

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2026] NZEnvC 248

IN THE MATTER

of the Resource Management Act 1991

AND

appeals under clause 14 of the First
Schedule of the Act

BETWEEN

BULLER CONSERVATION
GROUP

(ENV-2025-CHC-125)

and others listed in Appendix A

Appellants

AND

TE TAI O POUTINI PLAN
COMMITTEE

Respondent

Environment Judge K G Reid – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 23 September 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

(1) the appeals are allowed to the extent that the changes shown in

¹ Resource Management Act 1991.



Appendix B are made to the Te Tai o Poutini Plan;

- (2) the appeal points allocated to Topic 29: Activities on the surface of water, are resolved in full;
- (3) the appeals remain open.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] These proceedings concern appeals by Buller Conservation Group (BCG), Westpower Limited (Westpower), and Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu, against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

Agreement reached

[2] I have read and considered the consent memorandum of the parties dated 7 August 2026 which proposes to resolve the following provisions of the Activities on the surface of water (ASW) chapter of the TTPP that are subject to appeal:

- (a) Overview;
- (b) Objectives;
- (c) ASW-O1;
- (d) Policies;
- (e) ASW-P3;
- (f) Rules;
- (g) ASW-R2;
- (h) Rules/ASW-R4;
- (i) ASW-R7; and
- (j) ASW-R8.

Overview

[3] In their appeal, Westpower sought amendments to the Overview to refer to activities that have ‘technical, locational, functional or operational constraints or requirements’ to occur on the surface of water and to include reference to energy activities and infrastructure. Westpower also sought addition of references to strategic objectives and policies.

[4] The parties agree that the Overview should be amended to refer to activities that have a functional need or operational need to occur on the surface of water, including energy activities and infrastructure, using terminology consistent with the rest of the Plan.

[5] The parties also agreed to add reference to the Strategic Direction objectives and policies and change the reference from Energy, Infrastructure and Transport ‘policies’ to ‘provisions’, to achieve better consistency with the wording of other similar chapter overviews.

Objectives

[6] In their appeal, Westpower sought to add a new objective recognising and providing for the benefits of activities and structures on the surface of the district’s rivers, lakes, and lagoons.

[7] The parties agreed that this appeal point was best addressed by changes to ASW-O1, rather than adding a new objective.

ASW-O1

[8] In their appeal, Westpower sought that ASW-O1 not apply to energy activities.

[9] The parties agree that ASW-O1 should be amended to focus on protecting

the values of waterbodies, while recognising the benefits, and managing the adverse effects of, activities and structures on the surface of water. The parties consider that these changes are consistent with potentially relevant national direction, such as the National Policy Statement for Electricity Networks (NPS-EN), the National Policy Statement Infrastructure (NPS-I) and the National Policy Statement for Indigenous Biodiversity (NPS-IB).

Policies

[10] In their appeal, Westpower sought addition of a new policy to provide for energy and infrastructure activities and structures that have a technical, locational, functional or operational need to occur on the surface of water.

[11] Due to agreement on changes to ASW-P3 (detailed below), Westpower agreed not to continue to seek a new policy.

ASW-P3

[12] In their appeal, Westpower sought amendments to ASW-P3 to:

- (a) replace wording on not creating adverse effects with avoiding, remedying or mitigating adverse effects; and
- (b) replace ‘more than minor’ with ‘significant’ adverse effects in subclause (b) of the policy.

[13] The parties agreed that ASW-P3 should be amended to include reference to energy and infrastructure activities that have a functional need or operational need to be located on the surface of water and to replace ‘more than minor’ with ‘significant’ in subclause (b).

[14] The parties consider that the amended wording appropriately reflects potentially relevant national direction, such as the NPS-EN, the NPS-I and the NPS-IB, and uses terminology that is consistent with other parts of the Plan.

Rules

[15] In their appeal, Westpower sought that an advice note be added to the rules to clarify their intent not to apply to activities and structures already managed under regional plan provisions applying to activities in the beds of waterbodies.

[16] The Overview already notes that the responsibility for managing the effect of activities on the beds of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

[17] Westpower agreed not to pursue this appeal point.

ASW-R2

[18] In their appeal, BCG sought additions to the waterbodies where use of motorised watercraft for non-commercial use is only permitted subject to specified conditions.

[19] The parties agree that Lake Cristobel, Lake Hanlon, and Kohaihai River should be added to the waterbodies protected under this part of ASW-R2.

[20] In their appeal, BCG also sought restriction on engine horsepower for use of motorised watercraft for non-commercial use on specified water bodies. BCG agreed not to pursue this appeal point.

