

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
Christchurch

We, Anne-Marie Watson, Andrew Paul McSkimming, Ross Gordon Allen and Patricia Ann Allen, appeal against a decision of Dunedin City Council on the Second Generation Dunedin City Council District Plan.

We made a submission on that plan.

We are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.

We received notice of the decision on 24 October 2018.

The decision was made by Dunedin City Council.

The decision that we are appealing is the decision to reject our submission (with Donald Alan Knox, Patsy Eames and Noeline Wendy Knox) to change the zoning of our Blackhead Road and Green Island Bush Road properties to Rural Residential 1 zoning.

The reasons for the appeal are as follows:

- (1) The acceptance of the Reporting Officers evidence that the 2GP makes ample provision for rural residential zoned land and reliance on the existence and availability of underdeveloped rural residential land in close proximity.
- (2) The consideration that there may be adverse effects on rural character amenity and open green space.
- (3) The total acceptance of the evidence of the DCC Transportation Group that the development may trigger unacceptable public infrastructure upgrades.
- (4) The claim that the parcels of land are able to be farmed in an economically viable manner.

We seek the following relief:

The rezoning of our land to Rural Residential 1.

I attach the following documents to this notice:

- (a) a copy of our 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.

A P McSkimming

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

16/12/2018

Date

Address for service of appellant: 270 Blackhead Road, Dunedin 9076

Telephone: 029 838 5330

Fax/email: mcskimming@actrix.co.nz

Contact person: Andrew Paul McSkimming

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,—

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

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 or service 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 appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. 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.

Schedule 1 form 7 heading: 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 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: 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 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

List of names and addresses of persons to be served with a copy of this notice:

Donald Alan Knox, 240 Blackhead Road, Dunedin

Patsy Eames, 34 Portobello Road, Dunedin

Email: patsy@jaeames.com

Noeline Wendy Knox, 16 Tomahawk Road, Dunedin

Email: nwknox@xtra.co.nz

Authority to Sign

We authorise Andrew Paul McSkimming to sign on our behalf an appeal to the Environment Court in relation to our properties at Blackhead Road and Green Island Bush Road Dunedin.

Anne-Marie Watson

A handwritten signature in blue ink, appearing to read "A. Watson".

Ross Gordon Allen

A handwritten signature in blue ink, appearing to read "R G Allen".

Patricia Ann Allen

A handwritten signature in blue ink, appearing to read "PA Allen".



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council

23 NOV 2015

SUBMISSION FORM

This is a submission on the Proposed Second Generation Dunedin City District Plan (2GP) for Dunedin pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991

Once you have completed this form, include any supporting documentation and return to the Dunedin City Council.

MAKE YOUR SUBMISSION:

Online: www.2gp.dunedin.govt.nz

Email: planning@dcc.govt.nz

Post to: Submission on 2GP
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Full name of submitter or agent* ANDREW PAUL MCSKIMMING & ANNE-MARIE WATSON

Organisation (if submission on behalf of an organisation)

Address for service for submitter or agent* *Please provide an address where you would like correspondence sent to*

Email address MCSKIMMING@ACTRIX.CO.NZ

Postal address* 270 BLACKHEAD RD RD1 DUNEDIN 9076

Phone number* 4279662 Mobile number 0278001356

TRADE COMPETITION *Fields indicated by an asterisks (*) are mandatory.*

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.

Please tick one of the following*

I could ☐ could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please tick one of the following*

I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

HEARINGS *Fields indicated by an asterisks (*) are mandatory.*

Please tick one each of the following*

I would like ☒ would not like ☐ to be heard in support of my submission

If others submitters make a similar submission, I will ☐ will not ☒ consider presenting a joint case with them at a hearing

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*.

Provision name and number (where applicable):

For example: Rule 15.5.2 Density

NA

Section name (where applicable):

For example: the residential zones

NA

Map layer name (where applicable):

For example: General Residential 1 Zone

MAIN MAP

Scheduled item number (where applicable):

For example: Reference #T147 - Scheduled Tree at 123 Smith Street

NA

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)*

I SEEK THE INCLUSION OF MY PROPERTY AT BLACKHEAD RD IN THE RURAL RESIDENTIAL ONE (1) ZONE.

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

I HAVE ATTACHED A MAP WITH MY PROPERTY CROSS HATCHED. I UNDERSTAND MY NEIGHBOURS ON BOTH SIDES OF MY PROPERTY ARE SUBMITTING TO HAVE THEIR PROPERTIES INCLUDED IN THE RURAL RESIDENTIAL 1 ZONE. MY REAR BOUNDARY IS AGAINST RURAL RESIDENTIAL 2 ZONE LAND. IT APPEARS SENSIBLE THAT THE LOTS REFERRED TO SHOULD ALL BE IN THE SAME RURAL RESIDENTIAL ONE (1) ZONE.

M. Watson, A. M. Skimming

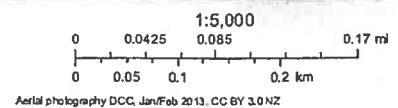
Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

