

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

We, of Grandview 2011 Ltd, appeal against a decision of Dunedin City Council on the following plan:
The Second Generation District Plan

We have purchased a property to which the previous owner made a submission on that plan, and the Territorial Authority has acknowledged the transfer of the original submission into our name (refer paragraph 693 of the decision (Rural Residential topic), copy attached).

I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

I am directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I received notice of the decision on 7th November 2018.

The decision was made by Dunedin City Council.

The part of the decision that I am appealing is:

1. The decision to include the property at 231 Signal Hill Road as part of the 'Hill Slopes Rural' zone.
2. The decision to include the property at 233 Signal Hill Road as part of the 'Hill Slopes Rural' zone.
3. The decision to include the property at 235 Signal Hill Road as part of the 'Hill Slopes Rural' zone.
4. The decision to maintain the Flagstaff-Mt Cargill (Significant Natural Landscape) Landscape Overlay zone as originally notified.

The reasons for the appeal are as follows:

1. Two of the properties subject to this appeal (at 231 and 233 Signal Hill Road) are substantially non-compliant with the density requirements of the Hill Slopes Rural zone, and therefore present an anomaly in the new planning instrument. The attached

plan shows the 2GP zoning format and the areas of the properties subject to this appeal.

2. In particular, the property at 231 Signal Hill Road comprises a land area of 0.4028 hectares, which is significantly less than the land area required to undertake any form of efficient productive rural activity (which is anticipated by the Hill Slopes Rural zone). A residential zone at this location, even at a density that would allow only a single house to be established on the property, would substantially improve efficiency of land use at this location.
3. The decision documentation appears to have considered all three properties collectively rather than under discrete assessment processes. The three properties are sufficiently different to warrant discrete assessments. Paragraph 694 of the decision (Rural Residential topic) states otherwise, however it is our concern that the three properties have in fact been effectively considered collectively.
4. We disagree with the conclusion in paragraph 691 of the decision (Rural Residential topic) that any increase in development potential of the land in question is not appropriate.
5. We disagree with the statement in paragraph 696 of the decision (Rural Residential topic) that the property at 233 Signal Hill Road is held in the same tenure as adjacent sites. This is not the case, and reinforces the concern noted in 3 above.
6. We disagree with the discussion in paragraph 696 of the decision (Rural Residential topic) that the property at 231 Signal Hill Road should not be considered for rezoning to Large Lot Residential as it is not part of a cluster of other undersized rural sites. Firstly, we consider the need for a cluster of undersized sites to be somewhat irrelevant, and secondly the site in question does adjoin another undersized property, being the land to the immediate north-west held in OT364/238 (8.2242 hectares).
7. The land subject to the original submission will be able to be more sustainably utilised if zoned differently.
8. Covenant restrictions are already registered on the titles for 233 and 235 Signal Hill Road which reduce the potential for these properties to be utilised for effective productive rural activities (no goats or deer permitted, and a maximum of 6 cattle across these sites).
9. In respect of the Flagstaff-Mt Cargill (Significant Natural Landscape) Landscape Overlay zone across the properties subject to this appeal, it is our view that this zone extends too low on the hillside (too far in a northwesterly direction) and that the presence of this zone may compromise the ability for future development of the land. The presence of a Dunedin City Council concrete water tank reservoir within this landscape zone (close to the northern corner of the land at 235 Signal Hill Road) demonstrates the arbitrary nature of the spatial design of this zone.

We seek the following relief:

1. Principally, we seek that the zoning of the property located at 231 Signal Hill Road is revised to Large Lot Residential 2 zone. The density provisions of the Large Lot Residential 2 zone permits a residential activity to be established on a site of 3,500m² or greater. Accordingly, if this land becomes part of the Large Lot Residential 2 zone this would enable more efficient use of the land.
2. Furthermore, we seek that the zoning of the property located at 233 Signal Hill Road is revised to Rural Residential 2 zone. The density provisions of the Rural Residential 2 zone would enable the existing residential activity within this property to be a

complying activity, thus removing the density anomaly that has been introduced by the recent decision.

3. Furthermore, we seek reconsideration of the zoning format across the property at 235 Signal Hill Road, particularly at i) the region which is not subject new Landscape Overlay zone, and ii) the region located immediately south-east of the land at 233 Signal Hill Road. The land in both of these regions would, in our view, be more effectively utilised if contained within a zone that permitted a greater density of residential activity.
4. Furthermore, we seek an adjustment to the extent of the Flagstaff-Mt Cargill (Significant Natural Landscape) Landscape Overlay zone. We request that the northwestern boundary of this line is retracted by a distance of approximately 20m such that the zone should not appear across land that exists below the topmost level of the existing reservoir tank (approximately 168.0m above mean sea level).
5. We seek the opportunity to mediate with Dunedin City Council on the above options for relief.

I attach the following documents to this notice:

- (a) a copy of the submission
- (b) a copy of the relevant parts of the decision
- (c) other documents as noted in the application above
- (d) a letter from the owner of 233 Signal Hill Road confirming support for this appeal.
- (e) a letter from the owner of 235 Signal Hill Road confirming support for this appeal.
- (f) a list of names and addresses of persons to be served with a copy of this notice.



Signature of appellant
(or person authorised to sign
on behalf of appellant)

17 / 12 / 2018
Date

Address for service of appellant: 21- Van der Sijckere Lawyers Ltd, Level 1, 205 Princes
Telephone: 03 477 8863 Street Dunedin
Fax/email: law@vs1awyers.co.nz
Contact person: Henry Hambleton



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council

27 NOV 2015 SUBMISSION FORM

This is a submission on the Proposed Second Generation Dunedin City District Plan (2GP) for Dunedin pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991

Once you have completed this form, include any supporting documentation and return to the Dunedin City Council.

MAKE YOUR SUBMISSION:

Online: www.2gp.dunedin.govt.nz

Email: planning@dcc.govt.nz

Post to: Submission on 2GP
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS <i>Fields indicated by an asterisks (*) are mandatory.</i>	
Full name of submitter or agent*	Charles Lindsay Wilson
Organisation (if submission on behalf of an organisation)	
Address for service for submitter or agent* <i>Please provide an address where you would like correspondence sent to</i>	
Email address	charlie.wilson@xtra.co.nz
Postal address*	5 Benfell St. G.I. Dunedin
Postcode	9018
Phone number*	488 2667
Mobile number	021 207 2093

TRADE COMPETITION <i>Fields indicated by an asterisks (*) are mandatory.</i>
Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.
Please tick one of the following*
I could ☐ could not ☐ gain an advantage in trade competition through this submission.
If you could gain an advantage in trade competition through this submission, please tick one of the following*
I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition

HEARINGS <i>Fields indicated by an asterisks (*) are mandatory.</i>
Please tick one each of the following*
I would like ☐ would not like ☒ to be heard in support of my submission
If others submitters make a similar submission, I will ☒ will not ☐ consider presenting a joint case with them at a hearing

SUBMISSION DETAILS Fields indicated by an asterisks (*) are mandatory.

