



ENVIRONMENT COURT OF NEW ZEALAND

14 March 2023

In reply, please quote reference
ENV-2023-CHC-000011

Phil Page/ Simon Peirce
Gallaway Cook Allan
P O Box 143
Dunedin 9054

Michael Garbett
Anderson Lloyd (Dunedin)
Private Bag 1959
Dunedin 9054

Dear Parties

K & L Accommodation Limited v Dunedin City Council

Topic: Appeal against decision of Variation 2 to the 2GP regarding rezoning of 3 Brick Hill Road and 18 Noyna Road

I acknowledge receipt on 13 March 2023 of:

- Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
- filing fee of \$600.00

I look forward to receiving from you written notice to the Court of the name, address and date of service for each party served with the application. Please note that service of the application cannot be waived.

This matter was referred to Environment Judge Steven for initial consideration and the following directions were given:

1. *The appeal is to be placed on the standard track;*
2. *Counsel for the applicant must confer with the other parties at the end of the s274 period (14 April 2023) and file a memorandum by **Wednesday 19 April 2023** setting out:*
 - a. *a list of the issues*
 - b. *whether the parties seek mediation (and if so setting out their reasons/positions, timetabling arrangements and a time estimate:*
 - c. *if mediation isn't sought then propose an evidence timetable (and set out the potential witnesses to be called by each party and an estimate of the hearing time required);*
3. *Leave is reserved for any party to make further (or other) directions.*

P A Steven
Environment Judge
9 February 2023

This case may be able to be resolved by negotiation or mediation, rather than by a full hearing and a decision by the court. Mediation can be directed by an Environment Judge or requested at any time by the parties. Mediation is an informal process, where an independent person meets with the parties to help them to reach agreement on all or some of the questions in dispute. Mediation is a process, which can be relatively quick and inexpensive. Parties and their advisers can talk openly about the dispute and their attitudes to it. Any technical or legal questions can be identified and discussed.

A mediator does not judge the case or impose a decision, but helps the parties to see if they can reach an outcome of their own.

An Environment Commissioner of the Environment Court may be asked to act as mediator, see section 268(1) of the Resource Management Act 1991. The parties are not asked to pay his/her expenses. An Environment Commissioner acting as mediator will not be involved in hearing the appeal if agreement cannot be reached, and the case on the appeal will not be prejudiced by the mediation if it is not successful.

If negotiation or mediation is not successful in resolving the case, the file is then returned to the control of the Case Manager and Judge.

The parties may agree to engage a private mediator instead of an Environment Commissioner. This would involve payment of the mediator's fees and expenses. A private mediator may be chosen because of special skills.

Further information about private mediators can be obtained from the Arbitrators' and Mediators' Institute, PO Box 1477, Wellington, or LEADR NZ (Inc), PO Box 10991, Wellington, email: leadrnz@xtra.co.nz or telephone: (04) 470 0110.

If the matter proceeds to hearing, you will be notified of any hearing date and time as well as the associated hearing and scheduling fees.

Case Management

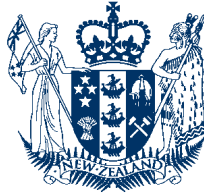
The Environment Court operates a caseflow management system for all proceedings filed with it. The Court will supervise or manage the time and events involved in the life of this case, from the time it is filed, to the time it is disposed of. Initially a copy of this appeal will be referred to an Environment Judge shortly after its filing for assignment to a case track.

What is a case track?

The Court specifically manages the flow of cases through a Case Tracking system, of which there are three distinct management tracks. They are:

Standard:

This management track will include most s.120 appeals, non-urgent enforcement proceedings and other miscellaneous proceedings. The Court will typically issue standard directions to the parties, with an emphasis on avoiding unnecessary court



ENVIRONMENT COURT OF NEW ZEALAND

appearances at the interlocutory stage and a hearing within six months of commencement.

Priority:

This track is for the more urgent cases, such as urgent enforcement proceedings; also appeals that the Court considers require priority resolution, or matters for which more intense case management is required.

Parties On-Hold:

Cases will be placed onto this track (unless the managing Judge otherwise directs) in circumstances where parties advise that they are not actively seeking a hearing to (for example) negotiate or mediate.

Where your case has not already been assigned to a case track then the Managing Judge will allocate your case to a specific track and you will be notified of this by way of separate correspondence.

Information about the Environment Court and its procedures can be found on the Ministry of Justice web site (<http://www.justice.govt.nz>) and is also available from the Ministry for the Environment (<http://www.mfe.govt.nz>).

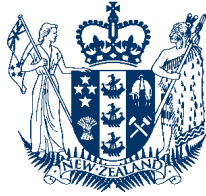
Please direct any correspondence or enquiries to myself as Case Manager for this matter and note the above Court reference.

A handwritten signature in black ink, appearing to read 'Natalie Walsh'.

Natalie Walsh
Hearing Manager

ENVIRONMENT COURT

E-mail address: Natalie.Walsh@justice.govt.nz



ENVIRONMENT COURT OF NEW ZEALAND

LIST OF PARTIES

<u>Lodgement:</u>	<u>ENV-2023-CHC-000011</u>	<u>K & L Accomodation Limited v Dunedin City Council</u>
Initiator	K & L Accommodation Limited	Phil Page, Gallaway Cook Allan, P O Box 143, DX YP80023, Dunedin 9054
Initiator	K & L Accommodation Limited	Simon Peirce, Gallaway Cook Allan, P O Box 143, DX YP80023, Dunedin 9054
Respondent	Dunedin City Council	Michael Garbett, Anderson Lloyd (Dunedin), Private Bag 1959, DX YP10107, Dunedin 9054