

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

Decision No. [2024] NZEnvC 328

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal pursuant to Clause 14 of
Schedule 1 to the Act

BETWEEN

PETER RHODES, SCOTT RHODES
AND CORDE RHODES

(ENV-2023-CHC-108)

Appellants

AND

SELWYN DISTRICT COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act
In Chambers at Christchurch

Last case event: 21 November 2024

Date of Consent Order: 11 December 2024

CONSENT ORDER

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

- (1) the appeal is allowed subject to the amendments set out in **Appendix 1** attached to 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 appeal relates to Selwyn District Council's ('the respondent') decision on the Proposed Selwyn District Plan ('PDP').

[2] Peter Rhodes, Scott Rhodes and Corde Rhodes ('the appellants') appealed part of a decision made by the respondent in respect of their submission on the PDP. They sought to rezone 5.5ha of land at 708 Weedons Ross Road, West Melton (Lot 2 DP 510723) ('the Land') from General Rural Zone ('GRUZ') to General Residential Zone ('GRZ').

[3] On 15 August 2024 the parties attended court assisted mediation. At mediation the parties agreed, subject to further information from the appellants, that the appeal could be resolved by consent. The appellants subsequently provided that further information and the parties agreed that the Land should be rezoned from GRUZ to GRZ, and an outline development plan, consisting of a plan and a written narrative, should be incorporated into the Partially Operative Selwyn District Plan ('PODP') as set out in Appendix 1.

Other relevant matters

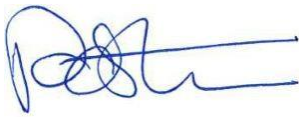
[4] In making this order the court has read and considered the appeal, the joint memorandum of counsel in support of this consent order dated 19 November 2024, and the affidavit of Jocelyn Margaret Lewes dated 25 October 2024.

[5] No person has given notice of an intention to become a party under s274 of the Resource Management Act 1991 ('RMA' or 'the Act').

[6] 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

[7] All parties to the proceeding have executed the memorandum requesting the order. On the information provided to the court, I am satisfied that the order will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



Appendix 1: Recommended Amendments

Amendments to the PODP Maps

The following spatial amendments are recommended to PODP Planning Maps:

Map Layer	Description of recommended amendment		
Zone Layer	<p>Amend the PODP Planning Maps to rezone the property at 708 Weedons Ross Road, West Melton (Lot 2 DP 510723) from GRUZ to GRZ:</p> <table><tr><td><p>Amend from:</p></td><td><p>Amend to:</p></td></tr></table>	<p>Amend from:</p> 	<p>Amend to:</p> 
<p>Amend from:</p> 	<p>Amend to:</p> 		
Rural Density Overlay	Remove the Rural Density Overlay from Lot 2 DP 510723		
Urban Growth Overlay	Remove the Urban Growth Overlay from Lot 2 DP 510723		
Development Area Overlay	Insert a new Development Area for from Lot 2 DP 510723 being identified as DEV-WM5 West Melton 5 Development Area		

Amendments to the PODP Text

Part 3 – Area Specific Matters - Development Areas – WM – West Melton

DEV-WM5 – West Melton 5 Development Area



Context

The development area is located on the south eastern corner of the Weedons Ross Road/ State Highway 73 intersection. The development area covers an area of approximately 5.5 hectares, is bounded by residential land on two sides, and fronts onto both Weedons Ross Road and State Highway 73.

Land Use

The development area shall achieve a minimum net density of 15 households per hectare, averaged over the area. In order to achieve this minimum net density, development shall primarily consist of Small Site Development and Comprehensive Development typologies.

Residential units will front the road and reserve strip along the eastern boundary adjacent to the existing pathway to enhance passive surveillance and safety, while creating a high amenity streetscape.

Further investigations shall be undertaken at subdivision to determine the practicalities of retaining existing trees within any future layout.

Access and Transport

The development area provides for the following key transport related aspects:

- A road intersection with Weedons Ross Road, anticipated to be the main road connection for the development area. This connection should be located a safe distance from State Highway 73 and in a central location to efficiently provide for internal road layouts.
- A secondary connection to Weedons Ross Road, south of the main connection. This should, as a minimum, provide for pedestrian and cycle access or could include a low volume local road. The location of this connection is not shown on the ODP to allow further assessment and flexibility at design stage. This will require an assessment of the need for a second road connection and the impact of that road connection on the surrounding transport network, including whether the design of the intersection can safely accommodate turning movements without potential for conflict or confusion for vehicles at the main road or Kingsdowne Drive intersections with Weedons Ross Road. The design should include consideration of turning volumes, turning restrictions, and sight distances between intersections to ensure that all traffic safety effects as a result of reduced distance between intersections are appropriately managed.
- A pedestrian and cycle connection towards the north-east corner of the development area for access to the school and existing and future shops. The location of the connection is indicative to enable it to be incorporated into any overland flow paths or similar utility reserves that might become available in the vicinity.

Connection to the existing shared path along the eastern boundary, connecting State Highway 73 to Silver Peaks Drive, is to be provided via a section of road running adjacent to it. An additional reserve area north of this to State Highway 73

will ensure passive surveillance is available from the section of internal road to support the use of this existing asset.

The Weedons Ross Road frontage is anticipated to be upgraded to an urban standard in accordance with the Council's Engineering Code of Practice. A shared pedestrian/cycleway along the Weedons Ross Road frontage shall be provided prior to issuing Section 224 certificates.

There will be no direct property access from State Highway 73.

Servicing

On site first flush stormwater treatment via filtration basin(s) will be provided. Stormwater attenuation will be provided in an attenuation basin(s). The underlying soils are relatively free-draining and support the discharge of stormwater to ground via a system of soak pits (house roofs on individual lots and rapid soakage for the basins). Detailed stormwater solutions will be determined by the developer in collaboration with Council at the subdivision stage and in accordance with Environment Canterbury's requirements.

Specific design proposals for water and sewage can be determined through capacity assessments in conjunction with the Council at subdivision design stage. They will be subject to obtaining the necessary regional and district consents.

