

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of a purported appeal under clause 14  
of the First Schedule of the Act

BETWEEN GAVIN MOLLOY

(ENV-2025-CHC-119)

Appellant

AND TE TAI O POUTINI PLAN  
COMMITTEE

Respondent

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**MINUTE OF THE ENVIRONMENT COURT  
(12 February 2026)**

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**Background**

[1] The Te Tai o Poutini Plan Committee (Committee) is responsible for preparing a new combined proposed plan covering the whole of the West Coast. On 10 October 2025 the Committee notified its decisions version Te Tai o Poutini Plan (TTPP-DV), including Variations 1 and 2.

[2] On 18 November 2025 the Environment Court granted waivers to extend the appeals period on the TTPP-DV to 8 December 2025, and the period to join an appeal as a s274 party to 19 January 2026. That date was later extended to



2 February 2026.<sup>1</sup>

[3] On 8 December 2025, Mr Molloy purported to lodge a notice of appeal concerning the the Franz Alpine Resort Development located north of Franz Josef.

[4] On 18 December 2025 the registry emailed Mr Molloy as follows:<sup>2</sup>

Before I can process your notice of appeal, can you please fill out the form attached. This ensures that your notice of appeal addresses everything that we require to process it (e.g. identifies the correct legislation, whether you are a trade competitor etc.) You can attach your current version of appeal to the back of the new form should you wish, so that all the information you have discussed is still included, we just need the formal form filled out at the front of it.

Once I have received this I will finish processing it and send you a formal acknowledgement letter of your appeal.

[5] A further email was sent on 14 January 2026 stating:<sup>3</sup>

I note that you have not attended to the below email from my colleague. I also note that payment has not been made or an application for fee waiver filed (as indicated in your file and pay receipt). I have attached a fee waiver application form for you to complete.

If you wish your appeal to be processed, then you need to attend to both Form 7 and the fee waiver application by 28 January 2026.

[6] The hearing manager called Mr Molloy on Tuesday 3 February 2026 and drew to his attention the emails regarding the appeal. Mr Molloy advised he would

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<sup>1</sup> *Re Te Tai O Poutini Plan Committee* [2025] NZEnvC 372.

<sup>2</sup> Registry email to G Molloy regarding *Environment Court – Appeal against TTPP* (18 December 2025).

<sup>3</sup> Registry email to G Molloy regarding *Environment Court – Appeal against TTPP* (14 January 2026).

attend to the emails the next morning.

### **Procedural requirements for lodging a notice of appeal with the Environment Court**

[7] The procedural requirements for lodging a notice of appeal against a decision on a proposed plan change is prescribed by Form 7 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. This was sent to Mr Molloy as an attachment to the registry's email on 18 December 2025.

[8] Regardless of the format in which the notice is submitted, certain details are required to be provided to ensure that the court and all parties understand the nature of the appeal, the parts of the decision challenged, the reasons for the challenge, and the relief that is sought.

[9] As it applies to this proceeding, the mandatory details are as follows:

- (a) appellant details – full name of the appellant;
- (b) submission/further submission details – ie confirmation that the appellant made a submission or further submission on the relevant plan change;
- (c) trade competitor statement – a statement confirming whether or not the appellant is a trade competitor for the purposes of s308D Resource Management Act 1991 (RMA),<sup>4</sup> and if relevant, whether you are directly affected by an environmental effect unrelated to trade competition;
- (d) decision details – the date on which the decision was received, the name of the authority that made the decision, identification of the decision or parts of the decision being appealed;

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<sup>4</sup> RMA, s308D of the Resource Management Act 1991 places a specific limit on who may bring or join appeals under the Act. In short, a person cannot bring an appeal (or become a party to an appeal or certain proceedings) if their purpose in doing so is related to trade competition.

- (e) reasons for the appeal – a clear explanation of the reason for the appeal, including the grounds for your views;
- (f) relief sought – a precise description of the outcome or changes sought;
- (g) required attachments – you must attach:
  - (i) a copy of your submission or further submission (with the submission you supported/opposed);
  - (ii) a copy of the relevant decision (or part of it);
  - (iii) any other documents necessary to understand the appeal; and
  - (iv) a list of names and addresses of persons to be served.
- (h) service of documents - include address for service, contact details, and contact person (if applicable);
- (i) signature of the appellant or authorised representative and the date.

