

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2018-CHC-28**

**I MUA I TE KOOTI TAIAO  
I ŌTAUTAHI ROHE**

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

**AND**

**IN THE MATTER** of appeals under Clause 14 of the First  
Schedule of the Act

**BETWEEN** **Horticulture New Zealand**

**Appellant**

**AND** **Southland Regional Council**

**Respondent**

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**MEMORANDUM OF COUNSEL ON BEHALF OF HORTICULTURE NEW  
ZEALAND**

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**ATKINS | HOLM | MAJUREY**

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**MAY IT PLEASE THE COURT:**

1. This memorandum is filed on behalf of Horticulture New Zealand (**HortNZ**) and seeks leave to withdraw its appeal and interested party notices on Topic B of the proposed Southland Water and Land Plan (**pSWLP**) by Southland Regional Council (**Council**).
2. HortNZ lodged an appeal on the pSWLP as well as a number of section 274 interested party notices. The appeal directly related to Topic B matters. The interested party notices were across both Topics A and B.
3. HortNZ represents 13 growers in the Southland Region. However, only two are affected by Topic B before the Court. HortNZ's resources have been significantly stretched in the appeals process for the pSWLP, such that it has needed to reassess its involvement with the appeals. It is also aware that the national policy framework has moved on from where the pSWLP process currently sits.
4. As such, HortNZ has instructed that it wishes to withdraw its appeal and interested party notices on Topic B of the pSWLP.
5. We have contacted the other parties involved in Topic B regarding costs. Of those that have responded, no parties have any issues with HortNZ withdrawing its appeal and section 274 notices and there is no issue as to costs. HortNZ considers that there is no prejudice caused to any parties.

**DATE:** 23 October 2020



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**Helen Atkins / Louise Ford**

Legal Counsel for **Horticulture New Zealand**