

In the Environment Court
At Christchurch

ENV-2025-CHC-108

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 **TĀIKO CRITICAL MINERALS LIMITED**

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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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 Tāiko Critical Minerals Limited (**Appellant**) 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. 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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Appendix A – Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu appeal position

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED</u> AND STRUCK THROUGH BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Definitions –	Amend definitions, including: <ul style="list-style-type: none"> - consistency throughout the TTPP; and - TTPP provisions consistent with national direction documents, their impending amendments, and legislative reform; and - RMA, National Planning Standards etc; and - provision for mineral extraction and related activities. 	Oppose
Multiple terms	Terms include: <ul style="list-style-type: none"> - Ancillary activity - Areas of significant indigenous biodiversity - Biodiversity compensation - Biodiversity offset - Effects management or mitigation hierarchy - Existing use rights - Indigenous biodiversity - Indigenous vegetation clearance - Net gain - Significant natural area - wetland 	Some of these terms are nationally defined, 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.
Mineral Extraction	Delete and retain MIN-O2 – MIN-O6 as notified in the TTPP as objectives, incorporating changes requested by Tāiko in original submission 493 (page 12 of S493). Further express recognition required that offsetting and compensation are appropriate ways to manage effects.	Neutral Both versions reference Poutini Ngāi Tahu values, and Poutini Ngāi Tahu and TRoNT are neutral on the option chosen. Neutral interest but joining to ensure any changes can be supported in light of the potential impact on the TTPP.
Natural Environment	Delete and retain NENV-O1, NENV O3 and O4 as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (page 12 of S493). which requested recognition of the functional and operational need and a consenting pathway for mineral activities.	Support The notified version in relation to Poutini Ngāi Tahu issues is clearer in that it recognises and protects (section 6 wording) and references cultural and spiritual values of these areas. The decision version tries to combine both objectives, but then does not make a clear reference in the strategic policies (created only in the decision version) on how to achieve the objectives.
Natural Features & Landscapes	Retain notified plan wording of NFL-P2 (instead of new NFL-P3 wording in the decisions version of the TTPP)	Oppose Support new wording in Decisions version which provides greater protection for outstanding natural landscapes (which include some SASM) and outstanding natural features.
NFL-P3 (formally NFL-P2)		

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Natural Features & Landscapes (NFL) NFL-R11	Amend NFL-R11 to provide for mineral extraction outside of MINZ as a restricted discretionary activity.	Oppose The rule provides for mineral extraction in the Buller Coalfield Zone & Mineral Extraction zone (MINZ) within an Outstanding Natural Landscape as a restricted discretionary activity. Poutini Ngāi Tahu and TRoNT consider it is appropriate for mineral extraction in other zones within an Outstanding Natural Landscape to be a discretionary activity. Some outstanding natural landscapes do include some SASMs.
Natural Character & Margins of Waterbodies NC-O3	Amend provisions to ensure activities (such as mining) operational and functional needs are expressly provided for.	Oppose Policy 2 provides for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure. Policy 3, which applies to new and upgrades to buildings and structures, only refers to functional need for their location (and the inclusion of operational need in P3 is also opposed). 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.
Natural Character & Margins of Waterbodies NC-P2	Amend provisions to ensure mineral extraction, exploration and prospecting activities are provided for in this policy, as requested by Tāiko in original submission 493 (page 17 of S493). The original submission sought to: Amend NC – P2 (in notified plan) as follows: Provide for indigenous vegetation removal, <u>minerals extraction, exploration and prospecting activities</u> and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised as far as practicable and...	Oppose Submitter is seeking to retain the notified plan wording with an amendment. If proposed plan wording is retained with the additional activities being added into this policy, the protection of the margins of waterbodies from mining activities is weakened.
Natural Character & Margins of Waterbodies NC-P3	Amend provisions to ensure activities (such as mining) operational and functional needs are expressly provided for, as requested by Tāiko in original submission 493 (page 17 of S493).	Oppose Adding 'or operational need' expands the ability for new activities to occur in a highly sensitive environment. The change is not limited to mining, as P3 applies to new and upgrades to buildings and structures.
Coastal Environment Objectives CE-O1 CE-O4	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (pages 17-18 of S493).	Oppose The coastal environment is to be protected as per Schedule 6 and the New Zealand Coastal Policy Statement. 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.
Coastal Environment Policies CE-P2 – P7	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (pages 17-18 of S493).	Oppose - CE-P3 amendment in particular