[10] Further, there is a requirement that the filing fee of \$684.00 be paid, unless a waiver application has been received and granted. The application for waiver is to be made using Form 38, and requires the following mandatory details:

- (a) applicant details – full name of the person seeking a waiver;
- (b) the Environment Court reference number – ENV-2025-CHC-119;
- (c) the parties to the proceeding and the nature of the proceeding – here an appeal against all/part of the decision of the Committee on the Te Tai o Poutini Plan;
- (d) the type of waiver sought – eg waiver of the filing fee and/or the timeframe for filing a notice of appeal.

### **Further information required for acceptance as a notice of appeal**

[11] Having reviewed the information provided I am satisfied that the following details have been provided:

- (a) appellant details – full name of the appellant and a contact phone number has been provided. Mr Molloy's email address was provided

- through the court's File and Pay system;
- (b) submission – Mr Molloy states he made a submission on the proposed rezoning. Further, a submission is appended as pp 8 and 9 of the document lodged;
  - (c) relief sought – the notice in its current form seeks as relief that the court recognises the alleged misleading conduct and incorporates s 5.4A of the current District Plan into the TTPP, allowing reconsideration of the project as a safe and viable growth option for the region;
  - (d) required attachments – attached to:
    - (i) a copy of your submission or further submission (with the submission you supported/opposed).
  - (e) service of documents – include address for service (email is provided), contact details (phone number is provided).

[12] The further information required is:

- (a) trade competitor statement;
- (b) decision details – although not specifically in its current form it can be inferred that the notice relates to the “TTP Plan process”, specifically “the rezoning of Franz Alpine Resort from Tourist/Residential”, the grounds being that this has been done based on misleading information from Westland District Council representatives on the Committee.;
- (c) required attachments:
  - (i) a copy of the relevant decision (or part of it);
  - (ii) any other documents necessary to understand the appeal (other than those already attached).
- (d) signature of the appellant or authorised representative and the date.

[13] For completeness, I record the attachments to the notice provided attached the original submission. This is annotated as “Original submission #23”. Having

reviewed the TTPP website<sup>5</sup> that label does not align with the labelling on the website.

### **Next steps**

[14] The appeal is informal and fails to comply with the procedural requirements for filing appeals. The court's position in circumstances of this kind is to allow the person bringing a defective appeal the opportunity to remedy it.<sup>6</sup> Given the time that has elapsed, if Mr Molloy seeks to remedy the deficiencies in his notice this should be accompanied by an application to waive the timeframe for filing, and an application to waive the filing fee (if it is not paid).

[15] The relevant forms are appended to this Minute as Appendices 1 and 2. Also attached are relevant guidance documents that may assist Mr Molloy in preparing a revised notice.

[16] If the appeal is remedied within the timeframe provided, including the payment of the filing fee (or receipt and granting of an application for waiver of the filing fee), the court will waive the timeframe for others to file s274 notices should they wish to join Mr Molloy's appeal.<sup>7</sup>

[17] If no response is provided by 26 February 2026, the court will proceed to strike out the purported appeal in accordance with s279(4) RMA on the basis that the deficiencies mean that the purported appeal fails to disclose a reasonable or relevant case.

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<sup>5</sup> Te Tai o Poutini Plan Committee "Original Submissions by Submitter" (webpage) <<https://tpp.nz/original-submissions-by-submitter/>>.

<sup>6</sup> In *Macfarlane v Canterbury RC* EnvC C080/99, the Court emphasised that it would normally be appropriate to allow lay people an opportunity to remedy a defective appeal provided that the appeal was capable of being rectified.

<sup>7</sup> s274 notice filed by the Westland District Council dated 2 February 2026. It is not yet processed.

**Directions**

[18] I direct that Mr Molloy is to attend to the matters raised by this Minute by **Thursday 26 February 2026**.

[19] If no response is received at that time the court will proceed to strike out the purported appeal.



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**K G Reid**  
**Environment Judge**

Issued: 12 February 2026

## Appendix 1

Form 7

Notice of appeal to Environment Court against decision on proposed policy  
statement or plan or change or variation

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To** the Registrar  
Environment Court  
Auckland, Wellington, and Christchurch

I, [full name], appeal against a decision (or part of a decision) of [name of local authority] on the following policy statement (or plan or change or variation):

[state the name of the proposed or existing policy statement or plan or change or variation to which the decision relates].

I made a submission on that policy statement (or plan or change or variation).

I am/am not\* a trade competitor for the purposes of section 308D of the Act.

\*Select one.

\*I am/am not† directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

\*Omit paragraph if you are not a trade competitor.

†Select one.

I received notice of the decision on [date].

The decision was made by [name of authority].

