

BEFORE THE ENVIRONMENT COURT

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

AND of an appeal pursuant to Clause 14 of  
the First Schedule to the Act

BETWEEN ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED

ENV-2016-AKL-000143

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 in part subject to the agreed amendments to  
the proposed Thames-Coromandel District Plan set out in this order.

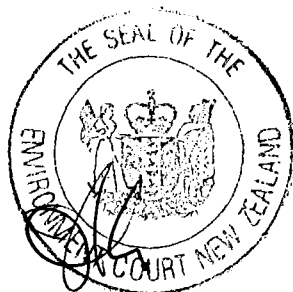
[B] Under s 285 of the Resource Management Act 1991, there is no order as  
to costs.



## REASONS

### Introduction

- [1] This appeal relates to the proposed Thames-Coromandel District Plan. The appellant appealed (as well as other matters) Section 3 – Definitions of the Proposed Plan seeking a new definition of the term “Forestry”.
- [2] The parties agree that the relief sought in the draft Consent Order by Rayonier Matariki Forests (ENV-2016-AKL-000102) filed with the Court on 20 January 2017, also resolves the “Forestry” definition related relief sought by the Royal Forest and Bird Protection Society of New Zealand Incorporated at paragraph 49 of its appeal. The parties acknowledge that the rest of the Royal Forest and Bird Protection Society of New Zealand Incorporated’s appeal points remain extant.
- [3] In making this order the Court has read and considered the appeal and the memorandum of the parties dated 10 April 2017.
- [4] Patricia Whiting O’Keefe, Pieter Dirk Sieling, C King and C Fielder, Coromandel Property Owners Alliance Incorporation, Rayonier New Zealand Limited, Federated Farmers of New Zealand Limited, Keith Vernon, Environmental Defence Society, Waikato Regional Council, Sue Edens, Clare Ward Family Trust, Philip Ward Family Trust, AE Ward, MC Ward, TC Ward, JM Ward, PAC Ward and Coromandel Watchdog of Hauraki Incorporated gave a notice of intention to become a party to this “Forestry” definition related appeal point, under s 274 of the Act. All of these parties have signed the memorandum of the parties in support of the consent order.
- [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 that have an interest in the matters to be resolved by this consent order 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 point at paragraph 49 be allowed to the extent that the Thames-Coromandel District Council will be directed to amend Section 3 - Definitions of the proposed Thames-Coromandel District Plan as shown below in tracked text. The same wording of these definitions forms the order resolving the appeal by Rayonier in ENV-2016-AKL-000102 in its entirety.

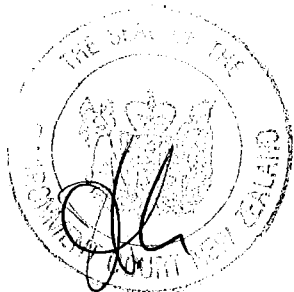
#### Forestry Terms

*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. ~~It~~ Afforestation includes all phases of the production cycle such as establishment, planting, stand maintenance, harvesting and mechanical land preparation (wind rowing, mounding slash, etc.) and maintaining infrastructure ancillary to afforestation (roads, tracks, landings, etc.), and harvesting 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 ~~trees are or will be harvested for~~ end products made of wood, e.g. timber, ~~firewood,~~ 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 avoidance of doubt, For the purposes of the definition of 'Afforestation', 'tree plantation' does not include trees planted for gardening, erosion prevention,*

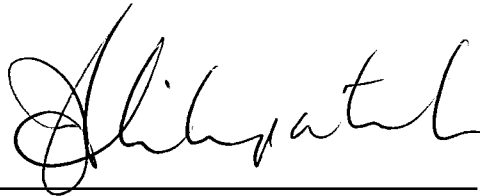


*ecological restoration ~~or~~ shelter belts, shade/shelter for stock, or to provide firewood for the owners or occupiers of the land.*

[7] This Order resolves the point at paragraph [49] of the Royal Forest and Bird Protection Society of New Zealand Incorporated's appeal in its entirety.

[8] There is no order as to costs.

DATED at Auckland this 19~~th~~ day of April 2017



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D A Kirkpatrick  
Environment Judge