22.11.2015

Date



November 10, 2015



Legend



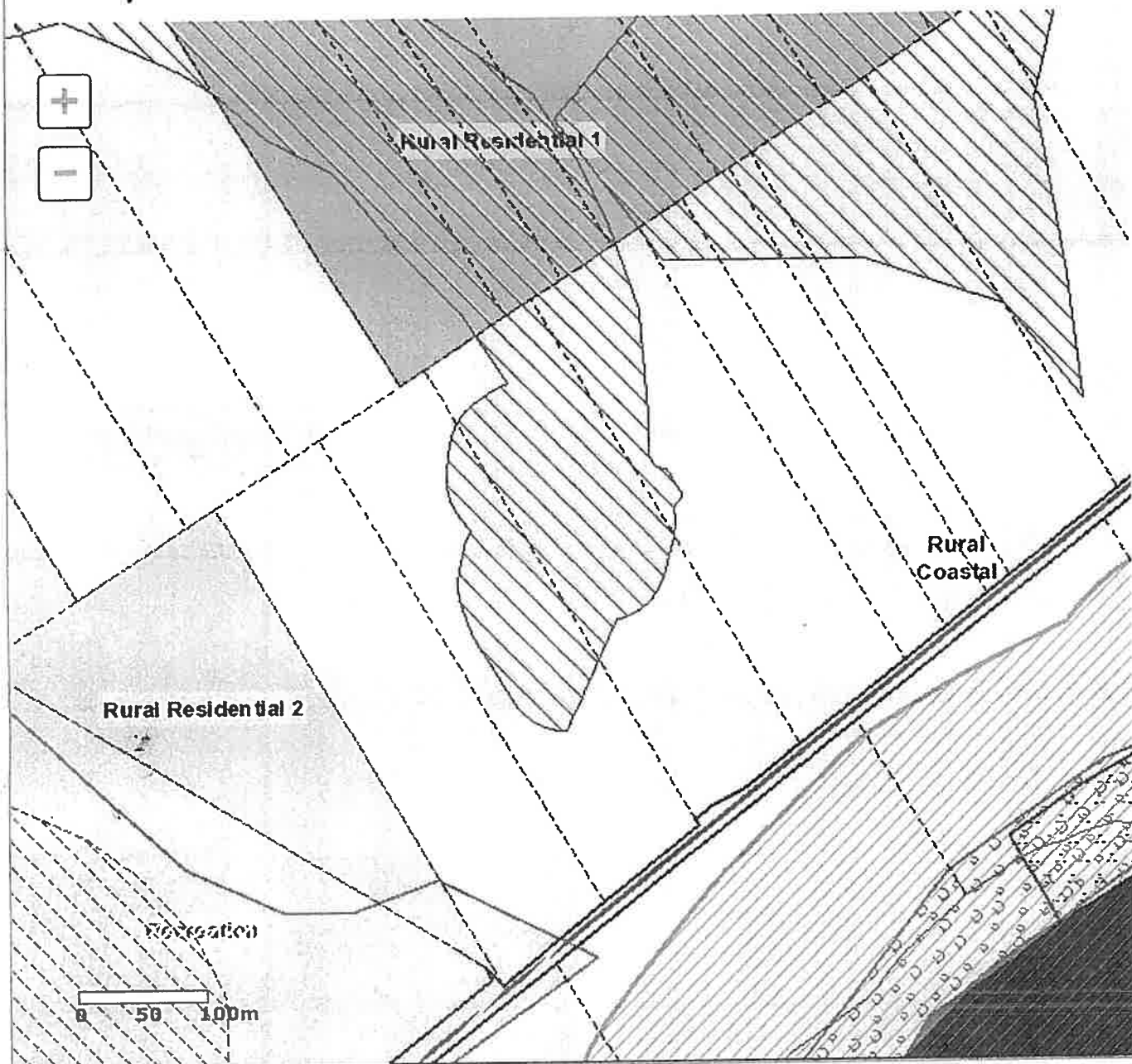
Rural Residential 1

Rural Coastal

Rural Residential 2

Recreation

0 50 100m





THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

DCC

23 NOV 2015

Business Information
Services**SUBMISSION FORM**

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Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS Fields indicated by an asterisks (*) are mandatory.Full name of submitter or agent* **ROSS GORDON ALLAN + PATRICIA ANN ALLAN**

Organisation (if submission on behalf of an organisation):

Address for service for submitter or agent* Please provide an address where you would like correspondence sent to

Email address **pat.allen@XTRA.CO.NZ**Postal address* **261 GRAY ISLAND BUSH RD RD1 DUNEDIN 9076**Phone number* **4881066** Mobile number **0272343803****TRADE COMPETITION** Fields indicated by an asterisks (*) are mandatory.

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.

Please tick one of the following*

I could ☐ could not ☒ gain an advantage in trade competition through this submission.

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Provision name and number (where applicable):
For example: Rule 15.5.2 Density

NA

Section name (where applicable):
For example: the residential zones

NA

Map layer name (where applicable):
For example: General Residential 1 Zone

MAIN MAP

Scheduled item number (where applicable):
For example: Reference #T147 - Scheduled Tree at 123 Smith Street

NA

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)*

I SEEK THE INCLUSION OF MY PROPERTY AT 261 GRAY ISLAND BUSH ROAD BEING SECTIONS 116, 117, 118, 126 AND 127 GRAY ISLAND BUSH DISTRICT IN THE ^{RURAL} RESIDENTIAL ONE(1) ZONE. MY ADJOINING LAND, SECTION 115, IS ALREADY IN THAT ZONE. I HAVE RESIDENTIAL 2 LAND ON MY SOUTHERN BOUNDARIES. I HAVE ATTACHED A MAP SHOWING MY PROPERTY CROSS HATCHED.

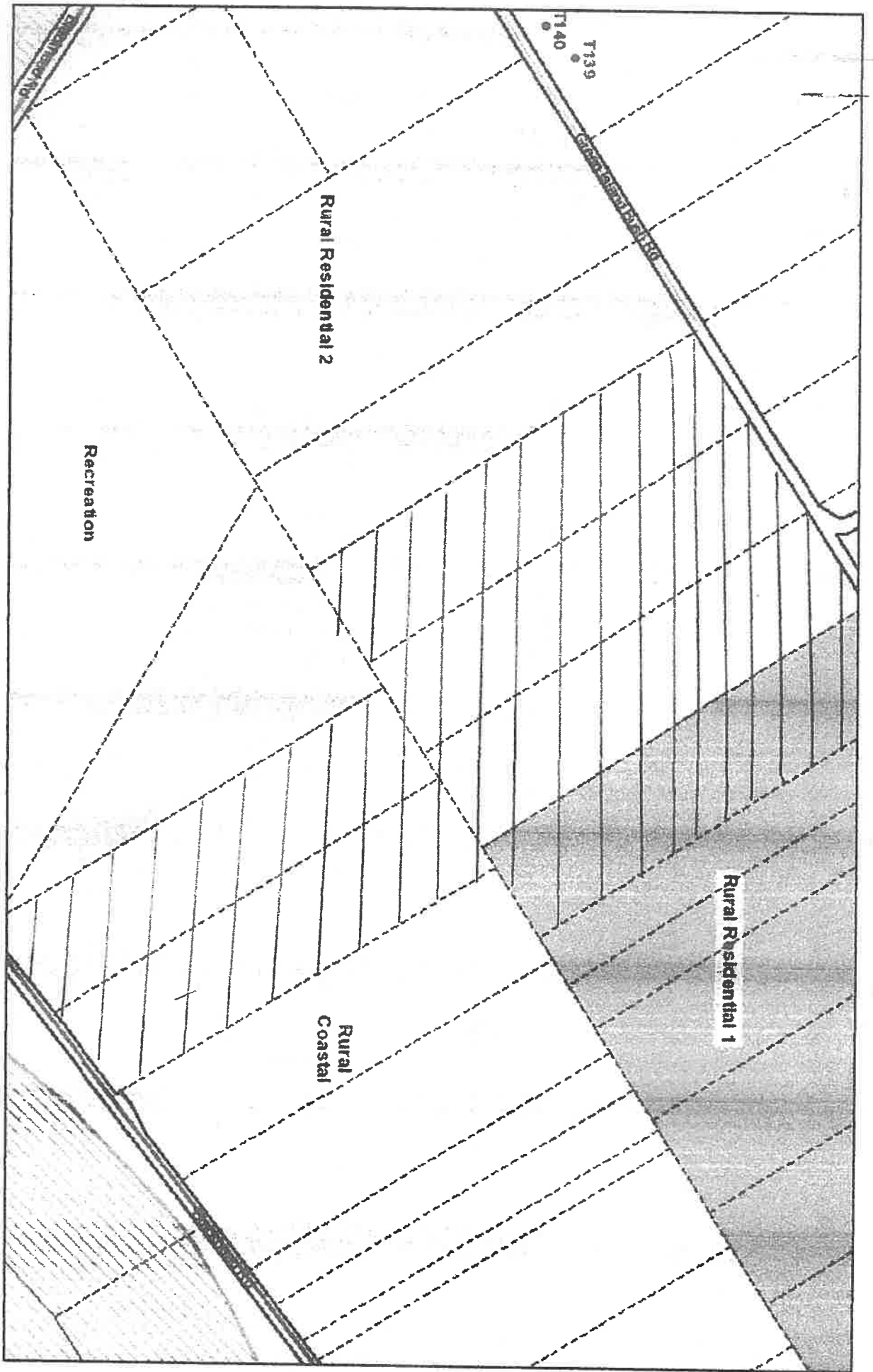
Reasons for my views (you may attach supporting documents)*

