

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

ENV-2025-CHC-88

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER an appeal under clause 14 of Schedule 1 to the Act in
respect of the decision of the Te Tai o Poutini Plan
Committee on the Proposed Te Tai o Poutini Plan
BETWEEN **BULLER DISTRICT COUNCIL**
Appellant
AND **TE TAI O POUTINI PLAN COMMITTEE**
Respondent

**NOTICE OF APPEAL OF BULLER DISTRICT COUNCIL ON THE
PROPOSED TE TAI O POUTINI PLAN
8 December 2025**

FLETCHER VAUTIER MOORE
LAWYERS
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Solicitor: Chris Thomsen

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST
DECISIONS ON TE TAI O POUTINI PLAN**

**TO: The Registrar
Environment Court
Christchurch**

1. Buller District Council (**BDC**) appeals against parts of a decision of Te Tai o Poutini Plan Committee (**the Respondent**) on the Proposed Te Tai o Poutini Plan (**the Proposed Plan**).
2. BDC made a submission (number 538) and further submission (number 149) on the Proposed Plan.
3. BDC is not a trade competitor for the purposes of section 308D of the Act.
4. BDC received notice of the Respondent's decision on the Proposed Plan on 10 October 2025 (**Decision**).
5. On 18 November 2025, following an application by the Forest and Bird Protection Society of New Zealand Inc, waivers were granted and directions made enlarging the time for a submitter to file an appeal to 8 December 2025.
6. The Decision was made by Te Tai o Poutini Plan Committee/the Respondent.
7. The parts of the Decision that BDC is appealing against are provisions relating to:
 - (a) Noise;
 - (b) Natural hazards;
 - (c) Earthworks;
 - (d) Light;
 - (e) Ecosystems and indigenous biodiversity;

- (f) Coastal Environment; and
- (g) As more particularly pleaded at Table 1.

The reasons for appeal, and relief sought

8. In addition to the reasons set out in Table 1, the general reasons for BDC's appeal are that the provisions appealed against:
 - (a) Do not give effect to the relevant national policy statements, including the National Policy Statement for Highly Productive Land (**NPS-HPL**) and New Zealand Coastal Policy Statement (**NZCPS**).
 - (b) Do not give effect to the objectives and policies of the West Coast Regional Policy Statement.
 - (c) Are not consistent with Part 2 of the Resource Management Act (**RMA**).
 - (d) Do not represent the most appropriate, efficient and effective way to achieve the objectives of the Proposed Plan in accordance with s 32 of the RMA.
 - (e) Do not represent best resource management practice.
9. The particular parts of the decision appealed, reasons for the appeal and relief sought are set out and particularised in Table 1 appended as **Appendix 1**.
10. BDC seeks the following further general relief:
 - (a) That the appeal be allowed;
 - (b) Where specific wording changes are proposed by way of relief, BDC seeks, in the alternative, any wording that would adequately address the reasons for its appeal;
 - (c) Such other consequential or alternative relief by way of amendments to the provisions of the Proposed Plan that address

the grounds pleaded above and in Table 1 and are necessary or desirable to grant the relief sought; and

- (d) Costs.

Attachments

- 11. The following documents are attached to this notice of appeal:
 - (a) A copy of the Respondent's Decision (**Appendix 2**);
 - (b) A copy of BDC's submission (**Appendix 3**);
 - (c) A copy of BDC's further submission (**Appendix 4**); and
 - (d) A list of names and addresses of persons to be served with a copy of this notice in accordance with the directions at paragraph [12](b)(4) - (5) in the Decision of the Environment Court on Ex Parte Application for Waivers/Directions in *Re Te Tai o Poutini Plan Committee* [2025] NZEnvC 325 (**Appendix 5**).

- 12. Parties served with a copy of this notice of appeal will not be served with the attachments and may obtain a copy from the Appellant on request.

Dated: 8 December 2025



CP Thomsen
Counsel for Buller District Council

This notice of appeal was filed by **CHRISTOPHER PAUL THOMSEN**, solicitor for the Appellant of the firm Fletcher Vautier Moore. The address for service of the above-named Appellant is at the offices of Fletcher Vautier Moore, Solicitors, 265A Queen Street, Richmond, Nelson.

Documents for service on the Appellant may be:

- (a) Posted to the solicitor at Fletcher Vautier Moore, Solicitors, P O Box 90, Nelson 7040; or
- (b) Sent by email to cthomsen@fvm.co.nz or ayardley@fvm.co.nz provided original documents are then posted to the solicitor.

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 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 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 attach a copy of the Appellant's submission, further submission, decision appealed or list of names and addresses of persons to be served with a copy of this notice. These documents may be obtained, on request from the Appellant at its address for service.

Advice

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

Appendix 1 – Table 1: Additional Reasons for Appeal and Relief Sought to the Proposed Te Tai o Poutini Plan

Appendix 2 – A copy of the Decision

Appendix 3 – A copy of BDC’s Submission

Appendix 4 – A copy of BDC’s Further Submission

Appendix 5 – A list of names and email addresses of persons served with a copy of this notice

Name	Email address
Noise R3	
Waka Kotahi NZTA	mike.scott@nzta.govt.nz
Bert Hofmans	bert.hofmans@outlook.com
Grey District Council	michael.mcenaney@greydc.govt.nz
KiwiRail Holdings Limited (KiwiRail)	sheena.mcguire@kiwirail.co.nz
NH Chapter Overview and NH-R4	
None	
EW-R1	
None	
LIGHT R5	
Westpower Limited	martink@xtra.co.nz
ECO R1	
Silver Fern Farms Limited	steve.tuck@mitchelldaysh.co.nz
Davis Ogilvie & Partners Ltd	pauline@do.nz
Grey District Council	michael.mcenaney@greydc.govt.nz
Coastal Environment Overlay	
None	
CE-R4	
Snodgrass Road Submitters	jane@stevensorchard.co.nz
Grey District Council	michael.mcenaney@greydc.govt.nz