

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

Decision No. [2024] NZEnvC 23

IN THE MATTER

of the Resource Management Act
1991

AND

an appeal under clause 14(1) of the
First Schedule of the Act

BETWEEN

FREWS QUARRIES LIMITED

(ENV-2023-CHC-121)

Appellant

AND

SELWYN DISTRICT COUNCIL

Respondent

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

Last case event: 23 February 2024

Date of Consent Order: 28 February 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 to the extent that Selwyn District Council is
to amend the provisions of the proposed Selwyn District Plan as
set out in this Order; and



(2) the appeal by Frews Quarries Limited 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 Frews Quarries Limited ('Frews') on part of a decision made by the Selwyn District Council ('SDC') on the proposed Selwyn District Plan ('PDP').

[2] The appeal sought to include the full extent of land associated with the Frews' mineral extraction site at Plantation Road, Hororata, Selwyn in GRUZ-SCHED1-*Mineral Extraction Sites where a setback for sensitive activities applies* in the PDP. The full legal description of the Site is Lots 1 – 2 DP 459187, RS28998 and RS31458.

[3] The PDP currently identifies the site with the legal description Lot 1 DP 459187, reflecting the extent of a land use consent granted in 2009. The PDP does not recognise the grant of a subsequent land use consent in August 2022 by the SDC to an associated company of Frews to establish and operate an aggregate quarry and disposal facility for managed fill at the site.

[4] The parties have agreed that the PDP should be amended to include the full legal descriptions of the land associated with mineral extraction at Plantation Road, Hororata, Selwyn.

Other relevant matters

[5] I have read and considered the consent memorandum of the parties dated 16 February 2024 which proposes to resolve the appeal.

[6] No other person has given notice of an intention to become a party under s274 of the Act.

[7] 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, Part 2.

Outcome

[8] 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.

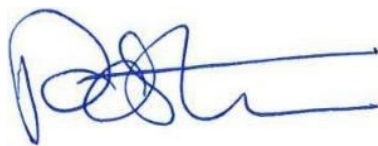
[9] Therefore, the court orders by consent, that the appeal is resolved by amending GRUZ-SCHED1 – *Mineral Extraction Sites where a setback for sensitive activities applies* of the PDP to include the following legal descriptions associated with the mineral extraction site at Plantation Road, Hororata in the Selwyn District:

Address

Plantation Road, Hororata

Legal Description

*Lots 1 – 2 DP 459187, Rural Section 28998
and Rural Section 31458*



P A Steven
Environment Judge