

**BEFORE COMMISSIONERS APPOINTED
BY THE WAIKATO REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the First Schedule to the Act

AND

IN THE MATTER of Waikato Regional Plan Change 1-
Waikato and Waipā River Catchments
and Variation 1 to Plan Change 1

AND

IN THE MATTER of submissions under clause 6 First
Schedule

BY **CNI IWI LANDMANAGEMENT
LIMITED**

**HEARING STATEMENT OF ALAMOTI TE POU
7 August 2019**

1. My full name is Alamoti Sione Te Pou.
2. I am the General Manager of CNI Iwi Land Management Limited (CNIILML) which manages 34,000Ha of land in the Waikato on behalf of CNI Iwi Holdings Limited (CNIHL). This is the Settlement entity for the 2008 CNI Iwi collective settlement for the eight iwi of: Ngāti Whare, Ngāti Manawa, Ngai Tūhoe, Ngāti Tūwharetoa, Ngāti Rangitīhi, Te Pūmāutanga o Te Arawa, Raukawa, and Ngāti Whakaue.
3. I was a member of the Healthy Rivers Wai Ora Collaborative Stakeholder Group (CSG), one of three representing Māori Interests of the Waikato Catchment. I was specifically representing the interests of the CNIHL Settlement.
4. I am speaking today for CNI Iwi Holdings Limited. This statement is of my experience of the CSG direction we spent many hours negotiating on for PC1. It also explains why I consider that if Policy 7 is removed from the plan as recommended by the s42A report all that consideration and effort will be wasted.
5. I am fully supportive of Te Ture Whaimana, The Vision and Strategy for the Waikato and Waipa Rivers. However it is my opinion that it is possible to meet the vision and also provide some land use flexibility of our land, consistent with its capacity.

Collaborative Stakeholder Group process

6. I was a member of the CSG process from about the third meeting onwards. I was also on the Māori Land Subgroup which tried to tackle the difficult question of how to provide for increased intensity of use on *some* of the Māori and Settlement land, while still making progress towards Te Ture Whaimana.
7. Much of the CSG discussion grappled with the topic of allocation. Our kaitiaki view, of land being used according to its natural capability, meant we favoured natural capital as the approach being aligned with our values. Other significant sectors, Sheep and Beef and forestry, were aligned on several elements to do with Natural Capital nitrogen allocation too.
8. On many occasions various CSG members sought to flesh out the details of allocation using a natural capital approach. Council had a panel discussion on differing aspects of allocation, one of which was natural capital, about three months from the end of CSG. However by this late in negotiations this session was too late for the CSG to provide enough time to discuss and develop policy to put it into effect.
9. During the CSG process, I provided clear and consistent feedback on the inequity that a grandparent approach to N leach allocation would have on

Settlement land. CNIHL's experience of the Lake Rotorua Plan Change 10 process meant we were very aware that a grandparent approach would make it extremely difficult to use our land for something other than trees.

10. A grandparent approach would mean that land in trees would stay in trees. The Settlement land had been put in trees prior to us having control of it. This made it different from land where the owner had always been able to choose the land use on their land. To constrain land use on land that had only just been returned, was, put bluntly, a second confiscation. We had always made it clear that any land use proposals would be in accordance with our land's ability to sustain alternative uses. This is why we were strongly in support of a natural capital approach.
11. CSG in general could see the unfairness of this situation and endeavoured to include a "carve-out" to support some land use change for those land owners who only recently regained control of their land i.e. Māori land and Settlement land. That was the purpose of Policy 16.

Nitrogen Allocation

12. My recollection is that early on CSG agreed there would be no grandparenting (i.e. allocation of N leach by granting existing use rights according to present N leaching levels). That was reconfirmed mid-way through the process.
13. The CSG discussion on Nitrogen also considered a holding position in the form of a "no land use change" rule. That would mean we would not have to allocate at a property level in this plan change, but would make an organised transition towards an allocation system in a subsequent plan change. I.e. The "no land use change" rule was to be a backstop to the initial lack of an allocation system.
14. A general "no land use change" rule was included which was intended to be in place while an allocation system was developed, using key principles of allocation developed by CSG, the first of which was Land Use Suitability.
15. Our position was that a key principle of any allocation framework was that it needed to be based on the natural resources or natural capital of a property and that like land would be treated the same. CSG agreed and that approach was expressed through:
 - a. Policy 7;
 - b. supporting text in the background and introduction, and
 - c. method requiring Council to develop the information needs to support future allocation (method 3.11.4.7).
16. Important discussions around allocation were left too late for the policy design to be built into PC1, as well as there not being enough information to introduce it in PC1. Allocation was therefore postponed to the next plan change – albeit with Policy 7 for guidance, and the hard end date to the no land use change in place.

17. We agreed to these principles at a group level. Then, as the CSG moved into the final few months of its process, several subgroups were created to handle the many details that needed to be secured.

CSG direction

18. I supported the policy mix and the overall PC1 package on the basis that the future direction was clearly indicated (natural capital via Policy 7) and the no land use change was temporary and for a clearly fixed term.

PC1 post s42A recommendations

19. We have ended up with grand-parenting (via the NRP), no direction towards natural capital and a permanent no land use change rule.

20. Settlement land use change is permanently a non-complying activity, not a policy with a fixed end date (NB policy guidance in Policy 16 refers to the now non-existent Policy 7¹).

21. PC1 acknowledges current Nitrogen loss rates (NRP) but it provides:

- no direction on how Nitrogen will be allocated in the future,
- no guidance on the nature of allocation and
- no longer has any formal expectation of a transition to an equitable system in the future.

These changes are all a function of removing Policy 7, which is what the s42A recommends.

22. This means rights to use are granted on the basis of current use. Grand-parenting with no transition.

23. This outcome is unrecognisable compared to the direction of CSG. This approach contradicted many of the CSG's policy selection criteria. It ignores the handicap that Settlement land is under. But somehow this is now PC1.

24. The allocation principle of Land Use Suitability that had been agreed in CSG was pushed out of PC1 and into guidance for future plan changes, with no imperative for Council to develop a framework in the meantime. The s42A recommends removing it from policy guidance, disappearing it altogether.

25. The s42A recommendations means there is no end point for "no land use change"².

26. The no land use change rule was supposed to be a short period of "line in the sand" while a fair system was developed. The approach we developed in CSG was that this must have a hard end date, because of the obvious implications of equity and land use flexibility.

¹Policy 16 ...Taking into account: i. Best management practice actions for ...the proposed new type of land use; and ii.The suitability of the land for development into the proposed new type of land use, reflecting the principles for future allocation **as contained in Policy 7**, including ...

² It is a non-complying activity as part of rule 3.11.5.3 condition 5b or 3.11.5.4 condition 7.

Next Steps

27. We need to transition to better suit our natural resources. We need to make space for those who, through no fault of their own are only now able to meaningfully manage their own destiny.
28. This can be done through a system that is focused on sustainable management of the land resource, rather than locking in land use in on the basis of how it has been used (and sometimes misused) in the past.
29. This process is predicted to take as long as 80 years. In CSG we negotiated an approach that would share the burden of that water quality improvement.
30. The recommendations of the s42A report to remove Policy 7 which set a natural capital direction, and to take away the hard end to the no land use change provisions, seriously and negatively distort the intent we signed up to as a result of CSG.