

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-CHC-2018-

UNDER the Resource Management Act 1991

AND

IN THE MATTER Of an appeal pursuant to clause 14 of the First
Schedule to Schedule of the Act

BETWEEN **JOHN STEWART FINDLATER**
Appellant

AND **DUNEDIN CITY COUNCIL**
Respondent

**NOTICE OF APPEAL OF JOHN STEWART FINDLATER
(14 DECEMBER 2018)**

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST THE RESPONDENT'S DECISION
ON THE PROPOSED SECOND GENERATION DUNEDIN CITY DISTRICT PLAN**

**To: THE REGISTRAR
ENVIRONMENT COURT
CHRISTCHURCH**

I, John Stewart Findlater, (**Appellant**) appeal a decision of the Dunedin City Council (**Respondent**) in respect of a submission on the Proposed Second Generation Dunedin City District Plan (**Proposed Plan**) – Urban Land Supply.

1. The Appellant made a submission (OS 376.1) on the Proposed Second Generation Dunedin City District Plan regarding the seeking to zone the land situated at 81 Morris Road, Fairfield, Dunedin (**the Site**) from Rural (Hill Slopes) to Rural Residential 1.
2. The Appellant is affected by the Decision as the owner of the land directly affected by the Proposed Plan.
3. I received notice of the decision on 7th November 2018.
4. The decision was made by The Dunedin City Council.
5. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. The decision that I am appealing is:
 - (a) To refuse to zone the Site Rural Residential 1
 - (b) The decision to zone the Site Rural Residential 2
7. The reasons for the appeal are as follows:
 - (a) The Council has erred in its assessment of available Rural Residential sites in this part of the city.
 - (b) The site is surrounded by land zoned Rural Residential 1.
 - (c) The site is a small island of non-productive land created by the construction of the 'Fairfield' motorway.
 - (d) The decision to zone the Site Rural Residential 2 does not provide for the best sustainable use of the Site.
 - (e) The site is not highly visible from any nearby roads or properties.

- (f) The proposed zoning of Rural Residential 1 does not generate any infrastructure demands on the City's water or drainage networks.
- (g) The decision seeks to place emphasise on compliance with the Rural Residential 2 zone rather than merge the land with the surrounding Rural Residential 1 zone.

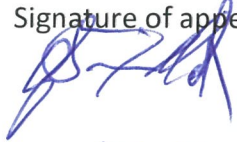
8. I seek the following relief:

- (a) Rezone the Site at 81 Morris Road Rural Residential 1.
- (b) Rezone the adjacent land at 105 and 141 Morris Road Rural Residential 1.

9. I attach the following documents to this notice:

- (a) A copy of my original submission.
- (b) A copy of the relevant decision.
- (c) A list of names and addresses of persons to be served with a copy of this notice.

Signature of appellant



.....17.12.18

Date

Address for service of appellant: 81 Morris Road, Fairfield, Dunedin 9018

Telephone: 03 489 6379

Fax/email: C/- leon.hallett@ppgroup.co.nz

Contact person: Stewart Findlater C/- Leon Hallett (Partner at Paterson Pitts Group)

Note to appellant

You may use this form for any appeal for which you cannot identify a prescribed form.

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf.

You must pay the filing fee required by [regulation 35](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

If you wish to become a party to the appeal, you must,—

(a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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](#)).

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.

Advice

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

NOTICE OF APPEAL SENT TO:

**To: THE REGISTRAR
ENVIRONMENT COURT
CHRISTCHURCH**
email: Christine.McKee@justice.govt.nz
EnvironmentCourt@justice.govt.nz

To: THE DUNEDIN CITY COUNCIL
email: 2gpappeals@dcc.govt.nz

To: LEON HALLETT
email: leon.hallett@ppgroup.co.nz