

**IN THE ENVIRONMENT COURT
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA**

Decision [2026] NZEnvC 243

IN THE MATTER

of an appeal under cl 14 of Schedule 1 of
the Resource Management Act 1991

BETWEEN

POWERCO LIMITED

(ENV-2025-WLG-000038)

Appellant

AND

CARTERTON, MASTERTON AND
SOUTH WAIRARAPA DISTRICT
COUNCILS

Respondents

Court: Judge L J Semple sitting alone under s 279 of the Act

Hearing: On the papers

Last case event: 20 August 2026

Date of Decision: 18 September 2026

Date of Issue: 18 September 2026

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the Proposed Plan is amended to include the agreed changes, as set out in Appendix A to this consent order.

B: The appeal is otherwise dismissed.



C: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The Proposed Wairarapa Combined District Plan (Proposed Plan) was publicly notified on 11 October 2023.

[2] On 8 October 2025, Carterton, Masterton and South Wairarapa District Councils jointly gave notice that decisions on the provisions and matters raised in submissions on the Proposed Plan had been made. Any appeal on the decisions was to be lodged by 21 November 2025, and any s 274 notice to join an appeal was to be lodged by 15 December 2025.

[3] Powerco Ltd appealed against part of the decisions. The relevant provisions of the Proposed Plan subject to this appeal are Natural Hazard rules (NH-RXX), primarily NH-R2. No persons joined the proceedings under s 274 of the Act.

[4] I have now considered the parties' consent memorandum and draft consent order, proposing to dispose of this appeal.

Orders

[5] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties have reached an agreement on the amendments made to the Proposed Plan, as set out in Appendix A to this consent 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 Act including, in particular,
Part 2.

A handwritten signature in blue ink, reading "L J Semple", written over a horizontal line.

L J Semple

Environment Judge | Kaiwhakawā o te Kōti Taiao



Appendix A

NB: Existing text shown in black text. Amendments shown in **red** text, with deletions ~~struck out~~ and additions underlined.

Amend NH-R rules as follows:

NH-R1	Flood mitigation or stream or river management works undertaken by a public authority or their nominated agent within any of the flood hazard areas
All zones	1. Activity status: Permitted

<u>NH-RXX</u>	<u>New underground infrastructure (including customer connections), and maintenance or upgrading of existing underground infrastructure within all hazard areas</u>
<u>All zones</u>	1. <u>Activity status: Permitted</u> <u>Where:</u> a. <u>The underground infrastructure does not result in a permanent change to the ground level within a flood hazard overlay.</u>
<u>All zones</u>	2. <u>Activity status: Restricted discretionary</u> <u>Where:</u> a. <u>Compliance is not achieved with NH-RXX(1)(a).</u> <u>Matters of discretion:</u> 1. <u>The matters in Policy NH-P8.</u>

<u>NH-RXX</u>	<u>New above ground infrastructure within all hazard areas</u>
<u>All zones</u>	1. <u>Activity status: Permitted</u> <u>Where:</u> a. <u>The infrastructure is located in a Low Hazard Area, or</u> b. <u>The infrastructure is located in a Moderate or High Hazard Area and does not have a footprint greater than 10m².</u>
<u>All zones</u>	2. <u>Activity status: Restricted discretionary</u> <u>Where:</u> a. <u>The infrastructure is located in a Moderate or High Hazard Area and has a footprint greater than 10m².</u> <u>Matters of discretion:</u> 1. <u>The matters in Policy NH-P8.</u>

NH-R2	Less hazard sensitive activities within all hazard areas
All zones	1. Activity status: Permitted

		Where: - The activity is located in a Low Hazard Area-; <u>and</u> <u>The activity is not infrastructure.</u>
	All zones	2. Activity status: Restricted discretionary Where: - The activity is located in a Moderate or High Hazard Area-; <u>and</u> <u>The activity is not infrastructure.</u> Matters of discretion: - The matters in Policy NH-P5 and NH-P8.

NH-R5		Earthworks within flood hazard areas
	All zones	1. Activity status: Permitted Where: The <i>earthworks</i> are not located in a river corridor or overland flow path. <u>This rule does not apply to earthworks ancillary to infrastructure undertaken in accordance with NH-RXX (New underground infrastructure within all hazard areas) or NH-RXX (New above ground infrastructure within all hazard areas).</u>
	All zones	2. Activity status: Restricted discretionary Where: - Compliance is not achieved with NH-R5(1). Matters of discretion: - The matters in Policy NH-P9.