

**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 KŌMITI NUI O NGĀTI WHAKAUE 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 Kōmiti Nui o Ngāti Whakaue (**Te Kōmiti Nui**).
2. Te Kōmiti Nui wishes to be a party to an appeal (the **Appeal**) by CNI Iwi Land Management (**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. Te Kōmiti Nui did not make a submission or a further submission on the subject matter of the Appeal.
4. Te Kōmiti Nui has an interest in the proceedings that is greater than the general public:
 - (a) Te Kōmiti Nui is the post-settlement governance entity for the iwi of Ngāti Whakaue. The provisions of Plan Change 10 take effect within, and apply to, the traditional rohe of Ngāti Whakaue. As such, Ngāti Whakaue are tangata whenua for the purposes of Plan Change 10, and Te Kōmiti Nui is an Iwi Authority for that purpose.
 - (b) Ngāti Whakaue are also part of the Central North Island Iwi Collective (the **Collective**). The Collective agreed with the Crown in 2008 to the partial settlement of the historical Treaty of Waitangi claims of the Collective, including Ngāti Whakaue. That settlement included the transfer to the Collective of 176,000 hectares of Crown forest land (the **CNI Forest Estate**). CNI Iwi Holdings Limited is the legal entity that received the assets that were transferred to the Collective in 2008. Its wholly-owned subsidiary, being the Appellant, currently manages those assets.

- (c) A significant portion of the CNI Forest Estate falls within the Lake Rotorua catchment. Ngāti Whakaue claim interests in that portion of the CNI Forest Estate and expect to receive directly lands that are currently within the portion of the CNI Forest Estate that falls within the Lake Rotorua catchment.
 - (d) Ngāti Whakaue have not yet completed the comprehensive settlement of their historical Treaty of Waitangi claims for which Te Kōmiti Nui is the mandated entity to negotiate the historical extant claims.. Based on current Treaty of Waitangi settlement policy, Ngāti Whakaue expects to receive lands and other redress (including, without limitation, statutory acknowledgements) within the Lake Rotorua catchment from the Crown in settlement of their historical Treaty of Waitangi claims. Plan Change 10 significantly affects those interests.
- 5. Te Kōmiti Nui is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
 - 6. Te Kōmiti Nui is interested in the Appeal as a whole.

Position in relation to relief

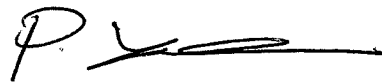
- 7. Te Kōmiti Nui supports the relief sought by the Appellant and for the following reasons:
 - (a) the relief sought promotes the sustainable management of natural and physical resources;
 - (b) the relief sought promotes the sustainable management of resources, meet the reasonably foreseeable needs 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; and
- (g) the relief sought is consistent with the Bay of Plenty Regional Water and Land Plan, particularly the integrated water management provisions.

Alternative Dispute Resolution

- 8. Te Kōmiti Nui agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Rotorua this 17th day of October 2017



Pauline Tangohau

Chairperson of Te Kōmiti Nui o Ngāti Whakaue

THIS Notice is filed by **PAULINE TANGOHAU**, Chairperson of Te Kōmiti Nui. The address for service of Te Kōmiti Nui is The Business Hub, 1209 Hinemaru Street, Rotorua, 3040.

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

- (a) posted to PO Box 1715, Rotorua, 3040; or
- (b) emailed to info@whakaue.org.