Please identify the specific provision(s) of the Proposed Second Generation Dunedin City District Plan that your submission relates to*.

Provision name and number (where applicable): 16.7.4 Minimum Site Size
For example: Rule 15.5.2 Density 16.5.2 Density

Section name (where applicable): 231 Signal Hill Road in Flagstaff -
For example: the residential zones Mt Cargill LCA Zoned Rural.

Map layer name (where applicable):
For example: General Residential 1 Zone

Scheduled item number (where applicable):
For example: Reference #T147 - Scheduled Tree at 123 Smith Street

My submission is*

☐ I support the provision ☒ I oppose the provision ☐ I seek to have the above provision amended

Choose the most appropriate statement. If more than one applies, for example you support the provision in part but wish to have part amended (removed or changed), choose 'have the provision amended' and explain this in the 'decision I seek' field.

The decision I seek is that (please give precise details, such as suggested amended wording)*

On the contrary to the proposed 2 GP density, this land be zoned Rural Residential, Dunedin District Plan - Policy G. 3.4 for the reasons below.

Surely we need land to be available for habitation, not hindered as the 2 GP states. We want the city to grow, not recede.

Please refer to the attached plan.

Reasons for my views (you may attach supporting documents)*

1. There are many viable/possible building platforms in lots 1 & 2. that can be accessed by upgrading the existing vehicle track. These possible building platforms nestled into the landscape would each provide lovely lifestyle rural residential areas.
2. This land would be in a listing for the most stable land in the Dunedin City precinct.
3. It is located 8mins from the Octagon.
4. Residential 1 Zoned properties extend right along the northern boundary.



C. L. Wilson

Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

24/11/2015

Date

				Prepared for: The Estate of Albert Walter Court				
				NOTES : This plan is for Resource Consent (variation) purposes only. Notation is DCO LUD-2012-694 Boundary Platform C is 40m x 40m and is 52m from Winton Street. Boundary dimensions, allotment areas & ROW A dimensions are subject to final survey. Proposed Access Easement <table border="1"> <thead> <tr> <th>Purpose</th> <th>Shown</th> <th>Dominant Tenement</th> <th>Servient Tenement</th> </tr> </thead> <tbody> <tr> <td>R. O. W.</td> <td>(C)</td> <td>Lot 1 hereon</td> <td>Lot 2 hereon</td> </tr> </tbody> </table>	Purpose	Shown	Dominant Tenement	Servient Tenement
Purpose	Shown	Dominant Tenement	Servient Tenement					
R. O. W.	(C)	Lot 1 hereon	Lot 2 hereon					
Drawing Title: Proposed Subdivision of Lots 1 & 2 DP 15005 and Pt Sec 46 Blk IX North Harbour & Blueskin S.D. and easements over. Address: 231 Signal Hill Road Dunedin. Total Area 64.4ha. Comprised in: Certificate of Title OT6A/336								
LAND DISTRICT OTAGO ZONING : RURAL	NEW LOTS 1, 2 & 3 DP 486537	TERRITORIAL AUTHORITY DUNEDIN CITY Scale 1: 5000 A3 Date October 2015	This plan prepared by: Charlie Wilson AMNZIS NZCLS					

Henry Hambleton

From: Fiona Jakobs <fionajakobs@gmail.com>
Sent: Wednesday, 14 November 2018 9:10 AM
To: Henry Hambleton
Subject: Fwd: 231, 233 & 235 Signal Hill Road
Attachments: Minute from Chairperson to Fiona Jakobs dated 19-12-17.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: IDM-P

Here is a Letter from DCC

----- Forwarded message -----

From: **Paul Freeland** <Paul.Freeland@dcc.govt.nz>
Date: Tue, 19 Dec 2017 at 09:48
Subject: 231, 233 & 235 Signal Hill Road
To: fionajakobs@gmail.com <fionajakobs@gmail.com>

Hi Fiona,

Please find attached a Minute from the Chair of the 2GP Hearings Panel, which is self-explanatory.

Kind regards

Paul Freeland
Senior Planner, City Development
Dunedin City Council

50 The Octagon, Dunedin; PO Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3451
Email: paul.freeland@dcc.govt.nz; www.dunedin.govt.nz



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THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council, 50 The Octagon, Dunedin 90
PO Box 5045, Moray Place, Dunedin 9058
Website: 2gp.dunedin.govt.nz

MINUTE

From: The Chairperson, 2GP Hearing Panel
To: Grandview 2011 Limited
By email to: fionajakobs@gmail.com
Date: 19 December 2017

Dear Fiona

2GP Rezoning Requests – 231, 233 & 235 Signal Hill Road

Thank you for your letter dated 25 November 2017.