THE REASON FOR THIS BEING A SENSIBLE APPROACH IS SIMPLE TO RECOGNIZE FROM A PERUSAL OF THE MAP. I SHOULD NOT BE LEFT BETWEEN THE TWO RURAL RESIDENTIAL ZONES. I BELIEVE BLACKHEAD QUARRIES OBJECTED TO THIS PROPOSAL WHEN THE CITY PROMOTED IT IN 1994-95. I BELIEVE BLACKHEAD QUARRIES CONCERNS (IF ANY) COULD BE ADDRESSED BY WAY OF A RESTRICTIVE COVENANT ON THE LAND IN FAVOUR OF BLACKHEAD QUARRIES DISALLOWING OBJECTIONS ^{FROM} THE RURAL RESIDENTIAL OWNERS. I UNDERSTAND MY NEIGHBOURS ON BLACKHEAD ROAD WILL BE MAKING APPLICATIONS ON SIMILAR LINES.

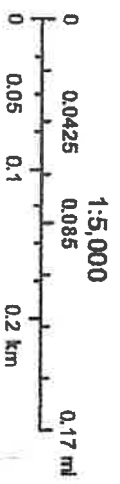
Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

R. E. Allen
P. Allen

Date 16/11/15



November 9, 2015





Dunedin City Council

THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

20 NOV 2015

SUBMISSION FORM

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SUBMITTER DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Full name of submitter or agent*

D. A. Knox

Organisation (if submission on behalf of an organisation)

Address for service for submitter or agent* Please provide an address where you would like correspondence sent to

Email address

Postal address* 240 BLACKHEAD RD. R.D. 1 DUNEDIN Postcode* 9076

Phone number* 4878667

Mobile number

TRADE COMPETITION *Fields indicated by an asterisks (*) are mandatory.*

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Please identify the specific provision(s) of the Proposed Second Generation Dunedin City District Plan that your submission relates to*.

Provision name and number (where applicable):

For example: Rule 15.5.2 Density

RULE 16.7.4

Section name (where applicable):

For example: the residential zones

16. RURAL ZONES

Map layer name (where applicable):

For example: General Residential 1 Zone

RURAL COASTAL

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)*

TO CHANGE THE ZONING OF THE SUBJECT PROPERTY
(240 BLACKHEAD RD) FROM RURAL COASTAL TO RURAL
RESIDENTIAL 1.

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

① THE SITE IS SURROUNDED ON 3 SIDES BY CURRENT RURAL RESIDENTIAL ZONING. THE PROPOSED CHANGE WILL HAVE MINIMAL IMPACT ON THE LAND. I PERSONALLY HAVE BUILT MY HOUSE ON THE 18 HECTARE PROPERTY, AND YET I AM ONLY PART OWNER (WITH 3 SIBLINGS) OF THE SAID PROPERTY. AT THE TIME OF CONSTRUCTION 2007 THE LAND WAS ZONED RURAL RESIDENTIAL AND AT THAT TIME THE INTENT WAS TO PURCHASE OUTRIGHT. 9 HECTARES 50% OF THE LAND. THE MAJORITY OF THE LAND IS OF A STEEP GRADIENT - UNSUITABLE FOR BUILDING. AND LIKELY LAND USE WILL CONTINUE TO BE GRAZING. AND. TREE PLANTING.

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.)

18/11/15
Date

Introduction

Welcome to the online submission form for the Proposed Second Generation Dunedin City District Plan.

Submissions are open until 5pm Tuesday 24 November 2015.

Fill out your details below and then click the "Make a Submission" tab to find the provisions you wish to submit on.

Privacy Statement

Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the public and media. DCC will only use your information for the purpose of this plan review process.

Submitter Details

First Name: **Patsy**
Last Name: **Eames**
Street: **34 Portobello Road**
Suburb: **Musselburgh**
City: **Dunedin**
Country: **New Zealand**
PostCode: **9013**
Daytime Phone: **021 023 26704**
Mobile: **021 023 26704**
eMail: **patsy@jaeames.com**

Trade competition and adverse effects:

☐ I could ☐ I could not

gain an advantage in trade competition through this submission

☐ I am ☐ I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

☐ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Correspondence to:

☐ Submitter

☐ Agent

☐ Both

Submission

Consultation Document Submissions

D. Management Zones > 16. Rural Zones > Rules > Rule 16.7 Subdivision Performance Standards
> 16.7.4 Minimum Site Size

- ☒ I support the provision
☐ I oppose the provision
☐ I seek to have the above provision amended

The decision I seek is (give precise details):

Change the zoning of the subject property (240 Blackhead Road) from Rural Coastal to Rural Residential.

