

To The Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, George Eldon Coates and Caryl Jean Coates on behalf of Nikau Deer Farm Ltd appeal against part of a decision of the Te Tai O Poutini Plan committee on the following plan, Te Tai O Poutini Plan.

I made a submission on that plan.

I am not a trade competitor for the purposes of section 308D of the Act.

I am directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I received notice of the decision on 10 October 2025.

The decision was made by Te Tai O Poutini Plan committee.

1. The part of the decision that I am appealing against is:

1.1. The rules and mapping on the following Chapters of the Te Tai O Poutini Plan (TTPP).

- Natural Character and Margins of Water Bodies (NC)
- Ecosystems and Indigenous Biodiversity (ECO)
- Natural Features and Landscapes (NFL)
- Coastal Environment (CE)
- Significant Areas and Sites to Māori (SASM)

2. The reasons for the appeal are as follows:

2.1. Uniqueness

The West Coast is unique compared to the rest of New Zealand and so the policies and rules need to be set to cope with this uniqueness. The rules have been too restrictive with consideration to these unique differences.

Here are some statistics to show some of the obvious differences between the West Coast and other regions (proof of these statistics can be found in my submissions):

- 86% of the West Coast is under DOC control. Many would say 88% but this map does not show that all West Coast riverbed land that is under DOC management.

- 42% of private land is in native vegetation.
- The West Coast makes up just under 9% of New Zealand's land mass.
- The West Coast has 26.1% of New Zealand's precipitation.
- And has 29.5%; nearly one third of New Zealand's flowing water.
- NIWA statistics show that our soils on average are saturated 120 days a year. (In comparison, soil saturation in Canterbury may happen for one or two days every second year.)
- The longest region. (Further than the distance from Wellington to Auckland).
- The longest coastline.
- The West Coast population has barely changed in the last 50 years. In 1971 the population was 33,294; in 2023 the population was 33,390.
- In comparison the New Zealand population has steadily grown and has nearly doubled over that time. New Zealand population has gone from 2.811m in 1970 to 5.223m in 2023.
- Farms are few and far apart; approximately 650 full time farms. Whereas there are 6800 full time farms in Canterbury.

When looking at these statistics you will find the rest of the country is quite the reverse.

2.2. Section 5 of the RMA

Section 5 of the RMA (purpose of the RMA) has not been adhered to with consideration to the unique differences the West Coast has and so does not fit with the purpose of the RMA.

For reference, this is section 5:

Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Nowhere does it say to preserve the environment, or that the environment comes before social, economic, and cultural well-being.

The below mentioned rules are not fit for purpose.

At times these rules will have the opposite effect on the environment as the policies and objectives suggest.

2.3. Section 6 of the RMA

We do not believe the Decision has applied section 6 of the RMA in a manner that is consistent with section 5. We are concerned about the mapping of overlays enabled by section 6, and the associated rules that apply, for:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development (through NC provisions)
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development (through ONL provisions)
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (through SNA)
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (through SASMs)

Section 6 matters:

- SNA's and all matters that come out of section 6 of the RMA go against our private property rights.
- The current government is bringing in a replacement to the RMA that is going to create a fair situation for private property rights. The lawyer for the TTPP said that it is the law in at the time that this appeal will be heard, is the law that will be used to determine outcomes of this appeal. It would appear that the replacement to the RMA will be in for the hearing of this appeal.
- I have shown in my submissions, many situations that the rules and mapping do not encourage native flora and fauna and other objectives of the chapter in question. In fact, they often do the opposite.

3. I seek the following relief:

Option 1:

- Remove the rules and mapping on private land that come out of section 6 of the RMA. This includes NC/ONL/SASM/SNA and riparian margins.

Option 2:

- Remove restrictions on private land use that come out of section 6 of the RMA.
- For section 6(a) and (b), it is about inappropriate development. We take the position that appropriate development should be better identified and provided for.
- For section 6 (c) it is about providing for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The word significant must be observed in a way that allows for the unique differences of the West Coast.
- For section 6 (e) it is providing for the relationship of Māori and their culture and traditions with their ancestral lands and about providing for the water, sites, waahi tapu, and other taonga. The current rules are more restrictive than necessary.

