

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 THE JENSEN TRUST

(ENV-2018-CHC-275)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

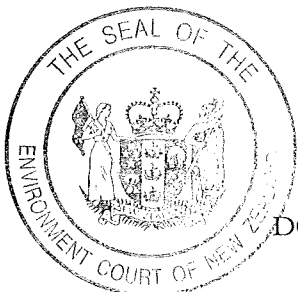
In Chambers at Christchurch

Date of Consent Order: **05 NOV 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 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 48 Raynbird Street, allocated DCC reference number 180 is resolved and 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 consent order relates to an appeal by The Jensen Family Trust against the decision of the Dunedin City Council approving the proposed Dunedin City Second Generation Plan (“2GP”). The appeal relates to the zoning of 48 Raynbird Street, Company Bay (“the site”).

[2] I have read and considered the consent memorandum of the parties dated 2 September 2021 which details the agreement reached by the parties to resolve the appeal. The agreement reached involves rezoning the entire site from Rural Residential 2 Zone to Rural Residential 1 Zone, the addition of a “Raynbird Street Landscape Building Platform Mapped Area” over the site and new landscape building platform mapped area performance standards.

[3] I have also read 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.¹

Other relevant matters

[4] Michel de Lange and Otago Regional Council both gave notice of an intention to become a party to the appeal under s274 of the Resource Management Act 1991. They have both signed the memorandum setting out the relief sought.

¹ Affidavit of Katie Emma Sunley James affirmed 1 October 2021 at [51], [56]-[60].

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

[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.

[7] A minor drafting amendment to Note 17.X.XA, proffered by the court, and agreed to by the parties has been included in the approved provisions in the attached appendix.²

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



² Email of the Registry to the parties (28 October 2021); Email of G Cassidy to the Registry (28 October 2021); Email of P Page to the Registry (28 October 2021); Email of M de Lange to the Registry (28 October 2021) and Email of S Anderson to the Registry (4 November 2021).

Appendix 1

Amend 2GP planning map to rezone 48 Raynbird Street to Rural Residential 1 and apply a landscape building platform mapped area over the site, as shown in Figure 1.

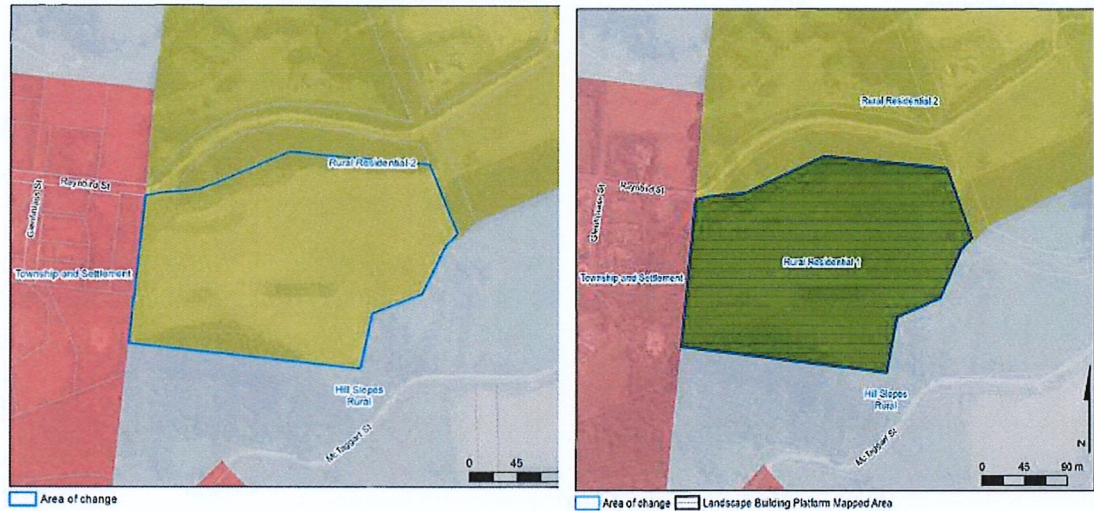


Figure 1: Area to be rezoned

Insert the following into rule 17.3.5.2 subdivision activity status table performance standards column:

x. Landscape building platform mapped area performance standards (where relevant).

