

Memo

File No: 23 10 12

Date: 7 April 2016

To: Maori land sub-group

From: Emma Reed, Policy development workstream

Subject: **Drafting outcomes, objectives and policies**

1 Purpose

The policy mix for Healthy Rivers currently includes three outcome statements and placeholder headings for narrative objectives and policies for enabling provisions providing for the development of land returned under Te Tiriti o Waitangi settlements and multiple Māori owned land.

The purpose of this memorandum is to provide draft wording which can be used by the sub-group when developing an outcome, objective and policies in line with the sub-group's intent, which is to develop a counterbalancing policy¹ to allow for flexibility for land that has not been able to be developed for legal/historical reasons/impediments, in the next 10 years (until the next plan change).

The memorandum is intended to inform CSG's Māori Land sub-group discussions.

2 Background

The Māori land sub-group met for the first time on 15 March 2016 (see notes DM#3723604) and then on 1 April 2016 (see notes DM#3757058). At the first workshop the sub-group confirmed the intent of the sub-group was to develop counterbalancing policy to allow for flexibility for land that has not been able to develop for legal/historical reasons/impediments.

3 Drafting provisions for Plan Change 1

The sub-group will be working through the detail of the content in the plan change on the topic of flexibility of Te Ture Whenua (TTW) and settlement lands belonging to tangata whenua of the catchment. Regardless of which policy option is chosen the plan change will contain an outcome, objective and policy wording about the approach towards TTW and settlement land flexibility. Depending on which option is chosen, there may be rules and/or methods also.

So far the policy mix document contains the wording of an outcome, and place holders for an objective and policy on this topic.

¹ The policy mix for Healthy Rivers current includes a policy and rule to restrict land use change from some land uses to more intensive land uses. This workstream aims to avoid the unintended consequences of this policy on the relationship of tangata whenua with their ancestral lands.

Below is draft wording for additions to Outcome 2, and wording to use to craft a new objective and policy, for sub-group discussion.

Points for Outcome 2

Outcome 2: Mana Tangata – protecting and restoring tangata whenua values

Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:

- the ability of tangata whenua to manage their own lands and resources (exercising manawahakahaere) for the benefit of their people and reflecting their ancestral relationship with their land, is maintained
- tangata whenua connection with the rivers and other water bodies in the catchment is strengthened
- 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

Points for a new objective

Tangata whenua are able to provide for their social, cultural and economic wellbeing and new impediments to the flexibility of activities on lands returned through settlement processes between the Crown and tangata whenua of the catchment, or for lands controlled by Te Ture Whenua Maori Act 1993, are minimised.

Points for a new policy, or within the land use change policy

When considering applications for resource consent under 'Rule 2a' the following matters are taken into account:

- Any historical and existing legal impediments which affected the flexibility of decision making over use of the land.
- Any ancestral relationship that exists between the applicant and the land in question.
- Whether the proposed development reflects best practice for that type of land use, and suitability of the land for development into that use (including sensitivity of the receiving water body).

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References

Māori land sub-group notes. Māori land sub-group meeting #1. 15 March 2016. DM#3747040.

Māori land sub-group notes. Māori land sub-group meeting #2. 1 April 2016. DM#3757058.

Waikato Regional Council 2016. Restoring and protecting our water/Te whakapaipai me te tiaki i ō tātou wai: Overview of Collaborative Stakeholder Group's Recommendations for Waikato Regional Plan Change No. 1 – Waikato and Waipa River Catchments. March 2016. DM#3351821.