

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV 2018 CHC 285

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHU ROHE**

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN

THE PRESERVATION COALITION TRUST

Appellant (ENV 2018 CHC 285)

AND

DUNEDIN CITY COUNCIL

Respondent

REPLY MEMORANDUM FOR PRESERVATION COALITION TRUST

29 October 2019

Solicitor:
Andrew Simpson
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Counsel Acting:
Rob Enright
Barrister
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May it please the Court

- 1 Counsel refers to the Court's minute dated 22 October, responding to Council's application for directions.¹ The application for directions was not wholly agreed by the Appellant (**the Trust**), which suggested a teleconference on the basis that many of the Trust's points arguably do not qualify as Group 1 strategic.
- 2 Council's application resulted in the Court's minute dated 22 October and Council's subsequent response,² again resulting in a position not fully agreed by the Trust.
- 3 For clarity, the Trust sets out matters agreed and not agreed:

Matters agreed

Appeal points 70 & 71

- 4 The Trust is self-represented on Appeal points 70 & 71. The Trust was directed to file a waiver application (or amendment to appeal) for DCC point 71.³ The Trust says that the waiver application is precautionary but it is filed herein. Council has previously indicated no opposition to the waiver.
- 5 The Trust agrees that scope for appeal point 70 should be resolved as a preliminary issue (unless resolved prior). The relevant timetable has been agreed (with a decision to follow on the papers, after 20 December 2019).

Matters not agreed

Appeal points 75, 82, 93 and 96

- 6 In principle, the Trust position is that methods should be resolved after strategic objectives and policies. This reflects the view stated by the Court in its minute at [11]. But in contrast, Counsel accepts that appeal points 93 & 96 affect intended zoning for large numbers of properties in the district; and this may elevate strategic importance (or, at least, priority from a case management perspective).
- 7 Appeal points 75 & 82 seek expansion of Map 2 Harbour ONL; this is limited to one geographic area and is allocated to Group 3. Council has not identified why it merits priority treatment.
- 8 The Trust will provide further particulars following receipt of Council's staging and sequencing memorandum (due for filing today) and intended affidavit (for filing on 4 November 2019).

¹ Dated 16 October 2019

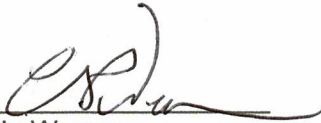
² Council memorandum dated 25 October 2019

³ Court minute dated 22 October 2019 at [9]

Dated this 29th October 2019

A handwritten signature in black ink, appearing to be 'Rob Enright', written over a horizontal line.

Rob Enright
Counsel for the Appellant (excluding appeal points 70 & 71)

A handwritten signature in black ink, appearing to be 'Craig Werner', written over a horizontal line.

Craig Werner
Authorised Representative for PCT for appeal points 70 & 71