

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2025-CHC-000101
and all other file numbers as listed
in Appendix A attached to this
memorandum

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of appeals under clause 14 of Schedule 1 of the RMA
against decisions of the Te Tai o Poutini Plan Committee
on the Te Tai o Poutini Plan

BETWEEN **CHORUS NEW ZEALAND LIMITED** and all other
appellants as listed in **Appendix A** attached to this
memorandum

Appellants

**MEMORANDUM OF COUNSEL FOR TE TAI O POUTINI PLAN COMMITTEE
REGARDING MEDIATION START DATE
20 May 2026**

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AND

TE TAI O POUTINI PLAN COMMITTEE

Respondent

MAY IT PLEASE THE COURT

1 This memorandum seeks amended directions from the Court in relation to the proposed start date for mediations on the proposed Te Tai o Poutini Plan (TTPP) and addresses the memorandum of counsel filed on behalf of the Mining Companies¹ dated 19 May 2026.

Background

- 2 On 7 May 2026, the Court directed that:²
- (a) the scheduled mediations on TTPP topics where one or both of the Councils are appellant or s274 parties are to be deferred for a period of two months.
- 3 Counsel notes that Grey and/or Buller District Councils are appellants and/or section 274 parties to every mediation topic on the TTPP appeals, meaning that the Court's direction defers mediation of all TTPP appeal topics.
- 4 Counsel for the TTPP Committee filed a Revised Timetable Memorandum with the Commissioner on 15 May 2026 and served this on all parties. A copy of that memorandum and the associated timetable is attached as **Appendix B**. The Memorandum proposed a revised mediation timetable that would commence on 30 June 2026.
- 5 Counsel acknowledges that the proposed start date does not provide two full months between the Court's directions and the start of mediations. The Commissioner has directed Counsel to seek formal directions from the Court to commence mediation on this date.

Mediation Timetable

- 6 The reasons for the proposed start date of 30 June 2026 are set out in the 15 May Memorandum. In short, counsel considers that this start date is necessary to allow mediations to continue with minimal disruption while accommodating the parties' availability.

¹ 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.

² Minute of the Environment Court dated 7 May 2026 at [8a].

- 7 Given the changes that have been made to the schedule, there is limited availability to reallocate days for the mediations that are scheduled in the week of 30 June 2026.
- 8 In addition to the above, while not strictly relevant to the mediation start date, one of the consequences of deferring mediation, and the need to reschedule mediations, is that the order in which topics are proposed to proceed has necessarily changed. In the original timetable, the intention was to mediate the Strategic Direction and Cross Plan topics first, followed by Mineral Extraction and other remaining topics.
- 9 Counsel for the Mining Companies has filed a memorandum dated 19 May 2026 which suggests that the Strategic Direction topic needs to be mediated first because the Strategic Direction Chapter sets out the key matters for the region, and sets the scene for the district planning landscape. They have suggested that mediation for the Strategic Direction topic replace the Mineral Extraction Topic that is scheduled for 14 July.
- 10 Counsel for the Committee considered this approach in preparing the revised mediation schedule. However, the Committee's Lead Planner is not available throughout July until 11 August 2026. An alternate planner has been engaged to assist the Committee with the Mineral Extraction Topics during the time that the Committee's Lead Planner is unavailable to ensure that progress can continue to be made in respect of the appeals. The alternate planner has other commitments after August and will not be available to assist with the Mineral Extraction Topics later in the year.
- 11 It is submitted that while the Strategic Direction Chapter does outline the significant resource management issues for the three districts and sets the strategic direction for these issues, the Strategic Direction Chapter has no greater weight than any other part of the TTPP.³ There is always a tension between discussing the detailed provisions in the body of the plan versus the strategic direction provisions. Conversely, it is difficult for parties to agree the strategic direction before they understand how the detailed zone and chapter rules will affect their individual interests. There is no perfect solution.

³ Noting that this point is also subject to appeal.

- 12 On that basis, the TTPP Committee seeks the directions below that would allow mediations to commence from 30 June 2026 in accordance with the mediation schedule appended to the 15 May Memorandum (reattached to this memorandum).
- 13 If the Court considers it is necessary to mediate the Strategic Direction provisions prior to the detailed Mineral Extraction topics, it would be possible to mediate the appeals that relate to the Mineral Extraction section of the Strategic Direction Chapter at the start of the first Mineral Extraction mediation (subject to extending that mediation to five days, rather than four days as proposed). This matter of detail can be agreed with the Commissioner.

