

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV-2025-CHC-000130
ENV-2025-CHC-000131

Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under clause 14(1) of the First Schedule of the Act
on a decision on the proposed Te Tai o Poutini Plan

Between **Grey District Council**
Appellant

Buller District Council
Appellant

Te Tai o Poutini Plan Committee
Respondent

**Joint Memorandum of Counsel relating to Application for Strike Out by Royal
Forest and Bird Protection Society of New Zealand Incorporated**

1 May 2026

May it please the Court

- 1 This memorandum is filed on behalf of Bathurst Resources Limited and BT Mining Limited, Birchfield Coal Mines Ltd, Birchfields Ross Mining Ltd, BRM Developments Ltd, Tāiko Critical Minerals Limited, Tasman Mining Limited and The New Zealand Minerals Council (**Parties**) in relation to the Application for Strike Out filed by Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest and Bird**) received on Saturday, 25 April 2026 (**Application**).
- 2 This memorandum seeks an adjournment of the mediation schedule until Forest and Bird's Application is resolved. The Application creates uncertainty for mediation, and other parties to the proceedings could incur unnecessary costs seeking to resolve matters which involve the councils concerned.
- 3 Buller District Council (**BDC**) and Grey District Council (**GDC**) are both appellants in the appeals of the Te Tai o Poutini Plan (**Appeals**), and have joined other appeals as section 274 parties (BDC has joined 24 appeals and GDC has joined 12 appeals). BDC and GDC (collectively **Councils**) are therefore involved, either as appellant or section 274 party, across a number of the Appeals topics – including some which have mediation scheduled within the next month. In particular:
 - (a) Topic 15: Strategic Directions – The Councils are section 274 parties in this topic. Position papers have been exchanged, and mediation is scheduled to commence on 12 May 2026.
 - (b) Topic 14: Cross Plan – GDC is an appellant in this topic, and BDC is a section 274 party. Position papers for Topic 14 are scheduled to be provided by 8 May 2026 (the same day opposition to the Application is due), with mediation scheduled to commence 25 May 2026.
- 4 In addition, the Councils are involved in Topics that the Respondent is seeking to resolve informally prior to mediation. The Respondent has provided at least five position papers to parties seeking to informally resolve appeals¹, and at least one of the Councils is involved in each of those topics.
- 5 The Parties consider that proceeding with the informal discussions and mediations as scheduled is premature while the status of the Councils in the Appeals is unknown. This is particularly so where the Councils are an appellant, for instance Topic 14: Cross Plan,² which has party position papers due 8 May – parties will be unsure as to whether they should incur time and costs responding to relief sought by GDC as appellant.

¹ In relation to Topics 1, 5, 6, 7 and 11.

² And Topic 7: Earthworks.

6 The Parties therefore respectfully seek an adjournment to the mediation schedule until the Application is resolved.

Dated 1 May 2026



Christina Sheard / Josh Pierson
Counsel for Bathurst Resources Limited and BT Mining Limited



Phil McKinnel
For Birchfield Coal Mines Ltd



Paul Birchfield
For Birchfields Ross Mining Ltd



Andrew Birchfield
For BRM Developments Ltd



Alex Booker / Kelsey Barry
Counsel for Tāiko Critical Minerals Limited and Tasman Mining Limited

Jeremy Harding
The New Zealand Minerals Council

6 The Parties therefore respectfully seek an adjournment to the mediation schedule until the Application is resolved.

Dated 1 May 2026

Christina Sheard / Josh Pierson
Counsel for Bathurst Resources Limited and BT Mining Limited

Phil McKinnel
For Birchfield Coal Mines Ltd

Paul Birchfield
For Birchfields Ross Mining Ltd

Andrew Birchfield
For BRM Developments Ltd

Alex Booker / Kelsey Barry
Counsel for Tāiko Critical Minerals Limited and Tasman Mining Limited



Jeremy Harding
The New Zealand Minerals Council