurch, 8012
www.ghla.co.nz

Appendix 5



File: PAP-11-09

August 24, 2009

George Coates
Nikau Deer Farm
Coast Road
Barrytown Flats
WESTLAND

PROPOSED NHF APPLICATION FOR BURKES RD FARM, PUNAKAIKI-BARRYTOWN FLATS

Dear George

As discussed with you last week, please find enclosed copies of our Buller Area Office Report in relation to your request to consider a portion of land (approximately 6ha) for NHF application on the abovementioned property (SO1790) owned by Nikau Deer Farm.

The attached report summarises our findings following a site visit to the area on 22 July 2009 and gives a *preliminary assessment* of the conservation values. As outlined in the report, both the Department and yourselves have agreed that it is not practical to pursue an NHF application at this time.

A copy of this information has been forwarded to the Conservancy Office for their records so they can note that your query regarding a potential NHF application from earlier this year has now been resolved.

If you have any queries, please do not hesitate to contact the area office on (03) 788 8008.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bob Dickson'.

Bob Dickson
Area Manager *Poumanahere*
Pursuant to delegated authority
PO Box 357, Westport 7866, New Zealand
Telephone 03-788 8008, Fax 03-788 8009

Copy: Ron Hazeldine, Community Relations, Concessions, Conservancy Office



Subject: Nikau Deer Farm (Coates), Punakaiki-Barrytown Flats
(Burkes Rd), proposed NHF Application

Author: Kirsty Barr Buller *Kawatiri* Area Office

Copy: Ron Hazeldine, Community Relations, Concessions – Conservancy
Office

Date: 25 August 2009

File: DOCDM463214

Current Status as at 29/7/09:

Kirsty rang George Coates on 25/7/09 to advise on our area office view (summarised in conclusion) regarding a potential area for NHF application (referred to here as the “potential NHF area”) on the Coates’ Burke Rd farm in Barrytown Flats/Punakaiki. This followed a site visit and preliminary assessment on 24 July. George asked that our findings be made available to him for their records so a copy of this file note will be forwarded to the Nikau Deer Farm Ltd. Currently the potential NHF area is subject to a consultation process between the Grey District Council and the Coates to decide whether it will be a designated *Significant Natural Area* (SNA). Note that the boundary of the potential NHF area (which includes zones 1, 2 and 3 identified in figure 2) more or less matches the proposed SNA area.

Note there are four parties involved in Nikau Deer Farm Ltd (George and Caryl Coates, John and Beverly Coates). George Coates has been the main point of contact regarding this query, ph 03 731 1805.

1. BACKGROUND:

George Coates contacted the department in February 2009 to advise on the possibility of the potential NHF area (approx 6ha) being put forward for NHF purchase. West Coast Conservancy (Lara Kelson) responded to George on 23 March 2009 to advise that his query had been referred to the Buller Area Office for comment. On 24 July 2009 Chippy Wood and Kirsty Barr met with George, Caryl and John Coates to carry out a preliminary assessment of the landscape, flora, and fauna values.

While the first option was to consider a potential NHF purchase, it was also acknowledged that both the department and the Coates were uncertain whether this was a practical option. In discussing the values of the land in question, George Coates indicated that as a second option he might be interested in developing (hump and hollowing) approx 3ha of this area (refer zone 3 in figure 2) while excluding the higher value areas from development (approx 3 ha, refer zones 1 and 2). The Coates are aware that any development would need prior resource consent approval with the Grey District Council. It was agreed that some kind of assessment of the land would be helpful as this may be needed as part of the SNA process anyway, or in the event of a resource consent application being lodged.

Site Visit – purpose

Attended by: Chippy Wood (Bio-diversity, DOC), Kirsty Barr (Community Relations, DOC), George and Caryl Coates, John Coates (Nikau Deer Farm).

Carried out: 22 July 2009

This **preliminary assessment** was to identify general flora, fauna and landscape values and to advise the Coates whether it would be practical/feasible to pursue an NHF (Nature Heritage Fund) application.

