

IN THE ENVIRONMENT COURT
CHRISTCHURCH

ENV-2018-CHC-251

I MUA I TE KOOTI TAIAO
I ŌTAUHAHI ROHE

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Clause 14(1) of Schedule 1 of the RMA

BETWEEN

FONTERRA LIMITED

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIAL WITHDRAWAL OF FONTERRA LIMITED'S APPEAL

5 AUGUST 2019

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MAY IT PLEASE THE COURT:

1. Fonterra Limited ("**Fonterra**") lodged an appeal against parts of the decision of the Dunedin City Council ("**Council**") on the Second Generation Dunedin City District Plan ("**2GP**") on 19 December 2018.
2. Among other things, Fonterra's appeal sought that Rule 16.7.4.3 in the Rural Zone chapter of the 2GP be retained as notified. This aspect of Fonterra's appeal was placed in the Group 1 Strategic – Rural Strategic topic. It is the only aspect of Fonterra's appeal that is part of the Group 1 mediations.
3. Fonterra appealed the Council's decision to amend Rule 16.7.4.3 due to the introduction of additional exemptions to the minimum lot size requirements in the Rural Zone. Fonterra was concerned that these exemptions would increase the potential for residential development in the Rural Zone.
4. Since lodging its appeal, Fonterra has reflected further on Rule 16.7.4.3 and the intended effect of the exemption introduced through the Council's decision. Following discussions with the Council, Fonterra is satisfied that Rule 16.7.4.3 does not allow for additional residential development potential in the Rural Zone.
5. Fonterra therefore wishes to withdraw that part of its appeal relating to Rule 16.7.4.3. Fonterra does not anticipate any issues as to costs given the early stage at which this appeal point is being withdrawn.

DATED: 5 August 2019



D J Minhinnick / T W Atkins
Counsel for Fonterra Limited