UNDER	the Resource Management Act 1991
IN THE MATTER OF	Hearing in relation to Variation 2 to the proposed Second Generation Dunedin City District Plan (2GP)

SUBMISSIONS FOR THE OTAGO REGIONAL COUNCIL IN RESPONSE TO THE LEGAL SUBMISSIONS ON BEHALF OF DUNEDIN CITY COUNCIL DATED 6 OCTOBER 2022

Dated 14 October 2022

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AJL-266090-1013-1130-V1

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May it Please the Hearing Panel –

Introduction

1. These submissions address briefly the submissions filed for the Dunedin City Council ("DCC") on 6 October 2022.

Response

2. The Otago Regional Council ("ORC") agrees the National Policy Statement for Highly Productive Land ("NPS-HPL") does not apply to land proposed by the DCC in Variation 2 for rezoning.

3. ORC agrees the NPS-HPL does apply or potentially applies to land which submitters on Variation 2 seek to rezone.

4. ORC agrees that under section 75(3)(a) of the RMA that 2GP must give effect to the NPS-HPL.

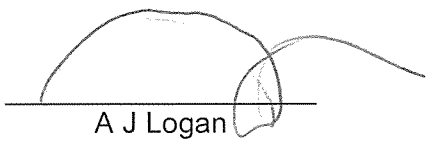
5. Accordingly, the Hearings Panel must give effect to the NPS-HPL in its decisions on submissions.

6. That statutory direction means that in the case of land, which is not promoted by the DCC in Variation 2 for rezoning, but is sought to be rezoned by submissions, the NPS-HPL will apply and must be given effect to, if the whole or any part of the land is highly productive land, as defined in the NPS-HPL.

7. ORC disagrees with the way in which the obligation to implement the NPS-HPL as expressed in the DCC's submissions at paragraphs 21, 22 and 28.

8. In these paragraphs the provisions of the NPS-HPL are characterised as "*relevant considerations*" or "*a strong consideration*".

9. The provisions of the NPF-HPL are more than mere considerations. There is a mandatory obligation to give effect to the provisions where they apply. The provisions are not matters which are merely to be considered, taken into account and given such weight as the panel thinks fit. They have to be implemented.



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Dated: 14 October 2022