

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV:2018-CHC-292

IN THE MATTER	of an appeal pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN	MICHAEL OVENS Appellant
AND	DUNEDIN CITY COUNCIL Respondent

MEMORANDUM OF COUNSEL – PARTIAL WITHDRAWAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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MEMORANDUM OF COUNSEL

May it please the Court:

1. Counsel acts for Michael Ovens, who filed a notice of appeal on the Dunedin City Second Generation District Plan:

(a) ENV-2018-CHC-292

2. Following discussion with Council, the appellants seek to partially withdraw appeal point 73, being:

Remove the NC Status of subdivision activity in the RR2 zone (alternative to rezoning 28 Patmos Ave to residential).

3. The current drafting of appeal point 73 relates to the activity status of subdivision within all RR2 zones throughout the district. The appellant wishes to refine that relief so it is site specific only. On this basis, the appellant seeks to amend appeal point 73 as follows:

Remove the NC Status of subdivision activity in the RR2 zone, as it relates to the site at 28 Patmos Ave. ~~(alternative to rezoning 28 Patmos Ave to residential).~~

4. The appellant wishes to retain appeal point 73, at least partially, to ensure flexibility in mediation discussions with Council during group 2 and 3 of the mediation process. The second sentence of the relief is now superfluous given site specific appeal point 380.
5. Following partial withdrawal, we consider that appeal point 73 can be transferred from Group 1 to Group 3 to be considered in conjunction with appeal point 380 (and to an extent appeal point 376 which is part of Group 2).

Dated 23 April 2020



Phil Page/D A McLachlan

Counsel for Michael Ovens