

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

Decision No. [2026] NZEnvC 101

IN THE MATTER of the Resource Management Act 1991

AND an application under s281(1)(a)(ii) of
the Act

BETWEEN FEDERATED FARMERS OF NEW
ZEALAND

(ENV-2026-CHC-41)

Applicant

AND TIMARU DISTRICT COUNCIL

Respondent

Court: Environment Judge P A Steven

Hearing: In Chambers on the papers

Last case event: 29 April 2026

Date of Decision: 4 May 2026

Date of Issue: 4 May 2026

**DECISION OF THE ENVIRONMENT COURT ON
APPLICATION FOR WAIVER**

A: The application for waiver is granted on an anticipatory basis under
s281(1)(a)(ii) RMA.¹

¹ Resource Management Act 1991.



REASONS

[1] On 9 March 2026, the Timaru District Council (TDC) notified its decisions on the proposed Timaru District Plan (PDP). Accordingly, the statutory deadline for filing an appeal closes on 6 May 2026.

[2] Federated Farmers of New Zealand (FFNZ) has applied for a waiver of the requirement to file its appeal by the statutory deadline on an anticipatory basis. It seeks an extension of five working days to file its appeal, being 13 May 2026.

[3] FFNZ's application records that it made a submission and further submission on the PDP, and it is currently working through TDC's decisions on the PDP to make a careful assessment as to whether to bring an appeal.

[4] FFNZ seeks an extension on the basis that the decisions version of the PDP is of considerable scope and complexity. Due to the formatting of the decisions version, FFNZ advises that it has been required to undertake a time-intensive and iterative process of manually reviewing, collating and cross-referencing multiple sections of the PDP in order to properly determine the scope and implications of the decisions. Accordingly, FFNZ considers that it will not be able to complete a fully informed assessment of TDC's decisions by the statutory deadline.

[5] In an email dated 30 April 2026, counsel for TDC confirmed that it did not oppose the waiver sought.

Section 281 RMA

[6] Section 281 RMA relevantly provides:

281 Waivers and directions

- (1) A person may apply to the Environment Court to—
 - (a) waive a requirement of this Act or another Act or a regulation about—

...
 - (ii) the time within which an appeal or submission to the Environment Court must be lodged...

[7] Section 281(3) requires the court to be satisfied that:

- (a) the appellant or applicant and the respondent consent to that waiver; or
- (b) any of those parties who have not so consented will not be unduly prejudiced.

[8] Section 281(2) states that the court shall not grant an application under s281 unless it is satisfied that there is no undue prejudice to any party to the proceeding.

[9] The court has previously confirmed in several decisions that it has jurisdiction to consider and determine applications for anticipatory waivers and directions prior to the court having an extant proceeding.²

Consideration

[10] I am satisfied that pursuant to s281 RMA, the court has jurisdiction to grant the waiver sought despite the substantive proceeding not yet being filed.


[11] I am satisfied that there is no undue prejudice to any party to the proceedings in allowing the late filing of any potential appeal by FFNZ. I note that TDC has advised that it does not oppose the waiver application.

² See *Panuku Development Auckland Ltd v Auckland Council* [2018] NZEnvC 064 at [10]-[11]; *Re Auckland Council* [2016] NZEnvC 153 at [9]; and *Re Auckland Council* [2017] NZEnvC 207 at [14] onwards.

[12] I therefore consider that a short extension of five working days is appropriate on that basis.

Directions and waiver

[13] Under s281(1)(a)(ii) RMA, the application for waiver is granted on an anticipatory basis.



P A Steven
Environment Judge