

# Resource for Māori Land sub-group: Relevant policy and legislation

This document provides some legislation and policy, as a starting point, which is relevant to the Māori land sub-group from the following documents:

1. Resource Management Act 1991
2. Vision and Strategy and River iwi outcomes and principles document (CSG14, #3483800)
3. National Policy Statement for Freshwater Management 2014
4. Proposed Waikato Regional Policy Statement

Also included are is relevant CSG developed content – Values and uses and Policy Selection Criteria.

## 1 Resource Management Act 1991

### Section 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

### Section 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

### Section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).

### Principles of the Treaty of Waitangi

- The treaty set up a partnership, and the partners have a duty to act reasonably and in good faith.
- The Crown has freedom to govern.
- The Crown has a duty to actively protect Māori interests.
- The Crown has a duty to remedy past breaches.
- Māori retain [rangatiratanga](#) over their resources and taonga and have all the rights and privileges of citizenship.
- The Crown has a duty to consult with Māori.
- The needs of both Māori and the wider community must be met, which will require compromise.
- The Crown cannot avoid its obligations under the treaty by conferring authority on some other body.
- The treaty can be adapted to meet new circumstances.
- Tino rangatiratanga includes management of resources and other taonga according to Māori culture.
- Taonga include all valued resources and intangible cultural assets.

## 2 Vision and Strategy

Taken from River Iwi outcomes and principles document – presented to CSG14 10-11 August 2015 #3483800

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| <p>Recognise the potential of landowners to develop land within the water quality limits and, incentivise voluntary changes to current land use to fit within water quality limits.</p> | <p>The restoration and protection of the Waikato River is of paramount importance to River iwi and the community. While it is important to put in place a flexible approach that enables the community’s wellbeing to be met (including maintaining and enhancing economic wellbeing), the restoration and protection of the Waikato and Waipā Rivers must not be compromised.</p> <p>Social, cultural and economic considerations are subject to the restoration and protection of the health and wellbeing of the Waikato River - meaning that economic development cannot occur at the expense of water quality outcomes. Ideally the community should strive towards enhancing economic wellbeing within the limits that are set to protect water quality. This is likely to mean providing the right mix of policy instruments to incentivise voluntary changes to current land use (eg, through the use of good management practice).</p> <p>The means by which River Iwi realise their economic potential is through activities that exemplify our role as kaitiaki. Historically the Waikato and Waipā Rivers were the main arteries linking Iwi and provided a means of sustenance, trade, and travel. In a modern context the economic interests from freshwater and the potential for future economic development remains intrinsically linked with the Waikato and Waipā Rivers and this requires recognition.</p> <p>New technology that is developed over time is likely to allow for continually improved information to support sound resource management decision-making (eg, consideration of applications for discharges of contaminants) and methods to improve the environmental performance of land use activities. At the same time, resource users must be accountable for the impacts they cause now or</p> | <p>Objective D - The restoration and protection of the relationship of the Waikato region’s communities with the Waikato River including their economic, social, cultural and spiritual relationships.</p> <p>Objective J - The recognition that the strategic importance of the Waikato River to New Zealand’s social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.</p> <p>Objective F - The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.</p> | <p>The Waikato and Waipā Rivers are restored without compromising the performance of the regional economy.</p> |
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|   | have caused historically.   |   |   |
| Avoid creating inequitable outcomes between land owners through the allocation of any right to discharge contaminants | <p>The Plan Change needs to carefully balance the unresolved rights and interests of iwi with the rights of existing users to discharge contaminants to avoid creating further inequity. Poor decisions to allocate rights to discharge contaminants within a limit may unintentionally reward land uses that currently discharge high levels of contaminants and 'lock in' land uses currently that discharge low levels of contaminants.</p> <p>It will be imperative to avoid creating inequitable outcomes between landowners, with particular recognition of the challenges faced by Multiple Maori Owned Land (MMOL). The River Iwi will need to carefully consider how the yet to be developed regional policy framework affects MMOL. The Plan Change should also ensure that where land has not been developed or is under-developed for various reasons (ie, historic, Treaty, CNI), the policy framework does not unreasonably restrict the future development opportunities of this land. In this regard MMOL may require a different approach to assisting in restoring the relationship of iwi with the awa.</p> <p>Ensuring low discharging land uses have the flexibility to maximise opportunities to develop is a key outcome that the Plan Change will need to address. This means land uses that currently discharge low levels of contaminants do not act as offsets or a sink for high discharging land uses within the same catchment or FMU.</p> <p>Any headroom that is created through the use of efficiency testing or good management practice should, as a matter of hierarchy, benefit: (i) the awa in phasing out over allocation and (ii) providing for the development potential of MMOL and undeveloped land.</p> | <p>Objective D - The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.</p> <p>Objective J - The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.</p> | Any new rights that are created to discharge contaminants do not create perverse or inequitable outcomes for undeveloped or under-developed land. |

