



**SUBMISSION TO
MINISTRY OF ENVIRONMENT ON
VALUING HIGHLY PRODUCTIVE LAND**

This submission is filed for Waikato-Tainui by:

Te Whakakitenga o Waikato Incorporated
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WAIKATO-TAINUI SUBMISSION TO MFE-ACTION ON Valuing Highly Productive Land

- a) Te Whakakitenga o Waikato Incorporated (**Te Whakakitenga**) makes this submission to the on behalf of the Waikato-Tainui iwi and its various entities that represent and work for our iwi.
- b) Te Whakakitenga make this submission outlining our position with regards to the action on Valuing Highly Productive Land
- c) Te Whakakitenga's submission for Waikato-Tainui comprises the following parts:

Part 1 Provides a summary of Waikato-Tainui's key submission points including;
- Productive NPS for Highly Productive Land

Part 2: Position Conclusion

Part 3: Waikato Tainui entities

Part 1: Summary of Waikato-Tainui's key submission points

- a) Waikato Tainui assert our status as Treaty Partners first and foremost. Which is guaranteed under our settlement legislation (Waikato Raupatu Claims Settlement Act 1995 and Waikato Raupatu Claims Waikato River Settlement Act 2010). Waikato Tainui affirm under law we must co-design any policy and legislative changes which directly or indirectly effect our Settlement legislation. As a result, omits the submission process for Waikato Tainui and demands direct engagement with the Crown. In our view the relationship between Waikato Tainui and the Crown is unique and remains to be ignored by the Crown.
- b) Waikato Tainui has a range of Rights and Interests including by not limited to;
 - (a) rights and interests arising under the 1995 Waikato Raupatu Lands Settlement (and the Waikato Raupatu Settlement Act 1995) and the 2008-2009 Waikato River Settlement (and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010);
 - (b) rights and interests according to tikanga and customary law
 - (c) The rights and interests arising from the common law (including the common law relating to aboriginal title and customary law); and
 - (d) rights and interests under the Treaty of Waitangi and its principles.
- c) Waikato-Tainui's position on Valuing Highly Productive Land

Proposed NPS for Highly Productive Land

Ministry for Environment is proposing an NPS to prevent the loss of more productive land and which promotes sustainable management of high-value land lands by prioritising, elevating and weighting Highly Productive Lands in the RMA planning and decision-making hierarchy through council designations and classifications.

It will provide direction and a tool to local authorities to deal with local demands and priorities.

Waikato Tainui support the principle of protecting highly productive lands for primary production purposes and acknowledges the importance of highly productive land to the health and wellbeing of our marae, hapuu, whanau and the wider community. We also acknowledge the importance highly productive lands contribute to the NZ economy.

Our Raupatu region is characterised by an exceptionally productive rural sector, arising from the existence of high-class soils. The protection of land for food production is an important issue for our region and we support Waikato Regional Policy Statement provisions relating to the protection of high-class soils from inappropriate subdivision, use and development.

Waikato Tainui supports the policy intent to give councils and their communities the flexibility to identify highly productive land base on a range of considerations such as climate, water, and access to transport routes and appropriate labour markets.

To this end, Waikato Tainui will ensure that the NPS provides for the settlement provisions and will ensure that any of these provisions and or amendments to respective plans are part of the joint management agreements we have in place

with the Hamilton City, Waikato District, Waipa District and Waikato Regional Councils.

Waikato Tainui also support the provision to consider new pathways by which urban expansion could locate on highly productive lands, this will need to ensure it is well designed and makes efficient use of urban land resource. Consideration of this pathway will need to include provision for Te Ture Whaimana.

Waikato Tainui view Te Ture Whaimana: Vision & Strategy as the primary direction setting document for the restoration and protection of the Waikato River and all its activities. Te Ture Whaimana is a fundamental element of the settlement and co-management agreements River Iwi have signed with the Crown and reflected in legislation. It applies to land and water, particularly the restoration of water quality within the Waikato and Waipa Rivers so that it is safe for people to swim in and take food from over its entire length.