The decision (or part of the decision) that I am appealing against is:

[state—

- a summary of the decision or part of the decision; and
- the specific provision or matter that the decision includes in, or excludes from, the policy statement or plan or change or variation (or that the decision proposes to include or exclude)].

The reasons for the appeal are as follows:

[set out why you are appealing against the decision or part of the decision and give reasons for your views].

I seek the following relief:

[give precise details].

I attach the following documents\* to this notice:

- (a) a copy of my submission or further submission (with a copy of the submission opposed or supported by my further submission);
- (b) a copy of the relevant decision (or part of the decision);
- (c) any other documents necessary for an adequate understanding of the appeal:

(d) a list of names and addresses of persons to be served with a copy of this notice.

\*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Date:

Signature of appellant:  
(*or* person authorised to sign  
on behalf of appellant)

Address for service of appellant:

Telephone:

Fax/email:

Contact person: [*name and designation, if applicable*]

### **Note to appellant**

#### *Appeals other than in relation to freshwater planning instruments*

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

#### *Appeals in relation to freshwater planning instruments*

You may appeal only if—

- you addressed in your submission or further submission the provision or matter that is the subject of your appeal; and
- the relevant regional council rejected a recommendation of the freshwater hearings panel and decided an alternative solution which resulted in—
  - (a) the provision or matter being included in the freshwater planning instrument; or

- (b) the provision or matter being excluded from the freshwater planning instrument.

If a regional council decides to reject a recommendation of the freshwater hearings panel that is outside the scope of submissions, you may appeal to the Environment Court in respect of that decision or the alternative solution proposed by the council if you made a submission.

*Notes for all appeals*

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Act.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

**Advice to recipients of copy of notice of appeal**

*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

*\*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

\*Delete if these documents are attached to copies of the notice of appeal served on other persons.

*Advice*

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

Schedule 1 form 7: replaced, on 3 September 2020, by regulation 7(3) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).

## Appendix 2



# Application for waiver (or refund) of Environment Court fees for an individual

## When to use this form

Use this form if:

- you depend financially on Jobseeker Support, Sole Parent Support, Emergency Benefit or Supported Living Payment
- you wholly depend on New Zealand Superannuation or Veteran's Pension
- you have previously been given a waiver, but your financial circumstances have changed or you're changing the reason why you are applying for a waiver
- you have not been previously given a waiver in this proceeding.

## Step 1 Give us your court case details

In the Environment Court at (location) Case \_\_\_\_\_

number (if known) \_\_\_\_\_

The action I intend to take (or have already taken) is a new proceeding

## Step 2 Give us your details

Full name \_\_\_\_\_

Occupation \_\_\_\_\_

Phone day \_\_\_\_\_ other \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Court use only

\_\_\_\_\_ / \_\_\_\_\_

Refer to proceedings file no. \_\_\_\_\_

## Step 3 Tell us about the fee

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The fee is \$ \_\_\_\_\_

### Are you applying for the fee to be waived or refunded?

I am applying to the court to:

Waive this fee or  Refund the fee I paid on \_\_\_\_\_  
Date

### Confirm your application status

I have not previously applied for this fee to be waived or refunded.

or

I applied for this fee to be waived or refunded on \_\_\_\_\_  
Date

That application was refused, but my circumstances changed and I want to apply again.

### Tell us why you want the fee waived or refunded

I can't pay this fee.

and/or

This fee relates to a proceeding that concerns a matter of genuine public interest, and it will not move forward unless this fee is paid.

- If applying only for this reason, go to step 5.
- If applying under both reasons, fill in both steps 4 and 5.

## Step 4 Tell us about your financial circumstances

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Fill in this step if you can't pay the fee.

### Would you suffer undue financial hardship if you paid the fee or (in the case of a refund) have you suffered undue financial hardship because you paid the fee?

No. I wouldn't suffer undue financial hardship if I paid the fee or I haven't suffered undue financial hardship because I paid the fee.

- *You are not eligible for a waiver or refund under the 'inability to pay' criteria. Don't proceed with this form.*
- *However, if the fee relates to a proceeding that concerns a matter of genuine public interest – go to step 5.*

Yes. I would suffer undue financial hardship if I paid the fee or I suffered undue financial hardship because I paid the fee.

### Tell us about your personal financial circumstances

My total weekly income (after tax) is \$ \_\_\_\_\_

My income is from:

Wages or salary. Occupation \_\_\_\_\_

**and/or**

Other source. (Please provide details.)

