

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

Decision No. [2026] NZEnvC 236

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

MAINPOWER NEW ZEALAND
LIMITED

(ENV-2025-CHC-63)

Appellant

AND

WAIMAKARIRI DISTRICT
COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 14 September 2026

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 Waimakariri District Council
is to amend the Partially Operative Waimakariri District Plan

¹ Resource Management Act 1991.



provisions in accordance with Appendix 1, attached to and forming part of this consent order.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by MainPower New Zealand Ltd (MainPower) against a decision of the Waimakariri District Council (Council) concerning the Proposed Waimakariri District Plan (PDP). The PDP is now referred to as the Partially Operative Waimakariri District Plan (PODP).

[2] The appeal sought amendments to the PODP provisions as they relate to MainPower's assets in the Waimakariri district. I have read and considered the joint memorandum of the parties dated 28 August 2026 which sets out the agreement reached between the parties to resolve this appeal in part. The parties have agreed to amend the PODP provisions as set out in Appendix 1 of this consent order. The agreement includes the following:

- (a) amendments to Energy and Infrastructure policy 6 (EI-P6) (effects of other activities and development on major electricity distribution lines);²
- (b) amendments to Energy and Infrastructure rule 12 (EI-R12) (height of a replacement pole for electricity distribution lines);³

² MainPower sought to replace in EI-P6 the requirement to “manage” adverse effects in the chapeau of the policy, with a requirement to “avoid” adverse effects on infrastructure.

³ MainPower sought to amend rule EI-R12(2) so that the height of a replacement pole or tower did not exceed the height of the original pole or tower by more than 40%.

- (c) amendments to Earthworks rule 8 (EW-R8) (activity status of earthworks adjacent to a major electricity distribution line),⁴ and
- (a) amendments to Earthworks standard 2 (EW-S2) (earthworks associated with linear infrastructure works).⁵

[3] I have also read and considered the affidavit of Mr Neil Sheerin affirmed 28 August 2026. The affidavit addresses the rationale of the agreed changes in terms of s32AA RMA.

[4] Mr Sheerin has satisfied me that the agreed amendments are the most efficient and effective means of achieving the relevant objectives of the PODP. Regarding the effects of other activities and development on major electricity distribution lines (EI-P6), he considers the amendment will provide clear and directive policy guidance requiring the avoidance of adverse effects, including reverse sensitivity effects, on major electricity distribution lines.

[5] Regarding the height of a replacement pole for electricity distribution lines (EI-R12(2)), Mr Sheerin considers the agreed amendment will provide greater flexibility to achieve technical and safety clearance requirements and represents an efficient outcome by likely reducing a significant number of repetitive resource consent applications for relatively small height increases.

[6] Regarding the activity status of earthworks adjacent to a major electricity distribution line (EW-R8), he considers the amendment will more adequately ensure protection for major electricity distribution lines. Regarding earthworks associated with linear infrastructure works (EW-S2 exemption 1), he considers the

⁴ MainPower sought a range of amendments to EW-R8 to ensure the rule provided sufficient protection against earthworks activities that could adversely affect the support structures and associated foundations of major electricity distribution lines, to further safeguard the integrity and operational reliability of the infrastructure, including non-complying activity status for non-compliance with the rule.

⁵ MainPower maintains that all linear infrastructure works should be exempt from EW-S2 where open trenches do not exceed 1m in width, without the constraint of being limited to being within roads.

amendment will ensure construction and maintenance of linear infrastructure where open trenches do not exceed 1m in width can occur efficiently in all locations without being unduly constrained.

[7] The joint memorandum provided by the parties, along with the affidavit of Mr Sheerin, has also satisfied me that MainPower's submission on the PDP and its appeal provide the necessary scope to make the amendments sought by the parties.

Other relevant matters

[8] Christchurch International Airport Ltd (CIAL) is a s274 party to this appeal. CIAL's interest is limited to the appeal points relating to EI-P6 and SD-O4 (noting that SD-O4 is not subject to this consent order). Accordingly, CIAL's agreement to the orders sought, and any agreement or assurance attributed to "the parties" in relation to those orders, is limited to the amendment to EI-P6.

[9] 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.

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

Outcome

[11] All 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 Act so I will make the orders sought.

Orders

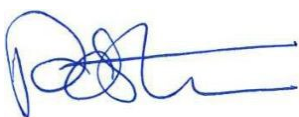
[12] The court makes this order under s279(1) of the Act, such order being by consent rather than representing a decision or determination on the merits pursuant to s297.

