

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

**Decision No. [2022] NZEnvC 173**

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN HARVEY NORMAN PROPERTIES  
(N.Z.) LIMITED

(ENV-2018-CHC-235)

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: 21 September 2022

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**CONSENT ORDER**

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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 changes shown in Appendix 1  
being made.
- (2) that the part of the appeal by Harvey Norman Properties (N.Z.)  
Limited (DCC Reference number 33) is resolved and that 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 Harvey Norman Properties (N.Z.) Limited ('Harvey Norman') on the implementation of the Speights Buffer mapped area on its property at 20 McLaggan Street and 201 Rattray Street, Dunedin ('the site'), under the proposed Second Generation Dunedin City District Plan ('2GP'). Its appeal sought that the 2GP be amended to remove the Speights Buffer mapped area from the site.

[2] I have read and considered the consent memorandum of the parties dated 13 September 2022 which details the agreement reached by the parties to resolve the appeal. The agreement involves the removal of the Speights Buffer mapped area from the site. Moreover, while sitting outside the 2GP, Harvey Norman and s274 Party Lion NZ Limited ('Lion') have entered into a private agreement to register a covenant on the relevant records of title. This is recorded here for completeness as it was relied upon by the parties when entering the agreement.

### **Other relevant matters**

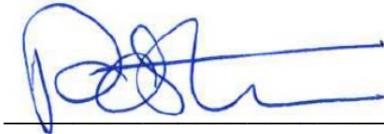
[3] Lion has given notice of an intention to become a party under s274 of the Resource Management Act 1991 ('the Act') and has signed the memorandum setting out the relief sought.

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

[5] 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, Part 2.

### **Outcome**

[6] 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 Maps to remove the Speights Buffer mapped area from 20 MacLaggan Street and 201 Rattray Street, as shown below:

