

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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

Decision No. [2025] NZEnvC 353

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2024-CHC-85)

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: 4 November 2025

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 appeal is allowed, and the Mackenzie District Council is directed to amend the Mackenzie District Plan by making the changes set out in Annexures 1 – 3, attached to, and forming part of this consent order;
- (2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] Mackenzie District Council (MDC) is undertaking a rolling review of its District Plan, which has been divided into stages. This proceeding concerns an appeal by Federated Farmers of New Zealand (FFNZ) against Plan Change 23 which was notified as part of Stage 3 of the review.

[2] PC23 focuses on restructuring and refining provisions within the District Plan. It proposes replacing Section 7 (Rural) with three new dedicated chapters related to the General Rural Zone (GRUZ), Natural Features and Landscapes (NFL), and Natural Character while limiting its scope to how definitions apply within these chapters.

[3] FFNZ appealed the decision as it relates to the mapping of Outstanding Natural Landscapes (ONLs) in the Eastern Mackenzie (Landscape Overlays), with particular concern for areas below 900 masl. The appeal contends the ONLs were identified via a desktop analysis without community and landowner input. FFNZ did not consider the Eastern Mackenzie ONLs included protected landscapes that are not sufficiently outstanding, or sufficiently natural, to qualify as ONL's under s6(b) RMA. The appeal sought that the Landscape Overlays be ground-truthed and either deleted and replaced with specific rules controlling activities above 900 masl that require controls (e.g. earthworks), or if retained, amended to apply only above 900 masl where necessary to achieve the Plan's objectives.

[4] The relevant ONL boundaries ran across three individual properties owned by members of FFNZ. Landscape architect, Ms Pflüger visited those properties prior to court-facilitated mediation. The owners of these properties² attended the mediation.

[5] I have read and considered the consent memorandum of the parties dated 26 August 2025 which sets out the agreement reached between the parties to resolve the appeal. I have also read and considered the affidavit of Ms Yvonne Pflüger which provides an in depth explanation for the changes agreed. In summary, the agreement includes changes to the ONL boundaries as follows:

- (a) amending the ONL line in relation to the Berkley Downs property on Stoneleigh Road (Kerr Property), to align it with the original boundary proposed in the Eastern Mackenzie Landscape Study. The minor limestone escarpment proposed to be included by another submission was reassessed by Ms Pflüger who concluded it had only moderate landform values, limited native vegetation, moderate sensory attributes (including legibility and aesthetic values) and no evidence on associative attributes (including mana whenua values) was available. It was agreed that the original ONL boundary, following the tributaries of the Opihi River and Stony Stream, is more appropriate. Since this original ONL boundary falls in the immediate vicinity of the western edge of the Kerr property it was agreed that this would be followed for easier reference;
- (b) amending the ONL in relation to Ranui Station on Mt Nessing Road (Simpson Property), to exclude the more modified lower-lying terraces above the Hakataramea Valley floor and the spur between the Longden and Marsack Stream catchments. This change reflects the higher level of modification in these areas due to the presence of pastoral land use, tracks and structures, lower biophysical values and

² Steve and Sue Kerr, Dion and Lou Anderson, and Matt and Victoria Simpson.

low perceptual values relating to their low visibility from public viewpoints;

(c) amending the ONL in relation to the property at 846 Bauchops Hill Road (Anderson Property) to exclude the lower slopes adjacent to the valley floor that show a higher level of modification due to pastoral land use, including reduced legibility of landform due to tracking and modifications to the natural patterns and processes. In the instances where this was more pronounced it was considered more appropriate to align the ONL boundary with vegetation/land use, rather than the underlying landform. The ONL continues to include the upper slopes and summit of the Rollesby Range, which retain high biophysical and associative landscape values.

Other relevant matters

[6] Royal Forest and Bird Protection Society of New Zealand Incorporated joined this appeal as an interested party under s274 of the RMA and has signed the memorandum setting out the relief sought.

[7] The consent memorandum records the parties' assurances that there are no issues of scope and 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.

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

Orders

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

[10] This order is made on the basis of the joint memorandum recording the parties' full agreement. The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[11] Based on the information provided and the assurances received, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed, and the Mackenzie District Council is directed to amend the Mackenzie District Plan by making the changes set out in Annexures 1 – 3, attached to, and forming part of this consent order.



J J M Hassan
Environment Judge



ANNEXURE 1

**Amendment to the ONL boundary in relation to the Berkley Downs
property on Stoneleigh Road (Kerr Property)**



ANNEXURE 2

Amendment to the ONL boundary in relation to Ranui Station on Mt Nessing Road (Simpson Property)



ANNEXURE 3

**Amendment to the ONL boundary in relation to the property at 846
Bauchops Hill Road (Anderson Property)**

