

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	ROBERT FRANCIS WYBER (ENV-2018-CHC-281) THE PRESERVATION COALITION TRUST (ENV-2018-CHC-285) Appellants
AND	DUNEDIN CITY COUNCIL Respondent

MINUTE OF THE ENVIRONMENT COURT
(19 February 2020)

Introduction

[1] This Minute is issued for the purpose of case management in response to the memoranda of counsel for:

- (a) The Preservation Coalition Trust dated 3 February 2020; and
- (b) Dunedin City Council dated 7 February 2020.¹

[2] As detailed in the City Council's memorandum, aspects of the Trust's appeal under Topic C (strategic direction policies for rural residential zoning in the 2GP)² overlap with aspects of the Wyber appeal (DCC appeal number 376 strategic direction policies 2.6.13, 2.6.14 and 2.6.15).³



¹ The court notes that on its face, the Council's memorandum only referenced The Preservation Coalition Trust's appeal but that the substance of the document also dealt with Wyber's appeal.
² As per 2GP Group 1 Fourth Mediation Report dated 31 January 2020, DCC reference number 91.
³ Memorandum dated 7 February 2020.

[3] In relation to the Wyber appeal, most parties have agreed amendments to the relevant strategic direction policies.⁴

[4] In relation to the Trust's appeal, the Trust has now advised the changes it seeks to the provisions which are also the subject of the Wyber appeal.⁵ These changes do not accord with the agreement reached in the Wyber appeal.⁶

[5] The City Council intends to consult other parties as to whether the amendments sought by the Trust can be agreed to. In this regard, the Council has sought directions as to the filing of a consent memorandum identifying the relief sought in the Wyber appeal (together with supporting affidavits). Further, in anticipation that the Trust will not agree to all aspects of such a consent memorandum, the City Council has also sought timetabling directions for the filing of evidence in relation to the proposed resolution of the strategic direction policies relating to rural residential zoning.

[6] The directions would apply to both appeals. The directions appear reasonable, however as I have not heard from all parties, I will also reserve leave for any party who is unable to abide by the directions to seek an order varying or cancelling the same.

Directions

[7] I direct that:

- (a) by **Friday 28 February 2020**, the City Council is to file a draft application for consent orders identifying the agreed relief for the Wyber appeal, together with supporting affidavits;
- (b) any party that does not agree to the proposed resolution of the strategic direction policies relating to rural residential zoning is to file its evidence by **Tuesday 31 March 2020**;
- (c) any other party that wishes to file evidence in support of, or in opposition to, the consent memorandum referenced in [7](a) above is to do so by **Thursday 30 April 2020**; and
- (d) rebuttal evidence (if any) is to be filed by **Friday 22 May 2020**.



⁴ Memorandum dated 7 February 2020.

⁵ Memorandum dated 3 February 2020.

⁶ Memoranda dated 3 and 7 February 2020.

[6] As these directions have been issued without consultation, leave is reserved for any party to apply within **three working days** to set aside the timetable and apply for other directions.

J. E. Borthwick
J E Borthwick
Environment Judge
Issued: 19 February 2020

