

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

**I TE KŌTI TAI AO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2025-CHC

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of potential appeals under Clause 14 of Schedule 1 of the Act of potential appeals under Clause 14 of Schedule 1 of the Act against decisions of the Te Tai o Poutini Plan Committee on the Proposed Te Tai o Poutini Plan

AND

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

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

**NOTICE OF MOTION ON POTENTIAL APPEALS ON THE PROPOSED TE
TAI O POUTINI PLAN
1 October 2025**

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To: The Registrar
Environment Court
Christchurch

Introduction

- 1 The decisions by the Te Tai o Poutini Plan Committee (**TTPP Committee**) on its proposed Te Tai o Poutini Plan (**TTPP**) are expected to be publicly notified on 10 October 2025.
- 2 It is anticipated that a number of appeals on the TTPP Committee's decisions on the Proposed TTPP will be filed with the Court under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**).
- 3 Accordingly, the TTPP Committee has filed this notice of motion 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 the TTPP appeals (including potential grouping of appeals on the TTPP into topics, and other procedural matters); and
 - (c) seek, pursuant to section 281 of the RMA, various waivers and directions that may assist to streamline the filing and service of any notices of appeal and section 274 notices relating to these appeals.

Outline of Proposed Te Tai o Poutini Plan process

- 4 The proposed TTPP has been in development for some time, and follows a proposed local government reorganisation for the Buller District Council, Grey District Council, Westland District Council and West Coast Regional Council (**Councils**) that was originally sought in 2015.¹
- 5 Following community engagement and assessment by the Local Government Commission, it was determined that amalgamation of the Councils was not desirable. Instead, the preferred option for

¹ Local Government Commission "2019: West Coast reorganisation" (date unknown) Local Government Commission www.lgc.govt.nz

reorganisation was the transfer of district plan preparation and approval responsibilities from the Buller, Grey and Westland District Councils to the West Coast Regional Council.

- 6 This transfer of powers was given effect to in an Order in Council on 5 November 2018 (**Final Proposal Order**).² The Order in Council provided for:
- (a) All Councils continuing in existence as constituted;³
 - (b) The obligations of Buller, Grey and Westland District Councils under section 73 and Schedule 1 of the Resource Management Act 1991 (**RMA**) for the preparation, notification, adoption, periodic amendment and review of the district plan, to be transferred to the West Coast Regional Council;⁴
 - (c) The transferred obligations to be met by the preparation of a combined district plan for the Buller, Grey and Westland Districts;
 - (d) Establishment of a permanent joint committee between the four Councils, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, to which the West Coast Regional Council **must** delegate the district plan obligations transferred to it under the Order in Council;
 - (e) The purpose and terms of reference of that joint committee are to:
 - (i) Prepare and notify the proposed combined West Coast district plan (combined district plan);
 - (ii) Hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan;
 - (iii) Adopt a final combined district plan;
 - (iv) Monitor implementation of the final combined district plan and the need for amendments; and

² "Local Government Reorganisation (West Coast Region) Final Proposal Order 2018" (5 November 2018) (**Final Proposal Order**). <https://gazette.govt.nz/notice/id/2018-go5585>

³ Final Proposal Order, cl 5.

⁴ Final Proposal Order, cl 6.

- (v) Undertake amendments and reviews of the final combined district plan, or ensure these are undertaken, as required.

- 7 On 17 June 2019, the second Order in Council (**Reorganisation Order**) was signed, giving effect to the combined West Coast district plan proposal.⁵ This order repeats many of the provisions of the Final Proposal Order, but also provides for the establishment of the TTPP Committee (being the permanent joint committee referred to in the Final Proposal Order).
- 8 The Reorganisation Order provides that when conducting the business of the TTPP Committee, the TTPP Committee may appoint subcommittees, including to hear and consider submissions received on the draft combined district plan.⁶
- 9 The TTPP Committee was entitled under the Reorganisation Order to appoint, to any subcommittee, a person who is not a member of a local authority, if in the opinion of the Committee, that person had the skills, attributes or knowledge that will assist the work of the subcommittee.⁷
- 10 The TTPP Committee has met regularly since its establishment, to progress the preparation and drafting of a combined district plan, in accordance with its purpose under the Reorganisation Order.
- 11 The development of the new district plan began in 2019, with community engagement (and consultation under clause 3 of Schedule 1 of the RMA) occurring between 2019 and 2021. An exposure draft of the proposed TTPP was released in January 2022, with further engagement on natural hazards provisions occurring from April 2022.
- 12 The TTPP was then notified (in accordance with clause 5 of Schedule 1 of the RMA) on 14 July 2022. The TTPP Committee provided for a longer submission period than was required under the RMA, with submissions scheduled to close on 30 September 2022. This submission deadline was subsequently extended until 11 November 2022.

