

IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY
TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU REGISTRY

ENV-2017-AKL-000148

UNDER the Resource Management Act 1991

AND

IN THE MATTER OF an appeal under clause 14(1) of Schedule 1 of
the Act

BETWEEN CNI IWI LAND MANAGEMENT LIMITED
Appellant

AND BAY OF PLENTY REGIONAL COUNCIL
Respondent

NOTICE ON BEHALF OF TE MARU O NGĀTI RANGIWEWEHI IWI
AUTHORITY PURSUANT TO SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991

17 October 2017

TO: The Registrar
Environment Court, Auckland

AND TO: Bay of Plenty Regional Council
CNI Iwi Land Management Limited

1. This notice is issued on behalf of Te Maru o Ngāti Rangiwewehi Iwi Authority (the **Iwi Authority**).
2. The Iwi Authority wishes to be a party to an appeal (the **Appeal**) by CNI Iwi Land Management Limited (**Appellant**) against a decision by the Bay of Plenty Regional Council (the **Respondent**) on Proposed Plan Change 10 - Lake Rotorua Nutrient Management to the Bay of Plenty Regional Water and Land Plan (**Plan Change 10**).
3. The Iwi Authority did not make a submission on the subject matter of the Appeal.
4. The Iwi Authority has an interest in the proceedings that is greater than the general public:
 - (a) The Iwi Authority is the political voice of Ngāti Rangiwewehi and in 2007 achieved the landmark Environment Court decision regarding Ngongotaha Water Supply, Consent No 61175 Taniwha Springs Water Take. (Refer Plan Change 9 Ngāti Rangiwewehi, Further Submission, 28 June 2017).
 - (b) In 2008 the Iwi Authority lodged its Iwi Environmental Management Plan (updated 2012) with Bay of Plenty Regional Council and Rotorua Lakes Council.
 - (c) In 2012 the Iwi Authority established Te Tāhuhu o Tawakeheimoa Trust as its mandated post-settlement governance entity for Ngāti Rangiwewehi.
 - (d) The significant portion of the Ngāti Rangiwewehi rohe (area of interest) falls within the Lake Rotorua catchment.
 - (e) Accordingly, Ngāti Rangiwewehi are tangata whenua for the purposes of Plan Change 10.

- (f) On 16 December 2012, Ngāti Rangiwewehi agreed with the Crown to the settlement of their historical Treaty of Waitangi claims (the **Treaty Settlement**).
- (g) As a result of the Treaty Settlement, the Te Tahuhu o Tawakeheimoa Trust (the **Trust**) on behalf of the Iwi is the owner of Treaty Settlement lands within the Lake Rotorua catchment area, including:

Area	Location (as shown on)
In fee simple	
Te Riu o Kereru	OTS 209-49
As a recreation reserve	
The fee simple in Hamurana Springs A	OTS 209-31
As a historic reserve	
The fee simple in Hamurana Springs B	OTS 209-31
As a scenic reserve	
The fee simple estate in the following sites as a scenic reserve, with the governance entity as the administering body:	
Nga Tini Roimata a Rangiwewehi	OTS 209-36
Te Riu o Kereru B	OTS 209-49
In fee simple subject to a conservation covenant	
The fee simple estate in Te Riu o Ngata	OTS 209-35
In fee simple jointly vested as a scenic reserve	
Undivided half share in Te Taita	OTS 209-37
The fee simple estate in Puwhenua	OTS 209-85

Jointly vested as scenic reserve subject to ROW easement

The fee simple estate in Otanewainuku OTS 209-84

- (h) The associations of Ngati Rangiwewehi to various areas within the Lake Rotorua catchment area have been given legislative effect through the Treaty Settlement. Those areas are as follows (refer Section 12 pages 491-547 Nga Whakaaetanga-a-Ture ki te Taiao a Toi – Statutory Acknowledgements in the Bay of Plenty Region):

Statutory Area	Location
	(as shown on)
Maketu Wildlife Management Reserve	OTS 209-38
Mangapouri Stream marginal strip	OTS 209-81
Mangorewa Scenic Reserve	OTS 209-41
Otanewainuku Conservation Forest	OTS 209-48
Part Kaharoa Conservation Forest	OTS 209-43
Part Mangapapa Ecological Area	OTS 209-45
Part Mangorewa Conservation Area and Ecological Area	OTS 209-42
Part Ruato Stream Conservation Area	OTS 209-40
Part Taumata Scenic Reserve	OTS 209-39
Part Te Matai Conservation Forest	OTS 209-44
Te Waerenga Scenic Reserve	OTS 209-46
Statutory areas that are watercourses	Location
Kaituna River	OTS 209-32
Mmangapouri Stream	OTS 20934
Mangorewa River	OTS 209-47
Ohaupara Stream	OTS 209-33
Onaia Stream	OTS 209-58
Te Rerenga Stream	OTS 209-509

- (i) The Trust owns in total 3,190 hectares of land, much of which falls within the Lake Rotorua catchment area, including 1,904 hectares (Mamaku North SF 3 (solely)) and 3,190 (jointly) Te

Matai Forest (South) SF 18 and Puwhenua Forest (SF28) of Crown forest land, which the Trust purchased through the Treaty Settlement. For the reasons set out in the Appeal, Plan Change 10 significantly restricts the ability of the Trust to develop those lands.

5. The Iwi Authority is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the Act).
6. The Iwi Authority is interested in the Appeal as a whole.

Position in relation to relief

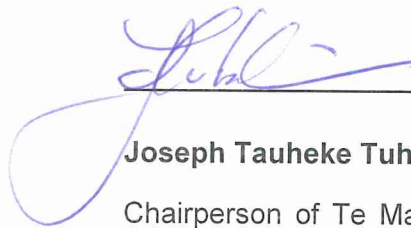
7. The Iwi Authority supports the relief sought by the Appellant and for the following reasons:
 - (a) the relief sought promotes the sustainable management of natural and physical resources;
 - (b) the relief sought promotes the sustainable management of resources, meet the reasonably foreseeable needs of future generations, enable social, economic and cultural well-being, or represent an efficient use of natural and physical resources;
 - (c) the relief sought is consistent with the principles of the Act;
 - (d) the relief sought is consistent with the National Policy Statement for Freshwater Management 2014 (amended 2017);
 - (e) the relief sought is the most appropriate way to achieve the purpose of the Act or the purpose of Plan Change 10, being to limit nitrogen discharge to Lake Rotorua to 435 tonnes per annum;
 - (f) the relief sought gives effect to the RPS, particularly policy WL 5B;

- (g) the relief sought is consistent with the Bay of Plenty Regional Water and Land Plan, particularly the integrated water management provisions; and
- (h) the Iwi Authority was not adequately consulted in relation to Plan Change 10.

Alternative Dispute Resolution

- 8. The Iwi Authority agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Rotorua this 17th day of October 2017



Joseph Tauheke Tuhakaraina

Chairperson of Te Maru o Ngati Rangiwewehi
Iwi Authority

THIS Notice is filed by **Joseph Tauheke Tuhakaraina** on behalf of Te Maru o Ngati Rangiwewehi Iwi Authority. The address for service of Te Maru o Ngati Rangiwewehi Iwi Authority is 16 Tauiri Street, Ngongotaha, Rotorua 3040

Documents for service may be left at that address for service or may be:

- (a) posted to the Iwi Authority at PO Box 131, Ngongotaha, Rotorua 3040; or
- (b) emailed to info@rangiwewehi.com and terangikaheke@gmail.com.