
**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KOTIMATUA O AOTEAROA
ŌTAUHAHI ROHE**

ENV-2018-CHC-229

IN THE MATTER OF	of the Resource Management Act 1991
AND IN THE MATTER OF	of an appeal pursuant to clause 14(1) of the First Schedule of the RMA in relation to the Proposed Second Generation Dunedin City District Plan
BETWEEN	LIQUIGAS LIMITED
	Appellant
AND	DUNEDIN CITY COUNCIL
	Respondent

**NOTICE OF INTENTION OF THE MINISTER OF DEFENCE TO
BECOME AN INTERESTED PARTY PURSUANT TO SECTION 274 OF
THE RESOURCE MANAGEMENT ACT 1991**

29 January 2019

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To The Registrar
 Environment Court
 Christchurch

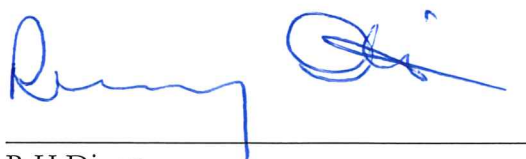
1. **THE MINISTER OF DEFENCE (the Minister)** gives notice under section 274 of the Resource Management Act 1991(**RMA**) that he wishes to be a party to these proceedings, being *Liquigas Limited v Dunedin City Council* (ENV-CHC-2018-229) (**the Appeal**).
2. The Appeal is in respect of the decisions of Dunedin City Council on its Proposed Second Generation Dunedin City District Plan (**Proposed 2GP**).
3. The Minister through the New Zealand Defence Force made a submission and further submission on the Proposed 2GP in relation to matters the subject of this appeal.
4. The Minister also has an interest in the proceedings that is greater than the interest of the general public as the New Zealand Defence Force has facilities in Dunedin which enable it to meet the Crown's obligations under section 5 of the Defence Act 1990. Those facilities currently include the Waitati Rifle Range, Army Battalion HQ and the HMNZS Toroa (RNZNVR Centre).
5. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
6. The Minister is interested in the impact of the Proposed 2GP on the operations of the New Zealand Defence Force in Dunedin. Specifically, the Minister is interested in how the Proposed 2GP addresses the concept of reverse sensitivity.
7. The Minister **opposes** the appellant's relief seeking the replacement of the definition of reverse sensitivity in Section 1.4 Definitions with the following:

Reverse Sensitivity

When existing activities are affected by newer uses establishing that may have sensitivity to, and subsequently raise concerns or complain about, the effects of the existing activity; and which could lead to restrictions being placed on existing activities.

8. The Minister also **opposes** the appellant's alternative relief seeking that a definition of reverse sensitivity be deleted altogether.
9. The Minister considers that the definition in the decisions version of the Proposed 2GP (**the decisions version**), while longer than that proposed by the appellant, is more helpful. It provides examples of the adverse effects the existing activity may have that may lead to complaints but which nevertheless entitle the activity to be protected (provided it is lawful). Those effects include effects of concern to the appellant. It also provides common examples of situations/activities where reverse sensitivity issues arise.
10. The Minister opposes the alternative relief sought (deletion of the definition altogether) because a definition of reverse sensitivity is necessary in the Proposed 2GP. It is a concept particular to planning and therefore not widely understood. Expecting 2GP users to refer to case law (or some other source) for an understanding will defeat the objective of an accessible and user-friendly planning document. In particular, Policy 15.2.3.5, Objective 16.2.2, Policy 16.2.2.6, Policy 17.2.2.1, Objective 18.2.2 and Policy 20.2.2.8 require the definition to be available.
11. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.

29 January 2019



R H Dixon
Counsel for the Minister of Defence

The address for service of the Minister is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the Minister may be left at this address for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (c) transmitted to the solicitor by facsimile to 04 473 3482; or
- (d) emailed to the solicitor at rosemary.dixon@crownlaw.govt.nz