

4 November 2025

Natalie Walsh  
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Christchurch Environment Court  
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Christchurch  
WX 11113

**By Email:** [Natalie.Walsh@justice.govt.nz](mailto:Natalie.Walsh@justice.govt.nz)

Dear Natalie

**Minute of the Environment Court (3 November 2025) ENV-2025-CHC-49**

This letter responds to the Environment Court Direction set out under paragraph [26](b)(ii) of the minute issued 3 November 2025 in relation to the Environment Court appeal **ENV-2025-CHC-49**.

The minute directs HortNZ to advise if appeal matter #5 can be withdrawn as per 4.28-4.30 of the Council's memorandum. However, 4.28-4.30 of the Council's memorandum concerns HortNZ's appeal point **2** which refers to Energy and Infrastructure Objective 3 (**EI-O3**) in error. The point relates to sub no. 295.58, new definition for ancillary earthworks.

The Council memorandum states,

*'Horticulture New Zealand's (**HortNZ**) appeal - specific preliminary issues  
4.28 On reviewing HortNZ's appeal, counsel identified that there is a scope issue with HortNZ's appeal point 2 which refers to Energy and Infrastructure Objective 3 (**EI-O3**). That objective was not addressed in HortNZ's submission or further submission on the PDP.*

*4.29 However, HortNZ's representative has advised counsel that objective EI-O3 was referred to in error and that the "Provision or Decision" column for appeal point 2 should refer to "New definition" rather than EI-O3.*

*4.30 Accordingly, counsel do not consider a preliminary hearing is required. However, the Court may wish to receive confirmation of HortNZ's position directly from HortNZ's representative.'*

HortNZ confirms that for appeal point 2, the provision should refer to 'definitions', rather than EI-O3.

Charlotte Wright  
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Horticulture New Zealand