

**BEFORE THE ENVIRONMENT COURT**

**ENV-2020-AKL-000083**

**AT AUCKLAND**

**I MUA I TE KOOTI TAIAO**

**I TAMAKI MAKAUROU ROHE**

**IN THE MATTER**

of an appeal under clause 14  
of Schedule 1 of the Resource  
Management Act 1991

**BETWEEN**

**OJI FIBRE SOLUTIONS  
(NZ) LIMITED**  
*Appellant*

**AND**

**WAIKATO REGIONAL  
COUNCIL**  
*Respondent*

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**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE  
DIRECTOR-GENERAL OF CONSERVATION**

**Dated: 29 September 2020**

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Department of Conservation

Solicitor/Counsel acting: V Tumai/ D van Mierlo

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## **Notice of person's wish to be a party to proceedings**

### **Section 274 Resource Management Act 1991**

To: The Registrar  
Environment Court  
AUCKLAND

1. The **Director-General of Conservation** (the **Director-General**) wishes to be a party to the following proceedings:
  - 1.1. OJI Fibre Solutions (NZ) Limited v Waikato Regional Council, ENV-2020-AKL- 000083.
2. The Director-General made submissions and appeared at the Council hearing on the Proposed Plan Change 1 to the Waikato Regional Plan (PC1). The Director-General also has an interest in the proceedings that is greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement (NZCPS).
3. The Director-General is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Director-General is interested in all of the proceedings.
5. The Director-General is particularly interested in the following issues:
  - 5.1. Objective 3
  - 5.2. Policy 2
  - 5.3. Policy 5
  - 5.4. Policy 11
  - 5.5. Policy 12
  - 5.6. Policy 13
  - 5.7. Policy 19
6. The Director-General opposes the relief sought because:

- 6.1. Objective 3 - The relief sought by the appellant is uncertain and potentially inappropriate as it may undermine the restoration of the health and wellbeing of the river being the priority outcome for the Waikato and Waipā catchments, followed then by economic, social, and cultural relationships. It is also not appropriate for the assimilative capacity of the awa to be included as an objective.
- 6.2. Policy 2 - The relief sought by the appellant is inappropriate. Discouraging further intensification through PC1 is necessary to contribute to achieving the required water quality improvements. Restricting land use flexibility is also considered necessary to provide for the health and wellbeing of the awa and to assist with giving effect to the higher order documents.
- 6.3. Policy 5 - The relief sought by the appellant is inappropriate and inconsistent with Te Ture Whaimana and the NPSFM. Managed correctly, aquatic offsetting and compensation are valid methods of achieving water quality improvements and should be retained subject to the Director-General's relief.
- 6.4. Policy 11 - The relief sought by the appellant is inappropriate. Point source discharges including those from regionally significant industry should not be exempt from the requirement to contribute to the restoration and protection of the awa. Industry and infrastructure should also carry their fair share of the burden, not just farming land uses, as both can contribute significant levels of contaminants.
- 6.5. Policy 12 - The offset or compensation of residual contaminants which cannot be minimised through the best practicable option is necessary. Residual contaminants must be managed in order to give effect to Te Ture Whaimana and the NPSFM.
- 6.6. Policy 13 - The relief sought by the appellant is inappropriate as it seeks to remove consideration of the compensation/offsetting proposed by the applicant. For the reasons identified above, the Director-General is supportive of an appropriately managed offsetting and compensation framework in PC1 (subject to the Director-General's requested amendments).

- 6.7. Policy 19 - The relief sought by the appellant is inappropriate, the Director-General considers that ecosystem health and biodiversity are integral components of the health and wellbeing of the awa.
7. The Director-General agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Dean van Mierlo  
Counsel for the Director-General

29 September 2020

Address for service of person wishing to be a party:

**Director-General of Conservation**

Department of Conservation  
18 Manners Street, Wellington 6011

*Contact persons*

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And

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And

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**Advice**

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