Location:

Refers to private property SO1790 (approx 42.8ha) owned by Nikau Deer Farm Ltd, adjacent to Conservation Area – Barrytown Flat. The potential NHF area is about 7.5 kms to the north of Barrytown and 8kms south of Punakaiki. The land in question is approximately 6ha and lies to the northwestern corner of this freehold block (refer pink boundary in figure 1).

Figure 1: Aerial map showing Nikau Deer Farm’s freehold block (outlined in yellow) at Barrytown/Punakaiki Flats with potential NHF area outlined in pink (note that this boundary roughly correlates to the proposed SNA currently under negotiation). Also shown is adjacent conservation area (green), and neighbouring block on northern boundary, soon to be under DOC management.

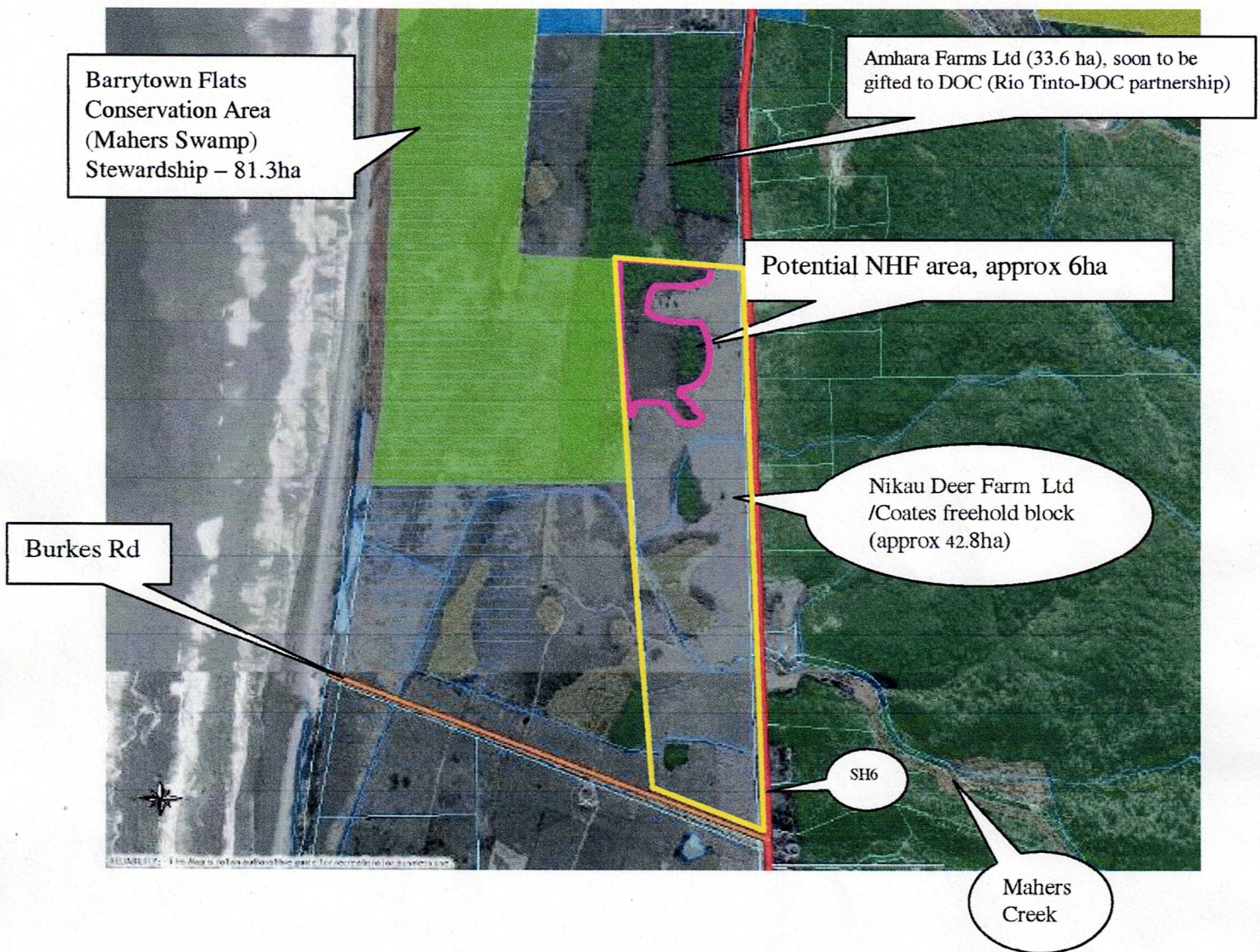
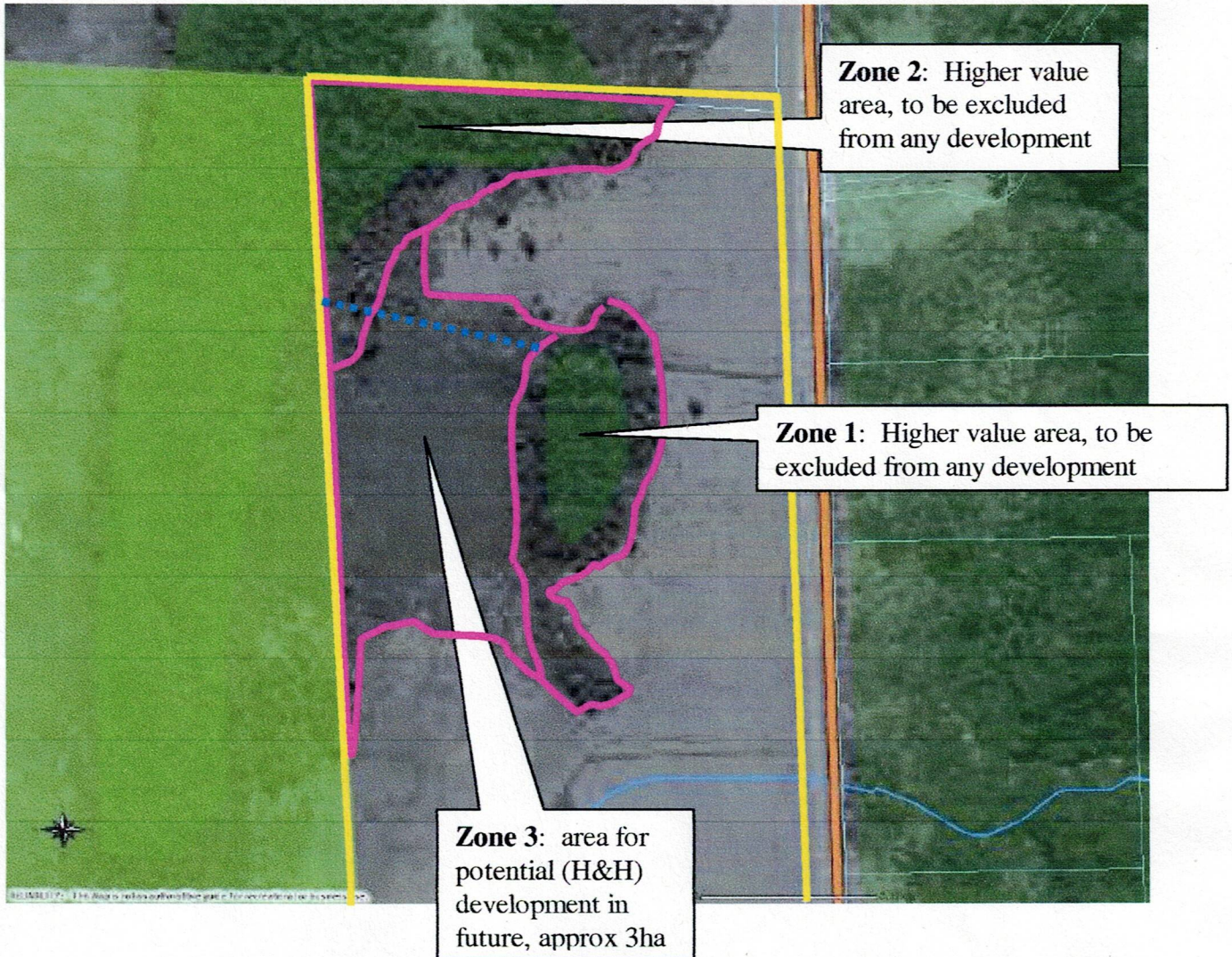


Figure 2: Aerial map showing 3 different 'zones' outlined in pink within potential NHF area on Nikau Deer Farm's freehold block (outlined in yellow), approximate course of drain/waterway is in blue dots (also refer to photo 4). Note that zones 1, 2, 3 here are currently subject to a proposed SNA (under negotiation).

