

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2025] NZEnvC 325

IN THE MATTER

of the Resource Management Act 1991

AND

of an application for waivers and
directions under section 281 of the Act

BETWEEN

TE TAI O POUTINI PLAN
COMMITTEE

(ENV-2025-CHC-88)

Applicant

Court: Environment Judge K G Reid

Hearing: In Chambers sitting alone under s309 of the Act

Last case event: 1 October 2025

Date of Decision: 6 October 2025

Date of Issue: 6 October 2025

**DECISION OF THE ENVIRONMENT COURT ON EX PARTE
APPLICATION FOR WAIVERS/DIRECTIONS**

A: The notice of motion seeking waivers and directions in relation to the proposed Te Tai o Poutini Plan is granted as sought.

REASONS

Introduction

[1] The Registrar has referred to me the notice of motion for the Te Tai o Poutini Plan Committee (TTPP Committee) dated 1 October 2025 seeking a

TE TAI O POUTINI PLAN COMMITTEE – NOTICE OF MOTION



number of waivers and directions on potential appeals to the proposed Te Tai o Poutini Plan (TTPP).

[2] The TTPP Committee was established to develop a new combined proposed plan for the Buller, Grey and Westland District Councils and the West Coast Regional Council.

[3] The TTPP Committee has advised that 534 submissions were lodged on the proposed TTPP, amounting to over 15,000 individual submission points. 230 further submissions were also received. Decisions on the TTPP are expected to be publicly notified on 10 October 2025. It is anticipated that the appeal period will close on or about 24 November 2025, with the s274 period ending on or about 15 December 2025.

The notice of motion

[4] The notice of motion was filed to:

- (a) provide information to the court on the TTPP process so far, including an outline of the content of, and first instance hearings for, the TTPP;
- (b) indicate the TTPP Committee's preliminary thoughts on options for the case management of any TTPP appeals (including potential grouping of appeals on the TTPP into topics, and other procedural matters); and
- (c) seek, pursuant to s281 of the RMA, various waivers and directions that may assist to streamline the filing of, and reduce the burden of completing service of, any notices of appeal and s274 notices relating to these appeals.

[5] In relation to the service waivers sought, the TTPP Committee has advised it will:

- (a) give public notice of its decisions (as required by clause 10(4)(b) of Schedule 1 of the RMA);
- (b) send a letter to all submitters and further submitters on the proposed TTPP containing the information required by clause 11(1) of Schedule 1 of the RMA;
- (c) upload a copy of the TTPP Committee's waivers and directions on the TTPP webpage and serve notice on all proposed TTPP submitters (generally in electronic form but also by post where no electronic address is available) that the waivers and directions have been made and that they can be found on the TTPP website;
- (d) make live a specific webpage on the TTPP website, which will contain all of the notices of appeal as well as s274 notices served on the TTPP Committee;
- (e) identify, on its website, the proposed TTPP chapters or rezoning requests relating to each appeal;
- (f) send an email to all submitters who provided an electronic address notifying them at the completion of the appeal period and s274 period when appeals and notices have all been uploaded to the website.

[6] While the notice of motion has been made on an *ex parte* basis, the court agrees that no submitter would be unduly prejudiced in the making of these general waivers and directions as they are designed to assist all parties and streamline the appeal process. The TTPP Committee will notify all submitters of the directions made as set out above and I will reserve leave for any future party to apply for further (or other) directions if necessary.

Case Management

[7] The TTPP Committee has advised that immediately after any appeals are served the TTPP Committee will review all the notices of appeal and identify:

- (a) the relevant topics;
- (b) whether further particulars are required;
- (c) whether certain parts of the PDP are subject to appeal or are beyond challenge; and
- (d) whether there are any jurisdictional issues.

[8] The TTPP Committee proposes to file a case management memorandum within four working weeks following the end of the s274 period (excluding the Christmas shutdown period) which would set out:¹

- (a) whether it is appropriate to hear certain appeals separately, or group appeals together for mediations and/or hearings;
- (b) whether any particular sequencing of appeals (or groups of appeals) is appropriate; and
- (c) whether mediation would be of benefit for certain appeals (or groups of appeals), and if so, the TTPP Committee will liaise with the parties involved in relation to the likely timeframe required to prepare for any mediation.

