

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV- 2025-CHC-

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

IN THE MATTER

of an appeal under Clause 14 of the
First Schedule of the Resource
Management Act 1991

AND IN THE MATTER

of the proposed Te Tai o Poutini Plan

BETWEEN

**FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND
INCORPORATED**

Appellant

AND

**BULLER DISTRICT COUNCIL
Appellant**

AND

**GREY DISTRICT COUNCIL
Appellant**

APPLICATION FOR STRIKE OUT

24 April 2026

Royal Forest and Bird Protection Society of New Zealand Incorporated

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APPLICATION FOR STRIKE OUT

To: The Registrar
Environment Court
Christchurch

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated applies, under section 279(4)(b) and (c) of the Resource Management Act 1991 for an order striking out:
 - a. The appeal and section 274 notices lodged by Grey District Council on the proposed Te Tai o Poutini Plan; and
 - b. The appeal and section 274 notices lodged by Buller District Council on the proposed Te Tai o Poutini Plan.
2. The grounds of the application are that the Buller and Grey District Council's appeals and section 274 notices do not disclose a relevant or reasonable case and / or are an abuse of process for the following reasons.
 - a. The District Council appeals and section 274 notices are contrary to the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 and The Local Government Reorganisation Scheme (West Coast Region) Order 2019;
 - b. The District Council appeals and section 274 notices undermine the integrity of the appeal process;
 - c. The District Councils are not excluded from the appeal process if struck out.
3. Further details of the grounds are set out in the attached memorandum of counsel.
4. In making this application, Forest & Bird relies on:
 - a. S 279(4)(b) and (c) of the Resource Management Act 1991;
 - b. The Local Government Reorganisation (West Coast Region) Final Proposal Order 2018;
 - c. The Local Government Reorganisation Scheme (West Coast Region) Order 2019;
 - d. *Hurunui Water Project Limited v Canterbury Regional Council*;¹
 - e. *Waitakere City Council v Kitewaho Bush Reserve Co*;²

¹ [2015] NZHC 3098

² [2005] 1 NZLR 208

f. *Auckland Council v Auckland Council*.³

5. The following documents are attached:

- a. a memorandum of counsel in support of the application
- b. an affidavit of Nicola Lee Snoyink in support of the application; and

6. The following persons are to be served with a copy of this notice

- a. Grey District Council;
- b. Buller District Council;
- c. Te Tai o Poutini Committee; and
- d. All parties to the appeals on the TTPP.

Dated 24 April 2026



P Anderson / M Downing

Counsel for Royal Forest and Bird Protection Society of New Zealand Incorporated

³ [3028] NZEnvC 56