

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC

IN THE MATTER

Of an appeal pursuant to clause 14
of the First Schedule of the
Resource Management Act 1991

BETWEEN

BARRY SMAILL

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Bridget Irving
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To: The Registrar

Environment Court

Christchurch Registry

1. Barry Smaill appeals against a decision of the Dunedin City Council (“The Council”) on the Second Generation District Plan (“2GP”)
2. Barry Smaill made a submission regarding the Chapter 15: Residential Zone Rules (OS167)
3. Barry Smaill is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Barry Smaill received notice of the decision on 7 November 2018.
5. The 2GP Decision was made by Dunedin City Council.
6. The 2GP Decision Barry Smaill is appealing is:
 - (a) Chapter 15: Residential Land Use and Development Performance Standards;
7. The reasons for Barry Smaill’s appeal are:
 - (a) The property at 43 Cargill Street, owned by Mr Smaill is within the proposed Inner City Residential Zone (“ICR”). Given the ICR’s proximity to the centre of town and access to public transport and facilities this environment can support higher densities of development.
 - (b) The appropriateness of higher density development within the ICR is accurately reflected in the Introduction, Objectives and Policies of the Residential Chapter of the 2GP. However, Land Use and Development Performance Standards do not implement those provisions.
 - (c) The 2GP results in a more restrictive set of performance standards when compared to the Operative District Plan,

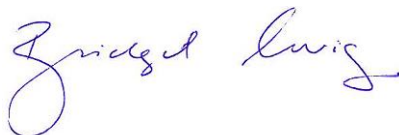
ultimately restricting high density development rather than facilitating it.

8. I seek the following relief:

- (a) Remove Table 15.5.2.1.e – Density or amend so that the density provision is equivalent to the density provided for in the Residential 4 Zone under the Operative District Plan;
- (b) Remove Table 15.6.11.1.c (15.6.10.1.c in the Online Version)- Impermeable Surface;
- (c) Amendment of Rule 15.5.12.1.a.iv (15.5.11.1 in the online version) - Outdoor Living Space – amend to require 35m² of outdoor living space per residential unit in the Inner City Residential Zone.
- (d) Amendment of Rule 5.6.7.1.a.ii (Rule 5.6.6.1 in online version) - Height in relation to boundary. Amend to require a height in relation to boundary angle of 72 degrees or other such amendment to achieve the same outcome.

9. I attach the following documents to this notice:

- (a) A copy of the original submission (OS167);
- (b) A copy of the relevant extracts of Residential Chapter 15: Residential Zones Decision of Hearings Panel and relevant Chapter 15 rules; and
- (c) A list of names and addresses of persons to be served with a copy of this notice.

A handwritten signature in blue ink, appearing to read 'Bridget Irving'.

Bridget Irving / Derek McLachlan

Solicitor for the Appellant

DATED this 19th day of December 2018.

Address for service

for Appellant:	Gallaway Cook Allan
	Lawyers
	123 Vogel Street
	P O Box 143
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Contact Person:	Bridget Irving / Derek McLachlan

Advice to Recipients of Copy of Notice

How to Become a Party to Proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to Obtain Copies of Documents Relating to Appeal

The copy of this notice served on you does not attach a copy of the relevant decision. These documents may be obtained, on request, from the Appellant.

Advice

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

List of names of persons to be served with this notice

Name	Address	Email Address
Dunedin City Council	PO Box 5045, Dunedin 9054	2gpappeals@dcc.govt.nz
Glen Williamson	8 Ayr Street Kaikorai Dunedin 9010 New Zealand	glen@webuildsmart.co.nz
Steven Liang and Diana Mei	353 Highcliff Road Highcliff Dunedin 9013 New Zealand	Lnj.steven@gmail.com
Veronica Dalloway	25 Brownville Crescent Maori Hill Dunedin 9010 New Zealand	zofinz@gmail.com
Michael Ovens	64 Cannington Rd Maori Hill Dunedin 9010 New Zealand	theovens@xtra.co.nz 64 Cannington Rd Maori Hill Dunedin 9010 New Zealand
Elizabeth Kerr	5/5 Pitt Street North Dunedin Dunedin 9016 New Zealand	ejkerr@ihug.co.nz
Arthur Street Neighbourhood Support	9/27 Arthur Street Dunedin 9016 New Zealand	angelo.tekapo@gmail.com
Liz Angelo	9/27 Arthur Street Dunedin 9016 New Zealand	angelo.tekapo@gmail.com

Robert Wyber	18 Brownville Crescent Maori Hill Dunedin 9010 New Zealand	bwyber@xtra.co.nz
Robert Tongue	95 Cannington Road Maori Hill Dunedin 9010 New Zealand	r.tongue@xtra.co.nz
Otago Property Investors Association	365 Princes Street Dunedin Central Dunedin 9016 New Zealand	secretary@opia.org.nz
<i>NZ Institute of Surveyors – Coastal Otago Branch</i>	PO Box 235 Dunedin 9054 New Zealand	maaike@terramark.co.nz
Camilla Cox		camilla.cox@webspeed.co.nz
Taylorred Spaces Ltd	62 Balmacewan Road Maori Hill Dunedin 9010 New Zealand	taylorredspaces@gmail.com
John Fielding	39 Totara Street Ravensbourne Dunedin 9022New Zealand	
Bram Evans	87 Cannington Road Maori Hill Dunedin 9010 New Zealand	bevans@maths.otago.ac.nz
Mr O'Neill (OS403.5)	PO Box 909	mike@ond.co.nz

	Dunedin 9054 New Zealand	
Dwelling Architectural Design	145 Shetland Street Wakari Dunedin 9010 New Zealand	dwelling.arcdesign@gmail.com