

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement
or plan or change or variation

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

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

Buller Conservation Group (BCG) appeals against a decision of the Te Tai o Poutini Plan (TTPP) committee, covering Buller, Grey and Westland districts of the West Coast, on the following plan:

Te Tai o Poutini Plan (TTPP)

We made a submission on that plan.

We are not a trade competitor for the purposes of [section 308D](#) of the Act.

We received notice of the decision on 10th October 2025.

The decision was made by TTPP committee.

The parts of the decision that Buller Conservation Group is appealing against are:

In general:

- Some formatting.
 1. In particular the exclusion of a 'Contents' page in PDF and online versions.
- ~~Inconsistency in the use of some terms.~~
 1. ~~In particular the use of the word, 'site', and its sometimes reference to 'property', 'allotment'~~

Part 1 - Introduction

- Definitions
 1. Riparian margins

Part 2 - District -wide Matters

- Strategic Directions
 - LBPP – Land-based Primary Production (formerly AG – Agriculture), or , HS – Hazardous Substances
 1. there needs to be some rules around agricultural chemicals
- Natural Environment Values

- ECO - Ecosystems and Indigenous Biodiversity
 1. No recognition of ecosystem services
 2. There is too little consideration of the cumulative effects at the local, district and regional levels, of adverse effects of activities on indigenous biodiversity. (P8)
 3. concerns around increase in extent of permitted disturbance within riparian margins
 4. wording – particularly ECO R2(4)
 5. R3 – no restrictions concerning riparian margins
 6. R6 – concerns around fencing and windblown timber retrieval
- NC - Natural Character and Margins of Waterbodies
 1. R1 – concerns around fencing and amount of disturbance within riparian margin
- NFL - Natural Features and Landscapes
 1. Restricted discretionary mineral extraction within an NFL should be discretionary
- Subdivision
 - SUB – Subdivision
 1. O5 – minor wording concerning natural character
 2. P1, R3, R4(1)(c) – minor wording concerning natural character
 3. P2 (and others) – composting toilets need to be considered
 4. P6, R5, R6, CE:R4 – concerns around subdivision in unmodified areas of the coastal environment
- General District-wide Matters
 - ASW - Activities on the surface of water
 1. R2 – concerns around motorized craft on waterways
 - CE - Coastal Environment
 1. R4 - concerns around subdivision in unmodified areas of the coastal environment
 2. R5 – instead of a building height of 7 metres it should state, 'single storey and less than 7 metres'
 - EW – Earthworks
 1. Overview – include 'drainage hydraulics'
 - LIGHT – Light
 1. R3 - Change in light spill restrictions will create light pollution
 2. R5 – concerns around, 'A distance of 15 kilometres landward of the coastal marine area.'

Part 3 – Area-specific Matters

- Zones
 1. Concerns around air quality
 - Rural zones

- GRUZ - General Rural Zone
 1. R10 – needs to be more restrictions around prospecting and exploration
 2. R11 – concerns around amount of disturbance for the permitted activity of mineral extraction
 3. R17 – concern that location restrictions have been removed from Decision version, and should be discretionary rather than restricted discretionary
- Special purpose zones
 - BCZ - Buller Coalfield Zone
 1. This chapter needs to be deleted, or,
 2. Overview – this chapter is far too enabling of coal extraction
 3. R1 – move BDC Plan restrictions over to this Plan
 - FUZ - Future Urban Zone
 1. Need a further policy that restricts development in areas of indigenous biodiversity and natural character.
 - MINZ - Mineral Extraction Zone
 1. R1 – no restrictions as to area of disturbance; no mention of stockpiling of vegetation to be reinstated.

Part 4 – Schedules

- Schedule One: Historic Heritage Items and Areas
 1. Add Arch record L28/36: the railway heritage at the Chasm Creek Walkway

The reasons for the appeal are as follows:

Buller Conservation Group wants to ensure that the Te Tai Poutini 3 Districts Plan advocates for nature whilst allowing sustainable use and development of land.

BCG has a long history of advocating for protection of nature in the Buller/ Kawatere District and wider environs. We have had grave concerns for the degradation of lush pockets of indigenous biodiversity (IB) on private land on the West Coast, of note valuable wetlands, often in defiance of the district plan, but also often via a too-enabling district plan and too-enabling resource consents, often based only on environmental values the applicant provides. Too often, owners of large tracts of land with IB remnants do not view their acquisitions from a holistic, planetary perspective but rather from a private, pecuniary approach, with little understanding of, or consideration for, the environmental values that land holds. Such land 'development' seems to have slowed recently but BCG wants to ensure that rampant environmental loss is taken under control and that remaining valuable tracts of IB are protected, and that cumulative loss of smaller tracts is identified as a

problem and addressed in favour of nature. A judicious way of doing this is to participate in the planning process

BCG also wants to see a format of the plan that is user-friendly and unambiguous.

