

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-280

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under clause 14(1) of the First Schedule of the RMA in relation to the proposed Second Generation Dunedin City District Plan (2GP)
Between	Barry Smail Appellant
And	Dunedin City Council Respondent

Memorandum of Counsel to Place Appeal on Hold

Dated 21 June 2019

Respondent's solicitors:

Michael Garbett | Rachel Brooking
Anderson Lloyd
Level 10, Otago House, 477 Moray Place, Dunedin 9016
Private Bag 1959, Dunedin 9054
DX Box YX10107 Dunedin
p + 64 3 477 3973 | f + 64 3 477 3184
michael.garbett@al.nz | rachel.brooking@al.nz

**anderson
lloyd.**

May it please the Court

- 1 This appeal relates to Inner City Residential Zone Rules. The appeal has been assigned its own topic and there are no other parties. This appeal is on Section 15 (Residential) and the performance standards for outdoor living space, impermeable surface, height in relation to boundary, and density as they apply to the Inner City Residential Zone.
- 2 Because this is the only appeal relating to the Residential zone rules it was prioritised by Council. Having all the Residential rules in the chapter being operative would be helpful for both Council consent administration staff and also applicants. For this reason the appeal and topic were included in Group 1 – non-strategic and was in the process of being scheduled for Environment Court mediation.
- 3 Unfortunately and because of unexpected health issues the parties request that this appeal be put on hold with a direction to report on whether or not it is ready to be taken off hold by 27th September 2019.
- 4 Despite Council's request for priority, a delay is not a huge imposition on Council consent staff and there are no other appeals that are dependent on the outcome of Mr Smaill's appeal.

Direction sought

- 5 That this appeal be placed on hold with a joint reporting memorandum on ability to progress by 27 September 2019.

Dated this 21st day of June 2019



Phil Page/Derek McLachlan
Counsel for the Appellant



Michael Garbett/Rachel Brooking
Counsel for the Respondent