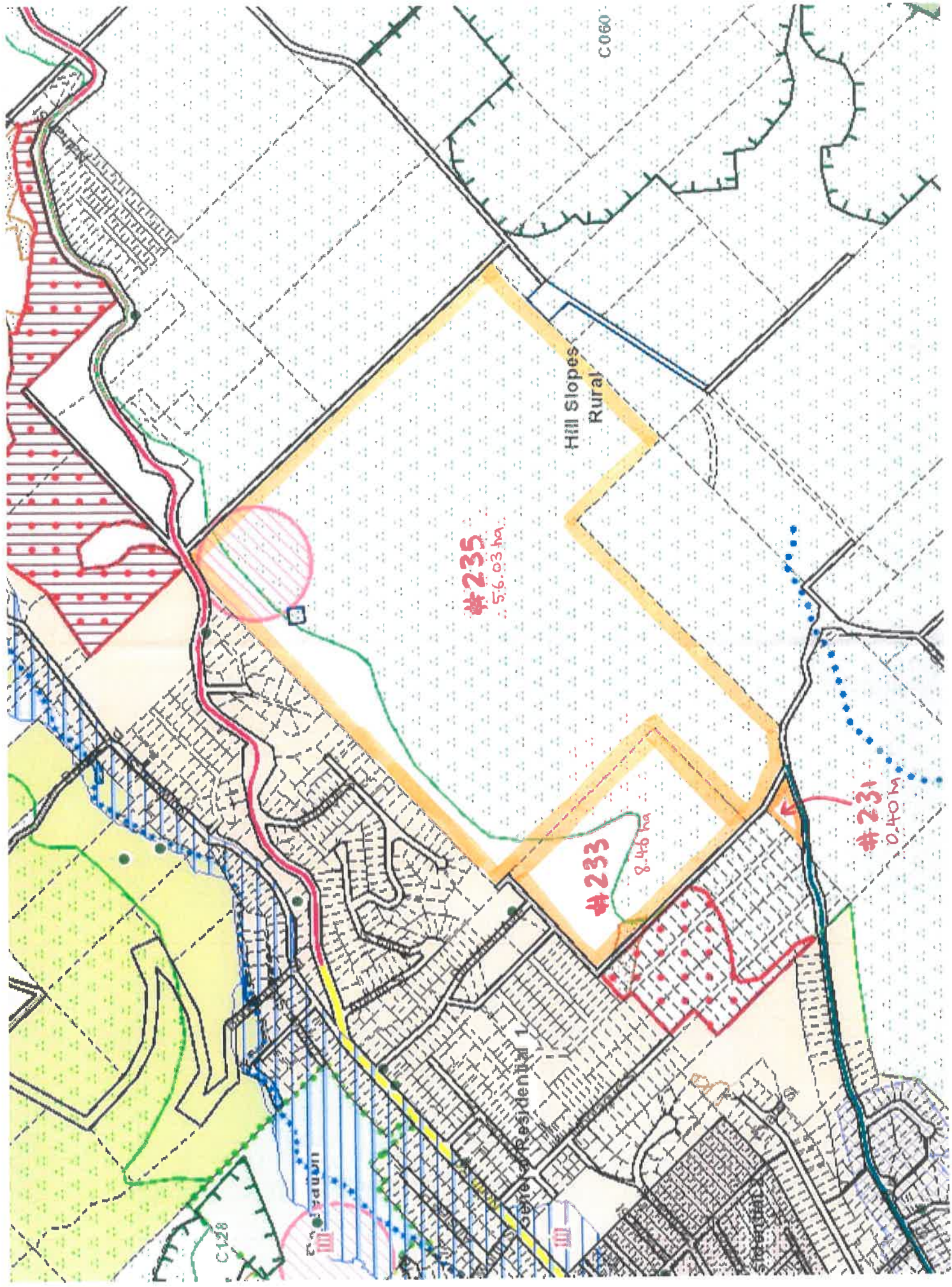
I note that Mr Charlie Wilson has authorised you to take over his position with regard to submission O933.1. His submission requested rezoning of the sites at 231, 233 and 235 Signal Hill Road from Rural Hill Slopes zoning to Rural Residential zoning.

I have checked the s42A Report for the Rural Residential hearing and acknowledge your concern that these sites were presented collectively, but I can assure you that when making a decision on these properties, the 2GP Hearings Panel will consider these independently.

Thank you for bringing this to my attention.

David Collins

**Chair
2GP Hearings Panel**



#235
56.03 ha

#233
8.46 ha

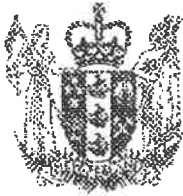
#231
0.40 ha

Hill Slopes
Rural

General Residential 1

C060

C128



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

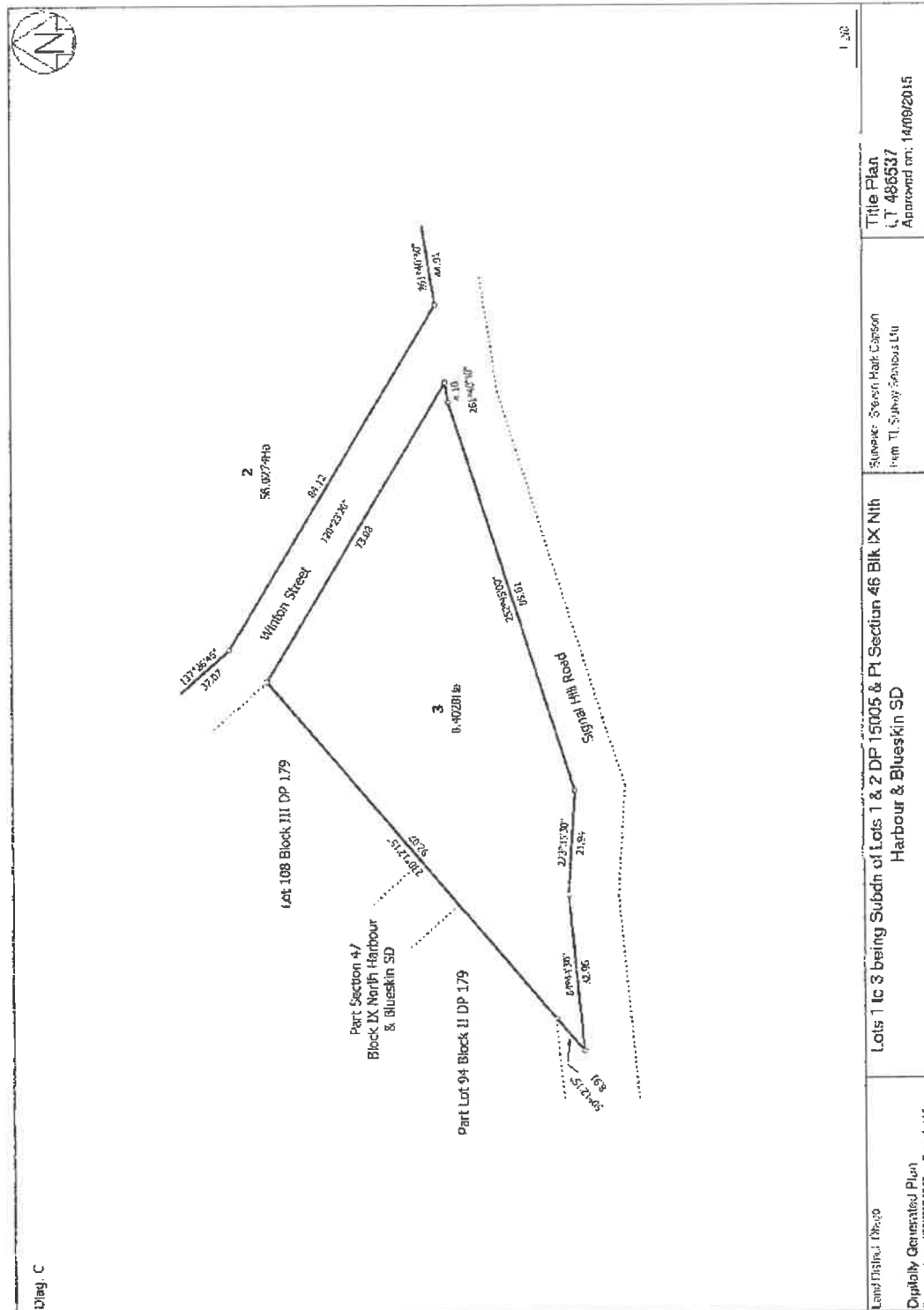
Identifier 693935
Land Registration District Otago
Date Issued 18 March 2016

Prior References
OT6A/1217

Estate	Fee Simple
Area	4028 square metres more or less
Legal Description	Lot 3 Deposited Plan 486537

