

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

MINUTE OF THE ENVIRONMENT COURT
(11 March 2020)

Introduction

[1] This Minute is issued for the purpose of case management, in relation to the scope of the Trust's appeal.

Hearing dates

[2] I note that the parties have proposed the court determine issue of scope on the papers.¹ However, this case is one which I would prefer to hear from counsel/parties in person. Consequently, I propose to set the matter down for a hearing, for one day in Dunedin, on 3 April 2020.

[3] Having conferred with their witnesses, if any party has an issue with the proposed hearing location or date they are to advise the Registry by **12.00 pm on Friday 13 March 2020**.



¹ Record of telephone conference of 13 November 2019 issued 14 November 2019 at [4].

Relief sought

Appeal point 70b

[4] In relation to appeal point 70b. the City Council submits the appellant has reduced the scope of the relief to be pursued on appeal. As the relief is now within scope of the appellant's submission, the appeal properly falls within the Environment Court's jurisdiction.

[5] I do not understand the nature of the orders that the City Council is seeking be made by consent or the provisions that it relies on when requesting the same. If the appellant confirms the relief sought on appeal is amended, there is no live issue for determination.

[6] To put the matter beyond doubt, I will direct the Trust file a memorandum confirming whether it seeks leave to amend the notice of appeal seeking the relief set out at paragraph [19] of the affidavit of Craig Werner.² If there is no opposition to the notice of appeal being amended, I will likely grant leave.

Appeal point 71

[7] The City Council appears unclear whether appeal point 71 concerns rule 16.5.2.1.d and/or rule 16.5.2.1.c and/or rule 16.7.4.1.d. On my quick reading, Mr Werner mentions only two of the three rules in his affidavit.

[8] It may be that the appellant has set out the relief sought for each of the rules elsewhere. As I am finding it difficult to keep track of the relief that the Trust is seeking across the various appeal points I will direct the appellant do this again. Please note, I am not seeking any further commentary on the rules from the Trust, only the amendment to the rules that are sought. Further directions will then issue.

Directions

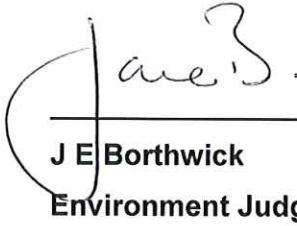
[9] I direct:

² Affirmed 3 December 2019.



- (a) all parties to confirm to the Registry by **12.00 pm on Friday 13 March 2020** whether they can attend a hearing in Dunedin on Friday 3 April 2020;
- (b) the Trust will file a memorandum specifying the relief sought in accordance with paragraph [8] above by **Friday 20 March 2020**.

[10] Leave is reserved for parties to seek further (or other) directions.



J E Borthwick
Environment Judge

Issued:

11 MAR 2020

