

4 March 2024

Tēnā koutou

Below are the main points that the Māori Trustee intends to present to the Hearing Panel for Topic 10 of the Proposed Te Tai o Poutini Plan (**Proposed Plan**).

Introduction:

Ngahua Huirama, Vanesa Griffiths and Hannah McKinlay appear on behalf of the Māori Trustee, Dr Charlotte Severne.

Dr Severne thanks the Hearing Panel for the opportunity to speak to the Māori Trustee's submission on the Proposed Plan.

An outline on the role of the Māori Trustee and the lands she administers was provided in the Māori Trustee's original submission and in a further letter to the Hearing Panel dated 20 November 2023. These also explained what Māori freehold land is, how ownership of Māori freehold land is determined and barriers to development of Māori freehold land. These matters are fundamental to understanding the Māori Trustee's position.

Before turning to our position on policies 5 and 7 and on policy 1, the Māori Trustee first wishes to acknowledge Poutini Ngāi Tahu as the mana whenua of this rohe and highlight our engagement with Poutini Ngāi Tahu to date.

The focus of the Māori Trustee's submission has been on ensuring appropriate recognition of owners of Māori freehold land, while recognising Poutini Ngāi Tahu as the mana whenua of this rohe.

Since filing the submission, representatives of the Office of the Māori Trustee and Poutini Ngāi Tahu have met to discuss the Māori Trustee's submission. This has culminated in a joint memorandum filed with the Hearing Panel on 10 November 2023 in relation to the papakāinga provisions under Hearing Topic 1 and 2 of the Proposed Plan. A further meeting was recently held on 4<sup>th</sup> March 2024 and we will continue to have open discussion with Poutini Ngāi Tahu representatives.

On reflection the Māori Trustee's submission on points on policies 1, 5 and 7 could have been expressed clearer.

Below we briefly clarify the Māori Trustee's position on the policies and address the Section 42A Officer's comments on the Māori Trustee's submission points.



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#### Natural Features and Landscapes Policies 5 and 7:

The Māori Trustee agrees with the Section 42A Officer that policies 5 and 7 should provide for the historical, spiritual or cultural association of Māori Landowners with their land.

However, the Māori Trustee does not consider that the wording proposed by the Section 42A Officer appropriately provides for the historical, spiritual or cultural association of Māori Landowners. This is because the wording “Māori Landowners who whakapapa to Poutini Ngāi Tahu” will in practice require owners of Māori freehold land to have their whakapapa verified by Poutini Ngāi Tahu when the Māori Land Court has already recognised the whakapapa connection of those owners.

As noted in our earlier submissions, owners of Māori freehold land have already had their whakapapa connection to *their ancestral lands* recognised by virtue of the Māori Land Court determining that they are entitled to become an owner in Māori freehold land. The Court does not confirm the whakapapa of individuals to an iwi or hapū. Rather the Court satisfies itself that the individual is entitled to succeed to Māori land by reference to the succession rules applying to Māori land and then makes an order to that effect. Underpinning entitlement to succeed to an ownership interest in Māori freehold land is whakapapa. The court order determining the owner as an owner of Māori freehold land situated within the rohe of Poutini Ngāi Tahu is itself the evidence of whakapapa to that land.

The words “who whakapapa to Poutini Ngāi Tahu” added by the Section 42A Officer will, in practice, impose an additional requirement on owners of Māori freehold land to be registered members of Poutini Ngāi Tahu.

Whether a person is registered or not registered as a member of Poutini Ngāi Tahu does not determine whether a person whakapapas to Māori land within the rohe. Imposing an additional requirement on owners of Māori land to establish their whakapapa to Māori land within the rohe is unprincipled and significantly reduces any benefit to expanding the policy to refer to owners of Māori land.

While the Māori Trustee sees the inclusion of Māori landowners within the amended policy wording provided by the s42A Officer as an improvement, for these amendments to be principled and operate as they should, she considers that NFL- P5 and P7 should simply state “owners of Māori land”.

#### Natural Features and Landscapes Policy 1 and Rule 7:

The Māori Trustee does not agree with the s42A Officer’s reasoning for rejecting her initial amendment to the above policy sought in her submission. However, the Māori Trustee acknowledges that her proposed amendment to include ‘Māori landowners’ in the policy wording could have had a wider impact than she intended. Nonetheless, the Māori Trustee considers that the reasoning provided in her submission, establishes sufficient scope for any required changes to corresponding rules. That reasoning is:

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*...the Māori Trustee considers that activities within outstanding natural landscapes and outstanding natural features should also provide for the uses of Māori landowners in conjunction with Poutini Ngāi Tahu.*

The Māori Trustee considers that issue of the NFL chapter insufficiently providing for the traditional activities of owners of Māori freehold land, provides scope for any required changes to rules.

In particular, the section 42A Officer identified Rule NFL-R7 and identified concerns that adding Māori landowners to the list of considerations in Policy 1(h), would require them to provided for in Rule 7. This led to concerns from the Officer that, because Rule 7 is a Permitted activity, providing for owners of Māori land would require Council officers to verify Māori landowners' whakapapa to Māori land.

The Māori Trustee considers that this matter is easily resolved. Council officers would not need to verify that owners of Māori land have whakapapa as this has been completed by the Court in determining that they are entitled to be owners of Māori land. Officers would simply need to check that any individual is an owner of Māori Land. The Māori Land Court has a centralised list of all owners of Māori Land, now available through their online tool Pātaka Whenua, which officers could easily check, if needed. The Māori Trustee considers that this is no more complex that the check that would be required to verify if an individual was a registered member of an iwi or hapū.

The Māori Trustee further acknowledges the Officer's concerns that providing for Māori landowners in both Policy 1 and Rule 7 may expand the scope of the Rule 7. As a result, the Māori Trustee would support such activities only being permitted for Māori freehold landowners on their own Māori land within an Outstanding Natural Landscape or Outstanding Natural Feature.

The Māori Trustee therefore seeks that NFL – P1 be amended to include an additional subclause (j) that provides for "Māori landowner activities". Furthermore, NFL – R7 be amended to add a subclause (c) that provides for "Māori Landowner Activities" to also be undertaken on their own Māori Land within an Outstanding Natural Landscape or Outstanding Natural Feature as a permitted activity. Māori Landowner Activities should be defined similar to Poutini Ngāi Tahu Activities. The Māori Trustee suggested the following amendments to read as:

*NFL – P1(j). Māori landowners' activities.*

*NFL – R7(c). Māori Landowner Activities means those activities on Māori land expressly provided for in the definition of Māori landowner activities in Part 1 – Interpretation section.*

Māori Landowner Activities:

*means the use of Māori land and/or buildings on Māori land for traditional Māori activities and includes making and/or creating customary goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between owners of Māori land and their whenua.*

This would ensure that Māori freehold landowners are able to undertake the same uses as Poutini Ngāi Tahu and not prevented from doing so simply because they may not be registered as a member of Poutini Ngāi Tahu.

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We hope you find this information helpful and would be happy to clarify any further questions or queries you may have on the day of the hearing. Otherwise, feel free to contact us by email at [resource.management@tetumupaeroa.co.nz](mailto:resource.management@tetumupaeroa.co.nz).

Ngā manaakitanga,

A handwritten signature in black ink that reads "Charlotte Severne".

**Dr Charlotte Severne**

Māori Trustee

