IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 300

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under clause 14 of the First Schedule of the Act
BETWEEN	BIRCHFIELD COAL MINES LIMITED
	(ENV-2025-CHC-103)
	and others listed at 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 October 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) Topic 15: Strategic Direction is to remain open; and
(3) the appeals are to remain open.

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

REASONS

Introduction

[1] This proceeding concerns appeals by Birchfield Coal Mines Limited (BCML), Tāiko Critical Minerals Limited, Federated Farmers of New Zealand Incorporated (Federated Farmers), Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest and Bird), WMS Group (HQ) Limited, Bathurst Resources Limited and BT Mining Limited, Westpower Limited (Westpower), and Transpower New Zealand Limited (Transpower) against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

[2] I have read and considered the consent memorandum of the parties dated 19 October 2026 which proposes to resolve some of the appeal points allocated to Topic 15: Strategic Direction.

Agreement reached

[3] Following mediation, the parties have reached agreement on how some of the appeal points allocated to Topic 15 can be resolved. The remaining appeal points in Topic 15 that have not been agreed (or moved) are unresolved.

[4] The parties have reached agreement on all of the following provisions of the Strategic Direction Chapter of the TTPP that are subject to appeal:

(a) Climate Change and Resilience Overview and title;

(b) LBPP – O1;

(c) POU – P5;

(d) TRM – O1 and TRM – P2;

(e) UFD – O1; and

(f) UFD – P4.

Strategic Directions Climate Change and Resilience Overview

[5] Westpower sought that the Climate Change and Resilience Overview be amended to include "energy activities" and "regionally significant infrastructure". Westpower also sought to remove the reference to "Climate Change" in the heading and replace it with "Connection and Resilience Strategic Objectives".

[6] The parties agreed to amend the Climate Change and Resilience Overview as follows:

> This Chapter sets out the overarching direction for matters relating to climate change and resilience, <u>including maintaining connections of energy activities and regionally significant infrastructure</u> across the West Coast/Te Tai o Poutini.

[7] The parties also agreed to amend the title of this section of the Strategic direction to "Climate Change, <u>Connections</u> and Resilience – Te Āhuarangi Hurihui me te Manawaroa".

[8] The parties agreed that these changes better reflected the content of the objectives and policies included in this section of the Strategic Directions.

LBPP – O1

[9] Federated Farmers sought that the reference to "agricultural, pastoral and horticultural uses" be replaced with the defined term "agricultural, pastoral and horticultural activities" in objective LBPP – O1.

[10] The parties agreed to this change in order to achieve the consistent use of defined terminology throughout the TTPP.

POU – P5

[11] Federated Farmers sought that policy POU – P5 be amended to recognise that landowner consent may be required during Poutini Ngāi Tahu's access of mahinga kai sites.

[12] The parties agreed that policy POU – P5 should be amended to include wording "recognising that such access may require consent of private landowners". This change is consistent with the related policies in the Sites and Areas of Significance to Māori Chapter.

TRM – O1 and TRM – P2

[13] Westpower sought amendments to objective TRM – O1 to provide for maintenance and upgrade of supporting energy activities as well as infrastructure. The relief sought was in respect of the notified version of the TRM – O1 which ultimately became TRM – P2 in the decisions version of the TTPP.

[14] The parties agreed that amendment of policy TRM – P2 to refer to "energy activities" would effectively provide the desired relief and resolve this appeal point. Reference to energy activities makes it clear that the policy is intended to relate to generation, transmission and distribution activities which may not all be captured by the Infrastructure definition.

[15] The parties agreed that TRM – P2 should read:

> Provide for the development, maintenance and upgrading of supporting <u>energy activities and</u> infrastructure and ensure that visitor facilities are connected to existing services and infrastructure.

UFD – O1

[16] Transpower sought amendment to objective UFD – O1 deleting the words "are attractive to" and replacing them with "support". Transpower considered that a requirement for urban environments to be 'attractive' is problematic, particularly as this is the sole objective informing the relevant policies. This reference in the objective may lead to an unduly narrow and unnecessary interpretation of associated policies for urban form and design.

[17] The parties agreed that the objective should be amended to replace the words "are attractive to" with "well-designed for".

[18] The parties consider that the amended wording is less subjective and appropriately reflects the outcomes sought under this objective.

UFD – P4

[19] Transpower sought amendments to policy UFD – P4 to include the wording "and energy activities" following references to infrastructure, and the addition of the wording "effects from other activities, including" when referencing the protection of regionally significant infrastructure from reverse sensitivity effects:

> Promote the safe, efficient and effective provision and use of infrastructure, <u>including energy activities,</u> including the optimisation of the use of existing infrastructure <u>and energy activities</u>, and protection of regionally significant infrastructure from <u>effects from other activities,</u> including reverse sensitivity effects.

[20] The parties agreed that the changes are appropriate to ensure that the TTPP recognises that there may be effects other than reverse sensitivity that can compromise regionally significant infrastructure, and that there is a distinction between energy activities and infrastructure in the plan.

