

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-000229

**I MUA I TE KOOTI TAIAO
I ŌTAUTAHU ROHE**

IN THE MATTER of an appeal pursuant to clause 14 of the First Schedule of
the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of the Proposed Second Generation Dunedin City District
Plan

BETWEEN **LIQUIGAS LIMITED**

APPELLANT

AND **DUNEDIN CITY COUNCIL**

RESPONDENT

AND **OTHERS**

Section 274 parties

**MEMORANDUM OF COUNSEL WITHDRAWING LIQUIGAS' INTEREST IN
THE NATURAL HAZARDS AND EARTHWORKS PROVISIONS**

DATED 9 JULY 2019

MinterEllisonRuddWatts

PO Box 3798, Auckland 1140
TELEPHONE +64 9 353 9700
FACSIMILE +64 9 353 9701
SOLICITOR ACTING: PATRICK SENIOR
patrick.senior@minterellison.co.nz
PARTNER RESPONSIBLE: RACHEL DEVINE
rachel.devine@minterellison.co.nz

MAY IT PLEASE THE COURT:

1. Liquigas Limited (**Liquigas**) is the appellant and section 274 party in the following proceedings:
 - (a) *Liquigas Limited v Dunedin City Council* ENV-2018-CHC-229; and
 - (b) *Otago Regional Council v Dunedin City Council* ENV-2018-CHC-290 (**Regional Council Appeal**).
2. Liquigas no longer has an interest in the following topics of the Dunedin District Plan review: Group 1 Strategic - Natural Hazards Strategic; Group 1 Non-strategic Earthworks Provisions; and, Group 3 Natural Hazards Rules.
3. Liquigas gives notice that it withdraws the issues identified and relief sought in its Notice of Appeal in relation to earthworks and natural hazards. The specific parts of the appeal that are withdrawn are in Schedule 1 of Liquigas' Notice of Appeal and relate to: Objective 2.2.1; Policy 2.2.1.6; Policy 2.2.1.8; Policy 11.2.1.11; and, Policy 11.2.1.14. For the avoidance of doubt, all other issues identified and relief sought in Liquigas' Notice of Appeal remain.
4. Liquigas also gives notice that it withdraws in full its section s274 notice on the Regional Council Appeal.
5. Liquigas is not aware of any party having an issue as to costs associated with its withdrawal of the interests above, and does not anticipate any issues given the preliminary nature of proceedings.

Dated this 9th day of July 2019



RM Devine / PG Senior for and on
behalf of **LIQUIGAS LIMITED**