

In the Environment Court  
At Christchurch

ENV-2025-CHC-118

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** **WMS GROUP (HQ) 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  
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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 WMS Group (HQ) 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**

<b>PROVISION</b>	<b>APPELLANT RELIEF (SHOWN IN <u>UNDERLINED</u> AND <del>STRUCK THROUGH</del> BLACK FONT)</b>	<b>POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS</b>
Ecosystems and Indigenous Biodiversity  Entire Chapter (including specified ECO provisions)	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 31-33 of S599), including particularly to include specific recognition of operational and functional need of activities to be located in an area, and removal of restrictive wording such as "minimise", "restrict" and "preserve" and replace with "management" of <u>significant effects</u> .	Oppose  Do not support reverting to the notified verison of the ECO provisions – particularly ECO-O4, ECO-O5, ECO-P2, ECO-P4, ECO-P6, ECO-P8, ECO-P9 and ECO-R5 as they have content that reflect more of the Ngāi Tahu Deed of Settlement 1997, the NPS-IB in relation to Tangata Whenua, and Part 2 of the RMA compared to the notified version.
Strategic Direction  Overview, paragraph 3, subpoint 2	Retain wording as notified in the TTPP to ensure the objectives and policies of other chapters in the TTPP are consistent with the Strategic Directions.	Oppose  This relief directly conflicts with the Poutini Ngāi Tahu and TRoNT submission, which was accepted in the Decision as the notified version uses the English name for the region before the Te Reo Māori name.
Strategic Direction  Mineral Extraction  MIN-P1-5	Delete and retain MIN-O2 – MIN-O6 as notified in the TTPP as objectives. Express recognition that offsetting and compensation are appropriate ways to manage effects.	Oppose  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.
Strategic Direction  Natural Environment  NENV	Delete and retain NENV-O1 – O4 as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (page 24 of S599) 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 Character & Margins of Waterbodies  NC-O3	Amend provisions to ensure activities (such as mining) operational and functional needs are expressly provided for, as requested by WMS in original submission 599 (page 35-36 of S599).	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.  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.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Natural Character & Margins of Waterbodies  NC-P2 NC-P3	Amend provisions to ensure activities (such as mining) operational and functional needs are expressly provided for, as requested by WMS in original submission 599 (page 35-36 of S599).	Oppose  Do not support mineral extraction activities having recognition of operational need in the same way as renewable energy or regionally significant infrastructure.  NC-P2 relates to earthworks within riparian margins of lakes, rivers and wetlands. Clause (e) allows for functional need for an activity if they need to be located adjoining a waterbody. NC-P3 allows for functional need associated with new buildings & upgrading of existing structures within riparian margins of lakes, rivers and wetlands. There is no need to reference to operational need as an alternative which creates a more permissive consenting pathway which could impact s6 values.  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.
Natural Character & Margins of Waterbodies  NC-R2 – NC-R4	Amend provisions to ensure activities (such as mining) operational and functional needs are expressly provided for, as requested by WMS in original submission 599 (page 35-36 of S599).	Oppose  Appeal point is to revert to wording as sought in the original submission. Apart from NC-R3, WMS did not submit on these provisions.  Poutini Ngāi Tahu and TRoNT do not support mineral extraction activities having the same enabling provisions as regionally significant infrastructure.
Coastal Environment  CE-P2 – P8	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 36-37 of S599).	Oppose - CE-P3 amendment in particular  Relief sought by appellant provides wider scope for additional activities including mining to be located within sensitive CE area. No policy direction within NZCPS or WCRPS to support this change. 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.  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.
Rural Zones (RURZ)  RURZ-P26	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 43-45 of S599). The reference to primary production (as defined to include mining activities) and not land based primary production (which excludes mining activities) should be retained.	Oppose  Policy relates to significant indigenous vegetation and significant habitats of indigenous fauna and hence additional protection is required. ‘Managing’ opens up the entire effects hierarchy.
General Rural Zone (GRUZ)  GRUZ-R10	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 45-46 of S599). GRUZ - R10 Mineral Prospecting and Mineral Exploration Activity Status Permitted	Oppose  Decision wording provides more protection for neighbouring properties e.g. 20 metre set back from property boundaries to be a permitted activity.

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General Rural Zone (GRUZ)  GRUZ-R11	Retain wording as notified in the TTPP	Oppose  Notified version (GRUZ-R11) was Permitted and then either controlled or RDA when compliance not achieved (GRUZ-R11)  Decision version (GRUZ - R11) is full discretionary if cannot meet permitted rule.  Notified version is a lesser level of protection for Poutini Ngāi Tahu values as restricted discretionary restrictions are related to only Poutini Ngāi Tahu cultural heritage requirements and not Poutini Ngāi Tahu values
General Rural Zone (GRUZ)  GRUZ-R17	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 45-46 of S599).	Oppose  Notified version is a lesser level of protection for Poutini Ngāi Tahu values as matters of control are related to only Poutini Ngāi Tahu cultural heritage requirements but decision version has been amended to restricted discretionary and matters of discretion is Poutini Ngāi Tahu values which provides a wider scope for protection.
General Rural Zone (GRUZ)  GRUZ-R25	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 45-46 of S599).	Oppose  Notified version is a lesser level of protection for Poutini Ngāi Tahu values as restricted discretionary restrictions are related to only Poutini Ngāi Tahu cultural heritage requirements and not Poutini Ngāi Tahu values. Full discretionary activity provides wider protection.
Mineral Extraction Zone  Entire Chapter  MINZ-O1, MINZ-O2	Entire Chapter - Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 47-49 of S599).	Oppose  Decision version of policies reflects some wording changes sought by Poutini Ngāi Tahu that might be undone if retain wording of notified TTPP, namely MINZ -P5.(formerly notified as MINZ- P6).  MINZ – O2: ‘Manage’ has been adopted in decisions version of TTPP. The Poutini Ngāi Tahu and TRoNT appeal supports ‘minimises’, so the retention of ‘manage’ conflicts with separate relief.  Further, to ensure plan clarity might be useful to also include alterative wording that states “avoid, remedy, mitigate’ effects.
Mineral Extraction Zone  Policies  MINZ-P1, MINZ-P2, MINZP3, MINZ-P4, MINZ-P5, MINZ-P6, MINZ-P7, MINZ-P8	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 47-49 of S599).	Oppose  MINZ- P5 in the decision version (MINZ-P6 as notified) was addressed in Poutini Ngāi Tahu submission S620.262. The decision adopted the Poutini Ngāi Tahu submission relief and reverting back to the notified version is opposed.  For MINZ - P6 in the decision version (MINZ-P7 as notified), WMS’s submission was rejected and ‘maintain’ was adopted as per s42A officer recommendation. Manage is a lesser protection than maintain and is already used at the start of the policy.

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Mineral Extraction Zone  Rules  MINZ-R2, MINZ-R3, MINZR6, MINZ-R7	Retain wording as notified in the TTPP, incorporating changes requested by WMS in original submission 599 (pages 47-49 of S599).	Oppose  The activity status in MINZ –R2 as notified for Mineral Extraction and Processing (permitted activity) was changed to RDA in the decision version. 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.