

Form 34
Notice of Appeal to Environment Court (general)

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Gregory Paul Ward, appeal a decision (*or* part of a decision) on the following matter:
The Dunedin City Council, Second Generation District Plan (2GP).

I received notice of the decision on 07 November 2018.
The decision was made by the Dunedin City Council.

I am not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.

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

The decision to not change the zoning of 2 Dalziel Road from Rural Residential to Large Lot Residential.

The reasons for the appeal are as follows:

1. We believe the Rural Residential 1 (RR1) zone rules of the Second Generation District Plan (2GP) are too restrictive and do not allow for appropriate development of our property.
2. Our property size is smaller than the minimum lot size allowed for by the imposed RR1 zone decision of the 2GP. We believe this places undue planning and resource consent requirements on us should we seek to make changes to our existing residence or to further enhance our property.
3. We are of the opinion that the 2GP plan is overly complex when applying the RR1 zone rules to our property and does not provide the necessary information to make definitive development decisions. Difficulties in interpreting the plan have generally been related to our undersized lot as defined by the zone, and the complexities of existing use rights.
4. The RR1 zoning does not adequately recognise the historical development of the immediate area, in particular our residence, but also similar properties including 41-49 Three Mile Hill Road. Our property was the first to be established in the early 1950's to house one of three daughters of the land owning farmer of the time. It was soon realised the first section (now 2 Dalziel Road) was too large at 4305m² for its intended purpose and too small to be otherwise useful. Subsequently the properties at 41-43 Three Mile Hill Road, were developed at roughly half the size of the first with an area of 2327m² each.
5. In our opinion the first and second generation district plans have not adequately recognised the otherwise already lawfully established characteristics of these properties and resulted in unreasonable restrictions being placed upon them. These limits, result in unnecessary costs being incurred for the consideration, design, planning, and processing of resource consents.

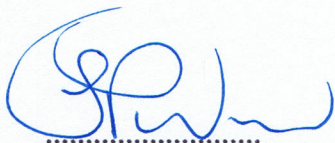
6. Since we purchased our property approximately twenty years ago, we have invested time in clearing and improving the land, have grazed sheep (which proved uneconomic), and have essentially managed a large lawn for much of this time. Further development of the property would mean better use of this otherwise underutilised and available resource.
7. The small property sizes of 2 Dalziel Road and 41-49 Three Mile Hill Road were an anomaly in the Dunedin City Councils first generation District Plan as they were undersized for the rural residential zone. The Large Lot Residential 1 (LLR1) zoning we sought through the 2GP process appears to allow for development of our land more in keeping with the existing properties and the character of the area.
8. Located close to the central city and near suburban amenities the general area is in a logical position for further development. It is our understanding that the 2GP process was developed for a low growth city. Recent reports have indicated that Dunedin is a medium growth city. Current indications are that there will be greater demand for land and homes than is allocated for under the 2GP plan.
9. During the 2GP process we were in contact with the DCC and were aware of the reporting officer's recommendation that the property be rezoned Large Lot Residential (s42A Report for ULS Part 2, Section 5.1.11, p.107-108, 24 May 2017). When the final report was released on 7 November 2018 we were extremely disappointed and surprised by the commissioner's decision to reject the recommended change in zoning. Particularly given that over the past year we have invested a significant amount of time into developing a concept suitable for our land which we believe will enhance the immediate area greatly.
10. The opportunity we seek is to be able to better utilise our property in the future to accommodate our extended family. We would like to be able to build a second dwelling on our property with the capability to subdivide our property into two titles. The LLR1 zoning that we sought would appear to have allowed us to do this. However, given the complexities of the imposed 2GP RR1 zone and the challenges faced trying to obtain resource consent, without a zone change, prospects for enhancing and improving our property are unlikely.
11. With a zone change to LLR1 we envisage for our property the development of energy efficient (ideally Passive House standard), modest sized (3 bedroom), low profiled (single or split level) architectural forms, built in recessive materials and colours, and surrounded by landscaping with native plantings. These would be serviced by potable rain water collection and onsite wastewater treatment and disposal fields. Ideally onsite power generation (solar) and energy storage would be introduced at a later stage.

I seek the following relief:

That the zoning of 2 Dalziel Road be changed from Rural Residential 1 to Large Lot Residential 1.

I attach the following documents* to this notice:

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



Signature of appellant

19 December 2018

Date

Address for service of appellant:

Telephone: 0274764035

Email: greg@designdraught.co.nz

Contact person: Greg Ward

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.

