

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

Decision No. [2026] NZEnvC 237

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

TRANSPower NEW ZEALAND
LIMITED

(ENV-2025-CHC-62)

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: 16 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;

- (2) the appellant's appeal point on EI-P5 remains live and is not settled by this consent order.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Transpower New Zealand Ltd (appellant/Transpower) 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 the National Grid and the assets that Transpower owns and operates within, and traversing, the Waimakariri District.

[3] I have read and considered the joint memorandum of the parties dated 14 August 2026 which sets out the agreement reached between the parties to resolve this appeal in its entirety (with the exception of Transpower's appeal point on EI-P5 which will not be resolved until CIAL's appeal point on the same provision is also resolved). Transpower's appeal point on EI-P5 will remain live pending further determination of the court.

[4] 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 "How to interpret and apply the rules" in the Energy and Infrastructure chapter;

- (b) amendments to rule SUB-R2 (Subdivision), and a consequential amendment to standard SUB-S1 (Allotment size and dimensions);
- (c) amendments to policy EW-P1 (Enabling earthworks), rule EW-R7 (Earthworks and the disturbance of land for the installation of fence posts within the National Grid Yard) and rule EW-R9 (Earthworks within a National Grid Yard);
- (d) amendments to the “Introduction” of the Temporary Activities Chapter;
- (e) amendments to various rules: SIGN-R7, LLRZ-R18, GRZ-R18, MRZ-R16, SETZ-R21, GRUZ-R18, RLZ-R19, NCZ-R12, LCZ-R21, LFRZ-R13, MUZ-R23, TCZ-R25, LIZ-R16, GIZ-R15, HIZ-R14, NOSZ-R20, OSZ-R16, SARZ-R18, SPZ(HOS)-R6, SPZ(KN)-R28, SPZ(KR)-R28, SPZ(PBKR)-R17, SPZ(PR)-R9, SPZ(MCC)-R15 and SPZ(RA)-R8 (Activities and Development (other than earthworks) within a National Grid Yard).

[5] I have also read and considered the affidavit of Mr Neil Sheerin affirmed 4 September 2026. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA of the RMA.

[6] Mr Sheerin has satisfied me that the agreed amendments are the most efficient and effective means of achieving the relevant objectives of the PODP. Mr Sheerin considers that:

- (a) the proposed amendments to “How to interpret and apply the rules” in the Energy and Infrastructure chapter will direct plan users to the rules that apply to earthworks and land disturbance in the National Grid Yard and more appropriately give effect to Policy 12 of the NPS-EN;
- (b) the proposed amendments to the Subdivision chapter will better provide for sites and facilities for unstaffed infrastructure, will remove unnecessary duplication, and will contribute to the sustainable

management of unstaffed infrastructure;

- (c) the agreed amendments to Earthworks chapter will more appropriately regulate earthworks and land disturbance in the National Grid Yard in a manner that better gives effect to Policy 12 in the NPS-EN;
- (d) the agreed amendments to the Temporary Activities chapter will more appropriately give effect to the NPS-EN by providing further clarification as to rules applicable to activities in the National Grid Yard;
- (e) that the agreed amendments to the various rules relating to activities and development (other than earthworks) within the National Grid Yard will mean that hazardous substances with explosive or flammable properties within the National Grid Yard are regulated and will therefore more appropriately give effect to Policies 11 and 12 of the NPS-EN.

[7] The affidavit of Mr Sheerin has satisfied me that the appellant's submission on the PDP and its appeal provide the necessary scope to make the amendments sought by the parties.

Other relevant matters

[8] There are no interested parties under s274 of the RMA.

[9] The consent memorandum dated 14 August 2026 and the consent memorandum accompanying Mr Sheerin's affidavit 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 with 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

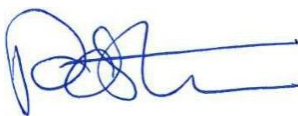
[12] The court makes this order under s279(1) of the RMA, such order being by consent rather than representing a decision or determination on the merits pursuant to s297. The court understands for the present purposes that:

- (a) all relevant parties to the proceeding have executed the joint memorandum requesting this order; and
- (b) the parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements of the RMA including, and in particular, promoting the purpose of the RMA.

[13] Therefore the court orders, by consent, that amendments be made to the PODP provisions as shown in Appendix 1, attached to and forming part of this order.

[14] The appellant's appeal point in respect of EI-P5 is not settled by this consent order, and remains live.

[15] Under s285 of the RMA, there is no order as to costs.



