

In the Environment Court  
At Christchurch

ENV-2025-CHC-123

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** **MANAWA ENERGY LIMITED**

Appellant

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

Respondent

---

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

**Dated:** 2 February 2026

---

---

**SIMPSON  
GRIERSON**

**Sarah Scott / Oscar Wilson**  
T: +64 3 968 4018 / +64 3 924 3503  
sarah.scott@simpsongrierson.com  
oscar.wilson@simpsongrierson.com  
PO Box 874 Christchurch

**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 Manawa Energy Limited (ENV-2025-CHC-123) against parts of 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 (Submission 620). 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, and its position on those appeals is 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



---

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

**Address for service of interested party:**

Simpson Grierson  
151 Cambridge Terrace  
PO Box 874  
Christchurch

Attention: Sarah Scott / Oscar Wilson

**Telephone:** +64-3-968 4018

**Email:** [sarah.scott@simpsongrierson.com](mailto:sarah.scott@simpsongrierson.com) / [oscar.wilson@simpsongrierson.com](mailto:oscar.wilson@simpsongrierson.com)

**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
<p>Energy</p> <p>ENG-P4</p>	<p>Amend ENG – P4 by reverting to the notified wording of clause (b) as detailed below:</p> <p>ENG – P4</p> <p>Avoid, remedy or mitigate adverse effects on the environment from renewable electricity generation, investigation, distribution and transmission activities by:</p> <p>a. Having regard to effects on urban amenity;</p> <p><del>b. Having regard to the effect on areas of significant environmental values identified in Schedules One – Eight and Appendix Ten;</del></p> <p><u>Having regard to effects on the values associated with the areas identified as heritage sites and areas, outstanding natural features and landscapes, sites and areas of significance to Māori, significant natural areas, and high and outstanding coastal natural character areas; ...</u></p>	<p>Oppose</p> <p>This relief removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</p> <p>The notified text had ‘Poutini Ngāi Tahu sites’ which was clarified in the decision, particularly in relation to SASM and archaeological sites.</p>
<p>Energy</p> <p>ENG-R14</p> <p>ENG- R15</p>	<p>Delete ENG – R14 and ENG – R15 and replace them with new ENG – RX-Z as set out below.</p> <p><u>ENG – RX The operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities</u></p> <p><u>Activity Status Permitted</u></p> <p><u>Activity status where compliance not achieved: N/A</u></p> <p><u>ENG – RY The construction and operation of new renewable electricity generation activities and upgrades (other than minor upgrades) to existing renewable electricity generation activities</u></p> <p><u>Activity Status Permitted</u></p> <p><u>Where:</u></p> <p><u>1. The activity is located within the General Industrial Zone; and</u></p> <p><u>a. All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and</u></p> <p><u>b. Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SETZ-Settlement, OSZ-Open Space or MUZ-Mixed Use zone.</u></p> <p><u>2. The activity is located within all other zones; and</u></p> <p><u>a. Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically;</u></p> <p><u>b. Wind turbines do not exceed 8m in height;</u></p> <p><u>c. Structures, buildings or impermeable surface for hydroelectricity generation do not exceed a footprint of 100m2 or</u></p>	<p>Oppose</p> <ol style="list-style-type: none"> <li>1. This removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</li> <li>2. This removes consideration of scale of renewable energy activities as large scale is a discretionary activity as it is not considered in the matters of discretion.</li> <li>3. Only significant adverse effects on SASM are considered. This is a higher threshold than adverse effects.</li> </ol>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
-----------	--	--

an increase in area from existing buildings/structures and surfacing of more than 10%; and d. Any building or structure is not located within an existing esplanade reserve or strip.  
3. Wind turbines comply with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise  
Activity status where compliance not achieved: Restricted Discretionary where performance standards 1 or 2 are not complied with.  
Discretionary where performance standard 3 is not complied with.

ENG – RZ The construction and operation of new renewable electricity generation activities and upgrades (other than minor upgrades) to existing renewable electricity generation activities, where permitted activity standards are not met  
Activity Status Restricted Discretionary  
Discretion is limited to:  
a. The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets;  
b. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast;  
c. Any functional needs and operational needs associated with the design or location of the proposal;  
d. The ability to remedy, mitigate, offset or compensate any adverse effects of the proposal on the environment; e. The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions.

<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R2 &amp; SASM-R9</p>	<p>Amend SASM – R2 and Table SASM – T2 to provide for certain minor earthworks relating to maintenance and repair of existing REG activities as permitted activities.</p> <p>Amend SASM-R2 as follows:  SASM-R2(1)  ...  <u>v. Maintenance or repair of existing renewable electricity generation activities; and</u></p> <p>Amend Table T2 for SASM-R2 to include the following additional sites:</p> <p><u>SASM 67 Kotukuwhakaoko Arnold River</u>  <u>SASM 104 Kawhaka Creek</u>  <u>SASM 107 Island Hill/ Haparapahoi</u>  <u>SASM 121 Waitaiki Historic Reserve</u></p>
---	--

Oppose – amendment to SASM-R2

Wording requested in the appeal is too general to protect the SASM sites but Poutini Ngāi Tahu and TRoNT are open to considering additional wording similar to the clause above e.g. ‘maintenance or repair within existing footprint or modified ground compromised by the existing renewable electricity generation activities’.

