

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**UNDER** the Resource Management Act 1991 (RMA)

**IN THE MATTER** of an application for orders under section 279(4) of the RMA

**BETWEEN** **TE TAI O POUTINI PLAN COMMITTEE**  
**Applicant**

**AND** **JOHN CURRIE**  
ENV-2025-CHC-000100  
**Respondent (Appellant)**

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**NOTICE OF MOTION SEEKING ORDERS STRIKING OUT APPEAL UNDER  
SECTION 279(4) OF THE RMA  
2 April 2026**

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Applicant's Solicitor  
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Solicitor: A H Balme / T M Ellis  
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**WYNN WILLIAMS**

**To:** The Registrar  
Environment Court  
Christchurch  
and

**To:** John Currie

### **Introduction**

- 1 Te Tai o Poutini Plan Committee (**TTPP Committee**) applies for an order under section 279(4) of the Resource Management Act 1991 (**RMA**) that the Notice of Appeal filed by John Currie on 21 November 2025 (ENV-2025-CHC-000100) (**Notice of Appeal**) against part of the TTPP Committee's decision on the Te Tai o Poutini Plan (**TTPP**) is struck out (**Application**) on the basis that:
  - (a) Mr Currie does not have standing under clause 14 of Schedule 1 of the RMA to bring an appeal on the TTPP as Mr Currie made no valid original or further submission on the TTPP;
  - (b) The relief sought by Mr Currie is therefore outside of the Court's jurisdiction; and
  - (c) As a result, the Notice of Appeal discloses no reasonable or relevant case in respect of the proceedings, amounts to an abuse of process and is frivolous or vexatious in the sense that the relief lacks the requisite jurisdiction.
- 2 The specific grounds for the Application are:
  - (a) Clause 14 of Schedule 1 of the RMA sets out the requirements that must be satisfied for a valid appeal to be lodged against the TTPP Committee's decision on the TTPP;
  - (b) Those requirements include that a person may only appeal to the Environment Court against the inclusion or exclusion of any provision or matter in, or from, a proposed plan if that person:
    - (i) made a submission on the proposed plan (clause 14(1)); and
    - (ii) referred to the provision or matter in that submission (clause 14(2));

- (c) Mr Currie did not lodge a valid submission or further submission on the proposed TTPP and fails to meet the requirements for an appeal under both clauses 14(1) and (2) of Schedule 1 of the RMA; and
  - (d) As a result, the Court lacks the requisite jurisdiction to grant the relief sought in the Notice of Appeal and it should be struck out.
- 3 The TTPP Committee relies on:
- (a) Section 279(4) and clause 14 of Schedule 1 of the RMA;
  - (b) The authority in: *Guardians of the Bay Inc v Wellington International Airport Ltd* [2021] NZEnvC 201, *Re an application by Vivid Holdings Ltd* [1999] NZRMA 467 and *Liang v Auckland Council* [2024] NZEnvC 241; and
  - (c) The affidavit of Lois Margaret Easton in support of this Application.
- 4 The following documents are attached to this Application:
- (a) Appendix 1: A list of names and addresses of persons to be served with a copy of this notice;
  - (b) Affidavit of Lois Margaret Easton in support of this Application; and
  - (c) Memorandum of counsel in support of this Application.

Dated this 2<sup>nd</sup> day of April 2026



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A H Balme / T M Ellis  
Solicitor for Applicant

**Address for service of Applicant:**

Te Tai o Poutini Plan Committee

C/- Wynn Williams

Level 2 Te Nuku Building, 43 Ballarat Street, Queenstown 9300.

PO Box 323, Queenstown 9348.

Contact persons: Alice Balme / Tracey Ellis

Telephone: 03 379 7622

Email: [alice.balme@wynnwilliams.co.nz](mailto:alice.balme@wynnwilliams.co.nz) and [tracey.ellis@wynnwilliams.co.nz](mailto:tracey.ellis@wynnwilliams.co.nz)

**Note to applicant**

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve copies of this notice and affidavit on the parties to the application (if any) as soon as reasonably practicable after lodging the notice. An Environment Judge may also at any time direct you to serve a copy of this notice and affidavit on any other person. You must advise the Registrar of the persons served and when those persons were served.

This form should be used to object to the taking of an interest in land under section 23 of the Public Works Act 1981.

**Advice to recipients of copy of notice of motion***How to become party to proceedings*

If you wish to become a party to the proceedings, you must lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant within 15 working days after—

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) the proceedings are commenced, in any other case.

You must serve copies of your notice on all other parties within 5 working days after the period for lodging this notice with the Environment Court ends.

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).

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

*How to be heard on this application*

If you wish to be heard on this application, you must lodge a notice (in form 37) with the Environment Court and serve a copy of the notice on the applicant within 15 working days after you were served with this notice.

*Advice*

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

**Appendix 1 – List of names and addresses of persons to be served with a copy of this notice**

**1. John Currie**

57 Stafford Street, Westport

By email to: [curriejohn789@gmail.com](mailto:curriejohn789@gmail.com)

**2. Buller District Council**

Fletcher Vautier Moore

265A Queen Street, Richmond, Nelson.

P O Box 90, Nelson 7040

By email to: [cthomsen@fvm.co.nz](mailto:cthomsen@fvm.co.nz) or [ayardley@fvm.co.nz](mailto:ayardley@fvm.co.nz)