

**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 PŪMAUTANGA O TE ARAWA TRUST
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
CNI Iwi Land Management Limited**

1. This notice is issued on behalf of Te Pūmautanga o Te Arawa Trust (**TPT**).
2. TPT wishes to be a party to an appeal (the **Appeal**) by CNI Iwi Land Management Limited (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. TPT did not make a submission on the subject matter of the Appeal.
4. TPT has an interest in the proceedings that is greater than the general public:
 - (a) On 11 June 2008, the Affiliate Te Arawa Iwi/Hapū comprising of eleven Iwi and Hapū of Te Arawa (the **Affiliates**) agreed with the Crown to the settlement of their historical Treaty of Waitangi claims (the **Treaty Settlement**).
 - (b) The area of interest of the Affiliates covers 51,000 hectares of land within the Te Arawa rohe, a significant portion of which is within the Lake Rotorua catchment.
 - (c) TPT is the Iwi Authority representing the Affiliates pursuant to the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (the **Affiliate Settlement Act**) to receive, hold and manage the assets transferred to the Affiliates through the Treaty Settlement.
 - (d) TPT represents 20,494 registered beneficiaries that are tangata whenua.
 - (e) TPT is the owner of Treaty Settlement lands within the Lake Rotorua Nutrient Management Boundaries or catchment area, including:

- (i) Moerangi site (59.4030 hectares);
 - (ii) Kakapiko site (2.5075 hectares);
 - (iii) Whakarewarewa Thermal Springs (43.4200 hectares);
 - (iv) Roto-a-Tamaheke Reserve (4.2110 hectares);
 - (v) Rotokawa School (2.4281 hectares);
 - (vi) Lynmore School (3.9940 hectares);
 - (vii) Mokoia Intermediate School (6.0703 hectares); and
 - (viii) Ngongotaha School (2.8101 hectares).
- (f) The associations of the Affiliates to various areas within the Lake Rotorua Nutrient Management Boundaries or catchment area have been given legislative effect through the Affiliate Settlement Act. Those areas are as follows:
- (i) Waiteti Stream as shown on SO 364735;
 - (ii) Ngongotaha Stream as shown on SO 364736;
 - (iii) Rotorua Geothermal field as shown on SO 364723;
 - (iv) Otari Pā as shown on SO 364705.
- (g) The Affiliates 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 Affiliates. That settlement included the transfer to the Collective of 176,000 hectares of Crown forest land. 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.

5. TPT is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **Act**).

6. TPT is interested in the Appeal as a whole.

Position in relation to relief

7. TPT 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, meets the reasonably foreseeable needs of future generations, enables social, economic and cultural well-being, and/or represents 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 Bay of Plenty Regional Policy Statement, 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) TPT was not consulted as an iwi authority in relation to Plan Change 10.

Alternative Dispute Resolution

8. TPT 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 Te Pūmautanga o Te Arawa Trust

THIS notice is filed by **JAMES PHILIP FERGUSON** and **DAMIAN HOHEPA STONE** and **TE RANGIMĀRIE MAY WILLIAMS**, solicitors for Te Pūmautanga o Te Arawa Trust, of the firm Kahui Legal, Wellington. The address for service of Te Pūmautanga o Te Arawa Trust 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.