

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

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN B HAMMETT, L AND A MARTIN,  
M AND T SAUNDERS,  
D MARSHALL

(ENV-2021-CHC-65)

Appellants

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: 10 January 2022

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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 the provisions and planning  
maps of Plan Change 62 to the Selwyn District Plan is amended in  
accordance with Appendix 1, attached to and forming part of this  
order.
- (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 B Hammett, L and A Martin, M and T Saunders and D Marshall, against part of a decision of the Selwyn District Plan on Plan Change 62 to the Selwyn District Plan.

[2] I have read and considered the consent memorandum of the parties dated 5 November 2021 which proposes to resolve the appeal. The agreement reached involves rezoning the areas of land identified in the appeal as Areas A, B and C including associated amendments to the provisions of the Outline Development Plan. The agreement also involves amendments to:

- (a) shift the boundary of Areas B and C 20 metres west;
- (b) the indicative location of the Stormwater Management Area; and
- (c) include a symbol indicating the threshold treatment at the intersection of Clausen Avenue, High Street and the proposed indicative secondary road.

[3] I have also read the affidavit of Mr Vincent<sup>1</sup> who has satisfied me that the proposed amendments sought to resolve the appeal are appropriate.

### **Other relevant matters**

[4] J L Howson, S H Howson, and M J K Lay as trustees of the Howson Family Trust have given notice of an intention to become a party to the appeal under s274 of the Resource Management Act ('the RMA' or 'the Act') and have signed the

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<sup>1</sup> Affidavit of Michael Benjamin Carvalho Vincent sworn 5 November 2021.

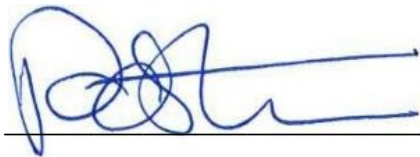
memorandum setting out the relief sought.

[5] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

### **Outcome**

[6] 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 present purposes that:

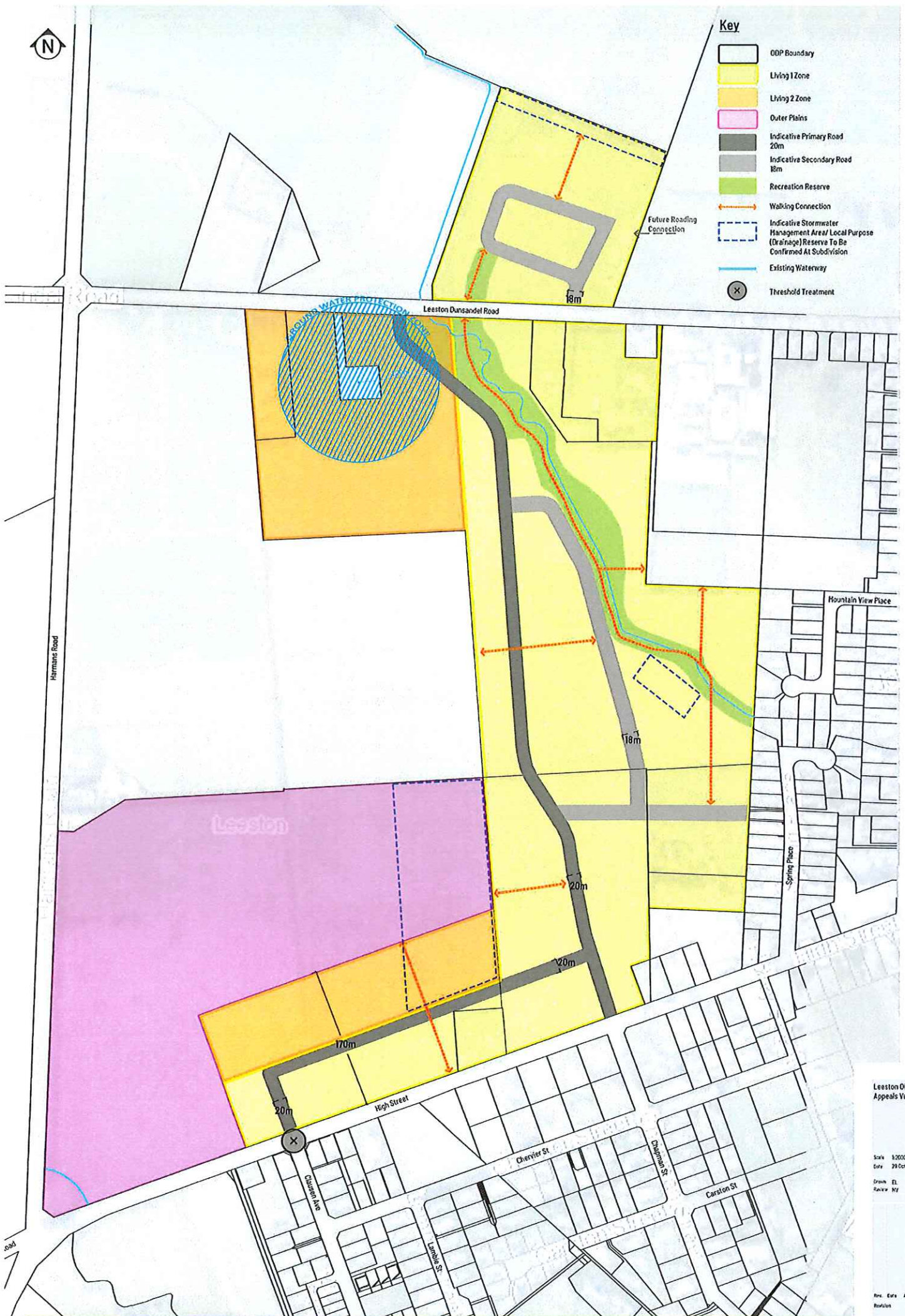
- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



