

**IN THE ENVIRONMENT COURT
CHRISTCHURCH**

ENV-2018-CHC-235

**I MUA I TE KOOTI TAIAO
I ŌTAUTAHU ROHE**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **Harvey Norman Properties (NZ) Limited**

Appellant

AND **Dunedin City Council**

Respondent

**NOTICE OF LION NZ LIMITED'S
INTENTION TO BE A PARTY TO PROCEEDINGS**

23 JANUARY 2018

**Russell
McLeagh**

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TO: The Registrar
Environment Court
Christchurch

LION NZ LIMITED ("Lion") wishes to be a party to an appeal by Harvey Norman Properties (NZ) Limited ("**Harvey Norman**") against the decision of the Dunedin City Council ("**Council**") on the Second Generation Dunedin City District Plan ("**2GP**").

Nature of interest

1. Lion made a submission about the subject matter of Harvey Norman's appeal.
2. Lion is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. Lion is interested in the entirety of Harvey Norman's appeal.
4. In particular, Lion is interested in:
 - (a) the imposition of the "Speights buffer mapped area" ("**Buffer Area**") over part of Harvey Norman's site on the corner of MacLaggan and Rattray Streets; and
 - (b) associated amendments to Rules 18.5.4 and 18.9.3 and the creation of new Policy 18.2.2.11 relating to the Buffer Area.

Relief sought

5. Lion opposes the relief sought by Harvey Norman, and in particular seeks that:
 - (a) the extent of the Buffer Area remains the same as that set out in the Council's decision on the 2GP; and
 - (b) the wording of Policy 18.2.2.11 and Rules 18.5.4 and 18.9.3 remains as drafted in the Council's decision on the 2GP.
6. Lion opposes the relief sought by Harvey Norman because it:
 - (a) will not promote the sustainable management of the natural and physical resources within Dunedin City, and is therefore inconsistent with Part 2 of and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of Dunedin;
 - (d) will not facilitate the efficient use and development of natural and physical resources;

- (e) does not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
- (f) is not the most appropriate way to achieve the objectives of the 2GP in terms of section 32 of the RMA.

Alternative dispute resolution

7. Lion agrees to participate in mediation or other alternative dispute resolution of the proceedings.

LION by its solicitors and authorised agents Russell McVeagh:

Signature:


Allison Arthur-Young / Tom Atkins

Date:

23 January 2019

Address for Service:

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To: the Registrar of the Environment Court at Christchurch

And to: the Appellant

And to: the Respondent

Advice

1. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.