

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-214

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Parata Appellant
And	Dunedin City Council Respondent

Memorandum withdrawing specific relief point

16 May 2019



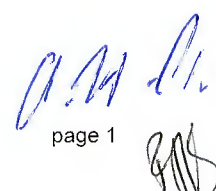
May it please the Court

- 1 This memorandum relates to the relief sought in notice of appeal ENV-2018-CHC-214 that: *"All new zoning and intensification of residential development by zoning that is likely to impact on services should only proceed when supported by comprehensive engineering and funding studies so that infrastructure within and related to the new areas is not compromised."*
- 2 An initial memorandum refining the appeal point was filed on 4 April 2019, which clarified which areas of land the appeal related to. This resulted in withdrawal of the appeal in relation to identified sites.
- 3 The intention of this memorandum is to further refine this appeal point by a further withdrawal.
- 4 The appellant is now satisfied that the zoning of many of the sites potentially subject to the appeal are "not likely to impact on services" or there have been "comprehensive engineering and funding studies so that infrastructure... is not compromised".
- 5 Consequently, the appeal now only applies to the following sites:
 - (a) sites zoned Residential 1 in the operative plan that are zoned General Residential 2 in the 2GP and are subject to an Infrastructure Constraint Mapped Area;
 - (b) sites zoned Rural in the operative plan that are zoned Rural Residential 1 or 2 in the 2GP that
 - (i) have additional development potential; and
 - (ii) are fronted by an unsealed road or are within 500m from a DCC water supply.

Withdrawal of parts of Appeal

- 6 This memorandum withdraws the relief sought as it relates to all residential and rural residential zoned sites apart from those specified in paragraph 5.
- 7 There is no issue as to costs from Dunedin City Council.
- 8 For clarity the final paragraph outlining relief sought in the notice of appeal should be amended to now read:

All new zoning and intensification of residential development by zoning that is likely to impact on services should only proceed when supported by comprehensive engineering and funding studies so that infrastructure within and related to the new areas



is not compromised. This appeal only relates to the following sites:

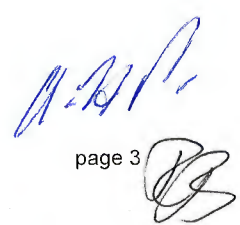
- (a) sites zoned Residential 1 in the operative plan that are zoned General Residential 2 in the 2GP and are subject to an Infrastructure Constraint Mapped Area;
- (b) sites zoned Rural in the operative plan that are zoned Rural Residential 1 or 2 in the 2GP; and
 - (i) have additional development potential; and
 - (ii) are fronted by an unsealed road or are with 500m from a DCC water supply.

~~This appeal point does not relate to¹:~~

- ~~(c) sites zoned Rural Residential 1 or Rural Residential 2 in the 2GP that have no additional development potential, or have additional development potential and are fronted by a sealed road and are more than 500m from a DCC water supply~~
- ~~(d) sites zoned Residential 2, Residential 3 or Residential 4 in the operative plan that are zoned General Residential 2 or Inner City Residential in the 2GP~~
- ~~(e) sites zoned Residential 6 in the operative plan~~
- ~~(f) sites with a Residential Transition Overlay Zone in the 2GP~~
- ~~(g) sites zoned Centre in the 2GP~~
- ~~(h) all sites within the Green Island Wastewater Treatment Plant catchment (see map attached as Attachment X)~~
- ~~(i) the following sites / areas:~~
 - ~~(i) 4 Blanc Avenue, Fairfield~~
 - ~~(ii) 259 Gladstone Road North and 18 Henderson Street, Wingatui~~
 - ~~(iii) 863 Brighton Road, Brighton~~
 - ~~(iv) 128, 138, 140 and 142 Aramoana Road~~
 - ~~(v) 10 Lewis Street, Deborah Bay~~

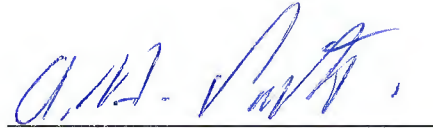
¹ The strike-through text was added as a result of the Memorandum filed on 4 April

- (vi) ~~687, 685, 683, 681A, 681, 679, 671, 667 Aramoana Road~~
- (vii) ~~727, 741, 753, 761, 769, 771, 773, 775, 777, 779, 781, 783, 785, 786, 787, 789, 789A, 791, 792, 793, 795, 797, 799, 805, 803, 807 Aramoana Road and 485 Heyward Point Road~~
- (viii) ~~35, 33, 31, 29, 27, 23, 19, 17 Bradley Road, 3 Albert Street, 17 Rowland Street, Osbourne~~
- (ix) ~~18 Almond Street, Waitati~~
- (x) ~~PT SEC 67 Doctors Point Road Waitati~~
- (xi) ~~138, 140 Coast Road, Warrington~~
- (xii) ~~6 Park Road, Warrington~~
- (xiii) ~~1390 Coast Road, Karitane~~
- (xiv) ~~1 Old Head Street, Karitane~~
- (xv) ~~110 Main Road, Waikouaiti~~
- (xvi) ~~Sites zoned Large Lot Residential 1 on Aberdeen Street, Edinburgh Street, Stonehaven Street, Forfar Street, Cupar Street, Inverary Street, Nairn Street, Rothesay Street and Cromarty Street, Waikouaiti~~
- (xvii) ~~14, 18, 28 Patmos Avenue~~
- (xviii) ~~266, 248, 254, 240, 234, 224 Bendigo Road, Waikouaiti~~
- (xix) ~~54, 50, 48, 46, 44, 42, 40 Greenlaw Street, 24 Inverness Street, 169 Edinburgh Street, Waikouaiti~~
- (xx) ~~969, 967, 955, 953, 945, 939, 937, 931, 929, 927, 915 Taieri Mouth Road~~
- (xxi) ~~54 and 54a Harwood St, Peninsula~~
- (xxii) ~~Part 114 Otakou Golf Course Rd (2 sites)~~
- (xxiii) ~~11, 21, 25, 28, 31, 33, 35, 45 Pakihau Road, Otakou~~
- (xxiv) ~~10, 17 Reynoldstown Road and 178 Blueskin Road.~~

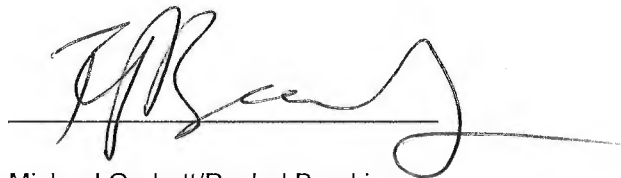


- 9 The Appellant and Respondent are continuing to meet to determine appropriate relief for the appeal as it relates to the remaining sites. Because this appeal is the only appeal that has the potential to relate to many up-zonings it is a priority for Council to clarify, which is why this memorandum is being filed now while discussions with the Appellant continue. It is anticipated that a consent order will be filed shortly to resolve the appeal in relation to the remaining sites.

Dated this 16th day of May 2019



A Parata
Appellant



Michael Garbett/Rachel Brooking
Counsel for the Respondent