

In the Environment Court  
At Christchurch

ENV-2025-CHC-104

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** **NEW ZEALAND COAL AND CARBON 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 New Zealand Coal and Carbon 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. Overall, while recognising that mining activities are important to the West Coast, Poutini Ngāi Tahu and TRoNT are motivated to ensure that appropriate checks and balances apply to such activities as required by the RMA, national direction, and the West Coast Regional Policy Statement.

8. 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  
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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</u> AND <del>STRUCK THROUGH BLACK FONT</del> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Definitions –  Multiple terms	<p>Amend definitions, including:</p> <ul style="list-style-type: none"> <li>- consistency throughout the TTPP; and</li> <li>- TTPP provisions consistent with national direction documents, their impending amendments, and legislative reform; and</li> <li>- RMA, National Planning Standards etc; and</li> <li>- provision for mineral extraction and related activities.</li> </ul> <p>Terms include:</p> <ul style="list-style-type: none"> <li>- Ancillary activity</li> <li>- Areas of significant indigenous biodiversity</li> <li>- Biodiversity compensation</li> <li>- Biodiversity offset</li> <li>- Effects management or mitigation hierarchy</li> <li>- Existing use rights</li> <li>- Indigenous biodiversity</li> <li>- Indigenous vegetation clearance</li> <li>- Net gain</li> <li>- Significant natural area</li> <li>- wetland</li> </ul>	<p>Oppose</p> <p>Some of these terms are <a href="#">nationally defined</a>, but only in respect of certain national instruments. Poutini Ngāi Tahu and TRoNT is concerned about the implications that changes in definitions may have across all the chapters, noting that mining is not the only activity the plan includes provisions for.</p>
Natural Features & Landscapes Overview	<p>Add reference to mineral extraction in relation to regionally significant activities.</p>	<p>Oppose</p> <p>Regionally significant infrastructure is defined and does not include mineral extraction. Mining is already recognised as important to the West Coast in the Plan by being a strategic direction topic and two chapters – Buller Coal Zone and the Mineral Extraction Zone. Additional definitions/classifications as a regionally significant activity are unnecessary – especially in zones where it is not the expected/primary activity. The plan needs to achieve section 6(b) of the RMA as well.</p>
Strategic Direction- MIN-P1	<p>Add NOSZ Natural Open Space Zone and/or confirm that “Open Space Zones” includes the NOSZ.</p>	<p>Oppose</p> <p>The Open Space and Recreation Zones (OSZR) Chapter contains three zones: Natural Open Space zone, Open Space zone and Sports and Active Recreation zone. Evidence given at the Council hearings was that there are high Poutini Ngāi Tahu values in the Natural Open Space Zone.</p>
Strategic Direction MIN-P5	<p>Revert to the wording of the notified Proposed TTPP. But, question the use of the word “avoid”.</p>	<p>Oppose</p> <p>The notified version of MIN-P5 contains reference to Poutini Ngāi Tahu cultural resources and taonga as well as SASM and allows for alternative mitigation measures. The decision version is broad enough to also contain these measures.</p> <p>Either way, the use of ‘avoid’ needs to be retained as it is required to address matters under s 6 of the RMA.</p>

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Strategic Direction  NENV-O1	Remove the need to “protect” from ‘all’ of the natural character.	Oppose  Natural character is a section 6 matter which requires ‘protection’ from inappropriate subdivision, use and development.  It is unclear in the appeal what ‘all’ of the natural character is unreasonable.  Poutini Ngāi Tahu / TRoNT are concerned with the impact of this appeal point, when read with other appeal points, given overall the outcome sought is to ensure mining in the natural open space zone has the ability to impact Poutini Ngāi Tahu values.
Strategic Direction  NENV-P2b	Insert “Mineral Extraction”	Oppose  Significant and/or outstanding natural environment areas and features are a section 6 matter which requires ‘protection’ from inappropriate subdivision, use and development.  Mineral extraction does not have the same recognition as regionally significant Infrastructure in recent changes to National instruments. The changes made to the NPS-IB and NPS-FM for quarrying and mining are more nuanced.  Poutini Ngāi Tahu / TRoNT are concerned with the impacts of this appeal point when read with other appeal points, given overall the outcome sought is to ensure mining in the natural open space zone has the ability to impact Poutini Ngāi Tahu values.
Natural Features & Landscapes (NFL)  NFL-P2	Revert to the original wording in draft TTPP.  Add mineral extraction to list.	Oppose  Mineral extraction is included in NFL-P2 (a) for existing and lawfully established activities. Poutini Ngāi Tahu and TRoNT do not consider it is appropriate for new mining activities given this policy covers a section 6 matter that must be achieved.
Open Space Recreational Zones  OSRZ- P15	Delete OSRZ-P15(b)  OSRZ- P15 Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration activities within the OSZ - Open Space Zone where: a. Adverse effects on open space and recreation values and the environment are managed; <del>b. Sites are rehabilitated when mineral extraction activities cease to enable future land uses and activities appropriate to the area;</del> c. Areas and values identified in Schedules One to Eight and the Overlay Chapters are protected; d. Significant ecological values are protected and indigenous biodiversity is maintained.	Oppose  These changes conflict with the direction of the Poutini Ngāi Tahu and TRoNT submission points which sought protection of Nohoanga Sites, SASM and Poutini Ngāi Tahu values of adjoining sites.

