

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**IN THE MATTER OF**

An appeal under Clause 14(1) of Schedule 1 of the  
Resource Management Act 1991 against the Te Tai o  
Poutini Plan

**BETWEEN**

**GREY DISTRICT COUNCIL**

**Appellant**

**AND**

**TE TAI O POUTINI PLAN COMMITTEE**

**Respondent**

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**NOTICE OF APPEAL**

Dated: 8 December 2025

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## **NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON THE PROPOSED TE TAI O POUTINI PLAN**

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

**To:** The Registrar, Environment Court, Christchurch.

Grey District Council (**GDC**) appeals against parts of the decision of the Te Tai o Poutini Plan Committee ("**Committee**") on the Proposed Te Tai o Poutini Plan (**TTPP**).

### **Introduction**

1. GDC made a submission on the TTPP 10 November 2022 (submission number 608) and further submissions (number FS1) on 17 July 2023.
2. GDC is not a trade competitor for the purposes of section 308D of the Act.
3. GDC received notice of the decision on 10 October 2025. The decision was made by the Committee.
4. GDC is a territorial authority and one of the member councils on the Committee.
5. By decision on application dated 18 November 2025, the Environment Court extended the date by which appeals of the TTPP were to be lodged to 8 December 2025.

### **Scope of appeal**

6. The parts of the decision (collectively referred to as Decision) that GDC is appealing against are the following decisions by the Committee which adopted the recommendations of the Independent Hearings Panel (**Panel**):
  - (a) Report 1: Introduction and General Provisions – the decision to amend references from "Building Coverage" to "Site Coverage" and to add a new definition of "Site Coverage" that included decks and paving, including concrete, asphalt, brick, stone and precast concrete slabs.
  - (b) Report 3: Coastal Environment – the decision to retain the maximum gross floor area of 200 m<sup>2</sup> for permitted buildings and structures in the Coastal Environment under CE-R4.
  - (c) Report 5: Ecosystems and Biodiversity – the decision to exclude Runanga as a town captured by the permitted activity of clearing indigenous vegetation where this occurs in urban areas outside of Significant Natural Areas under ECO-R4.

- (d) Report 7: General District Wide Matters Part 1- the decision to create a 15km buffer zone landward of the coastal marine area under Light-R5, and the decision to retain the maximum level of permitted land disturbance of 250 m<sup>2</sup> under EW-R4.
- (e) Report 11: Mineral Extraction - the decision to retain the maximum area of land disturbance in the General Rural Zone as 20,000m<sup>3</sup> under GRUZ-R11.
- (f) Report 14: Natural Hazards - the decision to change the activity status for natural hazard mitigation works by a Statutory Agency from permitted to restricted discretionary under NH-R4.
- (g) Report 15: Noise - the decision to extend the acoustic requirements for sensitive activities to altered buildings, rooms and spaces, and to extend the noise boundary from the edge of railway tracks from 60 m to 100 m both under Noise – R3.

#### **General reasons for appeal**

##### 7. The Decision:

- (a) Does not promote sustainable management of the natural and physical resources in the Grey District, and is therefore contrary to or inconsistent with Part 2 and other provisions of the Act;
- (b) Does not enable the social, economic, and cultural wellbeing and health and safety of the people in the Grey District;
- (c) Does not promote the efficient use and development of natural and physical resources;
- (d) Does not give effect to relevant planning instruments including the New Zealand Coastal Policy Statement (**NZCPS**), the National Planning Standards (**NPs**), National Policy Statement for Freshwater Management (**NPS-FM**), National Policy Statement for Highly Productive Land (**NPS-HPL**), National Policy Statement for Indigenous Biodiversity (**NPS-IB**), National Policy Statement on Urban Development (**NPS-UD**), West Coast Regional Policy Statement (**WCRPS**) and is inconsistent with other relevant planning instruments including the West Coast Regional Land and Water Plan (**WCRLWP**) and West Coast Regional Coastal Plan (**WCRCP**);
- (e) Does not avoid, remedy, or mitigate actual and potential adverse effects on the environment; and

- (f) Is not the most appropriate way to achieve the objectives of TTPP in terms of Section 32 of the Act.

### **Specific reasons for appeal**

8. In addition to, and without limiting the general reasons outlined above, GDC appeals the Decision for the specific reasons set out below.

#### *Control of impervious surfaces*

9. GDC supported the proposed rules of the TTPP as notified on 14 July 2022 (**Notified Version**) which included various references to “Building Coverage” including in General Residential Zone GRZ-R1, GRZ-R16 and GRZ-R17, Large Lot Residential zone LLRZ-R14, and Medium Residential Zone MRZ-R11.
10. The Notified Version also included references to “Site Coverage” (which was not defined), in rules relating to the Neighbourhood Centre Zone NCZ-R1, R7 (in the notified version as rule 5), R13 (in the notified version as rule 10), General Residential Zone GRZ-R1, GRZ-R16, GRZ-R17, General Industrial Zone GIZ-R1, Light Industrial Zone LIZ-R1, Large Lot Residential Zone LLRZ-R1, LLRZ-R14, Medium Density Residential Zone MRZ-R1, MRZ-R11, Rural Lifestyle Zone RLZ-R1, Settlement Zone SETZ-R2, Māori Purpose Activities MPZ-R1, and Port Zone PORTZ-R1. GDC also supported these rules.
11. GDC supported Te Rūnanga o Ngai Tahu, Ngāti Waewae, and Makaawhio (Submission number 620.006) in further submissions to amend references from “Site Coverage” to “Building Coverage” throughout the Plan.
12. The s42A author identified the adverse effects being managed in relation to site coverage related to the generation of stormwater and flooding effects, with the principal concern being the impact on stormwater infrastructure and the effect of large, paved areas causing flooding on adjacent properties.
13. The Panel accepted recommendations of the s42A author to amend references from “Building Coverage” to “Site Coverage” throughout the Plan. This affected rules for the General Residential Zone GRZ-R1, GRZ-R16 and GRZ-R17, Large Lot Residential Zone LLRZ-R14, and Medium Residential Zone MRZ-R11 which GDC had supported as notified.
14. The Panel additionally accepted the s42A author’s recommendation to add a new definition of “Site Coverage” as follows: “*means the proportion of a site that is covered by buildings, decks and paving, including concrete, asphalt, brick, stone and pre-cast concrete slabs*”. This affected all rule references to Site Coverage as noted above.

15. The reasons for the appeal are as follows:
- (a) The replacement of “Building Coverage” by “Site Coverage” along with the inclusion of “*decks and paving including concrete asphalt brick, stone and precast concrete slabs*” (i.e. impervious surfaces) within the new definition of “Site Coverage” changed the functionality of the associated zoning rules, most notably in the residential and settlement zones and significantly reduced the development capacity of the Grey District due to:
    - i. The low percentages of site coverage that can be developed as permitted, controlled and restricted discretionary activities in residential areas. These percentages do not reflect the existing character of development in the Grey District and will prevent effective infilling.
    - ii. The significant limitation on development of residential areas suitable for the West Coast’s wet climate. For the residential and settlement zones, the percentages of impervious surfaces allowed are insufficient to enable basic activities associated with residential areas in the West Coast climate. The definition reduces for these areas the ability to develop residential units typical for the West Coast and limits associated driveways, paths, living spaces such as decks and patios which are required to enjoy outdoor residential spaces.
  - (b) The limited scope for residential activities as permitted, controlled and restricted discretionary activities due to the reasons in (a) will increase the need for resource consent applications in the Grey District. The increased consenting costs for applicants and Council is disproportionate to the control of the effects intended to be addressed by this definition.
  - (c) There is double handling of effects between other controls in the TTPP and WCRLWP. The subdivision and natural hazards chapters of the TTPP and the rules enabling diversion of stormwater such as Rule 51 in the WCRLWP adequately enable control over stormwater effects and flooding. The inclusion of impervious surfaces through the “Site Coverage” definition is unnecessary and not the most appropriate way to achieve the purpose of the Act.
  - (d) Sufficient stormwater and drainage detail to comply with the Building Code (Clause E1 – surface water) is also a requirement for building consent and code compliance in construction work, which provides an additional existing means of managing stormwater effects and flooding.

