

**BEFORE THE HEARING COMMISSIONERS
AT CHRISTCHURCH**

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

AND

IN THE MATTER of the Resource Management Act 1991
and the Environment Canterbury
(Temporary Commissioners and
Improved Water Management) Act
2010

AND

IN THE MATTER of the hearing of submissions on Proposed
Plan Change 5 to the Proposed Land and
Water Regional Plan

MEMORANDUM OF COUNSEL FOR HORTICULTURE NEW ZEALAND

16 SEPTEMBER 2016



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MAY IT PLEASE THE COMMISSIONERS

1. The purpose of this memorandum is two-fold:
2. First to inform the Commissioner that Horticulture New Zealand ("**Horticulture NZ**") will not be making legal submissions when it presents its case on Proposed Plan Change 5 (Nutrient Management) ("**PC5**"), to you next week, Tuesday 20 September; and
3. Secondly, to address the comment made in the evidence of Mr Vance Hodgson at paragraph 5 that "*Legal submissions will address other matters set out in the Horticulture NZ submission.*"
4. Since the time of making the submission and further submission Horticulture NZ has been working closely with the implementation team at Environment Canterbury particularly in relation to the Selwyn Waihora catchment. Further information on this can be found in the evidence of Ms Angela Halliday.
5. This implementation work which continues has addressed most of the practical concerns that Horticulture NZ had with the plan provisions relating to the reference to OVERSEER and the use of the Farm Portal.
6. Horticulture NZ is confident that the issues it has raised will be addressed such that very minimal changes to the provisions in PC5 will be needed.
7. Horticulture NZ can therefore advise that with the exception of the two matters raised in the evidence of Ms Halliday and Mr Hodgson respectively, the remaining submission and further position points are not being pursued. The two matters are:
 - (a) Definition of Accredited Farm Consultant (paragraphs 27 – 29 – Angela Halliday EIC); and
 - (b) Changes to the definition of a Certified Farm Environment Plan Auditor as proposed in the s42A Report (paragraphs 38 – 42 – Vance Hodgson EIC).
8. We hope this clarifies the position.



Helen Atkins
Legal Counsel for Horticulture NZ
16 September 2016