

Policy for Māori freehold land and Treaty settlement lands

Section 32 - social, cultural and environmental costs and benefits

Prepared by Antoine Coffin

Te Onewa Consultants

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| Approach | Social Costs | Social Benefits | Comparison with Rule 2 or approach to make no provision for Māori owned lands |
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| <p>Proposed Objective 5: protecting and restoring tangata whenua values.</p> <p>Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:</p> <ul style="list-style-type: none"> a) Tangata whenua have the ability to <ul style="list-style-type: none"> i) Manage their own lands and resources, by exercising mana whakahere, for the benefit of their people; and ii) actively sustain a relationship with ancestral land; and b) new impediments to the flexibility of the use of ancestral lands are minimised; and c) tangata whenua connection with the rivers and other water bodies in the catchment is strengthened; and d) improvement in the rivers' water quality and the exercise of | <p>There are limited social costs in relation to the development of this objective and the important sub clause b) that this review focuses on.</p> | <p>Of particular importance in the review of this objective is clause b), this clause insures the social benefits enjoyed by river iwi, through the use of their land; faces minimal intrusion through the introduction of this plan change.</p> <p>The social benefits enjoyed by river iwi are multi-facetted and at times unable to be translated. Those that can be articulated and will be protected by the inclusion of the objective include: retained connection with Māori owned land and a retained sense of belonging, historical connections maintained, historical aspirations for sites are not constrained by legislation and policy implementation. There can also be flow on social effects as a result of retaining connections with Māori owned land including potential to enhance papakainga, social infrastructure and provision of education and health services, particularly in rural areas.</p> | <p>The inclusion of Rule 2, without Rule 8 or an acknowledgement of Māori owned lands, has the ability to promote a social disconnect. Should limitations on land use be applied to Māori owned at a same rate or lacking considered discretion, it is likely that social connections with the land will be significantly affected.</p> <p>Should Māori be faced with overly stringent applications of land use guidance, it is likely that some Māori will move from the area or lose interest in developing appropriate sites to its potential. These negative social outcomes will appear in unproductive lands and loss of employment opportunities, loss of connection to a site where its traditional uses no longer fit a planning framework and a general loss of traditional use and patronage of these lands.</p> |

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| <p>kaitiakitanga increases the spiritual and physical wellbeing of iwi and their tribal and cultural identity.</p> | | <p>It is however clearer, that if this objective was not included in the plan change, social disconnect would occur between river iwi and Māori owned lands. These connections reinforce a sense of place and heritage with particular land; furthermore these traditional land holdings and their use-ability reflect significantly in river iwi and the sense of identity and who they are.</p> <p>The proposed objectives and clauses sends a signal to governance and management that the connection between Māori and their lands is important and the provisions should provide confidence.</p> | <p>Furthermore, a significant social outcome that iwi seek to achieve, through the development of Māori owned land is that ability to attract the tribes people back to live within the rohe; rather than be required to move away in the search for jobs.</p> <p>Further social implications could arise from the inability of iwi to develop land, which could manifest in limitations on papakainga housing, residential development around marae and social infrastructure. This can have flow on effects in education and health provision in these areas.</p> |
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| Approach | Cultural Costs | Cultural Benefits | Comparison with Rule 2 or approach to make no provision for Māori owned lands |
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| <p>Proposed Objective 5: protecting and restoring tangata whenua values.</p> | | <p>The cultural benefits of preserving flexibility for iwi to utilise lands, is to some degree immeasurable. The cultural connections that river iwi</p> | <p>The cultural implications of not providing this objective are significant, the ability to maintain cultural connections to</p> |