16. GDC seeks the TTPP is amended to:

- (a) Remove the definition of “Site Coverage” and replace all references to “Site Coverage” throughout the TTPP to “Building Coverage as set out in **Attachment A**.
- (b) Alternatively, to increase the percentages of “Site Coverage” in all residential and settlement zones to 70%, as set out in **Attachment A**.
- (c) Such alternative or consequential relief that addresses GDC’s concerns.

*Artificial outdoor lighting*

- 17. GDC submitted in favour of retaining the Notified Version of the Light Chapter including specific references to LIGHT – R1 and Light - R5.<sup>1</sup>, noting GDC’s covering email with its original submission stated, “*Where provisions are not identified, there is general support for those provisions*”.
- 18. On the recommendation of the s42A author the Panel made significant amendments to address effects on Westland Petrel/Tāiko fledglings between November and January. This included significant restrictions on the permitted levels of light produced by artificial outdoor lighting within “*a distance of 15km of landward of the coastal marine area*” under a new rule LIGHT – R5.
- 19. The reasons for the appeal are as follows:
  - (a) The 15km buffer zone as described does not uphold the objectives and policies of the Light Chapter that enable artificial lighting to support activities and health and safety and is more restrictive than necessary to uphold the objectives and policies that are protective of indigenous biodiversity. It is not the most appropriate way to achieve the objectives of the TTPP.
  - (b) The 15km buffer zone as described goes beyond the recommendations of the expert evidence presented to the Panel. The Wildlands report recommended creating a 15km buffer zone on either side of the Westland Petrel/Tāiko flight path from the breeding colony to the ocean where the lighting should be no greater than 3,000k, especially between November to late January. However, the Panel created a rule that required a 15km buffer along the entire coastal marine area rather than along the flight path from an identified breeding colony to the ocean and did not limit the rule duration to match the fledging season, which is disproportionate to manage effects on the Westland Petrel/Tāiko.
  - (c) 15km from the coastal marine area captures a significant amount of the developed and developable areas in the region that is not within a flight path of

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<sup>1</sup> Submission points 608.669 to 608.672.

the Westland Petrel/Tāiko. The restrictions on light levels in Light-R5 will disproportionately increase the compliance costs for building and construction in the buffer zone.

- (d) At an operational level, the light restrictions are unworkable for providing street lighting within the Grey District. The restrictions on outdoor lighting set the lux at a level that is not sufficient for providing safe and effective street lighting.
- (e) The Outstanding Coastal Natural Character Overlay, Outstanding Natural Landscapes Overlay, and Outstanding Natural Features Overlay cover the Westland Petrel/Tāiko fledging areas. These overlays effectively manage the adverse effects on the Westland Petrel/Tāiko without requiring such an extensive buffer zone along the coastal marine area.

20. GDC seeks the following relief:

- (a) Light-R5 is amended to remove the phrase “A distance of 15 kilometres landward of the coastal marine area” as set out in **Attachment A**.
- (b) Alternatively, the 15km buffer area is amended to apply around the Westland Petrel/Tāiko breeding colony identified as PUN-124 (and any other breeding sites) on the schedule of Significant Natural Areas for the months of November to January during fledging, as set out in **Attachment A**.
- (c) Such alternative or consequential relief that addresses GDC’s concerns.

#### *Natural Hazard Mitigation structures*

21. GDC supported the inclusion of works relating to repair, maintenance and upgrades of existing natural hazard mitigation structures in the TTPP as a permitted activity under rules NH-R2 and NHR3 (as notified) with proposed modifications to remove “operation” from the title of NH-R2 and to re-word provisions in relation to the extent of changes captured by the permitted activity (Submission 606.571 and 608.572). GDC also supported NH-R4 in part which provided for new natural hazard mitigation structures as a permitted activity, but sought that the natural hazard mitigation structure rules were simplified to reduce confusion and undue convolution (Submission 608.573). GDC also sought that works for new natural hazard structures and any repairs, maintenance, operation, or upgrade of an existing natural hazard mitigation structure should not be subject to the overlay chapters.

22. In response to submissions by the Department of Conservation the Panel changed NH-R4 to apply to “*repairs, maintenance and operation of any minor upgrades to existing natural hazard mitigation structures not meeting permitted activity standards*”

as well as new natural hazard mitigation structures. The Panel also changed the activity status from permitted to restricted discretionary and included a requirement that the structure is constructed by a Statutory Agency or nominated contractor.

23. The reasons for the appeal are as follows:

- (a) The TTPP contains objectives that recognise the importance of managing natural hazards (NH-01 to NH-05) and a policy to enable a Statutory Agency to carry out such natural hazard mitigation works to decrease risk to people's lives and wellbeing, buildings and regionally significant infrastructure (NH-P3(d)).
- (b) Works in relation to natural hazard mitigation structures when carried out by a Statutory Agency should be a permitted activity in all circumstances, including the construction of new structures, and repair, maintenance, operation and upgrades to existing structures to enable rapid responses to natural hazards as part of effective natural hazards management. Statutory agencies are cognisant of the wider planning issues and are capable of taking into consideration the effects of such works on the environment, the costs and benefits to the community and effectiveness of the works and practicality of alternative means, including the requirements of Policy 27 of the NZCPS. This is appropriately recognised by natural hazard mitigation works by a Statutory Agency having permitted activity status, as was notified.
- (c) Restricted discretionary status is not the most appropriate way to achieve the purpose of the Act and the objectives of the TTPP, and does not adequately uphold the policy (NH-P3(d)) to decrease risk to people's lives and wellbeing, buildings and regionally significant infrastructure.
- (d) The Panel supported an enabling approach through NH-P3(d), however, this policy approach needs to be supported by permitted activities that enable the necessary natural hazard mitigation work to be carried out by a Statutory Agency rapidly and without resource consent.
- (e) The Panel's interpretation and weight given to the WCRPS is inconsistent. It considered the natural hazards objectives and policies were inconsistent with the WCRPS, but in the context of the rules excluded the permitted activity for upgrades to existing natural hazard mitigation structures as being inconsistent with the WCRPS' requirements to assess the potential effects. The inconsistent application of the WCRPS creates a lack of clarity and inconsistency between the objectives and policies that take an enabling approach and the rules which take on an unduly restrictive approach.

24. GDC seeks the following relief:
- (a) Amend the activity status under NH-R4 from restricted discretionary to permitted activity status, as set out in **Attachment A**.
  - (b) In the alternative, amend the activity status under NH-R4 from restricted discretionary to permitted, where the Statutory Agency is a district council or a regional council, as set out in **Attachment A**.
  - (c) Include exemptions in all zoning rules to align with the above.
  - (d) Such alternative or consequential relief that addresses GDC's concerns.

