

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

Under	the Resource Management Act 1991 (RMA)
In the matter of	appeals under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Parata (ENV-2018-CHC-214) ... (continued at Appendix 1) Appellants
And	Dunedin City Council Respondent

**Memorandum of Counsel regarding the zoning of land subject to the RPR
Properties Ltd and Keep Halfway Bush Semi-Rural Inc appeals consent
mediation processes**

3 July 2020

Respondent's solicitor:

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lloyd.**

May it please the Court

- 1 This Memorandum of Counsel is filed on behalf of Dunedin City Council (**Council** or **DCC**) in response to the Minute from the Court dated 30 June 2020 – Mediation and the filing of applications for consent orders.

RPR Properties Limited (ENV-2016-CHC-030), Keep Halfway Bush Semi-Rural Inc (ENV-2018-CHC-218) and Keep Halfway Bush Semi-Rural Inc (ENV-2019-CHC-134)

- 2 The land subject to the Keep Halfway Bush Semi-Rural Inc 2GP appeals (ENV-2018-CHC-218 and ENV-2019-CHC-134) is zoned Large Lot Residential 1 under the proposed plan.
- 3 The land subject to RPR Properties Limited appeal (ENV-2016-CHC-030) includes all the land subject to the KHBSR appeals, and in addition land to the south and west zoned residential (Part proposed Public Reserve, part proposed Lots 32-34 and all proposed Lot 94 on the SUB-2015-54 Westacott Heights Draft Structure Plan, Paterson Pitts Group 18/12/15) and a small part of proposed Lot 32 fronting onto Dalziel Road zoned rural residential. **Annexure A** is a map showing the relative extent and proposed Plan zoning of the three appeals.
- 4 Because Keep Halfway Bush Semi-Rural's appeal on the 2GP (appeal point 9) requests rezoning of land from Large Lot Residential 1 to Rural Residential 1, there is a potential overlap with PCT's appeal on the strategic direction policies for rural residential zoning (Policies 2.6.1.3-2.6.1.5 – the relevant PCT appeal points are 90 and 91). If the resolution of the appeal included rezoning of any land to rural residential, then the PCT appeal would affect the s32 assessment for that rezoning. PCT's appeal requests that these policies be amended to minimise new RR zoning. PCT's primary concern appears to be rezoning of rural zoned land to rural residential, rather than residential zoned land being rezoned to rural residential. Preferably PCT should be required to confirm if it does have any interest in the zoning outcome for this site.

Dated this 3rd of July 2020



Michael Garbett
Counsel for the Respondent

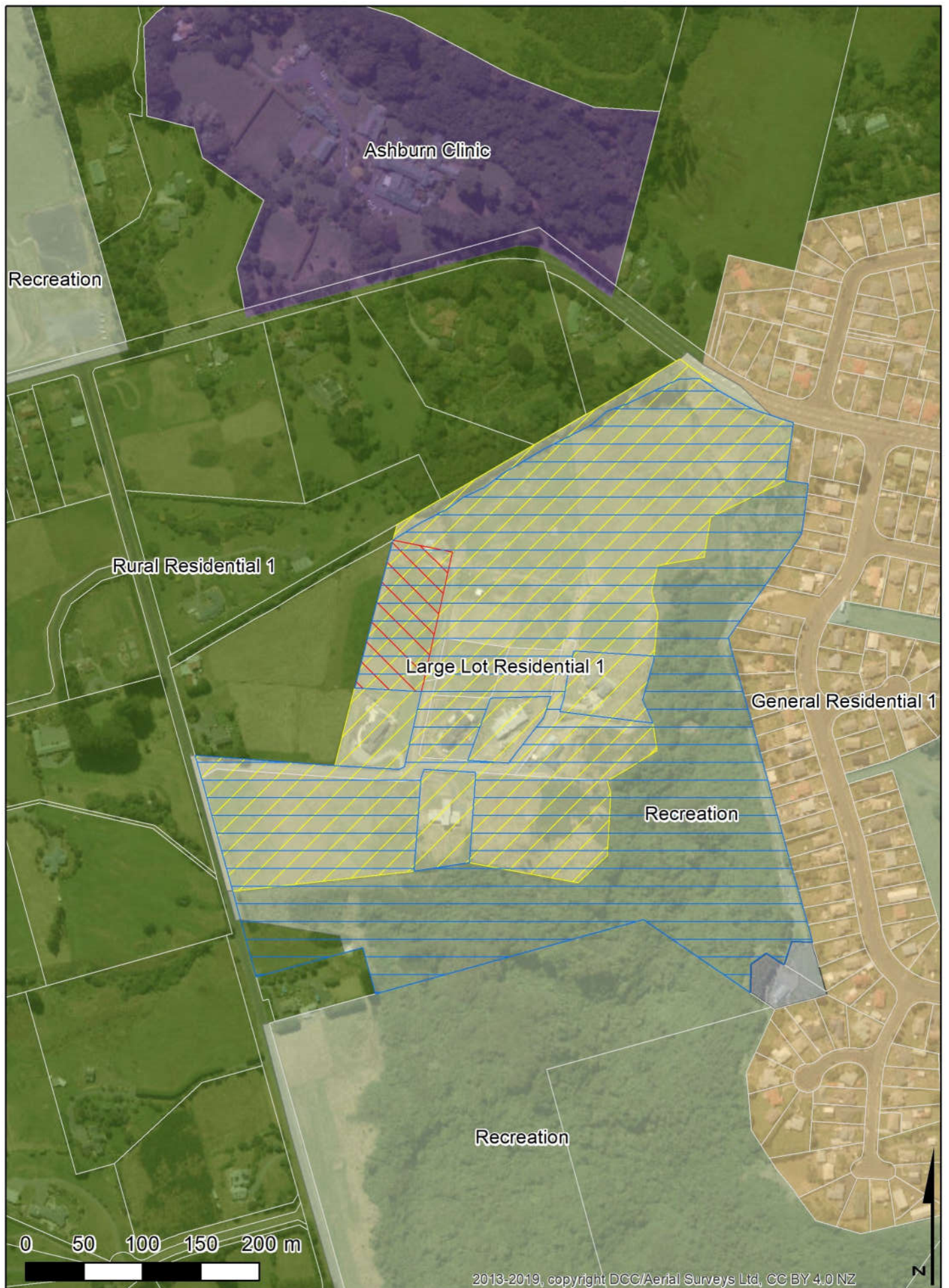
Appendix 1 – List of Appellants

Court file number	Appellant(s)
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-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

Court file number	Appellant(s)
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-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

Court file number	Appellant(s)
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

Annexure A



-  Keep Halfway Bush Semi-Rural Inc (ENV-2018-CHC-218)
-  Keep Halfway Bush Semi-Rural Inc (ENV-2019-CHC-134)
-  RPR Properties Limited (ENV-2016-CHC-030)