

In the Environment Court  
At Christchurch

ENV-2025-CHC-124

I te Kōti Taiao o Aotearoa  
Ki Ōtautahi

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

**In the matter** of an appeal under clause 14(1) of Schedule 1 and section 274 of the RMA.

**Between** **KIWIRAIL HOLDINGS LIMITED**

Appellant

**And** **TE TAI O POUTINI PLAN COMMITTEE**

Respondent

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**NOTICE OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO AND  
TE RŪNANGA O NGĀI TAHU WHO WISH TO BECOME A PARTY TO PROCEEDINGS**

**Dated:** 2 February 2026

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**To:** The Registrar  
Environment Court  
Christchurch

## **Introduction**

1. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (collectively referred to as **Poutini Ngāi Tahu**) and Te Rūnanga o Ngāi Tahu (**TRoNT**) wish to be a party to an appeal made by KiwiRail Holdings Limited (**Appellant**) against parts of the Te Tai o Poutini Plan Committee (**TTPP Committee**) decision on the Proposed Te Tai o Poutini Plan (**TTPP**).
2. Poutini Ngāi Tahu and TRoNT made a submission about the subject matter of the proceeding. Poutini Ngāi Tahu and TRoNT either made a submission on the relevant provisions appealed, or the appeal points concern the same subject matter and issues that are prevalent throughout its submissions.
3. Poutini Ngāi Tahu and TRoNT also have an interest that is greater than the interest of the general public, as mana whenua of the land that is subject to the TTPP and for the reasons set out in its Notice of Appeal, ENV-2025-CHC-134, at [6] to [12].
4. Poutini Ngāi Tahu and TRoNT are not trade competitors for the purposes of 308C or 308CA of the RMA.

## **Interest in proceedings**

5. The parts of the proceedings that Poutini Ngāi Tahu and TRoNT seek to join, its position on those appeals, and the reasons for that position are set out in **Appendix A**.
6. More generally where the relief is opposed, the relief:
  - (a) Will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:

- (i) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  - (ii) does not safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
  - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) Is contrary to Part 2 of the RMA, including sections 6(e), 7 and 8;
  - (c) Is not the most appropriate way to achieve the purpose of the RMA, as required under section 32 of the RMA; and
  - (d) Does not properly give effect to direction in relevant national instruments.

7. Poutini Ngāi Tahu and TRoNT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** 2 February 2026



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Sarah Scott / Oscar Wilson  
Counsel for Te Rūnanga o Ngāti  
Waewae, Te Rūnanga o Makaawhio  
and Te Rūnanga o Ngāi Tahu

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Appendix A – Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu appeal position

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Infrastructure Chapter INF-P1	Recognise <u>and provide for</u> the positive social, economic, cultural and environmental benefits from the development, continued operation, maintenance and upgrading of infrastructure.	Support  Poutini Ngāi Tahu and TRoNT consider that the inclusion of 'and provide for' strengthens this provision and supports effective provision for Infrastructure Development.
Noise Chapter NOISE – R3(2)	2. 100m of the edge of the <del>tracks</del> <u>designation</u> of any railway line except for the Hokitika line where any new or altered <u>habitable room</u> used for a <u>sensitive activity</u> and/or space used for sleeping:	Oppose  Due to historical policy, a significant amount of Māori Land is already impacted by this rule. The designation is significantly wider than the tracks in places.  There is no evidence on the amount of noise and movements on the railway line on the West Coast that justifies this additional burden.
Natural Character and Margins of Waterbodies (NC) NC-O3	Amend Objective NC-O3 as follows:  To provide for activities which have an <u>operational or</u> functional need to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.	Oppose  This objective links to Policy 2 which does provide for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure.  It also links to Policy 3 which applies to new and upgrades to buildings and structures, but (appropriately) only refers to functional need for their location.  NC-O3 is not specific to renewable energy and regionally significant infrastructure, it applies to all activities. Adding 'or operational need' for all activities loosens the restriction and therefore the protection of these areas.  Poutini Ngāi Tahu and TRoNT also agree with the Panel reasons given for not including operational need alongside functional need, which are summarised below:  The Panel considered the threshold for allowing activities within the margins of lakes, rivers and wetlands should be high and "functional need" requires an assessment to demonstrate the activity can only occur in that location. The Panel considered "operational need" is too low a threshold as factors such as technical, logistical and operational constraints can be considered.
Natural Character and Margins of Waterbodies (NC) NC-R2	Amend NC-R2 as follows:  1. Where the buildings and structures have a functional <u>or operational</u> need to locate in the riparian margin and are: i. Network utilities and regionally significant infrastructure; or ii. Temporary whitebait stands and temporary mai mai for game bird hunting provided these are removed within two weeks at the end of the season; or iii. Environmental monitoring facilities; or	Oppose  Adding 'or operational need' creates a more permissive framework which has not been assessed for the wider impacts.

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	Iv. Parks facilities and parks furniture within an Open Space and Recreation Zone; or v. Natural hazard mitigation structures constructed by a statutory agency or authorised contractor acting on its behalf; or Vi. Renewable electricity generation activities; or Vii. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or Viii. Temporary bridges constructed as part of a temporary military training activity; or Ix. Pump sheds, less than 5m2.	
Coastal Environment	Amend CE – P8 as follows:	Oppose
CE - P8	Enable the maintenance, repair, operation and minor upgrade of the National Grid <u>and regionally significant infrastructure which has a functional need to locate in Overlay Chapter areas</u> . Where new development and upgrades of the National Grid <u>and regionally significant infrastructure</u> are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.	The national policy for infrastructure is different to the National Grid and the TTPP needs to properly recognise the differences in each new / amended NPS that came into effect in January 2026.