Reason for my views (you can add supporting documents):

1. The site is immediately surrounded on three sides by current Rural Residential zoning, or 'Rural Residential 1' slightly further out towards Blackhead Beach. The effects of the proposed change will have minimal impact on the ground. 2. It is very close to the Dunedin CBD and very suitable for change to Rural Residential, as evidenced by the surrounding and adjoining land use. It is not in contravention of stated 2GP Objectives and Policies. 3. All of this land was originally zoned Rural Residential in the Proposed District Plan, July 1995 but this was changed after submissions were presented. The owners had not at the time put in a submission because they supported the proposed Rural Residential zoning and wrongly assumed it would not change. This submission is to attempt to remedy and redress the oversight made. 4. Effects on the ground would not change markedly with such a proposal. This is a family property owned by several siblings, and a subdivision rationalisation is required to support the owner of the dwelling already established on the site.

Attached Documents

File
No records to display.

Introduction

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Fill out your details below and then click the "Make a Submission" tab to find the provisions you wish to submit on.

Privacy Statement

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Submitter Details

First Name: **Noeline**
Last Name: **Knox**
Street: **16 Tomahawk Road**
Suburb: **Andersons Bay**
City: **Dunedin**
Country: **New Zealand**
PostCode: **9013**
Daytime Phone: **0272804140**
Mobile: **0272804140**
eMail: **Nwknox@xtra.co.nz**

Trade competition and adverse effects:

☐ I could ☐ I could not

gain an advantage in trade competition through this submission

☐ I am ☐ I am not

directly affected by an effect of the subject matter of the submission that :

- a. adversely affects the environment, and
- b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

☐ Yes

☐ I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Correspondence to:

- ☐ Submitter
☐ Agent
☐ Both

Submission

Consultation Document Submissions

D. Management Zones > 16. Rural Zones > Rules > Rule 16.7 Subdivision Performance Standards > 16.7.4 Minimum Site Size

- ☒ I support the provision
- ☐ I oppose the provision
- ☒ I seek to have the above provision amended

The decision I seek is (give precise details):
Zone change to 240 Blackhead Road from rural coastal to rural residential 1.

Reason for my views (you can add supporting documents):
1) This is a property owned jointly by several members of one family. In order for one of us to own the land on which his house is built, we need to be able to sub-divide. 2) This property is close to the Dunedin CBD and as such is suitable for rural residential. This change would be in line with 2GP policies. 3) The property is surrounded by rural residential 1 zoning. It seems logical that this property should be the same zone as the surrounding properties.

Attached Documents

File
No records to display.

EVIDENCE TO THE SECOND GENERATION DUNEDIN CITY DISTRICT PLAN HEARING: RURAL RESIDENTIAL

Evidence on behalf of:

Anne-Marie Watson and Andrew McSkimming, 270 Blackhead Road (OS817.1)
Ross and Pat Allen, 261 Green Island Bush Road (OS784.2)
Donald Alan Knox, 240 Blackhead Road (OS365.1)
Patsy Eames, 34 Portobello Road (joint owner 240 Blackhead Rd) (OS40.2)
Noeline Wendy Knox, 16 Tomahawk Road (joint owner 240 Blackhead Rd) (OS41.1)

My name is Andrew McSkimming. I'm speaking on behalf of the submitters listed above. Most of them are also here today. With me is Tony Devereux, who has been assisting us with our submission.

Background:

All the submitters own land adjoining Blackhead Road. The properties are shown on the attached Map 1. Myself and my partner Anne-Marie Watson have lived here for 21 years. Mr and Mrs Allen have lived in the area for 31 years. Alan Knox, Wendy Knox and Patsy Eames (née Knox) grew up at 247 Blackhead Road, and jointly own 240 Blackhead Road. This property has been in the Knox family since at least the 1870s.

Our properties are currently zoned rural. They are:

- 270 Blackhead Road – 8.1 ha, one dwelling. Used as a lifestyle property, with small numbers of stock.
- 240 Blackhead Road – 3 separate titles: two of 1.6 ha, both unoccupied; one of 15.1 ha, with one dwelling. Leased for grazing.
- 261 Green Island Bush Road. 25 ha, one dwelling. 4 ha is currently zoned Rural Residential. Forms part of a larger 162 ha farm (81 ha owned, 81 ha leased). Frontage to both Green Island Bush Road and Blackhead Road.

All three properties are contiguous. Land to the north and east is zoned Rural Residential 1, and land to the west is zoned Rural Residential 2. There are no landscape overlays on the land.

The properties are close to Dunedin, being less than 15 minutes from the Octagon.

The sites form part of a larger group of small sites, including 237 Blackhead Road (6.3 ha, leased for grazing), 247 Blackhead Road (3.5 ha, 1 house, leased for grazing) and 253 Blackhead Road (4.7 ha, 1 house, horse and alpaca grazing), on the south side of Blackhead Road. The dwellings in the area are close together and form a cluster with a rural residential feel.

We all have different reasons for seeking a Rural Residential zoning. My partner and I would like the option of building a new house on our property, and selling off the current house.

240 Blackhead Road is owned jointly by siblings, one of which has a house on the property. The other siblings want the option to build there if they wish.

Ross and Pat Allen would like their children to be able to build on their property, plus sell some land off for retirement income.

Historical zoning

Our properties, together with those to the south of Blackhead Road, were zoned in the notified 1995 District Plan as rural residential (see attached map from notified 1995 plan). The land has therefore previously been assessed as suitable for rural residential development.

We did not submit, being happy with the proposed zoning and unfamiliar with the planning process. However, due to a submission opposing the zoning, the land was zoned rural in the operative plan. We were part of an appeal, as we were directly affected by the decision, but due to the cost of the appeal process we could not pursue it.

Also, none of us were aware of the rezoning request process run by the DCC in 2013 – 2015. We were not contacted directly, nor were we aware of any advertising, despite reading the ODT and FYI leaflets regularly. If we had been aware, we would have requested rezoning through that process.

Development capacity

The s42A report states that there would be the potential for 25 dwellings on our properties, including the three existing houses (~ 50 ha in 2 ha blocks).

However, the topography on parts of the property is steep and slip prone, with narrow gullies, severely limiting available building sites. Some areas are flood prone. While some of the land has a Hazard 2 overlay in the 2GP, large areas of slip-prone land, including existing slips, are not included in this overlay.

We estimate that there are a maximum of 10 additional building sites in total, not the estimated 25. We are prepared to limit development on the properties, through a covenant or similar, to a total of 9 additional sites, although it is likely that fewer than this would be developed.

Map 2 shows the sites where houses could be developed.