Registered Owners
Grandview 2011 Limited

Interests





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier **693934**
Land Registration District **Otago**
Date Issued 18 March 2016

Prior References
OT6A/336

Estate	Fee Simple
Area	56.0274 hectares more or less
Legal Description	Lot 2 Deposited Plan 486537

Registered Owners
Fiona Jane Jakobs and Johann Mathew Jakobs

Interests

Subject to a right of way over part marked C and a pipeline easement over parts marked C, D and E all on DP 486537 created by Gazette Notice 365424 - 6.1.1971 at 11:15 am

Subject to a right (in gross) to convey water over part marked F on DP 486537 in favour of Dunedin City Council created by Easement Instrument 10277951.2 - 18.3.2016 at 4:11 pm

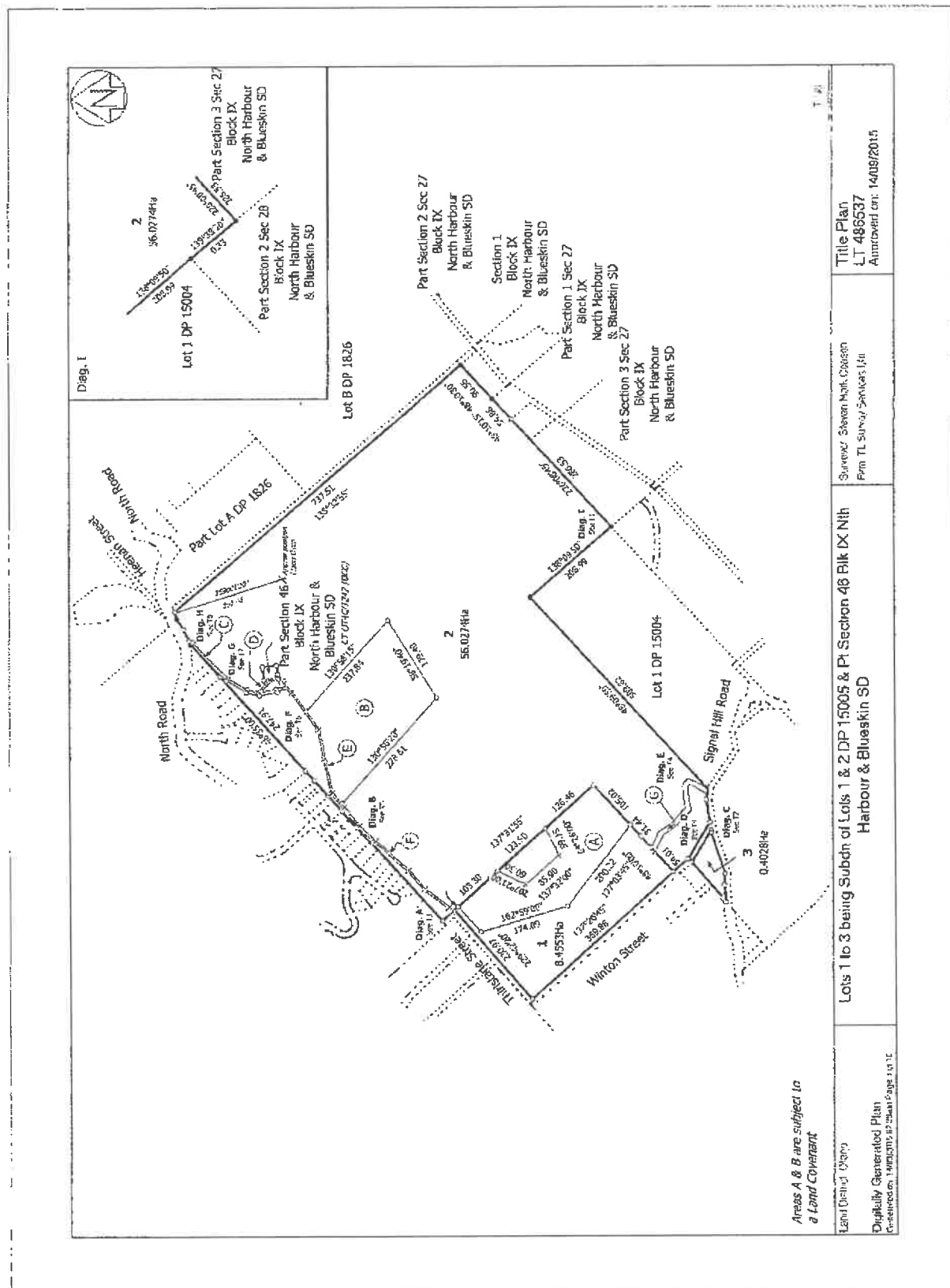
The easements created by Easement Instrument 10277951.2 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and rights to convey electricity, telecommunications and computer media over part marked G on DP 486537 created by Easement Instrument 10277951.3 - 18.3.2016 at 4:11 pm

Some of the easements created by Easement Instrument 10277951.3 are subject to Section 243 (a) Resource Management Act 1991 (see DP 486537)

10277951.5 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.3.2016 at 4:11 pm

10511579.1 Variation of Consent Notice pursuant to Section 221(5) Resource Management Act 1991 - 26.7.2016 at 8:36 am





View Instrument Details

Instrument No.	10277951.5
Status	Registered
Date & Time Lodged	18 Mar 2016 16:11
Lodged By	O'Neill, Paul Stafford
Instrument Type	Consent Notice under s22 i(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers	Land District
693934	Otago

Annexure Schedule: Contains 4 Pages.

Signature

Signed by Paul Stafford O'Neill as Territorial Authority Representative on 24/03/2016 06:15 PM

*** End of Report ***

IN THE MATTER of Section 221 of the Resource Management Act 1991

AND

IN THE MATTER of Application for Resource Consent No. SUB-2012-15

CONSENT NOTICE

Whereas Council has granted Resource Consent to the proposed subdivision comprised in DP 486537 subject to the following condition, is required to be complied with on a continuing basis:

Operative Part

Condition 3(d) relating to Lot 2 DP 486537.

