

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act
1991

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

BETWEEN JEAN GRACE

(ENV-2018-CHC-215)

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: 11 November 2021

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 make the amendments to the provisions and 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 part of the appeal concerning the zoning of 25A Irvine Road,

DCC – 2GP - Residential Zoning Site Specific – JEAN GRACE v DCC



allocated DCC Reference number 9 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 an appeal by Jean Grace against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ('2GP'). The appeal relates to the zoning of 25A Irvine Road ('the site').

[2] I have read and considered the consent memorandum of the parties dated 25 August 2021 which details the agreement reached by the parties to resolve the appeal. The agreement reached involves:

- (a) rezoning the site from Rural Hill Slope to Large Lot Residential 1 Zone;
- (b) the removal of the Residential Transition Overlay Zone from the site;
- (c) the application of an Urban Biodiversity Mapped Area over part of the site; and
- (d) amendments to Appendix A10 Urban Biodiversity Mapped Area Values.

[3] I have also read the affidavits of Ms James and Mr Ewans who have satisfied me that the amendments proposed are a suitable alternative to the status quo¹ and granting the relief sought will not impact on the resolution of

¹ Affidavit of Katie Emma Sunley James affirmed 7 October 2021 at [38]; Affidavit of

any other proceeding.²

Other relevant matters

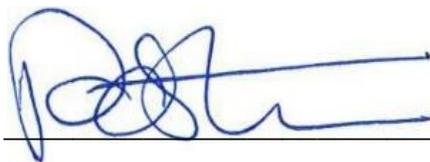
[4] No (other) person has given notice of an intention to become a party under s274 of the Act.

[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



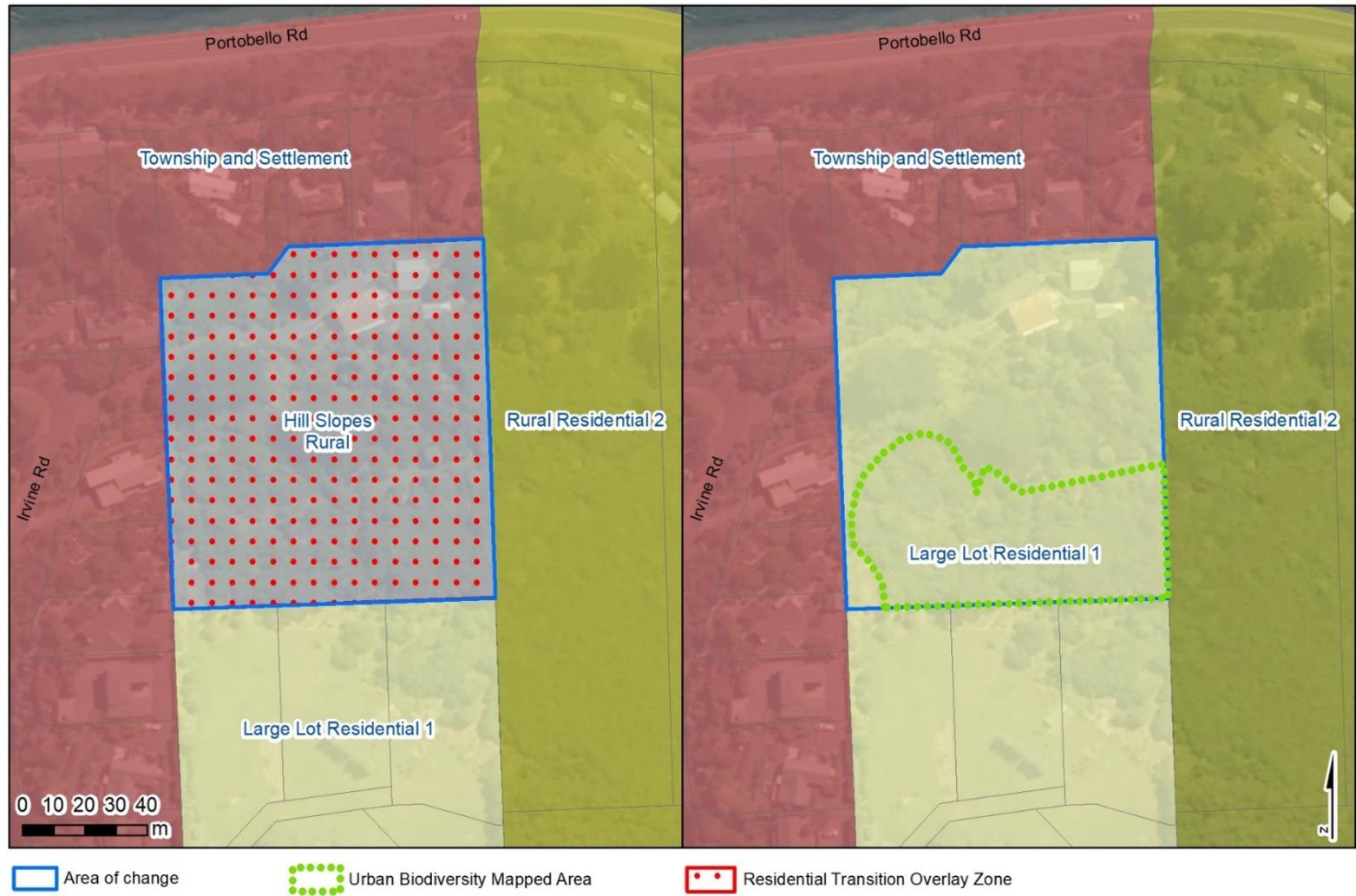
Richard Andrew Ewans affirmed 7 October 2021 at [12]-[14].

