

**BEFORE THE ENVIRONMENT COURT**

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

AND

IN THE MATTER of an appeal under Clause 14 of the  
First Schedule to the Act

BETWEEN RAYONIER MATARIKI FORESTS  
(ENV-2016-AKL-000102)

Appellant

AND THAMES-COROMANDEL DISTRICT  
COUNCIL

Respondent

Environment Judge D A Kirkpatrick sitting alone under section 279 of the Act  
In Chambers at Auckland

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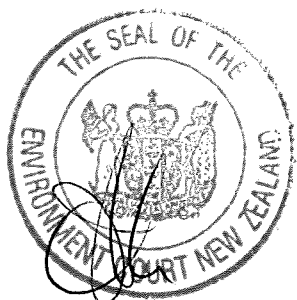
**CONSENT ORDER**

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[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment  
Court, by consent, orders that:

- (1) the appeal is allowed subject to the agreed amendments to the  
proposed Thames-Coromandel District Plan set out Annexure "A" to  
this order;
- (2) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as  
to costs.



## REASONS

### Introduction

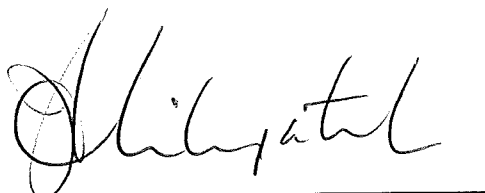
- [1] This appeal relates to the Proposed Thames-Coromandel District Plan. The appellant appealed Section 3 - Definitions of the Proposed Plan seeking that a new definition of "Plantation Forestry" be inserted.
- [2] The parties have now reached an agreement that will resolve the relief sought by the appellant, and this appeal in its entirety.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 20 January 2017.
- [4] Federated Farmers of New Zealand, Waihi Gold Company Limited, The Clare Ward Family Trust, MC & AE Ward, Theodora C Ward, John M Ward, P Anthea C Ward and Philip Ward Family Trust and Pieter Dirk Sieling gave notices of intention to become parties under s 274 of the Act. All of these parties agree with the order sought by the appellant.
- [5] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order.
  - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.



**Order**

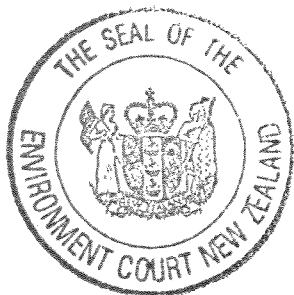
- [6] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Thames-Coromandel District Council is directed to amend Section 3 of the Proposed Thames-Coromandel District Plan as shown in Annexure "A".
- [7] This Order resolves the appeal by Rayonier Matariki Forests in its entirety.
- [8] The same wording of the definitions in Annexure "A" forms the order resolving appeal point [49] of the appeal by Royal Forest and Bird Protection Society of New Zealand (ENV-2016-AKL-000143).
- [9] There is no order as to costs in relation to this order.

DATED at Auckland this 19<sup>th</sup> day of April 2017



D A Kirkpatrick

Environment Judge



## "A"

### Forestry Terms

**Afforestation** means a new tree plantation for wood products on land not previously planted in trees, or a new tree plantation not covered by existing use rights. Afforestation includes all phases of the production cycle such as planting, stand maintenance, harvesting and mechanical land preparation (wind rowing, mounding slash, etc.) and maintaining infrastructure ancillary to afforestation (roads, tracks, landings, etc.), but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

**Plantation forestry** means an existing forest of trees that have been specifically planted and managed for commercial gain by harvesting and re-planting for the production of timber or other wood products. Plantation forestry includes all phases of the production cycle such as re-planting, stand maintenance, harvesting and mechanical land preparation (wind rowing, mounding slash, etc.) and establishing and maintaining infrastructure ancillary to plantation forestry (roads, tracks, landings, etc.), but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

For the avoidance of doubt, for both 'Afforestation' and 'Plantation Forestry', 'wood products' means end products made of wood, e.g. timber, wood pellets, etc. This does not include other products from trees, such as oil, pollen, nectar for honey, fruit, etc. For this activity, refer to the 'farming' definition. It also does not include removing old trees or sporadic tree removal and using its wood products incidental to the main purpose of the tree, e.g. using a fallen tree for firewood.

For the purposes of the definition of 'Afforestation', 'tree plantation' does not include trees planted for gardening, erosion prevention, ecological restoration, shelter belts, shade/shelter for stock, or to provide firewood for the owners or occupiers of the land.