⁵ “Local Government Reorganisation Scheme (West Coast Region) Order 2018” (17 June 2019) (**Reorganisation Order**). <https://gazette.govt.nz/notice/id/2019-go2872>

⁶ Reorganisation Order, cl 10(1).

⁷ Reorganisation Order, cl 10(3).

- 13 534 submissions were lodged on the TTPP, amounting to over 15,000 individual submission points.
- 14 The summary of submissions was published in April 2023, with further submissions closing in June 2023. 230 further submissions were received.
- 15 An Independent Hearings Panel (**IHP**) was delegated the power to hear submissions and make recommendations on the TTPP to the TTPP Committee.
- 16 Hearings on the TTPP began in October 2023 and continued through to March 2025. The hearings were conducted on a topic-by-topic basis, with 24 topics in total. Hearings were held at locations throughout the West Coast including Greymouth, Hokitika and Westport. The section 42A report for each hearing was prepared on a sequential basis in advance of each hearing.
- 17 Two variations to the TTPP were also notified throughout this process. Variation 1 addressed activities on the surface of waterbodies, and was limited notified. Five submissions were received on Variation 1, all in support of the Variation.
- 18 Variation 2 addressed coastal hazards, including updated mapping for some of the hazard overlays. A large number of submissions and further submissions were received on this variation, and a hearing was held on 17 – 20 March 2025.
- 19 The IHP provided its recommendation reports to the TTPP Committee from mid-2025.
- 20 Following receiving the recommendation of the IHP, the TTPP Committee has now made its decisions on submissions on the TTPP under clause 10 of Schedule 1 of the RMA. The TTPP Committee has resolved that that these decisions will be publicly notified on 10 October 2025.

Case management options for the proposed TTPP appeals

- 21 It is anticipated that the appeal period in relation to the TTPP Committee's decisions on the proposed TTPP will close on 24

November 2025, with the section 274 period ending on 15 December 2025.⁸

- 22 Immediately after any appeals are served on the TTPP Committee (and again after associated section 274 notices are served), the TTPP Committee will be required to:
- (a) review all notices of appeal (and associated section 274 notices) to identify the relevant topics covered by each notice of appeal (and 274 notice);
 - (b) identify whether further particulars are required in relation to certain appeals so that the TTPP Committee will be able to formulate a position on those appeal points;
 - (c) for the purpose of completing its annotation of the proposed TTPP provisions and maps, the TTPP Committee will need to establish whether certain parts of the proposed TTPP are subject to appeal or are beyond challenge (and therefore deemed operative in terms of section 86F of the RMA); and
 - (d) identify and advise the Court of any jurisdictional issues that should be addressed prior to or alongside any mediation.
- 23 In completing the above tasks, the TTPP Committee is willing to assist the Court by developing case management options for the proposed TTPP appeals that will take into account:
- (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.

⁸ The appeal period in respect of decisions affecting notices of requirement, which were notified as part of the proposed TTPP, will be different from that for the proposed TTPP provisions. Case management of designation appeals is addressed in more detail in Part 3 of this Notice of Motion.

- 24 It is anticipated that, following consideration of the above, the TTPP Committee would prepare and file, after conferring with all parties involved in the appeals, a reporting memorandum recommending an approach to the case management of the proposed TTPP appeals.
- 25 It is considered that a period of four working weeks following the close of the section 274 period will be required for the TTPP Committee to undertake the above tasks (excluding the period from 20 December to 10 January for the Christmas break). The TTPP Committee respectfully requests that the Court consider issuing a direction on this basis, or refrain from issuing alternative case management directions until after it has considered the TTPP Committee's recommendations.
- 26 The following part of this notice addresses specific matters related to the above.

