

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-285

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of the First Schedule of the RMA
in relation to the proposed Second Generation Dunedin City
District Plan (**2GP**)

Between **The Preservation Coalition Trust**

Appellant

And **Dunedin City Council**

Respondent

**Memorandum of Council for Dunedin City Council in relation to the landscape
expert conferencing**

1 May 2020

Respondent's solicitors:

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**anderson
lloyd.**

May it please the Court

- 1 This memorandum is filed in response to the Court's minute dated 1 April 2020 following the landscape experts' Joint Witness Statement.
- 2 The landscape experts have agreed from their perspective to wide ranging changes to the planning maps identifying the Outstanding Natural Landscape (**ONL**), Significant Natural Landscapes (**SNL**) and Outstanding Natural Features (**ONF**).
- 3 The landscape experts have also recommended changing the zoning of a significant number of rural residential sites.
- 4 Dunedin City Council is assessing its position in light of these recommended changes. This is considered to require planning advice and an assessment of the proposed amendments to the plan, and alternatives, under section 32 RMA. Once that planning assessment has been completed, then that assessment and the landscape expert conferencing will inform the relevant senior manager at the Council who has delegated authority to establish Council's position in response to the changes to the plan recommended in the landscape experts' Joint Witness Statement.
- 5 To achieve this from the Council's perspective this will require:
 - (a) a planning assessment of the proposed amendments recommended by the landscape experts and the alternatives, to assess whether they are the most appropriate way to achieve the objectives of the plan. This assessment is estimated by the planner working on it to be completed by 12 June 2020.
 - (b) assessment of this advice by the senior manager at the Council who holds the delegated authority to establish Council's position. This is expected to be done by 26 June 2020.
 - (c) the Council can then prepare, file and serve a position paper identifying what its position is on the changes to the plan recommended by the landscape architects in their joint Witness Statement. In particular the Council proposes to identify any areas in which it does not adopt the landscape architects' recommendations as its position. This should be able to be filed and served by 3 July 2020.
- 6 It is thereafter proposed that any party will need to consider the Council's position and identify whether it agrees with that position, or not, and in what respect. It is proposed that this should be filed and served by any party by 24 July 2020.
- 7 The changes to the 2GP recommended by the landscape experts are extensive in nature, and therefore it seems that the possibility of mediation on these is a likely

next step once the parties have been able to establish their positions in light of these recommendations.

Directions sought

- 8 The following directions are sought to advance this aspect of this appeal.
- 9 Dunedin City Council is to produce a position paper identifying the areas recommended by the landscape architects in their joint Witness Statement where it agrees with the recommendations, and those where it does not (if any), and is to file and serve that by 3 July 2020.
- 10 Any other party with an interest in this issue is to then identify whether it agrees or disagrees with the Council's position by 24 July 2020.
- 11 Dunedin City Council is to collate the parties' positions and report to the Court on whether there is a dispute among the parties on any of the landscape architects' recommendations. The Council is to consult with the relevant parties and either seek referral to mediation, or alternatively propose a timetable for the exchange of evidence by 7 August 2020.

Dated this 1st day of May 2020

A handwritten signature in black ink, appearing to read 'M. Garbett', is written over a horizontal line.

Michael Garbett
Counsel for the Respondent