

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

Decision No. [2026] NZEnvC 252

IN THE MATTER

of the Resource Management Act 1991

AND

appeals under clause 14 of the First
Schedule of the Act

BETWEEN

CHORUS NEW ZEALAND
LIMITED & SPARK NEW
ZEALAND TRADING LIMITED

(ENV-2025-CHC-101)

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: 24 September 2026

CONSENT ORDER

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

¹ Resource Management Act 1991.



- (1) the appeals are allowed to the extent that the changes shown in Appendix B are made to the Te Tai o Poutini Plan;
- (2) the appeal points allocated to Topic 22: Infrastructure, are resolved in full; and
- (3) the appeals remain open.

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

REASONS

Introduction

[1] These proceedings concern appeals by Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark), Birchfield Coal Mines Limited (BCML), Taiko Critical Minerals Limited (TCML), Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest and Bird), and KiwiRail Holdings Limited (KiwiRail), 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 Infrastructure chapter of the TTPP that are subject to appeal:

- (a) Whole Chapter;
- (b) Overview;
- (c) INF-O1;
- (d) INF-O5;
- (e) INF-P1;
- (f) INF-P2;
- (g) INF-P3;
- (h) INF-P4;

- (i) Reinstate notified INF-R8;
- (j) INF-R7;
- (k) INF-R10; and
- (l) INF-R11.

Whole Chapter

[3] In their appeal, Forest and Bird sought that the references to ‘minimise’ throughout the chapter not apply to indigenous biodiversity.

[4] Because of agreement on changes to INF-O5 and INF-P2 (detailed below), Forest and Bird agreed not to pursue this appeal point.

Overview

[5] In their appeal, Forest and Bird sought that the ‘Overview’:

- (a) be amended to ensure that it is consistent with the balance of the chapter and provides guidance as to the scope and application of the chapter; and
- (b) be amended to insert Note 4 above the rules into the overview.

[6] Because of agreement on changes to INF-O5 and INF-P2 (detailed below), Forest and Bird agreed not to pursue these appeal points.

INF-O1

[7] In their appeal, Forest and Bird sought amendments to INF-O1 to add consideration of ‘utilities’ and management of effects in accordance with the Natural Environment and District Wide chapters of the plan.

[8] Because of agreement on changes to INF-O5 and INF-P2 (detailed below), Forest and Bird agreed not to pursue this appeal point.

INF-O5

[9] In their appeal, Forest and Bird sought amendments to INF-O5 to replace the words ‘are minimised’ with ‘are avoided, remedied or mitigated’ and to refer to the Natural Environment and District Wide chapters of the plan.

[10] The parties agree that INF-O5 should be amended to replace the words ‘are minimised’ with ‘are avoided, remedied or mitigated’.

[11] The parties consider that the amended wording more appropriately gives effect to national direction including the National Policy Statement Infrastructure (NPS-I) and the National Policy Statement Indigenous Biodiversity (NPS-IB) and is more consistent with other relevant chapters of the TTPP.

INF-P1

[12] In their appeal, KiwiRail sought amendments to INF-P1 to retain the words ‘provide for’ in relation to regionally significant infrastructure.

[13] The parties agree that INF-P1 should be amended to insert the words ‘provide for’.

[14] The parties consider that the amended wording more appropriately gives effect to the NPS-I in relation to recognising and providing for the benefits of infrastructure.

INF-P2

[15] In their appeals, KiwiRail and Forest and Bird sought amendments to INF-P2.

[16] KiwiRail sought that INF-P2 be amended to revert to ‘locational, technical and operational constraints’ instead of ‘operational need and functional need’ in

clause (a).

[17] Forest and Bird sought that a new sub-clause be added on whether there are alternative locations or a functional need to locate in an overlay area or area of significant indigenous biodiversity or any area meeting the criteria in the West Coast Regional Policy Statement Appendix 1.

[18] The parties agreed INF-P2 should be amended to consider operational need *or* functional need in clause (a) (rather than operational need *and* functional need) and a new clause (g) should be added to meet the concerns of Forest and Bird (but not the exact wording sought).

[19] The parties consider that the amended wording appropriately gives effect to national direction including the NPS-I and the NPS-IB and is consistent with other relevant chapters of the plan.

INF-P3

[20] In their appeal, KiwiRail sought amendments to INF-P3 to ensure the policy manages reverse sensitivity effects on all rail activities, not just the operation of the rail network, including maintenance, repair, upgrade, removal and development of infrastructure.

[21] The parties agree that INF-P3 should be amended as sought by KiwiRail.

INF-P4

[22] In their appeal, Forest and Bird sought amendments to INF-P4 to ensure that subdivision can be adequately serviced and including adding consideration of in-site selection and design considerations and assessing adverse effects when determining whether the subdivision or development should occur in that location.

