

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-

**I MUA I TE KOOTI TAIAO
I TĀMAKI MAKAURAU ROHE**

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

AND

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 of the RMA against a decision of Waikato Regional Council on Plan Change 1 to the Waikato Regional Plan

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **THE APPELLANTS LISTED IN PARA 1.1**
Appellants

AND **WAIKATO REGIONAL COUNCIL**
Respondent

**NOTICE BY TIMBERLANDS LIMITED OF WISH TO BE PARTY TO PROCEEDINGS
PURSUANT TO S274 OF THE RMA**

29 SEPTEMBER 2020

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TIMBERLANDS

TO: THE REGISTRAR
ENVIRONMENT COURT
AUCKLAND

1. **INTRODUCTION**

1.1 Timberlands Limited (“TL”) wishes to be party to the following proceedings relating to appeals against the decisions of the Waikato Regional Council on Proposed Waikato Regional Plan Change 1: Waikato and Waipa River catchments (“PC1”).

- (a) OJI Fibre Solutions (NZ) Limited v Waikato Regional Council (ENV-2020-AKL-000083);
- (b) Fonterra Co-operative Group Ltd v Waikato Regional Council (ENV-2020-AKL-000084);
- (c) Auckland Waikato and Eastern Fish and Game Council v Waikato Regional Council (ENV-2020-AKL000101);
- (d) Federated Farmers of New Zealand Incorporated v Waikato Regional Council (ENV-2020-AKL000102); and
- (e) CNI Iwi v Waikato Regional Council (ENV-2020-AKL000103).

2. **NATURE OF INTEREST**

2.1 TL made a submission and further submission on Plan Change 1.

2.2 TL has an interest in the proceedings that is greater than the general public in that TL is responsible for the management of over 34,000 hectares of plantation forest in the Waikato River Catchment.

2.3 TL is not a trade competitor for the purposes of section 308D of the RMA.

2.4 TL is interested in the appeals as a whole.

3. **EXTENT OF INTEREST**

3.1 TL is interested in those parts of the proceedings / particular issues set out in Table 1 below:

4. **POSITION AS TO RELIEF SOUGHT**

4.1 TL supports / opposes or conditionally opposes the relief sought for the reasons set out in Table 1 and for the following reasons:

- (a) to the extent that the relief sought is consistent or inconsistent with the relief sought by TL in its submission;
- (b) because TL seeks to achieve:
 - (i) an approach to the management of the four contaminants that is equitable and requires activities to internalise their adverse environmental effects irrespective of whether the activity is an existing or new activity;

- (ii) a workable approach that achieves the long-term improvement objectives of PC1 while providing for changes to land use.

5. **ALTERNATIVE DISPUTE RESOLUTION**

- 5.1 TL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 29th day of September 2020



S Hickman

Counsel for Timberlands Limited

Table 1

Appellant name	Provisions of plan	Oppose / support	Reasons
OJI Fibre Solutions (NZ) Limited ENV-2020-AKL-000083	Rule 3.11.4.9	Support	The amendment proposed is supported insofar as it provides for an end date to be included in the rule.
Fonterra Co-operative Group Limited ENV-2020-AKL- 000084	Policy 10	Oppose	The relief is opposed as it does not enhance the policy in favour of the collection of robust, reliable data
	Rule 3.11.4.9	Oppose	TL opposes the additions to Rule 3.11.4.9, as they do not set an end date for land use change constraints, and are therefore inconsistent a stated intent in Policy 10 to prepare for future management regimes. TL further opposes inequitable treatment of land uses. Constraining land use change solely based on historic patterns is inappropriate and could discourage improved water quality through, for example, innovative management of activities.
Auckland Waikato Eastern Fish and Game ENV-2020-AKL- 000101	Policy 17	Conditionally oppose	TL seeks to understand the implications of the relief sought for management of wetlands.
Federated Farmers ENV-2020-AKL- 000102	Policy 7	Oppose	The relief sought is opposed as the RMA requires all activities to avoid, remedy or mitigate adverse effects. To provide otherwise risks inappropriately grandparenting the effects of existing activities thereby discouraging innovative land use and land management.
CNI Iwi ENV-2020-AKL- 000103	Policy 10	Support	The relief sought is supported for the reasons set out in the Appellant's notice of appeal.