P A Steven
Environment Judge



Appendix 1

The additional text is shown in **bold underline text** and the deletions are shown in ~~strikethrough~~

Part 2 – District-wide matters

Energy, infrastructure and transport

EI - Pūngao me te hanganga hāpori - Energy and Infrastructure

Rules

How to interpret and apply the rules

1. The rules in the following District-wide chapters apply in addition to Energy and Infrastructure:
 - a. TRAN - Transport;
 - b. HS - Hazardous substances;
 - c. NH - Natural hazards;
 - d. SUB - Subdivision;
 - e. LIGHT - Light;
 - f. NOISE - Noise; and
 - g. SIGN - Signs;
2. The rules in all other chapters not listed in (1) above do not apply to Energy and Infrastructure, except in the following circumstances:
 - a. Relocation of any historic heritage listed in HH-SCHED2 must comply with HH-R4, HH-R6 and HH-R8;
 - b. Demolition of historic heritage items listed in HH-SCHED2 must comply with HH-R7 and HH-R9; and
 - c. Removal of any Notable Tree listed in TREE-SCHED1 must comply with TREE-R5 and TREE-R6; and
 - d. Earthworks and land disturbance in the National Grid Yard must comply with EW-R7 and EW-R9;**
 - e. Where specified in the Energy and Infrastructure rules;
3. For completeness, all objectives, policies, associated planning map layers, schedules, and appendices apply to Energy and Infrastructure.



Part 2 – District-wide matters

Subdivision

SUB - Wāwāhia whenua – Subdivision

Activity Rules

SUB-R2	Subdivision	
Commercial and Mixed Use Zones Rural Zones Industrial Zones Open Space and Recreation Zones Special Purpose Zone Large Lot Residential Zone General Residential Zone Settlement Zone	Activity status: CON Where: 1. SUB-S1 to SUB-S18 are met, <u>except where the allotment is for any unstaffed infrastructure, accessway or road.</u> Matters of control/discretion are restricted to: SUB-MCD1 - Allotment area and dimensions SUB-MCD2 - Subdivision design SUB-MCD3 - Property access SUB-MCD4 - Esplanade provision SUB-MCD6 - Infrastructure SUB-MCD7 - Mana whenua SUB-MCD8 - Archaeological sites SUB-MCD10 - Reverse sensitivity SUB-MCD13 - Historic heritage, culture and notable trees Notification An application for a controlled activity under this rule is precluded from being publicly or limited notified.	Activity status when compliance not achieved: as set out in the relevant subdivision standards

Subdivision Standards

SUB-S1 Allotment size and dimensions	
1. All allotments created shall comply with Table SUB-1.	Activity status when compliance not achieved: 1. In the Medium Density Residential Zone, any Industrial Zone and Special Purpose Zone (Kaiapoi Regeneration): DIS 2. In any other zone: NC
Table SUB-1: Minimum allotment sizes and dimensions The following shall apply: a. For unit title or cross-lease allotments, the allotment area shall be calculated per allotment over the area of the parent site. b. The subdivision is of a fee simple allotment from an approved cross lease site, where the exclusive use areas shown on the existing cross lease plan are not altered, are exempt from the minimum site sizes in Table SUB-1. c. Minimum areas and dimensions of allotments in Table SUB-1 for Commercial and Mixed Use Zones, Industrial Zones, Residential Zones and the Special Purpose Zone (Rangiora Airfield) shall be the net site area. d. Allotments for unstaffed infrastructure, accessway or road, excluding for any balance area, are exempt from the minimum site sizes in Table SUB-1. <u>ed.</u> Allotments for a reserve created under the Reserves Act 1977 or any esplanade reserves allotment, are exempt from the minimum, site sizes in Table SUB-1.	

Part 2 – District-wide matters

Earthworks

EW - Ketuketu whenua – Earthworks

Policies

EW-P1	Enabling earthworks Enable earthworks where they: 1. are compatible with the amenity values of the location and surrounding environment; 2. avoid, remedy or mitigate any adverse effects on any sites or areas identified as ONL, ONF, SAL, Coastal Environment Overlay, SNA, mahinga kai and sites and areas of significance to Māori, Natural Open Space Zone, surface freshwater bodies and their margins, or any notable tree, historic heritage or heritage setting; 3. minimise erosion and avoid adverse effects from stormwater or sediment discharge from the site; 4. avoid increasing the risk to people or property from natural hazards; 5. maintain the stability of land including adjoining land, infrastructure, buildings and structures; and 6. minimise adverse dust, vibration and visual effects beyond the site; and 7. <u>are ancillary to the operation, maintenance, repair, upgrading or development of the National Grid.</u>
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Activity Rules

EW-R7	Earthworks and the disturbance of land for the installation of fence posts within a National Grid Yard	
All Zones	Activity status: PER Where: 1. earthworks and the disturbance of land for the installation of fence posts shall be no deeper than 300mm within 6m of a foundation of a National Grid support structure; 2. earthworks and the disturbance of land for the installation of fence posts shall not compromise the stability of a National Grid support structure; 3. earthworks and the disturbance of land for the installation of fence posts shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and	Activity status when compliance with EW-R7 (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-R7 (2) to (54) 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 Transpower NZ Ltd where the consent authority considers this is required, absent its written approval.

