

From: [Arlene Goss](#)
To: [Janet Leong](#)
Subject: FW: Response to your request for information
Date: Tuesday, 13 September 2016 02:37:14 p.m.
Attachments: [image001.png](#)
[Response to Ruske.pdf](#)
[Ruske Letter to DCC re 2012 Consent.pdf](#)

From: Arlene Goss
Sent: Tuesday, 16 August 2016 10:33 a.m.
To: 'loretta@westacottheights.co.nz'
Subject: Response to your request for information

16-Aug-2016

Loretta Richardson
Director
Krenford Holdings Limited
RPR Properties Limited

Dear Ms Richardson,

Official information request for DCC response to Angela Ruske.

I refer to your official information request dated 10-August-2016 for the DCC response to the letter from Angela Ruske, of Keep Halfway Bush Semi Rural Inc, dated 21-June-2016.

The information you have requested is attached.

If you wish to discuss this further with us, please feel free to contact myself and I can put you in touch with the best person to answer your questions.

Yours sincerely
Arlene Goss

Arlene Goss
Governance Support Officer
Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000
Email: Arlene.Goss@dcc.govt.nz



 Please consider the environment before printing this e-mail

Keep Halfway Bush Semi-Rural Inc

Mobile: [REDACTED] email: [REDACTED] [REDACTED] Halfway Bush, Dunedin

Dr Sue Bidrose
CEO
Dunedin City Council

21 June 2016

Keep Halfway Bush Semi-Rural Inc
[REDACTED]

Halfway Bush
Dunedin

Dear Dr Bidrose,

Re Consent Application: SUB-2012-92 & LUC-2012-504 by R P R Properties Ltd

As the president of Keep Halfway Bush Inc I am writing to inform you of a procedural mistake made by the Council with regard to granting of the above consent. We have been advised to contact the Council in the first instance to see if this can be resolved prior to seeking further legal action.


Below is a an extract from the Resource Consent Notice:

41 Dalziel Road, Halfway Bush, Dunedin being the land legally described as Lot 2 Deposited Plan 453493, Lott 11-14 Deposited Plan 531 and Part Lot 15 - 16 Deposited Plan 531 (CFR 5800991; 17.6562ha) and Part Sections 28, 32, 34, 36 & 38 Wakari SD (title to be issued).

Resource consent is sought for a non-complying activity, being the subdivision of the above land into nine new lots for rural residential development, plus two small lots to be transferred to adjoining properties.

The proposed Lots 2 to 10 will all be rural residential sized lots of approximately 2ha.

As you can see, it was specifically stated in the notified application that Lots 2-10 (nine sites) will be rural residential sized Lots of approximately 2ha. Prior to this application the developer, R P R Properties, had looked at developing this land into 106 residential sites, which was opposed by both residents and the Council. There was little objection by residents to the the new proposed development of nine 2ha Lots as many in area believed it was in keeping with the surrounding properties and made best use of the



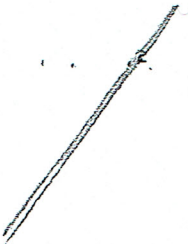
land - which is currently zoned Rural, despite being nestled in amongst Rural-Residential land. The Council declined this application at the submission hearing based on their concerns about the loss of a native gully on the property, and gave R P R Properties an option to submit a revised plan which protected the gully. The revised plan significantly changed the Lot sizes - reducing some of the Lots from 2ha to 0.25ha. The revised plan no longer met the Lot sizes stated in the application. Given the significant change in Lot sizes the correct procedure would have been for the Council to re-notify everyone and give them the option to re-submit. However the Council only sought "feedback" from those who made submissions on the initial application. Not only should the Council have sent a new application out to all the people notified in the first application, but a new hearing should also have been held.

Many residents opposed a further application made by the developer to subdivide this area into an additional 34 Lots (SUB-2015-54 & LUC-2015-291). This application was declined by the Committee earlier this year, due to the "more than minor" affects it would have on the area. It was at this meeting that many residents learnt for the first time that the Rural Residential application of nine 2ha Lots were not all 2ha in size, and no longer satisfied Rural Residential zoning. At this point we realised that the Council had granted the above application without following correct procedure, and as such we have been advised that this consent has been granted in error.

