

**TE
TUMU
PAEROA**

Office of the Māori Trustee



The Māori Trustee's submission on Developing an exception from the low slope for low intensity farming

July 2023

tetumupaeroa.co.nz

contact@tetumupaeroa.co.nz

0800 WHENUA (0800 943 682)



Table of Contents

Summary of Position.....	3
Specific Submissions	5
Appendices	11
Appendix A – The Māori Trustee and Te Tumu Paeroa	11



Summary of Position

1. The Māori Trustee administers, as trustee or agent, approximately 88,000 hectares of Māori freehold land on behalf of around 100,000 individual Māori landowners. Te Tumu Paeroa - the Office of the Māori Trustee - supports the Māori Trustee to carry out her functions, roles and responsibilities. Detailed information regarding the Māori Trustee and Te Tumu Paeroa is set out in Appendix A to this letter. Additional information can be found on Te Tumu Paeroa's website, www.tetumupaeroa.co.nz.
2. The views expressed in this submission represent the Māori Trustee's position as the single largest trustee and agent of Māori land. However, given the sheer scale and varied nature of the land assets within the Māori Trustee's portfolio, the Māori Trustee's views may not always be shared by all owners of lands she administers.
3. Detailed responses to the questions posed in the Discussion document are set out in the tables at pages 5 to 10 below. In summary the Māori Trustee:
 - Supports the application of stock units per hectare as an appropriate measure to define lower intensity farming provided due regard is had to seasonal regional stocking rates and land class in developing stock unit thresholds.
 - Considers the implementation of Freshwater Farm Plans (FW FP's) will provide good insights into stocking rates and land use across various land classes within a region and should be used to identify management options for prioritising stock exclusion throughout the seasons.
 - Believes a digital Geographic Information System (GIS) platform operated by a regional council and available to the public could facilitate the integration of low slope, land class, and the values of sensitive water bodies.
 - Considers there should be different stocking rate thresholds for beef cattle and deer.
 - Believes further analysis by way of case studies should be undertaken before committing to a desktop statistical method (such as a 5 to 10% cut off) as this will assist in identifying appropriate exceptions for lower intensity farming.
 - Does not support an exception from the low slope map in relation to specific sensitive water bodies such as those identified under an RMA Regional Policy Statement or Regional Plan (or successor legislation) with defined with ecological, cultural, biodiversity, or recreational values. An exception may be appropriate where supported by management under a certified Freshwater Farm Plan with the recommendation of an independent certifier.
 - Considers that the current definition of 'permanent fence' is too prescriptive.
 - Considers that any amendment to the stock exclusion regulations should clarify that the low-slope map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees.
4. The Māori Trustee looks forward to discussing this submission with Ministry for the Environment officials.



Ngā manaakitanga,

Dr Charlotte Severne

Māori Trustee



Specific Submissions

Question	Position	Submission
Defining lower intensity farming for the purpose of an exception		
<p>1. Do you consider stocking rate (ie, SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach? Why?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that stock units per hectare is an appropriate measure to define lower intensity farming.</p> <p>The Māori Trustee considers that the stocking rate threshold should be annualised and align with a farm’s nominated balance date. Application of the stocking rate threshold on a farm’s balance date will be easier for farmers / farm operators to implement as they are already required to have an accurate summary of their livestock at this time.</p> <p>The Māori Trustee acknowledges that under this approach the number of stock units on a farm could fluctuate due to seasonal factors, however this option is still likely to:</p> <ul style="list-style-type: none"> • provide for a higher level of accuracy; • be simple for farmers to understand and implement; and, • reduce further administrative costs to farmers.
<p>2. What do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming and how do you think it should be calculated (eg, 2 SU/ha, per year, over the whole farm)? Why</p>	<p>Partially support</p>	<p>The Māori Trustee does not consider a ‘one-size-fits-all’ stocking rate threshold should be applied to define “lower intensity farming”. It is more than likely that the stocking rate threshold (SU/ha), that should be used to define “lower intensity farming”, would vary from region to region – as indicated in this discussion document¹. It is appropriate to set a stocking rate threshold at a regional level to ensure that regional diversity in land cover and seasonality is accounted for. Each region's stocking rate threshold should also include a seasonal adjustment for crop or pasture growth.</p>

¹ Figure 1: Distribution of stocking rates across Aotearoa New Zealand in 2021, p.9.



