

BEFORE THE ENVIRONMENT COURT

AT AUCKLAND

I MUA I TE KOOTI TAIAO

IN THE MATTER

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

BETWEEN

**Foundry Group Limited
and Pro Land Matters
Company Limited**

Appellant

AND

Kaipara District Council

Respondent

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

Dated: 14 August 2026

Department of Conservation

Counsel acting: L Sutherland

Email: lsutherland@doc.govt.nz

Telephone: 027 2750826

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 (**Director-General**), wishes to be a party to the following proceedings:

an appeal by Foundry Group Limited and Pro Land Matters Company Limited (**the Appellant**) against the decision by Kaipara District Council (**the Respondent**) on private Plan Change 85 (**PPC85**) to the Operative Kaipara District Plan. The Appellant sought to rezone approximately 94 hectares of land at Black Swamp and Raymond Bull Roads, in Mangawhai. The Appellant appeals the decision to decline this in its entirety.

2. The Director-General is a person who has an interest in the proceedings that is greater than the interest that the general public. The Director-General is the administrative head of the Department of Conservation (**DOC**) and the statutory functions of DOC, under section 6 of the Conservation Act 1987, include advocating for the conservation of natural and historic resources generally.
3. The Director-General made a submission on the application on 18th August 2025 and a further submission on 7th October 2025 and appeared at the hearing in February 2026.
4. The Director-General is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. The Director-General is interested in all of the proceedings, but has a particular interest in parts of the appeal relating to:

provisions to protect vulnerable avifauna including:

- a. a ban on the keeping of dogs as pets (in addition to a ban on cats and mustelids);
- b. upgrade of Insley Causeway to manage disturbance before substantial development occurs;
- c. removal of walkways around the Northern Saltmarsh Significant Natural Area (Northern Saltmarsh SNA) to prevent disturbance associated with access, and;
it includes provisions to optimise functioning of SNAs including as habitat including:
- d. clearer delineation of the Southern Black Swamp SNA and that infrastructure such as fences are placed outside it, to maximise extent and reduce disturbance; and
- e. removal of the walkway proposed along both sides of the estuary inlet, which would be directly adjacent to or within the Southern Black Swamp SNA, to reduce disturbance; and

- f. retain rural zoning for the Northern Saltmarsh SNA and the area covered by an existing conservation covenant.
- 6. I **oppose** the relief sought by the Appellant, unless issues a-f can be adequately addressed.
- 7. Addressing issues a – f is necessary for the plan change to be consistent with Part 2 of the Resource Management Act 1991, and s 6(c) in particular.
- 8. I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Lisa Sutherland

Lisa Sutherland

Counsel for the Director-General of Conservation

Date: 14 August 2026

Address for service of person wishing to be a party:

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