

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2022] NZEnvC 59

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14(1) of the
First Schedule of the Act

BETWEEN DOUGLAS WAYNE HALL

(ENV-2018-CHC-232)

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: 13 April 2022

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 amend the provisions of the proposed Dunedin City Second Generation Plan as set out in Appendix 1, attached to and forming part of this order; and
- (2) the part of the appeal by Douglas Wayne Hall (DCC Reference

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number 45) is resolved and that the remaining parts of the appeal are to be dealt with at a later date.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order relates to the appeal from Douglas Wayne Hall regarding the removal of the scheduled eucalyptus tree T865 at 552 North Road, Normanby, from the proposed Second Generation Dunedin City District Plan ('2GP').

[2] I have read and considered the consent memorandum of the parties dated 31 March 2022 and the accompanying affidavit of Peter Benjamin Rawson affirmed 7 April 2022.

[3] The court will only make orders if it is satisfied it is appropriate to do so and where there is no relationship between the provisions proposed to be amended by consent order and other appeals before the court.

[4] Mr Rawson has satisfied me that the amendments sought are appropriate. Mr Rawson says that following these amendments the 2GP will continue to give effect to the relevant policies of the operative Otago Regional Policy Statement 2019 and proposed Otago Regional Policy Statement 2021. Mr Rawson also assessed other appeals on decisions on 2GP and advises that there is no overlap between appeals that would prevent a consent order from being issued. In addition, Mr Rawson says that no appeal on 2GP has the potential to amend the relevant objectives of 2GP in a way that would change his assessment of the

changes set out in the memorandum.¹

Other relevant matters

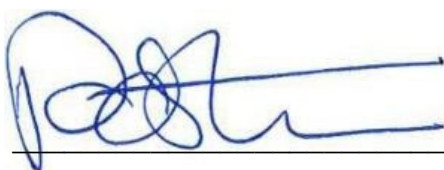
[5] Otago Regional Council gave notice of an intention to become a party under s274 of the Act but withdrew its interest by memorandum dated 16 March 2022.

[6] For completeness, I record the parties' attestation 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, Part 2, and on that basis request the amendment shown in Appendix 1 be made.

[7] The parties agree costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[8] 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



¹ Affidavit of Peter Rawson affirmed 7 April 2022 at [32].

Appendix 1

- 1 Amend the 2GP Planning Maps for 552 North Road Dunedin by deleting the reference to T865, as shown below:



- 2 Remove scheduled tree T865 from Appendix A.1.3 Schedule of Trees, as follows:

Tree Number	Tree Location	Tree Species	Tree Common Name	Tree Maori Name
T865	552 North Road Dunedin	Eucalyptus sp	Eucalyptus	

- 3 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.