Option 3:

- Ensure the rules enable me to appropriately develop and use my land without unjustified restrictions that add costs and prevent its sustainable management as detailed in the table below.
- Create a rule so the council can help facilitate grants and organisations to aid landowners where needed. This may require encouraging dialog between landowners and other organisations.

(Most of the above-mentioned changes to section 6 matters, that are in the TTPP, will fit with the RPS. Where it doesn't fit with the RPS, the government is suggesting adequate and fair compensation to the landowners. This will motivate the Regional Council to change its RPS. The Regional Council has already indicated in the TTPP process that it is willing to change things as soon as the government does.)

Provision Appealed	Reasons for Appeal	Relief Sought
Vegetation clearance and earthworks rules	For most of the chapters mentioned above, there is no time allocation given for vegetation clearance or earthworks.	The time allocation should be per calendar year. This will align with the Regional Council rules.
SASM-33	<p>As explained in my submission I have concerns about the accuracy of SASM-33 mapping and therefore the accuracy of other SASM's.</p> <p>SASM-33 clearly takes in areas that are part of the ocean, which should not be part of the TTPP jurisdiction.</p> <p>Also, parts of the current land area of SASM-33, were in the ocean 150 years ago and therefore would not have had any Māori occupancy. (This is due to land buildup.)</p> <p>There needs to be a clear explanation of what is so important to Māori in SASM-33, so that council and landowners know how to best protect any important areas.</p>	<p>That the SASM mapping is better defined, as explained in my submission.</p> <p>Remove SASM-33 from my property.</p> <p>There is explanation of the importance to Māori, so we can understand how best to protect SASM-33</p>
SASM- R4	<p>This is too restrictive for <u>private landowners</u> in SASM-T4. It feels I need to get permission every time I need to clear or spray native vegetation on the farm to maintain fencelines and pasture productivity etc. This includes native vegetation that might be in amongst weeds like gorse.</p> <p>Native plants that my family have planted (or allowed to regenerate) are included, which seems like an overreach.</p> <p>Farmers are too busy to cut a kilometre or more of native vegetation by hand off of fence lines. There is also health and safety concerns when pruning 5m off the ground.</p> <p>If we have to go down the consenting road (e.g. no approval by the iwi) then, we need to get in an archaeologist at \$25,000, to prove that there will be no</p>	<p>Remove any private land from SASM – T4.</p> <p>If we understood the importance of this area, we could decide the importance of our own planted native vegetation.</p> <p>We need to be able to prune native vegetation off fence lines and tracks by machinery.</p> <p>The council needs to facilitate a meeting with the private landowners involved and local iwi as explained in my submission.</p> <p>This will comply with the RPS “provide for</p>

Provision Appealed	Reasons for Appeal	Relief Sought
	significant impact on the SASM. (Note: this does not guarantee a consent nor does it pay for council costs.)	the protection of”, “waahi tapu”, “sites and other taonga” (See Appendix 1).
SASM-R6	<p>This is too restrictive for the <u>private landowners</u> in SASM-T4. It feels like I need to get permission every time I need to gravel tracks, gateways, troughs etc.</p> <p>Imposes costs to me, the landowner, the iwi and the council, in time (therefore money) and paperwork.</p> <p>Again, there is potential of needing to get an archaeologist in at a cost of \$25,000. (This is a quote that is in my submission.)</p>	<p>Understand the importance of this area so we can decide if graveling gateways and tracks etc is really an issue.</p> <p>Remove any private land from SASM – T4.</p> <p>The council to facilitate a meeting with the private landowners and local iwi as explained in my submission. This will comply with the RPS “provide for the protection of”, “waahi tapu”, “sites and other taonga” (See Appendix 1).</p>
CE – R4	<p>The definition of a building means a temporary or permanent movable or immovable physical construction that is partially or fully roofed, and fixed or located on or in land. Many stock yards are partially roofed. It is also unclear if a silo is included in this definition.</p> <p>Allowing height to only 7m is too restrictive and disadvantages landowners in the coastal area compared to landowners in other zones that are allowed 10m. For farmers it means we can’t build modern farm sheds like other farmers do such as fertilizer silos and hay sheds.</p> <p>Only 200m² for buildings and yards is not large enough for modern farming. Due to farm amalgamations (as outlined in my submission) new sheds and yards will often be built to centralise things. Potentially this is an advantage because old sheds etc will often be removed and therefore there will be less total building space overall.</p>	Change the rule so it is like the rest of the rural zone 10m height and 1000m floor area.

