

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	A H PARATA (ENV-2018-CHC-214) ... (continued on page 4) Appellants
AND	DUNEDIN CITY COUNCIL Respondent

MINUTE OF THE ENVIRONMENT COURT
(16 April 2019)

Introduction

[1] This Minute is issued for the purpose of case management and responds to a number of memoranda that have been filed.

Council memoranda

[2] The Council has filed a memorandum¹ seeking extension to file three briefs of evidence from Dr Johnson which were due to be filed on Friday 12 April 2019. The Council seeks an extension that they instead be lodged and uploaded to the Council's website by Tuesday 16 April 2019. Given these proceedings are yet to be referred to mediation, I consider an extension of a few days to be reasonable. I will direct the extension as sought.

[3] The Council has also filed a memorandum² attaching an updated topic table. The Council was directed to advise of any proposed allocations that are in contention. In



¹ Respondent's request for extension from Friday 12 to Tuesday 16 April 2019 dated 11 April 2019.

² Fifth case management memorandum dated 12 April 2019.

summary there is no contention except for the Residential zoning – Dalziel Road topic which I will deal with below.

Residential zoning – Dalziel Road

[4] I have been referred to three memoranda³ which address the issue of what topic Residential zoning – Dalziel Road should be assigned to. The Council had placed it in Topic 2 but RPR Properties have requested it be reassigned to “Group 1: non-strategic”.

[5] Keep Halfway Bush Semi-Rural Incorporated considers that the topic needs to stay in Topic 2 and be heard after the Group 1 strategic appeals, whereas both the Council and RPR Properties argue the topic is not dependant on the outcome of strategic topics so could be advanced to mediation without having to wait for the “Group 1: strategic issues” to be resolved.

[6] As I am uncertain how to proceed, the matter will be set down for a telephone conference. The appellants Ward and Keep Halfway Bush Semi-Rural Incorporated can clarify whether they are opposing reassignment to Group 1 non-strategic or opposing mediation/hearing of the appeals prior to the determination of the Group 1 strategic appeals. It can expand on its reasoning at the conference.

Withdrawals

[7] Liquigas has advised⁴ it is withdrawing its interest from University of Otago's appeal (ENV-2018-CHC-270), with all parties consenting and agreeing there is no issue as to costs. This will be noted on the court record.

[8] Counsel for Mr Parata have filed a memorandum⁵ refining the relief sought in his notice of appeal. Mr Parata has been in communication with the Council regarding this and they confirm there is no issue as to costs. This amendment will also be noted on the court record.

³ Memorandum for Keep Halfway Bush Semi-Rural Incorporated dated 2 April 2019; memorandum for respondent dated 5 April 2019; and reply memorandum on behalf of RPR Properties Limited and others dated 12 April 2019.

⁴ Joint memorandum of the parties withdrawing Liquigas Limited's interested party notice dated 12 April 2019.

⁵ Memorandum withdrawing specific relief point dated 4 April 2019.



Extension for the Preservation Coalition Trust

[9] The court previously gave leave for an amended appeal to be filed by the Preservation Coalition Trust by 12 April 2019. Counsel now considers it more efficient to prepare a list of issues rather than redraft the appeal and seek an extension for filing until 16 April 2019. I agree this is more efficient and will grant the extension as sought.

Mergers/changes

[10] Dunedin City Council will advise whether the mergers/changes pertaining to Roger Keith Miller, Aurora Energy Ltd, Liquigas and Ngā Rūnanga are recorded in the Table of Topics filed 12 April 2019 (if required).

Directions

[11] Accordingly, I direct

(a) by **Tuesday 16 April 2019**:

- (i) the three briefs of evidence from Dr Johnson are to be filed in court and uploaded to the Council's website;
 - (ii) Dunedin City Council will respond to paragraph [10] above; and
 - (iii) the Preservation Coalition Trust is to file and serve a list of key issues;
- (b) the Ward (ENV-2018-CHC-284) and Keep Halfway Bush Semi-Rural Inc (ENV-2018-CHC-218) appeals will be set down for a telephone conference.

[12] Leave is reserved for any party to apply for other directions.


