

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 JOHN STEWART FINDLATER

(ENV-2018-CHC-220)

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: 16 August 2021

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**CONSENT ORDER**

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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 81 Morris Road, allocated DCC reference number 16 is resolved and the appeal is



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 John Stewart Findlater against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan ("2GP"). The appeal relates to the zoning of 81 Morris Road.

[2] I have read and considered the consent memorandum of the parties dated 21 April 2021 which details the agreement reached by the parties to resolve the appeal. The agreement reached rezones the land at 81 Morris Road from Rural Residential 2 to Rural Residential 1 zoning and requires a new list of Areas of Significant Biodiversity Value to be added to Schedule A1.2.

[3] I have also read and considered the affidavit of Ms James who has 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.<sup>1</sup>

### Other relevant matters

[4] No other person has given notice of an intention to become a party to this appeal under s274 of the Resource Management Act 1991.

[5] The parties to the appeal agree that costs should lie where they fall and accordingly no order for costs is sought.

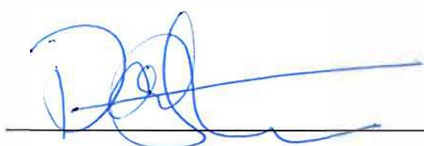
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<sup>1</sup> Affidavit of Katie Emma Sunley James affirmed 30 April 2021 at [10]-[11], [49]-[53].

[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

### Amendments

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

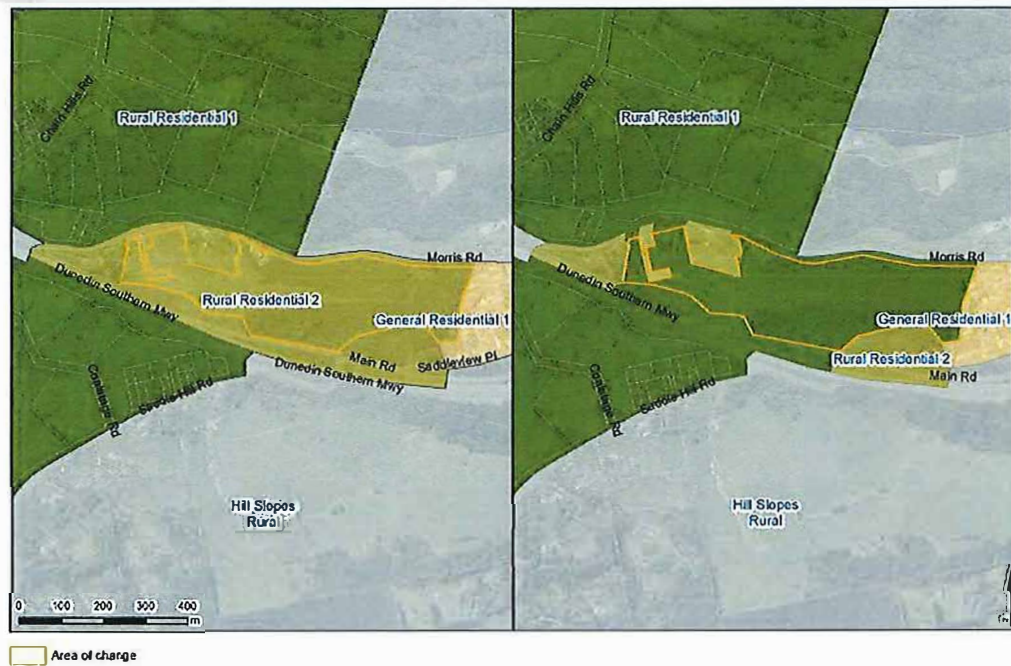


Figure 1: Map showing the current and agreed zoning of 81 Morris Road

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

