

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

Decision No. [2022] NZEnvC 88

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN SILVERPEAKS STATION
LIMITED

(ENV-2018-CHC-272)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

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

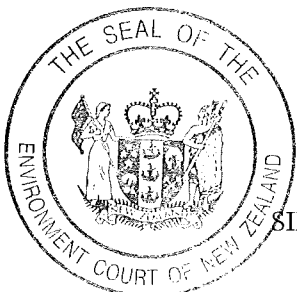
In Chambers at Christchurch

Date of Consent Order: 27 May 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 subject 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 allocated DCC reference number 250 is resolved, and 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 proceeding concerns an appeal by Silverpeaks Station Limited against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ('2GP'). The appeal relates to the location of the Silverpeaks Significant Natural Landscape ('SNL') Overlay Zone, which the appellants sought to have removed from its land at 262 Silver Peak Road.

[2] I have read and considered the consent memorandum of the parties dated 11 March 2022 which details the agreement reached by the parties to resolve the appeal. The agreement reached involves amendment to the western boundary of the Silverpeaks SNL at 262 Silver Peak Road, removing the SNL overlay from an area of land that is not considered to have high landscape values.

[3] I have also read and considered the affidavits of Ms James and Mr Moore who have satisfied me that the amendment to the SNL boundary is appropriate and that granting the relief sought will not impact on the resolution of any other proceeding.¹

Other relevant matters

[4] No other person has given notice of an intention to become a party to this

¹ Affidavit of K James affirmed 26 April 2022 at [18], [25], [27]-[28]; Affidavit of M Moore affirmed 28 April 2022 at [6], Annexure 1.

appeal under s274 of the Resource Management Act 1991.

[5] The parties agree that costs should lie where they fall and accordingly no 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 2GP planning map to change the boundary of the Silverpeaks SNL at 262 Silverpeak Road as shown in the maps below.

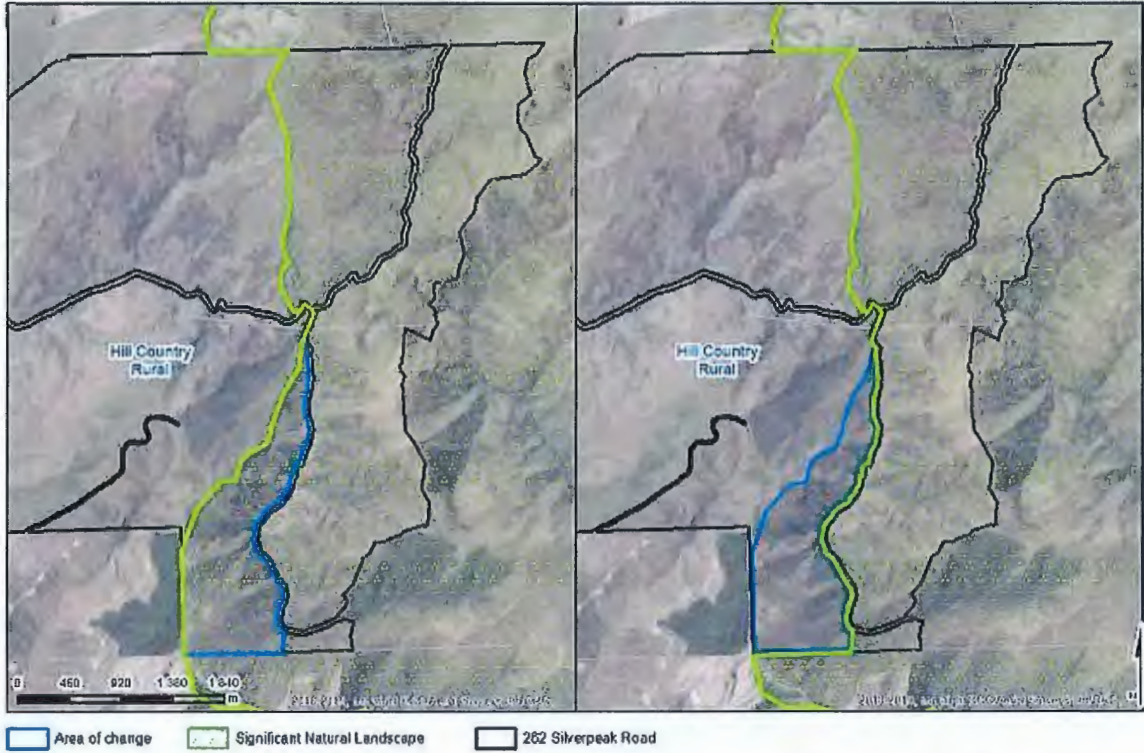


Figure 1: Map showing the current and proposed boundary of the Silverpeaks SNL at 262 Silverpeak Road.

