

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

Decision No. [2025] NZEnvC 104

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

CSI PROPERTY LIMITED AND
IPOINT ROLLESTON HOLDINGS
LIMITED

(ENV-2023-CHC-112)

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: 3 April 2025

CONSENT ORDER

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

- (1) the appeal is allowed to the extent that Selwyn District Council is directed to amend the Partially Operative Selwyn District Plan as set

¹ Resource Management Act 1991.



- out in Appendix 1, attached to and forming part of this consent order;
- (2) iPort Rolleston Holdings Limited is withdrawn from the appeal; and
- (3) the appeal otherwise remains extant.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by CSI Property Limited (CPL) and iPort Rolleston Holdings Limited (IPHL) (together ‘appellants’) against part of Selwyn District Council's (Council) decision concerning the Selwyn Proposed District Plan (PDP). The PDP is now referred to as the Partially Operative Selwyn District Plan. This appeal was allocated to mediation Topic 6.

[2] The appeal relates to the rezoning of land at 171 Hoskyns Road, Rolleston, (‘site’) being land owned by Paul Cockburn Family Trust (Trust). The Trust made an original submission on the PDP seeking to rezone the site from General Rural Zone (GRUZ) to General Industrial Zone (GIZ). CPL’s submission supported the GRUZ as notified and opposed the relief sought by the Trust.

[3] The Council’s decision was to rezone the site as sought by the Trust and to include the land in PREC6 Rolleston Industrial Precinct as Area 4, subject to an outline development plan. That contrasted with the approach adopted in relation to the land identified in Area 3 of PREC6 and PREC6A which IHPL had sought be rezoned from GRUZ to GIZ, which was accepted by Council subject to mechanisms to manage the timing of development.

[4] The appellant’s appeal opposes the rezoning of the site and the inconsistent approach adopted in relation to transport sequencing within the GIZ. It seeks that either the Trust’s land be subject to restrictions on building until completion of the NZ Transport Agency Waka Kotahi State Highway 1 Improvement

Programme (“SH1 Upgrades”), or that the restrictions on Area 3 of PREC6 and PREC6A should not have been imposed.

[5] I have read and considered the consent memorandum of the parties dated 6 March 2025 which sets out the agreement reached between the parties to partially resolve this appeal. The agreement reached involves amendments to the partially operative district plan as follows:

- (a) amendments to GIZ-REQ11 to require that no buildings shall be constructed in Area 4 until:²
 - (i) the State Highway 1/Walkers Road/Dunns Crossing Road intersection is upgraded to a roundabout;
 - (ii) the Walkers Road intersection with Runners Road is realigned; and
 - (iii) an over bridge between Rolleston Drive and Jones Road is operational.
- (b) amend EW-REQ1 to restrict any earthworks associated with the development of Area 4 for urban purposes until such time as works have commenced on the upgrade of the State Highway 1/Dunns Crossing Road/Walkers Road intersection.

[6] I have also read and considered the affidavit of Jocelyn Lewes affirmed 6 March 2025. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA RMA.

Other relevant matters

[7] The Trust joined this appeal as a s274 party and has signed the memorandum setting out the relief sought.

² These requirements are part of the NZ Transport Agency Waka Kotahi State Highway 1 Improvement Programme.

[8] 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.

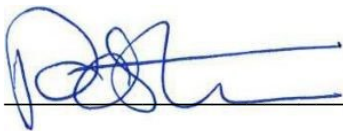
[9] No parties seek costs, all parties agreeing that costs should lie where they fall.

[10] I record for completeness, that the joint memorandum records that IPHL withdraws its appeal and the parties confirm that no issues as to costs arise in that regard. The next steps on this matter are to proceed as per the directed timetable to hearing a strike out application by the Trust against the remaining appellant, CPL.

Outcome

[11] 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.

[12] The court understands for 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.



P A Steven

Environment Judge



Appendix 1:

Amendments to the Selwyn Proposed-Operative District Plan

Key: Black text: notified version (based on most recent Appeals Version 13 February 2025)

Underline and ~~strike through~~ text recommended amendments

General Industrial Zone

GIZ-REQ11	Sequencing	
PREC6	<p>1. No building shall be occupied within Area 3 until:</p> <ul style="list-style-type: none"> a. the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational; and b. vehicular access is provided between the PORTZ (Lot 2 DP 475847) and a legal road within Area 3. <p>2. Such access shall be secured via a right of way easement in favour of Lot 2 DP 475847 and/or a direct connection from Lot 2 DP 475847 to a legal road vested in Council.</p> <p><u>A. Within Area 4, no building shall be constructed until:</u></p> <ul style="list-style-type: none"> <u>a. the State Highway 1/Walkers Road/Dunns Crossing Road intersection is upgraded as a roundabout, and the Walkers Road intersection with Runners Road is realigned; and</u> <u>b. the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational.</u> 	<p>Activity status where compliance is not achieved:</p> <p>34. When compliance with any of GIZ-REQ11.1, or GIZ-REQ11.2, <u>or GIZ-REQ11.A</u> is not achieved: NC</p>
PREC6A	...	

Earthworks

EW-REQ1	Volume of Earthworks	
All zones (Excluding PREC6A)	<p>1. The volume of earthworks is not to exceed the threshold outlined in EW-TABLE1: Earthworks Volumes by Zone over any consecutive twelve month period.</p> <p>Note: for ONL and VAL Overlays see the Natural Features and Landscapes Chapter.</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EW-REQ1.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. ...</p>
<u>PREC6</u>	<u>F. No earthworks associated with the development of Area 4 for urban purposes shall occur prior to the commencement of the upgrade of the SH1/ Dunns Crossing Road/ Walkers Road intersection.</u>	<p><u>Activity status where compliance is not achieved:</u></p> <p><u>G. When compliance with EW-REQ1.F is not achieved: NC</u></p>
PREC6A	...	
DEV-RO7

