

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

ENV-2017-AKL-000146

UNDER the Resource Management Act 1991

AND

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

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND**
Appellant

AND **BAY OF PLENTY REGIONAL COUNCIL**
Respondent

**NOTICE ON BEHALF OF THE MĀORI TRUSTEE PURSUANT TO SECTION
274 OF THE RESOURCE MANAGEMENT ACT 1991**

17 October 2017

KAHUI
LEGAL

Solicitors

PO Box 1654

Telephone: (04) 495 9999

Facsimile: (04) 495 9990

Counsel: J P Ferguson / D H Stone / T M Williams

WELLINGTON

**TO: The Registrar
Environment Court, Auckland**
**AND TO: Bay of Plenty Regional Council
Federated Farmers of New Zealand**

1. This notice is issued on behalf of the Māori Trustee.
2. The Māori Trustee wishes to be a party to an appeal (the **Appeal**) by Federated Farmers of New Zealand (the **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 Māori Trustee made a submission on the subject matter of the Appeal.
4. The Māori Trustee also has an interest in the proceedings that is greater than the general public:
 - (a) the Māori Trustee administers 81 entities comprising 3,436.504 hectares within the Lake Rotorua catchment (the **Māori Trustee Land**);
 - (b) the Māori Trustee Land will be affected by the Appeal.
5. The Māori Trustee is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
6. The Māori Trustee is interested in the Appeal as a whole.

Position in relation to relief sought

7. The Māori Trustee opposes certain elements of the relief sought and supports certain elements of the relief sought.
8. The Māori Trustee opposes certain elements of the relief (the **Relief**) sought by the Appellant for the reasons set out in its Notice of Appeal (*ENV-2017-AKL-000149*) and for the following reasons:
 - (a) the Relief does not promote the sustainable management of natural and physical resources;

- (b) the Relief does not promote 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 is not consistent with the principles of the Act;
 - (d) the Relief is contrary to the National Policy Statement for Freshwater Management 2014 (amended 2017);
 - (e) the Relief is not 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 does not give effect to the Bay of Plenty Regional Policy Statement, particularly policy WL 5B; and
 - (g) the Relief is not consistent with the Bay of Plenty Regional Water and Land Plan, particularly the integrated water management provisions.
9. Without derogating from the generality of the above, the particular reasons for the opposition to the Relief are as follows:
- (a) the Relief opposes the decision by the Respondent to provide a measure of relief for underutilised Māori land;
 - (b) the Relief does not propose an alternative to the measure of relief for underutilised Māori land provided by the Respondent.

Alternative Dispute Resolution

10. The Māori Trustee agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Wellington this 17th day of October 2017



J P Ferguson / D H Stone / T M Williams

Counsel for the Māori Trustee

THIS notice is filed by **JAMES PHILIP FERGUSON** and **DAMIAN HOHEPA STONE** and **TE RANGIMĀRIE MAY WILLIAMS**, solicitors for the Māori Trustee, of the firm Kahui Legal, Wellington. The address for service of the Māori Trustee is Level 11, Intilecta Centre, 15 Murphy Street, Wellington.

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

- (a) posted to the solicitors at PO Box 1654, Wellington; or
- (b) transmitted to the solicitors by facsimile on 04 495 9990; or
- (c) emailed to the solicitors at damian@kahuilegal.co.nz and terangimarie@kahuilegal.co.nz.