IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 297

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under clause 14 of the First Schedule of the Act
BETWEEN	FEDERATED FARMERS OF NEW ZEALAND
	(ENV-2025-CHC-110)
	and others listed at 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: 21 October 2026

CONSENT ORDER

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

[1] Resource Management Act 1991.

(1) the appeals are allowed to the extent that the changes shown in Appendix B are made to the Te Tai o Poutini Plan;
(2) Topic 2: Commercial Zones is to be closed;
(3) Topic 3: Future Urban Zone is to be closed;
(4) Topic 4: Māori Purpose Zones is to be closed;
(5) Topic 5: Residential Zones is to be closed; and
(6) the appeals are to remain open.

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

REASONS

Introduction

[1] This proceeding concerns appeals by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu, Buller Conservation Group, Federated Farmers of New Zealand (Federated Farmers), and Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest and Bird) against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

[2] I have read and considered the consent memorandum of the parties dated 12 October 2026 which proposes to resolve the appeal points allocated to the following topics:

(a) Topic 2: Commercial Zones;
(b) Topic 3: Future Urban Zone;
(c) Topic 4: Māori Purpose Zones; and
(d) Topic 5: Residential Zones.

Agreement reached

Topic 2: Commercial Zones

[3] Topic 2: Commercial Zones was previously part of Topic 2: Commercial and Industrial Zones. The two parts of Topic 2 have now been separated into the appeal points on Commercial Zones and the appeal points on Industrial Zones. This consent order only relates to the Commercial Zones appeal points of Topic 2.

[4] Following mediation, the parties have reached agreement on how all the appeal points allocated to Topic 2: Commercial Zones can be resolved. There are no appeal points that remain outstanding in respect of this topic.

[5] The parties have reached agreement on appeal points allocated to Topic 2: Commercial Zones on the following provisions:

(a) COMZ – R7;
(b) COMZ – R8;
(c) MUZ – R9;
(d) MUZ – R10;
(e) NCZ – R11; and
(f) NCZ – R12.

[6] In their appeal, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu sought that an additional matter of discretion be added to the above provisions regarding "Implementations of any advice received from Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles".

[7] The parties do not agree to make the exact changes sought, however, the parties consider that the following changes adequately address this appeal point:

(a) inserting the following Advice Note into COMZ – R7, COMZ – R8, MUZ – R9, MUZ – R10, NCZ – R11 and NCZ – R12:

> Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

(b) inserting the following new matter of discretion in COMZ – R7, MUZ – R9 and NCZ – R11:

> For publicly owned buildings, consideration of any advice received from Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles.

[8] The parties note that KiwiRail Holdings Limited (KiwiRail) has appeal points relating to COMZ – R7 and MUZ – R9 in relation to setbacks from the rail corridor (seeking additional matters of discretion be added to these rules) that have been allocated to Topic 14: Cross Plan. The changes sought by KiwiRail to these provisions are not inconsistent with the changes agreed as part of Topic 2 mediation, and these additional matters of discretion can be added to COMZ – R7 and MUZ – R9 separately, in the appropriate order.

Topic 3: Future Urban Zone

[9] Topic 3: Future Urban Zone contains one appeal point by Buller Conservation Group.

[10] In its appeal, Buller Conservation Group sought that a policy was added into the Future Urban Zone that restricts development in areas of indigenous biodiversity and natural character.

[11] While the parties do not agree to add an additional policy to the Future Urban Zone, the parties agree the following changes to the Future Urban Zone Overview to address the matters raised by Buller Conservation Group in this appeal point:

(a) add the following sentence to the end of the first paragraph: "Structure planning for this chapter will also address how environmental effects on matters such as indigenous biodiversity and natural character of waterbodies should be avoided, remedied or mitigated."; and

(b) add the following sentence to the end of the paragraph on "Ecosystems and Indigenous Biodiversity" under "Other relevant Te Tai o Poutini Plan provisions": "Because the Future Urban Zone has not yet been assessed within the Buller and Westland districts for its indigenous biodiversity values, this chapter is particularly relevant with respect to those values."

[12] These agreed changes to the Future Urban Zone Overview resolve Buller Conservation Group's appeal point on the Future Urban Zone in its entirety.

