IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 309

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	DAIRY HOLDINGS LIMITED
	(ENV-2025-CHC-65)
	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: 3 November 2026

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991 (RMA), 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 in accordance with Appendix 1, attached to and forming part of this consent order; and

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(2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Dairy Holdings Limited (DHL) 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 in relation to the Natural Character (NC-SCHED-1) overlay, Sites and Areas of Significance for Māori (SASM) and the Waimakariri Outstanding Natural Features (ONF) overlay in respect of a number of properties.

[3] I have read and considered the joint memorandum of the parties dated 22 October 2026 which sets out:

(a) the agreement reached between the parties to resolve this appeal as it relates to NC-SCHED-1; and
(b) confirmation from DHL as to those aspects of its appeal that are to be regarded as withdrawn.

Agreement reached

[4] The parties have agreed to amend the PODP in accordance with Appendix 1, attached to and forming part of this consent order. The agreement is limited to amendments to the NC-SCHED-1 overlay on 369 Waimakariri Gorge Road, and 1135A and 1047 Thongcaster Road.

[5] The appeal points relating to the SASM 014, SASM 022 and ONF overlays are not being pursued with DHL agreeing to withdraw those aspects of its appeal.

Section 32AA RMA

[6] I have also read and considered the affidavit of Rachel Sarah McClung dated 21 October 2026. The affidavit addresses the scope to make the changes sought and the rationale of the agreed changes in terms of s32AA of the RMA.

[7] Ms McClung has satisfied me that the agreed amendments are the most efficient and effective means of achieving the relevant objectives of the PODP. In relation to NC-SCHED-1 overlay, she considers the amendments will provide greater clarity and certainty for plan users, landowners and occupiers, while still preserving the natural character of the Waimakariri River and its margins.

Other relevant matters

[8] Canterbury Regional Council (CRC) is the only interested party under s274 of the RMA and has signed the memorandum setting out the relief sought. CRC is a neutral party, with its primary interest in the appeal points relating to land the CRC leases to DHL (being 1135A and 1047 Thongcaster Road).

[9] The joint consent memorandum dated 22 October 2026 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 of the RMA, and in particular it promotes the purpose of the RMA.

[10] Further, the parties have advised that no other appeals relate directly to the provisions the subject of the consent order.

[11] All parties agree that costs should lie where they fall.

Outcome

[12] 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

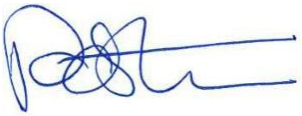
[13] The court makes this order under s279(1) of the RMA, by consent, rather than as a decision or determination on the merits under s297.

[14] This order is made on the basis of the joint memorandum recording the parties' full agreement. The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[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 Council is directed to amend the provisions of the Partially Operative Waimakariri District Plan as set out in Appendix 1, attached to and forming part of this order.

[16] The appeal is otherwise dismissed.

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



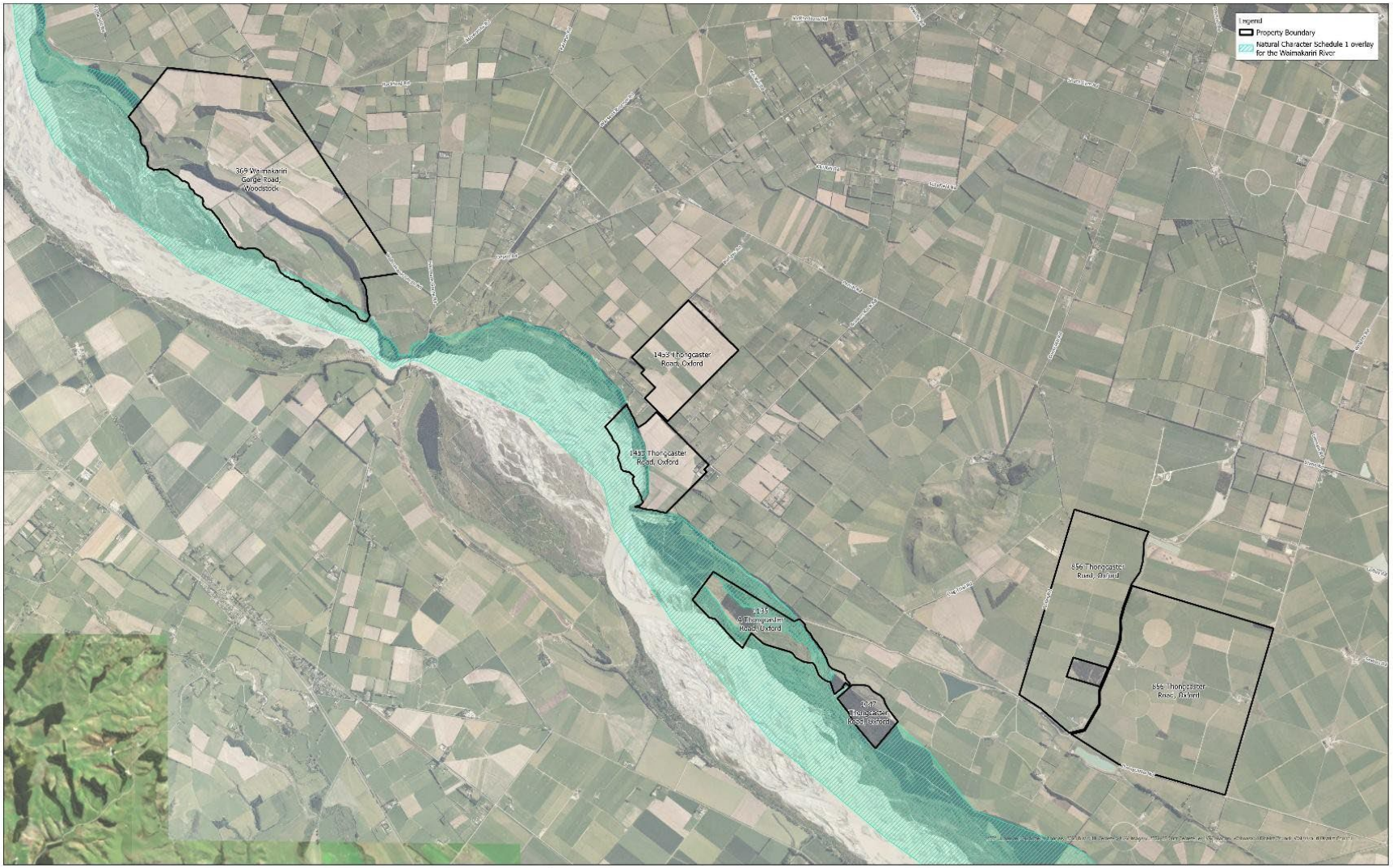


P A Steven
Environment Judge

APPENDIX 1 NATURAL CHARACTER OVERLAY

Agreed NC-SCHED-1: Clean Map





GIS Ref: 26/030

DHL Properties - Amendments

Date: 27/08/2026

Scale: 1:23,000
Original Size: A1

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WAIMAKARIRI DISTRICT COUNCIL

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