

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-260

IN THE MATTER

Of an appeal pursuant to clause 14
of the First Schedule of the
Resource Management Act 1991

BETWEEN

BEN PONNE

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

MEMORANDUM OF COUNSEL WITHDRAWING SPECIFIC RELIEF

**GALLAWAY COOK ALLAN
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DUNEDIN**

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May it please the Court:

1. Counsel acts for Benn Ponne, who filed a Notice of Appeal on the Dunedin City Council Proposed District Plan (2GP) on 19 December 2018.
2. It has come to our attention that a specific releif point at paragraph 8(b) was included incorrectly and was not a point of relief sought in the appellant's original submission on the 2GP. As such, Counsel seeks to withdraw that point of relief.
3. For clarity, the relief sought¹ by the Appellant is marked up below with withdrawn text shown as ~~strikethrough~~:
 - (a) The Land be rezoned Rural Residential 2;
 - (b) ~~Rule 17.3.5 be amended so that the activity status for general subdivision in the Rural Residential Zone is Discretionary;~~
 - (c) Any consequential relief required to give effect to the above.
 - (d) If the above relief is not granted a new rule be included within the Rural Zone enabling a residential dwelling to be established on existing undersized rural zoned sites.
 - (e) Costs of and incidental to this appeal.



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Simon Peirce

Counsel for the Appellant

Dated this 12th day of February 2019

¹ Located at [8] of the Appellants Notice of Appeal.