

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

Decision No. [2022] NZEnvC 80

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

BLUESKIN PROJECTS LIMITED
AND CRAIG HORNE
SURVEYORS LIMITED

(ENV-2018-CHC-276)

Appellants

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: 17 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 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

BLUESKIN PROJECTS LIMITED & CRAIG HORNE SURVEYORS LTD V DCC – 2GP –
CONSENT ORDER



- to and forming part of this order; and
- (2) the part of the appeal by Blueskin Projects Limited and Craig Horne Surveyors Limited (DCC Reference number 174) 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 consent order relates to the appeal from Blueskin Projects Limited and Craig Horne Surveyors Limited (DCC Reference number 174) on a rule in the proposed Second Generation District Plan (“2GP”), regarding the minimum legal width of driveways for residential activities where 1 – 6 residential units are serviced (Rule 6.6.3.9.a.i).

[2] I have read and considered the consent memorandum of the parties dated 9 May 2022 and the accompanying affidavit of Bede Tavener Morrissey affirmed 11 May 2022.

[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.

[4] Mr Morrissey has satisfied me that the amendments sought are appropriate and consistent with achieving the relevant objectives of the 2GP. Mr Morrissey says that following these amendments the 2GP will continue to give effect to the relevant policies of the operative Otago Regional Policy Statement 2019 and proposed Otago Regional Policy Statement 2021. Mr Morrissey also assessed other appeals on decisions on 2GP and advises that there is no overlap between appeals that would prevent a consent order from being issued. In addition, Mr

Morrissey says that no appeal on 2GP has the potential to amend the relevant objectives of 2GP in a way that would change their assessment of the changes set out in the memorandum.¹

Other relevant matters

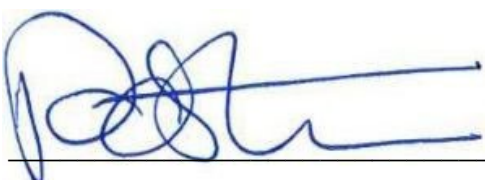
[5] Gladstone Family Trust and Construction Industry and Developers Association have given notice of an intention to become parties under s274 of the Resource Management Act ('the Act') and have signed the memorandum setting out the relief sought.

[6] 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 Act including, in particular, Pt 2, and on that basis request the amendment shown in Appendix 1 be made.

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

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.


P A Steven
Environment Judge



¹ Affidavit of Bede Tavener Morrissey affirmed 11 May 2022 at [37].

APPENDIX 1

1. Amend Rule 6.6.3.9 as follows:

6.6.3.9 Width of driveways

- a. The minimum widths of driveways are as follows:

All zones except rural and rural residential zones		1. Number of residential units served	2. Minimum legal width	3. Minimum formed width
i.	Residential activities	1 – 6	4m <u>3.5m</u>	3m
ii.		7+	4.5m	3.5m
iii.	All other activities	All	6m	5m
Rural and rural residential zones				
iv.	Residential activities	1 – 3	4m	3.5m
v.		4+	6m	5m
vi.	All other activities	All	6m	5m

- b. Activities that contravene this performance standard are restricted discretionary activities.
2. Make any consequential changes to plan numbering as required as a result of the above amendments. Minor referencing and style changes may also be made for consistency with the 2GP formatting.

