

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY
TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU 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 CNI IWI LAND MANAGEMENT LIMITED PURSUANT
TO SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

17 October 2017

KAHUI
LEGAL

Solicitors

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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 CNI Iwi Land Management Limited (**CNI**).
2. CNI 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. CNI made a submission and further submission on the subject matter of the Appeal.
4. CNI also has an interest in the proceedings that is greater than the general public:
 - (a) CNI has responsibility for the day to day management of over 170,000 hectares of land that was returned to CNI Iwi Holdings Trust pursuant to the Central North Island Iwi Collective Claims Settlement Act 2008.
 - (b) In this capacity, CNI is landowner of 7% of the land in the Lake Rotorua Catchment (**CNI Catchment Land**).
 - (c) The Appeal directly affects the CNI Catchment Land.
5. CNI is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).
6. CNI is interested in the Appeal as a whole.

Position in relation to relief sought

7. CNI opposes certain elements of the relief sought and supports certain elements of the relief sought.

8. CNI 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-000148*) 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 alternative framework proposed by the Appellant produces outcomes that do not encourage the sustainable management of resources because, among other matters, land that is not naturally suited to the use to which it is currently put is allocated nitrogen based on its current (unsuitable) use;
 - (b) the alternative framework proposed by the Appellant primarily adopts nutrient discharge allocations based predominantly on

a variant of grandparenting of historical nutrient discharges to land.

Alternative Dispute Resolution

10. CNI 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 CNI Iwi Land Management Limited

THIS notice is filed by **JAMES PHILIP FERGUSON** and **DAMIAN HOHEPA STONE** and **TE RANGIMĀRIE MAY WILLIAMS**, solicitors for CNI Iwi Land Management Limited, of the firm Kahui Legal, Wellington. The address for service of the CNI Iwi Land Management Limited 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.