Add new 'landscape building platform mapped area' performance standards as shown below:

17.X.1

a. In addition to the performance standards in 17.5, 17.6 and 17.7 and any relevant overlay zones or mapped areas, activities in a **landscape building platform mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 17.5, 17.6 or 17.7, the standard in this section supersedes that standard.

17.X.X Raynbird Street Landscape Building Platform Mapped Area Performance Standards

17.X.X.1 Development performance standards

- a. All buildings must be located within the areas marked 'landscape building platform' on the **Raynbird Street landscape building platform mapped area** (see Figure 17.X.XA).
- b. Driveways must access Raynbird Street from the location marked 'vehicle access location' (see Figure 17.X.X.A).
- c. Activities that contravene this performance standard are non-complying activities.

17.X.X.2 Subdivision performance standards

- a. Subdivision activities must provide for the landscape building platforms shown in Figure 17.X.XA
- b. Activities that contravene this performance standard are non-complying activities.

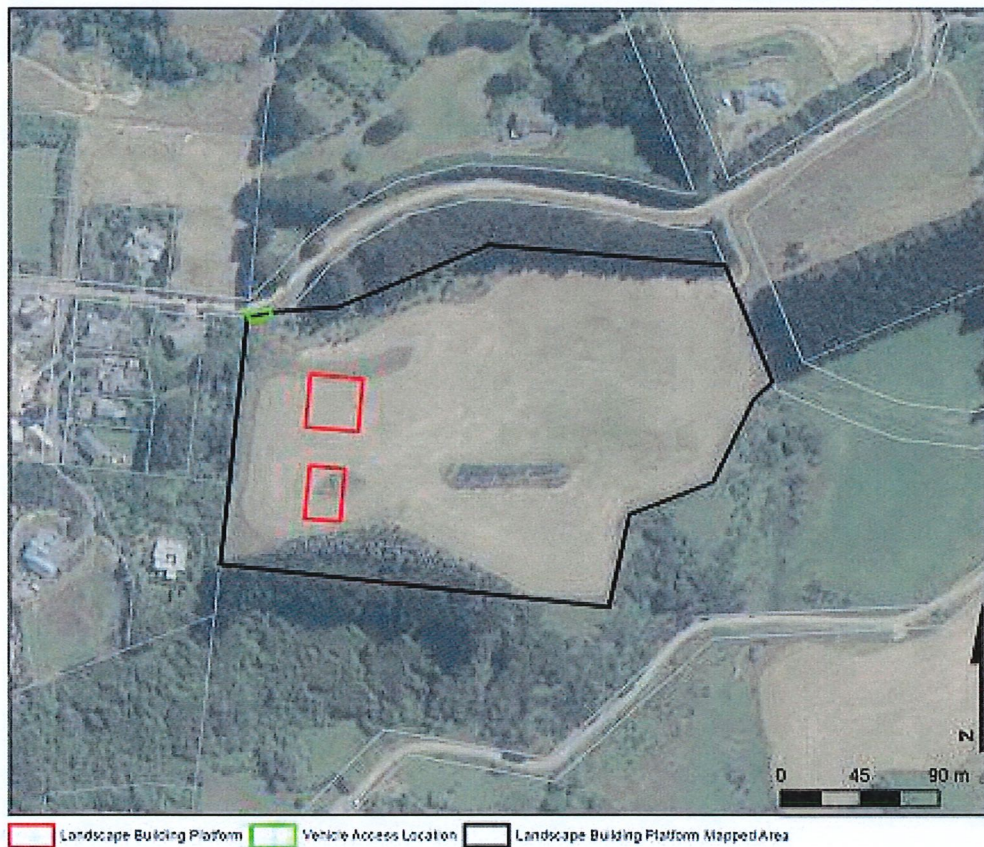


Figure 17.X.XA: Raynbird Street Landscape Building Platform Mapped Area

Note 17.X.XA Other Relevant District Plan Provisions

1. As the **Raynbird Street landscape building platform mapped area** is within a

Significant Natural Landscape Overlay Zone, additional rules apply. Resource consent for a controlled activity is required for new buildings with a footprint greater than 60m² within a landscape building platform (Rule 17.3.4.3.c). In addition to the performance standards for development activities in rural residential zones, activities must also comply with Rule 10.3.5 Number and Location of Permitted Buildings and Rule 10.3.6 Reflectivity.

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.

