

Form 7  
Notice of appeal to Environment Court against decision  
on proposed policy statement or plan

*Clause 14(1) of First Schedule, Resource Management Act 1991*

To the Registrar  
Environment Court  
Christchurch

I, *Robert John Kinney*, Director of Te Kinga Estates Limited appeal against part of a decision of Te Tai o Poutini Plan (TTPP) being the combined District Plan for the West Coast, covering Buller, Grey and Westland districts

I made a submission on that plan (the submission is attached). I also spoke at the TTPP panel hearing on the 2nd day of August 2024.

I received notice of the decision on 10<sup>th</sup> of October 2025, via a general notice on email that the TTPP Plan Decisions had been released.

The decision was made by TTPP Committee - Buller, Grey and Westland District Councils

The decision part of the decision that I am appealing is 10th of October 2025.

The Land zoning of – Lot 2 DP568525 – A property on Arnold Valley Road, Moana, Grey District

- The land is zoned Rural Lifestyle
- Without limiting the generality of the appeal including those matters dealing with the rezoning of land around the township of Moana

The reasons for the appeal are as follows:

Inefficient use of land, confusion of submitters and submissions, incorrect interpretation of specialist reports. Lack of natural justice in determinations of final plan zoning.

1. Inefficient Use of Rural Land Under Current Rural Lifestyle Zoning

The subdivision standards applied to the Rural Lifestyle Zone will result in inefficient use of rural land at this site. Greater flexibility in minimum lot sizes is both appropriate and necessary. The current zoning permits the lawful establishment of 1-hectare allotments, whereas lot sizes of approximately 4,000 m<sup>2</sup>—permitted in the Rural Settlement Zone—represent a more efficient and sustainable pattern of land use. The BTW report commissioned by the TTPP Committee concludes that 4,000 m<sup>2</sup> lots generate a lower environmental impact than pastoral activities such as dairy farming. This evidence has not been properly reflected in the recommendations to the committee from the planner.

2. Substantive Errors and Conflation of Submissions

I wish to draw the Court's attention to substantive errors in the Rural Zones planning documents and associated recommendation reports. These errors extend beyond incidental or typographical mistakes and instead reflect a pattern

of confusion between two distinct submitters and two entirely separate rezoning proposals. A copy of the relevant sections of the report is attached, with highlighted extracts for ease of reference.

3. **Confusion Between Te Kinga Estates Ltd and Te Kinga Investments Ltd**  
From the outset of the process, the reporting planner and support staff have repeatedly confused the submissions of Te Kinga Investments Limited (relating to the Cashmere/Iveagh Bay proposal) with those of Te Kinga Estates Limited (relating to Arnold Valley Road, Moana).
4. **Early Indications of Systematic Error**  
Earlier in the hearing process, the reporting planner (Ms Easton) queried the location of commercial properties that we had supported in our initial submission. That enquiry in fact related to the Arnold Valley/Moana submission and did not relate in any way to the Cashmere/Iveagh Bay submission. It is now clear this was an early indication of a broader and systematic confusion between the two entities and their respective locations.
5. **Correct Identification of the Appellant**  
The submitter and appellant in this matter is Te Kinga Estates Limited, which owns land at Arnold Valley Road, Moana. The reporting planner and supporting staff have repeatedly confused our submission with that of Te Kinga Investments Limited, which owns land at Cashmere Bay, Te Kinga. I attach evidence from the planner's own report ("Proposed-Te-Tai-o-Poutini-Plan\_Rural-Zones-Final-10-Sept.PDF") demonstrating this confusion.
6. **Referencing of Paragraph Numbers**  
Paragraph numbers referenced below correspond to those in the "Te Tai o Poutini Plan – Rural Zones Final (10 September)" report.
7. **Example 1 – Note 885**  
Note 885 purports to summarise the Te Kinga Estates rezoning submission but then incorrectly places that submission within the Cashmere Bay/Cashmere Bay Dairy context. This is a clear and substantive conflation/confusion of Te Kinga Estates with Te Kinga Investments.
8. **Example 2 – Note 863**  
Note 863 refers to Te Kinga Estates as seeking a 1,000 m<sup>2</sup> lot size at Arnold Valley Road. This is not merely a clerical error. It demonstrates an ongoing pattern of misattribution of the 1,000 m<sup>2</sup> request—which relates only to Te Kinga Investments at Cashmere Bay—to Te Kinga Estates at Moana. The two proposals are fundamentally different in scale, location, and planning context.
9. **Te Kinga Estates Never Sought 1,000 m<sup>2</sup> Lots**  
Te Kinga Estates Limited has never sought a reduction in lot size to 1,000 m<sup>2</sup>. During the submission process, the planner advising the committee stated otherwise in her "TTPP – Right of Reply Rezoning at Moana and Cape Foulwind" (email dated 17 February 2025). I attach an email from Chu Zhao in

which Ms Easton (planner) dated 18 February 2025 in which she acknowledges “confusion” about the submissions.

10. Ongoing Confusion by the Reporting Planner

It is evident that Ms Easton has repeatedly confused Te Kinga Estates with Te Kinga Investments throughout the reporting process.