- i. *The vegetation identified as Covenant B in the attached Vegetation Plan dated May 2015 shall be retained in perpetuity, whereby no construction of structures or vegetation clearance is authorised within the defined area.*
- ii. *There will be no goats, deer or more than 6 cattle on Lot 2 at any time.*
- iii. *No earthworks, land disturbance, tracking or mechanical vegetation clearance can occur within 20m of the outer extent of the archaeological site described as Maori Oven in the attached Archaeological Plan.*
- iv. *Prior to the occupation of any dwelling using the existing vehicle access to North Road, the vehicle entrance shall be hard surfaced for a minimum width of 3.5m from the edge of seal on North Road to a distance 5.0m inside the property boundary, and adequately drained for its duration. The remainder of the access shall be of an adequate all-weather surface.*
- v. *Prior to the occupation of any dwelling using the existing vehicle access to Signal Hill Road, the vehicle entrance shall be hard surfaced for a minimum width of 3.5m, from the edge of seal on Signal Hill Road to a distance 5.0m inside the*



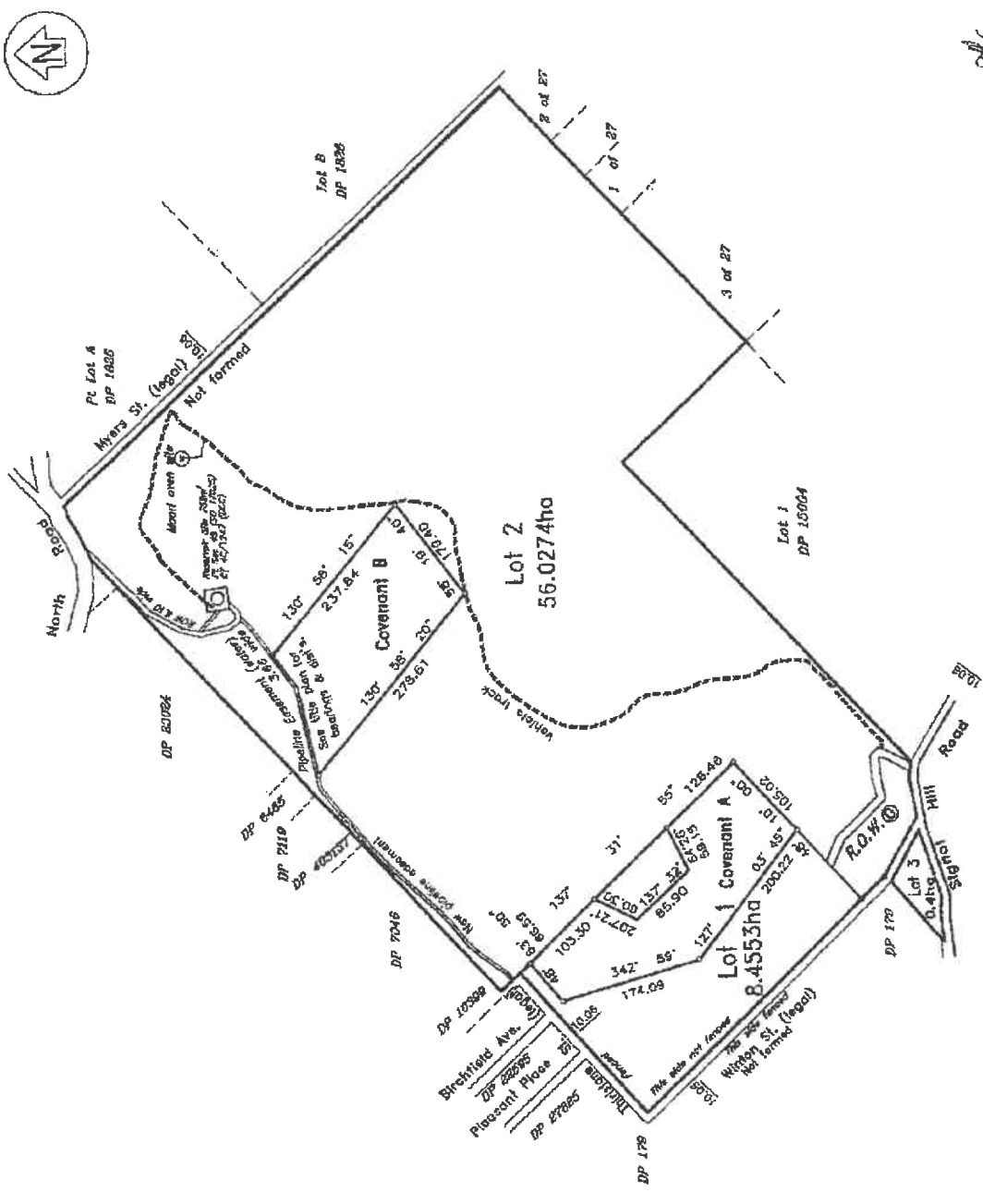
property boundary, and adequately drained for its duration. The remainder of the access shall be of an adequate all-weather surface.

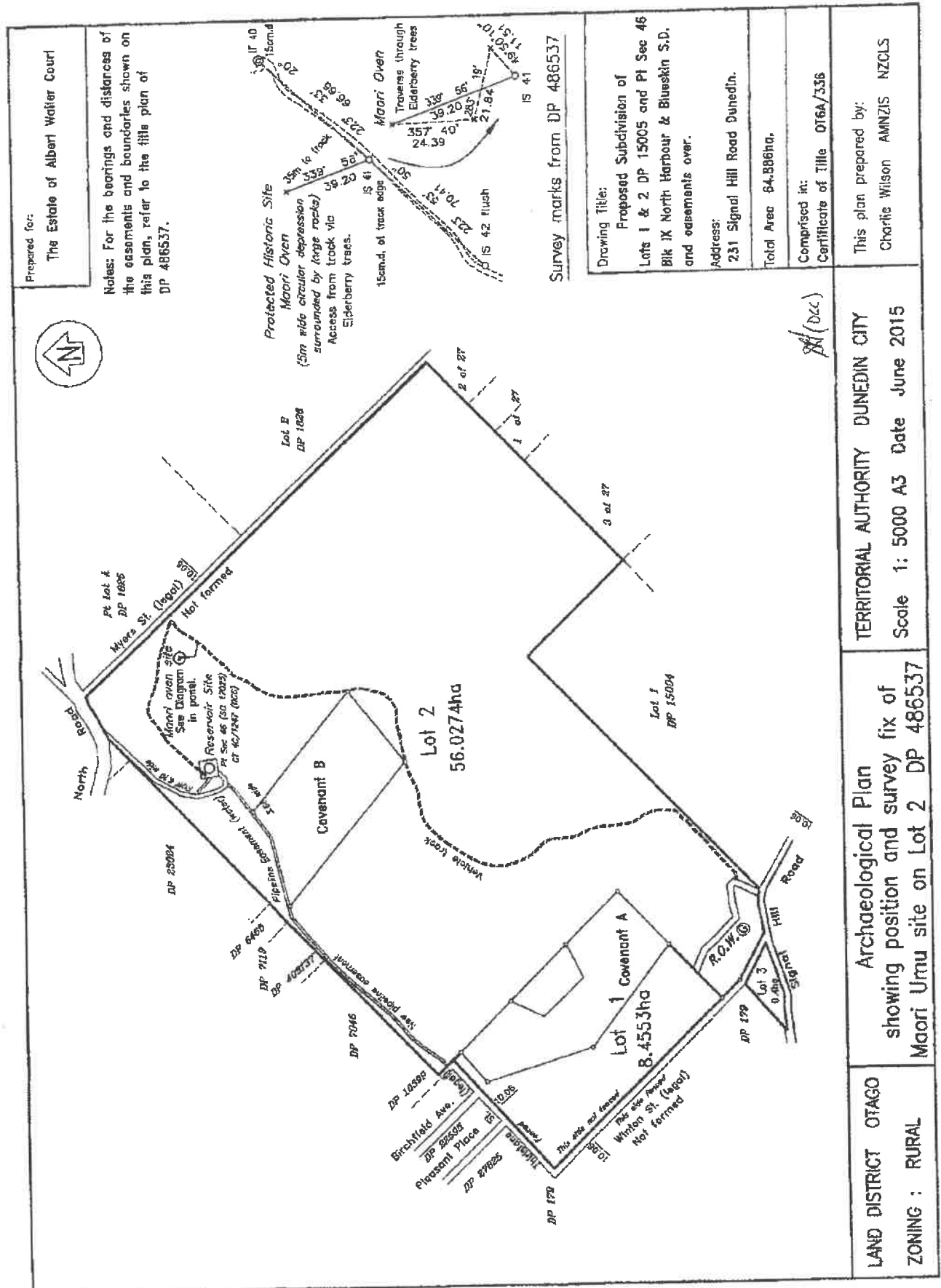
- vi *In addition to the provision of water storage for domestic purposes, a minimum of 20,000L shall be provided for fire fighting requirements, for each dwelling when it is established on Lot 2. An approved fire service hose coupling shall be connected to the water storage tank(s). It is recommended that the consent holder provide evidence of compliance with fire fighting requirements NZS PAS 4509:2008.*