Note that the lines showing boundaries and drain/waterway position are approximate. Zones 1 and 2 (combined) are about 3ha.



2. VALUES

General:

The land lies on the Barrytown flats coastal plain which consists of a series of uplifted beach ridges and associated troughs, sand dune terraces, and marine gravels which are overlaid with sand and topsoil. The area has a mix of wetland and pasture land which has been significantly modified over the 20th century as a result of farming, logging and mining activities. The area has a farming history which dates back to post WWI, and logging would have been carried out during the early part of the 20th century (pers. Comm. John Coates).

At the second level of the LENZ classification system the entire site is an M1 environment (Leathwick, 2003). This environment typically contains vegetation characterized by kahikatea forest, and fertile flax-carex swamps. Characteristic native fauna of an M1 environment are kereru, bellbird, tui, fernbird, bittern, tomtit, brown mudfish, and giant kokopu while kotuku, bittern, giant kokopu, fertile swamps, and *Myriophyllum robustum* are characteristic pressure sensitive species. On the West Coast 38% of environment M1 is protected as public conservation land (but may increase soon given land to be gifted to DOC) and 42% of M1 land is in native cover. Zones 1 and 2 (which together make up approximately 3ha) contain regenerating podocarp forest that is approximately 80 yrs old. Zone 3 is much wetter underfoot and has been recently grazed. At level four of the LENZ classification system, the site is M1.1a. On the west coast region 33% of environment M1.1a is protected as public conservation land and 36% is in native cover)

Note that at the time of our site visit, it had been recently raining and there had been days of moderate rainfall prior to this.

Zones 1 and 2:

The Coates advise that regardless of any formal protective designations such as an SNA, this area would be excluded from any potential development (eg hump and hollowing). These zones contain forested area of regenerating kahikatea (dominant and up to 20m), with some stands of matai (it was noted that very occasional matai have been recently logged). Also noted were flora such as bush lawyer, Toru, Kamahi (up to 10m), Rimu (up to 20m), Supplejack, Astelias, Crown fern, *Cyathodes juniperina*, (mingimingi), *Gahmia* (native grass), Ponga (mamaku and Wheki), *Parsonsia capsularis* (jasmine). Non native weeds include *Lotus major*. The ground was relatively wet underfoot.

Zone 3:

This is the area that the Coates may consider for hump and hollowing. It is much wetter underfoot and flax is dominant. The ground is quite severely grazed in parts, pugged and rain drains from a nearby paddock from the northeast. Other flora present include *Cordyline australis* (cabbage tree) small rimu, ponga, occasional lancewood (horoeka), marble leaf, toru, wineberry and kamahi. A variety of coprosmas are throughout, as is lotus major. There are some stands of more mature forest (see photos 3,6,7). The Coates advise that where there are several of these together or any markedly older trees present, these would be left intact. Weeds in this zone include blackberry, gorse, and lotus major.

Fauna throughout:

There are number of endangered bird species that use the area. Fernbirds are common in Maher Swamp (Chippie Wood biodiversity ranger) These birds are an endangered species listed as sparse (Hitchmough, 2002). Western weka also inhabit the area, and are classified as endangered species in serious decline (Hitchmough, 2002). A number of Westland petrel colonies lie in the low forested hills east of the State Highway and are bounded by the Punakaiki River in the north and Lawson

Creek in the south. No parts of these colonies lie within the immediate vicinity of the potential NHF area. Westland Black Petrels are an endangered species classified as range restricted (Hitchmough, 2002).