		<p>Furthermore, the Māori Trustee considers stock unit thresholds should be defined for each land use type on a property (i.e. different thresholds for flat/low slope land below 500m). The stocking rate threshold for a farm would then be defined through averaging the accumulated stock unit thresholds for each land use type on the property. The stocking rate threshold for a specific farm could then be compared to other thresholds within its region or across the country, in terms of farm type.</p>
<p>3. Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types? Why?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that there should be different stocking rate thresholds for beef cattle and deer. The behaviours of these stock types vary such that their values should be different.</p> <p>The Māori Trustee also considers that where a farm runs both stock types the stocking rate thresholds for each should be totalled and an average value applied.</p> <p>The Māori Trustee notes that the <i>Resource Management (Stock Exclusion) Regulations 2020</i>² excludes ‘sheep’ from its definition of “stock”. In a mixed-stock farming situation, the presence of sheep on a farm will affect the intensity of other stock units. A holistic approach is needed to ensure the impact that sheep have on the environment is appropriately captured. The Māori Trustee therefore considers that MfE should provide further guidance on how sheep will be considered in determining stocking rates and the definition of lower intensity farming.</p>
<p>4. Is there any other information that you think we should consider in relation to developing an exception for lower intensity farming?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that further analysis should be undertaken, by way of case studies, before committing to a desktop statistical method (such as a 5 to 10% cut off) for determining exceptions for lower intensity farming. Ground truthing what constitutes “lower intensity farming” will provide validity to the use of stocking rate thresholds come implementation.</p>

² stock –

(a) means beef cattle, dairy cattle, dairy support cattle, deer, or pigs; and

(b) to avoid doubt, does not include any feral animal



		<p>The Māori Trustee considers that exceptions, based upon regional stocking rate thresholds, are best evaluated, and managed through the certified Freshwater Farm Plan (FW-FP) process as per the <i>Resource Management (Freshwater Farm Plan) Regulations 2023</i>. The certifier is best placed to evaluate mitigating factors and justifications for why a farm could be considered “lower intensity”. This will ensure that the “lower intensity” stocking rate threshold for a region is evaluated against the farm practices and any exceptions provided will not lead to adverse effects on the environment.</p>
<p>Situations where an exception may not be appropriate</p>		
<p>5. Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply (eg, where specific sensitive water bodies are present)? If yes, what do you consider these to be and why? If no, why not?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that an exception from the low-slope map should not be provided where “lower intensity farming” can still have an adverse impact on specific sensitive water bodies – i.e. waterbodies identified either by Māori, under a Regional Policy Statement, or Regional Plan (or successor legislation or statutory plan) with defined biodiversity, cultural, ecological, or recreational values.</p> <p>However, the Māori Trustee considers that there is potential, under specific situations, for an exception to be provided via a Freshwater Farm Plan, if agreed to by an approved FW-FP certifier. A specific situation may be in relation to a seasonal variation of the water body (such as it being in an ephemeral state at certain times), or that there is no practical alternative whereby stock must enter the water body (such as for a crossing). The certifier for the FW-FPs will be accredited by the regional council and endorsement would ensure a level of understanding of the catchment’s context, challenges, and values. Information provided in the FW-FP is required to be verified by a certifier and will also be subject to a future audit. The Māori Trustee reiterates that in the specific consideration of cultural values the allowance of providing an exception must be balanced against the level of importance imparted by those with mana whenua or mana whakahaere status in relation to that waterbody.</p>



