

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC 153

IN THE MATTER of the Resource Management Act 1991
AND of an application for an enforcement
order under section 314 of the Act
BETWEEN GISBORNE DISTRICT COUNCIL
(ENV-2018-WLG-000045)
Applicant
AND DYLAN O'CONNELL
First Respondent
AND CHRISTINE ANNE DE CENT
Second Respondent

Court: Environment Judge B P Dwyer sitting alone under s 309 of the Act

Hearing: In Chambers

Date of Decision: 27 August 2018

Date of Issue: 27 August 2018

ENFORCEMENT ORDERS

A. The Environment Court makes the following orders under sections 314(1)(a)(i), 314(1)(a)(ii), 314(1)(b)(i), 314(1)(b)(ii), 314(1)(c), 314(1)(d) and 315(2) of the Resource Management Act 1991:

1. Dylan O'Connell and Christine de Cent (the **Respondents**) are required, in respect of the road reserve within 100 metres of 143 Seddon Street, Patutahi, Gisborne to:



- (a) Remove all vehicles (including but not limited to cars, utes, trucks, motorbikes and trailers), vehicle parts (including but not limited to tyres, batteries, car bodies, car engines and axles) and any items associated with a car repair business, within 20 working days of service of the orders on the Respondents.
 - (b) Cease using the road reserve for the temporary or permanent storage of vehicles, vehicle parts and/or any items associated with a car repair business.
2. The Respondents are required, in respect of the property at 143 Seddon Street, Patutahi, Gisborne (Legal Identifier GS5D/1491) to:
 - (a) Remove all vehicles, vehicle parts and any items associated with a car repair business, that are visible from adjacent residential sites, visible from the road reserve at Seddon Street, Gisborne or visible from the road at Seddon Street, Gisborne within 20 working days of service of the orders on the Respondents.
 - (b) Cease storing vehicles, vehicle parts and/or any items associated with a car repair business outdoors where those vehicles, vehicle parts or associated items are visible from adjacent residential sites, visible from the road reserve at Seddon Street, Gisborne or visible from the road at Seddon Street, Gisborne.
3. If the Respondents fail to comply with Order A.1(a), A.1(b), A.2(a) or A.2(b) within 20 working days of service of the orders on the Respondents, the Court authorises Gisborne District Council to:
 - (a) Enter 143 Seddon Street, Patutahi, Gisborne (Legal Identifier GS5D/1491) (the Property) and/or the road reserve near to the Property, and remove, sell and otherwise dispose of any vehicles, vehicle parts or items that contravene Order A.1(a), A.1(b), A.2(a) or A.2(b);
 - (b) After allowing for any moneys received from such sale or disposal, if any, recover the actual and reasonable costs and expenses arising from action taken under Order A.3(a) as a debt due from the Respondents; and



- (c) Issue invoices to the Respondents for the actual and reasonable costs and expenses incurred in taking action under Order A.3(a) as a debt due from the Respondents.

4. The Respondents will:

- (a) Within 20 working days of service of the orders on the Respondents, provide Gisborne District Council with a valid and working email address to which Gisborne District Council can send any invoice issued in reliance on Order A.3(c);
- (b) Pay any invoice emailed to them in accordance with these orders within 10 working days of that invoice being sent by email;
- (c) Be jointly and severally liable for the actual and reasonable costs incurred by Gisborne District Council in ensuring compliance with these enforcement orders; and
- (d) Comply with these enforcement orders from the time they are made and continue complying with these enforcement orders unless they are varied or cancelled by the Environment Court.

B. Order A applies to the personal representatives, successors, and assigns of the Respondents to the same extent as they apply to the Respondents.

C. The orders contained in Order A are to be complied with within 20 working days of service of these orders on the Respondents.



B P Dwyer
Environment Judge

