

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**ENV-2025-CHC-000104**

**IN THE MATTER  
OF**

an appeal under clause 14 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 BY GREY DISTRICT COUNCIL OF WISH TO BE A PARTY TO PROCEEDINGS**

Dated: 2 February 2026

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## **NOTICE BY GREY DISTRICT COUNCIL OF WISH TO BE A PARTY TO PROCEEDINGS**

**To:** The registrar at the Environment Court, Christchurch

**And to:** The Appellant

**And to:** The Respondent

Grey District Council (**GDC**) wishes to be a party to an appeal by New Zealand Coal and Carbon Limited against the decision of the Te Tai o Poutini Committee on the proposed Te Tai o Poutini Plan (**TTPP**).

### **Nature of interest**

1. GDC is a local authority under the Resource Management Act 1991 (**RMA**).
2. GDC is not a trade competitor for the purposes of sections 308C or 308CA of the RMA.
3. GDC is interested in part of the proceedings. The parts of the proceedings that GDC is interested in are those that apply within the Grey District and relate to the following chapters of the TTPP, and as particularised in Appendix 1 (attached):
  - (a) Strategic Directions MIN – Mineral Extraction
  - (b) ECO – Ecosystems and Indigenous Biodiversity;
  - (c) OSRZ – (Overview and Open Space Rural Zone (OSRZ P2));
  - (d) MINZ – Mineral Extraction Zone;
  - (e) Appendices (Appendix Seven – Mineral Extraction Management Plan Requirements);
  - (f) Any other parts of the appeal that are affected by or related to the above.
4. GDC is interested in the following particular issues:
  - (a) ensuring that the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA; and
  - (b) ensuring the TTPP recognises that:
    - (i) The West Coast has a unique environment, that is characterised by about 85% of land in the region managed by the Department of Conservation. This unique context means that appropriate use and

development, particularly in the remaining areas, needs to be enabled to provide for the region's social, economic and cultural wellbeing.

- (ii) The Grey District needs sustainable infrastructure and services that enable communities to be thriving, resilient and connected.
- (iii) The TTPP should enable the use and development of natural and physical resources while ensuring protections are appropriate for the West Coast.
- (iv) The TTPP should not create pressures on affordability of housing, farming, industry and infrastructure, as well as other developments and uses through disproportionate or unworkable standards for development and use in the region.
- (v) The West Coast region is highly susceptible to the impacts of climate change and natural hazards, which require ensuring the protection of infrastructure and development.

#### **Relief sought**

- 5. GDC's position as to whether it supports, opposes or conditionally opposes a specified relief is set out in the table at Appendix 1.
- 6. GDC's reasons for supporting a relief where specified in Appendix 1 are:
  - (a) the relief will promote the sustainable management of natural and physical resources within the Grey District, and is therefore consistent with Part 2 and other provisions of the RMA;
  - (b) the relief will meet the reasonably foreseeable needs of future generations;
  - (c) the relief will enable the social, economic and cultural wellbeing of the people of the Grey District;
  - (d) the relief will facilitate the efficient use and development of natural and physical resources;
  - (e) the relief will avoid, remedy or mitigate actual or potential adverse effects on the environment;
  - (f) the relief is the most appropriate way to achieve the purpose of the RMA and/or objectives of the TTPP in terms of section 32 of the RMA;

- (g) the relief will ensure the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA; and
  - (h) the further specific reasons where set out in Appendix 1 (without limiting the general reasons above).
- 7. GDC further notes that where similar relief is sought by other appellants, consistency between the other similar appeals is supported.
- 8. GDC's reasons for opposing a relief where specified in Appendix 1 are:
  - (a) the relief will not promote the sustainable management of natural and physical resources within the Grey District, and is therefore inconsistent with Part 2 and other provisions of the RMA;
  - (b) the relief will not meet the reasonably foreseeable needs of future generations;
  - (c) the relief will not enable the social, economic and cultural wellbeing of the people of the Grey District;
  - (d) the relief will not facilitate the efficient use and development of natural and physical resources;
  - (e) the relief will not avoid, remedy or mitigate actual or potential adverse effects on the environment;
  - (f) the relief is not the most appropriate way to achieve the purpose of the RMA and/or objectives of the TTPP in terms of section 32 of the RMA;
  - (g) the relief will not ensure the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA; and
  - (h) the further specific reasons where set out in Appendix 1 (without limiting the general reasons above).
- 9. GDC's reasons for conditionally opposing a relief are set out in Appendix 1. Where GDC has conditionally opposed a relief, GDC may revisit its position and support the relief if the matters signalled in Appendix 1 are addressed by the appellant (to GDC's satisfaction). GDC, however, reserves the right to oppose the relief for the general reasons set out at paragraph 8.