*Gross Ground Floor Area for Buildings and Structures in the Coastal Environment*

25. GDC submitted in partial support of the notified version of CE -R4. It sought to clarify the definition of "Statutory Agency" for the purpose of this rule (Submission 608.655). In further submissions, GDC supported Buller District Council (submission 538.291) in increasing the limit for the gross floor area (**GFA**) to 300m<sup>2</sup> for permitted buildings and structures in the Coastal Environment.
26. The s42A author did not support an increase in the GFA (or maximum height limits) noting the rule was intended to give effect to Policies 13 and 15 of the NZCPS and Chapter 9 Policy 1 of the WCRPS which required significant effects on natural character, natural features and natural landscapes to be avoided. She noted 200m<sup>2</sup> was larger than the average residential dwelling.
27. The Panel adopted the s 42A report author's reasoning that the GFA restriction was appropriate for a permitted activity given the direction of the NZCPS and WCRPS.
28. The reasons for the appeal are as follows:
- (a) A GFA of 200m<sup>2</sup> is insufficient for development in the Grey District and does not uphold the objective of enabling its people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through appropriate subdivision, use and development (CE-O2). The restriction on new buildings unduly limits the potential for developing new neighbourhoods or urban areas along the main arterial routes and future growth corridors.
  - (b) The average residential building size for New Zealand is not representative of the residential building size in the Grey District and is not an appropriate comparison for setting a maximum GFA. The coastal environment covers an extensive part of the developed and modified coastal towns and settlements

that feature on the West Coast. For the Grey District, this includes Greymouth to Paroa as well as Rapahoe and the Barrytown flats.

- (c) The Grey District's developable land is primarily along the coastlines. Larger developments should be enabled to ensure development of the urban environment in the Rutherglen and Paroa development areas.
- (d) A GFA of 200m<sup>2</sup> is not practical or large enough for the larger lot sizes in the rural lifestyle, rural-residential precinct and general rural zones which are predominately in the coastal environment overlay.
- (e) The subdivision chapter provides an effective control for addressing the natural character requirements in the NZCPS and WCRPS. CE-R4 would operate to unduly restrict land use on sites that are already located within modified areas.
- (f) An increase of 100m<sup>2</sup> in permitted GFA within the coastal environment will not create significant effects (or any such effects to justify the restriction) on the natural character, biodiversity and landscape values in the development areas that are already modified lowland environments. The development would be consistent with the current development patterns.
- (g) The height restrictions in CE-R4 are sufficient for addressing the visual and amenity effects contemplated by the s 42A author.

29. GDC seeks the following relief:

- (a) The CE-R4 GFA limit is increased to 300m<sup>2</sup> as set out in **Attachment A**.
- (b) Such alternative or consequential relief that addresses GDC's concerns.

#### *Noise Insulation*

- 30. GDC originally submitted in support of the notified version of the Noise Chapter.
- 31. The Notified Version of NOISE – R3 applied to acoustic insulation requirements for “New Buildings for Use by a Sensitive Activity”. GDC supported the Notified Version of NOISE – R3 (while GDC's submission spreadsheet did not specifically reference NOISE R3, the covering email with its original submission stated “*Where provisions are not identified, there is general support for those provisions*”).<sup>2</sup>
- 32. In further submissions, GDC supported submissions from:

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<sup>2</sup> Submission points 608.673 to 608.677.

- (a) Gina Hogarth to amend the noise rules with consideration of the lower traffic volumes in Buller and to provide a set of permitted mitigations (such as bunding) to negate the need for a suitably qualified acoustic engineer to verify that the building meets the permitted criteria. GDC submitted that that traffic volumes throughout the entire region are low by a national comparison particular in the rural areas and the noise insulation requirements are arduous (submission 304.002).
- (b) Buller District Council to remove acoustic insulation requirements and delete the rule on the basis that the volume of use (by traffic, rail and air) was not significant enough to warrant the overly restrictive provisions. GDC submitted the rule was overly onerous for the roading environment (submission 538.333).
- (c) Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio that an acoustic expert is engaged to assess the generated noise vehicle speeds and times it is generated on the state highway and railway networks and based on that assessment re-assess if the rules are protecting human health at their current setbacks. GDC submitted that traffic volumes throughout the region are low by national comparison, particularly in rural areas and the noise insulation requirements were arduous (submission 620.211);
- (d) Jacobus Wiskerke to delete the proposed rules to limit the exposure of residential housing occupants to transport noise. GDC submitted the rule was overly onerous for the low traffic numbers of the state highways in the region. (Submission 95.004); and
- (e) Building – Coast Wide to remove acoustic insulation requirements and delete the rule. GCD submitted the volume of use (traffic, rail & air) was not of a significant enough volume to warrant these overly restrictive provisions (submission 223.001).

33. Following submissions, the s42A author:

- (a) recommended extending the acoustic insulation requirements for use by a sensitive activity under NOISE – R3 to altered buildings;
- (b) recommended increasing the noise control boundary from 60m to 100m from the railway tracks;
- (c) recommended excluding the Hokitika railway line from NOISE – R3 due to its very low train movements, but that the Rapahoe line should be included as train movements were expected to increase.

34. The Panel accepted the above recommendations.
35. The reasons for the appeal are as follows:
- (a) Extending the acoustic insulation requirements of NOISE – R3 to “altered” buildings will make the rule unduly onerous and complex in its operation. The inclusion will excessively increase the costs for existing property owners seeking to alter their existing buildings that are out of proportion to the volume of use and noise effects. The rule is too broad and is likely to result in unintended consequences and increased costs for owners and GDC.
  - (b) Extending the acoustic insulation requirements of NOISE-R3 to “altered” buildings compromises the lawfully established uses of existing property owners under s10 of the Act and is not the most appropriate way to achieve the objectives of the Noise Chapter
  - (c) There is no clear definition of “altered” within the rule to clarify what extent of alteration to an existing building, room or space is required to trigger the acoustic requirements in NOISE – R3. An alteration may trigger the acoustic requirements even though the alteration work does not provide the opportunity for design and construction to meet the rule requirements. This makes the rule impracticable and unworkable.
  - (d) The inclusion of “altered” buildings within the scope of NOISE-R3 will affect many property owners who were not aware of, and therefore did not submit on the change, raising natural justice issues.
  - (e) The amendment of the noise boundary from 60m to 100m from the edge of railway tracks is disproportionate to the volume of rail traffic and noise effects and also raises natural justice concerns as it will capture many property owners who were not aware of and therefore did not submit on the change.
36. GDC seeks the following relief:
- (a) Amend NOISE-R3 to remove all references to “altered” buildings, rooms and spaces so that it only applies to new buildings and rooms as per the Notified Version, as set out in **Attachment A**.
  - (b) Amend NOISE -R3 (2) to reduce the noise control boundary from 100m to 60 m from the edge of the tracks as per the Notified Version, as set out in **Attachment A**.
  - (c) Such alternative or consequential relief that addresses GDC’s concerns.

#### *Earthworks Rule 4*

37. GDC submitted in its original submission that Condition 4 of EW-R4 should be amended to increase the maximum amount of land disturbance allowed in any 12 month period from 250m<sup>2</sup> to 350m<sup>2</sup> (submission point S608.85). It is common practice in the Grey District to scrape off an entire site prior to excavation and back filling of the building pad.
38. Buller District Council made a similar submission but sought an increase to 2,500m<sup>2</sup> (submission 438.317). GDC supported this submission in part but considers a lower limit such as 500m<sup>2</sup> is more appropriate. Overall, on this chapter GDC sought an enabling approach to the activities.
39. The s 42A report author considered the limit to be appropriate in light of the proposed minimum lot size and purpose of the Residential, Neighbourhood Centre and Settlement zones.<sup>3</sup> The Panel retained the condition of a maximum of 250m<sup>2</sup> per site of land to be disturbed in any 12-month period but increased the maximum amount of material to be transported off site from 200m<sup>3</sup> to 250m<sup>3</sup> for consistency.
40. The reasons for the appeal are as follows:
  - (a) The area of land disturbance permitted in EW-R4 in the TTPP is insufficient for efficient building construction in the Grey District and is not the most appropriate way to achieve the objective of providing for earthworks to facilitate subdivision, use and development while ensuring adverse effects on the environment are avoided, remedied or mitigated (EW-O1).
  - (b) Scraping an entire site is a common and necessary building practice in the Grey District to enable efficient development and does not produce more than minor adverse environmental effects.
  - (c) The area of permitted land disturbance does not align with enabling the permitted building platform sizes and siteworks for the zones. Where building is intended as a permitted activity the whole activity should be permitted.
41. GDC seeks the following relief:
  - (a) That the area of land disturbance permitted in EW-R4.4(i) is amended to 500m<sup>2</sup> as set out in **Attachment A**.