Dated this 23rd day of MARCH 2016

Signed for and on behalf of the Dunedin City Council


.....
Authorised Officer

Prepared for: The Estate of Albert Walter Court	NOTES : Area of Covenant A is 3.467ha. Area of Covenant B is 4.393ha. For the bearings & distances of the easements and boundaries not shown on this plan, refer to the title plan of DP 486537.	Drawing Title: Proposed Subdivision of Lots 1 & 2 DP 15005 and Pt Sec 46 Blk IX North Harbour & Blueskin S.D. and easements over. Address: 231 Signal Hill Road Dunedin. Total Area 64.886ha.	Comprised in: Certificate of Title 016A/336	This plan prepared by: Charlie Wilson AMNZIS NZCLS
 Vegetation Plan showing Covenants A & B over Lots 1 & 2 DP 486537				
LAND DISTRICT OTAGO ZONING : RURAL	TERRITORIAL AUTHORITY DUNEDIN CITY Scale 1: 5000 A3 Date May 2015			





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier 693933
Land Registration District Otago
Date Issued 18 March 2016

Prior References
OT6A/336

Estate	Fee Simple
Area	8.4553 hectares more or less
Legal Description	Lot 1 Deposited Plan 486537

Registered Owners
Harry Ray Harding

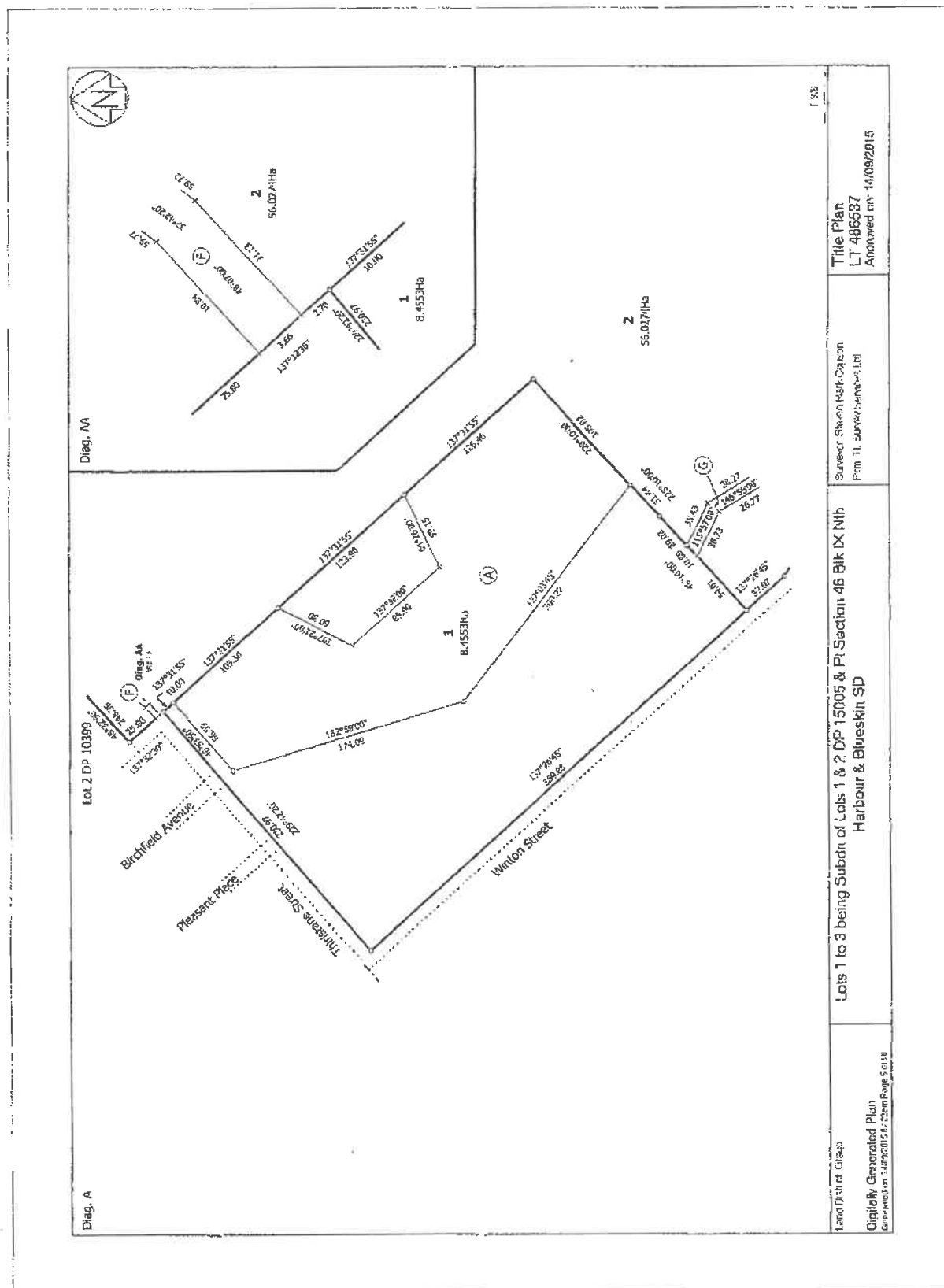
Interests

Appurtenant hereto is a right of way and rights to convey electricity, telecommunications and computer media created by Easement Instrument 10277951.3 - 18.3.2016 at 4:11 pm

