

In the Environment Court of New Zealand  
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa  
Ōtautahi Rohe

ENV-2025-CHC-

Under the Resource Management Act 1991 (**Act**)

In the matter of an appeal under clause 14(1) of the First Schedule of the Act  
against a decision on the proposed Te Tai o Poutini Plan

Between **Tauranga Bay Holdings Limited**  
Appellant

And **Te Tai o Poutini Plan Committee**  
Respondent

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Notice of Appeal

5 December 2025

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**Appellant's solicitors:**

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**anderson  
lloyd.**

**TO:** The Registrar  
Environment Court  
Christchurch

- 1 Tauranga Bay Holdings Limited (**TBH**) appeals against a decision (**the Decision**) of Te Tai o Poutini Committee on the Proposed Te Tai o Poutini Plan (**TTPP**).
- 2 TBH made a submission and further submission on the TTPP (Submission #597; Further Submission #32).
- 3 TBH is not a trade competitor for the purpose of section 308D Resource Management Act 1991.
- 4 TBH received notice of the Decision on or about 10 October 2025.
- 5 The decision was made by Te Tai o Poutini Plan Committee (**Committee**).

#### **Decision appealed**

- 6 TBH appeals:
  - (a) The decision on zoning of land legally described as Lot 1 DP 19769, Section 2 SO 14304, Section SO 14304 and Lot 1 DP12325 located at Tauranga Bay Road, Cape Foulwind, Westport (**TBH land**).

#### **Reasons for the appeal**

##### *Background*

- 7 The appeal relates to approximately 99.4 hectares of land owned by TBH, located approximately 12km west of Westport on the south-eastern side of Tauranga Bay Road.
- 8 The TTPP as notified proposed that the northern part of the Property be rezoned Rural Lifestyle Zone (**RLZ**), with the remainder of the Property zoned General Rural Zone (**GRUZ**) as shown in Figure 1 below.

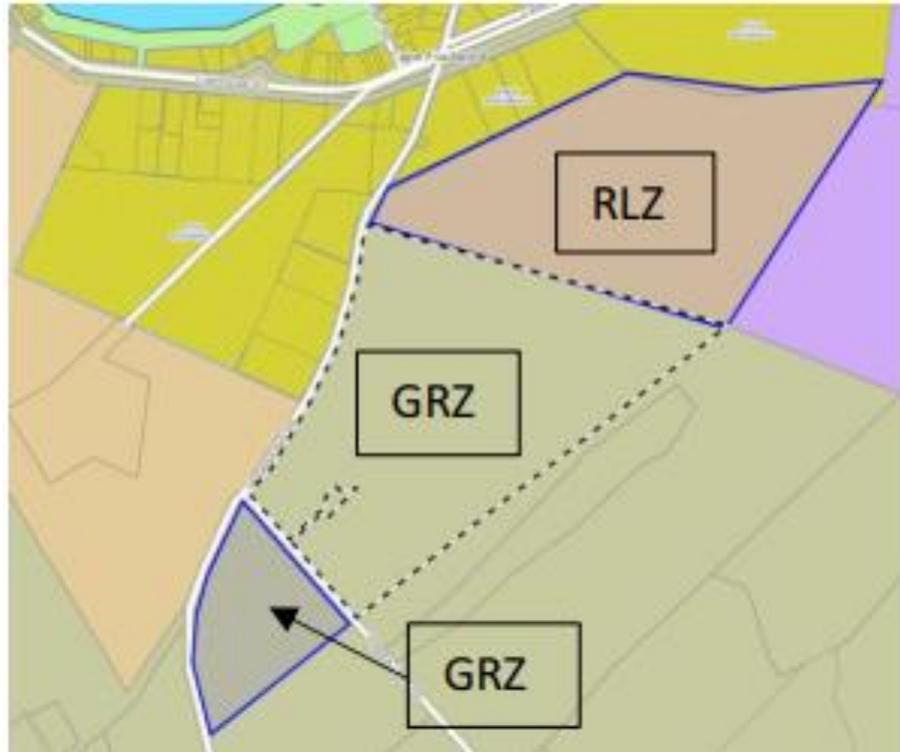


Figure 1: Proposed TTPP zoning

- 9 In its submission TBH sought rezoning of the Property to Settlement Zone – Precinct 4 – Rural Residential Precinct (**SETZ-RRP**), RLZ and GRUZ as shown in Figure 2 below. TBH's submission seeks to redistribute the RLZ zoning on the Property to align with its natural topography, ensuring it is feasible for residential development, while also providing a logical extension to the existing SETZ-RRP on Tauranga Bay Road.

