

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

**Decision No. [2023] NZEnvC 196**

IN THE MATTER of the Resource Management Act 1991

AND an appeal pursuant to Clause 14 of  
Schedule 1 to the Act

BETWEEN CHRISTOPHER JAMES  
MEDLICOTT

(ENV-2023-CHC-021)

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

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**CONSENT ORDER**

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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 on Variation 2 to the Dunedin City Council Second Generation Plan in relation to the zoning of 30 Mercer Street, Kenmore. The appeal sought:

- (a) the requirement to provide a second entrance to the Wattle Fox site be removed, or alternatively, the removal of the second entrance be a discretionary activity;
- (b) that the requirement to vest up to 500m<sup>2</sup> of land suitable for residential development for the purpose of the sewerage detention scheme for the site be modified as follows:
  - (i) the requirement be to vest sufficient land to enable a sewerage detention scheme to be constructed to provide for proposed and future housing on the site; and
  - (ii) the land be suitable for the sewerage detention scheme.

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

- (a) amending Rule 15.8.AN.1.a.i so that a second entrance to the Wattle Fox Lane structure plan mapped area is only required where subdivision results in more than 20 resultant lots within the structure plan mapped area; and
- (b) 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 order. 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 orders sought.



**P A Steven**  
**Environment Judge**



## Appendix 1

### Rule 15.8 Structure Plan Mapped Area Rules

1. Amend the access requirements in Rule 15.8.AN Wattie Fox Lane Structure Plan Mapped Area Rules – 15.8.AN.1 Subdivision performance standards, as follows:

#### 15.8.AN Wattie Fox Lane Structure Plan Mapped Area Rules

##### 15.8.AN.1 Subdivision performance standards

###### a. Access

- i. In addition to the requirements set out in Rule 6.8.1, each resultant site must have direct or indirect (e.g. leg-in) access to an internal reading network that serves the whole structure plan mapped area and provides for all sites to have access through the structure plan mapped area to:

1. Barr Street, where the subdivision activity results in a total of no more than 20 resultant sites within the structure plan mapped area; or

2. a minimum of two road connection points from the structure plan mapped area to Barr Street, Kaikorai Valley Road or Mornington Road, where the subdivision activity results in more than 20 resultant sites in total within the structure plan mapped area.

- ii. Activities that contravene this performance standard are non-complying activities.

## Consequential changes

2. 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.