J E Borthwick
Environment Judge
Issued: 16 APR 2019



Appendix 1 – List of Appellants

ENV-2018-CHC-214	Parata
ENV-2018-CHC-215	Grace
ENV-2018-CHC-217	Nichols Property Group Limited & others
ENV-2018-CHC-218	Keep Halfway Bush Semi-Rural Incorporated
ENV-2018-CHC-219	Willowridge Developments Limited
ENV-2018-CHC-220	Findlater
ENV-2018-CHC-221	H C Trustees Limited & others
ENV-2018-CHC-222	Glass
ENV-2018-CHC-223	Careys Bay Association Incorporated
ENV-2018-CHC-224	Rundgren
ENV-2018-CHC-225	Grandview 2011 Limited
ENV-2018-CHC-226	Allen & others
ENV-2018-CHC-227	Bennett – Chelivode Street
ENV-2018-CHC-228	Bennett – Doctors Point Road
ENV-2018-CHC-229	Liquigas Limited
ENV-2018-CHC-230	Chorus New Zealand Limited & others
ENV-2018-CHC-231	Cavendish Chambers Limited
ENV-2018-CHC-232	Hall
ENV-2018-CHC-233	Calvert & Craig Horne Surveyors Limited
ENV-2018-CHC-234	BJ and AJ Miller Family Trust
ENV-2018-CHC-235	Harvey Norman Properties (N.Z.) Limited
ENV-2018-CHC-236	Miller
ENV-2018-CHC-237	Ravensdown Limited
ENV-2018-CHC-238	Foodstuffs (South Island) Limited
ENV-2018-CHC-239	Heart of Dunedin Incorporated
ENV-2018-CHC-240	Kāti Huirapa Rūnaka Ki Puketeraki & others (Ngā Rūnanga)
ENV-2018-CHC-241	Savage
ENV-2018-CHC-242	McLeary
ENV-2018-CHC-243	Director-General of Conservation
ENV-2018-CHC-244	B W Taylor & the Estate of Lawrence Taylor
ENV-2018-CHC-245	Port Otago – Port Chalmers Principal Zone
ENV-2018-CHC-246	Port Otago – Harbourside Edge
ENV-2018-CHC-247	Port Otago – Port Activities
ENV-2018-CHC-248	Norrish
ENV-2018-CHC-249	Transpower New Zealand Limited
ENV-2018-CHC-250	Motion
ENV-2018-CHC-251	Fonterra Limited
ENV-2018-CHC-252	KiwiRail Holdings Limited
ENV-2018-CHC-253	Duffy
ENV-2018-CHC-254	Federated Farmers of New Zealand Inc
ENV-2018-CHC-255	Woolworths New Zealand Limited
ENV-2018-CHC-256	Te Rūnanga o Ngāi Tahu (TRONT)
ENV-2018-CHC-257	Morrison
ENV-2018-CHC-258	JaneFields Re-Zone Group
ENV-2018-CHC-259	BA Building Limited
ENV-2018-CHC-260	Ponne
ENV-2018-CHC-261	Evans & Reid
ENV-2018-CHC-262	Gladstone Family Trust
ENV-2018-CHC-263	James Lin Limited
ENV-2018-CHC-264	Cunningham
ENV-2018-CHC-265	Balmoral Developments (Outram) Limited
ENV-2018-CHC-266	Daisy Link Garden Centres Limited
ENV-2018-CHC-267	Egg Producers Federation of New Zealand
ENV-2018-CHC-268	Chin
ENV-2018-CHC-269	Mainland Poultry Limited
ENV-2018-CHC-270	University of Otago



ENV-2018-CHC-271	Cummings
ENV-2018-CHC-272	Silverpeaks Station Limited
ENV-2018-CHC-273	Southern District Health Board
ENV-2018-CHC-274	Dunedin International Airport Limited
ENV-2018-CHC-275	The Jensen Trust
ENV-2018-CHC-276	Blueskin Projects Limited & others
ENV-2018-CHC-277	Aurora Energy Limited
ENV-2018-CHC-278	Blackhead Quarries Limited
ENV-2018-CHC-279	Blueskin Bay Holdings Limited
ENV-2018-CHC-280	Smaill
ENV-2018-CHC-281	Wyber
ENV-2018-CHC-282	Tussock Top Farms Limited
ENV-2018-CHC-283	Saddle Views Estate Limited
ENV-2018-CHC-284	Ward
ENV-2018-CHC-285	The Preservation Coalition Trust
ENV-2018-CHC-286	Kaan's Properties 2017 Limited
ENV-2018-CHC-287	Forest and Bird
ENV-2018-CHC-288	Otago Land Group Limited
ENV-2018-CHC-289	LPG Association of New Zealand
ENV-2018-CHC-290	Otago Regional Council
ENV-2018-CHC-291	Oil Companies
ENV-2018-CHC-292	Ovens
ENV-2018-CHC-293	Blue Grass Limited & others
ENV-2018-CHC-294	Johnston – Otakou/Harrington Point
ENV-2018-CHC-295	Johnston – 33 Otakou Golf Course Road
ENV-2018-CHC-296	Johnston – Karitane
ENV-2018-CHC-297	Johnston – Patmos Avenue

