

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

**Decision No. [2024] NZEnvC 277**

IN THE MATTER of the Resource Management Act 1991

AND an appeal under cl 14 of the First  
Schedule of the Act

BETWEEN MARK BROWN

(ENV-2023-CHC-107)

Appellant

AND SELWYN DISTRICT COUNCIL

Respondent

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

In Chambers at Christchurch

Date of Consent Order: 6 November 2024

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Selwyn District Council is to amend the proposed Selwyn District Plan as set out in Appendix 1, attached to and forming part of this consent order; and
- (2) the appeal is otherwise dismissed.



B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This proceeding concerns an appeal by Mark Brown against a decision of the Selwyn District Council concerning the Proposed Selwyn District Plan ('PDP'). The PDP is now referred to as the Partially Operative Selwyn District Plan.

[2] The appeal involves the zoning of an area comprising 72 properties bounded by Weedons Ross Road, Rotherham Drive, Brampton Drive, Rossington Drive, Barnsley Crescent and Halkett Road, West Melton ('the appeal site'). That appeal sought that the appeal site be rezoned from Large Lot Residential Zone to General Residential Zone.

[3] I have read and considered the consent memorandum of the parties dated 21 October 2024 which sets out the agreement reached between the parties to resolve the appeal by rezoning the appeal site to General Residential Zone. I have also read and considered the affidavit of Senior Policy Planner Jocelyn Lewes, affirmed 17 October 2024. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA of the Resource Management Act 1991 ('the Act' or 'RMA').

### **Other relevant matters**

[4] No other person has given notice of an intention to become a party to this appeal under s274 of the Act.

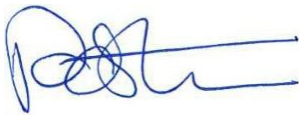
[5] The consent memorandum records the parties' assurances that there are no issues of scope and that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and

objectives of the Act including, in particular, Pt 2.

[6] No party seeks costs, all parties agreeing that costs should lie where they fall.

### **Outcome**

[7] The court makes this order under s279(1) RMA, such order being by consent rather than representing a decision or determination on the merits pursuant to s297. The court understands for the present purposes that all relevant 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.



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



Appendix 1

Amendment to the PODP Maps

Map Layer	Description of recommended amendment	
Zones	Amend the zoning of the zoning of 72 properties located within the area bounded by Weedons Ross Road, Rotherham Drive, Brampton Drive, Rossington Drive, Barnsley Crescent and Halkett Road, West Melton ( <b>Area</b> ) from LLRZ to GRZ (as shown in the outlined areas below)	
	Amend from:	Amend to:
	