

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

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

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

Between **Russell Robinson**

Appellant

And **Te Tai o Poutini Plan Committee**

Respondent

Notice of Appeal

8 December 2025

Appellant's solicitors:

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**anderson
lloyd.**

To: the Registrar
Environment Court
Christchurch

- 1 Russell Robinson (the **Appellant**) appeals against part of a decision (**Decision**) of the Te Tai o Poutini Plan Committee (**Committee**) on the proposed Te Tai o Poutini Plan (**TTPP**).
- 2 The Appellant made a submission on the TTPP – Submission 515 (**Submission**).
- 3 The Appellant is not a trade competitor for the purpose of section 308D of the Act.
- 4 The Appellant received notice of the decision on or about 10 October 2025.
- 5 The decision was made by the Committee. The Committee was established under the Local Government Reorganisation Scheme (West Coast Region) Order 2019 as a permanent committee charged with the preparation, notification, adoption, monitoring of implementation and amendment and review of the combined district plan for the Buller, Grey and Westland Districts.
- 6 The Appellant is the sole director and shareholder of Brunner Builders Limited (**Brunner Builders**). The Appellant made the Submission on behalf of Brunner Builders. Brunner Builders owns the land legally described as Lot 1 DP 2820 and Part RS 3806 (**Property**), identified in yellow *in Figure 1* below.



Figure 1: Lot 1 DP 2820 and Part RS 3806

7 The parts of the Decision appealed relate to the Property, and include:

- (a) the rezoning of part of the Property to Settlement Zone – Rural Residential Precinct (**SETZ – PREC 4**), as shown in *Figure 2* below;



Figure 2: SETZ – PREC 4 zoning – red horizontal lines.

- (b) the identification of SETZ – PREC 4 zoning in the Moana North Development Area Outline Development Plan (**ODP**) as shown in *Figure 3* below;

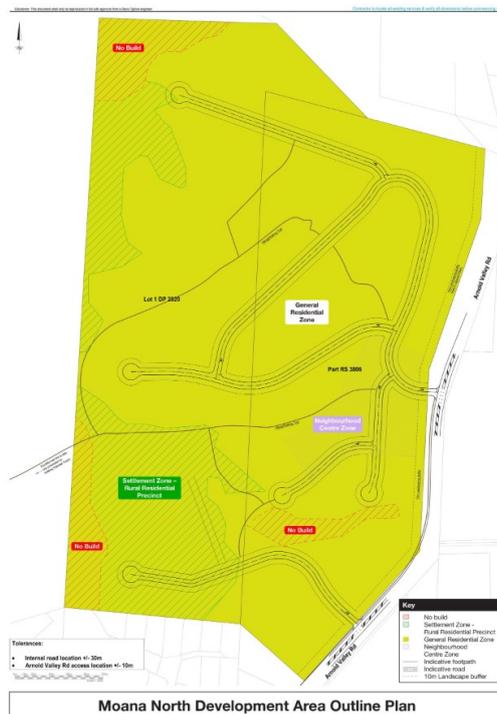


Figure 3: ODP with SETZ – PREC 4 zoning in green horizontal lines.

- (c) the delineation of Outstanding Natural Landscape – (ONL 29) across the Property, as shown in *Figure 4* below;

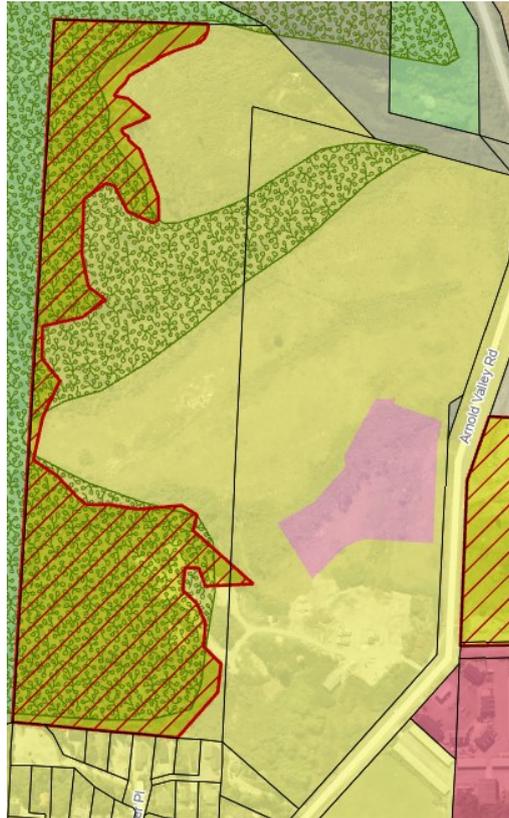


Figure 4 – ONL 29 shown in green leaf design.