Intended topic approach

- 27 It is anticipated that notices of appeal on the proposed TTPP provisions will address multiple issues and that a number of appeals are likely to overlap. The TTPP Committee's preliminary view is that breaking the appeals down and grouping them into topics is likely to be helpful in ensuring that the appeals are efficiently managed. This will be in line with how the hearings were also broken down into topics.
- 28 It is anticipated that each appeal could be broken up into its separate appeal points and the appeal points allocated to a topic and (where relevant) subtopic. The appeals programme could then reflect this division of topics, and mediations/hearings could take place on a topic basis rather than be separated by appeal.

Mediation

- 29 The TTPP Committee is aware that the Managing Judge will normally refer a proceeding to some form of alternative dispute resolution (**ADR**) process (normally Court-assisted mediation) as a first step, subject to the agreement of the parties and any directions under section 268 of the RMA.⁹

⁹ Environment Court of New Zealand | Te Kōti Taiao o Aotearoa, Practice Note 2023, at [7.1(a)].

- 30 The TTPP Committee anticipates there will be significant benefits from mediating the appeals on the proposed TTPP provisions. The TTPP Committee acknowledges the comments in the paper “Issues with access to justice in the Environment Court of New Zealand,”¹⁰ in which the authors endorsed the role of alternative dispute resolution and in particular the role of mediation in narrowing issues in dispute, reducing hearing time and costs to all parties.
- 31 The TTPP Committee’s preliminary view is that the positive aspects of mediation referred to in the above paper will result in significant benefits for the parties to the proposed TTPP appeals.
- 32 The TTPP Committee’s preliminary position is to agree to, and encourage, mediation where it is considered that matters will be able to be resolved without resort to a hearing. The TTPP Committee will work closely with the Court Registry and the mediator or facilitator to manage timetabling, information exchange, programming and other logistics in relation to mediation as per the Practice Note 2023.¹¹
- 33 It is anticipated that where mediation is not successful the TTPP Committee will seek a timetable for the exchange of evidence to address the outstanding issues.
- 34 Prior to mediation, the TTPP Committee’s preliminary view is that a helpful approach could involve the preparation of position papers for each mediation topic, to ensure that all parties’ positions are clarified prior to mediation. It is envisaged that the position papers could include the following:
- (a) a summary of the TTPP Committee’s position in respect of the relevant topic; and
 - (b) a breakdown of the TTPP Committee’s position on the specific relief sought by each party to the relevant appeal.
- 35 It is anticipated that the preparation of the position papers may result in an additional workload for the TTPP Committee and to some degree the

¹⁰ Authored by Judges Newhook, Kirkpatrick and Hassan and presented at the international symposium Environmental Adjudication in the 21st Century, held under the auspices of the Environment Court of NZ and University of Otago on 11 April 2017 in Auckland.

¹¹ Environment Court of New Zealand | Te Kōti Taiao o Aotearoa, Practice Note 2023, at [7.6(a)].

other parties prior to mediation, which may result in the TTPP Committee respectfully requesting additional preparation time. However, from Counsel's experience the use of position papers has been very effective in the efficient resolution of plan appeals around New Zealand.¹² As such, it is the TTPP Committee's view that the preparation of position papers is likely to be a helpful and efficient approach.

- 36 The TTPP Committee further anticipates grouping the appeal points into smaller subtopics, to focus the discussion of issues as far as possible and to ensure that mediation time is used effectively.

Preliminary jurisdictional issues

- 37 The TTPP Committee anticipates that a number of jurisdictional issues may arise out of the appeals (such as issues of parties' standing to appeal) that may most appropriately be dealt with through applications to the Court prior to or alongside the holding of mediations. It is the TTPP Committee's intention to identify such issues and apply to the Court for appropriate orders as quickly as possible following the close of the appeals period and prior to the commencement of mediations. Other parties may also wish to make similar applications during this time.

Timing of appeals against designations

- 38 For the avoidance of doubt, the TTPP Committee confirms that the TTPP Committee's recommendations on notices of requirement (**NORs**) included through the Schedule 1 process are also expected to be notified on 10 October 2025.
- 39 Subject to the Court's confirmation, it is the TTPP Committee's view that it would generally be appropriate for appeals on designations to be managed separately from appeals on the proposed TTPP provisions.
- 40 Due to the difference in the timing for the lodging of appeals on NORs,¹³ it is anticipated that separate appeals will be filed on them.

¹² For example, counsel has been involved in appeals which have taken a similar approach in both Queenstown and the Mackenzie District.

