

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under clause 14(1) of the First Schedule of the Act
BETWEEN	THE PRESERVATION COALITION TRUST (ENV-2018-CHC-285) Appellant
AND	DUNEDIN CITY COUNCIL Respondent

Before: Environment Judge J E Borthwick

Held: in Christchurch on 24 March 2020 at 2.00 pm

In Attendance: C Werner for The Preservation Coalition Trust
M Garbett for Dunedin City Council

RECORD OF TELEPHONE CONFERENCE

Introduction

[1] A telephone conference was convened for the purpose of case management regarding the issues of scope arising in relation to DCC appeal points 70b and 71.

[2] Given the Government's announcement that New Zealand will move to COVID-19 Alert Level 4 tonight, the hearing set down to commence 3 April 2020 was vacated.

DCC Appeal Point 70b

[3] PCT has filed an application seeking leave to amend the notice of appeal in relation to what appears to be a new rule. The City Council says the relief sought is now within scope of PCT's original submission and consequently it no longer wishes to pursue its objection to this appeal point.



[4] Any party opposing PCT's application to amend the notice of appeal is to file a memorandum advising the court. If no party opposes, I will grant leave (without further notice) for the notice of appeal to be amended. If leave is granted, there will be no live issue to be determined in respect of scope.

[5] I will direct the registry to send out to the parties of PCT's application to amend its notice of appeal, together with a copy of the District Council and PCT submissions. This is to give parties adequate context to decide whether their interests are affected.

DCC Appeal Point 71

[6] For the reasons discussed with the parties, I am uncomfortable deciding the scope questions on the papers. That said, I have directed the parties to provide the court further assistance in the form of a concise document that accurately describes in chronological order all the documents relevant to the contested scope issue, e.g. notice of appeal (date), amended notice of appeal (date), application seeking leave to amend the notice of appeal (date), corrigendum (date) to the leave application correctly identifying the rule(s) in contention etc. Any documents not included in the common bundle are to be attached to the memorandum. I will direct parties to amend their submissions by correcting any mis-references.

[7] That done, I will then consider whether I am in a position to decide the matter on the papers. If I have questions or queries regarding the parties' submissions I will either set these out in writing; set down a hearing to be attended via Audio Visual Link (if available) or set down for a hearing at a later date.

Directions

[8] By consent, I direct:

- (a) the hearing set down for 3 April 2020 is vacated;
- (b) by **Friday 3 April 2020** the Council, having conferred with the Trust, will file the document referred to in paragraph [6] above in relation to DCC appeal point 71; and



- (c) by **Thursday 9 April 2020** any party opposing the Trust's application to amend its appeal in relation to DCC appeal point 70b will file and serve a notice of opposition

[9] Leave is reserved for any party to apply for further (or other) directions



J E Borthwick

Environment Judge

Issued: 25 March 2020