

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-220

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	John Stewart Findlater Appellant
And	Dunedin City Council Respondent

Consent Memorandum

21 April 2021

Rural-residential zoning DCC Reference number 16
– site specific

Respondent's solicitors:

Michael Garbett | Georgia Cassidy
Anderson Lloyd
Level 10, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973 | f + 64 3 477 3184
michael.garbett@al.nz | georgia.cassidy@al.nz

**anderson
lloyd.**

May it please the Court

- 1 This consent memorandum relates to John Stewart Findlater's appeal on zoning in relation to 81 Morris Road.
- 2 The appeal sought to rezone the site at 81 Morris Road from Rural Residential 2 to Rural Residential 1 (DCC Reference number 16).
- 3 There are no section 274 parties to this appeal.
- 4 The parties have agreed the following amendments that are shown in **Appendix A**:
 - (a) Rezone 81 Morris Road from Rural Residential 2 to Rural Residential 1 as shown in **Figure 1**; and
 - (b) List identified areas of ecologically significant indigenous vegetation on the site as new Areas of Significant Biodiversity Value (**ASBV**) in Appendix A1.2 Schedule of Areas of Significant Biodiversity Value and amend 2GP planning map, as shown in **Figure 2**.
- 5 This is a full settlement of the appeal.
- 6 The rationale for the changes, and the assessment of the changes in terms of section 32, is explained in an affidavit of Katie Emma Sunley James, a policy planner at Dunedin City Council.

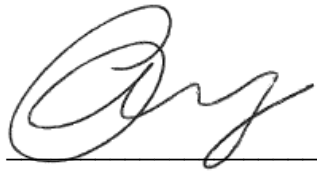
Directions sought

- 7 The parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the RMA, including Part 2 and request:
 - (a) That the amendments shown in **Appendix A** are made; and
 - (b) That the appeal be otherwise dismissed.
- 8 The parties agree that costs should lie where they fall and accordingly no order of costs is sought.

Dated this 21st day of April 2021



Jonny Mirkin
Representative for the Appellant



Michael Garbett/Georgia Cassidy
Counsel for the Respondent

Appendix A

Amendments

Amend 2GP planning map to change the zoning of 81 Morris Road from RR2 to RR1 as shown below.

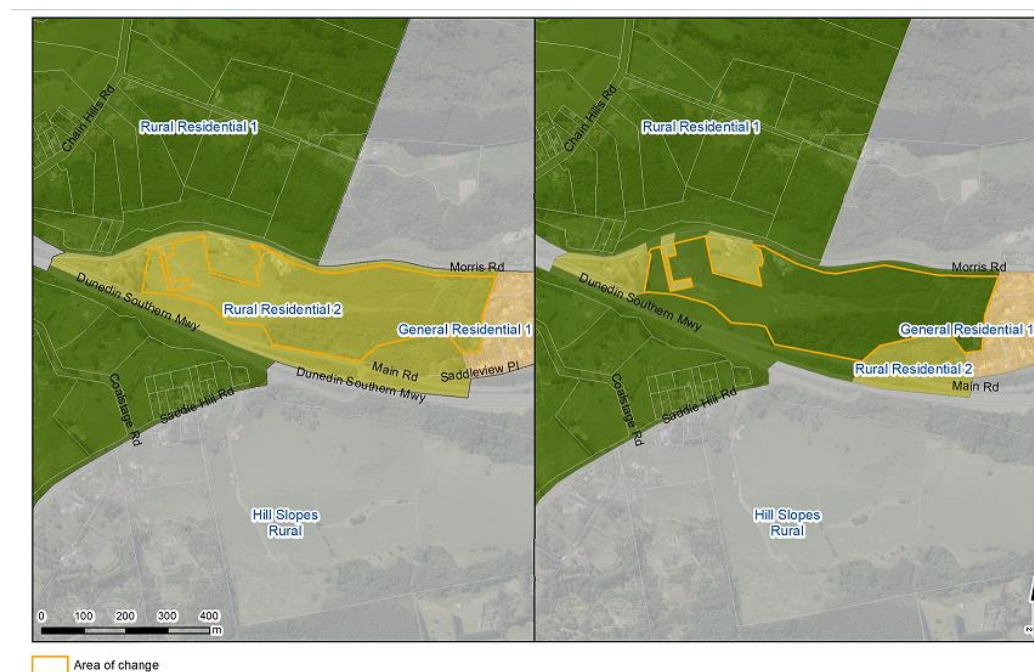


Figure 1: Map showing the current and agreed zoning of 81 Morris Road

Insert new ASBV in A1.2 Schedule of Areas of Significant Biodiversity Value as shown below.

Site number	Name (Location)	Area (ha)	Description and values	Other protection status
CXXX	Chain Hills – Morris Road	5.2460	Regenerating kanuka-broadleaved forest supporting a locally important tree species (totara) and indigenous forest birds.	NA

Make any changes to plan numbering required.

Amend 2GP planning map to show new ASBV as shown below.



Figure 2: Map showing location of new ASBV areas on 81 Morris Road