2GP approach to Rural Residential zoning

The 2GP provides for additional rural residential zones by zoning undersized sites (Appendix 2 of s42A report). The report states that clusters of small sites were identified for inclusion as Rural Residential 2 land. We are not sure if our properties were included in this analysis, however several of our sites (together with adjoining small sites on the south of Blackhead Road) appear to meet the criteria listed in Appendix 2. That is:

- They could not be excluded due to landscape values, high class soils or isolated areas
- There are more than 3 sites
- At least 40% contain a dwelling
- Vacant sites are bounded by developed sites

However, our preferred zoning is Rural Residential 1, Rural Residential 2 zoning would not allow us to subdivide.

On page 5, the s42A report identifies the issues with zoning land rural residential. These are loss of rural character, impact on rural land values and reverse sensitivity conflicts.

We don't consider that these are issues for our properties, as the relatively low number of additional dwellings that are likely to result will not significantly change the existing character (which is currently somewhere between rural residential and rural). In fact, it is more likely to retain a rural-type character than many rural residential areas due to the large areas of undevelopable land.

The land has very limited current value as farmland, being broken up into small sites, and partially developed into rural residential-type living.

Reverse sensitivity is not an issue as the current land use is small scale rural residential-type use, or leased grazing. The potential for reverse sensitivity with Blackhead Quarry has been addressed at an earlier hearing, and is not currently a problem.

2GP policies

The s42A report states that any "any future expansion of rural residential zoning is managed under the strategic directions of the 2GP" (p6). It refers to policy 2.2.4.3 and 2.6.1.4.

Policy 2.2.4.3 is:

Ensure expansion of urban and rural residential areas occurs in the most appropriate locations and only when required by:

- a. use of transitional overlay zones and appropriate triggers for release of land, including, for residential transitional overlay zones, when existing capacity in the catchment has reduced to a specified level;
- b. avoiding the creation of any new rural residential subdivisions and instead enable the use of existing undersized rural sites for rural residential activity through rezoning as Rural Residential 2 sites, and consider conversion of these areas into Rural Residential 1 zoning when there is a demonstrated shortage of rural residential capacity.
- c. encouraging applications for any subdivision that fundamentally changes rural land to rural residential land or residential land to be processed as a plan change; and
- d. requiring any alternative development areas suggested via a plan change process to demonstrate that they are able to achieve the objectives and policies contained within these strategic directions, and for residential zoning meet the criteria contained in Policy 2.6.3.1.

Clause (b) seems most relevant to rural residential zoning. As the sites are existing, and most are undersized, this would suggest that Rural Residential 2 zoning is possible for our land.

Policy 2.6.1.4 is:

Use rural residential zoning only where all of the following factors are present:

- a. for new zoning, it is in line with Policy 2.2.4.3;
- b. land is already subdivided, and partly or fully developed, at a rural residential density;
- c. development at a rural residential density will have no more than minor effects on rural productivity, landscape values, and rural character;
- d. the location enables reasonable levels of accessibility to critical services and facilities (centres);
- e. development will not lead to pressure for infrastructure upgrades, including road sealing; and
- f. the zoned area (number of lots) is of an adequate size to support community-building, and economies of scale necessary to encourage smaller scale productive activities, and will not create isolated housing.

In relation to this policy, most of our land is already historically subdivided into undersized sites, and is partly developed. Effects on rural productivity, landscape values, and rural character are discussed above (there are none).

There is good accessibility to Dunedin city (critical services and facilities).

Development is unlikely to lead to pressure for infrastructure upgrades. We are too far from any serviced areas for people to reasonably expect services to be extended down Blackhead Road. There is spring and creek water available. Blackhead Road is already sealed, and it is highly likely that Green Island Bush Road would be sealed if the large area of Rural Residential land to the north-east of us is developed.

Any development would not be isolated, and would add to the existing close-knit community in Blackhead Road.

S42A report reasons for not re-zoning our land

The specific reasons given in the s42A report for not zoning our land rural residential (p113) are that there is enough land already zoned rural residential, and traffic issues.

Sufficient land:

The s42A report estimates that there is development potential for an additional 580 dwellings on vacant rural residential land in Dunedin, or 779 dwellings if infill capacity on developed sites is included (p6).

However, this does not take into account that not all of this land can or will be developed, due to factors including:

- Topography – for example parts of the rural residential land to the north west is steep hill faces, gullies and wetland areas
- Hazards (instability and flooding) – there are Hazard 2 overlays on some Rural Residential zoned land. Also, experience with our own properties suggests that not all unstable areas are identified in the hazards overlay.
- Some land will be in the 'wrong place' or undesirable for other reasons, with no demand for it. For example, several rural residential lots at the top of Blackhead Road have been on the market for 4 years, with no sales.

- Some land will be owned by people who do not wish to develop it. For example, the approximately 80 ha of land to the north-west of us was zoned rural residential in 1995 despite the owner's preference to keep it for rural use, and it is still undeveloped following his death two years ago.

We are seeking a small increase in rural residential capacity, which will be a small percentage of overall supply.

Traffic issues

Any rezoning would be likely to result in only a small number of extra sites accessing Blackhead Road. We note that five new driveways have been allowed to develop on Blackhead Road immediately east of our properties, in approximately the last 5 years. If this was a real concern, these driveways would not have been allowed.

With regards to Green Island Bush Road, and the Blackhead Road / Tunnel Road / Green Island Bush Road intersection, the s42A report states that the existing Rural Residential zoning will allow up to 81 new dwellings. A significant number of these would access Green Island Bush Road. If this level of development occurs, safety improvements to that road and the intersection will be made regardless of any development on our land. A small number of extra cars from 261 Green Island Bush Road will make little difference.

Conclusion

The plan indicates that our land is suitable for Rural Residential 2 zoning. However, because this would not allow us to subdivide, our preferred zoning is Rural Residential 1.

Our properties have previously been considered to be suitable for Rural Residential development. The land is surrounded on both sides by Rural Residential land.

A rezoning would increase the number of potential houses by only a small number, given the development limits on the sites.

The existing sites are undersized and are not viable as farmland. In our view, this land is more appropriately zoned rural residential than, for example, high class soils on the Taieri, or other areas of flat, productive farmland.

A change in zoning would not have adverse effects on rural character, or other effects identified in the s42A report and the policies. We can't see that there would be any adverse effects at all.

There would be positive effects by increasing flexibility to develop our land, including to suit family needs.

Thank you for your consideration.

