

18 October 2018

Dear submitter

Re – Notification of decisions on submissions to the Second Generation Dunedin City District Plan (2GP)

This notification of decisions is made pursuant to clause 11 of the first schedule of the Resource Management Act 1991 (RMA).

On Wednesday 7 November 2018, the attached public notice will be published and the decisions on submissions to the 2GP will be available. All 2GP rules will have 'legal effect' on and from this date.

The Dunedin City Council (DCC) is required to serve all submitters with the public notice and advise the deadline for lodging a notice of appeal, which is 30 working days from being served with the public notice. 30 working days from 7 November is 19 December 2018. Clause 14 of the first schedule of the RMA establishes who can appeal the decisions.

Where to view the decisions

You can read the decisions on submissions to the 2GP at www.2gp.dunedin.govt.nz. The website can also be accessed at one of the public computers at the Dunedin City Library, Mosgiel Library, Port Chalmers Library, Waikouaiti Library, South Dunedin Community Pop-Up and the Blueskin Bay Library at Waitati. A hard copy is available for viewing at the Dunedin City Council Civic Centre.

The website has the following information:

- The decision version of the 2GP and planning map.
- The decision reports prepared by the 2GP Hearings Panel on each of the 29 hearing topics. The reports include the Panel's decisions and reasons in detail. They incorporate the requirements under s32AA and include a summary of all decisions on related provisions.
- A marked-up version of the notified 2GP (2015), with changes in ~~strike-through~~ and underline. This version gives a submission reference point or a clause 16 reference for each amendment. This submissions reference point is made up of the relevant decision report code at the start, and submission point(s) to which the amendment responds. For example, **Her 308.244** is submission point 308.44 and is based on a decision discussed in the Heritage decision report.
- A summary table listing decisions on provisions across all topics. The table notes the related sections of decision and s42A reports. The related s42A report sections will help appellants identify other parties who have submitted on that provision so they can serve them notice of their appeal.

If you would like a copy of a decision, please email 2gpappeals@dcc.govt.nz or phone 03 477 4000. Please provide your name, phone number and which decisions you would like printed. Requests for entire decision reports over 30 pages will generally only be provided by USB or compact disc unless no computer access is available. We will provide the copy within three days of your request.

When do the new rules replace the existing operative plan's rules?

Once decisions have been released, all rules in the 2GP decision version (November 2018) have legal effect.

Legal effect means the rules of both the new 2GP decision version (November 2018) and the operative District Plan (2006) apply.

If there are no appeals against a rule in the 2GP decision version (November 2018) (or any closely related provisions), those rules may be deemed operative. They then replace the related rules in the operative District Plan (2006) so that only the new rule applies. However, if a rule (or closely related provisions) is appealed, both plans apply until the appeals have been dismissed, withdrawn or determined by the Environment Court.

Further information on this transition is provided on the 2GP website.

Making an appeal

Submitters may appeal decisions on matters that were the subject of their submission.

The appeal process is run by the Environment Court, directions on how to appeal can be found on its website (address below).

If you appeal, you need to serve a copy of the appeal documents on:

- the DCC (on the same date on which you lodge the appeal with the Environment Court)
- all the other people who made submissions on the proposed plan (within five working days of lodgement with the Environment Court)

For service on the DCC, the preferred method of service is to email a copy to 2gpappeals@dcc.govt.nz or post to:

2GP Appeal
Dunedin City Council
PO Box 5045
Dunedin 9054

The DCC will include all notices of appeal on its website at www.2gp.dunedin.govt.nz.

Once appeals are lodged, people who have submitted on the appeal subject matter or who have an interest greater than the general public may join an appeal under s274 of the RMA. Normally a s274 party would have to serve all other s274 parties to an appeal.

For the 2GP, the DCC has sought a waiver from the Environment Court so that only the DCC, the Environment Court and the appellant parties need to be served with a s274 notice. If the Court grants the waiver then other submitters will not have to be served because the DCC will place all s274 notices on its website. The outcome of that request will be posted on the 2GP website.

Designations

For designations, the DCC can only recommend decisions on designations to requiring authorities other than the DCC (s. 171 of the RMA). Please note that the requiring authorities have 30 working days to decide whether to accept or reject the DCC's recommendations. If you submitted on any designations for requiring authorities other than the DCC, you will be notified of the decision of the requiring authority through a separate letter and then your appeal rights will commence. For designations where the DCC is the requiring authority, the 2GP Hearings Panel has made decisions on these pursuant to s. 168A(4) of the RMA. These decisions are in the Designations decision report.

Enquiries

- For enquiries about the decisions on submissions, please contact the 2GP team.

- For enquiries about resource consents and what rules may apply to your activity please contact, as normal, one of the Resource Consent team's front counter planners.
- For enquiries about how to lodge an appeal, please see <https://environmentcourt.govt.nz/court-process/lodge-appeal-or-application> .

Planners will be available Monday–Friday, 8.30am–5pm, on the ground floor of the DCC's Civic Centre to respond to any enquiries about 2GP decisions. You can also speak to a planner by calling the DCC on 03 477 4000. Please indicate which type of enquiry you have, so you can be directed to the right person.

Dr Anna Johnson
City Development Manager

2gpappeals@dcc.govt.nz