

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-293

IN THE MATTER	Of an appeal pursuant to clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN	CRAIG HORNE First Appellant JOHN BUCHAN Second Appellant K J TAYLOR Third Appellant BLUE GRASS LIMITED Fourth Appellant SADDLE VIEWS ESTATE LIMITED Fifth Appellant
AND	DUNEDIN CITY COUNCIL Respondent

MEMORANDUM OF COUNSEL - PARTIAL WITHDRAWAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Phil Page
Solicitor to contact: Derek McLachlan
P O Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: phil.page@gallawaycookallan.co.nz
Email: derek.mclachlan@gallawaycookallan.co.nz

May it please the Court:

1. Counsel acts for the Appellants C Horne, J Buchan, K Taylor, Bluegrass Limited and Saddle View Estate, who filed a Notice of Appeal on 19 December 2018:

(a) ENV-2018-CHC-293: *Blue Grass Limited & Others v Dunedin City Council*.

2. Following discussion with Council and other 274 parties at Rural Residential Strategic Group 1 mediations, the Appellants seek to partially withdraw appeal point 251, being:

Amend Rule 17.5.2.1 so that the minimum site size to establish a new residential activity in the Rural Residential 2 Zone is 1ha, and to remove the restriction of only one residential activity per site.

3. The purpose of the appeal point 251 was to provide flexibility while undertaking more detailed design analysis of the site. The Appellants are not interested in seeking district wide relief, however they do seek to ensure that the withdrawal of point appeal 251 will not limit the ability to accommodate design amendments as discussions with Council and 274 parties progress as part of Group 4 mediations.

On that basis, the appellant seeks to amend appeal point 251 as

Amend Rule 17.5.2.1 so that the minimum site size to establish a new residential activity in the Rural Residential 2 Zone is 1ha, and to remove the restriction of only one residential activity per site- ,as it relates to sites within Appendix 1 of the Notice of Appeal, as shown on Map entitled "Proposed East Taieri Rezoning".

4. For completeness, we have **attached** Appendix 1 of the Notice of Appeal which identifies the sites still subject to the proposed relief.
5. As a consequence of the partial withdrawal, we consider that appeal point 251, can be transferred from Group 1 to Group 4 to be considered in conjunction with appeal points 254 and 266.

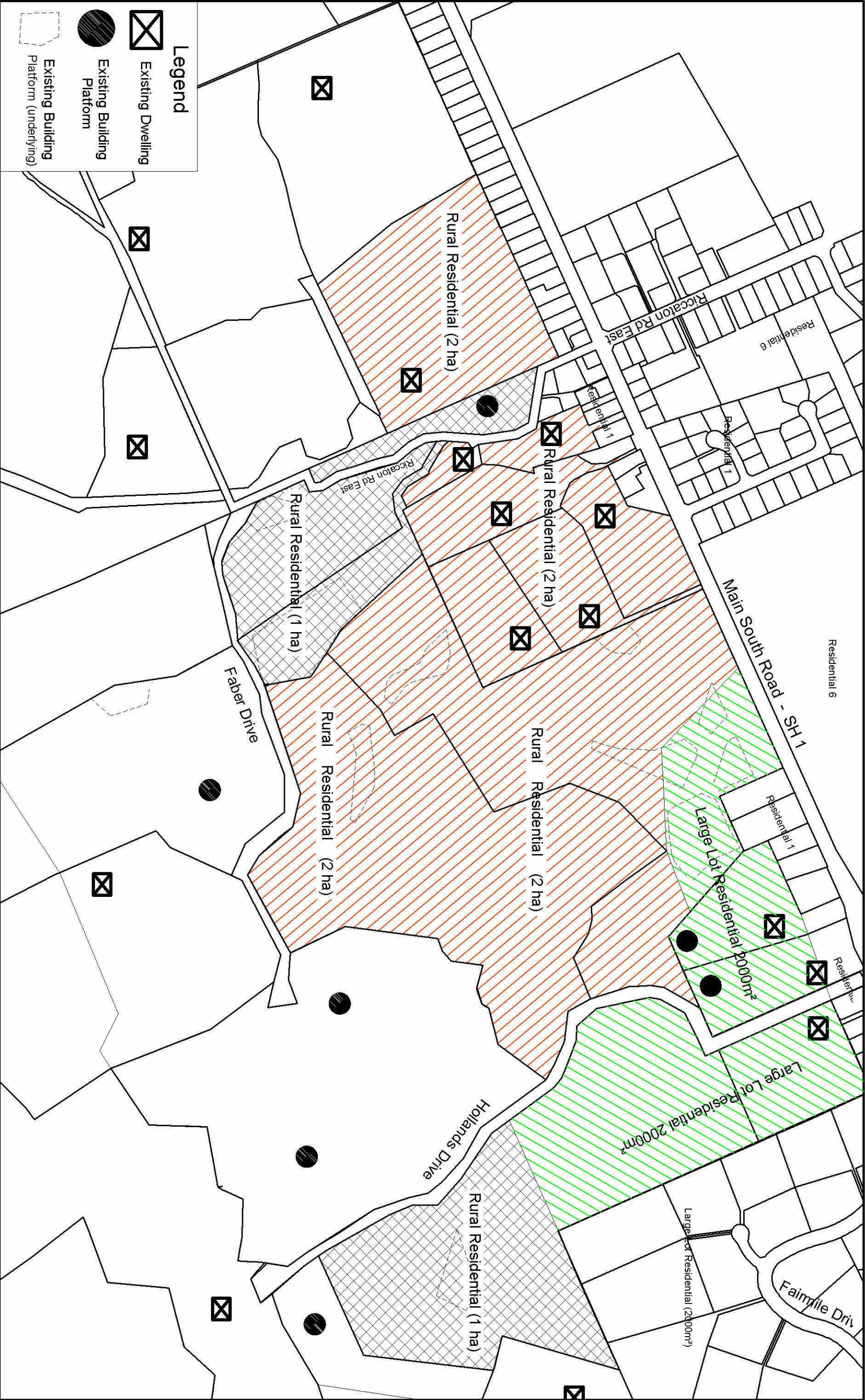


.....

Derek McLachlan

Counsel for the Appellants

Dated this 20 December 2019



CRAIG HORNE

Registered Surveyor

5 MAIN SOUTH ROAD EAST TAIERI
P.O. BOX 56 MOSGIEL

PH (03) 4847008
FAX (03) 4847009

Existing Properties, Building Platforms & Proposed Zoning

Ref:

1

Drawn CH

Checked

2-11-2015

A3 SCALE

1:5000