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>Changing the rule as requested fits with the RPS; “protect” the coastal environment “from inappropriate subdivision, use and development.” The suggested change to align with other rural zones, would not be considered inappropriate use.</p>	
<p>NC – R1 (25m³/200m)</p>	<p>25m³ is an extremely small area. As a comparison a standard size 18 foot shipping container is 31m³.</p> <p>Day to day maintenance of tracks, troughs, gateways and crossings etc all need to be done easily and could all add up to be more than 25m³ as explained in my submission.</p> <p>Construction of new crossings could easily exceed the 25m³. For example putting in a culvert or bridge is encouraged as a good practice for farmers to do. This will discourage farmers to put in culverts and bridges.</p> <p>If we exceed 25m³ we may need to get in an ecologist to assess impacts of the action. This could an excessive cost of approximately \$25,000 (if this is similar to quotes mentioned in our submissions on other chapters).</p> <p>No S32 assessment was undertaken in S32 or S32AA evaluations. The S42A report acknowledged our submission seeking crossings wider than 3m (Nikau Deer Farm paragraph 40) but did not substantially address our concern.</p>	<p>Remove rivers and wetlands from this rule.</p>
<p>NC – R1 (Maintenance after a flood)</p>	<p>This rule will not work on the West Coast with our high rainfall, braided rivers, steep slope to the sea and large areas of native vegetation. All of which makes rivers and creeks move off course regularly.</p> <p>Landowners need to be able to put creeks and rivers back on course as soon as possible after a flood, before more damage is done to land and other assets.</p>	<p>Remove rivers from this rule.</p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>The Regional Council rules adequately deal with this issue using Rule 28. Flood protection works. (See appendix 3).</p>	
<p>NC – R1 (Definitions of a river and a wetland)</p>	<p>The definition of a river will include old riverbed flats that are farmed. Much of the West Coast farmland is on old riverbed flats that have contours that are old river channels. These old channels commonly have a bed of greater than 1m “as measured from the point of annual fullest flow for a river”. These old channels that grow grass, would be considered an “intermittently flowing body of fresh water”.</p> <p>The definition of a wetland includes manmade wetlands. Potentially a dairy effluent pond could be considered a wetland.</p> <p>West Coast farmers bought land with the intension of developing it. Now much of that land is considered natural wetlands, due to the environment we live in. This goes against private property rights</p>	<p>Definition of a river be changed to something like the definition of a wide river for stock exclusion rules.</p> <p>Or remove rivers from this rule.</p> <p>The definition of a wetland to only include significant natural wetlands (SNW) included in the WCRC plan.</p> <p>The WCRC clearly stated at the time of creating these SNW’s that they do not want buffers around them. Therefore, the logical thing is to remove wetlands from this rule.</p>
<p>NC – R1 (3m Crossing)</p>	<p>Three-meter-wide crossings are very narrow. A lot of farm machinery is wider than 3 meters.</p> <p>This rule is quite impractical for the West Coast due to the number of “rivers” we have.</p> <p>Most farm dairy races are made 8m wide. Then to allow for earthworks and rocking around the bridge or culvert, four meters would be needed either side of the bridge or culvert.</p> <p>The TTPP has within its plan itself requires a minimum 3.5 metre width for vehicle access to sites in rural zones. This appears inconsistent with the plan.</p>	<p>Make the width 16m wide.</p> <p>Or remove this crossing rule.</p>