## 3 National Policy Statement for Freshwater Management 2014

### D. Tāngata whenua roles and interests

#### Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

#### Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

## 4 Proposed Waikato Regional Policy Statement

### Issue 1.5 Relationship of tāngata whenua with the environment (te taiao)

The relationship tāngata whenua have with the domains of **Ranginui** and **Papatūānuku** is of paramount importance and this relationship is being damaged through:

- a) activities which degrade the mauri of the environment, including through cumulative effects;
- b) loss of access to, and use and enjoyment of, resources and places;
- c) loss or diminishment of the ability of **tāngata whenua** to be involved in or influence management decisions; and
- d) loss of ability to exercise and provide for **kaitiakitanga**.

### Objective 3.8 Relationship of tāngata whenua with the environment

The relationship of tāngata whenua with the environment is recognised and provided for, including:

- a) the use and enjoyment of natural and physical resources in accordance with **tikanga** Māori, including mātauranga Māori;
- b) the role of tāngata whenua as **kaitiaki**.

### Policy 4.3 Tāngata whenua

**Tāngata whenua** are provided appropriate opportunities to express, maintain and enhance the relationship with their **rohe** through resource management and other local authority processes.

### Policy 10.2 Relationship of Māori to taonga

Recognise and provide for the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, **wāhi tapu** and other **taonga**.

## 5 Values and uses for the Waikato and Waipa Rivers

### Hononga ki te wai, hononga ki te whenua - Identity and sense of place through the interconnections of land with water

- The rivers contribute to a sense of community and sustaining community wellbeing.
- The rivers are an important part of whānau/family life, holding nostalgic feelings and memories and having deep cultural and historical significance.
- For River Iwi, respect for the rivers lies at the heart of the spiritual and physical wellbeing of iwi and their tribal identity and culture. The river is not separate from the people but part of the people, “Ko au te awa, ko te awa ko au” (I am the river and the river is me).
- The rivers are a shared responsibility, needing collective stewardship: kaitiakitanga – working together to restore the rivers. There is also an important intergenerational equity concept within kaitiakitanga.
- Mahitahi (collaborative work) encourages us all to work together to achieve common goals.

### Mana Atua –Intrinsic values

#### Ko te whakapapa o ngā iwi ki ōna awa tūpuna / Historical relationships between the rivers and River Iwi Ko ngā kōrero o neherā / History

Each River Iwi has their own unique and intergenerational relationship with the rivers.

- The rivers have always been seen as taonga (treasures) to all River Iwi.
- The rivers have always given River Iwi a strong sense of identity and connection with the land and water.
- Rivers were used holistically; River Iwi understood the functional relationships with and between all parts of the rivers, spiritually and physically.
- Iwi strive to maintain and restore these relationships despite the modification and destruction that has occurred through different types of development along the rivers.

## 6 CSG’s Policy Selection Criteria

### Gives effect to Te Ture Whaimana/the Vision and Strategy

Does the policy give effect to the Vision and Strategy for the restoration and protection of the health and wellbeing of the Waikato and Waipa rivers?

### Provides for aspirations of River iwi

Does the policy:

- provide for them to retain and use their taonga in accordance with their tikanga and kawa?
- give effect to their environmental, economic, cultural and social relationships with land and water?

## **Allows for flexibility and intergenerational land use**

Does the policy:

- foster innovation?
- encourage positive actions being taken?
- allow for change and review as new information and issues arise?
- provide flexibility of future land use (including Treaty settlements land and multiple Māori owned land)?
- take account of complexity and difference between farming systems and farm enterprises?