[13] This order is made on the basis of the joint memorandum recording the parties' agreement to the orders sought, subject to the limited nature of CIAL's interest recorded at [8]. The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[14] 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 Council is directed to amend the provisions of the PODP as set out in Appendix 1, attached to and forming part of this order.

[15] MainPower's appeal point in respect of SD-O4 is not settled by this consent order and remains live (CIAL also has a live appeal point in respect of SD-O4).

[16] Under s285 RMA, there is no order as to costs.



P A Steven
Environment Judge

APPENDIX 1

ENERGY AND INFRASTRUCTURE CHAPTER

- (a) Amend Energy and Infrastructure Policy 6 (EI-P6) (effects of other activities and development on energy and infrastructure) as follows:

EI-P6

Effects of other activities and development on energy and infrastructure

Manage adverse effects, including reverse sensitivity effects, of incompatible other activities and development on energy and infrastructure, including by the following:

1. ensuring such effects do not compromise or constrain access to or the safe, effective and efficient operation, maintenance, repair, upgrading and development of energy and infrastructure; and
2. with regards to major electricity distribution lines, in addition to (1) above, **avoiding adverse effects, including reverse sensitivity effects**, by ensuring that:
 - a. safe buffer distances are identified in the District Plan for managing the effects of incompatible activities and development on major electricity distribution lines including support structures;
 - b. sensitive activity and development that may compromise major electricity distribution lines, are excluded from establishing within identified safe buffer distances to the extent reasonably possible;
 - c. changes to existing activities within identified safe buffer distances do not further constrain or restrict the operation, maintenance, replacement, upgrading and development of major electricity distribution lines; and
3. with regards to the National Grid, in addition to (1) above:
 - a. mapping the National Grid and identifying buffer corridors in the District Plan within which sensitive activities,



including the expansion of an existing sensitive activity,
are not provided for; and

- b. to the extent reasonably possible, managing other activities to avoid reverse sensitivity effects, on the National Grid; and
- 4. ensuring buildings, other structures and vegetation do not obstruct or otherwise adversely affect radiocommunication pathways, either individually or cumulatively, including for radiocommunication associated with critical infrastructure, strategic infrastructure, regionally significant infrastructure, a lifeline utility, and for emergency purposes and day to day operations of an emergency service.

- (b) Amend Energy and Infrastructure Rule 12 (EI-R12) (replacement of a pole or tower) as follows:

EI-R12

Replacement of a pole or tower

All zones

Activity status: PER

Where:

1. a pole shall not be replaced with a tower;
2. a replacement pole or tower shall not exceed the height in relation to infrastructure of the replaced pole or tower by more than 15%, or in the case of a replacement pole for electricity distribution lines by more than 40%. as of the date the District Plan was made operative;

[...]

Activity status when compliance not achieved: RDIS

Matters of discretion are restricted to:

EI-MCD1 - Historic heritage and the natural environment

EI-MCD3 - Operational considerations

EI-MCD13 - Extent of effects

EARTHWORKS CHAPTER

- (c) Amend Earthworks rule 8 (EW-R8) (activity status of earthworks adjacent to a major electricity distribution line) as follows:

EW-R8

Earthworks adjacent to a major electricity distribution line

All Zones

Activity status: PER

Where:

1. earthworks are setback at least 6m from the centreline of a major electricity distribution line as shown on the planning map; or
2. [...]

~~Activity status when compliance with EW-R78 (1) not achieved: RDIS~~

~~Matters of discretion are restricted to:~~

~~EI-MCD1—Historic heritage, cultural values and the natural environment~~

~~EI-MCD12—National Grid~~

Activity status when compliance ~~with EW-R78 (2) to (5)~~ not achieved: NC

Notification

An application for resource consent under this rule is precluded from being publicly notified, but may be limited notified only to the relevant electricity distribution line operator Transpower NZ Ltd where the consent authority considers this is required, absent its written approval.

- (d) Amend Earthworks Standard 2 (EW-S2) (earthworks associated with linear infrastructure works) as follows:

EW-S2

General setbacks

This standard does not apply to:

1. Earthworks associated with linear infrastructure works **within roads**, provided any open trenches do not exceed 1m in width; or
 2. Earthworks which are or will be subject to building consent.
-
1. Earthworks more than 300mm in height or depth shall be set back a minimum of 2m from any boundary of a site in different ownership.

Activity status when compliance not achieved: RDIS

Matters of discretion restricted to:

[..]

