

Form 7  
 Notice of appeal to Environment Court against decision  
 on proposed policy statement or plan

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

**To** the Registrar  
 Environment Court  
 Auckland, Wellington, and Christchurch

I, [*Nicholas Antony Johnston*], appeal against a decision (*or part of a decision*) of [*Greymouth district council / Westcoast regional council and the TTPP Committee*] on the following policy statement (*or plan*):

[*state the name of the proposed or existing policy statement or plan to which the decision relates*].

Te Tai O Poutini Plan (TTPP) SNA Significant natural area

I made a submission on that policy statement (*or plan*).

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

I received notice of the decision on [*10/10/2025*].

The decision was made by [**West Coast Regional Council, Greymouth District Council and TTPP Committee**].

**IN THE ENVIRONMENT COURT OF NEW ZEALAND**

**BETWEEN:** [*Nicholas Johnston*]

**AND:** *West Coast Regional Council / Grey District Council / TTPP Committee– Respondents*

**1. Decision Appealed**

The decision (or parts of the decision) that I am appealing relate to the SNA classifications and associated planning provisions, specifically:

- **S14.001, S14.002, and S14.009** – relating to **DOC-004** (Significant Natural Area).
- **S14.003** – relating to the **Mineral Extraction Zone**.
- **S14.004** – general overview provisions.
- **S14.007, S14.008, and S14.010** – relating to **ecosystems and indigenous biodiversity**.

These provisions include and retain my property within a Significant Natural Area (SNA), while failing to exclude modified areas, despite evidence of long-term human use and lawful activities on the land. I am appealing **the inclusion of my property (in part) within the SNA overlay and the resulting restrictions on my ability to lawfully use, develop, and maintain my land.**

## 2. Property Affected

The affected land is my freehold property located at:

**1062 State Highway 7, Dobson, West Coast, New Zealand.**

**Land Identifier WS8B/339**

**The site ( 18h more or less) Legally described as Part Lot 1 Deposited Plan 2132- herein**

This land has been included (in part) within an SNA despite extensive existing development, including:

- sustainable forestry operations
- forestry tracks and landing pads
- old building sites
- deer fencing and deer traps
- multiple areas with historical land modification
- exotic pine plantation
- areas previously harvested more than once over the past 150 years

## 3. Reasons for Appeal

I appeal the decision in part for the following reasons:

### (a) Interference With Property Rights

The SNA designation unjustifiably interferes with my right to use and enjoy my property. My rights to private, peaceful, and lawful enjoyment have been significantly restricted by the imposition of the SNA.

### (b) Existing Lawful Use Rights Ignored

I hold a **Sustainable Forestry Permit** and a **Resource Consent** to disturb land associated with forestry and clearance activities. I have now been advised that these may not be renewed because the SNA rules restrict clearing indigenous vegetation.

I require **formal written confirmation** that my pre-existing lawful use rights and forestry consents will be recognised and renewed without obstruction.

### (c) Modified Areas Not Excluded

The **Wildlands SNA Field Survey Report** acknowledges the presence of old building sites, forestry landing pads, deer infrastructure, and forestry tracks—yet these areas have **not been excluded** from the SNA.

I accept that part of the land may appropriately qualify as SNA, but I must be **compensated** for the loss of development rights and productive use on land that has been included unfairly.

### (d) Forestry Operations Jeopardised

I have been advised that forestry operations may now be treated as a **non-complying activity** on my own land if indigenous vegetation is affected. This contradicts the reality that forestry *is* the established use on the property.

It is unreasonable and inconsistent for the council to suggest that a forestry operation cannot clear vegetation through a forestry cycle.

### (e) Prohibition on New Buildings

I have been informed that **new buildings will not be permitted within SNA areas**, which directly affects existing lawful building sites and my development rights.

### (f) Misleading Directions at Hearing

At the Independent Commissioners' hearing in Hokitika, I was told to reapply for forestry consents and sustainable forestry permits. However, I have since been informed that such applications would likely be declined. This causes wasted time, effort, and unfair financial burden.

### (g) Inability to Reasonably Lodge Applications

I cannot reasonably be expected to pay further **resource consent fees, consultant costs, and application expenses** when the SNA designation makes it highly likely that consents will be refused.

I have already paid fees over the last **13 years**, and now I am told I may not be able to renew my consents at all. This is unacceptable.

## 4. Grounds for Appeal

I appeal the decision for the following reasons:

### (a) The land is not a natural landscape

Approximately **90%** of the property has been harvested and cut over **twice in the last 150 years**, and therefore does not represent a natural, untouched ecosystem. If the council wants to preserve it as a biodiversity corridor, that is their prerogative—but compensation is legally and morally required.

### (b) Inconsistent with Plan Provisions (ECO-R8 / SUB-R15)

ECO-R8 / SUB-R15 state that subdivision must not result in buildings or accessways within an SNA, and that subdivision standards (S2–S11) must be complied with.

I have also been told that **covenants** would be required if I subdivided, further diminishing the property value. This is additional economic loss for which I must be compensated.

### (c) Wildlands Mapping Still Incorrect

Although the updated Wildlands mapping removed some building areas and a small portion of forestry tracks from the SNA, **half of my exotic pine plantation remains inside the SNA**, and large areas that were previously usable are now classed as un developable.

This constitutes **regulatory imposition**, and I must be compensated.

