

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

Decision No. [2023] NZEnvC 195

IN THE MATTER of the Resource Management Act 1991

AND an appeal under Clause 14 of the First
Schedule to the Act

BETWEEN JOSE CORPORATION LIMITED

(ENV-2023-CHC-030)

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: 12 September 2023

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 subject to the amendments set out in Appendix 1 attached to this order;
- (2) 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 proceeding concerns an appeal by Jose Corporation Limited in relation to property at 127a Main Road, Fairfield. The appeal sought:

- (a) the removal of the New Development Mapped Area on the northern part of the property;
- (b) the removal of both the New Development Mapped Area and the Structure Plan Mapped Area from the southern part of the property.

[2] The parties have agreed that the appeal can be resolved by consent by:

- (a) deleting Rule 15.8.AM Main Road, Fairfield Structure Plan Mapped Area Rules;
- (b) deleting the Structure Plan Mapped Area (Main Road, Fairfield) from the 2GP Planning Maps; and
- (c) making any consequential changes to the 2GP as required.

[3] In making this order, I have read and considered the consent memorandum of the parties dated 23 August 2023 and the affidavit of Peter Rawson affirmed on 6 September 2023.

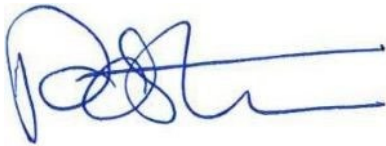
Other relevant matters

[4] Otago Regional Council gave notice of an intention to become a party under s274 of the Resource Management Act 1991 ('RMA' or 'the Act') and has signed the memorandum setting out the relief sought.

[5] 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, Part 2.

Outcome

[6] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the order will promote the purpose of the Act so I will make the order sought.



P A Steven
Environment Judge



Appendix 1

Section 15 Residential Zones

1. Delete Rule 15.8.AM Main Road, Fairfield Structure Plan Mapped Area Rules, as follows:

~~Rule 15.8. AM Main Road, Fairfield Structure Plan Mapped Area Rules~~

~~15.8.AM.1 Additional matter of discretion (acoustic assessment)~~

- a. ~~In addition to the matters of discretion for subdivision consents in Rule 15.11.4, the following matter of discretion applies for subdivision activities in the structure plan mapped area:~~

	Activity	Matters of discretion	Guidance of the assessment of resource consents
i.	Subdivision activities	1. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <p>1. Objective 9.2.2.</p> <p><i>General assessment guidance:</i></p> <p>2. Council will consider the acoustic assessment required by Rule 15.8.AM.2.a.i.</p>

~~15.8.AM.2 Special information requirements~~

- a. ~~Acoustic assessment~~

- i. ~~Applications for subdivision must include an acoustic assessment for the whole structure plan mapped area, unless such an assessment has already been approved as part of an earlier subdivision consent. This acoustic assessment should identify any "no build" areas where residential activity must not take place, and any "noise sensitive effects area" where additional mitigation requirements above those requires under Rule 9.3.1 are necessary. The acoustic assessment should identify what additional mitigations are required to be implemented in the "noise sensitive effects area". The acoustic assessment should include consultation with Waka Kotahi. See assessment guidance in Rule 15.8. AM.1.a.~~

Figure 15.8.AMA: Main Road, Fairfield structure plan



2. Delete Structure plan mapped area (Main Road, Fairfield) from the 2GP Planning Maps.

Consequential changes

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.

