

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC

IN THE MATTER

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

BETWEEN

**SILVERPEAKS STATION
LIMITED**

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. Silverpeaks Station Limited ("Silverpeaks Station") appeals against a decision of the Dunedin City Council on the Dunedin City Second Generation Plan ("the Decision").
2. Silverpeaks Station made a submission regarding the decision on the Second Generation District Plan (OS469)
3. Silverpeaks Station is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Silverpeaks Station received notice of the decision on 7 November 2018.
5. The Decision was made by Dunedin City Council ("the Council").
6. The Decision Silverpeaks Station is appealing is:
 - (a) Natural Environment Hearings Panel Report, in particular the imposition of a Significant Natural Landscape ("SNL") overlay at Silverpeaks Station.
7. The reasons for my appeal are:
 - (a) The SNL overlay will impose unreasonable consent requirements for farming activity.
 - (b) The Decision erred in failing to recognise the modified landscape character of the Silverpeaks Station Land within the SNL due to historical agricultural practices;
 - (c) The values at Silverpeaks Station are not representative of the landscape values identified in Appendix A3.3.8.2 of the 2GP.

- (d) The Decision places too much weight on visibility from 'public areas' such as Jubilee Hutt as opposed to the values identified within Appendix A3.3.8.2.
 - (e) The Decision erred in its application of the objectives and policies of the 2GP. In particular;
 - (i) Objective 2.4.4; and
 - (ii) Policies 2.4.4.1; 2.4.4.2; 2.4.4.3
 - (f) The SNL overlay has been used a de-facto method of preventing forestry activity, as opposed to protecting the values identified within Appendix A3.3.8.2;
 - (g) The Decision does not enable the relevant matters of national importance or section 7 matters to be achieved.
 - (h) The Decision does not achieve sustainable management of Silverpeaks Station.
8. I seek the following relief:
- (a) Remove the SNL overlay from land owned by Silverpeaks Station.
 - (b) Any other consequential relief required to give effect to the above.
 - (c) Costs of and incidental to this appeal.
9. I attach the following documents to this notice:
- (a) A copy of my original submission 469;
 - (b) A copy of the relevant parts of the Natural Environment Hearings Panel Report; and
 - (c) A list of names and addresses of persons to be served with a copy of this notice.



B Irving

Solicitor for the Appellant

DATED this day 19th Day of December 2018

Address for service

for Appellant: Gallaway Cook Allan
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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
Stephen Waldron	PO Box 282 Dunedin 9054 New Zealand	Stevo.nyla@hotmail.com
Robert Andrew van Turnhout	506 Steep Hill Road RD 1 Waikouaiti 9471 New Zealand	