

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2023-AKL-000143

IN THE MATTER

of an appeal under clause 14 of
Schedule 1 of the Resource
Management Act 1991 in relation to
Decisions on Proposed Private Plan
Change 20 to the Wāipa District Plan

BETWEEN

**Royal Forest and Bird Protection
Society of New Zealand Incorporated**

Appellant

AND

**Titanium Park Limited and Rukuhia
Properties Limited**

Applicant

AND

Wāipa District Council

Respondent

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

Dated 25 August 2023

Department of Conservation

Private Bag 3072

Hamilton

Counsel acting: Michelle Hooper

Phone: 027 324 6314

Email: mhooper@doc.govt.nz

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

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
Auckland

1. I, Penny Nelson, Director-General of Conservation (the Director-General) wish to be a party to the following proceedings: Royal Forest and Bird Protection Society of New Zealand Incorporated v Waipa District Council, ENV-2023-AKL-000143, filed by Royal Forest and Bird Protection Society of New Zealand Incorporated (**Appellant**) against the decision by Wāipa District Council (**Respondent**) on Private Plan Change 20 to the Wāipa District Plan (**Decision**).
2. The Director-General made a submission and further submission on the Proposed Private Plan Change 20 to the Wāipa District Plan (**Plan Change**).¹
3. The Director-General is not a trade competitor for the purposes of section 308C or section 308CA of the Resource Management Act 1991.

The Director-General's Interest

4. The Director-General is interested in all of the proceedings relating to this appeal.
5. The general reasons for the Director-General's interest in the proceedings are:

¹Submission dated 28 October 2022, Further Submission dated 25 November 2022.

- a) The Plan Change site includes significant habitat of the threatened nationally critical long-tailed bat (**pekapeka**); and
- b) A unified catchment approach to habitat protection needs to be adopted for the pekapeka that are present in this area.²

Relief Sought

- 6. The Director-General supports the relief sought because:
 - a) The Decision is not in accordance with sound resource management practices; and
 - b) The Respondent has not adequately discharged its functions as set out in s 31 of the Resource Management Act 1991;
 - c) The Plan Change does not give effect to Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River;
 - d) The Plan Change does not recognise the interconnectedness of the whole environment and the Respondent did not give adequate consideration to the National Policy Statement for Indigenous Biodiversity (this national policy statement is now in force and was imminent at the time of the Decision);
 - e) The Plan Change does not give effect to the Waikato Regional Policy Statement;
 - f) The section 32 analysis has not demonstrated that the Plan Change is the most appropriate way to achieve the purpose of the Resource Management Act 1991 and the objectives of the Waipa District Plan; and

² See *Weston Lea Ltd v Hamilton City Council* [2020] NZEnvC 189 at paragraph 11.

- g) The Plan Change does not represent best resource management practice.

Dispute Resolution

7. The Director-General agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of Sarah Owen
Director Office of Regulatory Services,
pursuant to delegated authority from the Director-General of Conservation³

Dated 25 August 2023

Address for service of person wishing to be a party

Director General of Conservation

Legal Services

Department of Conservation

73 Rostrevor Street

Private Bag 3072

Hamilton 3204

Contact person

Michelle Hooper, Senior Solicitor – Legal Services

Ph: 027 324 6314

Email: mhooper@doc.govt.nz

³ A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18 - 32 Manners Street, Wellington 6011