Rules/ASW-R4

[21] In their appeal, Westpower sought the addition of a new permitted activity rule for the operation, maintenance, repair and upgrade of existing energy activities and infrastructure, where they are the same or similar in character, scale or intensity.

[22] The parties agree that rule ASW-R4 subclause 6 already permits the

operation, maintenance and repair of existing lawfully established structures as of 14 July 2022, and should be amended to also include upgrade and the requirement that the effects of the activity are the same or similar in character, intensity and scale.

ASW-R7

[23] In their appeals, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu and Westpower sought amendments to ASW-R7 regulating commercial activities on the surface of waterbodies not associated with Westport Harbour Port and Port of Greymouth.

[24] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu sought an amendment to add ‘effect on Poutini Ngāi Tahu values’ as an additional matter of discretion. ‘Effects on Poutini Ngāi Tahu cultural values’ are included as a matter for discretion in subclause (g) of this rule. The parties agree to change this wording to ‘effects on Poutini Ngāi Tahu values’ to achieve consistent terminology throughout the Plan.

[25] Westpower sought deletion of item 1(e) referring to effects on ecological, biodiversity and conservation values.

[26] The parties agree that item 1(e) of rule ASW-R7 should be amended to refer to ecological and biodiversity values to achieve more consistent terminology throughout the Plan.

ASW-R8

[27] In their appeal, Westpower sought amendment to the title of ASW-R8 to clarify that it regulates escalated activities.

[28] Westpower agreed not to pursue this appeal point as the rule is sufficiently clear.

Other relevant matters

[29] The following parties gave notice of an intention to become interested parties to the appeals under s274 RMA, and have signed the memorandum setting out the relief sought:

- (a) Buller District Council;
- (b) Manawa Energy Limited;
- (c) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (d) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu; and
- (e) Westpower.

[30] The following parties withdrew their interest in the Topic 29 appeal points prior to mediation:

- (a) Bathurst Resources Limited and BT Mining Limited;
- (b) Federated Farmers of New Zealand Incorporated; and
- (c) Ridgeline Investments Limited.

[31] Prior to mediation, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Runanga o Ngāi Tahu withdrew one of their appeal points allocated to this topic (on ASW-R4), noting that their other appeal points and s274 interests allocated to this topic remained. Following withdrawal of this appeal point, West Coast Whitebaiters Association withdrew their s274 interest in this topic, as it was limited to this appeal point.

[32] The consent memorandum records the parties' assurances that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

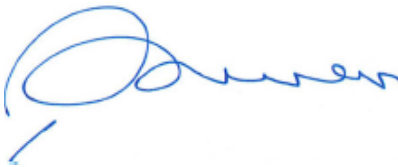
[33] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

[34] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[35] The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[36] Based on the information provided, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that the changes shown in Appendix B are made to the Te Tai o Poutini Plan.



K G Reid
Environment Judge



Appendix A – List of Appellants and Section 274 Parties

Appellants

ENV-2025-CHC-000125	Buller Conservation Group
ENV-2025-CHC-000133	Westpower Limited
ENV-2025-CHC-000134	Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu

Section 274 Parties

Buller Conservation Group

Buller District Council

Manawa Energy Limited

Royal Forest and Bird Protection Society of New Zealand Incorporated

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu

Westpower Limited



Appendix B – Changes to the TTPP

Amend Overview to read (underline indicates words agreed to be inserted and ~~striketrough~~ the words to be deleted):

Overview

On Te Tai o Poutini/the West Coast a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need or operational need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating, activities associated with infrastructure and energy activities, and cultural activities undertaken by Poutini Ngāi Tahu. Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other, more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other relevant Te Tai o Poutini Plan provisions

- **Strategic Direction** – The strategic objectives and policies set out the overarching direction for Te Tai o Poutini Plan.
- **Natural Character and the Margins of Waterbodies** – Many activities on the surface of water may also involve activities in the riparian margin of the adjacent riverbank or lakeside. Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.
- **Sites and Areas of Significance to Māori** – Many rivers and lakes have a high degree of significance to Poutini Ngāi Tahu and are identified in Schedule Three Sites and Areas of Significance of Māori. Where rivers or lakes are included within Schedule Three, the Sites and Areas of Significance to Māori provisions also apply.

- **Energy, Infrastructure and Transport** - The Energy, Infrastructure and Transport Chapters contains ~~policies~~ provisions that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.