Directions sought

- 14 The TTPP Committee respectfully seeks a direction that:
- (a) the Court's direction at paragraph 8(a) of the Minute of the Environment Court dated 7 May 2026 is amended as follows (additions shown in underline and deletions shown in ~~striketrough~~):
 - (i) the scheduled mediations on TTPP topics where one or both of the Councils are appellant or s274 parties are to be deferred for a period of ~~two months~~ ending on 29 June 2026.

Dated this 20th day of May 2026



.....
A H Balme / T M Ellis
Solicitor for Respondent

Appendix A – List of Appellants

- (ENV-2025-CHC-000101) Chorus New Zealand Limited & others
- (ENV-2025-CHC-000102) Scenic Hotel Group Limited
- (ENV-2025-CHC-000103) Birchfield Coal Mines Limited
- (ENV-2025-CHC-000104) New Zealand Coal and Carbon Limited
- (ENV-2025-CHC-000105) Young
- (ENV-2025-CHC-000107) CMP Kokiri Limited
- (ENV-2025-CHC-000108) Tāiko Critical Minerals Limited
- (ENV-2025-CHC-000110) Federated Farmers of New Zealand
- (ENV-2025-CHC-000111) Director-General of Conservation
- (ENV-2025-CHC-000112) Westland District Council
- (ENV-2025-CHC-000113) Robinson
- (ENV-2025-CHC-000114) Haddock Group Properties Limited
- (ENV-2025-CHC-000115) Tauranga Bay Holdings Limited
- (ENV-2025-CHC-000116) Te Kinga Estates Limited
- (ENV-2025-CHC-000117) Forest and Bird Protection Society
- (ENV-2025-CHC-000118) WMS Group (HQ) Limited
- (ENV-2025-CHC-000119) Robinson
- (ENV-2025-CHC-000120) Tranter & others
- (ENV-2025-CHC-000121) Bathurst Resources Limited
- (ENV-2025-CHC-000122) Groundswell New Zealand
- (ENV-2025-CHC-000123) Manawa Energy Limited
- (ENV-2025-CHC-000124) KiwiRail Holdings Limited
- (ENV-2025-CHC-000125) Buller Conservation Group
- (ENV-2025-CHC-000126) Bradley
- (ENV-2025-CHC-000127) Stewart
- (ENV-2025-CHC-000128) McIntosh

(ENV-2025-CHC-000129) Boyd & others

(ENV-2025-CHC-000130) Grey District Council

(ENV-2025-CHC-000131) Buller District Council

(ENV-2025-CHC-000133) Westpower Limited

(ENV-2025-CHC-000134) Te Runanga o Makaawhio & others

(ENV-2025-CHC-000135) Johnston

(ENV-2025-CHC-000136) Coates & others

(ENV-2025-CHC-000138) Ridgeline 3 Investments Limited

(ENV-2025-CHC-000139) Transpower New Zealand Limited

Appendix B - Revised Timetable Memorandum dated 15 May 2026

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
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in Appendix A attached to this
memorandum

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of appeals under clause 14 of Schedule 1 of the RMA
against decisions of the Te Tai o Poutini Plan Committee
on the Te Tai o Poutini Plan

BETWEEN **CHORUS NEW ZEALAND LIMITED** and all other
appellants as listed in **Appendix A** attached to this
memorandum

Appellants

**MEMORANDUM OF COUNSEL FOR TE TAI O POUTINI PLAN COMMITTEE
REGARDING REVISED MEDIATION TIMETABLE
15 May 2026**

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AND

TE TAI O POUTINI PLAN COMMITTEE

Respondent

MAY IT PLEASE THE COURT

- 1 This memorandum seeks directions on behalf of Te Tai o Poutini Plan Committee (**TTPP Committee**) in relation to the mediation timetable for appeals on Te Tai o Poutini Plan (**TTPP**). It follows the Court's decision on 7 May 2026 to defer mediation for two months.¹
- 2 Counsel for the TTPP Committee has prepared the revised mediation timetable, attached to this memorandum as **Appendix B**.

