

Scope

Lake Rotorua Draft Nutrient Rules Under-utilised Māori Land Analysis

Purpose

To get a better understanding of the impact of the Lake Rotorua Draft Nutrient Rules on Māori land in the catchment, in particular under-utilised Māori land in the Lake Rotorua catchment.

Under-utilised Māori land represents a complex mix of circumstances and conditions and can be described in accordance with the following tiered definitions:¹

Tier One: Small disbursed blocks with or without a governance structure and low inherent productive capacity.

Tier Two: Passive leased land by virtue of necessity (for example, landlocked land blocks, no utilities on land etc.) and with or without a governance structure.

Tier Three: Passive leased land by virtue of choice (for example, lacking in capacity or desire to utilise land to its full potential).

Outcomes Sought

1. For context, identify, quantify and describe (including size, ownership structure and utilisation) all Māori land in the Lake Rotorua catchment. *NB: Much of this information may be able to be provided by the Regional Council and Te Tumu Paeroa for analysis but information may also need to be obtained from the Māori Land Court.*
2. Identify, quantify and describe non-productive and under-utilised Māori land within the catchment. Provide a definition of under-utilisation and criteria for assessment. *NB: Much of this information may be able to be provided by the Regional Council and Te Tumu Paeroa for analysis but information may also need to be obtained from the Māori Land Court.*
3. Develop a range of high level, realistic scenarios to illustrate the effect of the draft nutrient rules on the change of land use for under-utilised Māori land in the Lake Rotorua catchment, as set out in the table at Appendix B, and with other examples as developed by the consultant. Significant work has already been done in the development of hypothetical farm typologies which will inform this step and should be considered and included as appropriate, refer Doole, Parsons, Romera 2015 report: <http://www.rotorualakes.co.nz/vdb/document/1379> .

This stage should clearly identify the restrictions already in place from the current Rule 11 (nutrient discharge capping) and should show the additional impacts of the current proposed draft nutrient rules.

4. Analyse the implications of these effects and each scenario, the consultant will consider the existing restrictions to development, e.g. legislation, likelihood/viability, mitigation options and cost of that development under the draft nutrient rules. This will include consideration of the particular factors relating to Māori land e.g. multiple ownership and legislative restrictions on alienation.
5. Summarise the analysis and produce a set of statements that identifies and clarifies the impact of the draft rules on under-utilised Māori land in the Lake Rotorua catchment. These should include consideration of the Regional Policy Statement starting point (435tN sustainable in-lake load and policy criteria for developing the allocation) and Rule 11.

¹ Ministry of Agriculture and Forestry, *Māori Agribusiness in New Zealand: A Study of the Māori Freehold Land Resource* (2011) – The full descriptions are set out at Appendix A.

6. Te Tumu Paeroa, Te Arawa Mana Whenua Advisory Group, Te Arawa Primary Sector Group and Bay of Plenty Regional Council are to be provided a draft for comments prior to finalisation.

Intended Use

Depending on the findings of this report there are several possible uses, the first will be to understand the scale of the issues and inform engagement/next steps on it. The report is also likely to be used to inform decision making on the rules, e.g. the s32 analysis.

Confidentiality

The consultant will be required to enter in to a confidentiality agreement with the Regional Council and Te Tumu Paeroa in relation to the release of the property information and nutrient data for each property (e.g., the benchmark and nitrogen discharge allowance). This information may only be used for the purpose for which it is provided to the Consultant and their final report will only use generic and aggregate data to protect the identity and confidentiality of individual property owners.

Information to be provided by Council

Council will provide a relevant dataset of benchmarking and nitrogen discharge allowance data, it will also provide climate, soil, land use capability and information related to existing protection of natural areas on the relevant land.

APPENDIX A

Māori Agribusiness in New Zealand: A Study of the Māori Freehold Land Resource (2011)

Tier one: Land with good inherent productive capacity in long term lease.

Tier two: Land with good inherent productive capacity but on long term lease due to statutory and institutional constraints.

Tier three: Land previously farmed for collective benefit but forced to leasehold to provide cash flow to settle debt and obligations arising from previous business decisions.

Tier four: Small disbursed blocks, with low current productivity that are sub-economic for pastoral development but have significant inherent productive potential.

Tier five: Small disbursed blocks with low inherent productive capacity.