Other relevant regulations

The responsibility for managing the effect of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

Amend objective ASW-O1 to read (underline indicates words agreed to be inserted and ~~striketrough~~ the words to be deleted):

ASW-O1

~~Protect~~ Protect the ecological, recreational, natural character, natural landscape and features, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons ~~are protected from~~ while recognising the benefits, and managing the adverse effects of, activities and structures on the surface of water

Amend policy ASW-P3 to read (underline indicates words agreed to be inserted and ~~striketrough~~ the words to be deleted):

ASW-P3

Provide for commercial activities and structures, and energy and infrastructure activities that have a functional need or operational need to be located on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create:

- a. Adverse effects on
 - i. Significant natural environment values including identified scheduled sites;
 - ii. Cultural and spiritual values including sites and areas of significance to Māori;

- iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes;
- b. ~~More than minor~~ Significant adverse effects on
 - i. Amenity values;
 - ii. Ecological values;
 - iii. Natural character;
 - iv. Other recreational uses; and
- c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

Amend rule ASW-R2 to read (underline indicates words agreed to be inserted):

ASW-R2 Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes

Activity Status Permitted

Where:

1. This does not occur on the surface of Lake Mahinapua or Mahinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River below the State Highway bridge, Makatata Stream or Saltwater Lagoon (at Paroa), Lake Cristobel, Lake Hanlon, Kohaihai River except:
 - i. As provided for in an Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua; or
 - ii. Where the activity is for:
 - a. Mātauranga Māori monitoring;
 - b. Scientific investigations or monitoring;
 - c. Law enforcement;
 - d. Search and rescue work;
 - e. Conservation work undertaken by the Department of Conservation in respect of their duties under the

Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;

- f. The control and management of sports fish (as defined in the Conservation Act 1987) or game (as defined in the first Schedule of the Wildlife Act 1953) by West Coast Fish and Game Council;
- g. Biosecurity work carried out by West Coast Regional Council or West Coast Fish and Game Council;
- h. Access to landlocked parcels which primary and physical access is only achieved through crossing the waterbody; or
- i. Use of Lake Māhinapua for yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the watercraft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response.

Advice Notes:

1. Refer to Maritime New Zealand for Navigational Safety Rules under the Water Recreation Regulations. These include rules for boat speed and avoiding collisions on the water.
2. Use of motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM - R5.

Activity status where compliance not achieved: Discretionary

Amend rule ASW-R4 to read (underline indicates words agreed to be inserted):

**ASW-R4 Installation of Structures on the Surface of
Natural Waterbodies**

Activity Status Permitted

Where:

1. These are temporary whitebait stands installed in accordance with West Coast Whitebait Fishing Regulations and are removed within two weeks of the end of the whitebait season; or
2. These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season; or
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Rūnanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Mahinapua Creek/Tuwharewhare, Makatata Stream or Lake Mahinapua; or
5. These are marker buoys used by the Lake Māhinapua Aquatic Club Incorporated on Lake Māhinapua; or
6. This is the operation, maintenance, upgrade and repair of existing lawfully established structures as of 14 July 2022, where the effects of the activity are the same or similar in character, intensity and scale.

Advice Notes:

1. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
2. Where structures are proposed on the surface of waterbodies check the Natural Character and Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
3. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to Rule SASM - R6 in the Sites and Areas of Significance to Māori Chapter.
4. Consultation with the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended. In relation to Lake Māhinapua consultation with Te

Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio is recommended.

5. For the avoidance of doubt this rule regulates whitebaiting structures not whitebaiting activities.

Activity status where compliance not achieved: Controlled where standard 3 is not complied with. Discretionary where standards 1, 2, 4 and 5 are not complied with.

Amend rule ASW-R7 to read (underline indicates words agreed to be inserted and ~~strike through~~ the words to be deleted):

**ASW-R7 Commercial Activities on the Surface of Rivers,
Lagoons and Lakes not associated with
Westport Harbour Port and Port of Greymouth**

Activity Status Restricted Discretionary

Where:

1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan.

Discretion is restricted to:

- a. Effects on public access and recreational use of the waterbody;
- b. Effects on landscape, natural features or natural character of the waterbody and its margins;
- c. Effects on the amenity values or any adjacent residential activities;
- d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas;
- e. Effects on ecological and biodiversity ~~and conservation~~ values;
- f. Effects of noise on the natural character, ecological and amenity values; and

- g. Effects on Poutini Ngāi Tahu ~~cultural~~ values including access to mahinga kai and scheduled sites and areas.

Advice Notes:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these are also subject to rules in the Sites and Areas of Significance to Māori Chapter.
2. Written approval is recommended from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. In relation to Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended.

Activity status where compliance not achieved: Discretionary

