

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti 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 **The Estate of Barry Smail**

Appellant

And **Dunedin City Council**

Respondent

Notice of withdrawal of appeal on behalf of The Estate of Barry Smail

16 September 2022

May it please the Court

- A This notice of withdrawal is filed on behalf of The Estate of Barry Smaill (the **Appellant**) who lodged an appeal on the provisions in the proposed Second Generation Dunedin City District Plan (**2GP or Plan**) in relation to the height in relation to boundary performance standard in the Inner City Residential Zone (DCC Reference number 211).
- B As a result of discussions between the parties a solution was agreed that sits out of this proceeding that will provide the relief sought by the Appellant. In reliance on that agreement the Appellant agrees to withdraw its appeal.
- C Dunedin City Council confirms that there is no issue as to costs in relation to this withdrawal.
- D The Appellant therefore withdraws its appeal.

Dated this 16th day of September 2022



Emma Peters

Representative for The Estate of Barry Smaill