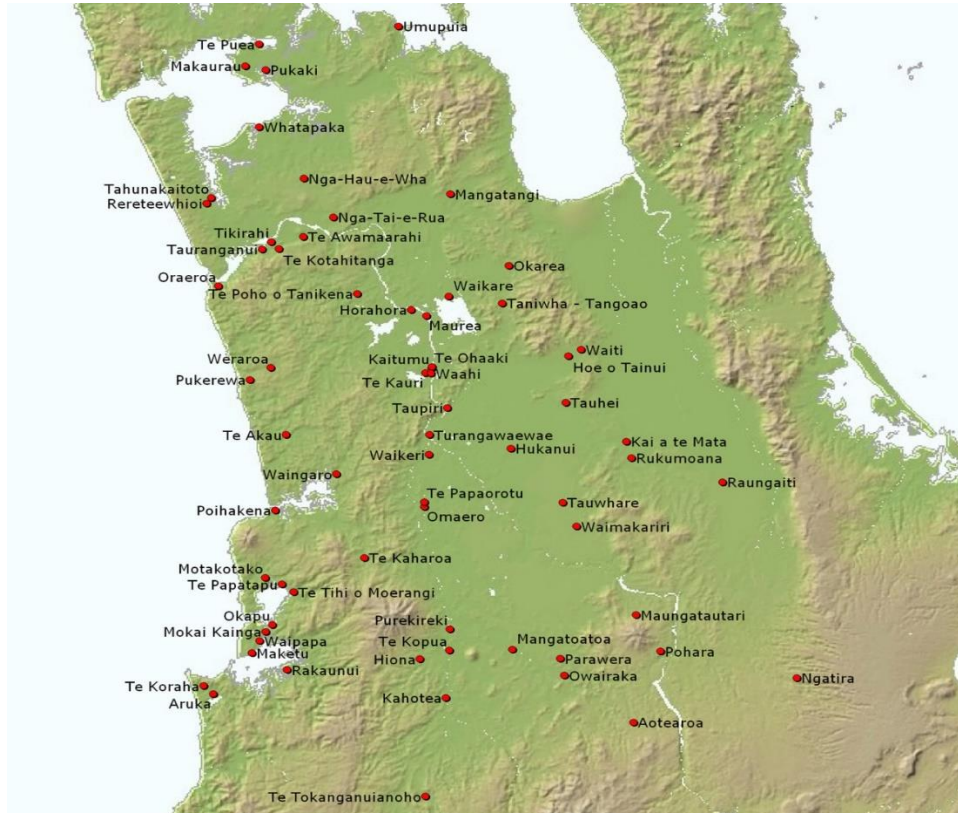
Part 2: Position Conclusion:

Waikato-Tainui wishes to ensure that:

- a) The NPS for Valuing Highly productive lands does not adversely affect the rights and interests of Waikato Tainui;
- b) The NPS will provide the policy framework to improve the pathway for future development including Te Ture Whaimana as a key primary setting document;
- c) The Crown demonstrates a greater commitment to working alongside iwi as in the development of the NPS; and
- d) Waikato-Tainui is able to work closely with the Crown to ensure that any benefits from the NPS are fully realised within the Waikato Region.

Part 3: Who we are-Waikato-Tainui and the Waikato rohe

- a) Waikato-Tainui are the tangata whenua of the Waikato rohe.
- b) Our iwi comprises more than 76,000 registered members who affiliate to Waikato-Tainui, connected to 33 Waikato hapuu and represented by 68 marae, as shown in the map below.
- c) The rohe (tribal region) of Waikato-Tainui is bounded by Auckland in the north and Te Rohe Potae (King Country) in the south, and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east.
- d) Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast of Whaingarua (Raglan), Manukau, Aotea and Kawhia moana.
- e) The recent history of our iwi has been shaped by the raupatu (confiscations) that occurred in the 1860s and other Tiriti breaches by the Crown.
- f) Through Tiriti settlements and related processes, and the work of Te Whakakitenga and other Waikato-Tainui entities, our iwi has been progressively working to redress the economic, political, social and cultural deprivations suffered by our people as a result of raupatu and other Tiriti breaches and has re-built an asset base.
- g) However, there is ongoing work to be done, for present and future generations, and Waikato-Tainui members remain overrepresented in the lower quartile for various socio-economic and health measures.



The entities that represent and work for Waikato-Tainui

- h) The Waikato-Tainui entities that represent and work for our iwi hold and exercise kaitiakitanga (stewardship) of our whenua and other assets that provide the foundations for the economic, political, social and cultural well-being of the iwi.
- i) Many of these assets have been returned to Waikato-Tainui through Tiriti settlements and related processes (e.g. RFR processes), in recognition of raupatu and other Tiriti breaches and the associated economic, political, social and cultural deprivations suffered by our people.

The settlements of Waikato-Tainui's Tiriti claims have recognized that the raupatu including the confiscation of land in our rohe and the related invasion, hostilities, war, loss of life, destruction of taonga and property, and consequent suffering, distress and deprivation of our iwi - was a violation and grave injustice against our people, our rohe and our ancestral river, and against our rights under Te Tiriti, and had a crippling effect on the welfare, economy and potential development of our iwi.

The settlements also recognise that our Tiriti rights - including our rangatiratanga and mana whakaere over our rohe and taonga - are not diminished or in any way affected. They are ongoing.

The settlements began a process of healing and a new age of cooperation with the Crown, but that process of healing, and the process of regenerating and advancing the welfare, economy and development of our iwi, is ongoing.

- j) The principal entities that represent and work for our iwi, and hold and exercise stewardship of our assets, which are shown in the diagram below, are as follows:

Te Whakakitenga is the umbrella entity for the iwi. Its objectives include protecting, advancing, developing and unifying the interests of our iwi, and it is the sole trustee of Waikato-Tainui's two raupatu settlement trusts.

