

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

Decision No. [2024] NZEnvC 128

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN AVIATION NEW ZEALAND

(ENV-2023-CHC-100)

Appellant

AND SELWYN DISTRICT COUNCIL

Respondent

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

In Chambers at Christchurch

Date issued: 30 May 2024

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**CONSENT ORDER**

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

- (1) the appeal is allowed to the extent that the Selwyn District Council is directed to amend Rule GRUZ-R28 of the proposed Selwyn District Plan as set out in Appendix 1, attached to and forming part of this order;

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<sup>1</sup> Resource Management Act 1991.



(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 appeal sought to amend Rule GRUZ-R28 which classifies helicopter landing areas and airfields as a permitted activity, on the basis that the four associated rule requirements are met.<sup>2</sup> The appellants sought to delete three of the associated rule requirements (GRUZ-REQ12, 13 and 14) and amend one (GRUZ-REQ15).

[3] The parties attended mediation on 18 March 2024. At mediation, the parties reached an agreement to retain Rule GRUZ-R28 as proposed, including the associated rule requirements, but add an explanatory note. The note is intended to assist plan users (including aviation operators) in applying provisions of the PDP to aviation activity.

[4] The explanatory note clarifies that GRUZ-R28 applies to helicopter landing areas and airfields rather than aircraft and helicopter movements. It also confirms that aircraft and helicopter movements and incidental associated landings and take-offs may, depending on the circumstances, be permitted by other provisions in the PDP.

[5] The agreement reached resolves this appeal.

[6] In making this order I have read and considered the notice of appeal,

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<sup>2</sup> GRUZ-REQ12, GRUZ-REQ13, GRUZ-REQ14 and GRUZ-REQ15.

consent memorandum of the parties dated 21 May 2024 and the affidavit of Jonathan David Lask Trewin.<sup>3</sup>

### **Other relevant matters**

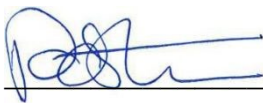
[7] No person has given notice of an intention to become a party under s274 of the Act.

[8] 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 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 to the addition of the explanatory note to Rule GRUZ-R28 as set out in 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**

[9] 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.



**P A Steven**  
**Environment Judge**



<sup>3</sup> Affirmed 6 May 2024.

## Appendix 1

The additional text is shown in bold and underlined (there are no deletions).

Clause 16(2) amendments are shown in **bold red** text, struck through (there are no insertions)

Definitions	
HELICOPTER	Any area of land, building or structure intended or designed to be used, whether wholly or partly, for
LANDING AREA <del>S</del>	helicopter movement or servicing, including heliports and helipads

GRUZ-R28	Helicopter Landing Areas and Airfields	
	<b>Activity status:</b> PER 1. The establishment of a new, or expansion of an existing helicopter landing area <del>s</del> or airfield.  ...  <u><b>Notes</b></u>	<b>Activity status when compliance not achieved:</b> 2. ....

	<ol style="list-style-type: none"> <li>1. <i>Aircraft movements and/or helicopter movements for purposes ancillary to rural production, including topdressing, spraying, stock management, fertiliser application, and frost mitigation, undertaken on the same site as the site of the helicopter landing areas and/or airfield are exempt from rule requirements-listed above.</i></li> <li>2. <b><u>GRUZ-R28 applies to helicopter landing areas and airfields rather than aircraft and helicopter movements. Those movements, and incidental associated landings and take-offs, may depending on the circumstances be permitted by other provisions in the Plan, including for example:</u></b> <ol style="list-style-type: none"> <li>a. <b><u>Energy and Infrastructure, including EI-R6 Operation, Maintenance, and Repair of Existing Network Utilities and Ancillary Vehicle Access Tracks</u></b></li> <li>b. <b><u>Temporary Activities, including TEMP-R1 Temporary Activities or TEMP-R7 Aircraft and Helicopter Movements</u></b></li> </ol> </li> </ol>	
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