

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

Decision No. [2022] NZEnvC 141

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN GLADSTONE FAMILY TRUST

(ENV-2018-CHC-262)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

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

In Chambers at Christchurch

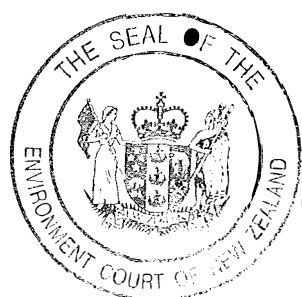
Date of Consent Order: 3 August 2022

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 make the amendments to the planning maps of the proposed Dunedin City Second Generation District Plan as shown in Appendix 1, attached to and forming part of this order;
- (2) the appeal point allocated DCC reference number 121 is resolved, and

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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 Gladstone Family Trust against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ('2GP'). The appeal relates to the zoning of the property at 77 Chain Hills Road, Taieri ('the site').

[2] I have read and considered the consent memorandum of the parties dated 10 May 2022 which details the agreement reached by the parties to resolve the appeal. The agreement reached involves rezoning the site from Hill Slopes Rural to Low Density Residential.

[3] I have also read and considered the affidavit of Mr Rawson who has satisfied me that the amendments proposed are a suitable alternative to the status quo and that granting the relief sought will not impact on the resolution of any other proceeding.¹

Other relevant matters

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

[5] The parties agree that costs should lie where they fall and accordingly no

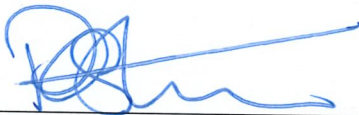
¹ Affidavit of P B Rawson affirmed 28 June 2022 at [75], [85], [87], and [89].

order for costs is sought.

[6] 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.

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 77 Chain Hills Road (being Lots 103 – 112 on the plan attached to the Trust's original submission), as follows:

