

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-

IN THE MATTER	Of an appeal pursuant to clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN	SOUTHERN DISTRICT HEALTH BOARD
	Appellant
AND	DUNEDIN CITY COUNCIL
	Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. The Southern District Health Board (**the SDHB**), appeals against a decision of the Dunedin City Council on the Dunedin City Council Second Generation Plan (The 2GP Decision).
2. The SDHB made a submission regarding the Dunedin City Council Second Generation Plan (OS249)
3. The SDHB is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. The SDHB received notice of the decision on 7 November 2018.
5. The 2GP Decision was made by Dunedin City Council.
6. The 2GP Decision the Trust is appealing is the Heritage Hearings Panel Report, particularly;
 - (a) 3.9.5.13 which relates to the identification of the Otago Therapeutic Pool
7. The reasons for the SDHB's appeal are:
 - (a) Dunedin Hospital is the primary medical facility for Otago and Southland and is therefore a regionally significant facility. Enabling it to develop and operate efficiently and effectively is important to ensure community's wellbeing, health and safety is provided for.
 - (b) Identification of the Otago Therapeutic Pool within the 2GP is neither necessary nor appropriate.
 - (c) The Otago Therapeutic Pool is identified under the Heritage New Zealand Pouhere Taonga Act 2014 as a category 2 building.

Protection under the 2GP is not required in order to protect the heritage values of the building.

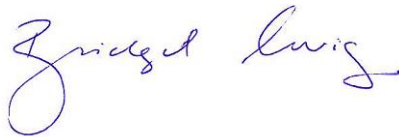
- (d) Including the Otago Therapeutic Pool in the schedule A1.1 may result in inefficient use of the Otago Therapeutic Pool as a physical resource and inefficient and ineffective operation of the Dunedin Hospital.
- (e) The 2GP Decision was made on an incorrect basis regarding the potential for the Otago Therapeutic Pool to be included within the Dunedin Hospital master plan.
- (f) Identification of the Otago Therapeutic Pool does not implement the objectives and policies of the Major Facilities – Dunedin Hospital Zone in particular Objective 23.2.1, Policy 23.2.1.1, Objective 23.2.2 and
- (g) Identification of the Otago Therapeutic Pool does not implement the relevant objectives and policies within the Strategic Directions, in particular Objective 2.3.1
- (h) The 2GP Decision gave insufficient weight to the evidence of Mr Hazelton, the section 42A Report and SDHB all of whom recommended that the Otago Therapeutic Pool not be included within Appendix A.1.1
- (i) The 2GP Decision does not achieve sustainable management of the Otago Therapeutic Pool.

8. The Trust seeks the following relief:

- (a) Delete the Otago Therapeutic Pool from Appendix A.1.1 of the 2GP.
- (b) And any other alternative relief to give effect to the above;
- (c) Any further consequential relief to give effect to the above;
- (d) Costs of and incidental to this appeal.

9. I attach the following documents to this notice:

- (a) A copy of the SDHB original submission and further submission;
- (b) A copy of the relevant parts of the Heritage Decisions Report, in particular, 3.2section 3.8.3.3 which address the relief which the Trust sought; and
- (c) A list of names and addresses of persons to be served with a copy of this notice.



Bridget Irving

Solicitor for the Appellant

DATED 19 December 2018

Address for service

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Advice to Recipients of Copy of Notice*How to Become a Party to Proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to Obtain Copies of Documents Relating to Appeal

The copy of this notice served on you does not attach a copy of the relevant decision. These documents may be obtained, on request, from the Appellant.

Advice

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

List of names of persons to be served with this notice

Name	Address	Email Address
Dunedin City Council	PO Box 5045, Dunedin 9054	2gpappeals@dcc.govt.nz
Elizabeth Kerr	5/5 Pitt Street, North Dunedin, Dunedin 9012	ejkerr@ihug.co.nz
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