

**In the Environment Court of New Zealand
at Christchurch**

ENV-2025-CHC-000131

**I te Kōti Taiao o Aotearoa
ki Ōtautahi**

Under the Resource Management Act 1991

In the matter of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 against the decision of the Te Tai O Poutini Plan Committee on the proposed Te Tai O Poutini Plan: A Combined District Plan for the West Coast

Between **Buller District Council**
Appellant

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

Notice of wish to be a party to an appeal on behalf of Westland District Council

2 February 2026



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Notice of wish to be a party to an appeal on behalf of Westland District Council

To: The Registrar of the Environment Court at Christchurch

1. Name of person who wishes to be a Party

1.1 Westland District Council (**Council**) wishes to be a party to the following proceeding:

- a. An appeal by Buller District Council (**Appellant**) against parts of a decision of the Te Tai O Poutini Plan Committee on the proposed Te Tai o Poutini Plan (**ENV-2025-CHC-000131**).

1.2 Pursuant to s 274(1)(b) of the Resource Management Act (**RMA**) the Council is a local authority and may be a party to the proceedings.

2. Trade competition

2.1 The Council is not a trade competitor for the purposes of sections 308C or 308CA of the RMA.

3. The proceeding

3.1 The Council is interested in the following parts of the appeal that relate to:

- a. Natural hazards;
- b. Earthworks; and
- c. Coastal Environment.

3.2 The Council supports the relief sought by the Appellant in its notice of appeal.

3.3 The specific provisions the Council is interested in, its position and reasons are set out in a table attached to this notice as **Schedule 1**.

3.4 In addition to those specific provisions, the Council is interested in any related provisions and consequential amendments including any objectives, policies, rules or assessment criteria.

4. Dispute Resolution

4.1 The Council agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Date: 2 February 2026



Katia Fraser | Felicity Wach

Counsel for Westland District Council

This document is filed by Katia Fraser and Felicity Wach of Rice Speir, solicitors for Westland District Council. The address for service on Westland District Council is Level 14, 23 Customs Street East, Auckland 1010.

Documents for service on Westland District Council may be left at the address for service or may be:

- a. Posted to the solicitor at PO Box 105147, Auckland 1143
- b. Emailed to katia.fraser@ricespeir.co.nz, felicity.wach@ricespeir.co.nz and rosie.argyle@ricespeir.co.nz

Schedule 1

Provision appealed	Relief sought	Oppose/Support	Reasons
<p>Rule NH-R4</p>	<p>Amend NH-R4 to reinstate permitted activity status for Natural Hazard Mitigation Structures constructed by a Statutory Agency, subject to appropriate standards (e.g., an engineer’s report), consistent with the Notified Version.</p> <p>Make consequential amendments to all zone provisions to provide for a permitted activity pathway in line with NH-R4.</p> <p>Make any consequential amendments to ensure alignment with the Natural Hazards Chapter, Coastal Environment rules, and Natural Character and Margins of Waterbodies Chapter.</p> <p>In the alternative, delete NH-R4.3:</p> <p><i>It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation</i></p>	<p>Support</p>	<p>Natural hazard mitigation structures are permitted within the Coastal Environment under CE-R4, yet the same structures outside the Coastal Environment face a more restrictive status under NH-R4, creating an inconsistent and non-risk-based approach. Furthermore, NH-R4 does not give effect to NH-P3(d), which directs that mitigation measures reducing natural hazard risk should be enabled.</p>

Provision appealed	Relief sought	Oppose/Support	Reasons
	<p>structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing.</p>		
EW-R1	<p>Amend EW-R1.8 as follows: EW - R1 Earthworks General Standards</p> <p>All permitted activities must comply with the following relevant standards 8. Rule EW-R1 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting, <u>or Natural Hazard Mitigation Structures constructed by a Statutory Agency.</u></p>	Support	<p>Earthworks for natural hazard mitigation structures (NHMS) constructed by a statutory agency should not be constrained by EW-R1.1, as this limit appears unintended given that EW-R2.1(vii) expressly permits earthworks for NHMS. Large NHMS such as stop banks and floodwalls will often exceed the boundary-related limits in EW-R1.1, effectively negating the permitted activity pathway and frustrating the rule’s purpose. Because EW-R1.1 is aimed at small-scale, localised amenity effects—and NHMS are already regulated through relevant overlay chapters—applying EW-R1.1 to these structures is unnecessary and disproportionate.</p>

Provision appealed	Relief sought	Oppose/Support	Reasons
CE-R4.2(c)(i)	Amend Rule CE-R4.2(c)(i) as follows: ¹ c. The gross ground floor area is: I. A maximum of 200 <u>300</u> m ² per building for new buildings	Support	The 200m ² maximum ground-floor area limit prevents the construction of typical rural buildings that commonly exceed this size and results in unnecessary consenting time and cost. It also provides no meaningful benefit to natural character in locations where coastal values are not present.

¹ The rule referred to appears to be rule CE-R4.1(i)(c)(I) in the decisions version of the TTPP dated 16 December 2025.