

**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) and all other appellants concerning DCC appeal point references 75, 82, 96, 93a of the Proposed Dunedin Second Generation District Plan Appellant
AND	DUNEDIN CITY COUNCIL Respondent

MINUTE OF THE ENVIRONMENT COURT

**DCC Appeal References: 75, 82, 96, 93a
Harbour & Peninsula – landscape overlays, RR Zoning
(6 May 2020)**

Introduction

[1] This Minute is issued for the purpose of case management in response to the City Council's memorandum dated 1 May 2020 regarding the landscape experts' Joint Witness Statement dated 31 March 2020.

[2] The City Council notes that the landscape experts have recommended a large number of changes relating to:

- (a) the planning maps identifying Outstanding Natural Landscapes (ONL), Significant Natural Landscapes (SNL) and Outstanding Natural Features (ONF); and
- (b) the zoning of a number of rural residential sites.



[3] In light of these recommended changes, the City Council wishes to assess its position, which will require it taking planning advice and assessing the proposed amendments to the plan, and alternatives, under s 32 of the Act.

[4] The City Council and the parties need to consider their position in relation to the changes recommended by the landscape experts. The City Council seeks directions in this regard. While the process described is reasonable in the circumstance, the time allowed to progress this to a mediation or a hearing is far too lengthy, particularly given that the JWS has been with parties since the end of March. I will make the directions sought, but abridge the time allowed.

[5] As a matter of some **urgency**, I will direct that the City Council confirm whether the resolution of this appeal impacts on any application for orders by consent or any other appeal before the court.

[6] That being said, the COVID-19 situation in New Zealand remains dynamic and I will, therefore, reserve leave for parties to seek amended (or other) directions, should this be appropriate in the future.

Directions

[7] I direct:

- (a) by **Friday 15 May 2020** the City Council is to file and serve a memorandum responding to paragraph [5]. If, in its opinion, this appeal impacts on draft consent orders before the court, the Council will identify the proceedings and relevant appeal points and serve a copy of its responding memorandum on the affected parties;
- (b) by **Friday 5 June 2020** the City Council is to file and serve a position paper identifying the areas where it agrees, and where it disagrees, with the landscape experts in their Joint Witness Statement of 31 March 2020;
- (c) by **Friday 26 June 2020** any other party with an interest in the issue is to advise the City Council whether it agrees or disagrees with the Council's position; and
- (d) by **Friday 3 July 2020**, after consulting with the relevant parties, the City Council will file and serve a memorandum:



- (i) identifying where there is dispute regarding the City Council's identified position; and
- (ii) where dispute has arisen, seek referral to mediation or propose a timetable for the exchange of evidence.

[8] Leave is reserved for parties to seek amended (or other) directions.



J E Borthwick

Environment Judge

Issued: 6 May 2020