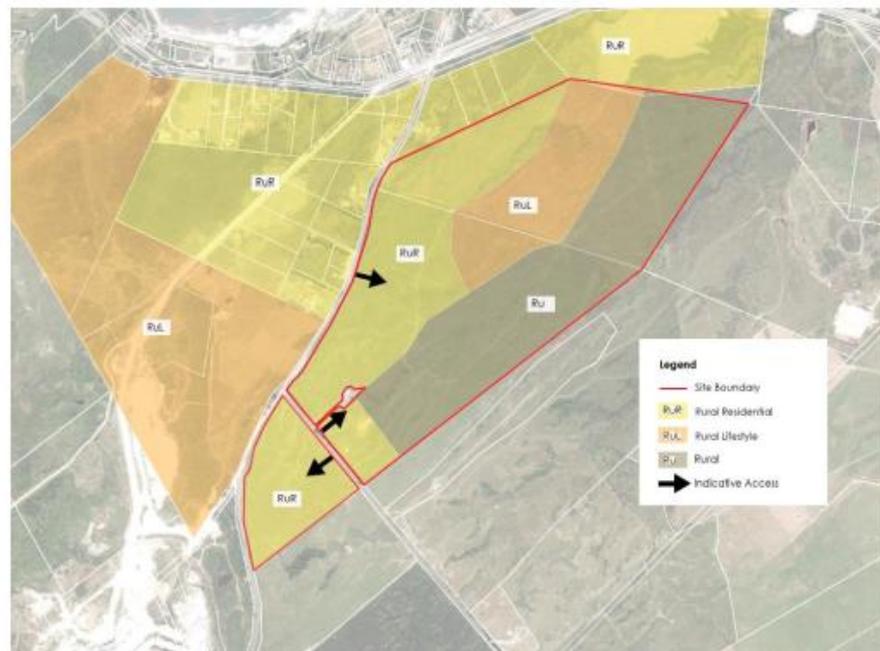


Figure 2: Rezoning sought by the TBH submission

- 10 TBH's submission was supported by a comprehensive suite of technical evidence, including planning, engineering, landscape, geotechnical, and real estate (market) evidence.
- 11 At the request of the Independent Hearing Panel (**IHP**), TBH provided an Outline Development Plan (**ODP**) for the TBH land. While the ODP included proposed additional rules in the Subdivision Chapter and SETZ, RLZ and GRUZ zones, to provide greater certainty for any future development, including landscape mitigation measures, it does not appear to have been considered in the Decision.

*The Committee's Decision*

- 12 The Decision of the Committee adopts the recommendation of the IHP contained in Recommendation Report 8: Rural Zones Ngā Takiwa Tuawhenua (**IHP Recommendation**).
- 13 The Decision is to reject the TBH submissions and retain the zoning as notified (RLZ and GRUZ).
- 14 The reasons for the Decision are:
  - (a) Omau is a small township and substantial rezoning to SETZ-RRP and RLZ has already been provided; <sup>1</sup>
  - (b) Concerns regarding requirements for servicing and the potential pressure on Buller District Council to provide for or undertake infrastructure upgrades and provision of other services;<sup>2</sup>
  - (c) Consistency with the Westport masterplan, including the long-term intention that is to gradually move development onto the Alma Road terrace and the land behind it. The level of development anticipated at Omau is consistent with the rezoning provided in the notified TTPP;<sup>3</sup>
  - (d) Uncertainty about:<sup>4</sup>
    - (i) roading capacity for additional development;
    - (ii) potential for stormwater flows to impact Gibsons Creek and impact on downstream requirements for culvert sizing.

