

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH**

ENV-2025-CHC-AT

I MUA I TE KOOTI TAIAO

IN THE MATTER

of an appeal under Clause 14 of
the First Schedule of the
Resource Management Act 1991

BETWEEN

**Director-General of
Conservation**

Appellant

AND

**Te Tai o Poutini Plan
Committee**

Respondent

**NOTICE OF APPEAL BY THE DIRECTOR-GENERAL OF
CONSERVATION**

Dated: 8 December 2025

Department of Conservation
Counsel acting: M Pemberton
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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 (the Act)

To: The Registrar
Environment Court
CHRISTCHURCH

1. I, the Director-General of Conservation, appeal against parts of a decision of the Te Tai o Poutini Plan Committee's (TTPP Committee) decision on the following plan:
 - 1.1. Proposed Te Tai o Poutini Plan (the Plan).
2. The Plan is the proposed combined district plan for the Buller, Grey and Westland Districts.
3. I made a submission and further submission on the Plan.
4. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).
5. I received notice of the decision on 10 October 2025.
6. The decision was made by the TTPP Committee.
7. The parts of the decision that I am appealing are the parts of the TTPP Committee's decision regarding:
 - 7.1. Objective ECO-O3;
 - 7.2. Rule ECO-R1 Permitted Activity General Standards;
 - 7.3. Rule ECO-R6 Indigenous vegetation clearance outside SNAs;
 - 7.4. Policy NH-P7 Hazard sensitive activities within Severe Natural Hazard Overlays; and
 - 7.5. NH-P12 Hard protection structures.

8. The reasons for the appeal are set out in the third column of Table 1 appended to this Notice of Appeal under the heading “Reasons”.
9. The parts of the decision appealed:
 - 9.1 do not promote the sustainable management of natural and physical resources as required by Part 2 of the Act;
 - 9.2 do not implement the Council’s functions under s 30 and s 31 of the Act;
 - 9.3 do not represent best resource management practice; and/or
 - 9.4 do not accurately reflect the stated reasons for recommendations of the Hearing Panel.
10. I seek the following relief:
 - 10.1. The relief specified in fourth column of Table 1 appended to this Notice of Appeal under the heading “Relief sought”; and
 - 10.2. such further orders, alternative relief, consequential amendments or other amendments as are considered appropriate or necessary to address the concerns set out in this Notice of Appeal.



Matt Pemberton

Counsel for the Director-General of Conservation
8 December 2025

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AND

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Attachments

A copy of my submission has been forwarded to the Environment Court with this notice of appeal. If any party served with this notice requires a copy of the submission to be served on them, please contact the appellant at the address for service given above and provide an email address so that this document can be forwarded electronically.

Advice to recipients of copy of notice

How to become a party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 20 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Table 1: Decisions of the TPPP Committee on the Plan which are appealed by the Director-General of Conservation

Appeal point	Provision or decision	Reason(s)	Relief sought
1	Objective ECO-O3	<p>Other objectives (ECO-O1 and ECO-O2) give effect to the Councils' s31 general obligations for indigenous biodiversity under the RMA, and to the more specific requirements of the National Policy Statement for Indigenous Biodiversity</p> <p>ECO-O3 doesn't add anything meaningful, as it simply requires that effects be 'managed' without saying what outcome is to be achieved through this management. As this Objective sits equal to ECO-O1 and ECO-O2, there is a risk that it will conflict with them, or be used to dilute their effect</p>	Delete objective ECO-O3.
2	Rule ECO-R1 Permitted Activity General Standards	<p>This rule sets the general size limits for indigenous vegetation clearance outside SNAs.</p> <p>When this general standard was presented at the hearing, it included a statement that "<i>All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.</i>"</p> <p>This statement has been left out of the decisions version, without any explanation why. This leaves it open to the interpretation that the other rules are not subject to these standards, which would mean that activities such as infrastructure construction and mining could have no limits to the area of vegetation that could be cleared.</p>	Amend ECO-R1 to make it certain that these standards also apply to all permitted activity rules outside SNAs.

Appeal point	Provision or decision	Reason(s)	Relief sought
3	Rule ECO-R6 Indigenous vegetation clearance outside SNAs	<p>This appeal point relates to the one above for Rule ECO-R1. Rule ECO-R6 sets out a range of activities where indigenous vegetation clearance is permitted, including some very broad categories such as “<i>mineral extraction or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ - Buller Coalfield Zone</i>”.</p> <p>There is potential that this rule could be interpreted as having no area limit, if ECO-R1 does not apply.</p>	Amend to make it certain that this rule is subject to the standards in ECO-R1 (or if not, add area limits directly within this rule).
4	Policy NH-P7 Hazard sensitive activities within Severe Natural Hazard Overlays	<p>This policy appropriately requires that sensitive development in severe natural hazard overlays is generally avoided. However, it creates an exemption within the Coastal Hazard Overlay where there are existing or proposed protection structures with design requirements that only rock structures could meet.</p> <p>This creates a perverse situation, where the NZCPS and TTPP Policy NH-P12 discourage hard protection structures in the coast, but this policy makes them a requirement of certain development.</p>	Either delete this exemption, or in the alternative broaden it to recognise all protection measures, not just hard protection structures.
5	NH-P12 Hard protection structures	<p>This policy appropriately discourages hard protection structures except for in certain listed circumstances. However, the drafting is unclear – it appears that the intention is that all of the listed circumstances must apply, but clauses a) and b) are mutually exclusive.</p> <p>If a) and b) are interpreted as “either/or”, then the same argument could be made to the rest of the list,</p>	Clarify that only clauses a) and b) are ‘either/or’, and that all of clause’s c) to f) must always be met.

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		which could lead to hard protection structures that unnecessarily damage the environment, or shift the hazard risk to adjoining properties. This would directly conflict with the NZCPS.	