

In the Environment Court
At Christchurch

ENV-2025-CHC-117

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 **THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

And **TE TAI O POUTINI PLAN COMMITTEE**

Respondent

**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
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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 The Royal Forest and Bird Protection Society of New Zealand Incorporated (**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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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>Infrastructure Chapter</p> <p>INF-P2</p>	<p>Amend the provision as follows</p> <ul style="list-style-type: none"> • Add a new sub-clause <p><u>x. whether there are alternative locations or a functional need to locate within an Overlay area or area of significant indigenous biodiversity or any area meeting the criteria in West Coast Regional Policy Statement, Appendix 1</u></p> <p><u>f. The need to avoid, remedy, or mitigate adverse effects on the environment in accordance with the Natural Environment and District Wide chapters of this Plan</u></p>	<p>Support</p> <p>Consideration of alternative locations for section 6 matters has been an issue for case law. These amendments would be consistent with the new NPS for Infrastructure, in particular policy 7 which considers route and site selection as a way to avoid, remedy or mitigate adverse effects.</p> <p>Consideration of the Natural Environment Chapters and District Wide Chapters (where it relates to a s6 issue) is consistent with the National Planning Standards and NPS-I.</p> <p>Policy 9 of the NPS-I also requires managing effects near environments and values identified in section 6.</p> <p>These amendments have the ability to provide better links and consideration of SASM sites.</p>
<p>Ecosystems and Indigious Biodiversity</p> <p>ECO</p> <p>Overview</p>	<ul style="list-style-type: none"> • Amend the overview in relation to Commercial Forestry to recognise that more stringent provisions can also be applied to indigenous biodiversity meeting the WRPS Appendix 1 significance criteria. This is because areas identified by using the RPS significance criteria come within the meaning of significant natural area under the NES for Commercial Forestry. • See attached tracked changes to decisions on ECO chapter in Appendix 1 (copied below) <p>Plantation/Commercial Forestry Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017 (NES-CF). However the NES-CF allows that district plans can be more stringent to protect <u>areas of significant indigenous biodiversity significant natural areas a (the meaning of Significant Natural Area under the NES-CR includes areas identified by using the RPS significance criteria)</u> and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter are more stringent, they over rule the requirements of the NES - CF and an advice note to that effect is included within the relevant Rule.</p>	<p>Oppose</p> <p>The stricter Plan provisions are only in relation to SNA and therefore not all indigious biodviersity.</p> <p>The ECO chapter must still to provide a pathway for forestry, noting that:</p> <ul style="list-style-type: none"> • The NPS-IB says: 3.14(1) Except as provided in subclause (2), the adverse effects of plantation forestry activities in any existing plantation forest on any SNA must be managed in a manner that: <ul style="list-style-type: none"> (a) maintains indigenous biodiversity in the SNA as far as practicable; while (b) providing for plantation forestry activities to continue. • NES-CF says: 6(2)(b) A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of— significant natural areas.
<p>Ecosystems and Indigious Biodiversity</p> <p>ECO</p> <p>ECO-P2</p>	<p>Amend policy ECO -P2 to include: i. consideration of matters relevant to when provision for maintenance of improved pasture should be provided under clause 3.17 of the NPSIB ii. reorder clause (d) so the same requirements apply to Poutini Ngāi Tahu land and specified Māori land. iii. functional , operational need for the location and consideration of alterative in clause (e). iv. to</p>	<p>Oppose</p> <p>In relation to (b), Specified Māori Land contains land managed by the Office of the Māori Trustee and groups that are not able to create an iwi/papatipu rūnanga management plan in the West Coast. Therefore, it creates a provision that cannot be complied with.</p>

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	<p>restate clause (f) limiting effects to no more than minor (original notified wording).</p> <p>See attached tracked changes to decisions on ECO chapter in Appendix 1 (copied below)</p> <p>Provide for activities within areas of significant indigenous biodiversity where:</p> <ol style="list-style-type: none"> This is for a lawfully established activity and the adverse effects are no greater in intensity, scale or character over time than at 4 August 2023, and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity; or This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance <u>and which meets all of the requirements of 2(a) to (e) in clause 3.17 of the NPSIB;</u> or It is for Poutini Ngāi Tahu Activities; or This is undertaken on Poutini Ngāi Tahu land <u>or on specified Māori Land and is</u> in accordance with an Iwi/Papatipu Rūnanga Management Plan or on specified Māori land; or This is for the construction or upgrade of regionally significant infrastructure <u>which has a functional or operational need to locate within the area and no practicable alternative outside the area of significant indigenous biodiversity exists; and f. the activities in (a) to (e) have no more than minor adverse effects.</u> 	
<p>Ecosystems and Indigenous Biodiversity ECO ECO-P6</p>	<p>Amend so that it is not limited to “significant values” and refers to “indigenous”</p> <p>See attached tracked changes to decisions on ECO chapter in Appendix 1 (Copied below)</p> <p>Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and manages adverse effects on any significant values of the indigenous vegetation or fauna habitat <u>are appropriately managed.</u></p>	<p>Oppose</p> <p>This raises the threshold of effects from adverse effects on significant values to all adverse effects on indigenous vegetation.</p>
<p>Ecosystems and Indigenous Biodiversity ECO</p>	<p>Amend new ECO-R1</p> <ul style="list-style-type: none"> to clarify that these are standards and not a rule. 	<p>Oppose</p>