[23] The parties consider the relevant focus of this chapter is ensuring efficient

provision and use of infrastructure by co-ordinating the provision of utilities with subdivision, development and use of land and that the effects of subdivision are more appropriately managed in the Subdivision chapter of the plan. Forest and Bird agreed not to pursue this appeal point.

Infrastructure rules

[24] In their appeal, Chorus and Spark sought to reinstate the previous rule INF-R8 to ensure a clear pathway for network utilities connections, including telecommunications, is provided for in the rules framework.

[25] The parties agree that the previous rule INF-R8 should be reinstated as rule INF-R7a to provide for new network utility customer connections as a permitted activity subject to the specified conditions.

INF-R7

[26] In their appeal, Chorus and Spark sought to amend INF-R7 to enable underground lines as a permitted activity in all zones.

[27] The parties agree that INF-R7 should be amended so that underground lines are a permitted activity in all zones, subject to meeting the performance standards in INF-R1.

INF-R10

[28] In their appeal, Chorus and Spark sought technical changes to INF-R10 (that permits new telecommunications poles and antenna not regulated by the National Environmental Standards for Telecommunications Facilities (NES-TF) and regulated equipment not meeting permitted activity standards of the NPS-TF) to resolve internal conflict and reflect envelopes and heights allowed in immediately adjacent zones.

[29] The parties agree that these technical amendments should be made to INF-R10.

INF-R11

[30] In their appeals, BCML sought amendments to INF-R11 and TCML sought the deletion of INF-R11. INF-R11 permits use of back-up generators subject to specified conditions.

[31] The parties agree that INF-R11 should be amended to remove restrictions on duration and hours of operation where the use complies with the noise limits in NOISE-R5.

Other relevant matters

[32] 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 and BT Mining Limited;
- (b) BCML;
- (c) Birchfields Ross Mining Limited;
- (d) BRM Developments Limited;
- (e) Buller District Council;
- (f) Chorus and Spark;
- (g) Director-General of Conservation;
- (h) Grey District Council;
- (i) New Zealand Minerals Council;
- (j) Forest and Bird;
- (k) TCML;
- (l) Tasman Mining Limited;
- (m) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu; and

(n) Westpower Limited.

[33] New Zealand Coal and Carbon Limited withdrew their interest in the Topic 22 appeal points prior to mediation.

[34] 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.

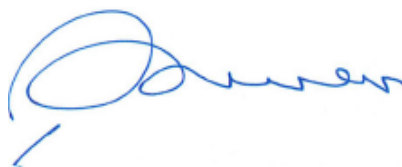
[35] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

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

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

[38] 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 – List of appellants and section 274 parties

Appellants

ENV-2025-CHC-000101	Chorus New Zealand Limited & Spark New Zealand Trading Limited
ENV-2025-CHC-000103	Birchfield Coal Mines Limited
ENV-2025-CHC-000108	Tāiko Critical Minerals Limited
ENV-2025-CHC-000117	Royal Forest and Bird Protection Society of New Zealand Inc
ENV-2025-CHC-000124	KiwiRail Holdings Limited

Section 274 Parties

Bathurst Resources Limited and BT Mining Limited

Birchfield Coal Mines Limited

Birchfields Ross Mining Limited

BRM Developments Limited

Buller District Council

Chorus New Zealand Limited and Spark New Zealand Trading Limited

Director-General of Conservation

Grey District Council

New Zealand Minerals Council

Royal Forest and Bird Protection Society of NZ Inc

Tāiko Critical Minerals Limited

Tasman Mining Limited

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

Westpower Limited



Appendix B – Proposed amended provisions of the Te Tai o Poutini Plan

Amend objective INF-O5 to read (underline indicates words agreed to be inserted and ~~strike through~~ the words to be deleted):

INF – O5

The adverse effects of infrastructure on the environment are ~~minimised,~~ avoided, remedied or mitigated including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water, while recognising:

- a. The functional need and operational need of infrastructure; and
- b. That positive effects of infrastructure may be realised locally, regionally, or nationally.

Amend policy INF-P1 to read (underline indicates words agreed to be inserted):

INF – P1

Recognise and provide for the positive social, economic, cultural and environmental benefits from the development, continued operation, maintenance and upgrading of infrastructure.

Amend policy INF-P2 to read (underline indicates words agreed to be inserted and ~~strike through~~ the words to be deleted):

INF – P2

Manage the design and location of infrastructure, including when sited in all overlays in a way which considers:

- a. Operational need ~~and~~ or functional need;
- b. Resilience to natural hazards and climate change;
- c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;
- d. Benefits of co-location of infrastructure;

- e. That positive effects of infrastructure may be realised locally, regionally, or nationally; ~~and~~
- f. The need to avoid, remedy and mitigate adverse effects on the environment; and
- g. In Historic Heritage, Sites and Areas of Significance to Māori, Outstanding Natural Landscapes and Features and areas of High and Outstanding Coastal Natural Character overlays and an Area of Significant Indigenous Biodiversity whether there are practicable alternative locations where the infrastructure could be located.

