

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

ENV-2024-CHC-30

UNDER The Resource Management Act 1991
(the **Act/RMA**)

IN THE MATTER of an appeal against decisions on the
non-freshwater planning instrument
related parts of the Proposed Otago
Regional Policy Statement 2021
(**PORPS 2021**)

BETWEEN **CAIN WHĀNAU**
Appellant

AND **OTAGO REGIONAL COUNCIL**
Local Authority

AND **RAYONIER MATARIKI FORESTS,
CITY FORESTS LIMITED, ERNSLAW
ONE LIMITED, PORT BLAKELY NZ
LIMITED**
(Forestry Submitters)
Section 274 parties

**NOTICE OF FORESTRY SUBMITTERS WISHING TO BE PARTY TO
PROCEEDINGS**



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**NOTICE OF FORESTRY SUBMITTERS WISH TO BE PARTY TO
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To: The Registrar

Environment Court

Christchurch Registry

1. We, Rayonier Matariki Forests Limited, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited (together the **Forestry Submitters**), wish to be a party to the following proceeding:
 - (a) *Cain Whānau v Otago Regional Council*.
2. The Environment Court's reference number for these proceedings is ENV-2024-CHC-30.
3. The Forestry Submitters made original and further submissions on Otago Regional Council's Proposed Otago Regional Policy Statement 2021 (**PORPS 2021**), which is the subject of these proceedings.
4. The Forestry Submitters are not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. The Forestry Submitters are interested in all the proceedings. Without limiting the generality of the Forestry Submitters' interest, they are interested in the following particular issues:
 - (a) MW – *Mana whenua*: MW-P2-Treaty principles; MW-P4 – Sustainable use of Native Reserves and *Māori land*¹; MW-M1 – Collaboration with Kāi Tahu; and MW-M5 – *Regional plans and district plans*
 - (b) NFL – Natural features and landscapes: NFL-P1 - Identification
6. The Forestry Submitters generally *oppose* the relief sought because:
 - (a) The relief sought is inconsistent with the Act, National Policy Statements and National Environmental Standards;

¹ And any other relevant provisions as described at Appendix 1, point 4 of the Appellant's Notice of Appeal.

- (b) The relief sought is broad and unjustified.
 - (c) In relation to MW-P2, MW-P4 and MW-M5:
 - (i) The definition of Māori land has been expanded in a way that makes it difficult for adjacent landowners to know the status of neighbouring land. The costs and benefits of this have not been evaluated. The relief sought appears to explicitly disapply the Resource Management Act 1991, which is ultra vires and unjustified.
 - (ii) If there is conflict between MW-P4 and any other provision of the PORPS 2021, the relief sought by Cain Whānau prioritises MW-P4 over all other provisions. This is a broad and unjustified extension of the scope of this provision.
 - (d) MW-M1 and NFL-P1: the amendment sought by Cain Whānau would require Kāi Tahu approaches to landscape assessments to be prioritised over all other forms of assessment. This is unjustified.
7. The Forestry Submitters agree to participate in mediation or other alternative dispute resolution of the proceedings.



Phil Page/Aengus Griffin

Counsel for Forestry Submitters

Date: 7 June 2024

Address for service of person wishing to be a party:

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.