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<sup>3</sup> Briar Belgrave, *Te Tai o Poutini Plan Section 42A Officer's Report General District Wide Matters: Light, Earthworks and Temporary Activities* at [144].

- (b) In the alternative, if the above relief is not granted, the area of land disturbance permitted in EW-R4.4(i) is amended to 350m<sup>2</sup> as set out in **Attachment A**.
- (c) As a consequential relief to the above, that EW-R4(4)(ii) is similarly amended to refer to 500m<sup>3</sup> or 350m<sup>3</sup> as appropriate, as set out in **Attachment A**.
- (d) Such alternative or consequential relief that addresses GDC's concerns.

*Ecosystems and biodiversity and coastal environment overlay*

- 42. GDC submitted on the Ecosystem and Indigenous Biodiversity and the Coastal Environment Chapters in the TTPP.<sup>4</sup>
- 43. GDC's submissions included that ECO-R2 should be retained as proposed in the Notified Version. ECO-R2 provided for indigenous vegetation clearance in the coastal environment as a permitted activity in several scenarios including under condition 4 where *"The indigenous vegetation clearance did not occur in any area identified as a Significant Natural Area in Schedule Four"*.
- 44. GDC sought the Panel to clarify the scope of the rules in this chapter. The changes sought to these rules were to focus the scope on within the defined and scheduled areas with consequential changes to ensure the usability of the affected areas. GDC also sought that the Coastal Environment Chapter was amended to be consistent with the overlay description and to remove urban areas of the Grey District from the Coastal Environment overlay.<sup>5</sup> The Panel considered the Coastal Environment chapter biodiversity components and the Ecosystems and Biodiversity chapter together where they related to biodiversity.
- 45. In further submissions, GDC supported in part the submissions of Rebecca Inwood (submission 422.001) that permitted activity provisions remain in Buller following identification of Buller's SNAs. GDC strongly agreed that that post assessment and mapping, that if an area was not deemed an SNA then there should be the ability to clear vegetation as of right and that this should apply to the Grey and Westland districts also.
- 46. GDC also partially supported the submission of Russell and Joanne Smith (submission 477.004) that as an alternative to deleting ECO-R2, the rule should increase vegetation clearance area in the coastal environment to more accurately reflect the vegetation clearance required in a typical build.

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<sup>4</sup> Submission points 608.039 to 608.058; 609.493 to 608.494; 608.628 to 608.630; 608.665 to 608.666.

<sup>5</sup> Submission point 608.079

47. GDC supported in part Westpower Limited's submission (547.0503) in further submissions that sought permitted rules for activities inside and outside of Schedule 4 and adding an exception to the rule title to note urban areas are not included Coastal Environment for the purpose of the rule. GDC submitted that the SNA sites include sites within the coastal environment and outside of those sites there should be no restrictions.
48. GDC's submissions recorded its work in mapping the SNAs in its district (and which are set out in Schedule 4 to the TTPP).
49. GDC opposed the various submissions of the Department of Conservation on the Ecosystems and Indigenous Biodiversity chapter which contemplated the creation of national planning instruments and changing the significance criteria from those in the Regional Policy Statement.
50. On the recommendations of the s42A author, the Panel re-wrote the Ecosystems and Indigenous Biodiversity chapter in many respects. This included deleting the Notified Version of ECO-R1 and ECO-R2 and replacing them with 7 new rules.
51. One of the new rules ECO-R4 provided for clearance of indigenous vegetation in urban areas outside of SNAs not provided for in new rules ECO – R1 or ECO-R2 as a permitted activity where *"it is undertaken on a RESZ-Residential Zone, COMZ-Commercial and Mixed Use Zone, PORTZ-Port Zone, or IND – Industrial Zone property within the towns of Reefton, Greymouth, Hokitika or Westport.*
52. The reasoning of the s42A Report author (accepted by the Panel) for excluding urban areas from restrictions on indigenous vegetation clearance was that the most significant habitats for fauna and areas of indigenous vegetation would be located in public open spaces, so the restrictions should not apply urban zoned properties (i.e. Residential, Commercial and Industrial Zones). She noted that the towns of Hokitika, Greymouth and Westport were all located in the coastal environment.
53. The Panel did not give reasons why it excluded Runanga from the identified urban areas in new Rule ECO-R4. However, it included the lesser urban area of Reefton.
54. The reasons for the appeal are as follows:
  - (a) Runanga is an urban area with a greater population to Reefton and should be treated consistently and included with Reefton, Greymouth, Hokitika and Westport for the purpose of ECO-R4.
  - (b) The extent of changes made in the decision version of the TTPP did not allow for this issue to receive sufficient attention in the hearing.

- (c) Recognising a consistent approach for urban areas will not generate adverse effects.
- (d) Including Runanga is consistent with the evidence available at the hearing.
- (e) Excluding Runanga is not the most appropriate way of achieving the objectives of the TTPP Ecosystem and Indigenous Biodiversity Chapter that are protective of indigenous vegetation (ECO – 02 to 05).

55. GDC seeks the following relief:

- (a) Amend ECO-R4 to include Runanga as a town captured by the permitted activity, as set out in **Attachment A**.
- (b) Such alternative or consequential relief that addresses GDC's concerns.

*General Rural Zone Mineral Extraction*

56. GDC submitted that the level of permitted disturbance in the General Rural Zone Rule 11 of 20,000m<sup>3</sup> (notified as rule 12) is unlikely to be functional for the majority of common uses. GDC sought that the limit was increased to 100,000m<sup>3</sup>.<sup>6</sup> Michael McEnaney for GDC gave evidence at the hearing regarding the General Rural Zones. He addressed that:

- (a) The proposed extraction levels are not sufficient to carry out ordinary and intended extraction activities for the zone such as farm quarrying or hobby mining.
- (b) An increase of the annual allowance of disturbed material to 100,000m<sup>3</sup> would better enable the majority of activities within the General Rural Zone which include to provide for primary production activities.<sup>7</sup>

57. The reasons for the appeal are as follows:

- (a) For the reasons set out above in Mr McEnaney's evidence to the Panel.
- (b) A more permissive approach would better enable communities to provide for their economic wellbeing while still controlling environmental effects.
- (c) The Panel incorrectly preferred consistency with Settlement Zones and Future Urban Zones in setting the allowance for mineral prospecting and exploration in the general rural zone. However, this assumes that these areas should be

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<sup>6</sup> Submission point 608.110

<sup>7</sup> Joint Witness Statement (Planning) dated 20 September 2024, at 3.10.

treated consistently which does not take account of the larger lot sizes in the general rural zones and the intent of the settlement and future urban zones to provide for and develop housing and residential activities. The general rural zone is intended for activities that are not suitable to urban environments including resource extraction such as quarrying and mining.

- (d) The rural zone is where larger scale activities are provided for and expected so should be treated differently to residential areas. The higher limit is appropriate to direct activities in this area.
- (e) The 20,000m<sup>3</sup> limit is an arbitrary limit that has no clear basis in the s 32 report.<sup>8</sup> An increased limit is justified to maintain the variety of activities typical within the West Coast general rural zone including farm quarrying as well as activities such as hobby mining from prospecting.
- (f) Enabling a higher volume will more appropriately enable the higher order objectives and policies for the mineral extraction and the general rural zone by upholding the direction in the objectives and policies to enable these activities and as well as to provide for the economic wellbeing of these areas.

