

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

I TE KŌTI TAIAO O AOTEAROA

ENV-2018-CHC-293

BETWEEN

BLUE GRASS LIMITED AND OTHERS

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIES' WISH TO BE PARTY TO PROCEEDINGS

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI AND TE RŪNANGA O ŌTĀKOU

Dated 31 January 2019

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Notice of wish to be party to proceedings

Under section 274 of the Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

- 1 Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou
("Manawhenua") wish to be parties to the following proceedings concerning
the Proposed Second Generation Dunedin District Plan ("2GP"):

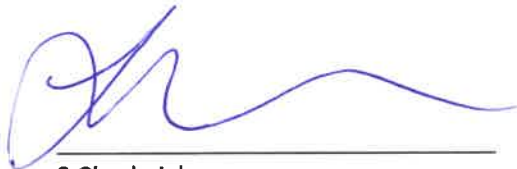
ENV-2018-CHC-293 Craig Horne and Others v Dunedin City Council

- 2 Manawhenua made a submission about the subject matter of the
proceedings.
- 3 The Kāi Tahu rūnanga are Manawhenua within the Dunedin district and
therefore also have an interest in the proceedings that is greater than the
general public.
- 4 Manawhenua are not trade competitors.
- 5 Manawhenua are interested in all of the proceedings.
- 6 The ability of Kāi Tahu to provide for their cultural wellbeing is dependent
on the protection of valued places, resources and landscapes, including wāhi
tūpuna, and therefore Manawhenua are particularly interested in the
following issues:
- a Any changes proposed in this appeal that have the potential to
impact how the 2GP provides for and protects Kāi Tahu values in the
Dunedin district.
- b Any changes that enable the establishment of residential
development and associated activities beyond that provided in the
2GP at present, which may impact certain sites, resources and
locations with particular importance or values to Manawhenua,
particularly within wāhi tūpuna or that may affect important
landscapes and ridgelines.

- c Removal of any wāhi tūpuna overlay, change to landscape or ridgeline protections or the rural zones, including the landscape and wāhi tūpuna overlays in the Saddle Hill area.
 - d Changes to the wording of objectives and policies for the rural zone that enable residential activity.
 - e Changes proposed to the zoning of certain properties, rules and activity status classifications to enable residential development and associated activities.
 - f Changes affecting the zoning of land and potential density of development on land that may be unreticulated and infrastructure is a significant issue.
 - g The way that the potential effects of development are assessed and managed in the 2GP, particularly the effects of stormwater and wastewater on nearby wāhi tūpuna areas.
- 7 Manawhenua oppose the relief sought by the Appellant for the following reasons:
- a Increases in residential density in certain areas can potentially threaten or place increased pressures on wāhi tūpuna and water resources.
 - b Strengthening the policy and assessment provisions in favour of residential development and associated activities may have the effect of weakening protection of Manawhenua values and Manawhenua wish to ensure an appropriate policy balance is struck.
 - c The changes proposed may have the unintended effect of changing how the papakāika provisions in the 2GP are applied and operate.
 - d Manawhenua have identified that landscape and ridgeline protection is a priority, within and outside of wāhi tūpuna.

- e The 2GP contains a trigger that provides for all activities that are discretionary or non-complying to be notified to Manawhenua, whether they are in identified wāhi tūpuna or not. Changing the activity status of the development of this property, or a rezoning of certain parcels of land has the potential to remove this requirement for notification which is inappropriate for certain levels of development in this area.
- f It is important that Manawhenua values are fully considered in consenting decisions, both through appropriate provisions in the rules and policy of the 2GP and through Manawhenua involvement in consenting processes.
- g Pukemakamaka/Turimakamaka (Saddle Hill / Jaffrays Hill) is a highly significant wāhi tūpuna for Kāi Tahu. These hills feature in important local creation stories.
- h The wāhi tūpuna overlay does not affect lawfully established activities with existing use rights. The wāhi tūpuna mapped areas illustrate places of cultural importance to Manawhenua. The existence of private property within the mapped wāhi tūpuna does not change its geographical extent.
- i The Appellant's proposed amendments do not promote sustainable management and do not adequately reflect or take account of the important matters in Part II of the Resource Management Act 1991, including those in sections 6(b), 6(e), 6(g), 7(a), 7(aa) and 8.

8 Manawhenua agree to participate in mediation or other alternative dispute resolution.



S Chadwick

Counsel for Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou

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