Revised mediation timetable

- 3 The revised mediation timetable proposes varying the original mediation timetable by rearranging and rescheduling mediation topics.² Counsel has attempted to do so in a way that minimises the impact on the Court and parties by only moving mediation topics where necessary and utilising existing mediation weeks as much as possible.
- 4 This means that the order in which topics are to be mediated has changed, including that mediation topics originally scheduled for May and June have been rescheduled for later in the year. While counsel does not anticipate any issues arising as a result of the reordering of these topics, if any matters need to be returned to following mediation on a latter topic, counsel suggests that this can be done remotely at a later date.
- 5 The revised mediation timetable proposes that mediations start on 30 June 2026. Counsel acknowledges that the proposed start date does not provide two full months between the Court's directions and the start of mediations, however, counsel considers that this is necessary to allow mediations to continue with minimal impact while accommodating the party's availability.
- 6 Counsel seeks directions that the revised mediation timetable replace the original mediation timetable, but that the remainder of the Court's directions in relation to mediation as set out in the Minute dated 20 April 2026 remain the same.³

¹ Minute of the Environment Court dated 7 May 2026 at [8a].

² Minute of the Environment Court dated 20 April 2026, Appendix B.

³ Minute of the Environment Court dated 20 April 2026 at [4].

Directions sought

- 7 The TTPP Committee respectfully seeks the following directions:
- (a) a direction confirming the revised mediation timetable set out in Appendix B of this memorandum and that this replaces the original mediation timetable;
 - (b) that all other directions in the Commissioner's Minute dated 20 April 2026 in relation to mediations are confirmed; and
 - (c) that leave is granted to any party to seek other (or amended) directions.

Dated this 15th day of May 2026



.....
A H Balme / T M Ellis
Solicitor for Respondent

Appendix A – List of Appellants

- (ENV-2025-CHC-000101) Chorus New Zealand Limited & others
- (ENV-2025-CHC-000102) Scenic Hotel Group Limited
- (ENV-2025-CHC-000103) Birchfield Coal Mines Limited
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(ENV-2025-CHC-000135) Johnston

(ENV-2025-CHC-000136) Coates & others

(ENV-2025-CHC-000138) Ridgeline 3 Investments Limited

(ENV-2025-CHC-000139) Transpower New Zealand Limited

Appendix B – Revised mediation timetable

Key:

- Mediation days are shown in **blue**
- Dates for the TTPP Committee to serve position papers on other parties (for their population) are shown in **green**
- Dates for parties to serve the populated position paper on all other parties shown in **orange**

April 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3 Good Friday	4	5
6 Easter Monday	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25 Anzac Day	26
27 Anzac Day Observed	28	29	30			

May 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29 Topic 22: Committee position paper due	30	31

June 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 Kings Birthday	2	3 Topics 29 and 10: Committee position paper due	4 Topics 23 and 11: Committee position paper due	5	6	7
8	9	10	11	12 Topic 20: Committee position paper due	13	14
15 Topic 22: Party position paper due	16	17 Topics 29 and 10: Party position paper due	18 Topics 23 and 11: Party position paper due	19 Topic 19: Committee position paper due	20	21
22	23	24	25	26 Topic 20: Party position paper due	27	28
29	30 Topic 22: INF - Infrastructure					

July 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 Topic 22: INF - Infrastructure	2 Topic 29: ASW Topic 10: Temporary activities	3 Topic 23: Transport Topic 11: Historic heritage Topic 18: Committee position paper due Topic 19: Party position paper due	4	5
6	7	8	9	10 Matariki	11	12
13	14 Topic 20: Mineral Extraction: Mineral Extraction Zone Subtopic	15 Topic 20: Mineral Extraction: Mineral Extraction Zone Subtopic Placeholder mediations: Committee position paper due	16 Topic 20: Mineral Extraction: Mineral Extraction Zone Subtopic	17 Topic 20: Mineral Extraction: Mineral Extraction Zone Subtopic Topics 16 and 21: Committee position paper due	18	19

20 Topic 18: Party position paper due	21 Topic 19: Mineral Extraction: Buller Coalfield Zone Subtopic	22 Topic 19: Mineral Extraction: Buller Coalfield Zone Subtopic	23 Topic 19: Mineral Extraction: Buller Coalfield Zone Subtopic	24	25	26
27 Topic 15: Committee position paper due	28	29 Placeholder mediations: Party position paper due	30	31 Topics 16 and 21: Party position paper due		

