

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

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

IN THE MATTER of the Resource Management Act 1991  
AND of an application for declarations under  
s310 of the Act  
BETWEEN ENVIRONMENTAL DEFENCE  
SOCIETY INCORPORATED  
(ENV-2020-CHC-099)  
Applicant  
AND NEW ZEALAND ALUMINIUM  
SMELTERS LIMITED  
Respondent

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**MINUTE OF ALTERNATE ENVIRONMENT JUDGE L J NEWHOOK  
(FOR RELEASE TO THE MEDIA)**

**(2 February 2021)**

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[1] I am pleased to announce that agreement has been reached by the parties in this case to fast-track the removal of aluminium by-product material (ouvea premix) from the old Maitai paper mill site. The expedited removal process is under way now and is expected to be completed by the end of April, subject to weather and availability of equipment.

[2] The by-product is being transported to the New Zealand Aluminium Smelters Limited (NZAS) site at Tiwai Point where it will be stored in containers. The Crown has provided an indemnity to NZAS for certain losses it could incur through the storage of the material.



[3] I consider that the agreement will give Mataura residents peace of mind, freeing them from anxiety about the risk of water from the river impacting the material.

[4] I understand that in time the product will be exported.

[5] I believe the agreement offers twin benefits of protecting the wellbeing of Southland's people and its waterways.

[6] The agreement is the outcome of negotiations between the parties, facilitated by me on behalf of the Environment Court, following legal action brought by the Environmental Defence Society to determine ownership and responsibility for removing the ouvea premix.

[7] The Minister for the Environment joined the proceedings to facilitate a solution for removing the material from Mataura.

[8] The Ministry for the Environment (MfE) and NZAS will share the additional costs required to accelerate the removal of material from the Mataura site. Each will contribute 50 percent.

[9] I am satisfied this agreement takes proper account of the history of the material being stored at Mataura, and the urgent need to remove it for the benefit of our environment and Mataura residents.

[10] This is a stand-alone agreement to resolve the current situation and is not related to any agreement on the smelter's future or remediation of Tiwai Point.

[11] I am assured that the health and safety of communities and of contractors involved in the removal of the material from Tiwai and its storage at Tiwai, are uppermost in the minds of the parties in reaching this agreement.



L J Newhook

Alternate Environment Court Judge

