

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

Decision No. [2024] NZEnvC 88

IN THE MATTER of the Resource Management Act 1991
AND an appeal under Clause 14 of the First
Schedule to the Act
BETWEEN D & A HENDERSON
(ENV-2023-CHC-99)
Appellants
AND SELWYN DISTRICT COUNCIL
Respondent

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

In Chambers at Christchurch

Last case event: 8 April 2024

Date of Consent Order: 22 April 2024

Date issued: 22 April 2024

CONSENT ORDER

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

- (1) the appeal is allowed subject to the removal of the solid blue pedestrian link shown east-west across the site and the associated



¹ Resource Management Act 1991.

text in the legend of Plan SCA-AD1 Outline Development Plan as depicted in Appendix 1 to this order;

(2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] This appeal relates to the Proposed Selwyn District Plan ('PDP').

[2] The appellants appealed the part of the Council's decision which related to the appropriateness of an east-west pedestrian link across land at 727 Weedons Ross Road. The appeal seeks to remove this link, shown as a solid blue line on SCA-AD1 Outline Development Plan in LCZ-SCHED1 Outline Development Plan, as surrounding roading improvements mean that it is no longer required to facilitate access.

[3] Following discussions, the parties have reached an agreement to remove the pedestrian link and the associated text in the legend of Plan SCA-AD1 Outline Development Plan. The agreement reached resolves the appeal.

[4] In making this order I have read and considered the notice of appeal, the consent memorandum of the parties dated 21 March 2024 and the affidavit of Jocelyn Margaret Lewes² in support of the consent memorandum.

Other relevant matters

[5] No other person has given notice of an intention to become a party under s274 RMA.

[6] The court is making this order under s279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits

² Affirmed 8 April 2024.

pursuant to s297. The court understands for present purposes that:

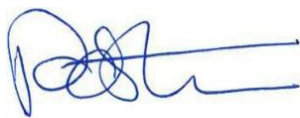
- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties agree that the agreement to amend SCA-AD1 Outline Development Plan by removing the solid blue pedestrian link shown east-west across the site (refer **Appendix 1**); and
- (c) the parties advise 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, Pt 2.

Outcome

[7] 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.

[8] Therefore, the court orders by consent, that:

- (a) the appeal be resolved by amending SCA-AD1 Outline Development Plan in LCZ-SCHED1 of the PDP by removing the solid blue pedestrian link shown east-west across the site and the associated text in the legend; and
- (b) there is no order as to costs.



P A Steven
Environment Judge



Appendix 1