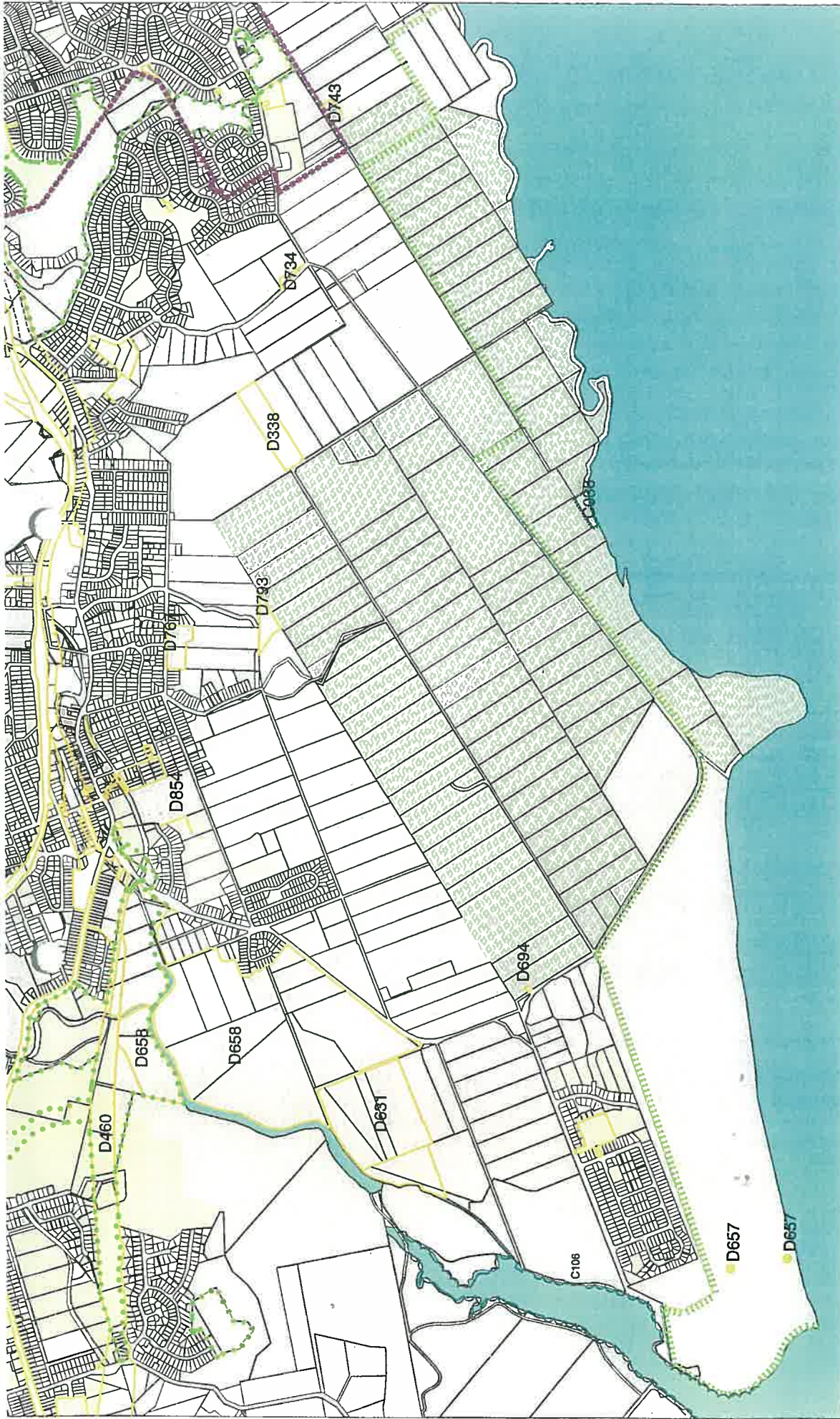
.....
Andrew McSkimming



Map 1



Map 2

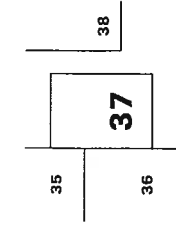


Zones

- Rural
- Residential
- Campus
- Activity Areas
- Industrial
- Port
- Rural Residential
- Heritage Structures and Facades

Areas / Precincts

- Landscape
- Townscape and Heritage Precinct
- Designations
- A.S.C.V.
- Urban Landscape
- Tree
- QEII Covenants
- Wetlands
- Estuarine Edges
- Sub Areas



PROPOSED DISTRICT PLAN - JULY 1995

Scale 1:25000

Map 37



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Rural Residential

Evidence on behalf of

Watson & McSkimming OS817.1

Allen OS784.2

Knox OS 365.1

Eames OS40.2

Knox OS41.1

My name is Tony Devereux..I speak on behalf of the above submitters.

The need to calculate how many sites could be achieved from the 51 hectares involved in this submission-City's number would be 25-where we can see only 10 plus 3 existing, total 13 , lead me to look again at local Rural Residential 1 sites.

I drove to the new McMeakin Rd site this morning.I had already had a Real Estate Agent advise that the land was "terrible" and subject to slip.I had to agree .On checking the 2GP I see half the land is in a Hazard Zone.

I believe this slip area is included in the Vacant Capacity of 487 dwelling sites in RR1 quoted by Mr Bathgate.

I checked the Green Island Bush Rd –Blackhead Rd RR1 block-again large areas of Hazard zoning.

I drove to the Scroggs Hill Rd RR1 zone. Again areas of Hazard.

In this RR1 zoned area the owner is still farming 21 years later. The best land is gone. The rest are steep gullies with access problems and protected Manuka. No farming and no Pony Paddocks.

Scurr Rd at the top of the Scroggs Hill Rd RR1 with many houses is on a gravel narrow road with blind corners - no problem for the Transportation Group to approve RR1. How can this development meet the " not isolated " criteria.

Chain Hills RR1 also has Hazard areas.

To theoretically divide all the RR1 zoned land into 2 hectare blocks and also provide for the division of existing 4 hectare blocks in that zone to 2 hectare sites with no account of topography, hazards, etc is wrong.

I spoke to a senior Real Estate person this morning. I said to him – suppose I had arrived in the City today – I see from the 2GP that there is 487 vacant capacity in RR1 – I want to buy. His response would be “I have no decent RR1 Sites to show you”.

He told me he had sold two windswept sites at the top of Blackhead Rd for a Korean vendor which had been on the market for 4 years at \$330000 each because the buyers had nothing else to choose from. People's lives move on.

