

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-238

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	Foodstuffs South Island Properties Limited Appellant
And	Dunedin City Council Respondent

Consent Memorandum

19 August 2020

Group 3a – Trade Related Zone	DCC appeal reference number 36 (Foodstuffs South Island Properties Limited)
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Respondent's solicitors:

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May it please the Court

- 1 This consent memorandum relates to an appeal by Foodstuffs South Island Properties Limited (Foodstuffs).
- 2 The Foodstuffs appeal (DCC reference 36) sought the following relief:
 - (a) *"That the Midland Street Land be rezoned from Industrial Zone to Trade Related Zone;*
 - (b) *In the alternative;*
 - (i) *insert a new Policy 19.2.1.X;*
 - (ii) *amend Policy 19.2.1.10; and*
 - (iii) *amend 19.3.3. Activity status table - land use activities, to make food and beverage retail activity 3,000m² or more in gross floor area a discretionary activity."*
- 3 Woolworths New Zealand Limited and BP Oil New Zealand Limited and Others are s274 parties to this appeal.
- 4 The parties have agreed the following amendments that are shown in Appendix A:
 - (a) Rezone 9, 11 and 15 Midland Street, 47 Timaru Street and part of 73 Otaki Street, from Industrial to Trade Related Zone.
- 5 The rationale for the changes, and the assessment of the changes in terms of section 32, is explained in an affidavit of Emma Christmas, a policy planner at Dunedin City Council.
- 6 There is also a supporting affidavit of Dr Anna Louise Johnson, City Development Manager, Dunedin City Council, that considers alignment with, and impact of, any changes on the strategic directions' objectives and policies (section 2 objective and policies); and the drafting of the proposed amendments to ensure alignment with the 2GP Style Guide. Dr Johnson confirms that the amendments proposed follow the DCC style guide.

Directions sought

- 7 The parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the RMA, including Part 2 and request:
 - (a) That the rezoning shown in **Appendix A** is made; and
 - (b) That the appeal be otherwise dismissed.

- 8 The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Dated this 19 day of August 2020



Chris Fowler
Counsel for the Appellant



Nathan Laws
Counsel for the Respondent



Joshua Leckie
Counsel for Woolworths New Zealand Limited
Section 274 Party



Georgina McPherson
Consultant for BP Oil New Zealand Limited,
Mobil Oil New Zealand Limited and Z Energy Limited
Section 274 Party

Appendix A

Amend planning map as shown below:

