

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV:2018-CHC-281

In the Matter

of an appeal pursuant to
clause 14 of the First
Schedule of the Resource
Management Act 1991

Between

**ROBERT FRANCIS
WYBER**

Appellant

And

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIAL WITHDRAWAL OF APPEAL - WYBER

DCC Reference 212

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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NOTICE OF PARTIAL WITHDRAWAL OF APPEAL

1. The Appellant lodged an appeal on the Dunedin City Council Second Generation District Plan:

(a) ENV-2018-CHC-281.

2. Council and the various parties to the Wyber appeal have considered the Court's Minute dated 15 December 2020. The Appellant now wishes to withdraw the following components of the Wyber Appeal:

(a) DCC Reference number 212, being:

(i) *Amend Policy 2.6.1.1 to delete reference to Objective 2.2.4 or amend so that supporting Objective 2.2.4 is achieved if possible, but not an absolute requirement;*

(ii) *Amend Policy 2.6.2.1 to:*

(1) *Increase the timeline during which adequate supply must be available to 15 years;*

(2) *Amend references to productive rural land to refer to highly productive land;*

(3) *Provide for identification of new residential zoned land to enable infrastructure planning to take place; and*

(4) *Recognise that new development will require extension of public transport.*

(iii) *Reinstate Policy 2.6.3.2 and amend clause b.i to release land to provide for a 15 year period.*

(iv) *Amend Policy 2.7.1.1 to ensure infrastructure planning occurs to assist in providing adequate urban land; and*

(v) *Delete Appendix 12B.*

3. For clarity, the appellant does not withdraw DCC Reference 376 which seeks amendments to the Rural Residential Strategic provisions.
4. Counsel also acts for the following 274 parties to the Wyber Appeal and confirms that these parties do not wish to become successors to the Wyber appeal:
 - (a) Anthony Reid and Hilary Evans;
 - (b) BA Building Limited;
 - (c) Balmoral Development Outram Limited;
 - (d) Ben Ponne;
 - (e) Blueskin Bay Holdings Limited;
 - (f) Daisy Link Garden Centres Limited;
 - (g) Gladstone Family Trust;
 - (h) Grant Maxwell Motion;
 - (i) James Lin Limited;
 - (j) Janefields Rezone Group;
 - (k) Phil Cunningham;
 - (l) RB and SO Chin;
 - (m) Robert Charles Duffy;
 - (n) William John Morrison;
 - (o) Yvonne Cummings;
 - (p) Craig Horne, John Buchan and Blue Grass Limited who the first, second and fourth appellants within the *Bluegrass* appeal¹ respectively.

¹ ENV-2018-CHC-293

5. For clarity, we no longer act for Saddle View Estates Limited or Mr Taylor who are the third and fifth appellants to the *Bluegrass* appeal.
6. The Dunedin City Council has confirmed that there are no issues as to costs as result of this withdrawal.

Date: 19 January 2021



D McLachlan

Counsel for R F Wyber; Anthony Reid and Hilary Evans, BA Building Limited, Balmoral Developments (Outram) Limited, Ben Ponne, Blueskin Bay Holdings Limited, Daisy Link Garden Centres Limited, Gladstone Family Trust, Grant Motion, James Lin Limited, Janefields Re-zone Group, Phil Cunningham, RB and SO Chin, Robert Charles Duffy, John Buchan, Craig Horne, Blue Grass Limited, The Jensen Trust, William John Morrison, Yvonne Julie Cumming.