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<sup>1</sup> IHP Recommendation at [918] and [897]

<sup>2</sup> IHP Recommendation at [911] and [897]

<sup>3</sup> IHP Recommendation at [914] and [898]

<sup>4</sup> IHP Recommendation at [918] and [897]

- 15 However, the Decision also acknowledged that rezoning in the Cape Foulwind / Omau area could well be appropriate, if undertaken in a coordinated and planned manner, which addresses all environmental, infrastructure and servicing issues (and costs) in conjunction with necessary Council input.<sup>5</sup>
- 16 The northern portion of the Property rezoned in the notified TTPP is not appropriate for residential development and cannot feasibly be developed. This means that this "substantial rezoning" cannot be considered a contribution to housing capacity. To the extent that capacity is relevant given the development is able to be serviced on-site, there is a noticeable absence of any technical evidence supporting the Officer's statement regarding housing capacity in the Cape Foulwind area. Any roading capacity issues are a matter of detailed design and may be dealt with at the point of subdivision. As we have noted previously, stormwater and housing capacity issues are not relevant for the proposed development which is to be serviced on-site.
- 17 TBH appeals the Decision to rezone the Property GRUZ and RLZ for the following reasons:
- (a) The rezoning of the northern portion of the Property (Section 2 SO14304 and Lot 1 DP12325) follows legal parcel boundaries and does not appropriately take account site conditions impacting feasibility for development. Constraints on development of this portion of the TBH land mean that this is not the most appropriate location for future development and the level of development anticipated by the TTPP zonings is unlikely to be realised;
  - (b) The rezoning proposed by TBH will enable residential development in an appropriate location that and is a logical extension of existing residential development to the north, with access to Tauranga Bay Road;
  - (c) Rural residential and rural lifestyle development on the TBH land is able to be serviced on-site, with no upgrades required to reticulated infrastructure;
  - (d) If required, the proposed ODP and associated rules provide increased certainty for any future residential development;
  - (e) Any residual matters related to managing the effects of development, including in relation to roading capacity and stormwater design, are more appropriately addressed (as required) at subdivision stage.

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<sup>5</sup> IHP Recommendation at [917]

- 18 Rezoning the TBH land to SETZ-RRP, RLZ and GRUZ as sought is the most appropriate option and will:
- (a) Assist the Council in carrying out its statutory duties under the Resource Management Act 1991 (**RMA**) including the integrated management of the effects of the use and development of land;
  - (b) Give effect to the National Policy Statement for Urban Development;
  - (c) Give effect to the New Zealand Coastal Policy Statement;
  - (d) Give effect to the West Coast Regional Policy Statement;
  - (e) Achieve the objectives of the TTPP;
  - (f) Meet the requirements of section 32 of the RMA; and
  - (g) Promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.

**Relief sought**

- 19 TBH seeks the following relief:
- (a) Rezone the TBH land to SETZ-RRP, RLZ and GRUZ, as shown in Figure 2;
  - (b) If required, include an ODP and any additional TTPP provisions required to support the zoning sought in (a) above;
  - (c) Such other additional, alternative or consequential relief to address the matters raised in this appeal.
- 20 TBH agrees to participate in Court assisted mediation.

**Attachments**

- 21 The following documents are attached to this notice of appeal:
- (a) Appendix A – A copy of the submission and further submission;
  - (b) Appendix B – A copy of the Decision;
  - (c) Appendix C – A list of names and email addresses of persons served with a copy of this notice.

Dated 5 December 2025



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Sarah Eveleigh / Sarah Schulte  
Counsel for the Appellant

This document is filed by Sarah Eveleigh, solicitor for the Appellant, of the firm Anderson Lloyd. The address for service of the Appellant is Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 13831, Christchurch 8141; or
- (b) left for the solicitor at a document exchange for direction to DX Box WX10009 Christchurch; or
- (c) transmitted to the solicitor by fax to + 64 3 379 0039; or
- (d) emailed to the solicitor at [sarah.eveleigh@al.nz](mailto:sarah.eveleigh@al.nz) | [sarah.schulte@al.nz](mailto:sarah.schulte@al.nz).

Appendix A – A copy of TBH's submission and further submission

Appendix B – A copy of the Decision

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

<b>Name</b>	<b>Email address</b>
Buller District Council	planning@bdc.govt.nz