

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-257

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	William John Morrison Appellant
And	Dunedin City Council Respondent

Consent Memorandum

20 February 2020

Respondent's solicitors:

Michael Garbett
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

**anderson
lloyd.**

May it please the Court

- 1 This consent memorandum relates to the appeal by W J Morrison which relates to the zoning of the property at 307 Wakari Road, Dunedin.
- 2 The appeal sought:

“307 Wakari Road be rezoned Large Lot Residential 1 zone; or...”
- 3 Otago Regional Council is a section 274 party to this appeal.
- 4 The parties have agreed that the rezoning of the property to Large Lot Residential 1 is appropriate as set out on the new planning map shown in **Appendix A**.
- 5 The rationale for the changes, and assessment of the changes in terms of section 32 of the RMA, is explained in an affidavit of Emma Christmas, a policy planner at Dunedin City Council, and a supporting affidavit of Dr Anna Johnson the City Development Manager, Dunedin City Council.
- 6 Other than the change to the zoning of this property, there is no impact on any higher order policies, objectives or strategic directions. This rezoning will have an implication for a current appeal relating to a resource consent, where a consent memorandum is filed at the same time.
- 7 It is requested by the parties that the Court, assuming it is satisfied with this agreement, should be able to make an order approving the zoning of this property at the present time resolving both these appeals.

Orders sought

- 8 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 to the planning map shown in **Appendix A** are made to amend the zoning from Rural Residential 2 to Large Lot Residential 1, and remove the high class soils mapped area from the property at 307 Wakari Road;
 - (b) That the new structure plan in **Appendix B** is applied to 307 Wakari Road labelled 'Wakari Road Structure Plan Mapped Area';
 - (c) A new rule is inserted in the 2GP to require any new residential development to follow a structure plan as follows:

15.8.14 Wakari Road Structure Plan Mapped Area Performance Standards

- a. The layout of any subdivision within the Wakari Road Structure Plan Mapped Area must be designed to not preclude further subdivision to a General Residential 1 density in future.
- b. Sites must be developed in a way that enables future connection of all dwellings to reticulated wastewater if the land is rezoned to General Residential 1 in future and reticulated wastewater becomes available (including by way of laying pipes along roads and accessways where necessary).
- c. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
- d. Activities that contravene this performance standard are a non-complying activity.

Figure 15.8.14: Wakari Road Structure Plan



Note 15.8A - General advice:

Wastewater:

Connections to the DCC wastewater network are currently unavailable due to service constraints. Sites that are developed prior to those constraints being resolved will need to be self-serviced for wastewater disposal.

Water supply:

Any resultant sites outside the DCC water boundary will need to seek approval for connection and may be required to self-service for water supply.

Stormwater:

There is no current public stormwater network adjacent to the sites.

(d) That the appeal be otherwise dismissed.

- 9 The parties agree that costs should lie where they fall and accordingly no order of costs is sought.

Dated this 20th day of February 2020



Phil Page / Derek McLachlan
Counsel for the Appellant



Michael Garbett
Counsel for the Respondent

Alastair Logan
Counsel for Otago Regional Council as s274 party

Water supply:

Any resultant sites outside the DCC water boundary will need to seek approval for connection and may be required to self-service for water supply.

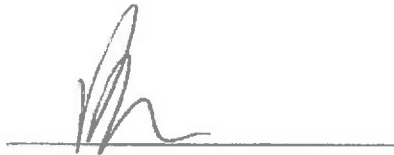
Stormwater:

There is no current public stormwater network adjacent to the sites.

(d) That the appeal be otherwise dismissed.

- 9 The parties agree that costs should lie where they fall and accordingly no order of costs is sought.