58. GDC seek the following relief:

- (a) The volume of earthworks permitted is increased to 100,000m<sup>3</sup> in GRUZ-R11, as set out in **Attachment A**.
- (b) Such alternative or consequential relief that addresses GDC's concerns.

#### **Attachments**

59. Attached as **Attachment B** a list of names and addresses of persons to be served with a copy of this notice.

60. Attached with this notice are the following documents in a combined bundle:

- (a) A copy of GDC's submissions and further submissions.
- (b) A copy of the relevant reports of the Decision.
- (c) A copy of the Brief of Evidence of Michael McEnaney dated 10 May 2024.
- (d) A list of names and addresses of persons to be served with a copy of this notice.

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<sup>8</sup> Joint Witness Statement (Planning) dated 20 September 2024, at 9.7

61. The application will be served on the Committee and other parties in accordance with the ex parte orders of the Environment Court in *Te Tai o Poutini Plan Committee* [2025] NZEnvC 372.

Dated 8 December 2025



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Grey District Council by its solicitors and  
authorised persons to sign on its behalf  
G A Biggs and J C Sylvester

This notice of appeal is filed by G A Biggs and J C Sylvester, solicitors for the appellant of the firm Corcoran French, Lawyers. The address for service of the appellant is at 74 Armagh Street, Christchurch Central 8013, PO Box 13-001, Christchurch, Phone: (03) 379 4660. Documents for service on the appellant may be left at the address for service or may be:

- (a) Posted to the solicitor at PO Box 13001, Christchurch 8141; or
- (b) Emailed to [jonathon@cflaw.co.nz](mailto:jonathon@cflaw.co.nz) as long as they are contemporaneously emailed to [geraldine@cflaw.co.nz](mailto:geraldine@cflaw.co.nz).

## ATTACHMENT A

### Amendments Sought by Grey District Council

Base Text (black) Decisions Version

Amendments sought by GDC in red underline / ~~strikethrough~~

#### **Introduction and General Provisions Chapter - Site Coverage**

#### **Relief sought at paragraph 16(a) of the Notice of Appeal**

In the followings rules delete “~~Site Coverage~~” and replace with “Building Coverage”.

- (a) General Residential Zone GRZ-R1, GRZ-R16 and GRZ-R17
- (b) Large Lot Residential Zone LLRZ- R1 and R14
- (c) Medium Residential Zone MRZ-R1 and R11
- (d) Neighbourhood Centre Zone NCZ-R1, R7 R13
- (e) General Industrial Zone GIZ-R1
- (f) Light Industrial Zone LIZ-R1
- (g) Rural Lifestyle Zone RLZ-R1
- (h) Settlement Zone SETZ-R2
- (i) Māori Purpose Activities MPZ-R1

(j) Port Zone PORTZ-R1.

**Alternative relief sought at paragraph 16(b) of the Notice of Appeal:**

In the following rules increase the allowed maximum "Site Coverage" in all residential and settlement zones to 70% i.e.

(a) General Residential Zone GRZ-R1, GRZ-R16 and GRZ-R17

(b) Large Lot Residential Zone LLRZ- R1 and R14

(c) Medium Residential Zone MRZ-R1 and R11.

(d) Settlement Zone SETZ-R2

## Permitted Activities

### GRZ - R1

### Residential Activities and Residential Units and Accessory Buildings

#### Activity Status Permitted

Where:

1. Residential unit density is no more than:
  - i. One unit per 350m<sup>2</sup> net site area but within the Buller District there is a maximum of two residential dwellings per allotment; or
  - ii. One unit per 300m<sup>2</sup> net site area where two or more adjoining sites are developed except within the Buller District this standard does not apply;
2. There is no more than one minor residential unit per site with a maximum size of 65m<sup>2</sup>;
3. Maximum building height above ground level is:
  - i. 10m; except that
  - ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine
4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance;
5. Maximum site coverage is ~~40%~~ 70%;
6. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit and 12m<sup>2</sup> per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas and the outdoor living space must have a minimum dimension of 3m;
7. No more than one heavy vehicle is stored on site;
8. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks and stormwater from the site and are managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road;
9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary. This standard does not apply to boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;
10. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:
  - i. Duplexes do not require a setback from the side boundary of the other duplex unit; and
  - ii. A setback of 150m is required from the site boundary of any designated wastewater treatment plant.
11. In the Moana North Development area:
  - i. Development (including vehicle access) will be in accordance with the Outline Plan set out in the Development Plans section of the Plan;
  - ii. No residential or ancillary buildings are to occur within the "No - Build" areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan; and
  - iii. Landscaping comprising indigenous vegetation is provided within the 10m landscape treatment buffer along the Arnold Valley Road boundary (except for vehicle accesses onto Arnold Valley Road).

#### Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
  - i. The Road Noise Overlay; or
  - ii. 100m of a Railway Line; or
  - iii. Between the 55dBL<sub>AFMAX</sub> and 60dBL<sub>AFMAX</sub> contours of the Westport Rifle Range Noise Overlay; or
  - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
  - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.

#### Activity status where compliance not achieved:

Discretionary where standards 1 to 8 and 11 are not complied with.

Restricted Discretionary where standards 9 and 10 are not complied with.







## Permitted Activities

### LLRZ - R1

### Residential Activities and Residential Units and Accessory Buildings

#### Activity Status Permitted

Where:

1. There is no more than one unit per 1000m<sup>2</sup> net site area;
2. The maximum height of a building above ground level is 10m;
3. There is no more than one minor residential unit per 1000m<sup>2</sup> net site area with a maximum size of 65m<sup>2</sup>;
4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm;
5. Maximum site coverage is ~~40%~~ 70% or 500m<sup>2</sup> whichever is the lesser;
6. Stormwater is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road;
7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;
8. No more than two heavy vehicles are stored on site;
9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing;
10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary. This standard does not apply to boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone.

#### Advice Note:

1. Where a residential building or noise sensitive activity is located within:
  - i. The Road Noise Overlay; or
  - ii. 100m of a Railway Line; or
  - iii. Between the 55dBL<sub>AFMAX</sub> and 60dBL<sub>AFMAX</sub> contours of the Westport Rifle Range Noise Overlay; or
  - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
  - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, Haast Airfield or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

#### Activity status where compliance not achieved:

Discretionary

### LLRZ - R14

### Papakainga Developments not meeting Permitted Activity Standards

#### Activity Status Restricted Discretionary

Where:

1. The minimum residential unit density is 200m<sup>2</sup> net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m;
4. All performance standards for Rules NOISE R1-R2 and R5 and LIGHT - R3 are complied with; and
5. Maximum site coverage is ~~50%~~ 70%

#### Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. Measures to mitigate landscape effects;
- d. Water supply, wastewater and stormwater requirements;
- e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; and
- f. Acoustic and noise insulation requirements.

#### Activity status where compliance not achieved:Discretionary

MRZ - R11	Development of Medium Density Developments	
<p><b>Activity Status Controlled</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;</li> <li>2. The maximum height is 12.5m;</li> <li>3. Residential unit density is no more than 1 unit per 200m<sup>2</sup> net site area;</li> <li>4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and</li> <li>5. Maximum site coverage is <del>50%</del> 70%</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. Provision of infrastructure to service the development;</li> <li>b. Design and location of parking and access;</li> <li>c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and</li> <li>d. Measures to mitigate landscape effects.</li> </ol>		<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>

## Permitted Activities

### MRZ - R1

### Residential Activities and Residential Units and Accessory Buildings

#### Activity Status Permitted

Where:

1. Residential unit density is no more than one unit per 300m<sup>2</sup> net site area;
2. The maximum building height above ground level is 10m;
3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm;
4. Maximum site coverage is ~~40%~~; 70%;
5. A minimum of 30m<sup>2</sup> of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas and the outdoor living space must have a minimum dimension of 3m;
6. No heavy vehicles are stored on site;
7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks and stormwater from the site are managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road;
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary. This standard does not apply to boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;
9. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:
  - a. Duplexes do not require a setback from the side boundary of the other duplex unit;

#### Advice Note:

1. Where a residential building or noise sensitive activity is located within:
  - i. The Road Noise Overlay; or
  - ii. 100m of a Railway Line; or
  - iii. Between the 55dB<sub>LAFMAX</sub> and 60dB<sub>LAFMAX</sub> contours of the Westport Rifle Range Noise Overlay; or
  - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
  - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, Haast Airfield or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.

