

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-CHC-2018-

IN THE MATTER

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

BETWEEN

**AM AND JD JENSEN AND M A E
JENSEN-CHAVE AND MARKS
AND WORTH TRUSTEE NO2
LIMITED (THE JENSEN TRUST)**

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. The Jensen Trust appeals against a decision of the Dunedin City Council on the following:
 - (a) Second Generation Dunedin District Plan (the 2GP Decision).
2. The Jensen Trust made a submission regarding the 48 Raynbird Street (OS1023).
3. The Jensen Trust is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. The Jensen Trust received notice of the decision on 7 November 2018.
5. The 2GP Decision was made by Dunedin City Council.
6. The 2GP Decision the Jensen Trust is appealing is:
 - (a) Urban Land Supply Hearings Panel Report, in particular section 3.8.15.7 which refused relief sought to zone 48 Raynbird Street in two parts:
 - (i) The lowest 3.3 Hectares to Large Lot Residential 2 zone.
 - (ii) The most elevated 1.4 Hectares to Rural Residential 2 zone

As more particularly shown in OS1023
7. The reasons for my appeal are:
 - (a) The Council has erred in its interpretation and application of the National Policy Statement on Urban Development Capacity 2016 (NPSUDC).
 - (b) The 2GP Decision fails to give effect to the NPSUDC in particular:

- (i) The 2GP Decision fails to provide sufficient urban housing development capacity.
 - (ii) The 2GP Decision does not provide for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations.
 - (iii) Some of the development capacity provided in the 2GP Decision is not feasible. As a result, the 2GP Decision overstates the urban housing development capacity made available by the 2GP.
 - (iv) The 2GP Decision places disproportionate weight on infrastructure provision to determine the appropriateness of a site for rezoning. This once again places an overarching emphasis on Council efficiency rather than the other obligations such as providing choice. This fails to recognise the matters of national significance identified in the NPSUDC.
- (c) The Site can be readily provided with services through the provision of new infrastructure installed at the time subdivision.
 - (d) The Site is not currently serviced because the Council operates an existing policy not to extend services to land not currently zoned for urban development. Therefore the lack of existing services cannot be a reason to decline to zone land for urban purposes.
 - (e) The Significant Landscape Overlay should not include 48 Raynbird Street.
 - (f) The proposal continues the established pattern and character of development on neighbouring properties.
 - (g) Good alignment with policy 2.6.3.1 can be achieved.
8. The Jensen Trust seek the following relief:
- (a) Zone 48 Raynbird street in two parts:

- (i) The lowest 3.3 Hectares to Large Lot Residential 2 zone.
- (ii) The most elevated 1.4 Hectares to Rural Residential 2 zone
- (iii) Consequential removal of the Significant Landscape Overlay.
- (iv) Any further relief necessary to give effect to the above;
- (v) Costs of and incidental to this appeal.

As more particularly show in submission 1023

- (b) Alternatively, zone the entire property Rural Residential 1.

9. I attach the following documents to this notice:

- (a) A copy of my original submission OS1023;
- (b) A copy of the relevant parts of the Urban Land Supply Hearings Panel Decision; and
- (c) A list of names and addresses of persons to be served with a copy of this notice.



Phil Page / B Irving

Solicitor for the Appellant

DATED this .19th day of December 2019

Address for service

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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
Ross Whitburn	438 Portobello Road, Macandrew Bay, Dunedin 9014	Bullet989@xtra.co.nz
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Bryan Morton	51 Ryanbird Street, Company Bay , Dunedin 9014	Bryan.henry.morton@gmail.com

Sydney Harbrow	189 Karetai Road, Highcliff, Dunedin 9077	
John and Elizabeth Black	24 Bayne Terrace, Macandrew Bay, Dunedin	
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