

## s274 Notices – Māori Trustee/ Te Tumu Paeroa

Plan Change 9: TANK

Appellant No.	Appellant Name
193	Te Taiwhenua o Heretaunga

**Before the Environment Court  
At Auckland**

**I Mua I te Kōti Taiao  
Tāmāki Makaurau Rohe**

**ENV – 2022 – AKL - 193**

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

**In the matter of** an appeal under clause 14 of the First Schedule of the RMA

**Between** Te Taiwhenua o Heretaunga

**Appellant**

**And** Hawke's Bay Regional Council

**Respondent**

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**Notice of the Māori Trustee's wish to be a party to proceedings under section  
274 of the Resource Management Act 1991**

**Dated 10 November 2022**

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Māori Trustee  
110 Featherston Street  
PO Box 5038  
Wellington 6145  
Email: [greg.reilly@tetumupaeroa.co.nz](mailto:greg.reilly@tetumupaeroa.co.nz)

**To:** The Registrar, Environment Court, Auckland  
**And to:** The appellant, Te Taiwhenua o Heretaunga  
**And to:** The respondent, the Hawke's Bay Regional Council  
**And to:** The section 274 parties

1. The Māori Trustee wishes to be a party pursuant to section 274 of the Resource Management Act 1991 to the following proceedings:
  - a. *Te Taiwhenua o Heretaunga v Hawkes Bay Regional Council* (**ENV-2022-AKL-193**) being an appeal against decisions of the Hawke's Bay Regional Council (Council) on Proposed Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) catchments (**PPC9**) to the Regional Resource Management Plan.
2. The Māori Trustee has an interest in these proceedings that is greater than the general public as she represents and administers approximately 1,470 hectares of Māori land, for 54 trusts with over 6,300 Māori land owing interests across the TANK catchments. The subject matter of the proceedings is likely to directly impact the Māori land and Māori landowners that the Māori Trustee represents in these catchments.
3. The Māori Trustee also made a submission on PPC9 (submission number 113), dated 14 August 2020, regarding the subject matter of the proceedings. The submission indicated general support for the overall plan but highlighted issues with how its implementation did not provide for Māori landowners to effectively utilise and develop their lands, for the benefit of current and future generations, with regards to water allocation.
4. The Māori Trustee's submission also referred to Lake Poukawa and its management, proposing that the Council work directly with the Māori Trustee to create a sitespecific plan for the Lake. The Māori Trustee also submitted that Māori land owners, and the entities that represent them, had not been appropriately considered or engaged with in the development of PPC9 and that the compliance costs associated with its implementation would have a significant impact on Māori land and Māori landowners.
5. The Māori Trustee considers that the Council's decision with regards to PPC9's water take provisions are not consistent with direction set out in the NPS-FM 2020 and their own direction in Proposed Plan Change 7 (**PPC7**) to protect outstanding waterbodies. The provisions also 'grandparent' existing uses and don't allow for reallocation or new allocation for any use, including Māori land or development, which will directly disadvantage Māori land and Māori landowners who have historically encountered barriers to development. This decision will perpetuate historic inequities and result in Māori land continuing to remain underdeveloped.
6. The Council's decision also does not recognise Lake Poukawa as an outstanding water body as it only refers to the outstanding water bodies listed in schedule 25, of which Lake Poukawa was removed as part of the Council's decisions on PPC7. The Māori Trustee is currently appealing this decision point on PPC7. The lack of

recognition of Lake Poukawa as an outstanding waterbody in the Hawke's Bay Region will continue to leave its outstanding and significant values vulnerable to further degradation. The significance of Lake Poukawa needs to be recognised in PPC9.

7. The Council's decision has also created ambiguity for owners of leased land in situations where the lessee (farm operator) agrees to freshwater farm plan actions under the permitted activity rules. It is currently unclear if farm operators have to notify and gain permission from landowners to join and agree to actions to be completed on leased land blocks as part of catchment collectives. It is also unclear on whether actions agreed to would automatically pass on to the next farm operator, cease to exist or become the responsibility of the land owner on lease exit or expiry. This is inconsistent with s 18A of the Resource Management Act 1991 and an amendment is required to ensure that this ambiguity does not create unintentional compliance costs and contribute to market uncertainty for Māori land and Māori landowners.
8. The Māori Trustee is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
9. The Māori Trustee is interested in all of the proceedings but has particular interests in parts that relate to the issues identified in paragraphs 5 to 7 above.
10. The Māori Trustee supports the relief sought by the Appellant to the extent that it relates to the issues set out in paragraphs 5 to 7 above.

10 November 2022

Date



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Gregory Reilly  
Counsel for the Māori Trustee

The document is filed by Gregory Reilly, solicitor for the Māori Trustee.  
Level 3, Seabridge House  
110 Featherston Street  
Wellington 6011

Documents for service on the Māori Trustee may be:

- Left at the above address for service, or
- Posted to the solicitor at Te Tumu Paeroa, PO Box 5038, Wellington 6140

Please direct enquiries to:

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*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.