Some of the easements created by Easement Instrument 10277951.3 are subject to Section 243 (a) Resource Management Act 1991 (see DP 486537)

10277951.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.3.2016 at 4:11 pm

10410348.2 Mortgage to ANZ Bank New Zealand Limited - 26.4.2016 at 4:49 pm





View Instrument Details

Instrument No.	10277951.4
Status	Registered
Date & Time Lodged	18 Mar 2016 16:11
Lodged By	O'Neill, Paul Stafford
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers **Land District**

693933 Otago

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Paul Stafford O'Neill as Territorial Authority Representative on 24/03/2016 06:13 PM

*** End of Report ***

4

IN THE MATTER of Section 221 of the Resource Management Act 1991

AND

IN THE MATTER of Application for Resource Consent No. SUB-2012-15

CONSENT NOTICE

Whereas Council has granted Resource Consent to the proposed subdivision comprised in DP 486537 subject to the following condition, is required to be complied with on a continuing basis:

Operative Part

Condition 3(c) relating to Lot 1 DP 486537.

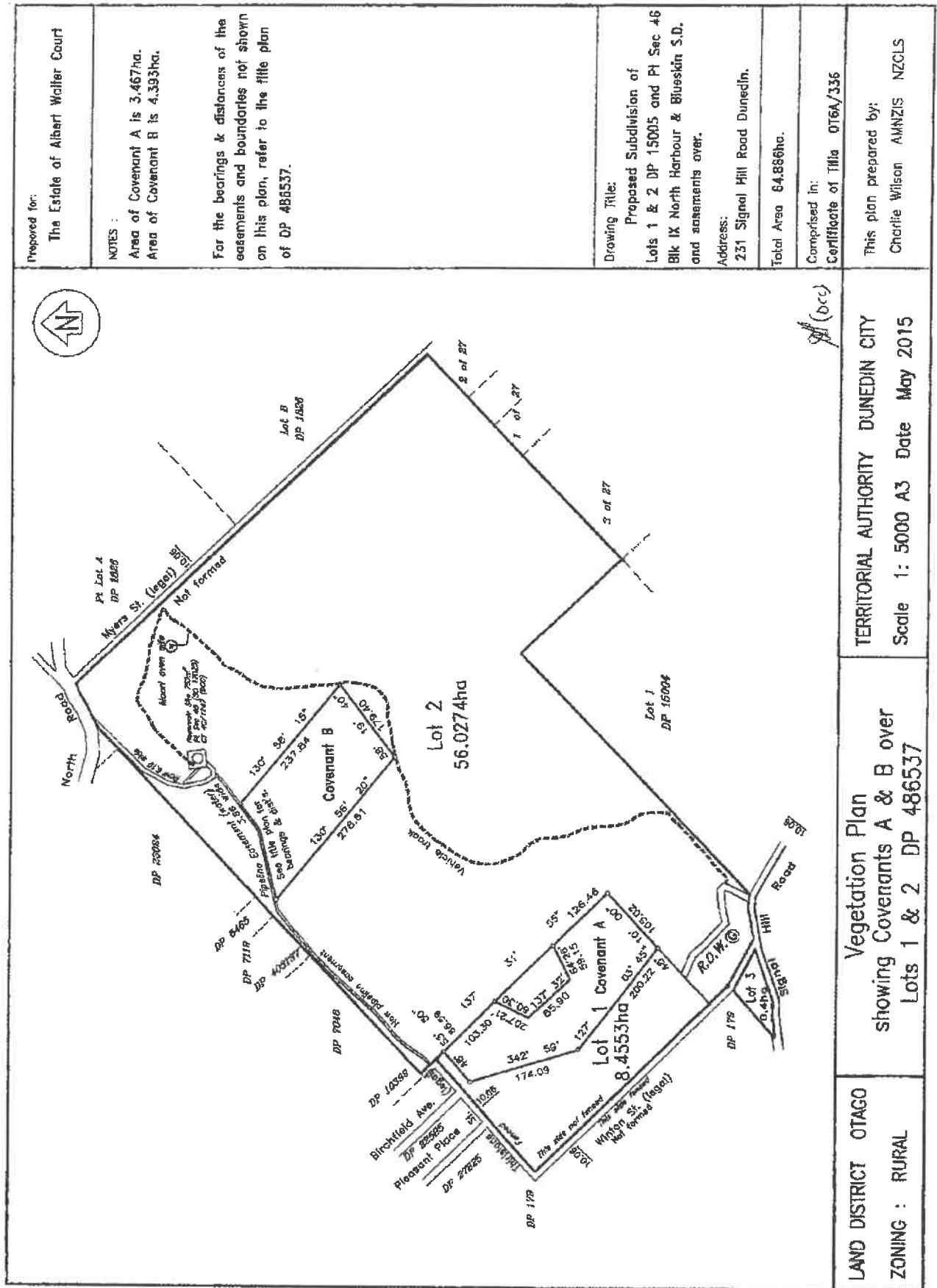
- i. *The vegetation identified as Covenant A in the attached Vegetation Plan dated May 2015, shall be retained in perpetuity, whereby no construction of structures or vegetation clearance is authorised within the defined area.*
- ii. *There will be no goats, deer or cattle on Lot 1 at any time.*
- iii. *In addition to the provision of water storage for domestic purposes, a minimum of 20,000L shall be provided for fire fighting requirements, when a dwelling is established on Lot 1. An approved fire service hose coupling shall be connected to the water storage tank(s). It is recommended that the consent holder provide evidence of compliance with fire fighting requirements NZS PAS 4509:2008.*

Dated this 23rd day of MARCH 2016

Signed for and on behalf of the Dunedin City Council


.....

Authorised Officer



8 December 2018

Grandview 2011 Limited
125 Blacks Road
Opoho
DUNEDIN

Dear Sir / Madam

LETTER IN SUPPORT OF APPEAL

- 1 I refer to the **attached** notice of appeal being submitted by Grandview 2011 Limited (the **Appeal**).
- 2 I confirm that I am the registered proprietor of the property at 233 Signal Hill Road, Dunedin, being the property contained within Record of Title 693933.
- 3 I confirm that I am in support of the Appeal in its entirety.

Yours faithfully

A handwritten signature in black ink, appearing to read 'HARRY RAY HARDING', written over a light blue horizontal line.

HARRY RAY HARDING

Encl.

