

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

Decision No. [2026] NZEnvC 246

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule of the Act

BETWEEN KIWIRAIL HOLDINGS LIMITED

(ENV-2025-CHC-124)

and others listed in Appendix A

Appellants

AND TE TAI O POUTINI PLAN
COMMITTEE

Respondent

Environment Judge K G Reid – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 22 September 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the changes shown in
Appendix B are made to the Te Tai o Poutini Plan;



¹ Resource Management Act 1991.

- (2) the appeal points allocated to Topic 10: Temporary Activities are resolved in full; and
- (3) the appeals remain open.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] These proceedings concern appeals by KiwiRail Holdings Limited (KiwiRail), Westpower Limited (Westpower), and Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu, against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

Agreement reached

[2] I have read and considered the consent memorandum of the parties dated 5 August 2026 which proposes to resolve the following provisions of the Temporary Activities chapter of the TTPP that are subject to appeal:

- (a) Overview;
- (b) TEMP-R2;
- (c) TEMP-R8;
- (d) TEMP-R9; and
- (e) Definition of Temporary Activity.

[3] These appeal points were assigned to Topic 10: Temporary Activities.

Overview

[4] In their appeal, Westpower sought to delete the part of the Overview that states “The rules within this chapter do not apply to energy and infrastructure

activities”.

[5] The parties agree that the Overview should be amended as sought by Westpower. The rules in this chapter are intended to apply to some activities potentially associated with energy and infrastructure activities.

TEMP-R2

[6] In their appeals, Westpower and KiwiRail sought amendments to TEMP-R2.

[7] KiwiRail sought that TEMP-R2 be amended to provide for temporary buildings and structures on adjacent sites associated with construction or demolition of regionally significant infrastructure as permitted activities.

[8] Westpower sought that TEMP-R2 be amended to provide for temporary buildings and structures ancillary to construction and demolition activity on sites in the vicinity where there will be no greater effect arising to any other landowner as permitted activities.

[9] The parties agree that TEMP-R2 should be amended to include provision for such temporary buildings and structures on adjacent sites. This is consistent with TEMP-P1 and more certain than permitting such temporary buildings and structures on sites in the vicinity where there will be ‘no greater effect’.

TEMP-R8

[10] In their appeal, Westpower sought to add the following matters of discretion to TEMP-R8 (applying to temporary buildings and structures ancillary to construction and demolition activity not meeting permitted activity standards):

- (a) the technical, locational, functional or operational constraints and/or requirements of the activity; and

- (b) the benefits from the work being undertaken and energy activities and infrastructure developed.

[11] The parties agree that the operational need or functional need of the activity and the benefits from the work being undertaken should be added to this rule as further matters of discretion. These changes are consistent with relevant national direction and terminology used throughout the Plan.

TEMP-R9

[12] In their appeals, Westpower and Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu sought amendments to TEMP-R9 (applying to other temporary activities and buildings not meeting permitted activity standards).

[13] Westpower sought to amend the rule by adding the same two further matters of discretion as for TEMP-R8 (detailed above). The parties agree to adding two further matters of discretion to TEMP-R9 for the same reasons as set out above.

[14] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu sought to add 'effects on Poutini Ngāi Tahu values' as an additional matter of discretion. This rule already includes effects on natural and cultural values as a matter of discretion. The parties agree that the wording for this matter of discretion should be amended to 'effects on natural values, historic heritage and Poutini Ngāi Tahu values' to achieve consistent terminology throughout the Plan.

Definition of Temporary Activity

[15] In their appeal, Westpower sought to amend section (e) of the definition of Temporary Activity to add the word 'buildings'.

[16] The parties agree that the definition should be amended to add the word 'buildings'.

[17] The parties consider that the amended wording clarifies that the definition of Temporary Activities includes ancillary buildings and structures.

Other relevant matters

[18] The following parties gave notice of an intention to become interested parties to the appeals under s274 RMA, and have signed the memorandum setting out the relief sought:

- (a) Bathurst Resources Limited & BT Mining Limited;
- (b) Buller District Council;
- (c) Grey District Council;
- (d) Manawa Energy Limited;
- (e) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (f) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu; and
- (g) Westpower.

