

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

Decision No. [2022] NZEnvC 98

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN R K MILLER

(ENV-2018-CHC-236)

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: 10 June 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 subject to the changes shown in **Appendix 1**;
and
- (2) the part of the appeal by Roger Keith Miller (DCC Reference number 49) is resolved and that the appeal is otherwise dismissed.



B: Under s285 of the Resource Management Act 1991, there is no order as to costs (unless stated otherwise).

REASONS

Introduction

[1] This proceeding concerns an appeal by Roger Keith Miller against Dunedin City Council's decision to approve the proposed Dunedin City Second Generation Plan ('2GP'). In particular, the appeal related to the rezoning of 49 and 55A Riccarton Road East to General Residential 1. Mr Miller's appeal sought that the properties at 49 and 55A Riccarton Road East be zoned in keeping with the surrounding GR1 Zone.

[2] I have read and considered the consent memorandum of the parties dated 30 May 2022 which proposes to resolve the appeal. The agreement involves:

- (a) rezoning 49 and 55A Riccarton Road East from Large Lot Residential 1 to General Residential 1;
- (b) applying a structure plan mapped area to the site at 49 Riccarton Road; and
- (c) adding a new rule (Rule 15.8.X Riccarton Road East Structure Plan Mapped Area Performance Standard) which includes a requirement for legal road access to Riccarton Road East from 49 Riccarton Road East and a rule that restricts the number of sites that have direct or indirect vehicle access onto Elizabeth Avenue to no more than four sites.

[3] I have also read and considered the affidavit of Ms James, who has satisfied me that the agreement reached is appropriate and that granting the relief sought

does not affect the resolution of any other proceedings.¹

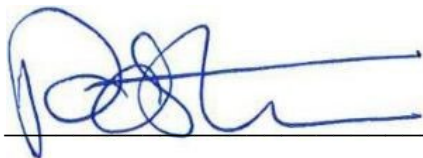
Other relevant matters

[4] No other person has given notice of an intention to become a party under s274 of the Act.

[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, Pt 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 orders will promote the purpose of the Act so I will make the orders sought.



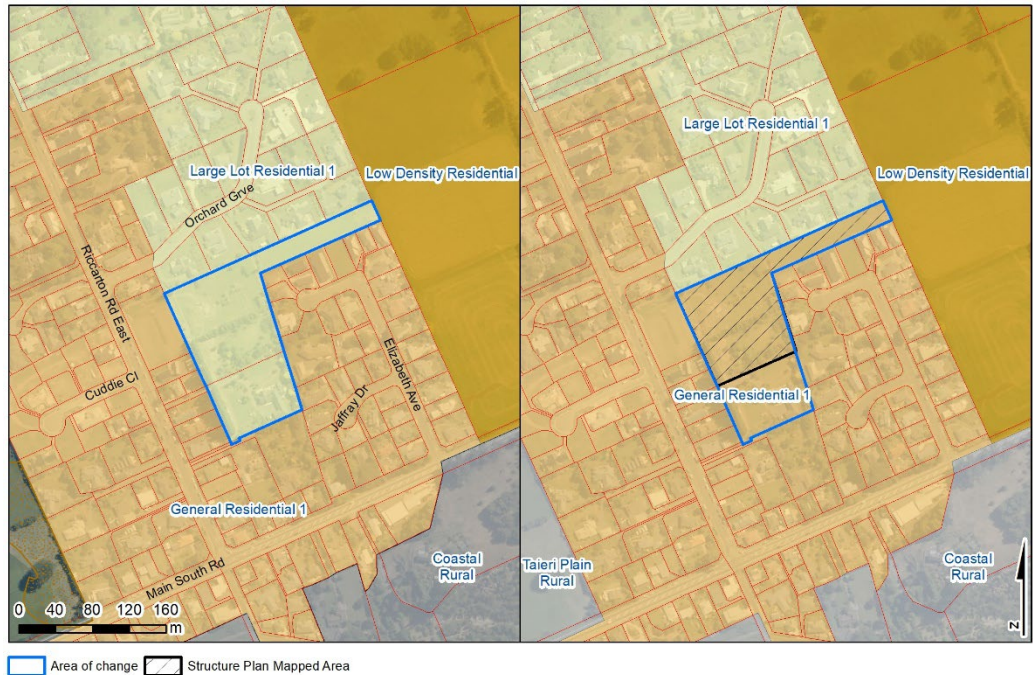
P A Steven
Environment Judge



¹ Affidavit of E M S James, affirmed 2 June 2022 at [46]-[50].

Appendix 1

- 1 **Amend the planning map** to rezone 49 and 55A Riccarton Road East, Mosgiel, to General Residential 1 and apply a structure plan mapped area to 49 Riccarton Road East, as shown below.



- 2 Add a new Rule 15.8.X as follows:

15.8.X Riccarton Road East Structure Plan Mapped Area Performance Standards

15.8.X.1 Subdivision

- a. Subdivision activities must provide vehicle access, in the form of a legal road, to Riccarton Road East from 49 Riccarton Road East.
 - b. No more than four sites may have direct or indirect vehicle access to Elizabeth Avenue.
 - c. In the case of conflict with performance standards 15.5 to 15.7, the rules in this performance standard apply.
 - d. Activities that contravene this performance standard are non-complying activities.
- 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.