Provision Appealed	Reasons for Appeal	Relief Sought
ECO – R1.1	<p>For farming 500m² is far too small. 500m² is one twentieth of a hectare and farmers usually have a few hundred hectares. It would be too hard for councils and landowners to know which little areas of natives may be sprayed and/or mechanically cleared etc. 500m² is quite impractical.</p> <p>For subdivision or adding houses. As explained in my submission on SASM's, coastal land with native vegetation on it in Barrytown area, is worth more than the pastoral farmland around it. This rule has devalued that land, so not encouraging landowners to keep the native vegetation. This is the opposite to the objectives of this chapter.</p> <p>A sensible width for a driveway would be 3m, plus another meter back of vegetation clearance, off the driveway. This makes the width 5m, so a 100m driveway within native vegetation, would already be at the 500m² allowance. Many driveways are a lot longer than 100m.</p> <p>Some native vegetation (as explained in my submission), are considered weeds such as Muehlenbeckia. Other natives like Tutu are considered poisonous to livestock. Due to our climate native vegetation regenerates very quickly. There needs to be opportunity to control such vegetation.</p> <p>There is no time frame on this rule.</p>	<p>Make the area 10ha (10,000m²), every calendar year.</p> <p>Make the time allowed a calendar year (i.e. 10ha/ calendar year)</p>
ECO R1.2	<p>The area of 25m² per linear 200 metre length of riparian margin is far too small, therefore, see above for all the same reasons as given for earthworks in a riparian margin.</p> <p>I don't see anything in the RPS requiring this extreme rule in a region where there is a vast amount of rivers, lakes and wetlands.</p>	<p>Remove rule ECO – R1.2.</p>

Provision Appealed	Reasons for Appeal	Relief Sought
	<p>This rule will discourage landowners from planting or allowing native vegetation to grow along the riparian margins, because landowners would need to get a consent to do any necessary mitigation work.</p>	
<p>ECO – R1.3</p>	<p>The area of 5000m² is too small an area, that has had a SNA assessment done. The Grey District Council went ahead with SNA assessments so that the areas of vegetation that were not of significance could be cleared and used for generating an income for our district.</p> <p>There is no time frame for this.</p>	<p>Change this area to 10ha per calendar year.</p>
<p>ECO – R6</p>	<p>I support ECO - R 6.1 for clearance of fencelines.</p> <p>I don't support ECO - R6.5 (crossings) and like all other rules that I don't support, the appropriate corresponding rules in other sections of the TTPP needs removing.</p> <p>ECO – R6.11 (vegetation clearance of 500m²) I don't support this and it is another example of sections that need removing or rewording.</p>	<p>Keep ECO – R6.1</p> <p>Remove ECO – R6.5 and R6.11</p>
<p>ECO – R7</p>	<p>Support in part the maintenance of lawfully established activities, such as maintaining a drain. However, in the past, drains would have been cleaned using a digger. This would have needed an area of more than 3m wide and most SNA's are more than 100m long. So, 50m² is not big enough.</p> <p>Again, these areas are not big enough considering how quickly our native vegetation grows back on the West Coast.</p>	<p>Make the area big enough to do the required maintenance.</p>
<p>PUN-043</p>	<p>PUN-043 has been removed from the schedules, but as an oversight has not been removed from the map.</p>	<p>Remove PUN-043 from the map.</p>

Provision Appealed	Reasons for Appeal	Relief Sought
PUN-W034	This SNA (as explained in my submission), would not be considered <u>significant</u> in relation to the uniqueness of the West Coast. Bearing in mind this is an old dredge pond.	Remove PUN-W034 from the TTPP.

I attach the following documents* to this notice:

- (a) Copies of my submissions:
 - TTPP Hearing SASM
 - TTPP Hearing Natural character and margins of waterbodies
 - TTPP Hearing SNA's
 - TTPP Hearing Coastal environment
 - TTPP Hearing Earthworks

- (b) A copy of the relevant decision has not been attached as we assume that the decision is the “Decisions Version of the Te Tai o Poutini Plan”

- (c) Any other documents necessary for an adequate understanding of the appeal: Please refer to the appendices in our submission.

- (d) Names and addresses of persons to be served with a copy of this notice.
 - Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu = philippa.lynch@ngaitahu.iwi.nz
 - Frida Inta = karearea.f@yahoo.com

- Buller Conservation Group = karearea.f@yahoo.com
- Grey District Council = michael.mcenaney@greydc.govt.nz
- Robin Alistair Nicholl = westsleuth@xtra.co.nz

Date: 8/12/2025

Signature of appellant:

A handwritten signature in blue ink, appearing to read 'G.E. Coates', is written over a light blue rectangular background.

G.E. Coates

A handwritten signature in black ink, appearing to read 'C.J. Coates', is written on a light blue rectangular background.

C.J. Coates

Address for service of appellant:

3789 Coast Road

RD 1

Runanga

7873

Telephone: 03 731 1805 or 021 261 0956

Fax/email: grgncryl@xtra.co.nz

Contact person: Mr George Coates

Appendix 1

POUTINI NGAI TAHU POLICIES 5.2

POLICY 5.2.1 Provide for the protection of ancestral land, waahi tapu water, sites and other taonga in consultation with Poutini Ngai Tahu.

POLICY 5.2.2 Promote resource management decisions and practices which accommodate the economic, cultural and spiritual values which are the basis for the special relationship between Poutini Ngai Tahu and their taonga.

POLICY 5.2.3 Recognise the role of kaitiakitanga in the management of natural and physical resources on the West Coast

Appendix 2

COASTAL ENVIRONMENT POLICIES POLICY

10.1.1 Preserve the natural character of the West Coast's coastal environment and protect it, and outstanding natural features and landscapes, from inappropriate subdivision, use and development.

In deciding whether subdivision, use and development are inappropriate matters to be considered will include those listed under the corresponding part of Habitats and Landscapes Policy 9.1 and the following:

- (a) The extent of noise generated by activities in the CMA;
- (b) The contribution that open space makes to amenity values in the coastal environment; and
- (c) The relevance of NZCPS policies 1.1.1-1.1.4.

In determining whether a natural feature or landscape is outstanding matters to be considered will include those listed under the corresponding part of Habitat and Landscape Policy 9.1.

POLICY 10.1.2 Recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment. In determining whether indigenous vegetation and habitats of indigenous fauna are "significant" the matters to be considered will include those under the corresponding part of Habitat and Landscape Policy 9.2.

Appendix 3

Rule 28. Flood protection works

The protection, partial reinstatement, or reinstatement of any bank of a lake or river which has been eroded by a flood event is a permitted activity provided the following conditions are met:

- (a) The work does not extend any further into the river or lake bed than the bank did before the flood event; and
- (b) The works are no higher above the bed than the bank was before the flood event; and
- (c) The works are carried out within 12 months of the flood event that caused the

erosion; and (d) The work is commenced and completed within a period of 10 consecutive days; and (e) The work does not cause and will not cause any flooding or bank erosion elsewhere in the river; and (f) All reasonable steps are taken to minimise the release of sediment to the lake or river during the activity; and (g) Only cleanfill is used and no pest plant is introduced; and (h) No refuelling of equipment takes place on any area of a river or lake bed; and (i) The site is left tidy following completion of the activity; and (j) Where the activity is undertaken in any wetland identified in Schedule 1 or 2: i) Native vegetation disturbance is limited to the extent necessary to access and undertake the activity; and ii) Reinstatement is limited to returning the bank to its previous pre-event state (for the avoidance of doubt this does not require revegetation); and iii) Vehicles and equipment are cleaned prior to entering the Schedule 1 or 2 wetland to avoid the introduction of pest plants; and iv) There is no change to the natural flow, path or fluctuation in water level; and v) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive except after a sudden event that requires immediate remedial measures to prevent an adverse effect on the environment, or that is likely to cause loss of life, injury or serious damage to property; and vi) No bird nests are disturbed. (k) The person in charge of the works must hold, and provide to Council on request: i) Evidence of the event that caused the damage, including the date or dates the event occurred; and ii) Evidence of the effects the event had on the bank, including bank alignment and the height of the bank; and iii) What works were carried out; and iv) When the works were carried out; and v) The materials used. Notes Regarding condition (d), if a contractor cannot complete the works consecutively within the 10 days, they should contact the Council for advice. Photographic evidence of the site following flooding, and once the works have been completed, are considered to meet the requirements of condition (k).