We seek the following relief:

Part 1: Introduction

Chapter	Provision	Rule	Relief Sought
General	Contents		Provide a Contents page in PDF and online versions.
	Site		Useage of the term, 'site'. (e.g. ECO:R1.5, EW:R3,R4,R5, OSZ:R10, GRUZ:R3, R10, SETZ:R15, FUZ:R9,) Require more consistency of its sometimes reference to 'property', 'allotment'
Interpretation: Definitions	Riparian margin		Increase riparian margin width from 10 to 15 metres for large rivers.

Part 2 District-wide Matters

Chapter	Provision	Rule	Relief Sought
Land-based Production or Hazardous Substances			There needs to be guidance around agrichemicals. Waikato District Council has a good guidance in its district plan
ECO	General		Ecosystem services need to be acknowledged
	P8		There needs to be more recognition of cumulative effects than only P8
	R2:4(iv)		Wording inconsistent with NC R1(iii)
	R3	Indigenous vegetation clearance for maintenance and repair of lawfully established structures and activities outside of Significant Natural Areas not provided for in Rule ECO – R1	Needs to say, 'It is a maximum of <u>20 m2</u> <u>25m2</u> per linear 200 metre length of riparian margin;'
	R6	Indigenous vegetation clearance outside of Significant Natural Areas not provided for in another Permitted Activity Rule;	1 there needs to be more restrictions around fencing 2 retrieval of windblown timber should not be a permitted activity

Chapter	Provision	Rule	Relief Sought
NC	R1	Earthworks within the Riparian Margin of a River, Lake or Wetland	1 There needs to be more constraints on permitted earthworks in riparian margins, including more restrictions around fencing in riparian margins
NFL	R11	Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule Five: Activity Status Restricted Discretionary	Should be discretionary
SUB		General	In any subdivision with reticulated services allowance should be made for composting toilets.
	O5		Esplanade reserves and strips created through subdivision contribute to the protection of natural values character and Poutini Ngāi Tahu values provide natural hazard mitigation, support good water quality and provide for public access to and along waterbodies and the coastal marine area.
	P1	Enable subdivision that creates allotments that:	d. Protects areas of significant indigenous biodiversity, outstanding natural features and landscapes, cultural values, areas of historic heritage and natural character of the coastal environment, wetlands, and lakes and rivers and their margins;
	R3	All Zones and All Overlays - Boundary Adjustments Activity Status Controlled	Matters of control are: f. Protection of outstanding natural features and landscapes, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, natural character of the coastal environment wetlands, and lakes and rivers and their margins, or any other identified features;
	R4	All Zones and All Overlays - Subdivision for a Network Utility, Regionally	1 Matters of control are: c. Protection of outstanding natural features and landscapes, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, natural

Chapter	Provision	Rule	Relief Sought
		Significant Infrastructure, Access or Reserves	character of the coastal environment, <u>wetlands, and lakes and rivers and their margins</u> , or any other identified features;
	P6	Avoid subdivision:	e. In unmodified areas of the c Coastal environment unless adverse effects on the natural character of the coastal environment can be avoided, remedied or mitigated ;
	R5	Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones Activity Status Controlle	3. This is not within an area of: i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. Sites of Historic Heritage as identified in Schedule One; iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay; <u>iv unmodified coastal environment</u>
	R6	Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone	. This is not within an area of: i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; iii. Sites of Historic Heritage as identified in Schedule One; <u>iv unmodified areas</u>

General District-wide Matters

Chapter	Provision	Rule	Relief Sought
ASW	R2	Use of Motorized Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes	Include the following, which is a transfer from the Buller District Plan BDC Plan 4.4.14.6.1. <i>There be no provision for motorised craft use on:</i> <ul style="list-style-type: none"> • <i>Lake Christobel</i> • <i>Lake Hanlon</i> • <i>Kohaihai River</i> 4.4.14.6.2. <i>In the following water bodies, the use of motorised water craft with an engine</i>

