

**IN THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2020-AKL-000084**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU**

**UNDER** the Resource Management Act 1991 (the  
**RMA**)

**IN THE MATTER OF** an appeal under clause 14(1) of Schedule  
1 of the RMA against the decision of the  
Waikato Regional Council on Proposed  
Plan Change 1 to the Waikato Regional  
Plan

**AND**

**IN THE MATTER** of section 274 of the RMA

**BETWEEN** **FONTERRA CO-OPERATIVE GROUP  
LIMITED**

Appellant

**AND**

**WAIKATO REGIONAL COUNCIL**

Respondent

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**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY CNI IWI  
LAND MANAGEMENT LIMITED**

**29 September 2020**

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**KĀHUI**  
LEGAL

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**WELLINGTON 6140**

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Counsel: J P Ferguson / T T H Hullena

**To:           The Registrar  
                  Environment Court  
                  Auckland Registry**

**And to:       The Appellants**

**And to:       The Respondent**

### **Introduction**

1.       This notice is issued on behalf of CNI Iwi Land Management Limited (**CNI**).
2.       CNI wishes, pursuant to section 274 of the Resource Management Act 1991 (the **RMA**), to be a party to the appeal against the decision of the Waikato Regional Council on Plan Change 1: Waikato and Waipā River Catchments (the **PC1 Decision**) filed by Fonterra Co-operative Group Limited on 8 July 2020 (the **Appeal**).<sup>1</sup>

### **Nature of interest**

3.       CNI made a submission and further submission on Plan Change 1.
4.       CNI has appealed the PC 1 Decision (ENV-2020-AKL-103).
5.       CNI has an interest in the proceedings that is greater than the general public:
  - (a)      CNI is responsible 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 34,000 hectares of the land in the Waikato River Catchment (the **CNI Catchment Land**).
  - (c)      The Appeal directly relates to the CNI Catchment Land

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<sup>1</sup> ENV-2020-AKL-84.

- (d) The central North Island iwi represented by CNI have a relationship with the CNI Catchment Land as it contains ancestral lands, waters, sites and waahi tapu and is a taonga.
6. CNI is interested in the Appeal as a whole.
7. CNI is not a trade competitor for the purposes of section 308D of the RMA.

**Extent of interest and position in relation to relief sought**

8. CNI is interested in the relief sought in the Appeal as a whole for the general reasons set out in the CNI Notice of Appeal (ENV-2020-AKL-103), including that:
- (a) CNI supports those aspects of the PC1 Decision intended by the independent hearing panel to align the notified version of Plan Change 1 better with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for Waikato River) (**Te Ture Whaimana**);<sup>2</sup> and
  - (b) CNI opposes, and seeks consequential amendments to Plan Change 1, in relation to:
    - (i) the limitation of imperatives of Te Ture Whaimana in a manner that fails to recognise the particular historic disadvantage faced by owners of tangata whenua ancestral lands in accordance with the principles of the Treaty of Waitangi / Te Tiriti o Waitangi;<sup>3</sup>
    - (ii) the policy approach to the development of tangata whenua ancestral lands that:
      - (A) limits the application of Te Ture Whaimana to tangata whenua ancestral lands; and

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<sup>2</sup> CNI Notice of Appeal (**CNI NoA**) at [9].

<sup>3</sup> CNI NoA at [10].

- (B) removal of provisions that provide a clearer pathway for change in land use of tangata whenua ancestral lands;
  - (iii) the removal of the end date for land use changes requiring non-complying land use consent; and
  - (iv) modification of policy that would give effect to Te Ture Whaimana in the future.
- 9. In addition, CNI is interested in, and opposes, the relief sought in the Appeal for the following reasons:
  - (a) the relief does not promote the sustainable management of natural and physical resources;
  - (b) the relief is not consistent with the National Policy Statement for Freshwater Management 2020, Te Mana o Te Wai or the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (to the extent those matters are determined to be relevant to Plan Change 1); and
  - (c) the relief is not the most appropriate way to achieve the purpose of the Act or the purpose of Plan Change 1, being the full achievement of Te Ture Whaimana o Te Awa o Waikato by 2096.
  - (d) without derogating from the generality of the above, in particular:<sup>4</sup>
    - (i) the proposed amendments to Policy 10 sought in the Appeal are unnecessary and do not enhance the policy in favour of the collection of robust, reliable data; and
    - (ii) the additions to Rule 3.11.4.9 sought in the Appeal do not set an end date for land use change and will not provide for the achievement of Te Ture Whaimana.

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<sup>4</sup> References to particular provisions are references to the decision version of Plan Change 1 appended to the PC 1 Decision.

### **Alternative dispute resolution**

10. CNI agrees to participate in mediation or other alternative dispute resolution of the proceedings.

### **Service**

11. An electronic copy of this notice is being served today by email on the Waikato Regional Council at [PC1Appeals@waikatoregion.govt.nz](mailto:PC1Appeals@waikatoregion.govt.nz) and by email on the Appellant.
12. Waivers and directions have been made by the Environment Court in [2020] NZEnvC 063 in relation to the usual requirements of the RMA as to service of this notice on other persons.

### **Attachments**

13. Waivers and directions have been made by the Environment Court in [2020] NZEnvC 063 in relation to the usual requirements of the RMA to file a copy of the appellant's submissions and/or further submissions on PC1, the Council's decision, and a list of the names and addresses of each person required to be served with the notice of appeal, and the date of service on each such person.

**DATED** at Wellington this 29<sup>th</sup> day of September 2020



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**J P Ferguson / T T H Hullena**  
Counsel for CNI Iwi Land Management Limited

**THIS** notice is filed by **JAMES PHILIP FERGUSON**, solicitor for Counsel for CNI Iwi Land Management Limited, of the firm Kāhui Legal, Wellington. The address for service of Counsel for CNI Iwi Land Management Limited is Level 11, Intilecta Centre, 15 Murphy Street, Thorndon, Wellington 6011.

Documents for service may be left at that address for service (Attn: J P Ferguson and T T H Hullena) or may be:

- (a) posted to the solicitors at PO Box 1654, Wellington 6140 (Attn: J P Ferguson and T T H Hullena); or
- (b) emailed to the solicitor at [jamie@kahuilegal.co.nz](mailto:jamie@kahuilegal.co.nz) and [tyson@kahuilegal.co.nz](mailto:tyson@kahuilegal.co.nz).

#### **Advice**

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland.