

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**Decision No. [2026] NZEnvC 98**

IN THE MATTER of the Resource Management Act 1991  
AND appeals under clause 14 of the First  
Schedule of the Act  
BETWEEN BIRCHFIELD COAL MINES  
LIMITED  
(ENV-2025-CHC-103)  
and others listed in Appendix 1  
Appellants  
AND TE TAI O POUTINI PLAN  
COMMITTEE  
Respondent

Court: Environment Judge K G Reid  
Hearing: In chambers at Christchurch  
Counsel: A H Balme and T M Ellis for the respondent  
Last case event: 20 April 2026  
Date of Decision: 30 April 2026  
Date of Issue: 30 April 2026

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**DECISION OF THE ENVIRONMENT COURT AS TO  
FURTHER PARTICULARS**

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Further information on the appeal to the TTPP Coates & others (ENV-2025-CHC-136) as requested.

Contrary to the information that Wynn Williams have provided; I am not suggesting that the TTPP should not give effect to section 6 of the RMA. I am suggesting that there are alternatives to strict rules and mapping, that does not reflect the differences that we have here on the West Coast. We do not need to copy and paste other councils' rules.

Section 6 goes against private property rights, and the current government has recognised this and is changing legislation to reflect this. The current government is introducing compensation to the landowners paid for by the councils. This will be a huge expense for our councils in the current arrangement of the TTPP. For this reason, I feel the TTPP should remove all section 6 matters, until the government has given clear direction. If this is clearly written into the TTPP this will give effect to section 6.

The way I see it there are four basic categories that come out of section 6 matters:

1. The RPS or NPS give clear guidelines how the councils or in this case the TTPP give effect to section 6 matters (e.g. SNA's).
2. SASM's; Due to sensitivities I would prefer to speak directly to the local iwi to sort this matter out. I would like to know if I am the only private landowner that has rules that apply to my land.
3. The RPS or NPS indicate mapping is necessary, but does not suggest stringent rules that will not work for our West Coast uniqueness. (e.g. Coastal environment).
4. Matters that come out of section 6 that has no RPS or NPS

These are some ideas of how to make the TTPP more workable considering the uniqueness of the West Coast.

### **1. SNA's**

It has become quite obvious that the current government only wants the most important areas to become SNA's. They are also changing legislation so that the councils must compensate landowners. So, it would be prudent not to set up rules and procedures that would result in councils needing to find more money than necessary.

The regional council has indicated that they intend to change their RPS when the directive from central government is clear.

For the above reasons and private property rights SNA's should be left out of the TTPP.

If for legal reasons leaving SNA's out of the TTPP can't be done, I suggest putting a pause clause in the TTPP. Maybe pause the SNA process for 10 years, so that central government come out with clear instructions, the regional council have time to change their RPS and the issue of council compensation to the private landowner is clearly sorted out. To do this fairly the current landowners in the Grey District, with SNA's on their land should have them removed.

### **2. SASM's**

I have been told that my freehold land is the only private property land that is caught under stringent rules for SASM's. If this is the case, I am still willing as I said in my submission, to talk privately with the local iwi to come up with a

reasonable and fair solution. As stated in my submission the TTPP may want to help initiate a meeting.

The first thing I need to know from the TTPP is my freehold land the only private property land caught up in these stringent rules?

### **3. The RPS or NPS indicate mapping is necessary**

The only NPS's I can find that is in force, for section 6 matters, are SNA's, Coastal environment (CE) and natural hazards. The RPS covers outstanding natural features (ONF) and outstanding natural landscapes (ONL).

#### **3.1. NZ Coastal Policy Statement (NZCPS)**

From my reading of the NZCPS mapping is required for outstanding and high natural character (OCNC, HCNC) and outstanding natural features (OCNF) and landscapes (OCNL), but I would suggest that the rules and the extent of the mapping was overzealous, especially considering the uniqueness of the West Coast. Nowhere can I find in the NZCPS that there must be rules for areas in the coastal environment, but outside the areas identified as OCNC, HCNC, OCNF and OCNL.

In my reading the regional policy statement for the coastal environment RPS-CE it is similar to the NZCPS, but clearly explains that the rules and the mapping should be appropriate for the West Coast environment. On page 42 of the RPS the example given to "protect indigenous biological diversity, landscapes and natural character values" is "bush clad cliffs and ravines and marine reserves". It did not say protect every patch of native vegetation over one twentieth of a hectare.

In conclusion there was far too much area identified as OCNC, HCNC, OCNF and OCNL and therefor way too much mapped. The rules are not practical and so therefor will be hard and expensive for the councils to enforce and they do not help existing land use, such as farming, and they do not encourage appropriate subdivision, use and development. An example of this is a landowner with a driveway of more than 250m long (this is common on the West Coast) may need to get a resource consent to clear the native vegetation from their driveway.

In short, remove the coastal environment from the TTPP until, as suggested for SNA's, central government finalised their legislation. If for legal reasons this cannot be done see my above suggestions for SNA's.

#### **3.2. Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL)**

It would appear in the RPS that ONF and ONL need to be mapped. However, the RPS gave examples of Franz Josef and Fox glaciers as being a ONL or ONF, this is a high bar.

The RPS clearly states "use regionally consistent criteria to identify ONL's and ONF's" and in methods it says, "develop a regionally consistent criteria". In my

mind this was either not done or whoever developed this regional criteria did not have the West Coast uniqueness in mind. It is obvious that the regional council did not intend to have every patch of bush or hill, become a ONF or an ONL. When considering the high bar, the regional council had in mind for ONL's and ONF's, I cannot think of any private land on the West Coast that would have such outstanding areas as the glaciers. This is why my appeal is to remove all private land from this section.

#### **4. No RPS or NPS**

The remainder of section 6 matters don't have either a NPS or a RPS. This leaves us just the RMA to refer to. The main matters left are notable trees (NT), archaeological sites and historical heritage.

The councils need to remember that shortly they are going to have to compensate private property owners if they have any of these things on their property. These things should not become a liability to the landowner. Also, section 5 of the RMA explains these things should not prevent people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

If the private landowners are happy to have any of these three things on their land, I have no problem with that, that is their right as private property owners. For all other private property owners these need to be removed.