

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-276

UNDER	The Resource Management Act 1991
IN THE MATTER	of an appeal pursuant to clause 14 of the First Schedule
BETWEEN	CRAIG HORNE SURVEYORS LIMITED AND BLUESKIN PROJECTS LIMITED Appellant
AND	DUNEDIN CITY COUNCIL Respondent

PARTIAL WITHDRAWAL OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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MAY IT PLEASE THE COURT:

1. Craig Horne Surveyors Limited and Blueskin Projects Limited lodged an appeal against the decision of the Dunedin City Council on the Second Generation District Plan ("2GP").

NATURAL HAZARDS AND EARTHWORKS

2. This Memorandum concerns the partial withdrawal of the relief sought within that appeal. In particular, the relief sought within the Table attached as Appendix 1 to the appeal:

"Remove from the Hazard overlays from the Planning maps"

3. The relief sought within appeal point 149 can be achieved through specific provisions of the plan rather than the removal of hazard overlays from the planning maps.
4. The Appellant therefore seeks the relief to be refined as follows:

Natural Hazards

- (a) In the Hazard 3 (coastal) Overlay Zone, require new buildings containing residential activity on the ground floor, except garages associated with residential activity, to be relocatable, unless site constraints mean this is not practicable.
- (b) In the hazard 3 (coastal) overlay zone, new buildings containing residential activity on the ground floor, except garages associated with residential activity, must be relocatable. This rule is restated at Rule 15.6.4.3 (Residential), Rule 16.6.2.3 (Rural), Rule 17.6.2.3 (Rural-Residential), Rule 18.6.6.3 (Commercial Mixed Use) and Rule 19.6.2.3 (Industrial) and will therefore require consequential changes if the amendment is adopted.
- (c) Amend assessment matter 11.4.2.6.ii as follows:

In the Hazard 3 (coastal) Overlay Zone, new buildings containing residential activity on the ground floor, except garages

associated with residential activity, are relocatable, unless site constraints mean this is not practicable (Policy 11.2.1.8).

Earthworks

- (d) Rule 8A.5.1.5.a.vii shall be amended to include the following exemptions to the 20m³ limit within the Haz2 (flood) and Haz3 (flood, alluvial fan):
 - (i) Residential zoned land: 40m³ fill;
 - (ii) Rural and Rural Residential zoned land: 25% of the volumes as stated in Rule 8A.5.1.5.a.i.

REZONING OF MOSGIEL CBD

- 5. In addition to the amendments above, the appellant seeks to withdraw the relief sought at paragraph 8.a of the appeal. The appellant is now satisfied that General Residential 1 and General Residential 2 is the appropriate zoning for the Mosgiel CBD.
- 6. The appellant seeks the relief at paragraph 8.a to be amended as follows: ¹

The Appellants seek the following relief:

- ~~(a) Rezoning of land in Mosgiel CBD to Inner City Residential;~~
- (b) *Rezoning of 15 Church Street, Mosgiel to Inner City Residential.*
- (c) *Amendments to the 2GP as set out in the Table attached at Appendix 1 to this Notice of Appeal...*

- 7. For clarity, the appellant retains the relief sought for 15 Church Street.

Costs

- 8. The Appellants are not aware of any party having an issue as to costs associated with the withdrawal of the interests above, and does not

¹ Notice of Appeal at [8.a]

anticipate any issues given the preliminary nature of the proceedings.
Can the parties please advise if there are any issues as to costs.



D McLachlan

Solicitor for the Appellant

DATED this 3rd day of September 2019

