

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

Decision No. [2026] NZEnvC 119

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

WAYNE AND MADELENE
GODFREY

(ENV-2025-CHC-54)

Appellants

AND

WAIMAKARIRI DISTRICT
COUNCIL

Respondent

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

In Chambers at Christchurch

Date of Consent Order: 21 May 2026

CONSENT ORDER

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

- (1) the appeal is allowed subject to amendment of the partially operative
Waimakariri District Plan as set out in Appendix 1 to this order; and



¹ 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 proceeding concerns an appeal by Mr Wayne and Mrs Madelene Godfrey (appellants) against part of the decision of Waimakariri District Council (WDC) on the partially operative Waimakariri District Plan (PODP).

The appeal

[2] The appeal relates to WDC's decision to accept part of the submission and further submission of Macrae Land Company Limited (Macrae) which sought to amend some of the provisions of the proposed Waimakariri District Plan (PDP) associated with the Mill Road Development area and the Outline Development Plan (ODP). The appeal challenges the decision by WDC to extend the previous area of the Mill Road ODP onto land owned by the Godfrey Family Trust at 53 Threlkelds Road (Trust Land) and locate an access from the Mill Road Development area to Threlkelds Road on that extension.

[3] The appellants opposed there being access from the Mill Road Development area to Threlkelds Road over the Trust Land. Their concerns related to the access running adjacent to or close to the Trust Land and the adverse effects of such access.

[4] I have read and considered the consent memorandum of the parties dated 25 March 2026 which proposes to resolve the appeal.

[5] This consent order resolves the appeal in its entirety.

Agreement reached

[6] The parties engaged in discussions which have resulted in resolution of the appeal. WDC supports the relief sought by the appellants because:

- (a) the Trust has advised that it will not agree to nor facilitate access being provided to the ODP area over the Trust Land;
- (b) the PDP should not identify an access route over land outside an ODP area that has no prospect of being utilised as that would be inefficient in terms of s32 RMA;
- (c) the future development of the Mill Road Development area is not dependent on access being provided through part of the Trust Land; and
- (d) WDC agrees that the ODP identifies options for road access without the access through part of the Trust Land.

[7] Accordingly, the parties have agreed to the following relief:

- (a) overturning WDC's decision to accept the part of the submissions and further submission of Macrae that sought the extension of the Mill Road Development area and ODP over part of the Trust Land; and therefore
- (b) amending the ODP for the Mill Road Development area to remove provision of access from the Mill Road Development to Threlkelds Road as shown in Appendix 1 to this order.

Other relevant matters

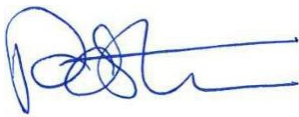
[8] No person has given notice of an intention to join the appeal under s274 RMA.

[9] The parties agree that there are no issues as to costs.

[10] 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

[11] 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



Appendix 1