Surveys in 2005 found some little blue penguins using Pakiroa Beach (Blyth et al 2006). These sightings were mostly at the northern end of the beach, where "many footprints were found" (p.12). This is approximately 4kms away. Although there are records for penguins being present in the central areas of Pakiroa Beach, there is a buffer between the sea and farmland (Barrytown Flats Conservation Area - Mahers Swamp) and blue penguins are unlikely to be in the immediate vicinity. These birds are classified as an endangered species in gradual decline (Hitchmough, 2002).

Good numbers of forest bird species (e.g., kereru, bellbird, tui etc) use the forested portions of all the blocks seasonally. Although not heard at the time of the site visit, fernbird will almost certainly be present. Other avifauna identified as being present included bellbird, pukeko, weka, fantails, paradise ducks and blackbirds. It is possible that other wetland bird such as bittern may be present, although the Coates don't report seeing any and none were identified at the time of the site visit.

Freshwater values:

A drain/waterway is present through the northern section of zone 3 and runs through all zones (refer blue line in figure 2 and photo 4). This was built by the Langridges approximately 50 yrs ago (pers. Comm. J Coates). The drain/waterway is on the edge of the area that would be potentially developed and would not be fenced. The vegetation around the drain/waterway would probably be cleared (pers. Comm. George Coates). If this zone is developed in future, the Coates will need to comply with any riparian margin requirements (if applicable) as defined by the consenting authority. If none is required however, it may be possible to advocate with the Coates to retain grasses and other plants along the drain edge that may help with filtering of water (and therefore protect freshwater values) downstream.

Historical/Recreational and scenic values:

There are no historic sites noted on DOC historic maps for the freehold block relating to this potential NHF area. However an archaeological site was noted to be on the freehold block approximately 400m south of the potential NHF area's southern boundary (ref K30/79). However Jackie Breen (Technical Support Officer, Historic) advised that this site was incorrectly positioned on the GIS system and was in fact located on the adjacent property south of Barrytown Flats Conservation Area (Mahers Swamp) in a neighbouring land owned by Punakaiki Downs Ltd. This site is noted on the GIS system as being related to "gold mining" and Jackie further described this as being a "curvilinear depression, up to 60cm wide, 40 cm deep, running for 10m before fading out. Its condition is described as being "poor" (pers. Comm. J Breen).

The area under question is on private property and as such there is no public access to or through this land. Between this block and Pakiroa Beach to the west is Barrytown Flats Conservation Area (Mahers Swamp) and public access to the beach is easily gained via Burkes Rd to the south.

The potential NHF area is visible from the main road (SH6 Coast Rd) which is approximately 130m away. The surrounding area has a mixture of rural development (farming and residential housing) along with national park/scenic reserve. To the south is a rural-residential subdivision and on the farm itself there is currently grazing. Any potential hump and hollowing activity on the 3ha site would be in general keeping with other activities and development in the area. If zone 3 was developed, it would be difficult to see from the road due to the forested portions found in zones 1 and 2 which would shield it from view.

3. LAND STATUS/PROTECTION:

Surrounding land under DOC management:

In discussing land status issues with the Coates, John Coates pointed out there is already a lot of land under DOC management in this area. Immediately to the west of the potential NHF area is Barrytown Flats Conservation Area (Mahers Swamp) which has stewardship status, and is approximately 81.3ha. To the east is the Paparoa Range South conservation area (stewardship) and further east is the Paparoa National Park. Added to this, are the recent land acquisitions from the Rio Tinto-DOC partnership, which in the near future will also include the 33.6 ha block directly to the north. There are QEII covenants nearby, and numerous proposed SNAs currently under consideration.

During the site visit we were able to conclude that the surrounding areas under DOC management probably provided *better representation* and *higher values* compared to the potential NHF area that was the subject of this assessment. This is not to say that the area under question is not of high value, and certainly zones 1 and 2 are a good representation of 80yr old regenerating coastal kahikatea forest. However there was agreement that in terms of intactness, bio-diversity and stage of regeneration, there were better examples nearby that were already protected (or soon would be) under DOC management.