² Affidavit of Katie Emma Sunley James affirmed 7 October 2021 at [49]-[52].

Appendix 1

1. Amend the 2GP map as shown in Figure 1, to:
 - a. rezone 25A Irvine Road from Rural Hill Slopes to Large Lot Residential 1;
 - b. remove the Residential Transition Zone overlay; and
 - c. apply an Urban Biodiversity Mapped Area over part of the site.

Figure 1



2 Amend Appendix A10 as follows:

A10. Urban Biodiversity Mapped Area Values

The **urban biodiversity mapped areas** (UBMAs) are mainly derived from the Urban Landscape Conservation Areas of the first generation Dunedin City District Plan, and include those with the highest conservation values. The boundaries of the UBMA's have been refined from the Urban Landscape Conservation Area boundaries to exclude areas considered low in biodiversity value (e.g. playing fields in some instances). The UBMA's form an extensive network of biodiversity areas over the Dunedin city environs. For each UBMA description the Threatened Environment Classification is provided.

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A10.X The Cove

A10.X.1 Description of the area

This UBMA is a small area (0.45ha) of regenerating indigenous coastal broadleaved forest located on private property.

A10.X.1.1 Description of urban environment allotments

The following properties, which are located either entirely or partly within this UBMA, may contain land which qualifies as an urban environment allotment as defined in s76(4C) of the Resource Management Act 1991:

- 25A Irvine Road

A10.X.2 Biodiversity values to be protected

1. Vegetation/Habitat types:

- a. The site supports regenerating and planted native coastal broadleaved forest dominated by ngaio. Other native tree and shrub species present include kohuhu, cabbage tree, Hall's totara, kowhai, pepper tree/horopito, mahoe, koromiko, lemonwood, kanuka, five-finger, marbleleaf, lancewood and broadleaf. Ground cover present includes hound's tongue fern and hen and chickens fern.

2. Rare and notable species, habitats or communities:

- a. These include ngaio, Hall's totara and South Island kowhai which are listed in Appendix 10A.3 Important native tree list. Indigenous vegetation in this UBMA is classified as "At Risk" based on the Threatened Environment Classification having between 20-30 percent of the original vegetation cover remaining nationally. Coastal podocarp-broadleaved forest would have been the main forest type on Otago Peninsula, which now has only 5% of indigenous forest remaining.

3. Species diversity and Naturalness

- a. The vegetation is dominated by indigenous species but is modified in places by invasive weeds and planted non-local native species.

A10.X.3 Principal threats to biodiversity values

<u>Threat</u>	<u>Description</u>
1. <u>Plant and animal pests</u>	<p>a. <u>The area contains several invasive weed species such as the climbers banana passionfruit and bomarea; along with hawthorn, gorse and broom.</u></p> <p>b. <u>Some non-local native trees such as akeake have been planted.</u></p> <p>c. <u>Invasive plant pests pose the greatest threat to the conservation values of this UBMA, but threats from animal pests such as possums, rats and mustelids are also present.</u></p>
2. <u>Fragmentation / loss of continuity / edge effects</u>	<p>a. <u>The area is vulnerable to edge effects because of its size and nearby sources of invasive weeds.</u></p>

A10.X.4 Key management actions to be required or encouraged

<u>Threat</u>	<u>Key management actions</u>
1. <u>Plant and animal pests</u>	<p>a. <u>The highest priority is the removal and continued control of banana passionfruit, bomarea and hawthorn.</u></p> <p>b. <u>Gorse, broom and non-local native species should also be removed.</u></p> <p>c. <u>Animal pest control would improve the habitat for native fauna, and possum control would also improve the ecological condition of the forest.</u></p>
2. <u>Fragmentation / loss of continuity / edge effects</u>	<p>a. <u>Encourage and support control of banana passionfruit, bomarea and hawthorn on neighbouring properties.</u></p>

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.