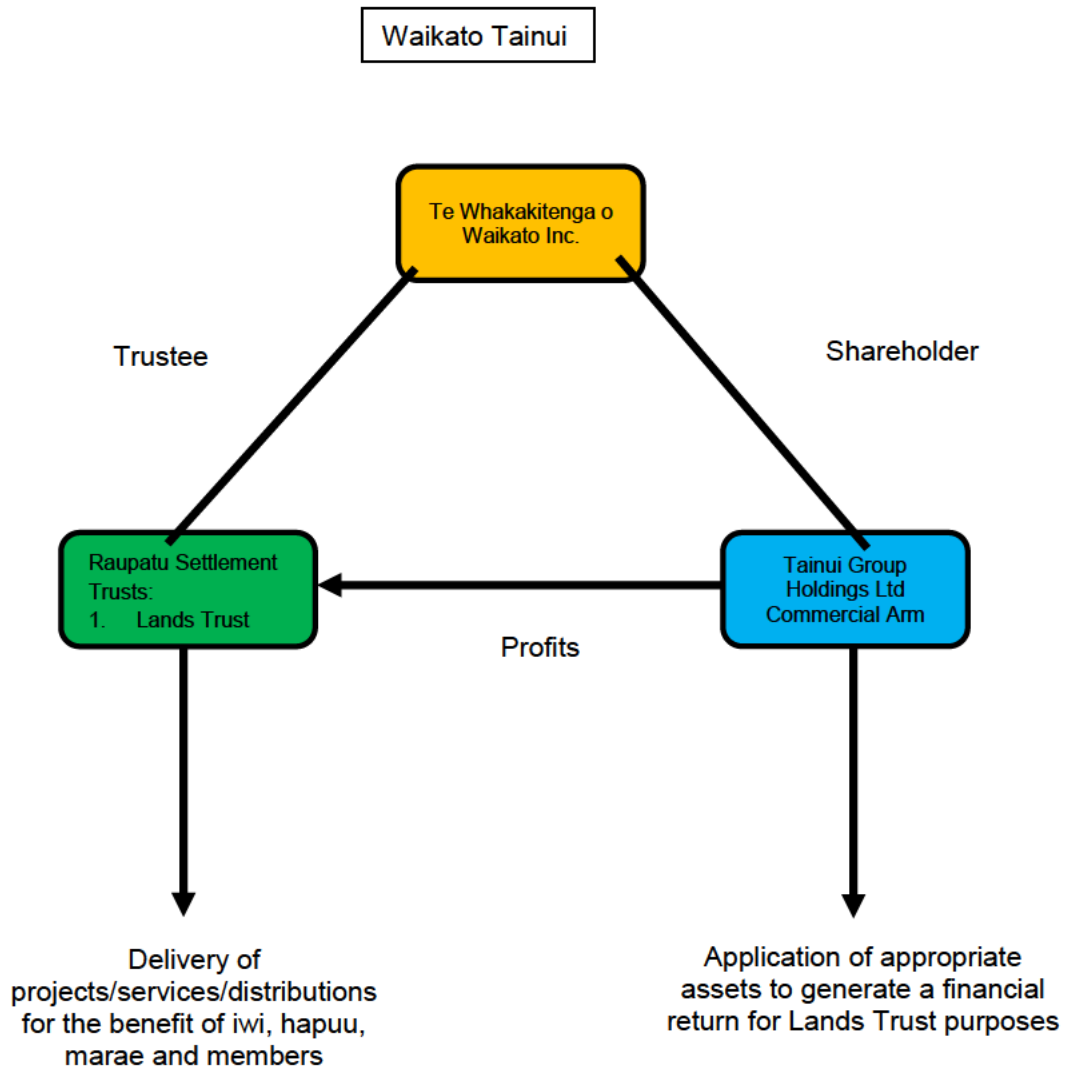
The two raupatu settlement trusts established as post-settlement governance entities for Waikato-Tainui are:

- (i) Waikato Raupatu Lands Trust (**Lands Trust**), established for the purpose of the Waikato-Tainui Raupatu Claims Settlement Act 1995; and
- (ii) Waikato Raupatu River Trust (**River Trust**), established for the purpose of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

These entities hold land (in the case of the Lands Trust), rights in respect of the Waikato River (in the case of the River Trust), and settlement monies received from the Crown, on trust, to redress the economic and wider deprivations suffered by our people.

Tainui Group Holdings Limited (**TGH**) is owned by Te Whakakitenga and oversees Waikato-Tainui's commercial arm. Waikato-Tainui's commercial arm seeks to generate a financial return from appropriate assets in order to further the purposes of the Lands Trust for the benefit of the iwi.

- k) Additional entities work underneath or alongside these principal entities to deliver or undertake particular activities or projects for the benefit of the iwi. Our overall structure is shown in the following diagram.



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