Covenants:

George Coates indicated he would not currently be keen to covenant or formalise protection over zones 1 and 2, even though there is no intention to develop these areas. His position (which may or may not be different from other members of Nikau Deer Farm Ltd) is based on the view that these areas are under private ownership, and their use should be under the management of the landowner and not subject to public covenants.

SNAs:

As stated above, the potential SNA status of this area is still being discussed by Grey District Council and the landowner. The Department may be called upon to comment on the values for this area or to have input into the final decision. The presence of an SNA designation will mean the district council will be involved if or when a resource consent application is lodged and it is likely the Department would also be involved as an affected party. The SNA status will be an important factor for consideration for any consenting authority regarding potential development.

NHF Process

In discussing the NHF Application process with Ron Hazeldine (CR Officer, Concessions, Conservancy Office), I was advised that the NHF meet 3-4 times a year (often less) to discuss potential applications. Only outstanding or remarkable examples are likely to be in the running. In discussing this case with Ron, it was agreed that this particular site (while still high value in parts) could not be described as being *outstanding* or *remarkable*, especially in the context of the more intact and higher value land that exists under DOC management in the immediate vicinity.

The Coates have already been through an NHF process and are aware of the timelines involved. Generally, it would take approximately 8-10 months (at best) for an application to be processed to the point where the applicant is confident of the outcome. Given the Coates want to have a decision by the end of this year so they can plan future development on their farms generally, this timeline is not practical.

4. CONCLUSION:

In conclusion, the department carried out a preliminary assessment of values in the potential NHF area which would help inform both the applicant and the department in terms of a possible application as well as provide information should a resource consent application be lodged in future. This area is currently subject to ongoing consultation between the Grey District Council and the applicant regarding potential SNA status. The landowners (Nikau Deer Farm Ltd) advised that if an NHF application was not practical, then it may consider lodging a resource consent application to develop (hump and hollow) part of this area - identified as zone 3 - while leaving areas (zones 1 and 2) intact.

Regarding values for the potential NHF area, the surrounding area has been subject to significant modification over the last century through farming, logging and mining. Zones 1 and 2 (to be excluded from development) can be described as being 80yr old regenerating kahikatea podocarp coastal forest, while zone 3 is characterized as being flax dominated, wetter underfoot with some more recently regenerating forest. Zones 1 and 2 are distinct in that they represent higher flora values while zone 3 has been recently grazed, and quite severely, in parts.

In considering whether the land in question is worth pursuing as an NHF application it was concluded that overall the values in this area could not be considered to be *outstanding or remarkable* when compared to other land nearby. While it does contain high values, there are better examples in neighbouring land managed by the department that are currently under protection (and more land will soon be gifted to DOC). In the wider area there is land with scenic reserve, nature reserve and national park status. Therefore it was agreed that any application was likely to be unsuccessful. This was the view of the Coates (and an NHF application needs to be applicant led) as well as the view of departmental staff.

While any resource consent application would need to be considered if and when an application is lodged, this preliminary assessment indicates that development of the 3ha area under question would probably pose minimal risk in relation to values in this area. However, some protection over zones 1 and 2 would be desirable, although the final decision regarding this would rest with the consenting authority. If maintaining a riparian along the drain/waterway is outside the scope of a resource consent process (or is not required under the district plan), there may be an opportunity to discuss with the Coates the possibility of retaining grasses and other plants along the drain edge that can help with filtering of water (and therefore protect freshwater values) downstream towards Mahers Creek.

5. RECOMMENDATION:

It is recommended that based on the information above, the potential NHF area is *not put forward* as an NHF application at this time. This is confirmed as being the view of both the department and the Coates.

It is recommended that if a resource consent application is lodged and the department is deemed to be an affected party, that this report will contribute to (but not necessarily determine) decision regarding the department's approval as an affected party.

Reporting Officer: Kirsty Barr

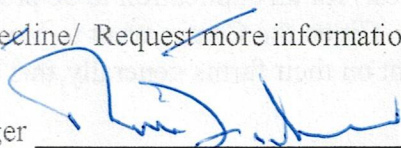
Date: 25 August 2009

Please indicate your decision below and sign the attached correspondence

2. Decision

Approve/ Decline/ Request more information

Area Manager



Date

27-8-09