

**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 s274 of the RMA

BETWEEN

THE APPELLANTS LISTED IN PARA 1.1

Appellants

AND

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE BY HANCOCK FOREST MANAGEMENT (NZ) LIMITED OF WISH TO
BE PARTY TO PROCEEDINGS PURSUANT TO S274 OF THE RMA**

29 SEPTEMBER 2020

TO: THE REGISTRAR
ENVIRONMENT COURT
AUCKLAND
WRC.PC1appeals@justice.govt.nz

1. INTRODUCTION

1.1 Hancock Forest Management (NZ) Limited (“**HFM NZ**”) 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 (ENV-2020-AKL-000096)
- (b) Director-General of Conservation v Waikato Regional Council (ENV-2020-AKL-000096);
- (c) Fonterra Co-operative Group Ltd v Waikato Regional Council (ENV-2020-AKL-000084);
- (d) Auckland Waikato and Eastern Fish and Game Council v Waikato Regional Council (ENV-2020-AKL000101);
- (e) CNI Iwi v Waikato Regional Council (ENV-2020-AKL000103).

2. NATURE OF INTEREST

2.1 HFM NZ manages approximately 90,000 hectares of plantation forest in the Waikato and Waipa River catchment on behalf of our clients Taumata Plantations Ltd, Tiaki Plantations Company and OTPP NZ Forest Investments Limited. HFM NZ is an entity with an interest in the proceedings that is greater than the general public.

2.2 HFM NZ also made submissions and further submissions on PC1.

2.3 It is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

3. EXTENT OF INTEREST

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

4. POSITION AS TO RELIEF SOUGHT

4.1 It 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 HFM NZ in its submission and appeal;
- (b) Because HFM NZ seeks to achieve an approach to the management of the four contaminants that is equitable, requires

activities to internalise their adverse environmental effects irrespective of whether the activity is an existing or new activity and enables landowners and communities to adapt to future changes and opportunities.

5. ALTERNATIVE DISPUTE RESOLUTION

5.1 HFM NZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 29th day of September 2020



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Table 1

Appellant name	Provisions of plan	Oppose / support	Reasons
OJI Fibre Solutions (NZ) Limited ENV-2020-AKL-000083	Policy 2	Support	HFM NZ supports the deletion of clause (c) of Policy 2 for the reasons stated in the Appellant's notice of appeal.
	Policy 10	Support	HFM NZ supports the proposed amendments to Policy 10. The amendments appropriately articulate an intent to transition to land use suitability as the basis for any future allocation in the longer term.
	Rule 3.11.4.9	Support	HFM NZ supports the amendment to reinstate an end date for the reasons (a) set out in the Appellant's notice of appeal; (b) that re-inserting the expiry date is now consistent with the NESFM and (c) the understanding of the CSG as regards the rationale for the insertion of Rule 3.11.4.9 into PC1.
Director General of Conservation ENV-2020-AKL- 000096	Policy 17	Oppose	HFM NZ seeks to understand the practical implications of the relief sought for management and monitoring of all wetlands regardless of size, quality, risk or accessibility. To the extent that the implications negatively affect areas or wetlands managed by HFM NZ, the relief is opposed.
Fonterra Co-operative Group Limited ENV-2020-AKL- 000084	Rule 3.11.4.9	Oppose	HFM NZ opposes the additions to Rule 3.11.4.9, as they effectively create a grand parented approach to nutrient loss and are inconsistent with the stated intent in Policy 10 to prepare for future management regimes. As detailed in its submission HFM NZ opposes inequitable treatment of land uses. Constraining land use change solely based on historic patterns is inappropriate and could discourage land use change or innovations that will improve water quality through fear of affecting future property rights and therefore land value, as has occurred already under PC1.
Auckland Waikato Eastern Fish and Game ENV-2020-AKL- 000101	Policy 2	Oppose in part	The relief sought to clause (c) of Policy 2 is opposed as the regulation of land use change; (a) restricts land use flexibility in a manner that is generally inconsistent with the RMA; (b) will not meet the reasonably foreseeable needs of future generations; (c) does not have sufficient regard to or represent an efficient use and development of rural land; (d) does not enable the social, cultural and economic wellbeing of the Waikato community and (e) is not the most appropriate way to achieve the higher order objectives and policies of PC1. Any amendments to Policy 2(c) should be consistent with, and not more stringent than, the NESFM, including as to any interim effect.

Appellant name	Provisions of plan	Oppose / support	Reasons
	Policy 17	Oppose	HFM NZ seeks to understand the practical implications of the relief sought for management and monitoring of all wetlands regardless of size, quality, risk or accessibility. To the extent that the implications negatively affect areas or wetlands managed by HFM NZ, the relief is opposed.
	Table 3.11-1 (all)	Oppose	HFM NZ seeks to understand the implications of the relief sought for management of its forests. The amendments sought are opposed as they (a) have the potential to significantly broaden the scope of PC1; and (b) seek to pre-empt implementation of the NPSFM 2020. In particular, the NPSFM applies a consultative process to every step of the National Objectives Framework Process which would not occur if changes were made by way of the resolution of appeals to PC1.
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.
	Rule 3.11.4.9	Support in part	The relief sought to the extent it amends Rule 3.11.4.9 is supported for the reasons (a) set out in the Appellant's notice of appeal; (b) that re-inserting the expiry date is now consistent with the NESFM and (c) the understanding of the CSG as regards the rationale for the insertion of Rule 3.11.4.9 into PC1.