

**BEFORE THE HEARING COMMISSIONERS
APPOINTED BY ENVIRONMENT CANTERBURY**

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

AND

IN THE MATTER of the First Schedule of the Act

AND

IN THE MATTER of Proposed Plan Change 7 to the
 Canterbury Land and Water Regional
 Plan (**PC7**)

BY **Horticulture New Zealand**
Submitter

**MEMORANDUM OF COUNSEL ON BEHALF OF HORTICULTURE NEW
ZEALAND REGARDING WITHDRAWAL OF SUBMISSION POINTS**

17 JULY 2020



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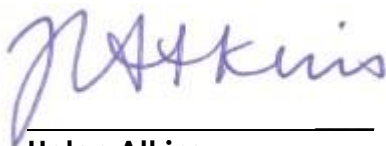
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MAY IT PLEASE THE COURT:

1. This memorandum is filed on behalf of Horticulture New Zealand (**HortNZ**) and seeks leave to withdraw five of its submission points on the proposed Plan Change 7 to the Canterbury Land and Water Regional Plan (**PC7**).
2. We note that the Hearing Commissions, in its Minute dated 9 April 2020, directed that HortNZ was to lodge a written request for the Commissioners leave to withdraw some submission points by 27 April 2020. We apologise for not meeting that deadline.
3. HortNZ now seeks leave to withdraw five submissions points from its submission on PC7 (**submission points**), as summarised in the table attached as **Appendix 1** and noted below:
 - (a) 356.11;
 - (b) 356.18;
 - (c) 356.19;
 - (d) 356.45; and
 - (e) 356.61.
4. We have read and acknowledge the legal opinion obtained by the Council regarding our request to withdraw the submission points.
5. We have received feedback from five of the seven parties who made further submissions in relation to HortNZ's submission points. None of the parties we have received feedback from oppose HortNZ's request.
6. Importantly, the two parties in support of HortNZ's submission points (Rangitata South Irrigation Limited and Ellesmere Sustainable Agriculture Incorporated) do not oppose HortNZ withdrawing the submission points relevant to their further submissions, noted in Appendix 1.
7. We have not received feedback from Ngā Rūnanga nor Avon-Otakaro Network.
8. We consider that no parties will be prejudiced by HortNZ's withdrawal.

9. On this basis, we respectfully seek leave to withdraw the submission points set out at paragraph 3 above and detailed in Appendix 1.

DATE: 17 July 2020



Helen Atkins

Counsel for Horticulture New Zealand

APPENDIX 1: SUMMARY OF HORTNZ WITHDRAWN SUBMISSION POINTS

Plan Provision / Topic	Point No.	Summary of decision requested	Further Submission received	Support / oppose
04.006	PC7-356.11	Amend Policy 4.6 as follows: '...an individual or community's drinking-water needs, an individual or community's rootstock and crop survival water needs and water for the operation and maintenance of existing infrastructure.'	FPC7-207.35 - Ellesmere Sustainable Agriculture Incorporated	Support
			FPC7-351.17 - Central South Island Fish and Game Council	Oppose
			FPC7-423.59 - Ngā Rūnanga	Oppose
			FPC7-472.797 - Royal Forest & Bird Protection Society Inc.	Oppose
			FPC7-91.791 - Avon-Otakaro Network	Oppose
04.047	PC7-356.18	Amend Policy 4.47 to add a new clause to recognise maintaining intakes for rootstock and crop survival water as follows: '... f. maintaining intakes for rootstock and crop survival water.'	FPC7-351.18 - Central South Island Fish and Game Council	Oppose
			FPC7-423.61 - Ngā Rūnanga	Oppose
			FPC7-472.804 - Royal Forest & Bird Protection Society Inc.	Oppose
			FPC7-91.798 - Avon-Otakaro Network	Oppose
04.099	PC7-356.19	Amend clause (d) of Policy 4.99 as follows: 'd. adverse effects on the availability, quality and safety of human and animal drinking water, and rootstock and crop survival water are avoided.'	FPC7-235.93 – Rangitata South Irrigation Limited	Support
			FPC7-423.73 - Ngā Rūnanga	Oppose
			FPC7-472.805 - Royal Forest & Bird Protection Society Inc	Oppose
			FPC7-91.799 - Avon-Otakaro Network	Oppose

05.191	PC7-356.45	Amend matter of discretion 13 of Rule 5.191 as follows: '13. Any adverse effects of the discharge on water quality in the receiving groundwater and any hydraulically connected surface water bodies, including the availability, quality and safety of human and animal drinking water, and rootstock and crop survival water; and'	FPC7-472.831 - Royal Forest & Bird Protection Society Inc	Oppose
			FPC7-91.825 - Avon-Otakaro Network	Oppose
14.04.22	PC7-356.61	Amend Policy 14.4.22 as follows: 'Over-allocation of fresh water in the Orari Freshwater Management Unit is addressed by Timaru District Council demonstrating, on or before 2044, increased efficiency for any replacement of CRC173644, or any variation thereof; and security of supply for community drinking water, and stockwater and rootstock and crop survival water is protected by continuing to reserve a total flow rate of 235 L/s ...'	FPC7-292.216 - Timaru District Council	Oppose
			FPC7-351.19 - Central South Island Fish and Game Council	Oppose
			FPC7-472.847 - Royal Forest & Bird Protection Society Inc	Oppose
			FPC7-91.841 - Avon-Otakaro Network	Oppose