

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

Decision No. [2026] NZEnvC 254

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN WMS GROUP (HQ) LIMITED

(ENV-2025-CHC-118)

Appellant

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: 25 September 2026

CONSENT ORDER

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

- (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) Topic 6: Port Zone is to be closed; and

¹ Resource Management Act 1991.



(3) the appeal remains open.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by WMS Group (HQ) Limited (WMS) 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 17 September 2026 which proposes to resolve the following provisions of the TTPP that are subject to appeal:

- (a) PORTZ – R5;
- (b) PORTZ – P6; and
- (c) PORTZ – R7.

PORTZ – R5

[3] As a result of discussion at mediation, WMS confirmed that it would no longer pursue its appeal point on PORTZ – R5, which it now agrees to withdraw. No party has any issue as to costs with the withdrawal of this appeal point.

PORTZ – P6

[4] WMS sought that PORTZ – P6 be deleted. While all parties do not agree to the deletion of PORTZ – P6, the parties agree to change the word “protects” in this policy to “maintains” to address WMS’ concerns.

PORTZ – R7

[5] WMS sought that PORTZ – R7 be retained as notified in the TTPP, incorporating changes requested in its original submission. In its position prior to mediation, WMS clarified that it sought deletion of standard 3 of PORTZ – R7.

[6] The parties agree to the deletion of standard 3, relating to compliance with Noise and Light rules. These rules already apply to activities in the Port Zone in any event.

Appeal point that cannot be resolved at this time – PORTZ – R1

[7] WMS sought that PORTZ – R1 be retained as notified in the TTPP, incorporating changes requested by WMS in its original submission, which included deleting standard 4 in relation to screening and standard 7 in relation to stormwater runoff and amending standard 6 to only relate to RESZ zone boundaries.

[8] Rather than delete standard 4, the parties agree to amend standard 4 to delete “landscaping shall not restrict the visibility of vehicle access” and replace this with “this does not apply to any emergency services facility or vehicle access to the site”.

[9] The parties agree to delete standards 5 and 7 to achieve consistency with the equivalent rules for other industrial zones.

[10] WMS agreed not to pursue the amendment of standard 6.

[11] While agreement was reached on the above parts of PORTZ – R1, part of WMS’ appeal point on PORTZ – R1 (relating to standard 3 and rail setbacks) has been moved to mediation for Topic 14: Cross Plan. This means that this provision cannot be resolved by consent at this time.

[12] All appeal points on Topic 6 have either been resolved or moved.

Other relevant matters

[13] New Zealand Coal and Carbon and Tasman Mining Limited withdrew their interest in the Topic 6 appeal points prior to mediation.

[14] 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) Birchfield Coal Mines Limited;
- (c) Buller District Council;
- (d) Director-General of Conservation;
- (e) Grey District Council;
- (f) Hardie Pacific Limited;
- (g) Tāiko Critical Minerals Limited; and
- (h) Westpower Limited.

[15] 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.

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

Orders

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

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

[19] 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 Appellant and Section 274 Parties

Appellant

(ENV-2025-CHC-000118) WMS Group (HQ) Limited

Section 274 Parties

Bathurst Resources Limited and BT Mining Limited

Birchfield Coal Mines Limited

Buller District Council

Director-General of Conservation

Grey District Council

Hardie Pacific Limited

Tāiko Critical Minerals Limited

Westpower Limited



Appendix B – Changes to the TTPP

Where provisions are amended, additions are shown in underline and deletions are shown in ~~striketrough~~.

Amend PORTZ - P6 to read:

PORTZ - P6

Impose performance standards on development and land use in the PORTZ - Port Zone that ~~protects~~ maintains the amenity values of the adjacent commercial, residential and rural areas.

Amend PORTZ – R7 to read:

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

Activity Status Restricted Discretionary

Where:

1. The building does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone; and
2. All other performance standards for Rule PORTZ - R1 are complied with; ~~and~~
3. ~~Rules NOISE - R6 and LIGHT - R2 are complied with.~~

Discretion is restricted to:

- a. Design, height, bulk and location of buildings;
- b. Whether the activity has a functional or operational need to be located within the recession plane;
- c. Measures to mitigate landscape effects; and
- d. Effects on Poutini Ngāi Tahu values.

Activity status where compliance not achieved: Discretionary