To go back to the property of the submitters. In 1994-1995 there was no prior discussion before this land was included in Rural Residential. The first the owners knew was when they were told by a Surveyor. It is the same families who own all the land now as in 1995. Because they did not submit supporting they were not in the process. It has been understood that the substantial influence of the owners of Blackhead Quarry at that time was brought to bear to have the land in today's submission removed from Rural Residential. Now is the time to right that wrong.

At the time of the 1995 Plan no enquiry was made of whether owners were interested in development. The effect, no doubt right throughout the City, was that some substantial landowners carried on farming although they had RR1 zoning on part of their property.

Walker who owned 80 hectares of the Green Island Bush Rd RR1 land farmed mainly gorse for 20 years after the rural residential zoning. He has now died, the land sold and cleared, but it appears the new owner may not move forward at any speed.

A similar story occurred at Scroggs Hill Rd – the farmer continued farming.

I appreciate the Hazard mapping was not available in 1995 but it was available to the City long before the 2GP was released. The Vacant Capacity numbers should have been adjusted at that time.

My observation is that quite understandably owners chop off the easy blocks where access, power, etc can be readily achieved. This leaves the RR1 zoning on the more difficult, perhaps unsaleable, lots to be counted in the Vacant Capacity. This is quite acceptable unless you are going to add them all up to produce a number which by some reverse reasoning in turn produces a Strategic Direction to greatly limit further RR1 zoning.

Zoning land Rural Residential 1 does not make it morph into something other than farm land.

I believe there is a substantial flaw in the calculation of " Vacant Capacity " and consequently a substantial flaw in the reasoning behind the " Strategic Direction " used as the basis for Mr Bathgate to recommend " Reject " in the Section 42A Report on the land we are submitting on.

- No risk of reverse sensitivity – land is presently Rural Residential type use. Blackhead Quarry proximity addressed at an earlier hearing
- No call for infrastructure from the City.
- No loss of rural character – the limited number of lots proposed will ensure retention of a rural environment in the RRI
- Land fragmentation is not an issue – the block is situated between RR1 AND RR2.
- No high class soils.
- No landscape values
- Excellent access to Dunedin City services (15 minutes to Dunedin)
- Not isolated – would add to the Blackhead Rd and Green Island Bush Rd community.
- Access – Blackhead Rd sealed. Safe access available. Five residential accesses granted in recent years in close proximity.
Green Island Bush Rd will have to be improved when the adjacent 80 hectare RR1 land on that road is developed.
- Granting our request will not offend against the objective of keeping Dunedin a compact and accessible city. We are surrounded by RR1 & RR2 zones
- Any and all hazard areas on the properties would of course be avoided in the RR1 developments.
- None of the properties are economic units. Likely that more intensive occupation will have a better rural productivity outcome

land resource becomes more and more fragmented, it can no longer be an expectation that all smaller blocks of rural land will be able to be farmed as fully economic units individually, and so we consider this cannot be viewed as the main catalyst for rezoning rural land to rural residential.

Scope for additional zoning

427. As discussed in section 3.2.10, the partial acceptance of the submission by *Craig Horne Surveyors Limited* (OS704.22), which sought the expansion of existing or new rural residential zoning, has been used in several instances where we consider it appropriate to rezone additional sites beyond those sites that have been submitted on. This is typically used to provide scope for zoning of sites adjacent to those submitted on, that also fit the criteria for rural residential zoning. This includes some instances of fully developed clusters of undersized rural sites that meet the criteria, but were not picked up in the 2GP rural residential zones analysis.
428. We acknowledge there are benefits to zoning fully developed clusters of undersized rural sites that meet the criteria, to recognise the development pattern on the ground. However, we do not consider it either necessary or desirable in planning terms to rezone where this would create small isolated patches of rural residential zoning in the rural zone, especially in areas that are in conflict with other strategic rural residential criteria. In our view this would not be good resource management practice, nor in overall alignment with the 2GP objectives and policies.
429. The *Craig Horne Surveyors Limited* submission is further discussed in section 3.2 of this Decision above.
430. With that context, we now provide our decisions and reasons with respect to the individual zoning requests.

3.8.3 Zoning Submissions - Abbotsford/Green Island/Fairfield/Blackhead

3.8.3.1 240 and 270 Blackhead Road, Blackhead, 261 Green Island Bush Road

431. *Patsy Eames* (OS40.2), *Noeline Knox* (OS41.1), and *Donald Knox* (OS365.1) sought to change the zoning of an 18.3ha property in three titles at 240 Blackhead Road from Coastal Rural Zone to rural residential. The submitters noted that there was rural residential zoning adjacent to the property; it is close to the Dunedin CBD; their request is in line with 2GP objectives/policies; and it is important for the family members who jointly own the property to be able to subdivide.
432. *Anne-Marie Watson and Andrew P McSkimming* (OS817.1) sought to change the zoning of a 8.23ha property at 270 Blackhead Road from Coastal Rural Zone to Rural Residential 1 Zone. The submitters noted that their neighbours on both sides of the property have also requested a change in zoning to Rural Residential 1 Zone, and the rear boundary of their property adjoins rural residential land so "it appears sensible that the lots referred to should all be in the same Rural Residential 1 Zone".
433. *Ross Gordon & Patricia Ann Allen* (OS784.2) sought to change the zoning of 21.15 ha of a 25.4ha property at 279 (261) Green Island Bush Road from Coastal Rural Zone to Rural Residential 1 Zone, because the submitter's adjoining land at section 115 is already in that zone and there is residential land on the southern boundary, and the submitter should "not be left between the two rural residential zones". The submitters also sought (OS784.3) to retain the Rural Residential 1 zoning of part of 279 (261) Green Island Bush Road (section 115), an area of approximately 4.2ha.
434. The Reporting Officer, Mr Michael Bathgate, recommended these submissions were rejected and stated there is already sufficient capacity of Rural Residential 1 zoning at Blackhead (Section 42A Report, pp. 113-114). Changing the zoning of 240 and 270 Blackhead Road would create a development potential of up to 13 new sites/dwellings, and for 261 Green Island Bush Road a development potential of 12 new sites/dwellings would be created. Given the DCC Transportation Group had also advised that there was inadequate infrastructure for such an increase as well as safety issues on Blackhead Road, Mr Bathgate did not support this rezoning request.

