

IN THE MATTER of the Resource Management Act 1991

AND

**IN THE MATTER of an appeal pursuant to clause 14 of the First
Schedule of the Act**

BETWEEN MAORI TRUSTEE

Appellant

AND BAY OF PLENTY REGIONAL COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act

To: The Registrar
Environment Court
PO Box 7147
Auckland 1141

The Lake Rotorua Primary Producers' Collective ("Collective") wishes to be a party to the following proceedings:

Maori Trustee v Bay of Plenty Regional Council ENV-2017-AKL-000149

The Collective made a submission about the subject matter of the proceedings.

The Collective is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Collective is interested in all of the proceedings.

The Collectives is interested in all of the issues raised by the Appellant and this includes an interest in the following issues:

1. The Collective comprises various farmers in the Lake Rotorua catchment. Plan Change 10 will have significant adverse and detrimental impacts on its members' farming operations as well as their economic and social wellbeing.
2. The Collective is very concerned about the ability of farmers to reach their nitrogen discharge allowances ("NDAs") and that they currently do not have a pathway for achieving them. The Collective is concerned that the NDAs are unlikely to be achievable on the basis of currently available technology.
3. The Collective is concerned about the nutrient management plan requirements in Plan Change 10. This includes the potentially significant nitrogen and phosphorous obligations that it will impose and the implications for the economic and social wellbeing of farmers in the catchment.
4. The Appellant says that it is committed to achieving the objectives in the Bay of Plenty Regional Policy Statement ("RPS") and supports the limit of 435t/N/yr by 2032 contained in Policy WL 3B. While the Collective acknowledges the need to give effect to the RPS, it considers that this can be achieved without the need to adopt rules at this stage to allocate the 2032 target to a property level. It also considers that PC10 does not give effect to the RPS.
5. The Collective supports the alternative proposal put forward by Federated Farmers (and has filed a section 274 notice in support of Federated Farmers' appeal) that includes achieving the 2022 catchment reduction target, allowing the science to be reviewed and enabling the National Policy Statement for Freshwater Management ("NPS-FM") to be given effect to.
6. The Appellant raises the issue of the decision to place restrictions within LR R11A on the ability to develop land held under the Te Ture Whenua Maori Act 1993. The Collective considers that Federated Farmers' proposal provides a more appropriate means (or framework) for

addressing the concerns of owners of underdeveloped Maori land. This includes:

- a. In the interim (roughly the period to 2022) Federated Farmers' proposal involves maintaining a downward trajectory in nitrogen reductions (through measures such as the Rule 11 benchmark and adoption of good management practice).
 - b. During this time there is some provision for intensification through matters such as the adoption of a "whole" farm approach (as opposed to "effective area"), recognition of offsets and mitigations outside of Overseer and facilitation of whole of community engagement, innovations and solutions.
 - c. In the medium to longer term, the concerns raised by the owners of underdeveloped Maori land would be addressed in the context of the findings of a robust science review, the outcome of a potential review of the incentives funding framework and the implementation of the NPS-FM through a robust consultation and collaboration process with the community.
7. The Collective supports a regime for the management of natural resources that is effects based, supported by robust science and other evidence and founded on a sound community process.
 8. The Collective acknowledges that PC10 provides a greater nitrogen allocation to those who have already invested in and developed their land, compared with underdeveloped land. However, it does not consider that this is a reason to further reduce the allocation to existing farmers in an effort to provide greater allocation for underdeveloped Maori land. The Collective does not consider that such changes to PC10 would achieve a robust planning framework or achieve sustainable management.
 9. The Collective is concerned that the allocation under PC10 does not provide sufficient nitrogen for existing farmers to continue to operate their farming enterprises. The Collective is very concerned that any allocation of the 435tN/yr target to a property level is likely to result in no land owner receiving sufficient allocation to be able to carry out their activity or use (and develop) their land as intended (or to its potential).

The Collective conditionally supports the relief and conditionally opposes the relief sought by the Maori Trustee:

10. The Collective conditionally supports rejecting PC10 in its entirety because:
 - a. The Collective is concerned that PC10 is a flawed and risky approach for attempting to achieve the Regional Water and Land Plan TLI objective. The Collective is very concerned that PC10 will impose irreversible land use changes on farmers as well as impose significant and unnecessary costs on farmers and the wider economy and community.
 - b. The Collective does not support the underlying concepts and methodologies upon which PC10 is based.
 - c. The concerns raised by all sectors of the community (including owners of underdeveloped Maori land) need to be considered, evaluated and accommodated through a robust community consultation and collaboration process (in light of the most up to date and robust science, economic and other evidence).
 - d. The Collective considers that substantial amendments to PC10 are required to achieve the water quality goals for least economic and social cost to the community.
11. However, the collective considers that there needs to be an alternative framework that will enable robust community engagement and decision making (founded on sound evidence). This is part of the reason it supports Federated Farmers' alternative proposal.
12. The Collective does not support exempting underutilised Maori freehold land from PC10 or amending PC10 to remove restrictions on developing Maori freehold land. Whilst acknowledging the concerns raised by the Appellant, the Collective is very concerned about the potential effects of such changes on the nitrogen allocation regime in PC10, the implications for existing farmers, the implications for the community and the implications for the lake water quality. The Collective is concerned that the changes proposed by the Appellant will not achieve sustainable management.

13. It is noted that the Collective's opposition is with the methodology proposed for addressing the Appellant's concerns, as opposed to the validity of the concerns themselves. The Collective considers that the concerns ought to be addressed in a transparent way through a robust community process (as anticipated by implementation of the NPS-FM).

The Collective agrees to participate in mediation or other alternative dispute resolution of the proceedings.

A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and reads "C. Paterson".

Signature of person wishing to be a party

Date: 16th October 2017

Address for service of person wishing to be a party:

PO Box 25 Ngongotaha, Rotorua 3041

Telephone: 073322818 or 0274545493

Fax/email: info@rotoruafarmers.org.nz

Contact person: Christine Paterson (Secretary)

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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