

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

|               |                                                                                                                    |
|---------------|--------------------------------------------------------------------------------------------------------------------|
| IN THE MATTER | of the Resource Management Act 1991                                                                                |
| AND           | of appeals under clause 14(1) of the First Schedule of the Act                                                     |
| BETWEEN       | ROBERT FRANCIS WYBER<br>(ENV-2018-CHC-281)<br>THE PRESERVATION COALITION TRUST<br>(ENV-2018-CHC-285)<br>Appellants |
| AND           | DUNEDIN CITY COUNCIL<br>Respondent                                                                                 |

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**MINUTE OF THE ENVIRONMENT COURT**  
**(15 July 2020)**

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**Introduction**

[1] This Minute is issued for the purpose of case management.

[2] A telephone conference involving the parties to the Wyber and PCT appeal was held on 11 May 2020 where I made directions in relation to PCT filing an amended notice of appeal and all other parties filing any notice of opposition.<sup>1</sup> Notices of opposition were subsequently received from:

- (a) the City Council;
- (b) Federated Farmers;
- (c) Robert Wyber and Robert Duffy.



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<sup>1</sup> Record of Telephone Conference on 11 May 2020.

[3] The court issued a Minute dated 14 July 2020 to parties to the PCT appeal setting the issue of whether the court has scope to consider the relief set out in PCT's appeal down for a telephone conference on **Friday 24 July 2020 at 10.00 am**.

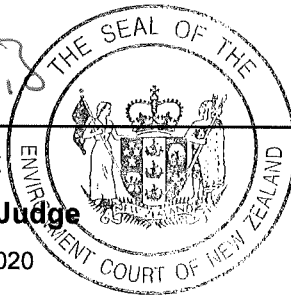
[4] A copy of the court's Minute dated 14 July 2020 is attached as Annexure A to this Minute and I will make directions including the parties to the Wyber appeal in the directions made in that Minute.

### **Directions**

[5] I direct that the directions given in the Minute dated 14 July 2020, attached as Annexure A to this Minute, are extended to include the parties to the Wyber appeal.

*ue 13*  
**J E Borthwick**  
**Environment Judge**

Issued: 15 July 2020



**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<br>(ENV-2018-CHC-285)<br>Appellant |
| AND           | DUNEDIN CITY COUNCIL<br>Respondent                                  |

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**MINUTE OF THE ENVIRONMENT COURT  
Telephone Conference  
(14 July 2020)**

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**Introduction**

[1] This Minute is released for the purpose of case management and in response to the following:

- (a) City Council's memorandum dated 3 July 2020 addressing landscape overlays and rural residential zoning; and
- (b) Preservation Coalition Trust's (PCT) memorandum dated 6 July 2020 addressing scope of its appeal.

[2] I agree with the City Council that the issue whether the court has scope to consider the relief set out in PCT's appeal should be considered before mediation. As there are a total of nine parties to this appeal, I will set the matter down for a telephone conference on **Friday 24 July 2020 at 10.00 am**. This is instead of a pre-hearing conference as I had earlier indicated.



**Tentative hearing dates**

[3] Assuming two days is required, the court may hear the issue as to scope on either **24-25 September or 5-6 October 2020.**

**Directions**

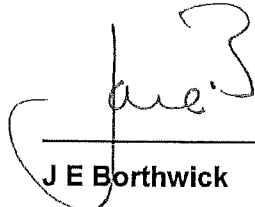
[4] Any party who will abide the court's decision on scope, and on that basis wishes to be excused from attending the conference, is to file notice by **Wednesday 22 July 2020.**

[5] I direct the City Council to confer with the parties and file a reporting memorandum by **Wednesday 22 July 2020** setting out any timetable orders as may be required to expedite the resolution of the scope issue. When reporting the City Council will address:

- (a) the filing of a common bundle of documents attaching (at least):
  - (i) a copy of PCT's original submission on the proposed plan;
  - (ii) any landscape maps attached to that submission;
  - (iii) copies of landscape overlays at a scale that is sufficient to aid the court's understanding of the area potentially impacted by any shift in landscape boundaries; and
  - (iv) the City Council's summary of submissions pursuant to Schedule 1, cl 7 of the RMA;
- (b) confirming whether any party wishes to file evidence by way of affidavit and, if so, identifying the deponent and evidence intended to be produced;
- (c) itemising the issues as to scope to be determined by the court;
- (d) whether submissions are to be pre-circulated;
- (e) identifying the parties preferred hearing dates; and
- (f) any other direction required for the orderly and efficient disposition of the scope issue.



[6] By **Wednesday 22 July 2020**, PCT is to identify the consequential relief it intends pursuing or explain why it is not able to do so ahead of the conference.

  
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**J E Borthwick**  
**Environment Judge**

Issued: 14 July 2020

