

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Section 274 notices under the Resource Management Act 1991 in respect of Proposed Plan Change 7 to the Hawke's Bay Regional Council's Regional Resource Management Plan

BETWEEN

**FEDERATED FARMERS OF NEW ZEALAND
INC**

Section 274 party

AND

HAWKE'S BAY REGIONAL COUNCIL

Respondent

AND

TE TAIWHENUA O HERETAUNGA & OTHERS

Appellant

AND

**ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INC**

Appellant

AND

Various Section 274 parties

**MEMORANDUM OF COUNSEL FOR
FEDERATED FARMERS OF NEW ZEALAND**

17 November 2023



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Hamilton
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Email: jcookmunro@fedfarm.org.nz
Solicitor acting: Jo-Anne Cook-Munro

MAY IT PLEASE THE COURT

1. Counsel refer to the Section 274 Notices lodged by Federated Farmers of New Zealand Incorporated (**Federated Farmers**) under the Resource Management Act 1991 to the Environment Court dated 23 August 2021.
2. The purpose of this memorandum is to:
 - a. withdraw Federated Farmers' Section 274 Notices from the appeals lodged to Proposed Plan 7 to the Hawke's Bay of Plenty Regional Resource Management Plan:
 - b. change of details for address for service for Federated Farmers; and
 - c. address the issue of costs.

Withdrawal of Section 274 Notices

3. Federated Farmers lodged Section 274 Notices to the appeals made by:
 - a. Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngati Kahungunu Iwi Incorporated; and
 - b. Royal Forest and Bird Protection Society of New Zealand Incorporated.
4. In the Section 274 Notices, Federated Farmers had indicated what parts of each appeal it either supported or opposed.
5. Following mediations between Hawke's Bay Regional Council (**Council**), the appellants and other Section 274 parties, Federated Farmers is satisfied that its concerns on both appeals have been adequately dealt with.
6. Accordingly, Federated Farmers seeks to withdraw the Section 274 Notices it had lodged to the appeals identified in paragraph [3] above.

Change of Address for Service

7. Federated Farmers wishes to advise the Court that the contact details and address for service for these proceedings as changed.

8. The solicitor acting and counsel instructed for Federated Farmers in relation to these proceedings moving forward is Jo-Anne Cook-Munro. Counsel requests that the following contact details supersede the existing contact details for Federated Farmers:

Contact person: Jo-Anne Cook-Munro
Telephone: +64 273 310 084
Email: jcookmunro@fedfarm.org.nz
Address: P O Box 447, Hamilton 3240

The Matter of Costs

9. Federated Farmers involvement in these proceedings has been through the lodgement of two Section 274 Notices and participation in mediations.
10. Federated Farmers has reached the point where it is satisfied with the agreements and positions that have been reached between all of the parties.
11. It is respectfully submitted that Federated Farmers has participated in good faith and used its best endeavours to assist in these proceedings. As well, Federated Farmers will abide by the decision of the Court on the outstanding appeal matters. Accordingly, it is sought that costs should lie where they fall.
12. Federated Farmers confirms that a copy of this correspondence has been served on the parties list in Appendix A to this memorandum.

Dated 17 November 2023



J A M Cook-Munro
Counsel for Federated Farmers of New Zealand

Appendix A - List of parties to Federated Farmers' Section 274 Notices

Position	Name	Address for Service
Respondent	Hawke's Bay Regional Council	Gemma Plank Simpson Grierson Level 5 40 Bowen Street Wellington PO Box 2402 Wellington 6140 Phone: 04 924 3453 Email: gemma.plank@simpsongrierson.com
Appellant	Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngati Kahungunu Iwi Incorporate	Marei Apatu Te Taiwhenua o Heretaunga P O Box 718 Hastings 4156 Phone: (06) 871-5350 Email: marei.apatu@ttoh.iwi.nz Chief Executive Ngati Kahungunu Iwi Inc P.O. Box 2406 Hastings 4153 Phone: (06) 876-2718 Email: chrissie@kahungunu.iwi.nz
Appellant	Royal Forest and Bird Protection Society of New Zealand Inc	Peter Anderson PO Box 2516 Christchurch 8140 Phone: 021 558 241 Email: p.anderson@forestandbird.org.nz
Interested Party Section 274	Genesis Energy	David Allen Buddle Findlay Level 17, State Insurance Tower 1 Willis Street Wellington PO Box 2694 Wellington 6140 Phone: 04-462 0423 Facsimile: 04-499 4141 Email: david.allen@buddlefindlay.com
Interested Party Section 274	Hawke's Bay Winegrowers Association Incorporated and Pernod Ricard Winemakers New Zealand Limited	Shannon Johnston Cooper Rapley Lawyers PO Box 1945 Palmerston North DX PP80001 Phone: 06 353 5210 Facsimile: 06 356 4345 Email: sjohnston@crlaw.co.nz
Interested Party Section 274	Silver Fern Farms	Ethan Glover Mitchell Daysh Limited P O Box 489 Dunedin Email: ethan.glover@mitchelldaysh.co.nz

Position	Name	Address for Service
Interested Party Section 274	Horticulture NZ	Charlotte Drury Horticulture New Zealand PO Box 10232 Wellington 6143 Phone:04 470 5664 Email: charlotte@viewconsult.co.nz
Interested Party Section 274	The Māori Trustee	DLA Piper New Zealand Level 4 20 Customhouse Quay Wellington 6140 PO Box 2791 Wellington 6140 Phone: 04 474 3255 Email: kerry.anderson@dlapiper.com