

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (as at 03 March 2015)

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

I, Bruce Norrish, appeal against a decision (*or* part of a decision) of Dunedin City Council on the following policy statement:

Second Generation Dunedin City District Plan.

I made a submission on that policy statement (*or* plan *or* change *or* variation).

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

I received notice of the decision on 26 October 2018

The decision was made by Dunedin City Council .

The decision (*or* part of the decision) that I am appealing is:

Flagstaff- Mt Cargill Significant Natural Landscape Zone —

- 2797... *accept in part the submissions of...Bruce Norrish (OS461.4); and The 300m contour is not acceptable, it places more than half our property including our house within the new zone, I believed the last RMA decision was binding on both parties.*

The reasons for the appeal are as follows:

My Property was the subject of an Environment Court decision (RMA 1032/99) that adjusted the LCA boundary for the last Dunedin City plan and there are no reasons to override that decision.

I seek the following relief:

I want the SNL boundary to follow the 420m contour as decided by (RMA 1032/99).

I attach the following documents* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.


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

18-12-18
.....
Date

Address for service of appellant: Bruce Norrish
Telephone: 0274 811 110
Fax/email: bruce.norrish@gmail.com

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

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

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. 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.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

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*. **SIGNIFICANT NATURAL LANDSCAPE ZONE.**

Provision name and number (where applicable):

For example: Rule 15.5.2 Density

Section name (where applicable):

For example: the residential zones

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

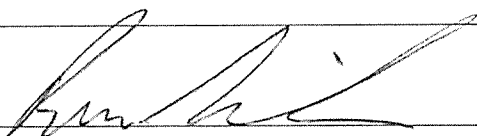
Choose the most appropriate statement. If more than one applies, for example you support the provision in part but wish to have part amended (removed or changed), choose 'have the provision amended' and explain this in the 'decision I seek' field.

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

**THAT THE ENVIRONMENT COURT RULING
RMA 1032/99 DEFINE THE
BOUNDARY FOR THE SIGNIFICANT NATURAL
LANDSCAPE ZONE.**

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

~~THE~~ RMA 1032/99



24-11-15

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.)

Date

3.11.4.2.6 *Reconvened Network Utilities hearing*

2796. At the reconvened Network Utility Hearing, *BCRT* confirmed that their primary concern was the Seacliff SNL and its implications for the establishment of renewable energy generation activities.

3.11.4.2.7 **Decision and Reasons**

2797. We accept the submission of *Bruce Bohm* (OS632.3), and accept in part the submissions of *G&J Sommers Edgar*, *Nigel Harwood* (OS96.2), *David Holdsworth* (OS73.1) *Shane Johnson and Sharee Watts* (OS1076.1) *Murray Soal* (OS291.2), *Antonie Vandervis* (OS1026.1), *Bruce Norrish* (OS461.4) and *Graham and Nothburga Prime* (OS399.1), and have adjusted the boundary of the Flagstaff-Mt Cargill SNL overlay zone in accordance with the revised recommendations of Mr Moore and Mr Bathgate, at the Reconvened Natural Environment Hearing. In doing so we reject the submissions of *Blackhead Quarries Ltd* (OS874.53) and *Graeme and Marie Bennett* (OS298.2).
2798. We accept Mr Bathgate's assessment that there is scope under the submission of *Shane Johnson and Sharee Watts* (OS1076.1) to return the SNL line towards (but not beyond) the operative LCA boundary, where there is no scope from other property- or zone-specific submissions to do so. We agree with the Reporting Officer's assessment that relying on the submission of *Blueskin Resilient Communities Trust (BRCT)* for scope for further amendments is questionable, particularly in light of the clarifications made by *BRCT* representatives at the Reconvened Network Utilities hearing, and on balance we consider it would not be appropriate to rely on this submission to further amend the boundary of the Flagstaff-Mt Cargill SNL overlay zone beyond the operative LCA boundary.
2799. Mr Moore's revised recommendations were supported by Mr Forsyth's peer review, which gives us a high level of confidence in the landscape evidence (based on the amended Pigeon Bay criteria, which are aligned with those specified in the pORPS-dv).
2800. Some submitters cited lack of visibility of their property as a reason for seeking removal of the SNL overlay zone in their vicinity, or requested that the SNL be pulled back to identified geographic, geological or cultural features. We note that while all of these are relevant parts of a landscape assessment, the amended Pigeon Bay consider a range of matters in determining the boundary of a landscape. We rely on the landscape evidence of Mr Moore and Mr Forsyth in this regard.
2801. We note a number of submitters cited concerns about the impact of the SNL overlay zone on their ability to continue farming operations. We do not consider the SNL provisions will unduly affect farming operations. A range of activities are permitted in SNL overlay zones, including Farming. Some activities that might commonly form part of farming operations (e.g. buildings and structures over 60m², and Forestry) are subject to a restricted discretionary resource consent, however as outlined in section 3.7 of this Decision Report, an alternative lower bar "adequately mitigated" policy test exists for discretionary and restricted discretionary activities in SNLs, recognising situations in which there are "no alternative practicable locations". In addition, section 3.4 discusses provisions relating to Indigenous Vegetation Clearance, and outlines a number of amendments, the effect of which is to permit more types of clearance, including in SNLs.
2802. In relation to the submission of *Graeme and Marie Bennett* (OS298.2), as requested by the submitter we consider this in conjunction with submissions discussed at the Urban Land Supply Hearing. As discussed in the Urban Land Supply Decision Report, we have decided not to extend the Township and Settlement zoning in this area, and