August 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4 Topic 18: Mineral Extraction Topic 14: Committee position paper due	5 Topic 18: Mineral Extraction	6 Topic 18: Mineral Extraction	7 Topic 18: Mineral Extraction	8	9
10 Topic 15: Party position paper due	11	12	13 Placeholder for topics not resolved through direct discussions REMOTE	14 Placeholder for topics not resolved through direct discussions REMOTE Topic 27: Committee position paper due	15	16
17 Topic 16: Light and Topic 21: Noise	18 Topic 16: Light and Topic 21: Noise Topic 14: Party position paper due	19 Topic 16: Light and Topic 21: Noise	20 Topic 16: Light and Topic 21: Noise	21	22	23

24	25 Topic 15: Strategic Direction	26 Topic 15: Strategic Direction	27 Topic 15: Strategic Direction	28 Topic 15: Strategic Direction Topic 27: Party position paper due	29	30
31 Topic 30: Committee position paper due						

September 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2 Topic 14: Cross Plan	3 Topic 14: Cross Plan	4 Topic 14: Cross Plan	5	6
7 Placeholder for topics not resolved through direct discussions REMOTE Topic 24: Committee position paper due	8 Placeholder for topics not resolved through direct discussions REMOTE Topic 26: Committee position paper due	9 Topic 28: Committee position paper due	10	11	12	13
14 Mid-day start Topic 27: SASM - Sites and Areas of Significance to Māori Topic 30: Party position paper due	15 Topic 27: SASM - Sites and Areas of Significance to Māori	16 Topic 27: SASM - Sites and Areas of Significance to Māori	17 Topic 27: SASM - Sites and Areas of Significance to Māori (1-5pm only)	18 Topic 27: SASM - Sites and Areas of Significance to Māori (4pm finish)	19	20

21 Topic 31: Committee position paper due Topic 24: Party position paper due	22 Topic 26: Party position paper due	23 Topic 28: Party position paper due	24	25	26	27
28	29 Topic 30: CE - Coastal Environment	30 Topic 30: CE - Coastal Environment				

October 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 Topic 30: CE - Coastal Environment	2 Topic 30: CE - Coastal Environment Topic 32: Committee position paper due	3	4
5 Topic 31: Party position paper due	6 Topic 24: Natural Hazards	7 Topic 24: Natural Hazards Topic 26: Rural	8 Topic 28: SUB - Subdivision	9 Topic 28: SUB - Subdivision	10	11
12	13	14	15	16 Topic 33: Committee position paper due Topic 32: Party position paper due	17	18
19	20 Topic 31: Natural Character and the Margins of Waterbodies	21 Topic 31: Natural Character and the Margins of Waterbodies	22 Topic 31: Natural Character and the Margins of Waterbodies	23 Topic 31: Natural Character and the Margins of Waterbodies	24	25

26 Labour Day	27	28	29	30	31	
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November 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2 Topic 34: Committee position paper due Topic 33: Party position paper due	3 Topic 32: NFL - Natural Features and Landscapes	4 Topic 32: NFL - Natural Features and Landscapes	5 Topic 32: NFL - Natural Features and Landscapes	6 Topic 32: NFL - Natural Features and Landscapes	7	8
9	10	11	12	13 Topic 25: Committee position paper due	14	15
16 Topic 34: Party position paper due	17 Topic 33: Ecosystems and Indigenous Biodiversity	18 Topic 33: Ecosystems and Indigenous Biodiversity	19 Topic 33: Ecosystems and Indigenous Biodiversity	20 Topic 33: Ecosystems and Indigenous Biodiversity	21	22
23	24	25	26	27 Topic 25: Party position paper due	28	29

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December 2026

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 Topic 34: Zones - Maps and Specific Site Zone	2 Topic 34: Zones - Maps and Specific Site Zone	3 Topic 34: Zones - Maps and Specific Site Zone	4 Topic 34: Zones - Maps and Specific Site Zone	5	6
7	8	9	10	11	12	13
14 Topic 25: OSRZ - Open Space and Recreation Zones Topic 17: Committee position paper due	15 Topic 25: OSRZ - Open Space and Recreation Zones	16 Topic 25: OSRZ - Open Space and Recreation Zones	17	18	19	20
21	22	23	24	25 Christmas Day	26 Boxing Day	27
28	29	30	31			

January 2027

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 New Year's Day	2 Day after New Year's Day	3
4 Day after New Year's Day observed	5	6	7	8	9	10
11	12	13	14	15	16	17
18 Topic 17: Party position paper due	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2027

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2 Topic 17: Energy	3 Topic 17: Energy	4 Topic 17: Energy	5 Topic 17: Energy	6 Waitangi Day	7
8 Waitangi Day observed	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28