Schedule 1 form 34: amended, on 3 March 2015, by [regulation 15\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 34: amended, on 3 March 2015, by [regulation 15\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 34: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 34: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

A copy of this notice has/will be served on the following persons/entities:

Dunedin City Council 2GP Appeal, Dunedin City Council, PO Box 5045, Dunedin 9054 2gpappeals@dcc.govt.nz

Sub #	Submitter	Address	Email
278	RPR Properties Ltd	PO Box 44421 Mosgiel 9053	tom@westacottheights.co.nz
295	Doug and Lesley Ramsay	19 Dalziel Road, Halfway Bush, Dunedin 9010	doug.lesley@xtra.co.nz
325	Robert Ross McTaggart	17 Three Mile Hill Road, Halfway Bush, Dunedin 9010	rossandgay@xtra.co.nz
380	Trevor John Millar	5 Three Mile Hill Road, Halfway Bush, Dunedin 9010	trevor.millar@xtra.co.nz
628	Alice Wouters	31 Dalziel Road, Halfway Bush, Dunedin 9010	N/A
838	Chris Rietveld	31 Dalziel Road, Halfway Bush, Dunedin 9010	N/A
2035	Peter Mortimer	37 Dalziel Road, Halfway Bush, Dunedin 9010	peterfmort@gmail.com
2103	Doug and Lesley Ramsay	19 Dalziel Road, Halfway Bush, Dunedin 9010	doug.lesley@xtra.co.nz
2112	Deborah Fraser	2 Blake Street, Halfway Bush, Dunedin 9010	deborahfraser@xtra.co.nz
2165	Lisa and Brent Woollorton	488 Taieri Road, Halfway Bush, Dunedin 9010	N/A
2256	Alice M. Wouters and Christopher W. Reitveld	31 Dalziel Road, Halfway Bush, Dunedin 9010	N/A
2412	Madiha Farid	6 Blake Street, Halfway Bush, Dunedin 9010	m.farid85@yahoo.co.nz
2419	Valerie Joyce Dempster	490 Taieri Road, Halfway Bush, Dunedin 9010	N/A
134	Murry and Aniko Fiora	50 Dalziel Road, Halfway Bush, Dunedin 9010	aniko.murray@gmail.com
231	Lynn Gipp	14 Dalziel Road, Halfway Bush, Dunedin 9010	lynnlipp@actrix.co.nz
400	Laura Dawson	49 Centennial Avenue, Helensburgh, Dunedin 9010	wilbur103@hotmail.com
730	Paul Anthony and Kaye Bretherton	70 Dalziel Road, Halfway Bush, Dunedin 9010	N/A
952	Alexander Napier Findlater	145 Ashmore Street, Halfway Bush, Dunedin 9010	N/A
1012	Angela Clare Ruske	42 Dalziel Road, Halfway Bush, Dunedin 9010	ruske@stonebarn.co.nz
2040	Rachel Mortimer	37 Dalziel Road, Halfway Bush, Dunedin 9010	morts@xtra.co.nz
2064	Jody Hazlett and Michael Hazlett	482 Taieri Road, Halfway Bush, Dunedin 9010	jody.hazlett@otago.ac.nz
2066	Lindsay Roberston	482 Taieri Road, Halfway Bush, Dunedin 9010	l.robertson@otago.ac.nz
2125	Akmal Bashir	6 Blake Street, Halfway Bush, Dunedin 9010	akmal.bashir@ymail.com
2266	Steven Douglas MacPherson and Sonia MacPherson	53 Dalziel Road, Halfway Bush, Dunedin 9010	rbmac@xtra.co.nz
2267	Harboursides and Peninsula Preservation Coalition	30 Howard Street, Macandrew Bay, Dunedin 9014	craigwerner.ww@gmail.com
2432	Mohammad Bilal Bashir	4 Blake Street, Halfway Bush, Dunedin 9010	proud_afghan@hotmail.com
President and members of the Keep Halfway Bush Semi-Rural Incorporated			
		42 Dalziel Road, Halfway Bush, Dunedin 9010	ruske@stonebarn.co.nz

The following documents are available from the Dunedin City Councils 2GP Website and copies may also be obtained on request from the appellant:

Final Urban Land Supply Part 2 S42A, 24 May 2017, pages 93-108.
<https://2gp.dunedin.govt.nz/2gp/hearings-schedule/urban-land-supply2.html>

Urban Land Supply, Decision of Hearing Panel, 07 November 2018, pages 60-61, and 203-211.
<https://2gp.dunedin.govt.nz/2gp/decisions.html>

Original submission documents dated, 20 November 2015, 22 November 2015 and 26 February 2016.