

**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 GREGORY PAUL WARD

(ENV-2018-CHC-284)

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: 4 May 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, and Dunedin City Council is directed to amend the planning maps of the proposed Second Generation Dunedin City District Plan (“2GP”) as set out in Appendix 1, attached to and forming part of this consent order;
- (2) the appeal is otherwise dismissed.

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

WARD v DCC – 2GP CONSENT ORDER



REASONS

Introduction

[1] This consent order relates to an appeal by Gregory Paul Ward against the decision of the Dunedin City Council approving the proposed Second Generation Dunedin City District Plan ('2GP'). The appeal relates to the proposed zoning of property at 2 Dalziel Road, Halfway Bush, Dunedin.

[2] I have read and considered the consent memorandum of the parties dated 19 October 2020 which details the agreement reached by the parties to resolve the appeal. The agreement reached involves rezoning the Dalziel Road property from Rural Residential 1 to Large Lot Residential 1.

[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 provision as proposed to be amended by consent order and other appeals before the court. Ms Christmas has satisfied me that the proposed rezoning sought to resolve this part of the appeal is appropriate, and that will not be altered by any other appeal seeking to amend the policy framework. Further, the grant of the relief sought will not impact on the resolution of any other proceeding.¹

Other matters

[4] RPR Properties Limited gave notice of its intention to become a party to the appeal under s274 of the Resource Management Act 1991 ('the RMA') and has signed the memorandum setting out the relief sought.

[5] For completeness, I record the parties' attestation that they are satisfied 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 RMA including,

¹ Affidavit of E Christmas at [9]-[12], [57]-[59].

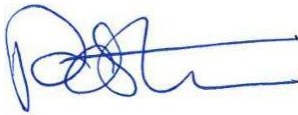


in particular, Part 2 and on that basis request that the amendments shown in strikethrough and underline in Appendix 1 are made.

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

Outcome

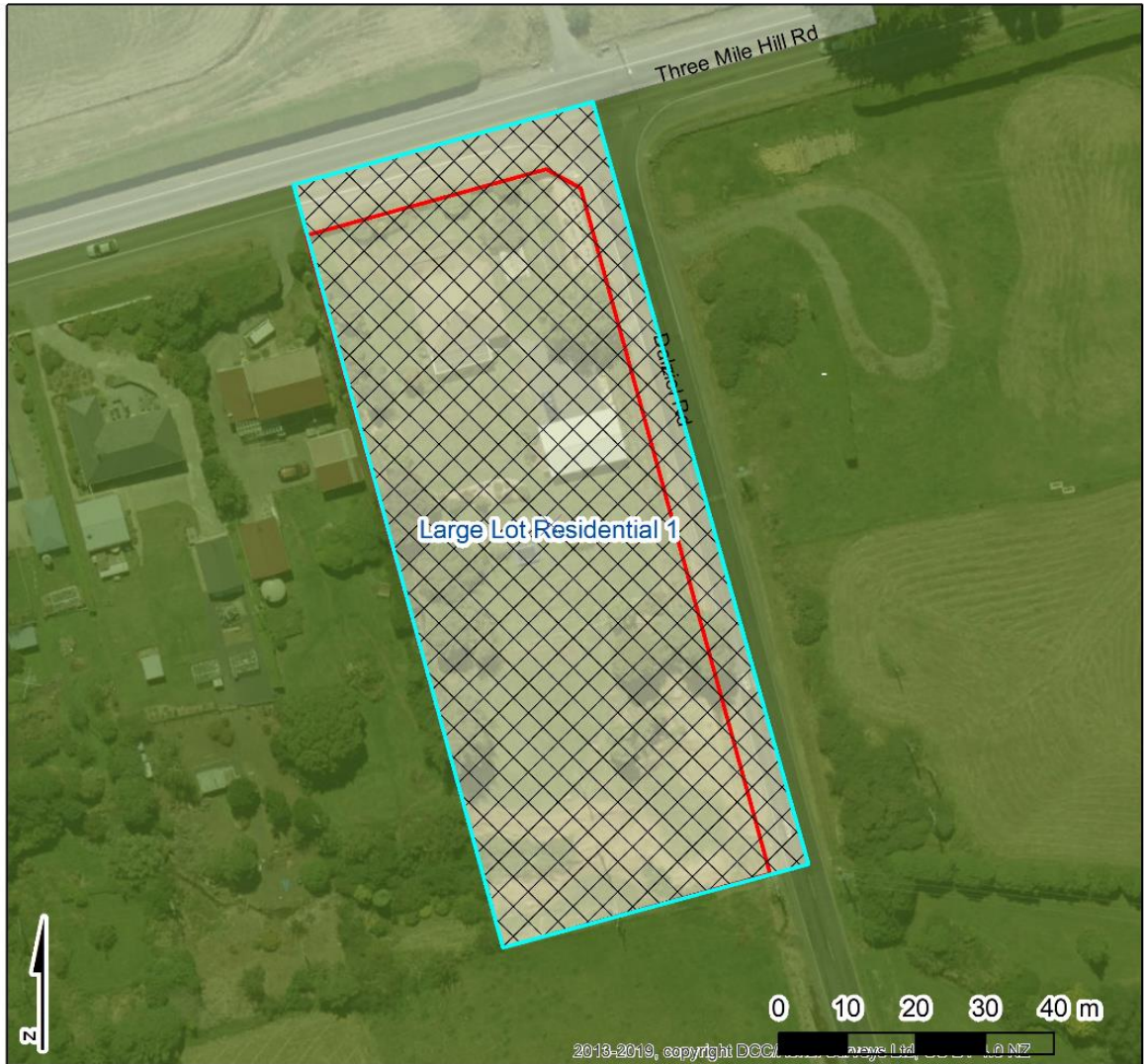
[7] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge

APPENDIX 1

Amend the 2GP Planning Map to rezone 2 Dalziel Road, Dunedin, from Rural Residential 1 to Large Lot Residential 1, and apply a No DCC Reticulated Wastewater mapped area, as shown below.



 No Reticulated Waste Water Mapped Area