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| <p>Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:</p> <ul style="list-style-type: none"> a) Tangata whenua have the ability to iii) Manage their own lands and resources, by exercising mana whakahere, for the benefit of their people; and iv) actively sustain a relationship with ancestral land; and b) new impediments to the flexibility of the use of ancestral lands are minimised; and c) tangata whenua connection with the rivers and other water bodies in the catchment is strengthened; and d) improvement in the rivers' water quality and the exercise of kaitiakitanga increases the spiritual and physical wellbeing of iwi and their tribal and cultural identity. | | <p>have with their lands will be enhanced (or at least be maintained) through access and the ability to develop their lands in a manner that is consistent with Māori cultural beliefs.</p> <p>Flexibility to utilise traditional lands will also promote cultural connections, through the ability to use the land for traditional activities of farming and / or ceremonial activities, which are supported by this objective. Cultural connections will also be maintained through the removal of extensive western practices to justify cultural uses and the application of traditional land management practices.</p> | <p>Māori owned land are potentially removed or obstructed should Māori landowners be required to make resource consent applications for traditional/ cultural activities.</p> <p>In addition to existing uses that may require consent, those cultural developments on sites, which were envisioned for development at the time of settlement, and the value for such activities/land uses may be removed.</p> |
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| <p>Proposed Objective 5: protecting and restoring tangata whenua values.</p> <p>Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:</p> <ul style="list-style-type: none"> a) Tangata whenua have the ability to <ul style="list-style-type: none"> v) Manage their own lands and resources, by exercising mana whakahere, for the benefit of their people; and vi) actively sustain a relationship with ancestral land; and b) new impediments to the flexibility of the use of ancestral lands are minimised; and c) tangata whenua connection with the rivers and other water bodies in the catchment is strengthened; and d) improvement in the rivers' water quality and the exercise of kaitiakitanga increases the spiritual and physical wellbeing | | <p>The proposed objective will result in environmental benefits for Māori owned land. By ensuring flexibility exists, traditional practices will remain part of the decision making process and the land and waterways will benefit from a holistic approach to protecting and managing the environment.</p> <p>The ability to maximise Māori owned land potential will see environmental benefits through usage alone, by developing the land and investing in sites, practices and management will improve; an example of this will be if sites are used as destinations, the resulting visibility will ensure maintenance of the site and its surrounds are consistently achieving environmental outcomes. The selling point of many sites will be the environmental quality of the site.</p> | <p>The environmental effect of not providing for iwi use of Māori owned land is significant. If Māori owned land is left use free and unattended as a result of legislation, the potential pest and weed implications for the river are significant.</p> <p>The inability of iwi to develop Māori owned lands creates the potential for sites to be left and unintended consequences such as dumping and waste could occur.</p> |

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| of iwi and their tribal and cultural identity. | | | |
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| Approach | Social Costs | Social Benefits | Comparison with Rule 2 or approach to make no provision for Māori owned lands |
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| <p>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land</p> <p>Land use change of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</p> <ul style="list-style-type: none"> a) The relationship of tangata whenua with their ancestral lands; and b) The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; <p>Taking into account:</p> <ul style="list-style-type: none"> c) Best practice land management actions for the new type of land use; and d) The suitability of the land for development into a new use, including the risk of contaminant loss from that land and the sensitivity of the receiving water body, reflecting the principles for | | <p>The social benefits of proposed Policy 16 are similar to those discussed in Objective 5, but also provides more specific guidance to the relationship of iwi and their lands that requires recognition.</p> <p>The proposed policy factors into the assessment, the ability of tangata whenua to develop lands for social benefits. These social benefits include retained and enhanced connections to returned lands, this is achieved through recognising iwi relationship with ancestral lands and the ability to develop in a manner that enhances connections.</p> <p>The ability to develop sites and introduce concepts such as matauranga Māori will allow teaching opportunities and intergenerational knowledge sharing. This provides immeasurable social benefits, which provide for the</p> | <p>If Proposed Policy 16 didn't exist and Rule 2 was simply applied to Māori owned lands, social disconnect would be created and would likely escalate over time.</p> <p>Absence of this policy would result in a lack of recognition of the connection iwi have with their ancestral lands. This lack of recognition will not only result in those dealing with iwi failing to recognise the social connections but challenge the ability of future generations of Māori to connect with their lands.</p> |

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| future allocation as contained in Policy 7. | | retention and protection of Māori culture. | |
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| Approach | Cultural Costs | Cultural Benefits | Comparison with Rule 2 or approach to make no provision for Māori owned lands |
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| <p>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land</p> <p>Land use change of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</p> <ul style="list-style-type: none"> a) The relationship of tangata whenua with their ancestral lands; and b) The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; <p>Taking into account:</p> <ul style="list-style-type: none"> c) Best practice land management actions for the new type of land use; and d) The suitability of the land for development into a new use, including the risk of contaminant loss from that land and the sensitivity of the receiving water body, reflecting the principles for | | <p>The cultural benefits resulting from Policy 16, are focused on the recognition of the existence of a cultural connection and that this cultural connection with the lands should be considered when iwi propose land uses or activities.</p> <p>The cultural benefits resulting from iwi owned lands and the ability to use these lands, will result in activities that are consistent with river iwi cultural practices and preserve the intergenerational nature of cultural practices.</p> <p>In strengthening cultural connections with Māori owned land and combining matauranga Māori with best western practices, opportunities exist, land use is likely to recognise the cultural significance of sites and have positive outcomes outside of cultural impacts.</p> | <p>The non-inclusion of Proposed Policy 16 would adversely effect the cultural connections with ancestral lands. Reliance on land use change Rule 2, would not see consideration given to cultural values and the cultural connections iwi have with their ancestral lands.</p> <p>Should river iwi be subject to the restrictions proposed in this framework, Māori owned land is likely to remain underdeveloped and dormant. Lands in this state will not promote cultural and historical values associated with the land, nor will it see future generations utilise sites for cultural activities.</p> <p>The visible lack of consideration to cultural values by council, would also raise issues for iwi, as to the importance and recognition</p> |