- (d) All other provisions in the TTPP which relate to the Property and the matters identified in (a)-(c) above, including any related provisions in the Ecosystems and Biodiversity, Natural Features and Landscapes, Subdivision, General Residential Zone, Settlement Zone and Neighborhood Centre Zone Chapters.

Background

- 8 Brunner Builders owns Property adjoining the Moana township. Moana is on the northern shore of Lake Brunner, about 30 minutes from Greymouth and 3 hours from Christchurch. There is demand for residential housing in Moana and space is limited due to the Lake, Arnold River, surrounding Significant Natural Areas and Highly Productive Land. Efficient use of available land used for residential activity is essential.
- 9 Brunner Builder's plans to develop the Property (into residential lots, local shops, safer and more efficient access, a landscaped boundary along Arnold Valley Road and protected ecological areas (i.e. no build areas)) commenced in February 2020.
- 10 Brunner Builders lodged a plan change application to rezone the Property under the Grey District Plan in 2022, prior to the TTPP being notified. This was

subsequently put on hold, and the Appellant submitted (and provided evidence) on the TTPP when it was notified. No submissions in opposition were received, the Officer agreed increased density from notification was appropriate,¹ and in the Decision the Panel recommended the Outline Development Plan that had been advanced by the Appellant, with some amendment to zoning, be accepted.

- 11 The Appellant strongly supports the majority of the zoning of the Property but is appealing the part of the zoning identified as SETZ – PREC 4, and the location of the ONL on the Property (and any associated relevant provisions). The Property was designed in a comprehensive manner and changing parts of the zoning for the Property has unintended implications for well-functioning design.

Reasons for Appeal

- 12 The Settlement Zone is more appropriate than the SETZ – PREC 4, including because:

- (a) The areas identified for SETZ – PREC 4 zoning were assessed as being capable of having a greater density than 4,000m². The proposed increase in density (to 1,000m²):
- (i) was recommended by the section 42A reporting author;
 - (ii) reflects market demand, aligns with the current consented lots in that area;² and still provides a lesser density than the remainder of the site.

- 13 Protection and maintenance of vegetation as appropriate, will be maintained:

- (a) The significant parts of the vegetation along the western boundary are identified as "no build areas", representing a greater protection than would have otherwise been achieved under the TTPP – see red horizontal lines in *Figure 3*. The tradeoff for that additional protection was intended to be development of the rest of the vegetated area, down to lot sizes of 1,000m²;
- (b) A minimum lot size of 1,000m² maintains a gradation of development from west to east, and allows a degree of naturalness to be maintained;
- (c) The provisions of the Ecosystems and Biodiversity and Natural Features and Landscapes Chapters still apply to other areas of the vegetation, including restrictions on indigenous vegetation clearance;

¹ Te Tai o Poutini Plan Addendum to Rural Zones and Settlement Zones s42A Reports and Appendices (**Addendum Report**), at [17].

² SD3370-25 & SD3435-25 & LU3371-25.

(d) Specific provisions require replacement of trees removed over 20cm diameter and breast height;³

14 In order to achieve minimum lot sizes of 1,000m², the Appellant seeks the area identified as SETZ – PREC 4 be rezoned to Settlement Zone (i.e. without Rural Residential Precinct), or any other such relief as required to give effect to this appeal and his submission.

15 In terms of the location of ONL 29 specifically, the TTPP Committee erred in its decision to locate ONL 29 as per the decisions version (identified in paragraph [7](c) above) because:

(a) The Panel failed to adequately consider the landscape assessment (Ms Louise Bailey) which considered that the ONL line should follow the line of significant vegetation on the Property;

(b) Ms Bailey identified in evidence that the values of the ONL are inherently linked to the significant vegetation in Moana Reserve, the only applicable values of ONL 29 to the Property being:⁴

Homogenous and extensive wetland and swamp forest around the lake fringes. Vegetation directly interacts the open waters of the lake. High transient values.

(c) The Property clearly does not exhibit landform associated with ONL 29 – being:

Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms.

Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities.

(d) The digitised mapping of ONL 29 also clearly does not align with the bush (i.e. swamp forest) edges.

³ SETZ – R2 5. iv. a.

⁴ Te Tai o Poutini Plan Schedule Five: Outstanding Natural Landscapes | Te Rārangī Tuarima: Ngā Whenua Aotūroa Puru Rourou, Site Type and Values for ONL 29.

