IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 287

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	DIRECTOR-GENERAL OF CONSERVATION
	(ENV-2025-CHC-81)
	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: 19 October 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,[1] the Environment Court, by consent, orders that:

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

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[1] Resource Management Act 1991.

(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, with one or more plan changes notified as part of each stage. This proceeding concerns an appeal by Director-General of Conservation (DOC) against provisions that were included in Plan Change 30 (PC30) which was notified as part of Stage 4 of the review.

[2] PC30 introduces and updates several special purpose zones in the Mackenzie District Plan, including a new 'Glentanner Special Purpose Zone' (GSPZ) located on the western side of Lake Pūkaki. The GSPZ provides a site-specific planning framework, including zone-specific objectives, policies and rules, tailored to the area's unique activities, character and development needs. In particular, the GSPZ recognises the existing commercial tourism and airport aviation activities undertaken within the zone and provides for the continued operation and anticipated growth of those activities in accordance with the strategic direction of the operative District Plan.

[3] This appeal relates to provisions for the management of airport activities associated with non-conventionally powered aircraft (particularly rocket-powered aircraft) in the GSPZ, during times that are critical for the Kakī/Black Stilt breeding programme.[2] As relief the appeal sought amendment to GSPZ-R12

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[2] Kakī/Black Stilt is a critically endangered species that occupies the Tasman River Delta near the Glentanner Airport Zone. Fledgling Kakī chicks in the river delta are supported with supplementary feeding and are less likely to survive if they are disturbed during the period when they are provided with supplementary feeding. Other species in the area are also susceptible to disturbance.

(Airport Activity) to retain permitted activity status for rocket-powered aircraft launches during Kakī/Black Stilt breeding season, (August to December) where launches are limited to one per 24 hour period, taking place between the hours of 9 am to 3 pm. It also sought that non-compliance with the limits added, be a restricted discretionary activity with discretion limited to the noise and disturbance effects on Kakī/Black Stilt, impacts on breeding success, the functional and operational need for additional or out of hours launches, and the adequacy of mitigation measures.

[4] I have read and considered the consent memorandum of the parties dated 29 January 2026[3] which sets out the agreement reached between the parties to resolve the appeal. In summary, the parties have agreed that rule GSPZ-R12 'Airport Activity' will remain a permitted activity within the 'Airport Area' identified on the Glentanner Special Purpose Zone Structure Plan (GSPZ-SP), where:

(a) the use of rocket-powered aircraft during the annual six-week post release supplementary feeding period of Kakī/Black stilt at sites on the western side of the Tasman River delta adjacent to Glentanner Airport as shown on Plan GSPZ-2: Kakī/Black Stilt Annual Release Area, is restricted to no more than one launch in any 24-hour period, taking place between the hours of 9 am to 3 pm; and

(b) an accompanying advice note recording that the Department of Conservation (DOC) will provide Glentanner Airport with a minimum of 72 hours' notice of each Kakī/Black Stilt release date to assist with the implementation of this provision.

[5] Further, it is agreed that any airport activity, or more particularly the use of rocket powered aircraft, not complying with the above requirements, becomes a restricted discretionary activity (RDIS), with the exercise of MDC's discretion

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3 Filed with the court, 30 April 2026.

restricted to:

(a) the functional need and operational need for additional launches to take place during the annual Kakī/Black Stilt six-week post release supplementary feeding period;
(b) effects of any disturbance on Kakī/Black stilt breeding success; and
(c) the adequacy of any mitigation measures.

[6] I have also read the affidavit of Mr Nick Boyes, which provides the rationale and an assessment in terms of s32AA RMA, for the agreed changes. Mr Boyes notes that Kakī/Black Stilt is a critically endangered species whose breeding success may be adversely affected by disturbance from rocket-powered aircraft during the period when fledgling chicks are receiving supplementary feeding in the Tasman River Delta.

[7] Mr Boyes considers a precautionary approach is appropriate and supports the inclusion in the district plan of a map identifying the Kakī/Black Stilt Annual Release Area (to be labelled Figure GSPZ-2). Further, he concluded that the proposed provisions strike an appropriate balance between enabling existing aviation activities and protecting significant indigenous biodiversity and habitat values, while giving effect to the GSPZ's objectives and higher-order planning documents.

[8] Mr Boyes' affidavit supports the assurances given by the parties that the proposed amendments sought to resolve this appeal are appropriate and granting the relief sought will not impact the resolution of any other proceeding.

Other relevant matters

[9] Glentanner Airport Limited and Glentanner Station Limited joined this appeal as interested parties under s274 RMA. They have signed the memorandum setting out the agreed relief.

[10] 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.

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

Outcome

[12] All relevant parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the RMA so I will make the orders sought.

Orders

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

[14] This order is made on the basis of the joint memorandum recording the parties' full agreement.

[15] 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 Appendix 1, attached to, and forming part of this consent order.



J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



Additions are underlined

GSPZ-R12	**Airport Activity**	
GSPZ **Tourist Development Area**	**Activity Status: PER** **Where:** 1. The use is restricted to a helicopter landing area located on the south side of Twin Stream where no more than eight helicopter movements are undertaken per day.	**Activity status when compliance is not achieved with R12.1: DIS**
GSPZ **Ecological Open Space**	**Activity Status: NC**	
GSPZ **Airport Area**	**Activity Status: PER** **Where:** 1. The use of rocket-powered aircraft during the annual six-week post release	**Activity status when compliance is not achieved with R12.2: RDIS** **Matters of discretion are restricted to:** a. The functional need and operational need for additional launches to take

	supplementary feeding period of Kāki/Black stilt at sites on the Western side of the Tasman River delta adjacent to Glentanner Airport as shown on Figure GSPZ-2: Kāki/Black Stilt Annual Release Area, is restricted to no more than one launch in any 24-hour period, taking place between the hours of 9.00 am to 3.00pm. **Advice note:** For the purposes of this rule the Department of Conservation has indicated that it will provide Glentanner Airport with a minimum of 72 hours' notice of each Kāki/Black Stilt release date.	place during the annual Kāki/Black Stilt six-week post release supplementary feeding period. b. Effects of any disturbance on Kāki/Black stilt breeding success. c. The adequacy of any mitigation measures.

Fiqure GSPZ-2: Kāki/Black Stilt Annual Release Area



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