#### Activity status where compliance not achieved:

Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with.

Otherwise: Discretionary

**Activity Status Permitted**

Where:

1. The maximum [height](#) above [ground level](#) for buildings is:
  - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
  - ii. No [building](#), [structure](#) or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in [Appendix Nine](#);
  - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
  - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct in the Grey and Westland Districts and 10m in the Buller District;
2. The maximum [site coverage](#) is:
  - i. ~~40%~~ **70%** except
  - ii. Maximum [site coverage](#) is 60% in the SETZ - PREC2 - Settlement Centre Precinct
3. The maximum gross ground floor area of any one [building](#)
  - i. Is 350m<sup>2</sup>; except
  - ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m<sup>2</sup> total for all buildings on the [site](#).
4. Buildings are setback from boundaries as follows:
  - i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, 1.5m from the rail designation, and 1m from internal boundaries; except
  - ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;
  - iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an [adjacent](#) footpath; and
  - iv. No [building](#) housing sensitive activities shall be located within 150m of a designated community [wastewater treatment facility site](#) boundary or a designated [landfill site](#) boundary.
5. In the Kumara Junction Developments area and Moana North Development area:
  - i. A minimum 5m wide buffer strip of [indigenous vegetation](#) is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;
  - ii. A maximum of 2000m<sup>2</sup> [indigenous vegetation](#) in total is allowed to be cleared from each [site](#); and
  - iii. Development will be in accordance with the Outline Plan set out in the [Development Areas](#) section of the Plan;
  - iv. In the Moana North Development area:
    - a. Where indigenous tree species with a diameter of greater than 20cm at breast [height](#) are removed, these are replaced in accordance with a Landscape Plan to be developed for the area;
    - b. No residential or ancillary buildings are to occur within the "No Build" areas identified in the Moana North Development Area Outline Plan in the [Development Areas](#) section of the Plan;
6. No [building](#) shall project beyond a [building](#) envelope defined by a recession plane as defined in [Appendix Two](#) to commence 2.5m above any [site](#) boundary. This standard does not apply to boundaries [adjoining](#) any [site](#) in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
7. [Vehicle crossing](#) standards in Rule TRN - R1 are met; and
8. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008).

**Advice Notes:**

1. In relation to [indigenous vegetation clearance](#) in Kumara Junction developments and Standard 5. it should be noted that [indigenous vegetation clearance](#) provisions in the Ecosystems and Biodiversity Chapter also apply;
2. Where a [residential building](#) or [noise sensitive activity](#) is located within:
  - i. The Road [Noise](#) Overlay; or
  - ii. 100m of a Railway Line; or
  - iii. Between the 55dBL<sub>AFMAX</sub> and 60dBL<sub>AFMAX</sub> contours of the Westport Rifle Range [Noise](#) Overlay; or
  - iv. The 50 dBA [Noise](#) Contour boundary of Franz Josef Heliport; or
  - v. The 55 dBA [Noise](#) Contour boundary of the Westport or Hokitika Airports, Haast Airfield or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in [Rule NOISE - R3](#) will apply.

3. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.
4. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

**Activity status where compliance not achieved:**

Discretionary where standards 1-4 are not complied with.

Restricted Discretionary where standards 5-8 are not complied with.

## Part 2 – District Wide Matters/LIGHT

### Relief sought at paragraph 20(a) of the Notice of Appeal

<p><b>LIGHT - R5</b></p>	<p><b>Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 3 - Coastal Settlement Precinct and in locations within:</b></p> <ul style="list-style-type: none"> <li>• Outstanding Coastal Natural Character Overlay (Schedule Eight);</li> <li>• Outstanding Natural Landscapes Overlay (Schedule Five);</li> <li>• Outstanding Natural Features Overlay (Schedule Six); or</li> <li>• <del>A distance of 15 kilometres landward of the coastal marine area.</del></li> </ul>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Artificial outdoor lighting must not exceed the following vertical light levels:             <ol style="list-style-type: none"> <li>i. 7.00am - 10.00pm: 2 Lux; and</li> <li>ii. 10.00pm - 7.00am: 1 Lux; where</li> <li>iii. This measured at the boundary of the <a href="#">site</a>.</li> </ol> </li> <li>2. Artificial outdoor light must:             <ol style="list-style-type: none"> <li>i. Be fully shielded and mounted in a horizontal position; and</li> <li>ii. Have colour corrected temperature of no greater than 3000K (warm white).</li> </ol> </li> <li>3. Where the artificial outdoor lighting is located with the SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct of Ōkarito it must be installed in a manner that precludes operation of lights greater than 500 lumens for durations greater than five minutes between 10pm and 7am the following day.</li> <li>4. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must be installed in a manner that precludes operation between 10pm and 7am the following day.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> <a href="#">Restricted Discretionary</a></p>

### Alternative relief sought at paragraph 20(b) of the Notice of Appeal

<p><b>LIGHT - R5</b></p>	<p><b>Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 3 - Coastal Settlement Precinct and in locations within:</b></p> <ul style="list-style-type: none"> <li>• Outstanding Coastal Natural Character Overlay (Schedule Eight);</li> <li>• Outstanding Natural Landscapes Overlay (Schedule Five);</li> <li>• Outstanding Natural Features Overlay (Schedule Six); or</li> <li>• <del>A distance of 15 kilometres landward of the coastal marine area.</del></li> <li>• <u>A distance of 15 kilometres around the Westland Petrel/Tāiko breeding colony identified as PUN-124 (and any other breeding sites) on the</u></li> </ul>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Artificial outdoor lighting must not exceed the following vertical light levels:             <ol style="list-style-type: none"> <li>i. 7.00am - 10.00pm: 2 Lux; and</li> <li>ii. 10.00pm - 7.00am: 1 Lux; where</li> <li>iii. This measured at the boundary of the <a href="#">site</a>.</li> </ol> </li> <li>2. Artificial outdoor light must:             <ol style="list-style-type: none"> <li>i. Be fully shielded and mounted in a horizontal position; and</li> <li>ii. Have colour corrected temperature of no greater than 3000K (warm white).</li> </ol> </li> <li>3. Where the artificial outdoor lighting is located with the SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct of Ōkarito it must be installed in a manner that precludes operation of lights greater than 500 lumens for durations greater than five minutes between 10pm and 7am the following day.</li> <li>4. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must be installed in a manner that precludes operation between 10pm and 7am the following day.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> <a href="#">Restricted Discretionary</a></p>

