

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-000229

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act in relation to the
Proposed Second-Generation Dunedin City
Plan

BETWEEN **LIQUIGAS LIMITED**

Appellant

AND **DUNEDIN CITY COUNCIL**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:
 - (a) *Liquigas Limited (ENV-2018-CHC-000229)* being an appeal against decisions of the Dunedin City Council on the Proposed Second-Generation Dunedin City Plan.
2. HortNZ made submissions and further submissions on the Proposed Second-Generation Dunedin City Plan (submission number 1090 and further submission number 2452).
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be adversely affected by the proposed relief sought by the Respondent
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The parts of the proceedings HortNZ is interested in are:
 - (a) Definition of infrastructure
 - (b) Definition of reverse sensitivity
 - (c) Definition of sensitive activities
 - (d) New policy under Objective 5.2.1
6. The particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.

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



Rachel McClung

Environmental Policy Advisor – South Island
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23 January 2019

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Advice

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

Provision Appealed by Liquigas Limited	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
Definition of infrastructure	FS2452.2 on OS908.63 by Otago Regional Council	Oppose	HortNZ supported that the use of the RMA definition for infrastructure in the Plan is appropriate. The decision does not include a definition for 'infrastructure', rather relying on a specific definition for 'public infrastructure'. The Appellant seeks to add a new definition for infrastructure based on the RMA definition with a number of additional facilities to also be included. If a definition for infrastructure is to be included in the Plan it should be consistent with the RMA definition of infrastructure.
Definition of reverse sensitivity	OS1090.8	Oppose in part	HortNZ supported retaining the notified definition of reverse sensitivity. The decision amends the definition as a result of OS1046.5 by Air New Zealand. The Appellant seeks an alternative definition which does not refer to lawful activities and limits effects to those by newer uses. HortNZ does not support this approach. As an alternative the Appellant seeks the deletion of the definition. HortNZ seeks that a definition for reverse sensitivity is retained in the Plan so it is clear how the term will be interpreted and implemented in the Plan.
Definition of sensitive areas	FS2452.19 on OS806.11 by Transpower	Oppose in part	The Appellant seeks to include a definition for sensitive activities that would apply to a wide range of activities, including the National Grid. There is a definition for National Grid Sensitive Activities in the Plan so it is inappropriate to include the National Grid within a broader definition of sensitive activities. If a definition for sensitive activities adjacent to major hazard facilities then the definition should be specific to those facilities.

Provision Appealed by Liquigas Limited	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
New policy under Objective 5.2.1	FS2452.12 on OS457.16 (Aurora) FS2452.16 on OS918.25 FS2452.17 on OS918.26 FS2452.18 on OS457.219	Oppose	The Appellant seeks that a new policy is included under Objective 5.2.1 to protect existing network utilities by avoiding the establishment of incompatible activities in adjacent areas that may adversely affect the network utility through reverse sensitivity effects. HortNZ made further submissions on a number of submissions that sought protection of network utilities. Objective 5.2.1 seeks to enable to establishment of network utilities by providing for adverse effects that may arise from their operation. A policy providing the protection from reverse sensitivity is inconsistent with the intent of Objective 5.2.1.