

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2025] NZEnvC 90

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

TRANSPOWER NEW ZEALAND
LIMITED

(ENV-2024-CHC-89)

Appellant

AND

MACKENZIE DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 26 March 2025

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 Mackenzie District Council is directed to amend the provisions of the Mackenzie District Plan by making the changes set out in Annexure 1, attached to and forming

¹ Resource Management Act 1991.



part of this consent order; and

(2) the appeal by Transpower New Zealand Limited is otherwise dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Transpower New Zealand Limited (“Transpower”) against parts of Plan Change 26 and Plan Change 27 to the Mackenzie District Plan. Transpower sought amendments to various provisions in the Infrastructure, Subdivision and Earthworks chapters of the District Plan to ensure that:

- (a) the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie district and beyond; and
- (b) adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided.

[2] I have read and considered the consent memorandum of the parties dated 20 January 2025 which sets out the agreement reached between the parties to resolve the appeal through amendments to INF-S5, SUB-O1 and EW-O1 in the District Plan. The proposed amendments are supported by a s32AA evaluation as set out in the affidavit of the Council’s planner, Jane Elizabeth White.²

[3] For completeness, no changes are sought to INF-R7 or INF-R8 through

² Affirmed 4 February 2025.

the resolution of the appeal.

Other relevant matters

[4] Royal Forest and Bird Protection Society of New Zealand Incorporated joined this appeal under s274 RMA, and has signed the memorandum setting out the relief sought.

[5] There are no issues of scope or jurisdiction.

[6] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[7] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all relevant parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied 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 RMA, including in particular, pt 2.



J J M Hassan
Environment Judge



Annexure 1

1. Amend INF-S5 as follows:

1. The activity does not involve the clearance of any indigenous vegetation.

Except that 1. above does not apply to the clearance of indigenous vegetation associated with the National Grid, where Rules 2.1.1 and 2.2.1 in Section 19 apply.

2. Amend SUB-O1 Subdivision Design as follows:

Subdivision is designed to:

...5. avoid reverse sensitivity effects, on renewable electricity generation activities and electricity transmission activities and otherwise ensure that their operation, maintenance, upgrading and development is not compromised; and

6. minimise...

3. Amend EW-O1 Earthworks as follows:

Earthworks to facilitate subdivision, land use and development are undertaken in a way that:

a) minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values; and

b) protects the safety of people, and property; and

c) does not compromise the safe and efficient operation, maintenance, upgrading and development of infrastructure.