### **Alternative dispute resolution**

10. GDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 2 February 2026



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**G A Biggs / J C Sylvester**  
Counsel for Grey District Council

This document is filed by Jonathon Cameron Sylvester, solicitor for Grey District Council of the firm Corcoran French, Lawyers. The address for service is at 74 Armagh Street, PO Box 13-001, Christchurch, Phone: (03) 379 4660. Documents for service on Grey District Council may be left at the address for service or may be:

- (a) Posted to the solicitor at PO Box 13001, Christchurch 8141; or
- (b) Emailed to [jonathon@cflaw.co.nz](mailto:jonathon@cflaw.co.nz) as long as they are contemporaneously emailed to [geraldine@cflaw.co.nz](mailto:geraldine@cflaw.co.nz).

### *Advice*

If you have any questions about this notice, contact the Environment Court in Christchurch.

**Appendix 1: Grey District Council's interest in the appeal of New Zealand Coal and Carbon Ltd**

	<b>TTPP Provision</b>	<b>Relief sought by the appellant</b>	<b>Grey District Council's position</b>	<b>Further Reasons for Grey District Council's Position</b>
1.	<p>Definitions:</p> <p>Ancillary Activity.</p> <p>Area of Significant Indigenous Biodiversity.</p> <p>Biodiversity Compensation.</p> <p>Biodiversity Offset.</p> <p>Effects Management or Mitigation Hierarchy.</p> <p>Existing Use Rights.</p> <p>Indigenous Biodiversity.</p> <p>Indigenous Vegetation Clearance. Net Gain.</p> <p>Significant Natural Area. Wetland.</p>	<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>GDC is not interested in this part of the proceedings.</p>	
2.	<p>Part 1 – National Direction Instruments – National Policy Statements</p> <p>NPS-IB</p> <p>NPS-FM</p>	<p>TTPP provisions consistent with national direction documents, their impending amendment and legislative reform.</p>	<p>GDC is not interested in this part of the proceedings.</p>	

3.	Part 1 – National Direction Instruments – National Environmental Standards  NES-F	TTPP provisions consistent with national direction documents, their impending amendments and legislative reform.	GDC is not interested in this part of the proceedings.	
4.	MIN-P1	Add NOSZ and/or confirm that “Open Space Zones” includes the NOSZ	Support	The use and development of natural mining resources is important for the West Coast’s economy, including (where appropriate) in the NOSZ. It enables people and communities to provide for their economic, social and cultural wellbeing. GDC considers that a robust set of rules have been developed to manage adverse effects and notes activities that breach permitted activity rules are subject to a consenting pathway.
5.	MIN-P5	Revert to the wording of the notified Draft TTPP. But, question the use of the word “avoid”.	Support	The use and development of availability of natural mining resources is important for the West Coast’s economy. It enables people and communities to provide for their economic, social and cultural wellbeing. GDC considers that a robust set of rules have been developed to manage adverse effects and notes activities that breach permitted activity rules are subject to a consenting pathway.
6.	NENV-O1	Remove the need to “protect” from ‘all’ of the natural character.	GDC is not interested in this part of the proceedings.	
7.	NENV-P1	Question ability to identify the “areas”	GDC is not interested in the part of the proceedings.	
8.	NENV-P2(b).	Insert “Mineral Extraction”	GDC is not interested in this part of the proceedings.	

