

**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 BLUESKIN PROJECTS LIMITED
& ANOTHER
(ENV-2018-CHC-276)
Appellants
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: 5 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 order;
- (2) the part of the appeal concerning the zoning of 15 Church Street, Mosgiel, allocated DCC reference number 142 is resolved; and
- (3) the outstanding parts of the appeal remain extant.



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 Blueskin Projects Limited & Craig Horne Surveyors Limited against the decision of the Dunedin City Council approving the proposed Second Generation Dunedin City District Plan (2GP). Part of the appeal relates to the proposed zoning of property at 15 Church Street, Mosgiel.¹

[2] I have read and considered the consent memorandum of the parties dated 22 April 2021 which details the agreement reached by the parties to resolve the appeal in part.² The agreement reached involves rezoning the Church Street property from General Residential 1 to General Residential 2.

[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. Moreover, granting the relief sought will not impact on the resolution of any other proceeding.³

Other matters

[4] Gladstone Family Trust and Construction Industry and Developers Association both gave notice of an intention to become a party to this appeal under s274 of the Resource Management Act ('RMA') and have signed the memorandum

¹ Allocated DCC reference number 142.

² The remaining parts of the appeal will be dealt with at a later date.

³ Affidavit of E Christmas at [35]-[36].



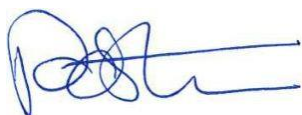
setting out the relief sought.

[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, 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 15 Church Street, Mosgiel from General Residential 1 to General Residential 2 and apply an infrastructure constraint mapped area and Mosgiel mapped area to the site, as shown below.

