

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHU**

ENV-2023-CHC-011

Under	The Resource Management Act 1991 (the Act)
In the Matter	of an appeal pursuant to Clause 14 of Schedule 1 of the Act on the Dunedin City Council Second Generation District Plan (2GP) – Variation 2
Between	K & L ACCOMODATION Appellant
And	DUNEDIN CITY COUNCIL Respondent

**NOTICE OF WITHDRAWAL OF PROCEEDING ON BEHALF OF
APPELLANT**

7 AUGUST 2023



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May it please the Court:

1. Counsel acts for the Appellant, K & L Accomodation Limited, who lodged an appeal on the 2GP seeking an amended zoning and associated relief at 3 Brick Hill Road and 18 Noyna Road as set out in its notice of appeal dated 13 March 2023.
2. By way of notice of mediation dated 27 July 2023 the Environment Court directed that mediation occur on Tuesday 22 August 2023.
3. However, due to concerns of ongoing and expected expert and legal cost as well as uncertainty as to an outcome the Appellant now wishes to withdraw the appeal and vacate mediation.
4. Counsel has consulted with the parties to this proceeding by way of email on 3 August to seek their advice on whether there is any issue as to cost. Dunedin City Council and Otago Regional Council (Respondent and Interested Party) reported to this Counsel on Friday 4 August that there was no issue as to costs. Port Otago Limited is an Interested Party but as of the filing of this notice has not indicated they have any issue. Given that the proceeding is at an early stage, it is unlikely that there will be any issue.

Dated 7 August 2023



Simon Peirce
Counsel for the Appellant