

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti 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 Counsel for Dunedin City Council

24 January 2020

Respondent's solicitors:

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**anderson
lloyd.**

May it please the Court

- 1 At the ADR process on this appeal in December the parties agreed that PCT would need to identify any challenges to the strategic direction policies and Dunedin City Council would need to consider which related appeals there were. PCT did identify those changes in its Memorandum dated 20 January 2020. It is clear to Dunedin City Council that these changes overlap with those sought in the appeal by RF Wyber (ENV-2018-CHC-281).
- 2 The Council has been working with Mr Wyber's Counsel and is making good progress on a package of changes that the Dunedin City Council hopes will resolve the Wyber appeal on these strategic directions. The Council is still working on those with Mr Wyber's Counsel and is due to report on the outcome of those discussions by 31 January 2020.
- 3 It appears likely that if PCT seeks to pursue these changes it has outlined in its memorandum dated 20 January 2020 it will be in quite a different position from the Council and Mr Wyber.
- 4 It is therefore considered by the Council that it should report to the Court on the outcome of those discussions with Mr Wyber on 31 January 2020. It seems likely that if agreement with Mr Wyber is achieved, a pre-hearing conference may be needed to address the position of PCT. Prior to a pre-hearing conference, informal discussions between PCT and Council could be appropriate to ensure Council and Mr Wyber are clear on the changes sought by PCT.

Directions sought

- 5 Dunedin City Council is to report on the outcome of discussions with Mr Wyber by **31 January 2020** (as already directed), and is also to address how the changes sought by PCT in its memorandum dated 20 January 2020 affect any outcome reached between those parties.

Dated this 24th day of January 2020

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

Michael Garbett
Counsel for the Respondent