9.	ECO-O1	Revert to original wording of ECO-4 (which has now become ECO-01) OR remove the tests of “no overall loss” and “at least no overall reduction”. Question application of objective to all indigenous biodiversity as opposed to that which is significant, especially in the context of national direction documents or their impending amendments.	Oppose	GDC considers the current wording reflects NPSIB requirements.
10.	ECO-O2	Revert to the original wording in draft TTPP.	Support	GDC considers the relief gives effect to the WCRPS.
11.	ECO – P1	Ensure correct reference to national direction documents or their impending amendments.	Conditionally oppose	GDC supports consistency with higher order documents to the extent legally required but conditionally opposes the relief in the absence of specific wording for consideration. GDC may revisit its position if specific wording (satisfactory to GDC) is provided during the appeal.
12.	ECO-P2(a)	Revert to the wording of the notified Draft TTPP OR delete the words after “... lawfully established activity”	Oppose	GDC supports amending ECO-P2 to reflect the updated NPSIB (clause 3.15), but considers the relief as sought is not fully consistent with the NPSIB. GDC may revisit its position if amended wording (satisfactory to GDC) is provided in the appeal.
13.	ECO-P3	Update test under ECO-P3b. to reflect national direction documents or their impending amendments	Conditionally oppose	GDC supports consistency with higher order documents to the extent legally required including to reflect the update to clause 3.11 of the NPSIB.  However, GDC is unable to support this relief in generalised and unspecified terms. GDC may revisit its position if specific wording for amended provisions (satisfactory to GDC) is provided during the appeal process
14.	ECO-P7	Revert to the original wording in draft TTPP.	Support	
15.	ECO-P8	Update tests (i.e. matters listed) to reflect national direction documents or their impending amendments.	Conditionally oppose	GDC supports consistency with higher order documents to the extent legally required including to reflect the update to clause 3.11 of the NPSIB, but conditionally opposes the relief in the absence of specific wording for consideration. GDC may revisit

				its position if specific wording (satisfactory to GDC) is provided during the appeal.
16.	ECO-R6	Support and retain: - Permitted activity status for MINZ (i.e. #12) but with MINZ amendments to include all mineral permit areas. - Restricted Discretionary or Discretionary Status where compliance not achieved.	Oppose	
17.	ECO-R7	Support and retain Discretionary Status where compliance not achieved.	Neither support nor oppose	Relief sought is supporting the current form of the TTPP and not seeking a change to the current rules.
18.	ECO-R10	Standard 4 and adverse effects management consistency with national direction documents or their impending amendments.  Activity status where compliance achieved: N/A for standard 3 also.	Conditionally oppose the relief to amend Standard 4 and adverse effects management for consistency with national amendments.  Oppose relief to add Standard 3 to Activity status where compliance not achieved N/A.	GDC supports consistency with higher order documents to the extent legally required including to reflect the update to clause 3.11 of the NPSIB but conditionally opposes the first part of the relief in the absence of specific wording for consideration. GDC may revisit its position if specific wording (satisfactory to GDC) is provided during the appeal.  The non-complying activity status where standard 3 is not complied with is considered appropriate.
19.	ECO-R12	Delete.	Oppose	
20.	NC-O1	Revert to the original wording in draft TTPP.	GDC is not interested in this part of the proceedings.	
21.	NC-P2	Revert to the original wording in draft TTPP for the introductory wording and f. Add mineral extraction to the list.	GDC is not interested in this	

			part of the proceedings.	
22.	NC-Rules	Provide for mineral extraction.	GDC is not interested in this part of the proceedings.	
23.	Natural Environment Values - NFL Natural Features and Landscapes - Overview	Add reference to mineral extraction in relation to regionally significant activities.	GDC is not interested in this part of the proceeding.	
24.	NFL-O1	Revert to the original wording in draft TTPP.	GDC is not interested in this part of the proceeding.	
25.	NFL-P2	Revert to the original wording in draft TTPP. Add mineral extraction to list.	GDC is not interested in this part of the proceeding.	
26.	NFL-P3	Revert to the original wording in draft TTPP.	GDC is not interested in this part of the proceeding.	
27.	NFL-P4	At end change "maintained" back to "not adversely affected".	GDC is not interested in this part of the proceeding.	
28.	OSRZ-P1	Insert "generally" after the word "should".	GDC is not interested in this part of the proceeding.	
29.	OSRZ-P2	Insert mineral extraction.	Conditionally oppose	GDC agrees in principle to referencing mineral extraction within OSRZ-P2 but further particulars are required. GDC may revisit its position if specific

