

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHU ROHE

ENV-2023-CHC-018

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of an appeal under Clause 14(1) of Schedule 1 of the  
Resource Management Act 1991

**BETWEEN** **FBG DEVELOPMENTS LIMITED**  
Appellant

**AND** **DUNEDIN CITY COUNCIL**  
Respondent

**NOTICE BY THE OTAGO REGIONAL COUNCIL OF ITS WISH TO BE A  
PARTY TO PROCEEDING**

*Section 274 Resource Management Act 1991*

Dated 13 April 2023

ROSS DOWLING MARQUET GRIFFIN  
SOLICITORS  
DUNEDIN

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Solicitor: S J Anderson

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**NOTICE BY THE OTAGO REGIONAL COUNCIL OF ITS WISH TO BE A  
PARTY TO PROCEEDING**

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**To** the Registrar  
Environment Court  
Christchurch

1. The **OTAGO REGIONAL COUNCIL** wishes to be a party to the following proceedings:
  - 1.1. the appeal by FBG Developments Limited dated 17 March 2023 being ENV-2023-CHC-018 from the Dunedin City Council's ("DCC") decisions on Variation 2 to its proposed Dunedin City District Plan ("2GP").
2. The **OTAGO REGIONAL COUNCIL** is:
  - 2.1. a local authority; and
  - 2.2. a person who made a submission about the subject matter of this proceeding.
3. The **OTAGO REGIONAL COUNCIL** is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("the Act").
4. The **OTAGO REGIONAL COUNCIL** is interested in all of the proceedings.
5. Without derogating from Paragraph 4, the **OTAGO REGIONAL COUNCIL** is interested in the following issues:
  - 5.1. landscape effects;
  - 5.2. the urbanisation of rural and semi-rural environments;
  - 5.3. natural hazards, in particular ground instability;
  - 5.4. stormwater management;
  - 5.5. wastewater management;
  - 5.6. the supply of potable water;

- 5.7. the effects on indigenous biodiversity; and
  - 5.8. access.
6. The **OTAGO REGIONAL COUNCIL** opposes the relief sought because:
- 6.1. the relief sought will enable residential activities in an inappropriate location;
  - 6.2. the relief does not constitute a strategic and coordinated approach to urban growth and development;
  - 6.3. the relief will not be well designed urban growth and development;
  - 6.4. the relief will enable residential activities which will compromise a significant natural landscape and detract from rural character and amenity;
  - 6.5. the relief will enable an inappropriate level of urban activities in a rural area;
  - 6.6. there are significant, if not insuperable infrastructure issues including adequate stormwater management, adequate wastewater management, and supply of potable water;
  - 6.7. there are potential adverse effects on the receiving environment, including Lindsay Creek;
  - 6.8. the appeal site is subject to natural hazards including in particular ground instability;
  - 6.9. rezoning will adversely affect indigenous biodiversity;
  - 6.10. access to the site is problematic and has not been adequately explained;
  - 6.11. the relief sought does not give effect to the strategic objectives and strategic policies of 2GP;
  - 6.12. the relief sought does not give effect to the National Policy Statement for Freshwater Management;

- 6.13. the relief sought does not give effect to and is not needed to give effect to the National Policy Statement on Urban Development;
- 6.14. the relief sought does not give effect to the partially operative Regional Policy Statement 2019 and does not have regard to the proposed Otago Regional Policy Statement 2021;
- 6.15. the relief sought results in adverse effects on the environment;  
and
- 6.16. the relief does not promote sustainable management and is therefore contrary to Part 2 of the Act.
7. The **OTAGO REGIONAL COUNCIL** agrees to participate in mediation or any other alternative dispute resolution of the proceedings.



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*S J Anderson*  
*(for Otago Regional Council)*  
Date: 13 April 2023

**Address for service:**

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### List of Parties to be Served

| Name                     | Email Address                                                                            |
|--------------------------|------------------------------------------------------------------------------------------|
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| FBG Developments Limited | <a href="mailto:Phil.Page@gallawaycookallan.co.nz">Phil.Page@gallawaycookallan.co.nz</a> |