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**and/or**

I am financially dependent on:

- |  |  |
|--|--|
| <input type="radio"/> Jobseeker Support    | <input type="radio"/> Supported Living Payment |
| <input type="radio"/> Sole Parent Support  | <input type="radio"/> Emergency Benefit Youth  |
| <input type="radio"/> Young Parent Support | <input type="radio"/> Payment                  |

I wholly depend on:

- |   |  |
|---|--|
| <input type="radio"/> Veteran's Pension | <input type="radio"/> New Zealand Superannuation |
|---|--|

Other funds I have are:

\$ \_\_\_\_\_ in account \_\_\_\_\_

\$ \_\_\_\_\_ in account \_\_\_\_\_

\$ \_\_\_\_\_ in account \_\_\_\_\_

\$ \_\_\_\_\_ in account \_\_\_\_\_

I have the following assets.

(Such as a house, other property, car, boat, shares. Also list anyone else's interests in your assets.)

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I have the following other debts and liabilities. (Such as a mortgage, hire purchase, repayment of loans.)

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I have \_\_\_\_\_ (number) dependants.

My regular weekly living expenses are:	mortgage/rent/board	\$ _____
	rates	\$ _____
	food/groceries	\$ _____
	power/heating	\$ _____
	phone/internet	\$ _____
	petrol/travel	\$ _____
	insurance	\$ _____
	hire purchase	\$ _____
	loan repayment	\$ _____
	other (such as medical)	\$ _____
	<b>total weekly expenses</b>	<b>\$ _____</b>

Tell us how much the income of other people you live with helps meet these regular weekly living expenses.

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**Tell us how it would affect you if you had to pay the fee**

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**Is there anything else you'd like to tell us about your inability to pay?**

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Supporting documentation on why you're applying for a waiver or refund may be required (see step 8).





## Step 7 Sign and date this form

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You must complete this step in front of a registrar of the court, a lawyer, a justice of the peace or a person who is authorised to take a statutory declaration.



**Warning:** You may commit a criminal offence if you knowingly make a false statement or declaration, produce false documents, or provide false or misleading information to obtain a fee waiver.

I \_\_\_\_\_ of \_\_\_\_\_  
Name Place of abode and occupation

solemnly and sincerely declare that all information I have provided in this application is correct. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.'

\_\_\_\_\_  
Your signature

### Authorised witness to fill in the following

Declared at \_\_\_\_\_  
Location Date

Before me \_\_\_\_\_  
Signature of Registrar/Deputy Registrar or Solicitor, Justice of the Peace or other person authorised to take statutory declarations.

## Step 8 Do a quick check

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### Before sending in your application, do a quick check:

Have you filled in **steps 1, 2, 3** and **7**?

Have you filled in **step 4** (if you are unable to pay the fee) and/or **step 5** (if the proceeding involves a matter of genuine public interest)?



Have you attached a copy of the letter from Work and Income showing that you currently receive a benefit or other payment, superannuation, or pension (see step 4)?

If the proceeding needs to move forward while this application is processed, have you filled in **step 6**?



If required (for **steps 5** or **6**), have you attached an affidavit?

If you have any questions, please call your local court.

See [environmentcourt.govt.nz/contact-us/](https://environmentcourt.govt.nz/contact-us/) or call the Environment Court Registry:

- **Auckland** 09 916 9091 | **Christchurch** 03 367 6014 | **Wellington** 04 918 8300.

## Step 9 Send in your application

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Send this application to your local court.

See [environmentcourt.govt.nz/contact-us/](https://environmentcourt.govt.nz/contact-us/) or if you're still unsure, call the Environment Court Registry:

- **Auckland** 09 916 9091 | **Christchurch** 03 367 6014 | **Wellington** 04 918 8300.

## What happens next?

A registrar will look at your application and we will let you know their decision. It may take several weeks for your application to be processed.

## If your application is declined, you can apply to have the decision reviewed

Your 'application for review' needs to be made within 10 working days of receiving the declined decision.

## Where can I go for more information?

Check our website at [environmentcourt.govt.nz/contact-us/](https://environmentcourt.govt.nz/contact-us/)

Call your local court. Details can be found in:

- [environmentcourt.govt.nz/contact-us/](https://environmentcourt.govt.nz/contact-us/)
- or call the Environment Court Registry: **Auckland** 09 916 9091 | **Christchurch** 03 367 6014 | **Wellington** 04 918 8300.

Talk to a lawyer or your local community law centre.

## Note

The court may refer to your information on this form in any future applications for waiver (or refund) of fees for the same proceeding.

The information on this form is collected in line with:

- Resource Management Act 1991
- Resource Management (Forms, Fees, and Procedure) Regulations 2017.