Chapter	Provision	Rule	Relief Sought
			<p>capacity of less than 5 horse power is permitted:</p> <ul style="list-style-type: none"> • Lake Daniells • Punakaiki River: upstream of the road bridge. • Pororari River: upstream of the road bridge. • Otomahana Lagoon • Orowaiti River: upstream of the rail bridge. • Okari: upstream of the road bridge.
CE	R4	Buildings and Structures in the Coastal Environment Activity Status Permitted, where:	<p>1. These are not located within:</p> <p><u>i</u> The Outstanding Coastal Environment Area</p> <p><u>ii unmodified areas</u></p> <p><u>and/or</u></p> <p>a. These are:</p> <p>Buildings and structures (etc)</p>
	R5	Buildings and Structures within the High Coastal Natural Character Overlay	<p>In all other zones:</p> <p>iv The maximum height above ground level is for any building or structure <u>one storey and less than 7m</u></p>
EW	Overview	1 st paragraph	<p>The scope and scale of earthworks range from large bulk earthworks, which can alter the landform, topography and <u>drainage hydraulics</u>, to small and discrete areas of works most often associated with minor development.</p>
LIGHT	R3	Artificial Outdoor Lighting in all RESZ - Residential Zones, all SETZ - Settlement Zone, except the SETZ - PREC 3 - Coastal Settlement Precinct, NCZ Neighbourhood Centre Zone, OSZ – Open Space Zone, SARZ - Sport and Recreation Zone	<p>Outdoor artificial lighting must not exceed the following vertical light levels:</p> <p>i. 7.00am — 10.00pm: 10 Lux; and</p> <p>ii. 10.00pm — 7.00am: 2 Lux</p> <p>Relief: revert to original levels of</p> <p>i. 7.00am — 10.00pm: <u>2</u> Lux; and</p> <p>ii. 10.00pm — 7.00am: <u>1</u> Lux;</p>

Chapter	Provision	Rule	Relief Sought
	R5	Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 3 - Coastal Settlement Precinct and in locations within: Outstanding Coastal Natural Character Overlay (Schedule Eight); Outstanding Natural Landscapes Overlay (Schedule Five); Outstanding Natural Features Overlay (Schedule Six); or A distance of 15 kilometres landward of the coastal marine area.	There needs to be further discussion around lighting within a distance of 15km of the coastal marine area.

Part 3 Area-specific Matters Zones

Chapter	Provision	Rule	Relief Sought
General			Air quality affects land issues and should be addressed in Part 3 of this plan. Domestic/ residential air quality control has been handed over to district councils from the West Coast regional council. It at least needs to be mentioned as an issue of concern (which it should be in a region with no restrictions on domestic emissions.)
GRUZ	R10	Mineral Prospecting and Mineral Exploration	This rule is too lenient. The Buller District Plan 5.3.2.1.4 has prospecting as a permitted activity where activities are limited to 150mm diameter drillhole per ha and 50 linear meters per ha for sampling with explosives. Then the site must be restored to original condition. Otherwise it is a controlled activity. also 5.3.2.1.4.2. These restrictions need to move

Chapter	Provision	Rule	Relief Sought
			over into this Plan.
	R11	Mineral Extraction Activity Status Permitted	No more than 20,000m ³ of material is excavated within a calendar year or Land disturbance is limited to no more than 3ha at any one time per site on which the activity is occurring; Relief sought: 20,000m ³ is more than the regional Land and water plan allows. It should also be restricted to ' <u>per site or 4ha, whichever is larger</u> '
	R17	Mineral Prospecting and Mineral Exploration not meeting Permitted Activity standards	Location restrictions have been removed from the Decision version and need to be reinstated. This rule should also be discretionary rather than restricted discretionary.
BCZ	General		This chapter needs to be deleted. It is far too enabling of coal extraction to the detriment of the natural environment and other matters.
	R1	Mineral Prospecting and Mineral Exploration	Buller District Plan rules around mineral prospecting and exploration need to be moved into this plan.
FUZ	General		FUZ needs a further policy that restricts development in areas of indigenous biodiversity and natural character.
MINZ	R1	Mineral Prospecting and Mineral Exploration	Relief sought: 1. There needs to be restrictions on area of disturbance, as in the Buller District Plan. 2. there needs to be mention of stockpiling of vegetation prior to rehabilitation. 3. The site is progressively rehabilitated as far as practicable to its <u>original</u> condition prior to the activity occurring, with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases. 4. the above directive does not make sense; wording needs to be re-arranged.

Schedules

Chapter	Provision	Rule	Relief Sought
Schedule 1			Include: Arch record L28/36: the railway heritage at the Chasm Creek Walkway

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 constitute part of this form and, as such, must be attached to both copies of the notice lodged with 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.

Date: December 8th 2025



on behalf of Buller Conservation Group.

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

Address for service of appellant:

P O Box 463,

Westport,

Buller 7866

Telephone: 03 782 1813

Fax/email:

Contact person: karearea.f@yahoo.com

Note to appellant

Appeals other than in relation to freshwater planning instruments

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under [section 55\(2B\)](#) of the Act, may consider only the question of law raised.

Notes for all appeals

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Act.

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.

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 Act 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 or a further submission on the matter of this appeal.

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

- within 15 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
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under [section 281](#) of the Act for a waiver of the above timing or service requirements (see [form 38](#)).

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

The copy of this notice served on you does not have attached 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 in Auckland, Wellington, or Christchurch.

Schedule 1 form 7: replaced, on 3 September 2020, by [regulation 7\(3\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).