[19] Federated Farmers of New Zealand Incorporated and Ridgeline 3 Investments Limited withdrew their interest in the Topic 10 appeal points prior to mediation.

[20] The consent memorandum records the parties' assurances that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

[21] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

[22] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[23] The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[24] Based on the information provided, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that the changes shown in Appendix B are made to the Te Tai o Poutini Plan.



K G Reid
Environment Judge

Appendix A

Appellants

ENV-2025-CHC-124	KiwiRail Holdings Limited
ENV-2025-CHC-133	Westpower Limited
ENV-2025-CHC-134	Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu

Section 274 Parties

Bathurst Resources Limited & BT Mining Limited

Buller District Council

Grey District Council

Manawa Energy Limited

Royal Forest and Bird Protection Society of New Zealand Incorporated

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o
Ngāi Tahu

Westpower Limited

Appendix B – Changes to the TTPP

Amend Overview – Energy Infrastructure and Transport to read (strikethrough indicates the words to be deleted):

...

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, temporary activities are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **Sites and Areas of Significance to Māori** - There are specific rules in relation to temporary events in the Sites and Areas of Significance to Māori Chapter.
- **Earthworks** - the Earthworks Chapter sets out the requirements in relation to earthworks, including for temporary activities.
- **Noise** - the Noise Chapter sets out the requirements into relation to noise.
- **Energy, Infrastructure and Transport** - provisions in relation to temporary network utilities and temporary energy activities are included within the Energy and Infrastructure Chapters of the Plan. ~~The rules within this chapter do not apply to energy and infrastructure activities.~~
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where temporary activities are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.

Amend rule TEMP-R2 to read (underline indicates words agreed to be inserted):

**TEMP – R2 Temporary Buildings and Structures Ancillary to
a Construction and Demolition Activity not
meeting Permitted Activity Standards**

Activity Status Permitted

Where:

1. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition;
2. The building or structure is located on the same site as the construction or demolition activity or on an adjacent site;
3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; and
4. Any temporary building is no more than 50m² in gross floor area where this adjoins a residential zone.

Activity status where compliance not achieved: Restricted
Discretionary

Amend rule TEMP-R8 to read (underline indicates words agreed to be inserted):

**TEMP – R8 Temporary Buildings and Structures Ancillary to
a Construction and Demolition Activity not
meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Effects on outlook, shading, loss of privacy and amenity to any nearby properties; ~~and~~
- b. Location and design;
- c. The operational need or functional need of the activity; and
- d. The benefits from the work being undertaken.

Activity status where compliance not achieved: N/A

Amend rule TEMP-R9 to read (underline indicates words agreed to be inserted and ~~strike through~~ the words to be deleted):

TEMP – R9 Other Temporary Activities and Buildings not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Waste disposal from any camping activity;
- b. Effects on natural ~~and cultural~~ values, historic heritage and Poutini Ngāi Tahu values in the location;
- c. Traffic safety;
- d. Dust and sediment control;
- e. Ground stability;
- f. Visual amenity from neighbouring properties and public places;
- g. The operational need or functional need of the activity; and
- h. The benefits from the work being undertaken.

Advice Note:

It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi - New Zealand Transport Authority) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.

Activity status where compliance not achieved: N/A

Amend the definition of Temporary Activity in the Definitions section of Te Tai o Poutini Plan to read (underline indicates words agreed to be inserted):

Temporary Activity

means activities and their ancillary buildings and structures that are intended to have a limited duration and incidence and are not part of a permanent activity that occurs on the site. They include:

- a. fairs, festivals, sporting and special events;
- b. commercial filming or video production activities;
- c. emergency services training events;
- d. public firework displays;
- e. buildings or structures ancillary to ~~for~~ construction and demolition projects; and
- f. temporary farmers or crafts markets

Note: Temporary Activities do not include:

- i. Permitted Recreation Activities meeting Zone standards;
- ii. Events and other types of activities meeting Zone standards in the Stadium Zone or any Open Space and Recreation Zone; or
- iii. Temporary military training activities.