

To The Registrar
Environment Court
Christchurch

We, Groundswell NZ appeal against part of a decision of the Te Tai o Poutini Plan committee on the following plan: Te Tai o Poutini Plan (TTPP).

We made a submission on that plan.

We are not a trade competitor for the purposes of section 308D of the Act.

We 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. All objectives, policies, rules, mapping and any other planning mechanisms that arise out of, or relate to, section 6 of the RMA

This includes but is not limited to:

- Coastal environment
- High Coastal natural character (HCNC)
- Outstanding Coastal natural character (OCNC)
- Outstanding natural landscapes (ONL)
- Outstanding natural features (ONF)
- Significant natural areas (SNA)
- Natural character and margins of waterbodies
- Significant areas and sights to Maori (SASM)
- Wetlands
- Historic Heritage
- Notable Trees
- Natural Hazards

2. The reasons for the appeal are as follows:

2.1. Section 5 of the RMA

The TTPP's decision relating to RMA Section 6 fails to meet Section 5 purpose of the RMA (as outlined in our submission). It also fails to meet the environmental outcomes sought across both district and regional plans and generally aspired to by people and communities.

Our principal concerns about section 6 were outlined in our original submission as follows:

- Turns natural, cultural, and historic values into a liability rather than an asset. We are aware of landowners throughout the country removing these values not because they don't value them but because they live in fear of having them on their property.
- Penalizes environmental endeavour with those property owners most proactive in protecting natural and/or cultural values penalized the most.
- Impacts property values with, in some cases, substantial loss of property values for those that have most, or all their property captured under a zone(s). Many property owners are facing multiple regulatory zones on their properties.
- Forces councils into conflict with their communities and their most conservation minded constituents.

The TTPP Section 6 policies and rules will continue the inherent problems within Section 6 that delivers the opposite positive environmental effects sought through the plan and the RMA.

The way the TTPP used the Section 6 zoning approach and rules to protecting natural and cultural values undermines those values, delivering worse outcomes for those values and failing to achieve the purpose of the RMA. The application of section 6 matters in the TTPP also conflicts with councils' other obligations to their communities in terms of well-being and representation.

In recognition of the failures of section 6, including the detrimental impact on property owners, the government are announcing significant changes as part of the RMA reform to be announced next week. The Government previously publicly indicated a significant narrowing of Section 6 criteria and a requirement for councils to undertake a compensation assessment for property owners affected by section 6 matters.

The extent of environmental legislative reform proposed by the government brings into question the merits and effectiveness of continuing with the TTPP appeal process and indeed the TTPP as currently drafted, particularly in areas where substantial legislative change is imminent. We anticipate this will be an important preliminary matter to be addressed at the outset of the appeal process.

2.2. Uniqueness

The West Coast is starkly unique compared to the rest of New Zealand. For plans and planning mechanisms to be effective, they need to consider the unique attributes of the West Coast region.

Following are some statistics to show some of the obvious differences between the West Coast and other regions:

- 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.

The TTPP has failed to adequately recognize the unique characteristics of the West Coast when developing the planning mechanisms related to RMA Section 6.

2.3. Section 32 Analysis

A key component of section 32 is a robust analysis that determines the plan, or any chosen planning mechanism is the most effective and efficient, and most appropriate. And, in the words of the original Section 32 guidelines, will work. Over time the application of Section 32 across councils has varied in both robustness and quality. The TTPP Section 32 analysis is inadequate in relation to RMA Section 6 matters and fails to meet the thresholds needed to deliver successful planning outcomes and meet the RMA generally.

When the RMA was enacted, the Section 32 process placed a duty of care on councils to ensure that people were not unfairly or unnecessarily impacted by planning provisions. The original Section 32 guidelines stated that "If benefits and costs fall unevenly on individuals, then these should be assessed on an individual basis. For example, if a rule is proposed to protect Significant Natural Areas, then the cost to each individual landowner needs to be identified. To accurately reflect the economic cost to individuals, the impact on each property owner must be assessed" (page 28). Unfortunately, the duty of care responsibility is now missing from many planning processes (including the TTPP) and the people suffer as a result.

3. We seek the following relief:

- 1) Remove all policies, rules and consequential planning mechanisms that arise from Section 6 of the RMA and
- 2) implement an alternative approach to addressing natural and cultural values as outlined in our submission.
- 3) all other consequential amendments required to address the relief sought.

The following documents are relevant to this notice and can be supplied if required:

- a) our original submission 562,
- b) a copy of the relevant decision,
- c) any other documents necessary for an adequate understanding of the appeal,
- d) the names and addresses of the persons to be served with this notice include:
 1. Te Tai o Poutini Plan Committee. Email: info@tppp.nz
 2. Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu. Address: 15 Show Place, Addington Addington or Central City, Christchurch 8024. Email: rachael.pull@ngaitahu.iwi.nz (further submitter)
 3. Paul Elwood-Sutton. Email: pelwellsutton@fastmail.fm (further submitter)

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