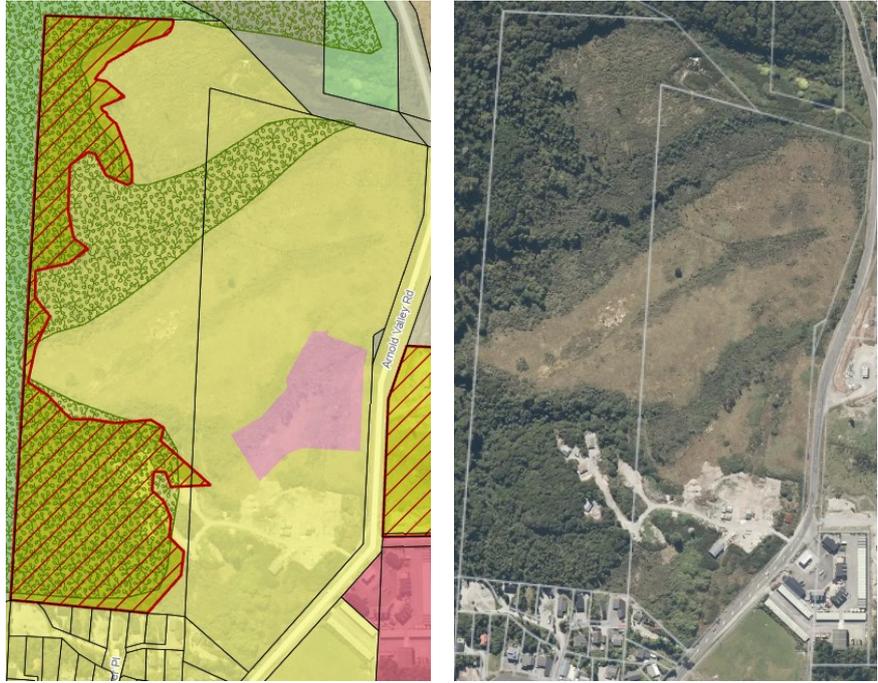


Figure 5 – ONL 29 shown in green leaf design compared to an aerial image of the Property showing swamp forest limited to western edges.

- (e) It is illogical that the Appellant's Property can have a delineation of the ONL extend into his grazing and shrubland, while areas of the scenic reserve itself (and adjacent conservation land) are excluded from the ONL.



Figure 6 – Blue outline containing a combination of Scenic Reserve and Conservation purposes land.

- (f) It is more appropriate for the TTPP to only identify and protect the extent of the Property which has been assessed as part of ONL 29.

16 To accurately reflect the location of ONL 29 on the Property, the Appellant seeks that the line be moved to align with the significant (i.e. swamp forest) vegetation on

the western boundary – aligning with the western "No build areas" identified on the ODP (Figure 3) consistent with the evidence provided at the TTPP hearing.

- 17 The changes requested will provide more appropriate and efficient use of the limited land resource in Moana, while still enabling protection of the most ecologically significant areas and landscapes and managing environmental effects.
- 18 The requested changes to the Property:
- (a) will better assist the Councils in carrying out their statutory functions under the Resource Management Act (**RMA**);
 - (b) will better meet the requirements of section 32 and 32AA of the RMA (in that the proposed rezoning and ONL delineation are the most appropriate method for achieving the RMA's purpose and are the most efficient and effective means for achieving the objectives); and
 - (c) will promote the sustainable management purpose and accord with Part 2 of the RMA.

Relief Sought

- 19 The Appellant seeks the following decisions:
- (a) rezoning of the part of the Property zoned Settlement Zone – Rural Residential Precinct (SETZ – PREC 4) to Settlement Zone (SETZ) or an alternative suitable residential zone;
 - (b) consequential amendments to the Moana North Development Area Outline Development Plan (**ODP**), and any provisions relating to the Moana North Development Area;
 - (c) amendment to the delineation of ONL 29 to align with the areas of the site that have actually been assessed to be outstanding;
 - (d) Any such additional, alternative or consequential relief considered necessary or appropriate to address the issues and concerns raised.
- 20 The Appellant is willing to attend mediation on this appeal to seek to resolve the issues raised.

Attachments

- 21 The following documents are attached to this notice of appeal:
- (a) **Appendix A** – A copy of the Appellants' submission;

- (b) **Appendix B** – Copies of the relevant Decisions;
- (c) **Appendix C** – A list of names and addresses of persons served with a copy of this notice.

Dated this 8th day of December 2025



Alex Booker / Kelsey Barry
Counsel for the Appellant

This document is filed by Alex Booker and Kelsey Barry, solicitors 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 solicitors at PO Box 13831, Christchurch 8141; or
- (b) left for the solicitors at a document exchange for direction to DX Box WX10009 Christchurch; or
- (c) transmitted to the solicitors by fax to + 64 3 379 0039; or
- (d) emailed to the solicitors at alex.booker@al.nz | kelsey.barry@al.nz.