[9] The court records the TTPP Committee preference for:

- (a) mediations/hearings to take place on a topic or subtopic basis rather than be separated by appeal;
- (b) mediation to be encouraged in the first instance, with a potential program/timetable and the filing of position papers proposed;
- (c) any preliminary jurisdictional issues be identified as quickly as possible following the close of the appeals period to enable any issues to be considered prior to, or alongside mediations.

¹ Paragraph 23 of the Notice of Motion.

[10] I consider the proposed case management approach is appropriate in the first instance so will put in place directions to that effect.

Notices of Requirement

[11] The TTPP Committee has advised that recommendations on notices of requirement (NORs) included through the Schedule 1 process are also expected to be notified on 10 October 2025. Given there is a reasonably large difference in filing timeframes for NOR appeals, the TTPP Committee requests that any appeals on designations should be managed separately from the TTPP appeals. Accordingly, the court records that none of the waivers and directions within this Minute will apply to appeals against the decision on notices of requirement of any requiring authority. Directions on any NOR appeals will issue in due course, once any appeals are known.

Directions

[12] On the grounds advanced in the notice of motion, and exercising the power granted to me under s281 of the RMA, I direct:

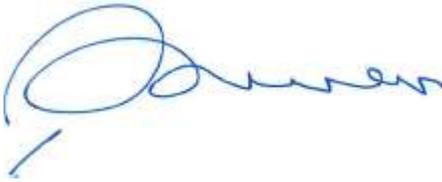
- (a) notice of the TTPP Committee's decisions:
 - (i) the notice of the TTPP Committee's decisions shall include the Schedule attached to this Minute marked "A".
- (b) notices of appeal:
 - (i) any notices of appeal (in relation to the TTPP Committee's decisions on the TTPP) must be:
 - (1) lodged with the Environment Court electronically either through the court's File and Pay system here: <https://www.courtsofnz.govt.nz/file-and-pay/> or by email to EnvironmentCourt@justice.govt.nz or Sophia.Preston@justice.govt.nz
 - (2) posted (one hard copy) to: Environment Court, WX 11113, 20 Lichfield Street, Christchurch;

- (3) served on the TTPP Committee electronically by email to: info@tpp.nz;
 - (4) where the appeal is based on an original submission that the appellant made, served on every person that made a further submission on the relevant original submission point; and
 - (5) where the appeal is based on a further submission that the appellant made, served on the person who made the related original submission and every other person who made a further submission on that same original submission.
- (ii) the requirement to serve a copy of any notice of appeal and attachments on every person who made a submission on the provision or matter to which the appeal relates is waived. The related written notice requirement (advice to recipients) is also waived;
- (iii) service of the notice of appeal on every other person who made a submission on a provision, requirement or matter to which the appeal relates will be deemed to be effected by the TTPP Committee uploading copies of all notices of appeal onto its website as soon as possible after the appeal is received by the TTPP Committee.
- (c) section 274 notices:
- (i) any s274 notice must be:
 - (1) lodged with the Environment Court electronically either through the Court's File and Pay system here: <https://www.courtsofnz.govt.nz/file-and-pay/> or by email to EnvironmentCourt@justice.govt.nz or Sophia.Preston@justice.govt.nz and by posting one hard copy to: WX 11113, 20 Lichfield Street, Christchurch;
 - (2) served on the TTPP Committee electronically by email to: info@tpp.nz;

- (3) served on the appellant on any email address provided in the notice of appeal.
 - (ii) the requirement to lodge a signed original and one hard copy of any s274 notice with the court is waived;
 - (iii) the requirement for s274 parties to serve their notice/Form 33 on all other parties is waived;
 - (iv) service of s274 notices on all other parties will be deemed to be effected by the TTPP Committee uploading copies of s274 notices onto its website as soon as possible after the s274 notice is received.
- (d) case management:
- (i) the TTPP Committee must update its website preferably daily, but otherwise within three working days of any notice of appeal, s274 notice, or other document being served on it;
 - (ii) the TTPP Committee is to confer with all parties and lodge and serve a case management memorandum by **Monday 2 February 2026** which must (at least):
 - (1) identify any preliminary jurisdictional issues;
 - (2) identify the appeals by topic (and if necessary, by subtopic);
 - (3) advise whether in the TTPP Committee's opinion it is appropriate to hear certain appeals separately or group appeals together by topics for mediations and/or hearings;
 - (4) advise whether any particular sequencing of appeals (or groups of appeals) is considered appropriate; and
 - (5) advise whether mediation would be of benefit for certain appeals (or groups of appeals), and if so, liaise with the parties involved in relation to the likely timeframe required to prepare for any mediation;
 - (6) propose potential dates (or blocks of dates) for mediation, as well as any proposed directions around the filing of position papers;