Topic 4: Māori Purpose Zones

[13] Topic 4: Māori Purpose Zones contains one appeal point by Federated Farmers on MPZ – R8.

[14] In its appeal, Federated Farmers sought replacement of "Agricultural, Horticultural or Pastoral Activity" in the MPZ – R8 with "Agricultural, Pastoral and Horticultural Activities".

[15] The parties to this appeal agree to make this change.

Topic 5: Residential Zones

[16] Topic 5: Residential Zones contains one appeal point by Forest and Bird regarding RESZ – P13.

[17] In its appeal, Forest and Bird sought that REZ – P13 be amended as to include the word "indigenous".

[18] The parties agree that RESZ – P13 should be amended to refer to "areas of significant indigenous biodiversity" rather than "areas of significant biodiversity".

[19] "Significant biodiversity" is not a defined term in the TTPP. This change is required to ensure consistent use of the defined term "area of significant indigenous biodiversity" in the TTPP.

[20] The parties acknowledge that the defined term "area of significant indigenous biodiversity" is under appeal by several parties, with these appeal points allocated to Topic 33: Ecosystems and Indigenous Biodiversity. The agreement reached in relation to this appeal point relate only to the use of that defined term in the context of RESZ – P13 and do not purport to resolve appeals on the defined term "area of significant indigenous biodiversity" itself.

[21] Any resolution of appeals on the defined term "area of significant indigenous biodiversity" would require agreement by all the parties to those appeals. Such agreement has not been sought for the purpose of this consent order. The ability to seek amendments to the defined term "area of significant indigenous biodiversity" (and any consequential amendments) will not be prejudiced by this consent order.

Other relevant matters

[22] 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) Director-General of Conservation;
(c) Grey District Council;
(d) Royal Forest and Bird Protection Society of New Zealand Incorporated;
(e) Westpower Limited; and
(f) WMS Group (HQ) Limited.

[23] 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.

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

Orders

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

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

[27] 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

THE SEAL OF THE ENVIRONMENT COURT NEW ZEALAND

Appendix A – List of appellants and section 274 parties

Topic 2: Commercial Zones

Appellants

ENV-2025-CHC-000134 Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu

s274 parties

Buller District Council

Westpower Limited

Topic 3: Future Urban Zone

Appellants

ENV-2025-CHC000125 Buller Conservation Group

s274 parties

Buller District Council

Grey District Council

Royal Forest and Bird Protection Society of New Zealand Incorporated

Westpower Limited

Topic 4: Māori Purpose Zones

Appellants

ENV-2025-CHC000110 Federated Farmers of New Zealand

s274 parties

Director-General of Conservation

Royal Forest and Bird Protection Society of New Zealand Incorporated

Westpower Limited

Topic 5: Residential Zones

Appellants

ENV-2025-CHC-000117	Royal Forest and Bird Protection Society of New Zealand Incorporated

s274 parties

Buller District Council

Westpower Limited

WMS Group (HQ) Limited



Appendix B – Changes to the TTPP

Where provisions are amended, additions are shown in underline and deletions are shown in ~~strikethrough~~.

Amend COMZ – R7 to read:

COMZ - R7 New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule COMZ - R1

Activity Status Restricted Discretionary

Where:

1. Performance standard 1 for Rule COMZ - R1 is complied with.

Discretion is restricted to:

a. Bulk, location and design of storage, buildings and structures;
b. Effects on the safety, amenity and attractiveness of the street and public places; ~~and~~
c. Visual dominance, privacy and shading effects on neighbouring sites~~.~~; and
d. For publicly owned buildings, consideration of any advice received from Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles.

Activity status where compliance not achieved: Discretionary

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend COMZ – R8 to read:

COMZ - R8 Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ - R5

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places; and
b. Materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend MUZ – R9 to read:

MUZ - R9 New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ - R1

Activity Status Restricted Discretionary

Where:

1. Performance standard 2 for Rule MUZ - R1 is complied with.

Discretion is restricted to:

a. Bulk, location and design of storage, buildings and structures;
b. Effects on the safety, amenity and attractiveness of the street or public places; ~~and~~
c. Visual dominance, privacy and shading effects on neighbouring sites~~.~~; and
d. For publicly owned buildings, consideration of any advice received from Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles.