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| future allocation as contained in Policy 7. | | The ability of river iwi to develop sites will strengthen cultural connections, presents opportunities to highlight /exhibit / promote the culture to a wider audience. | of co-management agreements and the understanding of cultural values. |
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| <p>Policy 16: Flexibility for development of land returned under Te Tiriti o Waitangi settlements and multiple owned Māori land</p> <p>Land use change of tangata whenua ancestral lands shall be managed in a way that recognises and provides for:</p> <ul style="list-style-type: none"> a) The relationship of tangata whenua with their ancestral lands; and b) The creation of positive economic, social and cultural benefits for tangata whenua now and into the future; <p>Taking into account:</p> <ul style="list-style-type: none"> c) Best practice land management actions for the new type of land use; and d) The suitability of the land for development into a new use, including the risk of contaminant loss from that land and the | | <p>The inclusion of Proposed Policy 16, will see environmental benefits from an iwi perspective. The ability to provide discretion on iwi lands as to the best practice environmental management, including the use of matauranga Māori will result in environmental benefits. Ancestral lands are best managed and understood by those who have had connection over multiple generations.</p> <p>The ability for iwi to utilise Māori owned land will result in environmental benefits through increased awareness and understanding of sites, through the introduction of environmental standards that accompany developments and the ability to invest in sites that were previously underutilised.</p> | <p>The non-inclusion of the proposed policy will negatively effect the environment of Māori owned lands. The limitations around use and conversion created by the rule, will see the environmental benefits created by activities and the subsequent standards attached to these uses lost.</p> <p>Māori owned land is often marginal land that was confiscated as a result of inactivity. By creating restrictions on Māori landowners, it is likely that the land will not see the environmental enhancement that could result from land use change. The introduction of new or simply a use has the potential to improve the environmental performance of sites.</p> |

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| <p>sensitivity of the receiving water body, reflecting the principles for future allocation as contained in Policy 7.</p> | | <p>The subsequent environmental benefits achieved reflect positively on river iwi response to the environment and encompass the holistic Māori world view where all in the environment is linked and no division is seen between themselves and the environment.</p> | <p>Activity on sites also has the ability to improve an environment through the likely active management of sites for such issues as pest control and water run-off.</p> |
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| <p>Discretionary Activity rule: Change in the use of settlement land or Te Ture Whenua Māori freehold land (Rule 8) Except as provided for [commercial vegetable production rule, and rule 3], a change in the use of land in the Waikato and Waipa catchment, of more than 4 hectares in area, from:</p> <ol style="list-style-type: none"> 1. Woody vegetation to dry stock; or 2. Woody vegetation to dairy; or 3. Woody vegetation to horticulture; or 4. Dry stock to dairying; or 5. Drystock to horticulture; or <p>Any landuse to commercial vegetable production where the land is tangata whenua ancestral land is a</p> | | <p>The inclusion of Proposed Rule 8 will provide social benefits through the ability of Māori owned lands to be developed subject to a series of conditions and standards.</p> <p>The social benefits such as the continued connection to the site, will be achieved through confidence in consenting process and the ability to develop in a manner that was envisioned for the site at the time of settlement.</p> <p>The ongoing recognition of river iwi special relationship with their ancestral lands, also provides social benefits through the awareness that value can be added to the site through environmental</p> | <p>The non-inclusion of the Discretionary Rule 8 would have negative social impacts upon river iwi and the use of Māori owned lands.</p> <p>The application of a generic rule for land conversion or use would create a social disconnect with sites. Such a rule would disadvantage iwi significantly through a shortened time period available to develop the site previously, a changing of the potential of a site reduces the sites ability to be used by greater numbers of iwi.</p> |