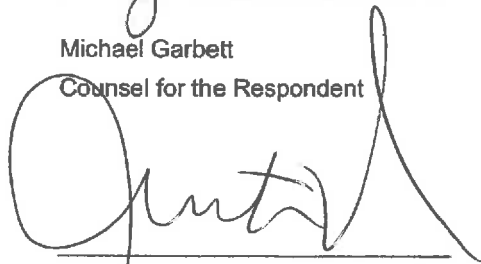
Dated this 20th day of February 2020



Phil Page / Derek McLachlan
Counsel for the Appellant

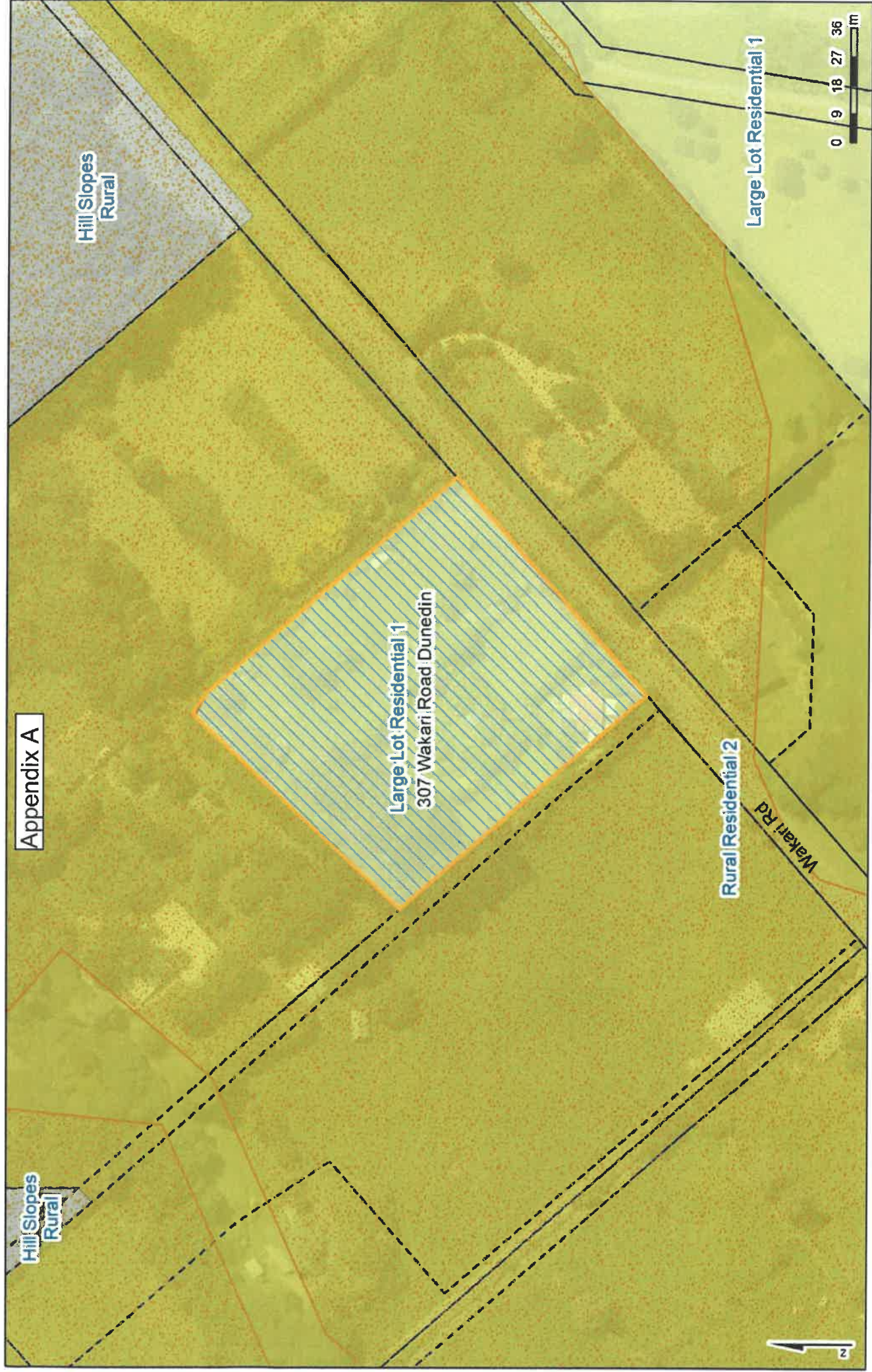


Michael Garbett
Counsel for the Respondent



~~Alastair Logan~~ Anita Dawe
~~Counsel for~~ Counsel for Otago Regional Council as s274 party

Appendix A



Structure Plan Mapped Area High Class Soils

Pölwarth Rd

Wakari Rd

0 10 20 30 40
m

Structure Plan Mapped Area

