

**BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

ENV:2018-CHC-292

|                      |                                                                                                    |
|----------------------|----------------------------------------------------------------------------------------------------|
| <b>IN THE MATTER</b> | of an appeal pursuant to Clause 14<br>of the First Schedule of the<br>Resource Management Act 1991 |
| <b>BETWEEN</b>       | <b>MICHAEL OVENS</b><br><br><b>Appellant</b>                                                       |
| <b>AND</b>           | <b>DUNEDIN CITY COUNCIL</b><br><br><b>Respondent</b>                                               |

---

**MEMORANDUM OF COUNSEL – PARTIAL WITHDRAWAL**

---

DCC appeal point 367

---

**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

**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. Appeal Point 367 is set down for mediation on 13-16 October 2020. In preparation for mediation, Council has distributed a position paper that outlines their preliminary position. Having reviewed that documentation, the Appellant seeks to partially withdraw appeal point 367 being:
  - (a) *The Appellant seeks to increase the Indigenous Vegetation Clearance limits in the RR2 Zone.*
3. The current drafting of appeal point 367 relates to the activity status of indigenous vegetation clearance within all RR2 zones throughout the district. The appellant wishes to refine that relief so that it relates to the appeal site only. On this basis, the appellant seeks to amend appeal point 367 as follows:
  - (a) *The Appellant seeks to increase the Indigenous Vegetation Clearance limits in the RR2 Zone as it relates to the appeal site at 28 Patmos Avenue, Dunedin.*
4. Following the partial withdrawal of this appeal point, we consider that this appeal point can be re-scheduled for mediation as part of Group 4.
5. The Appellant has discussed with the Dunedin City Council and the Otago Regional Council and can confirm that there are no issues as to costs.

**Dated 13 October 2020.**



**D A McLachlan**

Counsel for the Appellant