<p>6. Do you have any views on how those specific situations should be identified?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that a GIS mapping system operated by a regional council can facilitate the integration of low slope, land class, and the values of sensitive water bodies as part of the details needed to be provided in a FW-FP. Council engagement with Māori will also be required to agree on an appropriate way to identify sensitive waterbodies that are not currently captured within regional planning documents.</p>
<p>Compliance, monitoring and enforcement by regional councils</p>		
<p>7. Is there information that is readily available to farmers and councils to support the implementation of an exception based on stocking rates? How is/should this information be used or shared by farmers and councils?</p>	<p>Partially support</p>	<p>The Māori Trustee considers that the information most readily available to farmers (or farm operators) would relate to stock numbers and composition (species, age, sex, weights), availability on the farm of food for stock (pasture or crops), and the time periods for the rotation of stock in relation to food resources.</p> <p>However, the Māori Trustee considers that an exception from the low slope map based on stocking rates should <u>only</u> be allowed where a farm has a certified FW-FP approved by the regional council.</p> <p>Although as per the <i>Resource Management (Freshwater Farm Plans) 2023</i> regulations, Farmers do not have to identify stocking rates as required information, they will have to identify information required under Sections 8 to 10 of the FW-FP regulations that will provide an indication of stocking rates in support of an exception for ‘low intensity grazing’ if that is sought by the farmer or farm operator.</p> <p>In relation to an exception for low intensity grazing, a Regional Councils should provide the following information, at a minimum, on their website as part of a ‘rural hub’ or similar page directed at farmers:</p> <ul style="list-style-type: none"> • low slope map; • soil types; • climate data; • land utilisations; and, • identification of sensitive water body’s.



		<p>Information to support an exception based on stocking rates should be provided within a FW-FP and needs to be satisfactory for a regulatory context. Although relevant information may already be contained within a Farm Environment Plan (FEP) because the FEP is not referenced by the <i>Resource Management (Stock Exclusion) Regulations 2020</i> or the <i>Resource Management (Freshwater Farm Plans) Regulations 2023</i>, it should be provided in a format consistent with an FW-FP.</p> <p>The Māori Trustee also considers that any information used or shared by farmers and councils, in terms of stocking rate thresholds, and FW-FP's, must be subject to a robust process, that accounts for Māori data sovereignty, assessed as to whether it would constitute 'commercial information' (as defined by the Official Information Act), and assessed for whom it is appropriate that the information is shared with.</p>
Using certified freshwater farm plans		
8. Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock? Why/why not?	Partially support	The Māori Trustee considers that a certified FW-FP should be used as the basis for an exception, or alternative, to the low slope map and associated requirements to exclude stock. This is because a certified FW-FP will be based on the current farm conditions and management methodologies to meet environmental outcomes for protecting freshwater.
9. Is there any other information that you think we should consider?		No response
Stock exclusion for natural wetlands		
10. Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands? Why/why not?	Partially support	The Māori Trustee considers that certified FW-FPs should be used to identify management options for prioritising stock exclusion throughout the seasons. However, this should be dependent on the impact to the wetland under 'expected seasonal conditions' (e.g. no cattle should be in the wetland during summer months). The Māori Trustee therefore considers that exceptions for lower intensity farming though FW-FPs need to be managed appropriately for animal welfare and the protection of freshwater quality and ecosystem health.

Māori Trustee Submission

Developing an exception from the low slope map for lower intensity farming



11. Are there any situations where any exception, or the alternative approach using certified freshwater farm plans, should not apply? If yes, what do you consider these situations to be and why? How can they be identified?		No response
12. Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?		No response
Definition of a permanent fence		
13. Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included? Why/why not?	Partially support	The Māori Trustee considers the current definition of 'permanent fence' is too prescriptive and supports the position that a permanent fence may be comprised of wires, post, rails, or mesh as long as it effectively excludes stock. Effective permanent fencing, existing or required, should be identified as part of the certified FW-FP process.
Land above 10 degrees captured by the map		
14. Do you agree that any amendment to the stock exclusion regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees? Why/why not?	Partially support	The Māori Trustee agrees that, to avoid ambiguity, any amendment to the stock exclusion regulations should clarify that the low-slope map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees.
Other issues		
15. Are you aware of any other issues with the stock exclusion regulations that should be addressed? And if so, why?		No response



