

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

**Decision No. [2026] NZEnvC 23**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First  
Schedule of the Act

AND an application under s281 of the Act

BETWEEN BARNABAS STEPHEN JOEL  
YOUNG

(ENV-2025-CHC-105)

LYN MCINTOSH

(ENV-2025-CHC-128)

Appellants

AND TE TAI O POUTINI PLAN  
COMMITTEE

Respondent

Court: Environment Judge K G Reid

Last case event: 11 February 2026

Date of Decision: 16 February 2026

Date of Issue: 16 February 2026

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**DECISION OF THE ENVIRONMENT COURT ON  
APPLICATION FOR WAIVER**

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A: The application for waiver by Westland District Council is granted.

TE TAI O POUTINI PLAN COMMITTEE – WAIVER



## REASONS

### Introduction

[1] The Te Tai o Poutini Plan Committee (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.

[2] On 6 October 2025 and 18 November 2025, the court issued decisions<sup>1</sup> granting a number of waivers and directions in relation to any s274 notices and potential appeals against the proposed Te Tai o Poutini Plan (TTPP).

[3] On 13 January 2026, the court made further directions that any s274 notices were to be filed by 2 February 2026.

[4] On 11 February 2026, Westland District Council (WDC) applied for a waiver under s281 in relation to the timeframe for joining the appeals by Mr Barnabas Young<sup>2</sup> and Ms Lyn McIntosh<sup>3</sup> on the TTPP under s274 RMA.

[5] Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu joined Ms McIntosh's appeal on 2 February 2026. There are no other parties to Mr Young's appeal.

### The application

[6] WDC sought a waiver to file its s274 notices six working days out of time. The application was made on the following grounds:

- (a) the appeals involve a limited number of parties, none of whom will be affected by the short delay of six working days. WDC's

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<sup>1</sup> *Te Tai Poutini Plan Committee* [2025] NZEnvC 325 and *Te Tai Poutini Plan Committee* [2025] NZEnvC 372, respectively.

<sup>2</sup> ENV-2025-CHC-105.

<sup>3</sup> ENV-2025-CHC-128.

involvement would not require more than the usual additional work that comes with another party joining the proceeding;

- (b) as set out in its s274 notices, WDC adopts a neutral position in these appeals and seeks to join for the purpose of assisting the parties and the court on s6 matters of national importance arising within its district;
- (c) granting the waiver will not disrupt the proceedings, or affect the appeal progressing to resolution, given the very early stage of the process. The first case management memorandum has not been filed and is not due until 3 March 2026;
- (d) the delay arose from an inadvertent oversight, reflecting the scale and complexity of the TTPP, which covers numerous significant and interrelated resource management issues.

[7] WDC submitted that given the short extension sought and the absence of any identifiable prejudice to any party, granting the waiver would be in the overall interests of justice. Reference was made to the court's decision in *Federated Farmers of New Zealand v South Waikato District Council*<sup>4</sup> which granted a waiver to a notice that was filed 49 days out of time on the basis that there was no prejudice to any party and no substantial progress had been made on the proceedings.

[8] WDC requested the right to reply to any opposition raised in response to its application. The court has not received any response from any party.

### **Waiver**

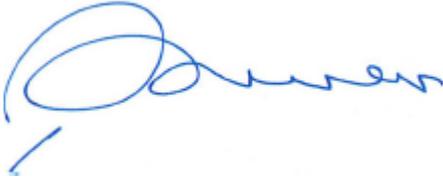
[9] On the grounds advanced in WDC's application, and exercising the power granted to me under s281 RMA, the application for waiver is granted.

[10] Under s274 RMA, WDC is joined to the following appeals:

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<sup>4</sup> [2014] NZEnvC 196 at [12].

- (a) ENV-2025-CHC-105 Young v TPPP Committee; and
- (b) ENV-2025-CHC-128 McIntosh v TPPP Committee.



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**K G Reid**  
**Environment Judge**