Amend policy INF-P3 to read (underline indicates words agreed to be inserted):

INF – P3

Manage reverse sensitivity effects from subdivision, use and development, on infrastructure to ensure their safe, secure and efficient operation, maintenance, repair, upgrading, removal and development of infrastructure.

Amend rule INF-R7 to read (underline indicates words agreed to be inserted and ~~striketrough~~ the words to be deleted):

INF – R7 New Lines, Telecommunication Poles or Towers

Activity Status Permitted

Where:

1. All performance standards in Rule INF – R1 are complied with;
2. Above ground lines are only ~~This is~~ located in a GRUZ – General Rural Zone or INZ – Industrial Zone; and
3. Poles do not exceed a height of 25m; and
4. Towers do not exceed a height of 15m; or
5. The activity is located below ground.

Activity status where compliance not achieved:

Non-complying where standard 1 is not complied with.

Discretionary where standards 2 – 4 are not complied with.

Insertion of new rule INF-R7a as follows (underline indicates words agreed to be inserted):

INF – R7a New Network Utility Customer Connections

Activity Status Permitted

Where:

1. The connection does not include a new tower;
2. The connection does not exceed three additional poles; and
3. The diameter of conductors, lines or cables does not exceed
30mm;

Advice Note: Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH R4.

Amend rule INF-R10 to read (underline indicates words agreed to be inserted and ~~striketrough~~ the words to be deleted):

**INF – R10 New telecommunications poles, new antenna
attached to poles and new antenna attached to a
building not regulated by the NES – TF or regulated
equipment not meeting the permitted standards of
the NES – TF**

Activity Status Permitted

Where:

1. The telecommunication pole, or antenna is located within a transport corridor; and
 - i. The combined height of the pole and antenna does not exceed:
 - a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or ~~CMUZ – Commercial and Mixed Use Zone~~; or

- b. 20m in an INZ - Industrial Zone or CMUZ - Commercial and Mixed Use Zone; or
 - c. 35m in all other zones.
 - ii. A panel antenna:
 - a. Does not exceed a width of 0.7m; ~~and~~
 - ~~b. When in a land transport corridor of a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter;~~
 - iii. A dish antenna does not exceed a diameter:
 - a. Within a railway corridor of:
 - I. 1.2m in a GRUZ – General Rural Zone or INZ – Industrial Zone;
 - II. 0.9m in a CMUZ – Commercial and Mixed Use Zone
 - b. Outside of a railway corridor:
 - I. 1.2m outside of RESZ – Residential Zones and the SETZ – Settlement Zone
 - iv. Omni directional "whip" or dipole antennas do not exceed:
 - a. 1.6m in vertical length;
 - b. 60mm in diameter; and
 - c. 1.5m in horizontal length.
 - v. A headframe does not exceed the following:
 - a. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;
 - b. 6m in diameter in all other zones (including unformed legal road).
- 2. The telecommunication pole, or antenna is located outside a transport corridor:
 - i. The combined height (network utility) of a telecommunications pole and antenna does not exceed:

- a. 15m in a RESZ - Residential Zone, or SETZ - Settlement Zone;
 - b. 20m in a CMUZ - Commercial and Mixed Use Zone;
 - c. 20m in a LIZ - Light Industrial Zone or 25m in a GIZ - General Industrial Zone;
 - d. 25m in all other locations, or 30m where there are two or more users of the same pole.
- ii. A panel antenna does not exceed a width of 0.7m;
 - iii. A dish antenna does not exceed a diameter of 1.2m;
 - iv. Omni directional "whip" or dipole antennas do not exceed:
 - a. 1.6m in vertical length;
 - b. 60mm in diameter; and
 - c. 1.5m in horizontal length
 - v. A headframe does not exceed:
 - a. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;
 - b. 6m in diameter in all other zones.
 - vi. A new panel antenna face does not exceed 1.5m², and a new dish antenna does not exceed 1.2m; and
 - a. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ – Settlement Zone, except where the antenna is attached at least 15m above ground level.

Activity status where compliance not achieved: Restricted Discretionary

Amend rule INF-R11 to read (underline indicates words agreed to be inserted and ~~striketrough~~ indicates the words agreed to be deleted):

INF – R11 Back-up Generators

Activity Status Permitted

Where:

1. All performance standards in Rule INF – R1 are complied with; and
2. The equipment is:
 - i. being tested and maintained for a period not exceeding 48 hours in duration; or
 - ii. to provide backup electricity ~~during routine or scheduled for a period not exceeding 48 hours; or for longer than 48 hours~~ where that use complies with the noise limits in NOISE R5 ~~specified between 0700 hours and 2200 hours relevant to the zone;~~ or
 - iii. for emergency purposes only and operates for a maximum of 12 months.

Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with.

