

In the Environment Court of New Zealand  
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa  
Ōtautahi Rohe

**ENV-ENV-2024-CHC-33**

Under the Resource Management Act 1991  
In the matter of an appeal under clause 14 of Schedule 1  
Between **Port Otago Limited**  
Appellant  
And **Otago Regional Council**  
Respondent

---

**Notice of Dunedin City Council's wish to be party to proceedings pursuant to section 274 RMA**

14 June 2024

---

**Dunedin City Council's solicitors:**

Michael Garbett | Rebecca Kindiak

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz | rebecca.kindiak@al.nz

**anderson  
lloyd.**

## To the Registrar

### Environment Court

#### Christchurch

- 1 Dunedin City Council gives notice it wishes to be party to the following proceedings:

*Port Otago Limited v Otago Regional Council* (ENV-2024-CHC-33) being an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**), against the decisions of the Otago Regional Council (**ORC**) on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 (**PORPS**).

- 2 Dunedin City Council has an interest in the proceedings that is greater than the interest that the general public has because Dunedin City Council is a territorial authority with responsibility for community and economic development, and urban planning.
- 3 Dunedin City Council made a submission about the subject matter of the proceedings.
- 4 Dunedin City Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 5 Dunedin City Council is interested in all of the appeal.
- 6 Without limiting its interest in all of the appeal, Dunedin City Council is particularly interested in the appeal points relating to the following provisions of the PORPS:
  - (a) The definition of "coastal hazard";
  - (b) CE-P1;
  - (c) HAZ-NH-P1A;
  - (d) HAZ-NH-P1;
  - (e) HAZ-NH-P2;
  - (f) HAZ-NH-P3;
  - (g) HAZ-NH-P4;

- (h) HAZ-NH-P10;
  - (i) HAZ-NH-M3;
  - (j) HAZ-NH-M4; and
  - (k) Map2-EIT-TRAN-M7.
- 7 Dunedin City Council supports the relief sought and seeks clarification of how coastal hazards are managed in the PORPS 2021, and whether the risk assessment requirement in APP6 applies to all proposals or only those where plan changes to identify hazard areas have not been completed.
- 8 Dunedin City Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 14th day of June 2024



---

Michael Garbett/Rebecca Kindiak  
Counsel for the Dunedin City Council

This document is filed by Michael Garbett, solicitor for the Section 274 party, of the firm Anderson Lloyd.

The address for service of the Section 274 party is  
Level 12, Otago House, 477 Moray Place, Dunedin 9016.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at Private Bag 1959, Dunedin 9054; or
- (b) left for the solicitor at a document exchange for direction to DX Box YX10107 Dunedin; or
- (c) transmitted to the solicitor by fax to + 64 3 477 3184; or
- (d) emailed to the solicitor at michael.garbett@al.nz.

**Advice**

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.