

**IN THE ENVIRONMENT COURT AT  
CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**ENV-2025-CHC-00**

**UNDER THE** Resource Management Act 1991 (**Act**)

**IN THE MATTER OF** An appeal under Clause 14(1) of the First Schedule to the Act

**BETWEEN** **RIDGELINE 3 INVESTMENTS LIMITED**  
Appellant

**AND** **TE TAI O POUTINI PLAN COMMITTEE**  
Respondent

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**NOTICE OF APPEAL AGAINST DECISION ON THE PROPOSED TE TAI O POUTINI PLAN**

**08 DECEMBER 2025**

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**Christchurch**  
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**Anthony  
Harper** 

**TO:                   The Registrar  
                          Environment Court  
                          Christchurch**

**Notice of Appeal**

1       Ridgeline 3 Investments Limited (**Ridgeline** or **Appellant**) appeals against part of a decision made by the Te Toi o Poutini Plan Committee (**Respondent**) on the Proposed Te Tai o Poutini Plan (**TTPP**).

2       The Appellant is not a trade competitor for the purposes of section 308D of the Act.

3       The Appellant received notice of the decision on 10 October 2025.

4       Ridgeline appeals against the decision of the Respondent on the TTPP insofar as it relates to Sites and Areas of Significance to Maori (SASM) provisions, including all related objectives, policies, rules, methods, overlays, schedules, maps/overlays, definitions and consequential provisions. The parts of the decision appealed are the entirety of the SASM provisions, including without limitation:

4.1     The SASM objectives and policies

4.2     All rules classifying activities within SASM areas including earthworks, vegetation clearance, buildings/structures, temporary activities, subdivision, forestry, pounamu removal or disturbance, and any activity status defaults in SASM;

4.3     Any provisions requiring certification, approval, or other engagement with iwi authorities or rūnanga as a precondition to confirming the status of activities, including whether an activity is permitted or otherwise.

4.4     Scheduling and mapping of SASM, in particular the mapping of SASM and a Pounamu Management Overlay on the Appellant's land.

5       The Appellant made a submission on the relevant provisions or matters to which this appeal relates.

**Background/ Context**

6       Ridgeline is the owner of approximately 2893 ha of land in the upper Arahura Valley in the Westland District. The land is legally described as follows:

(a)     Lots 1 & 8 DP 334405

(b)     Lot 2 DP 462835; and

(c)     Lot 1 DP 563121

7       Ridgeline has owned the abovementioned land since 2004. During the period of its ownership, Ridgeline's principal use of the land has been the selective logging of indigenous forestry pursuant to a Sustainable Forestry Management Plan (SFMP). The SFMP has a lifespan of 50 years.

- 8 The land has a long history (140 years +) of commercial activity/forestry.
- 9 The land also contains a significant pounamu resource, which is privately owned by Ridgeline and which, as a matter of fact and law, has not been vested in either Poutini Ngāi Tahu or Māwhera Incorporation.
- 10 As a consequence of the Respondents' decisions, the Appellant's land is affected by a wide range of provisions in the TTPP. This is a direct consequence of the majority of the land being identified as affected by the following SASM's:
- (a) SASM 107 – Island Hill/Raparapahoi
  - (b) SASM 109 – Pyramid Hill/ Tumuaki Hill
  - (c) SASM 112 – Arahura River at Tūhua
  - (d) SASM 116 – Mt Tūhua
- 11 The land is also affected by a Pounamu Management Overlay Area notwithstanding that, as noted above, the pounamu resource on the land is privately owned.
- 12 The presence of the SASM also contribute to parts of the land being identified within an Outstanding Natural Landscape.
- 13 Ridgeline's interests are directly affected because its land is subject to the SASM and related provisions.

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

- 14 The SASM provisions create significant uncertainty for landowners in terms of the ability to provide for their economic and social wellbeing, and the wellbeing of the communities of the Westland, Grey and Buller Districts (Section 5 of the RMA). Read as a whole, these provisions could be interpreted or applied as potentially preventing any use or development of the land. At best, the provisions are likely to lead to significant delays and costs being imposed on landowners seeking to provide for their social and economic wellbeing.
- 15 The SASM provisions are likely to have a fundamental impact on Ridgeline's ability to continue to use its land for selective logging and potential harvesting of their privately owned pounamu resource. In respect of the latter, as matters currently stand, the TTPP dictates that the harvesting of privately owned pounamu by landowners is to be avoided.
- 16 The SASM mapping/overlay captures extensive areas of land, the Appellant's included, without adequate or probative site-specific evidence. The mapping/overlays do not sufficiently identify the values that are to be recognised and provided for i.e. protected, reasons for protection, the spatial extent of the values or attributes or the effects thresholds that would result in unacceptable adverse

effects on those attributes. Without a proper understanding of values and attributes, it is impossible for landowners to identify how land use or subdivision activities can be appropriately designed or planned to ensure effects (including residual effects) are either avoided or mitigated.

