

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

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 **Cavendish Chambers Limited**
ENV-2018-CHC-231

Appellant

And **Dunedin City Council**

Respondent

Consent memorandum – Commercial zoning – site specific

13 August 2020

Respondent's solicitors:

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**anderson
lloyd.**

May it please the Court

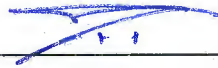
- 1 This consent memorandum relates to the Cavendish Chambers Limited appeal regarding the site specific Commercial Zoning of the proposed Dunedin City Second Generation District Plan (**2GP**).
- 2 The Cavendish Chambers Limited appeal sought that:
 - (a) 201, 205, 211 and 219 High Street are rezoned to CBD Zone.
- 3 There are no section 274 parties to this appeal.
- 4 The parties have agreed to the changes to the Plan set out in **Appendix A**.
- 5 There is no impact on any higher objectives or strategic directions. Consequential amendments as a result of the changes are included in **Appendix A**.
- 6 The rationale for these changes, and the assessments in terms of section 32 of the RMA, is explained in an affidavit of Emma Christmas, a policy planner at Dunedin City Council.
- 7 The making of orders is contingent on settlement/determination of other appeals challenging the strategic framework for rezoning areas to a commercial and mixed use zone, as addressed in the affidavit of Emma Christmas.
- 8 As explained in the affidavit of Emma Christmas, there are no appeals on the provisions being amended through this consent order.
- 9 The agreed changes shown in **Appendix A**:
 - (a) Rezone 201, 205, 211 and 219 High Street to CBD Zone;
 - (b) Amendments to Section 13 Introduction; and
 - (c) Amendments to Appendix A2.1.6.1 - Description of area.
- 10 There is also a supporting affidavit of Dr Anna Louise Johnson, the City Development Manager at Dunedin City Council, that considers alignment with, and impact of, any changes on the strategic directions objectives and policies and the drafting of the proposed amendments to ensure alignment with the 2GP Style Guide. Dr Johnson considers that the amendments have been drafted to be in keeping with the 2GP Style Guide.



Orders sought

- 11 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 strikethrough and underline in **Appendix A** are made; and
 - (b) That the remaining parts of this appeal remain to be dealt with at a later date.
- 12 The parties agree that costs should lie where they fall and accordingly no order of costs is sought.

Dated this 13th day of August 2020



Michael Nidd
Cavendish Chambers Limited
Counsel for the Appellant



Michael Garbett
Counsel for the Respondent

Appendix A

1. Rezone 201, 205, 211 and 219 High Street to CBD Zone.

The proposed mapping amendments are shown below:



2. Amend **Section 13 Introduction** as follows:

Heritage Precincts

...

Within the commercial heritage precincts areas, colours are restricted to a neutral, heritage or muted palette. The range of possible colours is broad

...

3. Amend Appendix A2.1.6 High Street Residential Heritage Precinct, as follows:

A2.1.6.1 Description of area

The High Street Residential Heritage Precinct lies on the hill slopes that rise immediately to the west of the Exchange. It encompasses both High Street and Stafford Street, from Clark Street on High Street and Hope Street on Stafford Street, to Alva Street. While the precinct primarily covers residential zoned land, the lower part is zoned CBD. Despite this, the precinct is strongly residential in character. Settlement of this area dates back to 1849, and it remains primarily a residential area. The overwhelming majority of houses in the area date from the 19th and early 20th centuries.