## District-Wide Matters/HAZ – Hazards and Risks/NH – Natural Hazards

### Relief sought at paragraph 24(a) of the Notice of Appeal

<del>Restricted Discretionary Activities</del>	<u>Permitted Activities</u>	
<del>NH - R4</del>	<u>New Natural Hazard Mitigation Structure and Repairs, Maintenance and Operation of any Minor Upgrades to, or Demolition of, Existing Natural Hazard Mitigation Structures not meeting Permitted Activity Standards</u>	
<del>Activity Status Restricted Discretionary</del>	<u>Permitted</u>	<del>Activity status where compliance not achieved: Discretionary</del>
<p>Where:</p> <ol style="list-style-type: none"> <li>1. The <u>structure</u> is constructed by a <u>Statutory Agency</u> or their nominated authorised contractor acting on its behalf;</li> <li>2. There is no reduction in public access;</li> <li>3. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the <u>natural hazard mitigation structure</u> does not increase the natural hazard risk to other properties or any other <u>lawfully established natural hazard mitigation structure</u>, and this assessment is provided to the relevant District Council 10 working days prior to works commencing.</li> </ol> <p><del>Discretion is Restricted to:</del></p> <ol style="list-style-type: none"> <li><del>a. the effects on people and property;</del></li> <li><del>b. The effects on the natural character of the coastal environment;</del></li> <li><del>c. The effects on Poutini Ngāi Tahu values, and archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;</del></li> <li><del>d. The effects on public access;</del></li> <li><del>e. Volume and area of earthworks;</del></li> <li><del>f. Effects on ecosystems and indigenous biodiversity;</del></li> <li><del>g. Measures to mitigate landscape effects; and</del></li> <li><del>h. The functional need or operational need of the activity.</del></li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.</li> <li>2. <u>Natural Hazard Mitigation Structures</u> constructed in the <u>Coastal Environment</u>, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 8 will be subject to the provisions in the relevant Overlay Chapters.</li> <li>3. if the Overlay Chapters don't provide for this <u>activity</u> then NH-R3 prevails</li> </ol>		

## Alternative relief sought at paragraph 24(b) of the Notice of Appeal

<del>Restricted Discretionary Activities</del>	Permitted Activities
NH - R4	New Natural Hazard Mitigation Structure and Repairs, Maintenance and Operation of any Minor Upgrades to, or Demolition of, Existing Natural Hazard Mitigation Structures not meeting Permitted Activity Standards
<del>Activity Status Restricted Discretionary</del>	Permitted
Where:	<del>Activity status where compliance not achieved:</del> Discretionary
<ol style="list-style-type: none"> <li>1. The structure is constructed by a Statutory Agency that is a district council or a regional council or their nominated authorised contractor acting on its behalf;</li> <li>2. There is no reduction in public access;</li> <li>3. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing.</li> </ol>	
<del>Discretion is Restricted to:</del>	
<ul style="list-style-type: none"> <li><del>a. the effects on people and property;</del></li> <li><del>b. The effects on the natural character of the coastal environment;</del></li> <li><del>c. The effects on Poutini Ngāi Tahu values, and archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;</del></li> <li><del>d. The effects on public access;</del></li> <li><del>e. Volume and area of earthworks;</del></li> <li><del>f. Effects on ecosystems and indigenous biodiversity;</del></li> <li><del>g. Measures to mitigate landscape effects; and</del></li> <li><del>h. The functional need or operational need of the activity.</del></li> </ul>	
<b>Advice Notes:</b>	
<ol style="list-style-type: none"> <li>1. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.</li> <li>2. Natural Hazard Mitigation Structures constructed in the Coastal Environment, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 8 will be subject to the provisions in the relevant Overlay Chapters.</li> <li>3. if the Overlay Chapters don't provide for this activity then NH-R3 prevails</li> </ol>	

## District-Wide Matters/General District-Wide Matters/CE – Coastal Environment

### Relief sought at paragraph 29(a) of the Notice of Appeal

CE - R4	Buildings and Structures in the Coastal Environment
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"><li>1. These are not located within:<ol style="list-style-type: none"><li>i. The Outstanding Coastal Environment Area; or</li></ol></li><li>2. These are:<ol style="list-style-type: none"><li>i. Buildings and structures that comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle, SETZ - Settlement Zone, OSZ - Open Space Zone and the NOSZ - Natural Open Space Zone:<ol style="list-style-type: none"><li>a. Maximum height is 7m for new buildings;</li><li>b. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and</li><li>c. The gross ground floor area is:<ol style="list-style-type: none"><li>I. A maximum of <del>200m<sup>2</sup></del> 300m<sup>2</sup> per building for new buildings;</li><li>II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; and</li></ol></li><li>d. New buildings are set back 25m from Mean High Water Springs except where these are:<ol style="list-style-type: none"><li>I. New network utility buildings, where these are located within a legal road reserve; or</li><li>II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or</li></ol></li></ol></li><li>ii. Energy Activities or Network Utilities, including ancillary earthworks, that are permitted activities in the Energy, Infrastructure and Transport Chapters of the Plan.</li></ol></li></ol>	
<p><b>Advice Notes:</b></p> <ol style="list-style-type: none"><li>1. Refer to the Overlay Chapters and zone chapters for other rules in relation to buildings and structures in these areas.</li><li>2. For the avoidance of doubt, within the General Rural, Rural Lifestyle, Settlement and Open Space and Recreation Zones, outside of scheduled areas, this rule regulates new buildings only, not structures, or any additions to existing buildings.</li></ol>	

## District-Wide Matters/NOISE

### Relief sought at paragraph 36(a)&(b) of the Notice of Appeal

NOISE - R3	Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity	Activity status where compliance not achieved: Restricted Discretionary
<b>Activity Status Permitted</b>	<p>Where:</p> <ol style="list-style-type: none"> <li>1. The building will be used by a sensitive activity and is located within the Road Noise Overlay shown on the planning maps; where               <ol style="list-style-type: none"> <li>i. Any <del>new</del> habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 40dB <math>L_{Aeq}</math> (24h); and</li> <li>ii. Compliance with i. above must be achieved based on an existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and</li> <li>iii. Any new <del>or altered</del> habitable room and/or space used for sleeping within 20 metres of the edge of the carriageway must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, <math>V_w,95</math>);</li> </ol> </li> <li>2. <del>100m</del> 60m of the edge of the tracks of any railway line except for the Hokitika line where any new <del>or altered</del> habitable room used for a sensitive activity and/or space used for sleeping:               <ol style="list-style-type: none"> <li>i. Is designed, constructed and maintained to achieve a maximum internal noise level of 35 dB <math>L_{Aeq}</math> (1h);</li> <li>ii. Compliance with a. above must be achieved based on an assumption of 70 dB <math>L_{Aeq}</math> (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m; or</li> <li>iii. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.</li> </ol> </li> <li>3. 60m of the edge of the tracks of any railway line, except for the Hokitika line, where any new <del>or altered</del> habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, <math>V_w,95</math>);</li> <li>4. The 50 dB Noise Contour boundary of Franz Josef Heliport or the 55 dB Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome or Haast Airfield; where:               <ol style="list-style-type: none"> <li>i. Any new <del>or altered</del> habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum indoor design noise level of 40 dB <math>L_{d,c}</math>;</li> </ol> </li> <li>5. Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where               <ol style="list-style-type: none"> <li>i. The building is designed, constructed and maintained to ensure that the following indoor design noise levels are not exceeded:                   <ol style="list-style-type: none"> <li>a. 40dB <math>L_{Aeq}</math> inside any new <del>or altered</del> habitable room;</li> <li>b. 35dB <math>L_{Aeq}</math> inside new <del>or altered</del> bedrooms between 10pm and 7am; and</li> </ol> </li> </ol> </li> <li>6. Between the 55dB <math>L_{AFMAX}</math> and 60 dB <math>L_{AFMAX}</math> contours of the Westport Rifle Range Noise Overlay shown on the planning maps:               <ol style="list-style-type: none"> <li>i. Any <del>new</del> habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB <math>L_{AFMAX}</math> from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and</li> <li>ii. An outdoor living area not less than 30m<sup>2</sup> must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB <math>L_{AFMAX}</math>.</li> </ol> </li> <li>7. Where windows need to be closed to achieve the internal noise levels specified in 1. to 6. above an alternative ventilation system shall be provided which achieves the following requirements:               <ol style="list-style-type: none"> <li>i. Satisfies clause G4 of the New Zealand Building Code;</li> <li>ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</li> <li>iii. Provides relief for equivalent volumes of spill air; and</li> <li>iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</li> <li>v. Does not generate more than 35 dB <math>L_{Aeq}(30s)</math> when measured at any point where a person associated with a sensitive activity could be located, and no less than 1m away from any grille or diffuser.</li> </ol> </li> </ol>	
<b>Advice Notes:</b>	<ol style="list-style-type: none"> <li>1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a new <del>or altered</del> habitable room and/or space used for sleeping, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or</li> <li>2. For NOISE - R3.1, NOISE - R3.2, NOISE - R3.4, NOISE - R3.5 and NOISE - R3.6a, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE - APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE - R3.7.</li> <li>3. For NOISE - R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE - APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE - R3.7.</li> </ol>	

