

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

Decision No. [2025] NZEnvC 16

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN FONTERRA LIMITED

(ENV-2023-CHC-117)

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: 21 January 2025

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 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;
- (2) the appeal otherwise remains extant.



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 Fonterra Limited 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 sought amendments to provisions that could affect the operation of its Darfield Manufacturing site which the plan identifies as important infrastructure. I have read and considered the consent memorandum of the parties dated 17 December 2024 which sets out the agreement reached between the parties to resolve these aspects of Fonterra's appeal. In summary:

- (a) Fonterra opposed the application of the Urban Growth Overlay ('UGO') over the land zoned General Rural Zone (GRUZ) to the northwest of Darfield that adjoins its land due to the potential for reverse sensitivity issues to arise. The parties have agreed to reduce the UGO such that it would terminate 200m from the boundary with Fonterra's land;
- (b) the overlap between two Dairy Processing Zones ('DPZ') is addressed by amendments to clarify that DPZ-R2 only applies in relation to activities that are not subject to DPZ-R1 and by removing the duplicated reference to GRUZ-R2.

[3] I have also read and considered the affidavit of Ms Jocelyn Lewes affirmed 16 December 2024. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA Resource Management Act 1991 ('RMA'). Ms Lewes has satisfied me that the agreed amendments are

appropriate.

Other relevant matters

[4] Nine parties joined as interested parties to this appeal under s274 RMA. Eight confirmed they either did not have an interest in the matters addressed by this part of Fonterra's appeal or that they would abide the outcome of mediation. Hughes Developments Limited had a relevant interest and signed the memorandum setting out the relief sought.

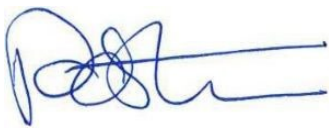
[5] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

[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 present purposes that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[8] 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

Agreed Amendments

Amendments to the PODP Maps

The following amendments are agreed to the ODP Planning Maps:

Map Layer	Description of recommended amendment	
Urban Growth Overlay	Amend the Urban Growth Overlay across 1827 Clintons Road (Lot 2 DP 4515) (shown outlined blue) such that the UGO (shown shaded grey) is set back 200m from the boundary shared with Lots 1 and 2 DP 11000	
	Amend from: 	Amend to: 

Dairy Processing Zone

DPZ-R2	General Rural Zone Activities	
	<p>Activity Status: PER</p> <p>1. Any rural production activity <u>and associated buildings and structures</u>, amenity planting, shelterbelt, and conservation activity, <u>not subject to any of DPZ-R1</u></p> <p>Where:</p> <p>a. This activity complies with the following rules: <u>GRUZ-R2 Structures</u></p> <ul style="list-style-type: none"> I. GRUZ-R16 Rural Production II. GRUZ-R22 Amenity Planting III. GRUZ-R25 Shelterbelt IV. GRUZ-R26 Conservation Activity i. GRUZ-R2 Structures <p>And this activity complies with the following rule requirements:</p> <p>NH-REQ7 Wildfire Setbacks</p> <p>GRUZ-R2 Structures</p>	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of DPZ-R2_1 is not achieved: Refer to relevant GRUZ-R2 provisions</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</p>

