

In the Environment Court of New Zealand
at Christchurch

ENV 2025-CHC-000105 & 128

I te Kōti Taiao o Aotearoa
ki Ōtautahi

Under the Resource Management Act 1991

In the matter of an appeal under clause 14 of Schedule 1 of the
Resource Management Act 1991 against the decision
of the Te Tai O Poutini Plan Committee on the
proposed Te Tai O Poutini Plan: A Combined District
Plan for the West Coast

Between **Barnabas Stephen Joel Young**
Appellant

And **Lyn McIntosh**
Appellant

And **Te Tai O Poutini Plan Committee**
Respondent

Waiver application on behalf of Westland District Council

11 February 2026



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Waiver application on behalf of Westland District Council

To: The Registrar

Environment Court

Christchurch

1. Introduction

1.1 This application for waiver relates to the following two appeals against decisions of the Te Tai O Poutini Plan Committee on the Te Tai o Poutini Plan (**TTPP**):

a. ENV-2025-CHC-000105 *Barnabas Young v Te Tai O Poutini Plan Committee*;
and

b. ENV-2025-CHC-000128 *Lyn McIntosh v Te Tai O Poutini Plan Committee*.

1.2 The Council respectfully seeks a waiver of 6 days for filing notices under s 274 of the Resource Management Act 1991 (**Act**) to join the appeals.

2. Background

2.1 The Court directed that any party wishing to join the appeals under s 274 was to file a notice of intention to be a party by 2 February 2026.

2.2 On 2 February, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu filed a notice of a wish to become a party to the appeal by Lyn McIntosh.

2.3 No party has joined the appeal by Barnabas Young.

3. Application for waiver and extension of time to file s 274 notices

3.1 The Court has the discretion under s 281(1)(ia) of the Act to extend the time within which a person must give notice that they wish to be a party to proceedings.

3.2 When considering an application for waiver, the Court must first be satisfied that no party would be unduly prejudiced by the granting of the waiver.¹ For prejudice to be undue, it must involve more than the ordinary level of additional work entailed by having one or more new parties join a proceeding. A substantial level

¹ RMA, s 281(2).

of further work or the undertaking of consequential commitments must be involved.²

3.3 The Court must then determine whether it should exercise its discretion to grant the waiver. The relevant factors include the extent of the delay, the reasons for delay, the scheme of the Act relating to public participation, what has occurred in the proceeding and what effect introducing new parties might have on progressing the appeal to resolution.³

3.4 The Council respectfully submits that the application for waiver should be granted for the following reasons:

a. The appeals involve a limited number of parties, none of whom will be affected by the short delay of 6 working days. The Council's involvement would not require more than the usual additional work that comes with another party joining the proceeding.

b. As set out in its s 274 notices, the Council adopts a neutral position in these appeals and seeks to join for the purpose of assisting the parties and the Court on s 6 matters of national importance arising within its district.

c. Granting the waiver will not disrupt the proceedings, or affect the appeal progressing to resolution, given the very early stage of the process. The first case management memorandum has not been filed and is not due until 3 March 2026.

d. The delay arose from an inadvertent oversight, reflecting the scale and complexity of the TTPP, which covers numerous significant and interrelated resource management issues.

3.5 Counsel acknowledges that the timeframe for filing a s 274 notice has already been extended by earlier Court directions. However, given the short extension now sought and the absence of any identifiable prejudice to any party, granting the waiver would be in the overall interests of justice.

3.6 By way of comparison, the Court in *Federated Farmers of NZ v South Waikato District Council*⁴ granted a waiver of time to a notice that was filed 49 days out of

² *Allen v Auckland Council* [2017] NZEnvC 66, at [9].

³ *McKenzie v Canterbury Regional Council* [2022] NZEnvC 159, at [4] – [5].

⁴ *Federated Farmers of NZ v South Waikato District Council* [2014] NZEnvC 196, at [12].

time, where there was no prejudice to the parties and the appeal had not been scheduled for mediation or hearing.

4. Waiver sought

4.1 For the reasons above, the Council respectfully requests that the Court grant a waiver under s 281(1)(ia) of the Act to Westland District Council to join the following appeals against decisions of the Te Tai O Poutini Plan Committee on the TTPP:

- a. ENV-2025-CHC-000105 *Barnabas Young v Te Tai O Poutini Plan Committee*;
and
- b. ENV-2025-CHC-000128 *Lyn McIntosh v Te Tai O Poutini Plan Committee*.

4.2 Where any party opposes this application for waiver, the Council requests the right to reply.

Date: 11 February 2026



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