

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND
I MUA I TE KŌTI TAIAO
I TĀMAKI MAKĀURAU ROHE

ENV-2021-AKL-000104
ENV-2021-AKL-000105
ENV-2021-AKL-000106

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER of appeals under Clause 14(1) of the First Schedule of the Act in relation to a decision of Hawkes Bay Regional Council on Proposed Plan Change 7 (Outstanding Water Bodies)

BETWEEN **TE TAIWHENUA O HERETAUNGA, TE RUNANGANUI O HERETAUNGA, TE MANAAKI TAIAO O HERETAUNGA AND NGATI KAHUNGUNU IWI INCORPORATED**

Appellant

AND **THE MĀORI TRUSTEE**

Appellant

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

Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**

Respondent

MEMORANDUM ON BEHALF OF HORTICULTURE NEW ZEALAND

ATKINS | HOLM | MAJUREY

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MAY IT PLEASE THE COURT:

1. The purpose of this memorandum is to update the Court on the status of Horticulture New Zealand's (**HortNZ**) interest in the following appeals against the decision of Hawke's Bay Regional Council (**Respondent**) on the proposed Plan Change 7:
 - (a) Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated v Hawkes Bay Regional Council (**ENV-2021-AKL-000104**);
 - (b) The Māori Trustee v Hawkes Bay Regional Council (**ENV-2021-AKL-000106**); and
 - (c) Royal Forest and Bird Protection Society of New Zealand Incorporated v Hawkes Bay Regional Council (**ENV-2021-AKL-000105**).
2. On 13 July 2023 the Respondent filed its updated and recirculated preferred version of PC 7 (**Preferred Version**).
3. After reviewing the Preferred Version, HortNZ is satisfied that the issues raised in its s 274 Notices have been adequately addressed by the Preferred Version.
4. HortNZ knows of no reason that the respective applicants and the Respondent would not consent to the withdrawal of HortNZ's s 274 Notices or would have any issue as to costs.
5. HortNZ therefore respectfully requests that the Court grant it leave to withdraw its s 274 notices.

DATE: 28 July 2023



Nicole Buxeda

Legal Counsel for **Horticulture New Zealand**