

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-277

IN THE MATTER

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

BETWEEN

AURORA ENERGY LIMITED

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

**NOTICE OF PARTIAL WITHDRAWAL OF APPEAL POINTS ON BEHALF
OF AURORA ENERGY LIMITED**

3 DECEMBER 2021



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**NOTICE OF PARTIAL WITHDRAWAL OF APPEAL POINTS ON BEHALF
OF AURORA ENERGY LIMITED**

May it please the Court:

1. This notice of withdrawal is filed on behalf of Aurora Energy Limited (**Aurora**) in respect of its appeal on the Dunedin City Council Second Generation Plan (**2GP**) (ENV-2018-CHC-277).
2. By way of background, the substantive parts of Aurora's appeal were addressed by way of mediation allocated Group 2 (Network Utilities) in November 2020. As part of the package of relief agreed as part of the consent order documentation it was agreed that parts of Aurora's appeal be withdrawn.
3. The memorandum of counsel for Dunedin City Council dated 1 December 2021 foreshadows that a notice of withdrawal is impending with respect to appeal points described with DCC reference number 240 and 243 (not to be confused with the Environment Court intituling related to appeal numbers). This notice of withdrawal follows that memorandum.
4. Aurora seeks to withdraw the following points of relief from its appeal:
 - (a) Relief with respect to 2GP Rule 7.5.2.1:¹

(g) network utilities activities (excluding operation, repair, minor upgrading and maintenance of existing network utilities)
 - (b) Relief with respect to 2GP Rule 5.8.2 Assessment of restricted discretionary network utility activities and a consequential amendment to the list of potential circumstances that support the grant of consent.²
5. Counsel for Aurora does not consider there will be any issues as to costs on the basis that Aurora provisionally agreed following mediation

¹ DCC reference number 243.

² DCC reference number 240.

with the parties to the Group 2 (Network Utilities) mediation to withdraw this relief.

Dated 3 December 2021

A handwritten signature in blue ink, appearing to be 'Bridget Irving' or 'Simon Peirce'. The signature is stylized with a large loop and a horizontal line.

Bridget Irving / Simon Peirce

Counsel for Aurora Energy Limited