This is important because we believe residents would have opposed the smaller Lot sizes had they been informed of the changes in the revised plan. This has had further implications on development of this land as both the developer - and the Council in its 2GP re-zoning plan - have proposed to subdivide this land into even smaller Lot sizes. We are very confident that the Council planner would not have suggested this if the initial application of nine 2ha Rural Residential Lot sizes had been granted. Given that the Committee rejected R P R Properties application to create a further 34 Lots by subdividing some of the initial nine Lots to even smaller Lot sizes, it is evident that it is not in keeping with the surrounding Rural Residential area and not supported by those who live in the area.

We have consulted Trevor Shiels (QC) with regard to this matter, and he has advised us that the we would have a very good case if we were to take this matter to the High Court. We would like to avoid this if possible.

We believe that the initial application of nine 2ha Lots should be upheld. Given that some of these Lots have been sold (some of which are significantly smaller than 2ha) we are aware that these cannot be changed, but we would like to see the remaining unsold Lots to be changed so that they are at least 2ha in size. Given that most of the



titles on this land will meet the land size of Rural-Residential, we would like the land to be re-zoned Rural-Residential at the upcoming 2GP Hearing in February 2017, rather than the Large Lot Residential zone it is being considered for.

We look forward to hearing from you with regard to this and hope that we are able to resolve this issue quickly.

Yours Sincerely

Angela Ruske

15 July 2016

Angela Ruske
Keep Halfway Bush Semi-Rural Inc
[REDACTED]
Dunedin 9010

Dear Angela

RPR PROPERTIES DALZIEL ROAD SUBDIVISION – SUB 2012-92

I am writing in response to the letter you sent on behalf of Keep Halfway Bush Semi-Rural Inc dated 21 June, about resource consents SUB 2012-92 and LUC 2012-505. Your primary concern is with the alteration to the lots sizes during the hearing process. I asked staff to investigate and report back to me. I have considered your letter and information from staff.

When the resource consent was being processed in 2013 the Hearing Committee did seek legal advice about the changed layout. The advice was that the change was within the scope of the application. Key points of advice were that the number of lots and houses would be the same, and the bush remains protected. Legal consideration was also given to the submitters and the general public who did not submit. The Hearing Committee accepted the advice and made their decision. At the time our legal advisors did consider all the relevant information. They are very experienced in planning law and have provided a wealth of planning advice to Council. On the basis of legal advice in 2013 we disagree with Mr Shiels advice.

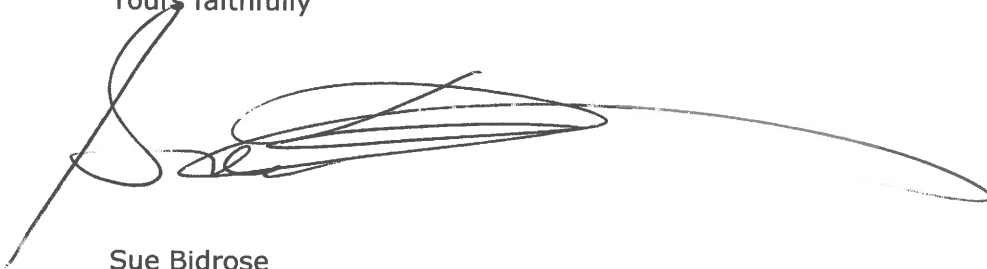
The resource consent has been given effect to and most lots have been developed. The two remaining lots owned by the developer have an area of 1.95ha (47 Dalziel Road) and 0.4860ha (41 Dalziel Road). One of the two Lots is essentially the two hectare size you wish to see. The other Lot is smaller and surrounded by land owned by persons other than the developer, which makes it highly unlikely a two hectare lot could be created.

As you note, the rezoning of the land is a matter that will be considered as part of the current review of the District Plan, the 2GP. I note yourself and two other residents from Dalziel Road have made a submission on the 2GP zoning of the Dalziel Road properties. All submitters have the ability to speak to the Hearing Committee. You can call on other member of Keep Halfway Bush Semi-Rural Inc as witnesses to support your submission point(s). At the end of the hearing process submitters can appeal the decisions. I also note you made a submission on the resource consent application in 2012. As part of that process a copy of the decision was posted on 30 April 2013 to all submitters.

To conclude, I note the Council received legal advice during the hearing that the alteration to the lot dimensions was within the scope of the resource consent application. The resource consent has been given effect to with seven of the nine lots with houses on them or under construction. Seeking to change the one lot owned by the developer that is not close to two hectares would not be practical and does not recognise the resource consent is a lawful.

I hope that this response answers your questions.

Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Sue Bidrose
Chief Executive Officer