

**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 KEEP HALFWAY BUSH SEMI-
RURAL INCORPORATED

(ENV-2018-CHC-218)

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: 6 August 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 33-49 Dalziel Road, allocated DCC reference number 8 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 Keep Halfway Bush Semi-Rural Incorporated against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ('2GP'). The appeal relates to the zoning of 33-49 Dalziel Road.¹

[2] I have read and considered the consent memorandum of the parties dated 3 November 2020 which details the agreement reached by the parties to resolve the appeal. The agreement reached retains the existing Large Lot Residential 1 zoning and imposes additional restrictions on subdivision, clarification of access arrangements by amending the performance standards, and the addition of further detail to the 'Dalziel Road Structure Plan' which is also to be relabelled 'Westacott Heights Structure Plan'.

[3] I have also read and considered the affidavits of Ms Christmas² and Dr Johnson³ who have satisfied me that the proposed amendments sought to resolve this appeal are appropriate and granting the relief sought will not impact on the resolution of any other proceeding.⁴

¹ Now 33, 35, 37, 39, 41, 45 and 49 Dalziel Road, 4 Hawker Lane and 4, 12, and 13 McLeod Avenue.

² Affidavit of E Christmas affirmed 18 March 2021.

³ Affidavit of Dr A L Johnson affirmed 12 April 2021.

⁴ Affidavit of E Christmas affirmed 18 March 2021 [11]-[14], [20]-[29].

Other relevant matters

[4] Several parties gave notice of an intention to become a party to the appeal under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought.

[5] The parties to the appeal 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. Based on the information before me, 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

Amend Rule 15.8.13 Dalziel Road Structure Plan performance standards as follows:

15.8.13 ~~Dalziel Road~~ Westacott Heights Structure Plan Mapped Area Performance Standards

1. ~~All sites in Vehicle access to Area X Z~~ on the ~~Dalziel Road~~ Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Taieri Road.

 2. ~~All sites in Vehicle access to Area Y~~ on the ~~Dalziel Road~~ Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Dalziel Road, except that a site with a boundary adjoining Dalziel Road may access directly onto Dalziel Road.

 - X. All sites in Area X on the Westacott Heights structure plan (see Figure 15.8.13A) must have access via a road or private way (shared driveway) be provided from Taieri Road by 21 October 2023 but until then may have access only via a road or private way (shared driveway) from Dalziel Road.

 - Y. Within the hatched area on the Westacott Heights structure plan (see Figure 15.8.13A) (Lot 2 DP 534910), a maximum of seven sites with a minimum site size of 1,800m² are allowed.

 - Z. Only one site, apart from the access allotment, may have a boundary adjoining Dalziel Road, and that site must have a minimum frontage onto Macleod Avenue of 47.5m, as shown as A-B on the Westacott Heights structure plan (see Figure 15.8.13A).
3. Construction of dwellings must not take place until all roading, stormwater, wastewater and water supply, infrastructure is in place for

that stage of the development and connections to future stages, and adjoining sites, are provided for.

4. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
5. Activities that contravene this performance standard are a non-complying activity.

Replace Figure 15.8.13A: Dalziel Road structure plan with the one below:
Figure 15.8.13A: Dalziel Road Westacott Heights structure plan