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



## Appendix 1



Leeston ODP - Appeals Version

Scale 1:2000 p11 1:4000 p13

Date 29 Oct 2023

Drawn EL

Review NY

Rev. Date Amendment

Sheet



## Appendix 2 – Proposed Outline Development Plan (Appendix 51)

### Introduction

This Outline Development Plan (ODP) is for the development of approximately 2942.8 ha of land west of Leeston township. The development area is bound by Leeston Dunsandel Road to the north, with one section north of Leeston Dunsandel Road; Spring Place and Ellesmere College / Te Kāreti o Waihora to the east; High Street to the south and rural zoned land to the west. The ODP has been broken down into four components – Land Use, Transport Network, Green Network and Blue Network.

### Land Use

The ODP area provides for residential development in accordance with the Living 1 and Living 2 zone standards.

### Movement Network

The movement network will provide connections to the existing roading network, residential areas and Leeston township. The ODP includes primary and secondary roads, as well as walkway and cycleway linkages throughout the ODP area. For the purposes of the ODP, the built standard for the 'Primary Road' will be the equivalent to the Plan standards for a Collector Road or Local-Major Road standards, and a 'Secondary Road' will be the equivalent to the Plan standards for a Local-Major or Local-Intermediate Road.

The ODP provides for an integrated transport network incorporating:

- A primary road following a north to south alignment from Leeston Dunsandel Road to High Street. This primary road will align with Chapman Street;
- A second primary road, following a north to south alignment from High Street and aligned with the intersection with Clausen Avenue, before turning to the east and continuing parallel to High Street. The intersection of this primary road, High Street and Clausen Avenue is to be designed to safely incorporate an appropriate treatment that clearly defines this intersection as an entry point to the township, thus acting as a spatial threshold that informs motorists that different speeds and behaviours are expected. Detailed design solutions are to be determined by the developer in collaboration with Council at the time of subdivision and related approvals;
- ~~Three~~Other secondary roads as required to facilitate circulation around the ODP; and
- Pedestrian, cycle and non-vehicular linkages to encourage alternative modes of transport and to provide connections throughout the ODP site and to Ellesmere College / Te Kāreti o Waihora.

The remaining roading network must be able to accommodate progressive development over time and roading connections must be arranged and aligned in a way that long term connectivity is achieved to provide a safe and efficient roading network and non-vehicular linkages.

### Green Network

A minimum of three reserves are required to be established throughout the development area. The reserves could be located as follows:

- Stormwater management areas should be provided with surrounding reserve areas;
- Leeston Creek and its margins are to be vested to Council as reserve. The reserve should run for the entire length of Leeston Creek within the development site and should be provided with walkways along the Creek and a central play area. Any bridge infrastructure over Leeston Creek shall be designed to avoid adverse effects on the flow of the Leeston Creek; and

- A reserve connecting the development block north of Leeston Dunsandel Road with Leeston Dunsandel Road and Leeston Creek reserve.

The reserves can be accessed by road, pedestrian and cycle linkages.

Council's open space requirements cited in the Long Term Plan and Activity Management Plans should be referred to during subdivision design.

### **Blue Network**

#### **Stormwater:**

The ODP area is subject to high ground water level and localised flooding in high rainfall events. Detailed stormwater solutions are to be determined by the developer in collaboration with Council at the time of subdivision. Stormwater management areas have been identified at the northern most part of the site to be vested to Council for the purposes of the Leeston North Stormwater Bypass; Leeston Creek; and the naturally low point of the site for stormwater attenuation.

Stormwater management and flow rates will need to be detailed at the time of subdivision to ensure Leeston Creek and the Market Street Culvert can accommodate the stormwater without resulting in flooding or ponding. Most of the stormwater from the site will need to be managed using the north strip and the low point management areas, rather than Leeston Creek, however Leeston Creek could be utilised for stormwater management provided the flows remain at pre-development rates.

Stormwater management and attenuation areas must be designed by a suitably qualified engineer, so the impact of flooding is not increased. The stormwater management area has been located in the natural low point of the site. The stormwater management area should be connected to the surrounding roads through pedestrian and cycle links and should have sufficient street frontage to allow for passive surveillance, create a sense of openness, and provide a high level of amenity.

#### **Sewer:**

Upgrades to the existing wastewater infrastructure in Leeston will be required to service the site and discharge into the Ellesmere Treatment Plant after the 80th residential allotment to enable future development.

#### **Water:**

The water reticulation will be an extension of the existing reticulated network. Council owns a utility allotment west of the site which will provide potable water for the future development. The provision of infrastructure to service the ODP shall align with the Council's indicative infrastructure staging plan, unless an alternative arrangement is made by the landowner/developer and approved by Council.

#### **Cultural Values**

Development of the site has the potential to effect Te Waihora / Lake Ellesmere, due to increased density and stormwater discharge. Te Waihora / Lake Ellesmere is an area of significance to local Rūnanga, Taumutu. Consultation with Taumutu should be undertaken when developing the site.