## District-Wide Matter/General District-Wide Matters/EW – Earthworks

### Relief sought at paragraph 41(a)&(c) of the Notice of Appeal

EW - R4 Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"><li>1. All standards in Rule EW - R1 are complied with; and</li><li>2. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area; and</li><li>3. These are ancillary earthworks for an Energy Activity, Regionally Significant Infrastructure or Transport Activity; and</li><li>4. Where earthworks are undertaken for any other activity:<ol style="list-style-type: none"><li>i. A maximum of 250m<sup>2</sup> / 500m<sup>3</sup> /site of land is disturbed in any 12 month period;</li><li>ii. A maximum of 250m<sup>3</sup> / 500m<sup>3</sup> of material is transported off site in any 12 month period; and</li><li>iii. There is a maximum 1m change of existing ground level.</li></ol></li><li>5. Rule EW - R4 does not apply to earthworks associated with mineral extraction, mineral exploration or mineral prospecting.</li></ol> <p><b>Advice Note:</b> Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p>Refer to the relevant Overlay Chapter where standard 2 is not complied with.</p>

### Alternative relief sought at paragraph 41(b)&(c) of the Notice of Appeal

EW - R4 Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"><li>1. All standards in Rule EW - R1 are complied with; and</li><li>2. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area; and</li><li>3. These are ancillary earthworks for an Energy Activity, Regionally Significant Infrastructure or Transport Activity; and</li><li>4. Where earthworks are undertaken for any other activity:<ol style="list-style-type: none"><li>i. A maximum of 250m<sup>2</sup> / 350m<sup>2</sup> /site of land is disturbed in any 12 month period;</li><li>ii. A maximum of 250m<sup>3</sup> / 350m<sup>3</sup> of material is transported off site in any 12 month period; and</li><li>iii. There is a maximum 1m change of existing ground level.</li></ol></li><li>5. Rule EW - R4 does not apply to earthworks associated with mineral extraction, mineral exploration or mineral prospecting.</li></ol> <p><b>Advice Note:</b> Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p> <p>Refer to the relevant Overlay Chapter where standard 2 is not complied with.</p>

## District-Wide Matters/Natural Environment Values/ECO – Ecosystems and Indigenous Biodiversity

### Relief sought at paragraph 55(a) of the Notice of Appeal

ECO - R4	Indigenous vegetation clearance in urban areas outside of Significant Natural Areas not provided for in Rule ECO - R1 or ECO - R2
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"><li>1. It is undertaken on a RESZ - Residential Zone, COMZ - Commercial and Mixed Use Zone, PORTZ - Port Zone, or IND - Industrial Zone property within the towns of <u>Runanga</u>, Reefton, Greymouth, Hokitika or Westport. _____</li></ol>	<p><b>Activity status where compliance not achieved:</b> <i>Restricted Discretionary</i> where this is in the Grey District and <i>Discretionary</i> where this is in the Buller and Westland Districts</p>

## Area-Specific Matters/Rural Zones/GRUZ-General Rural Zone

### Relief sought at paragraph 58(a) of the Notice of Appeal

GRUZ - R11	Mineral Extraction
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"><li>1. No more than 20,000m<sup>3</sup> ; 100,000m<sup>3</sup> of material is excavated within a calendar year; or</li><li>2. Land disturbance is limited to no more than 3ha at any one time per site on which the activity is occurring;</li><li>3. The site is progressively rehabilitated as far as is practicable to its condition prior to the activity occurring, with rehabilitation being completed no later than 6 months of the mineral extraction activity ceasing; and</li><li>4. The activity does not occur within:<ol style="list-style-type: none"><li>i. An Outstanding Natural Landscape or Outstanding Natural Feature; or</li><li>ii. An area of significant indigenous vegetation or significant indigenous fauna habitat or any Significant Natural Area identified in Schedule Four; or</li><li>iii. The riparian margins of any stream, river, lake, or wetland;</li><li>iv. A Historic Heritage site identified in Schedule One; or</li><li>v. 250m of a sensitive activity on an adjoining site; and</li></ol></li><li>5. There are no earthworks within 20m of the property boundary;</li><li>6. The maximum stockpile height is 7m;</li><li>7. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;</li><li>8. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;</li><li>9. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;</li><li>10. Hours of operation are limited to 7am to 7pm;</li><li>11. Noise levels meet the Permitted Activity Standards in Rule NOISE - R5; and</li><li>12. Light meets the Permitted Activity standards in Rule LIGHT - R4.</li></ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"><li>1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.</li><li>2. Mineral Extraction within the Pounamu and Aotea Overlays or Site or Area of Significance to Māori is subject to Rule SASM - R7.</li><li>3. Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work near or within waterbodies, taking and use of water and discharges to waterbodies.</li></ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>

**Attachment B to Grey District Council Notice of Appeal: List of names and addresses of persons to be served with a copy of the notice**

1. In accordance with the Environment Judge Reid's decision on ex parte application for Waivers/Directions for *Te Tai o Poutini Plan Committee* [2025] NZEnvC 325, the following list of names and addresses of persons to be served with a copy of the notice includes persons who:
  - (a) made a further submission on the relevant original submission; or
  - (b) where the appeal is based on a further submission that Grey District Council made on the persons original submission and every person who made a further submission on that same original submission.
2. The following persons are to be served with a copy of the notice of appeal:
  - (a) Te Rūnanga of Ngai Tahu, Ngāti Waewae, and Makaawhio, 15 Show Place PO Box 13-046 Christchurch, Canterbury 8024.
  - (b) Buller District Council, PO BOX 21 Westport, 7866.
  - (c) Royal Forest and Bird Protection Society of New Zealand, PO Box 2516, Christchurch 8140.
  - (d) Federated Farmers of New Zealand, PO BOX 5242 Dunedin, 5242.
  - (e) TiGA Minerals and Metals Limited, 4 Blake Street Surfdale, Waiheke Island.
  - (f) WMS Group (HQ) Limited and WMS Land Co Limited, 120 Medway Road Hanmer Springs, Canterbury 7334.
  - (g) Birchfield Coal Mines Limited, PO BOX 166 Greymouth.
  - (h) Waka Kotahi New Zealand Transport Agency, Po Box 1479 Christchurch, 8011.
  - (i) Department of Conservation, Whare Kaupapa Atawhai/Conservation House PO Box 10420, Wellington 6140.
  - (j) Snodgrass Residents joint submitters, 21 to 138 Snodgrass Road, Westport 7892.
  - (k) Gina Hogarth, PO BOX 85, Haast South, Westland, West Coast.
  - (l) Jacobus Wiskerke, 111-b Buller Road RD2 Westport 7892.

- (m) Building – Coast Wide, 129 Rutherglen Road Greymouth, West Coast 7805.
- (n) Westpower Limited, 6 Dowling Road Greymouth, West Coast 7805.
- (o) West Coast Penguin Trust, 231 Revell Street Hokitika, West Coast 7810.
- (p) Neil Mouat, CMB 47 Punakaiki RD1 Runanga.
- (q) Silver Fern Farms Limited, PO BOX 489 Dunedin, 9054.
- (r) Kiwirail Holdings Ltd, Po Box 593 Wellington, 6140.