Oppose – amendment to SASM – T2 and SASM –T8  
These are sensitive sites and protection is not provided to them if they are made permitted activities. There is a consenting pathway for them, particularly given the rule allows ‘upgrading’ of the infrastructure so could increase the footprint.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
-----------	--	--

Amend Table T8 for SASM-R9 as follows to provide for the maintenance, repair, and upgrading of all the existing Manawa Energy hydro-electric power schemes within SASM, by adding reference to the additional SASM within which Manawa Energy's Arnold power station and Dillmans scheme are located:

SASM 67 Kotukuwhakaoko Arnold River  
SASM 107 Island Hill/ Haparapahoi

<p>Natural Character &amp; Margins of Waterbodies (NC) NC-O3</p>	<p>Amend NC-O3 as follows:</p> <p>To provide for activities which have a functional need <u>or operational need</u> to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.</p>	<p>Oppose</p> <p>This links to Policy 2 which does provide for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure.</p> <p>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.</p> <p>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.</p>
<p>Natural Character &amp; Margins of Waterbodies (NC) NC-P3</p>	<p>Amend NC – P3 to include recognition of operational need:</p> <p>NC-P3 Provide for new buildings and structures and the upgrading of existing buildings and structures within riparian margins of lakes, rivers and wetlands where these: (a) Have a functional need <u>or operational need</u> for their location ...</p>	<p>Oppose</p> <p>Adding 'or operational needs' expands the ability for new activities to occur in a highly sensitive environment. The change is not limited to REG, as P3 applies to new and upgrades to buildings and structures.</p>
<p>Natural Character &amp; Margins of Waterbodies (NC) NC-R1 NEW NC-R4 plus consequential amendments to other NC rules.</p>	<p>In summary, Manawa Energy seeks that:</p> <ul style="list-style-type: none"> <li>NC – R1 is amended to provide a more permissive permitted earthworks quantity for the operation, maintenance, repair and minor upgrade of REG activities; and</li> <li>for renewable energy generation activities, non-compliance with NC – R1 defaults to restricted discretionary activity status as opposed to full discretionary.</li> </ul> <p>Amend NC-R1 as follows:</p>	<p>Neutral</p> <p>Poutini Ngāi Tahu and TRoNT are neutral on this relief, so long as it maintains the protection of SASMs and Poutini Ngāi Tahu values are retained.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
-----------	--	--

Activity status where compliance not achieved: Discretionary Restricted Discretionary where the activity is the maintenance, operation, minor upgrade or repair of renewable electricity generation activities and performance standard 2(ii) and/or 3 is not complied with. Discretionary for all other non-compliances.

Insert new NC – R4 under the Restricted Discretionary Activities heading:

NC – R4 Earthworks for maintenance, operation, minor upgrade and repair of renewable electricity generation activities within the Riparian Margin of a River, Lake or Wetland not meeting NC – R1 Activity Status Restricted Discretionary Discretion is restricted to:

- a. The location of any earthworks and indigenous vegetation clearance;
- b. Volume and area of earthworks and indigenous vegetation clearance;
- c. The effects on potential or existing public access to the riparian margin;
- d. Effects on habitats of any threatened or protected flora or fauna species;
- e. Effects on recreational values of public land;
- f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; and
- g. Landscape and visual effects.

And consequential amendments to current Rule NC-R4 and Rule NC-R2

Natural Character & Margins of Waterbodies (NC)  NC-R2	Amend NC-R2 as follows:  1. Where the buildings and structures have a functional need <u>or operational need</u> to locate in the riparian margin and are....	Oppose  Adding 'or operational need' broadens the scope for activities in the riparian margin. This rule applies to many types of activities within the riparian margin of a river, lake or wetland.
Natural Landscapes (NFL)  NFL-P2	Amend NFL – P2 as follows: NFL – P2 Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they maintain the values that contribute to a natural feature or landscape being outstanding and are for: ... h. New renewable electricity generation activities where there is a functional need <u>or operational need</u> for it to be located in these areas;	Oppose  Adding 'or operational need' broadens the scope for activities in the riparian margin.  Any amendments to give effect to updated national direction need to be carefully considered with all relevant national policy in mind, alongside the parts of Part 2 of the RMA not subject to a national instrument.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Natural Landscapes (NFL) NFL-P3	<p data-bbox="537 380 1299 430">Amend NFL – P3 as follows:</p> <p data-bbox="537 451 1299 598">Avoid adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where adverse effects cannot <b><u>practicably</u></b> be avoided,:</p> <p data-bbox="537 598 1299 766"><b><u>a. for activities having a functional or operational need to locate in a particular area (such as regionally significant infrastructure, network utilities, or renewable electricity generation activities), ensure that the adverse effects are remedied, mitigated, or compensated for where practicable.</u></b></p> <p data-bbox="537 766 1299 829"><b><u>b. for all other activities,</u></b> ensure that the adverse effects are remedied and mitigated to be no more than minor.</p>	<p data-bbox="1308 380 2674 430">Oppose</p> <p data-bbox="1308 451 2674 535">Concerned about use of ‘practicably’. There is a need to ensure it is clear that only regionally significant infrastructure is included within (a).</p>