Withdrawn appeal points

[21] On 24 September 2026 the TTPP Committee resolved to make an amendment to the Proposed TTPP to remove the following wording from the "Overview" section using its power under clause 16 of the RMA:

> The Strategic Directions are intended to demonstrate:
>
> 1. Commitment to, and articulation of the Councils' partnership with Poutini Ngāi Tahu;
> 2. Alignment with the communities' aspirations for development while maintaining and enhancing environmental quality across Te Tai o Poutini/the West Coast;
> 3. Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of Te Tai o Poutini Plan;
> 4. Enabling the use and development of natural and physical resources whilst protecting the natural, cultural and heritage values that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements;
> 5. A prosperous and sustainable economy through enabling a wide range of appropriate business activities;
> 6. Operation and maintenance of regionally significant infrastructure;
> 7. The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business;
> 8. Resilience to climate change and natural hazards.

[22] The Committee signalled its intention to make this change to the parties that had appealed this text at the mediation. All parties who appealed this text agreed that they would withdraw their appeal points if the Committee deleted this text. As a consequence, all of the appeal points by the following parties in respect

of the overview text above are withdrawn:

(a) BCML;
(b) Westpower;
(c) Forest & Bird; and
(d) Transpower.

[23] BCML and Tāiko Critical Minerals sought in their appeals that the reference to "land based primary productions" in the Land Based Primary Production Objectives LBPP – O2 and LBPP – O3 be replaced with "Primary Production". As a result of discussion at mediation, both parties agreed to withdraw these appeal points.

[24] Westpower appealed LBPP – O3 and sought that it be amended to include reference to "energy activities". As a result of discussion at mediation, Westpower agreed to withdraw this appeal point.

[25] Forest and Bird also appealed LBPP – O3 and sought that it be amended to include reference to support services and industries that are needed to maintain land based primary production's viability. As a result of discussion at mediation, Forest and Bird agreed to withdraw this appeal point.

[26] Forest and Bird appealed CCR – P1 and sought that the reference to "regionally significant" be replaced with "critical". As a result of discussion at mediation, Forest and Bird agreed to withdraw this appeal point.

[27] No party has any issue as to costs with the withdrawal of these appeal points.

Other relevant matters

[28] 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) Birchfield Coal Mines Limited
(c) Birchfields Ross Mining Limited;
(d) BRM Developments Limited;
(e) Buller District Council;
(f) Director-General of Conservation;
(g) Federated Farmers of New Zealand Incorporated;
(h) Royal Forest and Bird Protection Society of New Zealand Incorporated;
(i) Grey District Council;
(j) Hardie Pacific Limited;
(k) John Caygill;
(l) Manawa Energy Limited;
(m) New Zealand Minerals Council;
(n) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu;
(o) Tāiko Critical Minerals Limited;
(p) Tasman Mining Limited;
(q) Transpower New Zealand Limited;
(r) Westpower Limited; and
(s) WMS Group (HQ) Limited.

[29] 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.

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

Orders

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

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

[33] Based on the information provided, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeals are 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-000103	Birchfield Coal Mines Limited
ENV-2025-CHC-000108	Tāiko Critical Minerals Limited
ENV-2025-CHC-000110	Federated Farmers of New Zealand Incorporated
ENV-2025-CHC-000117	Royal Forest and Bird Protection Society of New Zealand Incorporated
ENV-2025-CHC-000118	WMS Group (HQ) Limited
ENV-2025-CHC-000121	Bathurst Resources Limited and BT Mining Limited
ENV-2025-CHC-000133	Westpower Limited
ENV-2025-CHC-000139	Transpower New Zealand 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

Director-General of Conservation

Federated Farmers of New Zealand Incorporated

Royal Forest and Bird Protection Society of New Zealand Incorporated

Grey District Council

Hardie Pacific Limited

John Caygill

Manawa Energy Limited

New Zealand Minerals Council

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

Tāiko Critical Minerals Limited

Tasman Mining Limited

Transpower New Zealand Limited

Westpower Limited

WMS Group (HQ) Limited



Appendix B – Changes to the TTPP

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

Amend the Climate Change and Resilience title and overview to read:

CCR **Climate Change, Connections and Resilience - Te Āhuarangi Hurihui me te Manawaroa**

This Chapter sets out the overarching direction for matters relating to climate change and resilience, including maintaining connections of energy activities and regionally significant infrastructure across the West Coast/Te Tai o Poutini.

Amend LBPP - O1 to read:

LBPP - O1

To maintain the productive value of highly productive land for current and future agricultural, pastoral and horticultural ~~uses~~ activities.

Amend POU - P5 to read:

POU - P5

Poutini Ngāi Tahu should be able to freely access mahinga kai sites and cultural materials in accordance with tikanga and to support community wellbeing, recognising that such access may require consent of private landowners.

Amend TRM - P2 to read:

TRM - P2

Provide for the development, maintenance and upgrading of supporting energy activities and infrastructure and ensure that visitor facilities are connected to existing services and infrastructure.

Amend UFD - O1 to read:

UFD - O1

Urban environments and built form are well-designed for ~~attractive to~~ residents, businesses and visitors and support economic viability and function on Te Tai o Poutini/the West Coast.

Amend UFD - P4 to read:

UFD - P4

Promote the safe, efficient and effective provision and use of infrastructure, including energy activities, including the optimisation of the use of existing infrastructure and energy activities and protection of regionally significant infrastructure from effects from other activities, including reverse sensitivity effects.