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Open Space Recreational Zones OSRZ-P2	Insert mineral extraction.	Oppose  Do not consider mineral extraction is the same as, or should be treated the same as <i>electricity transmission, distribution and renewable electricity generation</i> . Mineral extraction is not considered to fall within Energy Chapter of TTPP.
Open Space Recreational Zones OSRZ- P9	Introductory wording –revert to the original wording in Proposed TTPP. At f. insert “and functional or operational need”.	Oppose  The notified version of OSRZ-P9 is about providing for activities, while the decision ensures that any purposes for the OSRZ protect natural values.  It is unclear what the addition of functional and operational need will add to this policy in the wider framework of appeals where this terminology has been used excessively. It suggests that the decision version focuses on protecting natural values be trumped by functional or operational need.
Open Space Recreational Zones NEW Policy requested OSRZ - P22	Insert the wording of OSRZ-P9, but as amended so that the introductory wording reverts to the original wording in proposed TTPP, into the policies for Natural Open Space Zone as a new policy i.e. OSRZ – P22.	Oppose  The NOSZ has significant natural values, and mining might not be appropriate in this zone, hence the non-complying activity status. It may also impact taonga species. The overview for the NOSZ Chapter states that the Natural Open Space (zone) has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.  The Decision TTPP version is supported in that it does not include any additional policy to provide for mining within NOSZ, as was sought in the Appellant’s submission.
Open Space Recreational Zones NEW Policy requested OSRZ - P23	Insert the wording of OSRZ-P15 into the policies for Natural Open Space Zone as a new policy i.e.  <b><u>OSRZ-P23</u></b> <b><u>Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration activities within the NOSZ – Natural Open Space Zone where:</u></b> <ul style="list-style-type: none"> <li>a. <b><u>Adverse effects on open space and recreation values and the environment are managed;</u></b></li> <li>b. <b><u>Sites are rehabilitated when mineral extraction activities cease to enable future land uses and activities appropriate to the area;</u></b></li> <li>c. <b><u>Areas and values identified in Schedules One to Eight and the Overlay Chapters are protected;</u></b></li> <li>d. <b><u>Significant ecological values are protected and indigenous biodiversity is maintained.</u></b></li> </ul>	Oppose  NOSZ has significant natural values, and mining might not be appropriate in this zone, hence the non-complying activity status. It may also impact taonga species. The overview for the NOSZ Chapter states that the Natural Open Space (zone) has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.  The Decision TTPP version is supported in that it does not include any additional policy to provide for mining within NOSZ, as was sought in the Appellant’s submission.

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Natural Open Space Zone (NOSZ)  Overview	Insert that mineral extraction occurs within this zone and on public conservation land.	Oppose  Poutini Ngāi Tahu and TRoNT appealed to “replace the Open Space Zones with General Rural Zone on rural public conservation land, except where the submitter has sought a Mineral Extraction Zone” to keep the zoning provisions clear. The relief sought conflicts with that appeal point.  NOSZ provides little provision for mineral extraction given the high values. The Decision TTPP version is supported in that it does not include any additional policy to provide for mining within NOSZ, as was sought in the Appellant’s submission. The overview should be consistent with the policy content.
Natural Open Space Zone  NOSZ – R18	Delete and instead replace with a rule that has Discretionary status for Mineral Prospecting, Minerals Exploration and Mineral Extraction, including their ancillary activities.	Oppose  NOSZ has significant natural values, and mining might not be appropriate in this zone, hence the non-complying status. The gateway test for a non-complying activity should apply. It may also impact taonga species. The overview for the NOSZ Chapter states that the Natural Open Space (zone) has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.  Deleting Rule 18 within the NOSZ Chapter would not provide sufficient protection on the effects on Poutini Ngāi Tahu.
Mineral Extraction Zone  MINZ -R1(3)	At 3, increase 3 months to 12 months. Where: ... 3. The site is progressively rehabilitated as far as practicable to its condition prior to the activity occurring, with rehabilitation being completed no more than <del>three</del> <u>twelve</u> months after Mineral Prospecting or Mineral Exploration ceases.	Oppose  The use of three months in the decisions version is considered appropriate. While the rule relates to prospecting and mineral exploration, this activity will normally involve disturbance of land. The proposed change would mean the time between disturbing a site and rehabilitating a site is increased, resulting in sites being left exposed for longer. If a site is near or upgradient of a waterway there is a risk of sediment/overland flow entering waterways.
Appendix Seven:  Mineral Management Requirements  Extraction Plan	Delete and instead use consent conditions.	Oppose  It is not clear what consent conditions will be used instead of clearly setting out Management Plan requirements in the plan. The deletion of the Management Plan requirements is less certain for Plan users and will not give sufficient guidance / clarity to the consent authority as to what is required.  It is also unclear how Poutini Ngāi Tahu values will be addressed under this change
Map – MINZ Planning Maps –  Mineral Extraction Zone Maps	Include all areas of mineral permits within MINZ.	Oppose  All land subject to a mining permit area issued under the Crown Minerals Act 1991 should not be rezoned to MINZ – Mineral Extraction Zone ( <b>MINZ</b> ). Mineral permits are not issued with regard to the RMA, the RMA purpose, RMA tests, and do not take into consideration any effects that the rules within that zone would have on the environment.  Rezoning all mineral permit areas to MINZ would allow for larger areas to be included that were not considered as part of the notified version of the mapped zone.

PROVISION

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~~THROUGH~~ BLACK FONT)

POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS

The TTPP acknowledges in the MINZ overview section that where mineral deposits occur outside of the Special Purpose Zones, mineral extraction will be managed within the relevant zone rules. It was anticipated that there will continue to be mineral extraction outside of the MINZ - Mineral Extraction Zone.

Alongside the MINZ, provisions for mineral extraction are provided in other parts of TTPP This recognises that some mineral resources of the West Coast are widespread and not confined to a small number of locations. Mining within these zones needs to take into consideration other matters/factors relevant to those underlying zones.