

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

Decision No. [2025] NZEnvC 244

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 MINISTER OF DEFENCE

(ENV-2024-CHC-86)

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: 28 July 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 Mackenzie District Plan as set out in

¹ Resource Management Act 1991.



Appendix 1, attached to and forming part of this consent order; and

(2) the appeal is otherwise dismissed.

B: Under s285 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 the Minister of Defence against Plan Change 26 (PC26) to the Mackenzie District Plan. PC26 is focused 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] The Minister's appeal sought amendments to the definitions of "infrastructure" and "regionally significant infrastructure" (RSI) to recognise defence facilities, including the Tekapo Military Training Camp/Area (training area).

[3] I have read and considered the consent memorandum of the parties dated 17 June 2025, which sets out the agreement reached between the parties to resolve the appeal. That is in part by amending the definition of RSI to include "New Zealand Defence Force facilities being the Tekapo Military Training Area" to recognise the regional significance of the training area. They have also agreed to remove the reference to the training area from GRUZ-P3 (which already refers to RSI) to prevent unnecessary duplication arising from the addition of the training area in the RSI definition.

[4] I have also considered the affidavit of Ms Elizabeth White, a consultant planner for the Council for the plan review, as to why she supports the settlement

and including her assessment, in terms of s32AA RMA, of 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

[5] No other person has given notice of an intention to become a party to this appeal under s274 RMA.

[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 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



Annexure 1

Amend the definition of Regionally Significant Infrastructure, and make a consequential amendment to GRUZ-P3 (with additions shown underlined and deletions shown ~~struck through~~) to recognise the regional significance of the Tekapo Military Training Area as follows:

Regionally significant infrastructure means:

- a. the state highway network and arterial roads
- b. telecommunication networks
- c. the National Grid
- d. wastewater collection, treatment and disposal networks
- e. community land drainage infrastructure
- f. community potable water systems
- g. established community-scale irrigation and stockwater infrastructure
- h. electricity distribution network
- i. New Zealand Defence Force facilities being the Tekapo Military Training Area

GRUZ-P3

Avoid reverse sensitivity effects on primary production activities, activities that have a direct relationship with or are dependent on primary production, renewable electricity generation activities and regionally significant infrastructure ~~and the Tekapo Military Training Area.~~