8 December 2018

Grandview 2011 Limited
125 Blacks Road
Opoho
DUNEDIN

Dear Sir / Madam

LETTER IN SUPPORT OF APPEAL

- 1 We, the trustees of the Jakobs Farm Trust, refer to the **attached** notice of appeal being submitted by Grandview 2011 Limited (the **Appeal**).
- 2 We confirm that the trustees of the Jakobs Farm Trust are the registered proprietors of the property at 235 Signal Hill Road, Dunedin, being the property contained within Record of Title 693934.
- 3 We confirm that the trustees of the Jakobs Farm Trust are in support of the Appeal in its entirety.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. Jakobs', is written over a printed name 'JAKOBS'.

JAKOBS FARM TRUST

Encl.

686. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we note that the area is within a Significant Natural Landscape overlay zone, and that clause 2.6.1.4.c.iii states that SNLs should generally be avoided. We consider this also raises issues relating to rural character and amenity and other aesthetic considerations (which are relevant considerations under Policy 2.6.1.4.c.i and viii). The property is adjacent to an ASCV, and from our site visit we observe it appears to have some bush areas, which are considerations under clause 2.6.1.4.c.v. Parts of the property are also within a Hazard 2 (Land Instability) overlay zone (relevant under clause 2.6.1.4.c.ix), and the evidence of the DCC Transportation Group suggests there would be likely to be additional pressure for public infrastructure upgrades if further intensification of this area occurs, which we consider suggests a conflict with clause 2.6.1.4.b.
687. For the same reason that this property aligns poorly with Policy 2.6.1.Y, it is also inconsistent with Policy 2.6.1.3.d.
688. Overall, we conclude rezoning of the balance of this property Rural Residential 2 would be inconsistent with the strategic directions policies.

3.8.8.4 231, 233 and 235 Signal Hill Road, Opoho

689. *Charles Wilson* (OS933.1) sought to change the zoning of 231 Signal Hill Road, Opoho, from Hill Slopes Rural Zone to Rural Residential because the land is suitable, located 8 minutes from the Octagon and there is an existing Rural Residential 1 Zone adjacent to the northern boundary. The map accompanying the submission indicated that the request related to 233 and 235 Signal Hill Road, as well as 231 Signal Hill Road.
690. The *Charles Wilson* submission was opposed by 23 further submitters, listed on pages 155-156 of the Section 42A Report. Concerns from the further submitters regarding the potential change in zoning related to land instability; runoff onto adjacent residential properties; issues with waste and stormwater; adverse impacts on property values; noise pollution; adverse effects on landscape values and manawhenua values and on native bird populations from vegetation clearance.
691. The sites at 231, 233 and 235 Signal Hill Road, Dunedin, have areas of 0.4ha, 8.4ha and 56ha respectively. The Reporting Officer, Mr Michael Bathgate, did not consider that any increase in development potential through rezoning would be appropriate for this area. He noted that the strategic policies did not support this as the land was not already subdivided to a rural residential scale; it was not supported by the DCC Transportation Group because of inadequate infrastructure and safety issues with Signal Hill Road; there were waste and stormwater runoff issues raised by further submitters; and the Significant Natural Landscape overlay zone over the site meant any increase in development may have adverse effects on landscape values (Section 42A Report, p. 156).
692. *Christine Keller* (FS2138.1) spoke at the hearing regarding her further submission in opposition to the *Charles Wilson* submission. *Ms Keller* didn't want the land above her developed, noting that it was a really steep slope that was regenerating in manuka with increasing birdlife. *Ms Keller* considered that water run-off down the slope was a real issue, with it seeming to be a naturally saturated area. She considered the stability of the slope to be of concern, and stability and run-off would become of even greater concern issue if the vegetation was cleared.
693. After the hearing, the Panel received correspondence dated 25 November 2017 from Grandview 2011 Limited as the new owners of 231 Signal Hill Road which also noted that an associated entity had purchased 235 Signal Hill Road. The correspondence noted that *Charles Wilson* had authorised Grandview 2011 Limited to take over his position with regard to his submission, and also asked the Panel to consider the three sites separately when making decisions on the submission. Grandview 2011 Limited considered that further submissions against increased density at 235 Signal Hill Road have inappropriately been classified as further submissions relevant to 231 Signal Hill Road.

694. We responded in a minute dated 19 December 2017, noting the transfer of this submission, and clarifying that we would consider the three sites independently when making a decision on this submission.

3.8.8.4.1 *Decision and Reasons*

695. We reject the submission of *Charles Wilson* to change the zoning of 231, 233 and 235 Signal Hill Road to a rural residential zoning, as we do not consider that rezoning any of these sites, assessed individually, meet the strategic criteria for rural residential zoning.
696. We first assessed them against Policy 2.6.1.Y. The site at 235 Signal Hill Road does not meet the criteria under this policy as it is a large rural site of 56 ha. While 233 Signal Hill Road is at a Rural Residential 2 scale at 8.4 ha, we do not consider it meets the criteria for a Rural Residential 2 cluster in terms of Policy 2.6.1.Y, being a single site and being held in the same tenure as adjacent sites, forming part of a larger rural property. While 231 Signal Hill Road is 0.4 ha (and therefore is at large lot residential rather than rural residential scale), it could be considered for rezoning if it were part of a cluster of other undersized rural sites at rural residential scale. However, surrounding sites are either larger, or do not meet the criteria for consideration because they are held in the same tenure as adjacent sites.
697. We therefore assessed these sites for rezoning under Policy 2.6.1.3.
698. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks compact city and public infrastructure.
699. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), the site meets some criteria but is less well aligned with others. The evidence of the DCC Transportation Group suggests intensification in this area may increase pressure for public infrastructure upgrades, which suggests a lack of consistency with clause 2.6.1.4.b. Also related to this point were concerns raised by submitters about run-off from this area. In addition, all of 231 Signal Hill Road and the majority of 233 and 235 Signal Hill Road are within an SNL overlay zone, and under clause 2.6.1.4.c.iii SNLs should generally be avoided for new rural residential zoning (we have also decided, as set out in the Urban Land Supply Decision, to remove the transitional residential zoning from that part of the adjacent land at 68 Montague Street that is situated in the SNL). This raises additional questions of alignment with 2.6.1.4.c.i and viii, relating to rural character and amenity values, and aesthetic considerations. We note the observations of *Ms Keller* and other further submitters that the area comprises regenerating native bush with biodiversity values, which is a relevant consideration under clause 2.6.1.4.c.v.
700. Amongst the other issues raised by further submitters, also of relevance under clause 2.6.1.4.c.ix were concerns relating to land instability. We consider that these issues mainly apply to the larger sites at 233 and 235 Signal Hill Road. We note that there was no evidence presented at the hearing to refute the concerns raised by further submitters, and this has influenced our decisions on these sites.
701. For the same reasons discussed in relation to alignment with Policy 2.6.1.Y, each of these sites aligns poorly with Policy 2.6.1.3.d.
702. Overall, we consider this rezoning request is contrary to key strategic directions policies and there was insufficient evidence to convince us that the relevant criteria for rezoning to Rural Residential zoning are met.

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