¹³ Requiring authorities other than the Councils have 30 working days to accept or reject the TTPP Committee's recommendations on their notices of requirement (section 172(1) of the RMA). The TTPP Committee then has 15 working days to serve a requiring authority's decision on submitters and persons affected by the decision (section 173(1)). Any person who made a submission then has a further 15 working days from the date of service to appeal that decision (section 174(2)(c)). The result is that appeals on other

- 41 In some instances there may be an overlap between the proposed TTPP provisions subject to appeal and the content of a requiring authority's decision on a designation. In such circumstances, it may be appropriate to manage the appeals against a NOR along with the relevant proposed TTPP provisions. The TTPP Committee intends to identify such cases and notify the Court as appropriate.

Application for waiver and directions under section 281 of the RMA

- 42 The TTPP Committee seeks the following waivers and directions pursuant to section 281 of the RMA in respect of the potential appeals on its decisions on the Proposed TTPP:

(a) **Notices of appeal:**

- (i) a direction that all 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 File and Pay or by email to the relevant registrar and by posting a hard copy to: PO Box 2069, 20 Lichfield Street, Christchurch
 - (2) served on the TTPP Committee electronically by email to: info@tpp.nz;
 - (3) where the appeal is based on an original submission that the appellant made, on every person that made a further submission on the relevant original submission point; and
 - (4) where the appeal is based on a further submission that the appellant made, on the person who made the related original submission and every other person who made a further submission on that same original submission;
- (ii) a waiver in favour of appellants of the usual requirement in clause 14(5) of Schedule 1 to the RMA, regulation 7, and

requiring authorities' decisions will be due around 60 working days from the date that the TTPP Committee issues its recommendations.

Appellants will have 15 working days to file appeals on the TTPP Committee's decisions on the Councils' notices of requirement (sections 168A(5) and 174(2)(c)).

Form 7 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 to serve a copy of Form 7 on every person (not being a further submitter that is served in accordance with paragraph (a)(i)(3)-(4) above) who made a submission on the provision or matter to which the appeal relates; and

- (iii) a direction that service of all notices of appeal on every other person (not being an original or further submitter that is served in accordance with paragraph (a)(i)(3)-(4) above) who made a submission on a provision or matter to which the appeal relates will be effected by the TTPP Committee uploading copies of all notices of appeal onto the TTPP website as soon as possible after the appeal is received by the TTPP Committee.

(b) **Section 274 notices:**

- (i) a direction that any section 274 notice must be:
 - (1) lodged with the court electronically (by File and Pay or email);
 - (2) served on the TTPP Committee at: info@tpp.nz; and
 - (3) served on the appellant on any email address provided in the notice of appeal;
- (ii) a waiver of the requirement to lodge a signed original and one hard copy of any section 274 notice with the court;
- (iii) a waiver of the requirement for section 274 parties to serve their notice/form 33 on all other parties;
- (iv) a direction that service of section 274 notices on all other parties will be deemed to be effected by the TTPP Committee uploading copies of section 274 notices onto its website as soon as possible after the section 274 notice is received.

43 For the avoidance of doubt, the TTPP Committee intends that none of the above waivers and directions apply to appeals against the decision on notices of requirement of any requiring authority.

44 The TTPP Committee seeks the above waivers and directions on the following grounds:

- (a) In total, 534 submissions were lodged on the proposed TTPP, amounting to over 15,000 individual submission points. 230 further submissions were also received. The waivers and directions sought will:
 - (i) reduce the burden on the TTPP Committee in receiving hard copies of appeal documents;
 - (ii) reduce the burden on appellants and section 274 parties, who may be otherwise obliged to serve notice on a significant number of parties;
 - (iii) reduce the burden on appellants who may otherwise be required to review a significant number of submissions in order to determine who may constitute a “person who made a submission on the provision or matter to which the appeal relates”;¹⁴
 - (iv) reduce the risk of service on certain persons being overlooked by appellants on account of the complexity in determining whether a person constitutes a “person who made a submission on the ...matter to which the appeal relates” as service on such persons will be provided though the notices of appeal being uploaded to the TTPP website.
- (b) The Environment Court in *Re Auckland Council* granted a similar application made by Auckland Council in respect of upcoming appeals on its decisions on the Proposed Auckland Unitary Plan. The Court identified two relevant aspects of section 281 of the RMA, being that:¹⁵
 - (i) it does not appear that the Court’s jurisdiction is confined to a proceeding already before the Court; and
 - (ii) the Court can waive the requirements of the RMA and make directions in an appropriate case.

