

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN P CUNNINGHAM

(ENV-2018-CHC-264)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: **10 DEC 2021**

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 Dunedin City Council is directed to amend the provisions of the proposed Dunedin City Second Generation District Plan, as set out in Appendix 1, attached to and forming part of 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 consent order relates to an appeal by P Cunningham against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation District Plan ('2GP') and responds to the consent memorandum dated 24 September 2021. The appeal relates to the zoning of 457 Highcliff Road.

[2] I have read and considered the appeal and the consent memorandum of the parties dated 24 September 2021, which proposes to resolve the appeal. The agreement reached involves rezoning 457 Highcliff Road from Rural Residential 2 Zone to Large Lot Residential 1 Zone.

[3] The court will only make orders if it is satisfied it is appropriate to do so and where there is no relationship between the provisions proposed to be amended by consent order and other appeals before the court. Ms James has satisfied me that the amendment sought to resolve this appeal is appropriate. Ms James also assessed other appeals on decisions on 2GP and advises that there are no other appeals on the zoning of the site.¹

Other relevant matters

[4] Otago Regional Council gave notice of an intention to become a party under s274 of the Resource Management Act 1991 ('RMA') and has signed the memorandum setting out the relief sought.

¹ Affidavit of Ms K E S James.

[5] For completeness, I record the parties' attestation 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 RMA including, in particular, Pt 2, and on that basis request the amendment shown in Appendix 1 be made.

[6] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[7] 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.



P A Steven
Environment Judge



Appendix 1

- 1 Amend the 2GP Planning Map for 457 Highcliff Road from Rural Residential 2 Zone to Large Lot Residential 1 Zone as follows

