

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

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

ENV-2025-CHC-000124

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 to the Act

AND

IN THE MATTER of s 274 of the Act

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Appellant

AND **TE TAI O POUTINI PLAN COMMITTEE**

Respondent

BULLER DISTRICT COUNCIL'S WISH TO BE A PARTY TO PROCEEDINGS
2 February 2026

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TO: The Registrar
Environment Court
Christchurch

1. Buller District Council (**BDC**) wishes to be a party to the following proceedings:

KiwiRail Holdings Limited v Te Tai o Poutini Plan Committee

2. BDC made a submission about the subject matter of the proceedings.
3. BDC has an interest in the proceedings that is greater than the interest that the general public has because BDC:
 - 3.1. Is the territorial authority responsible for administering and implementing Te Tai o Poutini Plan (**TTPP**) within the Buller District; and
 - 3.2. Has statutory responsibility for the functions set out at s 31 RMA (excluding any functions that have been transferred to Te Tai o Poutini Plan Committee).
4. BDC is not a trade competitor for the purposes of ss 308C or 308A Resource Management Act 1991.
5. BDC is interested in all of the proceedings.
6. BDC is interested in the following particular issues:
 - 6.1. The noise and vibration provisions applying to development adjacent to a rail corridor, including the appropriate measurement point for noise controls and the management of reverse sensitivity effects;
 - 6.2. “Technical amendments” to rule NOISE-R3 and NOISE-APP1;
 - 6.3. The setback and land use controls affecting development adjoining a rail corridor;

- 6.4. The extent to which Plan provisions applying to land adjoining the rail corridor may unintentionally constrain the ongoing operation, maintenance or upgrading of existing rail infrastructure;
 - 6.5. The relationship between designations and overlays;
 - 6.6. Any amendments to TTPP chapters as a consequence of the relief sought; and
 - 6.7. Administration of TTPP.
7. BDC opposes the relief sought because:
- 7.1. The decision version of TTPP appropriately requires noise and vibration controls to be measured from the edge of the rail tracks rather than the designation boundary. Measuring from the designation boundary would capture a significantly larger area of land than is affected by rail noise, resulting in unreasonable and disproportionate constraints on development, particularly in urban areas;
 - 7.2. The decision version appropriately rejects the introduction of a blanket 5-metre setback across residential, commercial and mixed-use zones, recognising that such a setback would be excessive in urban environments, and that the adopted 1.5-metre setback is the most appropriate approach;
 - 7.3. The relief sought to remove Outstanding Natural Feature, Landscape or Coastal Natural Character overlays from KiwiRail designations would undermine plan integrity and public understanding by creating artificial gaps in mapping, and is unnecessary given that designations already provide KiwiRail with a consenting pathway for rail works;
 - 7.4. The relief sought is, in places, inconsistent with the relief sought in BDC's appeal; and

- 7.5. The relief sought is generally not an effective or efficient way to achieve the objectives of TTPP and would undermine the coherent and integrated framework adopted in the decision version for managing land use effects at the interface with the rail corridor.
8. BDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 2 February 2026



CP Thomsen / AA Yardley
Counsel for Buller District Council

This notice was filed by **CHRISTOPHER PAUL THOMSEN**, solicitor for the party of the firm Fletcher Vautier Moore. The address for service of the above-named party is at the offices of Fletcher Vautier Moore, Solicitors, Level 1, 201 Queen Street, Richmond, Nelson.

Documents for service on the party may be:

- a) Posted to the solicitor at Fletcher Vautier Moore, Solicitors, PO Box 90, Nelson 7040; or
- b) Sent by email to both cthomsen@fvm.co.nz and ayardley@fvm.co.nz.

Advice

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