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| <p>discretionary activity (requiring a resource consent) subject to the following conditions, standards and terms:</p> <ul style="list-style-type: none"> i) No land use change may occur on Land Use Capability Class VIII; and ii) Land changing to the use of dairy is Land Use Capability Class I-IV; and iii) Land changing to the use of dry stock grazing is Land Use Capability I-VII: and iv) A Farm Environment Plan is prepared in accordance with Rule 5, and nitrogen reference data collection is undertaken in accordance with Rule 7, both of which demonstrate how clauses i) to iii) above are met; and v) Land use change shall only occur where the principles of future allocation, as shown in Policy 6, are demonstrated; and vi) Land changing use provides for the tangata whenua relationship with ancestral lands, demonstrates kaitiakitanga, and the benefits | | <p>improvements and improved accessibility to sites.</p> <p>The rule also provides social benefits through the acknowledgement and recognition of iwi role as kaitiaki of their ancestral lands.</p> | <p>This disadvantage or perceived disadvantage created by this rule has the ability to leave Māori owned land unproductive and remove employment opportunities and potential social interactions with tribal members.</p> <p>No social benefits will be obtained by Māori owned land being underutilised and subject to resource consent hearings for any potential land use.</p> |
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| <p><i>for tangata whenua which are generated from the change in land use are realised and secured into the future.</i></p> <p>For the purposes of this rule a change in land use includes reversion to a previous land use where there has been a greater than two-year period since it has been used for those purposes.</p> <p>For the avoidance of doubt, change in land use does not include:</p> <ul style="list-style-type: none"> a) the growing of crops as part of a pasture renewal programme b) what could reasonably be considered to be seasonal variation or rotation of crops | | | |
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| <p>Discretionary Activity rule: Change in the use of settlement land or Te Ture Whenua Māori freehold land (Rule 8) Except as provided for [commercial vegetable production rule, and rule 3], a change in the use of land in the</p> | | <p>The Proposed Rule 8 will provide cultural benefits to river iwi. The ability to develop Māori owned land as a discretionary activity, will provide confidence that decision makers are understanding of the iwi context and recognise the cultural</p> | <p>The non-inclusion of the proposed rule would adversely effect river iwi and Māori owned land, in relation to cultural values and the challenges involved in simply applying Rule 2, too sites.</p> |

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| <p>Waikato and Waipa catchment, of more than 4 hectares in area, from:</p> <ol style="list-style-type: none"> 1 Woody vegetation to dry stock; or 2 Woody vegetation to dairy; or 3 Woody vegetation to horticulture; or 4 Dry stock to dairying; or 5 Drystock to horticulture; or 6 Any landuse to commercial vegetable production where the land is tangata whenua ancestral land is a discretionary activity (requiring a resource consent) subject to the following conditions, standards and terms: <ol style="list-style-type: none"> i) No land use change may occur on Land Use Capability Class VIII; and ii) Land changing to the use of dairy is Land Use Capability Class I-IV; and iii) Land changing to the use of dry stock grazing is Land Use Capability I-VII: and iv) A Farm Environment Plan is prepared in accordance with Rule 5, and nitrogen reference data collection is undertaken in accordance | | <p>value in assessing an activity or land use change.</p> <p>Cultural benefits will also be achieved through the ability of river iwi to develop sites that recognise and promote the cultural significance of sites, in turn adding value to sites and those that neighbour Māori lands.</p> <p>The recognition of cultural values will promote co management in the development of Māori owned and ancestral lands.</p> | <p>In not recognising cultural values as a specific assessment criteria, Māori landowners will be assessed and compared against other landowners without any cultural connection to sites within the river catchment. Māori land holders by definition, have an increased cultural connection to sites, any policy framework that limits use rights unreasonably, will create a cultural disconnect.</p> <p>The ability to promote cultural values and to educate river iwi themselves, is an important aspect of Treaty of Waitangi Settlements. If cultural values are not recognised in resource management process, the opportunity will be lost to showcase the site but also the opportunity to enhance sites through appropriate development will be lost. If cultural stories and knowledge are to be understood by the wider community, the cultural values attached to lands owned by Māori need to be recognised in resource management decision making.</p> |
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- with Rule 7, both of which demonstrate how clauses i) to iii) above are met; and
- v) Land use change shall only occur where the principles of future allocation, as shown in Policy 6, are demonstrated; and
 - vi) Land changing use provides for the tangata whenua relationship with ancestral lands, demonstrates kaitiakitanga, and the benefits for tangata whenua which are generated from the change in land use are realised and secured into the future.

For the purposes of this rule a change in land use includes reversion to a previous land use where there has been a greater than two-year period since it has been used for those purposes.

For the avoidance of doubt, change in land use does not include:

- a) the growing of crops as part of a pasture renewal programme
- b) what could reasonably be considered to be seasonal variation or rotation of crops

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| <p>For the purposes of this rule a change in land use includes reversion to a previous land use where there has been a greater than two-year period since it has been used for those purposes.</p> <p>For the avoidance of doubt, change in land use does not include:</p> <ul style="list-style-type: none"> a) the growing of crops as part of a pasture renewal programme b) what could reasonably be considered to be seasonal variation or rotation of crops | | | |
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Potential high level economic costs

Whilst the integrated economic model is developing a series of cost / benefit scenarios to assess the economic component of this s32, it should be considered that economic costs exist beyond those that can be modelled. An example of this, is the costs associated with river iwi being unable to develop Māori owned land, that has been returned as a result of Treaty of Waitangi Settlement processes. Lands returned through this process, would have been valued by iwi at the time of signing settlements, naturally these lands value is dictated by the ability of iwi to utilise this land through development and change of use. If Rule 2 is applied, without Rule 8 and the supporting policy framework, it would be a reasonable assumption that Māori owned land will be devalued. Subsequently questions will be raised as to the value of treaty settlements, if lands returned are essentially frozen in time and have very few options to change land uses and add value.

References