- (7) set out any other matters or issues the parties wish to raise with the court.

[13] Leave is reserved for any party, appellant or s274 party to apply for further (or other) directions.



K G Reid
Environment Judge



APPENDIX 1

Notice of the Te Tai o Poutini Plan Committee

Special procedural arrangements in relation to service of appeals on the Proposed Te Tai o Poutini Plan

[1] The Te Tai o Poutini Plan Committee (TTPP Committee)'s decisions on the Proposed Te Tai o Poutini Plan (TTPP) were publicly notified on 10 October 2025. The public notice of the TTPP Committee's decisions can be viewed on TTPP website here:

<https://tpp.nz/wp-content/uploads/tpp-public-notice-notified.pdf>

[2] The Environment Court has put in place special procedural arrangements for dealing with any appeals lodged on the TTPP Committee's decisions on the proposed TTPP (note that the special arrangements do not apply for appeals on any notices of requirement of requiring authorities).

[3] In summary the special procedural arrangements are set out in the following paragraphs.

Notices of appeal:

- [4] Notices of appeal must be lodged with the Environment Court both:
- (a) electronically either through the court's File and Pay system here: <https://www.courtsofnz.govt.nz/file-and-pay/> or by email to: EnvironmentCourt@justice.govt.nz or Sophia.Preston@justice.govt.nz;
 - (b) by posting one hard copy to: WX 11113, 20 Lichfield Street, Christchurch in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management

(Forms, Fees, and Procedure) Regulations 2003.

[5] The requirements relating to the service of notices of appeal have been altered under s281 of the RMA with the effect that:

- (a) notices of appeal must be served on:
 - (i) the TTPP Committee at its dedicated email address: info@tppp.nz;
 - (ii) where your appeal is based on an original submission that you made, on every person that made a further submission on the relevant original submission point; and
 - (iii) where your appeal is based on a further submission that you made, on the person who made the related original submission and every other person who made a further submission on that same original submission.
- (b) service on every other person who made a submission on a provision or matter to which your appeal relates will be deemed to be effected by the TTPP Committee uploading copies of all notices of appeal onto its website.

Section 274 notices:

[6] Section 274 notices must be lodged with the court electronically either through the Court's File and Pay system here:

<https://www.courtsofnz.govt.nz/file-and-pay/> or by email to:

EnvironmentCourt@justice.govt.nz or Sophia.Preston@justice.govt.nz;

[7] The requirements relating to the service of s274 notices have been altered to the effect that:

- (a) section 274 notices must be served on the TTPP Committee electronically by email to: info@tppp.nz and on the appellant; and
- (b) service of s274 notices on "all other parties" will be deemed to be

effected by the TTPP Committee uploading copies of s274 notices received onto its website.

Other waivers and directions:

[8] The full set of waivers and directions granted by the Environment Court in its Minute can be viewed on the TTPP website here: <https://tpp.nz/environment-court-waivers-and-directions/>

What does this mean for you?

[9] In summary two things:

- (a) in order to determine whether you are affected by someone else's appeal or s274 notice you must review the notices of appeal and s274 notices on the TTPP website;
- (b) the lodging and service of documents should be as stated in [4]-[6] above; and
- (c) an email will be sent to all submitters who provided an email address at the completion of the appeal period and s274 period when appeals and notices have all been uploaded to the website.

[10] If you have any queries about the process to be followed please contact the Environment Court's Hearing Manager, Sophia Preston at:

- (a) telephone: 027 214 3320 or
- (b) email: Sophia.Preston@justice.govt.nz