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ECO-R1/ECO-R6	<ul style="list-style-type: none"> to clarify the standards apply to all permitted indigenous vegetation clearance rules outside Significant Natural Areas listed in Schedule Four. Reduce clearance limits and set a clear limit that does not rely on a significance assessment. Remove the exceptions from the general standards. Move the exceptions for natural hazard mitigation and planted vegetation to ECO-R6 and permitted activity conditions. See attached tracked changes to decisions on ECO chapter. Specific relief set out in Appendix 1 (copied below) <p>ECO R1 Except that the maximum vegetation clearance provisions in these general standards do not apply where: iii. For all clauses in this rule, the indigenous vegetation clearance is of vegetation planted and managed: a. As part of a domestic or public garden for amenity purposes; or b. As part of a shelterbelt; or c. Within a plantation forestry area for the purpose of harvesting plantation forestry.</p> <p>ECO-R6 14. For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and will not exceed 2,000m2 clearance per property.</p>	<p>The removal of forestry from the maximum clearance provisions means that although it may be permitted if the appeal addition in ECO-R6 is adopted, forestry will have to comply with the maximum vegetation clearance limits in ECO-R1.</p> <p>A general removal clause for any other activity for a set amount is reasonable as the Plan is about effects, rather than activities and future proofs the plan for small unexpected activities.</p>
Natural Character & Margins of Waterbodies (NC)	Amend NC – O3 as follows:	Neutral
NC-O3	To <u>consider</u> providing for activities that have a functional need to locate in the margins of lakes, rivers, and wetlands, where they can be undertaken in a way that preserves natural character are minimised .	It is noted that the relief is not marked into the decisions version of NC-O3. Poutini Ngāi Tahu and TRoNT have joined various appeal points on NC-O3 and have joined to ensure a consistent position advanced across the various appeals.
Natural Character & Margins of Waterbodies (NC)	Delete NC-P2	Oppose
NC-P2		The policy has some enabling provisions including for Poutini Ngāi Tahu activities and Māori purpose activities that are supported.

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Natural Character & Margins of Waterbodies (NC) NC-P3	Delete NC-P3	Neutral Poutini Ngāi Tahu and TRoNT have opposed other appeal points on this policy to add 'or operational need' and have joined to ensure a consistent position advanced across the various appeals.
Natural Character & Margins of Waterbodies (NC) NC-R2	Delete NC-R2.	Neutral Poutini Ngāi Tahu and TRoNT have joined other appeal points on this rule and have joined to ensure a consistent position advanced across the various appeals.
Natural Character & Margins of Waterbodies (NC) NC-R3	Change activity status for NC-R3 from restricted discretionary to full discretionary NC - R3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules Activity Status Restricted Discretionary	Neutral Poutini Ngāi Tahu and TRoNT have joined other appeal points on this rule and have joined to ensure a consistent position advanced across the various appeals.
General District Wide Matters – Earthworks (EW) EW-R1	Amend EW-R1 as follows: EW - R1 Earthworks General Standards All Permitted activities must comply with the following relevant standards. ... <u>8. Any vegetation clearance that is caused by the earthworks, or by the associated works (e.g., smothering by the excavated materials) must meet the Permitted Activity Standards of the ECO chapter.</u>	Neutral This is not a standard but an advice note. Neutral but joining to ensure any changes can be supported.
Buller Coalfield Chapter Whole Chapter	Delete the Buller Coalfield Chapter and Zone and all related provisions and rezone the affected land as follows: <ul style="list-style-type: none"> • GRUZ for private land in pasture • NOSZ for private land that has high natural values • NOSZ for all public conservation land • In other cases, zone consistently with adjacent land zone as appropriate. 	Neutral Poutini Ngāi Tahu and TRoNT have joined other related appeal points and have joined to ensure a consistent position advanced across the various appeals.
Mineral Extraction Zone Whole Chapter	Delete the Mineral Extraction Chapter and Zone and all related provisions and rezone the affected land as follows: <ul style="list-style-type: none"> • GRUZ for private land in pasture • NOSZ for any private land that has high natural values • NOSZ for all public conservation land • In other cases, zone consistently with adjacent land zone as appropriate. 	Neutral Poutini Ngāi Tahu and TRoNT have joined other related appeal points and have joined to ensure a consistent position advanced across the various appeals.
Appendix Seven:	Delete	Oppose

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Mineral Extraction Management Plan Requirements		<p>Poutini Ngāi Tahu and TRoNT have joined other related appeal points and have joined to ensure a consistent position advanced across the various appeals.</p> <p>It is also unclear how Poutini Ngāi Tahu values will be addressed under this change.</p>