Activity status where compliance not achieved: Discretionary

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions

within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend MUZ – R10 to read:

MUZ - R10 Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ - R2

Activity Status Restricted Discretionary

Where:

1. Performance standard 2 for Rule MUZ - R2 is complied with.

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places; and
b. Materials being stored and the period of time for storage.

Activity status where compliance not achieved: Discretionary

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend NCZ – R11 to read:

NCZ - R11 New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ - R1

Activity Status Restricted Discretionary

Where:

1. Performance Standard 1 for Rule NCZ - R1is complied with.

Discretion is restricted to:

a. Measures to mitigate landscape effects;
b. Bulk, location and design of storage, buildings and structures;
c. Effects on the safety, amenity and attractiveness of the street or public places;
d. Visual dominance, and privacy and shading, effects on neighbouring sites~~.~~; and
e. For publicly owned buildings, consideration of any advice received from Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles.

Activity status where compliance not achieved: Discretionary

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend NCZ – R12 to read:

NCZ - R12 Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Standards 3 to 5 of NCZ - R5

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;
b. Visual dominance and nuisance effects on neighbouring sites;
c. Design and location of parking, loading and access areas;
d. Location and design of storage; and
e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A

Advice Note: The relevant Town Centre Design Guidelines in Appendix Three should be referred to when planning new buildings and additions within Town Centres. For those sites located within a SASM listed in Schedule 3 of the Plan, applicants are encouraged to consult with Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio on Poutini Ngāi Tahu design principles which may be appropriate to include in any building work.

Amend the Future Urban Zone Overview to read:

FUZ Future Urban Zone - Te Takiwā Tāone mō Raurangi

Overview

This zone applies to land which is intended for housing and business purposes in the future. The FUZ - Future Urban Zone applies to rural land which has been identified as being suitable for these purposes. It is located in places where this need may arise as a result of natural hazards and the need for managed retreat for settlements. The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure plan is prepared, or the land is rezoned. Structure planning helps achieve an optimal type, form and extent of urban development and demonstrates how future development can be adequately serviced by infrastructure. Structure planning for this chapter will also address how environmental effects on matters such as indigenous biodiversity and natural character of waterbodies should be avoided, remedied or mitigated.

Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the FUZ - Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim.

The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. It is noted that significant indigenous biodiversity values in areas of the Future Urban Zone have not been assessed before the identification of areas as the Future Urban Zone, and that this work is planned to be

undertaken in the future. Where there are potential land instability issues in the zone, any necessary remediation will be addressed during subdivision.

Other relevant Te Tai o Poutini Plan provisions

- It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for Future Urban Zone activities, including:
- Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters -there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Future Urban Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- Natural Hazards - natural hazards are widespread onTe Tai o Poutini/ the West Coast and in some locations natural hazard overlays may affect areas in the Future Urban Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- Natural Character and the Margins of Waterbodies - in some locations areas of Future Urban Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- Ecosystems and Indigneous Biodiversity - the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Future Urban Zone. Because the Future Urban Zone has not yet been assessed within the Buller and Westland districts for its indigenous biodiversity values, this chapter is particularly relevant with respect to those values.
- Subdivision - The Subdivision Chapter sets out the requirements for subdivision activities in the FUZ - Future Urban Zone.
- Financial Contributions - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Amend MPZ – R8 to read:

MPZ - R8 Visitor Accommodation that is not in a Marae Complex

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity, Agricultural, Pastoral and Horticultural ~~or Pastoral Activity~~ Activities, Conservation Activity or Māori Purpose Activity;
2. All performance standards for Rule MPZ - R1 are complied with;
3. There is a maximum of six paying guests at any one time;
4. Notification to the District Council is required prior to the activity commencing; and
5. Records of letting activity must be kept and provided to the Council annually.

Advice Note:

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 55dBLAFMAX and 60dBLAFMAX 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;
vi. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay.

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

Activity status where compliance not achieved: Restricted Discretionary

Amend RESZ – P13 to read:

RESZ - P13 New residential development should be located outside of areas of outstanding natural landscape value and significant natural

hazard risk, and away from Sites and Areas of Significance to Māori and areas of significant indigenous biodiversity unless adverse effects on the values of these areas are avoided.