- 17 The rules default to restrictive activity status without evidence or analysis (under s 32 or otherwise) that less restrictive rules or standards could not appropriately manage effects, thereby restricting, without justification, land use or subdivision activities with minor effects.
- 18 The consultation undertaken as part of the TTPP process did not provide affected landowners with sufficient information or adequate opportunity to participate meaningfully in the identification, evaluation and refinement of the SASM provisions.
- 19 The certification or similar endorsement provisions included in the TTPP are unlawful because they:
  - 19.1 Delegate or fetter council decision-making functions to third parties not empowered by the RMA
  - 19.2 Introduce uncertainty and potential veto rights inconsistent with the RMA;
  - 19.3 Are otherwise not authorised by the RMA.
- 20 The provisions have not been justified under s 32 (including s 32AA) in that the analysis to date under these provisions do not appropriately take into account the tangible and non-tangible costs to landowners.
- 21 The SASM provisions, in their current form are not the most appropriate to achieve the purpose of the Act.

### **Relief Sought**

- 22 The Appellant seeks either deletion of the SASM provisions in the TTPP or a full and comprehensive review and amendment of these provisions to:
  - 22.1 Provide for accurately defined SASM overlays which are supported by verifiable evidence and which include an explicit schedule of values, attributes and management responses or methods;
  - 22.2 Removal of all certification, written approval or similar sign-off by any third party as a precondition to exercising permitted activity rights or obtaining consent;

- 22.3 Reclassification of activities to be the least restrictive status necessary to achieve appropriate objectives, with clear, measurable permitted standards where effects are minor or can be appropriately managed, including for earthworks, buildings/structures, vegetation clearance, maintenance and repair and temporary activities.
- 23 In respect of the Appellant's land in particular, the relief sought additional to the above general relief is as follows:
- 23.1 Removal or substantial amendment of the boundaries of the SASM on the land and the provision of explicit justification for the level of future management proposed in the TTPP for the land;
- 23.2 Amend, to the extent required, the policies and rules in the TTP in order to provide for the continuation of the Appellant's sustainable forestry harvesting operation on the land as either a permitted or controlled activity, including appropriate standards and/or matters of control.
- 23.3 Provide for subdivision of the land as a controlled activity.
- 23.4 Amend the TTPP to ensure that its provisions enable the harvesting and removal of the privately owned pounamu resource by the Appellant and/or any future owner of the land as a permitted activity; and
- 23.5 Provide for primary production (as defined) as a permitted activity on the land.
- 24 Such alternative relief as may be considered appropriate by the Court to give effect to the relief sought.
- 25 This Notice of Appeal is issued by **GERARD JOSEPH CLEARY**, Solicitor for the above-named Appellant of the firm of Anthony Harper.
- 26 The address for service of the above-named Appellant is:

Anthony Harper Lawyers,  
62 Worcester Boulevard,  
PO Box 2646,  
Christchurch  
Attention: Gerard Cleary: [gerard.cleary@ah.co.nz](mailto:gerard.cleary@ah.co.nz)

## **ATTACHMENTS**

1. A copy of the Appellant's submission on the TTPP
2. A copy of the relevant decision by the Te Toi o Poutini Plan Committee

## **ADVICE TO RECIPIENTS OF NOTICE**

### How to become party to proceedings

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see Form 38).

### How to obtain copies of documents relating to appeal or inquiry

The copy of this notice served on you does not attach a copy of the relevant application. This document may be obtained, on request, from the Appellant.

### Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department of Courts in Christchurch.

### Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

### **The Christchurch address** of the Environment Court is:

Justice and Emergency Precinct

20 Lichfield Street

Christchurch

8013

Telephone: (03) 3650905 or 03 3534434

Facsimile: (03) 365 1740