

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

Black Swamp 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

To: The Registrar

Environment Court

AUCKLAND

1. The Director-General of Conservation (**Director-General**), wishes to be a party to the following proceedings:
 - 1.1 An appeal by Black Swamp Limited (**the Appellant**) against the decision by Kaipara District Council (**the Respondent**) on private Plan Change 85 (**PPC85**) to the Operative Kaipara District Plan. Foundry Group Limited and Pro Land Matters Company Ltd (**the Applicant**) sought through PPC85; to rezone approximately 94 hectares of land at Black Swamp and Raymond Bull Roads, in Mangawhai. The application was declined by the Respondent. The Appellant appeals against that part of the decision concerning their property at 25 Black Swamp Road, Mangawhai as well as the decision to decline PPC85 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**). 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 person 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 the parts of the appeal relating to:

provisions to protect conservation values, including:

 - a. a ban on the keeping of dogs as pets (in addition to a ban on cats and mustelids);
 - b. retain rural zoning for the Northern Saltmarsh Significant Natural Area and the area covered by an existing conservation covenant.
 - c. responses to protect conservation values including optimising the functioning of the Northern Saltmarsh Significant Natural Area, as habitat.
6. I **oppose** the relief sought by the Appellant unless issues a-c can be adequately addressed.
7. Addressing issues a-c 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:

Director-General of Conservation

PO Box 842, Whangarei 0110

Telephone: 0272 750826

Fax/email: lsutherland@doc.govt.nz

Contact persons:

Lisa Sutherland, Senior Solicitor – Legal Services

Telephone: 027 2750826

Email: lsutherland@doc.govt.nz

AND

Jane Macleod, Senior RMA Planner

Telephone: 0273324204

Email: jmacleod@doc.govt.nz