

**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

Federated Farmers of New Zealand Inc ("Federated Farmers") wishes to be a party to the following proceedings:

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

Federated Farmers made a submission about the subject matter of the proceedings.

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

Federated Farmers is interested in all of the proceedings.

**Federated Farmers is interested in all of the issues raised by the Appellant and this includes an interest in the following issues:**

1. Federated Farmers represents farmers in the Lake Rotorua catchment.
2. The Appellant appeals the whole of the decision on Plan Change 10 to the Bay of Plenty Regional Water and Land Plan (“PC10”). Federated Famers has also appealed the whole of the decision on PC10.
3. 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 Federated Farmers 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.
4. Federated Farmers instead supports the alternative proposal put forward in its submission and 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.
5. 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. Federated Farmers also raised concerns about this rule and the supporting policy (Policy LR P12) in its notice of appeal.
6. Federated Farmers’ view is that its 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) its 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. Federated Farmers 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. Federated Farmers 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 a greater allocation for underdeveloped Maori land. Federated Farmers does not consider that such changes to PC10 would achieve a robust planning framework or achieve sustainable management.
  9. Federated Farmers is concerned that the allocation under PC10 does not provide sufficient nitrogen for existing farmers to continue to operate their farming enterprises. Federated Farmers is very concerned that any allocation of the 435tN/yr target to a property level is likely to result in no landowner receiving sufficient allocation to be able to carry out their activity or use (and develop) their land as intended (or to its potential).

**Federated Farmers conditionally supports the relief and conditionally opposes the relief sought by the Maori Trustee:**

10. Federated Farmers conditionally supports rejecting PC10 in its entirety because:
  - a. Federated Farmers is concerned that PC10 is a flawed and risky approach for attempting to achieve the Regional Water and Land Plan TLI objective. Federated Farmers 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. Federated Farmers 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. Federated Farmers 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, Federated Farmers considers that there needs to be an alternative framework that will enable robust community engagement and decision making (founded on sound evidence). This is what its alternative framework aims to enable.
12. Federated Farmers 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, Federated Farmers 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. Federated Farmers is concerned that the changes proposed by the Appellant will not achieve sustainable management, give effect to the RPS and give effect to the NPS-FM.
13. It is noted that Federated Farmers' opposition is with the methodology proposed for addressing the Appellant's concerns, as opposed to the validity of the concerns themselves. Federated Farmers 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).

Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



\_\_\_\_\_  
Signature of person wishing to be a party

Date: 17 October 2017

Address for service of person wishing to be a party:

Address: PO Box 447, Hamilton 3240

Telephone: 07 858 0815

Fax/email: nedwards@fedfarm.org.nz

Contact person: Nikki Edwards