				wording for the amendment (satisfactory to GDC) is provided during the appeal.
30.	OSRZ-P9	Introductory wording – revert to the original wording in draft TTPP. At f. insert “and functional or operational need”.	GDC is not interested in this part of the proceeding.	
31.	OSRZ-P15b.	Delete.	GDC is not interested in this part of the proceeding.	
32.	OSRZ-P22	Insert the wording of OSRZ-P9, but as amended so that the introductory wording reverts to the original wording in draft TTPP, into the policies for Natural Open Space Zone as a new policy i.e. OSRZ-P22.	GDC is not interested in this part of the proceeding.	
33.	OSRZ-P23	Insert the wording of OSRZ-P15 into the policies for Natural Open Space Zone as a new policy i.e. OSRZ-P23	GDC is not interested in this part of the proceeding.	
34.	Part 3 - Zones - Open Space and Recreation Zones – NOSZ Natural Open Space Zone - Overview	Insert that mineral extraction occurs within this zone and on public conservation land.	Support	The use and development of availability of natural mining resources is important for the West Coast's economy. It enables people and communities to provide for their economic, social and cultural wellbeing. GDC considers that a robust set of rules have been developed to manage adverse effects and notes activities that breach permitted activity rules are subject to a consenting pathway.
35.	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.	GDC is not interested in this part of the proceeding.	
36.	MINZ-R1	3. increase 3 months to 12 months.	Support	GDC supports the relief given the contribution that these activities make to the economic and social wellbeing of the region and districts. 12 months is

				considered reasonable for site rehabilitation if required.
37.	Part 4 – Appendices – Schedules – Schedule Four: Significant Natural Areas  BLA-P002 Mt Davey	Ensure that SNA does not encroach onto MINZ or area of mineral permits or related activities.	GDC is not interested in this part of the proceedings.	
38.	Part 4 – Appendices – Schedules – Schedule Five: Outstanding Natural Landscapes  ONL33	Ensure that ONL does not encroach onto MINZ or area of mineral permits or related activities.	GDC is not interested in this part of the proceedings.	
39.	Part 4 – Appendices – Schedules – Schedule Five: Outstanding Natural Landscape  ONL40 Paparoa Range	Ensure that ONL does not encroach onto MINZ or area of mineral permits or related activities.	GDC is not interested in this part of the proceedings.	
40.	Part 4 – Appendices – Schedules – Schedule Five: Outstanding Natural Landscapes  ONL41 Paparoa Range	Ensure that ONL does not encroach onto MINZ or area of mineral permits or related activities.	GDC is not interested in this part of the proceedings.	
41.	Part 4 – Appendices – Schedules – Schedule Five: Outstanding Natural Landscapes  ONL42 Paparoa Range	Ensure that ONL does not encroach onto MINZ or area of mineral permits or related activities.	GDC is not interested in this part of the proceedings.	

42.	Part 4 – Appendices – Schedules – Schedule Five: Outstanding Natural Landscape  ONL 49	Ensure that ONL does not encroach onto MINZ or area of mineral permits or related activities	GDC is not interested in this part of the proceedings.	
43.	Part 4 – Appendices – Appendices – Appendix Seven: Mineral Extraction Management Plan Requirements	Delete and instead use consent conditions.	Oppose	The appendix provides useful guidance for plan users as part of a consent process.
44.	Part 4 – Appendices – Appendices – Appendix Thirteen: Principals and Process for Significant Natural Area Identification	Delete. Consistency with national direction documents or their impending amendment	GDC is not interested in this part of the proceedings.	
45.	Part 4 – Appendices – Appendices – Appendix Fourteen: Principals for Biodiversity Offsetting	Delete or amend. Consistency with national direction documents or their impending amendments	GDC is not interested in this part of the proceedings.	
46.	Part 4 – Appendices – Appendices – Appendix Fifteen: Principals for Biodiversity Compensation	Delete or amend. Consistency with national direction documents or their impending amendments.	GDC is not interested in this part of the proceedings.	
47.	Map of Roa township area	Amend (reduce) Settlement Zone at Roa township so it does not overlap with the current Roa Mine access road and/or yard area.	GDC is not interested in this part of the proceeding.	
48.	Map # 45 (Grey District)	Remove the overlap of the Precinct from the Mineral Extraction Zone (MINZ) for SEC 39 SO11207 TWN OF ROA BLK II MAWHERANUI SD (Valuation ID 2543020700) and SEC 48 SO 11207	GDC is not interested in this part of the proceedings.	

		BLK II MAWHERANUI SD (Valuation ID 2543020701)		
49.	Maps	Associated changes as noted above in relation to the SNAs and ONLs.	GDC is not interested in this part of the proceedings.	
50.	MINZ	Include all area of mineral permits within MINZ.	GDC is not interested in this part of the proceedings.	
51.	Various	Additional generalised relief (relevant to the parts of the proceeding that GDC is interested in) sought by the appellant at pages 4 and 5 of the Notice of Appeal (where amended wording for the provisions is not specified)	Conditionally oppose	GDC is unable to support relief in general and unspecified terms but may revisit its position if specific wording and particulars (satisfactory to GDC) are provided during the appeal process.