

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV 2018 CHC 285

**I MUA I TE KOOTI TAI AO O AOTEAROA
ŌTAUTAHU ROHE**

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN

THE PRESERVATION COALITION TRUST

Appellant (ENV 2018 CHC 285)

AND

DUNEDIN CITY COUNCIL

Respondent

WAIVER APPLICATION BY PRESERVATION COALITION TRUST

29 October 2019

Filed by Craig Werner, authorised representative for Appellant

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Authorised representative for the Preservation Coalition Trust

The Registrar
Environment Court
Christchurch

Trustees of the Preservation Coalition Trust applies for a waiver in appeal proceedings **ENV 2018 CHC 285**. The Trust is the appellant in these proceedings. The Trust seeks the following waiver and/or directions:

- (a) Waiver of the time limit for filing an appeal against Rule 16.5.2.1(c) (density rule for the Hill Slopes Rural zone);
- (b) Amendment of the Notice of Appeal to identify Rule 16.5.2.1(c) (density rule for the Hill Slopes Rural zone).

Upon the grounds that:

- (1) The 2GP manages minimum site size by rules that control both density (land use) and minimum site size (subdivision): Rule 16.5.2.1(c) (land use) and Rule 16.7.4.1(d) (subdivision).
- (2) The Trust's submission and appeal raised the topic of minimum site size for the Hill Slopes Rural zone; and identified the relevant subdivision rule (Rule 16.7.4); but did not expressly identify the relevant land use rule for density (Rule 16.5.2). Express reference is not required, so this application for waiver is precautionary only;
- (3) If the Trust were successful in its relief to increase the minimum site size for Rule 16.7.4 (for purposes of subdivision), then arguably this would require consequential amendment to the density rule for the same purpose. There is conceptual overlap between the two, and an arguable need for holistic treatment of the same issue by the 2GP rules framework;
- (4) The Trust submission was prepared without relevant expert assistance. The distinction between density and minimum site size is arguably technical; the rationale for the distinction is not immediately obvious to a lay party.
- (5) No party is prejudiced by the waiver; Rules 16.5.2.1(c) and Rule 16.7.4.1(d) arguably operate in tandem to control the same or similar issue, and in most cases an activity seeking to establish a dwelling at a lower density than envisaged by the rules would have to meet both sets of rules.

Dated this 29th day of October 2019



Craig Werner

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