Appendices

Appendix A – The Māori Trustee and Te Tumu Paeroa

Who We Are

1. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. The role of the Māori Trustee, is to provide accurate and timely administration and management of whenua and other client assets in compliance with the principles and obligations of trusteeship and agency, and in accordance with the Māori Trustee Act 1953, Trusts Act 2019, Te Ture Whenua Māori Act 1993 and other legislation. The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in September 2018 and was re-appointed for a five-year term in October 2021.
2. Te Tumu Paeroa is the organisation that supports the Māori Trustee to undertake her legal functions, duties and responsibilities.
3. The Māori Trustee administers approximately 88,000 hectares of Māori freehold land, as well as general land and other interests and investments, on behalf of over 100,000 Māori landowners.
4. A primary objective of The Māori Trustee, is to protect, utilise and grow the assets of our Māori landowners. The organisation provides land administration and professional trustee services to one third of all Māori land trusts (over 1700 trusts), as well as targeted development and sector-specific expertise. The organisation is involved in the management of a number of Māori enterprises and development projects.
5. The Māori Trustee currently employs approximately 134 staff across five offices throughout New Zealand, with the Māori Trustee based in Te Whanganui-a-Tara.
6. Te Tumu Paeroa is unique, in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners

Our Vision and Priorities

7. Our vision is: Ko Te Tumu Paeroa tēnei, te tauawhi nei, te taunaki nei, te tiaki nei ngā whenua Māori mō naianei, mō āpōpō hoki. Ensuring whenua Māori is protected and enhanced, now and for generations to come.
8. Our vision requires a careful balance between protection of the whenua and taiao and enhancement of the whenua through a range of pathways, including commercial development.
9. Our purpose is to be a dedicated professional trustee service for Māori.
10. Our strategic priorities assist us to deliver on our vision and purpose:
 - a. Ensuring consistent delivery of professional trustee services
 - b. Building trust and confidence across all of our engagements.



- c. Demonstrating leadership in meeting new challenges to governance and administration of whenua Māori.

Our Portfolio

11. Our portfolio currently³ consists of the following:

- Number of trusts and other entities under administration – 1764.
- Number of hectares under management – 88,000.
- Number of owner accounts maintained – 102,502.
- Number of ownership interests – 258,469.
- Number of leases administered – 1,732.
- Client funds under management (market value) - \$ 130.1 million.
- Māori Trustee equity - \$ 170.7 million.

Our Mahi

12. The Māori Trustee has the responsibility to ensure that the best interests and outcomes for Māori land owners are advanced by Te Tumu Paeroa's mahi.

13. Our core services are:

- Administration of trusts where the Māori Trustee is the responsible trustee.
- Agreed trustee services where the Māori trustee is an agent or custodian trustee.
- Keeping records for trusts we administer.
- Managing finances and preparing financial statements.
- Consulting with and convening meetings for advisory trustees.
- Consulting with and convening meetings for beneficial owners.
- Reporting to responsible trustees, advisory trustees and beneficial owners.
- Administering trust distributions.
- Filing applications with the Māori Land Court and attending associated hearings.

³ The Māori Trustee Annual Report 2022



-
- Property management, including leases and asset maintenance.
 - Reviewing land use and considering, where appropriate, alternative land use options.
 - Developing and enhancing land and assets; including the production and maintenance of Asset Management Plans and Farm Environment Plans.
 - Responding to requests for information.
 - Managing and investing cash assets in the Common Fund.
 - Managing and providing support services for the General Purposes Fund.
 - Acquiring and paying for goods and services.

- End of Document -