

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991 (the
Act) and of an appeal pursuant to clause 14
of the First Schedule of the Act

BETWEEN PORTERS SKI AREA LIMITED

(ENV-2012-CHC-059)

Appellant

AND SELWYN DISTRICT COUNCIL

Respondent

Environment Judge J E Borthwick sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] Porters Ski Area Limited appealed a decision of the Selwyn District Council on Plan Change 25, seeking the deletion of the Active Fault Rule and consequential amendments.

[2] The court has now read and considered the consent memorandum of the parties dated 17 September 2012 which proposes to resolve the appeal.

Other relevant matters

[3] Rosalie Snoyink has given notice of an intention to become a party under section 274 of the Resource Management Act 1991 (**the Act**) and has signed the memorandum setting out the relief sought.

Orders

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



- (a) all parties to the proceedings have executed the memorandum requesting this 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.

[5] The court, by consent, orders under section 279(1)(b) of the Act that:

- (a) the appeal is allowed to the extent that the Selwyn District Council is directed to amend the Rural Volume of the partially operative Selwyn District Plan in terms of attachment "A" to this order;
- (b) the appeal is otherwise dismissed;
- (c) there is no order as to costs.

DATED at CHRISTCHURCH this ^{5th} *21* day of September 2012

J E Borthwick
J E Borthwick
Environment Judge

Issued: **21 SEP 2012**



"A"

1. Replace Rule 25.12.2 with the following:

Any building of Building Importance Category 3 or 4 (as defined below) located within the Village Base Area as shown in Appendix 25A. The Council shall restrict its discretion to consideration of:

- (a) The risk of, and ability of buildings to withstand, fault rupture; and
- (b) The matters listed in Rule 25.2.4.

For the purposes of Rule 25.12.2 a building of Building Importance Category 3 or 4 shall be:

- Emergency medical and other emergency facilities not designated as critical post disaster facilities but excluding first aid facilities.
- Airport terminals, principal railway stations, schools
- Structures accommodating > 5000 people
- Public assembly buildings > 1000m²
- Museums and art galleries > 1000m²
- Municipal Buildings
- Grandstands > 10,000 people
- Chemical storage facilities > 500m²
- Major infrastructure facilities
- Air traffic control installations
- Designated civilian emergency centres, medical emergency facilities, fire and police stations

2. Amend Reasons for Rules 25.16, Buildings, 5th paragraph as follows (additions and deletions are marked using underlined and strikethrough text respectively):

~~An assumed active fault underlies the Village Base Area. The~~ There is the potential for active faults to be present in the locality. Accordingly the Council has retained discretion over buildings within the affected area of high importance for public gathering and emergency purposes to enable a more thorough assessment of the risk of earthquake from this fault at the time buildings are to be erected location and design of the building relative to the risk of earthquake hazard.

3. Amend Policy B3.1.6, Explanation and Reasons, as follows (additions and deletions are marked using underlined and strikethrough text respectively):

It is acknowledged that the Porters Ski and Recreation Area does provide for multi-level buildings. An assessment undertaken for this defined area in establishment of the zone concluded that the major part of the zone was not subject to a greater risk of loss of life or property relative to other parts of the District. However, further ~~detailed work assessment is required within part of the zone to ensure it is appropriate for the location of multi-level buildings for building over specified floor limits and for purposes of large public congregation or important public and emergency purposes.~~

4. Delete the "Assumed Active Fault" area and annotations from the Outline Development Plan in Appendix 25B.