435. Mr Andrew McSkimming and Mr Tony Devereaux appeared at the hearing and tabled a statement on behalf of *Anne-Marie Watson and Andrew P McSkimming, Ross and Pat Allen, Donald Knox, Patsy Eames and Noeline Knox*. The submitters noted that their land was proposed for rural residential zoning in the notified 1995 Plan, before being changed to rural due to a submission. The submitters highlighted flaws in the way the development capacity was identified in the Section 42A Report, and considered that *their sites met the criteria for zoning undersized rural sites as Rural Residential 2*. They reiterated their wish for Rural Residential 1 zoning to allow future development (as a preference to Coastal Rural Zone or Rural Residential 2).
436. They considered their land to be of little value for farming, being already broken up into small sites which are partially developed into rural residential-type living. They did not consider there to be any reverse sensitivity conflicts or adverse effects on rural character. They described topographical constraints, hazard overlays and slip-prone areas on the land which they considered constrained development potential significantly. In terms of traffic issues, the submitters considered that there would only be a small number of extra sites accessing Blackhead Road, and noted that five nearby driveways had been allowed to access Blackhead Road in the last five years or so. They also noted that safety improvements would be required were the undeveloped land on Green Island Bush Road ever to be developed, regardless of any development on their own land.
437. In response, the Reporting Officer acknowledged that there were topographical and other constraints to development in some rural residential areas which might reduce the theoretical capacity, but considered that these constraints can be accommodated and 'worked around' on a rural residential scale site. Mr Bathgate also considered that a large undeveloped tract of nearby rural residential land at Green Island Bush road may be more likely to come to market following a change in ownership (Planner's Response, pp. 6-7).

3.8.3.1.1 *Decision and Reasons*

438. We reject the submissions of *Patsy Eames (OS40.2), Noeline Knox (OS41.1), Donald Knox (OS365.1), Ross Gordon & Patricia Ann Allen (OS784.2) and Anne-Marie Watson and Andrew P McSkimming (OS817.1)* to change the zoning of their Blackhead Road and Green Island Bush Road properties to Rural Residential 1 zoning.
439. These applications relate to parcels of land that have one house each on sites ranging from 8 to 25 ha in size. They do not meet criteria for rezoning as Rural Residential 1 (or indeed Rural Residential 2) under Policy 2.6.1.Y, as the cluster includes a number of larger sites. Therefore, we considered the submissions under Policy 2.6.1.3, in keeping with the strategic policy framework outlined in section 3.2.10 of this decision.
440. As discussed in section 3.2.10, we accept the evidence of the Reporting Officer that the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks. Although we consider rural residential capacity best assessed at a whole-of-city level for the reasons discussed in section 3.2.10, we are also conscious in this instance of the substantial amount of undeveloped rural residential land in close proximity.
441. In terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), we acknowledge that there is unlikely to be any significant issue with reverse sensitivity associated with any rezoning of these sites from rural to rural residential, the land has not been identified as highly productive (both relevant considerations under clause 2.6.1.4.c.ii), and there are no landscape or coastal character overlay zones associated with the sites (clauses 2.6.1.4.iii and iv). However, we do consider there may be adverse effects on rural character, amenity and open green space from intensifying development in this location (clauses 2.6.1.4.c.i and viii). The proximity of the large

Blackhead Rural Residential 1 zone to the north and east was noted by both the Reporting Officer and the submitters. We observe the area subject to submissions forms a break between this and the additional Rural Residential 1, Large Lot and Township and Settlement zoning around Waldronville in the south.

442. In addition, we accept the evidence of the DCC Transportation Group that the development may trigger public infrastructure upgrades (clause 2.6.1.4.b). So, overall, on the evidence presented, we do not consider the cluster of sites in question are well aligned with the criteria in Policy 2.6.1.4.
443. We note that for the same reasons as they do not meet the criteria in Policy 2.6.1.Y (outlined above), there is also poor alignment with the criteria in Policy 2.6.1.3.d. As discussed in section 3.2.10 above, we are not generally persuaded by arguments that these parcels of land are not able to be farmed in an economically viable manner. Noting the evidence that there are a large number of much smaller undersized rural sites in Dunedin, as discussed in section 3.2.10 we consider it to be a more efficient use of resource for those smaller sites of land to be used for rural residential development first, where they align with other relevant criteria.
444. Overall our conclusion is the requests for rezoning of these properties at Blackhead do not, on the whole, meet the 2GP's strategic policies for rezoning additional rural residential land, and on balance we consider it is more appropriate the land remains zoned rural at this time.

3.8.3.2 81 Morris Road and 40 Saddlevue Place, Fairfield

445. *John and Lorraine Findlater* (OS376.1) sought to change the zoning of 81 Morris Road (12.7ha) and 40 Saddlevue Place (1.8ha), Fairfield, from Hill Slopes Rural Zone to Rural Residential 1 because the land is small, uneconomic and surrounded by Rural Residential 1 Zone, some which are sites less than 2 ha. This was supported by *Leon Robert Hallett* (FS2241.1).
446. The Reporting Officer, Mr Michael Bathgate, noted there is sufficient capacity in the nearby Chain Hills Rural Residential 1 area (25% of zone capacity still available on vacant sites) and that a change of zoning to Rural Residential 1 for both properties would create a development potential of 6 additional dwellings (Section 42A Report, pp. 114-115). The DCC Transportation Group advised that the network could accommodate a higher density.
447. Mr Bathgate suggested that it may be appropriate to consider Rural Residential 2 zoning instead, also including two other undersized sites at 105 and 141 Morris Road, sized 1.08ha and 1.07ha respectively.
448. Mr Bathgate also noted two very small sites with rural zoning at PT Lot 71 Main Road, Fairfield and Lot 61 Morris Road (Addendum to the Rural Residential Section 42A Report, para 16-17). He stated that these sites should be included in the Rural Residential 2 cluster to make the zoning contiguous with surround sites, and believed there would be little impact on the management of these sites from a change to Rural Residential 2.
449. At the hearing Mr Leon Hallett spoke for *John and Lorraine Findlater*. Mr Hallett noted the area was an island of uneconomic land, being surplus land from the motorway development, and not suitable for rural zoning. He considered that rural residential was the only sensible zoning for the land.

3.8.3.2.1 Decision and Reasons

450. We considered 105 and 141 Morris Road, along with 81 Morris Road and 40 Saddlevue Place, and PT Lot 71 Main Road, Fairfield, and Lot 61 Morris Road, as a cluster of existing dwellings under 2.6.1.Y. Under the policy, we agree that the second limb is met and that Rural Residential 2 is appropriate. Rural Residential 2 zoning provides for very little additional development on the sites (just one additional dwelling), and therefore there are few matters that could be considered contrary to the criteria in 2.6.1.4, particularly given the location of the site. However, rezoning would align with the existing use of