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		<p>Relief sought by appellant provides wider scope for additional activities including mining to be located within sensitive CE area. In the S42A report, Policy 2 of the WCRPS coastal environment chapter provides specific exclusions for the National Grid in relation to these outstanding areas and this is the reason for the reference in clause e. of CE – P3.</p> <p>Poutini Ngāi Tahu and TRoNT (S620.203) sought that clause d. was amended to refer to Poutini Ngāi Tahu Activities or Māori Purpose Activities rather than “cultural purpose”. This was adopted in decision version and its deletion is opposed.</p> <p>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.</p>
<p>Coastal Environment</p> <p>Rules</p> <p>CE-R11, R16, R18</p>	<p>Amend CE-R11, R16 and R18 to include mineral extraction.</p>	<p>Oppose</p> <p>Appellant has not provided any proposed wording for amendments but it appears that mineral extraction would be included to (1)(ii).</p> <p>Separately, the Appellant is seeking that it is clear that the Earthworks Chapter does not apply to mineral extractions, exploration prospecting and ancillary activities. It appears at this stage that these two grounds of appeal conflict each other.</p> <p>The Decision version of the TTPP EW Chapter makes clear that ‘<i>Earthworks Associated with Mineral Extraction - the Zone and Overlay Chapters have provisions which manage mineral extraction and its ancillary activities. The earthwork rules within this chapter do not apply to mineral extraction, mineral prospecting or mineral exploration.</i>’</p> <p>Poutini Ngāi Tahu and TroNT support the decisions version in this respect.</p>
<p>Rural Zones (RURZ)</p> <p>RURZ-P26</p>	<p>Retain wording as notified in the TTPP, being RURZ-P25 in proposed plan (now RURZ-P26 in decision version of plan) by incorporating changes requested by Tāiko in original submission 493:</p> <p>The original submission sought a wording change for RURZ-P25(d):</p> <p>Maintaining the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by...</p> <p>(d) avoiding <u>Managing</u> adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity</p> <p>....</p>	<p>Oppose</p> <p>The key change that Poutini Ngāi Tahu and TRoNT are opposed to is the change in (d). That clause provides an effects direction for significant indigenous vegetation and significant habitats of indigenous fauna. Managing is a lesser protection than avoid (essentially opening up the entire effects hierarchy), and does not achieve section 6 of the RMA.</p>
<p>General Rural Zone (GRUZ)</p> <p>GRUZ-R10</p>	<p>Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493</p>	<p>Oppose</p> <p>Decision wording provides more protection for neighbouring properties e.g. 20 metre set back from property boundaries to be a permitted activity.</p>

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General Rural Zone (GRUZ) GRUZ-R11	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 The submission supported notified GRUZ-R11.	Oppose Notified version (GRUZ-R11) was Permitted and Controlled where a previously mined area identified in Schedule 10 otherwise RDA when compliance not achieved (GRUZ-R12). Decision version (GRUZ-R11) was Permitted and Discretionary when compliance not achieved. This is a lesser level of protection for Poutini Ngāi Tahu values and the ability to decline consent is supported.
General Rural Zone (GRUZ) GRUZ-R17	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493. The submission supported notified GRUZ-R17.	Oppose Notified version (GRUZ-R18) was Controlled and RDA when compliance not achieved (GRUZ-25) Decision version (GRUZ - R17) is RDA with no change in status if compliance not achieved. This is a lesser level of protection for Poutini Ngāi Tahu values and the ability to decline consent is supported.
General Rural Zone (GRUZ) GRUZ-R25	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493. The submission supported notified GRUZ-R25.	Oppose Notified version (GRUZ-R25) was RDA. Decision version (GRUZ – R25) is Discretionary. Discretionary rule provides more scope for consideration of Poutini Ngāi Tahu values than restricted discretionary rule which only recognises ‘cultural heritage requirements’ which does not consider contemporary Poutini Ngāi Tahu values.
Mineral Extraction Zone MINZ-O2	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (pages 23-34 of S493).	Oppose The use of ‘Manage’ conflicts with a Poutini Ngāi Tahu and TRoNT appeal point, which supported ‘minimise’ (the notified version) over ‘manages’. Further, to ensure plan clarity might be useful to also include alterative wording that states “avoid, remedy, mitigate’ effects.
Mineral Extraction Zone MINZ-P5, MINZ-P6	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (pages 23-34 of S493).	Oppose In relation to decision version MINZ - P6 (notified as MINZ-P7), Tāiko’s submission was rejected and ‘maintain’ was adopted as per s42A officer recommendation. Support inclusion of wording maintain. In relation to decision version MINZ- P5 (notified MINZ-P6), the decision adopted the Poutini Ngāi Tahu and TRoNT submission S620.262. The decision version is supported.
Mineral Extraction Zone MINZ-R2, , MINZ-R6,	Retain wording as notified in the TTPP, incorporating changes requested by Tāiko in original submission 493 (pages 23-34 of S493)	Oppose

PROVISION

APPELLANT RELIEF (SHOWN IN UNDERLINED AND ~~STRUCK THROUGH~~ BLACK FONT)

POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS

The Advice note sought in the submission for MINZ- R2 was rejected by s42A officer and in the decision. It is not required as there is a definition of “lawfully established” in the decision version which refers to existing use rights under the RMA. This is referred to in clause 1 of MINZ-R2. As such, the additional advice note and amendments requested is unnecessary.

The activity status in MINZ –R2 as notified for Mineral Extraction and Processing (permitted activity) was changed to RDA in the decision version (MINZ R6). The S42A officer considered permitted standards not ‘vires’ and many requirements unworkable or difficult to determine compliance. Poutini Ngāi Tahu and TRoNT agree with the s42A officer conclusions.