

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

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

IN THE MATTER

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

BETWEEN

**Royal Forest and Bird Protection
Society of New Zealand Inc
Applicant for waivers and directions**

AND

**Te Tai o Poutini Plan Committee
Respondent**

**APPLICATION FOR WAIVERS AND DIRECTIONS IN RELATION TO APPEAL BY THE ROYAL FOREST
AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 7 November 2025

Royal Forest & Bird Protection Society Inc

Solicitor Acting: Peter Anderson /Erika Toleman

E: peter@peteranderson.co.nz / e.toleman@forestandbird.org.nz

Ph: 021 286 6992 / 021 988 315

**To: The Registrar
Environment Court
Christchurch**

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird** or **the Society**) applies under section 281 of the Act for waivers and directions in relation to the timeframe for filing an appeal and section 274 notices on the proposed Te Tai o Poutini Plan (**TTPP**), as well as in relation to the subsequent case management memorandum.
2. Forest & Bird made a submission and further submission on the TTPP.
3. Counsel notes the Court's recent directions in Decision [2025] NZEnvC 325, including the leave reserved (at paragraph 6) for any other party to apply for further (or other) directions if necessary.
4. As noted in the Court's decision, the time for filing appeal will close on or about 24 November 2025, and the s274 period will close on or about 15 December 2025.

Waivers and directions sought

5. Forest & Bird respectfully seeks, under s281 of the Act:
 - a. A waiver of the requirement on Forest & Bird (at least) to file any appeal on the TTPP by 24 November, and a direction that any appeal by Forest & Bird is to be filed by **8 December 2025** (an extension of 10 working days);
 - b. A waiver of the requirement on any other party to file any s274 notices on any appeal by Forest & Bird on the TTPP by 15 December 2025, and a direction that any s274 notices by Forest & Bird are to be filed by **19 January 2026** (an extension of 10 working days);
 - c. A waiver of the requirement on Forest & Bird (at least) to file any s274 notices on other parties' appeals on the TTPP by 15 December 2025, and a direction that any s274 notices by Forest & Bird are to be filed by **19 January 2026** (an extension of 10 working days).
6. If the Court is minded to grant the waivers and directions sought at (a) and (c) above, Counsel respectfully submits that for reasons of natural justice and practicality, the waivers and directions should be extended to all prospective appellants and s274 parties.

7. We also note the Court's direction that the TTPP Committee file a case management memorandum within four weeks of the s274 period closing, on 2 February 2026. Counsel respectfully seeks a direction that this memorandum also be delayed by 10 working days until **16 February 2026**.
8. We have conferred with Counsel for the TTPP Committee. The Committee is not yet in a position to comment on these applications and will abide the decision of the Court.

Grounds for waivers and directions

9. The TTPP is a complex plan, covering a large geographical area and several significant resource management issues. As noted in the Court's decision, the TTPP attracted a significant number of submission and further submission points. Forest & Bird is working through the TTPP Committee's decisions to make a careful assessment of whether any appeal is appropriate.
10. However, Counsel and in-house planning availability has been limited in the period since the decisions were notified, and is extremely limited in the period from now until the appeal deadline (24th November) owing to existing Environment Court commitments, and a period of extended sick leave.
11. The waivers and directions are sought to ensure that any appeal Forest & Bird files can be focused and constructive. The additional time will allow Counsel and staff to achieve that. In our respectful submission, this is in the interests of all eventual parties to the TTPP appeal proceedings.
12. Counsel respectfully submits that no prejudice will be caused by the 2-week delay. No party has yet filed any appeals. As noted above, if the Court is minded to grant the waivers and direction sought in relation to Forest & Bird, Counsel submits that this could appropriately be extended to the appeal and s274 notice deadlines generally, so that all prospective parties are working to the same timeframes.
13. Further, with the Christmas shutdown imminent, case management steps will not commence until next year.
14. In those circumstances, a delay of 2 weeks will not cause undue prejudice to any eventual parties.

Dated: 7 November 2025

A handwritten signature in blue ink that reads "Erika Toleman". The signature is written in a cursive style and is positioned above a horizontal line.

E Toleman

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

Address for Service

Peter Anderson / Erika Toleman
PO Box 631, Wellington

Telephone: 0212866992 / 021 988 315

E-mail: peter@peteranderson.co.nz / e.toleman@forestandbird.org