

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

Decision No. [2025] NZEnvC 248

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14 of the First
Schedule of the Act in relation to Plan
Change 26 of the Mackenzie District
Plan

BETWEEN

MERIDIAN ENERGY LIMITED

(ENV-2024-CHC-84)

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: 29 July 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 to the extent that the Mackenzie District Council is directed to amend REG-R6A of the Mackenzie District Plan as set out in Appendix 1, attached to and forming part of this consent order; and
- (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 is undertaking a rolling review of its District Plan. This proceeding concerns an appeal by Meridian Energy Limited (MEL) against Plan Change 26 (PC26) to the Mackenzie District Plan. PC26 is focussed on the provisions relating to renewable electricity generation and infrastructure. It introduced new standalone chapters relating to each into the District Plan, while making a series of consequential changes to other chapters and to the planning maps.

[2] MEL's appeal relates to REG-R6A. The decisions version pertains to "new buildings, structures or accessory buildings to an existing hydroelectric power station associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme". In its appeal, MEL sought that all references to the Waitaki Power Scheme within REG-R6A be deleted.

[3] I have read and considered the consent memorandum of the parties dated 12 December 2024 (filed 3 June 2025) which sets out the agreement reached between the parties to resolve the appeal by removing the references to the Waitaki Power Scheme from the rule as sought. I have also considered the affidavit of Ms Elizabeth White which provides the rationale and an assessment in terms of s32AA of the RMA, for the agreed changes. Ms White has satisfied me that the proposed amendments sought to resolve this appeal are appropriate and granting the relief

sought will not impact on the resolution of any other proceeding.

Other relevant matters

[4] Genesis Energy Limited and Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) joined this appeal as interested parties under s274 of the RMA and have signed the memorandum setting out the relief sought.

[5] The parties record that the matters resolved by this order are sufficiently discrete and will not affect the resolution of any other appeal. For completeness I note that Ms White has explained that Forest & Bird's own appeal also seeks changes to the REG chapter, including rule REG-R6A. The parties to that appeal are the same as those to this appeal and there is no overlap with, or in relation to matters raised, or the amendments sought in the Forest & Bird's appeal.

[6] 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.

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

Orders

[8] The court understands for present purposes that:

- (a) all relevant parties to the proceedings have executed the memorandum requesting this order;
- (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.

[9] 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.

[10] The appeal is allowed to the extent that the Mackenzie District Council is directed to amend REG-R6A of the Mackenzie District Plan by making the changes set out in Appendix 1, attached to and forming part of this consent order.



J J M Hassan
Environment Judge



Appendix 1

1. Amend REG-R6A as follows:

Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme. ~~or within the existing footprint or core sites of the Waitaki Power Scheme~~