## 5. Relief Sought

The relief I seek includes (without limitation):

- 1 Removal of the SNA designation from modified areas of my property; or
- 2 Written confirmation of my development, forestry, subdivision, and building rights; or
- 3 Compensation for all land affected by the SNA; or
- 4 A land-swap of equal value; or
- 5 Any further, alternative, or consequential relief the Court considers appropriate.

## Environment Court Appeal – Relief Statement

### Relief Sought:

The Appellant seeks the following relief, or relief to like effect:

- 1 **That the West Coast Regional Council, Grey District Council, the Crown, the Department of Conservation, or the National Heritage Fund acquire, purchase, or otherwise compensate the Appellant for the portion of land now subjected to an imposed Significant Natural Area (SNA) overlay; or, alternatively,**
- 2 **That the Appellant be provided with a land-swap arrangement for land of equivalent value elsewhere; and/or**
- 3 **That the Appellant be provided with a clear, written confirmation of his development rights, including but not limited to:**
  - the ability to obtain resource consents,
  - the ability to renew or re-apply for sustainable forestry permits and related forestry consents,
  - the ability to subdivide, and
  - the ability to construct cabins or other buildings on the property; or, if such rights are to be restricted or denied, that the Appellant receive **fair compensation** or a **formal compensation/land-swap pathway**.
  - Reimbursement of costs directly incurred in responding to the decision,

- including: Court filing fee; and Costs of commissioned engineering and surveying reports
- And the many hours spent dealing with this issue 200+ hours

### Statement in Support of Relief

- 1 The imposition of a Significant Natural Area (SNA) over my property appears unlikely to be removed, due largely to the ecological “corridor” the Council and government agencies seek to protect. This is despite the fact that the area of my property included within the SNA contains **existing modified land**, including old forestry landing pads, forestry tracks, deer traps, former building sites, and other developed areas. This land was the **next scheduled compartment to be harvested and replanted** under my sustainable forestry operation.
- 2 The new district plan provisions and SNA controls appear to effectively prevent the renewal or exercise of my existing sustainable forestry permits, my resource consent to disturb land associated with forestry, and any future development rights—including subdivision and construction of cabins on the pre-existing building sites. I have already been advised that any future forestry replanting or development is likely to be denied or subjected to prohibitive costs, even before entering the initial resource-consent and consultancy stages.
- 3 The Wildlands SNA field survey report asserts that “there might be bats present” and that “fish may be present in Boyd Creek.” However, no evidence has been provided. Boyd Creek is separated from the Grey River by a **50–100 metre high water-race cliff**, making the presence of migratory fish extremely unlikely without passage. The designation has been imposed without proper evidential basis and without excluding clearly modified areas.
- 4 The SNA has been imposed for the purpose of protecting an ecological corridor connecting to **Mount Buckley**. However, the integrity of this corridor has already been compromised by the **open-cast quarry** that was approved and constructed on the opposite side of Mount Buckley. That quarry was originally included in SNA report DOC-004 but was subsequently removed from SNA classification, around the same time (13–14 years ago) that I first attempted to resolve these matters with the Council. During that period I was repeatedly redirected from one staff member to another without resolution.
- 5 The quarry has materially destabilised the local ecosystem. Wind and weather patterns now deflect off the quarry face rather than flowing over Mount Buckley, altering humidity, air movement, and microclimates on my property. I have documented the presence of flora typically not found south of Nelson growing on my land. However, due to climatic changes over the last five years—likely exacerbated by the quarry disturbance—it is uncertain whether these species will continue to survive. The long-term ecological impacts are unknown but could affect the broader corridor the SNA seeks to protect.
- 6 The cumulative effect of these circumstances is that my property and my whānau have been subjected to **significant restrictions, imposed without compensation**, and with no viable path forward to use, develop, or maintain the land as previously authorised. This constitutes a form of **regulatory taking**, and the imposition should be compensated accordingly.

**Proposed Resolution (Detailed Relief)**

Given the circumstances, a fair and practical solution would include one of the following:

- 1 Acquisition:**  
That the Council, Government, DOC, or National Heritage Fund purchase the portion of land captured by the SNA corridor.
  
- 2 Land-Swap:**  
A land-swap of equivalent value with Crown or local-authority land.
  
- 3 Hybrid Option (Preferred):**  
I am willing to **donate 3 hectares** of land for conservation purposes if the Government purchases the remaining **7 hectares** of affected SNA land.  
This would leave me with approximately **8 hectares**, which I seek to subdivide into **three lifestyle sections of approximately 3 hectares each (more or less)**.
  
- 4 Affirmation of Rights (If Acquisition Is Declined):**  
If the land is not acquired or swapped, I request a clear written statement confirming my legal rights to:
  - renew forestry consents,
  - undertake forestry operations,
  - subdivide,
  - develop building sites,
  - construct cabins,
  - and utilise existing tracks, landing pads, and modified areas.  
If these rights are denied or restricted, **compensation must be provided**.

I attach the following documents\* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

\* These documents must be attached and lodged with the notice in the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Signature of appellant  
(*or* person authorised to sign  
on behalf of appellant)

Nicholas Johnston  
Date 07/12/2025

Address for service of appellant:	11 Reeves Rd Opawa Christchurch 8023
Telephone:	0221361552
Fax/email:	nick007nz@gmail.com
Contact person: [ <i>name and designation, if applicable</i> ]	Nick Johnston

### Note to appellant

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act

1991 for a waiver of the above timing or service requirements (*see* Form 38).

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

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).

#### *\* How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (*or or*) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

\* Delete if these documents are attached to copies of the notice of appeal served on other persons.

#### *Advice*

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.