

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

UNDER the Resource Management Act 1991 (**the Act**)

IN THE MATTER of appeals under sch 1, cl 14(1) against the 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 NGĀTI KAHUNGUNU IWI INCORPORATED**
ENV-2021-AKL-000104

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED
ENV-2021-AKL-000105

Appellants

AND **HAWKE'S BAY REGIONAL COUNCIL**

Respondent

MEMORANDUM OF COUNSEL ON BEHALF OF HAWKES BAY WINEGROWERS ASSOCIATION INCORPORATED AND PERNOD RICARD (COLLECTIVELY THE WINEGROWERS)



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MAY IT PLEASE THE COURT

- [1] This memorandum is filed to in relation to the Winegrowers' interested party status in the following appeals against the decision of Hawke's Bay Regional Council (**Respondent**) on the Proposed Plan Change 7 (**PC7**):
- (a) Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi incorporated (**ENV-2021-AKL-000104**); and
 - (b) Royal Forest and Bird Protection Society of New Zealand Incorporated (**ENV-2021-AKL-000105**).
- [2] The Winegrowers have reviewed the preferred version of PC7 filed by the Respondent, dated 13 July 2023, and the Respondent's expert witness evidence, filed 11 August 2023.
- [3] Having reviewed that material, the Winegrowers are content to withdraw from these proceedings.
- [4] The Winegrowers have enquired with the parties to these appeals as to whether there are any issues with their withdrawal, or as to costs. No remaining parties have raised issues with either matter.
- [5] For the avoidance of doubt, Counsel has received responses from the following parties confirming that they have no issues as to costs:
- (a) Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga, and Ngati Kahungunu Iwi Incorporated;
 - (b) Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - (c) The Hawke's Bay Regional Council;
 - (d) Federated Farmers of New Zealand;
 - (e) Genesis Energy Ltd;
 - (f) The Māori Trustee.

[6] Accordingly, the Winegrowers respectfully request that the Court grant them leave to withdraw their s 274 notices.

Dated 29 August 2023

A handwritten signature in blue ink, appearing to read 'S Johnston / A Sinclair', written over a horizontal line.

S Johnston / A Sinclair
Counsel for The Winegrowers