11. Incorrect Attribution of 1,000 m<sup>2</sup> Lots

Ms Easton stated publicly that Te Kinga Estates sought minimum lot sizes of 1,000 m<sup>2</sup>. Which is incorrect - this was an apparent request by Te Kinga Investments Limited. Ms Easton then incorrectly attributed this position to Te Kinga Estates. After we raised this issue, the “Right of Reply” report was amended and reissued; however, the error persisted in the Rural Zones Final report.

12. Errors Persist Despite Formal Notice

Despite raising our concerns in February 2025 regarding both the entity confusion and the incorrect lot size attribution, the reporting planner continued to refer to Te Kinga Estates as seeking 1,000 m<sup>2</sup> lots.

13. Persistence of Error in September 2025 Report

This confusion is again evident in the September Rural Zones Final report (“Te\_Tai-O-Poutini-Plan\_Rural-Zones-Final-10-Sept.PDF”), specifically at paragraph 863.

14. Misapplication of the “Concentric Cascade” Concept (Paragraphs 404 and 495)

In paragraphs 404 and 495 of the Rural Zones report, the planner refers to a “concentric cascade around a community core.” It is unclear from the reports whether the “community core” is intended to be the Lake Brunner Hotel, the existing Moana township centre, or a hypothetical future larger commercial zone proposed at the periphery of Moana.

15. If the planner’s zoning rationale is genuinely based on a concentric pattern, then it logically follows that at least two-thirds to three-quarters of the Te Kinga Estates landholding—located immediately adjacent to the Moana settlement—would be suitable for Settlement Zoning. This conclusion has not been addressed or acknowledged in the recommendations.

16. Absence of Any Request for Additional Cultural, Environmental, Servicing, or Infrastructure Information.

Throughout the submission and consultation phases, Te Kinga Estates engaged proactively and constructively with both the planner and the TTPP Panel/Committee. At no stage during this process did the planner request any further cultural assessments, servicing reports, environmental effects analysis, or infrastructure capacity information from Te Kinga Estates.

17. Despite this, the planner has relied on the alleged absence of such information as grounds to recommend rejecting the requested Settlement Zoning. This is

inconsistent with the principles of natural justice, particularly given that Te Kinga Estates was never asked to provide such material and was therefore denied the opportunity to respond or supply further assessments.

18. Committee Hearing Provided No Indication of Outstanding Information Requirements

Mr R. Kinney appeared before the TTPP Panel/Committee in support of the Te Kinga Estates submission. During that appearance, no request was made for infrastructure capacity, cultural effects, environmental effects, or servicing assessments. The Panel/Committee did not signal that any further information was required in order to consider the rezoning request.

19. It appears the Panel/Committee has relied entirely on the planner's advice— advice which, in this case, was based on misunderstandings, confused legal entities and incomplete factual assumptions. Te Kinga Estates were not afforded a right of reply which did not accord with the principles of natural justice.

20. Incorrect Application of BTW Environmental Analysis

The planner has also incorrectly referenced the BTW report in stating that the majority of Te Kinga Estates property drains into Malloy Bay and Lake Brunner. This is not correct. The property drains towards the Arnold River and Deep Creek catchments and is located at least one kilometre from both water bodies. This error again demonstrates a lack of accurate understanding of the Te Kinga Estates Ltd landholding, locality.

21. Incorrect References to NES-Freshwater and SNA Classification (Paragraphs 890–891)

In paragraphs 890 and 891, Ms Easton refers to the National Environmental Standards for Freshwater (NES-F), suggesting the Te Kinga Estates land may include areas of Sphagnum moss, Pakihi wetland, or mānuka wetland. The site has been comprehensively mapped by the Grey District Council as part of its Significant Natural Areas (SNA) workstream. The Te Kinga Estates land is not identified as an SNA, nor does the Ms Easton provide any scientific evidence, ecological report, or documented source to substantiate her assertions.

We seek the following relief:

A change in the proposed zoning of Lot 2 DP568525 from Rural Lifestyle to Settlement Zoning

I attach the following documents\* to this notice:

- (a) a copy of my submission Appendix A
- (b) a copy of the relevant decision (or parts of the decision) Appendix B:
- (c) a copy of email correspondence and supporting information Appendix C
- (d) a list of names and addresses of persons to be served with a copy of this notice Appendix D.

Te Kinga Estates Limited sees merit in and is willing to attend mediation/s on this appeal.



.....

Signature of appellant  
Robert John Kinney  
Director Te Kinga Estates Limited

6<sup>th</sup> of December 2025  
Date

Address for service of appellant: c/o 42 Bryndwr Road, Fendalton, Christchurch 8052  
Telephone: 027 304 8332  
Fax/email: robkinney42@gmail.com  
Contact person: [*name and designation, if applicable*] Robert John Kinney - Director

### Note to appellant

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* Form 38).

**Advice to recipients of copy of notice of appeal***How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* Form 38).

*\* How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

\* Delete if these documents are attached to copies of the notice of appeal served on other persons.

*Advice*

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Relief sought

Change of zoning to a rural settlement zoning

List of documents, original submission,