¹⁴ Resource Management (Forms, Fees, and Procedure) Regulations 2003, regulation 7(1)(c).

¹⁵ *Re Auckland Council* [2016] NZEnvC 153 at [9] – [10].

The general procedure in set out in *Re Auckland Council* [2016] NZEnvC 153 was followed by the Environment Court in *Re Queenstown Lakes District Council* where a similar application was also granted. A similar approach has also recently been adopted by the Environment Court in respect of appeals on the proposed Waimakariri District Plan.¹⁶ The directions sought by the TTPP Committee in this case are not exactly the same as either of these previous approaches, but encompasses similar elements and directions considered appropriate to these particular circumstances.

- (c) The TTPP Committee will make live a specific webpage on the TTPP website, which will contain all of the notices of appeal and section 274 notices served on the TTPP Committee. As per the above waivers and directions, copies of all notices of appeal and section 274 notices will be uploaded as soon as possible after the notices are received by the TTPP Committee, so that any submitters or other persons will be made aware of any appeal and have the opportunity to join any appeal by lodging a section 274 notice with the Court. The TTPP Committee will identify, on its website, the proposed TTPP chapters or rezoning requests relating to each appeal.
- (d) The TTPP Committee will further send an email to all submitters who provided an electronic address notifying them at the completion of the appeal period and section 274 period when appeals and notices have all been uploaded to the website.
- (e) On 10 October the TTPP Committee will:
 - (i) give public notice of its decisions (as required by clause 10(4)(b) of Schedule 1 of the RMA); and
 - (ii) 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.
- (f) If the Court agrees to grant the above waivers and directions, the TTPP Committee will:

¹⁶ *Broken River Trust v Waimakariri District Council* (ENV-2025-CHC-49), Minute dated 5 September 2025.

- (i) upload a copy of the TTPP Committee's waivers and directions on the TTPP webpage; and
 - (ii) 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.
- (g) A draft copy of the proposed notice is attached at **Appendix 1**.

Just treatment of parties

- 45 Section 291 of the RMA requires that originating applications to the Environment Court must be made by notice of motion. The notice of motion must specify the persons upon whom the notice is to be served. The applicant must also serve copies of the notice of motion upon the parties to the application.
- 46 As no appeals have yet been filed in respect of the TTPP Committee's decisions there are no other parties to this application and it has not been served on any party.
- 47 This application has been made by the TTPP Committee on an *ex parte* basis. The TTPP Committee is mindful of the objective in paragraph 5.1(e) of the Practice Note 2023 (in relation to case management) "to ensure the fair treatment of all parties and the just resolution of all proceedings". Given the nature of the waivers and directions applied for and the consistency with other similar planning processes, including most recently the appeals on the proposed Waimakariri District Plan, the TTPP Committee respectfully submits that other parties to the appeals on proposed TTPP would not be prejudiced by the Court granting them.
- 48 If the Court has any questions regarding the proposed approach, it could arrange an informal chambers conference with interested practitioners to discuss the TTPP Committee's application. This could potentially also provide the Court with the opportunity to discuss the other matters addressed in this notice of motion with the TTPP Committee's representatives and other practitioners.
- 49 Counsel for the TTPP Committee are happy to assist the Court with any further information required to assist before any appeals are received.

Dated this 1st day of October 2025

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APPENDIX 1

Draft notice regarding proposed waivers and directions

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 by File and Pay or by email to: **[the registrar]**; and
 - (b) by posting a hard copy to: PO Box 2069, 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 section 281 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@tpp.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 by File and Pay or by email to the registrar) in accordance with the standard requirements set out in the Resource Management Act 1991 and the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- 7 The requirements relating to the service of section 274 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 section 274 notices on "all other parties" will be deemed to be effected by the TTPP Committee uploading copies of section 274 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://tppp.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 section 274 notice you must review the notices of appeal and section 274 notices on the TTPP website;

- (b) the lodging and service of documents should be as stated in [3] above; and
 - (c) an email will be sent to all submitters who provided an email address at the completion of the appeal period and section 274 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 [x] at:
- (a) telephone: [x]; or
 - (b) email: [x]