

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under section 120 of the Act
BETWEEN K D AND B G HILL
 (ENV-2019-CHC-3)
 Appellants
AND DUNEDIN CITY COUNCIL
 Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 13 June 2019

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed subject to conditions as set out in Annexure A attached to and forming part of this order.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The appellants lodged an appeal under section 120 of the Resource Management Act 1991 ("the RMA" or "the Act") against a decision of the Dunedin City Council declining resource consent to remove a significant tree listed in the District Plan (T358) located at 27 Cranston Street, Dunedin.

HILL V DCC – CONSENT ORDER



[2] The court has now read and considered the consent memorandum of the parties dated 23 May 2019 which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under section 274 of the Act.

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 290. The court understands for present purposes that:

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



J R Jackson
Environment Judge



Annexure A

Conditions of Consent

Pursuant to sections 104 and 104B of the Resource Management Act 1991 resource consent is granted to a discretionary activity being the removal of scheduled Tree T358 on the site located at 27 Cranston Street, Dunedin, legally described as part sections 3 and 4 Block II Andersons Bay Survey District (OT280/62), subject to conditions imposed under section 108 of the Act as follows:

- 1 Prior to removal of the scheduled tree, the consent holders are to produce and submit to the Resource Consents Manager of the Dunedin City Council a staged landscape plan prepared by a suitably qualified person for that part of the site between the street frontage and the dwelling. Stage 1 of the landscape plan must show the planting (existing and proposed) intended for an amenity purpose, including at least one proposed tree two metres tall when planted. The Resource Consent Manager is to certify the plan is approved if Stage 1 of it achieves this purpose.
- 2 Stage 1 of the approved landscape plan is to be planted within two years of the significant tree's removal.
- 3 Stage 1 of the landscape plan is to be maintained thereafter, and any dead or diseased plants replaced within the following planting season.