	4. earthworks and the disturbance of land for the installation of fence posts shall not result in existing vehicular access to a National Grid support structure being permanently obstructed.; and 5. the activity is not located in SASM (except where located in a road corridor).	
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EW-R9	Earthworks within a National Grid Yard	
All Zones	Activity status: RDIS Where: - earthworks are more than 300mm deep and less than 3m deep: - between 6m and 12m from the foundation of a 220kV or a 350kV National Grid support structure; or - between 6m and 10m from the foundation of a 66kV National Grid support structure; - earthworks do not compromise the stability of a National Grid support structure; - earthworks do not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and - earthworks and the disturbance of land for the installation of fence posts does not result in existing vehicular access to a National Grid support structure being permanently obstructed.; and the activity is not located in SASM (except where located in a road corridor).	Matters of discretion are restricted to: EI-MCD12 - National Grid Activity status when compliance 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 Transpower NZ Ltd where the consent authority considers this is required, absent its written approval.
	Exemptions This rule does not apply to: - earthworks undertaken by a network utility <u>operator (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)</u>; - earthworks undertaken as part of agricultural or domestic cultivation; or repair, sealing or resealing of a road, footpath, driveway or vehicle access track; - earthworks for which a dispensation has been granted by Transpower NZ Ltd under the NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances.	
	Advisory Note National Grid transmission lines are shown on the planning map.	

Part 2 – District-wide matters

Temporary Activities

TEMP - Ngā mahi taupua - Temporary Activities

Introduction

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to temporary activities include:

- Noise: this chapter contains provisions which manage noise, including Noise-R2 Temporary military training activity undertaken by the Ministry of Defence; Noise-R7 Temporary, mobile or intermittent agriculture activities emitting noise for cultivation, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock; NOISE-R8 Operation of an emergency service facility warning device and Noise-R9 Temporary activities.
- Transport: this chapter contains transport provisions applicable to all activities in the District, as relevant.
- Energy and Infrastructure:
 1. This chapter provides for temporary **infrastructure** activities (refer to rule EI-R9 for Use of temporary infrastructure).
 2. Where temporary infrastructure activities and development (other than earthworks) are located within the National Grid Yard, rules within the various Zones apply.
- **Earthworks:**
 - 1.** For earthworks and the disturbance of land for the installation of fence posts within the National Grid Yard, ~~the rules~~ **Rules EW-R7 and EW-R9** in the Earthworks chapter apply.
 - 2. For Earthworks within the National Grid Yard, the rules in the Earthworks Chapter apply.**
- Light: this chapter contains specific provisions relating to glare and light spill and the management of effects on adjoining areas.
- Signs: this chapter contains provisions which manage signs, in particular Sign-R4 Any temporary sign for any temporary activity.
- Special Purpose Zone (Kāinga Nohoanga): how the Temporary Activities provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- The General Residential Zone and the Rural Lifestyle Zone chapters contain rules for land use activities on the Oxford and Rangiora A&P Showgrounds respectively. Temporary activities ancillary to activities authorised on these Showground sites are not subject to the Temporary activity rules.
- Any other District wide matter that may affect or relate to the site.
- Zones:
 - 1.** the zone chapters contain provisions about what activities are anticipated to occur in the zones.
 - 2. The zone chapters contain specific provisions applicable to all activities, including temporary activities, in the National Grid Yard.**

Various Rules

Activities and Development (other than earthworks) within a National Grid Yard

Rules:	Activities and Development (other than earthworks) within a National Grid Yard	
SIGN-R7, LLRZ-R18, GRZ-R18, MRZ-R16, SETZ-R21, GRUZ-R18, RLZ-R19, NCZ-R12, LCZ-R21, LFRZ-R13, MUZ-R23, TCZ-R25, LIZ-R16, GIZ-R15, HIZ-R14, NOSZ-R20, OSZ-R16, SARZ-R18, SPZ(HOS)-R6, SPZ(KN)-R28, SPZ(KR)-R28, SPZ(PBKR)-R17, SPZ(PR)-R9, SPZ(MCC)-R15, SPZ(RA)-R8	Activity Status: PER Where: - the activity is not a sensitive activity; - buildings or structures comply with NZECP34: 2001 and are: - for a network utility; or - a fence not exceeding 2.5m in height above ground level; or - a non-habitable building or structure used for agricultural and horticultural activities (including irrigation) that is not: - a milking shed/dairy shed (excluding the stockyards and ancillary platforms); - a wintering barn; - a building for intensive indoor primary production; - a commercial greenhouse; - produce packing facilities; - building alterations or additions to an existing building or structure that do not increase the height above ground level or footprint of the existing building or structure; - a building or structure provided for by (2)(a) to (d) must: <u>not be used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties in greater than domestic scale quantities;</u> <u>not</u> permanently obstruct existing vehicle access to a National Grid support structure; <u>be</u> located at least 12m from the outer visible edge of a foundation of a National Grid support structure, except where it is a fence not exceeding 2.5m height above ground level that is located at least 6m from the outer visible edge of a foundation of a National Grid support structure.	Activity status when compliance not achieved: NC Notification An application under this rule is precluded from being publicly notified, but may be limited notified only to Transpower NZ Ltd where the consent authority considers this is required, absent its written approval. 
	Advisory Note National Grid transmission lines are shown on the planning map.	